

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

APPEAL FROM WILLIAMSBURG COUNTY

Court of Common Pleas

Kristi F. Curtis, Circuit Court Judge

Appellate Case No: 2021-000494

South Carolina Farm Bureau Ins. Co, Appellant
v.

Marion L. Driggers, Shiralee Driggers, Tammy D.
Floyd, Estate of Arthur McKenzie, The Travelers
Home and Marine Insurance Company, The
United States of America acting by and through
Its agency, The Internal Revenue Service, and
The South Carolina Tax Commission, Defendants,

Of Which The Travelers Home and Marine Insurance
Company is the Respondent.

**Return To Travelers Motion To Strike Matters
Designated By Appellant For The Record On Appeal**

The Appellant, South Carolina Farm Bureau Insurance Company, hereby makes a Return to Travelers Motion To Strike Matters Designated By Appellant For The Record On Appeal. The Appellant asks that the motion be denied.

Travelers asks the Court to strike Appellant's designation of relevant portions of the depositions of Marion L. Driggers and Shiralee Driggers based upon Travelers' contention that these depositions were not

presented to and ruled on by the lower court. Farm Bureau is unaware of how the depositions could have been “ruled on” by the lower court, but portions of both depositions were filed with the court at the time of, and prior to, the rulings at issue in this case. Specifically, defendants Shiralee Driggers and Tammy Floyd previously moved the court to bifurcate the case, (by separating the trial as to *Pro Rata* and policy issues) and for partial summary judgment as to Mr. Driggers. As part of that motion, S. Driggers/Floyd filed Mrs. Driggers’ first (and partial) deposition as an exhibit (#4). **A - Exhibit 4 to Motion to Bifurcate.** In its return or response to that motion, Farm Bureau filed relevant portions of the depositions (Mr. Driggers and Mrs. Driggers Second Depositions) as exhibits. **B & C – Exhibits 3 and 4 to Farm Bureau’s Return to Motion to Bifurcate.** Farm Bureau’s Motion for Reconsideration discussed the deposition testimony and some additional parts of this deposition testimony would have been published at the hearing of the motion, had the Court not dispensed with the hearing and filed a Form Order. **D - Motion For Reconsideration.** Throughout this case, voluminous documents and discovery have been filed with the court. None of the Orders indicate that this material was reviewed or considered.

Farm Bureau’s Motion for Summary Judgment was based, in part, upon the record in this cause. That motion was before the Court and ruled upon as “premature” by the court on the same date as the Travelers motions. Farm Bureau’s Motion to Alter, Amend, and/or Reconsider was based, in part, upon the record in this cause. **E - Farm Bureau’s Motions For Summary Judgment and For Reconsideration.** The record in this cause includes the portions of Mr. and Mrs. Driggers’ depositions enclosed herein and incorporated by reference.

In ruling on the motions for summary judgment, the lower court had the obligation to consider all matters of record. “In determining whether a genuine issue of material fact exists, a court must consider *everything* in the record – pleadings, depositions, interrogatories, admissions on file, etc. *Keiser v. Coliseum Properties, Inc.*, 615 F2d 406 (5th Cir. 1980). Rule 56 does not distinguish between documents merely filed and those referenced by counsel in filings and the court must consider *both* before granting Summary Judgment. *Gilmore v. Ivey*, 290 SC 53, 348 SE2d 180 (Ct. App. 1986). In addition, this court may deem

material to be part of the record if the material aids this court's "proper understanding" of the issues on appeal and is needed to resolve the disposition of some of the issues. *Mauro v. Clabaugh*, 299 SC 184, 383 SE2d 244 (Ct. App. 1989). So that this Court may determine that the depositions of Mr. and Mrs. Driggers are necessary for the proper understanding and resolution of the issues on appeal, the same are attached and incorporated herein by reference. **F – Full Depositions of Marion and Shiralee Driggers.**

The issues in this case are complex and are fact specific. The questions involved in this appeal focus on those relative to Farm Bureau and Travelers, but this couple are the nexus between the carriers and the policies. Their deposition testimony is necessary to the Court's understanding of the issues and to an informed ruling as to the same. Mrs. Driggers' full deposition was filed by both her counsel and by her husband, and portions of Mr. and Mrs. Driggers' depositions were filed by Farm Bureau, as noted above. The appellant asks that the Court review the depositions, and rule that they are part of the record, and are necessary to the proper understanding, consideration and decisions of the issues on appeal.

Should the court rule otherwise, as Travelers asks, the Appellant asks that it be allowed to revise references in its Initial Brief and Designation, as necessary, to the previously filed portions of Mr. and Mrs. Driggers depositions and/or to Mr. and Mrs. Driggers' Examinations Under Oath. Much of the testimony at their depositions had been previously given in their Examinations Under Oath, which are of record and filed several times. Should this Court exclude any designated part of Mr. and Mrs. Driggers' deposition testimony, the Appellant asks that it be allowed to revise references in their Initial Brief and/or Designation to reference either the filed depositions or the filed EUO testimony.

It should also be noted that this case involves a novel issue of law as to the existence of duties between insurance carriers involved in a joint ownership coverage situation under the *Pro Rata* statute. While a novel issue of law, alone, may not prevent the grant of Summary Judgment, it makes a full consideration and development of the facts particularly important. See: *Shadwell v. Craigie*, 361 SC 492, 605 SE2d 567 (Ct. App. 2004).

Because the depositions are of record, are necessary to a full understanding and consideration of the issues, and because the case involves a novel issue of law, Appellant asks that Travelers Motion to Strike be denied.

Respectfully Submitted,

/s/ J. Dwight Hudson

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Attorney For Appellant

Dated: September 29, 2021

State of South Carolina

In Common Pleas Court

County of Williamsburg

South Carolina Farm Bureau
Mutual Insurance Company,
plaintiff,

V.

2014-CP-45-132

Marion L. Driggers, Shiralee
Driggers, Tammy D. Floyd,
Arthur McKenzie a/k/a Auther
McKenzie, the Travlers Home and
Marine Insurance Company, the
United States of American acting
by and through its agency The
Internal Revenue Service and the
South Carolina Tax Commission,
defendants.

Deposition of: Shiralee Driggers
Location: 227 West Evans Street
Florence, South Carolina

Date: Thursday, January 14, 2016

Time: 10:14 a.m. - 12:16 p.m.

Court Reporter: Gwenda Smith

The deposition is taken pursuant to notice and/or
agreement, in the above-entitled cause pending in
the above-named court and pursuant to the
South Carolina rules of civil procedure.

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A P P E A R A N C E S

For the Plaintiff:
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By: J. Dwight Hudson, Esq.

For the Defendant:
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Corbin Law Firm
227 West Evans Street
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By: Daryl J. Corbin, Esq.

For the Defendant:
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3710 Landmark Drive
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Columbia, SC 29204
By: Mariel D. Norton, Esq.

For the Defendant(s):
(Marion L. Driggers, Shiralee Driggers
and Tammy D. Floyd)
Pritchard Law Group, L.L.C.
129 Broad Street (29401)
Post Office Box 630 (29402)
Charleston, SC
By: Elizabeth F. Fulton, Esq.

Also Present: Arthur McKenzie

I N D E X

Examination by Mr. Corbin 3

E X H I B I T S

Pg/Ln Ex. Description
(No Exhibits were proffered.)

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

It is stipulated among Counsel that this deposition is being taken pursuant to the South Carolina rules of civil procedure; and that all objections, except as to the form of the question, are reserved until the time of trial.

It is also stipulated among Counsel for the respective parties and the deponent that the deponent will waive the right to read and sign this transcript.

THEREUPON,

Shiralee Driggers,
BEING FIRST DULY SWORN BY THE COURT REPORTER, AS
HEREINAFTER CERTIFIED, TESTIFIED AS FOLLOWS:

E X A M I N A T I O N

BY MR. CORBIN:

Q Good morning, Mrs. Driggers, my name is Daryl Corbin. I'm an attorney from Florence who represents Arthur McKenzie. If I ask you a question during the deposition that you do not understand, would you please ask me to rephrase it for you?

A Yes.

Q Is it fair to assume that if you answer a question that you understood it?

1 A Yes.

2 Q Can you think of any reason today, for
3 example, some people taking medications or some
4 people not feeling well, that would prevent you
5 from telling the truth?

6 A No.

7 Q Okay. Have you ever given a
8 deposition before?

9 A Yes.

10 Q Also, under the rules, if you have any
11 questions during the deposition, you're required
12 to address them to me instead of to your attorney
13 or anybody else. Will you do that please?

14 A Yes.

15 Q If we take breaks and any time you
16 want to take a break, we're going to take one,
17 you're not allowed to speak to anybody including
18 your counsel about your deposition testimony. Do
19 you understand that?

20 A Yes.

21 Q Okay. Would you, please state your
22 complete name for the record?

23 A Shiralee M. Driggers.

24 Q And, Mrs. Driggers, what is your age,
25 please?

1 A Sixty-six.

2 Q Where do you live?

3 A Lake City.

4 Q How long have you lived in Lake City?

5 A Entire life.

6 Q Okay. Your husband is Leroy Driggers?

7 A It is.

8 Q About how long have you been married
9 to Mr. Driggers roughly?

10 A Forty-five.

11 Q I know that you have one daughter
12 whose name is Tammy Driggers Floyd. Correct?

13 A Yes.

14 Q Do you have any other children?

15 A Yes.

16 Q Do they live in Florence County?

17 A Yes.

18 Q And what are their names, please?

19 A Spencer Driggers.

20 Q Where does Spencer live? In what
21 town? I don't need the --

22 A Florence.

23 Q -- street address. Okay. Any other
24 children?

25 A No.

1 Q Adults? Okay. Have you ever given a
2 deposition before?

3 A Yes.

4 Q When is the last time you've given a
5 deposition?

6 A Is deposition an E---

7 Q For any case where you've been under
8 oath giving a sworn statement similar to this.

9 A Yes.

10 MR. HUDSON: If -- if I might
11 interrupt. I think what she's trying to think of
12 is probably the examination under oath --

13 MR. CORBIN: Yeah.

14 MR. HUDSON: -- that she did for --

15 MR. CORBIN: Okay.

16 MR. HUDSON: -- us earlier and --

17 MR. CORBIN: Yes, sir.

18 MR. HUDSON: -- and that's probably...

19 THE DEPONENT: I don't remember the
20 date.

21 MR. HUDSON: The terminology is...

22 THE DEPONENT: But it was in 2015.

23 BY MR. CORBIN:

24 Q And was that for insurance purposes?

25 A Yes.

1 Q Okay. Did you have a lawyer present
2 with you at that time?

3 A Yes.

4 Q Okay. Did Mr. Driggers also give a
5 statement at that time?

6 A Yes.

7 Q Other than that one particular time
8 where your husband and you both gave a statement
9 to the insurance company, any other sworn
10 statements under oath that you've given?

