

STATE OF SOUTH CAROLINA
In the Court of Appeals

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APPEAL FROM CHARLESTON COUNTY SC Court of Appeals
Court of Common Pleas

The Honorable Roger M. Young
Case No. 2011-CP-10-400

Jacquelin S. Bennett, Genevieve S. Felder and Kathleen S. Turner, individually,
as Co-Trustees and beneficiaries of the Marital Trust and the Qualified
Terminable Interest Trust created by the Thomas Stevenson Will, and
Jacquelin S. Bennett, and Kathleen S. Turner, as Co-Personal Representatives
on behalf of the Estate of Jacquelin K. Stevenson,

Appellants,

v.

T. Heyward Carter, Jr.; Evans, Carter; Kunes & Bennett, P.A.; Douglas Capital
Management, Inc.; Dixon-Hughes f/k/a Pratt-Thomas Gumb & Co., P.A.; and
Lynne L. Kerrison.

Defendants,

Of Whom

Dixon-Hughes f/k/a Pratt-Thomas Gumb & Co., P.A.; and
Lynne L. Kerrison are

Respondents.

RECORD ON APPEAL
Volume 2, Pages 489-984

A. Camden Lewis
Keith M. Babcock
James M. Griffin
Ariail E. King
LEWIS, BABCOCK, & GRIFFIN, LLP
1513 Hampton Street
Post Office Box 11208
Columbia, South Carolina 29211
(803) 771-8000

ATTORNEYS FOR APPELLANTS

Frederick K. Sharpless, Esquire
SHARPLESS & STAVOLA, P.A.
Post Office Box 22106
Greensboro, North Carolina 27420
336-333-6400

M. Dawes Cooke, Jr., Esquire
BARNWELL WHALEY PATTERSON &
HELMS, LLC
885 Island Park Drive
Charleston, South Carolina 29492
843-577-7700

ATTORNEYS FOR RESPONDENT

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STATE OF SOUTH CAROLINA THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON CASE NO.: 11-CP-10-400

IN RE: The Estate of Jacquelin K.) VOLUME I
Stevenson, Deceased and the Estate)
of Thomas C. Stevenson, Deceased,) VIDEO
) DEPOSITION OF:
) KATHLEEN S. TURNER
) November 9, 2011

Jacquelin S. Bennett, Genevieve S.)
Felder and Kathleen S. Turner,)
individually, as Co-Trustees and)
beneficiaries of the Marital Trust)
and the Qualified Terminable)
Interest Trust created by the)
Thomas Stevenson Will and)
Jacquelin S. Bennett, and Kathleen)
S. Turner, as Co-Personal)
Representatives on behalf of the)
Estate of Jacquelin K. Stevenson,)
) Plaintiffs,)
))

vs.)
))

T. Heyward Carter, Jr.; Evans,)
Carter, Kunes & Bennett, P.A.;)
Douglas Capital Management, Inc.;)
Dixon-Hughes f/k/a Pratt-Thomas)
Gumb & Co., P.A.; and Lynne L.)
Kerrison,)
) Defendants.)
))

The video deposition of KATHLEEN S. TURNER,
taken before Lynda A. Bousquet, Professional Court
Reporter and Notary Public, at the law offices of
Parker Poe Adams & Bernstein, 200 Meeting Street,
Charleston, South Carolina, on Wednesday, November 9,

APPEARANCES

REPRESENTING THE PLAINTIFFS:

MARY G. LEWIS, ESQUIRE
Lewis Babcock Griffin, LLP
1513 Hampton Street
Columbia, South Carolina 29201
(803) 771-8000
MGL@LBGLegal.com

REPRESENTING THE DEFENDANTS:

(T. Heyward Carter, Jr. and Evans, Carter, Kunes &
Bennett, P.A.)

SUSAN TAYLOR WALL, ESQUIRE
HENRY W. FRAMPTON, IV, ESQUIRE
Parker Poe Adams & Bernstein, LLP
200 Meeting Street, Suite 301
Charleston, South Carolina 29401
(843) 727-2650
susanwall@parkerpoe.com

(Lynne Kerrison and Dixon-Hughes)

GABRIELLE AMBER PITTMAN, ESQUIRE
Sharpless Stavola
200 South Elm Street, Suite 400
Greensboro, North Carolina 27401
(336) 333-6387
GAP@sharpless-stavola.com

ALSO PRESENT:

Mrs. Genevieve S. Felder
Mrs. Jacquelin S. Bennett
Mr. Bill Bennett
Dr. William Turner
Mr. Heyward Carter

VIDEOGRAPHER:

Doug White, Clearview Legal Video

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Witness:

Turner, Kathleen S. (sworn)

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1 VIDEOGRAPHER: This is tape number one
2 in the video deposition of Kathleen S.
3 Turner in the matter of Jacquelin S.
4 Bennett, et al. vs. T. Heyward Carter, Jr.
5 et al., being heard before the State of
6 South Carolina, Court of Common Pleas,
7 County of Charleston, Case No.:
8 2011-CP-10-400.

9 This deposition is being held at
10 Parker Poe Adams and Bernstein on November
11 9th, 2011. The time is 9:38. My name is
12 Doug White, and I'm the videographer. The
13 court reporter is Lynda Bousquet.

14 Counsel will please introduce
15 themselves and their affiliates and witness
16 sworn in.

17 MS. WALL: I'm Susan Wall and with me
18 is Hall Frampton, and we represent the
19 Defendants T. Heyward Carter, Jr, and
20 Evans, Carter, Kunes & Bennett, P.A.

21 MS. LEWIS: I'm Mary Lewis. I
22 represent the Plaintiffs.

23 MS. PITTMAN: I'm Amber Pittman. I
24 represent Lynne Kerrison and Dixon-Hughes.

25 (KATHLEEN S. TURNER, having been duly

1 sworn, testified as follows:.)

2 EXAMINATION BY MS. WALL:

3 Q Please state your full name.

4 A Kathleen Stevenson Turner.

5 Q Ms. Turner, my name is Susan Wall. As you
6 know, I represent Mr. Carter and his law firm in a
7 suit that you and others in your family have brought
8 against him. I'm going to be asking you questions
9 here today. And there are certain rules and
10 regulations that I need to go over with you before we
11 begin. First, let me ask you, you have been deposed
12 before?

13 A I have.

14 Q Correct?

15 A I have.

16 Q And, in fact, you were deposed on four
17 different dates in what may be referenced as the
18 underlying lawsuit, that is, a lawsuit that you and
19 other members of your family filed against your
20 brothers Tom Stevenson and Dan Stevenson; is that
21 correct?

22 A There were two separate days of depositions.

23 Q Did you -- were you deposed on May the 21st,
24 May the 22nd, August the 10th, and November the 6th,
25 2009?

1 A They were. I thought --

2 Q So that's four days, correct?

3 A Four days.

4 Q Do you agree?

5 A I do agree. I think of them as two.

6 Q And those depositions of you on four days
7 were taken in conjunction with the lawsuit that I
8 have just referenced?

9 A Yes.

10 Q I'm going to be asking you questions here.
11 And if, at any time, you don't hear or understand a
12 question that I ask you, you need to let me know
13 that. Do you understand that?

14 A I do.

15 Q If you answer a question then, as a matter
16 of law, we're entitled to conclude that you answered
17 it fully, truthfully, and to the best of your
18 ability, and that you understood the question that
19 you were being asked. Do you understand that?

20 A I do.

21 Q If, at any time, you would like to take a
22 break, that's fine. You simply need to let me know.
23 All right?

24 A Yes.

25 Q And during a break, however, understand that

1 you are not entitled to discuss your testimony, your
2 anticipated testimony, or any matters involved in
3 this matter that we're here about today until the
4 conclusion of your deposition. Do you understand
5 that?

6 A I do.

7 Q Your deposition being taken here today by
8 video is as if you were in a court of law before a
9 judge. Do you understand that?

10 A I didn't understand that, but I do now.

11 Q If you will do me the courtesy of allowing
12 me to finish my question before you answer, it will
13 make it easier for the court reporter to take
14 everything down. She is taking every word that is
15 said in this room down. And I will try to be
16 courteous to you as well and allow you to answer,
17 complete your answer before I move on to the next
18 question. All right?

19 A Yes.

20 Q With you here today in this deposition are
21 members of your family; is that right?

22 A That's correct.

23 Q Would you identify them for us, please?

24 A My husband is here, Dr. Bill Turner, my
25 sister Jacqueline Bennett, my brother-in-law Bill

1 Bennett, and my sister Genevieve Felder are here.

2 Q You are here under an Amended Notice of
3 Deposition by Video; is that correct?

4 A Yes.

5 (Exhibit No. 1 marked.)

6 Q I'm going to hand you what we've marked as
7 Exhibit No. 1 simply for the record and ask you
8 simply, is that a copy of the Amended Notice of
9 Deposition for you here today by video?

10 A It is.

11 Q What did you do to prepare for your
12 deposition today?

13 A I read over my earlier depositions and my
14 sisters' depositions and Heyward Carter's deposition
15 and Lynne Carter, Lynne Kerrison's deposition, and I
16 talked with my attorney.

17 Q Now, when you say you read over the
18 depositions, your depositions, are you referencing
19 the depositions taken on May 21st, May 22nd, August
20 the 10th, and November the 6th?

21 A Those.

22 Q Is that right?

23 A Yes. Correct.

24 Q And you say that you read your sisters'
25 depositions. Which sisters were those?

1 A Jacquelin Bennett, Genevieve Felder.

2 Q And were the depositions that you reviewed
3 of Jacquelin Bennett and Genevieve taken in the
4 lawsuit in which you and other members of your family
5 sued your brothers Tom Stevenson and Dan Stevenson?

6 A Yes.

7 Q In conjunction with reading those
8 depositions, did you review documents?

9 A The documents that were attached or part of
10 it.

11 Q Now, you say that you read, reviewed the
12 deposition of Heyward Carter. What deposition was
13 that?

14 A Well, Heyward had done one earlier in
15 conjunction with the first suit, and then he had --
16 he was deposed this summer, July. And so I read both
17 of those.

18 Q And you say you read the deposition of Lynne
19 Kerrison. What deposition was that?

20 A She had done one with the earlier case and
21 then she was deposed this summer.

22 Q Did you review any other depositions?

23 A I don't think so.

24 Q Did you review Bill Bennett's deposition?

25 A Yeah, I did. Yes. I forgot about that.

1 Q And the deposition of Bill Bennett that you
2 reviewed, was that deposition taken in the lawsuit in
3 which you and others sued your brothers Tom Stevenson
4 and Dan Stevenson?

5 A Yes.

6 Q Did you review any other depositions?

7 A I hope that that's all of them.

8 Q Did you review the depositions of or the
9 deposition of Tom Stevenson, your brother?

10 A I started to, but then I really didn't.

11 Q And why is that?

12 A Well, because there were -- it was massive,
13 and I just didn't feel that that's where I need to
14 spend my time.

15 Q When was the last time you had any contact
16 with your brother Tom?

17 A I believe this past spring, he and I saw
18 each other at the dentist's office.

19 Q And how would you describe your relationship
20 with your brother Tom?

21 A We hugged. We were glad to see each other.
22 He doesn't live here, so I don't see him, but I will
23 always love him..

24 Q I'm sorry. I'm having trouble hearing.

25 A I don't see him, but I will always love

1 him.

2 Q Have you called him since you saw him in the
3 dentist in spring of 2011?

4 A No.

5 Q Has he called you?

6 A No.

7 Q And your brother Dan, when was the last time
8 you saw your brother Dan?

9 A I don't really remember. I just don't
10 remember last time I saw him. It's been a long
11 time.

12 Q More than a year?

13 A I would say so.

14 Q Have you made any phone calls to your
15 brother Dan in the last year?

16 A No.

17 Q Has he made any phone calls to you?

18 A Not in the last year, I don't think.

19 Q When was the last time you spoke with Dan?

20 A I don't remember.

21 Q Was it by telephone? Did he call you?

22 A He doesn't live here anymore; so, yes, it
23 would be by telephone.

24 Q And what occurred in that telephone call?

25 A I can't recall the details of it, but every

1 now and again, Dan will pick up the phone and will
2 call and say something very ugly and very filthy and
3 that is all the conversation there is.

4 Q And what ugly thing did he say to you in his
5 last phone call?

6 A You know, his thing, what he says, is so
7 ugly till I really don't remember. I was so shocked.
8 And so then I don't remember what it is that he has
9 said.

10 Q And is it ugly as to you individually, to
11 your family, what?

12 A To me.

13 Q Was -- did your attorney take, in the
14 underlying lawsuit in which you and other family
15 members sued your brothers Tom and Dan, did your
16 attorney take a deposition of Dan?

17 A I don't believe Dan's been deposed.

18 Q And do you know why not?

19 A I don't -- I don't know.

20 Q Why did you determine to read your
21 depositions, the depositions of your sisters as
22 you've described, Heyward Carter's depositions, and
23 Lynne Kerrison's depositions in order to prepare for
24 this deposition today?

25 MS. LEWIS: All right. I'm going to

1 just state an objection or maybe a caution..
2 Any conversations that you and I have had
3 or any conversations you have had with
4 a member of my firm are privileged. So you
5 don't want to discuss that, but anything
6 with anyone else, you're -- feel free to
7 answer the question.

8 BY MS. WALL:

9 A Well, I -- they seemed relevant, and I -- I
10 would want to look at them.

11 Q And why did they seem relevant to you?

12 A Well, if we're talking about Lynne Kerrison
13 and Heyward Carter and what, what I've said, yes, I
14 would certainly want to go over that and review that,
15 and I did.

16 Q And in reviewing what you said on four
17 different occasions under oath, was there anything
18 that you said that in re-reading it you thought was
19 false?

20 A No.

21 Q Are you under the influence of any sort of
22 medication today that in any way would affect your
23 ability to understand questions and answer them
24 truthfully?

25 A No.

1 Q Other than discussions that you may have had
2 with your attorney in preparing for today's
3 deposition, who else have you discussed this
4 deposition with?

5 A This deposition?

6 Q Yes.

7 A Here today?

8 Q Uh-huh.

9 MS. LEWIS: Kathleen, again, any
10 discussions that occurred in my
11 presence, at my direction or suggestion are
12 also covered by the privilege.

13 THE WITNESS: Yes. I understand that.

14 BY MS. WALL:

15 A Jacquelin and Genevieve and I have talked,
16 and my husband, you know. Beyond that, I have not
17 talked to anybody.

18 Q And when you had your discussions with
19 Jacquelin and Genevieve, was your attorney present?

20 A No.

21 Q What discussions did you have with
22 Jacquelin?

23 A Jacquelin and I are very close sisters, and
24 we talk a lot, all the time. And so she and I
25 have -- have -- have talked about this nightmare for

1 years, years. So I can't -- I don't know that we
2 said anything more specific about this. I think we
3 talked about what we might wear and try to guess
4 what, you know, what the focus might be, but I would
5 say --

6 Q And what would you guess would be the focus
7 of your deposition here today?

8 A My guess, the focus would be the meeting,
9 the mumble meeting, I call it, in 2003 and then the
10 meeting in 2006 with Tom and Dan at Heyward's office,
11 that that would be the focus.

12 Q And what, if anything, did Jacquelin tell
13 you about the mumble meeting in 2003 and the meeting
14 in 2006?

15 A Well, she wasn't at either one, so, you
16 know, she couldn't tell me anything.

17 Q And what did you tell her?

18 A I told her about both of those meetings.

19 Q Had you already testified as to both of
20 those meetings in various of your prior
21 depositions?

22 A Yeah.

23 Q Did you tell Jacquelin, in preparing for
24 this deposition, anything different than what you had
25 already testified to?

1 A No.

2 Q And what did you discuss -- did you discuss
3 anything else with your sister Jacquelin with regard
4 to your upcoming deposition?

5 A I can't think of anything else to talk
6 about. Where we were going to meet, who might be
7 here. I'm feeling very vague about this because I
8 don't know what you're looking for. Just, in
9 general, you know, trying to anticipate what to
10 expect.

11 Q Other than what you've already testified to
12 as to what you and Jacquelin discussed as to what you
13 might expect, was there anything else that you
14 discussed?

15 A I can't think of anything else. I don't
16 remember anything else.

17 Q What about your sister Genevieve, what did
18 you discuss with her?

19 A The same -- same kind of thing. Same kind
20 of thing. I didn't see Genevieve as much as I saw
21 Jacquelin. Genevieve lives a long way away.

22 Q So do you have any recollection of what you
23 discussed with Genevieve in preparing for or in
24 anticipation of your deposition here today?

25 A Not anything other than what we've talked

1 about. Yeah. I'm trying -- I'm trying very hard,
2 you know, to be accurate. I don't believe anything
3 other than what I've already said.

4 Q So did you have the same conversation with
5 Genevieve that you had with Jacquelin?

6 A Same type, not as lengthy.

7 Q And what did Genevieve discuss with you?
8 Did she tell you anything, give you any information,
9 show you any documents?

10 A No. No.

11 Q Why did you have a discussion with Genevieve
12 about your upcoming deposition? What was the
13 point?

14 A Well, we were both worried about it and not
15 looking forward to it and both are in agreement that
16 this, this was not going to be a pleasurable day,
17 that kind of thing.

18 Q And why were you worried about your
19 deposition?

20 MS. LEWIS: Object to the form.

21 BY MS. WALL:

22 A This is -- this is not a pleasurable
23 experience.

24 Q And did you find that to be the case the
25 four earlier times --

1 A Yes.

2 Q -- that you gave your testimony?

3 A Yes..

4 Q So do you have any other recollection or any
5 recollection of anything specific that you discussed
6 with Genevieve either you to her or she to you with
7 regard to your upcoming deposition which is taking
8 place right now?

9 A I don't -- I do not remember or recollect
10 anything more specific than that.

11 Q Did you have a discussion with anyone else
12 concerning your upcoming deposition other than your
13 sisters Jacquelin and Genevieve and your husband and
14 your attorneys, and I don't want to know about
15 that?

16 A And Bill Bennett was probably a part of
17 that.

18 Q All right. Tell me about your conversations
19 with Bill Bennett.

20 A Well, I would say less conversation and more
21 just that Bill was there. I said less a conversation
22 and more just that Bill was there.

23 Q All right. Bill was there where? When you
24 were having your conversation with Jacquelin?

25 A Yes.

1 Q When else was he there? Your conversation
2 with Genevieve?

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

5 Q What do you recall about any comments made
6 by Bill Bennett to you or your comments to him?

7 A Nothing specific. Just -- just what
8 possibly to anticipate so we could be prepared and be
9 able to answer the questions.

10 Q And did Bill Bennett tell you what he
11 thought you could anticipate other than what you have
12 already testified to?

13 A I don't think so.

14 Q Who else did you meet with other than
15 Jacquelin, Genevieve, Bill Bennett, and your
16 husband?

17 A I can't remember anybody else. I don't
18 think anybody else is particularly interested or
19 involved.

20 Q Did you have any conversations with
21 Mr. King?

22 A No.

23 Q Other than the lawsuit in which you were
24 involved as a plaintiff in suing your brothers Tom
25 Stevenson and Dan Stevenson and the present lawsuit

1 in which you are a Plaintiff and suing Mr. Carter and
2 Ms. Kerrison and their firms, have you ever been
3 involved either as a plaintiff or a defendant in any
4 lawsuit?

5 A My husband and I went through a separation
6 process and that was very painful, and we resolved
7 that. I cannot think, do not remember anything else.
8 I'm trying to be accurate about this but nothing
9 comes to mind. Nothing comes to mind.

10 Q So you don't recall being either a plaintiff
11 or a defendant in any other lawsuits other than what
12 you've just testified to?

13 A I don't remember any.

14 Q In filing this lawsuit, that is, the lawsuit
15 in which you are a Plaintiff against Heyward Carter,
16 his firm, Lynne Kerrison, and her accounting firm,
17 why did you determine to be a Plaintiff in that
18 lawsuit?

19 A Because Heyward -- Heyward had told me in
20 the meeting in 2006 that it was his duty to tell me
21 that my brothers had taken large amounts of money
22 from my mother. And it does seem that if it was his
23 duty in 2006, it was his duty to let me know as soon
24 as that, as soon as he knew that that had happened.

25 Q Other than your attorney, with whom have you

1 discussed facts or circumstances or events of this
2 lawsuit that you and others have filed against
3 Heyward Carter and Lynne Kerrison and their firms?

4 MS. LEWIS: I'm just going to object
5 to the form, but if you know the answer,
6 you can answer.

7 BY MS. WALL:

8 A I consider this a very private matter, you
9 know. This is not the kind of thing that I would go
10 chit-chat about.

11 Q So can we assume that you've discussed the
12 lawsuit with the other Plaintiffs in the lawsuit,
13 that is, your sister Jacquelin, your sister
14 Genevieve? Can we assume that?

15 A Yes. I -- yes.

16 Q And can we assume that you've discussed it
17 with your husband?

18 A And certainly.

19 Q Who else have you discussed this lawsuit
20 with?

21 A Well, I'm sure Bill Bennett's been part of
22 it.

23 Q And how has Bill Bennett been a part of this
24 lawsuit?

25 A Because he's my sister's husband.

1 Q Other than being your sister's husband, how
2 has he been part of this lawsuit?

3 MS. LEWIS: I'm going to object to the
4 form of the question.

5 BY MS. WALL:

6 A He did a great deal of accounting. And he
7 is a businessman, so he -- he went over and looked
8 at, at the accounting.

9 Q And when you say he looked at the
10 accounting, are you talking about looking at books
11 and records at Dixon-Hughes?

12 A Yes.

13 Q And what else did Bill Bennett do?

14 A I'm not aware of anything else.

15 Q And who else have you discussed with lawsuit
16 with?

17 A As I said, this is -- this is a private,
18 personal, deeply troubling thing. It is not social
19 chit-chat for me.

20 Q Who else have you discussed the lawsuit with
21 other than the people that we've just listed which
22 are your sister Jacquelin, your sister Genevieve,
23 your brother-in-law Bill Bennett, your husband? Who
24 else?

25 A Well, I can't think of anyone since it is

1 just not a topic that I go around discussing. I
2 can't think of anybody I talked to about this.

3 Q Have you discussed with lawsuit with Tom,
4 your brother Tom Stevenson?

5 A No. I believe that Tom -- he's gone and has
6 been gone quite some time, so I don't see him and I
7 don't talk to him. I do think that maybe, initially,
8 he was unhappy about it. So perhaps at the very
9 beginning, he might have said something to me.

10 Q And what do you recall him saying to you?

11 A I think that he was not happy about this.

12 Q And why was he not happy about this
13 lawsuit?

14 A Well, he didn't explain that to me. I don't
15 know why he wasn't happy, but he just -- he said he
16 was sorry that we were doing this.

17 Q Did you, at one point, tell anyone that one
18 of the reasons or the reason that this lawsuit was
19 being filed against Heyward Carter and Lynne Kerrison
20 was because Tom was making you file it because he was
21 threatening you with a lawsuit if you didn't file
22 it?

23 A Well, that's in my deposition.

24 Q Was that incorrect?

25 A No. That is correct.

1 Q So is it your testimony that Tom Stevenson,
2 your brother, threatened you and forced you, in
3 essence, to file this lawsuit against Heyward and
4 Lynne and yet Tom told you he was unhappy about you
5 suing Heyward and Lynne?

6 MS. LEWIS: Object to the form of the
7 question.

8 BY MS. WALL:

9 A All right. I will need to retrace because
10 you reminded me of something and I have forgotten
11 that, that he did say that if we didn't that he
12 would. And I think that his, that George Covington,
13 who has since died, told him that. And even after
14 George died, I think that Tom indicated that, that he
15 would press on with that. And I -- yeah. I had
16 forgotten that. I had forgotten that.

17 Q All right. So is it your testimony here
18 today under oath that Tom Stevenson, your brother's
19 attorney George Covington, pressed you to file --

20 A No.

21 Q -- this lawsuit?

22 A No. Covington did not press me.

23 Q Who pressed you to file this lawsuit?

24 A Tom is the one who said that George told him
25 that if we didn't do it that they would, that they

1 being Tom would.

2 Q That Tom would sue Heyward or would sue
3 you?

4 A I'm not sure who, who was going to get sued.

5 Q So Tom, your brother, you understood that if
6 you didn't sue Heyward and Lynne, Tom was going to
7 sue you? Is that the reason you sued Heyward?

8 MS. LEWIS: Object to the form.

9 BY MS. WALL:

10 A I don't know who -- Tom was going to press
11 the matter. Tom was going to press the matter.

12 Q But Tom didn't press the matter, did he?

13 MS. LEWIS: Object to the form.

14 BY MS. WALL:

15 A He pressed that, yes, he did.

16 Q Did Tom ever sue Heyward and Lynne?

17 A I don't believe so.

18 Q And Tom told you after you sued Heyward
19 Carter and Lynne Kerrison that he was unhappy about
20 that lawsuit, he was unhappy about you participating
21 in a lawsuit against Heyward Carter and Lynne
22 Kerrison; isn't that right?

23 A I think -- and I could really be wrong about
24 this, but I think he spoke to Heyward and, more or
25 less, apologized. But I could be very wrong about

1 that. I think that Tom indicated that to me, but I
2 don't know. I don't know for certain that, that he
3 spoke to Heyward.

4 Q But Tom did speak to you, that's your
5 testimony, correct? Tom, your brother, spoke to you
6 after you filed the lawsuit against Heyward and Lynne
7 and told you that he was unhappy about the lawsuit;
8 isn't that correct?

9 A He indicated some embarrassment. So I'm not
10 sure unhappy is really, is the right word.

11 Q Well, Ms. Turner, I used the word unhappy in
12 my question to you because that was your testimony.
13 And your testimony was, and I quote, "unhappy about
14 the lawsuit." That was your testimony as to what
15 your brother Tom told you when you spoke to him by
16 telephone after you had filed, you and others in your
17 family, had filed the lawsuit against Heyward Carter
18 and Lynne Kerrison; isn't that right?

19 MS. LEWIS: I'm going to object to the
20 form of the question and advise you that you
21 can certainly clarify a prior response if
22 you like.

23 BY MS. WALL:

24 A Okay. I realize that, that I'm not certain
25 what word to use. As I understand it, I don't know

1 this, but as I understand it, Tom apologized to
2 Heyward. And he -- And I believe he just said that
3 he was sorry about all of this. Now, you know,
4 whether or not unhappy is the word, embarrassment is
5 the word, I'm not sure what word to use, but Tom
6 indicated that -- I believe he indicated to Heyward
7 that he was sorry about this.

8 Q What basis do you have to think that Tom
9 spoke to Heyward Carter?

10 A Because I think -- I think -- I think Tom
11 told me that he had talked to Heyward and told him he
12 was sorry. And maybe I misinterpreted what Tom said.
13 Perhaps I did. I think he -- I think he expressed
14 regret.

15 Q But as to you, in Tom's conversation with
16 you, did Tom express to you that he was either
17 unhappy, sorry, thought it was not a good idea,
18 regretted that you and others in your family had
19 filed a lawsuit against Heyward and Lynne?

20 MS. LEWIS: Object to the form of the
21 question.

22 BY MS. WALL:

23 Q Answer it.

24 A Would you state it again.

25 Q In Tom's conversation with you, did he

1 express to you, that he was either unhappy,
2 disappointed that you had filed a lawsuit against
3 Heyward and Lynne?

4 MS. LEWIS: Same objection.

5 BY MS. WALL:

6 A Tom expressed -- yes. He expressed regret
7 about this.

8 (Exhibit No. 2 marked.)

9 Q I'm going to hand you what we've marked as
10 Exhibit No. 2, and this is a copy. Do you recognize
11 this as a copy of a Last Will and Testament of
12 Jacquelin K. Stevenson?

13 A I do.

14 Q And was Jacquelin K. Stevenson your
15 mother?

16 A She was.

17 Q And if you'll turn please to the second to
18 the last page, do you see that there is a date of 21
19 October 1996 at the top?

20 A The second to last page?

21 Q Second to last page, under execution.

22 A 21, yes.

23 Q October 1996?

24 A Yes.

25 Q Is that correct?

1 A Yes..

2 Q So this was a 1996 Last Will and Testament.
3 of your mother, correct?

4 A Yes. Yes..

5 Q And were you aware in 1996 that she had
6 appointed, as her personal representatives, both you
7 and your brother Tom Stevenson?

8 A No. I did not know she had done that.

9 Q When did you learn that you were her
10 co-personal representatives under her Will?

11 A I don't know. I think at some point Dan had
12 told me, but I didn't believe him. So I wouldn't say
13 I -- I don't know when I knew.

14 Q All right. Now, your brother Dan told you
15 that under your mother's Will, you were the
16 co-personal representative with your brother Tom.
17 Why did you not believe him?

18 A Because I -- we lived in a very patriarchal
19 family and that men did things like this. And so I
20 really did think it was Tom and Dan.

21 Q Well, did you ask Dan for a copy of the Will
22 so you could see for yourself whether you were the
23 co-personal representative?

24 A Before my mother died?

25 Q Yes.

1 A No, I did not.

2 Q Did Dan tell you you were the co-personal
3 representative before your mother died?

4 A He did, but he -- he did it in a very joking
5 manner, and I didn't -- and I didn't think he was
6 serious.

7 Q Why would your brother Dan joke with you
8 about what was in your mother's Will?

9 A I don't know why, but he did it in a joking
10 manner. And so, you know, I really did assume that
11 he and Tom were.

12 Q And you thought Dan was lying to you; is
13 that right?

14 MS. LEWIS: Object to the form.

15 BY MS. WALL:

16 A I thought he was joking.

17 Q And what were the, was the circumstances of
18 Dan telling you that under your mother's Will, you
19 were the co-personal representative?

20 A You know, I don't remember the
21 circumstances. It seemed very strange.

22 Q It seemed strange to you?

23 A Yeah.

24 Q So in seeming strange to you, why did you
25 not ask him for further information on that?

1 A I thought he was joking. He knew it was
2 there and I didn't, and he was joking about it. And
3 it certainly seemed quite unseemly to go inquire
4 about that.

5 Q So when your brother told you that you were
6 the co-personal representative under your mother's
7 Will, you thought it was unseemly to get information
8 on your duties under that Will as co-personal
9 representative?

10 A Yes.

11 MS. LEWIS: Object to the form.

12 BY MS. WALL:

13 Q And why did you think it would be unseemly
14 for you to have information on what your duties would
15 be as a co-personal representative under your
16 mother's Will?

17 MS. LEWIS: Object to the form.

18 BY MS. WALL:

19 A Well, this is dated 1996. And she died --
20 let me think. When did mother die? 2007. She was
21 in -- her Will was not -- I was not interested in her
22 Will. It was unseemly to even be curious about it.

23 Q But when your brother Dan told you, as you
24 said in a joking manner, that you were, under her
25 Will, a personal representative, why would you not

1 want additional information with regard to your
2 status as a personal representative?

3 MS. LEWIS: I have to object to the
4 form, and I think this has been asked and
5 answered a couple times.

6 MS. WALL: Uh-huh.

7 MS. LEWIS: I would like to move on.

8 BY MS. WALL:

9 Q You can answer.

10 A Because I thought he was joking. He --
11 that's why I didn't believe him.

12 Q In your relationship with your brother Dan,
13 did he -- did you have occasion to not believe what
14 he said to you?

15 MS. LEWIS: Object to the form.

16 BY MS. WALL:

17 A He -- he was a great joker and enjoyed his
18 sense of humor, and so it was -- he was not always a
19 very serious person. So he could say something and
20 you could think he was joking.

21 Q When did you first review your mother's Last
22 Will and Testament dated October 1996?

23 A Yeah. I don't really remember. I just -- I
24 don't remember..

25 Q Was it before or after her death?

1 A I think it was after her death, but I
2 don't -- I just don't remember.

3 Q You did know in 2001 that you, along with
4 your brother Dan Stevenson, held your mother's Power
5 of Attorney, did you not?

6 A I did.

7 (Exhibit No. 3 marked.)

8 Q I hand you what we've marked as Exhibit No.
9 3 and ask you to identify that as a copy of the
10 Durable Power of Attorney dated January the 4th,
11 2001, appointing you and your brother Dan
12 Stevenson?

13 A Yes. That's what this is.

14 Q And when did you first see a copy of this
15 Durable Power of Attorney?

16 A I -- I think at that -- at that moment.

17 Q So you had a copy of this Durable Power of
18 Attorney in January 2001?

19 A I'm sure I must.

20 Q In your review of this Durable Power of
21 Attorney in which you and your brother Dan were
22 named, you knew, did you, that you and your brother
23 were to act jointly and together?

24 A Yes.

25 Q And did you understand that you and your

1 brother Dan, in acting jointly and together, were to
2 be making decisions together?

3 A Yes.

4 Q And you understood, did you, that this was a
5 formal, legal document?

6 A Oh, yes.

7 Q Was it your belief that it would not be a
8 good idea for Dan to be the only holder of the Power
9 of Attorney?

10 A Yes.

11 Q And why did you conclude that?

12 A I just felt it was protection for him,
13 protection for me that there would be two people
14 looking on whatever was happening.

15 Q And did you discuss that with your mother?

16 A I -- I don't remember that. I remember that
17 Bishop Gadsden wanted her to have a Power of
18 Attorney. And Tom said he didn't want to do it,
19 Jacquelin was getting ready to leave, and Genevieve
20 lived far way away. And Dan said he'd do it. And I
21 just thought it just would be better if two people
22 did that.

23 Q And in your thought, two people doing it,
24 the idea was, as the document says, acting jointly
25 together, discussing matters and making joint

1 decisions, correct?

2 A Uh-huh.

3 Q You need to answer yes or no.

4 A Yes. Yes. That is what I thought was going
5 to happen. I thought that this meant that any
6 institution or any -- anybody trying to, if Dan were
7 to, it clearly requires two, that they were not allow
8 something to happen that didn't have the two.

9 Q And in looking at Paragraph 9, if you will,
10 of what we have marked as Exhibit No. 3, the Durable
11 Power of Attorney, what involvement did you have in
12 depositing monies, withdrawing monies, investing,
13 making investment decisions, and the like?

14 A Well, since I'm a librarian, I know I don't
15 anything about that world, and Dan was a businessman,
16 he -- he did that part of it. I looked after her
17 physical well-being and checked on her at Bishop
18 Gadsden and asked my husband to, who is a physician,
19 to check on her. And we addressed those kinds of
20 issues. But I knew that this is not a world I know
21 anything about. I would not be the person, the best
22 person to do that.

23 Q But in wanting this and knowing that this
24 Power of Attorney instructed that you and Dan act
25 jointly and together, what requests did you make of

1 Dan to review investment decisions, financial
2 records, checkbooks, savings and loans accounts, or
3 any other financially-related matters?

4 A Well, Dan was my brother, my brother whom I
5 trusted and my brother who was taking care of his,
6 his mother. And I never, ever doubted that Dan was
7 going to do anything less than the best for his
8 mother.

9 Q So is your answer you didn't ask to look at
10 --

11 A I trusted --

12 Q -- any --

13 A I trusted him. I trusted him to do the
14 right thing.

15 Q All right. I understand that. You trusted
16 your brother Dan to do the right thing for your
17 mother. Under this Durable Power of Attorney wherein
18 you and Dan were to act jointly and together and
19 under Paragraph 9 which discusses investments,
20 depositing monies, checkbooks, savings and loans
21 accounts, and the like, did you, at any time, ask Dan
22 to review any such documents?

23 A He is the man in this, and the men in our
24 family do that kind of thing.

25 Q So do I understand your answer to be, no,

1 you do not?

2 A I did not. I trusted him.

3 Q Looking at Paragraph 16, it references
4 paying household expenses. What involvement, if any,
5 did you have in the matter of paying household
6 expenses or related matters with regard to your
7 mother under this Power of Attorney?

8 A Dan paid the household expenses.

9 Q So do I understand that you had no
10 involvement at all?

11 A Right.

12 Q Number 17 references filing income tax
13 returns and declarations, signing, filing, and so
14 forth. What involvement, if any, did you have under
15 this Power of Attorney to act jointly and together
16 with Dan with regard to income tax returns and
17 declarations?

18 A Dan -- Dan did that. But my understanding
19 of this is that we could delegate these duties. And
20 he took care of the financial side of it because that
21 was the world he lived it. I'm a librarian. So that
22 was delegated to him to do because he, he was the
23 person who lived in that world and I was not.

24 Q And who delegated that to Dan? You did?

25 A Yes.

1 Q So did he act separately with regard to
2 filing tax returns, paying household expenses, being
3 involved in depositing monies, investing, and the
4 other financial matters you said Paragraph 9?

5 MS. LEWIS: Object to the form. You
6 can answer it if you know.

7 BY MS. WALL:

8 A So would you state the question again.

9 Q So Dan acted separately with regard to the
10 matters that are set out in Paragraph 9, 16, 17, 10,
11 borrowing money, mortgages, et cetera; is that
12 correct?

13 A That's correct.

14 Q Did you understand that this Durable Power
15 of Attorney gave you and Dan jointly control of your
16 mother's finances?

17 MS. LEWIS: Object to the form.

18 BY MS. WALL:

19 A Did I understand that? I knew she was not
20 capable of dealing with it, so we could not ask her
21 to sign checks or do her income taxes or anything
22 like that.

23 Q And this Power of Attorney discusses matters
24 such as that, correct?

25 A Yes.

1 Q We have looked at those paragraphs 9, 10,
2 16, 17. And so you understood that you and Dan had
3 the authority over her finances as is set out in the
4 Durable Power of Attorney, correct?

5 A Yes.

6 Q Did you take any steps at all in January
7 2001 or any time during that year or during the year
8 2002 to determine the state of your mother's
9 finances?

10 A Well, I knew that Tom -- that Dan was taking
11 care of that and I knew that there were people
12 watching over him and seeing what he was doing. I
13 mean, he had professionals all along the way. He had
14 Pat Neapolitan. He had Dixon-Hughes. I felt very --
15 I felt very comfortable that things were being
16 well-handled and that there were plenty of checks and
17 balances. I knew that wasn't my area of expertise
18 but that experts were watching him.

19 Q And the experts you're referencing -- first
20 of all, you referenced Pat Neapolitan?

21 A Uh-huh.

22 Q Was that an individual who helped your
23 mother?

24 A Yes.

25 Q And helped your mother over the years in

1 writing her personal checks from her personal
2 accounts?

3 A Right.

4 Q She had no authority over any trust
5 accounts, did she?

6 A I do not know.

7 Q Did you ever ask?

8 A I trusted my brother to handle the areas in
9 which he was the expert and I was not.

10 Q Did you ever ask? Yes or no and then you
11 can explain.

12 A Did I ask him?

13 Q Did you ever ask if Pat Neapolitan had any
14 authority other than being able to help your mother
15 write checks from her personal accounts?

16 A Did I ask?

17 Q Yes.

18 A That's the question?

19 Q That's the question.

20 A No, I did not. I trusted my brother.

21 MS. WALL: I think he has to change
22 his tape.

23 VIDEOGRAPHER: Off the record --

24 MS. WALL: Shall we take a break? Did
25 you want to take a break?

1 VIDEOGRAPHER: Off the record at
2 10:38, tape number one.

3 (Off-the-record.)

4 VIDEOGRAPHER: This is tape number two
5 of the deposition of Kathleen Turner. We're
6 on the record at 10:50.

7 BY MS. WALL:

8 Q Ms. Turner, before the break, I was asking
9 you questions with regard to what we've identified as
10 Exhibit No. 3, Durable Power of Attorney. Did you
11 ever raise with your brother Dan the issue that you
12 and he were supposed to be acting jointly and
13 together as is stated under the Durable Power of
14 Attorney? Did you ever have a discussion with Dan
15 about that?

16 A Well, I knew that when we sold the real
17 estate at 58 Meeting and then when we bought two
18 properties with that money, I knew that I had to
19 be -- that he could not do that without me, and I
20 believe that I told him I was looking forward to
21 participating with him.

22 Q Well, did he tell you before that that he
23 was going to do it without you?

24 A No. No.

25 Q All right. Well, other than you knowing

1 that when you sold your mother's house at 58 Meeting
2 Street and bought new properties with the proceeds
3 that you would both be, what, signing off on the
4 documents; is that right?

5 A Uh-huh.

6 Q Right? You need to say yes or no --

7 A Yes.

8 Q -- for the record.

9 A Yes. Yes.

10 Q But did you ever discuss with Dan that under
11 the Power of Attorney, Durable Power of Attorney,
12 that the instructions were that the two of you were
13 supposed to be acting jointly and together? Did you
14 ever have that discussion with Dan?

15 A I -- I don't -- I don't remember, but I did
16 know that we could do some delegating because it just
17 was not practical for us to do everything --

18 Q Now, you said you knew you could do
19 delegating. Who told you you could do delegating?

20 A Doesn't it say in here, as far as maybe
21 delegating, Number 14.

22 Q All right. So based on this document, you
23 concluded that you could delegate your joint duties
24 with Dan to Dan?

25 MS. LEWIS: Object to the form.

1 BY MS. WALL:

2 A That's your question?

3 Q Yes. That's my question.

4 A Well, I just knew it was impractical for us
5 to do everything together, and so he handled the
6 money part of it because that is not my area of
7 expertise and he was a businessman.

8 Q The Durable Power of Attorney, when you look
9 at it, every paragraph has to do with handling
10 monies. The first one is receiving debts; the second
11 is settling accounts; the third is satisfying
12 mortgages; the fourth is compounding, submitting to
13 arbitration, et cetera, and on and on. What in here
14 indicates that under the Durable Power of Attorney
15 your duties were to make sure that your mother was
16 comfortable at Bishop Gadsden?

17 MS. LEWIS: All right. I'm going
18 to object to the form of the question
19 because of the testimony part of it.
20 But if you understand the question,
21 you may answer.

22 BY MS. WALL:

23 A You mean where in here it says Kathleen does
24 the Bishop Gadsden stuff?

25 Q Yes.

1 A He and I reached an understanding that for
2 practical matters that was how we would be doing it.

3 Q Did you ever seek legal advice on whether it
4 was permissible for you to disregard the language of
5 the Durable Power of Attorney?

6 A Dan was my brother. He was taking care of
7 his mother. I knew -- I trusted him. And he was
8 going to do the very best for her. He's my brother.
9 He's my brother.

10 Q And this is the brother that you sued?

11 A Later.

12 Q But my question to you is: Did you ever ask
13 an attorney for legal advice as to whether it was
14 permissible for you to disregard the language of the
15 Durable Power of Attorney? Yes or no and you can
16 explain.

17 MS. LEWIS: I'm going to object to the
18 form of the question.

19 BY MS. WALL:

20 Q Go ahead.

21 A I did not seek advice. I trusted -- I
22 trusted my brother.

23 Q So do we understand then that it's your
24 testimony that you relied on Dan, your brother, to do
25 the right thing; is that right?

1 MS. LEWIS: Object to the form.

2 BY MS. WALL:

3 A He was taking care of his mother, so I felt
4 very certain that he would do his very best for her.

5 Q Did you believe your brother Dan to be a
6 good person?

7 A Yeah, I did.

8 Q Did you believe your brother Dan to be an
9 honest and a trustworthy person?

10 A I did.

11 Q Looking at Paragraph 21 of this Exhibit 3,
12 Durable Power of Attorney, Paragraph 21 references
13 gifts. Do you see that?

14 A I do.

15 Q Was that an area that you also delegated to
16 your brother Dan?

17 MS. LEWIS: Object to the form.

18 BY MS. WALL:

19 A You mean specifically I said, Dan, you do
20 this?

21 Q In reviewing the Durable Power of Attorney,
22 did you take any, yourself, take any acts to act
23 under Paragraph 21 --

24 A That I made gifts?

25 Q -- that being gifting?

1 A I -- I did not.

2 Q Did you discuss with Dan whether he was
3 acting under Paragraph 21 gifts?

4 A I did not.

5 Q When you were appointed as the Co-Power of
6 Attorney in January 2001, were you aware that your
7 mother had her own money, that is, money outside of
8 the two trusts left by your father?

9 A No. I didn't know that.

10 Q Were you aware that Pat Neapolitan was
11 writing checks from time to time on behalf of your
12 mother, in other words, signing checks for her and
13 getting bills paid?

14 A That Pat signed checks?

15 Q Yes.

16 A I was not aware.

17 Q Who did you think was signing her checks for
18 the light bill and various matters such as that,
19 household checks?

20 A I wasn't worried about that. Excuse me. My
21 cough drop. We were a community. We were brothers
22 and sisters. We worked together to take care of our
23 mother. I was not worried about her.

24 Q I'm sorry. Perhaps I wasn't clear in my
25 question. Who did you understand was writing checks

1 for your mother to pay for her daily, monthly
2 expenses?

3 A I did not know.

4 Q So what did you think Pat Neapolitan was
5 doing?

6 A All of the financial matters, my brothers
7 handled. They were the businessmen. I was the
8 librarian. I was not in my area of expertise.

9 Q Did you ever ask any questions about it?

10 A No. I -- this is a very patriarchal
11 society. The men handled the finances. And they
12 were businessmen, well-known, well-respected in the
13 community, and they could do a far better job than I
14 could, I had no doubt about that, and that they would
15 do the best they could for their mother.

16 Q In your household, who pays the bills?

17 A My husband.

18 Q And as a librarian, do you earn a salary?

19 A I've retired.

20 Q When you were working?

21 A I did.

22 Q Tell us about your educational background.
23 You went to college?

24 A I did.

25 Q And where did you graduate?

1 A I graduated from Sweetbrier College, 1964,
2 with a degree in American History.

3 Q And after that, did you have any additional
4 education?

5 A I did later. I was wife and mother, but
6 then I went back to school to -- it was a joint
7 program, the College of Charleston and The Citadel.
8 And I got a master's of arts in European history in
9 1996. Then --

10 Q And then after receiving a master's, did you
11 get additional education?

12 A Then -- yes. Then in 1998, I got a master's
13 of library and information science from the
14 University of South Carolina.

15 Q Is that a degree? Does that have a title to
16 it? I'm sorry.. Maybe I misunderstood. Is that a
17 master's?

18 A A master's of library and information
19 science.

20 Q So you hold two master's degrees; is that
21 correct?

22 A I do.

23 Q Were you aware that from time to time your
24 mother made gifts of money to various of her
25 children?

1 A Yes.

2 Q And you were aware of that in 2001,
3 correct?

4 A Yes. She was very generous to her children.

5 Q And that was her right to make gifts to her
6 children, was it not?

7 A Certainly.

8 Q And were you aware from time to time that
9 she loaned money to various of her children and then
10 forgave those loans?

11 A I was not aware of it.

12 Q Was that her right also?

13 A It --

14 MS. LEWIS: Object to the form.

15 BY MS. WALL:

16 Q Was this her right also?

17 A It's her money.

18 Q Exactly.

19 (Exhibit No. 4 marked.)

20 Q I'm going to hand you what we have marked as
21 Exhibit No. 4 and ask you to identify this letter
22 dated January the 9th, 2001, to you, to Jacquelin, to
23 Tom, and to Dan, a multi-page letter signed by
24 Heyward Carter.

25 A Yes. That's --

1 Q You have seen this before, have you not?

2 A Yes, I have.

3 Q And, in fact, you received it on or about
4 the date that's on the first page January the 9th,
5 2001, correct?

6 A Yes.

7 Q And this letter references a meeting to
8 discuss estate planning for your mother, correct?

9 A Yes.

10 Q And do you recall that meeting?

11 A Yes.

12 Q And at the time that this letter was written
13 on January the 9th, 2001, you were the Co-Power of
14 Attorney with Dan appointed by your mother?

15 A Correct.

16 Q Correct? And you understood that Heyward
17 Carter was performing various legal activities for
18 your mother, correct?

19 A Yes.

20 Q On page two of this letter, it sets out
21 references to estimated values of matters held by
22 your mother, correct?

23 A Yes.

24 Q And it indicates that your mother had her
25 own assets over and above what were in the QTIP and

1 the marital trust, correct?

2 A Yes.

3 Q In the last paragraph of the letter, in the
4 last sentence, full sentence, it indicates, as all of
5 your siblings knew at the time, it states, and I
6 quote, "As you know, your mother has given Power of
7 Attorney to Kathleen and Dan, which may be helpful in
8 moving forward in some of these planning steps."

9 Neither you nor Dan moved forward with any of these
10 planning steps, did you?

11 A Right.

12 Q And neither did any of your other siblings
13 who were addressees, that being Jacquelin Bennett or
14 Tom Stevenson, correct?

15 A Right.

16 Q And you understood in 2001 that your mother
17 had two trusts: The QTIP trust and the marital
18 trust, correct?

19 A Yes.

20 Q Is that correct?

21 A Yes.

22 Q And you understood that those trusts were
23 created under your father's Will; is that correct?

24 A Yes.

25 (Exhibit No. 5 marked.)

1 Q I'm going to hand you what we've marked as
2 Exhibit No. 5 and ask you to identify this as a copy
3 of your father's last Will and Testament of Thomas C.
4 Stevenson?

5 A It is.

6 Q Now, we've established, have we not, that in
7 January of 2001, you became the Co-Power of Attorney
8 for your mother with your brother Dan; we looked at
9 the document, correct?

10 A Yes.

11 Q In 2003, were you appointed as Co-Power of
12 Attorney again with your brother Dan under a new
13 document entitled Durable Power of Attorney?

14 A Yes.

15 (Exhibit No. 6 marked.)

16 Q I'm handing you what we've marked as Exhibit
17 No. 6 and ask you to identify this as a copy of the
18 2003, specifically February 18th, 2003, Durable Power
19 of Attorney.

20 A Yes.

21 Q And in that Durable Power of Attorney, you
22 are appointed, together with your brother Dan
23 Stevenson, as Co-Powers of Attorney acting jointly
24 and together, correct?

25 A Yes.

1 (Exhibit No. 7 marked.)

2 Q And in conjunction with this 2003 Power of
3 Attorney, did you receive a cover letter from Heyward
4 Carter enclosing the 2003 Durable Power of Attorney
5 that we have just marked as Exhibit No. -- Exhibit
6 No. 6?

7 A 6 is the Durable Power?

8 Q Right.

9 A 7 is the --

10 Q Was the Durable Power -- that was a poor
11 question. I apologize. Let me restate my question
12 to you. Did you receive what we've marked as Exhibit
13 No. 7, a letter from Heyward Carter to you and to
14 your brother Dan, dated April 8th, 2003, that
15 enclosed the Durable Power of Attorney dated February
16 the 18th, 2003, marked as Exhibit No. 6?

17 A And do I recognize that? Is that the
18 question?

19 Q Yes.

20 A Yes.

21 Q And in the cover letter to you from, and
22 your brother Dan, from Heyward Carter, it states that
23 you are receiving the original. Do you see that?

24 A Uh-huh.

25 Q Meaning the original Power of Attorney. Dan

1 is receiving a photocopy. And he reminds you, to the
2 two of you, and I quote, because he quotes, "acting
3 jointly and together." Do you see that?

4 A I do.

5 Q In conjunction with the 2003 Durable Power
6 of Attorney, did you ask any questions of Dan with
7 regard to the financial matters and activities that
8 are set forth in that Durable Power of Attorney
9 marked as Exhibit No. 6?

10 A No, I did not. As I -- as I understood
11 this, this had to do with the fact that my mother was
12 slipping and that, that in some way that this would
13 allow for dealing with, with things through her
14 incapacity, that that was what -- that's what it was
15 about.

16 Q And did you compare the Durable Power of
17 Attorney dated 2003 to the Power of Attorney you were
18 already required to act under dated 2001?

19 A No. I thought this superceded it and it was
20 the new Power.

21 Q And in looking at this new Power of Attorney
22 dated 2003, did you see that the itemized terms, that
23 is, Number 1, to receive debts, et cetera, Number 2,
24 to pay debts and settle accounts; 3, to satisfy
25 mortgages, and so on, were essentially the same as

1 those that had been set out in the 2001 Durable Power
2 of Attorney?

3 A Heyward told me that this was to deal with
4 the fact that mother was slipping. That was my
5 understanding of it.

6 Q When you received the original in 2003, did
7 you take occasion to compare it to the Power of
8 Attorney that you were already acting under since
9 2001?

10 A No. I relied on Heyward's assessment of
11 what this was.

12 Q All right. Now, look at it. Do you see, in
13 looking at Exhibit No. 3 compared to Exhibit No. 6 --

14 A I have 6, 5.

15 MS. LEWIS: Let me see if I can help
16 you here.

17 BY MS. WALL:

18 Q -- that there are many of the same
19 paragraphs? Do you see that?

20 A It looks very similar.

21 Q Did you, in 2003 when you received this 2003
22 Power of Attorney, have any discussion with Dan, your
23 co-holder of the Power of Attorney, with regard to
24 selling and exchanging real estate, depositing
25 monies, withdrawing, investing, borrowing monies,

1 paying household expenses, filing income tax, gifts,
2 and other tax returns, and those matters?

3 A And back to the original verb, did I
4 discuss?

5 Q Yes.

6 A Is that what it was?

7 Q The question is: Did you have a discussion
8 as to any of those paragraphs with your co-holder of
9 the Power of Attorney, Dan, in 2003 when you received
10 this document?

11 A Probably, but I don't remember that.

12 Q All right. Now, you say you probably did
13 have a discussion as to the financial matters. Tell
14 us about that.

15 A I said I don't remember the discussion.

16 Q And why do you think you probably did have a
17 discussion with regard to the provisions in the Power
18 of Attorney regarding financial matters affecting
19 your mother?

20 A Well, I have got to go back to your verb and
21 ask what was your verb again?

22 Q What leads you to conclude that you probably
23 did have a conversation with Dan in or around
24 February, March, or April of 2003 with regard to the
25 2003 Power of Attorney and the provisions referencing

1 financial matters?

2 A I said or I -- it would make sense for me to
3 have done it, but I do not remember it.

4 Q Why does it make sense to you to have had
5 that conversation?

6 A It just does.

7 Q So you have no basis to say that you just
8 think it did?

9 MS. LEWIS: Object to the form.

10 BY MS. WALL:

11 A It would make sense if we talked about this,
12 but I don't remember it.

13 Q Do you have any recollection at all talking
14 to your brother Dan with regard to the 2003 Power of
15 Attorney in or around the time that you received
16 it?

17 A No.

18 VIDEOGRAPHER: Excuse me. Excuse me,
19 ma'am. You lost your microphone. Thank
20 you.

21 BY MS. WALL:

22 Q Under the 2003 Power of Attorney stating
23 that you and Dan were to act jointly and together,
24 did the same procedure occur that you have testified
25 to with regard to the 2001 Power of Attorney, that

1 is, that you relied on Dan to do the matters that had
2 to do with finances and you went and saw to your
3 mother's physical well-being at Bishop Gadsden?

4 A Yes.

5 Q And when you received the Power of Attorney
6 dated 2003, did you ask Dan any questions with regard
7 to your mother's financial accounts, her personal
8 accounts, her trust accounts, or any other financial
9 accounts?

10 A Did I ask Dan?

11 Q Yes.

12 A No, I did not.

13 Q Did you ask Dan to review any books,
14 records, tax returns, checkbooks, or any other
15 financial documents?

16 A No. I trusted Dan to do the very best he
17 could for his mother, and I knew that he would. It
18 was his mother.

19 Q You knew that Dan would do his best for his
20 mother, correct?

21 A I trusted him to do it. I had no reason to
22 think that he wouldn't.

23 Q When you received the 2003 Durable Power of
24 Attorney, did you ask any attorney for advice on
25 whether you were acting properly in your, I'm going

1 to call it, division of who was doing what between
2 you and Dan under that Power of Attorney?

3 A Heyward was the one who did this, and so I
4 knew that everything was in good order. So, no, I
5 didn't.

6 Q You didn't ask Heyward Carter any questions
7 about your division of activities between you and
8 Dan, did you?

9 A No.

10 Q When the 2003 Durable Power of Attorney was
11 signed by your mother, you did not dispute that at
12 the time she signed it, she had the capacity to
13 reappoint you and Dan as Co-Powers of Attorney, did
14 you?

15 A Did I think she was, didn't have the
16 capacity?

17 Q Right.

18 A I didn't think that.

19 Q You thought she did have the capacity,
20 correct?

21 A I thought she did.

22 Q And you have no reason to disbelieve that
23 today, do you?

24 A Right. I knew she was slipping and that was
25 the worry.

1 Q But did you also know that she had lucid
2 moments?

3 A Yeah.

4 Q Correct?

5 A Uh-huh. Yes.

6 Q Now, you received the original of the 2003
7 Durable Power of Attorney on or around April the 8th,
8 correct, because we've looked at what we've marked as
9 Exhibit No. 7.

10 A Yes.

11 Q Which was Mr. Carter's letter to you sending
12 you the original, and his letter is dated April 8th,
13 2003, correct?

14 A Yes.

15 Q Correct?

16 A Yes.

17 Q And so you received it on or around that
18 date, correct?

19 A Yes.

20 Q Now, approximately six weeks later, you had
21 a meeting with your brothers Tom Stevenson and Dan
22 Stevenson at your mother's house at 58 Meeting
23 Street, correct?

24 A Correct.

25 Q Your mother was not living in that home at

1 the time, was she?

2 A She was not.

3 Q She was at Bishop Gadsden?

4 A Yes.

5 Q How was that home being maintained?

6 A You mean then?

7 Q Yes.

8 A You mean how was it being maintained?

9 Q In 2003.

10 A I don't quite understand your question.

11 Q Was anybody living in the home?

12 A No. Nobody was living there.

13 Q Were there expenses to maintain that home?

14 A Yes.

15 Q And who was taking care of the expenses to
16 maintain that home?

17 A I think Dan was.

18 Q Did you ever ask Dan any questions about the
19 expenses, the necessities to maintain the home at 58
20 Meeting Street?

21 A I did not.

22 Q Who called this meeting?

23 A The meeting with Dan and Tom?

24 Q The meeting -- all right. Let me back up so
25 the record is very clear here.

1 A Okay.

2 Q I'm on the meeting of May the 21st, 2003,
3 that took place at 58 Meeting Street with you and
4 your brothers Tom and Dan. The question is: Who
5 called that meeting?

6 A My guess is Tom did. I don't remember, but
7 my guess is Tom did.

8 Q Did Tom --

9 A It wasn't me.

10 Q Did Tom call you on the phone and ask you to
11 meet with him and Dan?

12 A I don't remember that, but I would think he
13 did.

14 Q What time was the meeting?

15 A It was at five o'clock.

16 Q Did you go to the meeting from work?

17 A Yeah. Yes.

18 Q So you drove to the meeting from your work;
19 is that correct?

20 A Yes.

21 Q And were Tom and Dan already at your
22 mother's house?

23 A Yes.

24 Q When Tom called you to set up the meeting,
25 did you ask him what it was for?

1 A No.

2 Q Why not?

3 A He knew what it was about, and I knew I was
4 going to find out what it was about.

5 Q Did you find it in any way curious that you
6 were being asked to go to a meeting with Tom and
7 Dan?

8 A I was certainly interested.

9 Q Did you ask him why he was asking you to go
10 to a meeting?

11 A No.

12 Q Did you understand that your sisters would
13 be there?

14 A I did not know.

15 Q So when you arrived at approximately five
16 o'clock, Tom and Dan were already at your mother's
17 house, correct?

18 A Yes.

19 Q Were you surprised that your sisters were
20 not there?

21 A I didn't know -- no. Yes. No. I wasn't
22 surprised. I didn't know what was going on.

23 Q Did you ask why your sisters weren't
24 there?

25 A No.

1 Q Did you -- when you walked through the door,
2 did you ask why they had called you to your mother's
3 house?

4 A I knew he was going to tell me. I knew I
5 was going to find out.

6 Q You knew you were going to find out. So you
7 walked in and what happened?

8 A We went in the dining room, and Tom pulled
9 up two chairs facing each other. We sat down in
10 those two chairs. He hunched over his chair. He
11 just -- he just hunched over. He had a piece of
12 paper in front of him. He started mumbling. I was
13 waiting. And he mumbled. And then he looked up at
14 me, and I looked up at him. And he stood up, and I
15 knew the meeting was over, whatever it was, and we
16 left.

