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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM LANCASTER COUNTY

Court of Common Pleas
The Honorable John C. Hayes
Case No. 2012-CP-29-498

Appellate Case NO. 2017-002223

RECEIVED
JAN 23 2019
SC Court of Appeals

Mark Wilson

Appellant,

v.

Keith Jayma

Respondent.

SUPPLEMENTAL RECORD ON APPEAL

W. Keith Martens, Esquire
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PO Box 10940
Rock Hill, SC 29731
Attorney for Respondent

Mark Wilson, Pro Se
2506 Kings Farm Way
Indian Trail, NC 28079
Appellant

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SUPPLEMENTAL DOCUMENTS

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MARK WILSON vs. KEITH JAYMA, ET AL.
Mark Wilson on 07/07/2017

1 STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
2 COUNTY OF LANCASTER) SIXTH JUDICIAL CIRCUIT

3

4 MARK WILSON,)

5 PLAINTIFF,)

6 VS.)

) CA NO. 2012-CP-29-00498

7 KEITH JAYMA AND WILBUR)

8 STREATER, III,)

9 DEFENDANTS.)

COPY

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DEPOSITION OF MARK WILSON

13

LANCASTER, SOUTH CAROLINA

14

JULY 7, 2017

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REPORTER: SHIRLEY DALLAS-GERRALD, CVR-CM

22

DALLAS REPORTING, A HUSEBY COMPANY

23

24

25

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1 Deposition of Mark Wilson, taken before me, Shirley
2 Dallas-Gerrald, CVR-CM, a Notary Public for the State of
3 South Carolina, at the Cook Law Firm, Lancaster, South
4 Carolina, commencing at 1:05 P.M., on July 7, 2017, in
5 accordance with the South Carolina Rules of Civil
6 Procedure;

7 That the signing of the transcript of
8 deposition by the witness is reserved.

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1 Mark Wilson, first being duly sworn, deposes and says as
2 follows:

3 Examination: (By Mr. Martens)

4 Q Mr. Wilson, good afternoon. My name is Keith
5 Martens. I'm an attorney in Rock Hill. I represent Keith
6 Jayma in this lawsuit that you've filed captioned Mark
7 Wilson -vs- Keith Jayma and Wilbur Streater. I believe
8 Wilbur Streater has been dismissed as a defendant; is
9 that correct?

10 A I don't know.

11 Q You're not sure of that?

12 A (Indicating)

13 Q As I said, I represent Mr. Jayma, and I'm going
14 to take your deposition this afternoon. Have you ever
15 given a deposition before?

16 A Yes, sir.

17 Q So you understand the process. The court
18 reporter will be taking down everything that's said this
19 afternoon, both my questions and your answers. For that
20 reason, there's ground rules that I need to go over with
21 you before we start.

22 The first is this. If there is a question that I ask
23 you that you don't understand, either because I've
24 stumbled on my words or you didn't hear or you just don't
25 understand what I'm trying to get out of my question, will

1 you ask me to clarify that question until you do
2 understand it?

3 A I will.

4 Q If you answer my question, I will assume that
5 you've understood it; is that fair?

6 A To the best of my ability.

7 Q My purpose is not to trick or deceive you. My
8 purpose is to find out what you know about this case and
9 what you're going to say if this case goes to trial.
10 Okay?

11 A Okay.

12 Q It's not an endurance contest. We can take
13 whatever breaks you feel like you need to take during the
14 course of the deposition. If we do take a break, I will
15 ask that you not talk to your attorney or talk to anybody
16 else about the substance of your testimony. Is that
17 fair?

18 A Okay.

19 Mr. Martens - Are we going to reserve
20 except to the form of the question, with
21 objections?

22 Mr. Cook - (Indicating yes)

23 Q Give me your full name please, Mr. Wilson?

24 A Frederick, F-R-E-D-E-R-I-C-K, Mark Wilson, Jr.

25 Q Do you go by Mark?

1 A Yes.

2 Q What's your date of birth, sir?

3 A 11-2-52, 1952.

4 Q Where do you live?

5 A You need the address?

6 Q Yes, sir.

7 A 2506 Kings Farm Way.

8 Q Where is that?

9 A Indian Trail. Indian Trail, North Carolina.

10 Q What's your zip code?

11 A 28079.

12 Q Who lives there with you?

13 A One daughter, one of my daughters and one
14 granddaughter.

15 Q How old is your daughter?

16 A Thirty-five.

17 Q How many other children do you have other than
18 the daughter who lives with you?

19 A I have three other daughters.

20 Q So you have four total?

21 A Four total.

22 Q What are their ages?

23 A Thirty-five, thirty-three, twenty-seven and
24 twenty-three.

25 Q How long have you lived at 2506 Kings Farm

1 Way?

2 A Two and a half years.

3 Q During those two and half years, has your
4 daughter lived with you the entire time?

5 A Yes.

6 Q Has anybody else lived with you at that
7 address during the last two and a half years?

8 A No.

9 Q Before you were at 2508 Kings Farm Way in
10 Indian trail, where did you live?

11 A 2513 Riverchase Drive.

12 Q Where is that?

13 A Monroe.

14 Q How long did you live there?

15 A Five years.

16 Q Did anybody live there with you?

17 A My daughter and my granddaughter.

18 Q Anybody else?

19 A No.

20 Q Before that, where did you live?

21 A Mr. Martens, I can't recall the address. I
22 lived in an apartment.

23 Q The 2506 Kings Farm Way, is that a home or an
24 apartment?

25 A It's a home.

1 Q And do you own it or do you rent it?
2 A My daughter owns it.
3 Q How about 2513 Riverchase Drive?
4 A I rented that.
5 Q And the place you lived before 2513 Riverchase
6 Drive ---
7 A It was an apartment, rent.
8 Q Rental?
9 A (Indicating)
10 Q Are you married?
11 A No.
12 Q Have you ever been married?
13 A Yes.
14 Q When were you married and to whom?
15 A Mr. Martens, you want an exact date, the date
16 I got married?
17 Q Years, general -- If you can't remember exact
18 dates, general ---
19 A I was married about 16 years, up until '97 so
20 I probably got married in '81.
21 Q And to whom were you married?
22 A Kathleen O. Wilson.
23 Q You said '81 to '97 approximately?
24 A Right.
25 Q And did you all divorce?

1 A Yes.

2 Q Do you know where Ms. Kathleen Wilson lives
3 now?

4 A No.

5 Q Have you ever been married to anyone other than
6 Kathleen Wilson?

7 A No.

8 Q I asked you at the outset if you have given a
9 deposition before, and you said, yes. When have you given
10 depositions and in what cases?

11 A I gave a deposition in my divorce case.

12 Q Any other cases?

13 A Yes.

14 Q What other cases?

15 A I was a plaintiff in a case involving
16 construction of a house.

17 Q Who was the defendant?

18 A Christi Queen.

19 Q Are you related to Ms. Queen?

20 A Through marriage I am.

21 Q What is your relationship with Ms. Queen?

22 A It's a he.

23 Q What is your relationship to Mr. Queen?

24 A Brother-in-law.

25 Q Your brother-in-law. I'm sorry. His name is

1 Christi?
2 A It is.
3 Q Where was that case filed?
4 A In Monroe.
5 Q What was the result of that case?
6 A It was settled.
7 Q How was it settled?
8 A I believe the monies involved and the time
9 involved, both sides decided to settle.
10 Q What were the terms of the settlement?
11 A I don't understand.
12 Q Did you receive any money from the defendant?
13 A No, I did not.
14 Q Did the defendant receive any money from you?
15 A No, he did not.
16 Q Did the defendant pay your attorney's fees?
17 A No, he did not.
18 Q Did you pay the defendant's attorney's fees?
19 A No.
20 Q Did any money change hands for the settlement?
21 A No.
22 Q What was the basis of that lawsuit? Why did
23 you sue Mr. Queen?
24 A I started out building a house per plans, about
25 a 4,500 square foot home. It was drawn by an architect

1 in South Carolina. Mr. Queen hired another architect
2 locally in Monroe to add on and change the plan. So the
3 house ended up being about 6,500 heated square feet, a lot
4 of changes. I kind of went along with him because he was
5 going to build homes with me in a partnership. He found
6 a place on the Catawba River to build three or four
7 homes.

8 I thought I would make up any monies that I might be
9 losing by meeting his demands for changes and extra square
10 footage. He didn't compensate me for the time. It took
11 about two and a half years. It was a seven car garage,
12 6,500 heated feet, nuclear fall out room, camera rooms,
13 you know, additions.

14 It came to the point where he said I couldn't trust
15 him, and he wasn't going to build those houses. We
16 fell out in the partnership. We weren't going to build
17 houses anymore so I wasn't ever going to get any money
18 back. I sued him for my time, two and a half years of my
19 time to build this house. I didn't sue my sister. I
20 sued him. She wasn't allowed to come out to the house.
21 She wasn't allowed to be involved with the building of
22 the house, so I sued him and not her.

23 Q Who was your attorney in that case?

24 A Ken Helms.

25 Q And who represented Mr. Queen?

1 A Hal Spears.

2 Q Other than that lawsuit, have you ever been a
3 party to a lawsuit?

4 A Yes.

5 Q Tell me about what other cases you've been a
6 party to a lawsuit?

7 A I got involved with another builder, and we
8 were going to build on some property I owned.

9 Q And what happened?

10 A He sued me.

11 Q Who was that?

12 A R. D. Harrell.

13 Q Why did he sue you?

14 A He had let me live in a house that he had
15 built, while we were negotiating doing this development
16 work. So he sued me for the rent.

17 Q How was that case resolved?

18 A I paid him.

19 Q When was that case filed?

20 A 2000.

21 Q Where was that?

22 A Monroe.

23 Q Have you been involved in any other lawsuits?

24 A Mr. Martens, I think I have because I know I've
25 had another deposition, but I can't think of it right

1 now.

2 Q Do you remember what the other lawsuit may
3 have been about?

4 A Mr. Martens, you know what? I can't remember
5 right now. I believe it was -- I was a plaintiff suing
6 a homeowner for payment.

7 Q Where was that?

8 A That was in Charlotte.

9 Q Do you remember when that was or approximately?

10 A That was 1993.

11 Q Do you remember who the defendant was?

12 A Jerry Helms.

13 Q Did you have an attorney in that case?

14 A Yes, I did.

15 Q Who was your attorney?

16 A I can't think of his name right now. I'm sorry.

17 Q How was that case concluded?

18 A He paid me.

19 Q Do you remember how much?

20 A No, sir.

21 Q Was it resolved by a settlement or by a
22 judgment or do you recall?

23 A I believe we mediated that one.

24 Q So it settled at mediation?

25 A Yes. Tom Green was my attorney.

1 Q Have you been involved in any other lawsuits?
2 A Not that I can remember.
3 Q Have you ever been convicted of a crime ---
4 A Yes, I did. I sued a homeowner for payment.
5 Q When was that and where was that?
6 A 1997 in Weddington, North Carolina.
7 Q Who was the homeowner?
8 A Robert Gilmartin.
9 Q Did you have an attorney in that case?
10 A No.
11 Q How much were you suing for? Do you recall?
12 A Five thousand.
13 Q How did that case resolve?
14 A He paid me.
15 Q Did he pay you by an agreed settlement or
16 pursuant to a judgment?
17 A It was a small claims court, and the judge
18 ordered him, you know.
19 Q So the judge entered a judgment against him?
20 A Yes.
21 Q Any other civil lawsuits that you can recall
22 that you've been either a plaintiff or a defendant?
23 A Not that I can remember.
24 Q Have you ever pled guilty to a crime or been
25 convicted of a crime?

1 A A speeding ticket.

2 Q Other than a speeding ticket.

3 A No.

4 Q Have you ever filed bankruptcy?

5 A No.

6 Q Are you under any medications today that would
7 interfere with your ability to understand or answer my
8 questions?

9 A No.

10 Q What's your educational background, Mr. Wilson?

11 A High school.

12 Q You graduated from high school?

13 A Yes.

14 Q What school?

15 A Monroe High School.

16 Q What year?

17 A I'm thinking '71.

18 Q After high school, did you have any additional
19 school?

20 A Yes.

21 Q Where else did you attend school?

22 A I got an AS in computer science from Wingate
23 University.

24 Q AS, is that an associates of science?

25 A That's associates.

1 Q From Wingate?

2 A Wingate.

3 Q When did you earn that degree?

4 A 1973.

5 Q Other than the degree from Wingate, do you have
6 any other education?

7 A Yes.

8 Q What else?

9 A BA, political science.

10 Q Where did you earn that degree?

11 A University of North Carolina at Charlotte.

12 Q When did you earn that?

13 A 1975.

14 Q Any other education, formal education?

15 A I've been to other colleges to take other
16 courses for stuff.

17 Q Do you have any degrees other than your BA and
18 your AS. Do you have a masters or a doctorate or anything
19 like that?

20 A No.

21 Q You've taken some additional courses in
22 addition to your degree courses?

23 A Yes.

24 Q What other courses have you taken, if you can
25 recall?

1 A I took construction courses at the school in
2 Rock Hill, York Tech.

3 Q When did you take those?

4 A 1988.

5 Q Did you get a degree or a certificate with
6 regard to those courses?

7 A I think I received a license.

8 Q What kind of license?

9 A A contractor's license.

10 Q Do you currently hold a contractor's license?

11 A Yes, I do.

12 Q Where are you licensed as a contractor?

13 A North Carolina.

14 Q What type of license do you hold?

15 A A general contractor's license?

16 Q Is it unrestricted?

17 A Yes.

18 Q How long have you held that unrestricted
19 general contractor's license?

20 A Twenty-five years.

21 Q Are you licensed in any other jurisdictions
22 other than North Carolina?

23 A No.

24 Q Have you ever been licensed in any jurisdictions
25 other than North Carolina?

1 A Yes.

2 Q Where else have you been licensed?

3 A South Carolina.

4 Q When were you licensed in South Carolina?

5 A In 1989.

6 Q How long did you hold that license?

7 A Twenty-five years.

8 Q What type of license was that?

9 A Residential homebuilders.

10 Q Did you surrender that license or allow it to

11 lapse? Why do you no longer hold that license?

12 A I haven't built many homes in South Carolina.

13 I developed a subdivision out Camp Creek Road in the

14 80s, and I used my license to build those homes.

15 Q So you weren't doing much work in South Carolina

16 so you let the license go?

17 A Yes.

18 Q Are there any other licenses that you currently

19 hold or that you have held in the past?

20 A No.

21 Q Have you ever had either your North Carolina

22 General Contractor's License or your South Carolina

23 Residential Home Builder's License suspended for any

24 reason?

25 A No.

1 Q Have you ever had any sanctions or penalties
2 entered against you by any licensing board or agency in
3 North Carolina or South Carolina?

4 A No.

5 Q Have you ever had a complaint filed against
6 you with a licensing board in either North Carolina or
7 South Carolina?

8 A No.

9 Q Mr. Wilson, when did you first meet Keith Jayma?

10 A I believe it was the beginning of 2005, the
11 first months of 2005.

12 Q Early 2005?

13 A Early 2005.

14 Q Do you recall how you met him?

15 A He had an ad in the yellow pages. He was a
16 mortgage lender, and he had an ad for loans.

17 Q And you just responded to his ad in the yellow
18 pages?

19 A Yes.

20 Q What kind of loan were you looking for when
21 you first contacted Mr. Jayma?

22 A He was advertising for -- If you had a boat or
23 car or anything of value that he would make a loan against
24 it.

25 Q What did you have of value that you wanted to

1 take a loan against?

2 A I had some property.

3 Q Were you working in early 2005?

4 A Yes, I was working.

5 Q Who were you working for?

6 A I was working for myself.

7 Q Were you earning a regular pay check in early
8 2005?

9 A Probably -- I don't recall.

10 Q Do you recall why you wanted to take a loan
11 against this piece of property that you owned?

12 A Because I needed some money.

13 Q What did you need money for?

14 A To pay bills, car payment, car insurance.

15 Q Other than seeing an ad in the yellow pages, did
16 you know anything about Keith Jayma when you first
17 contacted him in early 2005?