11 A Yes.

12 Q Tell me the one before then, please.

13 A I do not remember the year.

14 Q In general, what did it involve?

15 A Insurance.

16 Q When you say insurance, what do you
17 mean?

18 A It was a fire loss with a piece of
19 property that I had mortgage on.

20 Q Was that particular piece of property
21 being sold under an installment sales contract
22 similar to the one you had with Mr. McKenzie?

23 A Yes.

24 Q About what year was that, please, when
25 the fire occurred?

1 A I do not remember.

2 Q Was it within the last ten years?

3 A Yes.

4 Q And where was that piece of property
5 located?

6 A Florence County.

7 Q And who was the person that had a
8 contract on that particular house?

9 A Leonard Burgess.

10 Q Did you have insurance coverage
11 through South Carolina Farm Bureau or some other
12 insurance company for the Burgess fire?

13 A I did not have coverage.

14 Q In terms of ownership in real estate,
15 tell me roughly how many properties that you have
16 an ownership interest in. And when I say, I mean
17 you or a partnership or a corporation or an
18 L.L.C. or any kind of entity in which you have an
19 interest. How many pieces of property?

20 A What do you mean by property?

21 Q Houses or buildings.

22 A And not mobile homes?

23 Q Mobile homes, too. I consider that --

24 A Okay.

25 Q -- a house or a residence.

1 A Okay.

2 Q Roughly speaking.

3 A Sixty to 75.

4 Q In whose names would those properties
5 be? Is it in Driggers Rentals, Inc. or something
6 else?

7 A In various names.

8 Q Tell me those names.

9 A Driggers Rentals.

10 Q In that in a corporation?

11 A Driggers Rentals, L.L.C. The older
12 properties are just Driggers Rentals. The newer
13 properties are L.L.C.

14 Q Any other partnerships or names or
15 entities?

16 A Driggers Properties, L.L.C., Driggers
17 Seaside Properties, L.L.C., Driggers
18 M.J.W. Properties, L.L.C., and T.D.F. Group,
19 L.L.C., Driggers Tax Service, L.L.C., Marion
20 L. Driggers, Shiralee Driggers, Marion and
21 Shiralee Driggers, and Leroy Driggers.

22 Q What is your current occupation?

23 A I'm self-employed.

24 Q In what field, please?

25 A Tax service and rental property.

1 Q How long have you been in the tax
2 service?

3 A Since the '80's.

4 Q More than 30 years or so?

5 A Yes.

6 Q And the name of the tax service is
7 what, please?

8 A Driggers Tax Service, L.L.C.

9 Q Who keeps the books and records for
10 tax purposes of all these particular entities and
11 people that own property that you just listed?
12 Would that be you or somebody else?

13 A You got to rephrase that.

14 Q Yes, ma'am. All these entities that
15 -- please don't make me repeat them -- there were
16 nine or ten or eleven different entities. Some
17 L.L.C.'s, some corporation, some just entitles and
18 some individuals, for those entities --

19 A No corporations.

20 Q -- no corporations.

21 A All L.L.C.'s.

22 Q Okay. All those entities and
23 individuals that you listed as owning property in
24 which you have some kind of interest, do you do
25 the bookkeeping and tax services for those

1 entitles and people or does somebody else do that?

2 A I do with help.

3 Q Yes, ma'am.

4 A Okay.

5 Q When you say with help, who do you

6 mean?

7 A An employee.

8 Q What is that person's name?

9 A Terri McKay.

10 Q How long has -- is Terri McKay male or

11 female?

12 A Female.

13 Q How long has Ms. McKay been working

14 with you?

15 A Three years.

16 Q Before then, did you have anybody

17 helping you do the tax services?

18 A Yes.

19 Q Who would those people be before

20 Ms. McKay?

21 A Robin Langley.

22 Q Anybody else in the last 15 or 20

23 years that you can think of?

24 A No. I can't remember.

25 Q When did Ms. Langley work with you --

1 A Before --

2 Q -- roughly, if you can remember.

3 A -- Terri.

4 Q About how many -- how long did

5 Ms. Langley work with you, roughly?

6 A Three years.

7 Q In your tax service business, what
8 kind of services do you provide to your clients?

9 A Tax preparation.

10 Q Do you give any type of other advise?
11 For example, investment advice or estate advice or
12 anything like that?

13 A No.

14 Q Okay. Who would keep the books,
15 records and ledgers, income statements for each of
16 these entities that you listed that has some kind
17 of interest in real estate?

18 MS. FULTON: Object to the form. You
19 can answer.

20 BY MR. CORBIN:

21 Q What kind of books and records would
22 you keep involving all those entities that you
23 mentioned a while ago that I asked you about?

24 A You're going to have to rephrase that,
25 too.

1 Q Of the 50 or 60 properties, how many
2 do you think involve installment sales contracts
3 sort of like the one with Mr. McKenzie?

4 A Five or six.

5 Q The other balance of the 50 or 60
6 properties, besides the five or six with its
7 installment sales contracts, are you selling those
8 properties, renting those properties or what are
9 you doing with the other properties?

10 A I am in the business to rent, sell,
11 whatever.

12 Q Of those other properties without
13 installment sales contracts, about how many do you
14 think you currently have rented?

15 A All but two I think.

16 Q Who would keep track of the payments
17 from the renters? Would it be you at Driggers Tax
18 Service or somebody else?

19 A It would be myself or Terri.

20 Q And how would you keep track of it?
21 What types of records?

22 A Receipts.

23 Q Do you keep any kind of running ledger
24 for each piece of property?

25 A I try.

1 Q Any reason why you would not keep a
2 ledger for the payments involving the properties?

3 A None.

4 Q Why would you not have a ledger of the
5 payments for each property?

6 MS. FULTON: Object to the form. I
7 don't think that's --

8 BY MR. CORBIN:

9 Q You said you try to keep ledgers. And
10 my question was why would you not keep a ledger.
11 And you said, well, you would keep a ledger. So
12 I'm asking, do you have a ledger for each one of
13 these particular pieces of property involving
14 payments?

15 A Yes.

16 Q Okay. And what would that ledger look
17 like or what is it called in your office?

18 A What timeframe are you talking about?

19 Q Well, let's start with the current and
20 go back. Tell me when it changed.

21 A Presently, we post to individual
22 sheets by hand.

23 Q How long have you done it that way?

24 A Probably the entire time.

25 Q Do you enter the payments on these

1 rental properties in a computer in any fashion?

2 A No.

3 Q Do you have any kind of software
4 program that helps you keep track of the payments
5 involving these properties on a computer?

6 A I can't answer that question.

7 Q Who could answer it? You don't know
8 whether or not you have a computer program that
9 keeps track of payments in your office?

10 A I don't have it on a computer. Are
11 you asking me if I ever enter it on a summary in
12 the computer, I do. But I'm not sure I can answer
13 you the way you want an answer.

14 Q What kind of records would you keep on
15 the computer involving rent payments?

16 A I have a summary. And as it comes in,
17 we enter it with the receipt number beside of it;
18 the receipt that has been written in a book. I do
19 not have a software program that will generate
20 reoccurring charges and all that stuff.

21 Q And do you keep receipt books?

22 A I do.

23 Q As someone who does tax work, do you
24 be--- believe you have an obligation to keep
25 receipt books for tax purposes?

1 A Probably so.

2 Q The five or six properties that you
3 have -- and when I say you, I mean all those
4 entities, whomever might have an interest in it.
5 The five or six installment sales contracts how do
6 you keep records of payments involving those
7 particular properties? Would it be the same way
8 or different?

9 A The same way.

10 Q Would you ever have any reason to
11 destroy receipt books?

12 A Before five years?

13 Q Is it your testimony that after five
14 years you destroy them?

15 A I probably don't destroy them, but I
16 don't keep them on hand. I never thought about
17 it.

18 Q Why would you not keep the receipt
19 books?

20 A I don't know.

21 Q The five or six installment sales
22 contracts, how many years would those particular
23 properties involve with respect to the contracts?
24 I believe Mr. McKenzie's and Ms. Gamble's was 20
25 years. The five or six current properties, how

1 many years would those contracts cover in general?

2 A It would be according to the amount of
3 the sale.

4 Q Tell me the -- the quickest
5 installment sales contract you have on these five
6 or six properties, and the longest one
7 approximately.

8 A Some of them are just three or four
9 years.

10 Q How long is the longest one?

11 A I'm going to say 20, but I'm not
12 certain of that. Okay?

13 Q If you have an installment sales
14 contract where you're re--- where you're
15 responsible for keeping track of the receipts
16 involving payments on that property, why would you
17 destroy or not know where receipt records were
18 after five years?

19 MS. FULTON: Object to the form.

20 BY MR. CORBIN:

21 Q You want me to re-ask it? For these
22 five or six properties do you have receipt records
23 for each payment?

24 A I may.

25 Q Do you know?

1 A No.

2 Q Would you agree that you ought to have
3 receipt payments for each payment involving the
4 existing installment sales contracts?