17 VIDEOGRAPHER: I'm sorry. You lost
18 your microphone.

19 THE WITNESS: Again. There.

20 BY MS. WALL:

21 Q All right. Now, it's your testimony that
22 you walked through the door, that all three of you
23 went into the dining room, but only you and Tom sat
24 on chairs. Where was Dan?

25 A I don't -- I don't think Dan went in. Dan

1 hovered around, but I don't know where he was really.

2 Q Was he in the dining room --

3 A No.

4 Q -- with you when you --

5 A No, he was not. He was hovering around
6 outside.

7 Q Let me -- for the record, you need to let me
8 finish my question before you answer, please.

9 A Excuse me.

10 Q It's extremely difficult for the court
11 reporter, and it makes for a difficult record. And
12 we are making a record here. My question for you is:
13 When you went into the dining room and sat down
14 across from Tom, where was Dan?

15 A Dan was not in the room, but I think Dan was
16 out in the hall. He kind of just hovered around.

17 Q So Dan was hovering in the hall; Tom was
18 sitting across from you?

19 A Yes.

20 Q And how long did you sit across from Tom?

21 A I don't know how long, but it was not a long
22 meeting. It was long enough for him to do that.

23 Q Are we talking two minutes or 20 minutes or
24 more?

25 A I would say less than 20 minutes and not a

1 whole lot more than five or ten..

2 Q So it's your testimony that you sat at the
3 dining room table across from your brother Tom?

4 A No. No. No. No. We were sitting in two
5 chairs like this, not across the table, two chairs.

6 Q You were sitting in two chairs next to each
7 other?

8 A Facing each other.

9 Q Facing each other on one side of the
10 table?

11 A No. Not on one side of the table. Two
12 chairs pulled out just face-to-face. This chair,
13 this chair.

14 Q We're going to forget the table because
15 you're not really sitting around a table?

16 A We're not at the table.

17 Q All right. So you're in the dining room.
18 There happens to be a table in the dining room.

19 A Right.

20 Q But you're not doing anything with the
21 table, correct?

22 A Right.

23 Q Tom pulls out two chairs away from the
24 dining room table?

25 A Yes.

1 Q He seats you face-to-face so that if you
2 were touching each other, your knees would touch,
3 correct?

4 A Yes.

5 Q And has a piece of paper in his lap; is that
6 correct?

7 A In his hands.

8 Q In his hand, over his lap, correct?

9 A Yes.

10 Q And it's your testimony he hunched over the
11 paper and started mumbling?

12 A Yes.

13 Q What did the paper look like?

14 A I never really saw the paper. I think that
15 it was something that maybe he had generated off of
16 his computer. In other words, it had print on it.
17 It wasn't handwritten, but I didn't really see it.

18 Q Did it have a title at the top Family
19 Assets?

20 A I could not really see it.

21 Q Do you recall that at all?

22 A No. I don't recall that. And then later
23 on, he has referred to that enough so that I think
24 that that is what that is, but I didn't see it.

25 Q So it's your testimony you're sitting facing

1 him and he has a paper and he's hunched over the
2 paper and he's talking to you, correct?

3 A He's mumbling.

4 Q Did you ask him to stop mumbling?

5 A No.

6 Q Did you ask him to speak more clearly?

7 A No.

8 Q Did you ask him to explain what he was
9 saying?

10 A I thought that he was going to but he
11 didn't.

12 Q Well, when he didn't, did you ask him to
13 explain?

14 A No.

15 Q Why not?

16 A Well, you can see from my past experiences,
17 I don't press people. I thought that he would tell
18 me whatever it is he wanted to tell me. If he wanted
19 to tell me, he would have. He mumbled.

20 And I believe in his deposition, he
21 indicated that he and Dan -- this -- this is -- this
22 was their plan, that he was not really going to tell
23 me what was going on.

24 I -- my guess, and this is my guessing, is
25 that Heyward had told him he had to do this. And I

1 think that this is Tom checking this off his list so
2 he can tell Heyward he'd done it. But he leaned
3 over, he mumbled, then he looked up, he stood up, we
4 were done.

5 Q So he looked -- were there numbers on this
6 page?

7 A I didn't see it. I didn't see it.

8 Q But it's your testimony that you went to a
9 meeting at your mother's house with your two
10 brothers, your brother Tom has a paper, he's
11 mumbling, and you never once asked him what is this
12 meeting about, I can't hear you, I don't understand
13 what you're saying, clarify for me; you didn't ask
14 any of those things?

15 A No, because he could have told me if he
16 wanted to.

17 Q Did you ask him why he was wasting your time
18 and asking you to come to a meeting where you didn't
19 understand what was going on?

20 A I did not -- I don't talk to my brothers and
21 sisters like that.

22 Q These are the brothers that you sued,
23 correct?

24 A Not till later.

25 Q Did you put this meeting on your calendar so

1 that you wouldn't miss it and be sure that you were
2 going to be there on May the 21st, 2003, at five
3 o'clock?

4 A I did have it on my calendar. I didn't -- I
5 did not remember the meeting, though, because it was
6 so unmemorable. There was nothing about it to
7 remember. It was unmemorable.

8 And when I heard Tom say in his deposition
9 he had had this meeting with me, I -- my thought was
10 he did not, he did not. I don't know what he's
11 talking about. And because I was so sure of that
12 that I would look at my calendar and find nothing
13 there, I went back to my calendar, I pulled it up,
14 and I looked. And, yes, there was a five o'clock
15 meeting.

16 So I had to really sit there and think about
17 it and remember how unmemorable this meeting was.
18 And I -- you know, I know that I can't say what
19 anybody's intentions are. I can't get in somebody's
20 head and know what they intended to do. But I think
21 that they deliberately made this meeting unmemorable.
22 When I got home, I didn't even tell my husband about
23 it because there wasn't anything to tell. It was
24 unmemorable.

25 Q Why did you think you were being called to a

1 meeting with your two brothers without your
2 sisters?

3 A I didn't know, but I felt like Tom had
4 decided that this was a mistake. And he whatever it
5 was he was going to do, he decided not to do.

6 Q Tom decided that this was a mistake. What
7 was a mistake?

8 A My guess is Tom decided, based on his
9 behavior, that whatever it was that he wanted, that
10 he was going to tell me, he decided not to tell me
11 because he didn't. He didn't tell me.

12 Q He read to you from a piece of paper in a
13 mumbly voice?

14 A He mumbled.

15 Q What words did you hear from him?

16 A I could not hear anything but mumble.

17 Q So he sits across from you and mumbles and
18 you never once asked him to stop mumbling; is that
19 correct?

20 MS. LEWIS: This has been asked about
21 three or four times.

22 MS. WALL: And I'm entitled to ask it
23 as many times as I want.

24 BY MS. WALL:

25 A Well -- and I will tell you --

1 MS. LEWIS: She's answered you.

2 BY MS. WALL:

3 A I'll tell you -- I can demonstrate to you
4 how he did it, but he mumbled. He mumbled, and I
5 could not understand what he was saying. But I knew
6 that if he wanted to tell me, he was perfectly
7 capable of doing it. He just did not. He chose not.
8 And I think that he went through some little form for
9 Heyward's sake.

10 Q Were you capable at that moment in time of
11 asking him to clarify why he had called you to a
12 meeting at five o'clock on May the 21st and had you
13 drive over from work when you, as per your testimony,
14 were listening to nothing but mumbling?

15 A And we've got to get back to what's your
16 verb?

17 Q Were you capable of asking your brother to
18 clarify why you were there?

19 A I was capable, but I know my brother, and I
20 know that he could tell me if he wanted to. And he
21 chose not to tell me.

22 Q And it was all right with you for him not to
23 tell you why he had called you and only you of all
24 the sisters to a meeting with him and with Dan?

25 A He chose the meeting; he chose the delivery;

1 he chose not to tell me.

2 Q Did you ask Dan what on earth you were doing
3 there and what was going on?

4 A Dan had -- I don't know where Dan was. I
5 don't think I really saw Dan again. So I, --

6 Q So is the answer, no, you did not ask Dan?

7 A I did not ask Dan. I don't believe I even
8 saw him again. I don't know where he was.

9 Q Well, you testified that he was hovering?

10 A He was.

11 Q I think you said hovering in the hall?

12 A Yes.

13 Q When you left, where was he?

14 A I don't know.

15 Q So he wasn't hovering in the hall anymore?

16 A No. No. He was not hovering in the hall.

17 I don't know where he was.

18 Q Did you understand when you walked through
19 the door and saw that you were the only one there of
20 all the sisters and you were there with your two
21 brothers, did you understand that you were there
22 because you were the co-holder of the Power of
23 Attorney for your mother?

24 A No.

25 Q What did you understand as to why you had

1 been singled out?

2 A I did not know, and I didn't -- and when the
3 meeting was over, I still did not know.

4 Q And you did not ask, correct?

5 A He -- I did not ask because I knew he would
6 tell me if he wanted me to know and he didn't.

7 Q I want to go back to the fact that you put
8 this meeting on your calendar. Is it your habit to
9 put all meetings on your calendar?

10 A I try.

11 Q Even meetings with your siblings?

12 A Yeah. I try to do that.

13 Q Did -- have you, at any time, produced a
14 copy of or the originals of your calendars for this
15 time period to your attorneys?

16 A I have not. And it's on Outlook. It was on
17 Outlook on my computer at The Citadel. And -- and so
18 it's not available to me.

19 Q Why did you not produce your calendars of
20 meetings with Tom, Dan, your siblings, or anyone else
21 related to your lawsuit when you sued Tom and Dan --

22 MS. LEWIS: Object --

23 BY MS. WALL:

24 Q -- or in this lawsuit?

25 MS. LEWIS: Object to the form of the

1 question.

2 BY MS. WALL:

3 A Nobody asked me to.

4 Q Did it -- did you ever print out a copy of
5 your calendar for the year 2003?

6 A I don't think so.

7 Q Your calendar for the year 2003, what other
8 meetings would it have shown with you and Tom for the
9 year 2003?

10 A Right offhand, I don't know. But, yes, I do
11 try to keep an accurate calendar so I know what's
12 going on.

13 Q Do --

14 A I don't know, though.

15 Q What -- did you -- what other meetings did
16 you have with Tom in 2003?

17 A I don't know. I don't remember.

18 Q What other meetings did you have with Dan in
19 2003?

20 A And I don't know or remember that either.

21 Q But it would have been on your calendar,
22 correct?

23 A I try to keep an accurate calendar.

24 Q But is it your testimony that the calendar
25 for the year 2003 is no longer available?

1 A It's no longer available.

2 Q And why is that?

3 A Because I kept my calendar on the Outlook,
4 The Citadel Outlook, which was just within the
5 library. And then -- and then the whole school went
6 to Outlook. So then it switched and was on a
7 different server.

8 Q And so the server that you were using in
9 2003 was no longer operative?

10 A Right.

11 Q Do you recall earlier testimony that you
12 gave in which you testified that at this meeting,
13 we're still on this meeting where Tom was mumbling
14 and reading from a piece of paper, that that piece of
15 paper was entitled Stevenson Family Assets?

16 A And your question is did --

17 Q My question is: Do you recall that you
18 earlier testified in an earlier one of your
19 depositions that the paper Tom was reading from was
20 entitled Stevenson Family Assets?

21 A I learned later that that is what that piece
22 of paper was, but he didn't show it to me and I
23 didn't see it and he didn't leave it with me.

24 Q Did you see that title on the paper?

25 A No. I didn't see the paper.

1 Q Did you ask for a copy of the paper?

2 A I did not.

3 Q Do you recall that in Tom sitting across
4 from you and reading from the paper that he was
5 referencing investments? The word investment, do you
6 recall that?

7 A No.

8 Q Do you recall the word trust?

9 A No, I do not.

10 Q Do you recall numbers?

11 A No. I wasn't even sure he was reading from
12 it. I didn't know if he had something to say,
13 something very grave about his family, and that he
14 was merely holding this piece of paper. I did not --
15 I did not know anything about this piece of paper. I
16 did not know what was on it, and I didn't know if he
17 just had it there, that he just happened to have that
18 piece of paper in his hand.

19 Q Now, what was Tom's demeanor? Was he very
20 grave?

21 A Yes, and very low, very monotone, very
22 mumbled.

23 Q I understand that. But he also, his
24 demeanor was one of gravity; he was very grave; is
25 that correct?

1 A But -- yes. But that is sort of a usual
2 demeanor for him. He did not look unusual.

3 Q Did he keep his eyes downcast, or did he
4 look you in the face?

5 A He kept his eyes downcast. And when he
6 looked at me, he also stood up and indicated that
7 this was over.

8 Q And when he said this was over, you had no
9 idea of what was over?

10 A He --

11 Q But he didn't ask, correct?

12 A He didn't say this was over. He just stood
13 up and so I stood up with him.

14 Q And then what happened?

15 A And then we walked to the door and left.

16 Q Did you say good-bye?

17 A Probably. I don't remember that.

18 Q So you go to a -- is it your testimony that
19 you go to a meeting that you put on your calendar,
20 you're there for five, ten, 15, you're not sure how
21 long, something less than 20 minutes, you don't
22 understand a word that's being said to you, you leave
23 not knowing what's gone on, and you never asked a
24 single question; is that your testimony?

25 MS. LEWIS: I'm going to object to the

1 form, but you can answer again if you
2 like.

3 BY MS. WALL:

4 A I did not ask him because I knew if he
5 wanted to tell me, he would. He didn't tell me
6 perhaps because he didn't want to. He did not tell
7 me.

8 Q But he had called you to a meeting. Did you
9 have any idea why he had called you to this
10 meeting?

11 A No, I did not.

12 Q So he's calling you to a meeting, you've
13 come to the meeting, and you never ask a single
14 question as to why you're at this meeting; is that
15 correct?

16 A That's correct.

17 Q And you never ask a single question as to
18 why you're there and none of your sisters are there,
19 just you; is that correct?

20 A I did not. It was a very, very unmemorable
21 meeting. When I went home, I didn't even think
22 enough of it to tell my husband about it.

23 Q I understand your testimony is that it's an
24 unmemorable meeting. Would you agree with me,
25 however, that going to a meeting for the length of

1 time that you have testified to, you're understanding
2 nothing, that in and of itself makes it a memorable
3 meeting, does it not?

4 A I did not remember the meeting. And when
5 Tom said something in his deposition about it, I did
6 not remember the meeting. I did not remember it.

7 Q Is it your practice to go to meetings where
8 you have no idea what's going on, ask absolutely no
9 questions, and leave still knowing nothing; is that
10 your custom and practice?

11 A My brothers are very special, unique people.
12 Tom is a very private person. I do not push my
13 brothers, my sisters, my children, my -- I don't push
14 people. I really believe if somebody wants to do
15 something, they'll do it. He did not want to tell
16 me. He did not tell me. He could have if he'd
17 chosen to, but he didn't -- he did not tell me.

18 Q What is it that he could have told you?

19 A I have no idea.

20 MS. WALL: We have to take a break.

21 VIDEOGRAPHER: Off the record at
22 11:49, tape number two.

23 (Off-the-record.)

24 VIDEOGRAPHER: This is tape number
25 three, the deposition of Kathleen Turner.

1 We're on the record at 11:59.

2 BY MS. WALL:

3 Q Ms. Turner, is it your testimony -- let me
4 ask it this way: Did you distinguish a single word
5 that Tom said to you in that ten-, 15-,
6 whatever-it-was-minute meeting that you had with
7 him?

8 A No.

9 Q Not a single word?

10 A No.

11 Q Not one word?

12 A I did not understand anything of his
13 mumbling.

14 Q So for ten, 15, however long it was, 20
15 minutes while he was mumbling, you did not
16 distinguish a single word and you didn't ask him
17 during that entire length of time to either speak up,
18 to slow down, to clarify, to please stop mumbling
19 because you couldn't understand what he was saying;
20 is that right?

21 A I did not ask him because I knew if he
22 wanted to tell me, he would, and he didn't want to
23 tell me.

24 Q And what was it that you thought he wanted
25 to tell you?

1 A I had no idea. I had no idea.

2 Q But you didn't ask him, correct?

3 A I did not.

4 Q You testified earlier, did you not, that in
5 an earlier deposition, do you recall that Dan, excuse
6 me, Tom acted as if something was wrong? Do you
7 recall that?

8 A You mean at that particular meeting?

9 Q Yes. We're still on this meeting.

10 A I don't recall testifying to that. That's
11 not to say that I didn't, but I also -- Dan -- Dan
12 was -- Dan made himself scarce.

13 Q I apologize if I said Dan. Tom.

14 A Oh.

15 Q Let me focus on Tom.

16 A Okay. Let's -- all right.

17 Q Tom -- Tom, your brother Tom, who is busy
18 talking to you and you don't understand what he's
19 saying to you, you testified in one of your earlier
20 depositions that he acted as if something was wrong.
21 Do you recall that?

22 A I thought something must be very wrong.

23 Q All right. So you, in that meeting with Tom
24 sitting across from you in these chairs, you thought
25 something was very wrong but you never asked him what

1 was wrong? You didn't even ask your brother what is
2 wrong? Is there something wrong?

3 A I knew that Tom would tell me if he chose
4 to.

5 Q So you didn't ask him, Tom, is there
6 something wrong, can I help you, is something
7 troubling you, how can I help, what can I do? You
8 didn't ask him any of those things?

9 A I did not. I knew he would tell me, he
10 would tell me if he wanted to.

11 Q Now, you say that Dan was silent during this
12 meeting, is that correct, he was hovering in the
13 hall?

14 A Yeah. He didn't --

15 Q Did Dan say anything to you at all? Did he
16 even say hello?

17 A I -- I guess he did, but I don't -- I don't
18 remember.

19 Q Do you remember him saying anything at all
20 to you during the meeting?

21 A I really don't remember.

22 Q Now, you testified earlier, didn't you, that
23 Dan was sometimes a joker. And he actually is a
24 gregarious person, isn't he?

25 A Uh-huh. Uh-huh.

1 Q You need to answer yes or no.

2 A Yes. Yes, he is.

3 Q All right. So Dan's a gregarious person,
4 yet in this meeting where you feel like something's
5 very wrong with Tom and Dan is not being gregarious,
6 quite the contrary, he's being silent, and yet you
7 still don't ask what's going on, can I help, is there
8 a problem, what can I do?

9 MS. LEWIS: Object --

10 BY MS. WALL:

11 Q None of those things; is that correct?

12 MS. LEWIS: Object to the form, but
13 you can answer.

14 BY MS. WALL:

15 A I knew that Tom would tell me if he wanted
16 to.

17 Q What about Dan?

18 A Dan really wasn't in the room. Dan was --
19 Dan was off to the side.

20 Q But Dan was in this empty house, and he was
21 part of this threesome meeting, wasn't he?

22 A He was in the house.

23 Q And you didn't ask Dan anything; is that
24 correct?

25 A No, I didn't. He --

1 Q Before you left and after you had been
2 sitting across from Tom for ten, 15, however many
3 minutes it was, did you turn to Dan and say I didn't
4 understand anything Tom said, what's going on?

5 A Dan wasn't in the room.

6 Q Dan was hovering in the hall, correct?

7 A He was outside in the hall, but he was not
8 in the room.

9 Q Exactly. I understand that. Did you ask
10 Dan to help you because you hadn't understood what
11 Tom said?

12 A I didn't really see Dan.

13 Q Did you ask anybody where's Dan gone?

14 A I didn't ask Tom.

15 Q Did you wonder where Dan had gone?

16 A Oh, I did. I did wonder.

17 Q Did you talk to Jacquelin or Genevieve, did
18 you ever tell them that you had this meeting with Tom
19 and Dan?

20 A No, I didn't. I didn't. It was a very
21 unmemorable meeting. I didn't even remember it until
22 I heard Tom mention it in his deposition. I didn't
23 tell my husband when I came home. It was -- it was
24 very -- it was unmemorable.

25 Q So you characterize a meeting where you

1 don't understand what's going on, where your brother
2 Tom acts as if something is very wrong, and your
3 brother Dan is uncharacteristically quiet and
4 hovering in the hall as unmemorable; is that
5 correct?

6 A Yes.

7 Q Have you ever been in a meeting with Tom and
8 Dan ever before where you couldn't understand
9 anything that was going on that Tom was saying and
10 that Dan was uncharacteristically quiet?

11 A And I don't quite know what you're asking
12 me. Tom -- Tom can mumble, but that's not what
13 you're asking me. Have I ever been in a meeting in
14 which Tom mumbled and Dan hovered; was that your
15 question?

16 Q Had you ever been in a meeting before this
17 when it was just you, Tom, and Dan and Dan was
18 uncharacteristically quiet, Tom acted as if something
19 was very wrong, and you didn't understand anything
20 that was going on? Had that ever happened to you
21 before?

22 A I doubt it. We do have a long, long
23 history, but I doubt it.

24 Q At the time of this meeting on May the 21st,
25 2003, at five o'clock in your mother's home at 58

1 Meeting Street; you knew your brothers Tom and Dan
2 were both trustees of your mother's trusts; is that
3 correct?

4 A I think I knew that.

5 Q And you knew that they were handling your
6 mother's financial affairs, correct?

7 A Yes.

8 Q At this time, was your brother Tom highly
9 regarded in the community?

10 A Well, since that's a world I really don't
11 live in as a librarian, wife of a physician, but I
12 think I was. I'm just not in that world.

13 Q Did you have any reason to believe in May of
14 2003 that your brother Tom was not highly regarded in
15 the community?

16 A As far as I knew, he was. Again, I don't
17 live in that world. So it's not something that I
18 know a lot about.

19 Q At this time, was it your understanding that
20 your brother Tom was successful?

21 A Oh, I thought so.

22 Q At this time, was it your understanding that
23 your brother Dan was successful?

24 A As far as I knew.

25 Q At this time, was it your understanding that

1 Dan was well regarded in the community?

2 A I -- I assumed that they were. I didn't
3 ask.

4 Q You had no reason to believe that they
5 weren't, did you?

6 A Right.

7 Q Did you have any reason to believe that they
8 weren't?

9 A I had no reason to believe that they
10 weren't.

11 Q And you, at this time, trusted them as
12 honest people, good to their word, correct?

13 A I did.

14 Q At this meeting in 2003, if Tom -- and if
15 you had understood -- and we know what your testimony
16 is, but this is a hypothetical for you. If Tom had
17 told you about investments with regard to the trusts,
18 monies in the trusts, you wouldn't have been
19 particularly concerned, would you have?

20 MS. LEWIS: Object to the form.

21 BY MS. WALL:

22 A I have no idea. I have no idea.

23 Q Did you trust your brothers to do the right
24 thing and take care of your mother's financial
25 affairs at the time?

1 A I did trust them to do that.

2 Q After this meeting in 2003 and going forward
3 to April of 2006 --

4 A Uh-huh.

5 Q -- so it's probably a little less than three
6 years, what involvement, if any, did you have with
7 your mother's financial affairs?

8 A I don't believe that I had any. I'm, you
9 know, trying hard to think because I want to be
10 truthful and honest, but Tom and Dan were handling
11 hers affairs. And I trusted them. They were taking
12 care of their much-loved mother.

13 Q Did you ask either of them any questions
14 with regard to your mother's financial affairs during
15 that, we'll call it, approximate three-year period?

16 A I didn't ask them any question. At some
17 point there, Tom wanted to give some money to Ashley
18 and to Christ School. And he called and told me that
19 the trusts were doing well. And so based on that, he
20 wanted to make these donations. And that was -- that
21 was the information I had, the trusts are doing well.
22 And because of that, they wanted to make these
23 donations.

24 Q What was your response?

25 A Well, I did think that it was great that the

1 trusts were doing well and had enough money to make
2 these donations. I thought this was going to be a
3 community thing, that the family was going to talk
4 about where it might go, and I thought maybe we were
5 all going to offer our suggestions. And as much as I
6 love Ashley Hall and Christ School, I just thought
7 there were other places that needed the money more.

8 Q So did you call a family meeting to discuss
9 it?

10 A No. I thought that's what they were going
11 to do.

12 Q Did you ever go to a family meeting to have
13 this discussion?

14 A No.

15 Q Did you ask them why they weren't calling a
16 family meeting when they didn't?

17 A I didn't. I didn't think that they were
18 going to do it. I mean, they had asked my opinion,
19 and I told them that I didn't think it was a good
20 idea.

21 Q Did you tell them that it wasn't a good
22 idea, or did you tell them that you wanted to discuss
23 it with the family?

24 A Well, I told them that that wasn't my
25 choice, Ashley Hall and Christ School.

1 Q Did you tell them what your choice was?

2 A I don't think we got to that.

3 Q So you thought they were going to call a
4 family meeting to discuss this, but you didn't say
5 anything or do anything when they didn't call that
6 meeting; is that correct?

7 A And I did not know that they had actually
8 done it until -- I assume that they were not doing
9 it, that they were polling everybody, and that was my
10 vote. And I didn't know that they had done it until
11 we got the white books.

12 Q All right. So you thought they were polling
13 everyone. Did you poll everyone? Did you call
14 either of your sisters or did you call Mr. King, who
15 I will refer to as Jimmy King?

16 A Did I poll them, no.

17 Q Did you tell any of your siblings or
18 half-siblings that they had called, Tom had called
19 you about giving money, and what your opinions were
20 with regard to that?

21 A No.

22 Q When Tom said that the trusts were doing
23 well, did you ask him any questions about that?

24 A I did not.

25 Q Did you ask him to look at any documentation

1 with regard to the trusts?

2 A Did I ask him to look at documentation?

3 Q Uh-huh. Did you ask him to look at
4 documentation with regard to the trusts?

5 A No.

6 Q So other than this conversation with Tom
7 that you're recalling that occurred between the
8 meeting in 2003 and the 2006 meeting that we'll get
9 to in a minute, do you recall any other even
10 discussion, let alone involvement, in any way with
11 your mother's financial affairs?

12 A I don't recall.

13 (Exhibit No. 8 marked.)

14 Q I'm going to hand you what we've marked as
15 Exhibit No. 8. Now, this is entitled Jacquelin K.
16 Stevenson, the Bank of South Carolina, loan number,
17 date, May the 4th, 2005, loan amount \$1,000,000. Do
18 you see that at the top?

19 A I do.

20 Q Look at the bottom if you would, please.
21 That is your signature as attorney-in-fact?

22 A That is.

23 Q So in 2005, in fact, you were involved with
24 your mother's financial affairs as co-holder of the
25 Power of Attorney because, in fact, you signed for a

1 million dollar loan together with your brother Dan
2 Stevenson who also held the Co-Power of Attorney; is
3 that correct?

4 A Yes.

5 MS. LEWIS: Object to the form. You
6 can answer.

7 BY MS. WALL:

8 A Okay.

9 Q Is that correct?

10 A That's correct.

11 Q What discussion did you have with your
12 brother Dan in signing this loan document or any
13 matters involved therewith?

14 A I don't remember any. Let's see. This
15 is -- this is in May 2005.

16 Q In May of 2005, did you discuss this million
17 dollar loan with your sister Jacquelin or your sister
18 Genevieve?

19 A I don't -- I don't remember doing that.

20 Q Why did you agree to sign as the Co-Power of
21 Attorney for a million dollar loan with regard to
22 your mother from the Bank of South Carolina?

23 A I wish I could remember.

24 Q So you don't recall why you agreed to sign
25 this?

1 A I don't recall.

2 Q Where did the money go?

3 A I don't -- I don't recall this.

4 Q At the bottom of the document marked as
5 Exhibit No. 8, the loan document, it says: Purpose,
6 real estate investment. What real estate investment
7 was made with these monies?

8 A Let me think now. Was this -- was this by
9 the lots at -- let's see. 58 Meeting, I think, sold
10 in 2005. And I think that this -- I think that this
11 was to buy one of the lots of Bailey Island or
12 Paradise. I think that that's what this is about,
13 but I would need to -- I would need to see the deeds,
14 Bailey Island or Paradise, to remember exactly what
15 this was about.

16 Q So do we understand that, in fact, that you
17 were involved with your mother's financial matters
18 certainly in 2005, correct?

19 A Well, this is -- yeah, this is -- this is a
20 thing for which, yeah, he would need me to
21 participate.

22 Q Did you ask him any questions about this,
23 him being Dan, your brother Dan?

24 A Well, I'm trying, trying, trying to remember
25 this. I think -- I think that this was buying the

1 lots at Paradise Island and Bailey Island too because
2 we needed to put the money back into real estate.

3 Q And why did you need to put money back into
4 real estate?

5 A Because -- because 58 Meeting had been sold
6 and that money needed to go into real estate.

7 Q Why? What was your understanding as to
8 why?

9 A My understanding was that money you made
10 from real estate had to go into real estate.

11 Q And who told you that?

12 A I don't -- I don't know. That was my
13 understanding. Maybe I was wrong.

14 Q And was that understanding, did that come
15 from your review of either your father or your
16 mother's Wills?

17 A I don't know where my understanding of that
18 came from. May the 4th, 2005.

19 (Exhibit No. 9 marked.)

20 Q I'm going to hand you what we will mark as
21 Exhibit 9. This is also reflective of the year 2005.
22 This is entitled Jacquelin K. Stevenson General
23 Ledger as of December 31, 2005. Do you see that at
24 the top?

25 A I do.

1 Q Now, at the bottom, it indicates, does it
2 not, that on December the 29th, 2005, you received
3 \$10,000 from your mother's account; is that
4 correct?

5 A Yes.

6 Q And it indicates that both of your brothers
7 Tom and Dan each received \$10,000; is that correct?

8 A Correct.

9 Q It indicates that your sister Genevieve
10 received \$10,000; is that correct?

11 A That's correct.

12 Q But it does not indicate that your sister
13 Jacquelin received \$10,000, does it?

14 A That's correct.

15 Q Why did your sister Jacquelin not receive
16 \$10,000 in 2005 but you, Dan, Tom, and Genevieve did?

17 MS. LEWIS: Object to the form. You
18 can answer, if you know.

19 BY MS. WALL:

20 A I don't remember.

21 Q Do you recall a discussion with either Tom
22 or Dan with regard to these payments?

23 A Well, I believe that this is money to pay
24 the life insurance policy I think, but I don't know
25 why Jacquelin -- I don't know why. I don't know

1 why.

2 Q Were you involved in any discussions with
3 either Tom or Dan or both at year-end with regard to
4 your mother's finances and any distributions that
5 would or would not be made?

6 A We all participated in this.

7 Q And what do you mean by we all participated
8 in this?

9 A Well, generally, this was to pay the life
10 insurance policy. And we would -- we would -- we
11 would all participate in this; although, I don't know
12 why Jacquelin isn't.

13 Q I apologize if my question is not clear. My
14 question to you is: Did you have conversations with
15 Tom and Dan year-end with regard to your mother's
16 finances?

17 A No.

18 MS. WALL: Take a quick break.

19 VIDEOGRAPHER: Off the record at
20 12:24.

21 (A break was taken.)

22 VIDEOGRAPHER: On the record at 12:32.

23 BY MS. WALL:

24 Q Ms. Turner, on April the 19th in the year
25 2006, you met with your brother Tom at his place of

1 business FabTech, didn't you?

2 A I did.

3 Q And did he take you on a tour of his
4 facility?

5 A He did.

6 Q And did he talk to you about the fact that
7 monies from the trusts had been invested in his
8 company FabTech?

9 A No, he did not.

10 Q Why was he giving you a tour of FabTech?

11 A Well, I knew we had a meeting coming up that
12 week or week after with Heyward, and my guess was
13 that this was related because then my brother Dan did
14 the very same thing and took me on a tour of his
15 company's facilities. And so I figured it had
16 something to do with this meeting with Heyward. I
17 was sure about that.

18 Q And what did you think the meeting with
19 Heyward was going to be about?

20 A I did not know. I did not know, but I was
21 sure it had something to do with their two companies
22 since the two of them took me on tours.

23 Q Did you ask them why they were taking you on
24 a tour?

25 A I did not. I knew I would find out, but I

1 did not ask them.

2 Q So Tom took you on a tour of FabTech. Where
3 is FabTech located?

4 A North Charleston, Commerce Circle.

5 Q Did you drive to it during the day or was it
6 in the evening after work?

7 A I think it was during the day. I think he
8 came by and picked me up.

9 Q All right. So he came by and picked you up.
10 Did he pick you up at work?

11 A Uh-huh.

12 Q And so you left work to tour his facility in
13 North Charleston but never asked him why you were
14 doing this?

15 A Oh, I was pretty sure it had something to do
16 with Heyward's meeting.

17 Q Did you ask him whether it had something to
18 do with the meeting?

19 A No, I did not.

20 Q When had you first learned there was going
21 to be a meeting?

22 A Tom called me, I'm not sure when, and he
23 said -- he said that Heyward wants to, wants to meet
24 with you, wants us to meet. And he said -- he said I
25 don't know why he wants to do this but, anyway,

1 Heyward wants to meet with you. And I said, okay,
2 you know. And he told me the time, and I put it on
3 my calendar and agreed.

4 And then when Tom told me he wanted to show
5 me his place and Dan did, too, I knew that had
6 something to do with this meeting with Heyward. When
7 Tom -- when Tom called me to tell me about it, he
8 said he didn't know Heyward wanted to meet with me.
9 That's what he said.

10 Q Tom said he, Tom, didn't know why he wanted
11 to meet?

12 A Tom said Heyward wants to meet with you. He
13 said I don't know why he wants to do this, but he
14 wants to meet with you.

15 Q So did you understand from Tom calling you
16 that only you were going to be meeting with
17 Heyward?

18 A I -- I didn't -- I didn't know. I didn't
19 know. I didn't think about it one way or the other.
20 I just knew that Heyward had, was calling a meeting
21 and that I would be going to it.

22 Q And you understood that Heyward had, was
23 your mother's attorney?

24 A Yes.

25 Q Did you ask Tom -- strike that. So you

1 asked Tom nothing; is that correct?

2 A That's correct.

3 Q So Tom picks you up at work, drives you to
4 North Charleston, and takes you on a tour of FabTech;
5 is that correct?

6 A That's correct.

7 Q Had he ever, ever taken you on a tour of his
8 company before?

9 A I believe that maybe when he first acquired
10 it, he did drive me around it.

11 Q And when was that?

12 A I don't know but a long time before, a long
13 time before.

14 Q All right. So right now, we're talking
15 April 2006.

16 A Right.

17 Q Was it several years before or decades
18 before?

19 A Well, I don't know how long he had it, but
20 it was -- yeah. They were not related. These two
21 trips were not related.

22 Q The first trip you took out to FabTech, was
23 it in 2001?

24 A I don't remember. I don't remember. The
25 two were just not related, but I knew that, that we

1 had done something like this once before.

2 Q Why had he taken you on a tour of FabTech at
3 that earlier date?

4 A I think he was proud of it.

5 Q Were you the only one he took on the tour?

6 A It was just him and me.

7 Q And so do you conclude from that that he
8 took you on the tour and not your sisters because you
9 were the holder of the Co-Power of Attorney?

10 MS. LEWIS: Object to the form.

11 BY MS. WALL:

12 A I had no idea. No. I didn't think that.

13 Q Was it curious to you as to why he took you
14 and didn't take Jacquelin --

15 MS. LEWIS: Object to the form.

16 BY MS. WALL:

17 Q -- on a tour?

18 MS. LEWIS: Object to the form.

19 BY MS. WALL:

20 A No. No.. Jacquelin is gone a lot.
21 Genevieve lives a long way away.

22 Q Were you closer to Tom as a sibling than
23 either of your sisters?

24 A Was I closer to Tom than my sisters?

25 Q No. Poorly-phrased question. Were you

1 closer to Tom than Jacquelin was to Tom or Genevieve
2 was to Tom?

3 A I would not say that. I would say Jacquelin
4 was closer to Tom.

5 Q So from that, it wasn't curious to you as to
6 why Tom took you on a tour of FabTech and not
7 Jacquelin?

8 MS. LEWIS: Object to the form.

9 BY MS. WALL:

10 A Jacquelin may well not have been there.
11 Jacquelin and Bill were gone a lot.

12 Q When did Jacquelin and Bill begin going away
13 a lot?

14 A I think that it was in 2001, I believe that
15 was. It could be 2000, but --

16 Q Does that help to refresh your recollection
17 that your first tour by Tom of FabTech or viewing of
18 FabTech by Tom was in 2001?

19 A Yeah. I really don't know when it was.

20 Q How long did you spend at FabTech with Tom
21 in April of 2006?

22 A I don't know. Long enough to drive up
23 there, long enough to circle around it and see what
24 it was. We even got out. It wasn't hours. It
25 wasn't a long time.

1 Q Did you go inside the facility?

2 A I think I went through the offices because
3 they had pictures of those, those huge machines. I
4 don't think I went out on the plant floor or whatever
5 that is.

6 Q And what did Tom tell you about FabTech?

7 A That they fabricated steel for, for these
8 Force Protection vehicles.

9 Q But that wasn't the first time you knew that
10 they were fabricating steel for Force Protection
11 because you had been out there some years before,
12 correct?

13 A I -- you know, I don't know when that was.
14 That was really not a big deal. I don't know what I
15 knew about Tom's business, but not a lot. But he did
16 tell me that they fabricated steel for Force
17 Protection, and they had pictures of these giant
18 vehicles.

19 Q Did you know that your mother owned stock in
20 Force Protection?

21 A I don't think I knew that.

22 Q You don't think you did or you're not
23 sure?

24 A I knew -- I knew that Force Protection was a
25 pretty exciting thing as far as what it did. And I

1 think that -- I think that Dan had gotten mother
2 excited about it and that perhaps he had talked her
3 into buying stock in it.

4 Q And that all occurred before this meeting in
5 April 2006, correct?

6 A Yes.

7 Q And were you present when Dan discussed with
8 your mother Force Protection and the exciting nature
9 of what they do and so forth?

10 A I don't know if I was or not.

11 Q So on April the 19th, Tom picked you up.
12 You went out to FabTech. How long did the tour or
13 viewing take?

14 A It wasn't long. It wasn't long.

15 Q What did you --

16 A Walked through his office, you know, they
17 had big pictures of these vehicles. You know, I was
18 properly impressed. I mean, I said, ooh, I said, ah.

19 Q And other than describing the fabrication
20 activities, what else did Tom discuss with you during
21 that --

22 A He was --

23 Q -- review?

24 A -- just showing it to me. He was just
25 showing it to me.

1 Q Now, what about the tour that Dan gave you,
2 when did that occur?

3 A Sometime the same time frame before this
4 meeting with Heyward.

5 Q Did Dan call you first?

6 A He must have.

7 Q And was that also during you're working day,
8 so he picked you up at work?

9 A So we went there, but -- but they weren't --
10 maybe -- maybe they only did this stuff every three
11 days or Monday, Wednesday, Friday. They were not --
12 the plant was not working at the time.

13 Q And the plant we are now talking about, this
14 is with Dan?

15 A Yes.

16 Q And was the plant Easy Tray?

17 A Or Fresh Cuts or Toogoodoo or --

18 Q Which one was it?

19 A I don't know.

20 Q Well, where is it that you went?

21 A Where was it? I certainly couldn't find it
22 now. I don't know. He drove; I rode.

23 Q So you don't recall anywhere where it was?
24 You don't recall where you went?

25 A No, I really don't.

1 Q Was it North Charleston?

2 A You know, I don't know. I think it was, but
3 I don't know. I really don't know. He drove. I
4 went along.

5 Q Did you ask him any questions about the
6 facility or what you were doing, why he was driving
7 you out there, anything?

8 A Well, I knew it was related to this meeting
9 with Heyward. I mean, he didn't --

10 Q How did you know that?

11 A Because I had this meeting with Heyward and
12 that Tom told me about and then the week before the
13 meeting or during the week of, they each call me and
14 said they wanted to take me out to see their
15 businesses.

16 Q Did they tell you you would be the only one
17 at this meeting of your sisters or other siblings; it
18 would just be you, Tom, and Dan? Did you know
19 that?

20 A I didn't know that, but I think Jacquelin
21 and Genevieve was not -- Genevieve was working and
22 Jacquelin may well have been gone.

23 Q But you were working too, correct?

24 A I was.

25 Q But you're the only one that first Tom and

1 then Dan, independently, took out to their places of
2 businesses, correct?

3 A Well, you know, I never have asked them if
4 they ever got to see it. I don't -- yeah. I don't
5 know if they did.

6 Q I'm talking about April of 2006.

7 A That particular, yes. For that visit, it
8 was just me, those visits.

9 Q So Dan picked you up at work and you went
10 you don't know where, and what is it that you saw?

11 A Well, they had -- the place where they
12 process all of these vegetables and pack them,
13 package them.

14 Q Did you ask any questions about it?

15 A I could see what they do and he'd say they
16 bring vegetables in here and they'd do this, that,
17 and the other there. So those kind of questions.

18 Q Did you ask Tom why he was bringing you out
19 to look at processing of vegetables, excuse me, Dan?

20 A I knew it was related to the meeting with
21 Heyward.

22 Q My question was --

23 A No.

24 Q -- did you ask him?

25 A No, I didn't ask him.

1 Q When Dan took you out to this place where
2 they were processing vegetables, did he tell you
3 about investments into this business that had been
4 made?

5 A No.

6 Q So do we understand your testimony to be
7 that your two brothers independently in different
8 times in April 2006 drove you out to their respective
9 places of business, gave you tours, and no one talked
10 about why you were taking these tours or what the
11 reason was; is that right?

12 A That is correct. I knew they were related
13 to the meeting with Heyward, but they didn't tell me.

14 Q How did you know they were related to the
15 upcoming meeting?

16 A Because Tom called me and told me that
17 Heyward wanted to meet with me, and then the two of
18 them take me on these tours.

19 Q When Tom called you and said, Heyward wants
20 to meet, did Tom tell you Heyward wants to meet about
21 your mother's investments, about our businesses,
22 FabTech and Easy Tray, Toogoodoo Farms? Did he tell
23 you any of that?

24 A He said Heyward wants to meet with you. He
25 said I don't know why he wants to do this. And I

1 said, okay, when, and I put it on my calendar.

2 Q Did Tom say anything else to you in that
3 call?

4 A No. He said I don't know why he wants to do
5 this.

6 Q And that was the sum and substance of the
7 entire conversation; is that correct?

8 A Yes.

9 Q And you've told us what went on at the two
10 tours of one made by Dan with you and one made by Tom
11 with you, correct?

12 A Yes.

13 Q And in the car going out with Tom and with
14 Dan and in the car coming back with Tom and Dan, what
15 discussion was there other than passing
16 pleasantries?

17 A Just what amazing operations they were and
18 what they did and pleasantries.

19 Q When you went with Tom to FabTech and/or
20 coming back, at any time that you were with Tom, did
21 he refer again to the upcoming meeting?

22 A I don't remember that.

23 Q What about Dan when you were with him going
24 at or coming back from his place of business, was
25 there any discussion by him or you with regard to the

1 upcoming meeting?

2 A Not that I remember.

3 (Exhibit No. 10 marked.)

4 Q I'm going to hand you what we've marked as
5 Exhibit 10. And do you see this is a letter dated
6 April the 19th, 2006 --

7 A Yeah.

8 Q -- from Heyward Carter to Tom Stevenson? Do
9 you see that?

10 A I do.

11 Q And April the 19th, 2006, was the date that
12 you went out to FabTech with Tom; is that correct?

13 A Well, I'm not certain of the exact date, but
14 it was -- it was before this meeting. And -- and --

15 Q Okay. When we reference -- let's make sure
16 the record is clear. When we reference this meeting,
17 this meeting actually took place on April the 27th,
18 2006, correct?

19 A Yes.

20 Q Okay. All right. Did you see a copy of
21 this letter attached to an e-mail or in any other
22 form from Tom?

23 A I don't think I saw this until after
24 everything was over -- until the start of the case.

25 Q Were you aware that Tom Stevenson, your

1 brother, had met with Edward Bennett?

2 A No. I really don't know who Edward Bennett
3 is.

4 (Exhibit No. 11 marked.)

5 Q I'm handing you what we've marked as Exhibit
6 11, which are e-mails from Tom Stevenson to Heyward
7 Carter. In the top e-mail, Tom says on April the
8 21st that he received the letter that we have just
9 looked at that we marked as Exhibit 10 from Heyward
10 and that he forwarded it to both Dan and to you.

11 A Uh-huh.

12 Q Is that correct?

13 A That's what it says.

14 Q Do you recall him doing so?

15 A Not really. But, you know, I have looked at
16 this stuff so much, for so long, so many times, that,
17 you know, all of that is very fuzzy. You know, if --

18 Q So he may have sent it to you?

19 A He may have.

20 Q Did you have a meeting with your brothers,
21 Tom and Dan on April the 27th, 2006, with Heyward
22 Carter and Lynne Kerrison?

23 A I did. I did.

24 Q Did you take notes at that meeting?

25 A I did not.

1 Q Did you ask any question at that meeting?

2 A I don't believe I asked any questions, but
3 it certainly is a meeting that I will never, ever,
4 ever forget.

5 Heyward told me -- Heyward told me it was
6 his sad duty to tell me that my brothers had taken
7 substantial amounts of money from my mother, our
8 mother. I believe he told me that Tom had taken
9 about a million and Dan had taken in the millions.

10 And another point that I remember from that
11 meeting was that Heyward said to me, he said, I'm not
12 your attorney, he said, but if I were your attorney,
13 I would tell you that your brothers need an attorney.
14 He said I'm not your attorney, so I'm not telling you
15 that.

16 And I said I understand that. And I knew --
17 I knew that what I had to do, as quickly as I could,
18 was to get them to attorneys. So I came -- I came
19 from that meeting, and I'm not sure what day it was,
20 but I spent a day or two just really thinking what to
21 do, what am I going to do.

22 And so I knew I had to get them attorneys.
23 I called Heyward. First of all, I met with them.
24 And I said you need an attorney. And they said, no,
25 we don't. And they said we don't want any attorneys

1 sticking their noses in this telling us what to do.
2 And I said -- as you can tell, I don't press anybody
3 about anything. But I pressed them on this. And I
4 said, yes, you do. You have to have an attorney.

5 And I said would Heyward be acceptable to
6 you because I knew whoever it was, they were going to
7 have to work with. I said would Heyward be
8 acceptable. And they said okay.

9 So I called Heyward and I asked him if he
10 would be their attorney for this stuff, and he said
11 that he would think it over and he did. I
12 appreciated his thoughtfulness that he would think
13 about it.

14 And he called me back, and I wasn't
15 surprised when he said, no, he did not want to do
16 this, that he wanted to stay as mother's attorney.
17 And I understood that. I certainly understand, but I
18 said, Heyward, would you give me some names of people
19 to call.

20 And he gave me three names. And the first
21 one was Bobby Pearlman. So I called Bobby Pearlman,
22 and I set up a meeting for Tom and Dan to go meet
23 with Bobby Pearlman. That might have been -- it was
24 early June. I don't know exactly when that meeting
25 was, but that was as fast as I could get them to an

1 attorney.

2 Bobby asked for some documents, which, and I
3 don't even know what they were, but Lynne Kerrison
4 got to him. And we went to this meeting with Bobby.
5 And he shook his head and said to them, you know,
6 you've done something really bad, something really
7 bad, and you're going to have to make it right.

8 And I was so relieved and so glad that I had
9 gotten them to a place where they could start working
10 on this horrible, horrible thing they'd done. It's
11 an absolute nightmare.

12 Q. When you had this meeting on April the 27th,
13 2006, where you met with Tom, Dan, Heyward Carter,
14 and Lynne Kerrison, did you tell your sister
15 Jacquelin Bennett about what went on in the meeting
16 or about the meeting?

17 A I did not.

18 Q Did you tell Genevieve Felder?

19 A I did not.

20 Q Did you tell Jim King?

21 A No.

22 Q Did you tell any of the three of them
23 anything about the loans or monies that your brothers
24 Tom and Dan had taken from the trusts?

25 A You know, I didn't really know anymore than

1 what Heyward said, a million Tom, three million or so
2 with Dan. And at that point, I knew that I was not a
3 professional. I did not know what, what to do about
4 any of this, but that I had gotten them in the hands
5 of somebody who did and that they were going to work
6 on this, that they were going to put together a plan,
7 that they were going to make a plan. And they were
8 going to call a meeting, and they were going to set
9 this out to the family and do everything, that they
10 had to make it right, and they were -- they were
11 going to come up with a plan to do it.

12 Q And Tom and Dan assured you that they were
13 going to call a meeting with the rest of the
14 siblings; is that correct?

15 A Yes. And Bobby -- they were going to be
16 working with Bobby and they were going to come up
17 with a plan.

18 Q And, in fact, that meeting did not occur for
19 13 months, did it?

20 A For quite some time. I sent Bobby an
21 e-mail --

22 Q It was --

23 A -- because I hadn't heard anything. I
24 didn't know what was going on. I was -- I was
25 pushing, pushing, pushing to get this out.

1 Q But you were relying on Tom and Dan to find
2 a good time and to get this meeting called; is that
3 correct?

4 A They had -- they had Bobby Pearlman as their
5 attorney.

6 Q The meeting with the siblings did not occur
7 for 13 months, did it? This meeting is April 2006
8 and the meeting with the siblings was in May of 2007,
9 correct?

10 A I believe that's correct.

11 MS. WALL: Why don't we take a brief
12 break here and hope, because we don't want
13 to starve anyone here.

14 VIDEOGRAPHER: Off the record at 1:02.
15 Tape number three.

16 (Lunch break.)

17 VIDEOGRAPHER: This is the deposition
18 of Kathleen Turner. We're on the record at
19 1:40.

20 BY MS. WALL:

21 Q Ms. Turner, during the lunch break that we
22 just took, did you speak to anyone or did anyone
23 speak to you with regard to any of the matters at
24 issue in your deposition or this lawsuit?

25 A No.

1 (Exhibit No. 12 marked.)

2 Q We were discussing before the break a
3 meeting that occurred in which you were a participant
4 on April the 27th, 2006. So we're going to go back
5 to that. I'm going to hand you what we will mark as
6 Exhibit No. 12. Does this Exhibit No. 12 have your
7 handwriting anywhere on it?

8 A Hu-huh. Not mine.

9 Q Have you ever seen this document before?

10 A Yes.

11 Q Pardon me?

12 A Yes.

13 Q Okay.

14 A Yes.

15 Q When did you come to see it?

16 A Well, for one thing, this is in the white
17 notebooks. That is one thing. Before that, I'm not
18 sure.

19 Q All right. You say there is a copy of this
20 in the white notebook.

21 A The white notebooks prepared by Lynne
22 Kerrison's office, and -- and I was present at this
23 meeting 4-27.

24 Q All right. Let me just have the record
25 clarified for a moment before we go on. When you

1 reference the white notebooks prepared by Lynne
2 Kerrison's office, those were prepared for the
3 meeting of May of 2007?

4 A Yes. Yes.

5 Q Now, going back to the April 2006 meeting,
6 did -- was this document, without the handwriting on
7 it, given to you by Lynne Kerrison at the 2006
8 meeting?

9 A I don't remember that.

10 Q When you left the meeting on April the 27th,
11 2006, that you went to with your two brothers and
12 Lynne Kerrison and Heyward Carter, did you have
13 papers in your hand?

14 A No. I don't believe I did.

15 Q Did you take notes?

16 A I did not.

17 Q Do you recognize the handwriting on this
18 Exhibit 12?

19 A No, I do not.

20 Q This indicates that at the meeting was
21 Heyward Carter, Lynne Kerrison, Tom Stevenson, Dan
22 Stevenson, and Kathleen Turner; is that correct?

23 A Correct.

24 Q Was there a discussion at that meeting by
25 Lynne Kerrison with regard to cash in the Bank of

1 South Carolina?

2 A I don't remember that.

3 Q Was there a discussion about any other
4 checking accounts?

5 A I don't remember that.

6 Q Was there a discussion about the marital
7 trust and shares of Easy Tray?

8 A I really don't remember.

9 Q Do you remember whether there was a
10 discussion about the QTIP trust and Easy Tray shares
11 with money, purchased with money from the QTIP
12 trust?

13 A I don't remember.

14 Q So is what you're telling us you don't
15 remember one way or another? Is that what you mean
16 --

17 A Yes.

18 Q -- by I don't remember?

19 A Yes.

20 Q As to real estate, was there a discussion of
21 valuations of various pieces of real estate?

22 A I don't remember.

23 Q Do you recall if there was a discussion with
24 regard to G-Tech stock?

25 A I don't remember that.

1 Q Do you recall a discussion of Force
2 Protection stock?

3 A I don't.

4 Q Do you recall a discussion about life
5 insurance?

6 A I don't.

7 (Exhibit No. 13 marked.)

8 Q I'm handing you what we'll mark as Exhibit
9 13. Now, Exhibit 13 is a document of two pages,
10 notes entitled Conference with Tom and Dan Stevenson,
11 Kathleen Turner, and Lynne Kerrison 4-27-06. Do you
12 see that?

13 A I do.

14 Q Are you aware that these are notes that were
15 prepared by Heyward Carter as is indicated on the
16 second page with the initials and the date?

17 A Well, I see that.

18 Q Do you have any reason to believe it was not
19 prepared --

20 A Oh, no. No.

21 Q -- by Mr. Carter on April the 27th of
22 2006?

23 A No.

24 Q Do you recall at that meeting, as is set
25 forth herein on the second paragraph, that Heyward

1 Carter told you and the others there that the loans
2 to Dan and to FabTech had increased significantly
3 and, in fact, constituted by far the majority portion
4 of the book value of the two trusts under their
5 father's Will?

6 A Do I remember that?

7 Q Yes.

8 A No, I do not.

9 Q Do you remember, as is set forth in the
10 third paragraph, that Lynne Kerrison gave you
11 information on the current amounts loaned to Dan and
12 to FabTech which did not include the interest on the
13 loans accrued since January and February of 2003?

14 A I don't -- I don't remember that.

15 Q Do you have any reason to believe it was not
16 said?

17 A No.

18 Q Do you recall that both Lynne Kerrison and
19 Heyward Carter stated that it was important that you
20 be informed and kept in the loop?

21 A I don't remember that.

22 Q Do you have any reason to believe that it
23 was not said?

24 A No.

25 Q Do you recall Heyward Carter stating that it

1 was not his responsibility to question investment of
2 trust assets as trustees, meaning your brothers being
3 the trustees? Do you recall that discussion?

4 A I don't recall.

5 Q Do you have any reason to believe that the
6 memo of the meeting in which you were present on
7 April the 27th, 2006, did not include the matters set
8 forth in Heyward Carter's memo of the same date?

9 A Do I have any reason to believe --

10 Q To believe that what Mr. Carter has stated
11 on his memo which he prepared the same day as the
12 meeting are not accurate and correct?

13 A I'm sure it is.

14 Q You testified earlier that after this
15 meeting of April the 27th, 2006, you pushed your
16 brothers to get an attorney and you followed up by
17 first asking Heyward Carter if he would do so; and
18 when he declined, you got three names and,
19 ultimately, got -- you got your brothers to Bobby
20 Pearlman; is that correct?

21 A Correct.

22 Q Did -- did you actually go and meet with
23 Bobby Pearlman together with your brothers in June of
24 2006?

25 A I wanted to make sure they were there, so,

1 yes.

2 Q How many times did you meet with Bobby
3 Pearlman?

4 A I got them there and that was it. Bobby was
5 their attorney.

6 Q How long did you stay at the meeting with
7 Bobby Pearlman and your two brothers?

8 A I don't really remember.

9 Q Several hours?

10 A No. I don't think it was hours.

11 Q An hour?

12 A I don't know how long.

13 Q After the initial meeting with Bobby
14 Pearlman in June of 2006, did you have subsequent
15 meetings with Bobby Pearlman?

16 A No, but I wanted Bobby to be present at the
17 family meeting, that when we got the family together,
18 I thought that that would keep things calm and steady
19 and that we would be able to deal with this. So I
20 was asking Bobby. I wanted Bobby to be present at
21 that meeting.

22 Q And that's the meeting that subsequently
23 occurred in May of 2007, correct?

24 A Right. Not --

25 Q And so is it your testimony that after the

1 initial meeting with Bobby Pearlman with your
2 brothers in June of 2006, you never met with Bobby
3 Pearlman again until the family meeting in May of
4 2007?

5 A I will tell you that my memory is fuzzy and
6 slipping and slipping more and more, so I don't
7 recall. I don't remember that.

8 Q Do you recall telephone conversations with
9 Bobby Pearlman after the initial meeting in June of
10 2006 and before the full family meeting in May of
11 2007?

12 A I don't remember that.

13 Q Did you have e-mail communication with
14 Mr. Pearlman?

15 A I'm sure that I wanted -- I think I had sent
16 a message to him saying that I wanted him -- you
17 know, I don't remember.

18 Q At this meeting on April the 27th, 2006 --
19 I'm still on that meeting with you and your two
20 brothers and Heyward Carter and Lynne Kerrison.
21 You've described for us what you recall. Did you
22 know at that point in time -- did you conclude at
23 that point in time that your brothers Tom and Dan had
24 not acted properly with regard to your mother's
25 finances?

1 A Well, Heyward told me that they had taken
2 money from, from our mother, so.

3 Q Did Lynne Kerrison tell you that as well?

4 A I don't know if Lynne did. Heyward told me.

5 Q So what conclusion did you draw when you
6 heard that?

7 A Heyward told me -- I knew they were in huge
8 trouble. I knew they had done something terribly
9 wrong, terribly bad. Heyward told me that they
10 needed an attorney. I did that as fast as I could.

11 Q Did you tell your brothers either on April
12 the 27th, 2006, or any time thereafter until the
13 meeting with the full family on May 20, 2007, did you
14 tell your two brothers to stop taking loans from the
15 trusts?

16 A I didn't tell them. I thought it was pretty
17 obvious that they had to quit, but I didn't tell
18 them.

19 Q You assumed that they understood that?

20 A I certainly did.

21 Q And you assumed that they would do the right
22 thing? They being your brothers Tom and Dan, they
23 would do the right thing and not take any further
24 loans or monies out of the trusts for their own
25 businesses or for any own reason, correct?

1 A Correct.

2 Q You did not tell your siblings Jacquelin,
3 Genevieve, or Jimmy about the monies taken by Tom and
4 Dan from the trusts before they did, did you, before
5 they being Tom and Dan?

6 A Did I tell -- I did not tell them. Tom and
7 Dan were working with Bobby Pearlman to come up with
8 a plan.

9 Q Okay. So my question is: You, Kathleen
10 Turner, did not tell your siblings Jacquelin,
11 Genevieve, or Jimmy King about the monies taken by
12 Tom and Dan until the meeting in May of 2007,
13 correct?

14 A I don't believe I did, but I'm very --
15 getting fuzzier.

16 Q Wasn't it your earlier testimony that you
17 were leaving it to Tom and Dan and then their
18 attorney Bobby Pearlman to put together a plan and
19 have a meeting and tell the rest of the siblings?

20 A Yes.

21 Q And Tom and Dan didn't put together that
22 meeting, with or without Bobby Pearlman, until May of
23 2007, correct? And that's when the meeting occurred?
24 There was no meeting before that, was there?

25 A Okay.

1 Q I'm asking you.

2 A No.

3 Q Was there any meeting before that?

4 A No.

5 Q How did the meeting even come about in May
6 of 2007? Was it because your mother was going into
7 more precarious health?