18 A No.

19 Q Had anybody told you anything about Mr. Jayma?

20 A No.

21 Q Had anybody ever mentioned Mr. Jayma's name
22 to you?

23 A No.

24 Q What do you recall about your first interaction
25 with Mr. Jayma?

1 A He was very upbeat, energetic, bought me a free
2 sandwich.

3 Q Did you call him initially?

4 A I called the number in his yellow page ad, and
5 his wife, at that time, answered the phone.

6 Q What did you tell his wife, if you recall?

7 A That I was interested in talking to him about
8 the kind of loans he was making. It was like non-
9 conforming. I don't remember the exact ad, but I know
10 it's if you have something of value, I'll lend you money.

11 Q You said he bought you a sandwich. So I assume
12 you met with him in person somewhere.

13 A I believe we set up an appointment, and I met
14 with him.

15 Q Where did you meet with him?

16 A I don't recall the first meeting. We probably
17 met at his mortgage office, and then he took me to the
18 sandwich shop.

19 Q You said you were working for yourself when you
20 first contacted Mr. Jayma. Did you have any active jobs
21 going on at that point in time?

22 A My farm.

23 Q Your farm was an active job? Tell me what you
24 mean by that? What were you doing on your farm?

25 A I've been developing and working on it for

1 many, many years.

2 Q Was anybody paying you to do that work?

3 A Yes.

4 Q Who was paying you to do that work?

5 A My farm has an LLC.

6 Q So the LLC was paying you?

7 A Yes.

8 Q Who are the members of the LLC?

9 A Myself, my brother and I have two sisters.

10 Q Who is your brother?

11 A Clifton Wilson.

12 Q Who are your two sisters?

13 A Nancy Queen.

14 Q Who else?

15 A Vicky Murray.

16 Q What's the name of that LLC?

17 A Wilson Associates/Monroe, North Carolina.

18 Q Other than you, your brother and your two

19 sisters, have there ever been any other members of

20 Wilson Associates/Monroe?

21 A No.

22 Q What does Wilson Associates/Monroe do?

23 A We farm, row crop, grow trees.

24 Q What type of crops?

25 A Corn, soybeans, wheat.

1 Q In early 2005, was anyone other than you working
2 for Wilson Associates/Monroe?

3 A Yes.

4 Q Who else?

5 A My brother, Clifton.

6 Q What did he do?

7 A We're both general partners. I'm more into the
8 farming. He has cows. We both manage the farm together
9 and have for many, many years.

10 Q In early 2005, what did that LLC do to generate
11 revenue?

12 A We were growing trees. In 2005, the LLC was
13 receiving CRP payments.

14 Q What's that?

15 A Conservation Reserve.

16 Q I'm not sure I understand.

17 A It's a government program that pays landowners
18 not to farm their land.

19 Q That sounds like our government.

20 A Well, they have a good reason.

21 Q What's the reason?

22 A The way I interpret, in case -- Well, humans
23 like to eat so the government set land aside and paid
24 landowners not to farm it, but if there was a drought,
25 and that's all it would take in the United States is a

1 severe drought to wipe out our food supply, we could
2 bring that land back into production.

3 Q Okay. So in early 2005, the LLC that you're
4 talking about, Wilson Associates/Monroe was receiving
5 these CRP payments.

6 A Yes.

7 Q Do you remember how much those were?

8 A No.

9 Q Was the LLC receiving those payments on a
10 monthly basis?

11 A Yearly.

12 Q Yearly. Do you recall whether the yearly
13 payments were more or less than \$10,000.00 a year?

14 A More.

15 Q Do you recall whether they were more or less
16 than \$50,000.00 a year.

17 A Less than 50.

18 Q So somewhere between 10 and 50?

19 A Yes.

20 Q What did the LLC do with those payments?

21 A They distributed them between the partners.

22 Q Did each of you four receive an equal amount?

23 A We did.

24 Q Assuming that it was as much as close to
25 fifty thousand, that would mean that you would have

1 received about \$12,000 a year out of that?

2 A Mr. Martens, I was thinking how much it paid
3 -- It varied because the program changed. Some years we
4 got more or less. I don't know the exact amount.

5 Q Do you ever recall a year where you received
6 in excess of \$15,000.00?

7 A Yes.

8 Q Do you ever recall a year where you receive
9 in excess of \$25,000.00?

10 A Yes.

11 Q What's the most you can recall ever receiving
12 as a distribution from this LLC on an annual basis?

13 A Twenty-seven thousand.

14 Q What year was that? Do you recall?

15 A No, sir.

16 Q Did you report that on your tax return?

17 A No.

18 Q Why not?

19 A I haven't filed taxes.

20 Q You haven't filed a tax return?

21 A No, sir.

22 Q When is the last time you filed a tax return?

23 A I don't remember the exact date.

24 Q Has it been more than 10 years since you filed
25 a tax return?

1 A Yes, sir.

2 Q Has it been more than 20 years since you filed
3 a tax return?

4 A I don't think so.

5 Q Is there any reason you're not filing tax
6 returns?

7 A Yes.

8 Q Why?

9 A Well, my accountant that did my taxes always
10 filed them on completed projects. Completed projects
11 was based on when I got paid. So on this particular
12 house, I did get paid, but I thought I had more money
13 coming. So it's not a completed project to me so I have
14 not filed my taxes.

15 Q I'm not asking about this particular house
16 right now. I'm asking this. In the last 20 years, have
17 you had taxable income?

18 A No.

19 Q You haven't received any taxable income in the
20 last 20 years?

21 A I claim -- I'm working on my taxes. I'm
22 claiming a loss. Through my divorce, I lost several
23 properties, many properties, three homes and one
24 subdivision.

25 Q You testified that in 1993 you sued Jerry Helms

1 for payment on a house. And you testified that Mr. Helms
2 paid you as a result of that. Did you report income on a
3 tax return related to the payments that you received from
4 Mr. Helms?

5 A I think that I did.

6 Q Who was your accountant in 1993?

7 A Doug Burnette.

8 Q And where is Mr. Burnette?

9 A He's next door.

10 Q Is he your current accountant?

11 A No, he's not.

12 Q Who is your current accountant?

13 A I don't have a current accountant.

14 Q When is the last time you had an accountant?

15 A Well, we have a farm accountant, Lisa Matthews.

16 Q She's the accountant for the LLC?

17 A She has done accounting work for the LLC.

18 Q Do you receive a K-1 from the LLC?

19 A Yes.

20 Q Do you receive a K-1 every year?

21 A Yes.

22 Q Do you report that on your taxes?

23 A No.

24 Q Mr. Burnette was your personal accountant?

25 A He has -- Yes, he was my accountant.

1 Q When is the last Mr. Burnette served as your
2 accountant?

3 A I don't recall.

4 Q Have you had a personal accountant other than
5 Mr. Burnette that you can recall?

6 A Personal, not LLC?

7 Q Yes, sir, you personally.

8 A No.

9 Q You testified earlier that you sued a homeowner
10 in 1997, Robert Gilmartin, and that he paid you as a
11 result of that lawsuit. Did you report the income that
12 you made from working for Mr. Gilmartin on a tax return?

13 A What year was that?

14 Q You testified it was 1997?

15 A No.

16 Q Why not?

17 A Well, through the divorce with my wife, losing
18 the properties, I'm going to claim a loss and not an
19 income. I'm going to have ---

20 Q But you still have to report a loss. Did I
21 understand your testimony that you haven't filed a tax
22 return in over 20 years?

23 A That's not my testimony. My testimony, I have
24 not filed my taxes. I'm working on them.

25 Q You've been working on them. For how many

1 years have you been working on them?

2 A Fifteen years.

3 Q So for 15 years, you've been working on a tax
4 return?

5 A On my tax returns, yes.

6 Q Isn't it true that the reason you reached out to
7 Mr. Jayma for a loan was because you couldn't obtain a
8 loan through a traditional, commercial lender because you
9 hadn't done any tax returns?

10 A I don't think it was because I hadn't done tax
11 returns. He certainly got me four loans, four home
12 loans.

13 Q I'm not asking about him. I'm asking about
14 you. Other than Mr. Jayma, what other efforts did you
15 undertake, prior to early 2005, to obtain a loan from
16 somebody?

17 A None.

18 Q And isn't it true that you told Mr. Jayma that
19 part of the reason you couldn't get a loan was because you
20 didn't have any tax returns?

21 A I didn't tell him that, no.

22 Q How would Mr. Jayma know that if you didn't tell
23 him that?

24 A He asked me for them, and I told him I did not
25 have my tax returns.

1 Q So you did tell him, I don't have any tax
2 returns?

3 A After he asked me. I didn't tell him.

4 Q I understand. I wasn't suggesting that you just
5 volunteered the information, but you did tell him, I
6 haven't filed taxes in a long time.

7 A Yes.

8 Q And even as we sit here today, you still haven't
9 filed taxes in a long time.

10 A Right.

11 Q Has anybody told you that you are entitled not
12 to file a tax return?

13 A Yes.

14 Q Who's told you that?

15 A My accountant.

16 Q And that would be Mr. Burnette?

17 A Yes.

18 Q That you haven't seen since 1997.

19 A He did my taxes, and we did them on completed
20 projects. I'm basing ---

21 Q Have you completed any projects between 1997
22 and 2017?

23 A I have, but I've got so many more that weren't
24 completed. I'm going to have a net loss. The IRS taxes
25 on income. I don't have the income. I have a loss.

1 Q Mr. Wilson, you understand that there's a
2 federal law that says whether you have a loss or an income
3 every American citizen is required to file a tax return.
4 Do you understand that's a law in this country?

5 A No.

6 Q You don't?

7 A No.

8 Q Do you understand that it's a law in the
9 State of North Carolina that you're required to file a
10 tax return on an annual basis?

11 A No.

12 Q Okay. Other than the distributions that you
13 were receiving from your family's LLC in early 2005, what
14 other sources of income did you have at that point in
15 time?

16 A I don't recall.

17 Q You don't recall?

18 A No.

19 Whereupon - Document marked as Exhibit 1.

20 Q Mr. Wilson, the court reporter has handed you
21 what we've marked as Exhibit 1 to your deposition. Take
22 a minute and review that and let me know when you've had
23 a chance to review that document.

24 A (Witness complies)

25 Q Have you had a chance to review that?

1 A I have.

2 Q Do you recognize that document?

3 A Yes.

4 Q Does your signature appear on that document?

5 A Yes.

6 Q Do you recall that you agreed to borrow from
7 Mr. Jayma and Wilbur Streater, and they agreed to loan to
8 you \$32,000.00, repayable over three years at 10 percent
9 interest?

10 A (No response)

11 Q Do you recall that, that you borrowed \$32,000.00
12 from ---

13 A Yes, I did borrow \$32,000.00.

14 Q Now that you've had a chance to review Exhibit
15 1, is there anything about the terms of Exhibit 1, the
16 lender, borrower, the amount, the term, the rate, the
17 pre-payment penalty, secured interest -- As you review
18 this document, as we sit here today, is there anything
19 that you believe is inaccurate or erroneous about this
20 document with regard to the loan that Mr. Jayma and Mr.
21 Streater made to you?

22 A No. That's the yellow page loan.

23 Q That's the one that you contacted him and said,
24 I'd like to borrow some money, and I've got some land
25 that I can put up as collateral?

1 A Yes.

2 Whereupon - Document marked as Exhibit 2.

3 Q The court reporter has handed you what we've
4 marked as Exhibit 2 to your deposition. If you would
5 first, sir, flip to the last page of Exhibit 2.

6 A (Witness complies)

7 Q Does that appear to be your signature under
8 borrower/promissor?

9 A Yes.

10 Q Is Exhibit 2 the Promissory Note that you
11 executed in connection with what you call the Yellow
12 Page ad loan?

13 A Yes.

14 Q Did Mr. Jayma and Mr. Streater, in fact, loan
15 loan you \$32,000.00 in April of 2005?

16 A Yes.

17 Q Did you, in fact, execute this promissory note
18 that we've marked as Exhibit 2?

19 A Yes, I did.

20 Q Did you agree to repay the loan on the terms
21 that are set forth in the promissory note?

22 A Yes.

23 Q Did you repay the loan on the terms that are
24 set forth in the promissory note?

25 A I did repay the loan.

1 Q You repaid the entire amount of that loan?
2 A Yes, sir.
3 Q You have documentation to substantiate that?
4 A Yes, sir.
5 Q Where is that?
6 A I'll have to get that to you. I have it.
7 Q Have you provided it to your attorney?
8 A No, not all of it.
9 Q Why not?
10 A Because Mr. Jayma has refused to turn over his
11 information that we asked for since 2012, including his
12 tax returns, that would show the money that we made on
13 five building lots.
14 Q So do I understand -- I want to make sure I
15 understand your testimony, Mr. Wilson. Your testimony
16 is that you have documents in your possession that are
17 responsive to information we have asked for in discovery
18 that you have not given to your attorney.
19 A The documents that I don't have are the ones
20 Jayma has not given us. I need those documents. I need
21 interest payments. I need taxes for the year. I need
22 homeowner's association. I need all the fees incurred.
23 Q Tell me what documents you have related -- that
24 could prove that you repaid this promissory note that's
25 marked as Exhibit 2. What documents do you have in your

1 possession to prove that you have repaid that note?

2 A I have a check from Mr. Jayma that he paid me
3 on lots 52 and 53 Longbrook. He says he split the money
4 with us 50/50. I don't agree with that. I want to see
5 the closing statements. He took all the deductions for
6 the interest on the lots ---

7 Q Let me go back. You're not answering my
8 question.

9 A I'm asking the best I can. I don't think you're
10 aware of this. I need those documents.

11 Q I think I'm aware of a lot more than you think
12 I am. My question for you, Mr. Wilson, is what
13 documentation do you have in your possession that proves
14 you repaid \$32,000.00 plus interest to Mr. ---

15 A I was answering your question, and you
16 interrupted me.

17 Q I'm happy for you to explain the answer. I
18 need you to answer my question first. What documentation
19 do you have in your possession that would prove that you
20 have repaid the \$32,000.00 evidenced by this promissory
21 note?

22 A I was telling you.

23 Q Tell me again.

24 A I have a check from Mr. Jayma to me.

25 Q Why would Mr. Jayma give you a check for your

1 repayment?

2 A We bought five lots. He gave me a check on
3 two of them. On the other three lots, he kept all the
4 money, all the profit, and he took all the deductions.

5 Q Is it your contention that Mr. Jayma repaid
6 your debt by keeping the profit and the deduction on
7 those lots?

8 A Yes. He's been paid in full.

9 Q Okay. So your position is that by -- that Mr.
10 Jayma kept money that you should have been paid, to repay
11 the note?

12 A Kept all of it.

13 Q And you say you don't have those documents.

14 A No, he's got them. I do have the check he paid
15 me on the two lots, 52 and 53. He kept all the money on
16 the other three. One other payment was from First
17 Charter Bank for \$30,225.00 made out to my company and
18 Mr. Jayma. He kept that check, too.

19 Q Let me ask you this. The five lots that you're
20 talking about, those are in the Longbrook Subdivision?

21 A No, three of them were.

22 Q Three of them were in Longbrook. Where were
23 the other ones?

24 A Providence Downs South.

25 Q Who purchased those lots?

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1 A Mr. Jayma.

2 Q Whose money was used to purchase those lots?

3 A Mr. Jayma.

4 Q Who sold those lots?

5 A Mr. Jayma.

6 Q And it's your testimony that you're entitled
7 to half of the profits from those?

8 A He did give me half on two of them. Oh, he
9 says he paid me half. He justified the numbers in
10 handwriting, but I wasn't -- There, again, I say he took
11 all the deductions for interest expense on the lots and
12 the taxes on the lots and the homeowner's association.

13 Q Did you borrow any money related to the
14 purchase of those lots?

15 A No.

16 Q Did you pay any of the loan payments on the
17 purchase of those lots?

18 A No.

19 Q Did you pay any of the carrying costs related
20 to those lots?

21 A I did not.

22 Q Mr. Jayma did?

23 A Yes. That was his job.

24 Q Why would you be entitled to half the profits?

25 A I picked out the lots. That was my legwork to

1 pick out the lots based on topography and where to build
2 a house. I picked out the house plans to build. I had
3 the houses put on the lots.

