

IN THE CIRCUIT COURT NO. 2 FOR CLARK COUNTY
STATE OF INDIANA

STATE OF INDIANA,

Plaintiff.

vs.

CASE NO. 10CO2-1208-PL-088
Special Appointed Judge:
Susan Orth

KEVIN ZIPPERLE,
MARY LOU TRAUTWEIN-
LAMKIN, SHARON CHANDLER,
and FRANK PRELL

Defendants.

DEPONENT: KATHY BUYP

DATE: FEBRUARY 6, 2015

REPORTER: ALISHA McRAE

1 A P P E A R A N C E S:

2

3

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8

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13

14

15 ALSO PRESENT:

16

17 FRANK PRELL (Defendant, self-represented)

17

18 KEVIN ZIPPERLE (Defendant)

18

19 MARY LOU TRAUTWEIN-LAMKIN (Defendant)

19

20 SHARON CHANDLER (Defendant)

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21 SALLY MILLER (with Attorney General's Office)

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S T I P U L A T I O N S

The deposition of KATHY BUPP, was taken pursuant to Subpoena, at the offices of Culotta & Culotta LLP, located at 815 E. Market Street, New Albany, Indiana 47150, on Friday, February 6, 2015. Said deposition was taken for the purposes of discovery, to be used in accordance with the Indiana Rules of Civil Procedure.

1 PROCEEDINGS

2

3 KATHY BUPP, called by the Defendants, having
4 been first duly sworn, was examined and deposed as
5 follows:

6

7

* * *

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EXAMINATION

9 BY MR. CULOTTA:

10 Q. Ms. Bupp, my name is Clay Culotta.
11 We've spoken a couple of times on the phone, but I
12 represent Kevin, Mary Lou, and Sharon in this
13 matter.

14 A. Uh-huh.

15 Q. And we're here today to take your
16 deposition.

17 Have you ever given a deposition before?

18 A. No.

19 Q. Okay. A few ground -- ground rules.
20 First of all, I'm going to be asking you questions.
21 I would appreciate if you would wait until I finish
22 asking my question before you give an answer. Don't
23 try to assume what I'm getting at and going there --

24 A. Uh-huh.

25 Q. -- because she's trying to take

1 everything down, and it just makes it easier if we
2 don't talk over one another.

3 A. Sure.

4 Q. And if you don't understand any question
5 that I ask, please ask me to repeat it. Please ask
6 me to rephrase it if you don't understand it. I
7 want to make sure that -- that you do. Because if
8 you give me an answer --

9 A. Uh-huh.

10 Q. -- I'm -- I'm going to assume that the
11 answer you gave was what you expected to give me.
12 So, I want to make sure that we get what you intend.

13 If, you know, you're asked a question, I
14 appreciate if you give verbal answers. Uh-huh,
15 uh-uh, head nods don't come up on the computer very
16 well. So, give verbal responses.

17 If you need to take a break at any point
18 in time, let me know, and we can take a break.

19 You're -- you kind of dictate the speed of this.
20 The only thing I ask is that if there's a question
21 that's been asked and is pending, that you answer
22 that question first, and then we take a break.

23 A. Okay.

24 Q. You have the opportunity to read and
25 sign after this is over with. What that means is

1 the court reporter is going to send you the
2 deposition, and you have the opportunity to read it,
3 review it, and make sure that the answers are
4 correct. Not that you can change a yes to a no and
5 no to a yes, but that if somebody's name is
6 misspelled or something is out of order, or what
7 have you, you can make those kinds of changes, but
8 not changes of answers. Okay?

9 A. Uh-huh. (Witness answers in the
10 affirmative.)

11 Q. And you're given that opportunity, and
12 that's your decision if you want to do that.

13 Other than that, we can get going.

14 A. Okay.

15 Q. All right. Let's start with a couple of
16 general questions. First off, what's your
17 educational background?

18 A. I went to Holy Family Grade School here
19 in New Albany.

20 Q. Okay.

21 A. Providence High School, graduated in
22 1972.

23 Q. Uh-huh.

24 A. Ball State University in Muncie,
25 Indiana, graduated in 1978. And I did graduate work

1 at the University of Louisville. And I didn't
2 finish because they wanted me to cut up cadavers.

3 Q. What was your undergraduate degree in?

4 A. Speech pathology and audiology.

5 Q. And what is your work background?

6 A. I worked for the New Albany, Floyd
7 County Public School for about three years. Then I
8 moved to California, and out there I did some sales
9 and marketing. Then when I came back to this area,
10 I got a job working for a sales and marketing
11 company, and I did that for about two years. Then I
12 moved to Florida where I worked for Hertz Rent a Car
13 as a manager.

14 Q. And what time frame are we talking?

15 A. (Nonverbal response.)

16 Q. Okay.

17 A. Then I moved to Fort Lauderdale,
18 Florida, and I got a job working for a For Sale By
19 Owner company that basically was an equivalent of a
20 search engine back then, but that's when computers
21 were as big as this room. And I turned that company
22 around, that's what they hired me to do.

23 And then I met my husband. And then I
24 went to work for our business, that's bank equipment
25 sales, service, installation, security, ATM

1 business.

2 Q. And when was that?

3 A. Probably from 1985 on. And there was a
4 brief time in there I worked as the children's
5 minister for the First Baptist Church in Fort
6 Lauderdale. I did that for four years, and that was
7 probably from '87 to '91.

8 Q. It overlapped with --

9 A. Uh-huh.

10 Q. -- the company that you had with your
11 husband?

12 A. Uh-huh. (Witness answers in the
13 affirmative.)

14 Q. And what was the name of that company,
15 again?

16 A. Hamilton Safe and Security Systems.

17 Q. And are you still with Hamilton Safe and
18 Security?

19 A. No.

20 Q. Okay. So, what do you do now?

21 A. I just do some writing.

22 Q. Okay. Would you say pleasantly retired
23 or just simply --

24 A. Pleasantly retired. I wouldn't go so
25 far as to say I'm independently wealthy.

1 Q. Okay. Okay. And when did you move to
2 The Harbours?

3 A. I -- I can't remember what year it was.

4 Q. Well --

5 A. I know it's terrible. I probably should
6 have looked that up.

7 Q. Five years ago, ten years ago --

8 A. I think it's seven.

9 Q. -- a year and a half ago?

10 Seven years ago?

11 A. Let me think. That's about right.

12 Q. About seven years ago? Okay.

13 And prior to moving into The Harbours,
14 did you know anyone before you got there?

15 A. Uh-uh. No.

16 Q. Thank you.

17 And you said that you worked in your
18 husband's company. Are you -- are you married
19 presently?

20 A. Uh-huh.

21 Q. Okay. What's your husband's name --
22 yes?

23 A. Yes, I'm sorry.

24 Q. And what's your husband's name?

25 A. Kenny. We're actually separated at the

1 moment.

2 Q. And his last name is Bupp, also?

3 A. Yes.

4 Q. Does he live at The Harbours or does
5 he --

6 A. No.

7 Q. Where is he?

8 A. In Fort Lauderdale, Florida.

9 Q. Now, I know you -- you presently rent at
10 The Harbours, correct?

11 A. Yes.

12 Q. Do -- have you ever owned any property
13 at The Harbours?

14 A. No.

15 Q. Have you ever sought to try to purchase
16 a place at The Harbours?

17 A. Expressed interest in several places. I
18 think we made an offer on 808 and 809.

19 Q. Were those a combined unit?

20 A. Uh-huh. Yes.

21 Q. And do you have any rough estimation of
22 when that was?

23 A. It was the second -- the second place I
24 think that we lived in.

25 Q. Okay. How many places have you lived in

1 over there?

2 A. Four.

3 Q. What were those numbers?

4 A. 305, 808 and 809, 1105, and where I
5 currently live, in the townhouses 606 and 608. It's
6 a combined townhouse.

7 Q. And that's a townhouse.

8 And other than putting an offer on 808,
9 did you ever contemplate to offer or put in an offer
10 on any of the others?

11 A. I had expressed an interest for some
12 time in Mr. Prell's unit, in 1103 and 1104.

13 Q. Did you ever talk to Frank about
14 purchasing those units?

15 A. Frank was actually the first person that
16 showed me the unit, and that was shortly after I
17 moved in. And that -- at that point he was asking
18 1.3 million dollars for it, and it's beautiful.

19 Q. Uh-huh.

20 A. But I didn't expect it to be 1.3 million
21 dollars.

22 Q. Okay. So, when you first moved in and
23 you looked at it, is that the only time you ever had
24 an interest in the purchase?

25 A. Oh, no.

1 Q. Okay.

2 A. No. As a matter of fact, I'd seen that
3 it was -- 1104 was in foreclosure or about to go
4 into foreclosure, at least the first time that I saw
5 it, because they had been in foreclosure several
6 times. Then I did express an interest at that point
7 with a real estate agent about finding out what they
8 could about whether or not that unit was available
9 or get me some more information about the
10 foreclosure.

11 Q. Okay.

12 A. And then -- I'm so sorry, I can't
13 remember the specific dates as to -- it seems
14 like -- I don't know if that was the first time or
15 the second time that it was to be -- I think the
16 foreclosure date was in January.

17 Q. Okay. Of what year?

18 A. (Nonverbal response.)

19 Q. I don't know anything. So, I'm asking
20 you. Okay?

21 A. I don't know. I don't -- I don't
22 remember. I don't have that -- I didn't save any of
23 that stuff, but it was -- I do know that at that
24 point it was to be in January. And I think that's
25 when - over the Christmas holidays, my husband had

1 expressed an interest in taking a look at it.

2 Q. Okay. And we'll come -- we'll come back
3 to that one. Sorry, I got far field when I started
4 talking about those issues. I'll get to it later.

5 Is -- so, is Indiana your -- your
6 permanent state of residence?

7 A. Yes.

8 Q. Okay. And do you have an Indiana
9 driver's license?

10 A. Yes, I do.

11 Q. Car is registered here?

12 A. Yes. I ran for office, and so, I
13 established it as a -- my permanent residency.

14 Q. And do you have -- because I note --
15 well, we'll get to it, but there's been a whole host
16 of issues raised with regard to concerns that people
17 had at The Harbours. And -- and one of those issues
18 was parking.

19 Do you have cars that are parked at The
20 Harbours?

21 A. I do.

22 Q. How many cars do you have?

23 A. Two.

24 Q. And you said you're from this area?

25 You're born and raised in this area?

1 A. Yes.

2 Q. Is your family still here?

3 A. Yes.

4 Q. Do you have sisters, brothers in --
5 whatever?

6 A. Yes. I have two sisters and two
7 brothers. One brother lives in Kansas City.

8 Q. Okay.

9 A. Other than that, my mom and dad are
10 still alive, and the rest of family lives here.

11 Q. And brothers' names are Kennedy? Is
12 that --

13 A. Yes.

14 Q. Okay. And your sisters are both here.
15 What -- what are their last names?

16 A. Karen's name is Kennedy, and Kim's name
17 Uessler, that's U-E-S-S-E-L-E-R.

18 Q. Okay. And they are in Floyd or Clark or
19 in this general area?

20 A. Karen lives in Louisville, Kentucky, and
21 Kim lives in Lanesville.

22 Q. Okay.

23 A. And Kerry, my brother, the youngest,
24 well, he lives in Charlestown in Indiana.

25 Q. Okay. Okay. Have any of them ever

1 lived in The Harbours?

2 A. No -- oh, my sister lived with me,
3 Karen. She lived with me for a while.

4 Q. What's a while?

5 A. It seems like forever. Maybe a year.

6 Q. Okay. I'm going to ask you -- well,
7 first of all, let me ask you this, prior to your
8 coming in here today, did you talk to anyone or
9 review anything prior to giving your deposition?

10 A. No.

11 Q. Okay. Did you -- have you ever seen a
12 copy of this complaint, the complaint that was filed
13 in this case?

14 A. The -- the -- the thing that the State
15 had?

16 Q. Yes.

17 A. No.

18 Q. Okay. And so, you're -- you're aware of
19 the fact that there were certain allegations that
20 were brought against Kevin and against Mary Lou and
21 Sharon, right?

22 A. Yes.

23 Q. Okay. I'm going to ask you to kind
24 of -- I'm going to go over what these particular
25 allegations are, and I'm going to ask you if you

1 have any personal knowledge about any of them.

2 Okay?

3 A. Okay.

4 Q. With regard to Kevin, there's -- there's
5 couple of different things here. One is there
6 was -- there is an allegation with regard to
7 "diverting of an opportunity of the HOA to purchase
8 Unit 312."

9 Do you have any personal knowledge or
10 recollection -- any personal knowledge about that?

11 A. You -- be clear about personal
12 knowledge.

13 Q. Anything that you personally know with
14 regard to Kevin's purchase of that particular unit?

15 A. Only in what I was told and researched
16 and that he explained himself in a bulletin.

17 Q. Okay. When you say what you were told,
18 that's Kevin getting --

19 A. Uh-huh.

20 Q. What I'm -- what I'm trying to find out
21 is this, you're testifying right now. There's a
22 possibility that when this goes to trial, you might
23 be asked to testify again. And so, I'm trying to
24 find out if you have any personal knowledge of the
25 events that took place with regard to that sale.

1 A. Only in what one could research as if
2 you were trying to discover the truth about any
3 specific thing. Like if I was studying about
4 Abraham Lincoln, I'd have to go and use all the
5 available resources that I could, and then I would
6 say I was personally informed.

7 However, did not live there at the time.

8 Q. Okay.

9 A. Did not rely on a single source. Did
10 not accept what I was told as gospel truth. I made
11 every effort that I could to verify the information
12 that was available.

13 Q. So, when you say that you tried to
14 verify the information, what steps did you take to
15 try to verify the information? What did you look at
16 to try to verify the information?

17 A. Well, first, the -- the -- the court --
18 the records that were available at the courthouse
19 and a pre-published bulletin, either 1 or 2, that
20 Kevin had supplied the homeowners that explained the
21 purchase.

22 Q. Okay. Anything else?

23 A. All the other written information that
24 may have been available at the time. I really don't
25 remember what was out there, but the different

1 conversations that were being flown back and forth
2 from both parties about what had taken place during
3 that time.

4 Q. That would be hearsay, and you wouldn't
5 have any way to support or substantiate either side?

6 A. Only in what both parties had made
7 available at the time in written form.

8 Q. Okay. And with regard to -- there's --
9 and you alluded to it a second ago, but "concluded
10 the flow of information with Bulletin 1 and 2."

11 A. Uh-huh.

12 Q. What is your understanding with regard
13 to that particular information?

14 A. Be more specific.

15 Q. With respect to the bulletins, what do
16 you know about them? We'll start there and then get
17 into the minutia.

18 A. I know that there had been questions
19 raised about the acquisition of parking spaces. And
20 because there was some question about a purchase
21 that was made for 312 and Gary Davis's penthouse
22 unit, there was something that was done to add
23 value, per that bulletin, by adding additional
24 parking spaces to make a better deal for -- I -- I
25 can't remember specifically what it said, but that

1 particular bulletin was -- was prepared by Kevin to
2 be made available to the homeowners.

3 Q. And do you have any independent personal
4 knowledge as to the circumstances surrounding that
5 sale or that purchase?

6 A. Only what's available at the courthouse,
7 and then what's available through the -- the records
8 about who owns each parking spot, when they were
9 acquired, and if they'd been transferred or --

10 Q. Okay. So, everything that you have
11 comes from some record that --

12 A. Yes.

13 Q. Okay. What about -- there's -- there's
14 an allegation about the controlling of the price of
15 the parking spaces. Do you have any understanding
16 about that?

17 A. No. I was not interested in purchasing
18 any parking spaces.

19 Q. Okay. What about the construction of
20 the substandard wall between Units 1103 and 1104?

21 A. What's your question?

22 Q. Well, do you have any -- there's --
23 there's an allegation against Kevin with regard to
24 him having caused the construction of the wall --
25 that -- that wall that was placed between Units 1103

1 and 1104. Do you have any knowledge of his
2 involvement in the construction of that wall?