8 A I think -- I really am getting fuzzy. I
9 mean, as we sit here, I'm getting fuzzy. But it
10 seems to me that Dan told to him that Tom was in some
11 kind -- would be in big legal trouble if the bank --
12 because -- if the banks knew they had taken out these
13 loans because he had not included them in any kind of
14 financial statement and that was some kind of huge
15 legal issue. And so that jump-started Tom into
16 getting in touch with John Hagerty. And John Hagerty
17 is the one who said we're going to have a family
18 meeting and we're going to have it right now.

19 Q And so did -- when did that happen? Shortly
20 before the meeting?

21 A I think that he wanted to call the meeting
22 for like, I don't even know why I even remember this,
23 like May 3rd, and this was like April 29th. I mean,
24 it just was not possible for that to happen.

25 Q So Dan telling Tom what you've just

1 testified to occurred in April and then the meeting
2 couldn't happen until May when it did?

3 A Yeah. Yes.

4 Q Now, you've said on a few occasions in the
5 last couple of minutes that you're getting fuzzy.
6 Did you take some medication during the break that is
7 causing you to now not understand my questions or be
8 in a position to answer them fully and truthfully?

9 A I am tired and getting tired; and so, no,
10 I didn't take anything. No, I didn't.

11 Q So other than your fatigue at being asked
12 questions and responding to questions, is there
13 anything, is there something medically going on as to
14 why you cannot understand my questions or answer them
15 to the best of your ability?

16 A No. Just 68 years old and getting fuzzier.

17 Q After the meeting in May of 2007 with all of
18 the siblings -- let me back up. In that meeting, who
19 was present?

20 A At the meeting when?

21 Q In May of 2007 with the family, with the
22 siblings. You were there. Tom was there. Dan was
23 there. Was Jacquelin there?

24 A Well, wait a minute. This is the meeting at
25 Heyward's office?

1 Q No. The meeting in Heyward's office is in
2 April of 2006. And we've discussed that at length,
3 correct?

4 A Okay.

5 Q All right. I'm moving on now because since
6 then, you have given us testimony with regard to your
7 causing your brothers to have a meeting with Bobby
8 Pearlman and your brothers having this conversation,
9 Tom talking to John Hagerty, and then a meeting
10 occurred with your siblings in May of 2007. So it's
11 13 months after this meeting in Heyward Carter's
12 office. Okay?

13 A Okay.

14 Q All right. And that's where we are.

15 MS. LEWIS: All right. I'm going to
16 object to the form because that wasn't a
17 question.

18 MS. WALL: No. It's not a question.
19 I'm trying to --

20 MS. LEWIS: Maybe you're going to make
21 a question.

22 MS. WALL: I'm going to ask a
23 question.

24 MS. LEWIS: But I'm objecting to the
25 testimony before the question.

1 BY MS. WALL:

2 A Let me take my jacket off because it's
3 warming up in here. Let me do something with my
4 microphone.

5 Q All right. My question is now focused on
6 the meeting with the siblings in May of 2007. Okay?

7 A Okay.

8 Q May of 2007. And my question for you is:
9 Who was at that meeting?

10 A Right now, I am not recalling the meeting.
11 This is the siblings and we are meeting, I don't know
12 where.

13 Q Did Tom and Dan at that meeting reveal to
14 your siblings, again in May of 2007, any information
15 concerning monies they obtained from the trusts?

16 A Ms. Wall, I am really drawing a blank. I
17 just -- I do not know. I just do not know.

18 MS. LEWIS: Susan, can we take a short
19 break, just a short break?

20 MS. WALL: Certainly.

21 VIDEOGRAPHER: Off the record at 2:03.

22 (A break was taken.)

23 VIDEOGRAPHER: On the record at 2:14.

24 BY MS. WALL:

25 Q Ms. Turner, we just took a break. Are you

1 feeling well enough to continue?

2 A Yes.

3 Q And are you feeling well enough to
4 understand my questions and when you don't, tell me
5 that you don't understand them, and to respond to my
6 questions fully, accurately, and truthfully?

7 A Yes.

8 Q Do you recall that there was a meeting of
9 the siblings in May of 2007?

10 A Yes.

11 Q After that meeting -- let me back up. At
12 that meeting, was there any discussion whatsoever of
13 the fact that Tom and Dan had taken monies from the
14 trusts?

15 A I think that's what it was about.

16 Q Did Dan, despite this information being
17 given to all the siblings in May of 2007, did Dan
18 continue to serve as Co-Power of Attorney with you?

19 A I believe he did. I think I'm --

20 (Exhibit No. 14 marked.)

21 Q I'll hand you what we will mark as Exhibit
22 14. And does this refresh your recollection that Dan
23 as your co, with you as the co-holder of the Power of
24 Attorney, did not resign until the 26th of July
25 2007?

1 A Yes.

2 Q You need to answer verbally.

3 A Yes.

4 Q After July of 2007, did Dan and Tom continue
5 to serve as co-trustees of your mother's trusts, of
6 the trusts set up for your mother's benefit?

7 A I believe they did.

8 Q Do you recall that it was not until November
9 of 2007 that Dan, your brother Dan Stevenson,
10 resigned as co-trustee?

11 A Do I recall it?

12 Q Yes.

13 A If I see this document.

14 (Exhibit No. 15 marked.)

15 Q I'm going to hand you what we've marked as
16 Exhibit 15 and ask if this refreshes your
17 recollection that, in fact, Dan Stevenson did not
18 resign as the holder of the co-trusteeship for both
19 the marital trust and the QTIP trust until November
20 2007?

21 A Yes.

22 Q At the time that Dan Stevenson resigned in
23 November 2007, did all four remaining siblings, you,
24 Genevieve, Jacquelin, and James King, become the
25 co-successor trustees?

1 A I believe we did.

2 Q How long did James King continue to serve in
3 that capacity?

4 A Not long.

5 Q Why not?

6 A I don't know. He -- he just didn't want to
7 do it.

8 Q Did he give you an explanation as to why?

9 A I don't recall. I just know that he did not
10 want to do it.

11 Q Did there come a time when James King, your
12 half-brother, sued you and other of your siblings?

13 A Yes.

14 (Exhibit No. 16 marked.)

15 Q I'm going to hand you what we've marked as
16 Exhibit 16 and ask if you can identify this as a copy
17 of the Complaint that James King filed on September
18 the 11th, 2008, naming you, your sisters Jacquelin
19 and Genevieve, your brothers Tom and Dan, and their
20 companies as Defendants?

21 A Yes. Yes.

22 Q What happened to this lawsuit?

23 A We settled with him.

24 Q All right. Tell us about that settlement.

25 A I haven't reviewed about this whole thing,

1 and so I don't really remember.

2 Q Well, let's see if we can remember as best
3 you can. James King sued you and your siblings. You
4 then came to a point where you settled that lawsuit;
5 is that correct?

6 A I believe so.

7 Q Did you pay monies or did you cause to pay
8 monies or did you agree to pay monies to Mr. King?

9 A And his -- yes.

10 Q And his who?

11 A And his wife and children and grandchildren
12 to divide up the amount of money that, that the
13 siblings, the same amount of money that the siblings
14 had received at -- on the day that mother died. And
15 it was the same amount of money. So we agreed to
16 divide that amount of money to his, give that amount
17 of money to his family.

18 Q Are you referencing the approximately half a
19 million dollars that you attempted to transfer just
20 before your mother died to each of the siblings and
21 their offspring?

22 A Yes.

23 Q And that transfer was found to be not
24 recognized or improper, correct?

25 MS. LEWIS: Object to the form.

1 BY MS. WALL:

2 A I don't think that was the case. It was
3 just that he needed to be included in it.

4 Q So what did you and your siblings, the
5 Defendants in this case, what did you agree to pay to
6 Mr. King, his wife, and their offspring?

7 A That -- that amount. That same amount.

8 Q Which amount is that?

9 A The amount that we each received.

10 Q So just before your mother died, you
11 transferred, and you, as the holder of the POA and
12 also one of the co-trustees, is that correct, or you
13 were not a co-trustee on your mother's death, were
14 you?

15 A I don't think so.

16 Q All right. You were the Co-POA and you
17 authorized just before your mother died transfers of
18 money to all of the siblings except for Mr. King; is
19 that correct?

20 A Yes. That is correct.

21 Q Why did you agree to do that leaving
22 Mr. King out?

23 A It was an oversight leaving him out. It
24 just -- it was just a wildly horrible day, and he --
25 he just wasn't there.

1 Q This was the death of his mother, correct?

2 A Right.

3 Q Not his stepmother?

4 A Right.

5 Q But his actual mother?

6 A Right.

7 Q Did you leave out Genevieve on that wildly
8 horrible, confused day?

9 A No.

10 Q How did you come, as the holder of the POA
11 with Dan, to leave out your mother's son James
12 King?

13 A It was certainly a mistake.

14 Q So you settled this lawsuit filed against
15 you and your siblings for the amount that you
16 otherwise should have given to him on that day of her
17 death?

18 A Yeah. I don't really remember that.

19 Q So it could have been more, correct?

20 A I don't -- I don't remember.

21 Q So you don't remember what you settled this
22 lawsuit for?

23 A I don't.

24 Q Did you sign a settlement document?

25 A I don't remember.

1 Q Did you sign a release?

2 A I think it -- I don't remember.

3 Q Did you have an attorney advise you with
4 regard to settling this lawsuit filed against you and
5 your siblings by your half-brother Jimmy King?

6 A I'm sure we did, but I don't remember.

7 Q Was it Bobby Hood?

8 A I don't remember.

9 Q Why did Jimmy King have to sue you and your
10 siblings, have to file a lawsuit for you to pay him
11 what you now say was a mere mistake and oversight?
12 Why didn't you rectify that mistake and oversight as
13 soon as he brought it to your attention?

14 A I don't remember.

15 Q Is Jimmy King currently opposing any actions
16 that you're taking in the Probate Court?

17 A I believe he is.

18 Q And what is he opposing?

19 A I am not certain, but I think he is opposing
20 the division of property, real estate.

21 Q And what is your understanding as to why he
22 is opposing it? Does he think it's unfair?

23 MS. LEWIS: Object to the form.

24 BY MS. WALL:

25 A I don't know. I don't remember.

1 Q So you don't know what the reasons are?

2 A I don't remember. I don't remember.

3 Q Let me ask you again, are you currently
4 experiencing an inability to recall things that
5 several hours you didn't feel the same way?

6 A I feel fine.

7 Q Are you understanding my questions?

8 A I think so.

9 Q Well, I have asked you a number of questions
10 now about your half-brother Jimmy King. I understand
11 that, well, there is no question, we have just shown
12 it as an exhibit, you and some of your siblings were
13 sued by him. You entered into a settlement. But as
14 I understand your testimony, you don't remember
15 anything about the settlement; is that correct?

16 A I didn't review that for this. So, you
17 know, no, right now, I don't remember that.

18 Q When did you enter into this settlement?
19 Was it last year, this year, a week ago? When did it
20 happen?

21 A I don't remember.

22 Q Looking at what we marked as Exhibit 16 --

23 A Uh-huh.

24 Q -- the Complaint.

25 A Yes.

1 Q In this Complaint, your brother Jimmy King
2 sued you and others, you, sued you, just you and Tom
3 Stevenson on page nine, for breach of fiduciary duty.
4 Do you see that?

5 A Yes..

6 Q Did you breach your fiduciary duty as to
7 Mr. King?

8 MS. LEWIS: Object to the form.

9 BY MS. WALL:

10 A Well, that seems to me as a -- it's a legal
11 question that I'm not qualified to answer.

12 Q All right. He's also, on page nine, sued
13 you, Tom Stevenson, and William Bennett for civil
14 conspiracy. Do you see that?

15 A I do...

16 Q Do you recall that -- did you ever get a
17 copy of this Complaint before today? Have you ever
18 seen it?

19 A I must have.

20 Q And then on page ten, there is a third cause
21 of action against you, Jacquelin Bennett, and
22 Genevieve Felder for breach of fiduciary duty. Do
23 you see that?

24 A I do.

25 Q And then on the next page 11, there is a

1 cause, another cause of action, a fourth one against
2 you, Jacquelin Bennett, Genevieve Felder, Tom and
3 Dan. Do you see that?

4 A I do.

5 Q Were you represented by a lawyer in
6 responding to this lawsuit?

7 A I think Bobby Hood was the attorney.

8 Q So did Bobby Hood assist you in ultimately
9 coming to a settlement with Mr. King?

10 A I believe he did.

11 Q And where did the funds come from to pay
12 Mr. King to settle this lawsuit?

13 A I don't remember.

14 Q Did you write a personal check?

15 A I don't remember.

16 Q Did the funds come out of the estate to pay,
17 to settle the lawsuit brought by Mr. King?

18 A Well, I don't remember.

19 Q Your mother passed away in September 2007,
20 correct?

21 A Yes.

22 Q Your brother Dan, after your mother passed
23 away, continued to serve as the co-trustee for both
24 the marital trust and the QTIP trust until November
25 2007, correct?

1 A Right.

2 Q How long did Dan continue to serve as
3 co-trustee of your, of the two trusts?

4 A I don't remember.

5 (Exhibit No. 17 marked.)

6 Q I'm going to hand you what we've marked as
7 Exhibit 17 and ask if this is a document that shows
8 that you and your sister Jacquelin became personal
9 representatives in December of 2007; is that
10 correct?

11 A Correct.

12 Q Do you recall that?

13 A Yes.

14 Q Did Mr. King resign as one of the
15 co-trustees because of his claims against you and
16 your siblings as set forth in the Complaint that we
17 just looked at?

18 A I believe that was his reason.

19 Q And, again, do you have any recollection as
20 to why -- let me back up and ask you this: Did
21 Mr. King ever tell you that he thought he was
22 entitled to different treatment than he had received
23 and asked you to make it right before he filed this
24 Complaint in September of 2008?

25 A I don't recall that.

1 (Exhibit No. 18 marked.)

2 Q I'm handing you what we've marked as No. 18
3 and ask that you direct your attention to this. This
4 is a letter of September the 13th, 2007. So this is
5 approximately a year before your brother James King
6 sued you and your siblings as we have seen in Exhibit
7 16. Do you see that?

8 A It actually was the 17th. The date was
9 actually the 17th. That was incorrect, the 13th.

10 Q All right. Let's get the record straight.
11 We're referring right now to Exhibit 17, or what
12 exhibit are you referring to?

13 A 18.

14 Q All right. Exhibit 18. So turning our
15 attention to Exhibit 18 which is on the letterhead of
16 William A. Bennett and it has a date of September the
17 13th, 2007, is it your testimony that you recall that
18 this is an incorrect date, that the date should be
19 September 17?

20 A Maybe I'm incorrect about this. Everything
21 else is dated the 17th.

22 Q You mean your signature on the bottom of the
23 page?

24 A Yes, and Tom's.

25 Q And Tom's signature at the bottom, Tom

1 Stevenson's signature at the bottom, both yours and
2 his are dated September 17, 2007, correct?

3 A Correct.

4 Q The date at the top of the letter is
5 September 13th, 2007; is that correct?

6 A That's what it says.

7 Q All right. This letter was written and
8 signed by William Bennett, correct?

9 A Yes.

10 Q William Bennett, also known as Bill Bennett,
11 being your brother-in-law, correct?

12 A Right.

13 Q This letter is directed to Douglas Capital
14 Management, correct?

15 A Yes.

16 Q And it gives instructions as to making
17 transfers of monies from the marital trust to the
18 QTIP trust; is that correct?

19 A Correct.

20 Q You understood that your signature as the
21 Co-POA and Tom Stevenson's signature as the
22 co-trustee were necessary for Douglas Capital
23 Management to act on the letter, correct?

24 A Correct.

25 Q And why is that?

1 A Because this is transfers among the trusts
2 and --

3 Q And Bill Bennett had no authority to do so
4 without you, did he?

5 A Correct.

6 Q Why did you sign this letter and send the
7 instructions for the transfer?

8 A Because it was my understanding that this
9 was an imbalance that needed correcting.. Apparently
10 it didn't need to be corrected as, before mother
11 died, but we didn't -- I didn't understand that.

12 Q In fact, did this turn out to be incorrect,
13 that the money should not have been transferred and
14 it was so found?

15 MS. LEWIS: Object to the form.

16 BY MS. WALL:

17 A I don't remember that.

18 Q You don't remember?

19 A I don't remember that.

20 Q Approximately a year after this letter
21 instructing that monies be transferred, you and
22 others were sued by Mr. King, correct? We just
23 looked at that Complaint, correct?

24 A Right.

25 Q All right. And in that Complaint, and we

1 looked at the causes of action that named you,
2 correct?

3 A Correct.

4 Q In those causes of action, this transfer of
5 funds from the estate to the QTIP trust is being
6 challenged as improper; isn't that right?

7 A Yes.

8 Q And you knew that when you got this
9 Complaint, didn't you, that Mr. King was challenging
10 it?

11 A Yes.

12 Q And you knew that he was challenging it as
13 improper long before he filed the Complaint against
14 you, didn't you? You knew that?

15 A I don't remember that.

16 Q So is it your testimony here today that you
17 only remember learning for the first time that there
18 was a question about the efficacy or the propriety of
19 making these transfers from one trust to another is
20 when you got a copy of the Complaint that was filed
21 in September 2011?

22 MS. LEWIS: Object to the form.

23 BY MS. WALL:

24 Q Excuse me. 2008.

25 MS. LEWIS: Object to the form.

1 BY MS. WALL:

2 A I'm not certain -- I'm not certain about
3 that.

4 Q Before you signed this letter that was
5 marked as Exhibit 18, did you see a single document
6 proving to you that what is set forth in this letter
7 was correct and that the monies should be
8 transferred?

9 A No, I did not.

10 Q Did you conclude when you signed this letter
11 on September the 17th, 2007, that your mother did not
12 have the right to buy shares in any stocks that she
13 wanted to for any amount that she wanted to do it
14 in?

15 A And your question is did I --

16 Q My question is: Did you conclude that when
17 you signed this that your mother had no right to be
18 buying stocks in any amount or no amount, that you
19 concluded that; is that why you signed this letter?

20 MS. LEWIS: I'm going to object to the
21 form.

22 MS. WALL: That's okay.

23 MS. LEWIS: I don't understand.

24 BY MS. WALL:

25 Q Do you understand my question?

1 A Not really.

2 Q All right. You're signing a letter
3 authorizing the transfer of monies from one trust to
4 another under the theory as is set forth in this
5 letter that an adjustment needs to be made,
6 correct?

7 A Yes.

8 Q And you told us you didn't look at any
9 documentation proving the correctness of what is set
10 forth in here, correct?

11 A Correct.

12 Q Before you signed it, you didn't look at any
13 documents? You read the letter and then you signed
14 it, correct?

15 A Yes.

16 Q Did you make any independent determination
17 before signing this letter that anything in this
18 letter was correct?

19 A This is the day that my mother was dying,
20 died, and it was not a day in which I was asking for
21 and looking at documents.

22 Q Why didn't you refuse to sign this letter on
23 the day your mother was dying because you were busy
24 focusing on your mother? Why did you agree to sign
25 this letter?

1 A I can't answer that.. It was a horrendous
2 day. It was full all kinds of things competing for
3 attention and things that needed to be done. It was
4 a horrendous day. And I signed that.

5 Q Who asked you to sign this letter?
6 Mr. Bennett?

7 A Yes.

8 Q Why didn't you tell him, no, I'm focused on
9 other things, I'm not signing this, I don't even know
10 what you're talking about in this letter?

11 A I don't know.

12 Q Did it turn out that what was in this letter
13 was incorrect?

14 A Well, one thing I know is that it didn't
15 have to be done on that particular day. That is one
16 thing I did subsequently find out.

17 Q Did you subsequently find out that the
18 substance of this letter, that is, the claim that
19 certain transfers had to be made was incorrect?

20 A Did I subsequently learn?

21 Q Yes. Did you subsequently learn that the
22 substance of this letter was incorrect?

23 A I don't think so.

24 (Exhibit No. 19 marked.)

25 Q I'm going to hand you what we've marked as

1 Exhibit 19, and Exhibit 19 at the top, it says, that
2 it's the Estate of Jacquelin K. Stevenson transfer of
3 stock from Mrs. Stevenson's personal account to the
4 QTIP account. Do you see that at the top?

5 A I do.

6 Q Have you ever seen this before?

7 A I don't think so.

8 Q Well, you see where this schedule, it's
9 right at the top again, two line, three lines down,
10 "This schedule prepared by Herbert McGuire provides
11 an alternative calculation that seeks to be equitable
12 to the parties." Do you see that?

13 A I do.

14 Q Do you recall any of that occurring? Did
15 you participate in any of this?

16 A I don't recognize it, but I do know Herb
17 McGuire.

18 Q Looking back at Exhibit 18, when you were
19 asked to sign this document Exhibit 18, were you
20 given any explanation other than what's in the letter
21 itself? Were you given any explanation as to the
22 basis for this transfer, request to transfer?

23 A This letter was explained to me. Not being
24 a math person, I -- I didn't have any reason to
25 question it and so I didn't.

1 Q You've earlier testified that as the Co-POA
2 with Dan, it wasn't your area of expertise to do
3 anything with the finances, correct --

4 A Right.

5 Q -- or words to that effect? And, of course,
6 your testimony is on the record. Why then on
7 September the 17th, 2007, did you sign a letter that
8 has to do with financial matters directly affecting
9 your mother, her trusts, and ultimately her estate?

10 A It was a busy day. There was much signing
11 of all kinds of things. And I was given this to
12 sign, and I signed it, as Tom did, too.

13 Q Why didn't your brother Dan sign it?

14 A I don't know why Dan didn't sign it.

15 Q Did you question that?

16 A No, because he -- he was around.

17 MS. WALL: Well, we have to take a
18 break.

19 VIDEOGRAPHER: Off the record at 2:50.

20 Tape number four.

21 (Off-the-record.)

22 VIDEOGRAPHER: This is tape number
23 five of the deposition of Kathleen Turner.

24 We're on the record at 2:54.

25 BY MS. WALL:

1 Q Ms. Turner, do you feel all right to
2 continue?

3 A I do.

4 (Exhibit No. 20 marked.)

5 Q Now, I'm handing you what we've marked as
6 Exhibit 20. This is an investment report dated April
7 1, 2007, through April 30th, 2007. Do you see
8 that?

9 A I do.

10 Q As of April the 30th, 2007, had a meeting
11 been called with regard to, with all of your siblings
12 with regard to the investment matters but not yet
13 held? Do you recall that? Let me back up. It was a
14 terrible question. Do you recall that we earlier
15 established that there was a meeting with all of your
16 siblings in May of 2007?

17 A Yes.

18 Q Do you recall the date of that meeting?

19 A I don't. I don't. I don't.

20 Q In looking at Exhibit No. 20, in
21 approximately that time, perhaps two weeks before,
22 depending on when that meeting was, the investment
23 report ending April 30th, 2007, shows Force
24 Protection stock holdings valued as of April the
25 30th, 2007, at \$9,834,440; is that correct?

1 A Correct.

2 Q Did there come a time when you determined to
3 give instructions to sell some or all of the stock in
4 Force Protection?

5 A There was. There was a general consensus
6 that there was too much money in one basket.

7 Q And who came up with that or who first
8 raised that issue?

9 A Well, I don't know who first raised it, but
10 we felt that there was just too much in one basket.

11 Q And did you agree with that?

12 A I think we all agreed with it.

13 Q Did you agree to it?

14 A I did. We all agreed.

15 (Exhibit No. 21 marked.)

16 Q I'm handing you Exhibit 21. This is dated
17 July the 26th, 2007, from you to Linda at Douglas
18 Capital; is that correct?

19 A Correct.

20 Q Is that the first time that you had given
21 instructions to Douglas Capital to sell stock in
22 Force Protection?

23 A I don't know if it was the first time.

24 Q Do you have any recollection that you ever
25 made a request prior to July the 26th, 2007?

1 A I don't.

2 Q Now, you wrote this e-mail to Douglas
3 Capital, Linda. And it states in the e-mail, and I
4 quote, "Please sell one half of the Force Protection
5 stock that is held by my mother Jacquelin K.
6 Stevenson as you see fit. My brother Dan Stevenson
7 has resigned as her attorney-in-fact." Do you see
8 that?

9 A I do.

10 Q Was one-half of the Force Protection stock
11 sold at this time?

12 A It was not because -- because it was a
13 volatile, thinnly-held stock. And they just -- they
14 just couldn't sell it that fast. They could not do
15 that to upset the market like that. So they could
16 not sell, sell it that fast.

17 Q Was any of it sold before November of
18 2007?

19 A I'm not sure.

20 Q Were you in contact with Douglas Capital
21 after this e-mail of July the 26th, 2007, with regard
22 to selling this stock?

23 A I -- I'm not sure. I don't remember that.
24 I do know that I think that they -- it's not that
25 they didn't follow the instructions. It's just -- it

1 just couldn't be done like that, couldn't be done
2 that fast.

3 Q Did there come a time after July of 2007 and
4 before November of 2007 that you gave them
5 instructions not to sell but to wait?

6 A I don't remember that.

7 Q When was the bulk of the stock in Force
8 Protection sold?

9 A I don't remember that.

10 Q Do you recall that it was in November and
11 December of 2007 when it had dropped from July of
12 2007 by more than 50 percent?

13 A I don't remember that.

14 (Exhibit No. 22 marked.)

15 Q I'm handing you Exhibit No. 22. This is a
16 copy from the Probate Court of Inventory and
17 Appraisement. Do you see that?

18 A Yes.

19 Q And this is the original Inventory and
20 Appraisement. Do you see that? It's checked at the
21 top original.

22 A Oh. Okay.

23 Q Is that right?

24 A I see.

25 Q All right. And the file stamp date is May

1 the 28th, 2008, correct?

2 A Correct.

3 Q And on the second page, you have signed
4 this; is that correct?

5 A Correct.

6 Q This front page indicates the total net
7 worth of the estate \$7,499,881.34, correct?

8 A Correct.

9 Q Turning to the third page -- let me turn you
10 one more time to the second page where you have
11 signed it. You signed it on the same day that it was
12 filed, May the 28th, 2008; is that correct?

13 A Right.

14 Q Now, turning to the third page, you have
15 told the Probate Court in this document that Force
16 Protection stock, 174,550 shares, are still owned as
17 of May the 28th, 2008, correct?

18 A Correct.

19 Q With an appraised closing value of \$2.38
20 million; is that right?

21 A Correct.

22 Q And on that same page three, under Schedule
23 C, it states that in the Bank of South Carolina
24 checking account is \$494,865.19; is that correct?

25 A Correct.

1. Q And in this Inventory and Appraisement,
2 there is also listed on page three, four pieces of
3 real property, correct, at the top?

4 A Correct.

5 Q Two more checking accounts, correct?

6 A Yes.

7 Q A checking account and a cash account. And
8 on the two pages forward, personal property and two
9 boats; is that correct?

10 A Correct.

11 Q And then, finally, the second to last page,
12 it states marital trust consisting of stocks and
13 bonds; is that correct?

14 A Correct.

15 Q Cash; is that correct?

16 A Right.

17 Q And then it says, DS notes claims, TS notes
18 claims, with undetermined?

19 A Right.

20 Q What did that mean?

21 A Well, I think that this means the Dan
22 Stevenson notes and claims and the Tom Stevenson
23 notes and claims.

24 Q What claims were there with regard to Dan
25 Stevenson and Tom Stevenson?

1 A Well, I'm not sure I would call it a claim,
2 but then I'm not an accountant or an attorney, but
3 this is the money that they had taken.

4 (Exhibit No. 23 marked.)

5 Q I'm handing you now Exhibit 23. Now,
6 Exhibit 23 is a -- do you recognize that as a copy of
7 a tax return with regard to your mother's estate?

8 A Yes.

9 Q And you're named as the executor on the
10 first page on line 60; is that correct?

11 A Correct.

12 Q Turning for me, if you would please, four
13 pages in, part five under recapitulation. Do you see
14 that?

15 A Four pages in? One, two, three, four. This
16 is recapitulation.

17 Q Half-way down.

18 A Oh, okay.

19 Q Part five. Do you see that?

20 A Yes.

21 Q On line 13, it says, funeral expenses and
22 expenses incurred in administering properly, properly
23 subject to claims. And it says \$1,721,262. What
24 funeral expenses and expenses incurred in
25 administering properly subject to claims is that

1 reflecting?

2 A That -- that does not seem correct to me.

3 Q This isn't the first time that you have seen
4 Exhibit 23, is it?

5 A No.

6 Q So you don't know what the \$1.7 million is
7 referencing on line 13?

8 A No. Funeral expenses on --

9 Q There are these little Bate numbers, these
10 really lengthy numbers on the bottom right, you can
11 refer to those if you want.

12 A Okay. 22159. Attorney's fees. I suppose
13 that that is what that is coming from.

14 Q All right.

15 A That does seem huge.

16 Q Looking at what has 22159 on the bottom,
17 which is part of Exhibit 23, the estate tax return
18 dated November the 12th, 2008, correct? We didn't
19 establish that for the record. Is it dated November
20 the 12th, 2008? It's on the front page at the bottom
21 where the accountant has put a date on it?

22 A Oh, yes. Yes.

23 Q So this is November 2008. So we're turning
24 now to page 22159, it indicates attorney's fees,
25 amount estimated, \$1,232,441. Whose attorney's fees

1 are those? What were those incurred for?

2 A Well, I don't know.

3 Q Would those have been the fees of Bobby
4 Hood?

5 A Possibly, and Bobby Pearlman -- and who are
6 the other attorneys?

7 Q Any other attorney? We have Hood. We have
8 Pearlman. And this, of course, can only be as of
9 November 2008.

10 A I don't know.

11 Q All right. Let's talk about Mr. Hood, Bobby
12 Hood. His attorney's fees would have included
13 defending you and the other defendants named against
14 your brother Jimmy King's lawsuit against you,
15 correct?

16 MS. LEWIS: Object to the form.

17 BY MS. WALL:

18 Q Is that correct?

19 A Yeah.

20 Q He charged you; he didn't do that for free,
21 did he?

22 A Right. I agree.

23 Q Okay. So Mr. Hood charged for his legal
24 fees in defending you and the other named defendants
25 in the lawsuit filed by Jimmy King, correct?

1 A Yes.

2 Q How were Bobby Hood's fees paid?

3 A I think, but I don't know right now, from
4 the estate.

5 Q So the estate paid Bobby Hood's fees; is
6 that correct? Is that what you -- is that what you
7 recall or think?

8 A I'm thinking that.

9 Q Did you ever write a personal check to Bobby
10 Hood or his law firm for his fees?

11 A I did.

12 Q Were you reimbursed for that personal check
13 by the estate?

14 A I don't remember that.

15 Q How much was the personal check that you
16 wrote to Bobby Hood for his attorney's fees?

17 A I don't remember.

18 Q Was it in excess of \$25,000?

19 A I don't remember.

20 Q When did you write that check?

21 A I certainly don't remember.

22 Q Did you enter into a fee agreement with
23 Bobby Hood? And when I say you, you on behalf of
24 the, yourself and the estate as co-trustee and POA
25 for your mother.

1 A Now, the estate attorney I think was Bobby
2 Pearlman.

3 Q Did there come a time when Mr. Slotchiver
4 became the estate attorney --

5 A He did.

6 Q -- for purposes of filing with the Probate
7 Court and so forth?

8 A He did. They did.

9 Q So at one point, it was Bobby Pearlman and
10 then it became --

11 A Mr. Slotchiver.

12 Q -- Mr. Slotchiver? Bobby Hood was the
13 attorney for those of you who sued Tom and Dan; is
14 that correct?

15 A Correct.

16 Q And for those of you who were sued by Jimmy
17 King?

18 A I believe that's correct.

19 Q And did Mr. Hood, in fact, charge one
20 million thirty-two dollars and -- I'm sorry.
21 \$1,232,441?

22 A I could not say that right offhand.

23 Q What would you look at to know what it is
24 Mr. Hood charged or his law firm?

25 A I'd have to go back through the checkbook.

1 Q Did you write checks on behalf of the estate
2 to Mr. Hood's firm?

3 A I think that's true.

4 Q When did you begin writing checks?

5 A After -- after Jacquelin and Bill sailed
6 off.

7 Q When did they sail off?

8 A Let me think. I don't -- I don't know the
9 answer to that.

10 Q Was it sometime in 2008?

11 A I don't remember when they did that.

12 Q And once they sailed off and you began
13 writing checks, did you continue writing checks to
14 the present time?

15 A Yes.

16 Q Did they ever come back in and write the
17 checks instead? When I say they, let me rephrase it.
18 Did Jacquelin ever come back in and write the checks
19 instead?

20 A I don't think so.

21 Q Okay.

22 A That may not be the case, but I don't -- I
23 don't know.

24 Q Now, looking at page, what has the long
25 number, we're still on -- we're still examining

1 Exhibit No. 23, the tax return.

2 A Uh-huh.

3 Q Looking at page 22154, this indicates
4 valuations for stock owned in Force Protection,
5 correct?

6 A Correct.

7 Q And the valuation at date of death is close
8 to that, which is what you have set forth in Exhibit
9 22, correct, for a total of \$2.8 million? Let me
10 rephrase my question so that I'm asking exactly
11 what's on the page because I don't want to confuse
12 you in any way. On page 22154.

13 A Yes.

14 Q Okay. Because there is a total at the
15 bottom, so we don't have to guess.

16 A Okay.

17 Q The total value of shares in Force
18 Protection valued at the date of death in the tax
19 return filed with the government is \$2,954,002,
20 correct?

21 A Yes.

22 Q Looking over at that which was filed with
23 the Probate Court which we have marked as Exhibit 22,
24 the Inventory and Appraisement, the third page in --

25 A Yeah.

1 Q -- the valuation is, in fact, less. The
2 valuation there is \$2,801,527.50. Do you see that?

3 A I do.

4 Q Do you know why there is a difference?

5 A I don't.

6 Q Then, still looking at Exhibit 23, the tax
7 return, still on page 22154?

8 A Uh-huh.

9 Q This states that the alternate value for
10 those shares -- and do you understand what the
11 alternate value is? It's a value taken later in
12 time. Do you understand is that?

13 A Okay. No. I didn't understand that, but
14 all right.

15 Q This indicates the alternate value, and
16 we're now of the date of preparing this is November
17 the 12th, 2008, the alternate value is approximately
18 one million dollars. Specifically it's \$1,002,421,
19 correct?

20 A Right.

21 Q Your mother passed away in September 2007,
22 correct?

23 A Correct.

24 Q So between September 7 -- September of 2007
25 and November of 2008, the stock dropped in value

1 approximately \$1.9 million, correct?

2 A Right.

3 Q During that time, how much of this stock was
4 sold, if any, from the date of your mother's death
5 until the preparation of this tax return in November
6 2008?

7 A I don't remember.

8 Q We have established, though, haven't we,
9 have the topic of selling these shares was certainly
10 something you were involved in, correct?

11 A Right.

12 Q And, in fact, did you understand that you
13 had a duty of prudent investment as a co-trustee?
14 Was that ever your understanding?

15 A I relied upon the advice of professionals.
16 So let me answer that again. I'm not -- I do not
17 understand stocks. I would never, ever buy or sell
18 anything on my own.

19 Q I understand that, Ms. Turner. We
20 established earlier in an earlier exhibit that you
21 instructed Douglas Capital to sell stock in Force
22 Protection, correct?

23 A That was because -- because the group wanted
24 to do that.

25 Q And you were the one with authority to give

1 that instruction, correct?

2 A I did.

3 Q And you continued to have that authority,
4 correct, after that date, after July 2007?

5 A Yes.

6 Q Turning to page -- we're still on Exhibit
7 23. Turning to page 22155, on that page, item Number
8 1, it states on the first line, Bank of South
9 Carolina checking account, and it says value at date
10 of death, \$28,260. Do you see that?

11 A I do.

12 Q Turning over back to Exhibit No. 22, which
13 was the Inventory and Appraisement, third page in.

14 A Yes.

15 Q It indicates, Bank of South Carolina
16 checking account value of \$494,865.19. Why is there
17 a difference?

18 A I don't know.

19 Q We're still looking at Exhibit No. 23, the
20 tax return sent to the government. Turn, if you
21 will, to page 22157. The fourth item on that page is
22 entitled misfeasance claim. Do you see that?

23 A I do.

24 Q And it goes on to state that the estate is
25 involved in continuing litigation involving alleged

1 misfeasance by the trustees of the Jacquelin
2 Stevenson marital trust and QTIP trust. And then --
3 and it references a valuation of the estate's claims
4 made by Attorney and Mediator Thomas J. Wills,
5 Esquire. Do you see that?

6 A I do.

7 Q And then if you turn to the, across from
8 that, where, again, the heading is value at date of
9 death, what value is set forth in that line?

10 A 750,000.

11 Q And the alternate value is what?

12 A 750,000.

13 Q And the alternate valuation date is what?
14 Gives a date right next to that, to the left. Does
15 it state March the 17th, 2008?

16 A It does.

17 Q Now, if you will please turn to the last
18 page of Exhibit No. 23. This last page states, and I
19 quote, "Taxpayer made exclusion gifts totaling
20 \$531,000 on Saturday, September 15th, 2007. Of that
21 amount, 58,000 cleared her bank account on Monday,
22 September 17th before her date on her death. Do you
23 see that?

24 A Yes.

25 Q Based on looking at this notation, does this

1 refresh your recollection that the transfers of
2 monies to various family members made on Saturday,
3 September the 15th, 2007, were held to be invalid?

4 MS. LEWIS: Object to the form.

5 BY MS. WALL:

6 A I'm not an attorney.

7 Q So you don't know?

8 A Right.

9 Q All right. As a matter of fact, knowing
10 what you know about the transfers that were made,
11 what is your understanding as to how they were
12 subsequently viewed by the IRS? Were they
13 disallowed?

14 A I don't remember that.

15 (Exhibit No. 24 marked.)

16 Q Now, I am now asking you to turn your
17 attention to Exhibit 24, which has also been filed in
18 the Probate Court. This is also an Inventory and
19 Appraisement. We have already looked and marked as
20 Exhibit 22 the original Inventory and Appraisement.
21 Do you recall that?

22 A I do.

23 Q And now we're looking at, as Exhibit No. 24,
24 the subsequent, it's called Supplemental Inventory
25 and Appraisement. Do you see that?

1 A I do.

2 Q And the Supplemental Inventory and
3 Appraisement is dated October the 26th, 2011,
4 correct?

5 A Right.

6 Q Or at least let me rephrase. Is that when
7 it was filed with the Probate Court?

8 A Apparently so.

9 Q Okay. Looking on the first page, you signed
10 this, correct?

11 A I did.

12 Q And you signed it on what date?

13 A The 13th of October.

14 Q 2011?

15 A Yes.

16 Q Now, on the first page of the Supplemental
17 Inventory and Appraisement, looking at the bottom,
18 does it state that the total net worth of the estate
19 is \$8,801,941?

20 A It does.

21 Q And that has an asterisk, and it indicates
22 that that's using the alternate valuation date of
23 values; is that correct?

24 A That's what it says.

25 Q Now, comparing Exhibit 24 to Exhibit 22,

1 front page is all we're looking at.

2 A Uh-huh.

3 Q On Exhibit 22, the total valuation was given
4 at approximately 7.5 million. Now the total
5 valuation is approximately 8.8 million. Do you see
6 that difference?

7 A I do.

8 Q What constitutes the difference?

9 A I don't know.

10 Q Okay. Turn for me, if you will please, to
11 page two of Exhibit 24. Again, this is the
12 Supplemental Inventory and Appraisement. And do you
13 see and does this refresh your recollection, since
14 you did sign this document, that at the bottom under
15 Schedule C, it states, Bank of South Carolina
16 checking account includes 473,000 -- \$473,000 in
17 death bed gifts disallowed by the IRS. Do you see
18 that?

19 A I do.

20 Q Does that refresh your recollection that
21 what is known as death bed gifts, the checks written
22 to the various family members were disallowed by the
23 IRS?

24 A I see that. May I be excused?

25 Q Of course. We can take a break.

1 VIDEOGRAPHER: Off the record at 3:31.
2 (Off-the-record.)

3 VIDEOGRAPHER: On the record at 3:40.

4 BY MS. WALL:

5 Q Ms. Turner?

6 A Yes.

7 Q We're back on the record. We were looking
8 at Exhibit 24 with the reference to the death bed
9 gifts disallowed by the IRS; correct?

10 A Correct.

11 (Exhibit No. 25 marked.)

12 Q I'm going to hand you what we've marked as
13 Exhibit 25 on that topic. This is a register from
14 the Bank of South Carolina for the date July 1, 2007,
15 through September 30th, 2007. Do you see that?

16 A I do.

17 Q Now, this shows a number of payments on
18 September the 15th, 2007, in the middle and down to
19 the bottom of the page. Do you see that?

20 A I do.

21 Q Are these reflective of the gifts that were
22 referenced in your earlier testimony?

23 A Yes.

24 Q And these are the gifts that were disallowed
25 by the IRS; is that correct?

1 A Yes.

2 Q All right. Now, looking at these gifts,
3 there are -- there's check number 528, 529, 530, and
4 532 are all gifts in the amount of \$12,000, but they
5 don't have to whom those gifts were made, they're
6 listed as gifts, to whom those checks were made.

7 A Uh-huh.

8 Q And then there's some handwriting on the
9 right there. One of them looks like it's Haz Am. Do
10 you know what that is?

11 A I think it's Hazel Ann, one of Genevieve's
12 grandchildren.

13 Q All right. What's the next one?

14 A Emma, one of Genevieve's grandchildren.

15 Q The next one?

16 A Is Hazel, I'm pretty sure, which is
17 Genevieve's daughter-in-law.

18 Q And then the next has type-written in
19 Genevieve; is that correct?

20 A Yes.

21 Q All right. What about the next one?

22 A There is another --

23 Q That is not typed.

24 A There's another granddaughter Genevieve.

25 Q Well, if we look above that line where the

1 9-15 checks begin?

2 A Yes.

3 Q There's another check to Genevieve and then
4 to Frederick Felder. Do you see those, too?

5 A I do.

6 Q So did they receive gifts in addition to the
7 \$12,000 gifts that this whole long list of other
8 people received?

9 A I'm not sure about that.

10 Q Because going down to check number 534, this
11 indicates that, well, that there are additional
12 Felder persons receiving the \$12,000; is that
13 correct?

14 A I don't understand what you're saying.

15 Q That was a very poor question. Let me
16 rephrase. The Felder gifts then to the Felder family
17 members --

18 A Yes.

19 Q -- does that start with check 526 and run
20 down through 538?

21 A Or 541.

22 Q All right. Who is Elizabeth McDermott?

23 A That's Genevieve's daughter.

24 Q And a relation of hers is John McDermott and
25 Ellie McDermott?

1 A Son-in-law, granddaughter.

2 Q So that runs then from 526 to 541?

3 A Yes.

4 Q And then we have you?

5 A Yes.

6 Q Do you see that? That's with a \$5,000

7 check; is that correct?

8 A Yes.

9 Q And why is your check 5,000 and not
10 12,000?

11 A I don't remember.

12 Q Were you involved in the discussion of these
13 checks being made on the 15th?

14 A Yes.

15 Q And the amounts?

16 A I believe so.

17 Q Did you sign these checks?

18 A I believe I did. I don't believe I signed
19 all of them because I wasn't the only one. But right
20 now, I don't remember who else did.

21 Q All right. There are various Turners and
22 then there's a Anna Komanowski?

23 A Granddaughter.

24 Q Another Turner. Jones?

25 A Son-in-law.

1 Q Another Turner. There's a Tammy Rabideau.
2 Who is that?

3 A Daughter-in-law.

4 Q And then there's one for 12,000 without a
5 name by line 552. Who is that?

6 A I think that that must be for granddaughter
7 Lela Turner.

8 Q And then at the bottom there is \$12,000 to
9 Irven Stevenson who is Tom Stevenson's wife; is that
10 correct?

11 A Right.

12 Q And the Calders being relatives of Tom
13 Stevenson?

14 A Yes. His daughter and son-in-law.

15 Q And then there's a check to Dan Stevenson;
16 is that correct?

17 A Yes.

18 Q Is there a check to Tom Stevenson?

19 A I don't see one.

20 Q And then we -- there are a number of
21 Stevensons. Are they all related to Tom Stevenson
22 or, excuse me, Dan Stevenson under 580?

23 A 580, 1, 2, 3, yes.

24 Q And then there are the Bennetts?

25 A Yes.

1 Q Starting with Jacquelin?

2 A Yes.

3 Q All of those being in the amount of 12,000
4 each, correct?

5 A Yes.

6 Q Until we get down to check 590 which
7 apparently was voided; is that correct?

8 A Yes.

9 Q Who was Jill Hooper?

10 A She was Stevenson Bennett's significant
11 other at the time.

12 Q Why would you have written a check to Jill
13 Hooper?

14 A I don't know.

15 Q And then there are two Lynns. Who are
16 they?

17 A They are Jacquelin's daughter and her son.
18 The one to Jill, yeah, you can see it was voided.

19 Q Yes. We said that. All right. Now, going
20 back to, again, Exhibit No. 24. So we have been
21 through the death bed gifts disallowed by the IRS.
22 Turning a number of pages, the next following pages
23 tend to be blank, until you get to Schedule A, real
24 estate. Do you see that page?

25 A Yes.

1 Q Now, the first item has a description of
2 property in Rockville, correct?

3 A Right.

4 Q Now, this goes on to say and I quote, "This
5 property was transferred to Rockville Stevenson, LLC.
6 What is Rockville Stevenson, LLC?

7 A Well, it was to be -- what is LLC?
8 Limited -- whatever LLC stands for, but we -- it
9 wasn't possible to do that, so that was voided.

10 Q Was that you and your sister Jacquelin? Is
11 that who made up Rockville Stevenson, LLC?

12 A Yes.

13 Q There wasn't anyone else in it, was there?

14 A No.

15 Q Or was there?

16 A No.

17 Q Okay. And you as the decedent, the decedent
18 being your mother, correct?

19 A Yes.

20 Q You were her POA, her Power of Attorney,
21 correct?

22 A Correct.

23 Q And you were the one who transferred the
24 property to Rockville Stevenson, LLC, correct?

25 A Yes.

1 Q And then it was found that the transfer
2 exceeded the authority of the attorneys-in-fact,
3 therefore, the transfer is being disregarded. That's
4 what that document says, correct?

5 A Correct.

6 Q Who found that the transfer exceeded your
7 authority?

8 A Perhaps -- perhaps it was Heyward Harvey.
9 I'm not sure.

10 Q Why did you attempt to transfer the
11 Rockville property to Rockville Stevenson, LLC?

12 A We were trying to avoid taxes, but it didn't
13 do that.

14 Q So you tried to do it, but it was
15 disallowed; is that correct?

16 A It was the same day. It was just -- yeah.
17 This was done, we wrote those out, and it just --
18 therefore, the transfer just didn't occur.

19 Q Who wrote out the Rockville Stevenson, LLC?
20 You said we wrote it out.

21 A The deeds is what I meant.

22 Q Who assisted you in that?

23 A It may have been Heyward Harvey. I'm not
24 certain.

25 Q And then we look at Number 2, and this is

1 referencing property in Awendaw, correct?

2 A Right.

3 Q On Dupree Creek, correct?

4 A Correct.

5 Q Now, this says on September the 17th, 2007,
6 was that the date of your mother's passing?

7 A Yes.

8 Q So on that date that your mother died, 83
9 1/3 percent of that property, the Awendaw property,
10 was transferred by you as the POA into five equal,
11 undivided interests. Do you recall doing that?

12 A Yes. It was all part of the day that mother
13 died, and there was a great deal of signing and going
14 on.

15 Q Well, had you planned to do this before your
16 mother's death, or was just everybody standing around
17 and your mother was dying and people were drafting
18 these documents?

19 MS. LEWIS: Object to the form.

20 BY MS. WALL:

21 A We -- we had talked about it. We had talked
22 about the fact that, that this was not -- it was not
23 a good idea for so much of the real estate to stay
24 where it was. And we had talked about -- we had
25 talked about transferring it, but we didn't until,

1 until that day, along with everything else that was
2 going on.

3 Q So you all had talked about it not being a
4 good idea to have the real estate stay in the estate
5 and that's because you were trying to avoid taxes?

6 A Trying to. Trying to think of ways, but --

7 Q On this, you transferred this property into
8 five equal, undivided interests. Those five
9 undivided equal interests left out your brother Jimmy
10 King, correct? I'm still on Number 2.

11 A Yeah. Yeah.

12 Q Why would you leave out your brother
13 Mr. King?

14 A I don't remember.

15 Q And we looked at the list of all of the
16 these \$12,000 checks made out to your mother's
17 children, children-in-law, grandchildren, and other
18 family members, great grandchildren, but Mr. King is
19 nowhere to be seen or his family, correct?

20 A Correct. And then we realized that that was
21 a mistake and we tried to correct it.

22 Q How did you try to correct it?

23 A By taking that same amount of money that
24 each family, that each family got and distributing it
25 to him and his family.

1 Q And that was after he sued you, correct?

2 A I don't remember that.

3 Q Wasn't it your earlier testimony that the
4 settlement with Jimmy King was to pay him what he
5 otherwise would have been and should have been given
6 on the day that all the rest of the family members
7 were each getting \$12,000?

8 A That is true. Yes.

9 Q And is that still your recollection of what
10 the settlement terms were with Jimmy King after he
11 sued you all?

12 A No. I mean, I don't recollect, recollect
13 that.

14 Q In your discussions before the date of your
15 mother's death when these transfers, when these
16 transfers are being made, September the 17th, 2007,
17 when you were having discussions with your family
18 members, those discussions were with everyone except
19 for Jimmy King, correct?

20 A Yes, he was not there.

21 Q And why did you not get him on the telephone
22 or otherwise include him? Did you forget he was a
23 member of the family?

24 A No. And I wish we had done that.

25 Q All right. Looking at Number 3, this is

1 referencing property on Edisto, and this also states
2 that on September the 17th, 2007, the date of your
3 mother's death, 83 1/3 percent of the property was
4 transferred by decedent's attorneys-in-fact in five
5 equal, undivided interests; is that correct?

6 A Right.

7 Q And the various instruments into which the
8 property was placed or set forth on this page; is
9 that correct?

10 A Now, what was your question?

11 Q The entities into which these properties
12 were to be placed, that is, it sets it all out?

13 A Oh, okay.

14 Q The Daniel R. Stevenson, CRUT, Genevieve
15 Felder, Jacqueline Bennett, Kathleen Turner, and
16 Thomas C. Stevenson, correct?

17 A Right.

18 Q Those are the five?

19 A Yes.

20 Q Why, on September the 17th, 2007, when
21 you've met with your brothers in 2006 and concluded
22 that they had taken money from your mother's estate
23 and done something wrong and all of your siblings met
24 in May of 2007, would you transfer real estate
25 property to Dan and Tom?

1 A I don't know.

2 Q As the holder of the Power of Attorney and
3 the person actually doing these transfers, did you
4 wonder about that?

5 A Not at that time. Not -- no. Not at that
6 time. That was a terrible day.

7 Q There are properties listed as -- let me ask
8 you this question: The Number 4 down there, is that
9 what's sometimes referred to in this case as the Lake
10 Summit House?

11 A Yes.

12 Q And then there are properties listed five
13 through nine. Do you see that?

14 A Uh-huh.

15 Q Why were appraisals not done of those
16 properties and instead the Charleston County
17 Treasurer for Property Tax valuation's used?

18 A Because -- because they are -- it's mostly
19 marsh. I believe it's just about all is marsh.

20 Q Because it indicates both as the value at
21 date of death and the alternate value \$200 per each
22 one of those properties; is that right?

23 A Right.

24 Q Do you have any reason to believe that's not
25 a fair valuation for those properties?

1 A No. I don't have any reason. It's marsh.

2 Q And then continuing to look at Exhibit No.
3 24, if you would turn the page. Here we have the
4 schedule of stocks and bonds. Do you see that?

5 A I do.

6 Q And this -- does this indicate the value of
7 the shares at the date of death and then the
8 alternate value date which was approximately six
9 months later, March of 2008?

10 A I believe that's what this is.

11 Q Turning to the next page Schedule F, other
12 miscellaneous property not reportable under any other
13 schedule. Do you see that page?

14 A I do.

15 Q This, again, references, does it not, in
16 Number 4, the misfeasance claim that we looked at in
17 the Original Inventory and Appraisal --

18 A Yes.

19 Q -- Appraisement?

20 A Yes.

21 Q And it continues to list, does it not, the
22 value at date of death being \$750,000 and the
23 alternate value as of March 17th, 2008, at \$750,000;
24 is that correct?

25 A Yes. Correct.

1 Q And then on the bottom under line six, it
2 lists the QTIP trust. Do you see that?

3 A I do.

4 Q And it indicates a value at the date of
5 death of approximately four and a half million
6 dollars, correct?

7 A Yes.

8 Q And then approximately six months later, a
9 value of about \$1.4 million. Do you see that?

10 A Where are you looking?

11 Q All right. If you look at the value at the
12 date of death on the far right side.

13 A Yes.

14 Q The value being \$4,505,525.

15 A Yes.

16 Q Do you see that?

17 A Yes.

18 Q And then you look to the left?

19 A Yes.

20 Q Which is under the heading of alternate
21 value.

22 A Okay.

23 Q And that's \$1,379,867. Do you see that?

24 A I do.

25 Q And that number is the alternate value, and

1 then next to that it gives you the date that that
2 alternate value is calculated on, which is 3-17-08,
3 correct?

4 A Correct.

5 Q All right. My question for you is: What
6 led to the change downward in value from the time of
7 your mother's death to March the 17th, 2008?

8 A I don't know.

9 Q Then look at the top of the next page. And
10 this references the marital trust, does it not?

11 A It does.

12 Q And the value of the marital trust at the
13 date of death is stated at \$1,334,292. Do you see
14 that?

15 A I do.

16 Q And then next to that, the alternate value
17 which was valued on March the 17th, 2008, is placed
18 at \$873,339. Do you see that?

19 A I do.

20 Q Can you tell us what, how the value at date
21 of death of the marital trust moved from 1.3 million
22 to 873,000?

23 A I don't know.

24 Q From the time of your mother's death, date
25 of death, September the 17th, 2007, to the alternate

1 valuation death of March the 17th, 2008, you
2 continued to hold the Power of Attorney and, in fact,
3 became a trustee, correct?

4 A I believe that's correct.

5 Q As a result of the lawsuit that you and
6 others of your siblings filed against your brothers
7 Tom and Dan, did you ultimately enter into an
8 Agreement of Settlement and Release with your brother
9 Tom Stevenson?

10 A We did.

11 (Exhibit No. 26 marked.)

12 Q I'm going to hand you a copy and ask if you
13 can identify it, and we will mark it as No. 26. Do
14 you recognize that?

15 A Oh, I do. I do.

16 Q Before entering into the Agreement of
17 Settlement and Release with your brother Tom
18 Stevenson, Tom had repaid monies both to the QTIP
19 trust and to the marital trust, correct?

20 A He did.

21 Q On July the 25th, 2007, he paid or repaid to
22 the QTIP trust \$300,000 and to the marital trust
23 \$407,500. Do you recall that?

24 A I don't recall the amounts.

25 Q Were you aware at the time that he had

1 repaid, that is, on July the 25th, 2007?

2 A I believe that was the day that we all met;
3 and so, yes.

4 Q And were you also aware that on February the
5 8th, 2008, he paid to the QTIP trust \$100,000 and to
6 the marital trust \$100,000?

7 A I believe I knew that.

8 Q Now, under this Exhibit No. 26, Agreement of
9 Settlement and Release, did Tom, your brother Tom
10 Stevenson, make some payment but not all?

11 A Right. Correct.

12 Q Did he repay \$50,000, approximately?

13 A I think that's right.

14 Q And then how did it come about that he
15 signed a Confession of Judgment for filing with the
16 court on September the 14th, 2010?

17 A Are you asking me why he did that?

18 Q Yes.

19 A Why did he do that? I don't remember why.

20 Q Was it because he was unable to continue
21 paying under the Agreement of Settlement and
22 Release?

23 A I don't remember why.

24 Q Was it because he refused to pay under the
25 Agreement of Settlement and Release?

1 A I don't remember.

2 Q Now, under that Agreement of Settlement and
3 Release and the Confession of Judgment that your
4 brother Tom signed, you agree he owes money and
5 should repay it, don't you?

6 A Uh-huh. I do.

7 (Exhibit No. 27 marked.)

8 Q This, just for purposes of the record, we'll
9 mark as Exhibit No. 27 the Confession of Judgment
10 that I was just referencing. I'll ask you if you
11 recognize that?

12 A I do.

13 Q Now, you and the other Plaintiffs in this
14 lawsuit against your brother Tom and others hold a
15 Confession of Judgment as to Tom, it states on the
16 first page, in the amount of two million dollars?

17 A Correct.

18 Q And that the Confession of Judgment is
19 subject to the terms and condition of this Agreement
20 of Settlement and Release that we marked as Exhibit
21 No. 26, correct?

22 A Right.

23 Q What actions have you, as the, as a trustee
24 for the estate taken to collect monies from Tom,
25 Stevenson under this Confession of Judgment?

1 A I don't -- I don't remember.

2 Q Do you recall taking any action at all?

3 A I don't remember.

4 MS. PITTMAN: Ms. Turner, I'm having a
5 hard time hearing you right now.

6 BY MS. WALL:

7 A I don't remember. I don't remember.

8 Q Have you or, to your knowledge, Jacquelin,
9 Genevieve, Jacquelin or Genevieve, investigated any
10 assets that Tom has, your brother Tom has? Have you
11 investigated that?

12 A May I be excused?

13 Q All right. Do you need -- do you need to
14 take a break?

15 A I just need to run to the bathroom.

16 Q Okay. You can certainly take a break.

17 VIDEOGRAPHER: Off the record at 4:13.

18 (A break was taken.)

19 VIDEOGRAPHER: On the record at 4:28.

20 BY MS. WALL:

21 Q Ms. Turner, we just took another break. I
22 want to make it absolutely clear and be certain that
23 you are prepared to go forward right now with
24 continuing questions and responses in this
25 deposition. You need to know that if -- you're

1 certainly welcome to take a break at any time with
2 the same instructions that you were given at the
3 beginning of the deposition but also that this is not
4 an endurance contest; and, therefore, there is no
5 requirement or need that we continue this deep into
6 the night as opposed to coming back in the morning
7 when you have had an opportunity for some rest and
8 continuing.

9 So I want to make sure you understand that
10 because what I really want to make sure you
11 understand is that at no time in the future will you
12 take the position that you were somehow forced to
13 keep going and you were exhausted, hungry, tired, not
14 feeling well. Are you feeling any of the above?

15 A I'm feeling fine.

16 Q You are not exhausted --

17 A No.

18 Q -- hungry, tired, unable to understand my
19 questions, or respond fully and truthfully; is that
20 correct?

21 A That's correct.

22 Q All right. Turning your attention back to
23 Exhibit No. 24, which is the Supplemental Inventory
24 and Appraisement.

25 A Okay.

1 Q Toward the end of that document, we looked
2 at it before, there is a schedule of real estate
3 listed. You see that?

4 A Right.

5 Q And on the second page of that real estate
6 listed, we noted for the record that there were five
7 pieces of property that are listed as various acreage
8 and it says marsh and are valued at the Charleston
9 County Tax Treasurer listing. Do you see that?

10 A I do.

11 Q Are you currently in litigation over those
12 properties and their valuation?

13 A I don't think so. Litigation about the
14 value of this marsh?

15 Q Of these properties.

16 A I don't think so.

17 Q So you have no recollection of being
18 involved on behalf of the estate of your mother with
19 regard to the valuation of these properties?