4 Q What year was this that you're talking about?

5 A 2005 and 2006.

6 Q When did you learn that the lots had been sold?

7 A Well, the first two, I learned quickly because
8 he sent me a check.

9 Q How about the other three?

10 A He hide those. He could have let me know on
11 Lot 31 that he was selling it. He never gave me any money
12 on the lot.

13 Q When did you discover that all five lots had
14 been sold by Mr. Jayma?

15 A I don't recall.

16 Q He told you about two of them, paid you on
17 two of them?

18 A Yes.

19 Q You said he told you about a third?

20 A Yes.

21 Q And you said he hid ---

22 A He hid one, and I wasn't involved on Lot 163,
23 the partnership lot, 163.

24 Q When did you learn that all five lots had been
25 sold?

1 A I don't recall.

2 Q 2005?

3 A Oh, no.

4 Q 2006?

5 A Some of them in '06, two of them in -- I can't
6 recall. He was doing this behind my back. I don't know
7 what this guy's doing. He's hiding everything from me.

8 Q Certainly by March of 2008, you knew he had
9 sold those lots because you sent him a letter accusing
10 him of fraud, right?

11 A I sent him a letter?

12 Q Yes, sir, and then you had an attorney send
13 him a letter right?

14 A Oh, okay. I might have had an attorney send
15 him a letter.

16 Q Well, we'll look at that. I just want to make
17 sure I understand. Your position is that you are not
18 required -- You were not required to make any more
19 payments on that promissory note because Mr. Jayma took
20 half of the proceeds that should have been given to you
21 from the sale of these five lots and put it in his pocket.

22 A That's right. Wait. Wait. And the check from
23 First Charter. You've got to add that in there.

24 Q And the check from First Charter.

25 A Was made out to my company.

1 Q Okay. So it's your contention that those
2 payments offset any liability that you had under this
3 promissory note?

4 A That's correct.

5 Whereupon - Document marked Exhibit 3.

6 Q Mr. Wilson, was there any written agreement
7 between you and Mr. Jayma related to division of profits
8 from the sale of these lots?

9 A I don't recall. I don't think there was a
10 written agreement.

11 Q Was there ever anything that Mr. Jayma wrote
12 you or sent to you and said promissory note has been
13 forgiven?

14 A No.

15 Q Did Mr. Jayma ever tell you, you don't need to
16 make payments on this promissory note because I'm just
17 going to keep your half of the profits from these other
18 lot sales?

19 A No.

20 Q Did Mr. Jayma ever tell you the note was
21 satisfied?

22 A I think he said he fell out with Streater or
23 almost lost him as a friend, in a letter to me. So I
24 think he paid off Streater, but I don't know.

25 Q I show you what we've marked as Exhibit 3 to

1 your deposition, mortgage on real property, the second
2 to the last page of that document. Mr. Wilson, is that
3 your signature on that document?

4 A Second to the last?

5 Q Yes, sir.

6 A Yes.

7 Q And, in fact, did you agree to put up your
8 property in Lancaster County as collateral for your loan
9 from Mr. Jayma, this \$32,000.00 loan?

10 A Yes.

11 Q And is this the mortgage that you signed in
12 order to collateralize the \$32,000.00 loan from Mr.
13 Jayma?

14 A Yes.

15 Q Did you read the Agreement to Lend, Exhibit 1,
16 before you signed it?

17 A (No response)

18 Q I'm asking you about Exhibit 1. It's on the
19 bottom here. Did you read that document before you
20 signed it?

21 A Yes.

22 Q Did you read the promissory note, that we
23 marked as Exhibit 2 to your deposition, before you signed
24 it? It's this one.

25 A I keep going to this document because I see an

1 issue with it.

2 Q Did you read Exhibit 2 before you executed that
3 promissory note?

4 A Yes.

5 Q In Exhibit 3, the Mortgage on Real Property, did
6 you read that before you signed it?

7 A Probably not.

8 Q Why not?

9 A I was just looking at the description page, and
10 I don't see my signature on it.

11 Q But you do see your signature on the page before
12 that description?

13 A Yes, I do.

14 Q Other than the property description page, is
15 there anything else that you see in Exhibit 3 that doesn't
16 appear to be something that you would have seen prior to
17 signing that mortgage?

18 A Well, I would have to read this whole document.

19 Q That's okay.

20 A Do you want me ---

21 Q Let me ask you this first. On the bottom of
22 Page 1 of Exhibit 3, are those your initials?

23 A Yes, they are.

24 Q On the bottom of Page 2 of Exhibit 3, are those
25 your initials?

1 A Yes, they are.

2 Q And the next page, are those your initials?

3 A Yes, they are.

4 Q And on the next page, are those your initials?

5 A Yes, they are.

6 Q So you initialed every page except for the page
7 you signed, right?

8 A Except for the description.

9 Q And then the property description does not
10 have your initials or your signature on it?

11 A Right.

12 Q Do you know who prepared that mortgage, Exhibit
13 3?

14 A I recognize Huckabee's name.

15 Q Blackmon Huckabee?

16 A Blackmon Huckabee.

17 Q He was an attorney who passed away?

18 A I believe he was Keith Jayma's attorney, yes.

19 Q Do you know who Carolyn Reynolds is?

20 A No.

21 Q Do you believe Mr. Huckabee drafted this
22 mortgage?

23 A I don't know.

24 Q Where did you sign the mortgage?

25 A I think I signed this in Huckabee's office.

1 Q Who else was there?

2 A I don't recall. Jayma might have been. I
3 think Jayma drove me down there.

4 Q You think Mr. Jayma was there when you signed
5 it?

6 A I think so.

7 Q And the document reflects that Mr. Huckabee
8 was there, correct?

9 A Yes.

10 Q Do you think that's accurate that he was there
11 when you signed it?

12 A Well, I don't remember.

13 Q And then Carolyn Reynolds. Do you recall Ms.
14 Reynolds?

15 A I don't recall Ms. Reynolds.

16 Q Did you understand that the mortgage, Exhibit
17 3, was intended to cover the entire 62 acres of your
18 land?

19 A I need to stand up.

20 Mr. Martens - Like I said before, if you
21 need to take a break at anytime that's fine.
22 Let me know.

23 Whereupon - The last question was read
24 back by the court reporter.

25 Q Do you understand the question?

1 A Mr. Martens, I do. Mr. Jayma and I had so
2 many conversations about acres, 63, 25, and I believe
3 there was a -- I was able to sell some acres if I needed
4 to.

5 Q Let me go back and ask the question again.
6 At the time you executed the mortgage -- the promissory
7 note and mortgage in April 2005, did you understand that
8 you were mortgaging the entire 62 acres of land that
9 you owned in Lancaster County?

10 A There's some questions there.

11 Q What questions?

12 A Whether 63, 25, if I could sell 8 acres. That's
13 why I'm a little thrown off not to see my signature on the
14 description page that's on all the other pages.

15 Q As we sit here today, you don't recall how
16 much of your land you intended to mortgage when you took
17 this loan out?

18 A It was changing. I didn't want to encumber
19 the entire 63 acres.

20 Q Was it 63 or 62?

21 A It's 62.69. We rounded up, my family farm.

22 Q Okay. So you understood you were mortgaging
23 some acreage at the time you were taking out this loan
24 in April 2005, correct?

25 A Yes.

1 Q But you weren't sure in your own mind how much
2 of that you were mortgaging, whether it was 25 acres or
3 the entire 62.69?

4 A Right.

5 Q Did you ask for any clarification on that
6 prior to signing the note and the mortgage?

7 A I don't think I asked for clarification.

8 Q Other than Mr. Huckabee, did you have an
9 attorney review the mortgage prior to executing it?

10 A No.

11 Q Other than the \$32,000.00 loan that's evidenced
12 by the three documents we've marked as exhibits to your
13 deposition, did you have any business dealings with Mr.
14 Jayma prior to April of 2005?

15 A No.

16 Q So the first business dealings you had with
17 Mr. Jayma were his agreement to loan you \$32,000.00
18 secured by a mortgage on some property that you owned?

19 A No, that's not right.

20 Q You had business dealings with Mr. Jayma prior
21 to that \$32,000.00 loan?

22 A Yes.

23 Q Tell me about those because I thought you told
24 me that you called him ---

25 A I did call him. That's how I met him.

1 Q Yes, sir. And you said that was in early
2 2005.

3 A And when I met him, and he bought me the free
4 sandwich, he wanted to get me a mortgage because I was
5 in the apartment. I think he -- I think he got me a home
6 loan, two of them, and his wife was the real estate agent.

7 Q Okay. When did Mr. Jayma get you a home loan?

8 A I believe it was March of 2005.

9 Q Other than the two home loans and this loan,
10 were there any other business dealings prior to April of
11 2005 between you and Mr. Jayma?

12 A Not that I recall.

13 Q I just want to make sure I understand. You
14 didn't know Mr. Jayma until you saw an ad in the Yellow
15 Pages.

16 A That's right.

17 Q You saw that ad sometime in early 2005, correct?

18 A Yes.

19 Q You called him and met with him, and he bought
20 you a sandwich.

21 A Right.

22 Q He offered to get you a mortgage?

23 A Yes.

24 Q Did you do that? Did you go through with that
25 mortgage?

1 A Yes.

2 Q Who was the lender?

3 A He was, International Mortgage Services.

4 Wait a minute. He was the broker.

5 Q Who was the mortgage company?

6 A EMC. That was the first.

7 Q And that would have been in -- you think, in

8 March of 2005?

9 A I believe so.

10 Q And then after that is when Mr. Jayma made you

11 the \$32,000.00 loan that we're looking at as these first

12 three exhibits to your deposition?

13 A I believe that's right.

14 Q How much did EMC mortgage loan you?

15 A Two hundred thousand plus.

16 Q And what did EMC mortgage take a mortgage on?

17 A The house.

18 Q I thought you were in an apartment.

19 A I was in an apartment, but Jayma was in lending,

20 and I bought a house.

21 Q Okay. So you used that mortgage to buy a house.

22 Where was that house?

23 A It was -- You need an address?

24 Q Yes, sir.

25 A 4007 Brook Valley Road.

1 Q Where? What city and state?
2 A Indian Trail, North Carolina.
3 Q Was it a new home or was it ---
4 A Yes.
5 Q It was a new home?
6 A Yes.
7 Q Who was the seller?
8 A Cambridge Homes.
9 Q How much did you pay for it?
10 A It was 254,000.
11 Q How much of your own money did you put down?
12 A Five hundred dollars.
13 Q Five hundred?
14 A Yes.
15 Q You said the loan was for 200,000. Where did
16 the other ---
17 A Had a second mortgage.
18 Q You had a second mortgage.
19 A Yeah, with a higher -- eleven percent rate.
20 Q Who was the second mortgage lender?
21 A I don't recall.
22 Q How much were your monthly payments on those
23 mortgages?
24 A It started out at 1,000 a month on the EMC and
25 then it was jacked up 50 percent to 1,500 a month.

1 Q When did it go up to 1,500?

2 A Within -- I don't recall exactly. I got a
3 letter from the bank, and it was a 60 day notice, you're
4 going to go up from \$1,056.00 a month to \$1,548.00 a
5 month.

6 Q Was that consistent with the terms of your
7 loan agreement with EMC?

8 A It probably was that they could do that.

9 Q Did you read the loan agreement with EMC?

10 A Probably not.

11 Q Did EMC Mortgage foreclose on that house at
12 some point?

13 A No.

14 Q What happened to that house?

15 A Well, it was foreclosed on but not by EMC.

16 Q Who foreclosed on it?

17 A Bank of America.

18 Q When did Bank of America foreclose?

19 A Christmas of 2010.

20 Q So you were in that house for approximately
21 five years?

22 A Yes.

23 Q When did you fall behind on your mortgage
24 payments?

25 A I don't recall.

1 Q Did Bank of America file a lawsuit against you?

2 A No, sir.

3 Q How did they foreclose?

4 A They had a program called Cash for Keys.

5 Q So you surrendered the house?

6 A I surrendered the house.

7 Q Cash for Keys sounds to me like you turn in the
8 keys, and they give you some cash?

9 A Yes.

10 Q What cash did Bank of America give you?

11 A I think it was \$1,000.00. It might have been
12 more.

13 Q Other than the monies that we discussed earlier
14 -- I know you testified that Mr. Wilson (sic) sold some
15 lots and kept your share of the profit from those lots. I
16 know you testified that there was a check that was jointly
17 payable to the two of you that he kept that should have
18 come to you or part of it should have come to you. Other
19 than those payments, did you make any other payments on
20 the promissory note that's been marked as Exhibit 2 to
21 your deposition?

22 A I think in the beginning I made some interest
23 payments to him.

24 Q Do you have any documentation of those payments?

25 A I probably do.

1 Q Have you provided those to your attorney?

2 A Probably not.

3 Q I'm going to ask that you provide to your
4 attorney any documents that you have that show payments
5 that you've made toward this promissory note.

6 A I've got a big one to throw at you if you want
7 to know about payments.

8 Q What big one do you have to throw at me, Mr.
9 Wilson?

10 A Mr. Jayma bought a suite in an office building.
11 He was going to put his wife's real estate company in
12 that building. In lieu of any interest on the promissory
13 note, I agreed to work on his building. I did the work
14 on his wife's real estate office.

15 Q Did you and Mr. Jayma come to an agreement about
16 how much credit you would receive for that work?

17 A In lieu of any interest due.

18 Q Your understanding was if you would work on his
19 wife's real estate office, you would have no interest due
20 on repayment of this loan.

21 A That's correct.

22 Q Is there any documentation to support that?

23 A No documentation, just our word.

24 Q Do you have any documentation where Mr. Jayma
25 has written to tell you that the note is satisfied, the

1 \$32,000.00 note is no longer owed?

2 A No.

3 Q Did you ever ask Mr. Jayma for something like
4 that after you finished the work on his wife's office?

5 A No.

6 Q Did you ever ask Mr. Jayma to give you something
7 that says, no interest is due on this note?

8 A No. A man of his word, thought he was.

9 Q After the loan in April of 2005, what was your
10 next business transaction with Mr. Jayma? Was that the
11 purchase of these lots we talked about?

12 A No, I believe it was -- Well, one of the lots --
13 We decided to build, because I was a contractor. He
14 decided that he wanted to be a homebuilder. He had
15 cards drawn up to the effect that he was a custom
16 homebuilder, me, too. I came up with the name SunMark
17 Homes, and we formed a partnership to build homes.

18 Q How many homes did you build?

19 A Just one.

20 Q Was that SunMark Homes, LLC?

21 A Yes.

22 Q Did SunMark Homes, LLC, have anything to do with
23 the purchase of the five lots in Lancaster County?

24 A Yes.

25 Q Tell me what role SunMark Homes, LLC, played

1 in the purchase of those five lots.

2 A I had met a developer that was developing in
3 Longbrook, and I chose the lots, based on topography, the
4 lay of the land. With a long history with an architect,
5 Building Graphics, working with the owner, I picked out
6 three homes, three house plans that would go on the three
7 lots, Lot 31, 52 and 53. I did the same thing on Lot
8 249, Providence Downs South, and Lot 163 Providence Downs
9 South.