3 A. Well, only in that I have been trying to
4 look at that unit when -- before the foreclosure.
5 And I believe, as I had referenced earlier about
6 that foreclosure --

7 Q. Uh-huh.

8 A. -- let me back up. And I'm so sorry, I
9 don't remember the years. That's just -- I'm -- I
10 should have looked that up, but --

11 Q. That's okay.

12 A. In any case, I know that I had -- I had
13 always expressed an interest in that unit,
14 obviously, it's a beautiful unit. It's probably the
15 prettiest unit there.

16 Kevin had contacted me, I believe it was
17 in November, and he said that Frank had expressed an
18 interest in selling him that unit and that Kevin
19 would buy it. And he wanted -- he said he -- he
20 would sell it to me for \$599,000, that he did want
21 to make a profit on it.

22 And I had told him at that time, I said,
23 "Well, Kevin, I've been down to the courthouse, and
24 it appears that those are two separate units.
25 They're not one unit. So, are they both in

1 foreclosure? Is one" -- you know, I said -- told
2 him, I said, "You might be" -- "you better be
3 careful because I'm not sure that's going" -- "that
4 would be a good deal if you only got one of them."

5 And he said, "I know all about it. I'd
6 make sure that you get both of them." At.

7 That point I said, "Can you give me some
8 comps on the building?"

9 And he said, "Well, there really aren't
10 any."

11 And I said, "Well, how are you going to
12 get them, because if you're going to buy it, say,
13 you'd have the same problem that I would." I
14 said --

15 He said, "Well, why don't you talk
16 to" -- "to Sharon. Maybe she can" - you know --
17 "give you more information."

18 So, I called Sharon, and Sharon
19 basically told me the same thing that there -- there
20 weren't really comps on the building. And she and I
21 kept in touch pretty much through the -- my interest
22 at that time. I said I -- I'd love to get the --
23 the same deal that, you know, Kevin was getting with
24 them, but I couldn't understand why Frank would only
25 sell it to him. But nonetheless, it was really all

1 contained -- my conversation with her was about the
2 fact that it was going into foreclosure and that I
3 was interested in it, but obviously, Frank had
4 wanted to sell it to Kevin before that could happen.

5 This was in November, and I think the --
6 the place was set to go into foreclosure sometime in
7 January.

8 Q. Is this on 1103, 1104, or both?

9 A. Actually, when Frank showed me the unit,
10 it was always just one unit.

11 Q. Okay.

12 A. And I always thought it was just one
13 unit, but it was only stated that 1104 was what was
14 going to be in foreclosure.

15 Q. Well, let me ask you this, going back
16 to -- to the fourth allegation that Kevin caused the
17 construction of the substandard wall --

18 A. Oh.

19 Q. -- do you have any information or
20 knowledge that he had any involvement in the
21 building of that -- either the -- the direction of
22 or construction of that wall?

23 A. Well, as I said, I was in touch with
24 Sharon a lot through that time. And one time in a
25 parking lot, because I parked at that time, when I

1 lived in 808, 809, my parking spot was just behind
2 hers.

3 Q. Uh-huh.

4 A. And she has a cute dog. I had two cute
5 little dogs. And so, we'd always meet in the
6 parking lot and speak. And I ask her if she'd ever
7 gotten in touch with Frank -- excuse me -- to
8 look -- you know, so that I could see the place.
9 And she said, no, she hadn't.

10 And she said, "Have you seen it since
11 the wall's been up?" She said, "Maybe they took it
12 down."

13 And I said, "Well, I know. Which time
14 do you mean?"

15 And she said -- she said, "Well, they'd
16 taken it up and put it down so many times. I'm not
17 really sure."

18 And I said, "No, I hadn't seen it
19 this" -- "this time."

20 With that she said, "I just asked
21 Kevin" -- you know, she said, "It's also" -- "it's
22 all such a mess. I wish that Kevin" -- "I told him,
23 'Why don't you just do whatever it takes to make it
24 legal?' And he said, 'It's too late for that.'"

25 Then in the process of that wall going

1 up and down, before I lived at that time, after it
2 was all purchased and before it actually did go into
3 foreclosure, which would have been not that time I'm
4 talking about. It would have been the time after
5 that.

6 Q. Well, let me ask you, do you have any
7 knowledge, personal knowledge, of Kevin's
8 involvement in the construction of that wall?

9 A. Did I see Kevin carry --

10 Q. Yeah. Or direct somebody to do it?

11 A. I don't know what you're asking.

12 Q. You were -- you were -- you were there.

13 Did you see him carrying anything in and --

14 A. Well, he wouldn't carry it. That wasn't
15 his job.

16 Q. Well, that's what --

17 A. But he would have directed the people
18 that --

19 Q. Do you know specifically --

20 A. -- work there.

21 Q. Do you know specifically whether or not
22 he either built it or directed somebody else to
23 build it?

24 A. Let me just say this, it was typical --

25 Q. No, no, no. All I want to know is, do

1 you know if --

2 A. I never saw him carry a piece of that
3 board in there.

4 Q. Do you know whether or not he directed
5 anybody to do so?

6 A. I did not hear him say that he did.

7 Q. Okay. Okay.

8 A. I do know that he told somebody that the
9 bank put it up, and I know the bank did not put it
10 up. So, I don't know why he would not have been
11 forthcoming with somebody that was a friend of his.

12 Q. Did he tell -- did he say that the bank
13 put it up, or did he say that the bank directed --

14 A. He said the bank put it up. That's
15 what --

16 Q. Who did he tell?

17 A. [K]athy Quiggins. That's what [K]athy
18 Quiggins told me.

19 Q. What about -- there's a separate
20 allegation here with regard to --

21 A. Can I back up just a moment.

22 Q. Sure.

23 A. When I lived on the 11th floor, and that
24 wall was going up --

25 Q. Uh-huh.

1 A. -- he -- I -- I saw him coming in and
2 out of there. And the only other person that was in
3 there was [maintenance employees].

4 Q. During the construction of the wall, you
5 saw Kevin going in and out?

6 A. Yeah.

7 Q. With regard to -- there's another
8 allegation with respect to -- and this is as to
9 Kevin, Mary Lou, and Sharon, but it's "permitted the
10 wall to be erected."

11 Do you have any personal -- personal
12 knowledge that they permitted -- that Kevin
13 permitted the wall to be built?

14 A. I am not clairvoyant, and I cannot hear
15 through walls. And I was not privy to any private
16 conversation that would have allowed me to hear him
17 say out loud, with his mouth, that he was involved
18 in putting up the wall.

19 Q. Okay.

20 A. If that's what you're getting at.

21 Q. Okay. And what about Sharon and Mary
22 Lou? Do you have any personal knowledge --

23 A. Only in the conversation that -- that I
24 had with Sharon in the parking lot.

25 Q. No knowledge -- no conversation or

1 knowledge with regard to Mary Lou?

2 A. No.

3 Q. What about -- then there is another
4 allegation with regard to all three as well
5 pertaining to accounting for the vacation and work
6 times of [former property manager].

7 Do you have any personal knowledge with
8 regard to Kevin, Mary Lou, or Sharon's accounting or
9 requirement to account for [former property mgr's] time?

10 A. No. I do believe at that time, however,
11 just as a matter of basic business principle --

12 Q. It's okay.

13 A. -- I made -- I just made inquiries
14 whether or not there was a written employee policy
15 that would have explained what her duties were, if
16 she had sick pay, if she had vacation times, if
17 there -- if she had a supervisor that gave her
18 annual reviews. That sort of thing.

19 Q. But you have no recollection -- you have
20 no personal knowledge --

21 A. Oh, no.

22 Q. -- as to whether or not they had any
23 obligation to account for [former property mgr's] vacation
24 or work time?

25 A. No, but as --

1 Q. Okay.

2 A. As the officers of the --

3 Q. No, that's --

4 A. -- homeowners association --

5 Q. Yeah.

6 A. -- they were the ones that would have --

7 Q. There were other members -- there were
8 other officers and board members too, right?

9 A. Oh, yeah.

10 Q. Yeah?

11 A. Uh-huh.

12 Q. Okay. And what about -- and this one is
13 as to Kevin. There's an allegation that he
14 instructed Harbours employees not to provide
15 services to -- and the -- the complaint uses the
16 term malcontent.

17 Do you have any personal knowledge of
18 him instructing -- Kevin instructing Harbours
19 employees not to provide services to certain
20 residents?

21 A. He never did that to me.

22 Q. Okay. What about -- now, with regard
23 to -- you said you have a parking space. Your
24 parking space, obviously, I would assume, has moved
25 as you've moved?

1 A. Uh-huh. (Witness answers in the
2 affirmative.)

3 Q. Okay. Where is - where are you
4 currently parking?

5 A. In my garage.

6 Q. That's true because you're in -- you're
7 in a townhouse.

8 A. Uh-huh. And then there are two
9 available parking spaces that come with that
10 townhouse, 26 and 27 I think is the number. And
11 then, of course, we have street parking if it's
12 necessary.

13 Q. Okay. Have you ever had any -- in the
14 period of time that you've lived in Harbours, have
15 you ever had any issues with regard to your -- to
16 parking?

17 A. Why, sure.

18 Q. And what would those be?

19 A. When we first just moved in there in --
20 I don't know if it was October. I think it was
21 November, the very first year that I lived there.
22 And I always parked at the spot that was closest to
23 my door because nobody ever parked there. And I had
24 been told not to -- to do that, that they were -- it
25 was, like, somebody's driveway and that they were

1 privately owned. I did not understand that, and
2 since nobody parked there, I didn't know if it was
3 because nobody -- I didn't know why nobody ever
4 parked there. In fact, to this day I'm not sure
5 I've seen a car there, but I don't see it now.

6 Anyway, I do remember saying, "I wish I
7 could find out who" -- "who owned it because I'd
8 like to talk to them about renting it." And so,
9 when I go to the office, they said, "Well, we have
10 to look it up," and, of course, that never happened.
11 I could never get anybody to tell me who -- who
12 actually owned those parking spaces that I would --
13 so I could contact them and find out if I could
14 lease them because it was right there, by the door.

15 I honored my commitment not to park
16 there. I would, however, when I was doing groceries
17 or unloading, I would pull up there, unload the
18 groceries, and then immediately move my car into its
19 proper parking space.

20 But one evening we were getting ready to
21 go back to Florida. Kenny was there, and I was
22 loading up the car. We got home from my mom's and
23 dad's about 11:30, 11 o'clock, something like that,
24 at night, and he backed the car into one of those
25 spots. And he put in the heavy stuff, and then I

1 was just taking the smaller things out as -- as I
2 went trying to find a spot where to put them and --
3 little by little. And the last time that I went out
4 to put something in there, the car was gone. And I
5 had -- I had no idea -- I didn't know what was going
6 on with it.

7 So, I went down to the main office. Of
8 course, that office was closed, but I went down to
9 the desk where the security guard would ordinarily
10 sit. And I looked around because I didn't even
11 know -- I didn't know who to call. So, I found
12 Kevin's number on something in the mail room. And
13 that's when I called that number, and his wife
14 answered the phone. It was late, probably 12:30,
15 quarter to one maybe.

16 And he got on the phone, and I said, "Do
17 you know anything about what might have happened to
18 my car?"

19 And he said, "You weren't supposed to
20 park there."

21 "What happened to my car?"

22 He said, "Well, your car has been" --
23 "your car has been towed." And he wouldn't
24 entertain any more conversation and then hung up.

25 So, I went upstairs. And by this time

1 my husband was up, and he didn't know where I was
2 because I was out looking. And he didn't -- he
3 didn't know where I was. I came back into the
4 apartment, and he said, "Where you have been?"

5 I said, "Well" -- I just hated to tell
6 him -- "our car has been towed." And I explained
7 the details of what I had by that time.

8 And so, I called Sharon and asked her,
9 you know, "Do you know where this Kevin is because I
10 need to talk to him about this car. We're supposed
11 to leave at four o'clock in the morning."

12 And she said, "Well, he lives in 315.
13 But if your car got towed" -- you know -- "that's
14 perfectly within his right to do so."

15 And I -- he lived down the hall. I
16 didn't even know he lived down the hall. I never
17 even saw what he looked like, had no idea.

18 Q. Do you know whether or not Kevin was the
19 one who called to have your car towed?

20 A. Uh-huh. (Witness answers in the
21 affirmative.)

22 Q. Who told you that?

23 A. He did.

24 Q. Did anybody else ever talk to you
25 about - who else talked to you about cars and

1 parking and all that kind of stuff? Did anyone else
2 ever -- because you said that y'all had been talked
3 about by people before. Who else spoke to you about
4 parking in your proper spot?

5 A. Oh, the conversation I'm talking about
6 was with the [former security guard]. And - and I
7 think Sharon was down there. And we, you know --
8 I --

9 Q. But you had -- you had indicated there
10 had been several occasions where you were told you
11 needed to park --

12 A. Uh-huh.

13 Q. -- in your --

14 A. And it was Marvin.

15 Q. Was Marvin -- Marvin was the one?

16 A. Uh-huh. Yes.

17 Q. Okay. Did you ever talk to [former
18 property mgr.] about parking, or did she ever talk to you
19 about parking in a particular spot?

20 A. I'm -- I'm pretty sure we did, though I
21 don't -- couldn't tell you exactly what was said or
22 at what time, but, you know, I was friendly with [former
23 prop. mgr.] And I go to the office to see her regularly.
24 And if I had a question or concern, I'd go in there.

25 Q. Who is -- who is Harry -- is it

1 L[eid]ing, L[eid]ing?

2 A. Uh-huh. He is a gentleman that owned
3 305, and he is obviously who are -- who rented us
4 that 305.

5 Q. Did you ever -- did you ever talk to him
6 about parking spaces and where to park and that sort
7 of thing?

8 A. When I looked at it, Harry wasn't
9 involved and -- that it was a real estate agent that
10 had been referred to us by a friend. And he was the
11 one that told me, when I first moved in, that he
12 thought it was the -- the parking space and the unit
13 number were the same, which was 305, which
14 coincidentally happened to be the number of that
15 parking spot. But he said -- but I'm sure. But
16 then, when we went to sign the lease, he gave me
17 the -- the correct number.

18 Q. Okay. Did you ever talk to Paul [K]iger?

19 A. Yeah, that's him. That --

20 Q. That was -- that was the realtor?

21 A. Uh-huh. (Witness answers in the
22 affirmative.)

23 Q. Oh, okay.

24 A. Yeah. I also asked him if he could find
25 me -- find out who owned the space later on. And he

1 said, "Good luck getting that. I've asked for it,
2 And I can't get it." That's what he told me.

3 Q. I'm going to ask you a couple of
4 questions about various condos and things.

5 You said you -- at one point in time,
6 you had lived in 1105. At any point in time, did
7 you have an interest in purchasing 1105?

8 A. Yes.

9 Q. And when was it that you lived in 1105,
10 any idea?

11 A. That would have been -- we will -- this
12 will be our third year in the townhouse. We'll sign
13 another lease in the end of March, March 31,
14 April 1. So, and that -- this will be the start of
15 the third year. So I lived there - that was the
16 one I lived in before that, for a year.

17 Q. Okay.

18 A. One year. Let me see.

19 Q. Would that be roughly 2011?

20 A. Yeah. Yes.

21 Q. Okay. And was that the time that you
22 expressed an interest -- I'm sorry. Go ahead.

23 A. Yes.

24 Q. Would -- would that have been about the
25 time that you expressed an interest in - in the

1 purchase of 1105?

2 A. Yes. When I talked to Dr. Majd,
3 M-A-J-D.

4 Q. That's who owns it or owned it?

5 A. Uh-huh. He does still own it. Uh-huh.

6 Q. And what was the reason why you didn't
7 purchase 1105?

8 A. I had thought -- I knew that Kevin had
9 1103. And I thought that if I had 1105, maybe I
10 could go and get -- go into the foreclosure sale and
11 get 1104. And then I would able to make that a
12 combined unit.

