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1 THE COURT: We're going to back on the record in
2 Eric and Lynita Nelson, Case Number D-411537. Took a brief
3 recess.

4 We'll pick up on the cross exam of Ms. McGowan. Mr.
5 Solomon, it's your pleasure.

6 MR. SOLOMON: Thank you.

7 CROSS EXAMINATION

8 BY MR. SOLOMON:

9 Q Rochelle, did I understand in your direct testimony
10 you thought it was some time -- somewhere between 2004 and
11 2006 that you started doing bookkeeping work for the LSN
12 Trust?

13 A Yes.

14 Q Okay. And that continued on some of the accounts
15 until August of 2008. Is that what you said?

16 A Correct.

17 Q Okay. And what account, primarily, did you do
18 bookkeeping for the LSN Trust?

19 A Lindell Professional Plaza.

20 Q And what was Lana's role, because she testified that
21 she did bookkeeping at that time period, what was her role
22 with respect to the LSN Trust at the same time period?

23 A She oversaw everything that was going on with that
24 account.

1 Q Okay. Questions were asked of you by counsel
2 relative to your contact with Lynita over the years that you
3 were doing that kind of bookkeeping services. Can you give
4 the Court an idea of the type of contact you had with Lynita
5 during that time period?

6 A I would have conversations with her. We'd go to
7 lunches. We would -- some emails, we would speak, I mean it
8 was -- it was cordial. I mean ...

9 Q Okay. With respect to you mentioned lunches --

10 A Uh-huh (affirmative).

11 Q -- approximately how many lunches do you recall, if
12 you can guesstimate that for us?

13 A There were -- there were several lunches. I -- I
14 would -- I mean, there was probably more, but I -- probably
15 there were more than several.

16 Q Okay. And what would be the occasion for those
17 lunches?

18 A Business related.

19 Q Okay. And you indicated that you spoke to her also
20 over the phone. Is that right?

21 A Yes.

22 Q Okay. And what would be the type of reasons you
23 would call her?

24 A If there was something going on with an asset of

1 hers that I needed to discuss with her, that needed her
2 attention.

3 Q All right. And we've already seen that you've
4 notarized some documents that -- for her, do you recall doing
5 that?

6 A Yes.

7 Q Okay. And was there any type of customary routine
8 that you had with her relative to how you would notarize her
9 documents?

10 A Yes. If she wasn't present I would be in contact
11 with her to -- I would tell her I was sending something home,
12 or if she'd come by the office, that -- and then I would go
13 ahead and notarize it for her, and I would just verify with
14 her once I got the documents back from her, if she wasn't
15 there in front of me.

16 Q To your knowledge, did that happen on every occasion
17 in which you notarized a document from her, if she didn't sign
18 it in front of you?

19 A Yes.

20 Q Now, Exhibit CCCCC, 5 C's, make it easier, was your
21 -- selected pages from your notary book, correct?

22 A Correct.

23 Q Okay. And at the time you produced that originally,
24 I guess for your deposition, what effort had you done to try

1 and look through your notary book to find her signature?

2 A I had gone through my notary book and I had copied
3 all the pages for the attorneys, prior to the deposition.

4 Q Okay. And at the deposition, do you recall telling
5 -- I'm going to use his first name if that's okay?

6 MR. KARACSONYI: Joe.

7 MR. SOLOMON: Joe? Joseph.

8 MR. KARACSONYI: Joseph, either way.

9 MR. SOLOMON: Joseph? You prefer Joe? Okay..

10 BY MR. SOLOMON:

11 Q Do you recall telling Joe that you recalled that
12 there were some pages that had her signature and you'd have to
13 go back and look for those again?

14 A Yes.

15 Q Okay. And did you in fact do that?

16 A Yes.

17 Q And did you find some pages with her signature?

18 A Yes.

19 (Attorneys confer.)

20 MR. LUSZECK: I believe it's Intervener's 177 is
21 what it would be.

22 (Intervener's Exhibit 177 marked for identification.)

23 MR. KARACSONYI: I'm going to --

24 MR. SOLOMON: Last in order.

1 (Attorney and clerk confer.)

2 BY MR. SOLOMON:

3 Q I'm showing what's been marked as 177. Is this the
4 pages that you were later able to discover?

5 A Yes.

6 Q And did you produce those pages to my office?

7 A Correct. Yes.

8 MR. SOLOMON: Offer 177.

9 MS. FORSBERG: No objection.

10 MR. KARACSONYI: Objection.

11 THE COURT: Did she state in her deposition that she
12 had pages missing? I don't know. I mean, that was the
13 representation. I don't know what --

14 MR. KARACSONYI: She was asked -- she said that she
15 thought she had seen her signature in there, but she was asked
16 several times to look through it, and said this is the only
17 pages that she could find. And these are the pages she gave.

18 Our objection is that I think that in this situation
19 originals required. In fact, 52.245 provides a duplicate is
20 admissible to the same extent as an original unless a genuine
21 question is raised as to the authenticity of the original.
22 And in the circumstances it would be unfair to admit the
23 duplicate in lieu of the original.

24 I think in this circumstance it would be unfair, so

1 we would ask that they bring the original book to court.

2 THE COURT: Do we got the original? I mean, I
3 could --

4 MR. SOLOMON: Those were produced to them in the
5 third production in May and no objection was made. No request
6 to see the original book.

7 MR. KARACSONYI: Actually --

8 MR. SOLOMON: And she can verify that they came out
9 of her original book.

10 MS. FORSBERG: You can't take the pages out of an
11 original book anyway. It's required by the -- you know.

12 THE COURT: Well, we can do it --

13 MR. KARACSONYI: They could --

14 THE COURT: -- we could do it in camera so I can
15 verify what that looks like. I make sure that that's
16 accurate. I didn't see the testimony. I don't know did she
17 testify she thought she had some pages missing?

18 THE WITNESS: I said -- I go it didn't like they
19 were all here. I go, I know that there was a significant in
20 here. And I go, I thought I produced it to the attorneys.
21 So, I did. And I remember --

22 THE COURT: And do you have the original book
23 available?

24 THE WITNESS: Not with me.

1 THE COURT: Well, I want you make it --

2 THE WITNESS: No.

3 THE COURT: -- available to the Court so I can
4 confirm those pages, that they're part of the original, to
5 make sure there's no question about --

6 THE WITNESS: Yes.

7 THE COURT: -- those issues on that. And I can do
8 it for in camera so I don't disclose any information, the
9 other privacy for the people on there, just to make sure that
10 those are the accurate --

11 THE WITNESS: Sure.

12 THE COURT: -- because I want the whole thing, to
13 make sure it's accurate. If she did testify at the deposition
14 that she thought she had some pages missing, fine. Because I
15 didn't see the whole deposition, so at this time on that what
16 we'll do is we'll have the original come up, verify that with
17 the pages submitted as the exhibits with 5 C's. And this is,
18 what 177?

19 MR. SOLOMON: Yes, Your Honor.

20 THE COURT: And I'll confirm those. The best way --
21 is the best way you could drop it off in a sealed envelope and
22 I could get it right back to you the same day, so I know you
23 don't want that out of your hands very long.

24 THE WITNESS: Right. Okay.

1 THE COURT: So, what would be the best way? Would
2 be for you to submit it to the Court, can you do it tomorrow
3 and I'll have it --

4 THE WITNESS: Sure.

5 THE COURT: -- back to you Friday or you'll be --

6 THE WITNESS: Sure.

7 THE COURT: -- down here somewhere? What's
8 convenient. I just want to make sure. Then what I'll do is
9 I'll confirm that with 5 C's and also 177, to see if those are
10 part of the original book and then --

11 MR. SOLOMON: Yeah, we can produce it through her --

12 MS. FORSBERG: What about tomorrow morning?

13 MR. SOLOMON: -- tomorrow morning and then --

14 THE COURT: And then well, I could --

15 MR. SOLOMON: -- you'll have an opportunity to look
16 at it --

17 THE COURT: Okay.

18 MR. SOLOMON: -- during the break, if you want.

19 THE WITNESS: Okay.

20 MS. FORSBERG: Because we have her appearing
21 tomorrow here, so.

22 THE COURT: Oh, that's right, we'll be here. Okay.
23 If that works. All right?

24 THE WITNESS: Sure.

1 THE COURT: All right? And then we'll do on that.
2 We'll at this time allow 177 in. We'll note the objection and
3 with the 5 C's and subject to me verifying that those are part
4 of the original. I'll go through that and see if that's part
5 of the original and see if there's anything else missing to
6 verify that there's no funny business going on from either
7 side. Okay?

8 We'll admit 177 at this time, subject to
9 verification by the Court tomorrow as to both exhibits.

10 (Intervener's Exhibit 177 received into evidence.)

11 BY MR. SOLOMON:

12 Q Now, Lynita's already partially testified in this
13 proceeding, we've been interrupting her testimony a couple
14 times. But, today she testified that she didn't know the LSN
15 Trust was investing in Gateway property. Do you agree with
16 that?

17 A No. Absolutely to.

18 Q And why not?

19 A Because I remember specifically Gateway. She --
20 because there were so many partners in on that deal, and she
21 actually -- I remember her actually being in the office when
22 Gateway took place, because there was documents that I needed
23 her for. So, she would have been in my office.

24 Q Okay. She's also testified today she didn't know

1 how or even if Mississippi property got into her LSN Trust.

2 MR. DICKERSON: You know, Judge, this is beyond the
3 scope if he -- I don't have a problem with him going beyond
4 the scope, but he shouldn't be leading.

5 MR. SOLOMON: I don't think this is beyond the
6 scope. This -- they asked her questions about what she talked
7 to Lynita about, and this is one of the examples.

8 THE COURT: Overruled. You can move on and I'll
9 give you some leeway to follow up on that, if you want. Let's
10 get this thing done.

11 MR. DICKERSON: I'm just objecting to the leading
12 nature.

13 THE COURT: I don't think --

14 MR. SOLOMON: And, you know again, I object to Mr.
15 Dickerson even objecting here. We've got -- unless you're not
16 -- unless I can bring ten more lawyers in here and we can all
17 object to their questions.

18 THE COURT: We always have one --

19 MR. SOLOMON: Can we have --

20 MR. DICKERSON: I didn't know I was a potted plant.

21 MR. SOLOMON: I'm sorry?

22 MR. DICKERSON: I said I didn't know I was a potted
23 plant.

24 MR. SOLOMON: Well, you know, I --

1 MS. FORSBERG: You didn't do direct.

2 THE COURT: The rules say you should have one lead
3 attorney doing that, the same issue, let's move on on this.
4 And let's kind of get this done so we done. But you're right,
5 there should be one lead counsel doing that so you don't do
6 multiple, but --

7 MR. SOLOMON: I appreciate that, Your Honor.

8 BY MR. SOLOMON:

9 Q All right. I'm not sure if I got an answer out of
10 that last one, so for fear of repeating yourself --

11 THE COURT: You want to restate the question?

12 THE WITNESS: Yeah, if you could.

13 MR. SOLOMON: Yeah.

14 BY MR. SOLOMON:

15 Q Lynita testified today she didn't know how or if the
16 Mississippi property got into her LSN Trust. Do you agree
17 with that statement?

18 A No.

19 Q How do you know different?

20 A Because I discussed that with her. I talked to her.

21 Q Do you remember approximately how many occasions you
22 had discussions like that with her?

23 A There were several occasions I had spoke with her.

24 Q Now, you testified, when questioned by Mr. Joseph

1 that -- I mean, Mr. Joseph -- Joe, that you didn't recall
2 three way conversations between Lana, you and Lynita.

3 A Correct.

4 Q Okay. Were there occasions where you would be
5 speaking to Lynita over the phone and Lana was privy to your
6 side of the conversation, at least?

7 A Yes.

8 Q Were there occasions where Lana was talking to
9 Lynita, with respect to LSN Trust issues, in which you were
10 privy, at least, to Lana's conversation with Lynita?

11 A Yes.

12 Q Can you take a look at Exhibit 5 B.

13 MR. KARACSONYI: 5 B's?

14 MR. SOLOMON: Or more accurately BBBB. All right,
15 do you have the original of the ... Where is that in here?
16 There it is.

17 BY MR. SOLOMON:

18 Q The second document in that stack, and I'll go back
19 to the first in a minute, but the second document is a Grant
20 Bargain Sale Deed which has been represented to be with
21 respect to the Lindell property. Let me show you the original
22 of that deed.

23 And do you recognize your signature on the second
24 page of that original?

1 A Yes.

2 Q Okay. How many times, over the years, did you see
3 Lynita's signature?

4 A A ton. Maybe not a ton, but I mean, there were --
5 there were a lot.

6 Q And in your opinion, is that her signature on the
7 bottom of Page 1?

8 A Yes.

9 Q Now, you've already testified that -- well, you
10 don't recall specifically the signature of this document, do
11 you?

12 A Correct.

13 Q But you've already testified it's your custom and
14 habit if -- well, it would have been either she was in front
15 of you to sign it, correct?

16 A Correct.

17 Q Or it would have been sent home to her, at her
18 instruction?

19 A Correct.

20 Q Or some -- would you sometimes ask Eric just to take
21 documents home for her signature?

22 A Yes.

23 Q Okay. And if you hadn't personally seen her sign
24 the document, what did you do in each case?

1 A I would contact her to verify that I'd received it,
2 if she'd sent it back to me, I would make sure and say -- and
3 tell her I received it and so then I knew it was -- she had
4 signed it. Otherwise I wouldn't have notarized it.

5 Q All right. On the first page of this exhibit, it
6 looks like you notarized that, correct? 5 B's. I'm sorry.
7 No, I'll take back the original --

8 A Okay. Yes.

9 Q -- so we don't get that lost.

10 A Oh, yeah.

11 MR. DICKERSON: Do you mind showing the original to
12 the judge so he can see that --

13 MR. SOLOMON: Sure.

14 MR. DICKERSON: -- the original and the copy are
15 identical?

16 MR. SOLOMON: Well, we'd stipulate to that.

17 THE COURT: That's the one on Lindell? The one from
18 Lindell, the three exhibits?

19 MR. SOLOMON: Except for it's easier to read.

20 (Pause in proceedings.)

21 THE COURT: This Court will note that they are exact
22 copy of it, as noted by the documentation, also with the 294-1
23 on that with the recording deed on that there. It's accurate.
24 Thanks.

1 BY MR. SOLOMON:

2 Q Now, back on the first page of Quadruple B, you
3 indicated that's your notary and your signature?

4 A Yes.

5 Q Okay. And do you believe that is Lynita's signature
6 on there?

7 A Yes.

8 Q Rather than asking you document by document, would
9 that be true with respect to every time you notarized her
10 signature on any of the documents that were shown to you on
11 direct?

12 A Yes.

13 Q And that you believe that, based on your own
14 knowledge of what her signature looks like, and your own
15 communications with her, you believe that that is her
16 signature?

17 A Yes.

18 Q In each and every instance?

19 A Yes.

20 Q Now you've already indicated you were at least one
21 of the individuals who would contact Lynita regarding
22 transactions in the LSN Trust, when you were doing
23 bookkeeping, correct?

24 A Yes.

1 Q And from your observations, your personal
2 observations in the offices, did other people contact her with
3 respect to what was going on in the LSN Trust?

4 A Yes.

5 Q And who were those people?

6 A Lana.

7 Q Okay. Did you ever observe anything whereby Eric
8 was communicating with Lynita with respect to what was going
9 on in the LSN Trust?

10 A There in the office -- I wasn't, no.

11 Q Okay. You weren't privy to that?

12 A Right.

13 Q Did you communicate with Lynita with respect to
14 money -- well let me back up and lay a little foundation.

15 While you were doing bookkeeping for the LSN Trust,
16 did you also sign checks? Were you a signatory on the
17 account?

18 A Yes.

19 Q Or any of the accounts?

20 A Yes.

21 Q And did you sign checks for expenses of Lynita?

22 A Yes.

23 Q And did you communicate with Lynita with respect to
24 her expenses from -- on occasion?

1 A Yes.

2 Q Is there any doubt in your mind she knew, based upon
3 your conversations, that you were doing that and you were
4 writing checks on her account, her trust account for her
5 benefit?

6 A Absolutely not.

7 Q Did she occasionally ask you questions or ask you
8 for documents?

9 A Yes.

10 Q And when you -- when she would make that request of
11 you, what would you do?

12 A Get them for her.

13 Q And if she asked you questions, would you do your
14 best to respond to those?

15 A Yes.

16 Q Did you consider to be -- her to be your supervisor,
17 with respect to the LSN Trust?

18 A Yes.

19 Q Now, on the occasions where you observed her
20 actually signing documents, was it your recollection or is it
21 your recollection that she would look at those?

22 A Yes.

23 Q You have any recollection of her just signing off on
24 a document without even looking at it?

1 A No.

2 Q As a result of your inter-reactions with Lynita
3 during the time period that you were doing the bookkeeping,
4 did you believe that she knew about the transactions that were
5 occurring within the LSN Trust?

6 A Yes.

7 Q What type of personality did you believe Lynita had?

8 A She's got a strong personality, I would say.

9 Q Based on your inter-reactions with her, do you
10 believe she's the type of person that would blindly sign
11 anything that was presented to her?

12 MR. KARACSONYI: Objection.

13 MR. SOLOMON: It's her belief.

14 THE COURT: Overruled. She --

15 MR. SOLOMON: Based upon her inter-reactions.

16 THE COURT: If she's seen her sign, she can -- you
17 can answer.

18 THE WITNESS: No.

19 (Attorneys confer.)

20 BY MR. SOLOMON:

21 Q Now, you also indicated that from time to time you
22 would call Lynita with respect to things that needed to be
23 done in the LSN Trust that you were supposed to be -- get
24 accomplished, right?

1 A Yes.

2 MR. KARACSONYI: Objection. Leading and
3 mischaracterizes her testimony.

4 MR. SOLOMON: Number one, I'm entitled to lead. And
5 number two, she has already answered.

6 MR. KARACSONYI: No, she -- first of all, she --
7 he's suggesting answers to her, Judge, constantly. And she
8 didn't answer that question. He's putting -- creating
9 testimony.

10 She said she never -- in fact she -- her previous
11 testimony was that she couldn't recall talking to her about
12 trust business at all.

13 MR. SOLOMON: I don't think that was her testimony
14 and you'll have an opportunity to cross her.

15 THE COURT: I think she said that she's had
16 conversation with Ms. Lynita as far as the trust.

17 Overruled. You can ...

18 THE WITNESS: Yes, I've had conversations with her.

19 BY MR. SOLOMON:

20 Q And what was your habit and custom, with respect to
21 explaining to her what you were sending over to her for
22 signature.

23 A I would usually just give her and call and let her
24 know I had some documents for her. Sometimes I would write

1 notes on them, she'd send notes back to me. I would ask her
2 if she wanted me to bring them down or if she would come down
3 by the office, or I'd send them home with Eric. Or one time
4 the kids were working in the office, so I would send things
5 home with the kids well. So, it was just really up -- how she
6 wanted to handle things.

7 Q How about, would you have any dialogue with her
8 about the nature of a document that you were -- would you tell
9 her what the document was and what it was about?

10 A Yes.

11 Q Is there any doubt in your mind that Lynita knew
12 that Eric and Eric's office staff was helping with the
13 administration of the LSN Trust?

14 MR. KARACSONYI: Objection. Calls for speculation.

15 THE COURT: Sustained.

16 Did you discuss it with anybody?

17 THE WITNESS: Okay. Would you repeat your question.
18 Sorry, it just sounds like --

19 MR. SOLOMON: Okay. I'll rephrase the question.

20 THE WITNESS: Okay.

21 THE COURT: He's going to rephrase it for you.

22 BY MR. SOLOMON:

23 Q You had discussions with Lynita with respect to
24 paying her bills, or the bills of the LSN Trust, correct?

1 A Correct.

2 Q And her personal bills that were being paid out of
3 the LSN Trust?

4 A Correct.

5 Q And you had discussions with her about various
6 transfers of properties in and out of the LSN Trust?

7 A Correct.

8 Q Okay. Based upon your discussions with Lynita, was
9 it your conclusion that she understood that Eric and/or his
10 staff was assisting in the administration of the LSN Trust?

11 MR. KARACSONYI: Objection. Calls for speculation,
12 again.

13 MR. SOLOMON: It does not call for speculation. I
14 have --

15 MR. KARACSONYI: He's having the witness --

16 MR. SOLOMON: -- appropriate foundation.

17 MR. KARACSONYI: -- opine about our client's mental
18 state and what she perceived.

19 MR. SOLOMON: Her observation of it, and that's how
20 you prove that.

21 MR. KARACSONYI: How's she going to observe her
22 mental -- what she knows and understands?

23 MR. SOLOMON: Based upon her actions.

24 THE COURT: She can give her --

1 MR. SOLOMON: They speak louder than the words of
2 Lynita.

3 THE COURT: -- she can give her belief as far how
4 much probative value the Court gives it.

5 MR. KARACSONYI: Then lack of a foundation.

6 THE COURT: Overruled. Let's move on with it now.
7 Let's get this over.

8 BY MR. SOLOMON:

9 Q You can answer.

10 A Yes.

11 MR. SOLOMON: Court's indulgence. I may be done.
12 Oh, I do have another question. Another line.

13 BY MR. SOLOMON:

14 Q You indicated that you wrote or signed some checks
15 for the LSN Trust?

16 A Yes.

17 Q Okay. And what would you -- when you were doing the
18 bookkeeping or those transactions, what would you do to
19 reflect those in the books and records of that trust? Did you
20 make journal entries?

21 A Oh, yeah. I -- I would write the check, yes.

22 Q Okay. So, any check that you wrote, were you the
23 person who would book that check into the general ledgers for
24 the trust?

1 A If I wrote the check, yes. Uh-huh (affirmative).

2 Q And would you add sufficient detail to your belief
3 to describe what the check was for?

4 A Sometimes. Sometimes it -- it didn't happen,
5 sometimes I would.

6 Q Did you do your best to classify the check correctly
7 under the accounts?

8 A Yes.

9 MR. SOLOMON: No further questions.

10 REDIRECT EXAMINATION

11 BY MR. KARACSONYI:

12 Q Ms. McGowan, when was the last time you met with Mr.
13 Solomon or Mr. Luszeck?

14 A When was the last time? Just right before the
15 proceedings.

16 Q And what did you discuss with them? You can answer
17 the question.

18 MR. SOLOMON: Yeah --

19 MR. KARACSONYI: She's not a party. She's not a
20 party.

21 MR. LUSZECK: We represent her.

22 BY MR. KARACSONYI:

23 Q Go ahead. You can answer the question.

24 MR. SOLOMON: Yeah, we represent her, Your Honor.

1 And we represented her in this proceeding.

2 MR. KARACSONYI: They moved to dismiss her, and
3 she's been dismissed from this proceeding, Your Honor. They
4 do not represent her. She is just a witness, and we can ask
5 what they discussed with her.

6 MR. SOLOMON: Well, that is not true.

7 MR. KARACSONYI: I don't know why they're --

8 MR. DICKERSON: Well, if it's his client, why is he
9 allowed to lead her?

10 THE COURT: Yeah, well the answer on that is you
11 could answer it, about the specifics on that, general on that.
12 I don't see it as attorney/client this time, but as far as did
13 you have any client relationship with her?

14 THE WITNESS: He just kind of --

15 THE COURT: I know that you had it with her, because
16 I want to be real careful on that, because we do protect
17 attorney/client privileges.

18 MR. SOLOMON: Your Honor, it is attorney/client
19 privilege. This is a woman who -- first of all, we did
20 represent her, so -- and in this proceeding. And number two,
21 she's also a client representative, because she's worked for
22 the Trust. And a client representative is also protected by
23 the attorney/client privilege.

24 So, asking about conversations I had with her, in

1 either of those capacities, would in fact be invasion of the
2 attorney/client privilege.

3 MR. DICKERSON: Well, he's client representing, then
4 why is he allowed --

5 THE COURT: Well, they may have --

6 MR. DICKERSON: -- to lead?

7 MR. SOLOMON: Again, one counsel.

8 THE COURT: Well, I'm not -- yeah, I'm not sure they
9 can, because they could have a conflict, because her interest
10 could be separate than the Trust's interest and they get
11 interest rates, because she may sit there. So, I mean,
12 there's some problems on that with giving coverage to her for
13 all the client/attorney things on that.

14 But I won't get a lot of detail on the conversation
15 she had with the attorneys. I'm a pretty smart guy, I can
16 figure out what happened here with people prepping them. You
17 made your questions on the depositions, I can figure out
18 what's going on on that. I really don't want to get into
19 details on that, because I wouldn't do it to the other side as
20 their counsel. I mean, as far as credibility, I can determine
21 credibility based on what she testified, her memory, her
22 recall before, her recall now. So, I'm comfortable making
23 those calls without getting into details she had with the
24 attorneys on that.

1 So, I'm not inclined to go there at this time.

2 MR. SOLOMON: Appreciate it.

3 THE COURT: I know people meet and they brief, so I
4 figure it out.

5 BY MR. KARACSONYI:

6 Q Prior to today when was the last time, then, that
7 you met with Mr. Luszeck, and/or Mr. Solomon?

8 A Prior to today, it would have been -- it would have
9 been over the -- probably after I had gotten subpoenaed.

10 Q Okay. So, this last weekend?

11 A I believe so. Yes.

12 Q And prior to that did you meet with them -- when was
13 the last time you met with them before that?

14 A Gosh, it would have been before the trial started, I
15 believe. It was before the trial started I would have met
16 with them.

17 Q Okay. Did you come down here one day to testify?

18 A Uh-huh (affirmative). The first day of trial I did.
19 I was outside.

20 Q And were you here --

21 A I --

22 Q -- planning to testify?

23 A Yeah. Well, I came down to the courthouse. Yeah, I
24 was here. I was outside. I'm sorry.

1 Q Okay. And did you speak with Mr. Solomon and Mr.
2 Luszeck at that time?

3 A Just briefly, Mr. Luszeck.

4 Q Do you recall at your -- prior to your deposition,
5 you were served with a subpoena?

6 A Prior to my deposition?

7 Q Prior to your deposition, yes.

8 A Yes.

9 MR. DICKERSON: Judge, we only have one copy of the
10 subpoena duces tecum.

11 THE COURT: Yeah, so let's see if they --

12 MR. DICKERSON: We can have that marked and then we
13 can -- it's included in the --

14 MR. KARACSONYI: The deposition.

15 MR. DICKERSON: -- Exhibit A.

16 MR. KARACSONYI: To the deposition. Any objection?

17 MR. SOLOMON: No objection.

18 MS. FORSBERG: Can I see it, please.

19 MR. KARACSONYI: Okay. Sorry.

20 MS. FORSBERG: I --

21 MR. SOLOMON: She has an objection.

22 MS. FORSBERG: -- (indiscernible).

23 MR. SOLOMON: I think you're ignoring her.

24 MR. KARACSONYI: Hey, blended counsel. Oh, okay.

1 MS. FORSBERG: Yeah, (indiscernible).

2 THE COURT: Touche, Mr. Joseph.

3 MR. NELSON: Don't worry, Joseph, pretty soon I'll
4 be asking to look at it.

5 MR. KARACSONYI: No objection?

6 MS. FORSBERG: No objection.

7 THE COURT: You want that --

8 MR. KARACSONYI: This will be Exhibit EEEEE.

9 MS. FORSBERG: I think I made him turn red.

10 THE COURT: It'll be admitted as 5 E's without
11 objection.

12 (Defendant's Exhibit EEEEE marked for identification and
13 received into evidence.)

14 (The Court and clerk confer.)

15 THE COURT: Do you need a copy of it? Do you need
16 it back?

17 MR. KARACSONYI: Yeah, I just need to show it the
18 witness.

19 THE COURT: Okay.

20 BY MR. KARACSONYI:

21 Q Okay. And this is the subpoena that was served on
22 you, that's been admitted into evidence, without objection.
23 Can you look -- turn to Page 3 and what were you asked to
24 bring there?

1 A Your notary book --

2 Q Can you read to the Court what you were requested to
3 bring --

4 A I'm --

5 Q -- in your subpoena?

6 A Do you want me to --

7 MR. SOLOMON: The document speaks for itself.

8 THE WITNESS: Do you want me to read the whole
9 thing?

10 MR. KARACSONYI: Yeah, go ahead and read it.

11 MR. SOLOMON: Why?

12 THE COURT: Overruled. They can do it, if you want.

13 THE WITNESS: Please bring your notary book from
14 1993 to present, in addition any and all correspondence,
15 notes, documents, memos, emails, records, recordings, faxes,
16 text messages, other documentation exchanged between yourself
17 and Plaintiff, Eric Nelson, regarding the Eric L. Nelson
18 Nevada Trust and LSN Nevada Trust, or any third person
19 regarding the Eric L. Nelson Nevada Trust and the LSN Nevada
20 Trust.

21 BY MR. KARACSONYI:

22 Q And do you recall, at your deposition, you were
23 asked whether you had in fact complied with the -- with what
24 was requested of you in the subpoena?

1 A Yes.

2 Q And at that time you said you had brought everything
3 that you thought was responsive to the question, correct?

4 A Correct.

5 Q Okay. And you brought with you four emails between
6 yourself and Ms. Nelson, which you felt responded to the
7 question, correct?

8 A Yes.

9 Q Responded to the call of the subpoena, correct?

10 A Correct.

11 MR. KARACSONYI: Okay. I believe they've already
12 been admitted into evidence, but let me check. I'm going to -
13 - I guess I'll just mark these in.

14 MR. DICKERSON: Just mark them as one.

15 MR. KARACSONYI: I'm just going to mark these all as
16 one. They're already in evidence.

17 (The Court and clerk confer.)

18 MR. SOLOMON: What are we going to mark this as?

19 MR. KARACSONYI: We're going to make that FFFFFF.

20 MR. SOLOMON: 5 F's.

21 (Defendant's Exhibit FFFFFF marked for identification.)

22 (Attorneys confer.)

23 MR. KARACSONYI: Some of them are already in as part
24 of another exhibit.

1 MS. FORSBERG: This one is. I don't recognize the
2 first one. That one is, too. And that one is, too. Yeah.

3 MR. KARACSONYI: And I offer these as Exhibit FFFFF
4 (indiscernible).

5 MR. SOLOMON: No objection.

6 MS. FORSBERG: No objection.

7 THE COURT: Okay. It'll be admitted as 5 F's.

8 (Defendant's Exhibit FFFFF received into evidence.)

9 MR. LUSZECK: Hey, just -- can I just get the
10 beginning and ends of the Bates range?

11 MR. KARACSONYI: Yeah, it's Rochelle's 4 and 5 --
12 actually, this on here, she put it on the front, it says, 4
13 through 7, but 7 -- it's going to go in the order of 7, 6, 5,
14 4. All right?

15 MR. LUSZECK: Okay.

16 MR. KARACSONYI: In reverse order because it's
17 already that way.

18 MR. LUSZECK: Thank you.

19 MR. KARACSONYI: And I'm just going to staple it
20 (indiscernible).

21 BY MR. KARACSONYI:

22 Q Okay. I'll show you what's been admitted as Exhibit
23 F (sic), if you could look through that.

24 A Are these the four emails exchanged between yourself

1 and Lynita, which you brought, which you felt were responsive
2 to the call of the subpoena?

3 A Yes.

4 Q Okay. And you -- prior to coming -- attending your
5 deposition, you looked and searched to find all communications
6 that you felt -- between yourself and Lynita concerning the
7 LSN Trust or ELN Trust, correct?