10 Q Lot 163 is the Strike the Gold property, right?

11 A Yes.

12 Q So when you say five lots, that includes the
13 Strike the Gold property?

14 A Yes.

15 Q One of the five is the Strike the Gold?

16 A Yes. I chose that lot and that house plan.

17 Q And what was the other lot number that you
18 mentioned Providence Downs South?

19 A Lot 249. I picked that lot and that house
20 plan.

21 Q I think I asked you this before. When the lots
22 were purchased, in whose name were they purchased?

23 A Well --- I really don't know. It could have been
24 Keith Jayma, I don't know.

25 Q It wasn't in your name?

1 A It was not in my name.

2 Q And you didn't put any money in for the purchase
3 of those lots?

4 A No.

5 Q And you didn't borrow any money for the purchase
6 of those lots?

7 A No.

8 Q You didn't build anything on any of those lots
9 other than Lot 163.

10 A Right.

11 Q Which of the lots did you receive some portion
12 of the sales proceeds from?

13 A Lots 52 and 53, Longbrook.

14 Q How much did you receive?

15 A Twenty-seven thousand plus.

16 Q Was that just cash?

17 A No, check.

18 Q Okay.

19 A Check.

20 Q What did you do with the \$27,000.00 you
21 received?

22 A I paid on that high interest, rate jacked loan
23 that I was -- The home I was living in, made payments.

24 Q So you used it to pay your mortgage?

25 A Yes, insurance, all those things.

1 Q You used it for your own personal living
2 expenses?

3 A Well, I used it to make my car payment, too,
4 so I could get to the job.

5 Q Your car payment. You used part of this
6 \$27,000.00 to make your monthly car payment.

7 A Insurance.

8 Q You used part of the \$27,000.00 to pay your
9 mortgage.

10 A (Indicating)

11 Q You used part of the \$27,000.00 to pay your
12 car insurance. What else did you use part of the
13 \$27,000.00 for?

14 A Property taxes, maintenance, all the costs of
15 living.

16 Q Your cost of living, correct?

17 A My cost of doing business so I could, you know,
18 get to the job and living in the house, yeah, and my
19 mortgage was 2,000 a month with the interest rates jacked
20 up.

21 Q The \$27,000.00 that Mr. Jayma paid to you
22 out of the proceeds for the sales of these lots, that
23 would have been in what, 2005, 2006 time frame?

24 A I believe 2006.

25 Q Did you report that income on your 2006 tax

1 return?

2 A No.

3 Q And you still haven't filed a tax return for
4 2006; is that correct?

5 A That's correct.

6 Q Did you pay any taxes on that \$27,000.00?

7 A No.

8 Q Let's talk about the Strike the Gold property.
9 Do you understand what I mean by the Strike the Gold
10 property?

11 A Yes.

12 Q That's Lot 163 in Providence Downs South, right?

13 A Yes.

14 Q Tell me what your agreement was with Mr. Jayma
15 concerning the Strike the Gold property?

16 A We had formed that partnership, and we were
17 going to build houses, and we would split the profit
18 50/50.

19 Q So you had formed SunMark, LLC, right?

20 A Yes.

21 Q And when you say the partnership, that's what
22 you're talking about, SunMark, LLC?

23 A Yes.

24 Q Did you contribute any capital to SunMark, LLC?
25 Did you put any money in when you came in as a member?

1 A No.

2 Q Did Mr. Jayma put in any money?

3 A Not that I'm aware of. He may have paid the
4 LLC fee.

5 Q Did you have a operating agreement for SunMark,
6 LLC?

7 A I believe Jayma asked Huckabee to do that.

8 Q Do you recall ever seeing an operating agreement
9 for SunMark, LLC?

10 A No.

11 Q So your understanding was that SunMark, LLC, was
12 going to build this house on Lot 163. SunMark, LLC, was
13 going to sell the property upon completion and then you
14 and Mr. Jayma were going to split the profits.

15 A Me and Mr. Jayma would split the profits
16 50/50.

17 Q What if there were no profits? What was the
18 agreement?

19 A There was none.

20 Q So you had no agreement as to what would
21 happen if the project lost money?

22 A Right.

23 Q Who put up the money to buy Lot 163?

24 A There again, I don't know. It could have Keith
25 or it could have been Diana Jayma.

1 Q It wasn't you?

2 A No, it was not me.

3 Q Who borrowed the money to build the house on
4 Strike the Gold, was it you?

5 A No.

6 Q You do know that Mr. Jayma borrowed a million
7 dollars for the construction of that house, correct?

8 A I am aware of that, yes.

9 Q And that was in his own personal name?

10 A Well, I'm not aware of that. There, again, he's
11 hiding that fact and the purpose of the loan from me,
12 the builder.

13 Q Tell me what you mean by that? What do you
14 mean he's hiding ---

15 A Per our agreement, I'm the builder. I'm
16 going to build the house. My job is to build the house.
17 His job was to sell the house. So I don't know how he
18 represented himself. I don't know about the loan
19 documents, how he represented the purpose of the loan or
20 who was on the loan. You keep asking me. I don't know.
21 We'll have to find out.

22 Q Well, I'll tell you this. All those documents
23 have been produced to your attorney.

24 A And I just got them two weeks ago, and there's
25 1,200 pages and there's no way I've had time to go through

1 that. We asked that for that documentation in 2012.

2 Q Mr. Wilson, since we're putting all this on
3 the record, I'm going to tell you we sent it to your
4 attorney in 2012.

5 A His tax returns?

6 Q No, sir, not his tax returns.

7 A That's what we asked for.

8 Q Mr. Wilson, this is your deposition. I'm
9 entitled to ask you questions, and this isn't a discussion
10 about what has and hasn't been produced in discovery. My
11 question for you is, did you borrow any money for the
12 construction of the house on Lot 163 in Providence Downs
13 South subdivision?

14 A No.

15 Q Did you put up any of the money for the
16 construction of the house on that lot?

17 A No.

18 Whereupon - Document marked as Exhibit 4.

19 Q I've handed you what's been marked as Exhibit 4
20 to your deposition. Let me ask you this first. Do you
21 recognize the document that we've marked as Exhibit 4?

22 A Yeah, I recognize it.

23 Q What is it?

24 A The first document is a contract, an unsigned
25 contract.

10/2/17

Sup. R.P. 61.

1 Q When you say, the first document, what pages?

2 A One, two, three.

3 Q Is that single document?

4 A That's a single document.

5 Q If you will, go ahead and pull that. Let's
6 take those first three pages off, and we're going to call
7 those Exhibit 4.

8 A (Witness complies)

9 Q We will call that Exhibit 4. Now, the next
10 page -- Tell me what else goes together. Does anything
11 else go with what we've now pulled off and marked as
12 Exhibit 4?

13 A You're missing some pages.

14 Q You think I'm missing some pages?

15 A Yes, sir.

16 Q After those first three pages that we've pulled
17 off and marked as Exhibit 4, what else goes together.
18 Tell me what those other pages are?

19 A You have two cost codes in here.

20 Q What is a cost code?

21 A It's a cost estimate that I provided before
22 construction was started.

23 Q Do the next four pages go together as a single
24 cost code?

25 A Yes.

1 Q Let's pull that off, and we'll mark that as
2 Exhibit 5.

3 A (Witness complies) Well, this is the second
4 cost code. You had another one here.

5 Q Let's figure out what we've got here first.

6 A I don't know if they're in order or not.

7 Q Let's mark that one.

8 A As 5?

9 Q Yes, sir. We'll mark that as 5.

10 Whereupon - Document marked as Exhibit 5.

11 Q Looking through the stack that I handed you,
12 what else goes together? Do the next four pages go
13 together?

14 A No. Skip one page and the next will go
15 together. That's the original cost code.

16 Mr. Martens - Let's mark that as Exhibit
17 6.

18 Whereupon - Document marked as Exhibit 6.

19 Q What was the page that we skipped?

20 A I don't know -- I don't know about this page.

21 Q So we won't mark that. Let me just have that,
22 we'll get it out of the way and not get confused. What
23 about the document that's got the caption of Sale Price of
24 Waystrode on Lot 163, do you know what that document is?

25 A I recognize the Waystrode plan on Lot 163.

1 I'm looking at the 4,500 square feet. So your question
2 to me is what?

3 Q Do you know what that document is?

4 A I recognize the Waystrode plan.

5 Q But other than that, you don't recognize
6 anything about that document?

7 A It looks like I was calculating -- If I produced
8 it, I see -- I'm going to say that's Jayma's handwriting
9 on it so I must have generated some kind of estimate
10 based on 4,500 square feet and the lot cost.

11 Q Let's set that document aside, too. We're
12 not sure what that is. We broke the documents up into
13 three separate exhibits, 4, 5 and 6.

14 You told me what we marked as Exhibit 4 is an
15 unsigned contract for residential construction. You've
16 testified, and I see that, that there appear to be
17 articles one, two and three missing from this exhibit.

18 Was there a written contract between you and Mr.
19 Jayma concerning the construction of the Strike the Gold
20 property?

21 A I generated a contract.

22 Q Did it look like the document that we marked as
23 Exhibit 4, with the exception of -- obviously there are
24 some provisions that are missing in the copy that I made,
25 and I apologize for that. I thought I had a complete

1 copy when I copied that.

2 A (No response)

3 Mr. Martens - Let's take a quick break.

4 Mr. Martens - Resuming

5 Q So Exhibit 4 - I understand what we've marked
6 as Exhibit 4 is not a complete copy of your contract
7 with Mr. Jayma. Do you have a copy of a complete copy of
8 a construction contract between you and Mr. Jayma?

9 A Not that I am aware of.

10 Q Did you and Mr. Jayma ever execute a written
11 contract related to the construction of Strike the Gold?

12 A I don't think so.

13 Q Did you and Mr. Jayma ever execute a written
14 contract concerning how you would pay for, complete,
15 market and sell the Strike the Gold house?

16 A No. Well, a gentlemen's agreement. That was
17 our contract.

18 Q Tell me what you mean by gentlemen's agreement.

19 A I trusted him as a man of his word.

20 Q And as I understand, your gentlemen's agreement
21 was that Mr. Jayma would buy the lot in his name, right?

22 A Yes.

23 Q That Mr. Jayma would borrow the money needed
24 to build the house.

25 A Yes.

1 Q That you would serve as the general contractor
2 for the construction of the house.

3 A Yes.

4 Q That once the house was completed, Mr. Jayma
5 would be responsible for marketing the house.

6 A He started marketing it at the very beginning.

7 Q So you were the general contractor. You would
8 be responsible for building the house.

9 A Yes.

10 Q Mr. Jayma would be responsible for marketing
11 and selling the house.

12 A Yes.

13 Q And then the profits would be split equally
14 between the two of you.

15 A That's correct.

16 Q What did you understand profits to be?

17 A Profits would be monies above and beyond the
18 costs to build the house.

19 Q Would interest on loans be considered a cost?

20 A Yes.

21 Q The amount to pay subcontractors would be
22 considered costs?

23 A Yes.

24 Q The cost of materials would be a cost?

25 A Yes.

1 Q The cost of the land would be a cost?

2 A Yes.

3 Q You received a contractor's fee during the
4 construction of this house, did you not?

5 A I did receive a fee for incidentals, fuel for
6 the car, repairs, tires, cell phone, meals. That would
7 be rolled into the cost of the house.

8 Q So the money that you received as a contractor's
9 fee would be considered a cost?

10 A Yes.

11 Q That wouldn't be an advance on your share of
12 the profits?

13 A No.

14 Q Did you and Mr. Jayma discuss that in your
15 gentlemen's agreement?

16 A Yes, sir, sure did.

17 Q What else would be considered costs?

18 A All the costs of building a house.

19 Q Well, that's what I'm trying to figure out.
20 What are all the costs?

21 A I have a cost code sheet right here if you want
22 to go down it.

23 Q Maybe that's the simplest way to do it.

24 Exhibit 6, I think you testified earlier, that was your
25 first cost code sheet.

1 A Yes.

2 Q And then I assume Exhibit 5 is a revision that
3 you made after -- Let me ask you. Why did you make a
4 revision to Exhibit 6?

5 A Mr. Jayma asked me to make a revision.

6 Q What did Mr. Jayma ask you to do?

7 A He said cut some of the costs out of it.

8 Q So your initial cost code, Exhibit 6, you
9 projected a construction cost of \$1,099,370.00?

10 A Yes.

11 Q And Mr. Jayma said that's too much.

12 A Yes.

13 Q We need to get it down. That's why you came
14 up with the cost code, what we've marked as Exhibit 5;
15 is that correct?

16 A Yes.

17 Q What did you change between Exhibit 6 and
18 Exhibit 5 to reduce the costs?

19 A I'll have to go item by item to answer that.

20 Q What kind of costs were you and Mr. Jayma
21 trying to stay within for the construction of this house?

22 A One million plus.

23 Q One million plus what?

24 A At one time, it was 1.1 million. That was my
25 original cost estimate.

1 Q And Mr. Jayma said that was too high.

2 A He said that was too high.

3 Q And so you revised it?

4 A I revised it.

5 Q And what were you trying to get within? That's
6 my question.

7 A One million.

8 Q Did you believe that you could buy this lot and
9 build this house on this lot for a million dollars?

10 A Yes, at that time.

11 Q And is that what you told Mr. Jayma?

12 A Yes, at that time.

13 Q And is that when Mr. Jayma went out and borrowed
14 a million dollars?

15 A Yes.

16 Q And the plan was he would borrow a million
17 dollars, use that money to buy this lot and build this
18 house. You all were going to sell it, and everybody was
19 going to get rich?

20 A Right.

21 Q On Exhibit 5 on Line 10 -- Do you see Line 10,
22 010.

23 A Hold on. Exhibit 5, Line 10?

24 Q Yes, sir, Line 10, lot cost, land, \$276,745.00.

25 A Yes.

1 Q Where did that number come from?

2 A That's the price the developer had on the lot.

3 Q So that's how much it was going to cost to buy
4 Lot 163, at the time you did these projections?

5 A Yes, sir.

6 Q Is that, in fact, what the cost was?

7 A Mr. Jayma went to the closing. I don't know.

8 Whereupon - Document marked as Exhibit 7.

9 Q Do you know what Exhibit 7 is?

10 A No, sir.

11 Q Have you ever seen a document like Exhibit 7?

12 A Yes.

13 Q The settlement statement. I'm going to tell
14 you that my understanding is this is the settlement
15 statement related to Mr. Jayma's purchase of Lot 163 and
16 the construction loan for the construction of this house
17 on Lot 163. You see it's dated September 19, 2005,
18 settlement date?

19 A My eyes are not very good. I do see that.

20 Q So you've never seen this closing statement?

21 A No, sir, I have not.

22 Q But you have seen closing statements before?

23 A Yes, I have.

24 Q If you look on the left-hand side of Exhibit 7,
25 do you see number 101, contract sale price?

1 A Yes.

2 Q \$276,745.00.

3 A Yes.

4 Q That's the purchase price for the lot, right?

5 A I guess he didn't get a discount.

6 Q Well, that's what I'm asking. That's the
7 number you projected for the purchase of the lot, right?

8 A Yes.

9 Q And that's the amount that Mr. Jayma paid to
10 purchase the lot, according to this settlement statement,
11 correct?

12 A It looks like it.

13 Whereupon - Document marked as Exhibit 8.

14 A You see, Mr. Martens, you did ask me who
15 purchased the lot, Keith Jayma, and I told you I didn't
16 know if it was Keith and Diana or if was just Keith.

17 Q Right.

18 A But it looks like on this settlement she
19 signed it on the signature as borrower. I don't know.
20 I've never seen this. You asked me the questions and
21 now I see her signature. So maybe it was both of them.

22 Q Let me ask you this about Exhibit 8. You see
23 check number 8211 at the top?

24 A Yes.

25 Q It's a check payable to you, Mark Wilson, for

1 \$31,150.00.

2 A Yes.

3 Q Signed by Louise Hemphill-Nolan.

4 A Yes.

5 Q For refund of Lot 163.

6 A I see that.

7 Q So you did get a discount on the sale of the
8 lot, correct?

9 A You know, Mr. Jayma negotiated that so I don't
10 know anything about it.

11 Q Do you deny that you received this check?

12 A I do not deny receiving the check. But I say
13 I had nothing to do with it.

14 Q What did you do with the \$31,150.00 that you
15 received as a refund from Mr. Jayma's purchase on Lot
16 163.

17 A I spent it on the partnership house.

18 Q Do you have documentation of that?

19 A Yes, I do.

20 Q What documentation do you have of that?

21 A I have a ledger of the date, who it was written
22 to, what it was for.

23 Q Did you ever tell Mr. Jayma that you received
24 a \$31,150.00 refund on the purchase of Lot 163?

25 A He's the one that generated, yeah.

1 Q Mr. Jayma didn't generate this check.

2 A He generated whatever this is.

3 Q Where do you see Mr. Jayma's name or signature
4 anywhere on here.

5 A His signature is not on that check.

6 Q How did Mr. Jayma generate that check?

7 A Negotiating with Bill Nolan and Louise Hemphill.
8 I wasn't included in on that.

9 Q I'm not sure I understand at all what you're
10 saying. Do you deny that you received a \$31,150.00 check
11 ---

12 A I've already answered that question.

13 Q Well, I want you to answer it again, sir.

14 A I do not deny that that check is to me, and it's
15 in my name.

16 Q And you didn't purchase Lot 163, did you?

17 A No, I did not.

18 Q Do you recall telling Mr. Jayma, hey, Keith,
19 good news, we got a \$31,000.00 refund on the purchase
20 price of the lot?