5 A I never thought about it.

6 Q Why would you not have a receipt for
7 each payment?

8 A I may have.

9 Q Well, you may not.

10 A Or I may not.

11 Q And if you're not --

12 A And I mean, I'm sorry, I can't say any
13 more than that.

14 Q If you do not have it, would you agree
15 you should have?

16 A For what purpose?

17 MS. FULTON: Object to the form.

18 BY MR. CORBIN:

19 Q To prove payments.

20 A If I didn't have any problem with the
21 payments; no, I mean, at the end of the year, if
22 nobody said anything was wrong with their
23 statement, I don't see any need.

24 Q What do you mean by at the end of the
25 year if they have no problem with their statement?

1 What statement are you talking about?

2 A Their balance. If they don't -- if
3 they have -- if they think I have not give them
4 credit for anything, they need to let me know and
5 I can verify.

6 Q Do you actually have an annual
7 statement you give to each one of these people?

8 A Yes.

9 Q And what is that called?

10 A They can see their page if they need
11 it.

12 Q The question was do you provide an
13 annual statement to each of these entities?

14 A No.

15 Q Okay. Have you ever had a practice
16 every year as a tax service provider for
17 installment sales contracts to provide them and
18 yourself with an annual statement of the payments?

19 MS. FULTON: I'm going to object to
20 the form. And just clarify, Ms. Driggers is both
21 Driggers Properties and then Driggers Tax Service.
22 So can you make sure you're asking her --

23 MR. CORBIN: Yes, ma'am.

24 MS. FULTON: -- in her capacity as a
25 tax preparer versus as a rental property person.

1 MR. CORBIN: Yes, ma'am.

2 BY MR. CORBIN:

3 Q Any time I ask -- when I say you, what
4 do you do for these properties, I'm talking about
5 any of the -- I'm specifically asking about the
6 five or six installment sales contracts that you
7 mentioned. And maybe we need to break them down.
8 Can you list those for me?

9 A I don't think I will at the time.

10 Q You don't think you will? You refuse
11 to answer that?

12 A I'm not refusing to answer it, but why
13 do you need other people's business?

14 MS. FULTON: He has the right to ask
15 you any question and to the best of your
16 knowledge, you have to answer.

17 THE DEPONENT: All right. Well, I
18 don't have it with me.

19 BY MR. CORBIN:

20 Q So, it's your sworn testimony you
21 cannot remember a single one of these five or six
22 names where you have -- when I say you, all these
23 entities -- have a current installment sales
24 contract. You remember none of the last names?

25 A I can remember the names.

1 Q Tell me their last names.

2 A Kroger.

3 Q Okay.

4 MS. FULTON: Can we go off the record
5 for one quick second.

6 MR. CORBIN: Yeah.

7 MS. FULTON: I just thought about
8 something.

9 MR. CORBIN: Yeah.

10 (Off the record discussion.)

11 MS. FULTON: I'd just like to
12 stipulate that --

13 MR. CORBIN: Yeah.

14 MS. FULTON: -- the testimony today
15 concerning the business and however else the
16 protective order is going to be entered into, all
17 of this testimony is subject to that protective
18 order.

19 MR. CORBIN: That's true. We're not
20 going to disseminate it. Nobody here will.

21 BY MR. CORBIN:

22 Q The five or six current installment
23 sales contracts similar to the one you had with
24 Mr. McKenzie, you indicated one last name is
25 Kroger.

1 A Kroger, all right.

2 Q And in what city is that located?

3 A Lake City.

4 Q That is an installment sales contract?

5 A Yes.

6 Q How many years, if you recall?

7 A I don't.

8 Q Okay. Any other last names you can
9 recall?

10 A Gamble.

11 Q In what city, please.

12 A Lake City. Coker, Lake City, but it's
13 in the country. Burgess, Olanta. McFadden,
14 Kingstree. That may be all.

15 Q Are you aware of any of these
16 entities, including yourself, ever making a fire
17 claim involving an installment sales contract
18 property other than Mr. McKenzie's situation?

19 A Say that again.

20 Q Other than Mr. McKenzie's situation,
21 are you aware of any of these entities you've
22 mentioned, including yourself, ever making a fire
23 claim involving an installment sales contract?

24 A No.

25 Q Are you aware of any of these entities

1 or yourself ever making a fire claim involving a
2 house or a building besides Mr. McKenzie's
3 situation?

4 A Can you rephrase that one more time?

5 Q Besides Mr. McKenzie's situation in
6 which we're now litigating, any other fire claims
7 at all for any of these entities that you're aware
8 of?

9 A Yes.

10 Q And do those involve installment sales
11 contracts?

12 A No.

13 Q Were they involving rental agreements?

14 A Yes.

15 Q About how many fire claims are you
16 aware of besides the current one?

17 A Over what period of time?

18 Q Well, you entered the contract with
19 Mr. McKenzie and Ms. Gamble in 1997. So from that
20 point forward how many fire claims?

21 A Maybe four.

22 Q Which insurance companies do you
23 recall those four claims involving?

24 A Foremost was one. And Farm Bureau.

25 Q How many fire claims are you aware of

1 with South Carolina Farm Bureau besides the
2 current one?

3 A One or two.

4 Q Were any of these four or so fire
5 claims investigated for arson?

6 A I don't think so.

7 Q Besides the statement that you gave in
8 this particular case to the insurance company,
9 South Carolina Farm Bureau, had you ever given any
10 other statements sort of like that under oath to
11 any insurance company involving a fire claim?

12 A Yes.

13 Q And when was that?

14 A I don't remember that date.

15 Q Did it involve one of these four fire
16 claims you just mentioned?

17 A No.

18 Q About how long ago did that occur when
19 you gave another sworn statement?

20 MS. FULTON: I'm going to object to
21 asked and answered. But you -- you can answer.

22 THE DEPONENT: That's the same one you
23 already have.

24 BY MR. CORBIN:

25 Q You're aware of no arson investigation

1 involving any of these fires. Correct?

2 A My fires, no.

3 Q When you say my fires, do you think
4 any of the tenants were investigated for arson
5 involving these claims?

6 A The other contract for sale that you
7 asked earlier with Leonard Burgess where I gave
8 the statement under oath.

9 Q Okay. I don't recall you telling me
10 that in the Burgess case.

11 A I did.

12 Q Okay. About how many years ago was
13 that?

14 A I don't remember.

15 Q Which insurance company?

16 MS. FULTON: Objection, we've already
17 done this.

18 BY MR. CORBIN:

19 Q Have -- are you aware of any of these
20 entities, individuals or you ever being personally
21 investigated for arson?

22 A No.

23 Q Okay. Do you have any reason to
24 believe that Mr. McKenzie had anything to do with
25 causing the fire in the house?

1 A No.

2 Q Have you ever told anybody that?

3 A No.

4 Q In Mr. McKenzie's situation, how long
5 have you known him?

6 A Before the '80's. Can I go back like
7 that?

8 Q Thirty or forty years or so?

9 A Yes.

10 Q And during that time did you keep his
11 books and records for his masonry company?

12 A For a period of time.

13 Q During which period roughly?

14 A I'm going to say '80's again. Okay?

15 Q When is the last time you did any tax
16 service work for Mr. McKenzie or any business in
17 which he's involved?

18 A I don't -- 20 years ago.

19 Q The contract for sale and purchase --
20 and I just have a marked up copy. But it's dated
21 April 25th, 1997. And I think your counsel just
22 gave you a copy of it.

23 A Yes.

24 Q At that point in time, were you doing
25 any tax service work for Mr. McKenzie or his

1 business?

2 A I do not recall.

3 Q What types of work did you do for
4 Mr. McKenzie over the years?

5 A I tried keeping his books and doing
6 his payroll during some job he had ongoing at that
7 time.

8 Q Did you prepare his tax returns?

9 A I don't recall.

10 Q If you prepared his tax returns, would
11 you sign off on it as the tax preparer?

12 A If I prepared it, yes.

13 Q Do you ever recall doing tax returns
14 for Mr. McKenzie?

15 A I probably did in earlier years, but
16 it's been so long.

17 Q Do you claim an ownership interest in
18 the house that is mentioned in the contract for
19 sale with the address of Highway 378 involving
20 Mr. McKenzie and Ms. Gamble? Do you currently
21 claim any ownership interest in that property?

22 A Yes.

23 Q And what's the basis of that ownership
24 interest? Why do you say you have an ownership
25 interest in the property?

1 A I don't know. We had a mortgage on
2 the property.

3 Q Yes, ma'am.

4 A Is that the answer?

5 Q If -- if -- is that your answer? When
6 you say we had a mortgage on the property, who had
7 a mortgage on this particular piece of property?

8 A I think it reads Leroy Driggers, but
9 I'm not certain.

10 Q On the first -- on the first page it
11 says the seller is Tammy D. Floyd. Is that your
12 daughter?

13 A It is.

14 Q And it says the original buyer was
15 Lisa Gamble. Did you know Ms. Gamble?

16 A Not personally.

17 Q And I believe later on years later
18 Ms. Gamble assigned her interest to Mr. McKenzie.
19 Are you aware of that?

20 A No.

21 Q Are you aware of who made payments
22 under this particular contract for sale and
23 purchase dated of April 25, 1997? Who made
24 payments?

25 A Arthur.

1 Q How do you know that?

2 A He would bring them in.

3 Q When you say he would bring them in,
4 would he make the payment to you or somebody else
5 or do you know?

6 A He sometime made payments at the
7 office. He sometimes made payments at the service
8 station.

9 Q How do you know sometimes Mr. McKenzie
10 would make payments under this contract at the
11 service station?

12 A Because Roy would write him a receipt
13 and bring it home.

14 Q Did you ever write a receipt when
15 Mr. McKenzie made a payment?

16 A Yes.

17 Q Did anybody else, to your knowledge,
18 ever write a receipt when Mr. McKenzie made a
19 payment?

20 A I can't answer that, no.

21 Q Can you testify that he made payments
22 to other people besides Mr. Driggers and you in
23 the office?

24 MS. FULTON: Object to the form. You
25 can answer.

1 THE DEPONENT: If somebody else was
2 working the counter, probably so.

3 BY MR. CORBIN:

4 Q And do you recall who would have been
5 working the counter --

6 A It could have been --

7 Q -- sometimes --

8 A -- my son. It could have been Karen.
9 It could have been Roy.

10 Q Can you testify under oath that you
11 know for a fact that if Mr. McKenzie made a
12 payment to your son, to Karen or Roy that a
13 receipt was prepared and kept by your office?