20 A I'm -- I am not recalling that.

21 Q I was asking you, we were looking at the
22 Agreement of Settlement and Release and the
23 Confession of Judgment from your brother Tom
24 Stevenson. Do you recall that?

25 A Yes.

1 Q And my question for you is: What steps have
2 you, on behalf of the estate or any beneficiaries
3 thereunder, taken under the Settlement Agreement
4 and/or the Confession of Judgment to collect monies
5 owed by Tom Stevenson?

6 A I don't remember.

7 Q Have you taken any steps to find out what
8 stocks and bonds Tom Stevenson owns that may be gone
9 against to pay under the Agreement and Confession of
10 Judgment?

11 A And we need to go back to your verb. What
12 was your -- am I aware?

13 Q Have you taken --

14 A Have I taken any steps.

15 Q -- any steps to find out if Tom Stevenson
16 owns any stocks and bonds?

17 A I don't remember that.

18 Q So you don't remember doing that, correct?

19 A I don't.

20 Q Do you remember taking any steps either
21 directly or through someone else or in request to
22 someone else or in consultation with someone else to
23 find out what Tom Stevenson's assets are?

24 A I don't remember that.

25 Q So you don't remember doing that?

1 A I don't remember that.

2 Q Why haven't you done that in order to
3 collect under the Agreement and the Confession of
4 Judgment?

5 A I don't know.

6 Q Is it your position that Tom Stevenson, your
7 brother, owes money to the estate?

8 A He does, indeed.

9 Q So that's your position, correct?

10 A Yes.

11 Q Why have you taken no steps to get monies
12 from Tom Stevenson that you contend he owes to the
13 estate?

14 MS. LEWIS: Object to the form.

15 BY MS. WALL:

16 Q And you can answer it.

17 A I don't know.

18 Q So you don't know why you haven't done it?

19 A I don't.

20 Q Have you discussed with your co-trustees,
21 any of your siblings taking steps to collect under
22 the Confession of Judgment and/or Agreement with Tom
23 Stevenson?

24 A I don't remember.

25 Q So you don't remember having those

1 discussions or you simply can't remember?

2 A I don't remember either of those.

3 Q Either of what?

4 A Discussion or -- or doing that.

5 Q Why is it since you believe that Tom owes
6 money, money that would go to you and your siblings,
7 why is it that you haven't taken any steps to collect
8 from him?

9 MS. LEWIS: Object to the form.

10 BY MS. WALL:

11 A I don't -- the answer is I don't know.

12 Q Did it ever occur to you that with a
13 Confession of Judgment, you could go against your
14 brother Tom to try to collect money?

15 A Did it ever occur to me? I suppose it did
16 occur, but we are a team and we work together. And
17 we did not -- and we have not done anything about
18 that.

19 Q Okay. So the team, who is on the team?

20 A Jacqueline, Genevieve, and I.

21 Q Okay. So your team are the three of you:
22 Jacquelin, Genevieve, and you?

23 A Yes.

24 Q Correct?

25 A Yes.

1 Q So this team, does the -- does everyone in
2 the team agree or believe that Tom took money that he
3 owes back?

4 A Yeah. I believe everybody knows that.

5 Q So the whole team belongs, believes that Tom
6 took money that he owes back, but the whole team has
7 taken absolutely no action to try to get it; is that
8 right?

9 MS. LEWIS: Object to the form.

10 BY MS. WALL:

11 A What have we done?

12 Q Is that right?

13 A That's right.

14 Q Let's turn to your brother Dan. Do you
15 believe that your brother Dan took money that he owes
16 back?

17 A Yes.

18 Q Do you?

19 A I do.

20 Q Does your team, Jacquelin and Genevieve and
21 you, believe that Dan took money that he owes back?

22 A We do.

23 Q What steps have you taken to find out what
24 assets Dan has and to go after those assets?

25 A I don't know.

1 Q What steps has your team taken to try to get
2 Dan to pay the money back?

3 A I don't know.

4 Q Did -- were you one of the plaintiffs in a
5 lawsuit, and I think we have established this,
6 against your brothers Tom and Dan?

7 A Yes.

8 Q And you ultimately settled with your brother
9 Tom as we have just seen in Exhibit No. 26 and then
10 obtained from Tom a Confession of Judgment,
11 correct?

12 A Right.

13 Q Okay. Now, let's turn to Dan. Did your
14 attorney obtain a jury verdict against Dan in a trial
15 where Dan did not show up?

16 A Yes.

17 (Exhibit No. 28 marked.)

18 Q I'm going to hand you what we will mark as
19 No. 28, a copy of what is entitled Judgment in a
20 Civil Case. Do you recognize this as a copy of --

21 A Yes.

22 Q -- the front sheet to a Judgment against
23 your brother Dan and his companies; is that
24 correct?

25 A Correct.

1 Q Those companies being Toogoodoo Farms,
2 Toogoodoo Farms of the Carolinas, Easy Tray, and
3 Carolina Fresh Cut, correct?

4 A Right.

5 Q And a Judgment for actual damages in the
6 amount of \$8,848,413; is that correct?

7 A Right.

8 Q And punitive damages in the amount of
9 \$1,962,128, correct?

10 A Right.

11 Q This Judgment is dated December the 2nd,
12 2009; is that correct?

13 A Correct.

14 Q What have you done, if anything, to attempt
15 to collect on this Judgment against Dan Stevenson?

16 A I don't remember.

17 Q Is it your best recollection that you
18 haven't done anything to collect under this
19 verdict?

20 A Yes.

21 MS. LEWIS: Susan, was that Exhibit
22 28 that you --

23 MS. WALL: Yes, because I'm about to
24 do 29.

25 BY MS. WALL:

1 Q Did you and your sisters Jacquelin as
2 co-personal representatives of the estate petition
3 the Probate Court to setoff any rights that your
4 brother Dan Stevenson might have under the Last Will
5 and Testament of your mother?

6 A Oh, yes, we did.

7 (Exhibit No. 29 marked.)

8 Q I'm going to hand you what we've marked as
9 Exhibit 29 and ask if you recognize this as a copy of
10 the Petition to Setoff, and then as you move inside a
11 few pages later, and the Order Granting the Petition
12 to Setoff which Order is dated June the 11th, 2010.
13 Do you recognize that?

14 A June the 11th, yes.

15 Q And that's signed by the Probate Court
16 judge, correct?

17 A Correct.

18 Q Have you caused to be paid to Dan Stevenson
19 any monies that he otherwise was entitled to under
20 your mother's Will and the two trusts?

21 A Caused to be paid to Dan?

22 Q Yes.

23 A Dan -- Dan took money from the insurance.

24 Q And when did Dan do that?

25 A I don't remember when he did it.

1 Q And how much was it that he took?

2 A 185,000, I think.

3 Q And how is it that he -- this was obviously
4 after your mother's death, correct?

5 A Uh-huh. Yes.

6 Q How was it that he was able to take \$185,000
7 from your mother's insurance policy payable at death?

8 A Because there wasn't any -- and he and Jim
9 King both did that, and there wasn't anything in
10 place to prevent that. We tried to get something in
11 place, but it wasn't fast enough. And so he can do
12 that, so he did it.

13 Q Was Jim King entitled to a share of your
14 mother's insurance policy?

15 A In theory, we all were; but it was to be, to
16 used to be paid -- to be used for the estate taxes.

17 Q Have the estate taxes been paid?

18 A Yes.

19 Q I'm sorry?

20 A Yes.

21 Q And when were they paid?

22 A Whenever they were, you know, presented.

23 Q And where did the money come from to pay for
24 the estate taxes?

25 A From the estate account.

1 Q And were you involved in the payment of the
2 estate taxes and obtaining money from the estate
3 account?

4 A To pay the taxes?

5 Q Yes.

6 A Yes.

7 Q Did you sign the check?

8 A I did.

9 (Exhibit No. 30 marked.)

10 Q I'm handing you what we've marked as Exhibit
11 No. 30. Do you recognize this as an Accounting in
12 the Probate Court, an interim accounting, marked
13 Number 1, that you signed?

14 A Yes.

15 Q And when did you sign it?

16 A December the 16th, 2008.

17 Q Now, in this interim accounting on the
18 fourth page in, under Bank of South Carolina, do you
19 see that?

20 A I do.

21 Q And it references receipts, and there are a
22 number of items under that. Do you see that?

23 A Yes.

24 Q Explain to us the line item loans from
25 beneficiaries in the amount of \$1,802,189.75.

1. A I think -- I think that that is somehow -- I
2 don't understand what accountants do or how they do
3 it, but I think that this represents the money that
4 each of us received, and Jim, too. I don't know why
5 they're called loans.

6 Q So is it your testimony that as of December
7 the 16th, 2008, each of the beneficiaries received a
8 total of \$1.8 million?

9 A No. Not -- no. No. Each did not receive
10 that.

11 Q All right. So tell me again what this is.

12 A I don't know.

13 Q Is this an accounting of -- strike that.
14 Did you ask anyone any questions before you signed
15 this accounting in December of 2008 with regard to
16 that line item?

17 A I don't remember. Herb -- Herb McGuire did
18 this. And I don't remember that.

19 Q Turning -- how much was your mother's
20 insurance policy?

21 A I don't know. It was to pay the estate
22 taxes, and so I didn't -- I don't know. We each -- I
23 don't know.

24 Q All right. Let's see if we can -- the
25 estate taxes were how much? And if you will look on

1 page four of five, just keep going and look on the
2 bottom of the page, and it says four of five. Are
3 you on page four of five? Look toward the top, and
4 it says United States Treasury, Federal Estate Taxes,
5 \$3.2 million. Does that look correct?

6 A It sounds right, but tell me again where it
7 is.

8 Q Well, it's on line 1112.

9 A Okay. Yes.

10 Q Do you see that?

11 A Yes.

12 Q So were the estate taxes \$3.2 million?

13 A Yes.

14 Q Was your mother's life insurance policy \$3.2
15 million?

16 A I don't remember.

17 MS. WALL: We need to a break.

18 VIDEOGRAPHER: Off the record at 4:52.

19 Tape number six.

20 (Off-the-record.)

21 VIDEOGRAPHER: This is tape number
22 seven, the deposition of Kathleen Turner.

23 We're on the record at 4:58.

24 BY MS. WALL:

25 Q Ms. Turner, before the break, we were

1 talking about the estate tax returns. And it's
2 indicated in the interim accounting that we have been
3 looking at, Exhibit No. 30, on page four of five that
4 the estate tax return was \$3,200,000, correct?

5 A Yes.

6 Q Go back, if you will, to Exhibit No. 23,
7 which is the tax return filed with the government.

8 A Yes.

9 Q And on the very front sheet, that indicates,
10 does it not, that, in fact, what ended up being paid
11 was \$2,208,920, therefore, allowing a balance due for
12 overpayment of \$991,080?

13 A Yes.

14 Q The tax return was dated before this
15 accounting, interim accounting of Exhibit No. 30,
16 correct? Tax return was November and the accounting
17 filed with the Probate Court you signed in December,
18 correct?

19 A Correct.

20 Q Why is it that on the accounting it
21 indicates taxes of three million two when in the tax
22 return it indicates \$2,208,920; do you know?

23 A I'm not an accountant. So, no, I don't
24 know.

25 Q Now, in continuing to look at page four of

1 five, do you see there are a number of entries for
2 payments to the Hood Law Firm, LLC for legal services
3 down toward the bottom, line 1125 and 1126.

4 A Yes.

5 Q That's approximately \$90,000 there,
6 correct?

7 A I haven't added it, but I think you might be
8 right.

9 Q It is what it is? It states what it is,
10 correct?

11 A Yes.

12 Q And then on the page before three of five,
13 it indicates legal services, payment to the Hood Law
14 Firm of \$61,000 some odd dollars, correct?

15 A Right.

16 Q On line 1098?

17 A Yes.

18 Q And how were those payments made? From what
19 funds?

20 A From the estate funds.

21 Q Let's go back to a question that I asked you
22 earlier. And I don't know -- I don't recall your
23 response to it. You entered into a fee agreement
24 with Bobby Hood's firm, correct?

25 A We entered into whatever the standard thing

1 is.

2 Q All right. Well, you say the standard
3 thing. Was it a contingency fee agreement that said
4 only if he collected --

5 A No.

6 Q -- from Dan and Tom --

7 A No.

8 Q -- would you be responsible for paying or
9 did you agree -- let me finish my question, please.
10 Or did you agree to pay him by the hour?

11 A I believe it was by the hour. It wasn't a
12 contingency.

13 Q How much did Mr. Hood pay, charge per
14 hour?

15 A I don't -- I can't tell you. I don't
16 remember.

17 Q Did -- how much did his associates charge
18 per hour?

19 A I don't know that either.

20 Q Did you receive bills from Mr. Hood's
21 office?

22 A I did.

23 Q Did you keep those bills?

24 A I'm not sure that I did.

25 Q Why would you have not kept those bills as

1 evidence from which you expected the estate to pay
2 legal fees?

3 MS. LEWIS: Object to the form.

4 BY MS. WALL:

5 A. Because I did assume and feel pretty certain
6 that if I needed to get those, I could.

7 Q And from whom would you get those?

8 A From his firm.

9 Q Have you attempted to get those from his
10 firm in this litigation?

11 A No.

12 Q Why not?

13 A I had no reason to.

14 Q Are you aware that those bills have been
15 repeatedly requested and have not been forthcoming?

16 MS. LEWIS: Object to the form of the
17 question.

18 BY MS. WALL:

19 Q I'm asking if you're aware of that?

20 A Would you -- am I aware that you have asked
21 for these bills?

22 Q That these bills have been asked for in this
23 litigation.

24 MS. LEWIS: Object to the form.

25 BY MS. WALL:

1 A Actually, I don't believe I am aware of
2 that.

3 Q In total, how much did the estate pay to
4 Bobby Hood's firm?

5 A Well, we could add it up. I couldn't tell
6 you right now without doing that.

7 Q Well, do you recall?

8 A I don't.

9 Q The document that we were just looking at,
10 Exhibit No. 30, was filed in December 2008. And
11 there was a subsequent filing in April, excuse me, in
12 August of 2011 called a Final Accounting. Do you
13 recall that?

14 A Yes.

15 (Exhibit No. 31 marked.)

16 Q Let me hand you a copy for you to identify.
17 I'm handing you Exhibit No. 31 entitled Accounting in
18 the Probate Court filed August the 17th, 2011, marked
19 as Final. Do you see that?

20 A I do.

21 Q Did you sign that?

22 A I did. I seem to have more than just that
23 here.

24 Q You gave -- we gave you two, two of them?

25 A Well, no, not two of them, but there are two

1 things here.

2 Q That's part of the accounting.

3 A Okay.

4 Q And you're certainly welcome to look through
5 the entire document that we have marked as Exhibit
6 No. 31 so that you can recognize the entire document
7 as the Accounting which has attachments.

8 A Yes. Yes.

9 Q Do you recognize that?

10 A Yes.

11 Q All right. Okay. Let's go back to the
12 beginning of this Exhibit No. 31, Final Accounting.
13 Turning to what is labeled on the bottom page two,
14 it's actually page three as you go in.

15 A It says see attached. You want me to look
16 at page which?

17 Q It's labeled page two on the bottom. It's
18 the fifth page in.

19 A Oh, fifth page. Yes.

20 Q Do you see that page?

21 A I do.

22 Q All right. Now, this page under the title
23 Bank of South Carolina indicates under receipts, tax
24 refunds of \$1,025,229. What tax refunds were
25 received other than that set forth on Exhibit 23

1 which indicates a refund of \$991,080; do you know?

2 A I don't know.

3 Q Okay. Look under disbursements. The first
4 line under disbursements says operating expenses of
5 \$1,001,248. Do you see that?

6 A I do.

7 Q What were the operating expenses that
8 totaled a little over a million dollars?

9 A I don't know. I don't know. Herb McGuire
10 is the one who did this, so I need to look at what
11 he's got.

12 Q Did you ask him any questions about this
13 before you signed it on the 15th of August 2011?

14 A Did I ask him any questions? No, I didn't.
15 As -- as I remember, he was out of town, for one
16 thing. But, no.

17 Q Under the operating expenses, it indicates
18 distributions to beneficiaries \$108,500. Do you see
19 that?

20 A I do.

21 Q When were those distributions made and to
22 whom?

23 A I do not know. Let's see. Is there
24 anything in here? There's 100 -- I don't know.

25 Q All right. Let's look at page four of 42.

1 There are 42 attachments to this document. Let's
2 turn to page four.

3 A Yes.

4 Q If you look at this, you will note, will you
5 not, that there are numerous line items of payments
6 to the Hood Law Firm: Line 1136, 1139, 1149, 1154,
7 1161, 1165, 1169.

8 A Yes.

9 Q And then turning to the next page, line
10 1175, 1183, 1186, 1187, 1193, 1201; turning to the
11 page after that, line 1208; turning to the page after
12 that, line 1262. In total, how much did the estate
13 pay to the Hood Law Firm?

14 A I would have to add it up.

15 Q Was it in excess of a million dollars?

16 A I think so, but I would have to add it up.

17 Q In paying the Hood Law Firm those monies,
18 did Mr. King share in the burden of paying those
19 monies?

20 A In a sense, the estate was paying it. Yes,
21 we all did.

22 Q So does that mean that Mr. King paid for the
23 attorney who opposed his lawsuit against you and your
24 siblings?

25 A I -- I really can't answer that because I

1 think that I did pay my share. I think we each did.

2 Q Did Mr. King pay a smaller share than the
3 rest of you?

4 A I don't believe -- I don't want to say
5 anything that's incorrect. I really don't. But I
6 believe that we three paid that.

7 Q So it's your testimony that you and
8 Jacquelin and Genevieve paid all of the firm, the
9 Hood Law Firm legal fees?

10 A Well --

11 Q Is that what you were saying?

12 A No. That's not what I was saying.

13 Q So is it your testimony that you and
14 Jacqueline and Genevieve and Jimmy King equally paid
15 for the Hood Law Firm legal fees?

16 A I don't know that.

17 Q Do you have a retention agreement for
18 representation with the Lewis Babcock Law Firm?

19 A I don't believe that's -- I don't believe we
20 do have that.

21 Q Have you and your co --

22 A I need to back up and say to you, I don't
23 know. I don't know.

24 Q Have you and your co-Plaintiffs in this
25 lawsuit agreed to a contingency fee arrangement with

1 the Babcock Law Firm or a different arrangement?

2 A I don't remember exactly what, what it is.

3 Q Looking at page four of 42 in the same
4 Exhibit No. 31, line 1167, there's a payment to Lewis
5 and Babcock, LLP. Do you see that?

6 A Yes.

7 Q Does that refresh your recollection as to
8 whether you have a contingency fee agreement with the
9 Lewis and Babcock Law Firm or you're paying them by
10 the hour?

11 A I really don't remember.

12 Q Looking at page six of 42 again, Exhibit 31,
13 there is a -- there are line items starting on line
14 1225. Do you see that?

15 A Yes.

16 Q Line item to James King, Bryan King, Sandra
17 King Lavon, Jared King, Lauralee King, Tristan King,
18 and then there are the names Melanie Hopkinson,
19 Matthew Hopkinson, Christopher Hopkinson, Gloria
20 King. Do you see those line items?

21 A Yes.

22 Q What do those signify?

23 A Those signify a distribution to Jim's family
24 in the same amounts that the rest of us got.

25 Q You're -- and you're referencing that the

1 rest of you got --

2 A The family.

3 Q -- on the date of your mother's death?

4 A Yes.

5 Q And does that refresh your recollection at
6 all as to what your settlement agreement was with Jim
7 King in reference to the lawsuit that he filed
8 against you and your sisters?

9 A Probably that is what this is.

10 Q Isn't it true that you and your other
11 siblings on the date of your mother's death received
12 \$12,000? Why are the Kings getting \$10,850?

13 A Because I think each family received a
14 certain amount.

15 Q Why don't we go back to Exhibit No. 25.

16 A Okay. I don't recall exactly why it was
17 like this. I just don't recall.

18 Q If you'll turn to Exhibit 25, just so the
19 record is clear.

20 A All right.

21 Q Ms. Turner, looking again at Exhibit 25,
22 that document which you identified earlier clearly
23 states, does it not, that every gift made to every
24 family member on September the 15th, 2007, was in an
25 equal amount of \$12,000, correct?

1 A It was. It was. So I'm not sure why or how
2 we came up with this. I don't remember.

3 Q On page seven of 42 on line 1245, there is
4 an entry for a legal fee to Haynsworth Sinkler.

5 A Just a minute. Let me, please. Which line?

6 Q 1245.

7 A 1245. Okay.

8 Q What was that for?

9 A I don't remember.

10 (Exhibit No. 32 marked.)

11 Q I'm handing you what we've marked as Exhibit
12 32. Oh, I'm sorry. Yes. 32. Are these minutes of
13 a meeting occurring on April the 3rd, 2008, that you
14 took?

15 A Yes.

16 Q The first sheet is the, a trustees meeting
17 for the marital trust of Jacqueline King Stevenson,
18 correct?

19 A Yes.

20 Q And the second sheet is the trustees meeting
21 for the QTIP trust of Thomas Calvin Stevenson,
22 correct?

23 MS. LEWIS: Susan, I hate to
24 interrupt, but I think I might have two of
25 the same.

1 MS. WALL: Same.

2 MS. LEWIS: Yeah. For the marital
3 trust. You may have just gotten paired up
4 wrong.

5 MS. PITTMAN: I have two of the
6 marital trust.

7 BY MS. WALL:

8 A And I have two of the marital.

9 Q We just have marital trust all over the
10 place. Okay. While we're looking for the other,
11 let's just look at the marital trust and we'll get
12 you all a new one. Exhibit 32 --

13 A All right.

14 Q Exhibit 32, to clarify the record, is a
15 one-page document entitled marital trust of Jacquelin
16 King Stevenson dated April the 3rd, 2008, trustees
17 meeting. Did you prepare these minutes?

18 A I did.

19 Q In the middle of the document, third
20 paragraph, it states that there was a discussion
21 about the escrow account held by the Hood Law Firm.
22 What escrow account was the Hood Law Firm holding?

23 A I don't -- I don't remember.

24 Q How much monies had been placed into the
25 escrow account being held by the Hood Law Firm?

1 A I don't remember.

2 Q Was the Hood Law Firm holding monies related
3 to cash removed by you or any of the other trustees
4 from either your mother's checking accounts or --
5 first of all, let me ask that.

6 A I don't remember.

7 Q Do you recall whether he was holding an
8 escrow account with monies related to the Force
9 Protection stock?

10 A I don't remember.

11 Q How did you come to type up these notes?
12 Did you first take handwritten notes?

13 A I'm -- I'm pretty sure that's what I did.

14 Q Why did you type them up?

15 A Oh, it seemed like a business-like thing to
16 do.

17 Q Did you type up any other notes other than
18 the notes on the same day, a copy of which I have not
19 yet given to you, of April the 3rd, 2008? Do you
20 recall typing up any other notes in your tenure as --

21 A No.

22 Q -- holding Power of Attorney, being a
23 trustee?

24 A No.

25 Q Being a personal representative?

1 A No.

2 Q So why did you take the notes on this
3 date?

4 A I don't remember the reason. I don't think
5 there was any particular reason. It just seemed
6 business-like and then --

7 Q Okay. The last full paragraph references of
8 the discussion of the derivative suit brought by the
9 co-personal representatives. You were one of the
10 co-personal representatives, weren't you?

11 A Yes.

12 Q Along with that Jacqueline?

13 A Yes.

14 Q Tell us about that derivative suit.

15 A Well, actually, I think that -- I think it
16 may have reached a very recent settlement. I think
17 I could certainly be wrong about that.

18 Q All right. Well, let's back up for minute.
19 When your deposition started this morning, I asked
20 you if you had been in any other lawsuits and you
21 told me you hadn't. So now let's rethink your
22 response to that. We now know --

23 MS. LEWIS: I'm going to object to the
24 form just because I don't think that's
25 exactly what she said, but you can ask it.

1 again.

2 BY MS. WALL:

3 Q All right. Did you tell us this morning
4 when I asked you about any lawsuits that you had been
5 involved in about the derivative suit?

6 A I believe that you are correct, that I --
7 that I forgot about this.

8 Q All right. Well, tell us about the
9 derivative suit and its settlement.

10 A Well, I don't know much about it. I read
11 something in the paper recently in the last few days
12 or few weeks. And it did occur to me that I hadn't
13 heard anything about it, that we hadn't. So I don't
14 know -- I don't anything about it.

15 Q Are you part of a class action?

16 A I'm not sure what it is.

17 Q Have you, on behalf of the trust, received
18 any monies?

19 A No.

20 Q Have you received any reports?

21 A No.

22 Q Have you reported to the beneficiaries of
23 the trust the status of that derivative suit that you
24 and your sister Jacquelin as co-personal
25 representatives brought on behalf of the trust?

1 A No, because I haven't seen any reports.

2 Q What leads you to believe that there may be
3 a settlement?

4 A I think I read something in the paper a few
5 weeks ago. I believe that I saw that.

6 Q Have you then followed up to find out if the
7 trust is going to get money in that derivative suit
8 so that you can report to the beneficiaries?

9 A I have not.

10 Q Do you intend to do so?

11 A I think that's a very good idea.

12 Q When was the last time you discussed the
13 derivative suit with your co-personal representative
14 Jacquelin?

15 A I don't think we've talked about that in a
16 long time.

17 MS. WALL: Let's take a break.

18 VIDEOGRAPHER: Off the record at 5:26.

19 (Off-the-record.)

20 VIDEOGRAPHER: On the record at 5:43.

21 MS. WALL: Counsel have conversed.

22 And we note that it is, particularly with
23 the change in time, I think we all feel
24 like it's a quarter to seven, even though
25 it's technically a quarter to six. It's

1 getting to be the dinner hour. .

2 And, therefore, counsel have agreed
3 that we will continue with the video
4 deposition of Kathleen Turner at 9:30
5 tomorrow morning. We will complete it.
6 Thereafter immediately, we will move into
7 the deposition of Genevieve Felder.

8 And, in the meantime, let me say to
9 you again, Ms. Turner, that during this
10 evening break not to discuss your testimony
11 or anticipated testimony with anyone, of
12 course, your counsel knows that, but with
13 anyone, whether it's your husband or your
14 siblings or your in-laws or anyone else
15 until we've completed your deposition,
16 which will try to do with as much dispatch
17 as possible in the morning.

18 THE WITNESS: I understand.

19 MS. WALL: All right. We will see you
20 then. Thank you.

21 VIDEOGRAPHER: The deposition is
22 adjourned at 5:44, tape number seven.
23 (The deposition adjourned at 5:40 p.m.)
24
25

1 REPORTER'S CERTIFICATE

2
3 I do hereby certify that the witness whose
4 attached deposition was taken before me in the
5 aforementioned matter was, by me, first duly sworn to
6 testify the truth, the whole truth, and nothing but
7 the truth; that the testimony contained in said
8 deposition was, by me, reduced to writing in the
9 presence of said witness by means of computerized
10 transcription. The said deposition is a true and
11 accurate transcript of the whole of the testimony
12 given by the said witness, as aforesaid.

13 I do further certify that I am not
14 connected by blood or marriage with any of the
15 parties or their attorneys or agents, and I am not an
16 employee of either of them, nor interested directly
17 or indirectly in the matter of controversy either as
18 counsel, attorney, agent or otherwise.

19 Sworn to and subscribed before me this the
20 18th day of November 2011.

21
22 _____
23 Lynda A. Bousquet
24 Court Reporter and Notary Public
25 My Commission Expires: 6/2/16

STATE OF SOUTH CAROLINA THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON CASE NO.: 11-CP-10-400

IN RE: The Estate of Jacquelin K.) VOLUME II
Stevenson, Deceased and the Estate)
of Thomas C. Stevenson, Deceased,) VIDEO
) DEPOSITION OF:
) KATHLEEN S. TURNER
) November 10, 2011

Jacquelin S. Bennett, Genevieve S.)
Felder and Kathleen S. Turner,)
individually, as Co-Trustees and)
beneficiaries of the Marital Trust)
and the Qualified Terminable)
Interest Trust created by the)
Thomas Stevenson Will and)
Jacquelin S. Bennett, and Kathleen)
S. Turner, as Co-Personal)
Representatives on behalf of the)
Estate of Jacquelin K. Stevenson,)

Plaintiffs;)

vs.)

T. Heyward Carter, Jr.; Evans,)
Carter, Kunes & Bennett, P.A.;)
Douglas Capital Management, Inc.;)
Dixon-Hughes f/k/a Pratt-Thomas)
Gumb & Co., P.A.; and Lynne L.)
Kerrison,)

Defendants.)

The video deposition of KATHLEEN S. TURNER,
taken before Lynda A. Bousquet, Professional Court
Reporter and Notary Public, at the law offices of
Parker Poe Adams & Bernstein, 200 Meeting Street,
Charleston, South Carolina, on Thursday, November 10,

APPEARANCES

REPRESENTING THE PLAINTIFFS:

MARY G. LEWIS, ESQUIRE
Lewis Babcock Griffin, LLP
1513 Hampton Street
Columbia, South Carolina 29201
(803) 771-8000
MGL@LBGLegal.com

REPRESENTING THE DEFENDANTS:

(T. Heyward Carter, Jr. and Evans, Carter, Kunes &
Bennett, P.A.)

SUSAN TAYLOR WALL, ESQUIRE
HENRY W. FRAMPTON, IV, ESQUIRE
Parker Poe Adams & Bernstein, LLP
200 Meeting Street, Suite 301
Charleston, South Carolina 29401
(843) 727-2650
susanwall@parkerpoe.com

(Lynne Kerrison and Dixon-Hughes)

GABRIELLE AMBER PITTMAN, ESQUIRE
Sharpless Stavola
200 South Elm Street, Suite 400
Greensboro, North Carolina 27401
(336) 333-6387
GAP@sharpless-stavola.com

ALSO PRESENT:

Mrs. Genevieve S. Felder
Mrs. Jacquelin S. Bennett
Mr. Bill Bennett
Dr. William Turner
Mr. Fred Felder
Mr. Heyward Carter

VIDEOGRAPHER:

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EXHIBITS

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1 VIDEOGRAPHER: This is the
2 continuation of the deposition of Kathleen
3 Turner. The date today is November
4 10th, 2011. We're on the record at 9:44,
5 tape number one.

6 CON'T EXAMINATION BY MS. WALL:

7 Q Ms. Turner, you understand you're still
8 under oath to tell the truth, the whole truth, and
9 nothing but the truth so help you God?

10 A I understand.

11 Q During the break that was taken, did you
12 have occasion to speak to anybody about your
13 testimony, anticipated testimony, or any matters
14 related to this lawsuit?

15 A No.

16 Q Yesterday, we were looking at Exhibits No.
17 30 and 31, 30 being the interim accounting and 31
18 being the final accounting. Do you recall that?

19 A I do.

20 Q And in that, we reviewed a number of line
21 items with reference to payments to the Hood Law
22 Firm; is that correct?

23 A Yes.

24 Q And I asked you whether you knew what the
25 total payment by the trust was to the Hood Law Firm.

1 And what was your response?

2 A I said I didn't know. I could go add it up,
3 but --

4 Q Do you recall that it was in excess of
5 \$800,000?

6 A I do.

7 Q Given the outcome of the litigation
8 initiated on your behalf and behalf of your siblings
9 against your brothers Tom and Dan Stevenson, was the
10 payment in excess of \$800,000 to the Hood Law Firm,
11 in your opinion, worth it?

12 A Yes. I think so.

13 Q And why is that?

14 A It established -- it established, you know,
15 what was right and what was not right.

16 Q So before the lawsuit, did you not know what
17 was right and what was not right?

18 A Oh, I did.

19 Q Was there someone else who did not?

20 A It was clear from the court what was right
21 and what -- that it was correct.

22 Q And when you say that it was correct, what
23 is it?

24 A The fact that they had done this very
25 terrible wrong.

1 Q And the terrible wrong was what?

2 A Taking money from their mother.

3 Q Do you mean taking money from the trusts?

4 A I mean, taking money from their mother in
5 whatever way they took it, trusts and her account.

6 Q And before the litigation, the outcome of
7 the ending of that litigation against your brothers
8 Tom and Dan, were you uncertain as to whether they
9 had taken money from your mother?

10 A No.

11 Q Did you know they had taken money from your
12 mother?

13 A Heyward told me that they had taken money
14 from our mother.

15 Q And did you do any investigating as to the
16 monies that they took from your mother?

17 A I got them to an attorney because I knew
18 that all of this was an area in which I was not
19 competent, but I got them into the hands of
20 professionals who could and would deal with it.

21 Q And that attorney being Bobby Pearlman?

22 A Yes.

23 Q You say that Heyward told you at the meeting
24 in April of 2006. Was Lynne Kerrison present?

25 A Yes. I believe she was.

1 Q And did Lynne Kerrison give you information
2 on the accounts of the trusts?

3 A Lynne was very quiet. And what I heard at
4 that meeting was Heyward telling me that my brothers
5 had taken this money, that it was his sad duty to
6 tell me that my brothers had taken the money from my
7 mother.

8 Q Did Lynne Kerrison at that meeting give
9 information on the accounts, the trust accounts and
10 the monies taken by your brothers?

11 A I don't really remember that because what I
12 heard was from Heyward and that was the shocking
13 thing that I heard.

14 Q What did you recall as to what Lynne
15 Kerrison told you at that meeting?

16 A I don't recall. Lynne was very
17 uncomfortable. I was aware of the fact that she was
18 uncomfortable. She was somebody I did not know. So
19 I didn't know anything about her, but I could tell
20 that she was very uncomfortable.

21 Q Did you ask her why she was uncomfortable?

22 A I did not ask her why. I didn't -- I didn't
23 know the woman.

24 Q Did you ask her any questions about the
25 trusts accounts?

1 A I don't remember.

2 Q Did she have papers in front of her
3 referencing the trusts accounts?

4 A I don't remember that.

5 Q In looking at Exhibit No. 31, if you would
6 again, if you'll look at the bottom of what's marked
7 page four of 42.

8 A Yes.

9 Q If you will look at line 1143 and then at
10 the bottom 1173 and the line references Julian
11 Walker. Line 1143 says Julian Walker with a payment
12 of \$9,500 and line 1173 says Julian Walker with a
13 payment of \$4,431. Who is Julian Walker?

14 A Because I know this has to be right, I
15 believe that Julian Walker is an expert. But right
16 beyond that, I can't tell you.

17 Q All right. So you believe that Julian
18 Walker is an expert. Do you know him to be a trust
19 officer?

20 A I don't.

21 Q Have you ever spoken to Julian Walker?

22 A I don't know.

23 Q Have you ever met with Julian Walker?

24 A I don't know.

25 Q Is it that you don't recall meeting with him

1 or you just --

2 A I don't --

3 Q -- don't know?

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

5 Q All right. So you don't recall whether or
6 not you've spoken to or met with Julian Walker; is
7 that your testimony?

8 A Yes.

9 Q And do you recall going to Columbia at any
10 time to meet with Julian Walker and/or others?

11 A I don't recall that.

12 Q Why did you approve the estate paying Julian
13 Walker approximately \$15,000?

14 A I assumed that we were presented with the
15 bill for that amount.

16 Q And what is it that Julian Walker did for
17 the estate wherein he earned approximately \$15,000?

18 A I don't recall that.

19 Q What kind of expert is Julian Walker?

20 A I don't recall that.

21 Q Well, you testified a moment ago that you
22 recall him as an expert, correct?

23 A I do recall that, yes.

24 Q But you don't recall what he's an expert
25 in?

1 A No.

2 Q Do you recall why he was contacted in the
3 first place to be an expert to testify to give you,
4 you, on behalf of the estate, advice? What?

5 A I don't. I don't recall.

6 Q You don't recall. There is an entry on 1141
7 for Wills and Massalon, LLC. What was that for?

8 A I believe that was -- I believe that was a
9 mediation. I am not certain of that, but I think Tom
10 Wills is a mediator.

11 Q And was that also payment for Tom Wills'
12 Opinion that was attached to the tax return that the
13 value of the claims against Tom and Dan was \$750,000?

14 MS. LEWIS: Object to the form.

15 BY MS. WALL:

16 A That may well be.

17 Q Do you recall having any contact with Julian
18 Walker with regard to, in any way involving Heyward
19 Carter?

20 A I don't recall.

21 (Exhibit No. 33 marked.)

22 Q I'm handing you what we've marked as Exhibit
23 33 and ask you to identify this as a Proposal for
24 Distribution filed with the Probate Court on August
25 the 17th, 2011. Do you recognize that?

1 A I do.

2 Q Do you recognize the front sheet as bearing
3 your signature with the date August the 15th, 2011?

4 A I do.

5 Q And do you recall that we established from
6 your testimony yesterday that this Proposal for
7 Distribution is being formally challenged by both
8 your sister Genevieve Felder and your brother Jimmy
9 King?

10 A Yes.

11 Q You're aware of that?

12 A Yes.

13 Q And I, again, ask you why is Genevieve
14 Felder challenging this Proposal for Distribution?

15 A Because I believe that she does not like the
16 distribution of the, of the Lake Summit property.

17 Q And what is it that she doesn't like about
18 the distribution of the Lake Summit property?

19 A That it is not in three equal parts.

20 Q She believes it should be in three equal
21 parts?

22 A I believe that that is what she thinks.

23 Q And do you know what her basis is for
24 claiming that the Lake Summit property should be
25 divided into three equal parts?

1 A The basis for her claim?

2 Q Yes.

3 A No, I don't know.

4 Q What has she told you about her challenge?

5 A That she thinks it ought to be in three
6 equal parts.

7 Q And did she tell you why she thinks that?

8 A Because she thinks that.

9 Q Did she give you any reason why she thinks
10 that?

11 A I don't recall.

12 Q Why did you, as one of the two personal
13 representatives, determine not to divide it into
14 three equal parts?

15 A I didn't agree with this, but that's how my
16 sister, my other sister wanted it.

17 Q And are you referring to Jacquelin
18 Bennett?

19 A I am.

20 Q So is it your testimony that you signed the
21 Proposal for Distribution, what we have marked as
22 Exhibit 33, but you don't agree with it?

23 A I wasn't happy with that.

24 Q And why weren't you happy with it?

25 A Because I didn't think it was fair either.

1 Q So is it your testimony that you signed the
2 Proposal for Distribution as one of the two personal
3 representatives of the estate but you think that the
4 Proposal for Distribution is unfair?

5 A That's correct.

6 Q If you think it's unfair, why did you sign
7 it?

8 A This -- this is something that two sisters
9 discussed endlessly.

10 Q So you signed it because you discussed it
11 endlessly with Jacquelin?

12 A Yes.

13 Q What was Jacquelin's basis for telling you
14 that it should not, the Lake Summit property should
15 not be divided into three equal parts but in fair,
16 but instead divided just between you and her?

17 MS. LEWIS: Object to the form.

18 BY MS. WALL:

19 A You might have to ask Jacquelin that.

20 Q I'm asking you what you recall Jacquelin
21 told you.

22 A Jacquelin thought that's the way it ought to
23 be.

24 Q Did she give you any reason why she thought
25 it should be that way?

1 A I can't recall anything specific, but that
2 is what she thought it ought to be.

3 Q And why did you agree with her if you
4 thought it was unfair?

5 A Well, after, in the end, looking at all of
6 this and everything came out even and, you know,
7 there's a lot to be said for the fact that Genevieve
8 was getting more cash. So in the end -- and,
9 furthermore, Herb McGuire had put this together, and
10 he felt it was fair and the Slotchivers felt it was
11 fair, so that was why I agreed to it.

12 Q Now, you say that Genevieve was getting more
13 cash. More cash than what she was left under the
14 Will?

15 A Just -- just in. -- in the -- no. I don't
16 mean that. I mean, when -- when this is all added
17 up, it all comes out to an equal amount for
18 everybody.

19 Q And so it's an equal amount. When you say
20 everybody, are you talking about you, Jacquelin,
21 Genevieve, and Jimmy King?

22 A No. I'm talking about Jacquelin and
23 Genevieve and me.

24 Q With nothing to Tom and Dan, correct?

25 A Correct.

1. Q And the Lake Summit property had been left
2 to, in the Will, to Tom and Dan, correct?

3 A Correct.

4 Q And they have given that up?

5 A Yes.

6 Q And under this -- is that correct?

7 A That's correct.

8 Q And under this Proposal for Distribution,
9 you and Jacquelin, under this proposal, will now
10 wholly own the Lake Summit property, correct?

11 A I don't believe that's so.

12 Q All right. I thought that was your
13 testimony. Why don't we look then. Let's move into
14 the third page on Exhibit 33. On that third page,
15 the title is Stevenson Estate. And if you look six
16 lines down, it says Lake Summit. Do you see that?

17 A I do.

18 Q And the valuation given on that line over is
19 \$1.1 million. Do you see that?

20 A On page three?

21 Q Yes.

22 A Lake Summit?

23 Q Where it says begin, right next to Lake
24 Summit line. Do you see the line that says Lake
25 Summit?

1 A I do, and I don't see anything in it.
2 Q Oh, the third page in. Start --
3 A Okay.
4 Q Do you see the line with Lake Summit?
5 A Yes.
6 Q And next to that has the word, the title to
7 the column is begin?
8 A Yes.
9 Q Do you see that?
10 A I do.
11 Q And it has \$1.1 million?
12 A Yes.
13 Q Correct?
14 A Correct.
15 Q And then when you go across the sheet --
16 A Yes.
17 Q -- on that same line --
18 A Yes.
19 Q -- there are three initials at the top.
20 A Yes.
21 Q Do you see that?
22 A Yes.
23 Q KST, is that you?
24 A Yes.
25 Q JSB, is that Jacquelin?

1 A It is.

2 Q And GSF, is that Genevieve?

3 A It is.

4 Q This indicates \$300,000 under each name; is
5 that correct?

6 A It does.

7 Q Which then leaves \$200,000 under the
8 subtotal. Do you see that?

9 A I do.

10 Q To whom did the \$200,000 under this Proposal
11 for Distribution go?

12 A I'm not quite sure about that, and I put a
13 question mark by that to ask Herb. And I'm not quite
14 sure of the answer.

15 Q Have you been told or are you aware that you
16 and Jacquelin are each getting 100,000 of the
17 \$200,000 and Genevieve is getting none of that,
18 according to this Proposal for Distribution?

19 A I -- I have been over this many, many times.
20 And I -- I really don't presume to understand Herb's
21 accounting, what he has done here.

22 Q All right. Let's back up for a minute.
23 You're one of two personal representatives of this
24 estate, correct?

25 A Correct.

1 Q And as such, you understand that you are
2 responsible in signing this Proposal for Distribution
3 for concluding that this is the proposal that you
4 want the Probate Court to approve. Do you understand
5 that?

6 A Yes, I do.

7 MS. LEWIS: Object to the form.

8 BY MS. WALL:

9 Q This is a dividing-up among siblings that
10 you and your sister Jacquelin as the personal,
11 co-personal representatives agreed to. Do we
12 understand that?

13 A Yes.

14 Q And in agreeing to that, you had every
15 opportunity to review, ask questions, and make a
16 determination as to whether or not you thought this
17 was fair; is that correct?

18 A That is correct.

19 Q Moving down from the Lake Summit line item
20 on the same page, there is a line item that says
21 claim, Tom Stevenson. Do you see that?

22 A I do.

23 Q And the beginning number is \$702,170. Do
24 you see that?

25 A I do.

1 Q Is that number the value of the claim at
2 \$750,000 that we saw in the earlier filings,
3 including the tax return, minus monies that Tom
4 Stevenson paid?

5 MS. LEWIS: Object to the form.

6 BY MS. WALL:

7 A This is an accounting that Herb did. I -- I
8 will tell you I don't know exactly how he came up
9 with that number.

10 Q Did you ask him?

11 A Oh, we went over it, and I'm sure he
12 explained it, but I could not tell you how he came up
13 with this..

14 Q So you don't recall?

15 A I don't recall.

16 Q Under your initials, Jacquelin's initials,
17 and Genevieve's initials, there's \$118,359. What
18 does that signify?

19 A I don't know.

20 Q The last column, second to last column that
21 says JKK, is that your brother Jimmy King?

22 A It is.

23 Q Why was no assignment of the claim value
24 given to Jimmy King for this Tom Stevenson claim?

25 A I don't know.

1 Q Before signing the Proposal for
2 Distribution, did you discuss various items with
3 Genevieve?

4 A I believe so.

5 Q Did you discuss the Proposal for
6 Distribution before signing it with Jimmy King?

7 A I don't believe so.

8 Q Why not?

9 A I don't know.

10 Q Well, was it a conscious decision on your
11 part to leave him out of the discussion?

12 A No.

13 Q Did you ever attempt to call him or meet
14 with him?

15 A I don't recall.

16 Q Did he, at any time, refuse to discuss the
17 proposed Proposal for Distribution with you?

18 A Did he? No, he did not.

19 Q Moving down approximately five or six lines,
20 there is a line item that says prior distribution
21 with GSF next to it. Is that Genevieve?

22 A It is.

23 Q And that says \$50,000. Do you see that?

24 A I do.

25 Q When was Genevieve given a prior

1 distribution?

2 A Right after her husband died, she told
3 Jacquelin and me that she needed money for the, for
4 the funeral, the expenses, and that kind of thing.
5 And she asked this and so we gave it to her.

6 Q And did the distribution come from the
7 estate?

8 A Yes.

9 Q In having the estate --

10 A May I -- may I add that we checked with the
11 attorneys to make certain that that was an okay thing
12 to do.

13 Q And who did you check with?

14 A The Slotchivers, I believe.

15 Q In paying to Genevieve the \$50,000, did you
16 require that she sign a Receipt and Release?

17 A I believe so.

18 (Exhibit No. 34 marked.)

19 Q I'm going to hand you what we will mark as
20 34 and ask if you recognize this as that document?

21 A Yes.

22 Q Now, this document is dated January 7th,
23 2008; is that correct?

24 A Yes.

25 Q In signing this Receipt and Release, did you

1 understand that Genevieve Felder was releasing and
2 forever discharging you as the personal
3 representative and the estate from any and all rights
4 and claims which she might have against you and the
5 estate?

6 A Well, this was drawn up by an attorney, and
7 so I certainly didn't write this, but this is how the
8 attorney chose to do it.

9 Q Did you ever have a discussion with
10 Genevieve as to the fact that she was giving up her
11 rights against you in the estate?

12 A Well, I don't know why it was drawn up this
13 way. Genevieve, of course, is, is one of the sisters
14 and she was, forever has been and forever will be.

15 Q Did you have a discussion with her or a
16 conversation with her about the fact that she was
17 giving up her rights against you in the estate?

18 MS. LEWIS: I am going to object to
19 the form.

20 BY MS. WALL:

21 A I am not -- I am not an attorney. An
22 attorney did this. And so all I can say is that this
23 is an attorney's doing.

24 Q Perhaps I am not being clear on my question.
25 Do you recall a conversation that you had with

1 Genevieve about the fact that in signing this, she
2 was giving up her rights against you and Jacquelin as
3 co-personal representatives in the estate?

4 MS. LEWIS: Same objection.

5 BY MS. WALL:

6 A I don't recall a conversation. We just did
7 what the attorney said to do.

8 Q Going back to Exhibit No. 33, the Proposal
9 for Distribution. This also indicates a prior
10 distribution to JKK, being Jimmy King, of \$108,500.
11 Do you see that?

12 A I do.

13 Q And was that the payment that was made that
14 we looked at yesterday in the documents made some
15 year plus after the date of your mother's death?

16 A I believe that is what that represents.

17 Q And then just under that, it says IRS
18 disallowed gifts of \$473,000. Do you see that?

19 A I do.

20 Q Are those the death bed checks that were
21 made to all the family members except the King family
22 that were disallowed by the IRS?

23 A I believe that is what that is.

24 Q Now, under that is a line that states due to
25 personal representatives and it says \$260,830. Do

1 you see that?

2 A I do.

3 Q How is that calculated?

4 A I have no idea. And I -- I have no idea how
5 Herb came up with that, and I asked him about it.
6 And he explained to me in, you know, perfect
7 accountant language. And I -- so I still don't
8 understand.

9 Q Well, did you ask him to explain it to you
10 in non-accountant language?

11 A I did. And he did the best he could. I --
12 we did not get any money.

13 Q This indicates that the personal
14 representatives, you and Jacquelin, get \$260,830
15 under this Proposal for Distribution, correct?

16 A That is what it indicates.

17 Q And is it your testimony that you're not
18 really going to get that?

19 A I think that -- yes.

20 Q And what leads you to believe that?

21 A I have no expectation to get that because --
22 I can't explain it. This is an accountant.
23 Accountants are professionals. They understand these
24 things. It's been passed over, looked at by
25 attorneys, accountants. They're professionals.

1 They're the professionals. They are the ones that do
2 this. No, I do not expect to get \$260,000.

3 Q And then where will the \$260,830 go since it
4 is a line item? Who will get it if not you and
5 Jacquelin?

6 A I do not understand the accounting
7 procedure, but I know that it's some kind of an
8 accounting thing that Herb did.

9 Q Did Herb McGuire tell you that you and
10 Jacquelin were not going to get the \$260,830 that --

11 A He --

12 Q Please let me finish my question. That is
13 indicated on this line going to the personal
14 representatives being you and Jacquelin?

15 A He did explain it.

16 Q Did he tell you you weren't really getting
17 that money?

18 A Yes. That this is an accounting procedure.

19 Q Did he tell you then where that money is
20 going to go if not to you and Jacquelin?

21 A I -- I do not know. I do not know.

22 Q The next line item is advances from the
23 marital trust of \$228,735. When were advances from
24 the marital trust done and to whom did that money
25 go?

1 A I don't recall. I think if I sat down with
2 Herb and we went all over this again that he could
3 explain to me what that is. But right now, I don't
4 know.

5 Q Do you know who received this \$228,735?

6 A I don't --

7 MS. LEWIS: Object to the form.

8 BY MS. WALL:

9 A I don't know.

10 Q The next line item is advances from the QTIP
11 trust of \$500,089. Do you see that?

12 A I do.

13 Q Do you know when those advances were made
14 and to whom they were paid?

15 A I do not.

16 Q Skipping a line, there are three line items
17 that reference loans. Do you see that?

18 A I do.

19 Q The first is loan from Genevieve Felder of
20 \$420,822, the next is a loan from Kathleen Turner of
21 \$420,822, and the last is a loan from Jacquelin
22 Bennett in the amount of \$420,822. Do you see
23 those?

24 A I do.

25 Q Did you loan money to the estate?

1 A I do not know what this is. Herb is the
2 accountant, and I rely upon Herb.

3 Q Do you know when or if Kathleen or, excuse
4 me, Genevieve Felder made a loan to the estate in
5 this amount? And if you don't know, you can tell me
6 you don't know.

7 A I don't know. Herb is the accountant. I
8 relied upon Herb.

9 Q Do you know if Jacquelin Bennett made a loan
10 to the estate in this amount?

11 A Again, Herb is the accountant, and I rely
12 upon him.

13 Q Let's go back to the line item with your
14 name on it. It says loan from Kathleen Turner. And
15 you're Kathleen Turner, correct?

16 A Correct.

17 Q Do you have any recollection of making a
18 loan to the estate in the amount of \$420,822 or in
19 any other amount?

20 A No, I don't.

21 Q Now, turning to the next page if you would,
22 please. Is this the page that you illustrates Lake
23 Summit with your initials KST and your sister
24 Jacquelin's initials JSB each receiving \$100,000?

25 MS. LEWIS: Object to the form.

1 BY MS. WALL:

2 A Yes. I didn't understand the question.

3 Q Look at the line item --

4 A I see it.

5 Q -- that says Lake Summit?

6 A I see it.

7 Q And next to it, it's \$200,000?

8 A Yes.

9 Q Do you see that?

10 A Yes.

11 Q And if you go to the page before when we
12 looked on the line item on Lake Summit, we went all
13 the way across, we saw that the subtotal was
14 \$200,000.

15 A Yes.

16 Q Do you see that?

17 A Yes.

18 Q So turning to the next page, it says Lake
19 Summit, \$200,000, correct?

20 A Yes.

21 Q And does that show that the \$200,000 that is
22 being equally divided between you and your sister
23 Jacquelin?

24 A That -- that does appear to be the case.

25 Q Did you discuss this with Genevieve that you

1 and Jacquelin were receiving the \$200,000 and she was
2 receiving none of that?

3 A I don't recall that I did.

4 Q Right above that, it says, lot, Bailey
5 Island. Do you see that?

6 A I do.

7 Q And it indicates as to you, \$30,415 and as
8 to Jacquelin \$30,415 and nothing to Genevieve or
9 Jimmy King, correct?

10 A That is what it appears to be; although,
11 this is about paying PR fees.

12 Q All right. So if you look at toward the
13 bottom of the page, do you see the line that says due
14 to personal representatives?

15 A I do.

16 Q And you and Jacquelin are the personal
17 representatives?

18 A Correct.

19 Q And this indicates \$260,830, correct?

20 A Yes.

21 Q With \$130,415 under each of your initials,
22 correct?

23 A Right. Yes.

24 Q And do you understand that to be a payment
25 for you and Jacquelin as, serving as personal

1 representatives of the estate?

2 A I believe that's how Herb has, has done the
3 accounting.

4 Q Did you object to being paid a personal
5 representative fee?

6 A Herb assured me that there wasn't any way we
7 could not be paid a personal representative fee.

8 Q Did he tell you that you had to obtain one
9 in any specific amount?

10 A I don't recall that.

11 Q Moving to the next page, does this indicate
12 on the line saying Rockville that you and Jacquelin
13 are equally obtaining half of the Rockville property
14 valued at \$1,450,000?

15 A Yes.

16 Q Now, the next line says, lot, Paradise
17 Island.

18 A Yes.

19 Q \$390,000.. Do you see that?

20 A I do.

21 Q Under Genevieve's initials, it says
22 \$230,000; and under Jimmy King's initials, it says
23 \$160,000. Do you see that?

24 A I do.

25 Q How did you come to determine this

1 allocation on the Paradise Island lot?

2 A The accountant came up with this.

3 Q Did you discuss this with Genevieve?

4 A I don't recall that.

5 Q Did you discuss it with Jimmy King?

6 A I -- I don't recall that.

7 Q As the personal representative, did you know
8 that the Will required that Genevieve and Jimmy King
9 each obtain \$400,000 in cash?

10 MS. LEWIS: Object to the form.

11 BY MS. WALL:

12 A I did understand that.

13 Q And was this the attempt to satisfy that
14 requirement?

15 A I believe it was.

16 Q Did Genevieve object to this procedure?

17 A Did she object to the procedure?

18 Q Yes. To this allocating to her a value of
19 \$230,000 with a lot, Paradise Island, the lot to be
20 shared with Jimmy King, with his valuation of
21 160,000?

22 A I don't recall that.

23 Q Is this one of the items that you recall
24 that Genevieve is objecting to in objecting to the
25 Proposal for Distribution?

1 A Well, I think her objection is more about
2 Lake Summit. I think that that is -- I think that's
3 her objection.

4 Q So you have no recollection that she's
5 making any objection to this?

6 A I -- I don't recall that. This --

7 Q Did you discuss the sharing of the property
8 and allocation of \$160,000 in value to Jimmy King
9 before signing this Proposal for Distribution?

10 A Did I discuss it?

11 Q Yes, with Jimmy King.

12 A I don't believe so.

13 Q Has Jimmy King filed an objection to this
14 Proposal for Distribution?

15 A He has.

16 Q And is he objecting to this line item, among
17 others?

18 A I -- I -- I'm not sure. I'm not sure what
19 he's objecting to.

20 Q The next line item says, lot, Bailey Island
21 valued at \$170,170. Do you see that?

22 A I do.

23 Q And has that been allocated only to Jimmy
24 King?

25 A That's what it appears here, although, you

1 know, I don't -- I don't know that for certain.

2 Q I'm sorry?

3 A I said that's what it appears here since
4 that is the only place it shows up, but I am not
5 certain of that.

6 Q Do you have any reason to believe that this
7 line item is incorrect?

8 A I don't believe so.

9 Q And then moving down, it has a line item for
10 personal property of \$119,455. Do you see that?

11 A I do.

12 Q The personal property has been divided among
13 three: You, Jacquelin, and Genevieve. Do you see
14 that?

15 A Yes.

16 Q Why was none of the valuation given to Jimmy
17 King?

18 MS. LEWIS: Object to the form.

19 BY MS. WALL:

20 A Well, I believe that this was her personal
21 property, and I believe, I could be wrong, but I
22 believe in her Will, she directed that her personal
23 property be divided among the three. I certainly
24 could be wrong, but I believe that's why it's like
25 that.

1 Q Was your mother Genevieve's mother?

2 A No.

3 Q Was your mother Jimmy King's mother?

4 A Yes.

5 Q Moving to the next page, and this is
6 entitled Distribution Residue. Do you see that?

7 A I do.

8 Q There is a line until the middle that says
9 claim, Tom Stevenson. Do you see that?

10 A I do.

11 Q In the amount of \$73,358.

12 A Yes.

13 Q And that has been assigned to Jimmy King.
14 Do you see that?

15 A I do.

16 Q With nothing to you, Jacquelin, or
17 Genevieve; is that correct?

18 A That is correct.

19 Q How did that claim amount come to be
20 assigned to Jimmy King? Do you know?

21 A I do not know. Herb McGuire was the
22 accountant, and we relied upon his professional
23 advice.

24 Q Do you have any basis to believe, as you sit
25 here today, that Tom Stevenson has the ability to pay

1 \$73,358 to Mr. King?

2 A I -- I do not know, but I think considering
3 his circumstances now, he probably doesn't.

4 Q Why did you not assign any of this claim
5 against Tom Stevenson to yourself?

6 A Again, this is the accountant's. The
7 accountant came up with this, and I have relied upon
8 him.

9 Q Did you question him as to why Jimmy King
10 was being assigned a value that you just told us you
11 don't think is collectable, whereas none of the rest
12 of the siblings were?

13 A Let's start -- would you do that again?

14 Q Uh-huh. Did you discuss with the accountant
15 why the claim as to Tom Stevenson, which you just
16 told us you don't think is collectable, was assigned
17 only to Mr. King and not to the other siblings?

18 A Well, I don't think at the time that was the
19 case, but I'm not certain of that.

20 Q All right. This was executed by you on
21 August the 15th, 2011. On August the 15th, did you
22 think that the \$73,358 could be collected from Tom
23 Stevenson?

24 A Again, I relied upon Herb to do the
25 accounting, and this is how Herb did it.

1 Q And you reviewed it and you signed it; is
2 that correct?

3 A And I reviewed it and signed it, and Herb is
4 the professional.

5 Q My question for you have is: Did you think
6 on August the 15th, 2011, when you signed this
7 proposal to go to the Probate Court for approval, did
8 you think that Tom Stevenson could pay to Mr. King
9 \$73,358?

10 A If he couldn't pay it, it is in the record
11 that he owed it to him.

12 Q Did -- do you -- did you think on this date,
13 August the 15th, 2011, that your brother Tom
14 Stevenson had the assets to pay \$73,358?

15 A I relied upon Herb McGuire and his
16 professional opinion.

17 Q Perhaps I'm not making my question clear,
18 and I'll be happy to clear it. Did you, you, not
19 Herb McGuire, you, did you think on August the 15th,
20 2011, that your brother Tom Stevenson had the assets
21 to pay \$73,358?