21 A He's the one that generated this money, not
22 me.

23 Q What do you mean by that?

24 A He got the same check on Lot 249, and it went
25 to him, and he put it in the partnership account. I don't

1 know how he did it. Jayma did it. I didn't do it.

2 Q Jayma did what?

3 A Generated this deal on how this check became
4 available on these two lots.

5 Q What two lots? I only see one check for one
6 lot.

7 A Well, there's another one.

8 Q So you're telling me you got \$62,000.00.

9 A No. Jayma got the other one. It was 27,000
10 plus. This one came to Mark Wilson.

11 Q How do you know that there was another check
12 for 27,000 plus?

13 A He sent me a fax. Hey, Mark, got this 27,000
14 from Nolan, Lot 249.

15 Q Is there a similar email or fax from you to
16 Mr. Jayma saying, hey, Keith, got a \$31,000.00 check on
17 Lot 163?

18 A There is not that I know of.

19 Whereupon - Document marked as Exhibit 9.

20 Q Mr. Wilson, do you recognize what we've marked
21 as Exhibit 9?

22 A Yes.

23 Q Is this a letter that you wrote to Mr. Jayma
24 on September 6, 2005?

25 A Yes.

1 Q Is this your handwriting?

2 A Yes.

3 Q Let me ask you some questions about this
4 document marked as Exhibit 9 to your deposition. It
5 starts out, hey, buddy. I received your email which
6 included the closing statements on Lots 31, 52 and 53,
7 congratulations, and your request for a subcontractor
8 agreement from Blackmon. What does that first statement
9 refer to, Lots 31, 52 and 53. Are those the lots that we
10 were talking about before that Mr. ---

11 A Those are the lots that I picked out to build
12 homes on. We closed on them. I said congratulations.

13 Q And he sent you the closing statements for
14 those?

15 A Yeah.

16 Q For those three lots?

17 A Yeah.

18 Q And I think you testified earlier he only told
19 you about two of the five.

20 A When he sold them. This is when he bought
21 them.

22 Q This is when he bought them. Okay. I was
23 trying to email you back to say thank you. You will
24 have send to Robert, Michael lives in my backyard. What
25 were you writing to email him back to say thank you

1 about?

2 A Well, I'd done all the leg work.

3 Q Why would you be thanking him for purchasing
4 the lots, Mr. Wilson?

5 A Well, it was helping the partnership. We
6 needed some lots to build houses on.

7 Q Weren't you thanking him because he had sent
8 you a check for half of the sales proceeds from those
9 three lots?

10 A No, he didn't send me a check when he bought
11 them.

12 Q No, he sent you a check when he sold them,
13 right?

14 A Yeah, but that was later.

15 Q Are you sure about that?

16 A I'm sure. This is when he bought the lots, not
17 when he sold them. He didn't pay me on 31 so I wouldn't
18 thank him. I was mad at him.

19 Q So you were thanking him for buying those
20 lots?

21 A Yes.

22 Q You have proven to me that you will do whatever
23 it takes to get the job done. What did you mean by that?

24 A Well, that's -- Our deal was I picked the lots
25 out based on how the lot's laid and what house would go

1 on the lot. I did my part. He bought them. He was
2 doing his part.

3 Q You have shown me how genuine you are. What
4 did you mean by that?

5 A There, again, when I first met him, he was all
6 enthusiastic and bent over backwards to give me a free
7 sandwich.

8 Q Everything you have said you would do, you have
9 done.

10 A Yeah.

11 Q Is that true?

12 A At that time, yes.

13 Q So as of September 6, 2005, everything that Mr.
14 Jayma told you he was going to do he did?

15 A Yes.

16 Q Continuing down that page you say, I am ready to
17 step up and do my part by furnishing my expertise in
18 building. You know probably better than anyone where I
19 am financially. Where were you financially in September
20 of 2005?

21 A I'd gone through my divorce, exhausted my
22 monies, my cash reserve, paying attorney fees and ---

23 Q You were not in a good financial position in
24 September, 2005, were you?

25 A No. I'd just picked up a brand new house,

1 2,000 a month.

2 Q Your initial loan was beneficial to me and my
3 family. Which initial loan were you referring to there?

4 A 32,000.

5 Q My initial request was 75,000, and you tried
6 to get King to do 100,000. I based my request on a
7 monthly budget of \$6,000.00, and I thought that within
8 a year I would be employed as a project manager for one
9 of the larger homebuilders. Did that happen?

10 A No, we formed the partnership.

11 Q Did you have any opportunities to go work for
12 one of the larger homebuilders?

13 A Could have.

14 Q Did you receive any offers to go work for any
15 larger homebuilders?

16 A No, Jayma and I formed a partnership to build
17 houses.

18 Q Your initial loan of \$32,000.00, minus the back
19 taxes of \$2,500.00 and the closing costs have carried me
20 for the past five months. You actually -- At the time you
21 got the loan from Mr. Jayma for \$32,000.00, your property
22 was delinquent for tax payment, right?

23 A Well, at that time I didn't own it.

24 Q Excuse me. What do you mean by that?

25 A Ingram Walters owned it. He's the one that

1 didn't pay the tax.

2 Q You had transferred it -- Before you transferred
3 the property to Mr. Jayma, you had transferred the
4 property to somebody else before?

5 A That's correct.

6 Q Is that accurate that that was something that
7 you would periodically do? You would let someone else
8 take title to your property, borrow money against it,
9 and then you would get the money?

10 A Well, in this case, I got a house.

11 Q How many times did you transfer that property
12 to someone else so that you could borrow money against
13 it?

14 A To borrow money against it? Well, Ingram didn't
15 borrow money against it. I exchanged the land for a
16 house in Bridgewater subdivision.

17 Q Which house?

18 A A house I built in Bridgewater in Monroe.

19 Q What did you do with that house?

20 A I sold it.

21 Q And who got the money for that?

22 A I gave it back to Ingram to get the land back,
23 nothing in writing, a gentlemen's agreement, but he did
24 it.

25 Q Is it true, Mr. Wilson, that when Mr. Jayma

1 made his initial loan of \$32,000.00 there were back taxes
2 owed on your property in Lancaster County? That's what
3 you said in this letter.

4 A Yes.

5 Q And is it true that the \$32,000.00 loan carried
6 you for the five months before you wrote that letter?

7 A Yes.

8 Q Then you continue on. You said, without any
9 other income, I find myself at that crossroads again. Is
10 it true that you didn't have any other source of income
11 in September 2005 other than the \$32,000.00 loan that Mr.
12 Jayma had made to you in April?

13 A That's not true.

14 Q Why did you tell him, I don't have any other
15 income?

16 A I'm just writing a note to him. I did have
17 farm income. He knew that.

18 Q Nothing is worse than being under funded except
19 for not being funded at all. Is that what you wrote?

20 A I lost my place. Where am I at?

21 Q You're right ---

22 A Wrong page.

23 Q Yes, sir. That paragraph. Is it true, Mr.
24 Wilson, that in September of 2005 when you wrote this
25 letter, you had no income, other than your farm income,

1 and you had no job and you had exhausted the \$32,000.00
2 loan that Mr. Wilson had made to you in April, 2005?

3 A Yes.

4 Q Then you continue on. You said, think about
5 this. I will deed the entire 63 acres to you, you obtain
6 a business line of credit using the land as collateral.
7 What did you mean by that?

8 A Exactly what it says.

9 Q You signed your 63 acres over to Mr. Jayma, and
10 then Mr. Jayma goes out and borrows money against it.

11 A That was the plan.

12 Q Ingram, American Community Homes, got a
13 \$275,000.00 loan from First Charter. I paid him back
14 295,000 to get it back in March of 2004.

15 A That's correct.

16 Q That's the transaction we were just talking
17 about.

18 A Yes.

19 Q You had deeded your land to Mr. Ingram, correct?

20 A Yes.

21 Q Mr. Ingram went out and borrowed \$275,000.00
22 against that land, correct?

23 A I believe that's accurate.

24 Q Mr. Ingram had given you the \$275,000.00, and
25 then you paid him back later?

1 A No. No. I believe he paid off the house.

2 Q So he took the \$275,000.00 and paid off the
3 house, and then you sold the house and paid him back?

4 A Correct.

5 Q The reason you were doing this was you couldn't
6 borrow money against the land yourself, right?

7 A That's right.

8 Q And the reason you couldn't money is because
9 you didn't have a job, you didn't have a steady source of
10 income, and you hadn't filed tax returns for years,
11 correct?

12 A I don't even think I tried to borrow any
13 money.

14 Q You continue on. You say, you can determine
15 your own figure, but I was thinking 200,000, less than
16 50 percent loan to value. I know you have your own money,
17 but this line of credit could pay me.

18 A That's right.

19 Q So what you wanted to do was to deed your
20 property to Mr. Jayma, right?

21 A (No response)

22 Q Right?

23 A Yes.

24 Q And then Mr. Jayma would go and borrow
25 \$200,000.00.

1 A Yes.

2 Q And then that money would go to you.

3 A Yes.

4 Q It could pay the interest expense on all your
5 construction loans. It could pay subcontractors like
6 Doggett Concrete until bank draws are made or down
7 payments on new lots including closing costs. Isn't that
8 what you did? You transferred your property to Mr. Jayma,
9 right?

10 A I did.

11 Q And Mr. Jayma went out, and he borrowed
12 \$194,000.00 against that property, right?

13 A Well, that's not the way it was supposed to
14 have gone down.

15 Q Isn't that exactly what you've proposed here?

16 A On that date, but it got changed.

17 Q What got changed, Mr. Wilson?

18 A The 63 got changed to 25 acres.

19 Q By whom?

20 A By Keith Jayma and me.

21 Q Well, don't you continue on down in this letter,
22 and you say -- You talk about the cost per acre times
23 a number of acres. That would be how much money you
24 could borrow, right? He couldn't borrow \$200,000.00
25 against 25 acres; could he?

1 A No, this letter supercedes the 25 acres.

2 Q What letter supercedes that ---

3 A This letter that we're talking about.

4 Q So that's talking about 63 acres.

5 A Absolutely, but it got changed.

6 Q What superceded this letter?

7 A This letter supercedes the change. This was
8 first, and then it got changed to 25.

9 Q Is there a letter that says we're only putting
10 up 25 acres?

11 A Yes, there is. He got approved on a loan for
12 it.

13 Q Why did you deed 62.69 acres to Mr. Jayma?

14 A I didn't know I was doing that.

15 Q Did you review the deed before you signed it?

16 A Mr. Martens, I signed it at Honda Cars of
17 Rock Hill..

18 Q Did that concern you that you were signing a
19 deed at Honda Cars of Rock Hill?

20 A It does now.

21 Q It didn't bother you at the time?

22 A No.

23 Q Why not?

24 A Because Greta -- Blackmon agreed to send Greta
25 to the car dealership because I didn't know Rock Hill.

1 Jayma drove me down there for the 32,000 promissory note.
2 There's no notary. Blackmon wasn't there. It was just
3 Greta.

4 Q And you signed it none the less?

5 A I thought I was signing the 25 acres over.

6 Q But you didn't read it before signing it?

7 A I don't think she presented it to me, and it
8 certainly wasn't notarized in front of me.

9 Q Did you ask to review it before you signed it?

10 A I don't think she had it. I think all I had was
11 a signature page.

12 Q And you signed a blank signature page on a
13 deed to 63 acres.

14 A On 25 -- Well, I thought it was 25. That's the
15 discussion we had with First Charter Bank, and we have
16 that documentation.

17 Q You understood you were signing a deed to
18 something that you owned, right?

19 A Right.

20 Q And you didn't ask to look at the deed before
21 you signed it?

22 A I don't think she had it. She certainly didn't
23 have a notary there.

24 Q And you didn't say, I'm not signing this until
25 I have a chance to review it?

1 A I did not.

2 Q You signed a blank signature page on a deed
3 and said, go stick on whatever deed you want?

4 A And they did.

5 Q Who did?

6 A Blackmon Huckabee and Greta. I believe it's
7 Greta -- No, Greta -- I'd have to see the page.

8 Whereupon - Document marked as Exhibit 10.

9 Q Do you recognize Exhibit 10, Mr. Wilson?

10 A It's concerning Lot 163 contacts.

11 Q Did you prepare that document?

12 A I -- I don't know.

13 Q Do you recall Jesse Cureton ---

14 A No.

15 Q --- contacting you offering 1.4 million?

16 A No, but because I was at the home, people
17 would walk in, and they would talk to me about it. It
18 looks like these were contacts. I was trying to tell
19 Jayma, here's some people that want to buy the house,
20 back in '06.

21 Q So that's what you believe this document is,
22 is you telling Mr. Jayma about opportunities to sell
23 the house?

24 A Yes.

25 Q Is that, in fact, your fax number at the top

1 of that document?

2 A I don't recall.

3 Q Did you sell the house to Jesse Cureton for
4 1.6 million?

5 A No.

6 Q Did you sell it to Doctor and Mrs. Worley?

7 A He didn't sell the house in '06.

8 Q Was the house complete in '06?

9 A No.

10 Q Why not?

11 A Are you asking me why the house wasn't completed
12 in '06?

13 Q Yes, sir. You were the contractor. Why was
14 the house not completed by 2006?

15 A Well, I'm going to blame 80 percent of it on
16 Keith Jayma.

17 Q Who would you blame the other 20 percent on?

18 A I'm going to blame 10 percent on Katrina,
19 Hurricane Katrina hit in August of '05. It started a
20 month later, October 5th, 2005.

21 Q Eighty percent on Jayma, ten percent on
22 Katrina. Who is the other ten percent at fault?

23 A Let me think.

24 Q Let me just cut to the chase. Was any of the
25 delay caused by you as the contractor, Mr. Wilson?

1 A I would say, yeah, for dealing with Keith Jayma.
2 So I'll take the other 10 percent, because I had to deal
3 with Keith.

4 Q Let's go back to what you said your original
5 agreement with Mr. Jayma was. Mr. Jayma would buy the
6 lots, right?

7 A Right.

8 Q Mr. Jayma would get the financing?

9 A Yep.

10 Q Mr. Jayma would market the house?

11 A Yes.

12 Q Mr. Jayma would sell the house.

13 A Yes.

14 Q The only responsibility you had was to build
15 the house?

16 A Yes.

17 Q How could Mr. Jayma be at fault for delays in
18 construction when that was your responsibility under the
19 agreement?

20 A Well, Mr. Jayma was a big time builder.

21 Q Well, Mr. Wilson, who was the contractor that
22 pulled the permits on this house?

23 A I was.

24 Q Who was responsible for lining up the subs?

25 A I was.

1 Q Who was responsible for getting the inspections
2 done?

3 A I was.

4 Q You testified earlier about some work that you
5 did on Diana Jayma's office. You testified that you and
6 Mr. Jayma agreed that in exchange for you performing that
7 work in her office that he would - and correct me if I'm
8 wrong - that he waive all interest on the loan. That
9 was your testimony.

10 A That's correct.

11 Q When did you perform that work on Diana Jayma's
12 office?

13 A It could have been '05 and '06.

14 Q So it was the end of '05 to '06 time frame.

15 A Yes.

16 Q Certainly it was completed before January of
17 2007.

18 A I think so.

19 Whereupon - Document marked as Exhibit 11.

20 Q Let's look at this. Do you recognize what
21 we've marked as Exhibit 11 to your deposition?

22 A Yes.

23 Q What is it?

24 A It's a letter that I generated.

25 Q Is that something you sent to Mr. Jayma?

Handwritten initials and scribbles

Sup. R. p. 89.