13 Q. 1105 and 1104?

14 A. Yes.

15 Q. 4 and 5?

16 A. 4 and 5.

17 Q. And when did you initially -- when did
18 you initially find out that 1103 and 04 separately
19 or - or for sale? Do you have any idea when that
20 was?

21 A. When you say when 1103 and 1104 --

22 Q. Well, what --

23 A. -- were for sale. Now, I - I was
24 always honing in on this 1104 because that was
25 always the subject of foreclosure. 1103 was not.

1 Q. Okay. You had no interest in 03?

2 A. Well, at that point my interest was
3 always in 1103 and 1104.

4 Q. Uh-huh.

5 A. I'm tracking the foreclosure.

6 Q. Okay. Were you --

7 A. Assuming that they were what I had seen.

8 Q. A single unit?

9 A. Yes.

10 Q. Okay. So when you were looking at the
11 idea of joining 1104 and 05, your assumption was
12 that 03, 04 -- the 03, 04 was a combined unit?

13 A. No. At that point I -- no, this is --
14 now, again, is next foreclosure, not original one
15 that we spoke of earlier.

16 Q. Okay.

17 A. Now, I had gotten more information,
18 understanding now that Kevin had purchased 1103,
19 which, of course, at the courthouse was -- you could
20 verify that he for \$175,000 purchased 1103. At
21 that -- simultaneously, 1104 was still being offered
22 through the foreclosure sale.

23 Q. Okay.

24 A. In fact, it did finally go to
25 foreclosure, finally, at that point.

1 Q. Okay. And did you have any idea,
2 ballpark time frame when you were interested in
3 making that purchase, the 04 purchase?

4 A. Well, of course, I knew it was in
5 foreclosure. I had --

6 Q. How did you find out that it was in
7 foreclosure?

8 A. The newspaper.

9 Q. And what -- at any point in time, other
10 than when you initially moved in and talked to Frank
11 and it was for sale for 1.1 [million], or whatever that
12 number was, was there ever any point in time what you
13 talked to Frank after that about purchasing 1104?

14 A. No, not directly. I -- I only spoke to
15 Frank when I first moved in there, and he himself
16 showed me the unit.

17 Q. And that was when they were combined,
18 and they were --

19 A. Uh-huh.

20 Q. -- and nothing was in foreclosure?

21 A. Nothing, not to my knowledge. I
22 didn't -- I wouldn't have even thought to ask or
23 think it would have ever been -- nobody had ever
24 lived there.

25 Q. And did you contact him, or did he

1 contact you?

2 A. I contacted him.

3 Q. And how did you find -- how did you come
4 to find out that it was even on the market, that
5 that unit was originally on the market when you
6 moved in?

7 A. You could look it up on the web site.
8 It showed all the available units that were for
9 sale. And there were flyers around, you know.

10 Q. Based upon the price and everything,
11 there was no -- did you ever submit a contract for
12 the purchase of the unit?

13 A. No.

14 Q. Okay. Other than when you initially
15 contacted Frank way back when you moved in -- and we
16 established that that was about seven years ago,
17 roughly, right? You moved in roughly about -- I
18 guess, that would put it sometime in the '07-'08 --
19 excuse me '08-'09 time frame?

20 A. I -- if you'd like, I can look that up
21 and find out, and then I can take it from there
22 because I have all -- my husband has all those
23 documents and the leases and so forth.

24 Q. Okay.

25 A. And I could make those available to you,

1 the exact dates.

2 Q. That would be great. I would appreciate
3 that, please. Thank you.

4 But other than that one time, and you
5 talked to Frank about it, there was no other
6 communications or discussions between you and he
7 about -- or your husband even, about the purchase of
8 that particular unit?

9 A. I think that we were down in the office
10 once when we were in the middle of the foreclosure
11 inquiry.

12 Q. Uh-huh.

13 A. And Kenny had expressed an interest to
14 [former prop. mgr.] about -- wondering if the property
15 was still in foreclosure. She said, no, there'd
16 been a mistake that it wasn't. And she used the
17 word short -- there wasn't a short sale, which I
18 didn't know what that meant, but anyway. She said,
19 "You can call Frank if you'd like and talk to him
20 directly. He believed that there'd been some
21 mistake and that it was no longer going to be
22 available." And in fact, it was not.

23 Q. What year was that? Was that -- was
24 that -- was that before or after Kevin bought 1103?

25 A. Oh, before. Before.

1 Q. Did you ever talk to anyone else
2 other -- well, apparently, you spoke to [former
3 property manager] about an interest --

4 A. And then -- and then Kevin at that --

5 Q. Okay.

6 A. -- at one juncture.

7 Q. So, other than [former property mgr.] just
8 mentioning it, and she suggested that you call --

9 A. Because Kenny called -- he did call
10 Frank.

11 Q. Kenny called Frank?

12 A. Yes.

13 Q. Okay. Do you have any information as to
14 what their conversation was?

15 A. I -- as I recall, he had just said that
16 it was not going to be available.

17 Q. Any reason why not?

18 A. I don't recall.

19 Q. And just so I'm clear because I'm --
20 these ended up being two different transactions.
21 So, I want to make sure that I'm clear. When you're
22 talking about an inquiry, you're talking about 1104
23 as it was as a single unit, not as --

24 A. Correct.

25 Q. -- 1103, 1104?

1 A. Correct.

2 Q. Two separate units.

3 A. Correct.

4 Q. Okay. And you indicated that you talked
5 to Sharon Chandler about it. What was that -- what
6 was the nature of your discussions with her?

7 A. I had wanted to see the unit. It had
8 been some time since I'd looked at it, and Kenny was
9 going to be in town. And before we got involved in
10 a foreclosure transaction, he wanted to see exactly
11 what it was. He had never seen the inside of the
12 unit.

13 Q. Okay. So, when you're talking about --
14 when is it that you're -- that you had this
15 conversation with Sharon?

16 A. It was when I lived on the eighth floor
17 because my sister lived with me, and she was with me
18 and she -- she was also there when we had that
19 conversation.

20 Q. Okay. And that was Kim?

21 A. Karen.

22 Q. Karen.

23 And do you recall when that -- when or
24 where that conversation took place?

25 A. Well, it took place in the parking

1 garage.

2 Q. Okay. And what -- is there any -- do
3 you have any idea of kind of what day, time of day,
4 month?

5 A. Oh, it was night.

6 Q. It was a nighttime?

7 A. Yeah, about 9:30, 9:00, something like
8 that, dark.

9 Q. Any idea of when that conversation took
10 place? I'm just trying to get a time frame on
11 things.

12 A. It was evening, in the parking garage.

13 Q. Uh-huh.

14 A. Nine o'clock-ish.

15 Q. But do you have a --

16 A. Date?

17 Q. -- day, month, year, season, cold, hot?

18 A. I'm always hot. Menopause. No.

19 Q. Okay. And you had said also that you
20 had had a conversation with Kevin about that. Do
21 you have any recollection of when that was?

22 A. November.

23 Q. November of what year?

24 A. Prior to the time it was going in
25 Foreclosure in January.

1 Q. And why -- how was it that you can
2 remember that it was in November?

3 A. I wrote it down.

4 Q. Do you still have that note?

5 A. If I did, I would be very much better
6 prepared in dates.

7 Q. Why would -- why was it that you wrote
8 that down?

9 A. I was keeping notes about, trying to --
10 as I was looking into buying this unit for the
11 foreclosure, like, you would anything. You know,
12 spoke to Kevin, regarding 1103, 1104. It was going
13 in foreclosure. I started doing research, and I
14 made a note of it. And I just remembered it, and
15 that's just --

16 Q. What was -- what was the substance of
17 the discussion you had with him, do you recall?

18 A. Whether I'd be interested in purchasing
19 the unit for 599 [thousand dollars].

20 Q. Why was it -- or how did you come to
21 be -- to talk to Kevin about it at all?

22 A. He called me.

23 Q. So I'm clear, he called -- Kevin called
24 you to see if you had an interest in purchasing it?

25 A. He knew -- what he said was, "I know

1 that you've always had an interest in purchasing the
2 unit."

3 Q. Okay.

4 A. He said he felt like the bank wanted too
5 much money for it. And if he did, in fact, was able
6 to negotiate a purchase, he wanted to make sure that
7 he could turn it around quickly. And he was -- he
8 did say that he wanted to make some money on the
9 deal. I don't begrudge him for that, you know.

10 Q. When you spoke to Kevin, were you aware
11 of the fact that he and Frank had talked about Kevin
12 buying the condos?

13 A. Only that -- what he told me.

14 Q. Okay. Do you recall whether or not he
15 told you that he'd spoken to Frank?

16 A. Yes, he did.

17 Q. And what did -- what do you recall him
18 saying? What was the nature of that conversation as
19 far as his discussions with Frank about buying the
20 condos?

21 A. What he said was, "Frank has called me
22 and wants me to buy" -- "expressing interest in me
23 buying 1103 and 4. I know you've always had an
24 interest in the property." He said, as I just said,
25 "The bank wants too much money for it. I'd like to

1 Make sure if I could sell it. I'd like to be able
2 to turn it around, make some money off of it."

3 Q. Okay.

4 A. Sell it to me for 599[,000]. That would be
5 A good deal. "I don't know, Kevin, if it would be a
6 good deal. I'd started looking into it, and the
7 courthouse shows they are two separate units." And
8 so on.

9 Q. And you, obviously, had -- you expressed
10 that you had had an interest in it. Do you feel
11 it -- that in any way or form, Frank or Kevin
12 prevented you from being able to purchase that unit?

13 A. In what way?

14 Q. I don't know. I'm asking you.

15 A. Do I feel like they prevented it? No.
16 Other than they may have had an upper edge because
17 of the information that they had that I did not -- I
18 was not privileged to.

19 Q. Well, I mean, it sounds like you went to
20 the courthouse and you found out that they were in
21 foreclosure --

22 A. And that's it.

23 Q. -- and that kind of stuff. Yes?

24 A. Yes.

25 Q. But I mean, there was no -- to your

1 knowledge --

2 A. Don't sell it to her? Nothing like
3 that, no.

4 Q. Yeah.

5 A. No.

6 Q. Okay. You said you went to the -- to
7 the courthouse and found out that they were two
8 separate units and that sort of thing. And I know
9 that you mentioned earlier something about comps.
10 Did you ever do any research with regard to comps on
11 the unit?

12 A. I had asked a real estate agent friend
13 to run me the comps, and I then understood what the
14 dilemma was. And that was that the units had sold
15 only once from the developer. There was no
16 resale --

17 Q. Uh-huh.

18 A. -- value that had been established on
19 them.

20 Q. Okay. So, who was that -- who was that
21 agent friend?

22 A. Mary Beth Vissing.

23 And of course, with the units being in
24 different size, on different floors, and so on,
25 they would have mixed values, and you could not

1 determine based on any of those numbers anything to
2 be valid. There were no -- there were no resales at
3 that point.

4 Q. Okay. Did she provide you with any
5 documentation or anything, or is this just --

6 A. You know, when you say to your friend,
7 "Could you run me some comps on the building."

8 Q. Uh-huh. And did she provide you
9 anything, or did you --

10 A. She ran off something, sure.

11 Q. Okay.

12 A. That's what I said. And then it -- it's
13 after I looked at it, I was able to see what the
14 problem was, meaning it would have been difficult, I
15 guess, even to run them for -- you'd have to almost
16 do it separately for one-bedrooms, two-bedrooms, and
17 so on.

18 Q. Did you have -- based upon that, did you
19 have any -- make any determination as to what you
20 thought those -- the value of those condos might be
21 worth?

22 A. If it was going to be half of one, I
23 knew it was going to be a problem.

24 Q. Uh-huh. But I mean, just as far as the
25 value itself, did you have any idea or make any --

1 A. I knew that there was nothing that --

2 Q. -- make any conclusions?

3 A. -- nothing that I was not -- as I
4 recall, there was nothing that I was going to be
5 able to take to the bank and say, "This is what
6 they're asking for it. That is what they originally
7 sold for. There are no comps. What can you do for
8 me?"

9 Q. Okay.

10 A. I knew that nobody had lived there. I
11 knew Frank wanted to sell. He was anxious to sell.
12 And at that point still trying to formulate how this
13 would work in a foreclosure, I was learning how they
14 even handle foreclosure sales at the Clark County
15 Sheriff's Office. So, there was a lot of different
16 things that entailed.

17 Q. So, how many times did you actually see
18 the condos?

19 A. Twice, and I saw half of one twice.

20 Q. So, you saw -- the first time was when
21 You first moved into the -- to The Harbours. Does
22 that -- does that count as number one?

23 A. Yes.

24 Q. And then how long after that did you see
25 completed unit again?

1 A. Well, I think Sharon took me up there
2 when I lived on the eighth floor because we were
3 going to have to move out of the eighth floor.

4 Q. Okay. So, when was that, ballpark-ish?

5 A. I'll get these dates.

6 Q. Okay.

7 A. And then I -- I can maybe interject.

8 Q. So, you saw it -- you saw it once
9 with -- once when Frank showed it to you, and then
10 once Sharon showed it to you?

11 A. I think -- I think it was.

12 Q. And then you saw --

13 A. I know I looked at it -- I know I saw it
14 one other time.

15 Q. Okay. As a completed unit?

16 A. Yes.

17 Q. Okay. And then you said you saw --

18 A. After that it was with the lady that
19 represented the foreclosure.

20 Q. Do you recall who that was?

21 A. Whoever the lady -- it was a real estate
22 agent that Fannie Mae had appointed to oversee the
23 sale.

24 Q. And that would have been on 1104 only?

25 A. Yes.

1 Q. Was the wall up at that time?

2 A. Yes, partially. I mean, there was a
3 hole in it.

4 Q. Yeah. What was called the wall was
5 there?

6 A. Yes, sir.

7 Q. And did you express an interest in
8 purchasing -- and I want to separate them out now
9 as, you know, 1104 being what was inside that wall,
10 you know --

11 A. Yes.

12 Q. -- taking out what is 1103.

13 A. Uh-huh.

14 Q. Did you express an interest in the
15 purchase of 1104?

16 A. Yes.

17 Q. To whom?

18 A. The real estate agent.

19 Q. Would that be --

20 A. If you tell me her name, I'll -- I'll
21 recognize her.

22 Q. I'm trying to remember if that's either
23 [real estate agt.] or Diana -- or Diana -- is it Mayfield?

24 A. Mayfield, yes. That's her.

25 Q. Got you.

1 And do you have any recollection when
2 that was?

3 A. It was prior to the -- I'm not sure how
4 long it took after it goes in foreclosure before she
5 actually had it. But when I found out her name, I
6 did contact her then shortly thereafter.

7 Q. To your recollection, was there any --
8 was there any just mechanical problems or other
9 issues that the house -- that 1104 had, other than
10 the wall? But I mean, as far as any --

11 A. Well, no, the lights when you turn it
12 on, were not specifically for that unit. The water
13 in the sink, you turn on the water, and -- and the
14 sink you had access to both sides.

15 Q. Was there -- was there any issues with
16 the -- I guess, what I'm -- other than that
17 particular wall and those sort of things, was there
18 any disrepair to the unit at all?

19 A. There was no refrigerator there because
20 they -- it was on the other side of the wall. You
21 could look through and see.