22 A I did not know whether or not he had it.

23 Q And did you not know that on this date
24 because you have made no effort to investigate
25 whether Tom Stevenson has any assets to pay under the

1 Confession of Judgment?

2 A I do not know what his assets are.

3 Q I'm sorry?

4 A I do not know what his assets are.

5 Q And you have not investigated that; is that
6 correct?

7 A No. I have not investigated his assets.

8 Q There is a line item three lines down from
9 that that says total Wachovia Securities. Do you see
10 that?

11 A I do.

12 Q And it says FRPT?

13 A Yes.

14 Q And do you understand that to be the Force
15 Protection stock?

16 A I do.

17 Q That Force Protection stock is valued at
18 \$49,305. Do you see that?

19 A I do.

20 Q And that has been assigned to Genevieve. Do
21 you see that?

22 A I do.

23 Q Did you discuss that with her and did she
24 agree to have that assigned to her?

25 A I didn't discuss it with her.

1 Q Is that one of the items that she is
2 objecting to?

3 A I don't -- I don't know.

4 Q And then if you'll turn to the next page,
5 please. This indicates and is entitled Allocation of
6 All Real Estate Except Rockville; is that correct?

7 A Correct.

8 Q And it indicates initials of the four
9 siblings: You, Jacquelin, Genevieve, and Jimmy King,
10 correct?

11 A Correct.

12 Q And does this set forth that you and
13 Jacquelin are each receiving a total of \$2,081,025
14 under Summary of Distribution and Proof of Total in
15 the middle of the page? It says KST. That's you?

16 A Yes.

17 Q Correct?

18 A Yes.

19 Q And when you take it all the way to the end,
20 it gives a total and a correct. Do you see that?
21 The numbers are the same. It's \$2,081,025,
22 correct?

23 A I don't see that. You're in the middle
24 Summary of Distribution?

25 Q Yes.

1 A Proof of Total.

2 Q Where your initials are taken all the way
3 across to the end.

4 A Oh, to the right. Okay.

5 Q Because that's the total, isn't it?

6 A Yes.

7 Q Do you see it says total?

8 A Yes.

9 Q And the total together with the column
10 Correct, which has the same numbers, so let's look at
11 the total. The total for you is \$2,081,025,
12 correct?

13 A Correct.

14 Q And total for Jacquelin is \$2,081,025,
15 correct?

16 A Correct.

17 Q The total for Genevieve is \$1,625,609,
18 correct?

19 A Correct.

20 Q And the total for Jimmy King is \$808,489,
21 correct?

22 A Correct.

23 Q And then it has a total for Tom Stevenson
24 and one for Dan Stevenson. Do you see that?

25 A I do.

1 Q And are those in the amounts that track the
2 distributions that were made on the date of your
3 mother's death?

4 A I don't know the answer to that.

5 Q If you look at the page before, do you see
6 that to be the case? It's in the middle of the page
7 before. Do you see their initials at the top over
8 toward the right?

9 A Uh-huh.

10 Q And under Tom, it has two \$36,000
11 distributions?

12 A Yes.

13 Q And under Dan, it says, 48,000?

14 A Yes.

15 Q In coming up with a totals that each of the
16 four siblings are to receive under this Proposal for
17 Distribution, did you discuss the total with
18 Genevieve as to what she is to receive?

19 A I don't recall that I did.

20 Q Did you have any discussion with Jimmy King
21 as to the total that he was to receive under this
22 Proposal for Distribution?

23 A I don't recall that I did.

24 MS. WALL: We need to change the tape.

25 VIDEOGRAPHER: Off the record at

1 10:40, tape number one.

2 (Off-the-record.)

3 VIDEOGRAPHER: This is tape number
4 two. On the record at 11 o'clock.

5 BY MS. WALL:

6 Q Ms. Turner, let me go back for a moment to
7 the fees paid by the estate to the Hood Law Firm.
8 Did you, at any time, perform a cost benefit analysis
9 of the litigation against Tom and Dan and the fees
10 that were being charged by the Hood Law Firm?

11 A No, I didn't.

12 Q Did you have any concern as to the costs
13 that were being, costs and fees that were being
14 incurred in this litigation?

15 A I know lawyers are very expensive.

16 Q So is the answer no?

17 A So the answer is the lawyers charge what
18 they charge.

19 Q Were you concerned about the costs and
20 fees?

21 A I didn't like it.

22 Q Did you ask that -- at any time, did you
23 ask -- did you indicate your displeasure with anyone
24 at the law firm?

25 A No, I did not.

1 Q Did you personally write the checks to the
2 law firm?

3 A I did.

4 Q You signed the checks, correct?

5 A Yes. Yeah.

6 Q And they were -- they were not your personal
7 checks?

8 A Right.

9 Q They were from the estate, correct?

10 A Correct.

11 Q Is the estate paying legal fees and costs to
12 the Lewis Babcock Firm?

13 A Yes.

14 Q And do you sign those checks?

15 A I do.

16 Q And have you kept track of those costs and
17 fees since it's coming from the estate?

18 A Well, I have -- I have all of that
19 information.

20 Q Does the -- has the estate held out monies
21 to pay for those legal fees and costs?

22 A Not specifically.

23 Q With the Proposal for Distribution that you
24 filed with the Probate Court, is there a line item or
25 area to indicate anticipated future legal fees so

1 that the estate will have monies to pay that?

2 A I -- I don't believe so.

3 Q Once the distribution, and assuming it's
4 ever agreed to by the Probate Court, assuming that
5 the Probate Court at some point after the objections
6 agrees to a final distribution in closing, how will
7 the estate pay attorney's fees and costs?

8 A Well, I hope that will be the end of it.
9 You mean beyond that?

10 Q Yes.

11 A Well, I hope that when we close that will be
12 the end. I must not be understanding your question.

13 Q The legal fees being paid and costs being
14 paid by the estate to Lewis Babcock, if the final
15 distribution is approved and made, take a
16 hypothetical, by January the 15th, how will the
17 estate continue to pay those legal fees and costs?

18 A Well, I think we might have to make a plan
19 about that.

20 Q How much has the estate paid in legal fees
21 and costs to the Lewis Babcock Firm?

22 A I could gather that information for you, but
23 I couldn't tell you now.

24 Q If the estate is paying legal fees and costs
25 to the Lewis Babcock Firm and Jimmy King is not a

1 part of the litigation, have you had a conversation
2 with Mr. King that he is participating in paying for
3 those fees and costs in a piece of litigation in
4 which he is not a party?

5 MS. LEWIS: I'm going to object to the
6 form. If you know, you can answer.

7 BY MS. WALL:

8 A Have I had a conversation?

9 Q Yes.

10 A No, I haven't.

11 Q Is that one of the areas in which Mr. King
12 is contesting this Proposal for Distribution, if you
13 know, if you know?

14 A I don't know.

15 Q Do you know what grounds Mr. King is
16 contesting the Proposal for Distribution?

17 A I don't know right now. That might be
18 information that's available, but right now, I don't
19 know.

20 Q In this proposal for Distribution, there are
21 no properties or monies going to either Tom or Dan
22 Stevenson, correct?

23 A Correct.

24 Q Any of their rights to property, such as the
25 Lake Summit house, their original right, to either

1 real property, cash, or other interests in the estate
2 have now been forfeited by them. Is that your
3 understanding?

4 A That's my understanding.

5 Q And those rights that they otherwise would
6 have had have been divided as we have seen in the
7 Proposal for Distribution among the four siblings:
8 You, Jacquelin, Genevieve and Jimmy King; is that
9 correct?

10 A I believe that's correct.

11 Q While your mother was alive from, let's say,
12 a period of 2000 until she passed away in 2007, she
13 lived well; would you agree with that?

14 A I would.

15 Q And that she didn't want for anything; is
16 that correct?

17 A I feel certain that's the case.

18 Q Looking back at what was marked as Exhibit
19 No. 4.

20 A 4?

21 Q 4, please. Do you recall I asked you
22 questions about the meeting and then the subsequent
23 letter with regard to your mother, meeting with your
24 mother's attorney Heyward Carter and that was in
25 2001, correct?

1 A It was.

2 Q You understood then that Heyward Carter
3 represented only your mother, correct?

4 A Correct.

5 Q He didn't represent you, did he?

6 A No, he didn't.

7 Q And he didn't represent Jacquelin, Tom, or
8 Dan, correct?

9 A No, he did not.

10 Q And he didn't represent the estate; there
11 was no estate, correct?

12 A Right.

13 Q And he didn't represent the trusts; those
14 had already been set up?

15 A Right.

16 Q Under your father's Will, correct?

17 A Right.

18 Q In 1996, when you met with Heyward Carter,
19 Lynne Kerrison, this was in April of 1996, Heyward
20 Carter, Lynne Kerrison, Tom Stevenson, and Dan
21 Stevenson, and you, you understood, did you not, that
22 Heyward Carter was your mother's attorney?

23 A Yes.

24 Q And you understood he didn't represent you,
25 correct?

1 A Oh, right.

2 Q And he didn't represent Jacquelin, Tom, or
3 Dan, correct?

4 A Correct.

5 Q And he didn't represent the trusts,
6 correct?.

7 A Correct.

8 Q And at a later point in time, I think you
9 testified that you asked him if he could represent
10 your brothers and he declined to do so, correct?

11 A Correct.

12 Q And is that when you saw to it that your
13 brothers got to an attorney and that was Bobby
14 Pearlman?

15 A Correct.

16 Q After this April 2006 meeting, was it your
17 testimony that you did not notify your siblings, you
18 did not call Jacquelin or in any other way notify her
19 or Genevieve or Jimmy King with regard to what you
20 understood that your brothers had done a bad thing;
21 is that right?

22 A Correct.

23 Q And when you had the information that your
24 brothers had taken money from the trusts, in 2006,
25 did you continue to think that they would do the

1 right thing?

2 A I always thought that. They always told me
3 that they were going to make it right and do the
4 right thing.

5 Q And did you believe them?

6 A And I believed them.

7 Q And did you think they were, in fact, in
8 making it right, they were going to put the money
9 back or otherwise make this right?

10 A I did.

11 Q Is that right?

12 A I did believe that.

13 Q And did they tell you that they wanted to be
14 the ones to tell the rest of your siblings?

15 A I don't remember that. I don't recall
16 that.

17 Q Well then, why did you wait until -- why did
18 it take 13 months for the rest of your siblings to be
19 told about the fact that your brothers had taken
20 money from the trusts?

21 A They were working on a plan. I was not
22 party to it, but they were working on a plan. And it
23 was my hope that they were going to have a meeting
24 and we were going to have a meeting in which they
25 presented their plan. I pushed them. I asked them.

1 I tried to move that thing along; although, I was not
2 party to any of that.

3 Q But did they tell you that they planned to
4 have a meeting?

5 A They were going --

6 Q They were going to tell --

7 A They were going --

8 Q -- their siblings; is that right?

9 A They were going to do that, yes.

10 Q And did they tell you that they wanted to do
11 it at an optimal time, a good time for the whole
12 family?

13 A Yes.

14 Q Did they tell you that?

15 A Well, they told me reasons why this
16 particular time and that particular time and this
17 particular time would not be a good time.

18 Q And did you believe that they ultimately
19 would do the right thing and tell the rest of the
20 siblings?

21 A I did think they were going to do that.

22 Q And did you give them the time that they
23 wanted to formulate this plan and put together a
24 meeting the way that they wanted to do it which
25 ultimately occurred in May of 2007?

1 A Did I give them the time? They -- they took
2 the time.

3 Q Right.

4 A They were working on it, I thought.

5 Q All right. But you didn't call the meeting
6 yourself or otherwise go over them and take matters
7 into your own hands, did you?

8 A No. They were the ones that had to come up
9 with the plan.

10 Q Were you comfortable in telling your
11 siblings without Tom and Dan about the events or the
12 monies that had been taken by them or did you prefer
13 that they do it?

14 A I thought that they ought to. They should.
15 I wanted them to have the opportunity to. They had
16 created this gigantic mess. They are the ones who
17 had to come up with the plan. I was, not just
18 hopeful, I wanted them to be the men of integrity
19 that I thought they were so that they would do the
20 right thing.

21 Q Now, you filed a lawsuit against Heyward
22 Carter, correct?

23 A Yes.

24 Q And aren't you, in essence, claiming that he
25 shouldn't have done exactly what you did?

1 MS. LEWIS: Object to the form.

2 BY MS. WALL:

3 A Well, Heyward is actually a friend of mine,
4 and we're in supper club together. And so I know him
5 on many different levels. But he was the
6 professional here.

7 Q He was -- was he the professional for your
8 mother?

9 A He was the attorney.

10 Q He was not your attorney, was he?

11 A He was not.

12 MS. LEWIS: Object to the form.

13 BY MS. WALL:

14 Q Was he your brothers' attorney?

15 A No.

16 Q Did anyone force you to sue Heyward
17 Carter?

18 A Well, as I've already said, my brother Tom
19 indicated that if I didn't, he would.

20 Q But he didn't, did he?

21 A He did not.

22 Q So did anyone force you to sue Heyward
23 Carter?

24 A I would prefer not to sue anybody about
25 anything.

1 Q Did anyone force you to sue Heyward Carter?

2 A I've said.

3 Q Pardon me?

4 A No. Nobody forced.

5 Q Do you have any evidence or reason to
6 dispute that Heyward Carter, like you, relied on your
7 brothers Tom and Dan to do the right thing?

8 MS. LEWIS: Object to the form.

9 BY MS. WALL:

10 A I have no reason? That was your question,
11 the way it was phrased? Did I have any reason?

12 Q Yes. To dispute that statement.

13 MS. LEWIS: Object to the form.

14 BY MS. WALL:

15 A Would you state it again?

16 Q Do you have any reason to dispute, do you
17 know of any evidence that Heyward Carter, as you did,
18 relied on your brothers to do the right thing?

19 MS. LEWIS: Object to the form.

20 BY MS. WALL:

21 A I don't have any evidence. That was your
22 question, wasn't it?

23 Q That's my question. And my question is also
24 do you have any reason to disputes that?

25 MS. LEWIS: Object to the form.

1 BY MS. WALL:

2 A I don't have any reason.

3 Q Yesterday day during a break, you said to
4 Heyward Carter that you were sorry. What did you
5 mean by that?

6 A I'm very sorry that this -- I'm very sorry
7 about this nightmare.

8 Q Why did you sue Heyward Carter?

9 A I wish Heyward had told me sooner. I wish
10 Heyward had told me sooner and then maybe neither he
11 nor I would be here in a nightmare.

12 Q Do you understand that your brothers Tom and
13 Dan have testified under oath that they told you
14 about monies from the trusts, loans going into their
15 businesses in 2003? Do you know that?

16 MS. LEWIS: I'm going to object to the
17 form of the question because that contains
18 information that is, in my view, not an
19 accurate summary of what they testified
20 to.

21 BY MS. WALL:

22 A Well, what you're talking about is the
23 mumble meeting in which Tom went through a little
24 performance which I think was so he could tell
25 Heyward that he had done this, but he did not tell

1 me. He did not tell me.

2 Q Okay. Now --

3 A Had he told me, I would have done something
4 about it, but I did not know. He did not tell me.

5 Q What would -- what would you have done about
6 it in 2003?

7 A I would have gotten them to attorneys as
8 fast as I could just what I did when I did find
9 out.

10 Q So in 2003, if you had understood what was
11 being mumbled, you would have done what you did in
12 2006?

13 MS. LEWIS: Object --

14 BY MS. WALL:

15 Q Is that correct?

16 MS. LEWIS: Object to the form.

17 BY MS. WALL:

18 A Since that's not the way it happened, it's
19 hard to say. That's hard to say. But in 2006, when
20 I found out, I got them to attorneys to get this
21 thing straightened out as fast, as fast as I could.

22 Q And wasn't it your testimony earlier that if
23 you had understood it in 2003 that you would have
24 done the same thing?

25 MS. LEWIS: Object to the form.

1 BY MS. WALL:

2 A You know, that's not the way it happened,
3 but -- but -- but when this happened, when I
4 understood, I got them to attorneys as fast as I
5 could.

6 Q I understand that. My question for you is:
7 If you had understood what Tom was telling you in
8 2003, would you have done the same thing that you did
9 in 2006?

10 MS. LEWIS: Object to the form.

11 BY MS. WALL:

12 Q Go ahead.

13 A I think I would have.

14 Q When your brothers told you in 2006 that
15 they were going to do the right thing, did you
16 believe them?

17 A Oh, I always believed that they were going
18 to do that.

19 Q What grounds are you aware of that Heyward
20 Carter should not have believed your brothers in 2003
21 when they said that they had talked to you about the
22 loans?

23 MS. LEWIS: Object to the form of the
24 question.

25 BY MS. WALL:

1 A Well, the big difference between Heyward and
2 me is that he's an attorney and a professional, and I
3 wasn't.

4 Q But he was not Tom and Dan's attorney, was
5 he?

6 A No.

7 MS. LEWIS: I'm going to object to the
8 form of the question.

9 BY MS. WALL:

10 Q Do you have an agreement of any nature at
11 all, whether oral, written with your brother Tom
12 Stevenson that in any way is related to this
13 litigation against Heyward Carter?

14 A No. Well, you know, I -- not that I recall,
15 not that I'm aware of, not that I can think of. I
16 can't think of any agreement I have with Tom. I
17 can't think of anything.

18 Q And when was the last time you spoke to
19 Tom?

20 A I think I told you that I saw him outside
21 the dentist office, and before that, I don't
22 remember.

23 Q And seeing him at the dentist office was
24 when?

25 A Might have been -- might have been this

1 spring.

2 Q Of 2011?

3 A Yeah.

4 Q So about six months ago?

5 A Yeah. I think.

6 Q Do you have any agreement with any member of
7 Tom Stevenson's family in any way related to your
8 lawsuit against Heyward Carter?

9 A I -- I do not. I don't.

10 Q Did you participate in the decision to go to
11 the solicitor and make a charge against your brothers
12 Tom and Dan?

13 MS. LEWIS: Object to the form.

14 BY MS. WALL:

15 A Did I participate?

16 Q Let me rephrase the question. Did you
17 participate in going to the solicitor with regard to
18 your brothers Tom and Dan?

19 MS. LEWIS: Object to the form.

20 BY MS. WALL:

21 A I -- I'm afraid I don't really understand
22 what you're trying to get at.

23 Q Did you at any time meet with a solicitor in
24 the City of Charleston with regard to Tom and Dan?

25 MS. LEWIS: Object to the form.

1 BY MS. WALL:

2 Q And the issue of taking monies from the
3 trusts?

4 A A solicitor being an attorney?

5 Q A solicitor being an attorney for the state
6 or the city.

7 A I don't recall that.

8 Q Did you at any time participate in a meeting
9 with anyone with the FBI with regard to your brothers
10 Tom and Dan as related, well, as related to any
11 matter?

12 A I did.

13 Q Who participated in that meeting on the side
14 of your family?

15 A I'm not sure I could tell you the whole
16 thing. I certainly was there. Bill and Jacqueline
17 were there. Beyond that, I don't remember.

18 Q How many times did you meet with someone
19 from the FBI?

20 A I don't remember if it was once or twice. I
21 don't -- I don't think it was more than that.

22 Q And what was the outcome?

23 A Nothing as far as I know.

24 Q Did that surprise you?

25 A That there was nothing?

1 Q Yes.

2 A No, not particularly.

3 Q Were you disappointed? Did you want a
4 prosecution of your brothers?

5 A I did not.

6 Q So were you disappointed, or were you
7 relieved?

8 A Well, I was -- then I guess I was more
9 relieved.

10 Q Why did you go to the FBI?

11 A I don't know.

12 Q Do you have any evidence that Heyward Carter
13 took anything from you, the trusts, the estate, or
14 any of your siblings?

15 MS. LEWIS: Object to the form.

16 BY MS. WALL:

17 A Did Heyward take anything?

18 Q Yes.

19 A I do not have any evidence.

20 Q Do you believe that he did?

21 A No, I do not.

22 Q Your last contact with Dan, can you give us
23 an approximate date for that?

24 A It was the summer, I think, of 2006. I
25 think that that's when it was. And he came by my

1 house, and he told me that we did not need to sue
2 because they were going to make it right.

3 Q And that's the last time you have ever
4 spoken to Dan?

5 A Probably not the last time I've spoken to
6 him.

7 Q That's the last time you saw him?

8 A Saw him.

9 Q Was in the summer of 2006?

10 A It was in the summer. I think it was 2006.

11 Q And he told you he was going to make this
12 right?

13 A Yes.

14 Q And you believed him?

15 A And I did.

16 Q Since the summer of 2006, you have not seen
17 him?

18 A I don't think I have.

19 Q Was he at the family meeting in May of
20 2007?

21 A I don't remember.

22 Q Where was that meeting held?

23 A I believe that the meeting you're talking
24 about was in Heyward's office.

25 Q In 2007?

1 A In 2007, I don't remember where it was.

2 Q Was that the meeting where there were these
3 so-called white books?

4 A Perhaps.

5 Q In 2007?

6 A In which case, maybe it was at -- I don't
7 remember where it was.

8 Q Was Lynne Kerrison present?

9 A Yes.

10 Q Is she the one who had the white books?

11 A Yes.

12 Q Do you recall if Dan was there?

13 A I don't.

14 Q Since 2007, have you had any -- do you have
15 any recollection of seeing Dan?

16 A I don't.

17 Q And your recollection of any contact with
18 him, I believe you testified to earlier, were several
19 phone calls you have received, or one?

20 A More than one.

21 Q And has that been after 2007?

22 A I don't remember the last time.

23 Q Have you heard from him this year, in the
24 year 2011?

25 A I don't think so.

1 Q Did you hear from him in the last year, in
2 the year 2010?

3 A I don't remember that.

4 Q Have you made any attempt to contact him in
5 the last -- since 2007?

6 A I don't think so.

7 Q In the last four years, have you made any
8 attempt to contact Dan?

9 A I don't think so.

10 Q In the last four years, have you made any
11 attempt to contact Tom?

12 A I don't think so.

13 MS. WALL: That's all I have at this
14 time. Thank you. Do you need to move
15 down here?

16 MS. PITTMAN: Yes, I do.

17 VIDEOGRAPHER: Off the record at
18 11:33.

19 (A break was taken.)

20 VIDEOGRAPHER: On the record at 11:47.

21 EXAMINATION BY MS. PITTMAN:

22 Q All right. Ms. Turner, I'm Amber Pittman,
23 and I believe you know that I represent Lynne
24 Kerrison and Dixon-Hughes.

25 A Yes.

1 Q And I also have a few questions for you.

2 When was the first time you met Lynne Kerrison?

3 A I'm not certain of that. I'm not at all
4 certain of that. It was at Dixon-Hughes, but I'm not
5 sure when it was.

6 Q Was it before or after the 2006 meeting?

7 A I -- I'm not certain. I went with, with one
8 of my brothers to meet her, but I'm not sure when
9 that was.

10 Q And did Lynne ever do your taxes?

11 A Dixon-Hughes does our taxes.

12 Q Does Dixon-Hughes still do your taxes?

13 A Not now.

14 Q How long have had you a relationship with
15 Dixon-Hughes?

16 A It was over a long period of time, started
17 with Harold Pratt-Thomas.

18 Q Okay. Do you have any idea how long ago?

19 A I can't remember who did our taxes before he
20 did.

21 Q Okay. When did Harold Pratt-Thomas stop
22 doing your taxes?

23 A Well, whenever it became Dixon-Hughes or
24 whatever the predecessor of that company was. I'm
25 not sure when he stopped.

1 Q Did -- have you ever had reason to speak
2 with him about this lawsuit or about these issues?

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

4 Q I want to actually go back a little bit. I
5 want to go back to 2000, 2001 and at the time your
6 mother went into Bishop Gadsden. What led up to your
7 mother's admission into Bishop Gadsden?

8 A Well, this was her choice. She wanted to
9 go. She said she was -- she was just tired of doing
10 cooking and going to the grocery store.

11 Q Where was she living at that time?

12 A At 58 Meeting Street.

13 Q Was she receiving any sort of assistance, or
14 did she have a nurse?

15 A She had -- she had some very good full-time
16 help.

17 Q And who was her full-time help?

18 A They came; they went. She was a hard
19 taskmistress (ph).

20 Q Was it a nurse or a CNA or was it?

21 A A maid.

22 Q And how did you find out about her desire to
23 enter Bishop Gadsden?

24 A I'm not sure how I found out. She said she
25 was tired of grocery shopping.

1 Q Did she approach you?

2 A I don't -- I don't think it was me as much
3 as, say, Dan.

4 Q Did Dan tell you about the, your mom's
5 desire to enter into an assisted living facility?

6 A Well, she moved into an apartment
7 originally.

8 Q Okay. Can you explain?

9 A Then -- then Bishop Gadsden, not long after
10 that, said that she needed to go into -- she needed
11 more care than a maid.

12 Q Was the apartment associated with Bishop
13 Gadsden?

14 A Yes.

15 Q And do you know, when exactly did she leave
16 Meeting Street?

17 A I believe it was November of, I think, I
18 think, 2000, may have been 2001. I'm not, not
19 certain of that.

20 Q And so did she leave Meeting Street before
21 there was a power of attorney or there was any sort
22 of discussion about having a power of attorney?

23 A I believe so.

24 Q Was she in control of her finances at that
25 time?

1 A She never liked being in control of her
2 finances. I believe that she -- she -- if you say
3 control of her finances, yeah, I don't believe she
4 would like never to have written a check. She did
5 not like doing things like that.

6 Q So how did she get the bills paid?

7 A Well, she had Pat Neapolitan, who wrote
8 checks for her, came by, had almost a little office,
9 and took care of that kind of thing. And then --
10 then it changed to Dixon-Hughes or the predecessors
11 of Dixon-Hughes.

12 Q Okay. If she needed you to go get something
13 for her, did she write you a check or did she get
14 someone else to write the check for you?

15 A Yeah, or it -- I'm not sure.

16 Q Okay.

17 A It was more likely that whatever it was was
18 charged to her account.

19 Q Did she have credit cards that one of you
20 would use for her?

21 A Well, I'm not sure how that happened. I
22 didn't do much of it.

23 Q Did she have trouble getting around at that
24 point in 2000, 2001 before she entered Bishop Gadsden
25 or was she fairly mobile?

1 A She was fairly mobile. She drove her car to
2 Bishop Gadsden.

3 Q And at some point, did that mobility
4 decline?

5 A It did. She --

6 Q When was that?

7 A -- had trouble with her back and was
8 uncomfortable walking.

9 Q When did that happen?

10 A I'm not -- I'm not certain, but she was not
11 at Bishop Gadsden for a very long time before she
12 moved into more care.

13 Q Are there different levels of care at Bishop
14 Gadsden?

15 A Yes. Sort of plateaus.

16 Q And did she start off in an apartment at
17 Bishop Gadsden?

18 A Yes.

19 Q Is that correct? Then she moved into more
20 of an assisted living facility; is that correct?

21 A I believe you would call it that.

22 Q When did the discussion about a power of
23 attorney become --

24 A I think that it was -- I think it was in
25 2000 -- I think it was in 2001.

1 Q And how did that come up?

2 A I think that Bishop Gadsden wanted her to
3 have that.

4 Q And did someone tell you? Do you remember?
5 Was there a family discussion, a meeting, or was
6 everybody on the phone to one another? What -- what
7 exactly happened that led up to that?

8 A I don't really remember, except that I do
9 think that Bishop Gadsden wanted her to have it.

10 Q And were you communicating directly with
11 Bishop Gadsden at that time?

12 A No.

13 Q Who was?

14 A Dan.

15 Q Was Dan sort of, I guess, in charge in terms
16 of getting your mother situated at Bishop Gadsden and
17 handling her finances up through then?

18 A Well, I don't think he was in charge of her
19 handling her finances, but he -- he -- he did see to
20 a lot of the details.

21 Q Was he the sibling that took primary
22 responsibility for her care?

23 A I'm not sure I would put it quite like
24 that.

25 Q How would you put it?

1 A I would say that when she needed something,
2 she did not hesitate to call upon him.

3 Q Where in the birth order did Dan fall?

4 A He was -- he was the youngest.

5 Q Okay. And do you mind giving me a rundown
6 of who's who in terms of birth order, you and your
7 siblings?

8 A Genevieve.

9 Q Okay.

10 A And then Jim King and then me and Jacquelin
11 and Tom and Dan.

12 Q So when the -- tell me about the discussions
13 about who would be power of attorney?

14 A Well, we did -- we did talk about that. And
15 Tom did not want to do it, and Jacquelin wasn't
16 around. And Genevieve lives, you know, a long way
17 away, so it would be inconvenient for her to have to
18 deal with it. And Dan said he would do it, and I
19 thought that it just wasn't a good idea for one
20 person to do that, more as sort of a protection to
21 him. So I said I would do it, too.

22 Q Did you guys get together and discuss that,
23 or was this -- was -- did you guys have a meeting to
24 discuss it? Did you call each other?

25 A I don't remember how we did it, but it was,

1 you know, it was a group discussion.

2 Q And was it something everybody agreed
3 with?

4 A More or less, because there really wasn't
5 anything else to do.

6 Q And this has been mentioned several times,
7 but I don't think it's been explained. You said that
8 Genevieve lives far away. Where does she live?

9 A A way up the road a bit, about an hour or
10 more.

11 Q All right. And it's also been said that
12 Jacquelin was away a lot?

13 A Yes.

14 Q And where was she?

15 A Jacquelin and her husband live on a sailboat
16 a good bit of the year in the Mediterranean.

17 Q And so was the decision made because it
18 would -- you are -- are you in Charleston?

19 A Yes.

20 Q Is Bishop Gadsden in Charleston?

21 A Well, James Island.

22 Q And where was Tom living at that time?

23 A In town.

24 Q Did he say why he didn't want to be power of
25 attorney?

1 A He just said he didn't want to do it.

2 Q And did Dan offer to be --

3 A He did.

4 Q -- or was it -- and what happened with that?

5 What -- what -- you and your siblings made the

6 decision that you and Dan would be the Power of

7 Attorney for your mother. And then what happened?

8 A And then Heyward drew it up and got it --

9 Q Did you go to Heyward's office and discuss
10 it? Did you --

11 A I don't think we discussed it. Heyward --
12 Heyward met mother at Bishop Gadsden.

13 Q And did you get a copy of it?

14 A I think somewhere he says that he's sending
15 me the original. I mean, I --

16 Q Did you and Dan discuss the division of your
17 responsibilities?

18 A Well, that -- that evolved mostly because
19 Dan, being the male in our family, that mattered a
20 great deal. And so Dan saw to that, and the things
21 that she needed, physical things, I saw to.

22 Q Did anybody think it was strange that Tom
23 didn't step up to the plate to be your mother's power
24 of attorney?

25 A I thought it so.

1 Q Did you and your sisters talk about that?

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

3 Q And why did -- why did you think it was
4 strange that Tom didn't offer to be your mother's
5 power of attorney?

6 A Well, and just because he's the, the son
7 with the big family name.

8 Q And who is he named after?

9 A Our father.

10 Q What exactly was the division of
11 responsibilities again?

12 MS. LEWIS: Object to the form.

13 BY MS. PITTMAN:

14 A Generally speaking, Dan attended to her
15 finances, and I took care of her other physical
16 needs, whatever.

17 Q Okay. And by taking care of her physical
18 needs, what kind of -- what did you do?

19 A Well, the best thing that I can do for her
20 is that my husband is a physician and he would go by
21 and, you know, talk to her and just generally kind of
22 look her over. Bishop Gadsden is a great place and
23 they give great care, but it was a great comfort to
24 me that Bill was looking in on her.

25 Q Did you make sure she had clothes? Did you

1 make sure that she had what she needed?

2 A We did and Genevieve did that. So, yes, we
3 did that.

4 Q And was that something you delegated to
5 Genevieve? How did -- how did that come about?

6 A Genevieve, know, was very sensitive about
7 that kind of thing, and she -- she would just -- she
8 would just do it.

9 Q And what -- what kind of things did she do?
10 Could you give specific examples?

11 A Not really. Sweaters and nice things.

12 Q And was she or you ever repaid for things
13 you purchased for your mother?

14 A You know, if -- if you sent a bill, yes.

15 Q Where did you send the bill?

16 A You would send the bill to, first, first Pat
17 Neapolitan, but maybe by that time, she was out of
18 there, or Dixon-Hughes.

19 Q Okay. And what happened when you sent the
20 bill? What -- did you get a check in the mail? Did
21 it --

22 A Yeah. Generally.

23 Q Did you go down personally and drop the bill
24 off? What happened?

25 A Sometimes some of both.

1 Q Okay. And who signed the checks?

2 A Well, Angela Heisenbottle (ph) often signed
3 them. It might have been initially Lynne Kerrison
4 did.

5 Q What about when Pat Neapolitan was the
6 bookkeeper?

7 A That she would.

8 Q Uh-huh.

9 A But I'm not sure when that ended. Pat died,
10 just very suddenly died. And so that's when
11 everything moved over to Dixon-Hughes or the former
12 Dixon-Hughes or whatever that transition was.

13 Q Did you know Pat Neapolitan personally?

14 A Not -- not personally as -- no.

15 Q Do you know how she came to have that
16 role --

17 A Hu-huh.

18 Q -- with your family?

19 A I don't know.

20 Q Did you know her as in the sense of having
21 spent time with her, seeing her, interacted with her
22 as your mother's bookkeeper?

23 A Not a lot. I mean, I knew her very
24 pleasantly, but I didn't know her well.

25 Q And what kind of interactions did you have

1 with her?

2 A If I saw her at the house, I spoke to her.

3 Q Did you see her at the house?

4 A Well, she would have -- she had a little
5 place upstairs where she attended to all this.

6 Q Okay. And can you describe the place where
7 she attended to things?

8 A There's a little area over the kitchen that
9 became -- well, at the time, it was just a little
10 area. And she had a -- excuse me. I don't know. I
11 don't know what she had up there. Typewriter. I
12 don't know. Excuse me.

13 Q And how often did you see her at the
14 house?

15 A I couldn't say.

16 Q And I just want to clarify. When we're
17 talking about at the house, are we talking about 58
18 --

19 A Yes.

20 Q -- Meeting Street?

21 A Yes.

22 Q Did Angela Heisenbottle have a place at the
23 house?

24 A No.

25 Q What about Lynne Kerrison?

1 A No.

2 Q If -- where did you go when you went to drop
3 off bills to Angela or Lynne?

4 A Dixon-Hughes had nice parking, and you could
5 just run in and run it up and run back down and not
6 be, take very long.

7 Q And did you actually see Lynne and Angela
8 when you'd go run things up?

9 A From time to time.

10 Q Okay. And did Lynne or Angela ever get Dan
11 to sign checks?

12 A I don't know.

13 Q Did you look and see who had actually signed
14 the checks?

15 A You mean if I needed one?

16 Q Yeah. If you got a check that was made out
17 to you, did you ever look at the signature line to
18 see who had signed it?

19 A I probably did, but I couldn't tell you
20 right now.

21 Q Do you recall whether or not you ever saw
22 Lynne's or Angela's signature on any of those checks,
23 their own signature?

24 A I -- I have seen Angela's. She has very
25 pretty handwriting.

1 Q And did she sign under her own name?

2 A I think she did.

3 Q And what about Lynne?

4 A I don't remember that so much.

5 Q Did you ever go to speak with Angela or
6 Lynne about the finances other than to have checks
7 reimbursed?

8 A I think perhaps Dan and I would chat from
9 time to time.

10 Q And can you explain who did you chat to,
11 where did you -- where did these chats take place?

12 A Well, I don't know, but I do know that
13 that -- that pretty painting of the low country
14 always, I thought, was beautiful.

15 Q So would the discussions you had with Lynne
16 have occurred in her office? Is that --

17 A I believe we did do that some.

18 Q Okay. And what kind of things did you
19 discuss at those meetings?

20 A I don't -- I don't really remember. Stuff
21 about mother.

22 Q Okay. Did you ever see the checkbooks or
23 ledgers or anything else?

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

25 Q Do you not recall seeing them, or do you not

1 recall whether or not you saw them?

2 A I don't recall either of those things.

3 Q Tell me about Dan. Can you describe your
4 brother for me?

5 A He's a very affable, outgoing fella.

6 Q Has he always been that way?

7 A Yes.

8 Q And what about Jacquelin?

9 A My sister Jacquelin?

10 Q Uh-huh.

11 A And what would you like to know.

12 Q Tell me about her. How would you describe
13 her?

14 A She's a very vivacious, outgoing person.

15 Q And before all of this took place, which
16 sibling would you say you were closest with of your
17 siblings?

18 A Jacquelin.

19 Q What's the age difference between the two of
20 you?

21 A About two and a half years.

22 Q How close with you, were you with Tom?

23 A Well, the sibling, Jacquelin, between and
24 he's younger.

25 Q And how --

1 A He's got -- seven years younger.

2 Q Did you speak on the phone very often with
3 Tom?

4 A From time to time. Tom is a very reserved
5 person.

6 Q Can you describe Tom for me?

7 A Very reserved.

8 Q Anything else? Did you guys --

9 A Really nice guy. Like him.

10 Q Did you guys get together for family meals
11 and Christmas, Thanksgiving?

12 A Christmas, Thanksgiving.

13 Q At any of those family meetings between 2001
14 and 2006, did you ever discuss your mother's finances
15 or the trusts or anything, anything to do with your
16 mother's assets?

17 A Not in any formal sense.

18 Q Any at all, not even just an informal sense.

19 A Well, when Tom wanted to make a donation to
20 Ashley Hall and Christ School, that was -- that was a
21 topic of discussion. But not, not in a meeting. Tom
22 called me and asked me my opinion, and I thought that
23 if we were going to give money away that other places
24 besides Ashley Hall and Porter Gaud, and Christ
25 School needed it more. But I am not sure I'm

1 answering your question.

2 Q Okay. Well, we can get back to that, but we
3 have to take a break to change the tape right now.

4 VIDEOGRAPHER: Off the record at
5 12:12, tape number two.

6 (A break was taken.)

7 VIDEOGRAPHER: On the record at 12:13,
8 tape number three.

9 BY MS. PITTMAN:

10 Q Okay. We're about to take a break for
11 lunch, and I just wanted to remind you that during
12 your lunch break, you're not supposed to discuss this
13 deposition or any of the questions I ask. And do you
14 understand that?

15 A I understand that.

16 VIDEOGRAPHER: All right. Then we're
17 off the record now. Off the record at
18 12:14.

19 (Lunch break.)

20 VIDEOGRAPHER: On the record at 1:21.

21 BY MS. PITTMAN:

22 Q All right. Before we get started, we broke
23 for lunch. Did you overhear any discussions of the
24 deposition?

25 A No.

1 Q Did you overhear any discussions of the
2 subject matter of this lawsuit?

3 A No.

4 Q Okay. The last thing, and I may be
5 incorrect, we were discussing was your conversation
6 with Tom regarding a donation made to Christ School
7 and Ashley Hall; is that correct?

8 A I think that was.

9 Q Can you tell me about that conversation.

10 A He asked me if, if I thought it would be a
11 good idea to give the money to Christ School and to
12 Ashley Hall. And I thought he was conducting a poll,
13 that --

14 Q Uh-huh.

15 A -- you know, everybody was going to be
16 polled about it. And so I told him, no. You know,
17 no. And I'm not sure I told him, but I thought,
18 well, there are just other places that need money
19 more and if we're going to talk about giving a large
20 amount of money. And I was really pleased to think
21 that things were going so well and that we were
22 finally having a community discussion.

23 And I didn't hear anymore about it. And so
24 then I didn't know that it happened until these white
25 books came out, the accounting, that was when I found

1 out.

2 Q Did he -- did you all -- I guess my first
3 question is this: Did he ask you -- did he
4 affirmatively tell you that the trusts were doing
5 well or did you ask or --

6 A Yes, he did. He told me that the trusts
7 were doing well so we're now in the position to make
8 some donations. Yes, he did.

9 Q Looking back, do you think that was a
10 deceptive comment?

11 A I don't know if he intended to deceive me or
12 -- I don't know. I don't know what he -- I don't
13 know.

14 Q Okay. When did this conversation take
15 place?

16 A When was that? I can't pull up a --

17 Q Were you in any way -- were you clear with
18 him that you didn't think it was a good idea to make
19 those donations?

20 A Yeah.

21 Q Was there any chance he could have been
22 confused?

23 A No. I don't think so.

24 Q Do you think it was appropriate for him to
25 make those donations even after you had told him not

1 to?

2 A Well, I didn't think so without everybody
3 else's vote on it.

4 Q And did he tell you where the money would
5 come from?

6 A No.

7 Q Okay.

8 A Well, he did say the trusts were in such a
9 good position. So, yes, I do think he said that.

10 Q Did you ever ask him how the trusts were
11 doing?

12 A No. Very patriarchal family. Women were
13 not supposed to poke their noses into business
14 affairs.

15 Q And you have said that a couple times
16 through this deposition; is that right, that it's a
17 very patriarchal family?

18 A Well, I don't know how many times I've said
19 it, but that is what it was.

20 Q And can you -- can you tell me what the
21 unspoken rules were?

22 A That women did not tend to business affairs.

23 Q Who did that?

24 A The men.

25 Q And had they always? Had it -- was it

1 always that way, to your recollection?

2 A Yes.

3 Q I mean, I guess at some point, Tom and Dan
4 were children; they weren't involved in the business.
5 So at what point did they become involved and take on
6 that patriarchal role?

7 A I'm not certain, and obviously it was --
8 there was some transition, but I don't recall that.
9 It was always assumed that the men dealt with the
10 business.

11 Q Okay. And was this prior to your father's
12 death as well?

13 A It was -- yes. That was a basic underlying
14 assumption in the family.

15 Q Were you or any of your sisters named in any
16 role of responsibility with regard to your father's
17 estate, personal representative or trustee or
18 anything like that?

19 A No. They were.

20 Q Okay. And who is they?

21 A Tom and Dan.

22 Q And what roles did they have with regards to
23 your father's estate?

24 A Well, you know, right now, without looking
25 at this, I think that they were the -- yeah. I'm not

1 certain.

2 Q Okay. Do you know how they --

3 A It wasn't --

4 Q -- came to become the last, the remaining
5 trustees in the trusts?

6 A Well, my -- my -- my uncle, who was one of
7 them, died.

8 Q And who is your uncle?

9 A Was Norman Stevenson.

10 Q Okay.

11 A My father's brother and an attorney.

12 Q Uh-huh.

13 A And then one other. I'm trying to think now
14 who it was. He too died. So it was just the two of
15 them left.

16 Q And when did you find out about the trusts?
17 After? Immediately after your father's death or
18 sometime later?

19 A What do you mean find out?

20 Q Find out about the trusts, how did you
21 learn, come to know that they even existed?

22 A I don't know, but I knew my father had set
23 up trusts or -- to take care of my mother.

24 Q And what do you -- and just to clarify.

25 What do you think the purpose was for those trusts?

1 A To take care of and support my mother.

2 Q And was any of the property placed in trust
3 that belonged to your father and your mother at the
4 time of your father's death?

5 A You mean physical property?

6 Q I mean --

7 A Real estate?

8 Q Real property. Real estate, yes.

9 A I don't remember.

10 Q Okay. Well, this -- this might be helpful.
11 Was there any real property in the trust when you
12 took over as trustee?

13 A I just -- I'm sorry. I don't remember.

14 Q Okay. What real property did your mother
15 own that you know about in 2001 when you became her
16 attorney-in-fact?

17 A Well, I think she still owned 58 Meeting
18 Street and Lake Summit and the house at Rockville.
19 Three.

20 Q And all those other properties that have
21 been discussed, were they purchased later on, do you
22 believe?

23 A They were purchased, the two, the two --
24 Paradise Island, Bailey Island properties were
25 purchased with the profits from the sale of 58

1 Meeting.

2 Q At some point, did you undertake to, I'm not
3 sure, renovate, and correct me if that's the wrong
4 word, renovate the Rockville property?

5 A I did.

6 Q Okay.

7 A And I want to back up and say that I could
8 be wrong about this. My understanding is and seemed
9 to be at the time that money made from real estate
10 needed to be put back into real estate which is why
11 that's where it went and that it needed to be within
12 a year. I make no pretense of understanding legal,
13 but that's my understanding of what we needed to do.
14 Okay. On to --

15 Q On to Rockville.

16 A Uh-huh.

17 Q When did that renovation take place?

18 A It was the year, the summer, and until I
19 think December that Jacquelin and Bill left for
20 Europe.

21 Q And do you know what year that was?

22 A I think it was 2001.

23 Q And why was that project undertaken?

24 A Well, the house had not had any attention in
25 a long time. Jacquelin and Bill had been living in

1 it and preparing for this sail across the ocean. And
2 they had left. And so now it was empty, and it
3 seemed to be a good time to do it.

4 Q What was the Rockville property normally
5 used for? Was it a vacation house? Was it something
6 that you guys spent a lot of time in? What was it?

7 A Well, it was what you call a vacation
8 property, but Jacquelin and Bill had been living
9 there for a year.

10 Q And what was the procedure you undertook
11 when you decided that it needed to be renovated?

12 A I called Dan, and I talked to him about it.
13 And I told him that the house needed renovation, and
14 so we talked about it. And we set up this thing that
15 I would send the bills in, and they would be paid, I
16 think, through Dixon-Hughes.

17 Q And did you just send the bills in and then
18 someone at Dixon-Hughes paid the bills, or did you
19 actually write checks yourself and have them
20 reimbursed, or how was it done?

21 A Well, I believe that Dixon-Hughes -- that
22 the bills were sent in and Dixon-Hughes paid those
23 bills.

24 Q Okay.

25 A I -- I believe that is the way it worked.

1 Q Did you ever discuss what those bills were
2 being paid for? Did you ever discuss it with anyone
3 at Dixon-Hughes getting things paid or anything like
4 that?

5 A Probably. Probably. I don't remember.

6 Q Who do you believe Dixon-Hughes was working
7 for at that time?

8 A Who were they working for?

9 Q Who were they working for?

10 A You mean what person?

11 Q What -- yeah.

12 MS. LEWIS: I'm going to object to the
13 form just because of time frame.

14 MS. PITTMAN: Okay. I'll clarify
15 then.

16 BY MS. PITTMAN:

17 Q Who was Dixon-Hughes working for at the time
18 of the renovation of the Rockville property?

19 A Well, she didn't die until 2007. So for my
20 mother.

21 Q Okay. And do you know how Dixon-Hughes
22 began to work for your mother?

23 A I think that there was -- not really. No.

24 Q Were they performing any services for your
25 mother before Pat Neapolitan passed away?

1 A I don't know.

2 Q Did you participate in any decision-making
3 about -- you got your taxes done by Dixon-Hughes; is
4 that right?

5 A Well, by -- by Pratt-Thomas.

6 Q Oh, by Pratt-Thomas Gumb?

7 A Uh-huh.

8 Q So did you suggest they, Pratt-Thomas Gumb
9 as an accountant for your mother? Was that something
10 that you brought up --

11 A No.

12 Q -- or is it something that Dan brought up?
13 Was there ever any discussion about who should be
14 your mother's accountant?

15 A I -- I didn't recall that.

16 Q And sometimes we don't remember -- and this
17 is just a clarification that may help me, and I'm not
18 sure if it will help anyone else. Maybe it'll help
19 you. Sometimes we don't remember whether or not
20 something happened. And sometimes we know that we --
21 we don't remember whether or not it happened at all.
22 Sometimes it's a situation where we remember
23 something happened but we don't remember specifically
24 what it was. And I'm going to ask you in answering
25 questions if you don't remember it happening, if you

1 could clarify that when you give an answer and say I
2 don't remember so I know that you don't remember it
3 happening at all or if you have a vague recollection
4 that something might have happened, but it's -- you
5 can't remember exactly what it was because you don't
6 have something that can remind you right in front of
7 you. Is that possible?

8 A Yes.

9 Q So do you remember -- I'm going to ask that
10 question again after that instruction. Do you
11 remember, remember any type of conversation that took
12 place between you and Dan about who should serve as
13 your mother's accountant after you became Power of
14 Attorney for your mother?

15 A I don't remember that.

16 Q Okay. So from -- were their hurt feelings
17 later on with regards to this Rockville renovation?

18 A What is your question?

19 Q Were there hurt feelings between you and one
20 of your siblings with regards to this Rockville
21 renovation?

22 A My sister Jacquelin was not happy.

23 Q And why is that?

24 A Well, doing a house renovation was much more
25 her thing than it was mine. I've never been

1 particularly interested in that. It was just that it
2 needed doing, but she wasn't there. If she'd been
3 there, I would have been so happy to turn every bit
4 of it over because choosing paint color -- just any
5 of it is is not what I particularly enjoy, so -- but
6 she would have. She would have.

7 Q And how did that disagreement play out? Did
8 she let you know she was angry? What happened? Did
9 she express her anger to you at some point?

10 A She did.

11 Q And did she talk to you, was it an e-mail, a
12 letter, or what?

13 A I'm trying to remember what happened, but I
14 don't -- I don't recall.

15 Q Okay. Before I asked you about Christ, the
16 Christ School and Ashley Hall, I was asking about
17 family get-togethers. Did you often have family
18 get-togethers with all of your siblings there?

19 A We did Thanksgiving. We did Christmas.

20 Q Okay. And at any of those family
21 get-togethers between 2001 and 2006, were the subject
22 of your mother's finances or the trusts ever brought
23 up by anyone there?

24 A Well, during that time, I think we would --
25 we would go through this process of writing checks

1 for the, the insurance MetLife insurance policy. And
2 I think that that was really the extent of our, what
3 we did.

4 Q Okay. And tell me about that process with
5 the MetLife, what the plan was?

6 A The plan was to have a life insurance policy
7 so that when she died, there would be enough from
8 that policy to pay the taxes on the estate. That was
9 the reason for it.

10 Q Okay. Whose idea was that?

11 A You know, it really might have been
12 Heyward's, but I don't -- I can't say I know.

13 Q Okay. Do you -- how -- and what was the
14 process with the check writing?

15 A The -- checks would be written to each of us
16 individually so as not to exceed the, whatever gift
17 tax, whatever it is, and we would deposit them in our
18 own accounts and then write the checks back to
19 MetLife.

20 Q And did you do it all in one day or did you
21 mail checks in or how was that in --

22 A Well, usually we did it in one day at
23 Thanksgiving or Christmas or whatever, except for
24 Jim, who generally was not there but the rest of us
25 were.

1 Q Were you closer with your other siblings,
2 with Genevieve and Tom and Dan and Jacquelin than you
3 were with Jim?

4 A Well, yes. Jim never lived -- well, not
5 never but had lived away for a very long time.

6 Q Okay. Did he grow up with you?

7 A Well, he went off to school when he was
8 about 14, I think, and I'm six years younger, so.

9 Q So you didn't -- did you spend much time
10 with him growing up? Did he come home for Christmas?
11 What -- what was your relationship with Jim?

12 A Well, he is my brother, and I love my
13 brothers, always have, always will. But, physically,
14 we did not see much of him.

15 Q Okay. Was he part of that -- I'm trying to
16 think of the right -- that patriarchal sort of thing
17 within -- did he take on that sort of role within
18 your family at all?

19 A No, he didn't. That fell to my brothers Tom
20 and Dan.

21 Q Why is that?

22 A Well, for one thing, he really wasn't there.

23 Q Uh-huh. Does he have a different type of
24 personality from Tom and Dan? Is that why you don't
25 think he was involved?

1 MS. LEWIS: Object to the form.

2 BY MS. PITTMAN:

3 A He -- physically, he was not there.

4 Q Where was he?

5 A He went off to school when he was, I don't

6 know, about 14. And so when somebody goes off to

7 school, in effect, they move out.

8 Q Uh-huh. And did he not -- where did he live

9 after that? Did he come back home after school or --

10 A No. He moved to Florida. He got married.

11 He went in the Army.

12 Q Uh-huh.

13 A And got married, and they live in Florida.

14 Q Okay. That just reminds me. One thing you

15 mentioned earlier was that Tom isn't here anymore.

16 Where is Tom now?

17 A Tom is in Brevard, North Carolina.

18 Q And where is Dan?

19 A And Dan is north of Asheville in Arden,

20 North Carolina.

21 Q Do you know why Tom moved?

22 A Well, not really. He -- he -- he went

23 bankrupt, and so -- no. I really don't know why he

24 moved.

25 Q Did he tell you when he moved? Did he call

1 you up and tell you good-bye or anything like that?

2 A I don't recall that.

3 Q How did you find out that he had moved?

4 A I don't recall that either.

5 Q Did you have any understanding of what Tom
6 and Dan's responsibilities were as trustees back in
7 2001 when you took over as your mother's
8 attorney-in-fact?

9 A I knew that they were trustees.

10 Q Uh-huh. But did you know anything other
11 than that? Did you know what that meant?

12 A That they were in charge of what happened
13 there.

14 Q And did they ever talk to you about how they
15 performed those duties?

16 A Well, when Tom told me that things were
17 going so well that they could make donations.

18 Q Did you and Dan ever have any similar kind
19 of conversation?

20 A Upon occasion, I would try to ask Dan. But
21 Dan -- Dan told me in facial expressions and let me
22 know that everything was going just fine and the
23 underwritten thing was, and it's really not any of
24 your business.

25 Q I see. And did you think there was anything

1 strange about Dan's reaction?

2 A It was the way that my family operated.

3 Q Now, we have discussed or it's been
4 previously discussed, the 2003 meeting with Tom and
5 Dan. And correct me if I'm wrong as I ask you some
6 of these questions. Tom called you; is that
7 correct?

8 A To come to this meeting? I'm not sure which
9 one did. I don't recall that.

10 Q Okay. And do you recall if Dan said
11 anything at the meeting?

12 A He was -- he was sort of around, but this --
13 this really was Tom and me.

14 Q Okay. And did you and Tom ever -- were you
15 closer with Dan or with Tom?

16 A They were both my, both of my adorable
17 brothers. I wouldn't -- Tom -- Dan is four years
18 younger, so that increases the age difference, but I
19 don't believe I could say one or the other. Tom's a
20 very reserved person. Dan is a very outgoing person.
21 So their -- those personalities meant Dan had more
22 interaction with everybody.

23 Q Okay. So you did have different
24 relationships with the two brothers; is that right
25 then?

1 A In that as a reflection of their
2 personalities.

3 Q Uh-huh. One thing you have said previously,
4 and I will apologize if I got it, get it incorrect,
5 was that you didn't run in the same circles as Tom
6 and Dan?

7 A Right.

8 Q Okay. And what did you mean by that?

9 A Well, because they are that much younger
10 than I am.

11 Q Okay. So were you referring to social
12 circles?

13 A I really meant age groupings.

14 Q Okay. And did you have any knowledge of Tom
15 or Dan's businesses before that 2003 meeting?

16 A No. Not really.

17 Q And when did you first learn about their
18 businesses, first come to know anything about those
19 businesses?

20 A Well, the week before -- I never knew really
21 much, and I never did know much about them. But the
22 week before the meeting with Heyward, they each
23 called me separately. I don't know if they
24 collaborated about this or not.

25 But, anyway, each one of them took me on a

1 little tour of their businesses. I knew it was
2 probably in relationship to this meeting with
3 Heyward, but that -- that was the most I ever knew
4 about their businesses.

5 Q And did you know if their businesses --
6 could you tell if their businesses were doing well
7 based on those meetings or tours?

8 A Well, I couldn't -- I'm a librarian.

9 Q Uh-huh.

10 A You know, I don't know. But they were
11 smiling and happy about it. So the indication was
12 things were just great.

13 Q So what did you say when you went with
14 Dan?

15 A Well, this place where vegetables are
16 processed.

17 Q Did you go on the floor? Did you see what
18 was being done?

19 A I did. I saw some leftover lettuce.

20 Q And did you notice anything in particular
21 while you were there?

22 A I noticed the lettuce.

23 Q Apparently the lettuce made an impression.
24 Did you notice anything with Tom's business?

25 A He had big pictures of these enormous

1 vehicles Force Protection makes. I saw -- I noticed
2 that.

3 Q And did you go on the floor with Tom at
4 all?

5 A I think I did, but there weren't any
6 tomatoes lying around or lettuce.

7 Q Did you ask them any questions while you
8 were there with them?

9 A Oh, I knew that this had to do with the
10 meeting with Heyward.

11 Q Uh-huh.

12 A So I was -- yeah. I knew it was about that.
13 And so I was very interested in this meeting with
14 Heyward because I knew they were connected.

15 Q And what kind of questions did you ask?

16 A I'm saying that I knew that this was
17 connected, so I didn't ask any questions. I figured
18 it was going to become clear when we had this
19 meeting.

20 Q Now, before that meeting, before those
21 meetings, had you ever had any conversations at all
22 with Tom or Dan with regards to how their businesses
23 were doing?

24 A I don't recall any.

25 Q And had you ever asked them specifically how

1 the trusts were doing, either of them?

2 A I don't -- I don't recall, and I don't
3 remember. I'm not --

4 Q And did you ever call Lynne up and ask her
5 about how the trusts or the, your mother's accounts
6 were doing?

7 A I don't -- I don't recall that.

8 Q Now, at this 2003 meeting, you said that Tom
9 mumbled?

10 A Yes.

11 Q Okay. And you didn't understand what he had
12 said?

13 A That is correct.

14 Q And did you think anything was strange about
15 that?

16 A I -- I did think it was strange. I thought
17 that Tom was under stress for something that he was
18 going to tell me about it. And as he hunched over
19 with this piece of paper mumbling to himself and then
20 he looked up and stood up and what I thought was he
21 had decided not to do whatever it was he had intended
22 to do, and we left.

23 Q Were you worried by his actions?

24 A I thought it was strange, but -- but I give
25 a lot of space to people. Now, I value my privacy,

1 and I value other people's privacy. And I give
2 everybody a lot of space. And I knew that if he
3 wanted to tell me something, if he wanted me to
4 understand something, he would do it.

5 Q Do you think he was being deliberately
6 deceptive by not speaking clearly?

7 A I do.

8 Q Knowing what you know now, and hindsight
9 being 20/20, would you have handled that meeting
10 differently?

11 MS. LEWIS: Object to the form.

12 BY MS. PITTMAN:

13 A Well, how could I say that? This -- I can't
14 answer that because that's just not the way it was.

15 Q Well, that's why I'm asking it in hindsight.
16 If you had it to do over again, would you have
17 handled it differently?

18 A I would have had some -- I would have had to
19 have some bigger clues than what he gave me to --
20 to -- I was concerned for him as my brother. That
21 was really, really what I was worried about. My
22 brother seemed to have something on his mind and
23 couldn't bring himself to say it. And so I was
24 worried about him, not really about what he had to
25 say because that I didn't know. But I was worried

1 about him.

2 Q Did you follow up with your concerns? Did
3 you call him up and ask how he was doing or --

4 A Again, I respect people's privacy. And I
5 really did think that if Tom wanted to do that, he
6 was -- he was certainly capable and could and would
7 do that.

8 Q Did you express your concern from him, for
9 him in any other ways, just calling to talk to him
10 afterwards?

11 A Well, then -- then, it was such, having done
12 that, I didn't know what the meeting was about. When
13 I left, I didn't know what the meeting was about. So
14 that when I -- I mean, I didn't even tell my husband
15 about it. It was just so -- I just thought, well, I
16 don't know what's going on with him.

17 Q Well, having concerns for your bother, did
18 you talk to any of the other siblings about Tom's
19 acting strange, do you know what's going on, are you
20 guys worried, have you seen anything? Did you follow
21 up in that way at all?

22 A I did not. I --

23 Q You were about to say something. I was
24 going to let you finish.

25 A I felt that he was capable of letting me

1 know and he didn't.