14 MS. FULTON: Object to the form. You
15 can answer it.

16 THE DEPONENT: Now, you got to
17 rephrase that.

18 BY MR. CORBIN:

19 Q I want to know what you're going to
20 testify to under oath. Can you testify under oath
21 that you know that if Mr. McKenzie made a payment
22 to your son, Karen or Roy, that a receipt was
23 always prepared --

24 A Yes.

25 Q -- and a receipt was always given to

1 you for accounting purposes?

2 A Yes.

3 Q How do you know that?

4 A I can't answer that.

5 Q Tell me the basis of your sworn
6 testimony that you know for a fact that if any
7 payment were made to your son, Karen or Roy that
8 you've always got the receipt.

9 MS. FULTON: Object to the form.

10 THE DEPONENT: You'll have to rephrase
11 it.

12 BY MR. CORBIN:

13 Q You just testified under oath that you
14 can swear that you know for a fact that if
15 Mr. McKenzie ever made a payment not to you, but
16 to your son, Karen or Roy, that you can testified
17 you know that those people always did a receipt,
18 gave Mr. McKenzie a receipt and you had a record
19 of each payment. So my question is, how do you
20 know that?

21 A There should be no reason that I
22 wouldn't have. I am still human, but the normal
23 procedure would be, the money would go in the bag
24 with the copy of a receipt and come to me. There
25 would be no reason for me not to get it.

1 Q So you feel confident you can testify
2 under oath that all the receipts were kept and --
3 or all the receipts were given Mr. K--- McKenzie
4 for every payment and you were notified of each
5 payment?

6 A I feel confident that he had been
7 given credit for anything that he has ever paid.

8 Q Could you be wrong?

9 A Anybody can be wrong.

10 Q Okay. Could you be thousands of
11 dollars off?

12 A No.

13 Q Could you be more than 4,000 dollars
14 off?

15 A Did we not calculate his payments in
16 '97 with you present and agree to his balance at
17 that time and he can look at his records since
18 then. If I have missed anything, he can bring it
19 to my attention. But he has been given credit, as
20 far as I know, for anything he has ever paid on
21 this account.

22 Q As the record keeper for this, can you
23 think of a better source to prove what payments
24 were made than your documents?

25 A I can't think of any reason I would

1 have to. My records will have to stand. That is
2 all I have.

3 Q Yes, ma'am. My question was, can you
4 think of a better source than your records, since
5 you're a professional tax service and you're in
6 charge of keeping these kind of records, can you
7 think of any better source to tell us what
8 payments were actually made than your records?

9 MS. FULTON: Object to the form.

10 THE DEPONENT: And he is not my tax
11 customer. He is only making payments on a
12 mortgage.

13 BY MR. CORBIN:

14 Q Can you think of a better source than
15 you?

16 A No.

17 Q Okay. And I'm just asking if -- if
18 it's Mr. Smith down the street or a different
19 C.P.A. or somebody else in the world, can you
20 think of a better person than you who would have
21 the documentation of what payments were made by
22 Mr. McKenzie?

23 A You may have.

24 Q Upon what do you base that?

25 A If he brought all his receipts --

1 Q Okay.

2 A -- to you.

3 Q I'm not asking you to speculate. I'm
4 saying do you know of any better source than your
5 documents?

6 A No.

7 Q Okay. This contract was for 20 years.
8 Any reason for you to destroy or not keep receipts
9 or copies of receipts for each payment?

10 A No.

11 Q Did you ever give Mr. McKenzie an
12 annual accounting of all his payments?

13 A I don't remember.

14 Q If you'd done it since 1997 until the
15 fire, which I think was 2009 -- 12 years -- if
16 you'd done it those 12 years would you remember
17 doing it?

18 A He can get a copy of anything I have
19 any time he wants it.

20 Q The question was, do you recall giving
21 him a copy each year?

22 A I do not.

23 Q Okay. How would you keep the
24 particular records involving this specific
25 contract about payments? Would you have a

1 separate file for each one? Are they all jumbled
2 together? Would you have a file for this
3 particular contract?

4 A A sheet.

5 Q Okay. Tell me about the sheet.

6 A It's a columnar pad. His payments are
7 entered on it.

8 Q When are the payments entered?

9 A When they are made.

10 Q Any reason why payments would be
11 entered months after the payment was made on this
12 columnar pad?

13 A No.

14 Q Any reason why a payment would not be
15 on that particular sheet?

16 A No.

17 Q The receipts, besides what -- who
18 would -- who would put entries in that? Who would
19 put entries on that particular sheet?

20 A Myself or whoever is working.

21 Q Would it be -- should there be a
22 reference for every single payment or is it just a
23 summary of the payments for the entire year?

24 A Monthly.

25 Q In the contract on page two it

1 indicates there would be 240 monthly payments or
2 20 years. Can you tell me the amount of the
3 payment under the contract, what it should have
4 been per month?

5 A This says \$694.81.

6 Q Do you have any documentation where
7 the contract was changed and the monthly payment
8 was changed for any reason?

9 A No.

10 Q If, for example, you decided for
11 whatever reason to increase the payment two or 300
12 dollars per month, should you have some kind of
13 documentation of that?

14 MS. FULTON: Object to the form.

15 BY MR. CORBIN:

16 Q Should you have some kind of
17 documentation if, in fact, this monthly payment
18 under this contract had changed and been increased
19 a couple of hundred dollars?

20 MS. FULTON: Same objection.

21 BY MR. CORBIN:

22 Q Please go ahead and answer.

23 A You going to have to ask it one more
24 time. I lost my train of thought.

25 Q The contract indicates --

1 A Yeah.

2 Q -- you just read it to me, the monthly
3 payment under this contract was \$694.81. My
4 question was, if for whatever reason the monthly
5 payment was going to be increased a couple hundred
6 dollars, should there be some kind of
7 documentation of that increase?

8 A Yes.

9 Q Have you ever had a installment sales
10 contract signed by the parties stipulating the
11 amount of monthly payments where the monthly
12 payment was increased a couple of hundred dollars
13 a month?

14 A I think I know where you're going.
15 Had Arthur made his payments as he was supposed
16 to, his payment would have remained \$694.81. When
17 a person does not make a payment and interest in
18 accrued, then the amount of payment that they do
19 make will not even service a loan. That's math.

20 Q Uh-huh.

21 A So if you are referring to the
22 statements that Mr. Wilbur Brown prepared for him,
23 that's why his payment increased. Because he had
24 not made proper payments the entire time of the
25 contract. And when you don't pay, then interest

1 is added.

2 Q The question was, would you have
3 documentation of that?

4 A Yes.

5 Q So, under the mortgage it's your
6 position that if Mr. McKenzie didn't make a
7 payment and the interest accrued that for some
8 reason the monthly payment would then increase.
9 Correct?

10 A Would not increase, it just would not
11 take anything off his principal. And yes, it
12 needed to be redone at the end of time. Arthur
13 never came in to take care of anything.

14 Q Yes, ma'am. My question was, under
15 this contract, it states the payment will be
16 \$694.81. And if it increased to 900 and some
17 dollars that you're looking per month from
18 Mr. McKenzie, should there be some kind of
19 documentation of that?

20 MS. FULTON: Object to the form.

21 BY MR. CORBIN:

22 Q I know you said that sometime at the
23 end of time he'd have to get square. Do you have
24 any documentation about the increase in monthly
25 payments under this contract?

1 A I never increased his monthly payment.

2 Q Did you ever tell him you increased
3 the monthly payment?

4 A I never increased the monthly payment.
5 I never got monthly payments. Had there been, we
6 wouldn't be in this position now.

7 Q So Mr. McKenzie did not owe you
8 anything more than that monthly payment. It might
9 have been delinquent, but you didn't have the
10 right to increase it to 900 dollars a month, did
11 you?

12 A I did --

13 MS. FULTON: Object to the form.

14 THE DEPONENT: -- not increase it.

15 BY MR. CORBIN:

16 Q Are you aware of anybody increasing
17 it?

18 A No.

19 Q When is the last time you've looked at
20 the sheet and can you -- can you define what the
21 -- what you call this particular sheet involving
22 Mr. McKenzie's payments? What's the proper name
23 for that sheet?

24 A Amortization schedule.

25 Q And is that the name that you call the

1 sheet or the ledger where you have the payments or
2 would you call that something else?

3 A No.

4 Q It'd all be called amortization
5 schedule?

6 A No, you said is that the name and I
7 say no.

8 Q What's the name of the list of the
9 payments that you were talking about?

10 A It on a ledger sheet, columnar pad,
11 ledger sheet.

12 Q And would you keep a separate ledger
13 sheet for each one of these installment sales
14 contracts or would they be in a running total for
15 all of them on the same pad?

16 A Separate.

17 Q Would you have any reason not to keep
18 the ledger sheets involving Mr. McKenzie's
19 payments?

20 A No.

21 Q When is the last time you looked at
22 the ledger sheet involving Mr. McKenzie's payment?

23 A Monday.

24 Q Was there more than one sheet?

25 A Yes.

1 Q About how many sheets?

2 A Five or six.

3 Q And were those sheets kept in your
4 office?

5 A Some.

6 Q Where were others kept?

7 A The storage building.

8 Q There was a fire November 27th I
9 believe 2009 or sometime at that particular
10 timeframe. On your ledger sheet could you tell me
11 what the balance would have been on the day of the
12 fire? Would that kind of information be on that
13 sheet?

14 A I prepared that, I believe, for
15 Traveler's Insurance.

16 Q The record that you had before the
17 fire, say three months before the fire, would that
18 indicate the balance that was owed at that time?
19 I'm not talking about something you prepared later
20 on for Traveler's. But your own records that you
21 kept, would that show the balance that was due
22 three months before the fire?