22 Q. Uh-huh. Okay.

23 Did you ever go to the -- to see the
24 unit with anyone from the AG's Office?

25 A. No. Uh-uh, did not.

1 Q. So, the only time that you ever saw it,
2 once was with Frank.

3 A. That's right.

4 Q. And you saw it four times?

5 A. Yes.

6 Q. Once was with Frank, once was with
7 Sharon, twice with Mayfield?

8 A. Yes.

9 Q. Got it.

10 And you -- is it correct to say that you
11 placed -- you bid on the property through the Fannie
12 Mae foreclosure?

13 A. The first time, yes. And then they took
14 It off the market.

15 Q. And how many times was it on the market
16 you think?

17 A. Well, they -- I don't know why they did
18 it.

19 Q. Uh-huh.

20 A. But they took it off, and she said they
21 didn't know when they would put it back on -- she
22 didn't.

23 Q. Uh-huh.

24 A. And then --

25 Q. She being Mayfield?

1 A. Yes.

2 Q. Okay.

3 A. And I think it was just two weeks later,
4 and they came back and they had a higher price
5 attached to it.

6 Q. What was it originally, do you recall?
7 Do you remember what the higher price was?

8 A. No.

9 Q. And when you say higher price, does that
10 mean that that's the starting bid point?

11 A. Starting bid.

12 Q. Starting bid, is that at a particular
13 point and then --

14 A. Uh-huh. (Witness answers in the
15 affirmative.)

16 Q. And is it your understanding that it's a
17 blind bidding system, so that you don't know who is
18 bidding and how much they are bidding?

19 A. Exactly.

20 Q. Okay. And do you recall how much you
21 bid on the -- on the property?

22 A. I -- I don't recall.

23 Q. How many times did you bid?

24 A. Just the first time.

25 Q. Just the first time?

1 A. Uh-huh. At that point, remember, I was
2 going to look at combining 1104 and 5, and then --
3 well, first of all, there were mechanical reasons
4 why you couldn't go through that wall. But when I
5 started thinking about the price that they were
6 asking and the price that I would have to pay for
7 the other one, it would have been --

8 Q. So, when you're talking about mechanical
9 reasons, you're -- what are you referring to?

10 A. A firewall.

11 Q. Oh, you're talking about between 1105 --

12 A. -- and 4.

13 Q. -- and 4.

14 A. Yes. And -- and I had sent Kevin an
15 e-mail that basically wanted to clarify that he only
16 was -- that he was -- this is before I saw the
17 wall -- that he obviously was happy with just 1103.
18 And then I had -- I was assuming that that's where
19 he -- when I knew that there were two. That's all
20 he wanted, that I was going to look at doing 1104
21 and 5.

22 Q. Okay.

23 A. And to that he, in his e-mail, responded
24 that I'd be better off buying it from him. It would [be]
25 cost-prohibitive and indeed that's -- that was the

1 truth.

2 Q. Buying 1103 and 4 as a combined unit?

3 A. Yes.

4 Q. Okay.

5 A. I didn't know there was a wall up.

6 Q. Okay.

7 A. Wait a minute, let me think about that.

8 I just knew 1104 -- no. I -- I didn't know the
9 wall -- I didn't see the wall or know the wall was
10 up. I only knew that he bought 1103. My
11 understanding was only 1104 was going to be for
12 sale.

13 Q. Uh-huh.

14 A. Okay. If I -- if there was a wall talk,
15 there probably was. I don't recall exactly. But I
16 wanted to make sure that if I did buy 1105 and
17 bought 1104, that I would have 1104 in its entirety
18 and so that I busted through --

19 Q. 3, 4, 5?

20 A. No, 4 and 5. I said -- what my e-mail
21 said to him was, "I'm assuming that you're happy
22 just having 1103."

23 Q. Okay.

24 A. Because my intention would be to go
25 through 1105 and buy 1105 and 1104.

1 Q. Uh-huh. Okay. And you said that it
2 was -- you said something about it was
3 structurally -- there were structural concerns about
4 Combining 05 and 04?

5 A. There was a fire wall, yes.

6 Q. Okay. So, it made it --

7 A. I -- I --

8 Q. -- cost-prohibitive from being able to
9 do that?

10 A. No. I don't think you could do it.

11 Q. Okay.

12 A. I didn't know that at all.

13 Q. Okay. So, after the first - after the
14 first bid --

15 A. -- with Fannie Mae.

16 Q. -- with Fannie Mae -- and I assume that
17 during that period of time was when you learned that
18 there was -- that there was perhaps a prohibition of
19 combining of 04 and 05, and that's -- that was the
20 purpose for your not bidding any -- anymore?

21 A. Actually, it was after that because I
22 was still -- I was still considering that I could do
23 that before I knew that there was, like, a fire wall
24 that prevented you from doing that. I was still
25 trying to figure out how much it would cost to do

1 the combination.

2 Q. Okay.

3 A. Subsequent to that, I found out that
4 there was a -- that there were certain units,
5 because of the way they were designed --

6 Q. Uh-huh.

7 A. -- that you could not make a combination
8 of units.

9 Q. Okay. What -- and you don't have any
10 idea how many times Fannie Mae put up and took down
11 that property -- how many bids --

12 A. The sale?

13 Q. Yeah. How many bids -- how many bids --

14 A. I know that --

15 Q. What I call bidding series --

16 A. Right.

17 Q. -- that there were, do you know how many
18 there were?

19 A. As far as I know, it initially went on
20 the market. They took bids.

21 Q. Uh-huh.

22 A. Before the bid process -- they curtailed
23 the bid process and said they were taking it off the
24 market, no explanation, didn't know when it would be
25 back on.

1 Q. Uh-huh.

2 A. Two weeks later, it was back on.

3 Q. Okay.

4 A. And that, to my knowledge, at that --
5 that second round was when they finally accepted the
6 offer.

7 Q. Okay. That's -- but you have no
8 independent knowledge, that's just what your --
9 that's your understanding?

10 A. That's what -- I mean, I was in constant
11 communication with Mayfield. She was my only source
12 of record for that.

13 Q. Do you ever recall being asked to give
14 your best and final offer? Do you know --

15 A. They always say that in the foreclosure
16 when you're giving a bid --

17 Q. Uh-huh.

18 A. I mean, when you're -- before you're
19 given an opportunity to bid, they always say
20 there -- this isn't your typical sale.

21 Q. Uh-huh.

22 A. You give your best and final offer at
23 the time that you present it.

24 Q. Okay. So, at the time that you gave
25 your -- in that first bid and the only bid that you

1 made --

2 A. Yes.

3 Q. -- did you give your best and final bid
4 at that point?

5 A. Yes.

6 Q. When you placed your bid, and we've had
7 discussions about this before, have you -- were you
8 required to sign an affidavit of occupancy attesting
9 that you -- that you would be an owner occupant?

10 A. Exactly, yes.

11 Q. And did you do that?

12 A. Yes.

13 Q. At the time that you made that bid, what
14 was your -- what was your status with your other
15 condominium?

16 A. I lived next door.

17 Q. Okay. And so, your intent would have
18 been to purchase --

19 A. His unit.

20 Q. -- his unit. Was it on the market?

21 A. Yes.

22 Q. Okay. And then you would have combined
23 the two?

24 A. Yes.

25 Q. Other than Mayfield and Kevin, was there

1 anyone else that you spoke to regarding your
2 interest in purchasing 1104?

3 A. Only Chuck Fugate, to find out who was
4 actually handling the foreclosure, but never --
5 never any conversation. He did explain to me a
6 little bit about how foreclosures work, not
7 that specifically, but how -- how they appoint those
8 to different people and so forth.

9 Q. Did you ever have any discussions with
10 the Attorney General's Office?

11 A. No.

12 Q. Anyone from the Attorney General's
13 Office?

14 A. No. They weren't interested in what I
15 would purchase, no.

16 Q. You never --

17 A. Only in that -- only in that when I was
18 concerned about the fact that there was a wall
19 constructed and that when -- and I talked to Diana
20 Mayfield about this. I said, "I" -- "I'm not sure
21 why they" -- I said, "Do you know if they know that
22 this is set up like this?" She said --

23 Q. When you say they, who know? Does who
24 know?

25 A. The -- the - the person that was in

1 charge of -- her contact with Fannie Mae.

2 Q. Uh-huh. Okay.

3 A. And apparently, one of them lived in
4 California at the start. And then her rep that --
5 that handled it then moved to Chicago. I kept
6 suspecting that maybe something had fallen through
7 the cracks, but she ensured me, no, that she'd seen
8 pictures, and they had not made any -- any effort to
9 tell her to do anything different.

10 Q. So, Fannie Mae knew about the wall at
11 the time that the purchase --

12 A. According to Diana Mayfield, they did.
13 She made them aware, apparently. I'm not sure they
14 knew before that because she said when she went in
15 to look at it, she said her jaw dropped. She did
16 not realize that. She took pictures and sent them
17 to them, and apparently, they didn't care.

18 Q. Okay. And -- so, you talked with
19 Mayfield about it; you talked to Fugate about it;
20 and you talked to Kevin about it. And you didn't
21 have any discussions with anyone at the AG's Office
22 about the purchase of the wall -- purchase of the
23 wall -- purchase of the unit.

24 A. Only in the -- my any interest they -- I
25 mean, any documentation that I would have had about

1 whether or not this was -- why would they be able to
2 do that.

3 Q. I'm going to show you what we're going
4 to mark this Exhibit -- I guess, we'll just do 1,
5 yeah.

6 ([Exhibit Number 1](#) was marked.)

7 Q. (BY MR. CULOTTA:) And if you would -- I
8 apologize for the small print. I didn't do it.
9 This is the way that it comes, but I'm going to ask
10 you -- we've highlighted a few items that would
11 hopefully make it a little bit easier to recognize.

12 A. Hopefully -- hopefully, you'll have
13 glasses is what I hope you have. Oh, great. What
14 am I looking?

15 Q. Please go to Page 6.

16 A. What is this, first of all?

17 Q. This is as it's been -- it's been
18 disclosed to us and purported to be to us, it's the
19 realtor's log by Diana Mayfield.

20 A. Uh-huh.

21 Q. The yellow little sticky and the
22 little -- and the caption that's been placed on the
23 top of it, that's things that we put on it, as well
24 as the highlights.

25 A. Uh-huh.

1 Q. But that's just to be able to see stuff
2 and --

3 A. Okay. Now --

4 Q. -- because it's so small.

5 A. You want me to go to Page 6?

6 Q. Yes, please -- excuse me, let me see.
7 Yes, I believe it is Page 6.

8 A. Uh-huh

9 Q. And it's -- there's a date off to the
10 left of June 11, 2012.

11 A. 11th -- yeah, okay. Got it.

12 Q. Right -- I'm kind of looking actually
13 right here (indicating).

14 A. Oh, yeah.

15 Q. And there's a discussion in there -- let
16 me find the specific -- that'll make it easier.

17 A. What am I looking at? Do you want me to
18 read this claim here?

19 Q. Well, I'm -- I apologize, I'm looking to
20 see.

21 A. I'm just going to be reading this until
22 you tell me what I'm supposed to hone in on here.

23 Q. I'm going to try and make it a little
24 bit easier. There's a -- there's a space -- this is
25 an e-mail that --

1 MR. CULOTTA: We're going to go ahead
2 and introduce this at Number 2.

3 ([Exhibit Number 2](#) was marked.)

4 Q. (BY MR. CULOTTA:) I'll make it easier
5 for you. She's going to give you a copy.

6 This is e-mail correspondence that you
7 purported you had with --

8 A. Yes. If you give me this, it could help
9 my memory.

10 Q. Okay.

11 A. Yeah. What -- what am I looking on
12 here?

13 Q. Well, if you would, take your -- take a
14 glance at it.

15 A. Uh-huh.

16 Q. Start at the back because I think that's
17 the oldest --

18 A. I'd have to read all of this.

19 Q. -- and work your way through. And
20 then --

21 A. You're talking about this (indicating)?

22 Q. Correct. Again, the caption on there
23 is -- put on there by us, just to kind of give it
24 some reference.

25 A. I know -- I'm talking -- I want to --

1 I'm going to just look at this --

2 Q. Okay.

3 A. -- and see if I can get the context of
4 it.

5 Q. Sure.

6 A. Uh-huh.

7 Q. Okay.

8 A. Uh-huh.

9 Q. All right. Let me ask a couple of
10 questions about this.

11 A. Uh-huh.

12 Q. First off, let's start with that last
13 one on the bottom because that's the oldest, and
14 we'll just kind of work our way up.

15 A. Right.

16 Q. How are you aware of the fact that Kevin
17 had submitted a bid to be an owner occupant?

18 A. I don't have any idea. Probably because
19 somebody told me. I have no idea.

20 Q. You don't know who might have told you?

21 A. That was pretty clear. I mean, he
22 renewed that he owned 1103.

23 Q. But it's -- but as you indicated --

24 A. I have a couple of questions. Kevin
25 submitted this an owner occupant candidate. She

1 didn't tell me.

2 Q. But --

3 A. I don't know.

4 Q. But you'd indicated -- but you had
5 indicated before -- you testified earlier that it
6 was -- that it was a closed, sealed bid?

7 A. Honestly, I don't remember writing this
8 whole e-mail, but that didn't mean anything.

9 Q. Okay.

10 A. I don't -- I don't remember because I
11 don't remember that I would have -- I remember
12 making an inquiry as to whether or not if he -- if
13 when he told me that he thought it would be a cost
14 prohibitive, that if he was able to get 1104 instead
15 of me doing 1105, 1104, it would be more
16 advantageous to -- cost wise --

17 Q. Uh-huh.

18 A. -- to just buy it from him.

19 Q. Uh-huh.

20 A. At which I'm thinking, Well, then he
21 doesn't want to live in it, and that was part of
22 what I understood is the process for -- for
23 foreclosure purchase.

24 Q. Uh-huh.

25 A. That first, they -- the thing goes on

1 the market, and it's available to owner occupants,
2 people that would move into it and live in it.

3 Q. Right. But I -- but my -- I guess, my
4 first question is, how did you even know that he
5 was --

6 A. A bidder?

7 Q. -- a bidder?

8 A. I didn't know. I can't say. I didn't
9 know. I -- there was -- it -- to me it occurred --
10 I don't know. I really don't recall. I should say
11 that because nobody -- nobody told me that he did.
12 I just assumed that he did. And maybe I don't know
13 if he told somebody and somebody told me, but --

14 Q. But it's made as -- it's made as a
15 very --

16 A. Statement.

17 Q. -- definitive statement.

18 A. Uh-huh.

19 Q. Can we just --

20 A. Maybe it was -- I don't know. If I say,
21 I'm going to be speculating because I knew that he
22 had 1103. I wanted -- as I told you the whole
23 sequence of events there. If -- when I sent him
24 that one e-mail about him being content with just
25 1103, I didn't know there was a wall or that it'd

1 been -- I didn't know what the deal was. And that's
2 what he said, "You'd be" -- "if I can get 1104" --

3 Q. Uh-huh.

4 A. -- "it would be better for you if not to
5 do the break" -- you know -- "try to think about
6 doing a combination, it would be more advantageous
7 to get 1103 and 1104 from him if he was able to get
8 1104."

9 Q. But you make a comment here, and you've
10 already kind of testified to this, that he tried to
11 discourage you from purchasing 1104 --

12 A. Discourage in the fact that -- only
13 that -- from a cost perspective.

14 Q. Uh-huh. So, from a -- from a friend
15 suggesting that this would not be a good cost --

16 A. He said, "If I was able to get 1104" --
17 you should have an e-mail, as a matter of fact,
18 don't you?

19 Q. Well, we have it --

20 A. From him?

21 Q. We have it in here.

22 A. No, not this. Not this one. The one
23 that he and I had back and forth.

24 Q. Do you have that e-mail that -- do you
25 have -- still have the e-mail that's referenced

1 here?

2 A. I don't know. I have, like, 1,063
3 e-mails in my inbox right now. I know.

4 Q. Sounds like it might be mine.

5 A. I don't know. I know a lot of them are
6 from Web MD, Sally's Beauty Supply, and --

7 Q. If you could --

8 A. -- ads.

9 Q. If there's a possibility that you could
10 check and just see if there're -- if you have a copy
11 of that, I would appreciate it.

12 A. Oh, sure.

13 Q. Thank you.

14 A. Then this would make more sense. Then
15 it -- there would be -- I'll see what I have. You
16 want me to look and see at all the -- any e-mails
17 that I have?

18 Q. Sure. That would be great. I'd
19 appreciate that.

20 A. I'm trying to think when I switched over
21 computers, but I think I do. I'll -- I'll look and
22 see. Sure, I'll get those. That's easy enough if
23 my printer won't quit on me again.