2 Q Now, and I may be incorrect, was Dan still
3 there when Tom finished?

4 A I don't know where Dan was. I don't know.

5 Q Did you ever follow up with Dan and say,
6 hey, this was weird; do you know what that was
7 about?

8 A I did not.

9 Q And did you ever have any similar strange
10 meetings with Dan where Dan acted out of character?

11 MS. LEWIS: Object to the form.

12 BY MS. PITTMAN:

13 A I don't really recall that. You know, we
14 were brothers and sisters.

15 Q Uh-huh.

16 A We -- we interacted a lot. And so, no, I
17 don't -- I don't specifically, particularly recall or
18 remember that.

19 Q Would you say that Dan was acting out of
20 character at that 2003 meeting?

21 A In a sense, perhaps, because he liked being
22 the star of the show and, you know, he wasn't the one
23 doing this. But then Tom is the older brother, and
24 that's another important thing in our family is the
25 age and the gender differences.

1 Q Did you ever get any deference because you
2 were the -- you were the older sister?

3 A Oh, yeah.

4 Q And did Tom and Dan treat you with a
5 different level of respect because you were their
6 older sister or did they treat you differently than,
7 say, they did to Jacquelin because you were their --
8 you were the oldest?

9 A I -- I -- I don't know the answer to that.

10 Q Okay. Do you feel like Dan was deceptive in
11 that meeting in any way?

12 A Well, he and Tom, yeah, I think they planned
13 to deceive me. Dan let Tom do it.

14 Q Do you think Dan knew about it beforehand?

15 A Oh, yes. Dan was there. Not in the room.
16 Not in the room.

17 Q So do you believe they conspired together to
18 deceive you with regards to what was -- what the
19 loans or the takings they were making from your
20 mother's trusts?

21 A I think that that is what they tried to do.

22 Q And in those meetings before the April 26th,
23 2006, meetings where you were with Dan, did Dan give
24 you any indication that his business was not doing
25 well?

1 A No. I thought everything was just
2 wonderful.

3 Q Do you think -- did you later find out that
4 everything was not wonderful?

5 A I did but not until -- not until a long time
6 later, maybe January or February the following year.
7 No, I didn't know that.

8 Q How did you find out that everything was not
9 wonderful with Dan's business?

10 A Because I think Bobby Pearlman told me that
11 he was not going to be able to represent Tom and Dan
12 any longer because they had had this difference and I
13 didn't know that.

14 Q And do you recall what the difference was?

15 A The difference was -- I could not really
16 explain it now, but it had to do with whether or not
17 these were, the money was a loan. And I really -- I
18 know that I have testified about this before. And if
19 we can go back and insert my testimony, that that is
20 how it was, but I couldn't explain it right now.

21 Q And do you think Dan's representations to
22 you that the business was fine, was that deceptive as
23 far as when he made those representations?

24 MS. LEWIS: Object to the form.

25 BY MS. PITTMAN:

1 A Right now -- I don't know the answer to
2 that.

3 Q Do you have an opinion?

4 A I think that they intended to deceive me,
5 that that was what they intended to do.

6 Q Now, back, I believe it was the April 26th
7 meeting, who all was there?

8 A This is the one in Heyward's office?

9 Q Yes. 2006.

10 A Tom and Dan, me, Lynne, Heyward, Edward
11 Bennett, who I don't know.

12 Q And did Lynne speak at all during that
13 meeting?

14 A I don't -- I don't know if Lynne did or not.
15 I don't recall that, but I do know that she was very
16 uncomfortable. I do know that.

17 Q And how did she express that discomfort?

18 A She -- she looked very flushed.

19 Q Uh-huh.

20 A I didn't know her, but I -- she looked very
21 uncomfortable.

22 Q And before that meeting, about how many
23 times would you say you had seen or spoken with
24 Lynne?

25 A Well, I just -- I do not know. I do not

1 know. I didn't know Lynne, but I could tell she was
2 uncomfortable.

3 Q And after that meeting, did you follow up
4 with Lynne about the status of the trusts and -- or
5 at all? Did you follow up with Lynne with regards to
6 that meeting at all?

7 A Well, I'm -- I'm sure that I did, but I
8 don't recall that.

9 Q And did Tom or Dan make any statements at
10 that meeting?

11 A The meeting in --

12 Q 2006, in April, I believe it was the 26th,
13 2006. Yeah.

14 A I'm trying to recall, to remember. I think
15 he expressed regret.

16 Q Tom or Dan?

17 A I think it was Tom.

18 Q Who did most of the talking at the
19 meeting?

20 A I don't recall.

21 Q What was your reaction? Emotionally, what
22 was your reaction?

23 A Just so sad for my brothers, sad that, you
24 know, their lives suddenly were going to be forever
25 different because they had done this, great sadness.

1 Q Were you surprised?

2 A Oh, yes. But if you're asking my emotional
3 reaction?

4 Q Uh-huh.

5 A Was great sadness for them.

6 Q Were you -- well, I'll go on to the -- were
7 you then surprised? Were you -- were you personally
8 shocked, surprised? How did you --

9 A Yes.

10 Q And why was that?

11 A Because they had taken large amounts of
12 money from their mother, from their mother. I mean,
13 from anybody, if they had taken 35 cents from
14 anybody, it would have been too much. So it's hard
15 to say, you know, what's worse, 35 cents or millions.
16 But they had taken money from their mother.

17 Q Why did that surprise you?

18 A I think it's a shocking thing for anybody to
19 do.

20 Q Was -- would you say it was shocking for Tom
21 and Dan in particular?

22 A That they had done this?

23 Q Uh-huh.

24 A I don't understand what -- what you mean.

25 Q Was there something about Tom or Dan that

1 made it particularly shocking that they would do
2 something like that?

3 A They were my brothers that I loved and
4 trusted.

5 Q And did you continue to trust them after
6 this?

7 A I did.

8 Q And as you've said, you continued to love
9 them --

10 A Yeah.

11 Q -- because they were your brothers?

12 A Yeah.

13 Q Did you change in how --

14 A Well, they told me --

15 Q Oh, go ahead.

16 A They told me that they were going to fix it.
17 I mean, it was, as awful as it was.

18 Q Did they tell you at that meeting that they
19 were going to fix it?

20 A Right now, I don't -- I don't recall that.
21 I don't remember that.

22 Q Do you believe they intended to fix it?

23 A Well, I mean, Dan -- Dan never did a thing.
24 Tom -- Tom did repay some of it, but they had taken
25 so much more than they ever could have repaid till

1 it's -- they -- they never could have.

2 Q When did you decide that the only way to get
3 them to do the right thing was to bring them in to
4 court?

5 A It was a group decision. It wasn't mine
6 alone.

7 Q When -- when was it? Was it after your
8 mother's death?

9 A I don't remember.

10 Q Before that decision was made, did you have
11 any kind of sit-down discussion with Tom or Dan to
12 try to get it repaid, to try to get them to do the
13 right thing?

14 A Well, Dan came to see me, and Dan told me
15 that, that they were going to make it right, that
16 there was no need to sue. And that was shocking to
17 me to even hear those words. I mean, I never thought
18 about suing. But he did tell me that they were going
19 to make it right, you know. I knew that, as I say,
20 taking any amount of money from your mother, you can
21 never make right.

22 Q Uh-huh.

23 A But that they were going -- that they were
24 going to make it right.

25 Q Do you believe Dan was deliberately trying

1 to deceive you at that point to keep you from suing
2 him?

3 A I don't know what his intentions were and --
4 and I was particularly shocked to hear him say the
5 word sue. I will guess -- I don't know. I don't
6 know. I don't know why he said that except to tell
7 me that I should not go sue him.

8 Q What did you say to him in response?

9 A I don't -- I don't remember. I don't
10 recall. I was just shocked.

11 Q Well, what did you say to him, to Tom or
12 Dan, at that meeting in 2006 when you first found out
13 about this? Did you respond to them in any way or
14 have anything to say?

15 A We were at a meeting that is sort of like
16 this.

17 Q Uh-huh.

18 A So they -- they were my brothers whom I
19 loved and was horrified for, but I would not
20 publicly -- that's just not how I do -- that's just
21 not what I would -- I'm very private.

22 Q Uh-huh.

23 A I keep my emotions to myself. I certainly
24 wouldn't jump up and yell and scream and shout.

25 Q But did you -- did you have anything to say

1 to them or did you wait until you were in private to
2 express any feelings you may have had towards them?

3 A I didn't -- they knew. They knew. I met
4 with them to tell them that we had to get them to an
5 attorney; and much to my shock, they didn't seem to
6 think that was necessary.

7 Q Did they mention at any point having hired
8 an attorney prior to that meeting?

9 A I don't -- I don't remember that.

10 Q Did they ever mention Howell Morrison?

11 A Well, Tom had hired Howell, but I don't -- I
12 don't think I knew why.

13 Q Did you ever find out?

14 A Well, not -- not really. I mean, I've just
15 read stuff, but --

16 Q And what have you read?

17 A Things in here.

18 Q And what was your -- what is your current
19 understanding of what Howell's role was with Tom and
20 Dan?

21 A I think Howell was supposed to help them
22 structure some way to deal with this mess.

23 Q And did you ever, I guess, see any fruits of
24 that relationship between Tom and Dan and Howell?

25 A Tom -- Tom paid back some of the money. Dan

1 did not.

2 Q Did Tom and Dan ever -- did anyone ever draw
3 up any notes for Tom and Dan to sign to the trusts?

4 A I believe that did happen..

5 Q And do you know who --

6 A I don't -- I don't remember now.

7 Q Do you know whose idea that was?

8 A May have been Heyward's.

9 Q At the beginning of this lawsuit, there was
10 another party, who is no longer involved, and that's
11 Douglas Capital. Why was Douglas Capital initially
12 brought into this lawsuit?

13 A Well, there was some thought that they let
14 them get away with a lot.

15 Q And why was that? Why was that thought?
16 Where did that idea come from?

17 MS. LEWIS: Object to the form.

18 BY MS. PITTMAN:

19 A Well, Douglas Capital -- you know, I don't
20 want to say anything incorrect, so I'm -- it's better
21 if I say, you know, I just don't recall.

22 Q Do you know what Douglas Capital did? What
23 relationship they had?

24 A They were an investment firm.

25 Q And what services did they provide to your

1 mother to the trusts?

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

3 Q Do you still believe that Douglas Capital
4 let Tom and Dan get away with taking assets from your
5 mother's, the trusts or from your mother's accounts?

6 MS. LEWIS: Object to the form.

7 BY MS. PITTMAN:

8 A I don't recall the reasons why, but we felt
9 that -- I don't recall.

10 Q But, initially, you had something, some
11 reason to believe that they had behaved
12 inappropriately; is that correct?

13 A Yes.

14 Q Do you still believe that they behaved
15 inappropriately?

16 A Do I?

17 Q Uh-huh.

18 A No, I don't.

19 Q And what changed your mind about that?

20 A I don't recall.

21 Q And why did you bring Lynne and Dixon-Hughes
22 into this lawsuit?

23 A Because they -- they watched Dan sign all
24 these checks and just saw the money leaving and did
25 not alert Heyward to it or I'm not sure when they did

1 alert him.

2 Q If Pat Neapolitan were still alive, do you
3 believe she would have had some blame here?

4 MS. LEWIS: Object to the form.

5 BY MS. PITTMAN:

6 A Oh, I don't know.

7 Q Now, the Lake Summit property, did you and
8 your siblings always know that it was supposed to go
9 to Tom and Dan?

10 A That was a generally-accepted thing, yes.

11 Q And how did you and your siblings understand
12 the property was to be divided? Before -- how did
13 you understand that before your mother's death?

14 A Lake Summit would go to them, and the
15 Rockville would go to Jacquelin and me.

16 Q And why did you believe that was?

17 A I don't know. I don't recall.

18 Q But do you believe your siblings shared that
19 understanding?

20 A I do.

21 Q After your mother's death or before your
22 mother's death, did -- you said that Jacquelin stayed
23 in the Rockville house?

24 A Yes.

25 Q Did you ever stay in the Lake Summit House?

1 Did you ever go visit there before your mother's
2 death?

3 A I think that we had a women's weekend there,
4 the mother and the sisters.

5 Q And so it would be fair to say that you and
6 your siblings all used all the property that your
7 mother held prior to her death?

8 A No. I wouldn't say that. That was a
9 very -- that was an unusual event.

10 Q If you had asked your mother, would she have
11 allowed you to go up to Lake Summit?

12 A Yeah. I don't think that she would tell me
13 no, but -- but I didn't do that.

14 Q Why not? Were you just not interested?

15 A Because it was -- it really was the boys',
16 the brothers'.

17 Q Now, during the lawsuit with your brothers,
18 did you -- was there a dispute over the Lake Summit
19 property?

20 A Ask me that again, please.

21 Q During the lawsuit against your brothers,
22 was there a specific dispute over the Lake Summit
23 property?

24 A I'm sorry. I don't recall.

25 Q Would it be fair to say that the lawsuit

1 between you and your sisters and your brothers became
2 very contentious? Would that be fair to say?

3 A Yeah.

4 Q And were there any attempts to settle the
5 lawsuit with Dan before going to trial?

6 A I don't recall that.

7 Q Did he -- do you recall whether or not he
8 made any offers to you or your sisters in an attempt
9 to settle that matter?

10 A I don't recall that.

11 Q What about Tom?

12 A I don't recall that.

13 Q So to the best of your recollection, neither
14 Tom nor Dan made any offers to settle?

15 A I don't recall.

16 Q After the April 2006 meeting, did you take a
17 greater role in the management of your mother's
18 finances?

19 A After?

20 Q After the April 2006 meeting with Lynne and
21 Edward Bennett and Tom and Dan and Heyward, did you
22 take a more active or a different role than you had
23 before in managing your mother's finances?

24 A I don't recall.

25 Q Do you remember doing anything differently

1 after that meeting?

2 A I don't recall.

3 Q Did -- after that meeting, did Tom or Dan
4 continue to take money from the trusts?

5 A I know that Dan in I think December, maybe
6 November, did take an additional 20,000.

7 Q How did you find out about that?

8 A I don't recall how I found out.

9 MS. PITTMAN: Why don't we take a
10 break here so they can change the tape.

11 THE WITNESS: Okay.

12 VIDEOGRAPHER: Off the record at 2:19,
13 tape number three.

14 (Off-the-record.)

15 VIDEOGRAPHER: On the record at 2:30,
16 tape number four.

17 BY MS. PITTMAN:

18 Q Who holds the estate checkbook at this point
19 in time?

20 A I have it at this moment.

21 Q And do you write the checks as bills come
22 due?

23 A I do.

24 Q Do you sign the checks yourself?

25 A I do.

1 Q And did you -- prior to your mother's death,
2 did you ever hold the checkbook?

3 A Prior to my mother's death?

4 Q Yes. Did you hold the, her checkbook for
5 her accounts?

6 A No, I did not.

7 Q Did you ever sign any checks prior to her
8 death?

9 A No.

10 Q And do you specifically recall receiving or
11 seeing any checks that Lynne Kerrison signed on
12 behalf of your mother?

13 A I think that that was the case. Do I recall
14 a specific check, no, but I do believe that, that she
15 did do that.

16 Q But do you recall ever seeing her signature
17 on a check?

18 A I believe I do.

19 Q Okay. And when is that?

20 A I -- I can't tell you. I don't know.

21 Q And do you recall ever seeing anyone else's
22 signature on a check?

23 A Angela Heisenbottle's.

24 Q Did you see Pat Neapolitan's?

25 A I don't -- I don't -- I don't recall that.

1 Q Do you know who signed the checks when Pat
2 Neapolitan oversaw your mother's accounts?

3 A I -- I believe she did, but I don't recall.

4 Q And do you believe that Tom and Dan are
5 responsible for their actions as trustees?

6 A I do.

7 Q Do you believe that they have taken
8 responsibility for those actions?

9 A Not really.

10 Q And why is that?

11 A Because they let this happen, because they
12 did this, not just let it happen, because they did
13 this.

14 Q Who do you think is most to blame for this?

15 MS. LEWIS: Object to the form.

16 BY MS. PITTMAN:

17 A You mean between the two of them?

18 Q Between everyone, everyone involved, who do
19 you think is most to blame?

20 MS. LEWIS: Object to the form.

21 BY MS. PITTMAN:

22 A Most to blame. Tom and Dan should never
23 have done that.

24 MS. PITTMAN: I have no further
25 question.

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MS. WALL: I have no further
questions.

MS. LEWIS: Nothing for me.

VIDEOGRAPHER: This deposition is
concluded at 2:34, tape number four.

(The deposition concluded at 2:34 p.m.)

1 REPORTER'S CERTIFICATE .

2
3 I do hereby certify that the witness whose
4 attached deposition was taken before me in the
5 aforementioned matter was, by me, first duly sworn to
6 testify the truth, the whole truth, and nothing but
7 the truth; that the testimony contained in said
8 deposition was, by me, reduced to writing in the
9 presence of said witness by means of computerized
10 transcription. The said deposition is a true and
11 accurate transcript of the whole of the testimony
12 given by the said witness, as aforesaid.

13 I do further certify that I am not
14 connected by blood or marriage with any of the
15 parties or their attorneys or agents, and I am not an
16 employee of either of them, nor interested directly
17 or indirectly in the matter of controversy either as
18 counsel, attorney, agent or otherwise.

19 Sworn to and subscribed before me this the
20 21st day of November 2011.

21
22 -----
23 Lynda A. Bousquet
24 Court Reporter and Notary Public
25 My Commission Expires: 6/2/16

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STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

DURABLE POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, that I, JACQUELINE K. STEVENSON (Principal), hereby appoint my children, KATHLEEN S. TURNER and DANIEL R. STEVENSON, acting jointly and together, my true and lawful attorneys to act in, manage, and conduct all of my affairs, and for that purpose in my name and on my behalf to do and execute all and any of the following acts, deeds, and things.

1. To Receive Debts, etc. To ask, demand, sue for, recover, and receive all sums of money, debts, dues, goods, wares, merchandise, chattels, effects, and things of whatsoever nature or description which are now or hereafter shall be or become due, owing, payable, or belonging to me in or by any right, title, ways, or means howsoever, and upon receipt thereof or of any part thereof to make, sign, execute, and deliver such receipts, releases, or other discharges for the same respectively as my agent shall think fit or be advised.

2. To Settle Accounts. To settle any account or reckoning whatsoever wherein I now am or at any time hereafter shall be in any wise interested or concerned with any person whomsoever, and to pay or receive the balance thereof as the case may require.

3. To Satisfy Mortgages. To receive every sum of money which now is or hereafter shall be due or belonging to me upon the security or by virtue of any mortgage and on receipt of the full amount secured thereby to execute a good and sufficient release or other discharge of such mortgage by deed or otherwise.

4. To Compound, Submit to Arbitration, etc. To compound with or make allowances to any person for or in respect to any debt or demand whatsoever which now is or shall at any time hereafter become due and payable to me, and to take and receive any composition or dividend thereof or thereupon, and to give releases or other discharges for the whole of such debts or demands, or to settle, compromise, or submit to arbitration every such debt or demand and every other right, matter, and thing due to or concerning me as my attorney shall think best, and for that purpose to enter into and execute and deliver such bonds of arbitration or other instruments as my attorney may deem advisable in the premises.

DURABLE POWER OF ATTORNEY, OF
JACQUELINE K. STEVENSON
PAGE 1

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5. To Prosecute and Defend. To commence, prosecute, discontinue or defend all actions or other legal proceedings touching my estate or any part thereof, or touching any matter in which I or my estate may be in any wise concerned.

6. To Manage Real Estate. To enter into and upon all and singular my real estate, and to let, manage, and improve the same or any part thereof, and to repair or otherwise improve or alter, and to insure the same and any buildings or improvement thereon.

7. To Grant Leases, Receive Rents, etc. To contract with any person for leasing for such periods, at such rents and subject to such conditions as my attorney shall see fit, all or any of my said real estate, and any such person to let into possession thereof, and to execute all such leases and contracts as shall be necessary or proper in that behalf, and to give notice to quit to any tenant or occupier thereof, and to receive and recover from all tenants and occupiers thereof or of any part thereof all rents, arrears of rent, and sums of money which now are or shall hereafter become due and payable in respect thereof, and also on non-payment thereof or of any part thereof to take all necessary or proper means and proceedings for determining the tenancy of occupation of such tenants or occupiers, and for ejecting the tenants or occupiers and recovering the possession thereof.

8. To Sell or Exchange Real or Personal Estate. To sell, either at public or private sale, or exchange any part or parts of my real estate or personal property for such consideration and upon such terms as my attorney shall think fit, and to execute and deliver good and sufficient deeds, assignments, stock, powers, or other instruments for the conveyance or transfer of the same, with such covenants of warranty or otherwise as my attorney shall see fit, and to give good and effectual receipts for all or any part of the purchase price or other consideration.

9. To Deposit Monies, Withdraw, Invest, etc. To deposit any monies which may come to my attorney's hands as such attorney with any bank or banker in my name, and any of such money or any other money to which I am entitled which now is or shall be so deposited to withdraw, and either employ as my attorney shall think fit in the payment of any debts, or interest, payable by me, or taxes, assessments, insurance, and expenses due and payable or to become due and payable on account of my real and personal estate, or in or about any of the purposes herein mentioned, or otherwise for my use and benefit, or to invest in my name in any stocks, shares, bonds, notes, securities, partnership interests, or other property, real or personal, as my attorney may think proper, and to receive and give receipts for any income or dividend arising from such investments, and all and any such investments or other investments to vary or dispose of for my use and benefit as my

DURABLE POWER OF ATTORNEY OF
JACQUELIN K. STEVENSON

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attorney may think fit. To sign checks and make withdrawals on any bank or savings and loan account or against any certificate of deposit, and to enter any safe deposit box.

10. To Borrow Money, Mortgage, etc. To borrow any sum of money on such terms and with such security, whether real or personal property, as my attorney may think fit, and for that purpose to execute all promissory notes, bonds, mortgages, and other instruments which may be necessary or proper.

11. To Carry on or Wind Up Business. To carry on or to wind up any business, and in connection therewith to use the premises in which the same is or shall be carried on, with the same powers of dealing with stock, capital, and effects, and of entering our business engagements, of increasing and diminishing capital, and generally of transacting the affairs of the said business as I, myself, have or should have.

12. To Engage and Dismiss Agents, etc. To engage, employ, and dismiss any agents, clerks, servants, or other persons in and about the performance of these presents as my attorney shall think fit.

13. To Vote at Stockholders' Meetings, etc. To vote at the meetings of stockholders or other meetings of any corporation or company, or otherwise to act as my attorney or proxy in respect to any stocks, shares, or other instruments now or hereafter held by me therein, and for that purpose to execute any proxies or other instruments.

14. To Exercise Fiduciary Powers so Far as May be Delegated. To exercise any powers and any duties vested in me, whether solely or jointly, with any other or others as executor, administrator, or trustee or in any other fiduciary capacity, so far as such power or duty is capable of being validly delegated.

15. To Execute Deeds, Bills, Notes, etc. For all or any of the purposes of these presents to enter into and sign, seal, execute, acknowledge, and deliver any contracts, deeds, or other instruments whatsoever, and to draw, accept, make, endorse, discount, or otherwise deal with any bills of exchange, checks, promissory notes, or other commercial or mercantile instruments.

16. To Pay Household Expenses. To pay every month the sum required to meet my ordinary household expenses.

17. To File Income Tax Returns and Declarations. To prepare, sign and file an Income Tax Return or Declaration of Estimated Tax elected to be filed under the Internal Revenue Code or South Carolina Code of Laws for any taxable year during the period this Power of Attorney

DURABLE POWER OF ATTORNEY OF
JACQUILYN K. STEVENSON

PAGE 3

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18. To Do All Other Things, etc. In general, to do all other acts, deeds, matters, and things whatsoever in or about my estate, property, and affairs, or to concur with persons jointly interested with myself therein in doing all acts, deeds, matters, and things herein, either particularly or generally described, as fully and effectually to all intents and purposes as I could do in my own proper person if personally present.

19. To Appoint Substitutes. To substitute and appoint in my attorney's place and stead (on such terms and at such salary or compensation as my attorney shall think fit) one or more attorney or attorneys to exercise for me as my attorney or attorneys any or all of the powers and authorities hereby conferred, and to revoke any such appointment from time to time, and to substitute or appoint any other or others in the place of such attorney or attorneys as my attorney shall from time to time think fit.

20. Tax Effects. Any authority granted to my said attorney-in-fact shall be limited so as to prevent this power of attorney (1) from causing my attorney-in-fact to be taxed on my income, (2) from causing my estate to be subject to a general power of appointment (as that term is defined in Section 2041 of the Internal Revenue Code of 1986, as amended) by my attorney-in-fact, and (3) from causing my attorney-in-fact to have any incidents of ownership (within the meaning of Section

DURABLE POWER OF ATTORNEY OF
JACQUELINE K. STEVENSON

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2042 of the Internal Revenue Code of 1986, as amended) with regard to any life insurance policies on the life of my attorney-in-fact.

21. Gifts. I specifically authorize and encourage my attorney-in-fact to make gifts (outright, in trust or otherwise) to themselves and their children, and my other issue, to carry out a planned program of gifting for the purpose of reducing taxes to be paid by my estate, and to file or consent to the filing of gift tax returns in connection therewith.

22. Invalid Provision. Any provision of this instrument found to be prohibited by law shall be ineffective to the extent of such prohibition without invalidating the rest of this instrument.

23. To Manage Insurance Policies. To make and file claims and execute any and all necessary forms under any policy of insurance insuring me or a third party and to receipt therefor in my name, which receipt shall be effective to release fully any person or corporation, to pay insurance premiums, to surrender policies for cash value, to borrow money on insurance policies, to transfer the same and to change the beneficiary on any insurance policy.

24. Recordation. This Power of Attorney shall be probated and recorded in the same manner as a deed.

25. Acts of Attorney. KATHLEEN S. TURNER and DANIEL R. STEVENSON, acting jointly and together, are hereby authorized and empowered to act hereunder and may perform all acts authorized hereunder.

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.]

DURABLE POWER OF ATTORNEY OF
JACQUELINE E. STEVENSON
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EXECUTION

I, JACQUELIN K. STEVENSON, the Principal, sign my name to this instrument this 7th day of JANUARY, 2001, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my Power of Attorney and that I sign it willingly (or willingly direct another to sign for me), that I execute it as my free and voluntary act for the purposes therein expressed, and that I am eighteen years of age or older, of sound mind, and under no constraint or undue influence.

Jacquelin K. Stevenson (SEAL)
JACQUELIN K. STEVENSON

We, CATHERINE B. SMITH and T. NEWARD CARTER, JR. the witnesses, sign our names to this instrument, and at least one of us, being first duly sworn, does hereby declare, generally and to the undersigned authority that the Principal signs and executes this instrument as her Power of Attorney and that she signs it willingly (or willingly directs another to sign for her), and that each of us, in the presence and hearing of the Principal, hereby signs this Power of Attorney as witnesses to her signing, and that to the best of our knowledge he is eighteen years of age or older, of sound mind, and under no constraint or undue influence.

Catherine B. Smith
Witness
T. Neward Carter, Jr.
Witness

DURABLE POWER OF ATTORNEY OF
JACQUELIN K. STEVENSON
PAGE 6

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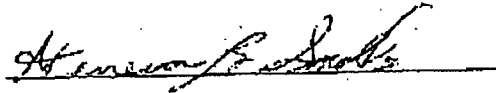
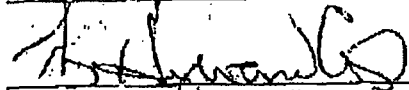
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STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

PROBATE

PERSONALLY APPEARED before me the witness named above who made oath that (s)he saw the within named JACQUELIN K. STEVENSON sign, seal and as her act and deed, deliver the within named Durable Power of Attorney and that (s)he with the other witness above named witnessed the execution hereof.

SWORN BEFORE ME THIS 4TH DAY OFJanuary, 2001. (SEAL)
Notary Public for South CarolinaMy Commission Expires: 10/19/2009

DURABLE POWER OF ATTORNEY OF
JACQUELIN K. STEVENSON
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EVANS & CARTER + 7232647

NO. 468 WY

EVANS, CARTE, LUNES & BENNETT P.A.
115 Church Street
Charleston, SC 29401

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W.A.
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CHARLES EVERARD
REGISTER
CHARLESTON COUNTY SC

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STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

LAST WILL AND TESTAMENT OF
THOMAS C. STEVENSON

I, Thomas C. Stevenson, a resident and domiciliary of Charleston County, State of South Carolina, do make, publish and declare this to be my Last Will and Testament, hereby revoking all other wills and codicils by me at any time heretofore made.

ITEM I: I direct that all of my debts due and owing, expenses incurred in the administration of my Estate, and funeral expenses, including the costs of a suitable memorial, be paid as a cost of administration of my Estate, as soon as practicable after my death, out of, and shall be a charge against, the assets allocated or to be allocated to that Trust established under the provisions of ITEM IX hereinbelow.

ITEM II: I direct that all estate taxes, if applicable, that shall be payable by reason of my death, whether or not the property passes under this Will or otherwise, shall be paid out of, and shall be a charge against, the assets distributed pursuant to ITEM IV, first, ITEM III, second, and thereafter, if appropriate, to my residuary estate disposed of under the provisions of ITEM IX.

ITEM III: I give and bequeath to my wife, Jacquelin K. Stevenson, (and wherever hereinafter I mention my wife, or "Jacquelin", I mean her) if she shall survive me, all of the

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articles of tangible personal property, as distinguished from cash and securities, that I may own at the time of my death, including without limitation by the reference thereto all books, paintings, clothing, automobile or automobiles and similar property, and all insurance policies thereon, and should she have died before me then to my children, in shares of substantially equal value to be divided as they shall agree, or if they shall fail to agree within six (6) months after the date of my death as my Executor shall determine.

ITEM IV: I give and bequeath:

- 1-25
v
- A. To my daughter, Jacquelin S. Bennett, if she shall survive me, the sum of One Hundred Thousand (\$100,000.00) Dollars to be paid Fifty Thousand (\$50,000.00) Dollars as soon as practicable during the administration of my estate and Fifty Thousand (\$50,000.00) Dollars upon final distribution or at the date of funding of the trusts provided for herein.
 - B. To my daughter, Genevieve S. Felder, if she shall survive me, the sum of One Hundred Thousand (\$100,000.00) Dollars to be paid Fifty Thousand (\$50,000.00) Dollars as soon as practicable during the administration of my estate and Fifty Thousand (\$50,000.00) Dollars upon final distribution or at the date of funding of the trusts provided for herein.
 - C. To my son, Daniel R. Stevenson, if he shall survive me, the sum of One Hundred Thousand (\$100,000.00) Dollars

to be paid Fifty Thousand (\$50,000.00) Dollars as soon as practicable during the administration of my estate and Fifty Thousand (\$50,000.00) Dollars upon final distribution or at the date of funding of the trusts provided for herein.

- D. To my son, Thomas C. Stevenson, III, if he shall survive me, the sum of One Hundred Thousand (\$100,000.00) Dollars to be paid Fifty Thousand (\$50,000.00) Dollars as soon as practicable during the administration of my estate and Fifty Thousand (\$50,000.00) Dollars upon final distribution or at the date of the funding of the trusts provided for herein.
- E. To my daughter, Kathleen S. Turner, if she shall survive me, the sum of One Hundred Thousand (\$100,000.00) Dollars to be paid Fifty Thousand (\$50,000.00) Dollars as soon as practicable during the administration of my estate and Fifty Thousand (\$50,000.00) Dollars upon final distribution or at the date of funding of the trusts provided for herein.

I direct that the above cash bequests shall be paid without interest.

ITEM V: I give and devise to my wife, Jacquelin, any interest which I may own in the premises occupied by us as our principal place of residence at the time of my death, whether

those premises be at Meeting Street, Charleston, South Carolina, or a home to which we later move. In the event that the property passing to my wife; pursuant to this ITEM V, shall be subject to a mortgage or other encumbrance at the time of my death, I direct my Executor to discharge any mortgage or other encumbrance, together with accrued installments of principal and interest, out of my residuary estate disposed of under ITEM IX hereunder so that such property shall pass to my wife, Jacquelin, free and clear of any such mortgage or other encumbrance. I do not make any reference to household furniture and furnishings in that such tangible personal property is owned by my wife, Jacquelin.

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ITEM VI: I give, devise and bequeath all right, title and interest which I may have in and to any and all oil, gas and other mineral properties and interests therein which may belong to me or be subject to my disposal at the time of my death, together with all physical or tangible personal property used in connection with the operation of such property and interests, including but not being limited to the following such interests in oil, gas or any other mineral properties: leases, leasehold interests, royalties, overriding royalties, term royalties, payments, payments out of production, options, net profit interests, rentals, delay rentals, bonuses, joint ventures, syndicates, co-owners' groups, partnerships, and all other oil, gas and mineral properties and interests of whatsoever kind

whether the same shall be considered as real property or personal property under the applicable law of any state or country (but excluding shares of stock, bonds, notes, debentures or other securities issued by any corporation which I direct shall be disposed of as a part of my general estate) to my wife, Jacquelin, or if she shall predecease me to my children, as tenants-in-common, or to the survivor thereof, if me surviving.

ITEM VII: If my wife, Jacquelin, survives me, I give, devise and bequeath to my Trustee hereinafter named an amount equal to one-half of my adjusted gross estate as finally determined for Federal estate tax purposes, undiminished by any estate, inheritance, transfer, legacy or succession taxes or death duties, either state or federal, but reduced by the aggregate value, as finally determined for Federal estate tax purposes, of any interests and property, if any, which pass to my said wife under ITEMS III, V and VI of this Will, or which shall pass to my said wife or for her benefit other than under this Will, by operation of law, through life insurance policies, or otherwise, but only to the extent that such interests and property are allowable as a marital deduction for Federal estate tax purposes.

This bequest shall be referred to in this Will as the "Marital Bequest" and the "Jacquelin K. Stevenson Marital Trust". If my wife does not survive me, the property otherwise included under this ITEM shall be added to my residuary estate.

My Executor may make distributions to my Trustee of the Marital Bequest in cash or in kind, or partly in cash and partly in kind. If distribution is made in kind, assets shall be selected which my Executor deems advisable and appropriate, but only assets which qualify for the Federal Estate Tax marital deduction shall be selected for distribution to the Marital Bequest; and the assets so selected shall be valued, for the purpose of determining the extent to which this Marital Bequest shall have been satisfied, at their values as finally determined for Federal Estate Tax purposes, provided, however, that my Executor shall apportion to the Marital Bequest assets, including cash, fairly representative of appreciation or depreciation in the value of all property thus available for distribution.

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This Will shall be construed in a manner which shall permit the provisions of this ITEM and the property given under this ITEM to qualify for the full marital deduction specified above for Federal Estate Tax purposes, and my Fiduciaries shall exercise the powers conferred with respect to the selection and distribution of assets under this ITEM and all other powers given my Fiduciaries in a manner consistent with that construction.

My wife may disclaim her interest in the Marital Bequest in whole or in part not later than nine (9) months, or such shorter period of time permitted by law, viz., Section 2518(b) of the Code, following the date of my death. If my wife disclaims in

whole or in part, such disclaimer shall result in the property in which she disclaims her interest being added to and held as part of the residuary trust created under ITEM IX.

My Trustee shall hold, administer, and distribute the Jacquelin K. Stevenson Marital Trust upon the following trusts, limitations, and conditions, that is to say:

(a) To invest, reinvest and keep invested the same and to pay the net income arising from such investments or reinvestments to or for the benefit of my wife for the term of her natural life, such income to be paid in monthly or quarterly installments or at such other times as my wife and my Trustee shall agree upon, but not less frequently than annually.

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(b) In the event that from time to time during the continuation of this trust my Trustee shall determine that the income of my wife from all sources known to my Trustee, is not sufficient for her proper and reasonable support and comfort, or in the event that from time to time during the continuation of this trust my Trustee shall deem it necessary because of emergency, sickness or other need, of which my Trustee shall be the sole judge, my Trustee shall have the authority and the same is given to it in its absolute discretion, to pay to my wife, or to such person as may be legally entitled to act for her so much of the principal of said trust as my Trustee shall deem necessary

and proper under the conditions and/or circumstances then existing.

(c) In addition to the provisions with respect to encroachment set forth under paragraph (b) above pursuant to the ascertainable standards set forth in paragraph (b) above, I hereby authorize and direct my Trustee to pay to my wife during her life such portion of the Jacquelin K. Stevenson Marital Trust as she may from time to time or at any time request in writing, such amount not to exceed in any calendar year the greater of (i) Twenty-Five Thousand (\$25,000) Dollars or (ii) five (5%) percent of the value of the principal of the Jacquelin K. Stevenson Marital Trust determined as at the end of the year.

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(d) Upon the death of my wife, Jacquelin, my Trustee shall pay over what remains of the principal of the Jacquelin K. Stevenson Marital Trust, together with all income from said trust at that time in its hands and undistributed, to such person or corporation and to the estate of my wife in such proportions and for such estate or estates, legal or equitable, as may be specified in my wife's last will, whether executed before or after my death, free and clear of this trust.

My wife is empowered hereby, if she shall so desire, to appoint any part or the whole of the principal of the Jacquelin K. Stevenson Marital Trust, and any income in the hands of my

Trustee at the time of her death, by will in favor of her estate or any other person or corporation in whole or in part and such power of appointment shall be exercisable by her alone and in all events. In the event that she fails to exercise the foregoing general power of appointment or exercises only partially, or to the extent that any attempted appointment shall be ineffective, whatever remains unappointed of said Jacquelin K. Stevenson Marital Trust, whether principal or income not heretofore disposed of as hereinabove provided, shall, upon the death of my wife, be distributed in accordance with ITEM IX.

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ITEM VIII: I give, devise and bequeath unto my Children, in equal shares, per stirpes, an amount equal to the largest amount, if any, that can pass free of Federal estate taxes under this Will by reason of the Unified Federal Estate and Gift Tax Credit but no other credit available for Federal Estate and Gift Tax purposes, reduced by (i) the amount as finally determined for Federal estate tax purposes of property passing pursuant to previous Items of this, my Will, regardless of the beneficiary thereof, but only to the extent such property is includable in my taxable estate for Federal estate tax purposes, specific reference thereto being the bequests made in ITEM IV; and (ii) the amount as finally determined for Federal estate tax purposes of all property passing outside of this, my Will, by operation of law, through life insurance policies or otherwise, regardless of the beneficiary thereof, but only to the extent such property is

includable in my taxable estate for Federal estate tax purposes; such amount to be reduced by all state estate taxes which may be owed by reason of my death. For the purpose of establishing such amount, the values finally fixed in the Federal Estate Tax proceeding relating to my Estate shall be used.

ITEM IX: All the rest, residue and remainder of my estate of whatsoever nature or description, whether real, personal or mixed, of which I may die seized or possessed, or of, in or to which I may at the time of my death have any right, title, claim, interest, demand or estate, whether legal or equitable, or over which I may have any power of appointment, after the payment therefrom of all taxes and expenses as hereinabove mentioned in ITEMS I and II hereof, which rest, residue and remainder will include, should my wife, Jacquelin, have died before me, the assets referred to in ITEMS V, VI and VII above, all of which property and estate is referred to as my residuary estate, I dispose of as follows:

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(a) If my wife, Jacquelin, survives me, to my Trustee, hereinafter named, to be held, administered and disposed of by my said Trustee, upon the following trusts, limitations and conditions, that is to say:

(i) To invest, reinvest and keep invested the same and to pay the net income arising from such investments or

reinvestments to or for the benefit of my wife, Jacquelin, for the term of her natural life, such income to be paid in monthly or quarterly installments or at such other times as my wife, Jacquelin, and my Trustee shall agree upon, but not less frequently than annually.

(ii) In the event that from time to time during the continuation of this trust my Trustee shall determine that the income of my wife from all sources known to my Trustee, is not sufficient for her proper and reasonable support and comfort, or in the event that from time to time during the continuation of this trust my Trustee shall deem it necessary because of emergency, sickness or other need, of which my Trustee shall be the sole judge, my Trustee shall have the authority and the same is given to it in its absolute discretion, to pay to my wife, Jacquelin, or to such person as may be legally entitled to act for her so much of the principal of said trust as my Trustee shall deem necessary and proper under the conditions and/or circumstances then existing.

(iii) Upon the death of my wife, Jacquelin, the Trust shall be distributed as follows:

(A) In the event that there shall exist as of the date of distribution, two or more classes of capital

stock of Industrial Welding Supplies, Inc., or any successor entity thereto whether by reason of reorganization or otherwise ("IWS") consisting of both common shares, being of one or more classes ("Common Shares"), and preferred shares, being of one or more classes ("Preferred Shares"), the Common Shares shall be distributed to my sons, Daniel R. Stevenson and Thomas C. Stevenson, III, in equal shares, or the survivor thereof; provided, in the event that neither shall be alive as of the date of distribution hereunder, then to my children, in equal shares, per stirpes.

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- (B) My Trustee shall pay over what remains of the principal of the Trust, together with all income from said Trust at that time in its hands and undistributed, including the Preferred Shares, if any, to my children, in equal shares, per stirpes, subject to the following:

I direct that my Trustee shall, in order to provide for as nearly an equal distribution to my children as possible, per stirpes, take into account the value of the distributions to my sons, Daniel R. Stevenson and Thomas C. Stevenson, III,

or the survivor thereof, of the Common Shares under (A) above, viz., my Trustee shall aggregate the value of the distributions to be made under (A) and (B) and shall charge my sons', or the survivor's, distributive share under (B) by the value of the distribution under (A), and if the value of the distribution to my sons, Daniel R. Stevenson and Thomas C. Stevenson, III, or the survivor thereof, under (A) exceeds their proportionate share of the distributions to be made to them under (B), then they shall not be entitled to any further distribution under (B) and shall be specifically excluded from the distributions thereunder.

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- (C) In the event that as of the date of distribution there shall exist with respect to IWS only Common Shares outstanding, there shall be distributed to my sons, Daniel R. Stevenson and Thomas C. Stevenson, III, or the survivor thereof, an amount of stock of IWS, if applicable, when taking into account stock of IWS owned outright by them in the aggregate, as would give to them, or the survivor thereof, voting control of IWS. For purposes hereof, voting control shall be deemed to be at least fifty-one (51%) percent of the issued and

outstanding voting shares of IWS, or at least fifty-one (51%) percent of the issued and outstanding shares owned by the Thomas C. Stevenson family (the "Stevenson Family") as determined in accordance with the attribution rules of Section 318 of the Internal Revenue Code of 1954, as amended, or any successor provision, in the event IWS shall have been reorganized and the Stevenson Family shall control less than one hundred (100%) percent of IWS. My Trustee shall pay over what remains of the principal of the Trust, together with all income from said Trust at that time in its hands and undistributed, in accordance with paragraph (B) above.

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(b) In the event that my wife, Jacquelin, shall have predeceased me, my residuary estate shall be distributed to my children in equal shares, per stirpes, subject to the provisions of (a)(iii)(A), (B) and (C) above.

ITEM X: I nominate, constitute and appoint as Executor of this my Will and my estate, my wife, Jacquelin K. Stevenson, and my brother, Norman W. Stevenson, to serve without bond. In the event that my wife shall have predeceased me or for any reason shall not qualify or having qualified fail to conclude the

administration of my estate, then I nominate, constitute and appoint as sole Executor my brother, Norman W. Stevenson, to serve without bond.

ITEM XI: I nominate, constitute and appoint as Trustees of the trusts created pursuant to ITEM VII and ITEM IX my brother, Norman W. Stevenson, my sons, Daniel R. Stevenson and Thomas C. Stevenson, III, Henry Buist and James G. Boyd, Esquire, to serve without bond.

SECTION B, ADMINISTRATIVE PROVISIONS

ITEM B-I. I give to my Executors and to my Trustees the fullest and most complete powers that may be exercised by such fiduciaries under the laws of the State of South Carolina from time to time in effect, and without limiting the generality of the foregoing and by way of illustration and not of limitation, and the powers hereinafter specifically set forth. Wherever in the enumeration of the following powers, or elsewhere herein, the singular neuter is used, it shall be deemed to embrace the masculine, feminine and plural where appropriate and the masculine shall be deemed to embrace the feminine and the feminine the masculine. These powers shall be exercisable by any surviving or substituted or successor fiduciary.

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(1) To retain any such property without regard to the proportion such property or similar property held may bear to the entire amount held;

(2) To sell any such property upon such terms and conditions as may be deemed proper, at public or private sale, on credit for such period of time as may be deemed proper or for cash, or partly on credit and partly for cash, and the purchaser of such property shall have no obligation to see to the use or application of the proceeds of sale; to exchange, mortgage, pledge or otherwise encumber any such property upon such terms and conditions as may be deemed advisable; to grant options for any of the foregoing;

(3) To make any lease or sublease of any such property for such period of time and to include therein any covenants or options for renewal as may be deemed proper;

(4) To invest and reinvest in and to acquire by exchange property of any character, foreign or domestic, or interest or participations therein, including by way of illustration but not of limitation, real property, mortgages, bonds, notes, debentures, certificates of deposit, capital, common and preferred stocks, and shares or interest in investment trusts and mutual funds;

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(5) To retain and in addition to invest and reinvest in and to acquire by exchange interest in oil, gas or mineral properties of any character, real or personal, including by way of illustration but not of limitation, oil, gas or mineral royalties, leases or leasehold interests, working interests, production payments, contracts, net profits interests, interests in any joint ventures, syndicates, partnerships or co-owners' groups, and any other interest in oil, gas or minerals whether or not of the same kind as the foregoing;

(6) To enter into pooling, unitization, repressurization and any other type of agreement relating to the exploitation, development, operation and conservation of any oil, gas or other mineral properties or interests therein to expend from principal such amounts as may be deemed advisable for the exploitation, development, operation and conservation of any oil, gas or other mineral properties or interest therein and in connection therewith or otherwise to join with others and in joint ventures.

syndicates, coowners' groups and partnership for the exploitation, development, operation and conservation thereof, and in making such repairs, alterations, improvements and replacements as may be deemed advisable; and to join with the other owners in the selection of an operation and the delegation to such operator of any and all of the authority, rights, powers and duties which any individual owner can delegate to such operator, and to designate one or more persons, or a bank or trust company or any corporation as attorney-in-fact in any state or states, and to grant such attorney-in-fact such authorities, rights, powers and duties as may be deemed advisable;

(7) To act in any jurisdiction where permitted by law to do so, or to designate one or more persons, or a bank or trust company to be ancillary executors or trustees, as the case may be, in any jurisdiction in which ancillary administration may be necessary; and to negotiate and determine the compensation to be paid to any such ancillary executor or ancillary trustee whether or not any compensation would otherwise be authorized by law; and I hereby nominate, constitute and appoint the ancillary trustee or trustees so designated and direct that they shall not be required to furnish bond or security for the faithful performance of their duties in such state; and I hereby grant to my ancillary executors and trustees with respect to any and all property subject to administration by them all of the powers, authorities and discretions granted in this item of my Will, provided, however, that such action as may require the investment of additional funds or the assumption of additional obligations shall not be undertaken without the written consent of my domiciliary fiduciary or fiduciaries;

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(8) To participate in and consent to any plan of reorganization, consolidation, merger, combination, dissolution, recapitalization, liquidation or similar plan and any action thereunder, including without limitation by the specification thereof, the deposit of any property with any protective, reorganization or similar committee, the delegation of discretionary powers thereto, the sharing in the payment of its expenses and compensation and the payment of any assessments levied with respect to such property; and to receive and retain property under any such plan;

(9) To exercise all conversions, subscriptions, voting and other rights of whatsoever nature pertaining to any such property, and to grant proxies, discretionary or otherwise, with respect thereto;

(10) To borrow at any time and from time to time from any person or corporation (including any fiduciary acting hereunder, provided, however, that such borrowing does not constitute selfdealing) for such periods of time and upon such terms and conditions as may be deemed proper such sums of money as may be deemed necessary or advisable, and to secure such loans by the pledge or hypothecation of any property held hereunder and the decision with respect thereto shall be conclusive on all persons interested hereunder;

(11) To register and hold any property of any kind, whether real or personal, at any time held hereunder in the name of a nominee or nominees and to hold any such personal property in any State and to take and keep any stocks, bonds, or other securities unregistered or in such condition as to pass by delivery;

(12) To extend the time for payment of any claim or obligation; and to abandon, settle, compromise, renew, modify, release, adjust or submit to arbitration in whole or in part and without the order or decree of any court any and all claims or obligations whether the same shall increase or decrease the value or aggregate of the property held hereunder;

(13) In distributing any property held hereunder, in the exercise of absolute discretion to transfer and pay over the same in kind (at market value unless otherwise directed herein) or in cash, or partly in kind and partly in cash, and as to any property transferred and paid over to any beneficiary without any obligation to make proportionate distributions and without regard to whether or not all beneficiaries receive property having an equivalent basis for Federal income tax purposes;

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(14) To decide with absolute discretion whether executors' commissions, attorneys' fees and other administration expenses in my estate shall be taken as estate tax or income tax deductions, and the determination in this respect shall be final and conclusive upon all persons interested hereunder whether or not the amount of their respective interests or shares is thereby affected; provided, however, that adjustments between principal and income may, in the exercise of absolute discretion, be made if deemed advisable;

(15) To convey or exchange upon such terms and conditions as may be deemed proper any real property or interest therein held hereunder to any corporation or partnership, whether general or limited, or to any real estate investment trust formed or to be formed, and to receive in payment therefor stocks, bonds and other securities whether or not of the same kind of such corporation or any interest in such partnership or real estate investment trust;

(16) To manage any real property or interest therein held hereunder in such manner as shall be deemed advisable; to vacate and abandon the same; to adjust boundaries thereon; to demolish any buildings or improvements thereon; to grant easements thereon; to subdivide and sell or lease the same subject to any covenants; to partition and to pay any sums necessary for equality of partition; to perfect the title thereof; from time to time to expend from principal or income or both such amounts as shall be deemed advisable for the maintenance or repair of any such real property or interest therein, or any buildings or improvements thereon, and to expend from principal such amounts as shall be deemed advisable for the development, alteration or improvement of the same or for the erection of any buildings or improvements thereon; and to determine whether or not to establish any reserves for depreciation of any buildings or improvements thereon;

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(17) To renew, extend, subordinate or replace or to participate in the renewal, extension, subordination or replacement of any mortgage or any lease upon such terms as may be deemed advisable; to release from the lien of a mortgage a portion of the property subject thereto; to release a portion of any mortgage lien; to accept surrender, cancellation or assignment of any lease and to pay a consideration therefor to such extent as may be deemed advisable; to agree to a reduction in the rate of interest on any mortgage or rental payments due under any lease or to any other modification or change in the terms of any mortgage, or of any guarantee securing any mortgage or of any lease, in any manner and to any extent as may be deemed advisable; to waive and forbear to sue on any default in the performance of any covenant or condition of or payment due under any mortgage or lease or in the performance of any guarantee or to enforce any such default in such manner and to such extent as may be deemed advisable; to exercise and enforce any action, suit or proceeding at law or in equity, any rights or remedies in respect of any mortgage or of any guarantee or of any lease held hereunder; to exercise and

enforce any and all rights of foreclosure of any mortgage, and at any foreclosure to purchase the real property covered by any mortgage; to take a deed in lieu of foreclosure and to pay a consideration therefor; and to retain any such real property received on any foreclosure;

(18) To determine whether or not to amortize the premium on any investment, or to allocate to income all or any part of any discount on any investment, and the decision with respect thereto shall be conclusive upon all persons interested hereunder;

(19) To allocate to principal (unless otherwise directed herein) all dividends and distributions payable in stocks, bonds or other securities whether of the disbursing company or another company;

(20) To exercise all the rights, powers and privileges herein conferred after the termination of any trust hereunder and until the complete distribution of the property held hereunder;

(21) To employ in the exercise of absolute discretion investment counsel, accountants, depositaries, custodians, brokers, attorneys, and agents, irrespective of whether any person so employed shall be a fiduciary hereunder or a firm or corporation in which a fiduciary hereunder shall be a partner or shall have an interest and to pay him or them the usual compensation for his or their services out of the principal or income of the property held hereunder; provided, however, that in the exercise of this discretion my trustee, it is to be perfectly clear that my Trustee shall employ any of the foregoing only in those instances where my Trustee cannot or should not reasonably be expected to perform and exercise its fiduciary obligations hereunder; and such compensation may be paid without diminution of or charging the same against the commissions or compensation of any fiduciary hereunder; and any fiduciary who shall nevertheless be entitled to receive his share as partner of the compensation paid to such firm;

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(22) To exercise any and all of the powers, authorities and discretions conferred hereunder in respect of any securities of any corporate fiduciary acting hereunder, or in respect of any securities of any holding company or corporation owning securities of any corporate fiduciary acting hereunder.

(23) My Executors shall, in their absolute discretion, determine whether to elect under Code Section 2056(b)(7) to qualify any specific portion or all of one or both of the Trusts established under ITEM IX hereinabove for the Federal and/or State Estate tax marital deduction. Generally, I anticipate that my Executors will elect to minimize the Federal Estate tax payable by my estate. However, I would expect that some consideration be given to the effects of South Carolina Estate Tax and to the estate taxes payable in my said wife's estate upon her death, especially if she should die prior to the time the election is made. The determination of my Executrix with respect to the exercise of the election shall be conclusive upon all affected persons.

ITEM B-II. For all purposes of this Will, a legally adopted child (other than a descendant of my blood) shall have the same status and benefits in all relationships to or through him shall be determined in the same manner, as if such child were a child of the blood of his adoptive parent or parents rather than of his natural parents.

ITEM B-III. As they may be used in this Will, the term "minor" shall be interpreted as referring to a person under twenty-one (21) years of age, and the term "minority" shall be interpreted as referring to the first twenty-one (21) years of a person's life, irrespective of the legal age of emancipation in any jurisdiction.

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ITEM B-IV. If my wife and I should die as a result of a common accident or calamity or otherwise under such circumstances as would render it doubtful whether she or I died first, then it shall be conclusively presumed for the purposes of this

Will that my wife survived me. I direct further that the provisions of this Will shall be construed upon that assumption, irrespective of any provisions of law establishing a contrary presumption of requiring survivorship of a fixed period as a condition of taking property by inheritance. If any other beneficiary and I should die as a result of a common accident or calamity or otherwise under such circumstances as would render it doubtful whether the beneficiary or I died first, then it shall be conclusively presumed for the purposes of this Will that said beneficiary predeceased me.

ITEM B-V. All payments of principal and income payable or to become payable, to the beneficiary of any trust created hereunder shall not be subject to anticipation, assignment, pledge, sale or transfer in any manner, nor shall any beneficiary have the power to anticipate or encumber such interest nor shall such interest while in the possession of any Trustee be liable for, or subject to, the debts, contracts, obligations, liabilities or torts of any beneficiary.

ITEM B-VI: If any share hereunder becomes distributable to a beneficiary who has not attained the age of twenty-one (21) years, then such share shall immediately vest in such person, but my Trustee shall retain possession of such share in trust for such person until he becomes twenty-one (21), using

so much of the net income and principal of such share as my Trustee deems necessary to provide for the proper support, medical care, and education of such person, taking into consideration to the extent my Trustee deems advisable any other income or resources of such person or his or her parents known to my Trustee. Such person's share shall be paid over and distributed to such person upon his attaining age twenty-one (21), or if he shall sooner die, then to his estate. My Trustee shall have with respect to each share so retained all the powers and discretions had with respect to the trust created herein generally.

ITEM B-VII: Notwithstanding anything herein to the contrary, the trusts created under this my Will shall terminate not later than twenty-one (21) years after the death of the last survivor of my issue living on the date of my death, when my Trustee shall distribute each remaining trust hereunder to the beneficiary or beneficiaries of the current income thereof, and if there are more than one beneficiary, in the proportion in which they are beneficiaries.

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ITEM B-VIII: If my executor joins with my wife on my behalf in filing income tax returns, or consents for gift tax purposes to having gifts made by either of us during my life considered as made onehalf (1/2) by each of us, any resulting

liability shall be borne by my estate as an administration expense thereof, except such portion as my executor and my wife agree should be borne by my wife, and my estate shall exonerate my executor from personal liability therefor.

IN WITNESS WHEREOF, I have hereunto set my Hand and Seal at Charleston, South Carolina, this 5th day of February, 1985.

Thomas C. Stevenson
THOMAS C. STEVENSON

SIGNED, SEALED, PUBLISHED AND DECLARED by the Testator, THOMAS C. STEVENSON, as and for his Last Will and Testament in the presence of us, who in his presence, at his request, and in the presence of each other, have hereunto set our hands as witnesses.

James E. Davis

Charleston, SC

Laura A. Davis

Charleston, SC

Charlotte Crosby

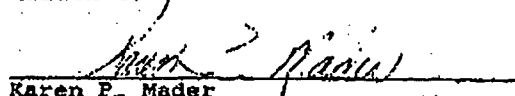
Charleston, S.C.

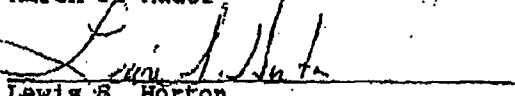
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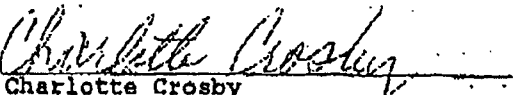
I, Thomas C. Stevenson, the Testator, sign my name to this instrument this 15 day of February, 1985, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my last will and that I sign it willingly (or willingly direct another to sign for me), that I execute it as my free and voluntary act for the purposes therein expressed, and that I am eighteen years of age or older, of sound mind, and under no constraint or undue influence.


Thomas C. Stevenson

We, Karen P. Mader, Lewis S. Horton and Charlotte Crosby, the witnesses, sign our names to this instrument, being first duly sworn, and do hereby declare to the undersigned authority that the Testator signs and executes this instrument as his last will and that he signs it willingly (or willingly directs another to sign for him), and that each of us, in the presence and hearing of the Testator, hereby signs this will as witness to the Testator's signing, and that to the best of our knowledge the Testator is eighteen years of age or older, of sound mind, and under no constraint or undue influence.

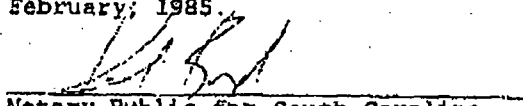

Karen P. Mader


Lewis S. Horton


Charlotte Crosby

THE STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

11/15/85
SUBSCRIBED, sworn to and acknowledged before me by Thomas C. Stevenson, the Testator and subscribed and sworn to before me by Karen P. Mader, Lewis S. Horton and Charlotte Crosby, witnesses, this 15 day of February, 1985.


Notary Public for South Carolina

My Commission expires: 5/12/93

REC'D PAYMENT 2-19-03
PER CLERK BM
RING OFFICE
CHARLESTON COUNTY, SC

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

DURABLE POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, that I, Jacquelin K. Stevenson (Principal), hereby appoint my daughter, Kathleen S. Turner and my son, Daniel R. Stevenson, acting jointly and together, my true and lawful attorney to act in, manage, and conduct all of my affairs, and for that purpose in my name and on my behalf to do and execute all and any of the following acts, deeds, and things, that is to say:

1. To Receive Debts, etc. To ask, demand, sue for, recover, and receive all sums of money, debts, dues, goods, wares, merchandise, chattels, effects, and things of whatsoever nature or description which are now or hereafter shall be or become due, owing, payable, or belonging to me in or by any right, title, ways, or means howsoever, and upon receipt thereof or of any part thereof to make, sign, execute, and deliver such receipts, releases, or other discharges for the same respectively as my agent shall think fit or be advised.

2. To Pay Debts and Settle Accounts. To pay debts (including mortgage debts) and to settle any account or reckoning whatsoever wherein I now am or at any time hereafter shall be in any wise interested or concerned with any person whomsoever, and to pay or receive the balance thereof as the case may require.