8 A Yes.

9 Q Okay. And those are the only four you came up with?

10 A (No audible response.)

11 Q Okay. So, despite all your new found memory of all
12 the conversations you had with Ms. Nelson, you'd agree that
13 over -- since approximately 2005 or 2006, all you have are
14 four emails between yourself and Ms. Nelson concerning the LSN
15 or ELN Trust, correct?

16 A Like I said, I would speak to her on the phone.
17 These would be emails related to the LSN Trust, yes.

18 Q Okay. So, you agree then, though, that you only
19 have four email communications between yourself and Lynita,
20 that you were able to produce, concerning either the ELN or
21 LSN Trust, correct?

22 A Related to the LSN Trust. I mean, there were
23 personal emails, but that had nothing to do with the LSN
24 Trust.

1 Q Okay.

2 A So --

3 Q So that's a yes?

4 A This is what I found, yes.

5 Q Okay.

6 A Yes.

7 MR. KARACSONYI: I apologize. There was -- I'm

8 going to add this to the Exhibit --

9 MR. LUSZECK: Okay.

10 MR. KARACSONYI: -- this was included in production,

11 too.

12 MR. SOLOMON: So, you're going to add it to the same

13 exhibit?

14 MR. KARACSONYI: Yeah.

15 THE COURT: So, is this --

16 MR. LUSZECK: So, it'll be 1 through 7?

17 MR. KARACSONYI: Yeah.

18 THE COURT: Any objections?

19 MS. FORSBERG: No objection.

20 MR. SOLOMON: No objection.

21 THE COURT: Okay. Why don't we just put that all

22 part -- we'll just staple that to all part of that, so we

23 don't get it -- we've got a stapler (indiscernible)?

24 BY MR. KARACSONYI:

1 Q Can you look at what's been added? It's marked as
2 the bottom 1 through 3.

3 THE COURT: Staple it together.

4 BY MR. KARACSONYI:

5 Q That's actually one additionally now that you did
6 produce with regards to --

7 A Oh. Oh, yeah. Uh-huh (affirmative). Yes.

8 Q Okay.

9 MS. FORSBERG: Did you want it stapled? There's a
10 stapler over here.

11 THE COURT: Yeah. Why don't we staple them together
12 so it doesn't get lost in the shuffle.

13 MR. KARACSONYI: Yeah.

14 (Attorneys confer.)

15 BY MR. KARACSONYI:

16 Q In any of these emails that have been given to you,
17 do you explain to Lynita -- do any of these emails explain to
18 Lynita the deeds or other documents that you prepared or had
19 her sign with regards to the LSN Trust?

20 A I'm sorry. Do they --

21 Q Can you look through them and tell us whether any of
22 those explain the purpose of any of the deeds or other
23 documents you -- the deeds that you had her sign with regards
24 to the LSN Trust.

1 A No.

2 Q Okay.

3 A Oh, I already answered. I had already thought I'd
4 already answered you. I'm sorry.

5 Q Okay. Let's move on. Can we turn to BBBB (sic) --
6 5 B's.

7 A Okay.

8 Q Okay. Now, you testified now that you've had -- you
9 had conversations with Lynita regarding these documents and
10 that you were sure that this is her signature?

11 A The top page? Yes.

12 Q Okay. So, let's look at -- let's start with the top
13 page. What did you tell Lynita the purpose -- well first of
14 all, when did you discuss this exact document with Lynita?

15 MR. SOLOMON: Your Honor, she already testified she
16 didn't remember the specific --

17 MR. KARACSONYI: Well, then let's --

18 MR. SOLOMON: -- (indiscernible) in any --

19 MR. KARACSONYI: -- hear her say --

20 MR. SOLOMON: -- of these documents.

21 MR. KARACSONYI: -- she doesn't -- that she -- you
22 know, she was so certain that she had conversations with all
23 these things. Let's --

24 THE COURT: Overruled. She can answer. She -- do

1 you recall when --

2 BY MR. KARACSONYI:

3 Q Yeah. When did you discuss this with her?

4 A Well, I'm -- I'm assuming it would have been around
5 that same time frame, me having discussions with her in '07.

6 Q As you sit here today, can you remember when you
7 discussed this specific document with Lynita?

8 A I actually don't even remember this document. I
9 know that's my notary, but I don't remember that document,
10 this document. So --

11 Q Okay. So, do you recall having any conversation
12 with Lynita Nelson regarding this document?

13 A Not on this specific document.

14 Q No? Okay. So, that's a no, correct?

15 A Correct.

16 Q Okay. And what would you have explained to Ms.
17 Nelson was the purpose of this document?

18 A I believe this had to do with the -- see, I wasn't
19 involved on -- I think this was cabin stuff. I mean, I know
20 my notary's on this stuff, but I don't remember doing this
21 stuff on the cabin.

22 Q Okay. Did -- okay, so you don't know what the
23 purpose of this document was?

24 A Well, it's an application for Assessment of Taxation

1 of Agricultural Land. I mean, that's what -- so --

2 Q But needless to say then, you don't -- you didn't
3 explain this specific document -- the purpose of this document
4 to Ms. Nelson, then?

5 A If this had more documents, if it had a whole packet
6 of information then I would have explained it to her exactly.

7 Q Okay.

8 A But I would have -- but just this like this, as it
9 is, I'm not sure what this is. It has to relate to something,
10 so there's got to be something else with this. I'm not sure.

11 Q Okay. And do you recall whether Ms. Nelson signed
12 this, you see the signature, you said that's her signature
13 there?

14 A Yes.

15 Q Okay. Did she sign this in your presence or did she
16 sign it outside of your presence?

17 A I can't -- I don't recall.

18 Q All right. Let's turn to the second document in
19 there.

20 A Okay.

21 Q Okay. Can you tell us when and where you were when
22 you discussed this document with Ms. Nelson?

23 A This -- the -- the second -- this deed?

24 Q Yeah.

1 A I would have been in the office when I talked to
2 her, I -- I -- I would have been in the office.

3 Q Do you specifically remember being in the office
4 talking to Ms. Nelson about this deed?

5 A Not specifically.

6 Q Okay. Do you know whether you spoke with her over
7 the phone or on -- in person about this deed?

8 A It was probably over the phone. Uh-huh
9 (affirmative).

10 Q Okay. When was it over -- when did you speak over
11 the phone to her?

12 A It would have been in March of '07.

13 Q Okay. What did you discuss was the need for this
14 document?

15 A See, I don't -- I mean I know that's my notary on
16 there, but I don't remember getting this document ready.

17 Q Actually, did you tell her what this document was
18 for?

19 A I don't remember if I did.

20 Q Did she sign it in your presence or was it delivered
21 to you signed?

22 A I -- I'm not sure.

23 MR. KARACSONYI: Court's indulgence, briefly?

24 (Pause in proceedings.)

1 BY MR. KARACSONYI:

2 Q Okay. We'll move on momentarily. Keep turning to
3 the State of Nevada Declaration of Value form.

4 A After the water deed? On that same sheet?

5 Q Actually, turn to the water deed?

6 A On that same sheet?

7 Q Water deed. I apologize.

8 A Okay. Okay.

9 Q And when did you discuss this document with Ms.
10 Nelson? When, specifically?

11 A This -- this was all that -- Nola had been working
12 on this stuff with Lynita, and this was part of it. So, I
13 wasn't even involved in this stuff, but I -- I mean, that is
14 my notary.

15 Q Okay. And that signature, it's your testimony that
16 that signature is Ms. Nelson's significant, correct?

17 A Yes.

18 Q Okay. And when -- where -- did Ms. Nelson sign this
19 in front of you or was it delivered to you?

20 A I don't remember.

21 Q Okay. Turn to the next warranty deed.

22 A Okay.

23 Q Okay. Do you recall -- did you talk to Ms. Nelson
24 about this specific warranty deed?

1 A Yeah, I don't -- I don't remember. Like I said, I
2 kind of took this stuff from Lana, so I mean, I've been the --
3 I was the notary in the office, so that would have been if
4 Lana had, you know, requested this, Lana would have discussed
5 those things with Lynita. I wasn't -- I mean, I -- I do
6 remember that, you know, there's some of these things that I
7 would have -- at the time that I was doing the -- the things
8 that I was --

9 Q Can you tell us specifically then what documents
10 that you recall here today discussing with Ms. Nelson? Point
11 to the specific documents for us.

12 A Like I said, I don't remember anything specifically.
13 Let's see if there's anything in here. But, I would have --
14 if I had prepared something for her, I would have gone over
15 the documentation with her.

16 Q Okay. But you can't point, then, to a specific
17 conversation or document that you recall talking to her vivid
18 -- that you recollect talking to her about, today?

19 A Not at this -- not specifically. No. I take that
20 back. I would have -- it would have been -- I do remember
21 Harbor -- Harbor Hills as speaking to her, because I remember
22 getting everything arranged for her and I was actually
23 traveling, and I had to send her over to title company herself
24 to sign all that paperwork.

1 Q Okay.

2 A So, I have -- that would have been --

3 Q What did you tell her --

4 A -- specific.

5 Q -- was the purpose of the document she signed with
6 regards to Harbor Hills?

7 A There was a purchase of Harbor Hills. So, I would
8 have been -- I would have gone over all that documentation
9 with her.

10 Q And what -- okay, what specific did she sign to
11 purchase it?

12 A It would have just been all the -- the documents,
13 the titles required.

14 Q Okay. And that's the only conversations you had
15 with her, then, regarding Harbor Hills, that you can recall?

16 A No. I mean, there were -- there were other ones. I
17 mean, I think that in some of these emails there was stuff on
18 Harbor Hills in there.

19 Q Okay. You said that you had conversations -- or you
20 vividly -- or you recalled, during your cross examination,
21 that you spoke with Ms. Nelson about the Gateway --

22 A Uh-huh (affirmative).

23 Q -- properties? When did those conversations occur?

24 A It was the time of the purchase and, you know, and I

1 don't -- I don't know the exact date, because I don't have
2 that -- those documents in front of me.

3 Q Okay. And did you speak over the phone or did you
4 speak in person?

5 A She had come to the office on that one. I -- I
6 remember her coming to the office on that one.

7 Q Okay. And what did you discuss about the Gateway
8 lots?

9 A I would have just gone over all the documentation
10 with her. I wasn't into the -- the deals, I was just -- you
11 know, I prepared all the paperwork. So --

12 Q And what documentation would you have gone over with
13 her?

14 A All the paperwork from title.

15 Q Okay. So, you basically were just presenting her
16 with documents to sign?

17 A When she had -- yeah, when everything was ready to
18 go I would -- I would go over all those documents with her.
19 Yes.

20 Q Okay. And what did you tell her was the purpose of
21 those documents?

22 A Well, they needed to be signed to purchase the
23 properties.

24 Q Okay. What other conversations did you specifically

1 have with Ms. Nelson regarding Gateway -- the Gateway lots?

2 A I'm not -- I'm not sure exactly.

3 Q Okay. Can you tell us when you had specifically
4 conversations with Ms. Nelson about Tierra del Sole?

5 A Yeah, gosh. I don't remember specifically.

6 Q Okay. Can you tell us when you had specific
7 conversations with her -- specifically when you had
8 conversations with Ms. Nelson regarding the High Country Inn?

9 A I had nothing to do with the High Country Inn.

10 Q Okay.

11 (Attorneys confer.)

12 Q Do you recall me showing you -- let's go back now to
13 BBBB and the Grant Bargain Sale Deed that's the second
14 document regarding Lindell.

15 A Yes.

16 Q Okay. Do you recall me showing you a copy of that
17 at your deposition?

18 A I'm sure it was one of the documents you presented
19 to me. I'm -- I'm not -- I -- probably.

20 Q Okay. Can you recall me asking you a series of
21 questions about that deed?

22 A Not about this specifically. I remember you asking
23 me questions about a bunch of different deeds.

24 Q Okay. Can you -- do you recall me asking you, and

1 you answering about --

2 MR. SOLOMON: Hold on. What page?

3 MR. KARACSONYI: -- the following series of
4 questions found on --

5 MR. DICKERSON: Lindell.

6 MR. SOLOMON: You know --

7 MR. KARACSONYI: -- Page 253 of the deposition.

8 MR. SOLOMON: You know, the proper procedure is to
9 show the witness the deposition, allow her to read it, allow
10 her to get the context, allow me to get the page --

11 MR. KARACSONYI: I can --

12 MR. SOLOMON: -- allow me to --

13 THE COURT: Is to --

14 MR. SOLOMON: -- participate in this. And instead -
15 -

16 THE COURT: -- is to refresh memory or what she may
17 recall, the conversations? I don't know.

18 MR. KARACSONYI: That's not true. She can -- I can
19 ask her what she -- what was asked and what was answered --

20 THE COURT: Yeah.

21 MR. KARACSONYI: -- and she can say yes or no.

22 THE COURT: Absolutely. If she recalls it on that.
23 If not, then you can have her read it if she needs it. Yeah.

24 BY MR. KARACSONYI:

1 Q Okay. Starting at Page 253.

2 (Attorneys confer.)

3 Q Actually, on Page 254, do you recall me asking you
4 whether you discussed this transaction with either parties?
5 Okay? And your answer was, I don't remember. Do you recall
6 that?

7 A I actually don't. I'm not sure what you're
8 referring to.

9 Q Did you have any -- do you recall any specific
10 conversations with Ms. Nelson regarding the Lindell
11 transaction?

12 A Any -- I'm sorry, any specific?

13 Q Do you recall having any conversations with Ms.
14 Lindell (sic) -- I mean, excuse me, do you recall discussing
15 the Lindell transaction with Ms. Nelson?

16 A Yeah, I -- I do. I didn't remember, I mean --

17 Q You don't remember today either, correct?

18 A Not this specifically.

19 Q Do you recall any conversations with Ms. Nelson
20 specifically about CJE&L?

21 A I would never -- I wasn't involved in that.

22 Q Okay. Now, let's go to 167.

23 MR. SOLOMON: That's Exhibit 167?

24 MR. KARACSONYI: I think it was 167, your exhibit.

1 It had the deeds.

2 MR. SOLOMON: Is it in this book?

3 (Attorneys confer.)

4 MR. SOLOMON: Do you have 167 up there?

5 THE WITNESS: I don't know.

6 MR. SOLOMON: You saw it earlier.

7 THE COURT: Yeah, the thick book right at the end.

8 THE WITNESS: Okay.

9 THE COURT: The one that says the Intervener's --

10 MR. KARACSONYI: That was the one at the end of the
11 book. The last one in there with all the tabs.

12 THE WITNESS: Yeah. Okay.

13 THE COURT: Were you able find it?

14 THE WITNESS: I think so, yeah.

15 THE COURT: All right.

16 THE WITNESS: I think -- I think that's the one.

17 167, correct?

18 (Pause in proceedings.)

19 BY MR. KARACSONYI:

20 Q All right. And can you turn then to what was marked
21 as 4670?

22 THE COURT: It'll be in the lower right hand corner.

23 MR. KARACSONYI: Defendant's 4670, what's Bates
24 stamped 4670.

1 THE COURT: It'll be about three quarters through
2 the back there.

3 THE WITNESS: Okay. What's it after? Let's see.

4 Oh wait, I got it. Uh-huh (affirmative).

5 BY MR. KARACSONYI:

6 Q Are we all there?

7 A Yes.

8 Q Okay. Great. When did you talk to Ms. Nelson about
9 this specific document?

10 A It would have been in July of 2006.

11 Q Okay. And did you talk to her over the phone or in
12 person?

13 A I'm not sure.

14 Q Okay. And what did you tell her with -- was the
15 purpose of this document?

16 A I actually don't remember this -- I mean, I don't
17 remember this transaction. So --

18 Q Okay. And it's your testimony that that's her -- do
19 you recall whether she signed this in front of you or whether
20 it came to you signed?

21 A I don't recall.

22 Q Okay. Let's turn the page, one page, 6417. And did
23 you discuss this document with Ms. Nelson over the phone or in
24 person?

1 A I -- you know, I'm not sure.

2 Q Okay. And what specifically did you discuss with
3 her with regards to this document?

4 A Like I said, I think this was the cabin stuff, so I
5 wasn't even -- I'm the notary on this, but I wasn't even -- I
6 wasn't involved in all this stuff.

7 Q Okay. And did she sign this in your presence, or
8 did she sign it outside of your presence?

9 A I don't remember.

10 Q Let's turn the page, two more pages. And you see
11 the Quitclaim Deed there, marked 11/6/06?

12 A In -- I'm sorry, what number is it that we're
13 looking at?

14 Q 11/6/06.

15 A Oh, 11/6/06.

16 Q At the bottom right.

17 A Yes.

18 Q It's two more pages.

19 A Yes.

20 Q Okay. And did you discuss this specific document in
21 person, with Ms. Nelson, or over the phone?

22 A I'm not sure.

23 Q Okay. And what did you tell her, with regards to
24 this document?

1 A I'm not sure.

2 Q Okay. And did she sign this in front of you, or did
3 she bring it from her -- or was it brought to you from her
4 house?

5 A I'm not sure.

6 Q Okay. So, you don't remember anything with regards
7 to this document?

8 A Right.

9 Q Okay. Now, let's turn just one page 4134 --

10 A Yes.

11 Q -- and 4135. Do you agree that those two documents
12 go together?

13 A (No audible response.)

14 Q The Warranty Deed and then that's the signature page
15 and your notary stamp, correct?

16 A It -- it looks like it. It looks --

17 Q Okay. Now, did you discuss this document with Ms.
18 Nelson, on the phone or in person?

19 A Like I said, this was all cabin stuff, so her and
20 Nola were working on all this stuff. I wasn't involved. My
21 notary's on it, but I wasn't involved in this portion of it.

22 Q Okay. So, you never discussed this document with
23 Ms. Nelson then, correct?

24 A Well, I would have had to if she -- if I had

1 notarized it, I would have been in discussions with her, but I
2 wouldn't have told her what it was, because she was already
3 working with Nola on it.

4 Q Okay. So, you wouldn't have --

5 A So --

6 Q -- had any conversations with her regarding --

7 A Right.

8 Q -- the substance of this document?

9 A Right.

10 Q Okay. And do you know if she signed this in your
11 presence, or if it was brought back to you?

12 A I'm not sure.

13 Q Okay. So, you don't know. Okay. Let's go to the
14 next one, 4128. Is this the same, your answer the same, that
15 Nola was working with her on this?

16 A Correct.

17 Q So, you didn't have any conversations with her
18 regarding this -- the substance of this transaction?

19 A Correct.

20 Q And you -- do you know whether or not this was
21 signed in your presence or if it was brought back to you
22 signed?

23 A I'm not sure.

24 Q Okay. So, actually you don't have -- these ones --

1 okay, turn to 6093.

2 A Uh-huh (affirmative).

3 Q Okay. And 6094.

4 A Yes.

5 Q Okay. And did you discuss this specific Grant

6 Bargain Sale Deed with Ms. Nelson over the phone or in person?

7 MR. SOLOMON: Your Honor, this has been asked and

8 answered --

9 MS. FORSBERG: The same one.

10 MR. SOLOMON: -- more than once.

11 MR. KARACSONYI: Well, we want to find out.

12 MR. SOLOMON: Well, you already asked her --

13 MS. FORSBERG: This is (indiscernible).

14 MR. SOLOMON: -- she already answered the same

15 questions with respect to the Lindell deed.

16 MR. DICKERSON: Why don't we clue her in?

17 MS. FORSBERG: This is Lindell.

18 MR. DICKERSON: Why don't we clue her in?

19 MR. KARACSONYI: No, this is a different document.

20 THE COURT: Overruled. Just ask it.

21 THE WITNESS: This is the one we've looked at --

22 THE COURT: We've been through a lot --

23 MR. SOLOMON: No, it's not. It's the same document.

24 THE WITNESS: -- 15 million times.

1 THE COURT: -- I think we've been through the
2 documents, but you --

3 MR. KARACSONYI: Oh, it is.

4 THE COURT: -- can continue.

5 MR. KARACSONYI: It's the Lindell document?

6 MR. SOLOMON: (Indiscernible).

7 MS. FORSBERG: The same one.

8 THE COURT: Yeah, it may be the same one we did on
9 that. I think it's the Lindell one.

10 MS. FORSBERG: Yes.

11 THE COURT: Lindell one with Page 3 missing.

12 BY MR. KARACSONYI:

13 Q I think -- no -- anyhow did you -- what specific
14 conversations did you have with her regarding this document?

15 MS. FORSBERG: Was there a sustained, Your Honor,
16 or?

17 THE COURT: I think we've already discussed this
18 one. Unless this is -- let's answer and we'll move on. Could
19 you ...

20 (Attorneys confer.)

21 BY MR. KARACSONYI:

22 Q Okay. Can you go to DDDDD?

23 THE COURT: 5 D's.

24 MR. SOLOMON: 5 B's, right?

1 MR. DICKERSON: D. D.

2 MR. KARACSONYI: As in dog.

3 MR. LUSZECK: D in dog?

4 THE COURT: D as in David.

5 MR. SOLOMON: Oh, I'm sorry.

6 BY MR. KARACSONYI:

7 Q Now, you testified, when Mr. Solomon was questioning
8 you, that you did all the bookkeeping entries for these
9 checks, correct?

10 MR. SOLOMON: For these checks?

11 BY MR. KARACSONYI:

12 Q For the checks that you signed, that you would do
13 the journal entries. Is that correct?

14 A Along with Lana, yes.

15 Q Okay. And the checks you signed that you -- okay.
16 And you would always try to put in the memo, you testified, an
17 accurate description of what the check was for?

18 MR. SOLOMON: That's not what her testimony was.

19 MR. KARACSONYI: I thought that was her testimony.

20 MR. SOLOMON: No, it was the general ledger.

21 THE COURT: That you'd put an explanation -- do you
22 think you tried to put an explanation on the entry? Is that
23 correct?

24 THE WITNESS: Correct.

1 BY MR. KARACSONYI:

2 Q Okay. Did you have any -- tell us -- did you
3 discuss the specific check, 1693, over the phone or in person?

4 A I'm not sure.

5 Q Okay. Did you have any specific conversations with
6 her regarding this check?

7 A I don't remember.

8 Q Okay. Let's turn to the next page. In fact, if
9 you'd just look through all the checks, can you tell me which
10 of the checks you can remember specifically discussing with
11 Ms. Nelson, and what was discussed?

12 A You know, I'm not -- how much -- this is like eight
13 years old. I don't remember each specific check. I don't
14 even remember writing these. I know that's my signature, but
15 I don't remember writing these checks, so --

16 Q So, is it safe to say then, as you sit here today,
17 you can't remember any specific conversations with Ms. Nelson,
18 whether in person or over the phone, regarding the LSN Trust?

19 MR. SOLOMON: What? What? Regarding the whole
20 trust?

21 THE WITNESS: No, no, no. Those just related to
22 these transactions that I don't -- I'm not remembering.

23 MR. KARACSONYI: Okay.

24 THE COURT: As to Exhibit 5 D's, as far as those

1 checks, have you had a chance to review those checks?

2 THE WITNESS: Yeah, I -- I'm just not remembering --

3 THE COURT: Do you recall any specifics --

4 THE WITNESS: -- why they were issued. Right.

5 BY MR. KARACSONYI:

6 Q Okay. And you -- but you don't remember having any
7 specific conversations with Ms. Nelson regarding those checks,
8 correct?

9 A I don't --

10 MR. SOLOMON: Asked and answered.

11 THE WITNESS: Yeah, I'm -- I don't remember.

12 BY MR. KARACSONYI:

13 Q Okay. And let's go to the next one. I think it's
14 JJJJ.

15 (Attorneys confer.)

16 THE COURT: Okay. You mean 4 J's or 5 J's?

17 MR. KARACSONYI: Four J's.

18 THE COURT: Four J's? Okay.

19 MR. KARACSONYI: We haven't reached 5 J's yet.

20 THE COURT: Okay. I wasn't sure where we were at.

21 (The Court and clerk confer.)

22 BY MR. KARACSONYI:

23 Q Is everyone there? Okay. Are you there?

24 A Yes.

1 Q Okay. Okay. Do -- what conversations did you have
2 with Ms. Nelson regarding this check?
3 A I don't --
4 Q 1716?
5 A I'm not remembering.
6 Q Sorry, 17176?
7 A I don't -- I don't remember it specifically.
8 Q Okay.
9 A It's --
10 Q Do you remember generally what you discussed with
11 her?
12 A No. Obviously this looks like it was a loan. I'm
13 not -- is what it says on there, but I don't know if that's --
14 it says loan.
15 Q You don't know if that's what it was?
16 A Well, it says loan on there. But, I mean --
17 Q Is that what you said?
18 A Well, that's what the check says, it says loan on
19 there.
20 Q But you didn't know -- you don't know for sure
21 that's what --
22 A I mean, going back --
23 Q -- it was, correct?
24 A -- this many years, I have no clue. I mean, I don't

1 even -- I don't remember issuing these checks.

2 Q Okay. 1769. Can you tell me -- can you tell the
3 Court what your conversations with Ms. Nelson were regarding
4 this check?

5 A I -- I don't recall.

6 Q 1761?

7 A Same.

8 Q You don't recall?

9 A Right.

10 Q Okay. And one last question. You managed the
11 affairs of the LSN Trust for approximately three years, and
12 did the bookkeeping?

13 MR. SOLOMON: I object to the form of the question.
14 One, it's compound. And two, managed the affairs is vague and
15 ambiguous.

16 THE COURT: I think she said she was a bookkeeper
17 from 2004 or 2006 through 2008 I think was her testimony. Is
18 that --

19 MS. FORSBERG: Correct.

20 MR. KARACSONYI: 2004 to 2006 and --

21 MS. FORSBERG: Bookkeeper, but managing --

22 THE COURT: She said she wasn't sure --

23 MR. SOLOMON: I don't have any problem --

24 THE COURT: -- if it was 2004 --

1 MR. SOLOMON: -- with that portion of it.
2 THE COURT: -- or 2006 through 2008 --
3 MR. SOLOMON: It's that --
4 MS. FORSBERG: Management versus bookkeeper.
5 THE COURT: -- the bookkeeper.
6 MS. FORSBERG: Uh-huh (affirmative). Correct.
7 THE COURT: Is that kind of what --
8 MR. KARACSONYI: All right. No more questions.
9 MS. FORSBERG: Your Honor, I have one, since Mr.
10 Karacsonyi blew over me. I will -- it's just one simple one,
11 if I could.
12 THE COURT: Absolutely. I did.
13 MS. FORSBERG: And since it was one simple one, I
14 left it go.
15 **RECROSS EXAMINATION**
16 BY MS. FORSBERG:
17 Q Isn't it true, from your testimony, Rochelle, that
18 Lynita was supervising you, not you supervising Lynita of LSN?
19 A Yes.
20 MR. KARACSONYI: Okay. Objection.
21 MS. FORSBERG: Thank you.
22 MR. KARACSONYI: Leading.
23 MS. FORSBERG: I'm not her counsel, so I can lead
24 her.

1 MR. KARACSONYI: Well, her counsel just --

2 THE COURT: That's -- the Court will figure out
3 who's leading who.

4 MS. FORSBERG: It's just a simple question. Who's
5 the boss and who's not. That's simple.

6 (Attorneys confer.)

7 THE COURT: Anything else for Ms. McGowan?

8 MR. SOLOMON: Yeah, I just wanted to ask her one
9 question about the way she answered a question.

10 RECROSS EXAMINATION

11 BY MR. SOLOMON:

12 Q Do you have 5 F up there?

13 A Yes. Uh-huh (affirmative). Yes.

14 Q Joe asked you whether any of these emails explained
15 the purpose of what you were asking her to do. And I think
16 you said no. Would you take a look at one that's ROCH00001.

17 A Yes.

18 Q All right. At the bottom, is that your email to
19 her?

20 A Yes.

21 Q And does that explain why you're asking her to sign
22 and what the -- what it involves?

23 A Yes.

24 MR. SOLOMON: Nothing further.

1 THE COURT: Any follow up on that?
2 MR. KARACSONYI: (No audible response.)
3 MR. SOLOMON: I think we're done with this witness.
4 THE COURT: (Indiscernible).
5 MS. FORSBERG: Can we take a five minute break?
6 THE COURT: Sure. Thank you, Ms. McGowan, for
7 coming down there. We appreciate it. You can leave
8 everything up there, we'll take care of it. Okay?
9 THE WITNESS: Thank you. My (indiscernible) card?
10 MS. FORSBERG: Down side to giving you the Coke.
11 MR. KARACSONYI: She's got to bring her notary
12 journal, too, tomorrow?
13 THE WITNESS: (Indiscernible).
14 THE COURT: Yeah, and you're going to bring your
15 notary journal tomorrow? Could you put it in a sealed
16 envelope and that way they can just deliver it to me --
17 THE WITNESS: Okay.
18 THE COURT: -- and then I'll just re-seal it back --
19 THE WITNESS: And just --
20 THE COURT: -- to you so no one has access to it.
21 Okay?
22 THE WITNESS: Okay.
23 THE COURT: Thanks.
24 MS. FORSBERG: Down side to you giving me a Coke.

1 THE COURT: Should we take a five, ten minute break?
2 And what's our -- as far as what we have, either as far as
3 tomorrow we have Mr. Birch (ph) coming early?

4 MR. DICKERSON: Mr. Birch is coming in the morning,
5 we'll start off with him. And then I guess we'll finish off
6 Lynita. And I guess you're calling Eric?

7 MR. SOLOMON: Yeah, it's seriously looking like
8 we're not going to get done tomorrow, isn't it?

9 MR. KARACSONYI: It does.

10 THE COURT: Yeah, I imagine Mr. Eric's going to
11 take --

12 MS. FORSBERG: That's what I was worried about.

13 MR. SOLOMON: Your Honor, can I ask a favor?

14 THE COURT: Sure.

15 MR. SOLOMON: Rather than making her come all the
16 way down here, is it okay if she gives it to --

17 THE COURT: Absolutely.

18 MR. SOLOMON: -- one of us and then we'll --

19 MS. FORSBERG: (Indiscernible).

20 MS. MCGOWAN: Oh, that'd be great.

21 THE COURT: Absolutely. Yeah, if you'd just put it
22 in a big sealed envelope, and just seal it.

23 MR. SOLOMON: She can give it to her --

24 MS. MCGOWAN: Should I write anything on it or --

1 A Well, I -- I just wanted to make sure that whatever
2 --

3 Q Well, based upon your conversations with Mr. Burr,
4 what was it your understanding that you were doing, in 2009,
5 with respect to your estate plan?

6 A I was --

7 MR. SOLOMON: Hold on. That's calling for hearsay
8 the way that's phrased.

9 MR. DICKERSON: No. I'm asking her, as a result of
10 her conversation, what was her understanding of what she was
11 doing with respect to her estate planning.

12 THE WITNESS: That I was putting the kids in --
13 like, I can't remember that -- what that --

14 BY MR. DICKERSON:

15 Q Beneficiary?

16 A Yeah. I put the kids in as the beneficiaries.

17 Q And what would they receive?

18 A Whatever was -- whatever was ours -- well, what
19 would be -- what would be mine, what would be the assets that
20 we had.

21 Q Okay. Did Mr. Burr explain to you that you could
22 only give away your interest in any assets, that you could not
23 give away your husband's interests in any assets?

24 A Oh, yeah. I -- yeah, that's -- that's how I

1 understood it.

2 Q Now, there's been -- you're aware of the various
3 trusts that you have signed that were prepared for Jeff Burr?

4 A Yes.

5 Q Let's go back. The very first trust, do you recall
6 the very first trust that Mr. Burr prepared for you and/or you
7 and your husband?