23 A No.

24 Q Why not?

25 A It was not a running balance. It was

1 just a monthly payment, less a monthly payment.

2 Q Can you think of any better source for
3 the payments besides those four or five ledger
4 sheets that you just told me about involving the
5 payments on this house? Would that be the best
6 source that you could think of?

7 A Yes.

8 Q Do you know whether or not you
9 currently have the receipts or you would -- I -- I
10 guess, you would -- tell me how the receipt
11 process would work. Would you fill out a receipt,
12 give the original to the client and keep a copy
13 for the records? Or would you do something else?

14 A The original goes to the client.

15 Q Would your office keep a copy?

16 A Yes.

17 Q What would you do with the copies?

18 A They stay in the book.

19 Q Did you check to see if you had the
20 receipt books covering the payments involving this
21 particular contract with Mr. McKenzie?

22 A No.

23 Q Do you think you still have them?

24 A Could have.

25 Q If you did not have the receipt books,

1 what would be some reasons why you would not keep
2 them?

3 A Space.

4 Q The contract, I believe it started out
5 at 80,000 dollars and the buyer paid an 8,000
6 dollar down payment. Do you recall that?

7 A I read that, yes.

8 Q So the mortgage was to cover 72,000
9 dollars for additional payments on the house.
10 Correct?

11 A Yes.

12 Q Of that 72,000 dollars in payments,
13 can you tell me how much was actually paid?

14 A Not off the top of my head, no.

15 Q When you looked at it Monday did you
16 learn how much was actually paid by Mr. McKenzie
17 on the house?

18 A No.

19 Q Was it over a 100,000 dollars?

20 A I'm certain not.

21 Q Was it more than 50,000 dollars?

22 A I don't know.

23 Q You indicated a little while ago that
24 Mr. McKenzie just didn't make his payments and
25 what proof do you have of that?

1 A No payments.

2 Q What proof do you have of that?

3 A There's no receipts.

4 Q Other than no receipts do you have any
5 other proof that payments were not made?

6 A I can't answer that either.

7 Q If the receipt book is missing, how
8 can you prove no payments were made?

9 MS. FULTON: Object to the form.

10 THE DEPONENT: My records reflect no
11 payments.

12 BY MR. CORBIN:

13 Q Do you recall a time when the highway
14 in front of the house was being widened and South
15 Carolina Department of Transportation negotiated a
16 purchase of a portion of the property that
17 Mr. McKenzie was buying?

18 A Yes.

19 Q Do you recall whether or not you --
20 and when I say you -- who at that time had an
21 ownership interest in the property, besides
22 Mr. McKenzie?

23 A The same ones, I suppose.

24 Q When you say the same ones who would
25 that be?

1 A Whoever has ownership now, yes.

2 Q Who is that?

3 A Lisa Gamble, Leroy Driggers, Shiralee
4 Driggers, Arthur McKenzie.

5 Q How did you attain your ownership
6 interest in the property?

7 A I don't know.

8 Q How did your husband receive or attain
9 an ownership interest in the property if the
10 seller was your daughter?

11 A I don't know.

12 Q Did you ever charge Mr. McKenzie for
13 insurance that you or these -- well, the ledger
14 that you had for this particular transaction, the
15 seller in this contract is Lisa Gamble. And you
16 don't know how you attained an ownership interest,
17 but you believe you had one. Correct?

18 A Yes.

19 Q Do you know how Mr. Driggers attained
20 an ownership interest?

21 A No.

22 Q Were you aware that anyone was buying
23 insurance from South Carolina Farm Bureau
24 involving this property?

25 A Yes.

1 Q When did you first become aware of
2 that?

3 A I don't know.

4 Q Was it before or after the lawsuit
5 started that you became aware that there was
6 insurance with South Carolina Farm Bureau?

7 A I have had the property covered since
8 the time it was whoever's it is.

9 Q From 1997 forward?

10 A It may have been prior to that.

11 Q And with what insurance company did
12 you have this particular piece of property
13 covered?

14 A Farm Bureau.

15 Q The current amount involving the
16 policy in this particular case I think is 80,000
17 dollars. Has it ever been anything different to
18 your knowledge?

19 A Would you say that again?

20 Q In this particular lawsuit I believe
21 you claimed an ownership interest in the property,
22 and you've claimed that you have an insurance
23 policy in your name, Mr. Driggers' name and your
24 daughter's name for 80,000 dollars with the South
25 Carolina Farm Bureau. You've indicated you had

1 insurance from day one and maybe even before this
2 contract was signed. Has the amount ever been
3 changed?

4 MS. FULTON: I'm going to object,
5 that's a mis-statement.

6 BY MR. CORBIN:

7 Q Are you aware of you having any
8 insurance coverage on this property more than
9 80,000 dollars at any time?

10 A For some reason I thought it read
11 118,000, but I am not sure. You will have to look
12 at the policy.

13 Q Under -- and maybe I need to ask it
14 this way. Under the contract -- are you aware of
15 any other contract on the house involving Mr.
16 McKenzie besides the one that you're looking at?

17 A I'm sure there was one before because
18 this one was reconstructed with you and Jenkinson.

19 Q Is this the last one that you're aware
20 of?

21 A Yes.

22 Q Okay. And in this contract it
23 mentions insurance coverage.

24 MS. FULTON: Can you tell her what
25 page you're on?

1 BY MR. CORBIN:

2 Q Page three, subparagraph F. And the
3 amount listed as not less than 80,000 dollars. Do
4 you see that?

5 A I do.

6 Q And what is your understanding as to
7 who was required to get that insurance coverage
8 for 80,000 dollars or more?

9 A Lisa Gamble or Arthur McKenzie,
10 whoever. Lisa Gamble was supposed to keep
11 coverage on the house.

12 Q And why did you have your own policy
13 on the house?

14 A Because you could not depend on Arthur
15 to keep coverage and I needed it to be protected.

16 Q Did you tell Arthur you were getting
17 insurance on the property because he was really
18 not dependable?

19 A I'm sure that I told him that he owed
20 for insurance that we had to place it our self.

21 Q And about when did that happen?

22 A Over the period of time.

23 Q How long after he initially -- how
24 long after this contract was instituted, April 25,
25 1997, did you notify Mr. McKenzie that you were

1 getting the insurance policy yourself because he
2 was not dependable?

3 A I don't think he ever gave me proof of
4 insurance during the whole term.

5 Q Did you make it clear to him that you
6 were going to get the insurance?

7 A You will have to ask him.

8 Q I'm asking you. What did you --
9 MS. FULTON: Object to the form.

10 BY MR. CORBIN:

11 Q What did you tell him about you
12 getting insurance?

13 A If I told him, I would tell him he
14 owed for the insurance because he was supposed to
15 have it in place.

16 Q Did you tell him that?

17 A I don't remember.

18 Q Did you -- how much was your insurance
19 premium that you recall with South Carolina Farm
20 Bureau for this particular house?

21 A I do not remember. It's in the
22 records.

23 Q Did you charge Mr. McKenzie for the
24 cost of that insurance that he was supposed to get
25 for you?

1 A It's in the records.

2 Q Do you recall you charged him for it?

3 A Hopefully.

4 Q Is there any doubt in your mind that
5 Mr. McKenzie understood that you were getting
6 insurance because he was not dependable and you
7 expected him to pay you for it?

8 MS. FULTON: Object to the form.

9 BY MR. CORBIN:

10 Q Or did you just kind of add it in and
11 not tell him?

12 MS. FULTON: Object to the form.

13 THE DEPONENT: He was aware.

14 BY MR. CORBIN:

15 Q He was aware of what?

16 A That he owed for the insurance.

17 Q Was he aware that you got insurance?

18 A Yes. If he owed for it, he would be
19 aware that I had it.

20 Q You said you hoped you charged him for
21 it and it would be in the records. What would be
22 in the records if you charged him for it?

23 A It would be added to his balance.

24 Q The records that you looked at Monday,
25 did you see a reference to you charging

1 Mr. McKenzie for insurance coverage on the house?

2 A No.

3 Q If there was a record indicating that
4 you charged Mr. McKenzie for 2005, 2006, 2007,
5 2008 for the insurance coverage that you had to
6 pay, would that be an accurate reflection of what
7 happened?

8 A If it was on there would that be what
9 happened?

10 Q Yes, ma'am.

11 A Yes.

12 Q Okay. Any reason to believe that your
13 records are not correct?

14 A No.

15 Q If Mr. McKenzie, under this contract,
16 had an obligation to provide 80,000 dollars
17 insurance coverage for you to protect you and you
18 decided because he's undependable you're going to
19 buy it yourself to protect yourself and charge
20 him, do you believe that he fulfilled his
21 obligation to you?

22 A No.

23 Q So you wanted him to pay twice?

24 A Had he fulfilled his obligation to me,
25 I would not have had to get insurance. It was in

1 his paperwork to do that.

2 Q Well, what --

3 A He never furnished me any insurance
4 coverage.

5 Q Why did you charge him for it?

6 A It's what the contract says.

7 Q And if you got insurance and you
8 charged him for it, you added it to his bill, why
9 did he not satisfy you about insurance coverage?
10 Why do you want more?

11 A I didn't.

12 Q Okay. So my question was, did you
13 want him to do something else besides be billed
14 for the insurance? Did you want him to double up
15 the insurance coverage?

16 A No, he could have paid for it.

17 Q Yes, ma'am. He was billed for it,
18 wasn't he?

19 A No.

20 Q What is the basis of your claim that
21 you're entitled to some of the insurance proceeds
22 that Mr. McKenzie paid for on the property?

23 A He should have had coverage to start
24 with, okay. That's why we would be entitled to
25 it.

1 Q And to bill him too?

2 A Yes, he should have paid it and
3 furnished it. That was his responsibility.

4 Q Did you ever tell him, did you ever
5 bill him or tell him that I want to add to your
6 balance the amount of money you paid for your
7 insurance?