24 Q. And you referenced in here -- and you
25 referenced in here a stop work order from the City.

1 What does that reference?

2 A. A green piece of paper that was on the
3 wall.

4 Q. But I mean, what was that -- do you know
5 what that stop work order was for?

6 A. Yeah. Don't do anything else. You have
7 to have a permit if you're going to do anything.
8 That's my understanding of what it is.

9 Q. Okay. Do you know when that went up?

10 A. No.

11 Q. Do you know who put it up?

12 A. The -- the guy at the City, Larry
13 somebody, who was in charge of it at the time. He
14 is not -- he does a different job now, and I don't
15 remember his last name.

16 Q. This is on June 11, 2012. Do you know
17 if that is before or after the first -- the first
18 offering of the property?

19 A. I don't recall. I'm sorry. If you --
20 if -- if the date thing, if I'd known it, I would --
21 you know, we needed to do this, I would have been
22 better prepared to address the timeline.

23 Q. I understand.

24 A. And if -- if I go back and I find these
25 things and then maybe look through those, will I be

1 able to amend some of this?

2 Q. Well, we can --

3 A. I just don't --

4 Q. I can -- if you find them and have
5 additional things you want to input, we can -- we
6 can make arrangements to have that done.

7 A. Okay. Because I don't -- I'm not trying
8 to be deceptive or ambiguous or --

9 Q. I understand.

10 A. -- anything. I want to be -- but I
11 honestly -- memory and focus are two of the things
12 that curse a woman at my age.

13 Q. Okay. I'll take that --

14 A. -- into consideration if you're married.

15 Q. -- into consideration.

16 A. That's what I say.

17 Q. Okay.

18 A. Be prepared.

19 Q. Let me ask you this question.

20 A. If you can do it, Clay, you're doing
21 good. Just telling you.

22 Q. In the first paragraph -- excuse me, in
23 the second paragraph on the -- of the e-mail that's
24 at the top of the first page, in there (indicating),
25 there is a reference to "our team in Indy" -- or

1 "AGT in Indy asked me" --

2 A. If I had it, made an official offer,
3 yeah.

4 Q. What was that referencing?

5 A. Don't know. Don't recall. I'll have to
6 look and see -- like I said, if I had -- it made
7 sense at the time. That's all I know.

8 Q. Okay.

9 A. About -- questions I would have had
10 About what if -- what is this all about? What is
11 going on here? How come the -- I -- I'll just tell
12 you what I had concerns about. I had concerns about
13 why a bank would allow that sort of thing, you know,
14 with walls and, you know, electricity. And how
15 could they -- because one thing they made clear, you
16 buy it as is. I go, Well, as is isn't as this. It
17 isn't is yet.

18 Q. But as -- as Ms. Mayfield told you, she
19 sent pictures to --

20 A. Uh-huh.

21 Q. -- Fannie Mae, and they, obviously, as
22 you testified, didn't care.

23 A. I -- I can only assume based on what did
24 not happen that that was not of concern to them for
25 some reason.

1 Q. Okay.

2 A. Which I don't -- that's why I don't
3 understand how would that be. I've never -- I never
4 ever, ever bid on a foreclosure. So, this was all
5 new territory.

6 Q. True.

7 A. But my own little tiny brain would have
8 said, Gee, if I'm going to buy it, do I really want
9 to have to look inside there with this little -- the
10 wall up here? I don't understand, well, how can
11 they do that. It should have been, in my opinion --
12 and it's only my opinion, but I think it's a
13 reasonable one -- separated. And so, as a -- you
14 know, all that stuff should have been taken care of
15 immediately. She was shocked. I was shocked.

16 Q. I'm going to show what's been -- what
17 we're going to identify as Exhibit 3.

18 ([Exhibit Number 3](#) was marked.)

19 Q. (BY MR. CULOTTA:) And if you would --
20 maybe this could potentially be the e-mail that you
21 referenced. If you could take a look at it and let
22 me know.

23 A. Uh-huh. Oh, here at the bottom, right.

24 Q. That would be the easiest.

25 A. No. This is down on the eighth floor.

1 Uh-huh.

2 Q. Is this what you're referring to, the
3 e-mail, perhaps?

4 A. Yes.

5 Q. And the -- when you -- when you said
6 that he discouraged you, you're more thinking of --
7 it wasn't necessarily in a negative way but more of
8 a suggestion of a better business --

9 A. Yeah.

10 Q. -- deal type thing?

11 A. Yeah. Uh-huh.

12 Q. Okay. And with regard to the unit -- or
13 excuse me, the March 30 e-mails, do you recall there
14 being any additional discussions after that?

15 A. I don't recall.

16 Q. At the time that -- at the time of the
17 bidding that was being done for -- through Fannie
18 Mae, do you recall any conversations with Kevin
19 then?

20 A. No.

21 Q. What about --

22 A. Not to my knowledge.

23 Q. Okay.

24 A. May -- may I ask you a question here?

25 Because as I said, it all -- it all was totally in a

1 proper procedural form at the time, and it made
2 sense. Would you rather that I say I don't recall
3 if I'm not exactly sure about things?

4 Q. What I -- and that's -- and I appreciate
5 you asking that. That's one of the rules I should
6 have told you about before. If you have -- if you
7 don't know anything, if you don't recall something,
8 if you -- if you just don't know, "I don't know" and
9 "I don't recall" is a perfectly acceptable answer?

10 A. However, I do know something. I'm not
11 sure it -- I'm not sure the --

12 Q. And you can --

13 A. -- exact timeline --

14 Q. Sure.

15 A. -- and the complete details.

16 Q. And you can provide that and simply say
17 "I don't remember exactly when." That is -- your
18 answer is your answer, but it is appropriate for you
19 to say that you don't know and then tell what you do
20 know, if that makes sense. Okay.

21 One of the -- going back to the Number 2
22 really quick here and looking back at that -- back
23 on this particular one, on the second page, the
24 bottom there.

25 A. Uh-huh.

1 Q. You had made the statement that Kevin
2 filed for a homestead exemption on 1103.

3 A. Uh-huh. That was on the paperwork you
4 get when you go next door to the Recorder's Office.
5 It is in the Adjuster's Office. Because in Clark
6 County they have -- it says a dollar, you bought for
7 a dollar. Then you go next door and they'd give you
8 the full information about it.

9 Q. So, it's from there that you -- it's
10 from the Assessor's Office that you --

11 A. Uh-huh.

12 Q. -- found out?

13 A. You can go and see how much was paid for
14 it and all the paperwork. And it has all of that on
15 that particular sheet of paper.

16 Q. Do you have any paperwork -- do you have
17 any of that paperwork regarding what you've found --

18 A. No. But if you need it, I can get it
19 for you. It's probably now -- it's available at the
20 Clark County courthouse.

21 Q. I appreciate that. Thank you. I
22 just -- I didn't know if you still had it, if you
23 still had that information.

24 A. You can get it free, so I don't have to
25 keep paying for that.

1 Q. That works.

2 Do you recall when you went down to the
3 courthouse to look through those records, did anyone
4 at the courthouse assist you looking for that or how
5 did you know to go to certain places?

6 A. They teach you. They -- if you want to
7 look at property, they'll show how to do it.

8 Q. Okay.

9 A. And there's people down there that
10 that's what they do for a living. And you can ask
11 them a question. It's kind of antiquated.

12 Q. In your e-mail -- in that second e-mail,
13 again, there's questions with regard to other
14 bidders. Was there any particular reason you were
15 asking Diana about other bidders?

16 A. Well, yeah. I mean, you know, whether
17 to proceed or not. How much interest was in it. I
18 mean, it was --

19 Q. Did you ask her about particular
20 Individuals or just --

21 A. She can't -- she wouldn't tell you that.
22 She -- she did not tell me. She couldn't even --
23 she would say, "Yes, I have one or two other" and so
24 -- whatever.

25 Q. Okay. So, she would tell --

1 A. She could not say who or what, anything.
2 She was very, very clear about that. And she kept
3 saying it over and over again. But there was only
4 two.

5 Q. Clear about what?

6 A. About who -- the rules of her
7 responsibility in accepting offers that -- the
8 guidelines attached to it, what she could and could
9 not.

10 Q. Okay.

11 A. And I think -- thinking back on that,
12 the thing about the two bidders, I knew that Kevin
13 was interested in it, and I knew I was interested in
14 it. And she said she had two bids.

15 Q. And she -- you assumed that y'all were
16 the two bids? But she didn't disclose to you --

17 A. I knew I did, and I was one. And I knew
18 that if he -- that he had an interest, so he'd be
19 the second one. She did not tell me that though.
20 Oh, no, she wouldn't do that. She can't even tell
21 you if your bid is up, down, close, in between.
22 Forget about it. Go home. You're nuts. Nothing
23 like that.

24 Q. And -- let's see. If you would take a
25 look at that same [Exhibit 2](#). Go back to the second

1 paragraph. And just from the beginning of that
2 second paragraph --

3 A. We're talking about this right here
4 (indicating), is that correct?

5 Q. That is correct.

6 A. Okay.

7 Q. Right in the dead center -- well, if you
8 would read it up to --

9 A. You mean the other thing is that when I
10 went to the board president? Is that what you
11 meant?

12 Q. Yeah. What exactly was that all about,
13 and who was the president at the time? Who did you
14 talk o?

15 A. He owned the unit on --

16 Q. Would it be Russ Johnson?

17 A. No.

18 Q. Different?

19 A. Uh-huh. (Witness answers in the
20 affirmative.)

21 Q. Okay.

22 A. He had the -- let me see, was it -- oh,
23 he had a 1005 -- 1008 and 1009.

24 Q. So, whoever it was that was in 1008 and
25 1009 was the president?

1 A. Yeah. I cannot think of his name. Pat
2 Collins. Yeah, that was him. Pat Collins.

3 Q. What was the -- when you talked -- what
4 was the nature of -- what was --

5 A. Well, I wanted to know if he knew about
6 it. If he knew that --

7 Q. About what?

8 A. Well, if he knew that there was a
9 foreclosure and that there -- there was a wall up in
10 there and, you know, like, just -- it states in
11 the -- the bylaws and the declaration that when
12 things are changed, you got -- you got to notify
13 them to make an amendment to the declaration. And
14 if there was -- if this was being separated and -- I
15 wondered how much he knew about whether or not --
16 what was going on up there. He stated that he did
17 know.

18 Q. He -- he did know?

19 A. Yeah.

20 Q. He knew about the wall and he knew about
21 the foreclosure?

22 A. Yes. And I have -- I said, "But have
23 you seen it lately?" She said yes.

24 Q. And when was it that he had seen it, do
25 you know? I mean, did he say, like, "I saw it last

1 week" or "I saw it a month ago" or --

2 A. No, because I wanted him to go walk up
3 there with me.

4 Q. Okay.

5 A. He didn't want to.

6 Q. And when you say that "it could be
7 sticky for everyone," what do you mean by that?

8 A. Well, if logistically speaking, it would
9 be sticky. How can it not?

10 Q. What do you mean logistically?

11 A. Well, if you -- if I go in there and I'm
12 bidding on 1104 --

13 Q. Uh-huh.

14 A. And I think I'm buying a whole unit, a
15 half a unit, the electric, the plumbing, you know,
16 it's sticky.

17 Q. But the wall was up, right?

18 A. Yes.

19 Q. So, the assumption, I guess, would be
20 that --

21 A. Like, what you are going to do --

22 Q. -- you buy --

23 A. -- and how is that handled. Yeah.

24 Q. Okay.

25 A. How is that going to be handled? What

1 do you do? Did he know?

2 Q. Uh-huh. Okay. I just -- I was just
3 curious.

4 A. Yeah. There you go.

5 Q. Okay. But he was well aware of the fact
6 that the wall was there and the foreclosure was
7 going on?

8 A. He said he was.

9 Q. Okay.

10 A. But he said it was not commonly his --
11 any of the board members to make it their business
12 what any other board member was doing.

13 Q. Did he indicate to you who or did he
14 know who put up the wall?

15 A. No. He didn't -- we didn't have a
16 conversation of who put up the wall.

17 Q. Okay.

18 A. I just wanted to know if he was aware of
19 the wall. In fact, I wanted him to meet me up
20 there, and he didn't want to meet me up there. He
21 thought that I had an ambush planned for him, but
22 I'm not sure what kind of an ambush he thought I was
23 Responsible for. I just wanted him to look at it,
24 so we could have a conversation and I could show him
25 what I was talking about because Diana Mayfield was

1 going to be there during that time.

2 Q. And you had told her about it, and --

3 A. Oh, I didn't. She -- she knew -- yes,
4 she --

5 Q. Did -- she knew -- she knew about it
6 before you did?

7 A. What?

8 Q. The wall.

9 A. Diana Mayfield?

10 Q. Yes.

11 A. Yes. I knew about the wall, but I
12 hadn't seen the wall.

13 Q. How did you know about the wall?

14 A. Well, I live right next door. You can
15 look inside, and you could see it from the window.

16 Q. And you told her -- and you discussed it
17 with Diana Mayfield for the purpose of finding out
18 whether or not the bank and/or Fannie Mae were aware
19 of it. Was that -- is that a fair statement?

20 A. Yes, I guess.

21 Q. And going back to the same one, at the
22 last -- the last line of that second paragraph --

23 A. Uh-huh.

24 Q. -- you stated that "I gave her name,"
25 and I believe you're referring to Diana because it's

1 addressed to her. "Your name and contact
2 information so you may be hearing from her today or
3 sometime next week." And that's -- I should have --

4 A. I gave -- I gave her Diana's name.

5 Q. And you're referring to someone from the
6 Attorney General's Office?

7 A. Probably so. Uh-huh.

8 Q. Okay. And why would she be -- why would
9 you have given Sally Miller Diana Mayfield's contact
10 information?

11 A. So that she could ask her about this as
12 well.

13 Q. What was your thoughts on why that would
14 be something they would be interested in?

15 A. I knew that Sally has a background in
16 real estate, and I wasn't familiar with how
17 foreclosures or anything like that is handled. And
18 I thought did -- something about this doesn't seem
19 right. And I -- all I knew is that she'd asked me
20 if I made an offer, and I said yes. And I said,
21 "How about if I just gave you her name?" And she
22 said that was fine.

23 Q. Okay. In looking at that last paragraph
24 of that first e-mail, if you would just take a
25 second and read it.

1 A. Uh-huh. Uh-huh.

2 Q. What was your intent there to try to get
3 Ms. Mayfield to disqualify Kevin from being able
4 to --

5 A. Well, I wanted to make sure that the
6 rules were being played by fairly.

7 Q. In doing --

8 A. Like, if he was -- if he has -- if he
9 was going to be able to purchase it at a discount --
10 well, in other words, when you -- when you come in,
11 you get your first -- the first bidders are owner
12 occupants.

13 Q. Uh-huh.

14 A. If he was going to sell it to me, then
15 he wouldn't be an owner occupant. That would give
16 me a -- I mean, a chance to make the first bid. If
17 he was going to sell it, then, obviously, then he
18 would have to wait till -- till they rejected all
19 owner occupants' offers before they could accept his
20 offer.

21 Q. But you're making an assumption that he
22 was bidding.

23 A. Well, we -- he'd said if I get both. I
24 was basing it on the e-mail.

25 Q. Right. But I guess, to you, that e-mail

1 came -- if we were to calculate that that e-mail was
2 in March --

3 A. Uh-huh.

4 Q. -- And your e-mail was in June, roughly
5 a month and some change later --

6 A. Because a lot of this, you know, he knew
7 about what was going to go on and what -- he knew
8 that it was -- it was in foreclosure.

9 Q. Right.

10 A. But then he -- wait, wait, wait. It
11 took a long time between that process and it
12 actually coming up on Fannie Mae.

13 Q. But where I'm -- where I'm going is, is
14 that your e-mail -- that the e-mail that you had
15 back and forth with Kevin was back at the end of
16 March.