3. To Satisfy Mortgages. To receive every sum of money which now is or hereafter shall be due or belonging to me upon the security or by virtue of any mortgage and on receipt of the full amount secured thereby to execute a good and sufficient release or other discharge of such mortgage by deed or otherwise.

4. To Compound, Submit to Arbitration, etc. To compound with or make allowances to any person for or in respect to any debt or demand whatsoever which now is or shall at any time hereafter become due and payable to me, and to take and receive any composition or dividend thereof or thereupon, and to give releases or other discharges for the whole of such debts or demands, or to settle, compromise, or submit to arbitration every such debt or demand and every other right, matter, and thing due to or concerning me as my attorney shall think best, and for that purpose to enter into and execute and deliver such bonds of arbitration or other instruments as my attorney may deem advisable in the premises.

EXHIBIT

Co. K. Turner
JB 11/9/11

5. To Prosecute and Defend. To commence, prosecute, discontinue or defend all actions or other legal proceedings touching my estate or any part thereof, or touching any matter in which I or my estate may be in any wise concerned and to compromise claims against me.

6. To Manage Real Estate. To enter into and upon all and singular my real estate, and to let, manage, and improve the same or any part thereof, and to repair or otherwise improve or alter, and to insure the same and any buildings or improvement thereon and to contract to lease or rent property (real or personal) on my behalf and to pay such rental or lease obligations as appropriate.

7. To Grant Leases, Receive Rents, etc. To contract with any person for leasing for such periods, at such rents and subject to such conditions as my attorney shall see fit, all or any of my said real estate, and any such person to let into possession thereof, and to execute all such leases and contracts as shall be necessary or proper in that behalf, and to give notice to quit to any tenant or occupier thereof, and to receive and recover from all tenants and occupiers thereof or of any part thereof all rents, arrears of rent, and sums of money which now are or shall hereafter become due and payable in respect thereof, and also on non-payment thereof or of any part thereof to take all necessary or proper means and proceedings for determining the tenancy of occupation of such tenants or occupiers, and for ejecting the tenants or occupiers and recovering the possession thereof.

8. To Purchase, Sell or Exchange Real or Personal Estate. To purchase and/or to sell, either at public or private sale, or exchange any part or parts of my real estate or personal property for such consideration and upon such terms as my attorney shall think fit, and to execute and deliver good and sufficient deeds, assignments, stock, powers, or other instruments for the conveyance or transfer of the same, with such covenants of warranty or otherwise as my attorney shall see fit, and to give good and effectual receipts for all or any part of the purchase price or other consideration.

9. To Deposit Monies, Withdraw, Invest, etc. To deposit any monies which may come to my attorney's hands as such attorney with any bank or banker in my name, and any of such money or any other money to which I am entitled which now is or shall be so deposited to withdraw, and either employ as my attorney shall think fit in the payment of any debts, or interest, payable by me, or taxes, assessments, insurance, and expenses due and payable or to become due and payable on account of my real and personal estate, or in or about any of the purposes herein mentioned, or otherwise for my use and benefit, or to invest and to reinvest in my name in any stocks, shares,

bonds, notes, securities, partnership or limited liability company interests, or other property, real or personal, as my attorney may think proper, and to receive and give receipts for any income or dividend arising from such investments, and all and any such investments or other investments to vary or dispose of for my use and benefit as my attorney may think fit. To sign checks and make withdrawals on any bank, securities, or savings and loan account or against any certificate of deposit, and to enter any safe deposit box.

10. To Borrow Money, Mortgage, etc. To borrow any sum of money on such terms and with such security, whether real or personal property, as my attorney may think fit, and for that purpose to execute all promissory notes, bonds, mortgages, and other instruments which may be necessary or proper.

11. To Carry on or Wind Up Business. To carry on or to wind up any business, and in connection therewith to use the premises in which the same is or shall be carried on, with the same powers of dealing with stock, capital, and effects, and of entering our business engagements, of increasing and diminishing capital, and generally of transacting the affairs of the said business as I, myself, have or should have.

12. To Engage and Dismiss Agents, etc. To engage, employ, and dismiss legal, tax, accounting and/or investment counsel as well as any agents, clerks, servants, or other persons in and about the performance of these presents as my attorney shall think fit.

13. To Vote at Stockholders' Meetings, etc. To vote at the meetings of stockholders or other meetings of any corporation or company, or otherwise to act as my attorney or proxy in respect to any stocks, shares, or other instruments now or hereafter held by me therein, and for that purpose to execute any proxies or other instruments.

14. To Exercise Fiduciary Powers so Far as May be Delegated. To exercise any powers and any duties vested in me, whether solely or jointly, with any other or others as executor, administrator, or trustee or in any other fiduciary capacity, so far as such power or duty is capable of being validly delegated.

15. To Execute Deeds, Bills, Notes, etc. For all or any of the purposes of these presents to enter into and sign, seal, execute, acknowledge, and deliver any contracts, deeds, or other instruments whatsoever, and to draw, accept, make, endorse, discount, or otherwise deal with any bills of exchange, checks, promissory notes, or other commercial or mercantile instruments.

16. To Pay Household Expenses. To pay every month the sum required to meet my ordinary household, as well as other, expenses.

17. To File Income Gift and Other Tax Returns and Declarations. To prepare, sign and file any Income, Gift or any other Tax Return or Declaration of Estimated Tax elected to be filed under the Internal Revenue Code, the South Carolina Code of Laws, or under the laws of any other jurisdiction for any taxable year during the period this Power of Attorney continues to be in effect. Also, to represent me before any office of the Internal Revenue Service, South Carolina Department of Revenue, or other taxing authority with respect to any and all tax matters and any and all years or periods. To receive confidential information and to have full power to perform, on my behalf, the following acts with respect to any matter as to which this Power of Attorney shall apply:

- (i) To receive, and to endorse and collect, checks in payment of any refund of taxes, penalties, or interest;
- (ii) To execute waivers (including offers of waivers) of restrictions on assessment or collection of deficiencies in tax and waivers of notice of disallowance of a claim for credit or refund;
- (iii) To execute consents extending the statutory period for assessment or collection of taxes; and
- (iv) To delegate authority or to substitute another representative.

18. To Disclaim Transfers of Property. To disclaim all or part of any transfers of property to me; however, my attorney is requested to consider whether or not it is probable that gift taxes may be imposed on me on account of such disclaimer, and, if so, to take such tax costs into account in making any decisions regarding such disclaimers for me.

19. To Do All Other Things, etc. In general, to do all other acts, deeds, matters, and things whatsoever in or about my estate, property, and affairs, or to concur with persons jointly interested with myself therein in doing all acts, deeds, matters, and things herein, either particularly or generally described, as fully and effectually to all intents and purposes as I could do in my own proper person if personally present.

20. To Appoint Substitutes. To substitute and appoint in my attorney's place and stead (on such terms and at such salary or compensation as my attorney shall think fit) one or more attorney or attorneys to exercise for me as my attorney or attorneys any or all of the powers and authorities hereby conferred, and to revoke any such appointment from time to time, and to substitute or appoint any other or others in the place of such attorney or attorneys as my attorney shall from time to time think fit.

21. Tax Effects. Any authority granted to my said attorney-in-fact shall be limited so as to prevent this power of attorney (1) from causing my attorney-in-fact to be taxed on my income, (2) from causing my estate to be subject to a general power of appointment (as that term is defined in Section 2041 of the Internal Revenue Code of 1986, as amended) by my attorney-in-fact, and (3) from causing my attorney-in-fact to have any incidents of ownership (within the meaning of Section 2042 of the Internal Revenue Code of 1986, as amended) with regard to any life insurance policies on the life of my attorney-in-fact.

22. Gifts. I specifically authorize and encourage my attorney-in-fact to make gifts (outright, in trust or otherwise) to herself or himself, individually, or to my children and their descendants, and to the spouses of all my descendants, to the extent such gift will be eligible for the annual gift tax exclusion provided in Section 2503(b) of the Internal Revenue Code of 1986, as amended. However, when a child of mine, his or her spouse, or other descendant of mine is acting as my attorney-in-fact hereunder, gifts to himself or herself in an individual capacity shall be limited to Five Thousand Dollars (\$5,000.00) per year.

23. Invalid Provision. Any provision of this instrument found to be prohibited by law shall be ineffective to the extent of such prohibition without invalidating the rest of this instrument.

24. To Manage Insurance Policies. To make and file claims and execute any and all necessary forms under any policy of insurance insuring me or a third party and to receipt therefor

in my name, which receipt shall be effective to release fully any person or corporation, to pay insurance premiums, to surrender policies for cash value, to borrow money on insurance policies, to transfer the same and to change the beneficiary on any insurance policy.

25. Incompetence of Principal. This Power of Attorney shall not be affected by physical disability or mental incompetence of the Principal which renders the Principal incapable of managing the Principal's own estate.

26. Recordation. This Power of Attorney shall be probated and recorded in the same manner as a deed.

27. Reliance and Third Party Liability. Except to the extent that any person or party has actually received written notice of the revocation or termination of this power of attorney, no such person who acts in reliance upon the representations of my attorney-in-fact for the scope of authority granted to the attorney-in-fact shall incur any liability as to me or to my estate as a result of permitting the attorney-in-fact to exercise this authority; nor is any such person who deals with my attorney-in-fact responsible to determine or ensure the proper application of funds or property.

28. Safe Deposit Boxes. I, the Principal, do hereby authorize and direct my appointee or appointees as my Attorney-in-Fact to have access at any time or times to any safe deposit box rented by me, wherever located, in order to remove my original durable power of attorney; and any institution in which any such safe deposit box may be located is not required to make any inquiry, and shall not incur any liability to me or my estate as a result of permitting my appointee or appointees in my original durable power of attorney to exercise this power. This power is exercisable without: (i) any contact with or notice to me, my spouse, and/or any interested person to my estate; (ii) any prior court order or authorization; (iii) any knowledge of or any prior determination as to my mental or physical capacity or incapacity; (iv) any knowledge as to my whereabouts regardless whether my whereabouts are known or unknown; or (v) any inquiry.

29. Compensation. Any person serving as my attorney-in-fact hereunder shall not be entitled to a fee or compensation for services for doing so, but shall be entitled to reimbursement for all reasonable costs and expenses actually incurred and paid by such person on my behalf.

30. Acts of Attorney. Kathleen S. Turner and Daniel R. Stevenson are hereby authorized and empowered to act hereunder and may perform all acts authorized hereunder.

Execution

I, Jacquelin K. Stevenson, the Principal, sign my name to this instrument this 18 day of February, 2003, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my Power of Attorney and that I sign it willingly (or willingly direct another to sign for me), that I execute it as my free and voluntary act for the purposes therein expressed, and that I am eighteen years of age or older, of sound mind, and under no constraint or undue influence.

Jacquelin K. Stevenson (SEAL)
Jacquelin K. Stevenson

We, Kay R. Jenkins and Thos. Herman Antel, Jr. the witnesses, sign our names to this instrument, and at least one of us, being first duly sworn, does hereby declare, generally and to the undersigned authority that the Principal signs and executes this instrument as her Power of Attorney and that she signs it willingly (or willingly directs another to sign for her), and that each of us, in the presence and hearing of the Principal, hereby signs this Power of Attorney as witnesses to her signing, and that to the best of our knowledge she is eighteen years of age or older, of sound mind, and under no constraint or undue influence.

Kay R. Jenkins
Witness
Thos. Herman Antel, Jr.
Witness

STATE OF SOUTH CAROLINA)

COUNTY OF CHARLESTON)

PROBATE

PERSONALLY APPEARED before me the witness named above who made oath that (s)he saw the within named Jacquelin K. Stevenson sign, seal and as her act and deed, deliver the within named Durable Power of Attorney and that (s)he with the other witness above named witnessed the execution hereof.

Kay R Jenkins

Sworn before me this 18th day of February, 2003.

[Signature]
Notary Public for South Carolina

My Commission Expires: 10/19/2004

000000895

STATE OF SOUTH CAROLINA

PROBATE COURT

COUNTY OF CHARLESTON

IN THE MATTER OF ESTATE OF JACQUELIN K. STEVENSON

CASE NUMBER 2007ES10-01437

INVENTORY AND APPRAISEMENT

☒ ORIGINAL (preliminary)
☐ SUPPLEMENTAL # _____
☐ AMENDED

PERSONAL REPRESENTATIVE Jacquelin S. Bennett and Kathleen S. TurnerDECEDENT'S SOCIAL SECURITY # [REDACTED] Was there a Will? ☒ YESDECEDENT'S DATE OF DEATH 9/17/2007 Domicile at Death Charleston, South CarolinaIs the Decedent's estate required to file a Federal estate tax return? ☒ YES

The undersigned, being sworn, states: that the following schedules contain a complete and accurate inventory and appraisal of all real and personal property of this estate so far as the undersigned is informed; that he has estimated and/or appraised all listed property at its fair market value, according to the best of his knowledge and ability.

SWORN to before me this 28th day of May, 2008Notary Public for South Carolina
My Commission Expires: 8/21/12

Signature: [Signature]
 Name: Jacquelin S. Bennett
 Address: Post Office Box 1231
Charleston, South Carolina 29402
 Telephone (O): _____
 (H): 843-559-3833

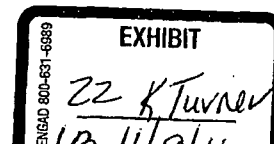
See attached page for co-Personal Representative's signature

For estates of Decedents, the gross fair market valuation of all assets, regardless of situs, should be given as of the date of death. List all out-of-state assets on appropriate schedules. A Supplemental Inventory should be utilized for correcting, adjusting or adding to an original inventory. A qualified and disinterested appraiser may be employed to ascertain a value of any asset, the value of which may be subject to reasonable doubt. If an appraiser is employed, his/her name and address should be indicated with the item or items he/she appraised.

Within ninety (90) days following appointment, a copy of this form shall be sent to each interest person who requests it, and the original of this form filed with the Probate Court.

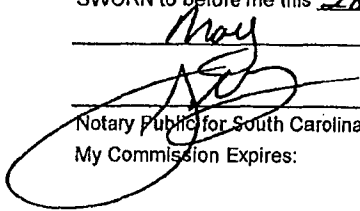
RECAPITULATION

	OUT-OF-STATE / NON-PROBATE	PROBATE
Schedule A - Real Estate	\$1,210,000.00	\$2,950,000.00
Schedule B - Stocks and Bonds		\$2,801,527.50
Schedule C - Notes, Cash & Bank Accounts		\$502,999.34
Schedule D - Insurance on Decedent's Life		
Part 1 Payable to Estate		\$0.00
Part 2 Payable to Beneficiary	See Schedule notation	
Schedule E - Jointly Owned Property		\$0.00
Schedule F - Other Miscellaneous		\$118,755.00
Other Assets Payable to Estate:		
Schedule G - Transfers during Decedent's Life		\$0.00
Schedule H - Powers of Appointment	*	\$1,126,599.50
Schedule I - Annuities and Retirement Accounts		\$0.00
TOTAL GROSS ESTATE		\$7,499,881.34
ENCUMBRANCES		\$0.00
TOTAL NET WORTH		\$7,499,881.34



The undersigned, being sworn, states: that the following schedules contain a complete and accurate inventory and appraisal of all real and personal property of this estate so far as the undersigned is informed; that he has estimated and/or appraised all listed property at its fair market value, according to the best of his knowledge and ability.

SWORN to before me this 28th day of May, 2008


Notary Public for South Carolina
My Commission Expires: 8/21/12

Signature: Kathleen S. Turner
Name: Kathleen S. Turner
Address: Post Office Box 496
Folly Beach, South Carolina 29439
Telephone (O): _____
(H): 843-588-2479

NOTE: WHEN COMPLETING THE FOLLOWING SCHEDULES, PLEASE REMEMBER TO LIST ALL ASSETS, REGARDLESS OF SITUS. ALL OUT-OF-STATE ASSETS MUST BE DISCLOSED.

SCHEDULE A - Real Estate (all interests in real property except those held with right of survivorship). If none, so state. (For jointly owned property with right of survivorship, see Schedule E).

Item No.	Description (Include County & State)	Tax Assessor's Fair Market Value for year of Decedent's Death	Appraised Value or Out-of-State Value	Appraised Value of Decedent's Interest (In-State)
1	2414 Rockland Avenue, Rockville, SC (Charleston Co)	\$268,000.00		\$1,450,000.00
2	19 Dupree Creek Lane, Awendaw, SC (Charleston Co)	\$649,000.00		\$550,000.00
3	Lot 16, Glasgow Is. Lane, Edisto, SC (Charleston Co)	\$201,500.00		\$950,000.00
4	2077 S Lake Summit Rd, Saluda NC (Henderson Co)	\$0.00	\$1,210,000.00	

TOTAL SCHEDULE A

(also enter under Recapitulation, Page 1)

\$1,210,000.00

\$2,950,000.00

SCHEDULE B - Stocks and Bonds. If none, so state. (For jointly owned property with right of survivorship, see Schedule E).

Item No.	Description	Face Value	Appraised/Closing Value
1	Force Protection, Inc. Stock	174550 shares	\$16.05/share
			\$2,801,527.50

TOTAL SCHEDULE B

(also enter under Recapitulation, Page 1)

\$2,801,527.50

SCHEDULE C - Notes due to Decedent and Money in Banks. If none, so state. (For jointly owned property with right of survivorship, see Schedule E).

Item No.	Description	Value
1	Bank of South Carolina Checking Account	\$494,865.19
2	Bank of America Checking Account	\$524.06
3	Fidelity Investments Cash Account	\$7,610.09

TOTAL SCHEDULE C

(also enter under Recapitulation, Page 1)

\$502,999.34

(If more space is needed, insert tax schedules or additional sheets of same size.)

SCHEDULE D - Insurance. If none, so state.**Part 1 - Life Insurance - Payable to the Estate**

Item No.	Description	Value
None		

TOTAL PART A

(also enter under Recapitulation, Page 1)

\$0.00**Part 2 - Life Insurance - Payable to Beneficiaries**

Item No.	Description	Value
1 Federal Estate Tax Return Required	Beneficiaries: Daniel Stevenson, Thomas Stevenson, III, Kathleen Turner, Jacquelin Bennett, Genevieve Felder and James King	\$0.00

TOTAL PART B

(also enter under Recapitulation, Page 1)

\$0.00**SCHEDULE E - Jointly owned property (with right of survivorship).** If none, so state.

NOTE: You must complete Schedule E if the Decedent owned any property jointly with right of survivorship at the time of death, whether or not the Decedent's interest is included in the gross estate.

Percentage Includable:

1 - Joint interest held by Decedent and spouse - the amount includible is one-half of the value in all cases.

2 - Other joint interest - Generally you must include the full value of the jointly owned property in the gross estate. However, the full value should not be included if you can show that a part of the property originally belonged to the other tenant(s). The amount included is the amount of the Decedent's contribution to the joint account(s).

Item No.	Description	Joint Owner(s)	Percentage Includible	Appraised Value of Decedent's Interest
None				

TOTAL SCHEDULE E

(also enter under Recapitulation, Page 1)

\$0.00

(If more space is needed, insert tax schedules or additional sheets of same size.)

SCHEDULE F - Miscellaneous Personal Property - (tangible personal property, employment bonus or award, interest in a partnership or unincorporated business, articles or collections having either artistic or intrinsic values, etc.). If none, so state. (For jointly owned property with right of survivorship, see Schedule E).

Item No.	Description	Value
1	Personal Property	\$107,250.00
2	1997 21' Correct Craft	\$11,505.00
3	1991 14' Sea Nymph	undetermined

TOTAL SCHEDULE F

(also enter under Recapitulation, Page 1)

\$118,755.00

FOR SCHEDULES G, H, AND I - LIST ONLY IF PAYABLE TO ESTATE.

SCHEDULE G - Transfers During Decedent's Life - Transfers intended to take effect at death. United States Government Bonds "Payable on Death", Trust created by Decedent in which income for life was retained, power to revoke or other incidents of ownership retained, Life insurance transfers, Lifetime transfers or real property in which Decedent retains a life estate or other incidents of ownership. If none, so state.

Did Decedent make transfers during lifetime as described above? ☐ Yes ☒ No

If yes, please give date and type of transfer and list total amount payable to estate:

Item No.	Date of Transfer	Description	Value
None			

TOTAL SCHEDULE G

(also enter under Recapitulation, Page 1)

\$0.00

(If more space is needed, insert tax schedules or additional sheets of same size.)

SCHEDULE H - Power of Appointment - Property, both real and personal, over which Decedent possessed a Power of Appointment, whether testamentary or otherwise. If none, so state.

Did Decedent possess a Power of Appointment? ☒ Yes ☐ No

If yes, did Decedent exercise in favor of the estate? ☒ Yes ☐ No

If yes, please describe and list total amount payable to estate:

Item No.	Description	Value
1	Marital Trust U/W of Thomas C. Stevenson	
	consisting of:	
	Stocks and Bonds	\$762,579.00
	Cash	\$364,020.50
	* DS Notes/Claims	undetermined
	* TS Notes/Claims	undetermined

TOTAL SCHEDULE H

(also enter under Recapitulation, Page 1)

\$1,126,599.50

**Notes/Claims not included in total*

SCHEDULE I - Annuities and retirement accounts (IRA's, 401(k), etc. If none, so state.

Did Decedent own any accounts as described above? ☐ Yes ☒ No

If yes, is the estate designated as beneficiary of any? ☐ Yes ☒ No

If yes, please describe and list total amount payable to estate:

Item No.	Description	Value
	None	

TOTAL SCHEDULE I

(also enter under Recapitulation, Page 1)

\$0.00

ENCUMBRANCES (e.g. mortgages, liens, judgments, etc., but not general debts of the estate) -- List specific assets encumbered.

Item No.	Schedule and Item Number Encumbered Thereby	Description	Amount
		None	

TOTAL ENCUMBRANCES

(also enter under Recapitulation, Page 1)

\$0.00

(If more space is needed, insert tax schedules or additional sheets of same size.)

MANIFESTLY NON-TAXABLE

(To be executed by the Probate Court Judge in those cases where it appears that the estate is NOT REPORTABLE to the South Carolina Tax Commission under the provisions of the Estate Tax Laws of the State of South Carolina, i.e. the total gross value is indicated to be less than prescribed limits).

It appears from the foregoing record of the above captioned estate on file in the Probate Court of this County, such estate is not reportable to the South Carolina Department of Revenue.

Executed this _____ day of _____, 2008.

Charleston County Judge of Probate Court

1 STATE OF SOUTH CAROLINA

COURT OF COMMON PLEAS

2 COUNTY OF CHARLESTON

3 IN RE: The Estate of Jacquelin
4 K. Stevenson, Deceased and the
5 Estate of Thomas C. Stevenson,
6 Deceased.

7 Jacquelin S. Bennett, Genevieve S.
8 Felder and Kathleen S. Turner,
9 individually, as Co-Trustees and
10 beneficiaries of the Marital Trust
11 and the Qualified Terminable Interest
12 Trust created by the Thomas Stevenson
13 Will, and Jacquelin S. Bennett, and
14 Kathleen S. Turner, as Co-Personal
15 Representatives on behalf of the
16 Estate of Jacquelin K. Stevenson,

17 Plaintiff(s),

18 vs.

Case No: 2011-CP-10-400

19 T. Heyward Carter, Jr.; Evans, Carter,
20 Kunes & Bennett, P.A.; Douglas Capital
21 Management, Inc.; Dixon-Hughes f/k/a
22 Pratt-Thomas Gumb & Co., P.A.; and
23 Lynne L. Kerrison.

24 Defendant(s).

25 D E P O S I T I O N

WITNESS: LYNNE L. KERRISON

DATE: July 13, 2011

TIME: 10:00 a.m.

LOCATION: Barnwell Whaley Patterson & Helms, LLC
885 Island Park Drive
Charleston, South Carolina

TAKEN BY: Attorneys for the Plaintiffs

REPORTED BY: HEATHER M. CURLIN
Professional Court Reporter

1 APPEARANCES:

2 ATTORNEYS FOR THE PLAINTIFFS:

3 LEWIS & BABCOCK, L.L.P.
4 BY: A. CAMDEN LEWIS, ESQUIRE
5 AND: MARY G. LEWIS, ESQUIRE
6 1513 Hampton Street
7 Columbia, South Carolina 29201
8 mgl@lewisbabcock.com
9 (803)771-8000

10 ATTORNEYS FOR THE DEFENDANT T. HEYWARD CARTER
11 and EVANS, CARTER, KUNES & BENNETT, P.A.:

12 PARKER POE ADAMS & BERNSTEIN, LLP
13 BY: SUSAN TAYLOR WALL, ESQUIRE
14 AND: HAL W. FRAMPTON, IV, ESQUIRE
15 200 Meeting Street, Suite 301
16 Charleston, South Carolina 29401
17 susanwall@parkerpoe.com
18 (843)727-2692

19 ATTORNEYS FOR THE DEFENDANTS DIXON HUGHES f/k/a
20 PRATT-THOMAS, GUMB & CO., P.A.; and LYNNE L.
21 KERRISON:

22 SHARPLESS & STAVOLA, P.A.
23 BY: FREDERICK K. SHARPLESS, ESQUIRE
24 200 South Elm Street, Suite 400
25 Greensboro, North Carolina 27401
FKS@sharpless-stavola.com
(336)333-6400

19 BARNWELL WHALEY PATTERSON & HELMS, LLC
20 BY: M. DAWES COOKE, JR., ESQUIRE
21 885 Island Park Drive
22 Charleston, South Carolina 29492
23 (843)577-7700

24 ALSO PRESENT: Mr. Heyward Grimball
25 Ms. Melanie Blease
Ms. Caitlin Fletcher
T. Heyward Carter, Jr., Esq.

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1 (The deponent does not waive reading and
2 signing of the deposition transcript.)

3 - - - - -

4 LYNNE L. KERRISON, being first duly
5 sworn, testified as follows:

6 EXAMINATION

7 BY MR. LEWIS:

8 Q. Give us your name.

9 A. Lynne Kerrison.

10 Q. And you are a CPA?

11 A. Yes, sir.

12 Q. With what's now called Dixon Hughes and --

13 A. It's Dixon Hughes Goodman.

14 Q. Goodman. Yes. And you are a member?

15 A. I am not a member anymore. No, sir.

16 Q. You're not a member anymore?

17 A. Huh-uh.

18 Q. Were you a member of Pratt-Thomas?

19 A. I was, yes, sir. I was a shareholder.

20 Q. You were. And when you moved over, you
21 were no longer a member?

22 A. I was a member at first, but I've resigned
23 my membership since.

24 Q. But you still work there?

25 A. I work there very part-time.

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1 Q. So you've retired?

2 A. Similar. I work at another -- I work at
3 Bishop Gadsden as their controller.

4 Q. At who?

5 A. Bishop Gadsden.

6 Q. What is that?

7 A. It's a retirement home here.

8 Q. Oh, okay. Now, have you had your
9 deposition taken before?

10 A. Yes, sir.

11 Q. Well, then you know that I am required to
12 tell you a few things. I'm required to tell you
13 that I ask you the question; luckily, you don't get
14 to ask me questions. Luckily for me. And if you
15 don't understand them, you ask me; otherwise, it
16 will be assumed you understood it and your answer
17 will stand. Does that make sense?

18 A. Yes, sir.

19 Q. Also, you have a right to read and sign at
20 the end or just waive it. That's up to you. But
21 you need to tell your lawyer and the court reporter
22 so that can be coordinated. Reading and signing
23 doesn't mean that you get to change yes to no's and
24 change the answer, but you can correct spellings or
25 something like that. And you'll just have to let

1 your attorney know, and he'll let the court reporter
2 know.

3 The other thing is, if I interrupt you, I'm
4 not supposed to, but sometimes I get excited. And
5 you just need to tell me that I've interrupted you
6 and you get to finish your answer and I'll
7 apologize. If I act like you don't want me to, you
8 tell me, and I'll try to change. I'm not going to
9 promise, but I'll try.

10 A. Yes, sir.

11 Q. Now, we're here on a lawsuit in which you
12 are one of the defendants. Do you -- you know about
13 this lawsuit?

14 A. Yes, sir.

15 Q. And what had you do -- did you do to get
16 ready for your deposition?

17 A. I reread my last deposition.

18 Q. Is there anything else you did?

19 A. No, sir.

20 Q. Did you meet with anybody?

21 A. I met with my attorneys.

22 Q. Well, then that's something you did. How
23 long did you meet with them?

24 A. About an hour and a half.

25 Q. When?

1 A. A couple -- two days ago.

2 Q. Did you meet with them yesterday?

3 A. No, sir.

4 Q. Have you met with them this morning?

5 A. Just to say hello and speak a few words.

6 Q. Now, I want to ask you first -- well, when
7 you were an accountant, a CPA with Dixon Hughes and
8 Pratt-Thomas, were you a forensic accountant or were
9 you just a -- what kind of accountant were you?
10 Y'all have all got little names like all the doctors
11 have now.

12 A. Right. A general CPA.

13 Q. CPA?

14 A. Yes, sir.

15 Q. Did you work close with someone?

16 A. I worked with Harold Pratt-Thomas probably
17 more than any of the other partners, but not
18 exclusively with Harold. No.

19 Q. Did you work with Barry Gumb?

20 A. Very little.

21 Q. So when -- were you -- did you work on the
22 Tom C. Stevenson matters?

23 A. No, sir. Did not work on any of that.

24 Q. Did you work on Mrs. Stevenson matters?

25 A. I worked the Mrs. Stevenson, yes, sir.

1 Q. Okay. There were a lot of Stevenson
2 entities. Do you know what I'm talking about?

3 A. I know some of them, yes, sir.

4 Q. Well, like, let's just say, did you do any
5 work for Tom Stevenson?

6 A. No, sir.

7 Q. Dan Stevenson?

8 A. I did his 1040, his tax return, a couple of
9 times.

10 Q. Did you do anything for Easy Tray?

11 A. No, sir.

12 Q. Commerce Circle?

13 A. I don't even know what Commerce Circle is.
14 No, sir.

15 Q. Con-Vel?

16 A. No, sir.

17 Q. Too Goo Doo Farms?

18 A. That was part of Dan's 1040.

19 Q. So you did something for that?

20 A. Yes, sir.

21 Q. All right. And Mrs. Stevenson, of course,
22 you --

23 A. Yes, sir.

24 Q. How about Kathleen Turner?

25 A. I did not -- I may have signed Kathleen's

1 tax return. There was another person in our office
2 that handled Mrs. -- Kathleen and her husband
3 exclusively, but she wasn't a manager -- she didn't
4 have signing authority. So I may have signed
5 Kathleen's tax return.

6 Q. When you sign something, are you
7 responsible for it?

8 A. I looked at it, yes, sir.

9 Q. So you would verify -- you'd vouch for it?

10 A. Yes, sir. But I did not have any meetings
11 to go over any of the tax information.

12 Q. So what did you do? Did you never question
13 anything?

14 A. I cannot answer that. I don't know the
15 answer.

16 Q. You don't know if you ever questioned --

17 A. I don't remember.

18 Q. You don't remember. All right.

19 Would the people I asked you about, the
20 other Stevenson entities, that is, Tom Stevenson,
21 Dan Stevenson, Easy Tray, Commerce Circle, Con-Vel,
22 Too Goo Doo Farms, that would have been Barry Gumb
23 that did those?

24 A. Barry did the majority of those, yes.

25 MR. LEWIS: Would you mark this, please?

1 (Exhibit No. 1 was marked.)

2 BY MR. LEWIS:

3 Q. This is the answers to the first set of
4 interrogatories. Do you remember -- do you
5 recognize those?

6 A. Yes, sir.

7 Q. Now, you said you read your first
8 deposition in preparation of this deposition.

9 A. Yes, sir.

10 Q. Did you make any notes that you wanted to
11 change anything?

12 A. No, sir.

13 Q. You're happy with it?

14 A. Yes, sir.

15 Q. Okay. Now, looking at Exhibit Number 1, I
16 want you to turn to the very last page.

17 A. This?

18 Q. Yeah.

19 A. Okay.

20 Q. And that was a verification there. And you
21 say that your responses are true of your own
22 knowledge.

23 A. Yes, sir.

24 Q. Don't you say that?

25 A. Yes, sir.

1 Q. Is that true?

2 A. Of my knowledge, yes, sir.

3 Q. And what do you mean "knowledge"? Just
4 what you think, or did you look into it? Or what
5 did -- what do you mean by the word your own
6 knowledge? Just something that you just believe? I
7 don't understand it.

8 A. Something in my mind that I believe is
9 true.

10 Q. And you didn't look and see if it was true?

11 A. I don't understand your question.

12 Q. All right. Let's look at the answer to
13 Interrogatory Number -- look at Interrogatory Number
14 3.

15 A. Okay.

16 Q. You see that?

17 A. Yes, sir.

18 Q. Is that what you still believe, that you
19 got \$10 million coverage?

20 A. I'm not, you know, an expert in insurance,
21 and I know there's been a few questions about our
22 insurance. So my understanding was that on the --
23 after we had our last -- either with the mediation
24 or the deposition that that was changed.

25 Q. But I want to know what you thought when

1 you signed the verification saying it was true.

2 A. It's what I understood.

3 Q. And you understood it by what method?

4 A. From what the insurance companies and what
5 I -- what I understood.

6 Q. The insurance company tell you that?

7 A. Well, there was an insurance -- our
8 attorney for the insurance company was at the
9 mediation.

10 Q. No. I'm asking you when you answered
11 that -- look at the date of that. That was way
12 before the mediation. When did -- when you answered
13 that, when you signed that verification saying it
14 was true --

15 A. It was what I --

16 Q. -- where did you get the information to say
17 it was true?

18 A. From Dixon Hughes.

19 Q. From Dixon Hughes. Well, now, Dixon Hughes
20 doesn't talk. Who talked to you about it? Who
21 said, We have \$10 million?

22 A. I am not certain. Just what I understood.
23 I do not remember who told me that.

24 Q. Well, that's a pretty important --

25 A. Okay?

1 Q. -- question, don't you think?

2 A. Yes, sir. But it's what I understood, and
3 I didn't have any reason to question them.

4 Q. I know that's what you understood. I want
5 to know how you understood it. I understand that
6 I'm --

7 A. I'm sorry, but I --

8 Q. -- really good looking. Now, the reason I
9 know that is I look in the mirror and I see myself.
10 Now, what is it that told you that you had \$10
11 million in coverage?

12 A. I honestly do not remember whatsoever.

13 Q. But you --

14 A. It's what I understood.

15 Q. But when you said it and you put it down
16 and you swore to it, you were totally in the belief
17 that it was \$10 million?

18 A. When I signed --

19 Q. Is that correct?

20 A. When I signed this --

21 Q. Is that correct?

22 A. When I signed this, yes, sir. To my
23 knowledge, that's what I knew at the time.

24 Q. And you don't know now where you got that
25 knowledge; you just had that belief?

1 A. Yes, sir.

2 Q. Now, in that belief, do you know, right
3 now, whether or not the insurance company is paying
4 your lawyer or is Dixon Hughes paying your lawyer?

5 A. I'm sorry, but I'm not an expert in
6 insurance and I don't know. And my understanding
7 from when we had the mediation was that the
8 insurance policy that we had was -- there was a
9 terminology for it; and I don't remember off the top
10 of my head what that terminology was, but that they
11 were -- I think it was called an eroding policy.
12 And it was discussed at that mediation. And my
13 understanding of an eroding policy is that the
14 insurance company was paying my legal fees. That
15 was my understanding.

16 Q. Do you -- have you -- were you at Dixon
17 Hughes anytime that this suit was pending?

18 A. Yes, sir.

19 Q. And when you were at Dixon Hughes, did you
20 ever receive a bill or see a bill?

21 A. I would never -- that would be -- not one
22 single thing that would come across my desk. No,
23 sir.

24 Q. And did you ever bother to check it?

25 A. No, sir.

1 Q. So to your knowledge, you don't know who is
2 paying it?

3 A. That's a very accurate statement. Yes,
4 sir.

5 Q. Now, let's look at another interrogatory
6 answer.

7 MR. LEWIS: Mark this as Exhibit 2.

8 (Exhibit No. 2 was marked.)

9 BY MR. LEWIS:

10 Q. Now, this is a verification. Look at the
11 second page dated 26 April 2011. That's a new
12 verification?

13 A. Yes, sir.

14 Q. Now, who asked you to sign a new
15 verification?

16 A. That arose after the mediation, so my --

17 Q. Excuse me.

18 A. Okay.

19 Q. We're going to get along a lot better if
20 you listen to my question.

21 A. Okay.

22 Q. Who asked you to sign that verification?

23 A. The attorneys.

24 Q. The attorneys. Anyone in particular?

25 A. Amber would have been the person that would

1 have sent it to me from Rick's office.

2 Q. Amber. Okay. And when she sent it to you,
3 did you look at your Exhibit 1 to see what you'd
4 said before?

5 A. Yes, sir.

6 Q. Okay. And is what you -- we find in the
7 answer to interrogatory exactly what Amber sent you
8 to sign?

9 A. I'm sorry, I didn't understand your
10 question.

11 Q. Did you change anything when you got this
12 interrogatory? The answer, did you change anything
13 or you just signed it?

14 A. I read it and I signed it.

15 Q. Okay. What is Rule 33(c)?

16 A. I'm not certain.

17 Q. So you swear to this, and you don't even
18 know what the answer means. Is that correct?

19 A. At this moment, I do not know what the
20 answer to that means. Correct.

21 Q. Did you ever know what the Rule 33(c)
22 meant?

23 A. Probably not.

24 Q. So you just signed it. Is that your normal
25 course of business, just to sign things?

1 A. No, sir.

2 Q. Now, it had an attachment called a
3 "Predecessor Firm Endorsement." Do you see that?

4 A. Yes, sir.

5 Q. Did you read it and see what it meant, or
6 did you just know that was an endorsement?

7 A. I read it. I'm not an attorney, so I'm not
8 sitting here -- I cannot answer everything about
9 this, but I did read it.

10 Q. And so you know that that's the
11 endorsement, and what you say on your answer is that
12 pursuant to a rule you don't know about, you're
13 giving a copy of the Predecessor Firm Endorsement,
14 and you read it but you don't know exactly what it
15 means. Did you talk to any attorney about it?

16 A. I did not specifically ask for what that
17 rule meant. No, sir.

18 Q. Well, how about what this predecessor firm
19 endorsement meant?

20 A. I was familiar with what this said from
21 discussions at our mediation.

22 Q. You were familiar with what your attorney
23 said it meant at your mediation.

24 A. I was familiar with what the attorney for
25 the insurance companies said and what people

1 discussed at the mediation.

2 Q. Is it any surprise to you that the attorney
3 for the insurance company wants the coverage to be
4 as little as possible?

5 A. No, sir.

6 Q. Now, I want to go into these entities and
7 who represented who and so forth. Okay?

8 A. (Witness nods head.)

9 Q. And especially you. If you had anything to
10 do with any of them.

11 A. Okay.

12 Q. Dan Stevenson?

13 MR. SHARPLESS: Object to the form.

14 MR. LEWIS: Huh?

15 MR. SHARPLESS: Object to the form. Go
16 ahead.

17 MR. LEWIS: I'm sorry. Got me all confused
18 there.

19 BY MR. LEWIS:

20 Q. Dan Stevenson, did you do any work for Dan
21 Stevenson?

22 A. I did his 1040.

23 Q. What's a 1040?

24 A. His personal tax return.

25 Q. His personal tax return?

1 A. (Witness nods head.)

2 Q. All right. When you do a personal tax
3 return, do you verify the income?

4 A. You do not verify it, no, sir.

5 Q. Do you see where it came from?

6 A. No, sir.

7 Q. You just accept their word for it, just
8 sits there right out in the open, whatever he says?

9 A. Well, tech -- you receive statements from
10 other -- like a 1099 from income sources.

11 Q. Okay.

12 A. And you use the sources from -- that they
13 provide, the client provides, to prepare the tax
14 return.

15 Q. But did you, when you did Dan Stevenson's
16 1040s --

17 Okay. First of all, do you remember when
18 you started working for Dan Stevenson on his stuff?

19 A. No, sir, I do not remember the tax year.

20 Q. So you didn't look that up to come here
21 today?

22 A. No, sir.

23 Q. Do you know when you did the last one?

24 A. No, sir.

25 Q. So we just have to ask the books and

1 records for your billings?

2 A. That's -- I mean, I don't -- I didn't look
3 it up. No, sir, I did not look it up.

4 Q. If you wanted to do that, how would you
5 look it up?

6 A. I would look up in our computer system.

7 Q. And who would you ask?

8 A. I could look it up myself.

9 Q. And what would you do to look it up?

10 A. I would go into our electronic management
11 system and I would pull him up as a client and I
12 would look.

13 Q. And you didn't do that today?

14 A. No, sir.

15 Q. Did anybody ask you to do that today?

16 A. No, sir.

17 Q. So you just came here not able to answer
18 that question?

19 A. I wasn't prepared to answer that question,
20 no, sir.

21 Q. Well, didn't you think you might be asked
22 it?

23 A. No, sir.

24 Q. Oh, okay. All right. So you can't tell me
25 when you started or when you stopped with Dan

1 Stevenson. Will your computer system lay out what
2 you did for Dan Stevenson?

3 A. Yes, sir. It will show that I prepared tax
4 returns for Dan.

5 Q. Will it show anything else?

6 A. I did not do anything else for Dan, so it
7 shouldn't show anything else.

8 Q. How do you know it doesn't show anything
9 else? Does your memory now allow you to remember
10 that you didn't do anything else?

11 A. I was -- I only prepared tax returns for
12 Dan.

13 Q. That's your memory?

14 A. Yes, sir.

15 Q. But the best thing to do is look at the
16 computer, right?

17 A. Yes, sir.

18 Q. All right. So you did -- we were talking
19 about 1040s and you'd look at -- see 1099s, for
20 example, which is where he gets his money from.
21 Okay?

22 A. Uh-huh.

23 Q. And on your tax returns, would it show any
24 monies that he got as loans?

25 A. No, sir. That does not show up on your tax

1 return anywhere.

2 Q. Does it show on your tax returns interest
3 paid on loans?

4 A. If you actually pay interest, it does, yes,
5 sir.

6 Q. Do you know what loans he paid interest on?

7 A. Not off the top of my head, no, sir.

8 Q. And what would you have gotten to show that
9 the interest he got paid loans on, what would you --

10 A. A form 1098.

11 Q. 1098. What other forms would you have got
12 besides Form 1098s and 1099s?

13 A. Any documents that the taxpayer has,
14 receipts of contributions, things -- any other kind
15 of tax documents that the taxpayers would give us
16 as -- to prepare the tax return with.

17 Q. Okay. Would you get, for example, a loan
18 forgiveness?

19 A. If it came from a financial institution,
20 yes, sir.

21 Q. How about a mother?

22 A. That would be -- have to be something that
23 they would have to specifically provide.

24 Q. Well, how would he know to provide it?

25 A. I'm assuming he would seek -- be talking to

1 an attorney.

2 Q. How about you, did you just ask him, say,
3 Hey, do you have any loan forgiveness?

4 A. I cannot say that's a question I would have
5 asked Dan. I mean --

6 Q. Well --

7 A. I mean, there's -- you know, we have an
8 organizer, and you go through the organizer and --

9 Q. What's an organizer?

10 A. It's a statement --

11 MR. SHARPLESS: Objection. Let her finish
12 her answer.

13 MR. LEWIS: I am. She's talking about --
14 she said an organizer.

15 A. And it's a tax booklet, has a lot of
16 questions in it. Some clients prepare them, some
17 clients don't prepare them.

18 BY MR. LEWIS:

19 Q. Ah. Well, these organizers, would Dan have
20 had an organizer?

21 A. It would be with his source documents in
22 the tax -- in the software. I do not remember if he
23 provided it or not.

24 Q. So it would be in those computer files too?

25 A. It would be with his 1099s and 1098s if he

1 provided it.

2 Q. So it would be in a file at Dixon Hughes?

3 A. Yes, sir.

4 Q. Now, did you prepare these forms before you
5 went over to Dixon Hughes when you were with Pratt?

6 A. I would say, yes, sir.

7 Q. Well, when you came over from Dixon Hughes
8 from Pratt, did y'all just bring over all the files?

9 A. Oh, yes, sir. Our electronic records -- I
10 mean, they're there.

11 Q. Okay.

12 A. From as far back as we keep -- our document
13 retention policy is we have things. We have a
14 document retention policy.

15 Q. What is that?

16 A. There's a certain period of time where
17 files can be destroyed. And I don't remember off
18 the top of my head what our document retention
19 policy is, but it's very standard in the practice of
20 how long you keep documents.

21 Q. Do you think some Dan Stevenson documents
22 have been destroyed since this suit was filed?

23 A. They -- I cannot answer that.

24 Q. All right. So we've got this file
25 somewhere that tells us about -- what did you call

1 it? An organizer?

2 A. Yes, sir.

3 Q. Okay. And we're talking about Dan
4 Stevenson personally, right?

5 A. Yes, sir.

6 Q. All right. So you would have just gone on
7 what his organizer -- the information his organizer
8 gave you and what he furnished you as 1099s, 1098s,
9 and, I guess, W-2s if there were such things?

10 A. Yes, sir. If he provided an organizer.

11 Q. Okay. And if he didn't provide an
12 organizer, what did you do?

13 A. Just use information that they provide.

14 Q. So he would have had to verbally give it to
15 you, and you just took it like that? What did you
16 write it down on?

17 A. Typically, they provide -- the clients
18 provide written documentation for what's put into
19 their tax return.

20 Q. Okay. So either it was on an organizer or
21 something else written?

22 A. Yes, sir.

23 Q. Otherwise, it would be tough for you to put
24 it in their tax return if you didn't get it from
25 some form of an organizer or other documents?

1 A. Correct.

2 Q. Okay. Now, you did that -- that was a
3 personal tax return?

4 A. Yes, sir.

5 Q. Did you do any tax returns for any of his
6 entities?

7 A. No, sir. The Too Goo Doo Farms is included
8 in his 1040 and I --

9 Q. The what? Do that again.

10 A. Too Goo Doo Farms --

11 Q. Yeah.

12 A. -- is included in his 1040.

13 Q. How is that?

14 A. It's a -- it was a Schedule C.

15 Q. Schedule C. And a Schedule C is a
16 corporation treated as a personal -- in a personal
17 way?

18 A. No, sir. It was just a single -- sole
19 proprietorship.

20 Q. And do you get from the -- a Schedule C, do
21 you get how that company got money?

22 A. I received an income statement with the
23 revenues and the expense.

24 Q. And revenues, did you -- did that include
25 loans?

1 A. No, sir.

2 Q. And so when you saw expenses of a hundred
3 dollars and revenues of a dollar, what did you
4 think?

5 A. I see lots of tax returns with that type of
6 information.

7 Q. Okay. Well, what do you think when you
8 think of that? There's a dollar in revenues and a
9 hundred dollars in expenses. That looks like to me
10 that there's a -- they're losing money?

11 A. Yes, sir.

12 Q. And you know that people are going to have
13 to be paid, those expenses have to be paid?

14 A. Yes, sir.

15 Q. Well, where did the money come from?

16 A. In preparing a tax return, that's really
17 not an area that we look at. There's not -- in a
18 Schedule C, there's not a balance sheet.

19 Q. Do you ask for one?

20 A. No, sir.

21 Q. Do they give you one sometimes?

22 A. Some do, some don't.

23 Q. Did Dan give you one?

24 A. I cannot answer that.

25 Q. Do you have to look in his file?

1 A. Yes, sir.

2 Q. All right. Now, did -- what is it? -- that
3 farm, did it make money?

4 A. No, sir.

5 Q. Huh?

6 A. (Witness shakes head.)

7 Q. Do you know how he supported that farm?

8 A. No, sir.

9 Q. Did you know he was getting loans from his
10 mother or from the trusts or from any of the family
11 entities?

12 A. At a certain point in time I did, yes, sir.

13 Q. Okay. When was that time?

14 A. In -- would have been in 2000/2001, during
15 that time frame.

16 Q. And how did you find it out?

17 A. Pat was the bookkeeper for Mrs. Stevenson.

18 MR. LEWIS: What are these hand signals
19 here? They're getting --

20 MR. SHARPLESS: Mr. Lewis, the problem
21 here -- and the reason I'm not stopping the witness
22 is because I know the answer is going to relate to
23 information she learned in her capacity as doing
24 work for Ms. Stevenson. We represent Ms.
25 Stevenson's estate. There's no question of

1 confidentiality.

2 And as long as we're talking about things
3 that she learned with her -- in her capacity as
4 doing work for Ms. Stevenson, there's no problem
5 within your question. My hesitation is if you ask
6 her questions about what she learned in her
7 capacity --

8 MR. LEWIS: Excuse me. You're doing a
9 speaking objection.

10 MR. SHARPLESS: You asked me. I --

11 MR. LEWIS: I know.

12 MR. SHARPLESS: -- wasn't going to.

13 MR. LEWIS: I withdraw it because I don't
14 think you're right, because you're trying to educate
15 her --

16 MR. SHARPLESS: I'm not --

17 MR. LEWIS: -- and I don't think that's a
18 fair -- we don't do that in South Carolina, so let's
19 just go on.

20 MR. SHARPLESS: Mr. Lewis, would you like
21 to talk about this --

22 MR. LEWIS: No.

23 MR. SHARPLESS: -- without the witness
24 present?

25 MR. LEWIS: No, I don't want to talk about

1 it.

2 MR. SHARPLESS: Okay. Then I'm going to
3 tell you that under 26 U.S. Code 7216, a tax return
4 preparer may not disclose information concerning --
5 learned in the capacity as a tax return preparer
6 without either a court order or the consent of the
7 taxpayer. So to the extent that you ask for
8 information learned --

9 MR. LEWIS: I am objecting to you because
10 you're educating her --

11 MR. SHARPLESS: I'm not educating her.

12 MR. LEWIS: Yes, you are. You're telling
13 her not to answer --

14 MR. SHARPLESS: Mr. Lewis --

15 MR. LEWIS: -- the question.

16 MR. SHARPLESS: I'm not telling her not to
17 answer the question. She may answer your questions
18 but --

19 MR. LEWIS: Okay. Let's go forward.

20 MR. SHARPLESS: But if you ask her a
21 question about what she learned from Dan Stevenson
22 alone that she knows in no other capacity, you need
23 to get a court order for that.

24 MR. LEWIS: All right. You've now educated
25 her. Let's see if it comes up.

1 MR. SHARPLESS: Okay.

2 BY MR. LEWIS:

3 Q. All right. Now, you learned sometime in
4 2001 that there were loans. Right?

5 A. Yes, sir.

6 Q. And who did you learn that from?

7 A. Well, when I was preparing the tax work for
8 Mrs. Stevenson, the bookkeeper for Mrs. Stevenson,
9 Pat, sent over the records for us to prepare the tax
10 return with. And that's where I saw some loans to
11 Dan.

12 Q. Okay. What did you do about those loans?

13 A. I called Pat and discussed it with Pat.

14 Q. What did you and Pat say?

15 A. I don't remember the conversation
16 completely.

17 Q. Well, what was your reason for calling Pat?

18 A. Because I wanted to find out if I
19 understood the transactions, made sure --

20 Q. And what was it that you wanted to
21 understand about the transactions?

22 A. That, you know, what was -- what were the
23 checks written to Dan for.

24 Q. What did you find out?

25 A. That they were for Dan.

1 Q. They were for Dan. Well, they went to Dan.
2 We know they were for Dan. But what were they for?

3 A. I --

4 Q. Were they gifts? Loans? Or just taking
5 money?

6 A. And that's the part of the conversation I
7 can't completely remember.

8 Q. Oh, you can't remember that part.

9 A. While I'm under oath. I can tell you -- do
10 you want me to tell you what I think she said? That
11 she had talked to Mrs. Stevenson about it.

12 Q. That's what you think, huh, but you can't
13 remember?

14 A. Correct.

15 Q. Okay. All right. Now, did you go to --
16 did you look into -- what was the name of that
17 thing? -- Too Goo Doo Farms any further than just
18 the -- as I understand it, you had the incomes and
19 expenses?

20 A. I wasn't engaged to do anything further.

21 Q. But -- okay. Did you do anything further?

22 A. No, sir.

23 Q. And this, looking at the loans that you
24 just talked about with reference Pat, was that for
25 Dan or was that for Too Goo Doo Farms or just your

1 curiosity?

2 A. I'm sorry. I don't understand the
3 question.

4 Q. You said you called up the bookkeeper.

5 A. I was doing the work -- that was during the
6 time frame of doing the work for Mrs. Stevenson.

7 Q. Mrs. Stevenson?

8 A. Yes, sir.

9 Q. So this was Mrs. Stevenson work?

10 A. And I just explained that to you. Yes,
11 sir.

12 Q. Okay. Well, we're talking about work for
13 Dan Stevenson.

14 A. I did not do anything with the loans for
15 Dan Stevenson. No, sir. I looked at the -- what he
16 gave me for the tax return, and I prepared the tax
17 return.

18 Q. But at the same time you were doing work
19 for Mrs. Stevenson, so you looked at the loans that
20 went to Dan?

21 A. There's two different time frames here.

22 Q. Okay. What time frame -- I thought you
23 couldn't remember the time frames. What are the
24 time frames? I want them.

25 A. I don't remember exactly when Dan -- when

1 he had Too Goo Doo Farms. I don't remember the year
2 of when Too Goo Doo Farms was in there. But when I
3 spoke -- I don't remember if when I worked on
4 Mrs. Stevenson's stuff, if I had prepared Dan's tax
5 return at the same time or after that. I do not
6 remember that specific thing.

7 But you're mixing apples and oranges,
8 because Dan's tax return is different and
9 independent than what I did with Mrs. Stevenson.

10 Q. I agree.

11 A. Okay?

12 Q. I'm talking about Dan and Too Goo Doo.

13 A. Okay.

14 Q. And what were the dates that you did that
15 for Dan?

16 A. I do not remember exactly.

17 Q. How about the years?

18 A. Some of the years coincided with when I was
19 working with Mrs. Stevenson's stuff, but I do not
20 remember the years.

21 Q. You don't remember the years?

22 A. No, sir.

23 Q. You just know there were some coinciding
24 years?

25 A. Yes, sir.

1 Q. And you don't remember what were the
2 coinciding years?

3 A. I did not look that up before I came here,
4 no, sir.

5 Q. Okay. Well, how many years did they
6 coincide?

7 A. I do not remember.

8 Q. When's the last thing you did for Dan?
9 What year?

10 A. I've already answered you, I do not
11 remember.

12 Q. When is the last thing you did for
13 Mrs. Stevenson?

14 A. Probably -- what year did she -- what was
15 the date of her death? It was shortly after the
16 date of her death.

17 Q. Shortly after. What did you do after her
18 death for Mrs. Stevenson?

19 A. I prepared what the -- tax returns that I
20 was engaged to prepare.

21 Q. What would have they been?

22 A. The 1040 for Mrs. Stevenson and the 1041s
23 for the trust. And I prepared -- and I -- our firm
24 did some bookkeeping for Mrs. Stevenson and for the
25 trust.

1 Q. Okay. Now, I want to stay with Dan.

2 A. Okay.

3 Q. We're going to stay with Dan. Okay? My
4 questions go to Dan.

5 Okay. So when -- do you remember the last
6 thing you did for Dan?

7 A. His 1040.

8 Q. And you don't remember the year?

9 A. No, sir.

10 Q. And that would have been the last thing you
11 did for the farms too?

12 A. That -- the Too Goo Doo Farms was only in
13 existence for a little bit. It wasn't in existence
14 for but a short period of time.

15 Q. Did you ever in looking at Dan's -- doing
16 work for Dan learn of the loans he was getting?

17 A. Not --

18 MR. SHARPLESS: Objection. Stop. The way
19 that question is phrased, don't answer that
20 question. 26 U.S. Code 7216 and similar provisions
21 of the South Carolina Code applying to CPAs.

22 MR. LEWIS: Okay. Make sure you get the
23 judge to rule on that.

24 MS. WALL: May I ask the court reporter to
25 read back your question?

1 MR. LEWIS: Uh-huh.

2 (The record was read back.)

3 MR. LEWIS: You have an obligation to go to
4 the court.

5 MR. SHARPLESS: I understand that,
6 Mr. Lewis.

7 BY MR. LEWIS:

8 Q. All right. Your lawyer has instructed you
9 not to answer that. That answers the question,
10 doesn't it?

11 Did you learn of loans to Dan or money
12 taken by Dan from anybody other than Mrs. Stevenson?

13 A. There would not have been any -- I knew
14 about the loans from Mrs. Stevenson's book.

15 Q. I'm sorry?

16 A. I knew about the loans from
17 Mrs. Stevenson's book.

18 Q. From the books?

19 A. From Mrs. Stevenson's book.

20 Q. Did you tell anybody?

21 A. Yes, sir.

22 Q. Who did you tell?

23 A. I told Heyward Carter.

24 Q. Heyward Carter?

25 A. Yes, sir.

1 Q. Who is Heyward Carter?

2 A. An attorney.

3 Q. Okay. So you learned of these loans from
4 the books, and you called Heyward Carter. And did
5 you call him?

6 A. I called him -- I spoke -- well, I spoke
7 with Pat about it, as I've already testified.

8 Q. Yeah, you did tell about her.

9 A. Yes, sir.

10 Q. She was the bookkeeper?

11 A. Yes, sir.

12 Q. She was the one that actually wrote the
13 checks and entered them into the ledgers?

14 A. She signed the checks.

15 Q. Yeah. And she signed them.

16 A. Yes, sir.

17 Q. Okay.

18 A. And she worked for Mrs. Stevenson.

19 Q. Okay. After you learn them from Pat, you
20 called Mr. Carter?

21 A. Yes, sir.

22 Q. And that was in sometime in 2001, I think
23 you said?

24 A. Yes, sir.

25 Q. And when you talked to Mr. Carter, what did

1 you say?

2 A. I do not remember the phone call
3 specifically, but I told him about the transactions.

4 Q. The transactions?

5 A. The loans -- the checks written to Dan.

6 Q. Check -- what you did, you told him about
7 checks written to Dan?

8 A. Yes, sir.

9 Q. Do you remember how much or how many or
10 anything?

11 A. There's a schedule. I don't remember off
12 the top of my head, but there's a schedule with
13 every single check that was written.

14 Q. That was -- Pat made that schedule. Is
15 that right?

16 A. I prepared that schedule later.

17 Q. You prepared it later. Do you remember how
18 many checks were on it?

19 A. Not off the top of my head, no, sir.

20 Q. And this was a schedule of checks written
21 to Dan?

22 A. Checks -- any checks that were written over
23 time that were written to Dan or in an entity that I
24 felt Dan had -- had instructed the checks be
25 written, because I wanted to keep a record of how --

1 of what was written -- what I felt was written to
2 Dan.

3 Q. Okay. Let's see. The entities. What
4 entities other than Dan would that have been? Would
5 that have been Too Goo Doo Farms?

6 A. Yes, sir, I believe there were some checks
7 written to Too Goo Doo Farms.

8 Q. Okay. Anything else?

9 A. I believe there's -- I'd need to look at
10 the list. The list has the -- there's a list
11 somewhere that has the entities on it.

12 Q. Easy Tray?

13 A. I think Easy Tray was on the list.

14 Q. How about Commerce Circle?

15 A. To my knowledge, I do not know.

16 Q. How about Con-Vel?

17 A. To my knowledge, I do not know.

18 Q. Do you remember if there were any other
19 than Too Goo Doo and Easy Tray?

20 A. You've got the list. I mean, it's been
21 produced of where the checks were written to. So
22 off the top of my head without seeing the list . . .