8 A I remember that we -- that we had one.

9 Q Do you recall when that was prepared?

10 A In '98?

11 Q The very first trust.

12 A Oh, the -- it was just Eric and I, it was like our
13 family trust.

14 Q Yes.

15 A I don't know. I get the numbers mixed up. I know
16 we had one in 2001 and then one in '93. Maybe it was '91.

17 Q Well, good. That's it.

18 A I just had to go backwards.

19 Q And I know that there's tons of exhibits, and I know
20 that it's -- let's see here.

21 (Attorneys confer.)

22 BY MR. DICKERSON:

23 Q But you recall, approximately in 1991, going and
24 having a trust prepared. Is that correct?

1 A Yeah, I -- I just know by seeing the paperwork.

2 Q And what was --

3 A I wasn't involved very much. So ...

4 Q And what was your understanding about that trust?

5 A That we were -- we were just going to put properties
6 that we got into it. And that it was going to help protect us
7 and everything that we had or that we were going to get.

8 Q How about -- and was there another trust that was
9 prepared after that 1991 trust?

10 A Yeah, in -- yes. In '93.

11 Q What happened in 1993?

12 A I guess there was like anew way that you could set
13 your trusts up, and so Eric said that we needed to go and do
14 that. And --

15 Q What did Eric tell you he wanted to do?

16 A Well, he -- he said that -- that in order to protect
17 what we had, that we had to separate, we had to have separate
18 trusts. And then -- well, that's what he said.

19 Q Okay. And did you set up a meeting with Jeff Burr?
20 Did Eric set up --

21 A No. No, he -- he did it. And I -- and we did
22 discuss it a little bit, I asked -- because I wanted to know
23 what it was. I didn't like -- I didn't like the idea of the
24 word separate at all, that just didn't make sense to me. I

1 know maybe in a business sense, but I mean I -- I wasn't -- I
2 didn't have anything to do with business aspect that we had.

3 Q Okay.

4 A So, we discussed it and I know that a few days went
5 by because I -- I just was against it. And then I -- he came
6 home and said, I set up an appointment with Jeff, we're going
7 to go and do the trusts. We're going to go separate them.
8 And I -- and I told him again that I was uncomfortable and he
9 said, well, you know what, we just need to talk to Jeff. Jeff
10 will explain it all to you.

11 Q Okay. And then did you go and meet with Jeff Burr?

12 A We did. Uh-huh (affirmative). Yes.

13 Q Do you recall approximately how many times you met
14 with Jeff Burr before you ended up signing any documents?

15 A I think just once. I don't remember ever going back
16 and -- except for to sign it.

17 Q So, you would have met with Jeff Burr once before
18 signing the documents?

19 A Yes.

20 Q And then again for the day that you signed the
21 documents?

22 A Yes.

23 Q So, let's start the meeting before you signed the
24 documents in 1993. As a result -- did you ask questions of

1 Mr. Burr when you were at his office?

2 A No.

3 Q Did you have --

4 A He -- yeah, I -- that just -- I wasn't -- that's --
5 Eric didn't want me to ask questions.

6 Q Did you discuss with Mr. Burr and your husband
7 concerns that you had with respect to this concept of
8 separate?

9 A I did. We spent -- we probably spent a while on the
10 separate part, because I was hung up on that. And I just --
11 Jeff -- Jeff understood and he -- I felt like he understood
12 what my concerns were and why it was -- it -- my -- my idea of
13 separate was that it just didn't make sense to me that we're
14 married, but yet we're going to start separating things. It
15 just -- it might sound silly, but it -- I just didn't like
16 that at all.

17 And I just -- so Jeff spent some time explaining to
18 me that this is -- when -- when you have assets -- when you're
19 -- you're going to get into some assets, and Eric's concerned
20 about some of the business dealings that he's doing, and so
21 this is what you need to do to -- to protect what you guys
22 have. And this is what people do, and he just said that over
23 and over again, this is what people do, this is what you need
24 to do. And I trusted Jeff that, okay. And I trusted Eric

1 that -- I mean, I just couldn't imagine him doing anything
2 that wouldn't be for the best of me and the kids.

3 Q And now you've heard Jeff Burr testify in this
4 courtroom, both back in 2010 and just last week, correct?

5 A Yes.

6 Q Okay. You've heard Jeff explain what occurred at
7 that meeting and what was discussed. Do you agree, disagree?

8 A I agree with what he said.

9 Q Was there any discussion at that meeting in 1993,
10 before you signed the documents in 1993, relative to what
11 would happen if you and Eric got a divorce?

12 A No.

13 Q Was there --

14 A There was --

15 Q -- was there any discussion -- well, at that point
16 in time, how would you describe the status of your marriage,
17 your marital relationship with Eric?

18 A Well, it was good.

19 Q I mean, was there ever any discussion, prior to
20 February 15th of 2008, about getting a divorce?

21 A Not really. I do remember being there with Jeff
22 because it was like there was an outline or something that he
23 was following. And he was just like, oh wow, you guys, this
24 is great. He said, a lot of you -- a lot of times I see

1 families and they start getting assets and they just have
2 challenges and you guys are just really -- how do you do it.
3 And he kind of joked around with us.

4 And this outline that he had, there was something
5 about I -- I -- I think it had something about divorce or it's
6 like he said, well, there's no need for us to discuss this,
7 because I can see you guys are doing just fine.

8 Q As a result of the discussions that you -- now, Eric
9 was present during all of those discussions. Is that correct?

10 A Yeah, I never -- I -- I wasn't -- I didn't -- I
11 don't recall going there until my trust ever by myself. Or, I
12 never set an appointment up until the trust.

13 Q So, as a result of the discussions that you had with
14 Eric alone, prior --

15 A Yeah.

16 Q -- to meeting with Mr. Burr, the discussions you had
17 with Mr. Burr and Eric at Mr. Burr's office --

18 A Yeah.

19 Q -- and the discussions you had with Eric prior to
20 signing the documents in 1993, what was your understanding of
21 what you were doing?

22 A That we were protecting -- whatever we had, we were
23 protecting it. If somebody came and sued him or -- or for
24 some reason somebody wasn't happy with something, and then we

1 would -- the assets would be protected. Well, because he --
2 he said, we're going to put the ones that were free and clear,
3 that -- that we don't have any liens on or ones that I'm
4 concerned about, we're going to put -- we're going to put the
5 ones with no liens or -- or, like, that are free and clear in
6 yours. And we're going to put the ones that I'm concerned
7 about in mine. Because then if anybody comes after us, then -
8 - then the things that we have that are free and clear will be
9 safe.

10 Q Okay. And did he discuss with you the things that
11 you had free and clear would be safe, as to whose assets those
12 were?

13 A Well, they were ours, that's what -- he told me
14 that, that's -- even though we went and it was -- that we did
15 the separate trust agreement, it was all ours. It was -- I
16 mean, I -- if something happened to Eric, I wasn't going to --
17 or if somebody came after Eric I wasn't going to stand there
18 and go, well, you know, I'm sorry, but this is mine, I mean we
19 were married, we did every -- we -- that was us together.
20 It --

21 Q Now, when you went back to Mr. Burr's office on the
22 day that you signed the documents, were you there at his
23 office on that day?

24 A Yes.

1 Q Okay. And you heard Mr. Burr describe -- well,
2 let's -- take that back.

3 What occurred on that day, the day that the signing
4 occurred?

5 A We went in. I think he said, you know, here it is.
6 We did -- you know, this is what you asked for, this is -- I
7 mean, I -- I mean, to be honest with you, I mean, Eric -- Eric
8 was the one that told him what was -- how it was supposed to
9 be done, because I didn't know. You know?

10 And so, he kind of went over it and this -- this is
11 where you sign, basically thing. You know?

12 Q Okay. And then how did it come about that it was
13 suggested that you should see another attorney?

14 A Oh, well he said that -- Jeff said that if you --
15 that really that you should have -- that one of us should seek
16 legal -- that we should have another attorney that is at
17 least, you know, gone over it with us, because it was just
18 better than to have Jeff be the only one for both of us.

19 Q And did he tell you why he felt it was best for
20 another attorney to be involved?

21 A So -- I think he said so -- kind of just to protect
22 you, kind of.

23 Q What, against creditors?

24 A Yeah.

1 Q Okay. So, how did it come about that you saw
2 Richard Koch (ph)?

3 A He said, I have a guy that's down the street and --
4 he's just down the street.

5 Q Who called and made the appointment with Mr. Koch?

6 A I think Jeff offered -- Jeff said -- I think -- I
7 think he knew him and so -- him or one of the girls, maybe. I
8 -- Barbara was with us, I think? I think she was the one that
9 was -- Barbara's -- or Melina (ph) -- those are the only two
10 names that I ever remember from there.

11 Q Now, you heard --

12 A So, he might have asked them to call.

13 Q -- you've heard Mr. Burr testify that he actually
14 had a telephone call with Mr. Koch before he sent you over?

15 A Yeah, he said that. But I -- he didn't do it right
16 in front of me.

17 Q Now, you also heard Mr. Burr say that he just sent
18 you over to Mr. Koch's office.

19 A Yes. Uh-huh (affirmative).

20 Q He did not say that he gave you any list of names or
21 told you to go here, or here, or here, or here?

22 A He didn't give me a list, no. I think him and Eric
23 were discussing, like, how do we -- how do we do this then, if
24 we need to sign. And then he just said, you just go down to

1 Mr. Koch.

2 Q Okay. Now, you saw yesterday that -- the tap e back
3 from 2010, when you --

4 A Yeah.

5 Q -- testified?

6 A Uh-huh (affirmative).

7 Q Okay. Do you -- can you explain the situation, why
8 do you believe that Jeff is the one that sent you directly to
9 Mr. Koch, as he testified here in court, last week?

10 A Well, I -- I don't --

11 MR. SOLOMON: Your Honor, I'm going to move to --
12 I'm going to object to that question. Mr. Burr -- I disagree
13 that Mr. Burr testified that he sent him directly and he
14 didn't give any other names. That was never even asked of
15 him.

16 MR. DICKERSON: Absolutely was.

17 MR. SOLOMON: It was not asked whether there were --

18 MR. DICKERSON: It was.

19 MR. SOLOMON: -- any other names.

20 MR. DICKERSON: It was directly asked of him.

21 THE COURT: Yeah, I'm looking at my notes. I
22 remember his answer on that. I -- my understanding that Mr.
23 Koch was one of the attorneys on that and Ms. Lynita testified
24 at the earlier hearing on that, that he was one of the names

1 that was given by Attorney Burr.

2 I don't know if he said he sent them directly. I do
3 know Mr. Burr said he did call and talk to Mr. Koch directly
4 before she went over. I mean --

5 BY MR. DICKERSON:

6 Q Lynita, how -- what do you recall? Were you given a
7 choice of attorneys?

8 A No.

9 Q Were you given a list with attorneys' names?

10 A No.

11 Q Okay. When you testified in 2010 Mr. Burr says you
12 go here, here, here, or here.

13 A Well, that -- I mean, I heard that, but I think what
14 I was really meaning to say was, well, this is what we need to
15 do, this is how you can do it. Do you want to go sign now?
16 Do you want to go sign later? Because I had -- I had little
17 kids at home, and he -- his office was on the other side of
18 town, it took probably a half hour to get there. So, he -- I
19 -- he didn't give me a list. And I didn't know -- I didn't
20 know an attorney, I think that was the first attorney I had
21 ever been to. So, it just --

22 Q Other than Mr. Burr?

23 A Yeah.

24 Q Now, did you -- you saw a letter in here that -- you

1 saw the letter that Jeff Burr sent to Mr. Koch with the
2 agreement?

3 A I have seen it. Yeah, it's been a while.

4 Q Did you take that letter and the agreement to Mr.
5 Koch's office?

6 A I don't know.

7 Q Okay. Did you go from Jeff Burr's office to Mr.
8 Koch's, or did you --

9 A No, I went right there. Yeah, I left, because it
10 was just -- just a little ways.

11 Q Okay.

12 A Yeah.

13 Q And can you tell me, you know, when you arrived at
14 Mr. Koch's office, can you take us through what happened?

15 A Oh. I think he was with another client, and he just
16 finished up right then. And he -- I think I -- I'm not even
17 sure I went into the office, but he told me that Jeff had
18 called him and that -- or that he had gotten a call. He knew
19 I was coming. And said, do -- so you're setting up separate
20 trusts. Do you understand it? And I said yes. And then he
21 said, do you have any questions and I said no.

22 Q And then what happened?

23 A I think I signed it with him. I'm not sure I
24 remember. I think I would have signed it with him.

1 Q Okay. How long did your meeting with Mr. Koch last?

2 A Oh, in my mind it was just minutes. I wasn't there
3 very long. I don't remember if I even sat down, to be honest
4 with you.

5 Q Now, there came -- now, with respect to the transfer
6 of any of the assets that you had into the trust that Mr. Burr
7 created for you in 1993. Do you know how it came about that
8 your assets were transferred in to the trust that was
9 designated as your trust?

10 A I don't even know what our assets were, to be honest
11 with you.

12 Q Do you recall how that was done?

13 A I have no clue.

14 Q Do you recall who arranged that to be done?

15 A No.

16 Q Now, there came another occasion then that you and
17 Eric went back to Mr. Burr for the purpose of further estate
18 planning?

19 A Yeah -- yes.

20 Q Do you recall when that ...

21 A In 2001.

22 Q And what was the purpose of that? Well, how did it
23 come about that it was explained to you as to what was
24 happening in 2001? Set the stage for us, what happened?

1 A Oh, well, I think there was some laws or something
2 that they had been working on.

3 Q And who told you this?

4 A Eric. And that he -- they had been kind of waiting
5 for this to happen and so we needed to go down and change the
6 trust. But I don't know what that meant.

7 Q Pardon me?

8 A I didn't understand what that really meant. Does --
9 he said -- Eric said we had to go down and do that.

10 Q Eric told you that?

11 A Yes.

12 Q And did you in fact go to Mr. Burr's office to
13 discuss these trusts?

14 A Yes. Eric would have set up an appointment and had
15 us go.

16 Q And what do you recall --

17 A But we would have gone separate. What?

18 Q What do you recall about your first appointment with
19 Mr. Burr with respect to the trusts that were drafted and
20 signed in 2001?

21 A I don't know that I went more than once. I'm
22 thinking that I maybe just went and signed it.

23 Q Okay. So, what do you recall about that meeting?

24 A I think he explained what Jeff talked about, kind of

1 what had happened and how exciting it was or something. I
2 know he was happy with -- that it would be better, it would
3 protect us.

4 Q Who was happy?

5 A Jeff said that it would be better for us. So -- and
6 that ...

7 Q Now, were you sent to any other attorney, in 2001,
8 prior to you signing any of the documents that were prepared
9 by Mr. Burr?

10 A No.

11 Q Was it ever suggested to you that you should go and
12 see another attorney besides Mr. Burr before you signed the
13 documents, in 2001?

14 A No.

15 Q Okay. Now, if I understand you correctly, the only
16 time you went to Mr. Burr's office was at the time that you
17 signed the documents, as best of your recollection?

18 A Uh-huh (affirmative). I haven't -- I didn't go very
19 often at all.

20 Q So, what was discussed at that meeting where you
21 actually signed the documents that Mr. Burr prepared, in 2001?

22 A Will you ask that again? I'm sorry.

23 Q What was discussed? What happened at that meeting?
24 Can you set the stage? How long did it occur? Who was

1 present and what was discussed?

2 A Jeff discussed what I guess -- what was different
3 now, but I couldn't tell you what it was, I just know that
4 that's what Eric wanted to do, and that's what Jeff had said
5 it was better. And so -- that's all I remember. I didn't
6 ever really understand what they were saying. You know?

7 Q Did you -- do you recall any discussion with Mr.
8 Burr and/or Eric, about these trusts being irrevocable trusts?

9 A I know that the name was different, but at that time
10 I just knew that they were better.

11 Q And what was the purpose of these trusts?

12 A I don't know that I really knew.

13 Q And when you say -- when you say they were better,
14 better for what purpose?

15 A To protect our assets.

16 Q Now, you heard Mr. Burr talk about discussions of
17 leveling off trusts, I believe were his words. Do you
18 recall --

19 A I do.

20 Q -- such a discussion?

21 A With Jeff, that Jeff told us to do that?

22 Q Yes. Do you recall such a discussion?

23 A Well, I remember that he -- he would tell us that
24 that needed to be done, that it was important to always keep

1 the trust -- I don't know equal. But -- but the -- the trusts
2 were always supposed to be balanced.

3 Q What does balanced mean?

4 A Like, that whatever was equal, like, dollar wise, in
5 Eric's, was supposed to be, dollar-wise, in mine.

6 Q And did he explain to you how that would occur?

7 A I think there was several different ways to do it,
8 but I think that he had sent us a paper that said that this is
9 how -- that if you're going to do that, this is how you should
10 do that.

11 Q Okay. And do you recall what that paper said? Do
12 you recall anything about it?

13 A I think it might be the one that -- I -- I think
14 just that I've heard about during the divorce, is -- it's a
15 gift. I think that's how you were supposed to -- like if you
16 -- like, if he had something worth more in his than mine, then
17 he was supposed to gift it, I think, to me.

18 Q And is that what you understood the term leveling
19 off?

20 A I thought it was the same thing. Is it? I don't
21 know.

22 Q And did you have discussions with Eric with respect
23 to this concept of leveling off the trust?

24 A Well, it just wasn't something that he -- I mean, I

1 -- I think I might have mentioned it, like sometimes there
2 would be things that we would --

3 Q I talking about at that meeting with Mr. Burr.

4 A Oh, I wouldn't have talked to Eric about it. Jeff
5 would have talked to -- I mean, I was there, but he would have
6 been mainly talking to Eric about it.

7 Q And was he explaining this to Eric also as to what
8 to do?

9 A Yeah.

10 Q Was Eric asking him questions and indicating what he
11 wanted to do?

12 A Yeah, Eric always talked to him, 'cause they
13 understood.

14 Q What did Eric tell Mr. Burr that he wanted to do?

15 A As far as the assets and that?

16 Q Yes. How to handle that?

17 A Well, it was the -- it was how it had been before,
18 that he just wanted to protect the assets and take the -- the
19 -- carry the businesses that were concerning to him.

20 Q Do you recall Eric having any discussions with Mr.
21 Burr about this concept of leveling off the trust?

22 A Well, Jeff -- I understood that that was really
23 important to do. And I understand that Eric under -- that he
24 understood that that was important to do.

1 Q Now, was there any discussion with Mr. Burr about
2 the importance of having annual meetings?

3 A It was discussed that there -- that you should have
4 annual meetings.

5 Q Now, have you ever had an annual meeting with
6 respect to your trust?

7 A No.

8 Q Have you ever attended any meeting where your trust
9 was discussed with Lana Martin or any other person?

10 A No.

11 Q You ever have any meetings with Nola Harber where
12 there was discussions about your trust?

13 A No.

14 MR. DICKERSON: Can I have Intervenor's Exhibit
15 book, please?

16 (Attorneys confer.)

17 BY MR. DICKERSON:

18 Q And I'm going to go through a few exhibits with you.
19 I think I've caught all the minutes. I may -- if I miss any,
20 maybe somebody can point it out to me. But let's start with
21 Exhibit 30.

22 A Okay.

23 Q Do you know what Exhibit 30 is?

24 A It says it's a waiver of notice and consent to hold

1 annual trustees meeting of LSN Nevada Trust.

2 Q Okay. Do you know what it is? Do you know what the
3 document is?

4 A Well, yeah. I mean, it looks like it's what they
5 fill out for a meeting.

6 Q Right. Now, is that your signature?

7 A It is.

8 Q And is that your date, the first of June? Is that
9 your handwriting?

10 A No.

11 Q Whose handwriting is that, or do you know?

12 A I don't recognize the J, but it's probably Lana's.

13 Q All right. Now, did you sign this document in
14 Lana's presence?

15 A No.

16 Q Okay. Do you have any recollection as to how you
17 signed this document?

18 A I remember Eric would bring them to me and tell me
19 that we're having meetings, so you have to sign this.

20 Q Okay. Did you ever have any discussion with Lana
21 about what's set forth in the -- the body of this Exhibit 30?

22 A No. We --

23 Q This document makes reference to the foregoing
24 minutes, in the second to last line where it says, the

1 foregoing minutes. Was there anything -- was this attached to
2 anything?

3 A Not here.

4 Q Okay. Do you recall seeing any minutes, prior to
5 June 1st of 2001?

6 A I don't recall Eric ever saying that there was -- I
7 mean, he would just say, here, we -- you need to sign this.

8 Q Well, the trust was just created a day prior to
9 that. Would you agree? Or are there 31 days in May?

10 MR. KARACSONYI: Yeah. Yeah, there are.

11 MR. DICKERSON: Okay. So, two days. Sorry.

12 THE WITNESS: Yes. So, now that you pointed it out,
13 yeah. Yes.

14 BY MR. DICKERSON:

15 Q All right. So, your trust that is being referenced
16 here was -- it was signed by you in -- on May 30th of 2001.
17 Is that correct?

18 A I'm sorry. I wasn't listening.

19 Q The trust that you signed that this is referenced
20 to, the LSN Nevada Trust --

21 A Was on May 30th.

22 Q 2001?

23 A Yes, sir.

24 Q Okay. Take a look at Exhibit 35, please. Okay. Is

1 that your signature at the bottom?

2 A Yes, sir.

3 Q Okay. If you'd just take a look at this. Did this
4 meeting that is reported to be set out on Exhibit 35, ever
5 occur?

6 A Well, I wouldn't know. I think it says, let's see,
7 does it say that I was there?

8 Q It does say that you were there, and you signed it.

9 A I wouldn't -- I wouldn't know. I -- I didn't go to
10 any meetings, I never even knew when they were happening.

11 Q Well, my question then is --

12 A I'm sorry.

13 Q -- is -- were you at this meeting?

14 A No.

15 Q Okay. Do you know if this meeting ever really even
16 occurred?

17 A No.

18 Q But you were not present?

19 A No.

20 Q Did you ever have any discussions with Lana or
21 anybody else about who would be the authorized signators on an
22 account LSN Nevada Trust d/b/a High Country Inn?

23 A No.

24 Q Do you even know what High Country -- well -- take

1 that.

2 January of 2002, did you even know what High Country
3 Inn was?

4 A I -- I would have known that we had -- that -- that
5 we had a hotel, because we talked about how -- what we were
6 going to name it.

7 Q Okay. And when you say we, who's we?

8 A Eric and I.

9 Q Okay. So, from the discussion you had about how you
10 were going to name the hotel, would you say our hotel?

11 A Yeah.

12 Q Okay. Well, how was it -- how'd the name come up?

13 A Well, just occasionally with these types of things
14 he would say, you know, hey, I've got to think of a name. And
15 I would just think that maybe that's something I could do.

16 Q Did you think of this name or did he think of this
17 name?

18 A I didn't.

19 Q You did not think of this name?

20 A Um mm (negative).

21 Q Okay. But had you heard the name High Country Inn
22 before? Before January of 2002?

23 A I don't know that I knew that's what he was naming
24 it.

1 Q Okay. Now, can you tell me why would you select
2 Lana Martin or Joan Ramos to be authorized signators on this
3 account?

4 A Well, I wouldn't have chosen them, it's just that's
5 who Eric would want to be on there.

6 Q Okay. So, Lana Martin, she worked for Eric?

7 A She does. Uh-huh (affirmative).

8 Q What was her -- you know, what -- in 2002 time
9 frame, do you know what her job was?

10 A I don't know. I -- I just -- I know that she worked
11 for Eric.

12 Q Now how about Joan Ramos? She -- did she work for
13 Eric?

14 A She did. Yes.

15 Q Moving down, the Nevada -- LSN Nevada Trust d/b/a
16 Tierra del Sol.

17 A Yes.

18 Q Okay. Did you know that there was an entity called
19 Tierra del Sol?

20 A Not an entity. I know that we had a shopping
21 center.

22 Q And where was that --

23 A I mean, like a --

24 Q -- shopping center?

1 A -- like a strip center thing. It was in Arizona.
2 Q Did you have anything to do with that shopping
3 center?
4 A No.
5 Q Did you purchase it?
6 A I would have to look. Well --
7 Q Did you have anything --
8 A -- if I did, it -- Eric --
9 Q I'm not asking whether it was held in your trust.
10 A Oh.
11 Q Did you have anything personally to do with the
12 purchase --
13 A Oh, no.
14 Q -- of Tierra -- how about the --
15 A I didn't know anything about it.
16 Q How about the purchase of High Country Inn?
17 A No. I didn't.
18 Q Did you have any dealings with that?
19 A No.
20 Q All right. And again, Lana Martin is the designated
21 -- an authorized signator on that account also. Is that
22 correct?
23 A I see that. Yes.
24 Q According to this?

1 A Yes.

2 Q Now, the next account, LSN Nevada Trust d/b/a Nelson
3 Professional Plaza.

4 A Yes.

5 Q Do you know what Nelson Professional Plaza is?

6 A I do now.

7 Q Okay. How about in 2002, did you know what Nelson
8 Professional --

9 A No. I didn't even know --

10 Q Pardon me?

11 A -- I didn't even know we had it. I mean, I didn't
12 know -- I --

13 Q What is Nelson -- what have you learned Nelson
14 Professional Plaza to be?

15 A Our -- it's an office building --

16 Q where?

17 A -- that we have. It's on Lindell.

18 Q So, when we're referring to the Lindell office
19 building, that is --

20 A I think that's it. Yeah.

21 Q Now, did you know, in 2002, that you owned that
22 building on Lindell?

23 A Well, we built it, so -- but I couldn't tell you
24 what year we built it, to be honest with you.

1 Q But you know that that office existed, whenever it
2 was built?

3 A Yes. Uh-huh (affirmative).

4 Q Okay. Now, did you know that that -- the title to
5 that office was held in your trust? Did you know that?

6 A Well, it was --

7 Q Again, I'm talking --

8 A -- well, it was --

9 Q -- the 2002 time frame, did you --

10 A Oh, I wouldn't -- I wouldn't have known that. I
11 didn't -- I didn't ever know who -- what was in what.

12 Q So, what role did you play in the construction of
13 the Nelson Professional Plaza, the office building on Lindell?
14 What did you do?

15 A Construction?

16 Q Yeah. Did you have any role in purchasing the
17 property, having the building built? What role, if any, did
18 you have?

19 A No, I think I picked out the carpet.

20 Q Okay. Now, we notice here that the very last
21 resolution, it's resolved that you would receive \$10,000 for
22 the next 12 months, assuming that is \$10,000 per month is what
23 it -- according to testimony we had. But, did you know that -
24 - did you ask to be -- have these monies released to you?

1 A No. I didn't have anything to do with that.

2 Q Did you ever ask Lana Martin or tell her that you
3 needed money released to you?

4 A No. We never discussed things like that.

5 Q Do you recall receiving checks in the approximate
6 amount of \$10,000 a month in this time frame of 2002?

7 A I remember receiving checks in that amount, but I
8 couldn't be exact what time -- what years that was.

9 Q All right. Now, the money that you would then be
10 receiving, you would receive monthly checks? You recall that
11 over your marriage?

12 A Yes.

13 Q Okay. Now --

14 A Not -- not -- yeah, I -- yeah, I did.

15 Q So, let's think back to 2002. Apparently you're
16 being authorized to spend \$120,000 a year, according to this
17 representation on this minutes. What were you to use that
18 money for?

19 A At that time (mumbling) I'm just trying to think how
20 old the kids were. So, to buy groceries and clothing and
21 whatever, you know, the kids and I needed.

22 Q Okay. Do you recall ever making any payment on any
23 house, any mortgage payment?

24 A No.

1 Q Did you -- have you ever paid any payment on a car
2 that you're ever aware of?

3 A No. I didn't do that.

4 Q Have you ever paid any money on vacations out of
5 this money that's being given to you on a monthly basis?

6 A Not -- not usually. If Eric was with me, he would
7 pay for it.

8 Q All right. Now, the next document, if you take a
9 look at Exhibit 36.

10 A Okay. I'm there.

11 Q Okay. Have you ever seen this document before the
12 trust intervened in this case?

13 A No.

14 Q Same question with respect to Exhibit 35. I take
15 that back.

16 Same with respect to Exhibit 36. You had never seen
17 this document?

18 A No.

19 Q Okay. Now, did you request Lana Martin to give you
20 \$100,000 on January 31st, 2002?

21 A No.

22 Q Do you have any clue of what this \$100,000 was used
23 for?

24 A I don't.

1 Q Did you ever receive a check from Lana Martin, or
2 anyone else, in January or February or at any time in 2002,
3 for \$100,000?

4 A I -- I don't think so.

5 Q Take a look at Exhibit 37, please.

6 A 37?

7 Q Yes, 37.

8 A Okay.

9 Q This appears to be another distribution
10 authorization for \$15,000 on February 6th, 2002. Did you ever
11 request Lana Martin to give you \$15,000 in February of 2002?

12 A No.

13 Q Or at any time in 2002?

14 A No. I -- I never talked to Lana about stuff like
15 this.

16 Q Did you -- do you recall ever receiving a check,
17 from Lana Martin or anyone else, with respect to -- from your
18 -- the LSN Nevada Trust for \$15,000?

19 A I wouldn't be able to remember now for that.

20 Q All right. If you'd take a look at Exhibit 38.

21 A Okay.

22 Q This purports to be a meeting that occurred on April
23 1st, 2002. A meeting at which you were present. Now,
24 assuming this meeting ever occurred, were you in fact present?

1 A No.

2 Q Do you know anything about what is set forth in this
3 Exhibit 38 with respect to what purportedly happened at this
4 meeting that you purportedly were present?

5 A I don't know anything about this.

6 Q Okay. Did you ever authorize any loans to be made
7 from the LSN Nevada Trust, whether it be the Nelson
8 Professional Plaza account or any other account that may be
9 held in the name of LSN Nevada trust, did you ever authorize
10 any loans to PN Consulting, Inc. (ph)?

11 MR. SOLOMON: Other than what's set forth in this
12 document, with her signature?

13 MR. DICKERSON: Ever. Ever.

14 BY MR. DICKERSON:

15 Q Did you ever authorize any loans to PN Consulting,
16 Inc. from your trust?

17 A I did not. No.

18 Q Do you know what PN Consulting, Inc. is?

19 MR. SOLOMON: Your Honor --

20 THE WITNESS: Through the divorce I now know that it
21 even existed.

22 MR. DICKERSON: Counsel has an objection?

23 MR. SOLOMON: Yeah. I mean, she signed the
24 document, counsel. So, I don't understand the question.

1 MR. DICKERSON: Well, you can cross examine her on
2 it. You can go back on redirect.

3 BY MR. DICKERSON:

4 Q Did you ever know that you were making a loan of
5 \$172,293.80 to PN Consulting, Inc. at any time in 2002?

6 A No, sir.

7 Q Now, did you ever have, in your possession, a
8 promissary note signed by PN Consulting, Inc. or Paul Nelson
9 or any other human being owed to the LSN Nevada Trust?

10 A Nope.

11 Q Have you ever seen a promissary note made payable to
12 the LSN Nevada Trust?

13 A No.

14 Q Did you authorize a loan of \$172,293.80 to Eric L.
15 Nelson Nevada Trust in April of 2002?

16 A I never even know that it happened.

17 Q Now, is that your signature on that page?

18 A It is my signature, sir.

19 Q And can you explain to us how your signature's on
20 this?

21 A Well, I -- Eric would have asked me to come and sign
22 it, or they cut and pasted it.

23 Q Now, would this be on the documents, you know, you
24 described earlier as to how you end up signing documents. Do

1 you have any recollection of ever signing this?