1 A Looks like him.

2 Q It's a letter you sent to him on January 18,
3 2007.

4 A Looks like it.

5 Q It starts out, the scaffolding that the
6 brick mason hit was on your lot and only one section was
7 slightly damaged. Hazlett continued to use it for months.
8 Tell me what that sentence refers to?

9 A The brick mason hit the scaffolding. Just
10 what it says.

11 Q On your lot. What lot were you talking about?

12 A I'm referring to Lot 163.

13 Q And you refer to it as your lot, not our lot,
14 correct?

15 A In that sense, I am.

16 Q In fact, the only person who ever held title
17 to that lot was Mr. Jayma?

18 A And his wife.

19 Q Right, but never you?

20 A No, I ---

21 Q And never SunMark?

22 A No.

23 Q The next paragraph, the premise that starting
24 a company wouldn't require up front and continued working
25 capital has certainly backfired on me. To date, it has

1 cost me \$45,976.54 plus \$32,000.00 plus \$27,803.98 plus
2 \$7,819.50 plus \$15,000.00, for a total of \$128,600.02,
3 just to show up and be available to build this 1.69
4 million dollar home. Tell me what you meant by that.
5 What do these numbers refer to?

6 A The first figure, 45,976 is money from the
7 194 equity line that Jayma took out.

8 Q That's money that Mr. Jayma borrowed against
9 that 63 acres and gave directly to you.

10 A That's right. The next line is the 32,000
11 promissory note. The next line is the payment he gave
12 me for Lots 52 and 53. I don't remember the 7,800.
13 And the 15,000 is the \$250.00 a week he would pay or paid
14 Mark Wilson Construction in lieu of buying a partnership
15 truck and insuring it and maintaining it and cell phone.

16 Q So each of these numbers, this 45,000, 32,000
17 the 27,000, these all represent amounts that came to
18 you?

19 A Yes.

20 Q How did it cost you if you were receiving those
21 amounts?

22 A I'm making the payment on that crazy loan he
23 got for me, 2,000 a month. That was a hundred -- I
24 don't know, 125,000 just on the house. I had to eat. I
25 had to buy clothes. It cost me. It cost me to get to

1 that job every day for three years. Yeah.

2 Q But just to be clear, the \$45,976.54, that's
3 an amount that you received in cash from the \$194,000.00
4 loan ---

5 A That's correct.

6 Q The 32,000 plus, that's cash that you received
7 from the April 2005 loan that Mr. Jayma made to you,
8 correct?

9 A Yes.

10 Q The \$27,803.98, that's the portion of the
11 sales proceeds from those two lots we've talked about
12 that Mr. Jayma paid over to you.

13 A That's correct.

14 Q The \$7,819.00 you can't recall what that's for.

15 A No.

16 Q The \$15,000.00, tell me again what you said that
17 was for?

18 A That was -- The \$250.00 a week he agreed to
19 pay Mark Wilson Construction ---

20 Q So those are those weekly contractor fees we
21 were talking about before?

22 A Right.

23 Q You continue on, you say, you are not looking
24 at any other lots or working on any home plans to build
25 on any other lots. Tell me what you meant by that?

1 A Well, by '07, he hadn't sold the house, and it
2 didn't look like he was going to sell it. So ---

3 Q Even if you decided to start an easy job, it
4 would be way out before I would see any money.

5 A Yep.

6 Q Kit quit her job at O'Charley's and studied at
7 SPCC for three months on my promise to support her. Who
8 is Kit?

9 A My daughter.

10 Q She got nothing. She has abandoned me over
11 this commercial license deal and talks about me like
12 you said Hazlett is. What's this commercial license
13 deal?

14 A Keith wanted to do commercial building. He
15 wanted to be a commercial contractor. Kit was the one who
16 was going to take the exam and be the commercial license
17 builder.

18 Q So Kit was going to get a commercial
19 contractor's license?

20 A Yes.

21 Q Didn't you have an unrestricted general
22 contractor's license?

23 A For residential.

24 Q So you were limited to residential construction?

25 A Yes.

1 Q Now, my brother, who used to receive my tax
2 notice at his address, is mad that I signed over my farm
3 to you for no money and nothing in writing to get it back.

4 A That's correct. No money, no consideration.

5 Q But you don't mention 25 acres. You don't
6 specify in there, do you?

7 A No.

8 Q You and I have discussed many times at getting
9 an agreement in writing. Here is what I offer. First,
10 the proceeds of the sale from Strike the Gold Lane will
11 pay off the first mortgage to First Charter for one
12 million dollars. That's the million dollar loan that
13 Mr. Jayma took out to build this house, right?

14 A Yes.

15 Q And Mr. Jayma was carrying that and paying the
16 interest on it?

17 A I was paying interest.

18 Q Why were you paying interest?

19 A I wrote all the checks. I wrote all the
20 interest, taxes.

21 Q But you were paying them out of the construction
22 account.

23 A Yeah, our joint checking account, but I wrote
24 the checks. I paid it.

25 Q Whose money was it?

1 A Well, that's the ten million dollar question.

2 Q Did you put any of that money in that went
3 to pay the construction loan?

4 A It came into my checking account, had my name
5 on it.

6 Q Did you put any of that money in?

7 A I'm the one that got the construction draws,
8 yes, I did. I'm the one that put the money in there.

9 Q You got the construction draws from the
10 million dollar loan that Mr. Jayma had taken out, right?

11 A Right. I wrote the checks from our joint
12 partnership account.

13 Q Second, the proceeds will immediately pay off
14 the SunTrust line of credit in the principal amount of
15 \$194,000.00 and the interest on that loan. That's the
16 loan that Mr. Jayma went out and got on the 63 acres,
17 correct?

18 A That's correct.

19 Q When the SunTrust account is paid, then Keith
20 Jayma will transfer back to F. M. Wilson or Crystal A.
21 Wilson the deed to the 63 acres, with a clear title as
22 F. M. Wilson transferred to Keith Jayma. Now, doesn't
23 that letter suggest that as of January 18, 2007, you
24 understood that you had transferred 63 acres, not 25?

25 A It had already been transferred to me -- to him

1 in '05.

2 Q But you understood as of January 18 of 2007
3 that it was 63 acres, not 25?

4 A Yeah, I knew it then. I just didn't know when
5 I signed it over.

6 Q And you don't mention anything about that being
7 the improper acreage in this letter.

8 A Not in this letter, no.

9 Q And then you say, only the \$32,000.00 loan will
10 be attached. That's the \$32,000.00 loan that you borrowed
11 in April of 2005, right?

12 A Yes.

13 Q So as of January of 2007, you still acknowledge
14 that that money was owed to Mr. Jayma, correct?

15 A At that time, I didn't know he had kept all
16 the money on the other lots.

17 Q So at that time, you believed you still owed
18 him the \$32,000 that you borrowed from in April of 2005?

19 A Apparently at that time.

20 Q Third, the proceeds from the sale will pay
21 Keith Jayma his paid expenses for Strike the Gold. Four,
22 any remaining money from the sale of Strike the Gold will
23 be divided equally minus \$46,976.54 and interest money
24 owed on the \$32,000.00 loan.

25 Now, I asked you that just before we looked at this

1 letter, and you said that when you did the work on
2 Diana Jayma's office, that was in satisfaction of all
3 interest that was owed on the \$32,000.00 loan?

4 A That's exactly correct.

5 Q And you told me that work was done a year
6 before, in 2006. Why were you concerned about paying back
7 interest money on a \$32,000.00 loan if your agreement
8 with Mr. Jayma was once you had completed that work on his
9 wife's office the previous year, you no longer owed
10 interest.

11 A I just proposed it. I don't know why I didn't
12 delete it. This is not accurate.

13 Q It's your letter, isn't it?

14 A It is a letter I generated. You've got to
15 realize at this time I didn't know what he was doing. He
16 was doing so many crooked things, I couldn't keep up with
17 what he was doing. This is a proposal I did make at that
18 time.

19 Q I think this is consistent with everything we've
20 said verbally. You have mentioned the use of the equity
21 line in future deals but for only \$194,000.00, and what
22 has gone on with my family, it is best that I get it
23 back in my name. Was your family upset with you that
24 you had transferred that property to Mr. Jayma?

25 A They were so upset with me and cussing at

1 me and cussing him.

2 Q Did they know you had done this before?

3 A Yes.

4 Q Were they upset with you about the first time
5 you did it?

6 A No.

7 Q Because you got the property back the first
8 time.

9 A Absolutely, a man of his word.

10 Q And the second time you weren't able to pay
11 back the money so you couldn't get your property back.

12 A He didn't sell the house. I was to build it,
13 and he was to sell it. He didn't do it.

14 Q If the house sells, all this will be great.

15 A Yeah.

16 Q If for some reason it doesn't sell, like you
17 having to take it off the market, then there should be
18 a time set for this to happen. At the time you wrote
19 this letter in January of 2007, did you believe that
20 everything you had in there was accurate?

21 A Yes, I did at that time.

22 Q Were you and Mr. Jayma starting to have
23 difficulties with one another by January of 2007?

24 A He's hiding so much stuff from me, like the sale
25 of the lots and forging my name on documents. I don't

1 know when the snowball started rolling exactly. There
2 came a time, yes.

3 Q When did you start to suspect that Mr. Jayma
4 was cheating you?

5 A In what way?

6 Q In any way.

7 A Forging my name?

8 Q In any way. When did you start to suspect that
9 Mr. Jayma was cutting you out of your share of the
10 partnership profits?

11 A Well, I always counted on him to pay me so I
12 don't know. He paid me on two lots. I thought he was
13 going to pay me on all of them. I'm the one that picked
14 them out. I did the leg work. He did go get the loan,
15 but I'm doing all the work so I just thought he was going
16 to pay me.

17 Q Is it safe to say that by January 18, 2007,
18 you and Mr. Jayma were starting to have problems with
19 one another, at the time you wrote this letter?

20 A Like I said, I don't recall. He's hiding so
21 many things from me. I didn't know what was going on.

22 Q When did you start to suspect that Mr. Jayma
23 was hiding things from you, Mr. Wilson?

24 A I don't recall exactly. I counted on him to
25 pay me. He paid me on 52 and 53 and then he stops paying

1 me. I thought he was going to pay me.

2 Whereupon - Document marked as Exhibit 12.

3 Q When did you discover the other two lots had
4 been sold?

5 A I don't recall.

6 Q How did you discover the other two lots had
7 been sold?

8 A I don't recall.

9 Q Do you agree that the property records are
10 matters of public knowledge?

11 A I didn't know he sold them.

12 Q But you could have gone to the courthouse and
13 found out.

14 A Why would I go to the courthouse?

15 Q Mr. Wilson, I don't know. You're the one who
16 brought this claim. I'm asking you the questions related
17 to your claim against my client.

18 A And I answered it.

19 Q So your answer is, you wouldn't have gone to
20 the courthouse.

21 A I'd had no reason. I didn't know what he was
22 doing. I didn't know he had sold the lots.

23 Q I'm going to show you what is marked as Exhibit
24 12. Do you recognize Exhibit 12?

25 A I do.

1 Q Is this your handwritten note, Page 1 of Exhibit
2 12?

3 A Yes.

4 Q And you wrote, someone has forged my name on
5 this \$30,225.00 check that was issued to me and you.
6 Is Page 2 of Exhibit 12 the check to which you are
7 referring?

8 A Yes.

9 Q You never told me about this check that was
10 issued in March of 2007, and that I got a copy of on
11 1-29-08. So you found out that this check had been
12 issued and deposited on January 29 of '08, correct?

13 A I got a copy on 1-29-08.

14 Q And that's when you found out about it, right?

15 A Found out about the check.

16 Q My legal counsel sent you a demand letter last
17 September. I haven't had the retainer that they required.
18 I'm negotiating a deal with my brother to get that money
19 together. Who was your legal counsel that sent a demand
20 letter to Mr. Jayma last September?

21 A That was Nexsen Pruet.

22 Q So this letter would have been -- Let's go
23 ahead and mark this.

24 Whereupon - Document marked as Exhibit 13.

25 Q Is Exhibit 13 the demand letter you were talking

1 about in Exhibit 12?

2 A Yes.

3 Q So that would mean you wrote Exhibit 12 sometime
4 after September 12 of 2008, right, because you refer to
5 that in this letter?

6 A I don't know the date.

7 Q Why did you go see Nexsen Pruet in 2008?

8 A Well, I wasn't happy with Mr. Jayma. I wanted
9 to talk to a lawyer about the conveying 63 acres instead
10 of 25 and not signing the description page and wanted to
11 talk about the issues I had.

12 Q Is it true that what you wanted to go talk to
13 somebody at Nexsen Pruet are the same issues you're suing
14 Mr. Jayma about in this lawsuit?

15 A I didn't follow you.

16 Q I mean, that's what this lawsuit is about,
17 right?

18 A What?

19 Q You transferring 63 acres instead of 25.

20 A Yeah.

21 Q You contend that Mr. Wilson didn't pay you
22 your rightful share of partnership profits?

23 A That's right.

24 Q What else is this lawsuit about, Mr. Wilson?
25 What else are you trying to accomplish here?

1 A To correct the wrong and to get paid.

2 Q And those are the things that you went to see
3 this attorney at Nexsen Pruet about, right?

4 A I sought counsel, yes.

5 Q And you actually saw somebody before you went
6 to Nexsen Pruet. You saw some other lawyer in March of
7 2008, didn't you?

8 A I believe my concrete supplier referred me to
9 an attorney.

10 Q Who was that?

11 A I don't recall.

12 Q Did you meet with an attorney?

13 A I have.

14 Q Did you meet with somebody before you met with
15 Nexsen Pruet?

16 A I don't recall.

17 Q And is it accurate that you weren't able to
18 come up with the retainer that Nexsen Pruet required?

19 A No.

20 Q Why did you say that in your letter to Mr.
21 Jayma, Exhibit 12?

22 A I was just generating a handwritten letter.

23 Q Do you regularly put things in letters that
24 you don't believe are true?

25 A I was so frustrated with Jayma at that time,

1 after seeing that forgery. You know, I expected him to
2 be a man of his word. I expected him to pay me. I was
3 waiting on payment. He's out there forging documents.
4 That's not the only forgery.

5 Q Why didn't Nexsen Pruet file a lawsuit on your
6 behalf in September of 2008?

7 A Well, I was waiting on Jayma to produce --
8 what he asked for, cease the sale, reconvey the 63 acres
9 free and clear.

10 Q Did he do any of that?

11 A Jayma didn't do any of it.

12 Q Then why didn't you sue him in 2008?

13 A I thought he was going to -- He was going to
14 furnish me the books and records, and he never did. Like
15 on the records, to see how much money.

16 Q Why did you think he was going to do that,
17 Mr. Wilson?

18 A Be a man of his word. We were partners.

19 Q What was his word? This is a demand letter
20 that says, cease the sale and pay my client a bunch of
21 money or we're going to sue you. That's what this letter
22 says, in effect, doesn't it?

23 A Say pay me a bunch of money. It says, right
24 the wrong.

25 Q Please contact me at your earliest convenience

1 to provide a proper accounting of the partnership books
2 and records and to provide a reconveyance of Mr. Wilson's
3 property.

4 A And I waited on it. I was waiting on Jayma.

5 Q And when you didn't get a response from Jayma,
6 why didn't you tell Nexsen Pruet to go ahead and file
7 suit on your behalf?

8 A I was waiting on Jayma to produce the records.
9 He was asked to. I just didn't do it.

10 Q It had nothing to do with your inability to
11 pay Nexsen Pruet's retainer?

12 A No.

13 Q Even though you said that in your letter to
14 Mr. Jayma, I haven't been able to come up with the
15 required retainer.