23 Q. But that's what you remember here?

24 A. Yes, sir.

25 Q. Do you remember how much money it was? I

1 don't mean exactly; just your feeling.

2 A. Not off the top of my head, no, sir.

3 Q. You don't have a guess?

4 A. I -- there's -- no, sir.

5 Q. Okay. All right. And so you called
6 Mr. Carter up. And what did y'all talk about?

7 A. I already testified that I do not remember
8 the exact words of the conversation.

9 Q. I don't expect many people do, but you
10 certainly do. Since you made the call and it
11 concerned you, you know what you talked about.

12 A. I told him about the checks.

13 Q. And what did you -- what was your purpose?
14 What was the -- why did you tell him?

15 A. Because I wanted him to know. He was my
16 contact for Mrs. Stevenson, and I wanted him to
17 know.

18 Q. And why did you want him to know?

19 A. Because he was an attorney.

20 Q. Uh-huh.

21 A. That's why.

22 Q. Is that it?

23 A. Yes, sir.

24 Q. Were you trying to wash your hands of it?

25 MR. SHARPLESS: Object to the form.

1 A. I wanted him to know.

2 BY MR. LEWIS:

3 Q. Were you trying to wash your hands of it?

4 MS. WALL: Object to the form.

5 A. No, sir. I wanted him to know what was
6 going on.

7 BY MR. LEWIS:

8 Q. And did you expect him to tell somebody?

9 A. I expected him to act on it, yes, sir.

10 Q. What did you expect him to act? How did
11 you expect him to act?

12 A. As an attorney.

13 Q. And do what?

14 A. What attorneys do.

15 Q. What did you think he was supposed to do?
16 We're going in a circle here. What did you want him
17 to do?

18 MR. SHARPLESS: Object to the form.

19 A. I wanted him, as an attorney, to look at
20 the transaction and do what he felt he should do
21 with that information.

22 BY MR. LEWIS:

23 Q. Well, let's go through it then. There was
24 the information. Were you concerned about the
25 legality of it? If you give it to a lawyer, you're

1 trying -- you're concerned about the legality of
2 something.

3 A. That's why I called Mr. Carter.

4 Q. Okay. So you had a concern about the
5 legality?

6 A. I think most people call an attorney, they
7 have a concern about the legality of something.

8 Q. Good. I'm glad we can agree on that.
9 Okay. So the legality.

10 Okay. Now, was that loans just -- or the
11 transactions that you -- was that only Dan's?

12 A. There were some loans to Tom also.

13 Q. So you called him about both Dan and Tom?

14 A. Yes, sir.

15 Q. And you were worried about the legality of
16 both Dan and Tom's?

17 A. I wanted Mr. Carter to know what was going
18 on.

19 Q. And you were worried about the legality,
20 why you call a lawyer. We just went through that.

21 A. I wanted to make sure he knew what was
22 going on. Whether it was legal or not legal, I
23 wanted Mr. Carter to know what was going on.

24 Q. But at least you had concern about the
25 legality?

1 A. Yes, sir.

2 Q. Did you know what positions Dan and Tom
3 held at that time with reference to the estate,
4 Ms. Stevenson, the trust and so forth?

5 MR. SHARPLESS: Object to the form.

6 A. I knew they were trustees of the trust.

7 BY MR. LEWIS:

8 Q. You knew that Dan and Tom were trustees of
9 the trust.

10 A. And I knew they were Mrs. Stevenson's
11 children.

12 Q. And they were Mrs. Stevenson's children.
13 Did you know who -- of Mrs. Stevenson's children who
14 were -- had the powers of attorney?

15 A. I cannot -- to my knowledge, I do not know
16 the answer to that.

17 Q. Did you and Mr. Carter talk about who had
18 the powers of attorney in the conversation?

19 A. I do not remember.

20 Q. Did you and Mr. Carter talk about the
21 concerns of the legality of these loans or these
22 transactions in your conversation?

23 A. I already testified, I don't remember
24 exactly what the conversation was. I just remember
25 that I called Heyward to tell him what was going on.

1 Q. Okay. Did you expect Mr. Carter to tell
2 anybody, or is he supposed to keep it a secret?

3 A. I'm not an attorney.

4 MR. SHARPLESS: Object to the form.

5 BY MR. LEWIS:

6 Q. I'm just asking you. What did you expect?

7 A. I expected Mr. Carter to do with what he
8 felt, as an attorney, he should do with the
9 information.

10 Q. And I guess since you've told it to
11 Mr. Carter, you felt no obligation to tell any of
12 the children about these transactions?

13 A. I didn't -- I did not feel like I was in a
14 position to do that.

15 Q. Why?

16 A. That is why I called the attorney, to tell
17 the attorney.

18 Q. You weren't in a position why? You were in
19 a position to tell the attorney; why aren't you in a
20 position to tell Dan or Tom or the other three
21 children?

22 A. I just -- Mr. Attorney [sic] was
23 representing Mrs. Stevenson, and he's the attorney
24 for Mrs. Stevenson. And I can't go around
25 discussing other people's individual -- what's going

1 on with a person. And Heyward is the attorney for
2 Mrs. Stevenson, so that's why I called Heyward.

3 Q. So you used this information you got as the
4 tax preparer for Dan to call Mr. Carter, who was the
5 lawyer for Mrs. Stevenson?

6 A. No, I --

7 MR. SHARPLESS: Objection.

8 A. No. That is not accurate. I used the
9 information that I obtained preparing
10 Mrs. Stevenson's information that came from Pat.

11 BY MR. LEWIS:

12 Q. Mrs. Stevenson's?

13 A. Yes, sir.

14 Q. Not Dan's?

15 A. Correct.

16 Q. Okay. Now, what was -- what was your
17 obligation -- you had a concern about the legality.
18 What was your obligation to Dan, Tom, or the other
19 three children about telling them that you had
20 concerns?

21 A. My -- I felt like my obligation was to tell
22 Heyward, who was the attorney for Mrs. Stevenson, because
23 this was Mrs. Stevenson's money.

24 Q. Well, was Mrs. Stevenson, at that time, was
25 she mentally competent?

1 A. I've never met with Mrs. Stevenson, so I'm
2 not sure whether she was or she wasn't.

3 Q. You knew that there was a problem in that
4 area, didn't you?

5 A. Later.

6 Q. Well, you don't know whether she was at
7 that time or not?

8 A. I cannot answer that question because I . . .

9 MR. LEWIS: What exhibit are we on?

10 THE COURT REPORTER: 3.

11 (Exhibit No. 3 was marked.)

12 BY MR. LEWIS:

13 Q. Is this the schedule we were talking about
14 earlier?

15 A. This is one of them, yes, sir.

16 Q. And that's for Dan?

17 A. This is loans to Dan.

18 MR. LEWIS: And what's the next number?

19 THE COURT REPORTER: 4.

20 BY MR. LEWIS:

21 Q. And you prepared this schedule?

22 A. I can't be certain if I prepared this exact
23 schedule, but I -- my firm prepared schedules, yes,
24 sir.

25 Q. Well, we talked about a schedule that you

1 said would tell everything --

2 A. Well, did --

3 Q. -- and it was prepared by you.

4 A. Did this come -- documents that were
5 obtained from my office?

6 Q. I don't know. I'm asking you. I don't do
7 schedules.

8 A. If this came from a document that came from
9 my office, then, yes, this was prepared from us. I
10 don't know if other people have prepared --

11 Q. Well, it looks like it's from your prior
12 deposition.

13 A. Okay. Well, if it's from my prior
14 deposition and it came from things that our office
15 prepared, then yes, this is one of the schedules.

16 MS. WALL: May I just clarify the record?
17 At the bottom, it has a Dixon Hughes Bates number.

18 A. So then if -- there has been so many
19 schedules so --

20 BY MR. LEWIS:

21 Q. Well, I know you --

22 A. Okay?

23 Q. -- don't want to answer the question, but
24 I'm just trying to get you to.

25 MR. SHARPLESS: Objection.

1 BY MR. LEWIS:

2 Q. It came from your deposition, it has a
3 Dixon Hughes --

4 MR. LEWIS: Thank you.

5 BY MR. LEWIS:

6 Q. -- Bates number, and you're not prepared to
7 say that's the schedule you were talking about?

8 A. You want me to answer honestly. I -- this
9 looks like the schedule we prepared. Can I sit here
10 and say that it was? And if I know it came from
11 Dixon Hughes, then I'll say, yes, this is a schedule
12 I prepared.

13 Q. Now, this schedule looks like it runs
14 through 2000.

15 A. Yes, sir.

16 Q. Would this have been the information you
17 gave to Mr. Carter about which you had the concerns
18 of the legality of them?

19 A. This would have been the information that I
20 would have had when I called Mr. Carter. Yes, sir.

21 Q. And this is what you would have told him
22 you had concerns about?

23 A. Yes, sir.

24 Q. Now, who were the trustees for the Q-Tip
25 trust?

1 A. There were -- it started out with -- I
2 don't remember, but it was four or five trustees and
3 different people passed away.

4 Q. Okay. At the time you called Mr. Carter,
5 who were the trustees for the Q-Tip trust?

6 A. Do you know -- I'm not sure if Henry Buist
7 was alive or not at that time. If Henry Buist was
8 alive, he would have been one of the trustees. If
9 he was deceased, then it would have just been Tom
10 and Dan.

11 Q. Okay. And that would be the same for
12 marital trust?

13 A. Yes, sir.

14 Q. Huh?

15 A. Yes, sir.

16 Q. All right. Did you have any -- did you
17 charge for this, by the way? This -- these -- did
18 you charge, you know, make a charge and bill
19 somebody?

20 A. We prepared -- when we did the bookkeeping,
21 yes, sir, we billed them. Yes, sir.

22 Q. And you did the bookkeeping, then you
23 would --

24 A. Or the tax return.

25 Q. You'd have done the bookkeeping for the

1 Q-Tip trust and the marital trust?

2 A. Well, at the -- when Pat was alive, she
3 kept the books.

4 Q. Okay. How did you get the information?
5 Did you get the Q-Tip trust ledger and the marital
6 trust ledger to come up with this information?

7 A. I was --

8 Q. How did you come up with it?

9 A. I came -- I would get pieces of paper,
10 legal paper, from Pat, and she would list all the
11 checks and who they were written to. And I would
12 use that information to prepare the tax return.

13 Q. Why did you need the Q-Tip trust and the
14 marital trust information for the tax return of Dan
15 Stevenson?

16 A. I did not need that for the return of Dan
17 Stevenson.

18 Q. But here you're gathering it up and
19 you're -- this is a Dixon Hughes document -- and
20 you're typing it on a Dixon Hughes document.

21 A. I did not need that for Dan Stevenson's --

22 Q. I know that.

23 A. -- tax return.

24 Q. But why are you putting it on this
25 document?

1 A. I can't tell you when this document -- when
2 this schedule was prepared either. This -- this was
3 all prepared from the information from the Q-Tip
4 trust and the marital trust. And there were later
5 times that we went back and prepared schedules.
6 This schedule could have been prepared at a later
7 date.

8 Q. But we know it wasn't prepared after
9 December of 2000.

10 A. This could have been a schedule that was
11 prepared for when I was meeting with Heyward.

12 Q. So it was a schedule you prepared and you
13 don't know when, but it ends in December of 2000?

14 A. Correct.

15 Q. Okay. And it was prepared for you to have
16 a meeting with Heyward?

17 A. I did not say that. I said --

18 Q. You said it could have been.

19 A. I said it could have been, but I did not
20 say it was prepared for that.

21 Q. Do you know if it was or not?

22 A. I do not.

23 Q. Do you know if you gave it to Heyward?

24 A. I'm certain Heyward saw it at some point,
25 yes.

1 Q. What point do you think he saw it?

2 A. Either -- I know that he saw it when Howell
3 Morrison and another set of attorneys were involved.

4 Q. All right. But how about before that?

5 A. I'm -- I feel certain he would have seen
6 it, but I cannot sit here and say that I honestly
7 can say that he saw it.

8 Q. Well, do you think you would have kept
9 it -- it says -- let's say -- before -- don't you
10 think he would have seen it, at least, before March
11 of 2001?

12 A. We prepared these schedules -- when -- if
13 we want to jump forward some, we had another set of
14 attorneys that came in. And at that point in time,
15 we went back and we keyed everything and tied
16 everything in and put it into a Quickbooks. And at
17 that point in time, we prepared schedules to tie
18 back to the balance sheet of the Q-Tip and the
19 marital trust. So I'm not certain what this
20 schedule was prepared for.

21 Q. But would you have --

22 A. If --

23 Q. -- cut that schedule off on December --

24 A. When --

25 Q. -- of --

1 A. Yes, sir.

2 Q. -- 2000?

3 A. If we were writing -- coming back later and
4 doing the books for 2000 and trying to tie to a
5 balance at 2000, then yes, I would have cut it off
6 at that point --

7 Q. Well, what about --

8 A. -- for that --

9 Q. -- '99? Why didn't --

10 MR. SHARPLESS: Wait.

11 A. -- set of --

12 BY MR. LEWIS:

13 Q. -- you --

14 MR. SHARPLESS: Wait a --

15 A. -- books.

16 BY MR. LEWIS:

17 Q. Why did you --

18 MR. SHARPLESS: -- minute. Let the
19 witness --

20 BY MR. LEWIS:

21 Q. -- cut it off --

22 MR. SHARPLESS: -- finish --

23 BY MR. LEWIS:

24 Q. -- at '99?

25 MR. SHARPLESS: -- then you ask your

1 question, Mr. Lewis.

2 A. We kept this to tie -- if this schedule was
3 prepared when we were trying to get everything
4 together with Howell Morrison at that time, yes, we
5 kept -- would have stopped it at those points,
6 because each year we prepared a set of books and we
7 had paperwork to tie it to the balance sheet
8 numbers.

9 BY MR. LEWIS:

10 Q. All right. Let's go back what you -- back.
11 You had -- you were -- you had legal concerns about
12 what you found out from Pat, the bookkeeper, that
13 you told to Heyward Carter?

14 A. Yes, sir.

15 Q. And you told him that in 2001?

16 MS. WALL: Object to the form.

17 A. I told him in 2001, yes, sir.

18 BY MR. LEWIS:

19 Q. Okay. And what did you tell him in 2001
20 other than, these are the transactions? And looking
21 at your Exhibit Number -- what is that exhibit? --
22 3. Looking at your Exhibit 3, would that have been
23 what you told him, not in that form, but generally?

24 A. Yes, sir. I would have told him that Dan
25 was writing -- having checks to himself from the

1 trust.

2 Q. From the trust?

3 A. Yes, sir.

4 Q. And at the time, the trustees were either
5 the two boys or -- and Mr. --

6 A. Buist.

7 Q. -- Buist or just the two boys?

8 A. Correct.

9 Q. Now, what obligation did you have to tell
10 the other trustees other than Dan?

11 A. Heyward told Tom.

12 Q. He told Tom?

13 A. Uh-huh. Because there was a meeting later.

14 Q. Were you at the meeting?

15 A. Yes, sir.

16 Q. And how much later would it have been?

17 A. Not too much later. A couple of months.

18 Q. Okay. And there was a meeting -- who was
19 at the meeting?

20 A. I vaguely remember the meeting, but it
21 was -- I know Heyward was there, and I'm pretty
22 certain Tom and Dan were both there.

23 Q. Okay. Dan. But then Mr. Buist wasn't
24 there?

25 A. I think he was deceased during that time.

1 Q. Okay. That's a fair guess.

2 A. Or in very ill health.

3 Q. Okay. Now, at that meeting, you knew that
4 Dan was getting what you were worried about that you
5 told Mr. Carter, and you said you knew that Tom was
6 getting them.

7 A. Yes, sir.

8 Q. So at this meeting where you had Heyward
9 Carter talking to Tom and Dan, the two people that
10 were, in effect, getting the money?

11 A. Yes, sir.

12 Q. Okay. Did that satisfy you that he was
13 talking to the two people that were getting the
14 money and not the other children? Did that satisfy
15 you?

16 A. I'm not an attorney, and, yes, it did.

17 Q. I mean, just logically, that satisfied you?

18 A. At the time, yes. I mean, that was my
19 feeling.

20 Q. So when you talked to two people taking
21 money instead of the people that they're taking it
22 from, that's okay with you?

23 MR..SHARPLESS: Object to the form.

24 A. I did not say it was okay. I said that
25 I -- Heyward was an attorney, and I trusted him.

1 BY MR. LEWIS:

2 Q. Well, was it okay with you logically,
3 sitting here?

4 A. You know, I cannot answer that question.

5 Q. You can't answer?

6 A. No, sir.

7 Q. Okay.

8 MR. LEWIS: Let's take a quick break.

9 (A brief break transpired.)

10 (Exhibit No. 4 was marked.)

11 BY MR. LEWIS:

12 Q. This is billing records of Heyward Carter,
13 and I know you probably haven't seen it before. But
14 I'm just going to ask you about some of the dates to
15 refresh your recollection and see if you agree with
16 the entry on there. Okay?

17 A. Okay.

18 Q. It says on there -- you see down there
19 about 11/21/2000?

20 A. On the front page?

21 Q. Yeah.

22 A. Yes, sir, I see that.

23 Q. And it says that there was a telephone
24 conference of .2 with you, reference "trust issues."

25 A. Yes, sir.

1 Q. Well, are you involved in the trust all
2 along at this period of time?

3 A. I was involved with the tax preparation of
4 the trust when it first came into our office. Yes,
5 sir.

6 Q. Well, it says he talked to you about trust
7 issues.

8 A. But back then, that didn't have anything to
9 do with -- to my knowledge and recollection, that
10 didn't have anything to do with the checks that were
11 written to Dan. That had to do with taxation.

12 Q. So you can't remember all these other
13 things, but you can remember this one conversation
14 in 11/21/2000?

15 A. Because it fits into the chronological
16 sequence of you how things went.

17 Q. Tell me how they went, then.

18 A. Well, because we first started -- I think
19 the first tax returns we did for the trust were
20 the -- if I remember the dates right, I think it was
21 the 1999 tax returns.

22 Q. Okay. So now we're getting some memory.
23 You did the 1999 tax returns?

24 A. Sir, I'm sorry, but I did tell you I
25 reviewed my prior deposition before I came here --

1 Q. Yeah.

2 A. -- and that was in my prior deposition.

3 Q. Why didn't you tell me that earlier?

4 A. You did not ask me that, sir.

5 Q. Oh, I didn't ask you that very question.

6 Okay.

7 So when was your first involvement with the
8 trust?

9 A. I believe it would have been during that
10 time frame during 2000 because we would have been
11 preparing the 1999 tax returns. And you always
12 prepare the tax returns a year later.

13 Q. Okay.

14 A. And there were some issues with some
15 taxation that I wanted to clarify.

16 Q. Well, okay. Let's see what -- look down
17 there at 12/29/2000. There was a .2 conference with
18 you. What was that about?

19 A. Could have been the same issue with the --

20 Q. Could have been.

21 A. -- tax.

22 Q. Could have been anything.

23 A. I -- you know, I can't answer that, but
24 that would be --

25 Q. Do you remember what it was about?

1 MR. SHARPLESS: Objection. Let the witness
2 finish her answer.

3 BY MR. LEWIS:

4 Q. But I want to -- do you remember what that
5 conversation was about?

6 A. That conversation, no, sir --

7 Q. Thank you.

8 A. -- but I do know that during that time
9 frame we were talking about some taxation issues.

10 Q. What taxation issues?

11 A. It had to do with the taxation of capital
12 gains in the trust and the way that Henry Buist had
13 prepared the trust returns.

14 Q. Okay. Let's look at 01/05/2001. Do you
15 see that?

16 A. Uh-huh.

17 Q. That was with Pratt-Thomas and there was
18 one with you. "Drafting correspondence." What was
19 that?

20 A. I don't know.

21 Q. You don't know what that one was?

22 A. No, sir.

23 Q. How about down here on 01/11/2001, that was
24 .2 times and there's a telephone conference with
25 you?

1 A. I don't remember. I mean, I don't know
2 what -- if that was the time frame when we were
3 talking about the taxation, then that would have all
4 had to do with the taxation.

5 Q. Well, would it have been a time when you
6 were talking with Mr. Carter about the -- your
7 concerns with the legality? Would that be a time
8 that that could have been?

9 A. I think that was a little bit later.

10 Q. What was a little bit later?

11 A. When I called Heyward about the loans.

12 Q. And what's a little bit?

13 A. I was thinking it was more after I finished
14 the 2000 -- when I was working on the 2000 tax
15 return, so it would have been in 2001.

16 Q. Well, this is 2001. This is 01/11/2001.

17 A. But, typically we didn't work on those tax
18 returns until --

19 Q. So you want it to be a little bit later --

20 MR. SHARPLESS: Objection. Let the witness
21 finish.

22 BY MR. LEWIS:

23 Q. I'm sorry.

24 A. That's okay. The 2000 tax returns would
25 typically be due on April 15th, 2001.

1 Q. So you don't think you were looking at the
2 withdrawals to tie down the loans at this time?

3 A. To my knowledge, no, sir.

4 MR. LEWIS: Mark this, please.

5 (Exhibit No. 5 was marked.)

6 BY MR. LEWIS:

7 Q. Look at Exhibit 5. This is the marital
8 trust of T.C. Stevenson. And it says: "Professional
9 services through January 31st, 2001. Analysis of
10 withdrawal from Douglas Capital since 1997 to tie
11 down loans, etc."

12 Would that have been you?

13 A. Yes, sir. But that's taken out of context.

14 Q. Oh, it's taken out of context.

15 A. Yes, sir.

16 Q. It says what it says.

17 A. I know. But what Douglas Capital -- there
18 were withdrawals from Douglas Capital that were put
19 on -- that Pat had. And what we would do is we
20 would take the loans -- not the loans, the
21 withdrawals from Douglas Capital and tie them back
22 to where she had deposits on her sheets. So that
23 would have been done during that time frame trying
24 to make sure that Douglas Capital ties into what Pat
25 had on her books.

1 Q. It says: "To tie down loans." Whose
2 loans?

3 A. And I cannot answer that. I don't know the
4 answer --

5 Q. Do you know of any other loans other than
6 Dan's loans or Tom's loans?

7 A. None of the -- none of the transactions,
8 except for the ones from Tom -- and possibly that
9 could have been something that Tom had from Douglas
10 Capital. Nothing from Douglas Capital would have
11 had anything to do with loans to Dan. Because the
12 loan -- the money went from Douglas Capital as a
13 withdrawal into the checking account that Pat had,
14 and then Pat would write the check to Dan.

15 Q. What checking account?

16 A. The checking account for the trust that Pat
17 kept.

18 Q. For which trust?

19 A. For both trusts.

20 Q. So this one says marital trust.

21 A. Okay. For the marital trust.

22 Q. So these -- some checks --

23 A. There would never have been a loan to Dan
24 straight from Douglas Capital.

25 Q. I understand that.

1 A. Okay.

2 Q. But it says: "Analysis of withdrawals from
3 Douglas Capital to tie down the loans, etc." What
4 loans are you tieing down?

5 A. And I can't answer that.

6 Q. Well, there were no loans from Douglas
7 Capital.

8 A. Well, there was one loan directly to Tom
9 from Douglas Capital.

10 Q. All right. But it says to tie down loans.

11 A. Sir, I didn't type these bills so I'm not
12 certain exactly what that means.

13 Q. Well, would this have been a bill you'd
14 have sent out?

15 A. I cannot tell you exactly what it meant by
16 loans in there. There was never a loan directly
17 from Douglas Capital to Dan Stevenson. There was
18 one to Tom.

19 Q. Well, I know, but this is your company.

20 A. That's right.

21 Q. And this is a bill that your company is
22 sending out.

23 A. I agree.

24 Q. And it's paid for.

25 A. And I agree.

1 Q. And it says: "To marital trust of Tom
2 Stevenson."

3 A. But --

4 Q. Now, who did you send it to for the marital
5 trust of Tom Stevenson -- of T.C. Stevenson?

6 A. To Pat. She paid the bills.

7 Q. So P.O. Box 1429, Charleston, was Pat?

8 A. I don't know that off the top of my head,
9 but I think so.

10 Q. Okay. And --

11 A. If that was when she was alive, then yes,
12 sir.

13 Q. And this, "for professional services
14 through January 31st, 2001," who would have entered
15 that?

16 A. Our billing. The people in our office that
17 did the billing.

18 Q. Now, who would have said or gave the
19 description of what you did to gain these charges?
20 Who would have given that description?

21 A. The person that did the bills would have
22 picked that out of the analysis of the time that had
23 been entered.

24 Q. And who would have entered the time?

25 A. I would have entered my time.

1 Q. And so out of the time that was entered,
2 whoever did this for your company said, "Analysis of
3 withdrawals from Douglas Capital since 1999 to tie
4 down loans, etc.," that would have been someone that
5 looked at what you wrote down and then came up with
6 this description?

7 A. And I cannot answer --

8 Q. Is that true?

9 A. That would have come down from what I
10 wrote, but I cannot exactly tell you exactly what
11 "to tie down the loans" meant.

12 Q. Where are those things that you wrote to
13 back this up?

14 A. There's no history of it anymore. It was
15 lost when -- it was -- it was lost.

16 Q. It was lost?

17 A. It was when we became -- when -- all right.
18 That time system went away when we came on the Dixon
19 Hughes' time system.

20 Q. So all of the past time records that allow
21 us to look at what makes up this statement are gone?

22 A. Exactly. Yes, sir.

23 Q. And what we have now is your memory as to
24 what it means?

25 A. Yes, sir.

1 Q. And you somehow know what it means today?

2 A. I did not say I knew what it meant. I said
3 it does not -- that's not how the transactions took
4 place.

5 Q. Look at this time period of early 2001.
6 And did you talk to anybody about a power of
7 attorney?

8 A. Not that I can remember, no, sir.

9 MR. SHARPLESS: I'm sorry. Just so the
10 record is clear, sir, are we referring to Kerrison
11 Exhibit 4?

12 MR. LEWIS: What?

13 MR. SHARPLESS: Are we referring to
14 Kerrison Exhibit 4?

15 MR. LEWIS: Yes.

16 BY MR. LEWIS:

17 Q. So am I correct, looking at Exhibit 4, you
18 can't tell me what any of these conferences that you
19 had were with reference? Is that correct?

20 MR. SHARPLESS: Object to the form.

21 A. I know that I spoke to Heyward about the
22 taxation entry -- the taxation aspects of the trust,
23 and I know that I spoke to Heyward at a later date
24 about the loans.

25 BY MR. LEWIS:

1 Q. At a later date?

2 A. I can't tell you exactly what date. In my
3 mind, everything, it was later in 2001. It was more
4 in the fall of 2001.

5 Q. Okay. Let's look in the fall of 2001. Do
6 you know which one of these it was? Here's a
7 telephone conference on 10/11/2001 with Dan
8 Stevenson, and then there's a conference with you.
9 Do you see that?

10 A. What date are you looking at?

11 Q. 10/11/2001.

12 A. Okay. That probably would have been about
13 the time frame.

14 Q. Okay. That's good. But you can't remember
15 the conversation, other than you just brought the
16 loans to Mr. Carter's attention?

17 A. (Witness nods head.)

18 Q. Is that true?

19 A. That's correct. Yes, sir.

20 Q. All right. Now, you said there was a
21 meeting that -- when that -- with them. Is that
22 correct?

23 A. At some point after that, there was a
24 meeting that --

25 Q. Well, look down there on 10/23/2001.

1 A. Okay.

2 Q. "Preparing for conference, office
3 conference with the Stevensons and Ms. Kerrison."
4 Would that be the one you're talking about?

5 A. Most likely.

6 Q. Okay. And it lasted for 2 hours and 40
7 minutes. Do you see that?

8 MR. SHARPLESS: Objection.

9 MS. WALL: Object to the form.

10 BY MR. LEWIS:

11 Q. Do you see that?

12 A. I see it says 2 hours and 40 minutes on
13 there.

14 Q. Do you remember how long it lasted?

15 A. No, sir.

16 Q. Do you remember what was said?

17 A. I just remember that we had a meeting, and
18 we discussed what was going on. I do not -- it's a
19 long time ago. I don't remember exactly what was
20 said, no, sir.

21 Q. Did you ever -- was anything discussed
22 between you and Mr. Carter as to whether Kathleen
23 Turner or the two other sisters should have been
24 there?

25 A. Not that I can remember, no, sir.

1 Q. Did you ever think, hey, what about these
2 people that aren't getting the loans, maybe they
3 should be there? Did that occur to you?

4 A. I contacted Mr. Carter.

5 Q. Okay.

6 A. I can't answer that, sir. You know, that
7 was a long time ago.

8 Q. Okay.

9 A. Okay.

10 Q. So you don't remember whether you thought
11 about it or not?

12 A. I cannot answer that. Correct.

13 Q. Do you know what a fiduciary is?

14 A. Yes, sir.

15 Q. Don't you -- aren't you taught that as a
16 CPA?

17 A. Yes, sir. I mean . . .

18 Q. Did you have -- were you a fiduciary to
19 Mrs. Stevenson?

20 MR. SHARPLESS: Objection.

21 A. No.

22 BY MR. LEWIS:

23 Q. Okay. Were you a fiduciary to Tom?

24 A. All I did was prepare tax returns.

25 Q. Excuse me. All I'm asking --

1 A. Okay. Can you please give me the
2 definition of fiduciary? Because I don't know that
3 off the top of my head.

4 Q. What is your definition of a fiduciary as
5 you learned it as a CPA?

6 A. I -- can you please give me the definition
7 of it?

8 Q. No, ma'am. As we said early on, you don't
9 get to ask me questions.

10 A. Okay. Then I'm sorry, but I don't know off
11 the top of my head exactly what that means because
12 it's been a long time since I've studied law.

13 Q. Okay. Do you have any definition when
14 you're practicing your profession as CPA as to what
15 a fiduciary is?

16 A. I am -- in preparing a tax return, I'm not
17 accepting any -- I'm looking at the tax return, and
18 I'm making sure that, to my knowledge, that what is
19 on that tax return is accurate. If that puts me in
20 a fiduciary role, then yes. But if that does not
21 put me in a fiduciary role, then no.

22 Q. What about when you learned that you -- of
23 those loans that you felt compelled to take the
24 information to Mr. Carter, did you have a fiduciary
25 obligation to take that to Mr. Carter?

1 MR. SHARPLESS: Object to the form.

2 A. In my mind, I felt like I needed to let
3 Mr. Carter know. Yes, sir.

4 BY MR. LEWIS:

5 Q. Why? Were you a fiduciary in that thing?

6 A. I'm not going to answer that. I don't know
7 if I was a fiduciary or not. I felt like it was my
8 responsibility, since I had that information, to let
9 Mr. Carter know about it.

10 Q. And then when you let Mr. Carter know about
11 it, you were finished with your responsibility?

12 A. No, sir. I was going to -- I wasn't
13 finished with my responsibility because I was
14 carrying on preparing the tax returns.

15 Q. Okay. Well, let me be precise for you.
16 You were finished with your obligation with
17 reference to the information of the loans?

18 A. I told Heyward because I wanted him to know
19 and that I put it -- because I trusted him and that
20 he was going to make sure that everything was taken
21 care of in the way that it should in the future.

22 Q. And so you had washed your hands of any
23 more responsibility with reference to those loans
24 when you gave the information to Mr. Carter. Isn't
25 that what you thought?

1 MR. SHARPLESS: Object to the form.

2 A. I am not an attorney.

3 BY MR. LEWIS:

4 Q. I did not ask if you're an attorney.

5 A. Okay.

6 Q. I'm asking what you, Lynne Kerrison,
7 thought at the time.

8 A. In my mind, I felt like that was what I
9 should do was tell Heyward Carter.

10 Q. And then you didn't have to do anything
11 else?

12 A. I did not say that. I told Heyward Carter.

13 Q. Well, I'm asking --

14 A. Okay.

15 Q. -- did you feel like you had to do anything
16 else?

17 A. I felt like that's what I needed to do at
18 the time.

19 Q. Okay. So therefore, you felt like you
20 didn't have to do anything else?

21 A. At the time, he's an attorney . . .

22 Q. You answered my question?

23 A. He's an attorney. I went to him as an
24 attorney.

25 Q. I understand that. And that's what you --

1 that's all you felt you had to do, correct?

2 A. At the time, that's my knowledge; to my
3 knowledge, that's what I needed to do, yes, sir.

4 Q. And that's all you had to do?

5 A. To my knowledge, yes, that was it --

6 Q. Thank you.

7 A. -- okay?

8 Q. Was Tom a fiduciary to anybody; do you
9 know?

10 A. To the trust.

11 Q. Okay. Was Dan a fiduciary?

12 A. To the trust.

13 Q. How about was he a fiduciary to your
14 client, Mrs. Stevenson?

15 A. I don't -- I cannot answer that without
16 having the definition of a fiduciary.

17 Q. Well, you just answered it with reference
18 to trusts and reference to --

19 A. They were a trustee of the trust.

20 Q. So you say a trustee is a fiduciary?

21 A. In my mind, yes. I might be incorrect.

22 Q. Okay. Let's just ask some general
23 questions. I have that you prepared tax returns for
24 both trusts from 1997 through 2007. Do you disagree
25 with that?

1 A. When did Mrs. Stevenson pass away?

2 Q. I don't know.

3 A. So if she passed away in 2008, then that
4 would be correct. 2007 would have been the last
5 ones that I prepared.

6 Q. And that you -- that Dixon Hughes
7 maintained a general ledger for the trust?

8 A. Yes, sir.

9 Q. And that Dixon Hughes at some point in time
10 upon the death of Pat started writing the checks?

11 A. Yes, sir, we wrote the checks.

12 Q. And who okayed the checks to be written?

13 A. Any of the siblings would come into the
14 office and they would meet with Angela Heisenbottle,
15 and Angela would write the checks and then either
16 Dan or Tom would sign the checks.

17 Q. Did it ever occur to you that Dan and Tom
18 were writing -- your company was writing checks to
19 Dan and Tom for them to sign to give money to Dan
20 and Tom?

21 A. That was -- there was -- different things
22 had happened -- steps had happened before that part
23 came.

24 Q. Well, did it bother you that these two guys
25 that were getting the money, that your company was

1 writing checks to the two people who signed the
2 checks? Did that bother you?

3 A. But when we got to that point, different
4 attorneys had looked at it, and they had structured
5 a note and were treating that money as a loan.

6 Q. So you were happy with that; that was fine
7 with you then?

8 A. That's the way it was structured.

9 Q. Was it fine with you?

10 A. That is the way it was structured.

11 Q. I didn't ask you that. Was it okay with
12 you?

13 A. Because different attorneys had looked at
14 it and that's the way it was supposed to be
15 structured, that's the way it was structured.

16 Q. Were you ever in a conversation where
17 Heyward Carter told the boys they had to tell
18 Kathleen and/or the other sisters about the loans?

19 A. I was -- I was in a -- definitely in a
20 meeting when Kathleen was told. Now, whether I was
21 in a meeting when Heyward told them that
22 specifically, I cannot answer that. But I know that
23 Howell Morrison was involved at a point. And Howell
24 Morrison, he's an attorney. He told them that they
25 needed to tell Kathleen, and they were supposed to

1 have a family meeting.

2 Q. He told who?

3 A. Dan and Tom.

4 Q. Did they?

5 A. To my knowledge, no. But they were
6 supposed to.

7 Q. All right.

8 MR. LEWIS: What exhibit is this?

9 THE COURT REPORTER: 6.

10 (Exhibit No. 6 was marked.)

11 BY MR. LEWIS:

12 Q. Look at Exhibit 6. Do you remember getting
13 that?

14 A. Yes, sir, I remember getting this.

15 Q. You remember getting that?

16 A. Yes, sir.

17 Q. And it had a place for you to sign?

18 A. Yes, sir.

19 Q. Did you ever sign it?

20 A. I thought that I did.

21 Q. So you have no problem signing this?

22 A. I mean, it states the facts.

23 Q. Well, I just asked you a question. You
24 said you thought you did. If you thought you did,
25 you had no problem.

1 A. Well --

2 Q. That's fine. Is that what your answer is,
3 you thought you did?

4 A. If you have a document with my signature on
5 it, then I did sign it.

6 Q. No, ma'am. I asked you a simple question.
7 Did you refuse to sign this?

8 A. I did not refuse to sign it.

9 Q. Okay. Why wasn't it signed?

10 A. I can't answer that. I don't remember.
11 This was in 2006.

12 Q. Well, how come you remember some things and
13 you don't remember other things?

14 A. I'm sorry.

15 Q. You remember a whole lot before this.

16 A. I cannot remember exactly what I signed.
17 If you have a copy of it with my signature on it,
18 then I signed it.

19 Q. I don't have one. It wasn't signed.

20 A. Okay.

21 Q. I want to know why you didn't sign it.

22 A. I don't know if I signed it or if I didn't
23 sign it.

24 Q. Well, would you have any problems signing
25 it today?

1 A. It appears to me that it states the facts.

2 Q. All right. So you would not have any
3 problems signing it today?

4 A. If it states the facts, I wouldn't have any
5 problems signing it.

6 Q. Please answer my question. Would you have
7 any problems signing it today? Yes or no? That's a
8 simple question.

9 MR. SHARPLESS: Object to the form.

10 A. I don't think so. No, sir.

11 BY MR. LEWIS:

12 Q. All right. Thank you.

13 MR. LEWIS: What exhibit number is this?

14 THE COURT REPORTER: 7.

15 (Exhibit No. 7 was marked.)

16 BY MR. LEWIS:

17 Q. Do you see Exhibit Number 7?

18 A. Yes, sir.

19 Q. You've got a copy of that?

20 A. Yes, sir.

21 Q. And that was November 29th, 2001?

22 A. Uh-huh.

23 Q. And the next to the last paragraph:

24 "Finally, the two of you are discussing a strategy

25 for meeting with your siblings in relation to these

1 loans and will let Lynne and me know if you would
2 like us to be present at that meeting."

3 Okay?

4 A. Yes, sir.

5 Q. And Lynne is you?

6 A. Yes, sir.

7 Q. So you knew there was a strategy being
8 discussed, did you not?

9 A. For them to tell, yes, sir.

10 Q. And they were going to let you know if you
11 wanted to be present?

12 A. To let me and Heyward know, yes. Correct.

13 Q. Did you feel any obligation to follow up on
14 whether or not they were going to have a meeting
15 with the siblings?

16 A. We did follow up later, yes, sir, when
17 Howell Morrison became involved.

18 Q. So how many years later was that?

19 A. I didn't think it was that much later that
20 Howell Morrison became involved.

21 Q. Looks like to me it was in 2006.

22 MS. WALL: Objection.

23 MR. SHARPLESS: Object.

24 BY MR. LEWIS:

25 Q. Excuse me. It was 2003. 1/02/2003. There

1 was a conference with Mr. Carter and Mr. Howell.

2 That's the first time I see his name.

3 A. And I'm not sure if that meeting was after
4 Heyward -- I mean Howell's -- his office spent a lot
5 of time in our office. So that meeting may have
6 been at the end of everything. So I believe --

7 Q. At the end?

8 A. Right. So I believe that Howell Morrison
9 worked in our office like over the summer and that
10 was probably -- because it was in -- and that was
11 probably towards the end of it.

12 Q. Well, we've got him in the telephone
13 conference in March and we've got telephone
14 conferences in March, and most of the contact with
15 him is in March. But we can establish that.

16 But did you feel any obligation -- you --
17 to follow up with Exhibit Number 7 says what the
18 boys are going to do, that is, Dan and Tom?

19 A. I guess I thought that Heyward was going to
20 make sure that they met.

21 Q. And you thought it was okay, even in light
22 of this letter of November 29, 2001, for your firm
23 to be writing checks to the boys without knowing
24 whether or not they had a meeting with their
25 siblings. Is that correct?

1 A. I felt like since I had brought it to an
2 attorney's attention and I was doing -- going
3 forward with the structure that was put in place
4 that -- yes.

5 Q. Okay. So did you feel that you had any
6 obligation with reference the siblings and the money
7 that Dan and Tom were removing from the trusts or
8 the estate?

9 A. I --

10 MR. SHARPLESS: Object to the form. Go
11 ahead.

12 A. I felt like I had done my obligation.

13 BY MR. LEWIS:

14 Q. Giving it to -- told Mr. Carter?

15 A. I mean, yes, I felt like I --

16 Q. So you just throw it over on Mr. Carter
17 over there?

18 MR. SHARPLESS: Object to the form.

19 A. I felt like I had done --

20 BY MR. LEWIS:

21 Q. I know that. I heard you. You've said it
22 all the way through here.

23 A. I don't know what else to say.

24 Q. How about taking a little responsibility
25 yourself?

1 MR. SHARPLESS: Objection.

2 BY MR. LEWIS:

3 Q. How about that?

4 A. I'm not an attorney.

5 Q. Are you familiar with the probate code that
6 says that beneficiaries are entitled to a statement
7 of the accounts of the trust annually?

8 A. I am familiar with that now.

9 Q. Were you back then?

10 A. I can't say for certain.

11 Q. Well, you're -- do you think you might have
12 been?

13 A. I can't say for certain.

14 Q. Did you handle trusts?

15 A. I wasn't hired to prepare an annual
16 accounting of the trust.

17 Q. Didn't ask you that.

18 A. Okay.

19 Q. Did you handle annual accountings of some
20 trusts?

21 A. I can't -- I don't know. I mean, I have
22 done them. I don't know if at that point in time
23 that I did any annual accountings.

24 Q. Well, do you know that the South Carolina
25 Probate Code Section 62-7-303 or the code requires

1 upon request the beneficiaries are entitled to a
2 statement of the accounts of the trust annually?

3 A. I said I know that now. I don't know if I
4 knew that then or not.

5 Q. Well, did you ever see a statement of the
6 accounts of the trusts?

7 A. I wasn't hired to prepare that, and I never
8 saw one.

9 Q. So as I understand it, your firm wrote the
10 checks and you kept the records for Ms. Stevenson
11 and the trusts in Quickbooks?

12 A. Yes, sir.

13 Q. I understand that you knew that Dan and Tom
14 continued to take money out of the trust during
15 2003, 2004, and 2005?

16 A. Yes, sir.

17 Q. Did you ever have an understanding that
18 Mr. Carter agreed to delay sending a letter to
19 Kathleen or the other beneficiaries? Do you
20 remember anything about that?

21 A. No, sir.

22 Q. Were you at the meeting on April 27th, 2006
23 with Kathleen?

24 A. Was that at Heyward Carter's office?

25 Q. Uh-huh.

1 A. Yes, sir, I was at that meeting.

2 Q. Do you remember anything about that?

3 A. I remember that I had a bunch of documents
4 that I, you know, showed Kathleen the documents, the
5 schedules like this.

6 Q. Like that?

7 A. Uh-huh.

8 Q. When you say "this," what exhibit is that?

9 A. This is Exhibit 3.

10 Q. Okay. When did you find out that Kathleen
11 had a power of attorney?

12 A. I don't know off the top of my head. I
13 know that I was sent a power of attorney from
14 Heyward at some point. And I want to say it was --
15 I don't know exactly when it was.

16 MR. LEWIS: All right. Would you mark
17 this.

18 (Exhibit No. 8 was marked.)

19 BY MR. LEWIS:

20 Q. Looking at this Number 8, It's a power of
21 attorney and it has a date on it.

22 MS. WALL: Can you just give me a minute?
23 We want to make sure we're given anything --

24 MR. LEWIS: I'm not going to ask her
25 anything but what's in it. But you're more than

1 welcome to have it.

2 BY MR. LEWIS:

3 Q. Do you see the date on it?

4 A. January 2001?

5 Q. Yes.

6 A. Yes, sir.

7 Q. Did you know of it at that time, that is,
8 January 2001? Or do you remember?

9 A. I don't remember.

10 Q. Okay. You're an accountant, right?

11 A. Yes, sir.

12 Q. If you understand -- are you familiar
13 enough with this estate to know that there were five
14 children and one stepson?

15 A. I know that now. Yes, sir.

16 Q. And that two of the children, Dan and Tom,
17 got monies all along that would have been in the
18 estate?

19 A. Yes, sir.

20 Q. If they hadn't have taken it?

21 A. Yes, sir.

22 MR. SHARPLESS: Object to the form.

23 BY MR. LEWIS:

24 Q. All right. Now, how would you go about
25 determining how much more the other -- the children

1 that did not take money from the estate would have
2 gotten if the estate -- if that Tom and Dan had not
3 taken the money from the estate? How would you go
4 about that?

5 MR. SHARPLESS: Object to the form.

6 BY MR. LEWIS:

7 Q. I mean the trusts and estates.

8 A. I'm --

9 MR. SHARPLESS: I'm going to object to the
10 form. Could you just ask that question again?

11 BY MR. LEWIS:

12 Q. Okay. We've already established there were
13 five children and one stepson. And two of the
14 children, Dan and Tom, took money from the trusts
15 and residual estate.

16 A. Uh-huh.

17 Q. Okay? And I'm asking you how much more
18 money -- how would you determine how much more money
19 the three children -- the three sisters, and the
20 stepson -- would have gotten had these boys not
21 taken that money?

22 MS. WALL: Object to the form.

23 A. Well, we treated the loans as an asset on
24 the estate, on the trust. And we calculated
25 interest on it. So that was on the trust as an

1 asset. So I don't know what the will said, but
2 when -- you know, those were treated as an asset, so
3 I'm assuming when the trust was distributed that
4 that would have counted as money given to them, you
5 know, as a distribution to them.

6 Q. Wait a minute. You know and I know that
7 the money that the boys took, the negative value of
8 the money that the boys took cannot be distributed
9 to anybody.

10 MS. WALL: Object to the form.

11 MR. SHARPLESS: Object to the form.

12 A. We treated it as an asset under --

13 BY MR. LEWIS:

14 Q. I'm talking about how much money they get
15 in their pocket.

16 A. I don't understand your question.

17 Q. All right. You have a trust.

18 A. Right.

19 Q. And you have two trusts.

20 A. Correct.

21 Q. And you have a residual estate.

22 A. Mrs. Stevenson.

23 Q. Right.

24 A. When she passes away, yes.

25 Q. And when she passes away, there's a certain

1 amount of money that's in there?

2 A. Correct. And the loans and the accrued
3 interest of those loans were treated as an asset of
4 those trusts.

5 Q. Well, if they were treated as an asset, all
6 they did were a tax burden?

7 MS. WALL: Object to the form.

8 MR. SHARPLESS: Objection.

9 A. I can't answer that.

10 BY MR. LEWIS:

11 Q. Well, did you do the tax return?

12 A. Not for the estate, I did not.

13 Q. All right. Let's just logically look at
14 it. If it's a tax burden, then it's worse than if
15 they weren't treated as an asset at all?

16 MS. WALL: Object to the form.

17 MR. SHARPLESS: Objection.

18 A. I didn't prepare the estate.

19 BY MR. LEWIS:

20 Q. Am I right or wrong?

21 A. I'd have to look at that before I answered
22 that.

23 Q. Okay. So the first thing you want to do to
24 answer my question is to learn how the loans were
25 treated in the tax returns of the trusts and the

1 estate. Is that right?

2 A. They were treated as an asset on the trust.

3 Q. Were they?

4 A. They were treated as an asset on the trust,
5 yes.

6 Q. All right. So that means, if they were
7 treated as an asset, then the estate was larger than
8 the amount of money it had to distribute unless
9 those assets were paid back?

10 MS. WALL: Object to the form.

11 MR. SHARPLESS: Object to the form.

12 A. Those -- okay. The assets were in the
13 estate, yes.

14 BY MR. LEWIS:

15 Q. Uh-huh. If you say they were.

16 A. I didn't do estate planning. The people
17 who handled the estate for the estate planning were
18 aware of those assets.

19 Q. Uh-huh.

20 A. And yes, it would have made the estate
21 larger. Yes.

22 Q. And yet, it would have made -- since it
23 would have made the estate larger, the taxes would
24 have been bigger?

25 A. Could have.

1 Q. And --

2 MR. SHARPLESS: Objection.

3 BY MR. LEWIS:

4 Q. But if the money wasn't paid back, if it
5 was just a loan with nobody -- no way to collect it,
6 then it would have not been something that was
7 distributable. Isn't that true?

8 MS. WALL: Object to the form.

9 MR. SHARPLESS: Object to the form.

10 A. I didn't prepare the estate --

11 BY MR. LEWIS:

12 Q. I know. But just logically?

13 A. If you have it as an asset on the estate
14 and you pay taxes on it and possibly they couldn't
15 have been paid back, then, yes, you paid taxes on
16 something that wasn't liquid.

17 Q. Okay. Do you know if that happened?

18 A. I do not know if that happened or not.
19 I've never seen the tax return.

20 Q. Okay. If you wanted to create the estate
21 the way it should have been had the boys not taken
22 the money, how would you do that?

23 MS. WALL: Object to the form.

24 A. That is why I put it on there as an asset.

25 BY MR. LEWIS:

1 Q. Okay. So if it was treated as an asset,
2 that would have been how the estate should have been
3 had the money not been taken?

4 MS. WALL: Object to the form.

5 MR. SHARPLESS: Object to the form.

6 A. If it was an asset, an asset is an asset.

7 BY MR. LEWIS: ,

8 Q. All right. Good.

9 A. And that's how I treated the loans.

10 Q. And that would be a good starting point,
11 wouldn't it?

12 A. For what?

13 Q. To decide how much these three sisters and
14 this stepson didn't get. Because if the assets are
15 not collectible, these loans, then the --

16 A. But Dan and Tom would have collected money
17 also.

18 Q. Oh, I understand that.

19 A. Right.

20 Q. We'll give them credit for them. Give Tom
21 credit and Dan credit. And then we can figure out
22 how much these people lost because of these boys'
23 bad activities, right?

24 MS. WALL: Object to the form.

25 MR. SHARPLESS: Object to the form.

1 A. I'd have to see it on paper. I have not
2 seen the tax return.

3 BY MR. LEWIS:

4 Q. So you have no idea how to figure out how
5 much these three sisters and this one stepson lost
6 because of the activities of Dan and Tom?

7 MS. WALL: Object to the form.

8 A. It was my understanding from after Howell
9 Morrison looked at everything that they were going
10 to be loans and it was like an advance on their
11 inheritance.

12 BY MR. LEWIS:

13 Q. Well, what if it was more than their
14 inheritance was going to be, who is going to pay the
15 extra?

16 A. I --

17 MS. WALL: Object to the form.

18 MR. SHARPLESS: Objection.

19 A. I was under the impression that there was
20 enough money in the estate that there wasn't going
21 to be -- that wasn't going to be the situation.

22 BY MR. LEWIS:

23 Q. And who told you this?

24 A. I don't know that anyone told me that. I
25 was under that impression.

1 Q. Well, where did you get that impression?

2 A. Well, because there was real estate; there
3 was a large life insurance policy. There were other
4 assets that were there.

5 Q. I know. But who told you that it was --
6 there would be -- that Dan -- oh, Dan and Tom's
7 share of the estate should have covered their loans.
8 Is that right?

9 A. Yes, sir.

10 Q. Now, what happens if the share of their
11 estate didn't cover their loans? What did you hear
12 about that?

13 A. That wasn't discussed.

14 Q. Well, that certainly is a possibility,
15 isn't it?

16 A. This came about when Howell Morrison was
17 looking at it --

18 Q. I'm just asking you --

19 A. Okay.

20 Q. -- isn't that a possibility?

21 A. That's always a possibility.

22 Q. And then as an accountant, don't you look
23 at the bad and the good?

24 A. I didn't know what the fair market value
25 was of her estate.

1 MR. LEWIS: Susan?

2 MS. WALL: Sir?

3 MR. LEWIS: There you go.

4 MS. WALL: Are you finished?

5 MR. LEWIS: Yeah.

6 (Discussion off the record.)

7 (A lunch break transpired.)

8 EXAMINATION

9 BY MS. WALL:

10 Q. Ms. Kerrison, my name is Susan Wall. I
11 represent Mr. Carter and his law firm in this
12 lawsuit. I have some questions for you here today.
13 I'm a little bit far away from you down at the end
14 of the table, so if at any time you don't hear my
15 question or don't understand it, please let me know,
16 and I'll be happy to repeat or rephrase. Okay?

17 A. Okay.

18 Q. And if you want to take a break, certainly
19 just let us know, and that's absolutely fine.
20 Please also know, however, that you may not discuss
21 with anyone your testimony or anticipated testimony
22 until your deposition is fully completed. Do you
23 understand that?

24 A. Yes, ma'am.

25 (Discussion off the record.)

1. BY MS. WALL:

2 Q. In your earlier testimony, you were asked
3 about your present status at Dixon Hughes. I want
4 to be sure I understand. Were you working with
5 Pratt-Thomas, also known as Pratt-Thomas Gumb, from
6 1997 until Pratt-Thomas Gumb became a part of Dixon
7 Hughes on November 1st, 2006?

8 MR. SHARPLESS: Object to the form. Go
9 ahead.

10 A. Yes.

11 BY MR. LEWIS:

12 Q. Did Pratt-Thomas Gumb become a part of
13 Dixon Hughes?

14 A. Well, Pratt-Thomas & Gumb didn't become a
15 part of Dixon Hughes. Pratt-Thomas & Gumb, P.A. is
16 still in existence. We purchased shares of Dixon
17 Hughes.

18 Q. And Pratt-Thomas Gumb, P.A. being still in
19 existence, it is not in existence to do accounting
20 work, is it?

21 A. That's correct. I mean, it's just --

22 Q. It's --

23 A. It has not been dissolved yet.

24 Q. But it is no -- as of November 1st, 2006,
25 Pratt-Thomas Gumb is not doing accounting work for

1 clients, is it?

2 A. That is correct.

3 Q. So that is correct, is it not?

4 A. Yes, ma'am.

5 Q. And then in November -- on November 1st,
6 2006, you became a member of Dixon Hughes, correct?

7 A. Yes, ma'am.

8 Q. Then at some point you resigned as a
9 member, but you continued to do accounting work on
10 behalf of Dixon Hughes, correct?

11 A. As a director, yes.

12 Q. And when was that? When did you become a
13 director as opposed to member?

14 A. Two years ago. So May 31st, 2009.

15 Q. To this day, you continue to work part-time
16 at Dixon Hughes and you continue to do accounting
17 work through Dixon Hughes, correct?

18 A. Yes, ma'am.

19 Q. Let me clarify for the record and see if we
20 can do this together. The professional services
21 provided by Pratt-Thomas, also known as Pratt-Thomas
22 Gumb and later Dixon Hughes, on behalf of various
23 persons. Okay?

24 First of all, let's start with
25 Mrs. Stevenson. Do you have any reason to believe

1 that, in fact, Pratt-Thomas Gumb and then
2 immediately thereafter starting November 1st, 2006,
3 Dixon Hughes, have any reason to believe that those
4 entities did not provide professional services to
5 Mrs. Stevenson from 1997 until her death in 2007
6 and, in fact, continued, Dixon Hughes, prepared her
7 final tax return for the year 2007, actually
8 prepared in 2008?

9 A. Yes. We prepared the tax returns.

10 Q. All right. So as far as you know, those
11 professional accounting services were provided to
12 Mrs. Stevenson from 1997 through physically 2008,
13 correct?

14 A. Correct.

15 Q. And as to the Q-Tip trust that's at issue
16 in this case, is it correct that first Pratt-Thomas
17 Gumb and then Dixon Hughes provided professional
18 services, accounting services, for the Q-Tip trust
19 from 1997 to 2007?

20 A. That is correct. Yes.

21 Q. And the same question with regard to the
22 marital trust, that professional services were
23 rendered on behalf of the marital trust by
24 Pratt-Thomas Gumb and Dixon Hughes from 1997 to
25 2007?

1 A. And for both the marital trust and the
2 Q-Tip trust, we continued up until the point that we
3 received the letter of -- where services were
4 terminated. And I don't know the exact date of that
5 letter.

6 Q. Does it refresh your recollection that, in
7 fact, you prepared the last of the marital trust
8 returns for the year 2007 and -- excuse me. In 2007
9 and that McGuire & Company took over in 2008?

10 A. After Mrs. Stevenson died, McGuire &
11 Company did the end of the returns. Yes.

12 Q. And she died in the fall of 2007. So would
13 that have them doing work in 2008?

14 A. Yes.

15 Q. Now let's turn our attention to the various
16 Stevenson family members. I believe you were asked
17 earlier if you worked on any Tom Stevenson matters,
18 and your testimony was no?

19 A. Correct. I did not.

20 Q. Let me hand you, to refresh your
21 recollection, what we're going to mark as Number 9.

22 (Exhibit No. 9 was marked.)

23 BY MS. WALL:

24 Q. Now, this is a copy of what appears to be a
25 2004 tax return for Thomas C. Stevenson is the

1 client with a client code, and the processing date
2 of October 5th, 2005. Do you see that?

3 A. I do.

4 Q. And that has your name on it?

5 A. Yes.

6 Q. Does this refresh your recollection that,
7 in fact, you did prepare the 2004 tax return for Tom
8 Stevenson?

9 A. It has my name on it, but this was Barry's
10 client. Barry -- there must have been some reason I
11 signed this because Tom was not my client and not
12 anyone I ever worked on. So I don't know why I
13 would have signed this for Barry. I don't
14 remember -- I don't even remember doing this.

15 Q. Well, Tom Stevenson was certainly a client
16 of Pratt-Thomas Gumb in 2004 and 2005, correct?

17 A. Yes.

18 Q. And the tax return for Tom Stevenson for
19 the year 2004 included information on Fabtech,
20 Commerce Circle, Paloma Partners, and Easy Tray,
21 LLC, correct?

22 A. I'd have to look at it.

23 Q. Well, if you look midway in, that may be a
24 faster way.

25 A. Yes, it does.

1 Q. And then looking a few pages past where you
2 are, there are several pages that are entitled
3 "At-Risk Limitations." The first one is at-risk
4 limitations as to Fabtech, Inc. Do you see that?
5 And then the next page is at-risk limitations as to
6 Easy Tray, LLC. What is a Form 6198, At-Risk
7 Limitations?

8 A. What that is, that is to measure if you're
9 at risk so that you can take a loss. So if there's
10 a loss being passed through and you don't have
11 enough basis in it or at-risk, then you can't pass
12 the loss to the individual return.

13 Q. Okay. And this indicates, for example,
14 with Fabtech -- and this is Bates Number -- at the
15 bottom -- 29562 -- that there's an at-risk
16 limitation of a million and a half dollars.
17 Correct?

18 A. Correct.

19 Q. And then there's an at-risk limitation page
20 for Easy Tray as well, which is the next page,
21 correct?

22 A. That's correct.

23 (Exhibit No. 10 was marked.)

24 BY MS. WALL:

25 Q. I'm going to hand you what we've marked as

1 Exhibit 10. And this is the 2005 tax return for Tom
2 Stevenson dated processing October 13th, 2006. And
3 this bears your name as well, correct?

4 A. It does.

5 Q. So we now have two years of individual tax
6 returns for Tom Stevenson that bear your name. Is
7 that correct?

8 A. That's correct.

9 Q. Okay. Please bear with me. Would you go
10 back to Exhibit Number 9, which was the 2004 tax
11 return. And if you will look at the fourth to the
12 last page, fifth to the last page, it has a Bates
13 number, on the bottom, of 29590.

14 A. Okay.

15 Q. That indicates, does it not, that you were
16 the preparer?

17 A. Uh-huh.

18 Q. It says: "Preparers printed name, Lynne
19 Kerrison, CPA."

20 A. It does.

21 Q. Does that refresh your recollection that
22 you prepared tax returns for Tom Stevenson --

23 A. I honestly --

24 Q. -- for the year 2004?

25 A. -- I mean, I -- that's a total shock to me.