2 A No. It -- it's -- you just have a moment, here, I
3 need you to sign it, and it's out of there.

4 Q Now, did you ever sign this document in the presence
5 of Lana Martin?

6 A No.

7 Q If you'd take a look at Exhibit 39.

8 A Sure.

9 Q Did you ever request Lana Martin to distribute to
10 you \$20,000 from your trust, on or about April 1st of 2002?

11 A No.

12 Q Did you ever receive a check from Lana Martin during
13 or about April of 2002, for \$20,000, drawn on any account held
14 in the name of the LSN Nevada Trust?

15 A I wouldn't know.

16 Q You have no recollection?

17 A No.

18 MR. DICKERSON: Is this a good time to break?

19 THE COURT: It's about a quarter after. The only
20 thing is I know Ms. Forsberg has a hearing, so we thought we'd
21 break for lunch at about 11:45, that's why I didn't break, so
22 we could kind of go right to 11:45, take our lunch break,
23 because they're trailing her call to the end of the calendar.
24 So, I promised the judge we'd get her out at 11:45. So, can

1 we just go right through another half hour and then break for
2 lunch at that time?

3 MR. DICKERSON: I'll try and make it.

4 THE COURT: You want to take a five minute break?
5 You want to take a quick five minute break for a bathroom
6 break?

7 MR. SOLOMON: We wouldn't mind.

8 THE COURT: Yeah. Why don't we take a five minute
9 break and --

10 MS. FORSBERG: You just elevated Norm to judge.
11 He'll love that.

12 (Recess taken at 11:13:53 to 11:23:33.)

13 THE COURT: This is going back on the record as Eric
14 Nelson and Lynita Nelson, Case Number D-411537. We took a
15 brief recess. We'll pick up where we left off. We'll go
16 about another 15 minutes, then we'll take a lunch break at
17 11:45, so counsel can make their hearing and then we'll be in
18 recess till 1:30. So, we've got another 15 minutes we get
19 done, I think.

20 Mr. Dickerson, you can pick up where you left off.

21 MR. DICKERSON: Thank you, Your Honor.

22 BY MR. DICKERSON:

23 Q Lynita, if you'd please take a look at Exhibit 41.

24 A Okay. I'm there.

1 Q This is a distribution authorization that suggest
2 that on May 20th of 2002 Lana Martin distributed to you an
3 additional \$200,000 from the LSN Trust.

4 MR. SOLOMON: Your Honor, let me interpose an
5 objection. All this says that it authorizes the release. It
6 does not say, as been represented over and over, that in fact
7 that those funds went out.

8 THE COURT: Okay. I know we haven't seen if it went
9 out. It didn't go out if --

10 MR. SOLOMON: The document says on its face.

11 THE COURT: -- you know, no -- yeah. Yeah, well so
12 it says distribution authorization.

13 BY MR. DICKERSON:

14 Q All right. Did you ever request, from Lana Martin,
15 in May of 2002, or in any time in 2002, for her to authorize
16 the distribution of \$200,000 to you, from any account or
17 anything held in the LSN Nevada Trust?

18 A No, I did not.

19 Q Did you ever receive a check from Lana Martin, or
20 anyone else, in the amount of \$200,000 at any time during
21 2002?

22 A I don't know that.

23 Q Do you know what you would have taken \$200,000 for?

24 A No. I wouldn't have never asked for that.

1 Q Do you have any recollection of ever receiving a
2 check?

3 A Not for \$200,000.

4 Q Take a look at Exhibit 42. Did you, at any time, in
5 June of -- during or about June of 2002, request Lana Martin
6 to distribute \$10,000 to you from the LSN Nevada Trust?

7 A I never talked to her about that.

8 Q Do you ever recall receiving a \$10,000 check from
9 Lana Martin, or anyone else, in 2002 -- well, you were
10 receiving monthly checks. Is that right?

11 A I was, in that amount. Yeah.

12 Q Take a look at Exhibit 43. Do you recall that in
13 any time in December of 2002 requesting Lana Martin to
14 distribute \$10,000 to you?

15 A No.

16 Q Exhibit 45. Do you recall, at any time in July of
17 2003, requesting Lana Martin to distribute \$9,000 to you?

18 A No.

19 Q Do you recall, at any time in July or August
20 requesting Lana Martin to distribute \$7,000 to you?

21 A No, sir.

22 Q Take a look at Exhibit 47.

23 A Okay.

24 Q This purports to be a meeting that occurred at Jeff

1 Burr's office in which Rochelle McGowan was present, Lana
2 Martin was present and you were present. Were you present at
3 any such meeting?

4 A No.

5 Q Now this purportedly occurred -- do -- were you ever
6 at a meeting with Rochelle McGowan and Lana Martin together,
7 the two of them?

8 A Nope. Never knew that they met together.

9 Q Did you recall ever having any discussion with
10 either Rochelle McGowan, or Lana Martin, with respect to
11 matters revising Mississippi properties?

12 A No, they didn't discuss those kinds of things with
13 me.

14 Q Did you ever have any discussion with Lana Martin or
15 Rochelle McGowan, with respect to a property at 830 Arnold in
16 I believe it's somewhere in Mississippi?

17 A No, sir.

18 Q Okay. Exhibit 48. This again purports to be
19 another meeting at Jeff Burr's office, in which Jeff Burr
20 purportedly was present, Barbara Morelli (ph) was present,
21 Rochelle McGowan was present, Lana Martin was present and you
22 were present. Were you present at any such meeting that
23 occurred on or about February 25th, 2004?

24 A No, sir.

1 Q Do you recall -- or did you ever have any discussion
2 with Lana Martin about your need to receive \$20,000 per month,
3 or \$240,000 a year to live on?

4 A No, I did not.

5 Q Or for any purpose?

6 A No. Never talked to her about money at all.

7 Q Did there come a point in time that the \$10,000
8 monthly checks you were receiving increased?

9 A Yes.

10 Q And would it have been during 2004, as this document
11 represents?

12 A I don't know. I -- I do recall that they, like --
13 they started at 5, and then they went to 10, and then to 15,
14 and then I think to 20.

15 Q Did you ever have any discussion with Eric about you
16 receiving \$20,000 a month?

17 A He would just come home and tell me that he was
18 going to change the amount of what he was going to give me
19 each month. And other than that's maybe some months I
20 wouldn't get something, so he would say, well, I'm not going
21 to give you a check this month, you're going to get it, you
22 know, maybe in the next month. We -- we didn't really talk
23 about that, he just told me what he was doing.

24 Q Exhibit 49. Did you ever ask Lana Martin to

1 distribute to you \$20,000 for 12 months during the year 2004?

2 A I did not.

3 Q Exhibit 50. This purports to be a meeting that
4 occurred on April 14th, 2004 at Eric's office, in which Lana
5 Martin was present and you were present. Were you present at
6 any such meeting that purportedly occurred on April 14th,
7 2004?

8 A No, sir.

9 Q Now, are you familiar with anything that is
10 discussed in this Exhibit 50, with respect to a loan coming
11 from the LSN Nevada Trust?

12 A No. I don't know anything about it.

13 Q Did you ever authorize a loan to Wyoming Downs Rodeo
14 Events, LLC?

15 A No. I don't even know that I really knew that
16 entity existed till the divorce.

17 Q Do you know -- were you ever -- have you ever seen a
18 promissary note, made payable to the LSN Nevada Trust or even
19 to you individually, from Wyoming Down Radio Events (sic) in
20 the amount of \$81,000?

21 A No, I haven't.

22 Q Now, take a look at Exhibit 52, please.

23 A Okay. I'm there.

24 Q Exhibit 52 purports to be another meeting that

1 occurred at Eric's office on May 20th of 2004 in which you and
2 Lana were present. Were you present at any such meeting?

3 A No, sir.

4 Q Take a look again at this document.

5 A Okay.

6 Q Are you familiar with anything that is discussed in
7 Exhibit 52?

8 A No.

9 Q Were you aware that as the investment trustee you
10 purportedly made a determination that your trust was no longer
11 going to manage the hotel in Evanston, Wyoming, known as the
12 High County Inn, for Grata Financial Partnership (ph)?

13 A No.

14 Q Did you ever know that at some point in time you may
15 have transferred your ownership interest in High Country Inn
16 to Grata Financial Partnership?

17 A No.

18 Q Do you know what Grenata Financial Partnership is?
19 Grata Financial Partnership?

20 A I know that's the kids' set up -- or Eric set up a
21 group with his siblings. And I knew that Grata was part of
22 the name, but I didn't know, till the divorce, that there were
23 two separate -- there -- there's like Grata Financial and I
24 think there's a Grata Group. And I -- I didn't know that.

1 Q Okay. Exhibit 53, please.

2 A Okay.

3 Q All right. This purports to be a meeting that
4 occurred on November 20th, 2004 between you and Lana Martin,
5 apparently purportedly occurring at Eric's office wherein
6 there was some discussion about the LSN Trust purchasing
7 snowmobiles for the cabin in Utah. Do you have -- were you
8 present at any such meeting?

9 A No.

10 Q Did you ever have any discussion with Lana Martin
11 about purchasing snowmobiles for the cabin in Utah?

12 A No.

13 Q Exhibit 54. Again, this purports to be a meeting on
14 December 12th of 2004 between you and Lana Martin, again, this
15 appears to be at Jeff Burr's office. Is that correct?

16 A That's what it's saying.

17 Q And it actually appears that Rochelle McGowan is
18 purportedly present and that Lana Martin's present and you're
19 present. Did this meeting ever occur?

20 A No, sir.

21 Q Do you recall ever having any discussion, with
22 either Rochelle McGowan or Lana Martin, about the RV Park in
23 Mississippi?

24 A No.

1 Q Did you ever have any discussion about the LSN Trust
2 purchasing the RV Park from Eric's trust?

3 A No.

4 Q Do you know what Paradise Bay RV Park is?

5 A Well, I know there's an RV Park. I don't know that
6 I know at this time, in '04, I would not have known -- heard
7 the word Paradise Bay RV. When Eric would talk about the RV -
8 - it -- when Eric would talk about it, he would just say the
9 RV Park.

10 Q And was that in this time frame of 2004?

11 A I wouldn't know the year that they were doing that.
12 I thought they were doing it after Katrina is when I remember
13 them doing the RV Park.

14 Q Exhibit 55.

15 A Okay. I'm there.

16 Q This again purports to be another meeting at Jeff
17 Burr's office on February 17th, 2005 in which Michelle --
18 Rochelle McGowan was present, Lana Martin was present and you
19 were present. Were you present at any such meeting?

20 A No, sir.

21 Q Did you ever have any discussion, with either
22 Rochelle McGowan or Lana Martin, with respect to Gateway Acres
23 in Arizona?

24 A No, sir.

1 Q Did you -- as the investment trustee, did you
2 purchase any land in Arizona or direct the purchase of any
3 land in Arizona?

4 A Well, this meeting doesn't happen, so did I later
5 find out that -- that my trust had some land in the Gateway?
6 I did.

7 Q Okay. Now, did -- what, if anything, did you have
8 to do with your trust purchasing any land, the Gateway Acres
9 in Arizona? What did you do to accomplish that?

10 A Nothing. I -- I -- I didn't know anything about it.

11 Q Do, you didn't even know you were investing in this?

12 A No.

13 Q Okay. Exhibit 56.

14 A Okay.

15 Q Okay. This purports to be a meeting at Eric's
16 office on February 20th, 2005. Again, Rochelle McGowan
17 purportedly present, Lana Martin present and you present.
18 Were you present at any such meeting?

19 A No.

20 Q Did you ever have any discussion with Lana Martin
21 about your need to receive at least \$20,000 per month?

22 A No, I never asked for money.

23 Q Exhibit 58. Exhibit 58 purports to be a meeting at
24 Jeff Burr's office on May 25th, 2005 with Rochelle McGowan

1 present, Lana Martin present and you present. Were you
2 present at any such meeting?

3 A No.

4 Q This one referenced, again, the purchase of Gateway
5 Acres, a total of 39 lots. Did you ever have any such
6 discussion with either Rochelle McGowan or Lana Martin?

7 A No, I did not.

8 Q Did you have anything to do with the purchase of 30
9 -- any 39 lots in Gateway Acres in Arizona?

10 A I didn't.

11 Q Exhibit 59. Again, this purports to be another
12 meeting at Jeff Burr's office on June 15th, 2005 in which
13 Rochelle McGowan was purportedly present, Lana Martin and you.
14 Were you present at any such meeting?

15 A No, sir.

16 Q Do you ever recall having any discussion -- or did
17 you ever have any discussion with either Rochelle McGowan or
18 Lana Martin about purchasing new land or any land in
19 Mississippi?

20 A No.

21 Q You -- did you as the investment trustee, have you
22 invested in any land in Mississippi? You, as the investment
23 trustee?

24 A No.

1 Q Are you aware today that your trust owns land in
2 Mississippi?

3 A I that -- know that now.

4 Q Do you know how that was acquired?

5 A You mean how it got into my trust?

6 Q Yes.

7 A I have no idea.

8 THE COURT: Now's a good time to break. It's about
9 a quarter to, so we'll make sure to get you to your hearing on
10 time.

11 We'll be in recess till 1:30.

12 MS. FORSBERG: Thank you, Your Honor.

13 MR. DICKERSON: Thank you, Your Honor.

14 THE COURT: Are you going to have Ms. McGowan here
15 this afternoon, because I want to accommodate her schedule.

16 MR. SOLOMON: Yes. I'll have her at 1:30.

17 THE COURT: Okay. I'll make sure --

18 MR. SOLOMON: We'll start here with her at 1:30.

19 THE COURT: Okay.

20 (Recess taken at 11:40:28 to 13:37:46)

21 THE COURT: This is the time recalling the matter as
22 Eric Nelson and Lynita Nelson, D-411537. We just finished our
23 lunch recess, we're ready to kind of pick up where we left
24 off. I believe the plan was to have Ms. McGowan testify out

1 of order, so that we could accommodate her schedule, I
2 believe. Is that --

3 MR. SOLOMON: Correct, Your Honor.

4 THE COURT: Okay. Everybody ready to go forward at
5 this time?

6 MR. KARACSONYI: We call Rochelle McGowan to the
7 stand.

8 THE COURT: I'm going to have you remain standing.
9 Watch your step when you get up there, and we'll get you sworn
10 in and I'm going to let you sit down and get comfortable.

11 ROCHELLE MCGOWAN

12 having been called as a witness on behalf of the Defendant and
13 being first duly sworn, testified as follows:

14 DIRECT EXAMINATION

15 BY MR. KARACSONYI:

16 Q Good afternoon, Ms. McGowan.

17 A Hi.

18 Q Can you state your name -- state and spell your
19 first and last name for the record, please.

20 A Rochelle McGowan, R-O-C-H-E-L-L-E. McGowan, M-C-G-
21 O-W-A-N.

22 Q Now Ms. McGowan, you met -- when did you first meet
23 Eric Nelson?

24 A It would have been in 2001.

1 Q Okay. And how did you come to meet Mr. Nelson?

2 A I was interviewing with his sister, in the same
3 office.

4 Q Okay. And what was the name of the company you were
5 interviewing with?

6 A Eric Nelson Auctioneering.

7 Q And were you hired by Eric Nelson Auctioneering?

8 A Yes.

9 Q Okay. Have you worked for Eric continuously since
10 2001, since you were hired in 2001?

11 A I've worked in the office since 2001. Yes.

12 Q Okay. Now, what were your responsibilities at the
13 time you were hired by Eric Nelson Auctioneering?

14 A It was to assist Alita (ph) in the auction business.
15 (Attorneys confer.)

16 Q Okay. And by "Alita" you mean the -- Eric's sister,
17 correct?

18 A Correct.

19 Q Okay. All right. Now, where is -- where was the
20 office of Eric Nelson Auctioneering located at that time in
21 2001?

22 A 3611 Lindell Road.

23 Q Okay. And is that the same office you work at
24 today?

1 A Yes.

2 Q Okay. And over time, there's Lana Martin, Alita
3 Nelson, Eric Nelson, Joan Ramos, Shelley Newell (ph), Lori
4 Anderson (ph), Keith Little have all had offices of the
5 Lindell Building, correct?

6 A I'm sorry, what was the --

7 MR. SOLOMON: I didn't understand the question.

8 THE WITNESS: Yeah. What was that?

9 BY MR. KARACSONYI:

10 Q Who has -- Lana -- over time, I said Lana Martin,
11 Alita Nelson, Eric Nelson, Joan Ramos, Shelly Newell, Lori
12 Anderson, Keith Little have all had offices at the Lindell
13 Building. Is that correct?

14 A Yes.

15 Q Okay. And Lynita Nelson has never, at any time
16 since you began working at the Lindell Office, had an office
17 at the building carcinogens

18 A Correct.

19 Q Okay. What entities are run out of the Lindell
20 Building -- or the Lindell office?

21 A Currently?

22 Q Yeah, let's start with currently.

23 A Currently it would be BanOne, LLC, Dynasty
24 Development, Eric Nelson Auctioneering, I think those would be

1 the current ones that are ongoing. I -- I can't remember
2 exactly. That would be pretty current.

3 Q Okay. And in the past there were other entities run
4 out of that office?

5 A Correct.

6 Q Can you name those entities? The ones that you can
7 recall.

8 A There would have been, let's see, sorry. So, Eric
9 Nelson Auctioneering, BanOne, BanOne, AZ would be there, that
10 actually is current as well, sorry. Emerald Bay, Mississippi,
11 let's see, I said Dynasty, Wyoming Downs was ran there as well
12 at one point. Sorry, I'm just -- I'm just trying to remember
13 all the different entities that were out of there at one
14 point. I believe at one point the corporate -- yeah, so the
15 corporate office would be with the Wild Grizzly Casino, those
16 -- we had some Washington casinos that were run out of that
17 office as well.

18 Q Okay. The affairs of the ELN Trust are run out of
19 that office, correct?

20 A Correct.

21 Q Okay. And at some point in time were the affairs of
22 the LSN Trust out of that office?

23 A Yes. Yes.

24 Q Which companies, under the LSN Trust were also run

1 under that -- out of that office.

2 MR. SOLOMON: I'm sorry, I couldn't hear that
3 question.

4 BY MR. KARACSONYI:

5 Q What companies, owned by the LSN Trust, were run out
6 of that office?

7 A It was just the LSN Trust.

8 Q Okay. Do you know which holdings of the LSN Trust
9 were managed out of the Lindell office?

10 A At one -- the LSN Trust, it would have been the
11 Lindell Building, the Professional Plaza and --

12 Q Tierra del Sol.

13 A -- just -- Tierra del Sol. Uh-huh (affirmative).

14 Q High Country Inn?

15 A Was ran out of that office as well. Yes.

16 Q Flamingo Road, was that run out of that office as
17 well?

18 A Flamingo Road, see I'm not remembering that,
19 Flamingo Road. Which --

20 Q The parcel of property owned on Flamingo Road.

21 A I -- I don't believe that there's a piece of
22 property owned by Flamingo Road.

23 Q How about the Utah cabin, that too?

24 A Yes.

1 Q Okay. Now, over time your responsibilities changed
2 with the company, correct?

3 A Correct.

4 Q And also the entity that you worked for changed over
5 time as well, correct?

6 A Correct.

7 Q Okay. Can you tell me which entities you have been
8 technically employed by, since 2001.

9 MR. SOLOMON: Object to the form of the question.
10 Vague and ambiguous what "technically" means.

11 BY MR. KARACSONYI:

12 Q Okay. Which entities have employed you since 2001?

13 A I've been employed by Dynasty Development, BanOne,
14 at one point I believe I was employed by Wyoming Horse Racing.

15 Q And then Eric Nelson Auctioneering as well, correct?

16 A Correct.

17 Q Okay. Does the LSN Trust have any -- or has the LSN
18 Trust had any interest in any of those entities, to your
19 knowledge?

20 A Not to my knowledge.

21 Q Now, over time your responsibilities have changed
22 to, you already said. Can you tell us how your
23 responsibilities have changed over time?

24 A When I started working, I started working for Alita,

1 for the auction company, assisting her with all the auctions.
2 And then that, at some point, shifted to working for some of
3 the casinos owned by the ELN Trust. And it's -- and then I
4 was working on some projects throughout that time, I can't
5 remember exactly when, and then eventually I did -- I, at some
6 point I worked on the LSN Trust as well.

7 Q Okay. And currently what do you do?

8 A I work for BanOne currently.

9 Q Okay. But you do accounting work for the office as
10 well?

11 A Yes.

12 Q Okay. And you do the accounting work for BanOne,
13 BanOne Arizona, Eric Nelson Auctioneering, Dynasty Development
14 Management? You do the --

15 A Yes. Yes.

16 Q -- the accounting work for those companies?

17 A Yes.

18 Q Okay. And you've been doing the accounting work for
19 those companies since at least 2006, correct?

20 A Yes. I believe so, yes.

21 Q Okay. You also do some property management for the
22 company?

23 A Yes.

24 Q Okay. Can you describe to us what kind of

1 management? What -- which companies and what type of work you
2 do --

3 A For the --

4 Q -- managing the properties?

5 A -- the BanOne all the property management for the
6 homes, leasing, those sorts of things, same with BanOne
7 Arizona. And -- and then the -- the Lindell Building I do
8 just the management of that building as well, property
9 management.

10 Q Okay. And at some point in time did you serve as
11 the property manager and accountant for the LSN Trust?

12 MR. SOLOMON: You know, I object to the form of that
13 question. Accountant? She's not an accountant and --

14 MR. KARACSONYI: Well, she --

15 MR. SOLOMON: She did not testify she's the
16 accountant.

17 MR. KARACSONYI: She --

18 MR. SOLOMON: Did accounting work.

19 MR. KARACSONYI: She did accounting work.

20 THE COURT: Ask what type of work she did for the --
21 BY MR. KARACSONYI:

22 Q Okay. Did you do the accounting work for the LSN
23 Trust at some point in time?

24 A I did the book -- I did some of the bookkeeping.

1 Yes.

2 Q Okay. And did you do some property management for
3 the LSN Trust as well?

4 A Yes.

5 Q Okay. In what years did you do that?

6 A I'm -- I'm guessing around '0 -- approximately '04,
7 '05, maybe, I'm not sure. It's either between '04 and '06,
8 I'm not sure exactly when I started doing that.

9 Q Okay. And you did that until at least August of
10 2008, correct?

11 A Correct.

12 Q How much do you approximately -- how much do you
13 earn a month?

14 A I'm sorry, what was that question?

15 Q How much do you earn a month?

16 A A month, \$3,500. Thirty-five hundred a month.

17 Q Okay. Who's your current employer?

18 A BanOne.

19 Q Okay. Do you get any Christmas bonuses or any other
20 bonuses, typically?

21 A At one point Christmas bonuses. Yes.

22 Q Okay. Any other form of compensation?

23 A Not current --

24 Q Do you receive any other?

1 A Not currently. No.

2 Q Did you ever receive any other form of compensation?

3 A At points, if there was a special project, I would.

4 Q Okay. What was the largest bonus you ever received?

5 A Gosh, I don't remember. It's -- it would have been

6 when the Wyoming Track sold. But that would be the last one,

7 I believe.

8 Q Okay. How much did you receive when the Wyoming

9 Track sold?

10 A Gosh, I don't -- you know, I -- I don't -- I don't

11 recall.

12 Q Did you receive a bonus when the High Country Inn

13 was sold?

14 A Um mm (negative). No.

15 (Attorneys confer.)

16 Q Did you receive a \$10,000 bonus in 2007, January of

17 2007?

18 A January 2007? That probably would have been after

19 the Wyoming Track closed.

20 Q Okay. So, that's the bonus you're referring to?

21 A So, that -- exactly. Yes.

22 Q Okay. Who is your superior at the office,

23 currently?

24 A It just depends on what project I'm working on.

1 Q Do you consider yourself to have any other superiors
2 besides Eric?

3 A It just -- like I said, it would just depend on what
4 entity I'm working on.

5 Q Okay. Do you recall I took your deposition -- you
6 appeared for a deposition at my office on March 29th, 2012 and
7 May 14th, 2012?

8 A Yes.

9 Q Okay. Which entities do you work for at the office?

10 A Right now?

11 Q At this time.

12 MR. SOLOMON: Asked and answered.

13 THE WITNESS: I believe I said BanOne.

14 BY MR. KARACSONYI:

15 Q No, no, no. Which ones do you do work for? Because
16 you said that you have a different superior with each one.
17 So, which companies --

18 (Attorneys confer.)

19 Q -- who's your supervisor for BanOne?

20 A My supervisor would be Eric.

21 Q And -- who's your supervisor for Dynasty
22 Development?

23 A Dynasty Development Group, that would be Eric.

24 Q Okay. What about Eric Nelson Auctioneering, who's

1 your supervisor?

2 A The -- the corporation Eric Nelson Auctioneering?
3 There -- Alita has an auctioneering company as well, so I --
4 but Eric Nelson Auctioneering?

5 Q Eric Nelson Auctioneering.

6 A The one -- I'm just -- the corporate -- well,
7 there's a Nelson Auctioneering and Eric Nelson Auctioneering.

8 Q Eric Nelson Auctioneering.

9 A Eric Nelson Auctioneering, that would be Eric.

10 Q Okay. And what about BanOne, Arizona, who's your
11 supervisor?

12 A That would be Eric.

13 Q What other companies do you work for?

14 A Currently that would be who I'm working for, I
15 believe.

16 Q Okay. So, you don't have any other supervisors then
17 besides Eric, correct?

18 A At this time, that -- correct.

19 Q Okay. Is there anyone in the Lindell office that is
20 considered a superior to Eric?

21 A No.

22 Q Is Eric the only one who can make major decisions in
23 your office, such as to sell or transfer an asset?

24 A If it -- it depends on what the -- what the sell or

1 transfer is. What is -- sorry, I just -- I need you to be
2 more --

3 Q If you were selling --

4 A -- it just depends --

5 Q -- or acquiring a house for BanOne --

6 A For BanOne?

7 Q -- who in the office can make that decision?

8 A Eric.

9 Q Is there anyone else that can make that decision?

10 A Well, he's -- he's -- he's -- he would be involved
11 in the investments. Yes.

12 Q And if you -- if Dynasty Development Group was
13 acquiring or selling a piece of property, who can make that
14 decision in your office?

15 A Eric.

16 Q Anyone else?

17 A Eric would make any purchases. Right.

18 Q And if Eric Nelson Auctioneering was to acquire any
19 property or sell any property, who would make that decision in
20 your office?

21 A I'm sorry, if -- what was the question?

22 Q If Eric Nelson Auctioneering was to acquire or sell
23 any property, who would make that decision in your office?

24 A Well, Lana Martin is actually the distribution

1 trustee on that, so it would have to ultimately go by her, I
2 believe. But Eric would make any investments, so --

3 Q So, Eric would make the decision, correct?

4 A Yes.

5 Q Okay. If BanOne, Arizona were to acquire any
6 property, or sell any property, who in the office can make
7 that decision?

8 A Eric.

9 Q Okay. What was your relationship with Lynita like
10 over the years?

11 A It was a lot cordial. I always worked well with
12 her.

13 Q Okay. What was your relationship like at the time
14 this divorce action initiated?

15 A When it initiated?

16 Q Yes.

17 A And that would -- I'm just trying to think back on
18 the dates of when it -- it -- it -- I haven't had much -- I
19 haven't spoken with her much since -- throughout the divorce.

20 Q How about prior to the divorce? How would you --
21 right at the time of the divorce, how would you describe your
22 relationship?

23 A It was good.

24 Q Do you recall, again, appearing for a deposition at

1 my office on May 14th, 2012?

2 A Yes.

3 Q Okay. And you recall at that time I asked you what
4 -- what's your relationship like at the time this divorce
5 action initiated, how would you describe your relationship?
6 Do you recall me asking that question?

7 A I don't.

8 Q Do you recall what your answer was?

9 A I -- I don't.

10 Q You were under oath. Do you recall that?

11 A I'm sorry?

12 Q You recall being under oath?

13 A Yes.

14 Q Okay. I asked you, Page 167, Line 15 --

15 MR. SOLOMON: It's improper use of a deposition.

16 THE COURT: Do you want her to review that to just
17 refresh her memory? She says she doesn't recall the question.
18 You just want to use it to refresh? Yeah? Show them what
19 you're doing on that. And see if that would -- that refreshes
20 your memory. You said you don't remember the question being
21 asked. Is that correct?

22 THE WITNESS: Right. Right.

23 THE COURT: See if that refreshes your memory.

24 BY MR. KARACSONYI:

1 Q Does that refresh your memory as to what your answer
2 was at that time, what your relationship was with Lynita at
3 the time --

4 A Sure.

5 Q -- that the divorce action was initiated?

6 A Sure.

7 Q And what was your answer?

8 A Well, I stated there that we didn't really have a
9 relationship. We didn't have a personal relationship.

10 Q Was that your answer, or was your answer -- we
11 didn't really have --

12 A I believe I --

13 Q -- a relationship?

14 A -- well, in that deposition I believe I stated
15 relationship, but I would have meant personal relationship.

16 Q Okay. What other relationship did you have with
17 her?

18 A Business.

19 Q How frequently did you talk or personally meet with
20 her over the years?

21 A There were several times.

22 Q Okay. Do you recall me asking you that question at
23 your deposition?

24 A No.

1 (Attorneys confer.)

2 Q Okay. Do you recall me asking you, okay, how
3 frequently did you talk to her --

4 MR. SOLOMON: Hold on. It's improper use of a
5 deposition.

6 MR. KARACSONYI: -- or personally meet with her over
7 the years?

8 MR. DICKERSON: No, it isn't. It's totally proper.

9 MR. SOLOMON: You know --

10 MR. DICKERSON: He can read from a deposition
11 transcript.

12 MR. SOLOMON: We've got one -- do we have one lawyer
13 per witness so I don't have to argue with two of them? Start
14 with that.

15 THE COURT: Well, counsel can handle it on that.

16 MR. KARACSONYI: There's nothing improper about me
17 reading to her from her deposition.

18 THE COURT: He can read it.

19 MR. KARACSONYI: Okay.

20 THE COURT: Let it -- see if it refresh her
21 testimony.

22 MR. KARACSONYI: Okay.

23 BY MR. KARACSONYI:

24 Q Okay. Page 167, can you read Lines 8 through 11,

1 please?

2 A "Okay. How frequently do you talk to --"

3 THE COURT: No, you can read it to yourself if you
4 want to.

5 THE WITNESS: I'm sorry. Okay.

6 THE COURT: We're just doing it to refresh your
7 memory.

8 THE WITNESS: Okay.

9 THE COURT: You said you don't recall.

10 BY MR. KARACSONYI:

11 Q Okay. Do you recall me asking you then how
12 frequently you talk to her or personally met with her over the
13 years, at the time of your deposition?

14 A I said in the deposition I wasn't sure. But since
15 that point I have been able to refresh my memory.

16 Q Okay. And how were you able to refresh your memory?

17 A I was going back through old emails and -- and
18 thinking about it after my deposition.

19 Q Okay. Do you recall we talked about this, actually
20 at length in your deposition, I asked you frequently how did
21 you speak to her in 2002? And what was your answer?

22 MR. SOLOMON: Hold on.

23 THE WITNESS: Wait, I'm not sure what time --

24 MR. SOLOMON: Improper use of a deposition.

1 MR. KARACSONYI: You know what, he didn't --
2 MR. SOLOMON: You know --
3 MR. KARACSONYI: You know what, this witness --
4 THE COURT: Well, let's finish --
5 MR. KARACSONYI: -- appears for a deposition,
6 doesn't remember anything, but now all of a sudden she
7 remembers (indiscernible).
8 MR. SOLOMON: Improper argument.
9 THE COURT: As far as that, you can ask her on that.
10 I'll determine her credibility of her memory. The Court
11 determines people's credibility based on their memory, lack or
12 due to demeanor. You don't remember that question, because
13 then if she doesn't remember the questions, do them one at a
14 time --
15 MR. DICKERSON: Actually, Judge --
16 THE COURT: -- on that, I don't want to read her
17 whole deposition.
18 MR. SOLOMON: You know --
19 MR. DICKERSON: Your Honor, you --
20 MR. SOLOMON: -- again, I don't think Mr. Dickerson
21 should be arguing while we've got another lawyer standing up
22 and doing this question. I'm being double-teamed and I --
23 MR. DICKERSON: I've been doing this for 36 years --
24 MR. SOLOMON: -- object to that.