17 A. Uh-huh.

18 Q. And then this -- these e-mails were
19 about a month and a half or so later --

20 A. Uh-huh.

21 Q. -- either presumably during or after the
22 first bidding process cycle. You were only
23 speculating that Kevin was one of the bidders.

24 A. Speculating. And I think that would
25 have -- that's fair to say. He was in 1103 and, you

1 know --

2 Q. And it was -- and you were speculating
3 that he was one of the bidders for 04?

4 A. Absolutely.

5 Q. Okay. But there was no way -- you had
6 no way of knowing definitely?

7 A. I had no way of knowing definitely, just
8 based on the assumption that -- knowing he had
9 gotten 1103 in February.

10 MR. CULOTTA: Let's mark this as
11 Number 4.

12 ([Exhibit Number 4](#) was marked.)

13 Q. (BY MR. CULOTTA:) If you would just
14 take that for a moment and read that.

15 A. Uh-huh. I'm not -- I kind of --

16 Q. I'm sorry. What, ma'am?

17 A. I was kind of just reading this last
18 part here, I thought that she was a bit
19 scatterbrained, that she wasn't really passing on
20 the information. I just -- I couldn't believe that
21 they would look at it -- anyway, let me read it.

22 Uh-huh.

23 Q. Okay.

24 A. Let me read the second page. Yep.

25 Q. Okay?

1 A. Uh-huh.

2 Q. Just let me know when you are ready.

3 A. I'm ready.

4 Q. Okay. On the first page of this
5 document, the third line down, there's a sentence
6 that begins at "I tried tirelessly" --

7 A. Uh-huh.

8 Q. -- "to notify the proper bank
9 authorities to investigate what appears to be
10 mortgage fraud and any other" -- "any number of
11 other violations involved in the sale."

12 A. Uh-huh.

13 Q. Who -- who did you contact?

14 A. Well, I would have that information
15 when -- I've written it on the foreclosure thing
16 because I tried to call the bank.

17 Q. Which bank?

18 A. Well, what I tried to call was the
19 person that was listed in the foreclosure listing in
20 the newspaper -- like, What is the deal with this --
21 when I found out it was two separate things.
22 They're not obligated under law to say anything to
23 me until after it is no longer in Mr. Prell's
24 ownership. And that's what I was told.

25 Q. Okay. But I guess -- I guess what I'm

1 trying -- well, let me -- you contacted the person
2 who was listed on the foreclosure --

3 A. And then they were named in the office.

4 Q. Who -- was there anyone else that you
5 contacted or attempted to contact?

6 A. Whoever they would tell me that I needed
7 to talk to or -- they didn't know. I was just
8 trying to get an answer is basically to paraphrase
9 that. I was -- I kept trying to get an answer from
10 somebody, and nobody would give me an answer.

11 Q. Uh-huh.

12 A. Consequently, I found out nobody would
13 be able to give me any answer until -- until it was
14 not in his ownership any longer.

15 Q. Okay.

16 A. Because at that point it was a
17 confidential relationship that he had with the bank.
18 It had not yet gone to foreclosure. Therefore, they
19 had no -- they were just the people that were listed
20 as the agent handling the foreclosure.

21 Q. Did you ever try to contact Frank to
22 find out what was going on?

23 A. Only in that -- the time that we talked
24 to [former property manager] about whether or not it was
25 going to go through. And then Kenny talked to him, and I

1 don't know what he said.

2 Q. But did you contact him sometime in this
3 June time frame --

4 A. Oh, no, not when it went into
5 foreclosure.

6 Q. But part of your tireless search -- did
7 you try -- did you try to contact him to find out
8 what the deal was or not?

9 A. No.

10 Q. Okay. What about --

11 A. He was not -- I mean, I think he was out
12 of the country, I think, at that time. I mean, I
13 tried to call once, he was in China or somewhere. I
14 can't recall.

15 Q. Okay. What about the "this appears to
16 be mortgage fraud." What --

17 A. Those were two separate ones. I asked a
18 real estate friend of mine Mary Beth Vissing. She
19 was in Florida. At the time I called her they were
20 at the Palm Beach airport waiting to pick somebody
21 up. And I gave her -- and I didn't mention any
22 names. I said, "Let me ask you something. If" --
23 here is the deal and explained to her. She said,
24 "It sounds like it to me," that's why I repeated it.
25 She is a real estate broker.

1 Q. Okay. And did you ever get any
2 specification as to what activity -- what fraudulent
3 activity may have -- may or may not have been
4 occurring?

5 A. Well, it -- one -- when you -- when you
6 sell something that it's -- individually that is
7 part of a whole, and it's not being completely --
8 it's not as it is appears in the perimeters of the
9 description of the property, then they -- whoever
10 did the sale had an obligation to inspect the
11 property I was told. And I don't think if they had
12 inspected the property, that they probably would
13 have gone through with this.

14 Q. So, the only information you have about
15 any --

16 A. That came from the real estate agent,
17 broker.

18 Q. Let me finish the question. I
19 understand you're anticipating, but I was going to
20 say, so, the only information you have with regard
21 to whether there is possible fraud -- mortgage fraud
22 there was with regard -- came from Mary Beth
23 Vissing.

24 A. Yes. And he had -- I gave it to her in
25 the -- a broad context in terms of if this happens,

1 what -- what did they need to do. Does -- you know.

2 Q. Uh-huh. Did you talk to anyone else
3 other than her?

4 A. No.

5 Q. And other than this broad-based mortgage
6 fraud, was there any kind of specific fraud that --
7 that you were referring to or that she --

8 A. Uh-uh.

9 Q. -- she mentioned?

10 A. Uh-uh. No.

11 Q. And you know, you don't have any
12 background and training or special -- special --

13 A. No. That's why I always sought people
14 that I knew would be familiar with it. She was a
15 broker, so I was sure that she would have a clear
16 understanding of that sort of thing.

17 Q. And --

18 A. I'm calling her Mary Beth Vissing. Her
19 married name is Hughes.

20 Q. Okay. So it's Mary Beth Hughes?

21 A. Uh-huh. (Witness answers in the
22 affirmative.)

23 Q. Okay. And who is she with, do you know?
24 What's her real estate --

25 A. RE/MAX.

1 Q. She is with RE/MAX?

2 A. You know, I think she may have sold her
3 interest in it. It's on Charlestown Road.

4 Q. Okay. And you're making -- you make a
5 note or a statement here about -- and I'm going to
6 find a specific spot, but there's "liability
7 issues." Here it is -- and I guess it's -- one,
8 two, three, four, five -- sixth line down. You said
9 in the posting -- sorry, it's on the first page.

10 It says, "In the posting shown below,
11 there are many serious liability issues." What did
12 you mean by that?

13 A. "In the posting shown below." What's
14 below?

15 Q. I don't know. And I don't know if there
16 was anything attached to that or not.

17 A. Don't know either. It would have maybe
18 copied something, but I don't recall what it was.
19 Let me read it and see if I can figure it out.

20 I don't recall what that was.

21 Q. Okay.

22 A. You may check the e-mail and see if
23 there was something about it, but these are copies.

24 Q. And on the second page you make -- you
25 make some comment with regard to -- let me see if I

1 can find the specific one -- "structural issues and
2 structural stability of the parking garage." What
3 are you referring to there?

4 A. Well, where we parked, there was, like,
5 the -- I mean, you could see the -- the thing is
6 drip, drip, drip, drip. And then you can see that
7 it's eroding the concrete there.

8 Q. But that's your -- that's your opinion.
9 There was never -- there has not been any kind of
10 engineering --

11 A. Only in --

12 Q. There has not been an engineering
13 report.

14 A. Only in early conversations that people
15 may have mentioned about some things that -- no, you
16 know, it was when they added onto it, it was funky.
17 That's all I know. I don't remember.

18 Q. So you don't know -- you're not aware of
19 any engineering reports that said that there was a
20 structural issue with the parking garage?

21 A. I am not.

22 Q. Okay. And with regard to the -- you
23 make a comment that "seven companies to date have
24 refused to insure us." Where did you get that
25 information?

1 A. I have no idea, probably whoever was
2 sitting on that committee.

3 Q. On the insurance committee?

4 A. Uh-huh. I have no idea though.

5 Q. And let's say for the sake of argument
6 that this was in June, roughly. Do you know who was
7 on the insurance committee in June?

8 A. Have no idea. I wouldn't. You can look
9 it up. I don't know. I really I don't know.

10 Q. But would you have been talking -- I
11 mean, would -- do you -- do you talk to people at
12 the --

13 A. Do I talk to people at The Harbours?
14 Yeah.

15 Q. -- on the board with regard to -- with
16 regard to the insurance issue?

17 A. Oh, sure. Sure.

18 Q. Would you know --

19 A. Because you know --

20 Q. -- who that would have been?

21 A. -- my intention was always to purchase
22 there.

23 Q. But you don't know who would have told
24 you that information?

25 A. No. Where -- where are you looking at,

1 anyway?

2 Q. It's actually directly in front of the
3 structural issue statement, the second --

4 A. You know, that was the hub of all of
5 that, yes. I don't remember who told me, but I
6 didn't make up the number. I'm just knowing that
7 that was the buzz on that Facebook page.

8 Q. So this was information that you -- that
9 you learned from the Facebook?

10 A. And confirmed later by whoever would
11 have known that for sure because half the stuff on
12 there you have to check always, always, always.

13 Q. And then you said the next thing is that
14 there is -- in the next paragraph, "There are
15 currently no negotiations being discussed with any
16 other insurance carriers to provide coverage."

17 A. Well, whoever that was. That must have
18 been who it was. I'm so sorry, but I -- this seems
19 like it was a hundred years ago, so does last week.

20 Q. Well, I'm concerned. I'm just trying
21 to -- because there's obviously some --

22 A. That's all I can tell you, yep.

23 Q. I mean, there's -- like you said,
24 there's some broad-based statements here, but they
25 are -- they are not attributed to anyone.

1 A. Well, without saying their name, but
2 whoever they were at the time, that's who it would
3 be.

4 Q. So, if we were to ask any of the people
5 that were on the insurance -- I guess, the
6 insurance --

7 A. Well, find out who the board president
8 was in that -- in that time. I -- I tried to -- I
9 tried to verify anything that I heard as best I
10 could. So, perhaps that was in reference to
11 something I didn't just pick up somewhere.

12 Q. Do you have any information or any
13 documentation that would support -- in your
14 possession that would support those accusations?

15 A. What -- which ones? What are you
16 talking about?

17 Q. The -- well, the one about the seven
18 companies refusing to provide insurance or --

19 A. What would you be looking for?

20 Q. Any refusals from insurance carriers?

21 A. I don't have. I would not have had
22 access to any of those. No.

23 Q. Okay. What was the purpose for putting
24 that into this e-mail to Diana Mayfield?

25 A. Again, it was one of those frustrating

1 things, trying to figure out what -- how this sort
2 of thing is handled. I don't know. I wanted to --
3 if I was going to move forward, I wanted it
4 resolved. That's all. In a word, a little wordy --
5 yeah, I really wanted to have that resolved.

6 Q. And in the very last line of that
7 particular -- or the first page --

8 A. Uh-huh.

9 Q. -- you referenced a "criminal offense."

10 A. It is. Mortgage fraud would be a
11 criminal offense if that's not what's -- if that's
12 what it -- it was. It's criminal offense and
13 it's -- and it's something that nobody seemed to
14 want to look into.

15 Q. If there was something --

16 A. Yeah.

17 Q. And -- but to your knowledge --

18 A. And that's what I said before. You
19 cannot sell something as is when it's not suitable
20 for inhabitants because it is not properly divided
21 and brought into standard compliance. That was my
22 reasoning for having said that.

23 Q. That's your reasoning, but there is
24 nothing that -- I guess where I'm trying to go, I'm
25 trying to --

1 and that is the entire complete intent of that
2 statement that I wanted an answer. I had tried to
3 reach the attorneys that were handling foreclosure.
4 I tried to talk to the board president. I was --
5 and tried to talk to Diana Mayfield. I tried to get
6 her to talk to Fannie Mae. Nothing. Nobody --

7 Q. But you said that she had spoken to
8 Fannie Mae, correct?

9 A. She did. She said she sent --

10 Q. And she said --

11 A. -- them pictures.

12 Q. I believe she said she had also spoken
13 to -- someone had spoken to the bank. Well,
14 maybe -- it might be -- I may be getting my
15 depositions crossed. But someone had spoken
16 originally to the Bank of America who originally had
17 the loan. Someone -- well, you were the one --

18 A. It was out of a -- it was -- the person
19 that I talked to is out of Indianapolis.

20 Q. Okay.

21 A. I wrote it on the side of the copy --

22 Q. Do you still have it?

23 A. No. I sent it up to their office.

24 Q. The Attorney General's Office has that?

25 A. Uh-huh. They kept it.

1 Q. And what -- what exactly was it that
2 you're referring to?

3 A. It was the article in the newspaper --
4 not the article in the newspaper, the foreclosure
5 notice in the newspaper. And I'd made my note on
6 the side of that copy who I talked to, the date, and
7 so forth.

8 Q. And I'll look for that. If I can't
9 locate it, I'll ask the AG's Office for it.

10 But you don't know, as you sit here
11 today, whether these individuals at the bank and
12 Fannie Mae -- assuming that Diana Mayfield did what
13 she said she did -- that they had -- that Fannie Mae
14 and Bank of America had no reason to do anything
15 more than what they were doing. They were in the
16 banking business, and that was --

17 A. This is my correspondence to her. It
18 did not make sense to me that they would do that.

19 Q. Uh-huh.

20 A. I don't know anything about how -- I've
21 never been on a foreclosure.

22 Q. But if it --

23 A. I've never -- but she told me that she
24 had taken pictures and sent them to them.

25 Q. And if that was acceptable to Fannie

1 Mae, then --

2 A. I didn't completely trust that she'd
3 made that clear.

4 Q. Okay.

5 A. I -- I'm assuming that what she told me
6 was true. She never said they don't care. She did
7 say that they'd switched reps in -- in the interim,
8 between the two times that the -- you know, when it
9 was offered first and then they closed it off and
10 then they offered it again.

11 Q. Are you aware of any other joined
12 condominiums in The Harbours?

13 A. All the ones that are joined -- you
14 know.

15 Q. Do you know whether or not those -- as
16 you've mentioned earlier about the bylaws and the
17 requirements, did -- are you -- do you know whether
18 or not all of those joined units received board
19 approval?

20 A. They were combined, and a good number of
21 them had not been -- they had not gone through the
22 amendment process.

23 Q. So, some that -- some that were combined
24 had not gone through the amendment process?

25 A. The majority, yes. Or the ones that

1 didn't comply were not. Since then, I don't know.

2 Q. Okay. I believe, in your June 12
3 e-mail, you make a mention that The Harbours was
4 going to lose its insurance. Do you know if that
5 ever occurred?

6 A. No. I don't think it did.

7 Q. Did you have any information that would
8 suggest to you that it was going to happen?

9 A. Whatever was on there -- what -- you
10 know, what I put.

11 Q. But I don't -- I don't have a source for
12 that information. Was that --

13 A. Whoever the board president was.

14 Q. They told you that?

15 A. Uh-huh. (Witness answers in the
16 affirmative.)

17 Q. Was that Pat Collins?

18 A. I don't think so. I don't know.

19 Q. But he would have been your source for
20 information regarding the insurance?

21 A. Whoever the president was at the time,
22 that's who it was, and I don't know why I didn't put
23 their name on there. I just didn't.

24 Q. But they were the one --

25 A. That's the person --

1 Q. -- that was the source of information?

2 A. Yes. It has been talked about on
3 Facebook. And as I said, I -- I didn't just take
4 that as gospel.

5 Q. Going back again to 4 -- you'd -- and
6 it's the fourth full paragraph. In the fourth full
7 paragraph of the --

8 A. [Exhibit 4](#).

9 Q. Yeah. From the bottom there, it says,
10 "I will be happy to contact the Indiana Board of
11 Realtors without giving them your name." What were
12 you -- what was the purpose of that particular --

13 A. Well, to keep her out of it as a -- you
14 know, like, if she wanted me to just contact them
15 and ask them how it goes, so it wouldn't be coming
16 from her directly.