8 A No.

9 Q Did you get his permission to add to
10 his bill the amount of the insurance that you paid
11 on the property?

12 MS. FULTON: Object to the form.

13 BY MR. CORBIN:

14 Q Please go ahead and answer.

15 A Get his permission?

16 Q Yes, ma'am.

17 A No.

18 Q Did you think it was any of his
19 business to know that you were charging him
20 because you decided to buy the insurance yourself?

21 A His contract told him that. That's
22 normal business procedure.

23 Q What would happen if, for example,
24 Mr. McKenzie had 80,000 dollars in insurance
25 coverage? That was to protect your payments that

1 he owed on the property. Correct?

2 A Yes.

3 Q Was it for anything else?

4 A No.

5 MS. FULTON: Object to the form.

6 BY MR. CORBIN:

7 Q If -- if for example, assume that he
8 had made payments all the way down to number 239,
9 one payment short and the house burned, would you
10 expect him to pay you 80,000 dollars?

11 A No.

12 Q You'd expect him to pay the balance on
13 the note. Correct?

14 A Yes.

15 Q Okay. So the 80,000 dollar figure, it
16 wouldn't be more than that, but it could be less
17 that he would owe you if he didn't get the
18 insurance and something happened to the house.
19 Correct?

20 A If he had made his payments.

21 Q Yes, ma'am. And I'm talking about the
22 balance -- the balance on the house. If the
23 balance were less than 80,000 dollars, he wouldn't
24 owe you 80,000 dollars. Correct?

25 A If he had made his payments.

1 Q Do you ever recall, for example, that
2 South Carolina Department of Transportation
3 situation -- Mr. McKenzie was buying the property.

4 A Uh-huh.

5 Q He was buying all of it, wasn't he?

6 A Yes.

7 Q And D.O.T. wanted a chunk of the
8 property that Mr. McKenzie was buying under this
9 contract. Correct?

10 A Yes.

11 Q And in that particular transaction, do
12 you recall that you -- when I say you, whomever
13 claims an ownership interest that got the money --
14 received a lump sum payment of about 40,000
15 dollars or so.

16 A Yes.

17 Q Why did you receive that if
18 Mr. McKenzie was buying the property?

19 MS. FULTON: Object to the form.

20 BY MR. CORBIN:

21 Q Why did you receive that?

22 A I don't know.

23 Q Did it seem fair to you that
24 Mr. McKenzie was buying this piece of property,
25 the State took part of it and you received 40,000

1 dollars?

2 MS. FULTON: Object to the form.

3 THE DEPONENT: That was applied to all
4 his past due at that time.

5 BY MR. CORBIN:

6 Q Did you ever at any time before the
7 fire give Mr. McKenzie any kind of written notice
8 that he was late on any payment?

9 A Yes.

10 Q Do you have records of that?

11 A In the file.

12 Q And what would those documents be
13 called?

14 A It's letters, notice to cure.

15 Q Notice to cure. And when did you see
16 that? Did you see that Monday?

17 A I probably did.

18 Q What is a notice to cure?

19 A It's a statement saying they're past
20 due. They need to bring their payments
21 up-to-date.

22 Q You're send it certified?

23 A I have in the past.

24 Q Did you get a certified return
25 receipt?

1 A If he signed for it.

2 Q That should be in your records?

3 A It would be.

4 Q You recall seeing any proof that, in
5 fact, he got any notice to cure?

6 A Over the period of time I did not go
7 back that far.

8 Q Did you see anything proving that he
9 received any notice to cure from you?

10 A I can't say.

11 Q But do you know he had the right to
12 receive it, didn't he?

13 A Yes. He was aware that he was behind
14 in his payments. Was I very formal with Arthur,
15 no. But he was well aware the entire time of the
16 contract he's been behind.

17 Q As -- would you consider yourself to
18 be a sophisticated property owner?

19 A No.

20 Q Even though you own 50 or 60
21 properties, you don't cons--- and keep the book
22 work for it, you don't consider yourself a
23 sophisticated property owner?

24 A I do not.

25 Q Okay.

1 A You have played that out today very
2 well.

3 Q Okay. Are you -- were you sloppy with
4 your records?

5 A Yes.

6 Q Were you sloppy with your records?

7 A According to you, yes.

8 Q No, ma'am. I'm asking you. Do you
9 think you were sloppy with your records?

10 A I think I do the best I can with the
11 time that I have the work load that I have.

12 Q The notice to cure, why would you send
13 that to one of your land sale contract persons?
14 Why would you send a notice to cure? What's the
15 purpose of that document as you understand it?

16 A To try to get him to come in to make
17 some payments.

18 Q Do you have any understanding that,
19 that is the -- the buyer's right to receive the
20 notice to cure in writing?

21 A Do I understand it's his right?

22 Q Yes, ma'am.

23 A No.

24 Q Are you doing it just to be nice to
25 him? Why did you do it?

1 A To get him to come in to make some
2 payments.

3 Q Are you aware that if you don't have
4 proof that he actually received a written notice
5 to cure that you don't have the right to take the
6 property?

7 MS. FULTON: Object to the form.

8 BY MR. CORBIN:

9 Q Are you aware of anything like that?

10 A No.

11 Q How many notices to cure did you see
12 in the file?

13 A I don't recall.

14 Q Was it more than one?

15 A I don't recall.

16 Q Can you swear there was one in there?

17 MS. FULTON: Object to the form.

18 BY MR. CORBIN:

19 Q That's okay. Can you swear under oath
20 that you saw one notice to cure in the file on
21 Monday?

22 A Is that not what I'm doing now when I
23 said I thought I saw one in there?

24 Q I just want to make certain about
25 that. Any reason why you couldn't produce it?

1 A No.

2 Q Okay. What is a right of redemption?

3 A I don't know.

4 Q Do you have any proof that you gave
5 Mr. McKenzie written notification of any kind of
6 right of redemption?

7 A I don't know what a right of
8 redemption is.

9 Q Besides the written notice to cure
10 that you think that you sent to him, did you ever
11 send a document to him entitled or mentioning the
12 right of redemption?

13 MS. FULTON: Object to the form.

14 BY MR. CORBIN:

15 Q Did you?

16 A That would have to be no.

17 Q When -- would -- would agree that if
18 Mr. McKenzie didn't make his payments and he owed
19 you money that the way you get your money is by
20 foreclosing on the property, selling it and
21 getting your money?

22 A That's not what your contract said.
23 You contract said serve an eviction notice.

24 Q Did you do that?

25 A I did not.

1 Q Are you aware of your husband and your
2 daughter doing it?

3 A I'm aware that Dotson did it.

4 Q You're not aware of your husband and
5 daughter pursuing an eviction notice against
6 Mr. McKenzie?

7 A My husband and Dotson.

8 Q Are you aware of the eviction
9 proceeding was in your daughter's name, too?

10 A I did not see it.

11 Q Do you have any basis to believe that
12 your daughter was aware that she was evicting
13 Mr. McKenzie from the house?

14 A No.

15 Q Would that be unlike your daughter to
16 pursue formal eviction and kick Mr. McKenzie out
17 of the house?

18 MS. FULTON: Object to the form.

19 THE DEPONENT: My daughter did not
20 handle this at all. No hands on at all.

21 BY MR. CORBIN:

22 Q The S.C.D.O.T. payment, do you have
23 any reason to believe that Mr. McKenzie authorized
24 the payment to you for future payments so he
25 wouldn't miss any payments in the future? Are you

1 aware of that?

2 A Not future.

3 Q Not future.

4 A His past payments. You and Jenkinson
5 handled that. Y'all all came to that agreement
6 somehow.

7 Q Were you there?

8 A I was there and kept asking the
9 question, if you will recall, how did Arthur's
10 name get on the check because the house was in
11 Lisa Gamble's name. Do you recall that?

12 Q You know the purpose of this, you're
13 under oath, Ms. Driggers --

14 A Yes.

15 Q -- to tell the truth under the penalty
16 of perjury.

17 A Yes.

18 Q And you need to answer my questions.
19 Okay?

20 A That is what I'm doing.

21 Q Very good.

22 A Because all that was prior to this
23 contract. And then we started with this.

24 Q Does that in--- have anything to do
25 with you not keeping track of your payments

1 Mr. McKenzie made?

2 A I kept track.

3 Q Okay.

4 MS. FULTON: Just remember, you can't
5 ask him questions. He can only ask you questions.

6 THE DEPONENT: Oh.

7 BY MR. CORBIN:

8 Q Ms. Driggers, can you explain to me --
9 well, can you tell me what five years of payments
10 at 700 dollars a month would be?

11 A Not without a calculator.

12 Q Assume it's 42,000 dollars. Do you
13 know why the lump sum that you received was 42,000
14 dollars?

15 A No.

16 Q And the date you received the lump
17 sum, where did the money go?

18 A Against his account.

19 Q Was it put into a bank account or
20 where did the money actually go?

21 A I'm sure it was put into a bank
22 account.

23 Q In which account?

24 A I don't know.

25 Q Do you know why the amount that you

1 actually received would come out to exactly five
2 years of payments?

3 MS. FULTON: Objection.

4 THE DEPONENT: No.

5 BY MR. CORBIN:

6 Q Do you think it's just coincidental
7 that it came out to five years of payments to the
8 penny?

9 MS. FULTON: Objection.

10 BY MR. CORBIN:

11 Q Do you think it's just coincidental?

12 MS. FULTON: Objection.

13 MR. CORBIN: Let -- that's fine and
14 dandy.

15 THE DEPONENT: I didn't --

16 BY MR. CORBIN:

17 Q Ho--- ho --

18 A I thought it was just --

19 Q How did they come --

20 A -- the portion.

21 Q How did they come to the figure of
22 42,000 dollars?

23 A I thought y'all did that. I don't
24 know.

25 Q Okay. If -- well, the current

1 ownership of the property, you're not really sure
2 how you got it, but you think you got some
3 ownership interest in it. Is that fair?

4 A Apparently.

5 Q And do you know how your daughter got
6 an ownership interest in it today?

7 A Because it was bought from the tax
8 sale.

9 Q And is that your answer, because it
10 was bought from the tax sale?

11 A Yes.

12 Q Did she buy it from the tax sale?

13 A No. It's passed hands three or four
14 times.

15 Q When you say the tax sale; now, after
16 the eviction and you -- you don't believe your
17 daughter had anything to do with the eviction.
18 Correct?