1 MR. DICKERSON: -- the proper way to use that
2 deposition is exactly the way.

3 MR. SOLOMON: Just keep on speaking.

4 MR. DICKERSON: You read the answer, do you recall
5 your answer being as follows.

6 THE COURT: Yeah.

7 MR. DICKERSON: She can say yes or no.

8 THE COURT: Yeah, I'd much rather have her read it
9 and refresh and let her testify from her memory, if you want
10 to on that. But -- or read the whole deposition, if we want
11 to on that, but -- yeah.

12 BY MR. KARACSONYI:

13 Q Okay. Do you recall my question to you when I asked
14 you how frequently you spoke to her in 2002? Do you recall --
15 (Attorneys confer.)

16 Q Okay. Did you -- do you recall my question, did you
17 speak to her frequently in 2002, and your answer being, I'm
18 not sure, it's so far back I don't remember?

19 A In 2002 I wouldn't be sure. But you had just asked
20 me --

21 Q Okay. That's fine.

22 A -- if -- if I remember speaking with her over the
23 years, is -- was your question earlier. I think that's how I
24 understood it.

1 MR. KARACSONYI: Okay.

2 THE COURT: No, he said in 2002. Do you --

3 THE WITNESS: So, in --

4 THE COURT: -- recall that answer?

5 THE WITNESS: 2002, I -- I'm not sure exactly.

6 THE COURT: Do you recall that answer that he just -

7 -

8 THE WITNESS: Right.

9 BY MR. KARACSONYI:

10 Q Okay. Do you recall me asking you, can you give me

11 an estimate of how often you would speak, per month, around

12 the time of the divorce? Do you recall that question?

13 A Okay. I'm sorry, what was that?

14 Q Do you recall me asking you how often you would

15 speak to Lynita, per month, around the time of the divorce?

16 MR. SOLOMON: Again, improper use. It's not

17 impeaching her, it's not --

18 MR. KARACSONYI: It is impeaching her.

19 MR. SOLOMON: -- just ask her the question.

20 MR. KARACSONYI: Now she's saying she remembers

21 talking to her.

22 MR. SOLOMON: She already testified that --

23 THE COURT: Maybe --

24 MR. SOLOMON: -- she didn't talk to her much around

1 the time of the divorce.

2 THE COURT: Yeah.

3 MR. SOLOMON: It's already been established by her.

4 THE COURT: I'm not sure if it's the same answer
5 now. She said she's refreshed her memory now, and you've got
6 more memory as how frequently you met with her. But the
7 question was, specifically was, at the deposition he asked you
8 did you recall how frequently you met with her around the time
9 of the divorce. Is that the question?

10 MR. KARACSONYI: Yes. And do you --

11 THE COURT: Do you recall that?

12 MR. KARACSONYI: -- recall your answer being, around
13 the --

14 THE COURT: Do you recall that, number one? Do you
15 remember --

16 MR. KARACSONYI: -- time of the divorce --

17 THE COURT: -- the question? With the deposition?
18 Do you remember him asking that and your answer?

19 THE WITNESS: Vaguely. I --

20 THE COURT: Do you recall what your answer was?

21 THE WITNESS: That I probably wouldn't -- during the
22 divorce proceedings I wouldn't -- I wouldn't have had much
23 conversations with her. Right? I -- I believe that -- I'm
24 not sure if that's what I said.

1 BY MR. KARACSONYI:

2 Q Okay. Do you recall your answer being, around the
3 time of the divorce, at the time of the divorce I wasn't
4 speaking with her?

5 MR. SOLOMON: That's not impeachment, it's exactly
6 what she's testified to here.

7 THE COURT: She said not much contact since divorce,
8 is what she testified to.

9 BY MR. KARACSONYI:

10 Q All right. Do you recall I asked you, how about in
11 2008? Do you recall how often you would speak with her? Do
12 you recall that question?

13 MR. LUSZECK: Can I get the page number on that?

14 MR. KARACSONYI: 169. Line 13.

15 BY MR. KARACSONYI:

16 Q And do you recall your answer being, I don't
17 remember?

18 A I mean I vaguely remember that question, but I'm not
19 sure. Like I -- like I said, during the -- these divorce
20 proceedings I haven't had much contact with her. No. So ...

21 Q Okay. Do you remember in 2008 your answer being, I
22 don't remember?

23 A I don't -- if that's what I said, then I must have
24 said that. But ...

1 Q Now you're a notary public, correct?

2 A Correct.

3 Q And you've been a notary public for over ten years
4 now?

5 A What years? Approximately.

6 Q Okay. Now, you recall when we took your deposition
7 we asked -- you were also asked to produce your notary journal
8 from 1993 to present, with regards to Eric and Lynita Nelson?

9 A Correct.

10 Q Do you recall that?

11 A Correct.

12 Q And you did, in fact, produce that, correct?

13 A Correct.

14 Q Okay. I'm going to show you what I'm going to mark
15 as Exhibit CCCCC.

16 MR. DICKERSON: 5 C's.

17 (Attorneys confer.)

18 MR. KARACSONYI: Did I give Rhonda a copy?

19 MS. FORSBERG: He did. He did.

20 MR. LUSZECK: I gave Rhonda.

21 MR. KARACSONYI: Oh, okay.

22 MS. FORSBERG: Yes, he did.

23 MR. KARACSONYI: I didn't forget about you. I heard
24 that.

1 MS. FORSBERG: Okay.

2 MR. SOLOMON: We think you heard us over there.

3 MS. FORSBERG: Yeah, yeah, we heard.

4 MR. SOLOMON: And that's why you (indiscernible).

5 MR. KARACSONYI: No, no, I just --

6 MS. FORSBERG: Bob wasn't being a male chauvinist.

7 We know.

8 MR. KARACSONYI: -- it's just a circle.

9 (Defendant's Exhibit CCCCC marked for identification.)

10 BY MR. KARACSONYI:

11 Q Take a look at what's been marked as Exhibit CCCCC.

12 (Attorneys confer.)

13 Q Okay.?

14 A Uh-huh (affirmative).

15 Q Now, this is the notary journal that you produced to
16 us, correct?

17 A At the deposition, correct.

18 MR. KARACSONYI: I move to admit this exhibit,
19 CCCCC.

20 MR. SOLOMON: I know what you're saying, but why
21 doesn't this have the rest of the pages.

22 MR. LUSZECK: I don't know. That's what I'm saying.
23 I don't know.

24 MR. SOLOMON: That's interesting.

1 MR. KARACSONYI: It has all the pages.

2 MR. DICKERSON: Oh wait, she does -- she deletes --
3 as a confidentiality, she --

4 MR. KARACSONYI: Oh, yeah. You guys did that.

5 MR. LUSZECK: No. There's a Bates Number 325 and
6 326 that I'm not seeing in there.

7 MR. SOLOMON: That have Lynita's signature on it, so
8 they're relevant.

9 MR. KARACSONYI: Then you never produced them.

10 MR. LUSZECK: They were in our third --

11 MS. FORSBERG: No, they were put in.

12 MR. LUSZECK: -- set of disclosures.

13 MS. FORSBERG: I saw them.

14 MR. LUSZECK: Our third supplement.

15 MR. KARACSONYI: Third supplement?

16 MR. DICKERSON: This is what you produced -- this is
17 what you --

18 MS. FORSBERG: I remember seeing them.

19 MR. SOLOMON: Do you have any objection to adding to
20 those and then --

21 MR. KARACSONYI: No. Yes, we do --

22 MR. SOLOMON: -- I won't object to this.

23 MR. KARACSONYI: -- because we asked her at the
24 deposition, several times.

1 MR. SOLOMON: Well, maybe you showed her an
2 incomplete document, counsel.

3 MR. KARACSONYI: It's what was brought.

4 MR. DICKERSON: That's what she brought, counsel.

5 THE COURT: I don't know what they got. They got
6 something different than that?

7 MR. LUSZECK: That's why I was looking --

8 THE COURT: I'm not sure.

9 MS. FORSBERG: Yes.

10 THE COURT: I haven't looked at it yet, because it's
11 not admitted yet. I don't know if you've got something
12 different or shows pages on that, or she could look at it, see
13 if -- because I'd like the entire document, if you got one. I
14 don't know what's in it and I haven't looked at it yet,
15 because it's not admitted. But if you've got some concern
16 that there's a couple pages missing for it, is that the
17 concern?

18 MS. FORSBERG: There are a couple pages. I've
19 received the same document.

20 THE COURT: Okay. Why don't you guys look at them
21 and see if you're in agreement that that's part of the log or
22 not a log, or she can look at it. Or, if you think that -- I
23 don't know if you've got the log -- I imagine you got the log
24 from -- Mr. Dickerson, you got the log from them, I would

1 imagine, through discovery?

2 MR. DICKERSON: This was produced by them. We never
3 received --

4 THE COURT: That's what I thought. That's what I
5 said.

6 MR. DICKERSON: And this was produced for her
7 deposition.

8 THE COURT: Okay. Let me see it there. To see if
9 there's a part missing, we'll look at it and put it together
10 if there is things missing. I don't know.

11 (Attorneys confer.)

12 MR. DICKERSON: Your Honor, we have the original of
13 her deposition transcript that we can publish.

14 THE COURT: Well, that'd be attached as an exhibit?
15 Is that what --

16 MR. KARACSONYI: Yes, Your Honor.

17 MR. DICKERSON: Let's -- do you have a copy --

18 THE COURT: Want to see what was produced there and
19 see if it was --

20 MR. LUSZECK: It was disclosed on May 24th.

21 THE COURT: I think there's --

22 (Attorneys confer.)

23 MR. SOLOMON: We have two volumes, Your Honor.

24 THE COURT: Well, publish that. Look at that and --

1 MR. SOLOMON: What's the date of the deposition?

2 MR. KARACSONYI: There were two dates. March 29th
3 and May 14th.

4 MR. DICKERSON: So, we will publish her deposition.

5 MR. SOLOMON: So, it was after the 1st and before
6 the second?

7 MR. LUSZECK: No, after the second.

8 (Attorneys confer.)

9 THE COURT: You want to publish those, because
10 that's attached as an exhibit. Is that correct?

11 MR. KARACSONYI: March 29th and May 14th, this year.

12 MR. SOLOMON: Oh, yeah. This is after -- we
13 disclosed these after her deposition.

14 THE COURT: So --

15 MR. SOLOMON: All right. I'll handle it on cross.

16 (Attorneys confer.)

17 THE COURT: Do we need to publish it or you just
18 want to admit that exhibit? I don't know, you said there's a
19 couple pages missing. If not, if they're in agreement with
20 the one you've got there, I'm fine. I don't know if you
21 thought two pages were missing or you want to deal with that?

22 MR. SOLOMON: Yeah, you want to go look at that and
23 see if they're in there?

24 THE COURT: You want to look at that and see if you

1 think that's -- before we --

2 MR. SOLOMON: I understand he deposition transcript
3 apparently has some --

4 MR. LUSZECK: I don't -- those weren't disclosed
5 till after the deposition, is my understanding.

6 MR. SOLOMON: Okay.

7 MR. LUSZECK: I think she went back and looked and
8 found a couple of additional pages. So, I don't --

9 MR. SOLOMON: I see.

10 MR. LUSZECK: -- I don't believe it would be --

11 MR. SOLOMON: Okay.

12 MR. LUSZECK: -- it's not going to be in the
13 exhibits, to the deposition.

14 THE COURT: So, the exhibits in the deposition would
15 be --

16 MR. DICKERSON: When was this -- and when were these
17 disclosed?

18 MR. LUSZECK: May 24th.

19 MR. DICKERSON: And what --

20 MR. SOLOMON: 2012, on the third disclosure.

21 MR. DICKERSON: -- what production? What
22 production?

23 MS. FORSBERG: Third.

24 MR. LUSZECK: Third set --

1 MR. SOLOMON: Third.

2 MR. LUSZECK: -- of disclosures.

3 THE COURT: And this would have been before -- this
4 deposition would have been before --

5 MR. SOLOMON: No, it was right after.

6 THE COURT: -- the final disclosure?

7 MS. FORSBERG: No.

8 MR. DICKERSON: Can I see want to see what was
9 produced?

10 THE COURT: You got a full thing, so you can see
11 what page you think's missing? Because you're thinking
12 there's a couple more pages that were added to the journals?
13 Is that what --

14 MR. DICKERSON: They want to go through -- if they
15 want to go through the --

16 THE COURT: You want to go through this? And I'll
17 give you a chance, on cross to go through those pages missing,
18 to put it together and see if it was left out or whatever, so
19 we get -- fair?

20 MR. SOLOMON: Okay.

21 THE COURT: We'll admit CCCCC, subject to the cross
22 examination to add other pages. If you need a chance to look
23 at everything, if there's additional pages to that journal, as
24 long as she can identify those as being part of her journal.

1 Then we can deal with what happened to it afterwards, if we
2 need to. But -- and we'll just supplement that based on
3 cross, to see if there's pages missing or inadvertently left
4 out or whatever, we'll deal with it.

5 (Defendant's Exhibit Number CCCCC received into
6 evidence.)

7 THE COURT CLERK: You're not publishing it?

8 THE COURT: No, I don't think we need to publish at
9 this time, since ...

10 BY MR. KARACSONYI:

11 Q Okay. Do you recall, at the time of your
12 deposition, me asking whether these are all the pages that
13 were signed in your notary book, by either Eric or Lynita
14 Nelson? Do you recall that question?

15 A I do recall the question. Yes.

16 Q And your answer was correct. Do you recall that
17 answer?

18 A I believe I went later on and said I think there's -
19 - it's not all here. But I remember looking through it. At
20 one point you had gone through and had me look through
21 everything. So I do remember that and remember not seeing
22 those pages in here. And that would have been what they're
23 talking about.

24 Q Did you look through your notary journal before you

1 came to your deposition?

2 A Yes.

3 Q Okay. And did you make a conscientious effort to
4 comply with the subpoena that was served upon you?

5 A Yes.

6 Q Okay. And did you pull every entry that was either
7 referenced Eric or Lynita Nelson, at that time?

8 A Yes.

9 Q And you recall I asked you several times, at your
10 deposition, actually, whether or not you had brought all
11 entries pertaining to the parties, correct?

12 A And I believed so, yes.

13 Q And you -- and at those -- that time you told me you
14 had, correct?

15 A I believe so. Uh-huh (affirmative).

16 Q Now, if you go through Exhibit CCCC (sic) can you
17 tell the Court whether Lynita Nelson's signature appears
18 anywhere in the notary journal that you had -- that's been
19 marked as CCCCCC (sic).

20 A Not in this stack of exhibits, no.

21 MR. KARACSONYI: Court's indulgence. One second.

22 (Pause in proceedings.)

23 BY MR. KARACSONYI:

24 Q Actually, before we go to that, can we go to BBBBB.

1 A Where is it?
2 MR. DICKERSON: 5 B's
3 MR. KARACSONYI: 5 B's.
4 THE COURT: B's.
5
6 BY MR. KARACSONYI:
7 Q Do you have that?
8 A I'm not sure.
9 Q It's in that book.
10 A It's in this?
11 MR. SOLOMON: Which B or is it 5 B's --
12 THE COURT: 5 B's.
13 MR. SOLOMON: -- or 4 B's?
14 MR. KARACSONYI: 5.
15 MR. DICKERSON: B's, 5 B's.
16 THE COURT: To be or not to be, I guess it's 5 B's.
17 (Participants confer.)
18 MR. KARACSONYI: Well, there's AAAA.
19 THE WITNESS: And there's a CCCC. There's no B in
20 here.
21 (Participants confer.)
22 THE COURT CLERK: It might be up at the table.
23 THE COURT: Let's see if it's laying loose on there.
24 THE WITNESS: I didn't --

1 THE COURT CLERK: Underneath that one book.
2 THE WITNESS: Oh.
3 THE COURT: Let's see if it's under the book there.
4 MR. KARACSONYI: Here it is.
5 (Pause in proceedings.)
6 BY MR. KARACSONYI:
7 Q Okay. Is that your notary stamp there, on the
8 bottom of the application for Assessment of Taxation of
9 Agricultural Land?
10 A Yes.
11 Q Okay. Is -- okay, and in the notary journal that's
12 been marked as CCCCCC (sic) do you have any entry for that
13 notarization -- notarial act?
14 A Let's see. No.
15 Q Okay. If you can turn to page -- it's going to be
16 the third page in, it's a Grant Bargain Sale Deed.
17 A Okay. But it's -- there's two stapled and then the
18 next page, is that what you're --
19 Q Right. Right.
20 A Okay. Okay.
21 Q The next staples --
22 A Okay.
23 Q Okay. Now, if you can turn to the second page of
24 that document.

1 A Yes.

2 Q Okay. Is that your notary stamp?

3 A Yes.

4 Q Okay. Is that your signature?

5 A Yes.

6 Q Okay. And do you have an entry in your notary book
7 for that notarial act?

8 A No.

9 Q If you can go to the next document. It says Water
10 Deed at the top.

11 A Yes.

12 Q Is that your notary stamp?

13 A Yes.

14 Q Is that your signature?

15 A Yes.

16 Q Okay. And do you have an entry in your notary book
17 for this notarial act?

18 A No. No.

19 Q With regards to any of these, you don't have a
20 signature by Lynita Nelson in your notary book, correct?

21 A I'm just looking at these dates real quick. Hang
22 on.

23 THE COURT: Okay. Take your time. Go through
24 the --

1 THE WITNESS: Okay. You want me to go through this
2 whole stack here? Is that you -- you want me to look through
3 this whole stack? Is that what you're asking?

4 BY MR. KARACSONYI:

5 Q No, I was asking --

6 A Oh.

7 Q -- you're -- again, Lynita Nelson's signature
8 doesn't appear in your notary book there marked as CCCCC?

9 A On -- you want me to go through this whole stack,
10 though, correct? Is that what you want me to look through or
11 just -- I'm -- I'm sorry.

12 MR. SOLOMON: No, he's not asking that.

13 MR. KARACSONYI: No, no.

14 THE WITNESS: Okay.

15 MR. KARACSONYI: No.

16 THE WITNESS: So, you just wanted -- I'm sorry.

17 MR. SOLOMON: Just let him ask another question.

18 THE WITNESS: Okay.

19 MR. KARACSONYI: Yeah.

20 BY MR. KARACSONYI:

21 Q Okay. Can you go to the Warranty Deed?

22 A What's the date on that? The --

23 Q The warranty dated -- it looks like it's dated
24 February 26, 2004.

1 A Yes.

2 Q Okay. Is that your signature on the bottom?

3 A Yes.

4 Q Okay. And do you have a signature there of Lynita
5 Nelson or a -- well, do you have a signature of Lynita Nelson
6 in your notary journal on that date?

7 MR. SOLOMON: Your Honor, she already testified CCCC
8 (sic) doesn't have Lynita's signature, so this makes no sense
9 to go back and point a document and then go back and say, is
10 it there. I mean, what a waste of time.

11 THE COURT: Not unless there's documents -- you want
12 to review those documents --

13 MR. DICKERSON: So, they'll stipulate it's not in
14 there?

15 THE COURT: -- see if there's any one in there? Do
16 you want to go through --

17 MR. DICKERSON: If they'll stipulate it's not in
18 there, that's fine.

19 (Attorneys confer.)

20 THE COURT: -- if all those are not, I don't know if
21 they're all included in the --

22 BY MR. KARACSONYI:

23 Q Okay. Is that your signature?

24 A On the 2/26/04? Yes.

1 Q Okay. And do you have any entry --

2 THE COURT: I don't know if these were all -- not
3 all of these were notarized by Ms. Rochelle.

4 MR. SOLOMON: No, there's seven different notaries
5 in here, as a matter of fact.

6 MR. KARACSONYI: No, no, no. I'm going through.

7 THE COURT: Any other ones she had done that -- I
8 don't know how many more she has in there that she had
9 notarized.

10 MR. KARACSONYI: We're going to go now to
11 Intervener's Exhibit 167.

12 MR. DICKERSON: Let me get that for her.

13 THE COURT: That's the -- that'd be in the big book.
14 That'd be the last one in the big book.

15 (Pause in proceedings.)

16 MR. LUSZECK: 166?

17 THE COURT: 167, I think he said.

18 MR. SOLOMON: 167.

19 MR. LUSZECK: 167.

20 BY MR. KARACSONYI:

21 Q Okay. Can you turn to the page marked Defendant's
22 DEF004670, in the right hand corner?

23 MR. SOLOMON: Can you repeat the number?

24 MR. KARACSONYI: 4670.

1 BY MR. KARACSONYI:

2 Q Are you there?

3 A Yes. I'm sorry.

4 Q Okay.

5 MR. SOLOMON: We're not.

6 THE WITNESS: I thought I was waiting on you.

7 MR. KARACSONYI: Okay. We're good.

8 MR. SOLOMON: We're still trying.

9 THE WITNESS: It's near the back.

10 MR. SOLOMON: Oh, it's near the back? Of course.

11 THE COURT: Yeah, they're -- they bounce around.

12 Yeah.

13 MR. KARACSONYI: Yeah, it's very far back.

14 MR. SOLOMON: Oh, no.

15 MR. LUSZECK: What?

16 MR. SOLOMON: We went all the way back, we didn't
17 find it.

18 MR. KARACSONYI: It's after 166 but before 168.

19 MR. SOLOMON: There it is.

20 MR. LUSZECK: There we go.

21 THE WITNESS: They're not in order.

22 MR. SOLOMON: Oh, and it's tagged no less.

23 BY MR. KARACSONYI:

24 Q Okay. You found 4678, yeah? Okay. Is that your

1 signature there on that page?

2 A Yes.

3 Q Okay. And that's your notary stamp?

4 A Yes.

5 Q Okay. And I assume there's no entry in your notary
6 book pertaining to this notarial act, correct?

7 A Correct.

8 Q Okay. Now we go to the next page, 6417, on the
9 bottom. Is that your signature there, ma'am?

10 A Yes.

11 Q Okay. Is that your notary stamp?

12 A Yes.

13 Q And I assume there's no entry in your notary journal
14 related to this notarial act, correct?

15 A Right. Correct.

16 Q Okay. Now, if you'll flip a few more pages to -- or
17 two more pages to 11606.

18 A Okay.

19 Q Okay. Is that your signature there?

20 A Yes.

21 Q Okay. Is that your notary stamp?

22 A Yes.

23 Q Okay. And there's no entry in your notary journal
24 for this notarial act, correct?

1 A Correct.

2 Q Now, if you'll flip about three or four more --
3 well, yeah, three or four more pages to 6093 and 6094, it's a
4 Grant Bargain Sale Deed. Are you there?

5 A Okay.

6 Q And you turn to the second page of the deed, you see
7 your -- is that your signature there?

8 A Yes.

9 Q Is that your stamp?

10 A Yes.

11 Q And there's no entry in your notary journal for this
12 notarial act, correct?

13 A Correct.

14 MR. KARACSONYI: Okay. Court's indulgence. One
15 second.

16 (Pause in proceedings.)

17 BY MR. KARACSONYI:

18 Q Okay. Now, there were times when Lynita would sign
19 documents and you would notarize them without her present,
20 correct?

21 A Correct.

22 Q Okay. And there were times when Eric brought you
23 back documents that -- saying that Lynita had signed them and
24 asked you to notarize them, correct?

1 A I would -- if there was something that needed to be
2 notarized, I would have had conversation with Lynita. Yes.
3 And they would -- if they would have been brought back by
4 Eric, possibly in that situation, Eric may bring -- brought
5 them back. Yes.

6 Q Okay. And then you would notarize them?

7 A After I'd verified with her. Yes.

8 MR. KARACSONYI: I'm going to mark this as the next
9 exhibit, Exhibit DDDDD.

10 (Defendant's Exhibit DDDDD marked for identification.)

11 BY MR. KARACSONYI:

12 Q Now, I want you to turn to, if you could --

13 (Attorneys confer.)

14 Q Starting the first page, is that your signature on
15 that check?

16 A Yes.

17 Q Okay. And this is for Lindell Professional Plaza
18 and there's a memo that says management fee?

19 A Yes.

20 Q Okay. Can you go through all these and tell me are
21 these all your signatures on these checks?

22 A Yes.

23 MR. KARACSONYI: Okay. Move to admit DDDDD.

24 THE COURT: I think they're still going through it.

1 Wait till they have a chance to.

2 MR. SOLOMON: No objection.

3 MS. FORSBERG: No objection, Your Honor.

4 THE COURT: They're going to admit it as 5 D's.

5 (Defendant's Exhibit DDDDD received into evidence.)

6 BY MR. KARACSONYI:

7 Q Okay. Now, this first one says management fee, and
8 this is a check written to Eric Nelson, correct?

9 A Yes.

10 Q What is that management fee for?

11 A Now I'm not -- I'm trying to remember what that's
12 for. You know, I'm not sure.

13 Q Who directed you to write this check?

14 A I'm sorry?

15 Q Who directed you to write this check?

16 A It probably was Lana or Lynita, I would have -- I
17 kind of took over the books from Lana, so ...

18 Q Okay. All of these, you'll agree, if you look
19 through all these checks, they say management fee on the
20 bottom, except for 1855?

21 A Yes.

22 Q Do you know what any of these are for?

23 A I'm just wondering -- you know, I'm not sure. I
24 think those were -- had something to do with there was a lease

1 or some -- I'm not sure.

2 Q Okay. And who was the holder -- who was the owner
3 of Lindell Professional Plaza in 2005?

4 A This was when? Was this 2005?

5 (Attorneys confer.)

6 Q Okay. Now I want to go to KKKK. Can you go to --
7 turn to Check 1562?

8 MR. DICKERSON: Let me actually --

9 THE WITNESS: In that same stack?

10 MR. DICKERSON: Let me assist her, if I may. I
11 know.

12 THE WITNESS: This stack? Oh.

13 (Pause in proceedings.)

14 MR. DICKERSON: The Check Number 1562 that he
15 references, in the second packet, behind the Back of America
16 statement for Eric L. Nelson Nevada Trust.

17 MR. SOLOMON: Bob, I can't hear you, number one.
18 So --

19 MR. DICKERSON: Okay. It's the July 1st of July
20 31st statement for the Eric Nelson Trust at Bank of America.
21 It's --

22 MR. SOLOMON: The Eric Nelson Trust?

23 MR. DICKERSON: Yeah. If you go to the second blue
24 sheet, it's just part of the exhibit.

1 MR. SOLOMON: All right. I'm having trouble finding
2 it.

3 MR. DICKERSON: Hold on. I am wrong. Is that KKKK?
4 Oh no, I'm sorry. It's the third group. My fault.

5 MR. SOLOMON: That's why.

6 MR. DICKERSON: It's the third group.

7 MR. SOLOMON: Third blue sheet.

8 MR. DICKERSON: And it's the -- Number 1562 is the
9 check made payable to Wells Fargo.

10 MR. SOLOMON: 1562. Wow. No Bates stamps, no
11 nothing.

12 MR. KARACSONYI: Are you there, counsel, yet?

13 MR. SOLOMON: Hold on. I'm having difficulty.

14 (Attorneys confer.)

15 MR. KARACSONYI: Okay. Is everyone there?

16 BY MR. KARACSONYI:

17 Q Is that your signature on that check?

18 A Yes.

19 Q Okay. And what is this check for?

20 A If I'm looking at the -- the memo that -- she had a
21 line of credit over there, so that would have been paying that
22 line of credit, I believe.

23 Q At Wells Fargo?

24 A Yes.

1 Q Whose name was the line of credit in?

2 A I believe it was in Lynita's trust.

3 Q The next page -- can you go to the next page?

4 A Uh-huh (affirmative).

5 Q Do you know whether Lynita's trust ever had a line
6 of credit?

7 A At Wells Fargo she did, I know that, yes.

8 Q Is that your signature on the next check, 1563?

9 A Yes.

10 Q And is this a line of credit payoff for Grata
11 Financial?

12 MR. SOLOMON: For what?

13 MR. KARACSONYI: Grata.

14 THE WITNESS: No.

15 BY MR. KARACSONYI:

16 Q Who had a line of credit? What entity had a line of
17 credit at Irwin Union Bank (ph) to your knowledge?

18 A You know, I'm not sure who had a line of credit
19 payoff or it says line of credit payoff, but I'm not sure who
20 had the line of credit at Irwin. But -- I don't -- I mean, I
21 don't really do anything with Grata, so I wouldn't ...

22 Q Okay. Who directed you to write this check?

23 A You know, I'm not sure. It -- I mean, it would have
24 had to have been -- I mean, I -- I'm not sure.

1 Q Okay. Can you turn to JJJJ.
2 MR. SOLOMON: It's not in here.
3 THE WITNESS: Is that -- what number were we on?
4 (Attorneys confer.)
5 THE WITNESS: There's nothing in there.
6 BY MR. KARACSONYI:
7 Q There's nothing in 4 J's?
8 A Nope.
9 Q Maybe we took it out.
10 A Oh, wait. There it is.
11 MR. DICKERSON: There it is.
12 BY MR. KARACSONYI:
13 Q Okay. On that second page of 4 J, do you see --
14 MR. SOLOMON: Hold on. We don't have it yet. I'm
15 sorry. It's not in the binder --
16 MR. KARACSONYI: Okay.
17 MR. SOLOMON: -- our binder either.
18 (Attorneys confer.)
19 BY MR. KARACSONYI:
20 Q Okay. And on the second page there, you see a
21 check, is that your signature on it? 1769, check 1769?
22 A Yes.
23 Q Okay. And it says in the memo, management fee.
24 What was this for?

1 A I've not a clue. I don't know. I don't remember.

2 Q Okay. And that's a check in the amount of 350,000
3 it looks like, correct?

4 A Yes.

5 Q To Eric Nelson, individually?

6 A (No audible response.)

7 Q Okay. You used to -- you were, at point managed the
8 properties for the LSN Trust, correct?

9 A Yes.

10 Q Okay. Okay. Did you ever talk to Lynita Nelson
11 about any specific investment decisions with regards to the
12 LSN Trust, while you were the manager?

13 A Yes.

14 Q Okay. Do you recall me asking you, at your
15 deposition, did you ever talk to her about any specific
16 investment decisions with regards to the LSN Trust, and your
17 answer being, I don't remember anything specifically, no? Do
18 you recall that?

19 A Probably -- yes.

20 Q Okay.

21 MR. LUSZECK: What page was that?

22 MR. KARACSONYI: That was on Page 211, Lines 8
23 through 10, counsel.

24 BY MR. KARACSONYI:

1 Q Can you recall any specifics of Ms. Nelson ever
2 instructing you to acquire a certain piece of property or
3 assist -- or Ms. Nelson insisting in acquiring a certain piece
4 of property?

5 A I'm sorry, what was the question?

6 Q You -- can you recall any specifics of Ms. Nelson
7 instructing you to acquire a certain piece of property, or
8 assist in acquiring a certain piece of property?

9 A Anything specific?

10 Q Can you recall any specific?

11 A Nothing specific.

12 Q Do you ever recall any specific conversations with
13 her, or communications with her, wherein she instructed you to
14 sell a piece of property and get involved with the sale of a
15 piece of property?