16 A I don't think he gave me a quote on the
17 retainage fee.

18 Mr. Martens - Let's mark that one.

19 Whereupon - Document marked as Exhibit 14.

20 Q Mr. Wilson, let me ask you a question about the
21 check that is attached to Page 2 of Exhibit 12. I know
22 you said in your letter here, that you got a copy of that
23 check on January 29 of 2008. How did you get that check?

24 A Well, I thought there was money in the account,
25 the construction account, so I called the bank. I talked

1 to Eileen Vargosko, V-A-R-G-O-S-K-O.

2 Q You called somebody at the bank?

3 A Yes. The lady that I called for two years.

4 Q What did she tell you when you called her?

5 A She said, Mark, the money is gone.

6 Q Why were you trying to find out if there was
7 money in the construction account in ---

8 A To pay subcontractors. That's what I did for
9 two years.

10 Q Who was owed?

11 A A lot of people owed.

12 Q When was the CO issued on this house?

13 A I don't know exactly. I think in March of
14 '07.

15 Q March of '07?

16 A (Indicating)

17 Q So a year after the house was complete, there
18 were still subs that hadn't been paid?

19 A Yes, and bills. I know the bills were in my
20 name, the power bill, natural gas bill, water bill,
21 everything was in my name, not Jayma's.

22 Q Why had you not paid the subs for a year prior
23 to January of 2008?

24 A It wasn't a year.

25 Q Didn't you just tell me that the house was

1 completed, the CO was issued in January of '07?

2 A Yes.

3 Q You said that a year later you called the bank
4 to get the money to pay some subs.

5 A Not a year later.

6 Q Well, January of '07 to January of '08 is a
7 year, isn't it, Mr. Wilson? What am I missing?

8 A And I said there was still bills to be paid and
9 most of them in my name.

10 Q You said there were subs to be paid.

11 A There were some subcontractors that needed to
12 be paid.

13 Q And why were there still subs that had not been
14 paid a year after the CO had been issued?

15 A Mr. Martens, Keith Jayma finished his own
16 mortgage office himself and did not pay the
17 subcontractors. Several of them were my subcontractors
18 that worked on the house.

19 Q I thought you told me that you did the work on
20 Mr. Jayma's mortgage office.

21 A No. I did the real estate office.

22 Q On his wife's office. Okay. I understand.

23 A Yeah, right. Jayma did the mortgage office.
24 Okay. So he doesn't pay the architect, Amy Johnson. He
25 had questions, and she wouldn't answer them. He didn't

1 pay the decorator on the real estate office, Melody
2 Bradshaw. Jayma calls me up in '08 wanting the colors
3 on the house. He didn't pay Melody Bradshaw her money.
4 He sent her a letter and said in his mind you're only due
5 \$250.00, and he sent a check, five months after she did
6 the work.

7 Q And that had nothing to do with the construction
8 of Strike the Gold. That was with Mr. Jayma's office.

9 A When he called for the colors for Strike the
10 Gold, when he had it sold, because they wanted to do
11 touch up painting, I couldn't get the colors because he
12 didn't pay her.

13 Q I'm asking a very specific question. I'd like
14 you to try to answer it as directly as you can. Why were
15 there subcontractors from the construction of Strike the
16 Gold who still had not been paid a year after completion
17 of construction?

18 A I'm telling you.

19 Q So your answer to that is because Mr. Jayma
20 had not paid them for his office.

21 A You got it.

22 Q That makes no sense to me. Why would ---

23 A I was explaining it to you.

24 Q Please do. Please do.

25 A Did you get the decorator part?

1 Q I heard the decorator part.

2 A Didn't pay her.

3 Q For his office. What's that got to do with
4 Strike the Gold?

5 A She was the decorator on Strike the Gold. I
6 had her do the real estate office. He didn't pay her.
7 She wouldn't -- I didn't get the colors on the house.

8 Q Why didn't you pay her for the house?

9 A I did pay her on the house. He didn't pay her
10 for the real estate office.

11 Q Why would you be using the construction line for
12 the house to pay for his office? Please explain that.

13 A I'm telling you why we owed money. He didn't
14 pay the decorator, so she wouldn't give me the colors for
15 the house. And the house had a mirage of colors.

16 Q Was the house painted by the time the
17 certificate of occupancy was issued?

18 A It was, but he sold it in '08, and he wanted
19 the colors.

20 Q I hear what you're saying, but you're not
21 answering my question.

22 A I am.

23 Q No, sir, you're not. You're not answering it
24 in the slightest. My question for you is -- This all goes
25 back to when you found out that there was a \$30,000.00

1 check that you allege your signature was forged upon. You
2 testified that in January of '08, I called the bank to get
3 a draw on the construction loan, and I was told by Ms. --
4 whatever her name is.

5 A Eileen.

6 Q Ms. Eileen, that there's no money left in the
7 account, right? That's what we talked about, correct?
8 I asked you, and I'm asking you again, why were there subs
9 that who had not been paid a year after completion of the
10 house. That's all I want you to answer. I don't want
11 you to tell me about Mr. Jayma's office. I don't want
12 you to tell me about the decorator. I want you to tell
13 me why there were subs that were not paid a year after you
14 had your certificate of occupancy in your hand.

15 A And I'm answering that question.

16 Q And that's the only answer you can offer for
17 me is the one you've given?

18 A He didn't pay the plumber on his mortgage
19 office, Mel Deese. Mel Deese was the plumber on the
20 house. Keith Jayma cheated him out \$5,000.00. Mel, I've
21 got to finish this house. Mel wouldn't come back.

22 Q But the plumbing was done by the time the CO
23 issued.

24 A No, there was decorative stuff.

25 Q All right. Let's move on. We're not going to

1 get anywhere with this. Let's just move on. Exhibit 14.

2 Do you recognize Exhibit 14?

3 A Another handwritten letter.

4 Q Did you write this letter?

5 A Yes, I did.

6 Q Did you write it to Mr. Jayma?

7 A I'm going to assume I did.

8 Q Do you know when you wrote it?

9 A No, sir.

10 Q You wrote, I have been wondering how many
11 children's lives and families you have impacted, from the
12 education they'll end up getting to the homes they will
13 live in, by making all of those liar loans. Tell me what
14 you meant by that.

15 A Part of what I found out, how he was in the
16 mortgage lending business, and he was making these funky,
17 crazy loans, sub-prime lending.

18 Q I had a well-respected law firm contact you
19 to try and resolve our issues before a full-blown
20 investigation was started. I know you got their letter
21 because Michael Alvarez told me personally about your
22 reaction, among other things. That's the Nexsen Pruet
23 letter we're talking about, right?

24 A Yes.

25 Q The well-respected firm is Nexsen Pruet, and

1 the letter we're talking about is the one we've already
2 marked as an exhibit to your deposition, correct?

3 A Yes.

4 Q Unfortunately, I was unable to pursue you in
5 court at that time. For over two years, I have been
6 dealing with the sub-prime mortgage shit you got me into.

7 A Yep.

8 Q So would it be accurate that you wrote this
9 letter at least two years after Nexsen Pruet sent its
10 letter in September of 2012?

11 A I don't know when I wrote it.

12 Q Well, didn't you say you had been dealing with
13 something for two years so you haven't been able to pursue
14 him in court.

15 A I wrote that, but I don't know the date.

16 Q Do you believe that was a truthful statement
17 when you wrote it?

18 A I don't recall.

19 Q Is it your pattern or practice to put untruthful
20 things in letters?

21 A I was really unhappy with Mr. Jayma and finding
22 out all the crooked stuff he'd done so ---

23 Q Was it your pattern or practice to put
24 untruthful statements in letters?

25 A I don't think it was my pattern to do that.

1 Q Was it your pattern to put what you believed
2 to be truthful in your letters?

3 A I would assume that I would try to be truthful.

4 Q So if you told him that for two years you've
5 been trying to get out of the sub-prime mortgage mess that
6 he go you into, you believe that was ---

7 A I don't know. It could've been a year. I
8 don't know. A year and one month. I don't know.

9 Q Are there any lawsuits against mortgage lenders?
10 If there are, I'd like to be included in one. From the
11 evidence I have received for you and others, I believe you
12 have exposed yourself in a full-blown fraud scheme,
13 committing mortgage fraud, bank fraud, business fraud,
14 insurance fraud, conspiracy and collusion to commit fraud,
15 in other words, a real fraudster. You've lied about the
16 facts, provided fake information, fraudulently misleading
17 and deliberately obtaining a loan and insurance for a
18 purpose other than what it was intended for. Did
19 you believe that to be a true statement at the time you
20 sent this letter?

21 A Yes.

22 Q You have concealed those improper practices from
23 me and the banks to deliberately deceive us. You have
24 unjustly enriched yourself. Why do you have to lie so
25 much? Did you believe those to be true statements at the

1 time you wrote this letter?

2 A Yes.

3 Q The truth may take a lot of time and money to
4 uncover, but it hasn't gone anywhere. All the evidence
5 and all the documentation is still there. Did you believe
6 those to be true statements at the time you wrote this
7 letter?

8 A Yes.

9 Q First Charter has documented the stated purpose
10 and reason for the loan. First Charter has documented the
11 stated purpose and reason they released the final check to
12 you and in my construction company's name.

13 A That's a good letter.

14 Q Nothing there was done right? Did you believe
15 those to be true statements at the time you wrote this
16 letter?

17 A Yes.

18 Q Somehow you were able to convince someone to
19 issue that check to you. Is this the check that we were
20 talking about that you said you got in January of 2008?

21 A The forged check, yes.

22 Q That's the one that is marked as Exhibit 12 to
23 your deposition. That's the check you're referring to,
24 correct?

25 A Yes.

1 Q Someone removed my signature from the
2 construction contract that I furnished to you as a
3 licensed general contractor. Tell me what you meant by
4 that?

5 A I could have signed it, and the copy he gave
6 to me didn't have my signature. I don't think I would
7 have signed it without him signing it. So that may be
8 inaccurate.

9 Q All of this supposedly orchestrated at your
10 direction for each and every bank and loan officer you
11 dealt with. I don't know how you did it all. It will
12 have to come out in discoveries and depositions. Do you
13 believe those to be true statements at the time you wrote
14 this letter?

15 A Yes.

16 Q I can get documentation and evidence from a
17 thorough investigation of all the bank records and from
18 the loan officers you dealt with directly, starting
19 first with Joannah Thompson. Who is Joannah Thompson?

20 A She's the loan officer that got him approved
21 for the 25 acre loan.

22 Q For the \$194,000.00 loan?

23 A No. Well, it wasn't going to be \$194,000.00.
24 It became \$194,000.00, but he didn't use Joannah. He
25 did something else. Joannah Thompson was 25 acres at

1 First Charter. He got the loan at SunTrust.

2 Q I am prepared to retain an attorney and start
3 a full-blown investigation on all your deceptive
4 activities and shady entanglements. Did you believe that
5 was what you intended to do at the time you wrote this
6 letter?

7 A I was thinking about it.

8 Q Every Monday I've been working on my document
9 books about you and your lies. Tell me what you meant
10 by that?

11 A I had discovered another forged document. I
12 discovered the forged check, still waiting on him to
13 pay me.

14 Q What was the other forged document other than
15 the check?

16 A He forged a bank signature card in my name.

17 Q A bank signature card for what?

18 A Joint checking account.

19 Q When did you discover that?

20 A I don't know the exact date.

21 Q Was it before the house was finished?

22 A That I discovered it?

23 Q Yes, sir.

24 A I don't recall, but I've got it. I've got
25 the document.

1 Q And what prompted you to go to the bank to
2 look at the signature card on the checking account?

3 A I didn't go to the bank, and I really don't
4 know how I got that document.

5 Q Have you produced that document in discovery?

6 A I believe you have that document.

7 Q You said, every Monday I have been working on
8 my document books about you and your lies. What document
9 books are you talking about that you were working on?

10 Mr. Cook - Can we go off the record for
11 one second.

12 Mr. Martens - Sure.

13 (Off the Record)

14 Q Tell me what document books you're talking about
15 in this letter.

16 A I just created notebooks in a binder.

17 Q Where are those?

18 A My attorney has them.

19 Q You've given those to your attorney. When did
20 you start putting those books together?

21 A As I was finding out about all the forgeries
22 and the fraud.

23 Q Everything you have done has been documented
24 and recorded. I have developed three legal boxes full.
25 Do you have three legal boxes of documents?

Handwritten notes or signature

Sup. R. P. 117.

1 A I do, and I've put them in the binders.

2 Q Is that the same binders, the Monday binders
3 you're talking about?

4 A You'll have to repeat that question.

5 Q Are the three legal boxes of documents, are
6 those the same documents that you're referring to as the
7 binders that you've been putting together on every Monday?

8 A Yes.

9 Q I just have to get my attorney to put it all
10 together. Who was your attorney at the time you wrote
11 this letter?

12 A I had not retained an attorney.

13 Q So you didn't have an attorney when you wrote
14 this letter?

15 A I don't think I had retained an attorney at
16 that time.

17 Q I wish I could but when I searched First
18 Charter to find out why they had issued a check to you
19 without me knowing about it or signing an affidavit and
20 in my company's name, they said at first it wasn't done
21 right. And then they said they could not talk about it
22 without me filing a lawsuit. Tell me who you talked to at
23 First Charter that said you had to file a lawsuit before
24 they talked to you about this check?

25 A I talked to Eileen Vargosko. She said none of

1 the affidavits had been signed by Keith Jayma, as owner,
2 that the bills had been paid. They will not release the
3 money, the final money, unless those documents are signed
4 and notarized, and there was a penalty on the affidavits.

5 Q When did you talk to her?

6 A The day before I got the check. She sent me
7 the check.

8 Q So in January of '08?

9 A When I got the check.

10 Q Exhibit 12 says you got the check on January
11 29 of '08.

12 A Okay.

13 Q So in January of '08 she told you there were
14 irregularities related to the affidavits?

15 A Yes, wasn't done right, no affidavits were
16 signed, and she could not talk to me about it. She said
17 I can send you anything that has your signature on it.
18 I said, well, send it to me.

19 Q First Charter may have some liability along
20 with yours.

21 A Yeah.

22 Q Why did you not sue First Charter in this
23 lawsuit?

24 A I've been waiting to.

25 Q Waiting for what?

1 A To see how the case came out. We asked for
2 documentation. I didn't know Jayma had gone to the
3 bank and convinced somebody to get that money. We don't
4 know how he got it. That's got to come out. How did
5 he get this check? How did he convince First Charter
6 to issue a check in my company name, and Jayma signed
7 my name on it.

8 Q It might take an all out investigation to
9 determine how and who you deceived and tricked into doing
10 what they did for you, and who forged my name on First
11 Charter's check. I want to make clear. We're talking
12 about the check that you received in January of '08.

13 A Yes.

14 Q Two felonies were committed in forging my name
15 on that \$30,000.00 check. Do you believe that to be true?

16 A Well, I got the information from his wife. She
17 told me about what -- She's not a lawyer. I was just
18 using the information she gave me.

19 Q What information did you get from Mr. Jayma's
20 wife?

21 A I asked her if she recognized my signature on
22 it, and she said, no, but she recognized Jayma's on there.

23 Q When did you talk to Mr. Jayma's wife?

24 A Before I wrote this letter, but I don't know
25 when I wrote the letter.

1 Q You have hidden and concealed all this for
2 a very long time. That check carries a lot of leverage.
3 Do you believe that to be true at the time you wrote this
4 letter?

5 A Yes.

6 Q You deliberately concealed the fact that you
7 immediately contracted with Carolina Home Buyers Realty
8 and placed the home on the market for sale with your wife
9 and Jason Wisglow. Tell me what you meant by that.

10 A In his letters to me, he's claiming it was a
11 second home, primary residence. I said, no, this was a
12 speculative built home to be sold. He immediately put
13 the house on the market. He took it off the market to
14 fraud the bank and the insurance company. He pulled the
15 signs out of the yard so they wouldn't know it was for
16 sale, but it was always for sale, from the beginning of
17 construction until it was sold.

18 Q How did that affect you?

19 A Well, I didn't know that was going on.

20 Q You didn't know what was going on?

21 A The mortgage fraud. I thought he financed it
22 as a speculative built home to be sold. I didn't know he
23 had financed it as a second home.