17 Q. And you said "everyone who sees the
18 unit" --

19 A. You know, they obviously have -- they
20 obviously have guidelines that -- I mean, I would
21 assume that would have been another source available
22 to me.

23 Q. Who --

24 A. I didn't want to make it appear that she
25 was being dishonest with me or that she had any

1 conversation outside of her ethical responsibility
2 to do so. So, that's what I said. If she didn't
3 think it was going along procedurally, perhaps I
4 could contact the Board of Realtors and -- and get
5 them as a source of information for that.

6 Q. Did you speak to anyone at the Board of
7 Realtors?

8 A. No, I did not. I said I would be happy
9 to.

10 Q. And when you say "Everyone who sees the
11 unit has the same reaction." Who was it that you
12 are referring to?

13 A. Everybody that -- that looked at it.
14 There was --

15 Q. Who did you speak to that would be
16 classified as everyone?

17 A. I don't recall.

18 Q. Do you remember having a discussion with
19 anybody about -- that had seen the unit and whoever
20 that may be?

21 A. Whoever is all on Facebook, anybody --
22 that's all I --

23 Q. Who was it that you saw all on Facebook
24 that had commented on it?

25 A. Everyone that commented on it Betty

1 Cantrell, Marty Haley, Sheila Rutter, anybody else.
2 Those are three I know that -- because they were the
3 ones that were primarily writing about it at the
4 time. I knew there was a girl that had looked at
5 it. She was looking to purchase something. She --
6 I think she ended up buying over at a -- over in
7 Louisville. And she'd looked at it.

8 Q. And when you talk about -- referring
9 them -- I believe this is how -- in context, you
10 referenced to the Board of Realtors, "on how the
11 buyer and seller should proceed." What did you mean
12 by that?

13 A. How would they handle it. In other
14 words, in -- in light of the foreclosure --

15 Q. Uh-huh.

16 A. -- how should -- how should this be
17 handled.

18 Q. And I understand that you think that
19 things were not being handled in a way that you
20 believe they should be handled, but is there
21 anything that you have seen that you can provide,
22 that you can identify specifically, that says that
23 what was going on was not appropriate?

24 A. Say that again, that last part.

25 Q. I understand that in your - as you see

1 it, things weren't kosher, but is there anything
2 that you have, that you've seen, that you can refer
3 to, that you can provide me with, that definitely
4 says that this was not appropriate?

5 A. I could probably find stuff.

6 Q. Okay.

7 A. I mean, it wouldn't have been based on
8 what typically happens in a foreclosure sale.

9 Q. Okay. And you indicated earlier that
10 you'd never been involved --

11 A. I never been in the process -- no. So,
12 it was all a complete learning experience for me.

13 Q. Okay. And you said you didn't
14 communicate with anybody at the -- at the -- at the
15 board. Just as general -- because there are several
16 people here -- you said you spoke to Sally Miller
17 about it.

18 A. Because she knew how these things were
19 handled.

20 Q. Is there anyone else at the Attorney
21 General's Office that you spoke to?

22 A. Not that I'm aware of. I think that
23 would have been just to her.

24 Q. Okay. How did you come in contact
25 initially with Sally? When did you first meet her?

1 A. I have no idea. I'm trying to remember.
2 I don't recall.

3 Q. Was it before or after the -- well, let
4 me -- did you meet her before or after -- or did
5 you -- sorry.

6 Did you ever file any consumer
7 complaints to the Attorney General's Office?

8 A. Not me personally.

9 Q. Okay.

10 A. But I know that -- people that had.

11 Q. Okay.

12 A. And I also researched what the process
13 for that was too.

14 Q. Okay. Did you meet Sally at some point
15 in time? Did you go to see her? Did she come down
16 to Harbours or to Clark or -- I'm just trying to get
17 from you when you --

18 A. She is that kind of person you feel like
19 you've known forever. I just don't remember. But I
20 don't -- I don't remember if -- if -- I know it
21 wasn't at The Harbours.

22 Q. Okay. Was there anyone else at the
23 Attorney General's Office that you spoke to
24 regarding these events?

25 A. Uh-uh. (Witness answers in the

1 affirmative.)

2 Q. Did you talk to anybody at Fannie Mae?

3 A. Oh, yeah. I tried to, and they said,
4 "Oh, you need to call Freddie Mac." And Freddie Mac
5 said, "You need to call Fannie Mae." And Fannie Mae
6 said, "Well, maybe you better call Bank of America."

7 Q. Did you ever --

8 A. Bank of America.

9 Q. You called Bank of America?

10 A. Uh-huh. (Witness answers in the
11 affirmative.)

12 Q. And did anybody -- do you by chance have
13 any names that you -- of people that you spoke to
14 and what they -- did anybody give you any direction
15 as to --

16 A. I think that -- I remember that it was a
17 frustrating experience. Yeah, go figure. And
18 nobody knew -- well, they kept referring back to the
19 original owner of the loan. So, and you say Bank of
20 America. I guess, that's who it was. Was that who
21 it was?

22 Q. Yes.

23 A. Okay. And I forget -- I did finally get
24 somebody there, but I forget even what I called them
25 for.

1 Q. At Bank of America?

2 A. Uh-huh. (Witness answers in the
3 affirmative.)

4 Q. Did that have anything to do with the
5 wall or two separate units?

6 A. Probably. I don't remember when I was
7 trying to get -- yeah, probably.

8 Q. And did -- was there any -- did they --
9 what did they -- do you have any recollection of
10 what they told you?

11 A. I don't.

12 Q. Did anybody ever tell you that
13 everything is fine the way it is?

14 A. No.

15 Q. Did anybody tell you that things were
16 not right?

17 A. Didn't sound right.

18 Q. Did they tell you -- did somebody say
19 this?

20 A. Not at the bank. No, no, no. Well, you
21 know, when you say this is the situation, you know,
22 that doesn't sound right. But I don't know who they
23 were. I -- I'm -- I don't even know -- I think I
24 wrote down who I talked to.

25 Q. And where would that possibly be?

1 A. Everything I had, I sent to their
2 office.

3 Q. So, if you wrote down the name of
4 someone from Bank of America, the AG's Office would
5 have that?

6 A. Uh-huh. Yes. I watch Judge Judy, "That
7 is not an answer. Speak up, young man."

8 Q. When you spoke to anyone at either
9 Fannie Mae, Freddie Mac, or Bank of America, did you
10 speak in generalities or did you speak specifically?

11 A. No. It was looking for that
12 particular --

13 Q. Did they look specifically at that
14 particular thing for you or --

15 A. Yes, because that's how it was
16 identified. And they -- at first, that they
17 couldn't find it. I knew what I was doing
18 obviously, but I had to give them -- I had to give
19 them a number and identify, or some sort, for them
20 to know what I was talking about. I wasn't looking
21 just, like, in general.

22 Q. What identifier did you provide?

23 A. Whatever I -- I don't know. What would
24 have it been? Maybe something that was on the
25 foreclosure paper. I don't know.

1 Q. Did you talk to any other banks or --

2 A. No. I was just trying to get to who was
3 the original owner of the loan.

4 Q. And you were trying to get to the
5 original owner of the loan for what purpose?

6 A. That I don't remember. It would have
7 been in the sequence of that pathway.

8 Q. Did you ever talk to anybody at the --
9 because you mentioned criminal activities. Did you
10 ever talk to anyone at the Clark County Prosecutor's
11 Office?

12 A. No.

13 Q. Did you ever --

14 A. I was just looking for information
15 about -- specifically to -- to that particular
16 element that I was concerned with.

17 Q. And you said that the building inspector
18 would come by. Did you ever talk to the building
19 inspector?

20 A. I did not.

21 Q. What about HUD? Did you ever talk to
22 the Urban and Housing Development?

23 A. I didn't know how to get hold of them.

24 Q. And what about the FBI or any other
25 government agency or anything?

1 A. No.

2 Q. You had indicated earlier that the -- it
3 is your understanding that the -- that the bank had
4 instructed that the wall be erected?

5 A. No. What I said was that [K]athy Quiggins
6 had said when I asked her what was her
7 understanding, she said that Kevin told her that the
8 bank had -- had put the wall -- the wall up.

9 Q. If I were to tell you that Frank Prell
10 testified earlier that he was instructed by the
11 bank -- by Bank of America to --

12 A. I have no knowledge of that.

13 Q. Would you have any way to dispute that?

14 A. No, I would not.

15 Q. And if Frank had testified that neither
16 Kevin nor Mary Lou had any involvement with the
17 construction or the placing of the wall, would you
18 have any reason to dispute that as well?

19 A. No.

20 Q. Or Sharon?

21 A. No. Remember, most everything that I
22 had, it was being based on information that was
23 being chatted about, you know, all of that. And I
24 would do my best to research the information as best
25 I could and -- and follow up on it. That's all.

1 Q. Okay.

2 A. I was getting excited. I thought you
3 were done.

4 Q. No. Some of them I want to go for, but
5 if you need a break, let me know.

6 A. I have been fighting off flu.

7 Q. Other than -- other than having met
8 Jenn[ie] and Sally, do you know anyone else at the AG's
9 Office?

10 A. I know Greg Zoeller, the Attorney
11 General.

12 Q. And my understanding is that y'all went
13 to high school together?

14 A. Uh-huh. (Witness answers in the
15 affirmative.)

16 Q. Okay. Have you ever spoken to him about
17 this matter?

18 A. Oh, no.

19 Q. Why not? Why do you say like that?

20 A. Well, I have to tell you something.
21 When you know somebody, if you've ever known anybody
22 in a place of authority like that, I don't want to
23 talk to them about anything. You don't want them to
24 ask for anything at least that was my deal. I
25 didn't want to -- I didn't want to do that.

1 You know, I did -- the only thing I can
2 say that I did is, I -- when all that information
3 was brought to my attention and they brought it to
4 me because they knew that I knew him, and that was,
5 like, I wish I didn't know him because I don't --
6 anyway, I had an attorney take a look at -- I said,
7 "Just pick one thing that you feel certain about,
8 that you could" -- you know, show documentation for,
9 bring that. And I gave it to him and I said, "This
10 is what I need from you. Take a look at this, tell
11 me if you think this has any merit."

12 Q. And when --

13 A. When I say it --

14 Q. When you say him, are you talking
15 about --

16 A. Alan -- Alan, Alan, Alan -- wait a
17 minute -- Applegate.

18 Q. Alan Applegate?

19 A. Yes.

20 Q. That's an attorney?

21 A. Yes. He does --

22 Q. Local?

23 A. Yes. He is in Jeff. He does title
24 insurance and that sort of thing.

25 I just said, "Take a look at this, see

1 if you think this has any merit. And here is what
2 I'm asking you to do." I said, "It's like a mother
3 saying, 'What's wrong with my kid?' I'm not asking
4 you to find anything so I can feel better about it.
5 I'm just saying, yes, if you do, what I would ask
6 you to do is write a brief summary and send it to
7 this address."

8 Q. And what was it that you asked him to
9 review?

10 A. The paperwork that they gave me. They
11 being Betty Cantrell and the -- that had compiled
12 all that information together.

13 Q. And --

14 A. And I cannot -- I just told them I
15 wanted them to be specific about one thing, perhaps
16 I think it might have been the issue regarding the
17 parking in that first exchange, that 312 transaction
18 thing in there. And they put that together. I just
19 asked him to read it and tell me if he thought it
20 had merit, and if it did, where to send it.

21 Q. And did he --

22 A. He did, in fact, write a favorable
23 summary, saying he did feel it had merit and, based
24 upon his opinion, that he gave it up to them.

25 Q. And gave it up to whom?

1 A. Whoever the address was send to the
2 Consumer Complaint Department.

3 Q. So, this was -- this was prepared in
4 conjunction with the consumer complaint, this --
5 this review that he did?

6 A. Uh-huh. I've given him an address at
7 the time. I don't remember where it was though, but
8 obviously, that's, I think, how it had to go
9 through.

10 Q. But that was the -- that was the nature
11 of --

12 A. Uh-huh. And that was sort of my way of
13 saying I don't want nothing to do with this -- with
14 him, and I never did mention it to him.

15 Q. Okay. I'm going to ask you to take a
16 look at what's going to be identified as Exhibit 5.
17 ([Exhibit Number 5](#) was marked.)

18 Q. (BY MR. CULOTTA:) And if you want to
19 take a look down at the bottom. And this is
20 supposed to be a Facebook posting. And the one down
21 at the bottom is a Facebook posting that you had
22 made. If you could just read that.

23 A. Where are you looking at when you're
24 saying?

25 Q. Sorry. Right there (indicating).

1 A. Okay. Let's see.

2 Q. Let me -- would that -- and you
3 mentioned a number of individuals that either on
4 speed dial or that you --

5 A. Uh-huh.

6 Q. -- or close -- pretty close friends?

7 A. That could speak to my character.

8 Q. That's not what that says. I don't
9 believe -- at least not -- that's not what that --
10 was that -- was that --

11 A. That my character -- yes, it was.

12 Q. Is that what the intent of that was?

13 A. Yes, it is.

14 Q. Where does it say my character -- oh, up
15 where "my character" --

16 A. Up where "my character." Uh-huh.

17 Q. Okay. So, when you're saying that,
18 you're referencing that --

19 A. That they could speak to my character.

20 Q. -- that they could vouch for you?

21 A. They could speak to my character, yes.

22 Q. Okay. Did you ever speak to any of
23 these individuals with regard to this matter?

24 A. Uh-uh.

25 Q. You didn't talk to Ron Grooms?

1 A. Uh-uh. No, I didn't talk to Ron Grooms.

2 I know some people did. I didn't.

3 Q. Who talked to Ron Grooms?

4 A. I think Sheila talked to Ron Grooms.

5 I'm not aware of anybody else that may have.

6 Q. What about Todd Young?

7 A. I didn't talk to Todd Young, not about
8 The Harbours. And I did not talk to Greg about it.

9 Q. Mitch Daniels or Mike Pence?

10 A. No. They would have no interest in
11 that, whatsoever.

12 Q. Did you talk to anyone at City Hall,
13 City Council?

14 A. I did not. No. I do know that Tom
15 Galligan had spoken to people originally because in
16 order for that to be taken to a different level, it
17 had to be filed by a City -- an elected City
18 official.

19 Q. When you say to a different level, what
20 do you mean?

21 A. Well, when it was no longer in -- if
22 it -- in other words, for it to be -- to be
23 considered by a State office or -- the equivalent of
24 it would be a prosecuting attorney.

25 Q. Okay.

1 A. You know, and so, in other words, the
2 people won't have to pay for it themselves. In
3 order for it to be something that had a -- a
4 consumer -- how do they call it there -- but in
5 order for the State to have any interest in it -- in
6 other words, they can't act like the Attorney
7 General would be, like their attorney, and that's
8 not the case. But for them to be able to look into
9 anything like that, it would have to have been at
10 the request of an elected official per Tom
11 Galligan -- I mean, as in Tom Galligan, who was the
12 mayor at the time.

13 Q. Okay. And how do you know --
14 just how -- with regard to any of these individuals,
15 how did you know Tom Galligan or -- I don't know --

16 A. Oh, Tom Galligan had always lived here
17 forever, and I've known him -- and he went to
18 Providence. I mean, you could not live in Jeff and
19 not know the mayor. He was the former mayor Tom
20 Galligan.

21 Q. Right.

22 A. Yeah.

23 Q. What about Ron Grooms and Todd Young?

24 A. Ron Grooms is also a long-time resident
25 of Jeff. He had a pharmacy. He was on the City

1 Council, and he ran for City -- he ran for the State
2 rep's job the same year that I ran for City Council,
3 I think. He might have already been there one
4 year -- wait a minute. It would have been --
5 because I met him to talk to him about -- I wanted
6 to talk to him about what it entailed to -- to sit
7 on the City Council but -- and he was already in
8 Indianapolis at the time, if he had been on it.