16 A Do I -- I'm sorry, what was your question again?
17 You're talking a little fast.

18 Q Do you ever recall Mrs. -- any specific
19 conversations with Ms. Nelson, or communications with her
20 wherein she instructed you to sell a piece of property or get
21 involved with the sale of a piece of property?

22 A Nothing that I can recollect at this time.

23 Q Okay. Did you ever interview with Ms. Nelson with
24 the position of managing the LSN Trust?

1 A No.

2 Q Okay. Did you ever schedule or conduct meetings for
3 the LSN Trust?

4 A Did I schedule or conduct meetings?

5 Q Yes.

6 A No.

7 Q For the LSN Trust?

8 A No.

9 Q Okay. Did you ever have any -- hold on, excuse me.
10 Strike that.

11 Do you recall ever having any in-person meetings
12 with Lynita Nelson regarding the business of the LSN Nevada
13 Trust?

14 A Yes.

15 Q Okay. Do you recall, at your deposition, I asked
16 you, do you recall ever having any meetings -- do you recall
17 any specific in-person meetings with Lynita Nelson regarding
18 the business of the LSN Nevada Trust, and your answer being,
19 in-person business meetings, question mark, not that I can
20 remember? Do you recall that?

21 A Yes.

22 Q Okay. Do you recall having any meetings between
23 you, Lynita and Lana Martin, in person, regarding the business
24 of the LSN Trust?

1 A Yes.

2 Q Okay. Do you recall, at your deposition, I asked
3 you, then it's safe to say, you don't recall any meetings
4 between you, Lynita and Lana Martin, in person, regarding the
5 business of the trust, correct? And your answer being,
6 nothing that I can remember at this time. No. Do you recall
7 that?

8 A Yes.

9 MR. LUSZECK: Can we have a page number for that?

10 MR. KARACSONYI: Page 223.

11 MR. LUSZECK: Thank you.

12 BY MR. KARACSONYI:

13 Q Did you ever have any telephone conferences with
14 yourself and Lynita and Lana Martin regarding the LSN Trust?

15 A Not -- no three -- no three-way conversation, but I
16 was on the -- I did --

17 Q You spoke to --

18 A -- I had phone conversations.

19 Q -- each of them individually --

20 A Correct.

21 Q -- but you've never spoke to the three of them
22 together on the phone, correct?

23 A On the phone, correct.

24 Q Or the two of them, the third person being yourself?

1 A Right.

2 Q Okay.

3 A Right.

4 MR. KARACSONYI: Court's indulgence one second. I
5 think we're finished.

6 (Pause in proceedings.)

7 MR. KARACSONYI: That's it. No further questions.

8 THE COURT: You want to take --

9 MR. SOLOMON: Yeah, can I have a couple minutes --

10 THE COURT: -- about a ten minute break?

11 MR. SOLOMON: -- so I can look at a couple exhibits?

12 THE COURT: We're going to take a ten minute break
13 or so, and then we'll get you back and try to get you out of
14 here. Okay?

15 (Recess taken from 14:39:25 to 14:55:05)

16 * * * * *

17 ATTEST: I do hereby certify that I have truly and
18 correctly transcribe the digital proceedings in the above-
19 entitled case to the best of my ability.

20

21 /s/ Susan LaPooh

22 Susan LaPooh, CET

23

24

1 TRANS

2
3 COPY

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JUL 23 2014

Ann L. Sullivan
CLERK OF COURT

4
5
6 EIGHTH JUDICIAL DISTRICT COURT
7 FAMILY DIVISION
8 CLARK COUNTY, NEVADA
9

10
11 ERIC L. NELSON,)
12 Plaintiff,) CASE NO. D-09-411537-D
13 vs.) DEPT. L
14 LYNITA NELSON,) (SEALED)
15 Defendant.)
16

17
18 BEFORE THE HONORABLE FRANK P. SULLIVAN
19 DISTRICT COURT JUDGE

20
21 TRANSCRIPT RE: NON-JURY TRIAL - VOL II

22 TUESDAY, JULY 24, 2012
23
24

IN THE SUPREME COURT OF THE STATE OF NEVADA

MATT KLABACKA, Distribution Trustee
of the Eric L. Nelson Nevada Trust dated
May30, 2001,

Appellant/Cross Respondent.

vs.

LYNITA SUE NELSON, Individually and in
her capacity as Investment Trustee of the
LSN NEVADA TRUST dated May 30,
2001; and ERIC L. NELSON, Individually
and in his capacity as Investment Trustee of
the ELN NEVADA TRUST dated May 30,
2001;

Respondents/Cross-Appellants.

MATT KLABACKA, as Distribution
Trustee of the Eric L. Nelson Nevada Trust
dated May30, 2001,

Appellants,

vs.

ERIC L. NELSON; LYNITA SUE
NELSON, INDIVIDUALLY; AND LSN
NEVADA TRUST DATED MAY 30, 2001,

Respondents.

Supreme Court Case No. 66772

**District Court Case No. D-09-
411537**

Electronically Filed
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Clerk of Supreme Court

Consolidated With:

Supreme Court Case No. 68292

**RECORD ON APPEAL
VOLUME 17**

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11	04/05/2012	Supplement to Opposition to Motion for Payment of Attorneys' Fees and Costs, and Countermotion for Receiver, Additional Injunction, and Fees and Costs	2624 – 2629
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26, 27	05/30/2001	The Eric L. Nelson Nevada Trust (Admitted as Intervenor Trial Exhibit 86)	6475 – 6508
12	07/06/2012	The Eric L. Nelson Nevada Trust's Pretrial Memorandum	2783 – 2849
26	07/13/1993	The Eric L. Nelson Separate Property Trust (Admitted as Intervenor Trial Exhibit 7)	6313 – 6341
26	05/30/2001	The LSN Nevada Trust (Admitted as Intervenor Trial Exhibit 25)	6395 - 6433
26	07/13/1993	The Nelson Trust (Admitted as Intervenor Trial Exhibit 5)	6283 - 6311
20, 21	08/01/2013	Transcript Re: All Pending Motions	4991 – 5039
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22	10/21/2013	Transcript Re: All Pending Motions	5288 – 5347
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22, 23	06/04/2014	Transcript RE: Decisions	5495 – 5552

20	06/19/2013	Transcript Re: Motion	4813 – 4846
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13, 14	07/17/2012	Trial Transcript Re: Non-Jury Trial	3181 – 3406
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22	05/30/2014	Trial Transcript RE: Non-Jury Trial	5348 – 5494
15	07/19/2012	Trial Transcript Re: Non-Jury Trial – Vol. I	3585 – 3714
16	07/23/2012	Trial Transcript Re: Non-Jury Trial – Vol. I	3839 – 3943
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15, 16	07/19/2012	Trial Transcript Re: Non-Jury Trial – Vol. II	3715 – 3802
16, 17	07/23/2012	Trial Transcript Re: Non-Jury Trial – Vol. II	3494 -4049
17, 18	07/24/2013	Trial Transcript Re: Non-Jury Trial – Vol. II	4188 – 4278
18, 19	07/25/2012	Trial Transcript Re: Non-Jury Trial – Vol. II	4448 -4514
12, 13	07/16/2012	Trial Transcript Volume I	2930 – 3120
13	07/16/2012	Trial Transcript Volume II	3121 – 3180
26	02/17/2009	Trust Agreement of the Total Amendment and Restatement of the Nelson Trust (Admitted as Intervenor Trial Exhibit 14)	6351 – 6381
30	03/31/2011	Trust Ownership-Distribution Report of Larry Bertsch (Admitted as Exhibit GGGGG at Tab 9)	7397 – 7399
19	09/28/2012	Verified Memorandum of Attorneys' Fees and Costs	4611 – 4627

1 of trust and that's what this document is saying.

2 Q Right.

3 A So is it the certificate of trust in Exhibit A the
4 same thing?

5 Q No, I'm going to get there. I'm just -- let's take
6 this one step at a time. She sends you this email and she
7 attached to the email the certificate of trust agreement for
8 you --

9 A Oh, right.

10 Q -- to sign and return, correct? Just stop there and
11 then we'll go to the next step.

12 A That's what it's saying. That's --

13 Q Yes, it is.

14 A -- what it's saying.

15 Q And then you're replying after you got this
16 attachment --

17 A Right.

18 Q -- you're saying back to her I need a copy of
19 Exhibit A it is referring to.

20 A Okay. Oh, I see. Okay. Yeah, at D.

21 Q Are you with me now? And I'm --

22 A At D.

23 Q -- suggesting to you that on Page 1 of that
24 attachment at D --

1 A Yes.

2 Q -- it says see Exhibit A attached to your two. But
3 it's --

4 A It's --

5 Q -- not attached.

6 A That's right.

7 Q So you wrote her back and said I need the Exhibit A.

8 A Right.

9 Q Is that right?

10 A Uh-huh (affirmative).

11 Q Okay. So here's an instance where you read
12 something, right? Because you figure it out after reading it
13 that it had an exhibit that was supposed to be attached.

14 A Yeah, no --

15 Q And you noticed it hadn't been attached. So instead
16 of signing the document, because you sign everything that Eric
17 hands to you or asked you to sign, this time, you took time,
18 you read it and you said hold on, there's not an Exhibit A, so
19 I'm not going to sign this thing until I ask where it is and
20 get it. Isn't that what happened here?

21 MR. DICKERSON: I'll generally object to the form of
22 the question, but I think she understands.

23 THE WITNESS: Well, yeah. It's in 2008 too. So --

24 MR. SOLOMON: Okay. Move to admit

1 MR. DICKERSON: No objection.

2 MS. FORSBERG: No objection.

3 THE COURT: Hereby admitted as Exhibit 78?

4 MS. PROVOST: 76.

5 THE COURT: 76. I'm sorry.

6 (Intervener's Exhibit 76 admitted)

7 BY MR. SOLOMON:

8 Q Turn to 77.

9 A Sure. Okay. I'm there.

10 Q All right. This is a change of distribution trustee
11 for the LSN Nevada Trust and it's dated January 27th, 2009.

12 Isn't it a fact that on or before that date you went to Jeff
13 Burr and asked him to exercise his power as the trust --

14 MR. DICKERSON: Advisor.

15 Q Advisor I think he calls himself. Thank you. To
16 change the distribution to Connie Jan Van Borum.

17 A I need to answer more than yes or no.

18 Q Did you not go there and ask them to change the
19 distribution trustee?

20 A I did, but you said some things before that that I
21 -- I didn't know. So I did go and change that, but I didn't
22 know that I had to ask him if I could do that. I thought I
23 could just tell him this is what I wanted done.

24 Q Okay. All right. Would you turn to 78?

1 A Sure. Okay.

2 Q Okay. After Connie Van Borum became the
3 distribution trustee, do you recall signing distribution
4 authorization with her?

5 A I signed this one, yes.

6 MR. SOLOMON: Okay. Offer 78.

7 MS. FORSBERG: No objection.

8 MR. DICKERSON: No objection.

9 THE COURT: Hereby admitted as Exhibit 78.

10 (Intervener's Exhibit 78 admitted)

11 BY MR. SOLOMON:

12 Q Would you turn to 79?

13 A Sure. I'm there.

14 Q This is a letter dated February 9, 2009 from Jeff
15 Burr's office to you at the Palmyra residence. Do you recall
16 receiving this?

17 A I don't really.

18 Q Okay. And you received it. Do you remember if you
19 opened it?

20 A I don't remember receiving it, so I wouldn't be able
21 to answer that.

22 Q In 2009 when you received correspondence from Jeff
23 Burr's office, did you open and read it?

24 A More than likely I would be more up to do it then,

1 yes.

2 MR. SOLOMON: Okay. I would offer 79.

3 MR. DICKERSON: No objection.

4 MS. FORSBERG: No objection. No objection.

5 THE COURT: Hereby so admitted as Exhibit 79.

6 (Intervener's Exhibit 79 admitted)

7 BY MR. SOLOMON:

8 Q Turn to Exhibit 80.

9 A Okay. I'm there.

10 Q Okay. Do you recognize this letter that was sent to
11 you on February 9, 2009 by Jeff Burr or his staff? It looks
12 like someone signed for --

13 A Well, it looks like the other ones you've showed me.

14 Q I'm sorry, I can't hear you.

15 A It looks like the other ones you've showed me today.

16 Q Okay. Do you recall receiving this one?

17 A Well, it has my address in it on it, so I suppose.

18 Q But you don't remember it one way or the other, is
19 that correct? Or do you remember this one?

20 A Well, I -- I don't -- I remember just reading things
21 occasionally about Lanaust (ph).

22 Q Okay.

23 A Because I didn't understand that, so --

24 Q Okay. Do you recall reading the third paragraph

1 that says although Nevada law does not require that these
2 trust meetings to be held, we believe the meetings are an
3 integral part of your cost effectiveness as an asset
4 protection tool. Do you recall that sentence?

5 A I have -- I have read that part and I've heard
6 things about that particular part, but I wouldn't have
7 remembered specifically when I read that --

8 Q Okay.

9 A -- in '09.

10 Q All right. Would you turn to the third page of this
11 exhibit? Affidavit of solvency.

12 A Okay.

13 Q And did you sign that?

14 A Well, it looks like my signature, yes.

15 Q You signed it in front of a notary after you were
16 subscribed and sworn, correct?

17 A I did.

18 Q Right? And on the first page of that affidavit of
19 solvency, Bates Stamp Number BURR-00011, Paragraph 3, you said
20 that you have a full right, title and authority to transfer
21 the assets to the trust, did you not?

22 A That's what it says, but I didn't -- I mean, I never
23 would have done that.

24 Q You never would have what?

1 A I said I wouldn't have been able to do that.

2 Q You wouldn't have been able to tell under oath
3 whether or not you have the full right, title and authority to
4 transfer the assets to the trust?

5 A No, that's not what I'm saying. We'll just stay
6 with I see that -- and I'm reading that right now. So I see
7 that that's what it says.

8 MR. SOLOMON: Move for admission of Exhibit 80.

9 MS. FORSBERG: No objection.

10 MR. DICKERSON: No objection.

11 THE COURT: Hereby so admitted as Exhibit 80.

12 (Intervener's Exhibit 80 admitted)

13 BY MR. SOLOMON:

14 Q By the way, Eric Nelson didn't tell you to sign that
15 document, did he, in February 2009?

16 A No, I don't think we were talking at all.

17 Q Turn to 81.

18 A Okay. I'm there.

19 Q Okay. This is a exercise of power appointment for
20 the LSN Nevada Trust executed by you on February 17th, 2009 at
21 Page 7. Do you see your signature there?

22 A Yes.

23 Q Okay. And do you recall -- well, take a look on
24 Page 1 --

1 A Okay.

2 Q -- where it says specific bequest. It says that if
3 the trustor's mother Juanita May Clark (ph), survives you, do
4 you want to set aside sufficient trust assets to ensure that
5 she receives \$2500 a month. Do you see that?

6 A I do. Uh-huh (affirmative).

7 Q Okay. Is that something that you and Mr. Burr
8 discussed and he added to this at your request?

9 A Yes.

10 Q Turn to Page 2. B, it says the trustee shall set
11 aside 10 percent of the trust estate which shall be retained
12 in trust for the perpetual benefit of the grandchildren, great
13 grandchildren of the trustor? Is that something you and Mr.
14 Burr discussed?

15 A Yes.

16 Q And you included in this at your request?

17 A Yes.

18 Q On Page 3, Section 2, it says any remaining property
19 both income and principal of this trust shall be divided into
20 as many equal shares as our children of you who are then
21 living and children who are deceased. And then -- it goes on
22 and puts those shares into trusts until they obtain the age of
23 it looks like 40. Is that something that you discussed with
24 Mr. Burr?

1 A Yeah, I mean, I don't -- I don't really talk like
2 this, so I told him kind of what I had in mind and -- and then
3 he -- then he put it into this, yeah.

4 Q And this is a disposition that you made of the
5 assets in the LSN Trust upon your death without consulting
6 with Eric Nelson, isn't that true?

7 A Are you saying that I made these decisions --

8 Q All by yourself without Eric Nelson's input in
9 February of 2009.

10 A Sure.

11 Q And one of the changes that have been made here is
12 that you were removing Eric as a potential beneficiary of the
13 LSN Trust should you predecease him. Isn't that true?

14 A I guess that's what -- that's what ultimately
15 happened.

16 Q Well, that's why you went to Mr. Burr in fact, isn't
17 it true, to do this?

18 A I wanted to make sure that whenever the divorce was
19 final and over that whatever was mine which I understood was
20 going to be half of everything that we had together was going
21 to be -- that this was going to happen, that whatever this
22 says which is my mom and the children and the grandchildren,
23 that that would happen whenever the divorce was over. I did
24 this in '09, so the divorce was going on. I mean, I didn't

1 know what --

2 Q My question --

3 A -- my assets were.

4 Q My question which you haven't answered so let me try

5 it again --

6 A Will you ask me again?

7 Q I would be happy to.

8 A Thank you.

9 Q Isn't it true that one of your major goals in going

10 to Mr. Burr and executing this document was to remove Eric

11 from your estate plan as a beneficiary should you predecease

12 it?

13 A I think I answered it by saying that I wanted our

14 children to be in there to receive it.

15 Q All right. So the answer is yes.

16 A Okay.

17 Q Thank you. Wasn't that hard. Would you turn to 82?

18 A Okay. I'm there.

19 Q This is a certificate of trust that you executed on

20 May -- I'm sorry. On February 24th, 2009 for the LSN Nevada

21 Trust, is it not?

22 A Let me just look at the date here.

23 Q 8, 7, is that your signature?

24 A Okay. February 24th. Okay.

1 Q Is that your signature?

2 A Yeah.

3 MR. SOLOMON: Offer 82.

4 MS. FORSBERG: No objection.

5 MR. DICKERSON: No objection.

6 THE COURT: Hereby so admitted.

7 (Intervener's Exhibit 82 admitted)

8 BY MR. SOLOMON:

9 Q Would you turn to 83?

10 A Sure. I'm there.

11 Q I'll pass that one. Go to 85.

12 A Okay. I'm there.

13 Q Have you had a chance to look through it? It's --

14 A Oh, did you want me to read it?

15 Q I wanted you to at least look at it and glance to
16 see if you know what it is.

17 A Oh, yeah.

18 Q It's a series of emails in which you were involved
19 in the trail regarding your execution of your request to be
20 involved in the real property work on the lots in Mojave
21 County, right?

22 A Yeah, in my wording though, it's the -- it's a
23 public report. They wanted my signature on. I'm not quite
24 sure that equals what you -- your definition was that you just

1 gave.

2 Q It's fine. On the first page of that exhibit, it
3 says Lynita Nelson requested I contact you to provide
4 information regarding lot she owns in Mojave County, Arizona.
5 There are other owners who own jointly with Lynita and
6 separately from her. In order to sell the lots in the future
7 or to build a public report as required by the Arizona
8 Department of Real Estate. Did you ask Joan Bletsgo [sic].

9 A Bledsoe (ph).

10 Q Bledsoe, I'm sorry. Thank you.

11 A It's actually Ramos. That's her maiden name, but --

12 Q It's Joan Ramos?

13 A Uh-huh (affirmative).

14 Q Did you ask her to contact your attorney about this
15 topic?

16 A Yes.

17 MR. SOLOMON: Offer 85.

18 MS. FORSBERG: No objection.

19 MR. DICKERSON: No objection.

20 THE COURT: Hereby so admitted as Exhibit 85

21 (Intervener's Exhibit 85 admitted)

22 BY MR. SOLOMON:

23 Q Would you turn to 167?

24 A Sure. Okay. I'm there.

1 Q I'm trying to get there myself.
2 A Oh.
3 Q All right. Let's look at the first document. It's
4 Bates Stamp Number DEF-006153. Do you see that?
5 A I do, sir.
6 Q It's a grant bargain sale deed from you and Eric as
7 trustees of what we call the 1991 Family Trust to you as
8 trustee of the Nelson Trust dated July 13, 1993. Is that your
9 signature?
10 A It is my signature.
11 Q All right. Would you turn to the next one,
12 DEF-004761?
13 MR. DICKERSON: Do you want that admitted?
14 MR. SOLOMON: We probably should do it that way.
15 Okay. Now we have put it all in 167 though.
16 MR. DICKERSON: Okay. No objection to 167.
17 MS. FORSBERG: No objection to those exhibits.
18 THE COURT: Exhibit 167, is everybody --
19 MR. DICKERSON: Oh, I'm sorry. There are other
20 deeds. I see what you're --
21 MS. PROVOST: Yeah.
22 MR. DICKERSON: -- doing.
23 THE COURT: Do you want -- yeah, did you want to do
24 them all at once or do them one at a time?

1 MS. PROVOST: Do you want to do them as 167A, B, C,
2 D or --

3 MR. DICKERSON: I'm sorry, Mark. Why don't you --
4 I'll shut up. You're right. I thought you were going to the
5 next exhibit.

6 MS. FORSBERG: Do you want to flip through them and
7 see if there's anything you object to? Would that help?

8 MR. DICKERSON: Why don't we -- well, let's just
9 take her through each of those and I'll -- I don't have any
10 objection to the first two.

11 MR. SOLOMON: Do you want to look through them all
12 and save some time?

13 MR. DICKERSON: Just a couple of --

14 MR. SOLOMON: All right. We'll go through them.

15 MR. DICKERSON: I can't. I'm sorry.

16 MR. SOLOMON: That's fine.

17 Q All right. We did 150 -- we did -- I'm just going
18 to use the last three digits of the Bates stamp. If I can do
19 that, will you be able to follow me?

20 A I think so.

21 Q All right. So we already did 153. Let's move to
22 152761 which is the next page.

23 A Actually -- okay. I'm there.

24 Q All right.

1 MR. SOLOMON: Or do you want to -- do you want me to
2 separate off them?
3 MS. PROVOST: Doing this like 167A --
4 MR. DICKERSON: I have --
5 MS. PROVOST: -- 167B.
6 MR. DICKERSON: -- to 1 -- 6153.
7 MS. FORSBERG: No objection.
8 MR. DICKERSON: If you can just establish that
9 that's her signature on it. The ones that she said she signs,
10 I have no objection to that.
11 MR. SOLOMON: How do you want to do that, Your
12 Honor? Do you want to call them A or --
13 THE COURT: Do you want to take a five minute break,
14 go through all of those and see if there's any particular
15 objections you have --
16 MR. DICKERSON: Well, there's some in here there's
17 --
18 THE COURT: -- just to speed up? Because there's
19 about 30 something --
20 MR. DICKERSON: -- no question in my mind they're
21 forged. So I think --
22 THE COURT: Okay.
23 MR. DICKERSON: -- if you go through each one,
24 she'll tell you which ones are her signature.

1 THE COURT: There's about 30 I counted on this. Is
2 that the -- that's what you prefer?

3 MR. DICKERSON: Yeah, I'm sorry to do it that way --

4 MR. SOLOMON: That's fine.

5 MR. DICKERSON: -- but I --

6 THE COURT: That's fine.

7 MR. SOLOMON: All right. So --

8 MR. DICKERSON: Maybe if she looked -- if she just
9 started with the -- maybe if she just would say --

10 MR. SOLOMON: That's all right. We can do it real
11 quick.

12 THE COURT: Okay.

13 BY MR. SOLOMON:

14 Q 761 purports to be a deed having your signature
15 dated July 13th, 1993. Is that your signature?

16 A Yes, sir.

17 Q 050 appears to be a grant bargain and sale deed from
18 you and Eric to his separate property trust dated July 13th,
19 '93. Is that your signature?

20 A Yes. It appears to be my signature.

21 Q 715 appears to be a grant bargain sale deed from you
22 and Eric to his separate property trust dated July 13th, '93.
23 Is that your signature?

24 A That is my -- yes.

1 Q 738 appears to be a deed -- grant bargain sale deed
2 from you and Eric to his separate property trust dated July
3 13, '93. Is that your signature?

4 A Yes.

5 Q 658 appears to be a warranty deed from you as the
6 trustee of your separate property trust to the grantees,
7 Exhibit A. Anyway --

8 MR. DICKERSON: I think it's they're individually
9 transferred into her trust.

10 MS. PROVOST: Individually into her trust.

11 MR. SOLOMON: Oh, I see. Okay.

12 Q Anyway, it's dated July 13th, 1993. Is that your
13 signature?

14 A Yes.

15 Q 253 appears to be a warranty deed from Berkley
16 Enterprises and you as trustee of your '93 trust dated January
17 25, 1994. Is that your signature?

18 A Yes.

19 Q 102 appears to be a grant bargain sale deed from you
20 as trustee of your '93 trust to Berkley Enterprises dated
21 January 25th, '94. Is that your signature?

22 A Yes.

23 Q 749 appears to be grant bargain sale deed from you
24 as trustee of your separate property trust to Lisa Cordilia

1 (ph) dated May 26th, 1999. Is that your signature?

2 A Yes.

3 Q 226 appears to be a warranty deed from you as
4 trustee of your '93 trust to Sijia Family Limited Partnership
5 (ph) dated July 9th, 1999. Is that your signature?

6 A That is my signature.

7 Q The next document, 184, appears to be a SS4
8 application for employer identification number for the LSN
9 Trust dated May 30th, 2001. Is that your signature?

10 A Yes.

11 Q Page 190 appears to be a grant bargain sale deed
12 from you as trustee of your separate property trust dated June
13 7th, 2001. Is that your signature?

14 A It's very difficult to read, yes, but it appears to
15 be similar.

16 Q 151 appears to be a grant bargain sale deed from you
17 as trustee of your separate property trust you -- dated August
18 20th, 2001. Is that your signature?

19 A Yes.

20 Q 097 appears to be a grant bargain sale deed from you
21 as trustee of your '93 trust dated August 20th, 2001. Is that
22 your signature?

23 A It -- yes.

24 Q 023 appears to be a grant bargain sale deed from you

1 as trustee of your separate property trust. It's dated August
2 20th, 2001. Is that your signature?

3 A It appears to be, yes.

4 Q 143 purports to be a grant bargain sale deed from
5 you as trustee of your 1993 trust dated August 20th, 2001. Is
6 that your signature?

7 A Yes, that appears to be.

8 Q 662 appears to be a grant bargain sale deed from you
9 as trustee of your '93 trust to you as trustee of your '01
10 trust dated blank day of 2001. Is that your signature?

11 A It's the 11th day. Yes, that's my signature.

12 Q Okay. 328 appears to be a grant bargain sale deed
13 from you as trustee of your '93 trust dated it looks like the
14 day of August 2001. Is that your signature?

15 A I believe October. Yes, that's my signature.

16 Q 330 appears to be a grant bargain sale deed from you
17 dated October 2nd, 2001. Is that your signature?

18 A Yes.

19 Q 268 appears to be a grant bargain sale deed from you
20 dated October 2nd, 2001. Is that your signature?

21 A That is my signature.

22 Q 139 appears to be a copy of a grant bargain sale
23 deed from you as trustee of your 2001 trust to Ron and Gerry
24 Evans (ph) dated November 13th, 2001. Is that your signature?

1 A Yes, sir.

2 MR. SOLOMON: Okay. We're not offering 134. In
3 fact, we can pull that. It doesn't have her signature on it,
4 so --

5 THE COURT: Yeah.

6 MR. SOLOMON: -- it shouldn't even be in there, but
7 --

8 THE COURT: We'll pull that out then.

9 MR. SOLOMON: -- I can leave it or not, whatever you
10 want. Pull it out?

11 THE COURT: Pull that one out on that.

12 THE WITNESS: Do you want me to tear it out of this
13 one as well?

14 THE COURT: Yeah, you might as well. That way in
15 case we ever refer back to it.

16 THE WITNESS: Okay.

17 Q All right. 125 appears to be a quitclaim deed from
18 you as trustee of the 2001 trust dated April 2004,
19 quitclaiming property to Grada Financial Partnership. Is that
20 --

21 A Yes. Yes, it appears to be.

22 Q All right. 347 appears to be a quitclaim deed from
23 you as trustee of the '01 trust conveying property to Harbor
24 Investment, LLC, dated -- oh, I don't know if I can read that,

1 September 30th?

2 A September 30th. Uh-huh (affirmative).

3 Q 2004. Does that appear to be your signature?

4 A Yes, sir.

5 Q 407 appears to be a water deed from you as trustee
6 of the 1993 trust to Clarence and Janette Nelson dated July
7 13th, 1993. Does that appear to be your signature? No, I'm
8 sorry --

9 MS. FORSBERG: 2005.

10 Q -- 2005.

11 A This -- this is. There's other water deeds though
12 that don't --

13 Q Is this one your signature?

14 A That one is.

15 Q Thank you. Could you turn to 272, special warranty
16 deed?

17 A Yes. That appears to be my signature, sir.

18 Q Okay. And this is you transferring property as
19 trustee of the LSN Nevada Trust dated 2001 to Maurie Fagan
20 (ph) and Deborah Fagan oh and others. Do you see that?

21 A I do see that, sir.

22 Q Okay. And that is your signature you said?

23 A Yes, it looks like my signature.

24 Q 411, another water deed. Purports to be from Eric

1 and you as trustees -- no, this says trustees of the Eric L.
2 Nelson Trust 1993. But you --

3 A To Clarence and Janette.

4 Q Oh, I -- granting to Clarence and Janette. All
5 right. And this is dated May 17th, 2006. Is that your
6 signature?

7 A Yes, sir. It appears to be.

8 Q All right. Page 670 is a warranty deed from you as
9 trustee of the 2001 trust conveying property to Stewart and
10 Adrian Larson in July 18th, 2006. Does that appear to be your
11 signature?

12 A I don't recognize that to be my normal signature.

13 Q Are you disputing that you signed this?

14 A It possibly may not be my signature.

15 Q So you don't know one way or the other as you're
16 sitting here. Is that your testimony?

17 A Yes, sir.

18 Q All right. So let's go to 4017, a water deed. It
19 looks like it's from you as trustee of the Nelson Trust to
20 Clarence and Janette Nelson dated July 31, 2006. Does that
21 appear to be your signature?

22 A It is not my signature.

23 Q All right. Page 205. Purports to be a grant
24 bargain and sale deed from you as trustee of the 2001 trust to

1 the Eric L. Nelson Trust, 2001 trust, dated November 28th,
2 2006. Does that appear to be your signature?

3 A Yes, sir.

4 Q Page 606 is quitclaim deed from you as trustee of
5 the 2001 trust to Grada Financial Partnership and it's dated
6 January 23, 2007. Does that appear to be your signature?

7 A I do not believe that's my signature.

8 Q Okay. You said you do not believe that's your
9 signature.

10 A I do not.

11 Q So is it a possibility it is and you just don't
12 recognize it at this point? Is that where we're at? Because
13 you were pretty firm on one and now you don't believe it, so
14 --

15 A Yeah. Well, it helps when you have different people
16 signing your names.

17 Q So is it true that you're not sure whether that is
18 or is not your signature?

19 A My E is missing on it and my -- there's no N in the
20 Lynita. So I'm saying that's not my name. I didn't sign it.

21 Q Page 134, it's a warranty deed.

22 A Yeah.

23 Q And it's apparently signed by you as trustee of the
24 LSN Nevada Trust dated May 30th, 2001 on March 21, 2007 on the

1 second page at the top. Do you see that?

2 A Yes. It's the 135 though as opposed to 134 on the
3 first page. Right.

4 Q Okay. You signed the second page of the deed.

5 A Yes, sir. I was just noting the Bates stamp as just
6 a different number than the first page.

7 Q Yeah. You signed it on Page 135. Is that your
8 point?

9 A Uh-huh (affirmative).

10 Q All right. You signed it twice. One says trustee
11 of the 2001 trust and one says trustee of the 1993 separate
12 property trust, correct?