19 A That's correct.

20 Q Did you have anything to do with the
21 eviction?

22 A No.

23 Q Okay. So your daughter and you had
24 nothing to do with the eviction. But after the
25 eviction, was the property lost at a tax sale or

1 was the property lost because of non-payment of
2 taxes?

3 A After the eviction?

4 Q Yes, ma'am.

5 A I don't remember that either.

6 Q You mentioned a tax sale. What are
7 you talking about?

8 A That was the original.

9 Q Are you aware after the eviction --
10 and you said it changed hands many times -- has it
11 changed hands after the eviction?

12 A No.

13 Q Are you aware of a tax sale on the
14 property under this contract after the eviction?

15 A No.

16 Q Are you aware of your husband, your
17 daughter or you, or a combination of those three
18 people, getting possession of this property after
19 a tax sale after the eviction?

20 A After the eviction?

21 Q Yes, ma'am.

22 A No.

23 Q Can you think of any reason why
24 Mr. Driggers, for example, would want -- well, did
25 you pay taxes on this property after the eviction?

1 A Yes.

2 Q For each year?

3 A For whatever it was due, yes.

4 Q And you're charging Mr. McKenzie for
5 those tax payments, too?

6 A No, I hadn't added anything on there.

7 Q If the property was lost because of
8 non-payment of property taxes after the eviction,
9 would you know about it?

10 A Eventually, yes.

11 Q If, for example, the property was sold
12 at a tax sale in 2011 or 2012, would you know
13 about that?

14 A If it was sold?

15 Q Yes, ma'am.

16 A Yeah, I think.

17 Q Do you know in whose name that
18 property currently is? Is it a business name,
19 your husband's name, your name, your daughter's
20 name or do you know?

21 A Tammy D. Floyd.

22 Q How do you know that?

23 A Because I paid the taxes Monday or
24 Tuesday.

25 Q How did it get just in Tammy

1 D. Floyd's name?

2 A It's always been in her name.

3 Q If you got notice that Driggers
4 Rentals or Tammy -- in Tammy Floyd's name sent to
5 your office that the property taxes were
6 delinquent after the eviction and it would be sold
7 unless the property taxes were paid, what would
8 you do?

9 A I would pay them.

10 Q Are you aware of your husband
11 transferring the property or doing anything, for
12 example, not paying the property taxes, going to
13 -- having to go to the property tax sale and
14 picking it up in some other name, are you aware of
15 him doing that?

16 A No.

17 MS. FULTON: I'm so sorry, can we take
18 a break?

19 MR. CORBIN: Yes.

20 MS. FULTON: It's been almost two
21 hours, I...

22 MR. CORBIN: Go ahead.

23 (Whereupon, a break was taken
24 from the proceedings.)

25 MS. FULTON: This is Liz Fulton,

1 counsel for Leroy Driggers, Shiralee Driggers and
2 Tammy Floyd. We are stopping this deposition as
3 it has come to our attention -- my attention that
4 Mr. McKenzie's attorney, Daryl Corbin, has a
5 conflict of interest in this matter and should not
6 be able to question my client any further. And we
7 ask that he withdraw himself from this case and
8 that we'll probably need to depose him regarding
9 these matters at a later date.

10 MR. CORBIN: Would you please put on
11 the record what the conflict is?

12 MS. FULTON: You were responsible for
13 drafting several of these con--- contracts.
14 You're --

15 MR. CORBIN: Your basis for saying
16 that.

17 MS. FULTON: Ms. Driggers' testimony.

18 MR. CORBIN: She says that -- she's
19 willing to swear under oath I drafted that
20 contract?

21 MS. FULTON: That you had a hand in
22 the participation of those contracts.

23 MR. CORBIN: In 1997?

24 MS. FULTON: Correct.

25 MR. CORBIN: Okay. What else you got?

1 MS. FULTON: That you have information
2 regarding the condemnation action, regarding the
3 inclusion of Lisa Gamble, and there's probably
4 more things that are going to come out at a later
5 date. And so we feel for those reasons that there
6 is a conflict of interest in your repr--- further
7 representation of Mr. McKenzie in this action.
8 And I will instruct my client not to speak --
9 answer any more questions.

10 MR. CORBIN: For the record, the
11 motion was previously filed. It was withdrawn by
12 your law firm in August in front of Judge James.
13 We had another motion hearing in front of Judge
14 James two weeks ago. The issue was not raised.
15 We had decided -- all counsel had decided to
16 withdraw our motion for sanctions because this has
17 been done before. Your client didn't show up for
18 depositions before. They filed a motion to
19 disqualify, which your firm withdrew. You've
20 known about it for months and months and months.
21 It's been extremely difficult getting your
22 clients' depositions done. And so that's my
23 position. And -- and your statement to that, your
24 client just told you first of all --

25 MS. FULTON: It just came out --

1 MR. CORBIN: Well, fir---

2 MS. FULTON: -- in this dep---
3 deposition testimony.

4 MR. CORBIN: Yeah. Well, first of
5 all, it's inappropriate to talk about the
6 deposition with your client during the deposition.

7 MS. FULTON: Not when attorney/client
8 privilege --

9 MR. CORBIN: Yes, ma'am.

10 MS. FULTON: -- is being raised.

11 MR. CORBIN: And -- and -- and
12 secondly, you're relying upon your client's
13 statement that I -- first -- your first statement
14 was that I drafted the contract. Don't -- don't
15 think you can prove that. Your second statement
16 was I had some kind of hand in the written
17 agreement, which speaks for itself. The third
18 reason you said, I need to be disqualified is
19 because I knew about the condemnation proceeding,
20 which was disclosed in this lawsuit. And --

21 MS. FULTON: No, I said you had a hand
22 in drafting and you had participation of these and
23 you have superior knowledge. And therefore, we
24 think at this time that there is a conflict of
25 interest and we're asking that this deposition be

1 stopped.

2 MR. CORBIN: Superior knowledge about
3 what's in the contract?

4 MS. FULTON: Within the condemnation
5 action, within items regarding payments between
6 the Driggers and Mr. McKenzie.

7 MR. CORBIN: Upon what basis do you
8 say what --

9 MS. FULTON: I don't want to say --

10 MR. CORBIN: I -- I re---

11 MS. FULTON: -- any further --

12 MR. CORBIN: -- I represent --

13 MS. FULTON: -- in this deposition.

14 We're --

15 MR. CORBIN: That's fine.

16 MS. FULTON: -- we're stopping --

17 MR. CORBIN: Well, I'm going to say --

18 MS. FULTON: -- now.

19 MR. CORBIN: You don't need to say
20 anything. And you -- you --

21 MS. FULTON: I'm just putting this on
22 the record --

23 MR. CORBIN: Okay.

24 MS. FULTON: -- so we have the
25 basis --

1 MR. CORBIN: I just need to know the
2 basis -- you made a serious accusation. And I'd
3 like to know the basis of that. And if you're
4 telling me that a written contract, that the court
5 can enforce based upon the words, was my
6 involvement in it, I want to know what proof you
7 had I had anything to do at all after 1997 for the
8 last 18 years that had anything to do with
9 anything in this lawsuit involving payments or
10 anything else. And -- and you just have no proof
11 of that. So I -- I take this as dilatory. It's
12 -- it's consistent with your conduct during this
13 litigation. We've had to file all kinds of filed
14 motions. We filed motions for sanctions. We
15 withdrew them the first time. We withdrew them
16 the second time. And they'll be refilled again.
17 So I hope you can prove that I got inside
18 information.

19 MS. FULTON: We're just saying that we
20 believe you have a conflict of interest and should
21 no longer with -- represent Mr. McKenzie.

22 MR. CORBIN: And you just learned
23 that --

24 MS. FULTON: I --

25 MR. CORBIN: -- this morning?

1 MS. FULTON: Yes.

2 MR. CORBIN: Okay.

3 MS. FULTON: That is correct. During
4 the course of this deposition.

5 MR. CORBIN: Uh-huh.

6 MS. FULTON: Further, we did not get
7 involved in this case. The Pritchard Law Group
8 became involved in this case in August, I believe,
9 of last year.

10 MR. CORBIN: Did you withdraw the
11 motion to disqualify at that time?

12 MS. FULTON: Correct.

13 MR. CORBIN: Okay.

14 MS. FULTON: As it was not our motion.
15 It was the previous counsel's.

16 MR. CORBIN: So you wait six months
17 until we finally get your client's deposition
18 under the -- the court's instructions to produce
19 them and now you want to raise it again in the
20 middle of the deposition.

21 MS. FULTON: If that's how you see it,
22 that's fine.

23 MR. CORBIN: That's how I see it.

24 MS. FULTON: But we just -- this just
25 came to our attention right now during the course

1 of this deposition. And I am sorry we have to
2 stop it, but we feel like this is a very important
3 thing to protect.

4 MR. CORBIN: So you just learned today
5 when your client said I had a hand in this
6 contract when my name is in the contract, you just
7 learned during the deposition testimony that I was
8 involved somehow with the contract in 1997?

9 MS. FULTON: I just learned about the
10 condemnation action.

11 MR. CORBIN: What -- what condemnation
12 action? The D.O.T.?

13 MS. FULTON: Correct.

14 MR. CORBIN: Well, what --

15 MS. FULTON: I heard --

16 MR. CORBIN: -- did I have to do with
17 that?

18 MS. FULTON: Mr. Pritchard, would you
19 like to say --

20 MR. PRITCHARD: Yeah.

21 MS. FULTON: -- anything on the
22 record?

23 MR. PRITCHARD: I mean, I -- I don't
24 see how you can forward, Daryl. I think you've
25 got a conflict and I think that's it.