9 Q. Okay. And what about Todd Young?

10 A. Todd Young I met through a friend of
11 mine John Hughes, who had a fundraiser for him, and
12 just got to know him and his family. He lives in
13 Bloomington with the kids.

14 Q. And the --

15 A. Just being a long -- just met him -- met
16 him through their friendship.

17 Q. So, would you consider those to be close
18 friendships or --

19 A. Acquaintances. Greg is a close friend.

20 Q. How often do you talk with him?

21 A. Oh, well, the last time he had -- he had
22 a golf tournament, and that was probably the last
23 time I talked to him.

24 Q. When was that?

25 A. Oh, I don't remember, but it rained the

1 whole day. I do know that. And I was going to
2 bring that on that golf game. We played out at the
3 Covered Bridge.

4 Q. Was that within the last six months?

5 A. Uh-huh. (Witness answers in the
6 affirmative.)

7 Q. Okay. [Ha]s he ever visited The Harbours
8 or been to The Harbours, to your knowledge?

9 A. He came to my -- to the townhouse during
10 Thunder one year, but it was not last year. It was
11 the year before, the first year I lived there in the
12 townhouse. That's the only one. We had a friend
13 that's been very ill. He has pancreatic cancer.
14 He's had it forever. Anyway, they were coming, and
15 he wanted -- he wanted to visit with him. It was a
16 good time. And some of my other high-school friends
17 came.

18 Q. Do you know if he's ever met any of the
19 other people at The Harbours, Betty Cantrell or any
20 of those folks?

21 A. Uh-uh.

22 Q. Or any of those people at the meeting or
23 anything -- not meeting, but the Thunder?

24 A. Uh-uh. No. I think he's probably
25 met -- he may have met Sheila. We testified at the

1 Senate hearing and she may have met him there.

2 Q. What -- what Senate hearing?

3 A. It was about -- about the -- it was a
4 different house bill, not 1058. It was after that,
5 about homeowners associations, and the Attorney
6 General's Office being able -- I think it -- have
7 access to their financial records. I went up there
8 for that.

9 Q. And was he -- and he was present?

10 A. Well, you know, I went in the office to
11 say hello. Sure.

12 Q. But I mean -- okay, so, y'all -- that
13 was a --

14 A. I don't get to his office a lot. And I
15 never -- oh, yeah, I did see his office when he
16 first got elected, but I hadn't been up there in a
17 long time. And I just -- I popped in there to say
18 hello.

19 Q. And he may have met Sheila that one
20 time?

21 A. Oh, she was -- yeah, she was with me.
22 Yeah, I know she did.

23 Q. And there was -- there were no
24 discussions of The Harbours at that point -- at that
25 time?

1 A. No. He was busy. He was off to a
2 meeting. I really did not want to have any
3 conversation with him of this -- about this. Unless
4 you've ever known anybody that's been in a position
5 like that, you know, if it didn't happen to me
6 personally -- I just -- I don't know -- and you
7 don't ever want to ask somebody to do something
8 that's -- whether you're doing it innocently or not,
9 to violate some kind of code of ethics, which I
10 would never -- I would not do. I would not want to
11 get him involved in anything like that.

12 Q. How would you classify your relationship
13 with Sally and Jenny?

14 A. I know them through the -- they are the
15 ones that have been appointed as the point people
16 for the State.

17 Q. I mean, is it --

18 A. That's it.

19 Q. -- business, friendly?

20 A. Well, they're friendly people, but they
21 are the point people for that case. That's how.
22 No -- nothing beyond that.

23 Q. This case has been going for a little
24 while, and obviously, there were concerns that were
25 raised by you and by Ms. Cantrell and some others.

1 Are there still issues that you see that are
2 continuing to go --

3 A. No.

4 Q. Are there any current concerns or
5 complaints with regard to the present board?

6 A. Not that I'm aware of.

7 Q. You don't personally have any issues?

8 A. Nope. No. Personal issues, I've never
9 had personal issues.

10 Q. Well, personally had --

11 A. Just in the context of these questions,
12 no.

13 Q. Personally had any issues?

14 A. No.

15 Q. Okay.

16 A. I like all of them.

17 Q. Let me take a couple of minutes here.

18

19 * * *

20 (Off the record.)

21 * * *

22

23 MS. BELLER: I just have a couple.

24 MR. CULOTTA: And then I may have a

25 couple after that, and Frank may ask a couple.

1 MR. PRELL: I've got six.

2

3

EXAMINATION

4 BY MS. BELLER:

5 Q. I just want to clarify something
6 because -- I did -- okay.

7 You were living in apartment -- or
8 condominium Unit 1105, correct?

9 A. Correct.

10 Q. And that was next to 1104 and 1103?

11 A. It was next to 1104 and 1106.

12 Q. 06. Okay. On either side.

13 Now, my question is, you testified, it
14 was my understanding, that you saw while -- there
15 was construction going on ~~on~~ the wall to separate --

16 A. Uh-huh. (Witness answers in the
17 affirmative.)

18 Q. Okay. How did you know that there
19 was --

20 A. The door was open.

21 Q. The door was open. Could you see
22 construction?

23 A. Uh-huh. (Witness answers in the
24 affirmative.)

25 Q. Were you in the hall?

1 A. In the hall.

2 Q. In the hall?

3 A. Uh-huh. (Witness answers in the
4 affirmative.)

5 Q. And you saw Kevin going in and out of
6 there?

7 A. I didn't see -- not -- not specifically
8 that I recall at those particular times, but yes, in
9 that span of time he was.

10 Q. So, it was your conclusion that he did
11 have knowledge of -- he at least had ~~had~~ been in
12 there while it was under construction?

13 A. Yeah, sure. Yeah.

14 Q. Because you'd seen him going in and out,
15 even though it wasn't --

16 A. Sure. And -- and the only other people
17 that went in and out of there were [maintenance employees].

18 Q. [Maintenance employees] were going in and
19 out as well? Were they -- did you see --

20 A. They were doing the work here in the --
21 the -- what do you call it -- that white board and
22 stuff, plaster board, whatever it is.

23 Q. You saw [maintenance manager] --

24 A. I saw it in the hallway. It was left in
25 the hallway. And footprints going out.

1 Q. And [maintenance employees] were physically
2 going in and out?

3 A. Uh-huh, carrying in and out --

4 Q. -- of the condominium.

5 And this was prior to Kevin purchasing
6 it?

7 A. I have no idea. I mean, I -- I can --
8 right now my mind is all over the place. I can't
9 tell you, but yeah, it was in the hall that -- you
10 know, when it was all -- and Kenny saw it too. It
11 was all in that -- I don't know what first, second,
12 third, any of that stuff. In that time period.

13 MS. BELLER: That was all I had.

14

15 EXAMINATION

16 BY MR. CULOTTA:

17 Q. I'm going to follow up on that a little
18 bit because I want to make some -- to be completely
19 clear about this point, you said you -- you just
20 said a second ago you didn't see Kevin go in while
21 the wall was going up, but in the general time frame
22 when you --

23 A. Oh, I don't know if it was at the time.
24 I just know that -- all I -- this is -- the door was
25 open several times. I could see [maintenance employees]

1 in and out at different times.

2 Q. Who is [maintenance employee]?

3 A. The maintenance man.

4 Q. Okay.

5 A. And he was pounding on something in there.

6 And then it's, you know, casually, he was in and out. I
7 don't know, you know, like, I can't say that he was
8 standing there looking at [maintenance manager] while he
9 was doing anything or I didn't see [maintenance
10 manager] pounded anything or I heard it all. And the
11 door was open, and you could see. And then there were
12 some pieces left out in the hallway, and there was,
13 you know, that stuff makes powdery footprints and stuff.
14 And that's --

15 Q. And I think it's important to know here
16 what time frame you're talking about. Do you have
17 any idea when this was?

18 A. Well, no. Don't recall. I -- back then
19 I would have.

20 Q. But --

21 A. What are you getting at? I mean, just
22 tell me specifically.

23 Q. Well, it's important to know whether or
24 not -- whether or not Kevin was actually in the unit
25 when the -- when the wall was being constructed.

1 And what you said earlier was that, in response to
2 Ms. Beller's question, was that he was in there in
3 that general time frame?

4 A. Yeah. Why don't you just ask me.

5 Q. Well, I will, but I'm asking you as far
6 as what you --

7 A. Yeah. I recall seeing him in there.
8 And I can't tell you exactly the dates, but yes, he
9 was in there.

10 Q. Okay.

11 A. You know.

12 Q. During the time that it was being
13 constructed or just sometime after or when it was
14 constructed?

15 A. Well, during and after. I don't know.
16 I don't know the date if that's what you're getting
17 at. I don't know the date.

18 Q. Well, yeah. I'm kind of trying to get
19 at the date because of the fact that I want --

20 A. I don't know then.

21 Q. Okay.

22 A. I can't tell you the date. I'd be hard
23 pressed to tell you what today is. I know it's
24 Friday.

25 MS. BELLER: May I try to narrow it down

1 a bit?

2 MR. CULOTTA: Sure.

3

4 EXAMINATION

5 BY MS. BELLER:

6 Q. You testified earlier that you've lived
7 in the townhouse for three years, ma'am?

8 A. Oh, no. We will be signing our third
9 contract.

10 Q. So, you've lived there two years?

11 A. Two years. And right before that --

12 Q. You lived -- so, two years ago you moved
13 into the -- two years ago --

14 A. I was still living in Number 1105.

15 Q. And how long did you live in 1105?

16 A. One exact year.

17 Q. So, sometime three years ago, which
18 would be -- '14, '13 -- during 2012 you were living
19 in 1105?

20 A. Uh-huh. (Witness answers in the
21 affirmative.)

22 Q. So, it would have been in 2012 that
23 this -- you at least saw this?

24 A. Uh-huh. (Witness answers in the
25 affirmative.)

1 Q. Do you know if it was --

2 A. 2012. Yeah. Because in -- because --
3 yeah. Yeah.

4 Q. Do you know if it was winter or summer?

5 A. I do know that -- well -- when we --

6 Q. 2011?

7 A. My lease always renewed in March or
8 around February. It's always the worst time ever,
9 you know that. And I know that we signed the lease
10 in April -- I mean, March 31, April 1. And I think
11 that there was -- we had -- we had some time to get
12 out of the other one.

13 Q. Uh-huh.

14 A. We had plenty of time where it
15 overlapped so it wasn't a problem.

16

17

EXAMINATION

18 BY MR. CULOTTA:

19 Q. So, it was in 2012 that you would have
20 seen Kevin going into that unit?

21 A. Yes.

22 Q. Okay.

23 A. I'm saying these dates -- if it was -- I
24 just know that we signed the lease for the townhouse
25 on March 31, and I know that I had time -- wasn't

1 crunched to get out of there. I had time, you know.
2 So, there was maybe a couple of weeks overlap, but
3 so if I went in there, if that's when it was
4 started, that would have been 2012. It wouldn't
5 have been into the next year.

6 Q. So, it would have been sometime in --

7 A. 2012.

8 Q. 2012?

9 A. Yes. That's when I lived there.

10 Q. That's when you lived there?

11 A. Uh-huh. (Witness answers in the
12 affirmative.)

13 Q. And you signed your first contract
14 with --

15 A. Where I'm -- the townhouse is?

16 Q. Well, your townhouse is in 2013. 2013
17 to 2014, 2014 to 2015.

18 A. This will be our third --

19 Q. And then you will be starting the third.
20 So, you lived there from March of 2012 --

21 A. March 31, I know that because it's my
22 husband's birthday.

23 Q. So March 21, 2012, --

24 A. March 31.

25 Q. Excuse me, March 31. So, 3/31/12 to

1 3/30/13?

2 A. No, wait a minute. This -- in '15 we
3 will sign --

4 Q. Right. So, you've lived in the
5 townhouse --

6 A. We've lived there third -- starting
7 third year.

8 Q. Right.

9 A. Almost two full years.

10 Q. So, if my calendar is correct, you
11 went -- you lived there from March 31, 2013 to
12 March 31, 2014, signed your second lease --

13 A. Uh-huh.

14 Q. -- March 31, '14, about to sign your
15 lease on the first one. So, you lived -- you lived
16 at -- or in 1105 between March 31, '12 and March 30,
17 '13?

18 A. Right.

19 Q. Got it. And do you have any
20 recollection when you saw Kevin coming and going?

21 A. I don't.

22 Q. Okay.

23 MR. CULOTTA: I have no further
24 questions.

25

1 EXAMINATION

2 BY MS. BELLER:

3 Q. Okay. I just want -- I want to narrow
4 something down. Looking at [Exhibit 3](#), which is --
5 and I know that you need to get out of here.

6 This chain of events or e-mail took
7 place on March 30th?

8 A. Uh-huh. (Witness answers in the
9 affirmative.)

10 Q. Had you already moved into the 1105 at
11 that time?

12 A. We -- we had overlap there.

13 Q. Okay.

14 A. So, I would come and go from both.

15 Q. Okay. Were you living in 1105 when Mary
16 Lou moved in there?

17 A. Uh-huh, part of it.

18 Q. Part of it. Okay.

19 Do you remember when you moved out? Was
20 it in spring?

21 A. Uh-huh. Yes. Yeah.

22 Q. Okay.

23 MS. BELLER: No further questions.

24 MR. CULOTTA: Frank.

25 MR. PRELL: Yeah.

1

2

EXAMINATION

3 BY MR. PRELL:

4 Q. You stated when you went into the unit
5 that you could look -- you went into 1104, you could
6 look into 1103?

7 A. Yes, sir.

8 Q. And you saw a fridge?

9 A. Well, I just said that the refrigerator
10 had been moved out of the spot where it had -- it
11 had one time been.

12 Q. Okay.

13 A. In 1104.

14 Q. And where was it at? Did you see it in
15 1103?

16 A. I did not look for the refrigerator.

17 Q. Okay. Just that it was moved. I
18 thought I heard you say --

19 A. I may have. I don't know.

20 Q. -- you looked and you saw it --

21 A. But what -- what -- there was the -- the
22 place where the refrigerator would be. It wasn't
23 there. In fact, the -- the wall kind of went into
24 that space. And, you know, I looked through, but I
25 don't remember seeing where the refrigerator was.

1 Q. Okay. And when you say you saw someone
2 in there building the wall, can you be 100 percent
3 positive they were building the wall --

4 A. No.

5 Q. -- or tearing the wall down?

6 A. I can't be 100 percent sure of either
7 one. I didn't say -- or go in and say, "What the
8 heck's going on in here." No. I mean, the door was
9 open. You know, I just saw the people -- that's
10 what they do in there.

11 Q. So, you can't say that they were not
12 tearing it down?

13 A. No. I don't know what they were doing.
14 I'm just telling you what I -- I heard pounding, and
15 there was a wall.

16 Q. Okay.

17 MS. BELLER: Do you have any questions?

18 MR. CULOTTA: Do you have more
19 questions?

20 MR. PRELL: That's it.

21 MR. CULOTTA: And I have no further
22 questions.

23 MS. BELLER: I have no questions.

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(Witness excused.)

25 STATE OF INDIANA)
) SS.

1 COUNTY OF CLARK)

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4 I, ALISHA McRAE, a Notary Public within and for
5 the State at Large, do hereby certify that the
6 foregoing deposition was taken before me at the time
7 and place and for the purpose in the caption stated;
8 that the witness was first duly sworn to tell the
9 truth, the whole truth and nothing but the truth;
10 that the deposition was reduced to electronic
11 shorthand and recording by me in the presence of the
12 witness; that the foregoing is a full, true and
13 correct transcript of my electronic notes and
14 recording; that there was no request that the
15 witness read and signed this deposition; that the
16 appearances were as stated in the caption

17 WITNESS MY SIGNATURE, this 5th day of March,
18 2015.

19 My commission expires August 18, 2021.

20

21 /S/ALISHA MCRAE_____

22

ALISHA MCRAE
STATE OF INDIANA
COURT REPORTER
NOTARY PUBLIC, STATE AT LARGE

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