13 A Yes, sir. Uh-huh (affirmative).

14 Q On 128, 129, which is one document, it's a warranty
15 deed in which you signed on March 21, 2007 in two capacities,
16 once as trustee of the '01 trust and once as trustee of the
17 1993 trust, correct?

18 A Yes, sir.

19 Q On Page 90 -- 093, the grant bargain and sale deed
20 dated March 22, 2007 from you as trustee of the 2001 trust to
21 you as trustee of the 2001 trust as 50 percent and Eric as
22 trustee of the ELN Trust as the 50 percent. Is that your
23 signature?

24 A Are you on 93?

1 Q I am.

2 A That's not my signature.

3 Q All right. Would you turn to 309?

4 A Yeah. I'm there, sir.

5 Q And this is a quitclaim deed dated March 27th, 2007.
6 Did you sign that?

7 A I did not.

8 MR. DICKERSON: No objection to Exhibit 167.

9 MS. FORSBERG: No objection, Your Honor.

10 THE COURT: Hereby be admitted as Exhibit 167.

11 (Intervener's Exhibit 167 admitted)

12 MR. SOLOMON: Your Honor, I'm almost done. Can I
13 have a couple minute break to --

14 THE COURT: Sure. We can take a five minute break
15 and try to finish it up before we call it a day here.

16 (Off record)

17 THE COURT: We're reconvening in the matter of Eric
18 Nelson and Lynita Nelson, case number D-411537. We took a
19 brief recess while we finish up the examination of Ms. Lynita.
20 I did note for the record on the Exhibit 167 that was
21 admitted, the Bates stamp, the last three, 093, 094, I noticed
22 it said three pages. And all I had in my copy was two pages
23 as to the grant bargain and sale deed. It talks about the 50
24 percent interest to Eric Nelson trustee and 50 percent to

1 Lynita Sue Nelson. Page 2 has a notary, but there's no Page
2 3. So I don't know what property -- that's the attachment
3 made. That says the property -- so I don't know if anybody
4 have it or that was left out --

5 MR. SOLOMON: I asked --

6 THE COURT: -- to that.

7 MR. SOLOMON: Just coincidentally in the break, I
8 asked to see if we can find the original of this deeds. So
9 I'm going to do my best and bring it tomorrow.

10 MR. DICKERSON: It's one of our deeds. It's under
11 the Lindell. I believe this is Lindell property.

12 THE COURT: That's the Lindell property?

13 MR. DICKERSON: Yes.

14 THE COURT: Okay. And we'll see if we can find an
15 original, but the understanding is --

16 MR. DICKERSON: Well, have --

17 THE COURT: -- Lindell?

18 MR. DICKERSON: -- the -- our expert .

19 THE COURT: Okay.

20 MR. DICKERSON: But I just want to confirm that.

21 MS. PROVOST: And you think it's in here?

22 MR. DICKERSON: Yeah, it's right here.

23 MS. PROVOST: Okay.

24 THE COURT: I just want to clarify that, because I'm

1 having the mind set. I thought maybe mine was just missing.
2 MR. DICKERSON: Our Exhibit PPP.
3 THE COURT: Quadruple P or triple P?
4 MR. DICKERSON: Quadruple P.
5 MS. PROVOST: Quadruple.
6 THE COURT: Is it quadruple P? Has it been admitted
7 or not?
8 MR. DICKERSON: Yeah, that is --
9 THE COURT: See if that's --
10 MR. DICKERSON: -- our -- it's part of our Exhibit
11 triple P and the third --
12 MS. PROVOST: Quadruple.
13 MR. DICKERSON: -- page is attached and it's legal
14 description. And this is under the Lindell property.
15 THE COURT: Okay. Did you mean triple P or
16 quadruple?
17 MS. PROVOST: Quadruple P.
18 MR. DICKERSON: Quadruple. If I said -- quadruple.
19 THE COURT: I don't think -- is that the --
20 MR. DICKERSON: It's in the book I gave the -- your
21 clerk today.
22 THE COURT: I think that's a different --
23 MR. DICKERSON: It's in the binder --
24 THE COURT: Well, that looks like that's a different

1 -- that's a different one than 093, 094.

2 MR. DICKERSON: Well, and the problem we had, Judge,
3 in those are all those exhibits unfortunately, they didn't
4 contain the Bates stamps numbers. So I'm confirming which
5 ones -- they all have been previously provided --

6 THE COURT: Okay.

7 MR. DICKERSON: -- for the most part.

8 THE COURT: You got more -- okay. I see you got --
9 I see. You've got multiple ones in --

10 MR. DICKERSON: Right.

11 THE COURT: -- quadruple P which has not been
12 admitted --

13 MR. DICKERSON: But you will see --

14 THE COURT: -- so I didn't read it. But you're
15 saying it's the same as --

16 MR. DICKERSON: It is the same --

17 MS. PROVOST: It's the top of the page.

18 MR. DICKERSON: -- and it has the third page
19 attached to it which is just the legal description of the --

20 MR. DICKERSON: Do you know what I'm looking at in
21 the quadruple P --

22 MS. FORSBERG: No, we're trying to find that.

23 THE COURT: Okay.

24 MS. PROVOST: Does the top of the page have the --

1 THE COURT: Go through quadruple P, right, the next
2 to the last -- I haven't looked at all the documents because
3 they haven't been admitted, but I'm just comparing that to the
4 grant bargain and sale deed that is your --

5 MS. PROVOST: The top of first page, that's the --

6 THE COURT: -- Bates stamp 093, 094. This looks
7 like it's an accurate copy that's March 22nd, '07. It's the
8 same as the other one. It's got the same 29, 4/1 written on
9 it. And it's got -- the second page. It's the same as the
10 third page. Has an Exhibit A attached, but again, I --

11 MR. SOLOMON: Okay.

12 MR. DICKERSON: So that would be your Bates stamp
13 number -- it would have been Bates stamp 6095.

14 THE COURT: Now the legal description in there, is
15 that -- this gives a legal description. It doesn't give an
16 address. Is that the Lindell?

17 MR. DICKERSON: What that's --

18 THE COURT: Do you guys want to check it to see if
19 that's --

20 MR. DICKERSON: That's the chain of title and all of
21 that section. So I can -- I'll be --

22 THE COURT: Okay.

23 MR. DICKERSON: -- going over that with Lynita.

24 THE COURT: Okay. I just want to make sure since it

1 wasn't there that I didn't miss it. We'll deal with that.
2 We'll try to kind of pickup where we left off and try to kind
3 of finish up and -- at least your direct before --

4 BY MR. SOLOMON:

5 Q All right. Would you -- I left open intentionally
6 right in front of you a warranty deed. It's part of Exhibit
7 167. It's -- Bates stamp is 670. Do you see that?

8 A Yes, sir.

9 Q All right. This is one you said is not your
10 signature.

11 A I think I said I wasn't saying if it was or if it
12 wasn't. Is that the one, is that correct?

13 Q I don't know. So in any case, that's your
14 testimony? You don't know if it is or isn't.

15 A That's right. I don't think it is.

16 Q You don't think it is though.

17 A Unh-unh (negative).

18 MR. DICKERSON: Is that a yes? Is that a yes, you
19 don't think it is?

20 THE WITNESS: Yes.

21 Q I'm showing you what's been marked as Intervener's
22 170. The deed that we just referred to at Bates Exhibit 167,
23 Bates 670 was for a sale of the Indian School condo to Stewart
24 (ph) and Adrian Larson (ph). Do you recall that transaction?

1 A I don't, no.

2 Q Were you aware that the purchase price was paid into
3 your LSN Nevada Trust?

4 A No.

5 MR. SOLOMON: Move to offer 170.

6 MS. FORSBERG: No objection.

7 MR. DICKERSON: Let me just look at it for a second,
8 please.

9 THE COURT: Sure.

10 MR. DICKERSON: In your book. And I have no
11 objection.

12 THE COURT: Hereby admitted as Exhibit 170.

13 (Intervener's Exhibit 170 admitted)

14 BY MR. SOLOMON:

15 Q Lynita, I'm showing you what's been marked as
16 Intervener's 171.

17 A Okay.

18 Q A copy of a general warranty deed from you as
19 trustee of the LSN Nevada Trust, your Wyoming Racing, LLC from
20 August 24th, 2006. Is that your signature on Page 2?

21 A It appears to be.

22 MR. SOLOMON: Offer 171.

23 MS. FORSBERG: No objection.

24 MR. DICKERSON: No objection.

1 THE COURT: Hereby admitted as Exhibit 171.
2 (Intervener's Exhibit 171 admitted)
3 MR. SOLOMON: 172. This is 172.
4 THE COURT: Thank you.
5 BY MR. SOLOMON:
6 Q I'm going to show you what's been marked as
7 Intervener Exhibit 172. It's a copy of an assignment of
8 assumption of membership interest in LSN Nevada Trust to
9 Nelson Nevada Trust. Is that your signature on Page 2?
10 A Yes, it appears to be.
11 MR. SOLOMON: Offer 172.
12 MS. FORSBERG: No objection.
13 MR. DICKERSON: No objection.
14 THE COURT: Hereby admitted as 172.
15 (Intervener's Exhibit 172 admitted)
16 MR. SOLOMON: 173. This is 173.
17 BY MR. SOLOMON:
18 Q I'm showing you what's been marked as Intervener's
19 Exhibit 173. It's a copy of an assignment of a promissory
20 note dated January 1, 2012. Is that your signature at the
21 bottom of the page?
22 A It appears to be, sir.
23 MR. SOLOMON: Offer 173.
24 MR. DICKERSON: No objection.

1 MS. FORSBERG: No objection.
2 THE COURT: Hereby so admitted as 173.
3 (Intervener's Exhibit 173 admitted)
4 MR. SOLOMON: Is that one by --
5 MR. LUSZECK: Yeah. Oh, sorry. Yeah, I got it.
6 MR. SOLOMON: 174. 174.
7 THE COURT: Thank you.
8 BY MR. SOLOMON:
9 Q Lynita, I'm handing you what's been marked as
10 Intervener's Exhibit 174. It's a copy of a total amendment
11 restatement of the offering agreement of Emerald Bay
12 Mississippi, LLC dated January 25, 2008. Is that your
13 signature on Page 39?
14 A It appears to be.
15 MR. SOLOMON: Offer 144?
16 MR. LUSZECK: 174.
17 MR. SOLOMON: 174.
18 MS. FORSBERG: No objection.
19 THE COURT: Hereby admitted as Exhibit 174.
20 (Intervener's Exhibit 174 admitted)
21 MR. SOLOMON: 175.
22 BY MR. SOLOMON:
23 Q Lynita, I'm showing you what's been marked as
24 Exhibit 175. It's a copy of a warranty deed signed by you on

1 Page 4 as trustee of the LSN Nevada 2001 Trust. Is that your
2 signature?

3 A It is my signature, but I don't recall signing
4 anything after '07, the fall of '07. So I'm going to state
5 that it is my signature, but I don't know that I actually
6 signed this document.

7 MR. SOLOMON: Offer 175.

8 MS. FORSBERG: No objection

9 MR. DICKERSON: No objection.

10 THE COURT: Hereby admitted as Exhibit 175.

11 (Intervener's Exhibit 175 admitted)

12 MR. SOLOMON: Maybe I shortcut this. Mr.
13 Dickerson's helping. In your booklet with -- now I'll read to
14 you all the exhibits. There's a number of deeds assigned by
15 Lynita. And I'm only offering them for the purpose of she's
16 signing these deeds. Do you want me to stipulate to the
17 admission of those?

18 MR. DICKERSON: Absolutely.

19 MS. FORSBERG: No objection.

20 MR. SOLOMON: All right. So --

21 MR. DICKERSON: You're talking about all the deeds
22 in there or --

23 MR. SOLOMON: Yeah. I'll read the exhibits where
24 there's deeds that are signed by her contained within.

1 MR. DICKERSON: Okay.

2 MR. SOLOMON: All right. And that's Exhibit -- KKK

3 has some deeds signed by her.

4 MR. DICKERSON: No objection.

5 MR. SOLOMON: Exhibit MMM has deeds signed by her.

6 THE COURT: Now are these --

7 THE WITNESS: Is it quadruple --

8 THE COURT: -- quadruple or triple?

9 MR. SOLOMON: Quadruple. Thank you, Your Honor.

10 THE COURT: So those are quadruples.

11 MS. PROVOST: Quadruples.

12 THE COURT: Quadruple K will be admitted without

13 objection.

14 (Defendant's Exhibit KKKK admitted)

15 THE COURT: Quadruple M, you're okay with that too?

16 MS. FORSBERG: No objection.

17 MR. SOLOMON: L first. K -- L after -- no, just the

18 deeds --

19 MR. LUSZECK: Just the deeds.

20 MR. SOLOMON: -- with these -- yeah, we're offering

21 the deeds inside for these exhibits. All right.

22 THE COURT: Any objections to L?

23 MS. FORSBERG: No objection.

24 MR. DICKERSON: L?

1 THE COURT: Yeah, L.

2 MR. DICKERSON: Quadruple.

3 THE COURT: Quadruple.

4 MR. DICKERSON: No objection.

5 (Defendant's Exhibit LLLL admitted)

6 MS. FORSBERG: Now we're just admitting the deeds,
7 correct, Your Honor? Because there are some summaries that
8 are not --

9 THE COURT: My understanding it was just the deeds
10 that --

11 MR. SOLOMON: It's just the deeds that she signed.

12 MR. DICKERSON: I'll establish the summaries through
13 her in examination.

14 THE COURT: Okay. So admit quadruple K and
15 quadruple L so far. Deeds only?

16 MR. SOLOMON: Yes.

17 MS. FORSBERG: Yes.

18 MR. SOLOMON: And M. Okay.

19 MS. FORSBERG: No objection on those.

20 MR. DICKERSON: Oh, I thought we already did. No
21 objection to M.

22 (Defendant's Exhibit MMMM admitted)

23 MR. SOLOMON: All right. And the next one that has
24 her deeds in it are Quadruple P.

1 MR. DICKERSON: No objection.
2 MS. FORSBERG: No objection.
3 (Defendant's Exhibit PPPP admitted)
4 MR. SOLOMON: This is all to --
5 MR. DICKERSON: Just Q is also.
6 MR. SOLOMON: Q?
7 MR. LUSZECK: Yeah.
8 MR. SOLOMON: Quadruple Q has deeds.
9 MR. DICKERSON: No objection.
10 MS. FORSBERG: No objection.
11 (Defendant's Exhibit QQQQ admitted)
12 MR. SOLOMON: Quadruple R has deeds.
13 MR. DICKERSON: No objection.
14 MS. FORSBERG: No objection.
15 (Defendant's Exhibit RRRR admitted)
16 MR. SOLOMON: Quadruple T has deeds.
17 MR. DICKERSON: No objection.
18 MS. FORSBERG: No objection.
19 (Defendant's Exhibit TTTT admitted)
20 MR. SOLOMON: Quadruple V has deeds signed by her --
21 or U, I'm sorry. Quadruple U.
22 MS. FORSBERG: No objection.
23 MR. DICKERSON: No objection.
24 (Defendant's Exhibit UUUU admitted)

1 MR. SOLOMON: And quadruple V has a deed signed by
2 her.

3 MR. DICKERSON: No objection.

4 MS. FORSBERG: No objection.

5 (Defendant's Exhibit VVVV admitted)

6 THE COURT: Let me make sure we have it. I got the
7 following quadruple admitted deeds only: K, L, M, P, Q, R, T,
8 U, V? Is that what you got? Okay.

9 BY MR. SOLOMON:

10 Q Lynita --

11 MR. DICKERSON: How about I? You forgot I also. I
12 has these.

13 MR. SOLOMON: Quadruple I?

14 MR. DICKERSON: Yeah.

15 MR. SOLOMON: Is this in a separate book?

16 MR. LUSZECK: Yeah. That's in another, yeah?

17 MR. SOLOMON: Yeah. We offer --

18 MS. FORSBERG: No objection.

19 MR. SOLOMON: -- the deeds contained in quadruple I.

20 Thank you.

21 MS. FORSBERG: No objection.

22 MR. DICKERSON: No objection.

23 THE COURT: I as well. Deeds only again.

24 (Defendant's Exhibit IIII admitted)

1 BY MR. SOLOMON:

2 Q Lynita, isn't it true that individuals in Eric's
3 office contact you with respect to obtaining your signature on
4 various instruments from time to time?

5 A No.

6 Q So that never happened?

7 A Eric brought me everything to sign.

8 Q So your testimony would be that Eric brought you
9 every single instrument that we've seen here today that you
10 signed as a deed.

11 A That's how I recall it, yes.

12 Q And you never communicated with Rochelle or Lana or
13 -- what's the other one --

14 A They never called --

15 Q -- Joan?

16 A Well --

17 Q Rochelle, they never contacted you and said --

18 A No, I -- I only recall going in when Shelly (ph)
19 worked at the office. And I don't know if I -- if I signed --
20 if it was to sign something that -- no, they -- Lana and
21 Rochelle didn't call me.

22 Q So --

23 A No.

24 Q -- Lana and Rochelle never called you. That's your

1 testimony.

2 A Not to --

3 Q Ever email you?

4 A -- come in and sign papers.

5 Q Did they ever email you about signing papers?

6 A I don't recall. Getting anything to sign anything.

7 They didn't talk business to me.

8 Q Never?

9 A Not that I recall, nope.

10 Q Isn't the fact that Rochelle and Joan would ask you
11 to sign documents in front of a notary and you would request
12 that they prestamp their notary on some documents for your
13 convenience so that when you sign the same, it would be done?

14 A It's the most absurd thing I've ever heard of in my
15 entire life.

16 Q Okay.

17 MR. SOLOMON: 176.

18 Q Now here's a travel authorization for Carli to
19 Mexico -- and on the last page. And then on the first page
20 there's an email from you to Rochelle dated July 29th, 2010.
21 Rochelle, Joan, will you print and notarize Eric's signature.
22 He can return it to me. Thank you. And then above that, a
23 reply from Rochelle to you saying I just notarized and he told
24 me to give it to Alita. Will that work for you to sign this

1 when she picks up for Carli or do you want me to scan and
2 email so you can sign and email back to Alita with both
3 signatures.

4 And above that, your email back to Rochelle saying
5 how about if you email to me and I'll sign and give it to
6 Alita when she picks up Carli. Will you be stamping my
7 unsigned signature. Then I'll sign when I receiver it. Did
8 you send her that email?

9 A I did, but this isn't --

10 Q Okay.

11 A -- business. This is her travel for the kids.

12 Q Okay. So there's an example of where you asked her
13 specifically to sign it -- to stamp it before you signed it,
14 right?

15 A I agree.

16 Q In fact, that's what you did routinely for your
17 convenience so you wouldn't have to go into the office, isn't
18 that true?

19 A I'll answer like I did before. It's the most absurd
20 thing I've ever heard.

21 Q Well, it wasn't so absurd in this case, was it?

22 A It's not business.

23 Q And that's your distinction.

24 MR. SOLOMON: No further questions. Oh, I offer --

1 I'm sorry, do offer.

2 MR. DICKERSON: No objection. What's that number?

3 MS. FORSBERG: No objection.

4 MS. PROVOST: 176.

5 THE COURT: 176.

6 MR. DICKERSON: No objection.

7 (Intervener's Exhibit 176 admitted)

8 THE COURT: This is a good time to probably call it
9 a day. It's five after 5:00. So as far as -- you can go back
10 to your seat.

11 THE WITNESS: Do I just leave these here?

12 THE COURT: Yeah, just leave those up there. We'll
13 collect them afterwards. As far as some housekeeping in
14 response to Ms. Forsberg's inquiry, I don't want to lose any
15 time on that, but is Mr. Bertsch going to take most of
16 Wednesday you think? I mean, I have no idea how long he's
17 going to take --

18 MS. PROVOST: He's only available --

19 THE COURT: -- on direct.

20 MS. PROVOST: -- until about 1:00 o'clock.

21 MR. DICKERSON: He's only available until about 1:00
22 p.m.

23 THE COURT: Okay. And then tomorrow I don't know
24 how Ms. Lynita is going to take.

1 MR. DICKERSON: And I don't anticipate -- how long?
2 MS. PROVOST: I don't anticipate it'll be very long.
3 MR. DICKERSON: I -- our --
4 MS. PROVOST: Well, my understanding is that the --
5 his reports are --
6 MR. DICKERSON: Right. They're already in there --
7 MS. PROVOST: -- already agreed --
8 MR. DICKERSON: -- and we're going to have them
9 marked.
10 MS. PROVOST: -- to be in evidence. So I don't
11 anticipate it to be very long.
12 THE COURT: Okay. Because I don't think -- because
13 tomorrow I don't know how long Ms. Lynita is going to take on
14 cross and redirect and we got Eric available for direct and --
15 MR. SOLOMON: He's my last witness.
16 THE COURT: -- do you know how long that's going to
17 take? I'm -- well, I'm trying -- I just don't want to waste
18 time and we got Ms. McGowan who is now going to --
19 MR. SOLOMON: I estimated an hour on Lynita and I
20 think about an hour on Eric, but it's pretty close.
21 THE COURT: I'm thinking for tomorrow is Lynita --
22 Ms. Lynita -- Eric's testimony and Ms. McGowan is going to
23 take up most of the day? I just don't --
24 MR. DICKERSON: Sure. Yeah. We can have Ms.

1 McGowan come for the afternoon.

2 THE COURT: Okay. Is that about -- I just want to
3 make sure I get --

4 MR. DICKERSON: Put her on. But then at that point
5 then the Plaintiff -- we'll just put her on out of turn just
6 to get her out of the way.

7 THE COURT: Yeah, to get their thing on that so they
8 can get all those on -- so then Tuesday we should be --
9 tomorrow we should be pretty well filled up with Ms. Lynita
10 and Mr. Eric and Rochelle? That should take most of the day.

11 MR. DICKERSON: Sure.

12 THE COURT: then Wednesday we'll have Mr. Bertsch
13 basically for the morning. What do you want to do for the
14 afternoon? Did you want to -- I know we're sitting there
15 trying to sit there. I said -- once I thought maybe I could
16 rule on the trust and then try to simplify the testimony for
17 your case in chief, but with all the testimony, all the
18 exhibits, there's no way I would be ready to rule on that by
19 Wednesday. I mean, the issue is I hate to lose a half a day
20 if we got someone that can be ready to go and see how much
21 more time do you think you're going to need for witnesses.
22 Because then I could --

23 MR. DICKERSON: Well --

24 THE COURT: -- try to grab another day or two, but I

1 know -- I just like the trust done so they wouldn't
2 necessarily have to come back.

3 MR. DICKERSON: I'll tell you, I mean, I --

4 MS. FORSBERG: What about the closing on the trust
5 issues and stuff and those --

6 THE COURT: Yeah. So I don't know if they want to
7 do it. Do you want to do the trust on just the post trial
8 briefs? We can reposition. Do you want to come back to
9 closing arguments or we'll do closing arguments for the trust
10 on Wednesday afternoon? Is that feasible?

11 MR. SOLOMON: I'll leave that to -- if you want
12 closing arguments, to do it. If you want briefs, I'll do
13 that. I mean I think I'm going to have to do a brief anyway
14 based on when they're done. So I don't want to waste your
15 time.

16 THE COURT: Okay. Because I want to give you a
17 chance on that because there were some concerns on that. And
18 they're going to file their pretrial memo in their case has --

19 MR. DICKERSON: And I don't know how long Ms.
20 Forsberg has with respect to completing Plaintiff's case.

21 THE COURT: Yeah, I --

22 MR. DICKERSON: Our case is going to be very short,
23 I assume. I -- we'll have Mr. Bertsch and then Rochelle I
24 don't think will be on that long. And then I don't think

1 Lynita will be all that long.

2 MS. FORSBERG: Your Honor, clearly we're going to
3 have to go through all of Larry Bertsch and all of the issues
4 on all those properties then if -- since we're not going to
5 have a ruling. So clearly we need to do that.

6 THE COURT: But why do we have to go through that as
7 far as -- I imagine if we get that tomorrow we -- for Mr.
8 Nelson, I would imagine they're going to go through a lot of
9 things that are raised at least to key issues and the key
10 transactions I would imagine.

11 MS. FORSBERG: And the other question of course
12 becomes the cross. You know, I mean, a cross after an hour
13 versus a day and a half, you know, that's what's hard to
14 predict.

15 THE COURT: Okay. I just --

16 MR. DICKERSON: Well, if it makes things simpler,
17 listen. I --

18 MS. FORSBERG: Whatever you want to do. I mean --

19 MR. DICKERSON: -- I'll just go forward. I'll just
20 put Lynita on and let her do whatever she wants. As soon as
21 they rest, then I'll put on our case and then if she wants to
22 --

23 THE COURT: See where we're at?

24 MR. DICKERSON: -- I don't -- you know, I will waive

1 any --

2 MR. SOLOMON: Well, that's good. That'll fill the
3 days.

4 THE COURT: Yeah. I just don't want to lose that
5 half a day if we have it.

6 MR. DICKERSON: I don't want to lose it either.

7 THE COURT: That's my only concern. All right. And
8 then as far as closing, I'll leave it to the trust on that,
9 but what I think --

10 MS. FORSBERG: Part of it is that we'll know by
11 tomorrow, right, by the time to see how that goes time wise.

12 THE COURT: Exactly.

13 MS. FORSBERG: Right. I mean --

14 THE COURT: I just don't want to lose Wednesday
15 afternoon and get done and instead we got an afternoon and
16 nothing to fill. And if we got it, if we can figure out just
17 to fill it and we can talk about tomorrow. I just don't want
18 to lose a half a day.

19 MS. FORSBERG: Yeah. Agree.

20 THE COURT: So and then we see how much more time we
21 need. And as far as closing, I don't think I need closing
22 from the trust. If they're planning on doing a post-trial
23 brief, I'll leave that to everybody and can do a post-trial
24 brief and you can do it there, because I know you -- I didn't

1 allow your expert in as to the law.

2 I figured your post-trial brief could address the
3 law and any key issues you want me to address like you would
4 in closing or tie this together, because we got so many
5 exhibits.

6 I do read everything, but I'm not sure I'm going to
7 read every exhibit we have on file on this one to be quite
8 honest, but I'll deny I ever said that, but I'm not so sure
9 with all the documents I get through. So if there's some
10 particular ones you want me to really -- of course, all the
11 ones that were testified in great detail I definitely review,
12 all the ones we spent time going through. But any other thing
13 you want to highlight me to to make sure that I
14 look at things and don't overlook anything and I'll give
15 everybody an opportunity to post trial briefs.

16 And as far as Wednesday afternoon, we'll just have
17 Mr. Dickerson kind of ready to kind of go through your case to
18 see where we're at --

19 MR. DICKERSON: I'll do that.

20 THE COURT: -- by the time we get done. That way I
21 just won't lose --

22 MS. FORSBERG: So we'll see --

23 THE COURT: -- Wednesday afternoon.

24 MS. FORSBERG: -- what tomorrow brings and then

1 we'll go from there.

2 THE COURT: All right. All right. Thanks,
3 everybody. Have a good night. You can leave everything here
4 and we'll lock it up and we'll see you tomorrow at 9:30. And
5 you got all your exhibits back before we leave? Are you going
6 to check that to make sure all your exhibits are there so you
7 don't accuse me of losing --

8 (PROCEEDINGS CONCLUDED AT 17:04:14)

9 * * * * *

10 ATTEST: I do hereby certify that I have truly and
11 correctly transcribed the digital proceedings in the
12 above-entitled case to the best of my ability.

13

14

Adrian Medrano

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Adrian N. Medrano

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1 TRANS

2 FILED

3 JUL 23 2014

4 *Alvin S. Sullivan*
CLERK OF COURT

5 COPY

6 EIGHTH JUDICIAL DISTRICT COURT
7 FAMILY DIVISION
8 CLARK COUNTY, NEVADA
9

10 ERIC L. NELSON,)
11)
12 Plaintiff,)
13 vs.)
14 LYNITA NELSON,)
15 Defendant.)
16

CASE NO. D-09-411537-D

DEPT. L

(SEALED)

17 BEFORE THE HONORABLE FRANK P. SULLIVAN
18 DISTRICT COURT JUDGE
19

20 TRANSCRIPT RE: NON-JURY TRIAL - VOL I

21 TUESDAY, JULY 24, 2012
22
23
24

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1 LAS VEGAS, NEVADA

TUESDAY, JULY 24, 2012

2 P R O C E E D I N G S

3 (THE PROCEEDINGS BEGAN AT 09:46:03)

4
5 THE COURT: This is the time set in the matter
6 continuation of Eric Nelson and Lynita Nelson, Case Number
7 D411537.

8 We'll get everybody's appearances, and we'll get
9 this show on the road. We'll start with Mr. Solomon.

10 MR. SOLOMON: Mark Solomon, Bar Number 418 on behalf
11 of Lana Martin, Distribution Trustee.

12 MR. LUSZECK: Jeff Luszeck, Bar Number 9619 on
13 behalf of Lana Martin, Distribution Trustee.

14 MS. FORSBERG: Good morning, Your Honor. Rhonda
15 Forsberg, 9557 on behalf of Eric Nelson, who is present, to my
16 right.

17 THE COURT: Good to see you again, Mr. Eric.

18 MR. DICKERSON: Bob Dickerson, Bar Number 0945 and
19 Joseph Karacsonyi, Bar Number? 10634, together with Lynita
20 Nelson.

21 THE COURT: It's good to see you again, Ms. Lynita.

22 I think I see Mr. Eric and Ms. Lynita more than I
23 see my wife, and I think she's probably happy about that, too,
24 I think. After 34 years she probably appreciates that. I'll

1 make sure that's on the record, so that the transcriber -- we
2 get some laughs to the people. They need to loosen up a
3 little bit.

4 MR. DICKERSON: Blow it up in big print.

5 THE COURT: Exactly.

6 MR. DICKERSON: That's why Mr. Jimmerson, one time
7 in one of my trials, put a finding about my Sicilian wife, and
8 it was right in the finding. I left it in, it was so good. I
9 left it in there, it was good.

10 I think we left off with Ms. Lynita I think had
11 finished her examination, her direct examination. I think we
12 were getting ready to go for her cross examination by Mr.
13 Dickerson, I believe?

14 MR. DICKERSON: Thank you.

15 THE COURT: We'll kind of get you sworn in, we'll
16 make sure you got water there and anything you need. They'll
17 get you all set up.

18 MS. NELSON: Yes. Thank you.

19 LYNITA NELSON

20 having been called as a witness on behalf of the Plaintiff and
21 being first duly sworn, testified as follows:

22 MR. DICKERSON: Your Honor, to the best I can, I'm
23 going to limit this strictly to examination dealing with the
24 trust issues. And then when we get into our case-in-chief,

1 we'll go into the divorce issues. If that's fine.

2 THE COURT: All right. Yeah, that's probably the
3 best way. That way the trust attorneys then can kind of
4 hopefully finish up and not have to hang around for all the
5 other issues related to the divorce.

6 MR. DICKERSON: No, I want them to suffer.

7 THE COURT: That's going to be pay back.

8 MR. SOLOMON: Believe me, he's made me suffer
9 enough.

10 THE COURT: So there is a truth that Mr. Dickerson
11 doesn't have a heart somewhere? Is that what it is?

12 CROSS EXAMINATION

13 BY MR. DICKERSON:

14 Q Good morning, Lynita. How are you?

15 A Good.

16 Q When you were testifying initially, during this
17 stage of the proceedings, last Tuesday, July 17th on the
18 direct examination of Mr. Solomon, you testified that you
19 believed that you are reasonably smart. I believe those were
20 your words. Is that correct?