24 Q When did you discover that?

25 A They sent me a letter.

1 Q What was SunMark Homes and who paid the LLC
2 fees? You even had a business card printed with your name
3 on it as a homebuilder. I don't care for your fabrication
4 of lies, facts and/or figures. Do you believe those to
5 be true statements at the time you wrote this letter?

6 A Yes.

7 Q I will let the law determine whose facts and
8 figures are right. Did you believe that to be -- was that
9 your intention at the time you wrote this letter.

10 A Yes.

11 Q The house was always listed for sale by you. It
12 was just always listed in the wrong area by Diana Jayma
13 and Jason Wisglow. Tell me what you meant by that?

14 A From the day when we started construction in
15 October of '05, she put it on the market. I believe she
16 had the chart and the MLS number, and I don't know if
17 that's her number or not. In November of '05, it was
18 listed for sale. They always have an area in Multiple
19 Listing Service where the home is being built. For two
20 years, Diana and Jason had it in 10-4.

21 Q How was that Keith Jayma's fault?

22 A He was supposed to selling the house.

23 Q What area was it supposed to be listed in?

24 A 10-1.

25 Q Tell me how that was fraud?

1 A Any -- It was mortgage fraud. The house was for
2 sale. She listed it for sale from day one. Now, he took
3 the sign -- He had someone pull the sign up. I don't know
4 who. It was to deceive the bank and the insurance
5 company, how he insured it, the purpose of insuring the
6 home for his second home or for a spec home.

7 Q How do you know that he did that to defraud the
8 bank?

9 A We're going to have to ask him that.

10 Q How do you know that he did that?

11 A I know about the bank fraud because he puts in
12 his letter to me, I must now sell my second home that's
13 financed. The house wasn't supposed to be financed as a
14 second home ever. So I've got the bank fraud, but the
15 insurance fraud, we're going to have to ask him. I know
16 he had the sign taken up. I thought someone was stealing
17 the signs.

18 Q Your name wasn't ever on any of the loans,
19 right?

20 A Oh, yes, my name was on the loan, co-borrower,
21 and you have that document.

22 Q On the million dollar, co-borrower -- You seem
23 quite proud of pointing that out.

24 A It just came to me.

25 Q Well, let's look at that.

1 A From my brain.

2 Q Yes. Let's look at that. Show me where your
3 name appears on Exhibit 7 as a co-borrower.

4 A Not on Exhibit 7. It's on the application as
5 co-borrower.

6 Q Your testimony is that you were a co-borrower on
7 the million dollar loan that was used to build this house?

8 A My testimony is that Keith Jayma had me sign
9 as a co-borrower, and it's got his little arrow and it
10 says sign, and that there was my signature, and his is
11 above me. You should have that document.

12 Q I'll look for it.

13 Mr. Martens - I'm trying to wrap it up.

14 Mr. Cook - On that point, I'm not
15 pressing you, are you trying to wrap it up
16 today?

17 Mr. Martens - Yes, we'll finish.

18 Mr. Cook - Okay. We'll be glad to come
19 back if you want. I was just going off your
20 stack, and it looks like you're about halfway
21 through.

22 Whereupon - A recess was taken.

23 Q You say, no wonder the First Charter draw
24 inspector freaked out when he saw Jason's for sale sign
25 in the yard. This house isn't supposed to be for sale.

1 Tell me about that.

2 A I had called in a draw inspection, and the
3 bank officer came out. I don't think it was Jason's
4 for sale sign. I think it was Diana Jayma's for sale
5 sign. I believe he said, this isn't a spec house to be
6 sold.

7 Q He said that to you?

8 A In front of me, yes.

9 Q Do you remember when that was?

10 A No.

11 Q Before completion?

12 A In the early stages.

13 Q Early stages of construction.

14 Whereupon - Document marked as Exhibit 15.

15 Q Who took this photograph, Exhibit 15?

16 A I did.

17 Q When did you take it?

18 A Well, I loaded it down so I do know that the day
19 I took it -- and I see the progression on the house.

20 Q Is that the house in the background with the
21 Tyvek?

22 A (Indicating)

23 Q So that was obviously during construction.

24 A Early construction.

25 Q Why did you take that picture?

1 A To be honest, I think I took it of the Hispanic
2 fellow because he was getting my water.

3 Q Any other reason?

4 A At that time, that was the only reason. Looking
5 back now, I see it has Diana Jayma's name. There's a
6 for sale sign during early construction.

7 Q And that for sale sign was in the front yard?

8 A It's in the front yard.

9 Q Did you understand that the house wasn't
10 supposed to be for sale?

11 A No. The house was always for sale.

12 Q At some point during the construction, the
13 draw inspector said, this house isn't supposed to be for
14 sale.

15 A Right.

16 Q Did that concern you when he said that?

17 A The flag didn't go off at that time. I didn't
18 know what he was doing behind my back. I recall that ---
19 I didn't know he had financed it as his second home.

20 Q Continuing on to Page 5 you say, the money from
21 my land was for Mark and his girls, your quote to
22 Joannah Thompson as to the stated purpose of that loan.
23 It will be easy to prove in court and one of the very
24 first things to prove. Tell me what you meant by that?

25 A That's on the 25 acre loan that he got

1 approved for. He emailed and said, Keith, got you
2 approved. He told Joannah Thompson the reason for the
3 loan was for Mark and his girls.

4 Q Didn't the money go to Mark and his girls?

5 A Some of it did.

6 Q So what's wrong with that?

7 A I think he accused me of spending the money on
8 personal things.

9 Q Didn't you?

10 A I did, clothes, toiletries, food.

11 Q On Page 6 you say, you fire sold the house using
12 my farm as your safety net. Tell me what you meant by
13 that.

14 A That's what he told me he was going to do. He
15 said he didn't care what he sold it for. He'd tried to
16 sell it for 1.89 million. He tried it at 1.6, 1.5, and
17 he ended up selling it for 1.24. I had nothing to do
18 with it. As a partner, I should have had something to do
19 with the sales price.

20 Q Don't you think the market had something to do
21 with it, too?

22 A The market did turn down. There again, he
23 should have sold it.

24 Q When the market turned down, who was holding
25 the loan? Who was making the interest payments on the

1 loan when ---

2 A I was.

3 Q With your money?

4 A With our joint checking account money.

5 Q Mr. Wilson, how much money did you take
6 out of your pocket to pay a single payment on this
7 mortgage? Zero, right?

8 A The \$31,000.00 check, I used to pay bills on
9 the house. If he paid me the \$250.00 a week payment from
10 the time I started construction until the house was sold,
11 he would owe me money.

12 Q Let me ask this question again. How much money
13 did you take out of your personal account to make any
14 payments on the loans that were used for the construction
15 of this house?

16 A I just told you. I made payments on it from
17 that \$15,000.00.

18 Q What 15? You didn't say anything about
19 \$15,000.00.

20 A The \$31,000.00 check from Louise Hemphill, I
21 paid bills for the house.

22 Q I thought you told me that was partnership
23 money. That should have been used for bills for the
24 house, right? That wasn't your money. You told me
25 earlier that was partnership money.

1 A But I was to get paid \$250.00 a week, and I
2 used that money.

3 Q Other than that, did you take any money out of
4 a bank account that you held in your name and make any
5 of the payments for the construction of this house?

6 A Used my van as collateral. I made a loan to
7 make payments. *Land*

8 Q Did you take any money out of any account in
9 your personal name, savings account, money market
10 account, sell securities, did you take any of Mark
11 Wilson's funds and use them to pay any of the loans on
12 this construction project?

13 A Mr. Martens, I just said, I used my land to
14 ---

15 Q I'm going to assume your answer is no.

16 A I put up my 63 acres.

17 Q I'm well aware of that. My question has nothing
18 to do with whether your land was put or not put up. My
19 question is, did you take any of your personal funds and
20 use it to pay any of these loans?

21 A No.

22 Q Who was paying these loans while the house
23 went unsold? You were using Mr. Jayma's money, weren't
24 you?

25 A I wasn't, he did.

1 Q That's right. He was carrying the cost of this
2 house while it remained unsold.

3 A Right.

4 Q And that's why he reduced the price of the house
5 because he had these carrying costs that he was carrying,
6 and you weren't, right?

7 A Why didn't he sell it earlier? It was in the
8 wrong area.

9 Q When you factor in -- I think your testimony
10 earlier today was that, we would split the profits on the
11 sale of the house, right?

12 A Yes.

13 Q And I asked you, what are profits, and you said,
14 that's the difference between what you sell house for and
15 the cost you have in it, right?

16 A Right.

17 Q And all the interest payments, all those
18 carrying costs, those are costs, right?

19 A Yes.

20 Q And they would come out before profits.

21 A Right.

22 Q I think you've answered this question for me.
23 You testified you didn't make any payments to repay the
24 million dollar loan for the construction of Strike the
25 Gold?

1 A No. You've got to ask me that again.

2 Q That's all right. I don't think I need to.
3 Have you made any payments toward the \$194,000.00 that
4 Mr. Jayma took out on the 63 acres?

5 A I made the interest payments.

6 Q Where did you get the money to make the
7 interest payments?

8 A From the \$194,000.00.

9 Q So you used that money that was borrowed to
10 make the interest payments?

11 A Right.

12 Q Do you how much you owed on that \$194,000.00
13 loan?

14 A It's been paid in full.

15 Q Would it surprise you to know that that loan
16 has been transferred to Mr. Jayma's personal residence?

17 A I would be shocked if that mortgage was not
18 paid and satisfied in full in May of 2012.

19 Q Why?

20 A Because I've seen the satisfaction of mortgage
21 from SunTrust.

22 Q Would you be shocked to know that the reason
23 it was paid in full in May of 2012 was the bank required
24 Mr. Jayma to take a \$194,000.00 loan out on his own house
25 to pay it off?

1 A I would be shocked.

2 Q Did you know that's the truth?

3 A No.

4 Q Do you feel any obligation to pay back any
5 portion of that \$194,000.00 loan that Mr. Jayma has been
6 carrying for the last 10 years?

7 A When you talked about who was included in this
8 lawsuit, my attorney included SunTrust in April of '08.
9 In May of '08, one month later, they satisfied the
10 mortgage in full.

11 Q I'm going to represent to you -- You can find
12 out for yourself, but for purposes of this deposition
13 I'm representing to you, and I want you to assume this is
14 true. I want you to assume that it is true because that's
15 what I'm telling you is true. That the only reason that
16 loan has been paid off on that 63 acres is because Mr.
17 Jayma now has \$194,000.00 credit line against his personal
18 home.

19 A I don't believe that to be true.

20 Q I'm telling you it's true, Mr. Wilson.

21 A I don't believe it.

22 Q Fine. If it were true, don't you feel some
23 obligation to repay a portion of that?

24 A If it's not true that SunTrust satisfied that
25 mortgage in full -- satisfied it and paid it in full

1 because of my attorney's efforts -- I would have to look
2 at -- I don't believe it. I just don't believe it.

3 Q So you're calling me a liar?

4 A I'm not calling you a liar. I'm just saying
5 I don't believe it. He could borrow whatever he wanted
6 to on his home. He could borrow \$200,000.00, \$300,000.00,
7 \$500,000.00. That doesn't have anything to do with the
8 \$194,000.00 and my 63 acres.

9 Q If the only reason that loan got paid off on
10 those 63 acres is because Mr. Jayma went and borrowed
11 \$194,000.00 against his house and wrote a check for it,
12 you don't feel any obligation to pay any portion of that
13 back?

14 A Part of his trickery and forgery and fraud is
15 --- He could put a \$194,000.00 equity line against his
16 house.

17 Q How would that be an advantage to him? How
18 would that defraud you?

19 A He might have needed money. Well, I'm not
20 saying he defrauded me in that respect. I'm saying
21 SunTrust satisfied the mortgage because of my lawsuit,
22 not because Jayma got an equity line.

23 Q Mr. Wilson, what are you claiming you're out
24 in this case?

25 A Oh, we don't have a clue until Jayma produces

1 his taxes and shows how much he took in deductions for
2 interest, expenses, taxes, homeowner's association.

3 Q So you don't know how much your claim is for?

4 A Not totally, no.

5 Q And this case has been going on since 2012?

6 A Yes.

7 Q And this case is ---

8 A He hasn't produced the documents we asked for
9 in 2012.

10 Q So you don't have a clue what you're asking
11 for?

12 A I can only round out the interest because I did
13 make the interest payments every month. It escalated as
14 I took construction draws. I would say those expenses
15 are in the 150 range.

16 Q And that's how much you think you would be
17 owed?

18 A No. No. There's taxes, homeowner's association
19 fees ---

20 Q But you don't pay taxes.

21 A Property tax on the house, \$7,000.00 a year.

22 Q What would you do with the tax deduction if
23 you don't file tax returns? How would that be of any
24 benefit to you?

25 A I'm not going to take the deduction. Jayma

1 took the deductions.

2 Q What's wrong with that?

3 A He can take them, but if he took them, he
4 enriched himself above and beyond. If he took \$150,000.00
5 worth of interest deduction on his taxes to decrease his
6 tax liability.

7 Q How does that hurt you?

8 A It didn't hurt me. It helped him.

9 Q So how does that wrong ---

10 A It ought to be part of the profit in the house.
11 If he took the deduction, what did I get? I didn't get
12 that. I'm a partner.

13 Q You only take a deduction if there's loss,
14 right?

15 A No. He could take -- Expensing the house, he
16 took all the deductions for interest. It's substantial,
17 I think. \$150,000.00 plus in interest expenses alone,
18 I don't know because he won't furnish the information.

19 Q He paid them all, right?

20 A Well, I paid them. He took them on his taxes.
21 I'm sure ---

22 Q He paid them using his money.

23 A Our money. It was my checking account. Had
24 my name on it for two years.

25 Q I want to be clear. You don't know what you're

1 owed.

2 A We can't determine it until he produces the
3 information.

4 Q You didn't use any of your money to pay any
5 of these loans.

6 A By collateralizing my land I did.

7 Q You didn't make any of the interest payments on
8 the \$194,000.00 line of credit.

9 A Yes, I did.

10 Q Mr. Wilson, we're talking in circles now.
11 You've already said you didn't and now you're saying you
12 did.

13 A I did write the interest payments on the joint
14 -- the partnership checking, the interest on the
15 \$194,000.00.

16 Q I get that. I get that you physically wrote
17 the checks.

18 A Right.

19 Q We've been through that about 100 times today.
20 My question is -- Well, I think you've said none of that
21 was your money. You didn't put any of that money in,
22 right?

23 A It came from me putting up my 63 acres.

24 Q Other than putting up the 63 acres, which was
25 your idea, you didn't make any contribution at all, did

1 you?

2 A No.

3 Mr. Martens - I think that's all I have.

4 Thank you.

5 Court Reporter - Mr. Cook, in what form
6 do you want your copy, electronic or paper?

7 Mr. Cook - They give us a chance to read
8 through -- I would say paper.

9 Court Reporter - So E-Tran?

10 Mr. Cook - Just because my client doesn't
11 have a computer. He would like to read it.

12 Court Reporter - He wants to read and
13 sign. And you want the paper copy?

14 Mr. Cook - Please.

15 Whereupon - Deposition concluded at 4:56
16 P.M.

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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM LANCASTER COUNTY
Court of Common Pleas

John C. Hayes, III, Circuit Court Judge

Appellate Case NO. 2017-002223

RECEIVED

JAN 23 2019

SC Court of Appeals

Mark Wilson

Appellant,

v.

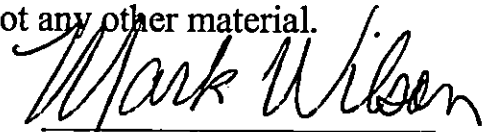
Keith Jayma

Respondent.

CERTIFICATE OF COUNSEL

Appellant's Supplemental Record on Appeal contains all material proposed to be included in the Supplemental Record on Appeal and not any other material.

January 18, 2019



Mark Wilson
2506 Kings Farm Way
Indian Trail, NC 28079
Appellant