21 A Yes.

22 Q Lynita, do you take exception then to Eric's
23 description of you when he testified, on September 1st, 2010,
24 on the third day of the trial in this case, where he

1 suggested, to Judge Sullivan that you were, and I quote,
2 "mentally challenged," end quote.

3 A I'm not sure what you mean by do I take exception to
4 that.

5 Q Do you agree with Eric's assessment of you, his
6 suggestion that you are mentally challenged?

7 A I'm not mentally challenged.

8 Q Now, Lynita, at the end of yesterday's testimony, a
9 number of deeds were shown to you. And you testified that at
10 least one of them you believe is not your signature, but
11 you're not certain. And I believe there were three or four,
12 possibly five that you said were definitely forgeries of your
13 signature. Do you recall that?

14 A Yes.

15 Q Now, those aren't the only deeds and documents that
16 during the course of your marriage that have been forged. Is
17 that correct?

18 A That's true.

19 (Attorneys confer.)

20 MR. DICKERSON: This has been marked as Exhibit 5
21 B's.

22 (Defendant's Exhibit BBBBBB marked for identification.

23 BY MR. DICKERSON:

24 Q Lynita, I'm showing you what's been marked for

1 identification purposes as Defendant's Exhibit BBBB, a total
2 of 5 B's.

3 A Okay.

4 Q Can you tell me what that is?

5 MR. SOLOMON: I'm sorry, what -- are you marking the
6 whole thing as one --

7 MR. DICKERSON: Yeah, the whole thing.

8 MR. SOLOMON: -- or the top? What is the number?

9 MR. DICKERSON: 5 B's.

10 MS. FORSBERG: B as in Boy?

11 MR. DICKERSON: Boy.

12 MR. SOLOMON: Oh, B.

13 BY MR. DICKERSON:

14 Q Can you tell the Court what this packet consists of?
15 Just generally, what is the purpose of this packet? What is
16 it to show?

17 A The signatures that aren't mine.

18 Q Okay. Dating back as recently as 2007 and dating
19 back to 1988.

20 A Yes.

21 Q Is that correct? And have you reviewed this packet?

22 A Yes.

23 MR. DICKERSON: Okay. And, Your Honor, I move for
24 the admission of Exhibit BBBB.

1 MR. SOLOMON: I would say it's not relevant, when
2 they're ancient and they have nothing to do with this case.

3 MR. DICKERSON: They do have a lot to do with this
4 case, in the sense it's showing the control, since at least
5 1988, and at least up through 2007 with additional forged
6 documents that are not her signature, that simply show how
7 this marriage has progressed, and what this marriage is about
8 and how Eric has been in control. And in fact --

9 MS. FORSBERG: Have these been produced, counsel?
10 I haven't seen a lot of these ever.

11 MR. DICKERSON: Yeah, they're in Binders 1 & 2,
12 Property Binders, the black binders that were delivered to
13 you.

14 MR. SOLOMON: You mean the ones that were delivered
15 to us on Saturday -- or Friday or Saturday?

16 MR. DICKERSON: Friday to you.

17 MS. FORSBERG: Saturday for me.

18 MR. DICKERSON: Saturday to her.

19 MR. SOLOMON: Those ones?

20 MR. DICKERSON: Yes.

21 THE COURT: You want to make a record, Mr. --

22 MR. SOLOMON: Yeah, the response to that is they're
23 not relevant. Most of these go back to the early '80s and
24 '90s and have nothing to do with any of the issues in this

1 case. And there's no evidence that Eric or anybody else on
2 this side of the table, The Trust, or anybody else had
3 anything to do with these documents.

4 MR. DICKERSON: And what it goes to, yesterday they
5 were presenting documents to her that she signed. She -- her
6 testimony will be explaining how that generally was handled.
7 But this simply show forgeries that have occurred, since 1998
8 to 2007, on documents.

9 Probably only one of these documents truly is
10 relevant to the proceedings and they've already seen that, and
11 I believe we have the second page of that, it's the Lindell
12 Property. But what I intend to do is just go through with
13 her, and I mean, it's pretty easy for even the Court to see
14 that these are not Lynita's signatures. And I intend to go
15 through with her, and to the extent that any of these
16 documents are relevant to property that is owned right now,
17 like I said, only the Lindell property is owned right now.

18 But again, the purpose is to show that during the
19 course of this marriage, it was not uncommon for somehow her
20 signature to be signed to documents that she didn't sign.

21 MR. SOLOMON: That's irrelevant, that somehow they
22 got -- unless they can tie that to Eric or to the Trust --

23 MR. DICKERSON: You can see that these are --

24 MR. SOLOMON: -- or to somebody associated with our

1 interest, it's irrelevant.

2 THE COURT: At this time I'd be more inclined to
3 limit to the document with the Lindell, which is the trust at
4 stake. When we hold off on those, you can readmit them as far
5 as the divorce case-in-chief, if -- when we get to that point,
6 if you want to show the nature of the relationship and those
7 issues. I think she's already testified that all the
8 documents, as far as were not her signature.

9 Just to keep it clean, we just want to deal with the
10 one dealing with Lindell and then save these for the domestic
11 side of the case?

12 MR. DICKERSON: The only thing I would suggest is it
13 does go to the whole alter ego theory. Our position is, he
14 controlled both trusts.

15 THE COURT: Okay. You --

16 MR. DICKERSON: He was in total charge of both of
17 these trusts.

18 THE COURT: At this time, as far as I'll let the
19 documents in. I'm not sure there's -- the probative value,
20 but let me see where it's at. Let's get everything in and
21 let's see where we're at. Again, I'm not sure of the
22 probative value, if they can make any connection, who signed
23 it, when they did it. I think the relevancy is very marginal
24 at best. The probative value, I don't know if there's any

1 probative value to it or not, but at this time let's move it
2 forward.

3 MR. DICKERSON: Thank you.

4 THE COURT: And we'll note the objection for the
5 record as to 5 B's. I know how -- what you call 5 --
6 quadruple-wise okay, I'm not sure what to do with 5, so we'll
7 just call it 5 B's, I guess.

8 I'm going to note the objection.

9 (Defendant's Exhibit Number BBBB received into
10 evidence.)

11 BY MR. DICKERSON:

12 Q Lynita, let's go through -- because they're not
13 numbered, let's go through the pages. First page, there's a
14 signature there. You see where it says owner, and it says
15 Lynita Nelson?

16 A Yes, sir.

17 Q Is that signature?

18 A No.

19 Q Now this says it was notarized by Rochelle McGowan
20 (ph).

21 A Yes.

22 Q Is that correct?

23 A Yes.

24 Q Who is Rochelle McGowan?

1 A She's Eric's secretary.

2 Q Now, are you familiar with Eric's signature?

3 A I am.

4 Q Is that Eric's signature?

5 A Yes.

6 Q All right. The next document -- now that was an
7 application for assessment of land taxation and agricultural
8 land, correct?

9 A Yes.

10 Q Now, if you'll move back now, skip the next page,
11 because it's just a legal description, and move to the Grand
12 Bargain Sale Deed that is next.

13 A Okay. The next document that's stapled?

14 Q Yes.

15 A Okay. Yes.

16 Q Now, this is apparently on March 22nd of 2007. This
17 relates to the Lindell property. Is that correct?

18 A Yes, sir.

19 Q And you testified yesterday that that is not your
20 signature?

21 A Yes.

22 Q Do you confirm that today? Is that your signature?

23 A No.

24 Q Now, this appears to have been, again, notarized by

1 Michelle McGowan. If you take a look at the next page?

2 A Yes, sir.

3 Q Right. Now, Michelle McGowan -- Rochelle, I'm
4 sorry, Rochelle McGowan, she works in Eric's office?

5 A She -- yes.

6 Q And is she employed there today?

7 A Yes.

8 Q And was she employed there in 2007?

9 A Yes.

10 Q If you'll go past that deed to the next -- actually,
11 there is a Declaration of Value form that is related to this
12 particular property, the Lindell property. Is that correct?

13 A Yes, sir.

14 Q And is that your signature on that Declaration of
15 Value form?

16 A No, it's not.

17 Q Take the next document, a Water Deed.

18 A Yes.

19 Q Again, is that your signature?

20 A No.

21 Q And again, this was notarized by Rochelle McGowan,
22 purportedly on August 15th of 2006. Is that correct?

23 A Yes, I see that.

24 Q Take a look at the next page. This, again, is a

1 Declaration of Value form.

2 A And that's Eric's signature on that one as well, the
3 Water Deed.

4 Q Eric's signature's the top. Is that your signature
5 where it says Lynita Sue Nelson?

6 A Oh, where are you? On this Declaration of Value?

7 Q Declaration of Value.

8 A No.

9 Q Take a look at the next document, Warranty Deed.

10 A Yes.

11 Q Do you know what this Warranty Deed relates to?

12 A I do when I read it. It's the ware -- they -- Eric
13 refers to it as the warehouse in Arizona, but it's called The
14 Bonanza Industrial.

15 Q Okay. And is that your signature on that page?

16 A No, it's not.

17 Q Now again, this appears to have been purported
18 notarized, but I don't see a notary seal, of Rochelle McGowan.
19 Is that correct?

20 A That's correct.

21 Q Go to the next page. The next page is the first
22 page of a Right of Way Easement.

23 A Yes.

24 Q Now, there's handwritten at the top, Lynita Sue

1 Nelson. Do you know who's handwriting that is?

2 A I don't recognize that.

3 Q Okay. If you go to three pages over, there's the
4 signature, Lynita Nelson. Is that your signature?

5 A It is not.

6 Q Now, do you know who Jacqueline Hoss (ph) is?

7 A I don't know who that is.

8 Q The next document, another Right of Way of Easement.

9 A That might be -- oh, okay. But that doesn't have my
10 signature on it.

11 Q That doesn't have your signature. How about the
12 next document?

13 A The Grant Bargain and Deal -- Deed.

14 Q Okay. So, this Right of Way of Easement, really has
15 -- your signatures not on there?

16 A No, it's not.

17 MR. DICKERSON: I don't know how that got in there.
18 I'm sorry. And if you want to remove it, we can remove it, I
19 leave it to the Court and counsel. I just copied something
20 that didn't need to be in here.

21 BY MR. DICKERSON:

22 Q The next one, though, your signature -- it's a Grant
23 Bargaining Sale Deed that is signed by Thelma E. Slaughter
24 (ph). Is that right?

1 A Yes.

2 Q And that is your sister?

3 A (No audible response.)

4 Q Okay. Are you -- were you aware of this
5 transaction?

6 A After this date I was, but not at the time I was
7 not.

8 Q Now, this is a transferring property to you. Is
9 that right? And this is the home that we've referred to
10 numerous times, back in 2010, as being Thelma's home.

11 A Yes, sir.

12 Q Okay. Now, how was it explained to you, or when was
13 it explained to you that Thelma's home was transferred to you?

14 A I'm not sure exactly what year it was, but it was --
15 it was -- I know it was after this time, because --

16 Q Who told you?

17 A Eric did.

18 Q And if you take a look at the Declaration of Value
19 form dealing with this transaction, the next page --

20 A Yes, sir.

21 Q -- is that your signature?

22 A It is not.

23 Q Okay. Take a look at the next page, it's a Grant
24 Bargain Sale Deed, apparently September 9th, 1992 and there

1 are a number of signatures, including one purported to be
2 Lynita Sue Nelson. Is that your signature?

3 A No, sir.

4 Q And do you know who Cindy Marie Noone (ph) is?

5 A Yeah, it's Nun (ph) and I -- I have met her, just
6 once or twice. Eric's gone to her for many years.

7 Q And who is she?

8 A She's -- used to work at First American Title and I
9 don't know where she works now, but I know that she knows who
10 I am.

11 Q Okay. The next page is a Grant Bargain Sale Deed,
12 it appears to be around December 4, 1992. Again, this Ms.
13 Noone, notarizing your signature. Is that your signature?

14 A No, it's not, sir.

15 Q Okay. If you'd take a look at the next Grant
16 Bargain Sale Deed. Again, this is around May 8th of 1992.
17 Ms. Noone notarizing this also. Is that your signature?

18 A No, it's not.

19 Q Okay. Now, take a look at the next document, April
20 30th, 1992. Ms. Noone again notarizing it. Is that your
21 signature?

22 A No, it's not.

23 Q The next document is a Quitclaim Deed, purportedly
24 recorded on May 20th of 1992. Notarized on December 18th,

1 1992. Is that your signature?

2 A No.

3 Q The next document is a Special Power of Attorney.

4 MS. FORSBERG: Counsel, was that the Quitclaim Deed
5 that -- can you go back one, I'm sorry, I think I lost you.
6 Quitclaim Deed, is it the one with Beverly Stockard (ph) on
7 the bottom, of notary?

8 MR. DICKERSON: No, this is the one --

9 MS. FORSBERG: The one you just went over.

10 MR. DICKERSON: I'm sorry, let's go over -- thank
11 you very much.

12 BY MR. DICKERSON:

13 Q Who -- do you know Beverly Stockard?

14 A No.

15 Q You don't know who she is?

16 A I do not.

17 Q All right. So, the next document is a Special Power
18 of Attorney, apparently appointing Eric as your -- giving him
19 your power of attorney with respect to some transaction. Is
20 that your signature?

21 A No.

22 Q And that one is dated December 13th, 1992.. Is that
23 correct?

24 A Yes, sir.

1 Q And again, this appears to have been notarized by
2 Beverly Stockard again. Is that right?

3 A Yes. Yeah, she signed it. I just -- there's not a
4 stamp.

5 Q If you'd take a look at the next document, a Grant
6 Bargain Sale Deed. This is purportedly signed by you on
7 February 26th, 1991. Is that your signature?

8 A No.

9 Q And again, Beverly Stockard apparently notarized
10 this, purportedly on April 1st of 1991?

11 A Yes.

12 Q Okay. The next document's a Grant Bargain Sale
13 Deed, apparently notarized on December 21st, 1990, by Sharon
14 Cooper (ph). Do you know who Sharon Cooper is?

15 A The name is familiar. She works, I believe, at one
16 of the title companies and she's -- I -- I think she -- I
17 think I might have even met her.

18 Q Okay. And is that your signature on that document?

19 A No, it's not.

20 Q Okay. If you'd take a look at the next document,
21 notarized on October 12th of 1990, again, by Sharon Cooper, is
22 that your signature on that document?

23 A No.

24 Q The next document, apparently notarized on May 17th

1 of 1990, apparently again by Beverly Stockard it's notarized.

2 Is that your signature?

3 A No.

4 Q The next document, a Grant Bargain Sale Deed that
5 was notarized November 28th, 1990 by Sharon Cooper. Is that
6 your signature?

7 A No.

8 Q The next document, another Grant Bargain Sale Deed,
9 notarized by May 17th, 1990 by Beverly Stockard. Is that your
10 signature?

11 A No.

12 Q Okay. The next document, a Quitclaim Deed,
13 apparently notarized on September 5th, 1989 by a -- is that
14 Virginia James?

15 A Virginia James.

16 Q Do you know who Virginia James is?

17 A She was -- we were in an office, like, Eric's office
18 had like a central receptionist and she was the receptionist
19 there. She, like, answered, like, a central location for all
20 the offices.

21 Q So, it was like an executive office suite?

22 A Yes, sir.

23 Q And so Eric operated his office, is it one time from
24 an executive office suite?

1 A Yes.

2 Q And she was the receptionist?

3 A Yes.

4 Q Now, is that your signature on this document?

5 A No.

6 Q Okay. The next one is another Grant Bargain Sale

7 Deed, notarized on August 1st, 1989 by Virginia James, again.

8 Is that your signature?

9 A No.

10 Q The next document's a Quitclaim Deed notarized on

11 August 1st, 1989, again by Virginia James. Is that your

12 signature?

13 A No, it's not.

14 Q Okay. The next document, notarized on -- I can't

15 tell, it looks like it's June 12th, 1989 --

16 A Yes.

17 Q -- notarized by Virginia James. Is that your

18 signature?

19 A No, it is not.

20 Q The next document, Quitclaim deed, notarized by

21 Virginia James and it appears as this is -- it appears it

22 might be some time in 1998, it looks like it might be July of

23 1988.

24 A Yeah.

1 Q Is that your signature?

2 A It is not.

3 Q Lynita, can you -- there have been a number of
4 documents that we have seen, however, that you have signed.
5 Is that correct?

6 A Yes.

7 Q Is there -- was there generally a way in which your
8 signature was obtained on the documents in which you confirm
9 are your signature?

10 A Yes.

11 Q And how was that generally handled?

12 A Eric would come home with something for me to sign
13 and he would -- or it would be in the morning before he left
14 for work. But traditionally he would come home with it, and I
15 was usually in the bathroom, it seems like my memories always
16 like, here, I need you to sign this. And then I would say,
17 well, you know, what is it, can you tell me about it. And
18 he'd be like, no, I don't have -- he would tell me several
19 different things.

20 Q What would he tell you?

21 A He -- he would -- he would tell me either he didn't
22 have time or that he needed it right away, that I just needed
23 to sign it and we'd talk about it later. Or sometimes he would
24 tell me I wouldn't understand it, and so he didn't want to

1 explain it to me. And, I mean, that's just what he would say.

2 Q Would he give you -- generally speaking, would he
3 give you the entire document or what?

4 A I don't -- I don't know.

5 Q You want to take a break? Are you all right?

6 A Yeah.

7 Q Did you ever go to Eric's office to sign any
8 documents?

9 A I don't remember going and signing documents. But I
10 don't want to say that I never did. I just remember signing a
11 lot of stuff at home.

12 Q As you sit here today, do you have any recollection
13 ever going to Eric's office and signing any documents?

14 A I don't think I ever did, because I mean, I was
15 usually busy with the kids and he -- he -- he -- I think he'd
16 just rather bring them home, because then I wouldn't have any
17 contact with anybody at the office either. So --

18 MR. SOLOMON: Objection. Move to strike that
19 response.

20 THE COURT: Sustained. Sustained.

21 BY MR. DICKERSON:

22 Q You finished?

23 A I don't want to say that I never did, because I may
24 have, but I remember -- I remember him bringing a lot of stuff

1 home for me to sign.

2 Q Now, do you recall the last time you ever signed any
3 document, any deed to property or any other document that was
4 handed to you by Eric in which he asked you to sign?

5 A I believe the last thing that I signed was the deed
6 to the Harbor Hills house. That's the last thing I remember
7 that I signed.

8 Q And do you recall what year that was?

9 A In '08.

10 Q Okay. And can you explain that transaction? Can
11 you explain the Harbor Hills home and how did it come about
12 that you signed a deed relating to that property?

13 A We were separating at the time, and he said, you're
14 staying here -- I want you to stay here.

15 Q So, where's "here"?

16 A At the Palmyra (ph) house. And that that's where he
17 was going to go and stay.

18 Q So, what happened?

19 A So, he said, you just need to sign this.

20 Q Did you sign that, in the front of a notary public?

21 A No.

22 Q Where did that occur?

23 A At home. At -- at -- at Palmyra house, because he -
24 - he wasn't moved out all the way. He just -- I mean, he had

1 been kind of going back and forth for a while.

2 Q Do you recall signing any other deeds in 2008?

3 A Well, they showed me one yesterday.

4 Q What was that?

5 A It was --

6 Q Was that Exhibit 175? I mean --

7 A It was -- like, it was something in Mississippi.

8 (Attorneys confer.)

9 BY MR. DICKERSON:

10 Q I'm showing you what's been admitted into evidence
11 as Intervener's Exhibit 175.

12 A Okay.

13 Q Is that the document you're referring to?

14 A Yeah. Yes.

15 Q And this appears to be a Warranty Deed relating to
16 some property in Mississippi.

17 A Yes.

18 Q Okay. Can you tell us how did it come about that
19 you signed this warranty deed. Is that your signature?

20 A It is my signature. But I don't know, because I --
21 I don't know how it happened.

22 Q You have no --

23 A I mean, I -- I signed it. I mean -- I mean that's --
24 - that's my signature, so --

1 Q You --

2 A -- he would have just come and asked me to sign it,
3 I guess. That's how he did everything.

4 Q You have any recollection, in January 2008, this
5 document being handed to you by Eric?

6 A I don't, that's -- I just -- I just can't believe
7 that I would have signed something then.

8 Q Well, why is it that you can't believe that you
9 would sign something in January of 2008?

10 A Because the trust that I used to have with him, Eric
11 and I didn't have anymore.

12 Q Why is that?

13 A Well -- well, there's a number of things, but the
14 main thing was in -- in '07 he drafted some trust for the kids
15 and he brought it home and he wanted me to sign it. And I
16 read it and I didn't -- I didn't really understand it fully,
17 but I -- I didn't feel like I -- I -- it appeared to be, what
18 I was reading, was that he was the manager of it, and that it
19 wasn't him and me, that it was just him. So, do you want me
20 to tell you the whole thing?

21 Q Sure.

22 A Okay. So -- so I read it and he wanted me to sign
23 it right then. And I said, I'm not going to sign it right
24 then. So, it was over a few days and he was kind of getting

1 angry with me because I wouldn't sign the stuff. And so, I
2 was like, you know what, I'm not comfortable with this. I
3 don't understand it. And I made a phone call and talked to
4 Barbara Morelli (ph) and she is Jeff's -- I think she's a
5 paralegal.

6 And I just asked a few questions about, you know,
7 I'm reading this this way and I'm -- is that -- am I reading
8 it right? Like, is he the -- is he the -- is he, like, in
9 charge of it? And she's like, yeah, that's how it reads. And
10 so, then I just told Eric -- I didn't tell him that I had
11 called Barbara, he didn't know. And so I just said, you know
12 what Eric, I'm not going to sign this until we go see Jeff and
13 he can explain it to me, because Eric wouldn't explain it to
14 me.

15 So, we went and talked to Jeff and Barbara was
16 there. And they explained it to me and I said why is it that
17 way, like, why is he in charge of it and we're not in charge
18 of it together? And Barbara said, because this is the way
19 Eric wanted it. So, I just figured that's what he was doing,
20 he was setting up the kids' trusts so he could manage it and -
21 - I don't know what he was going to do it. I mean, of course
22 now I have thoughts, but I just thought, I can't sign
23 anything, I can't -- I can't trust him to sign anything he
24 asks me to do.

1 Q Did you end up signing those documents creating the
2 children's trusts?

3 A They changed -- he -- Jeff changed them. He said
4 that we could make it that it was both of you and you would
5 both be the same, that you would equal in managing it. And
6 that -- that we would -- could only put things in or takes
7 things out together, whereas before it wasn't like that.

8 Q So, this -- do you recall when that was, when that
9 discussion was with respect to the trust and your meeting with
10 Jeff Burr (ph)?

11 A I think it was in November.

12 Q Of 2007?

13 A Of '7. It was -- the -- the trust -- he was -- he
14 was -- Eric was doing that, like, for a couple months, 'cause
15 he was talking to the kids and trying to get their name for
16 their trust. And he made them think that they were picking
17 out these parcels and he ended up changing it, he didn't put
18 the parcels they picked in it. But --

19 MR. SOLOMON: Object. Move to strike. Non-
20 responsive. Not relevant.

21 THE COURT: So stricken.

22 THE WITNESS: So, you asked --

23 BY MR. DICKERSON:

24 Q During the --

1 A -- when and I believe it was in November of '07, or
2 those last few months there.

3 Q During the year 2007, did you have any discussions
4 with Eric about getting divorced?

5 A No. No.

6 Q Did you have any discussions with anybody about
7 getting divorced, in the year 2007?

8 A No, you mean like -- like legal people or like --

9 Q Yes.

10 A -- Jeff or -- no.

11 Q Now, when is the first time that you recall --

12 A No.

13 Q -- having any discussion with Eric about getting
14 divorced?

15 A Like the day -- the day that we -- that I -- the
16 specific day?

17 Q Yes.

18 A It was February 15th of '08.

19 Q And how do you recall that?

20 A Because we had attempted to go to dinner that night.
21 I just remember it.

22 Q And what was the discussion at that time?

23 A I told him that I think it was time, that things
24 weren't working out. He agreed.

1 Q You all right?

2 A Yeah. It's just embarrassing to be up here like
3 this.

4 Q Prior to February 15th, 2008, did Eric ever have any
5 discussion with you about your marriage and any desire to
6 either separate or get a divorce?

7 A Before that night? No.

8 Q Okay. Now, did there come a point in time -- well,
9 as a result of that discussion, did Eric suggest to you
10 anything that you should do?

11 A Well, he wanted us to go to -- to Jeff, but I don't
12 know if he suggested it right away. It was -- the kids were
13 in school and I -- I didn't want to talk to them about it till
14 they had gotten out of school. So, he had said that -- that
15 we could figure it out on our own, that we could probably just
16 go talk to Jeff.

17 Q Okay. Did you actually separate at that time?

18 A No.

19 Q when did a separation actually occur, where Eric
20 left the Palmyra home?

21 A Probably -- probably for sure, for sure? It took a
22 while. Like, September or something

23 Q Of 2008?

24 A Yes, sir.

1 Q Now, did there come a point in time where you and
2 Eric did actually go to Jeff Burr with respect to talking
3 about the divorce and dividing up your property?

4 A Yes.

5 Q When did that occur? Do you recall?

6 A I think -- I -- I don't think it happened till after
7 we had come back from vacations that year.

8 Q And when was that?

9 A But I -- I'm not sure.

10 Q Well, did you go -- two of you go on a vacation
11 together? You and Eric and the children?

12 A Yeah, we had -- one of our daughters graduated that
13 year, so we went to -- we already had -- we had two trips
14 planned. Right now I can't remember the one, but the one that
15 we went on was a graduation trip.

16 Q And what was that?

17 A We went on a cruise to, oh, heavens. Oh, we went
18 to, like Sweden and Norway and that.

19 Q Okay. And do you recall when that cruise was?

20 A It was in August.

21 Q So, in relation to that vacation, that family
22 vacation in August of 2008, do you recall --

23 A I said August, but I -- I don't remember now. I'm
24 sorry.

1 Q Was it in the summer of 2008?

2 A It was in the -- it was after they got out of
3 school, so it could have been in June. Yeah.

4 Q So, some time during the summer of 2008. Is that
5 correct?

6 A Yes, sir.

7 Q Do you recall then did you meet with Jeff Burr
8 before you went on that vacation, to discuss issues relating
9 to divorce, or after that vacation?

10 A I think it was after.

11 Q And how did those meetings occur? Were you and Eric
12 both present at those meetings?

13 A Yes.

14 Q What as the purpose of those meetings?

15 A Well, he -- he --

16 Q Was there more than one?

17 A Yes.

18 Q What was the purpose?

19 A To see what the assets were and to figure out how we
20 could divide it evenly.

21 Q Did there come a point in time that Eric asked Mr.
22 Burr to represent you?

23 A Yes. It was discussed. Uh-huh (affirmative).

24 Q And did Mr. Burr accept that role of representing

1 your interest with respect to this divorce?

2 A Yes.

3 Q Do you recall when that occurred?

4 A I think at one of the meetings, because I think he
5 had Eric sign something.

6 Q Sign a waiver?

7 A Am I confusing? Yeah.

8 Q Sign some type of a waiver of conflict?

9 A Yes.

10 Q And did Eric sign it?

11 A I believe he did.

12 Q Now, did you request Mr. Burr to represent you?

13 A Eric -- I believe Eric told me that that's how he
14 wanted it, that he wanted Jeff to -- to take care of -- to
15 represent me.

16 Q And do you know why?

17 A At the time I didn't understand why. I -- I didn't.

18 Q Now, did there come a point in time that Jeff Burr
19 decided that maybe it is not best for you for him to continue
20 to represent you?

21 A Yes.

22 Q And when did that occur, approximately?

23 A Well, it was probably towards the fall, maybe, like
24 a couple months after he had tried to work with us a couple

1 times. And so --

2 Q So, that would be the fall of 2008?

3 A Yeah, or maybe the late summer.

4 Q And so, did Mr. Burr refer you to another attorney?

5 A He did.

6 Q And who did he refer you to?

7 A To Bryce Duckworth.

8 Q And did you -- your first meeting with Mr.

9 Duckworth, was Mr. Burr also present?

10 A Yes.

11 Q Did that occur at Mr. Duckworth's office?

12 A Yes.

13 Q So, how was that meeting set up? Do you recall?

14 A Oh, I think Jeff --

15 Q Did you call --

16 A -- set it up.

17 Q Did you call and make the appointment with Mr.

18 Duckworth?

19 A I may have. I'm not sure.

20 Q And was your first meeting with Mr. Duckworth then
21 that Mr. Burr was also present?

22 A He was. Uh-huh (affirmative).

23 Q Now, did Mr. Burr continue to represent you while
24 Mr. Duckworth represented you also, or did Mr. Duckworth just

1 take over the case?

2 A I understood that Mr. Duckworth was doing it then.

3 Yeah.

4 Q So, after that first meeting with Mr. Duckworth, was
5 Mr. Burr ever involved in any meetings with you and Mr.
6 Duckworth, together?

7 A No. I don't remember him being there.

8 Q Now, did there come a point in time Mr. Duckworth
9 explained to you that he would no longer be able to represent
10 you?

11 A He did.

12 Q And approximately when was that and what was the
13 reason that he could no longer represent you?

14 A Oh, well it wasn't at the same time. He just kind
15 of told me that -- well, it was before November 4th, because
16 he was -- he was running to be the judge and so it was before
17 then. And he said, we need to finish this paperwork and --
18 before -- I think before he took the bench is what he would
19 say, but I -- I don't know if it had to happen before November
20 4th. I'm not sure. So, it was about that time, you know?
21 Around then.

22 Q And then did he --

23 A But he -- and that was if he -- I mean you know, he
24 didn't know if he was going to be voted in or not. He

1 didn't --

2 Q He was concerned that if he were elected that he --
3 you'd need to find another lawyer?

4 A Yeah. Yeah.

5 Q Did he --

6 A And -- yeah.

7 Q -- recommend anybody to you?

8 A He did.

9 Q Okay. And who was that?

10 A Your office.

11 Q And did you set up a meeting with my office?

12 A I did. Uh-huh (affirmative).

13 Q Did you call personally or did some --

14 A I think Bryce did, because he came with me.

15 Q And did anybody else come with you to that meeting?

16 A Jeff was there.

17 Q So, Jeff Burr and Bryce accompanied you to the first
18 meeting at my office. Is that right?

19 A Yes, sir.

20 Q And who at my office did you meet with?

21 A Denise. I think you came in, too, but Denise was
22 there as well.

23 Q Okay. And so, was it Denise Gentile and myself?

24 A I think so.

1 Q And do you recall when that first meeting at my
2 office occurred?

3 A I don't know for sure. I think it was before
4 Christmas, though. You know, I just -- I don't know for sure.
5 But it was in that same year, you know.

6 Q Do you recall if it was after the election in 2008,
7 November 4th, or before the election?

8 A I think it was before.

9 Q Okay. Now, since being represented by counsel,
10 let's say since being represented by my office, have you
11 signed any deeds or any other documents that Eric has handed
12 to you?

13 A Well, not deeds. I did -- I did a trust.

14 Q That Eric has given to you?

15 A Oh, no, no. No, I haven't.

16 Q All right. Now, you're referring about -- you're
17 going back to Jeff Burr some time in 2009?

18 A Yes.

19 Q Okay. So, in 2009, and we've seen those documents,
20 that you went back to Jeff Burr in 2009 for what purpose?

21 A To have the kids put as -- to have our kids put as
22 the -- I can't think of the name, but if anything was to
23 happen to me, that the assets would be given to them.

24 Q And so what was the purpose of doing that?