1 MR. CORBIN: What did it have to do
2 with --

3 MR. PRITCHARD: I don't think you --

4 MR. CORBIN: That --

5 MR. PRITCHARD: I -- I think you've
6 got a big problem.

7 MR. CORBIN: What did I have to do
8 with the D.O.T. condemnation action?

9 MR. PRITCHARD: Liz was there
10 listening to the testimony, you tell me.

11 MS. FULTON: During Miss -- we're on
12 the record just so you know -- during
13 Ms. Driggers' de--- deposition testimony she asked
14 Daryl you were there. I don't know why the money
15 was that way. You had a hand in why the money was
16 that way. I asked you why Lisa Gamble's name was
17 not on the check and why Arthur's name was on the
18 check. And so raising that deposition -- raised a
19 flag to me.

20 MR. CORBIN: Well, I hope you guys can
21 prove I was involved in the condemnation action.
22 Anything else?

23 MS. FULTON: Edward.

24 MR. PRITCHARD: I -- well, I mean,
25 it's my understanding -- I wasn't there, so I can

1 only go on what you reported to me that you had a
2 hand in reconciling the account, drafting the
3 original agreement and the following agreement.

4 MR. CORBIN: Reconciling the account.
5 When -- when was that?

6 MS. FULTON: That's --

7 MR. PRITCHARD: Isn't that testimony
8 with regard to that?

9 MS. FULTON: That was not testimony,
10 no.

11 MR. PRITCHARD: Okay. Sorry.

12 MR. CORBIN: So I reconciled the
13 account somehow. And I was involved in the
14 D.O.T. condemnation action. What else you got?

15 MR. PRITCHARD: Liz, you were there.
16 I -- I can't speak to this.

17 MR. CORBIN: Okay.

18 MR. PRITCHARD: Because I wasn't
19 there.

20 MS. FULTON: Miss -- Ms. Driggers
21 testified that she said something in 2004 you were
22 part of getting the payments straight.

23 MR. CORBIN: Oh, really, was that your
24 sworn testimony?

25 THE DEPONENT: Yes. You were there.

1 MR. CORBIN: In 2004?

2 THE DEPONENT: I didn't say 2004.

3 MR. CORBIN: Well, your client (sic)
4 just said that's the basis for disqualifying me.
5 When -- when do you contend I was there? In 1997
6 or some other date?

7 THE DEPONENT: Yes.

8 MR. CORBIN: 1997?

9 THE DEPONENT: Yes.

10 MR. CORBIN: So that takes care of
11 that 2004 stuff. What else you got?

12 THE DEPONENT: I believe you were
13 there 2004. Did we not have court hearing over
14 there in reference to that? No?

15 MR. CORBIN: A court proceeding?

16 MS. FULTON: All right. Let's go off
17 -- let's take a break. I -- I'm very confused
18 now. Edward, I'm going to step out and talk to --

19 MR. CORBIN: Well, you better cite
20 your client's sworn testimony correctly.

21 (Whereupon, a break was taken
22 from the proceedings.)

23 MR. CORBIN: I -- I understand Liz
24 wants to retract her accusation about conflict of
25 interest. That she was confused. But I've been

1 accused of this two or three times. And the
2 motion was withdrawn by -- by their law firm and
3 they bring it up again. All counsel in this case
4 have filed motions. I filed motions for
5 sanctions. I've withdrawn them twice. I wish I
6 hadn't. And to make certain this doesn't raise
7 its head again after we go and schedule
8 depositions, I'm going to file a motion and we're
9 going to be done with this accusation. So I'm
10 finished today.

11 MS. FULTON: Liz Fulton, I originally
12 had been under the impression that Mr. Corbin was
13 representing both parties in the original
14 transaction and had drafted. I was also under the
15 mis-impression that he was part of the
16 condemnation action with the D.O.T. I have now
17 been set straight that nothing happened. That
18 everybody had independent counsel. That there is,
19 to my knowledge, no conflict of interest. And I
20 will withdraw my motion. I will not be filing a
21 motion for protective order or a motion to
22 disqualify or anything like that. We are prepared
23 to go forward with all depositions and it really
24 was an accident. And a prior motion to withdraw,
25 I will again say was not our motion. That was

1 Mr. Dotson's motion. We had no knowledge of any
2 of that. It was only things that came out today
3 that raised alarms. But after con--- speaking
4 with Mr. Pritchard and Ms. Driggers I understand
5 that we were incorrect and that there is no cause
6 for filing a motion to disqualify as there is no
7 conflict.

8 MR. CORBIN: I've heard that before
9 and you can have like ten days or so to gather
10 whatever proof you want because we're going to put
11 an end to that.

12 MR. HUDSON: Well, for our part, we
13 would adjust our schedule to get an expeditious
14 hearing before Judge James, I would suggest since
15 he is familiar with the case on a couple of prior
16 motions. And -- and be glad to do anything we can
17 to expedite getting things on the record so we can
18 proceed.

19 MS. NORTON: We will as well.

20 MR. CORBIN: And -- and if I may say
21 this. Like Yogi Bear said, deja vu all over
22 again. I mean, we had this same episode the --
23 the other time that we finally had set with prior
24 counsel depositions of the Driggers. The same
25 thing happened. They raised the same objection.

1 Interrupted the deposition. And so here we go
2 again, but it's not going to happen again. So,
3 I'm not going forward.

4 MS. FULTON: Mr. Driggers is here
5 present ready, willing and able to also be
6 deposed. And I am -- we would also like to move
7 this expeditiously -- expeditiously for any sort
8 of resolution that Mr. Corbin seeks.

9 MR. CORBIN: Fair enough.

10 (Deponent excused.)

11 (Whereupon, at 12:16 p.m., the
12 taking of the foregoing
13 deposition was adjourned.)
14
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CERTIFICATE OF REPORTER

State of South Carolina

County of Marion

I, Gwenda Smith, Court Reporter and Notary Public for the State of South Carolina, do hereby certify that the deponent in the foregoing deposition was, by me, first duly sworn to testify to the truth, the whole truth and nothing but the truth; that said deposition transcript was taken via stenomask with backup; that the foregoing transcript contains a true record of the deposition of said deponent.

Before completion of the deposition, review of the transcript was not requested by the deponent, and no changes shall be appended hereto.

I further certify that I am neither attorney nor counsel for, nor related to or employed by any of the parties connected to the action, nor am I financially interested in the action.

Witness my hand at Florence, South Carolina, this the 18th day of January, 2016.

Gwenda Smith

Notary Public for South Carolina

My Commission Expires: February 27, 2025

A			B	
a.m 1:16	62:5 71:17	28:25 37:15		10:25
a/k/a 1:7 2:6	77:3,3	38:12 45:4	B 2:23	books 10:9
able 69:6 81:5	agreements	48:9,14,16	back 14:20 26:6	12:14,21 15:21
above-entitled	23:13	57:14	57:7	15:25 16:11,19
1:19	ahead 36:22	Arthur's 62:9	backup 82:10	26:11 27:5
above-named	53:14 68:22	76:17	bag 31:23	42:20,25
1:20	alarms 80:3	asked 12:23	Baker 2:10	bought 65:7,10
accident 79:24	allowed 4:17	24:21 25:7	balance 13:5	Box 1:22 2:11,16
account 32:21	American 1:9	76:13,16	19:2 32:16	break 4:16 20:7
63:18,19,22,23	amortization	asking 14:12	41:11,18,21,25	68:18,23 78:17
77:2,4,13	39:24 40:4	15:11 19:22	50:23 53:6	78:21
accounting 31:1	amount 17:2	20:5 33:17	54:12,22,22,23	breaks 4:15
34:12	36:2 37:11,18	34:3 49:8 58:8	bank 63:19,21	bring 29:2,3,13
accrued 37:18	46:15 47:2	62:8 71:25	base 33:24	32:18 56:20
38:7	48:3 53:6,10	assigned 28:18	based 73:5	79:3
accurate 51:6	63:25	assume 3:24	basis 27:23 31:5	Broad 2:16
accusation 73:2	and/or 1:19	54:7 63:12	52:20 61:11	brought 33:25
78:24 79:9	annual 19:6,13	attain 45:5,8	69:15 72:7,25	Brown 37:22
accused 79:1	19:18 34:12	attained 45:16	73:2,3 78:4	building 23:2
acting 1:9	answer 3:25	45:19	be--- 15:24	41:7
action 70:2,7	12:19 15:6,7	attention 32:19	Beach 2:3	buildings 8:21
72:5 75:10,12	15:12,13 20:11	69:3,3 74:25	Bear 80:21	Bureau 1:3 8:11
76:8,21 77:14	20:12,16 24:21	attorney 3:18	believe 15:24	23:24 24:1,9
79:16 82:18,19	28:4,5 29:20	4:12 69:4	16:24 25:24	45:23 46:6,14
add 50:10 53:5,9	29:25 30:15	82:16	28:17 41:9,14	46:25 49:20
added 38:1	31:4 36:22	attorney/client	43:4 45:17	Burgess 8:9,12
50:23 52:8	44:6 53:14	71:7	46:20 51:12,20	22:13 25:7,10
67:6	62:18 65:9	August 70:12	61:11,23 65:16	burned 54:9
additional 43:9	70:9	74:8	73:20 74:8	business 12:7
address 4:12	answered 24:21	Author 1:7 2:6	78:12	13:10 20:13
5:23 27:19	anybody 4:13,17	authorized	Bender 2:10	21:15 26:16
adjourned 81:13	11:16,22 26:2	61:23	best 20:15 42:5	27:1 53:19,22
adjust 80:13	29:17 32:9	aware 22:15,21	58:10	67:18
Adults 6:1	39:16	22:25 23:7,16	better 32:23	buy 51:19 53:20
advice 12:11,11	Apparently 65:4	23:25 24:25	33:4,7,14,20	65:12
advise 12:10	appended 82:15	25:19 28:19,21	34:4 42:2	buyer 28:14
age 4:24	applied 56:3	39:16 45:22	78:19	43:5
agency 1:9	approximately	46:1,5 47:7,14	big 76:6	buyer's 58:19
ago 12:23 24:18	17:7	47:19 50:13,15	bill 52:8 53:1,5	buying 44:17
25:12 26:18	April 26:21	50:17,19 57:13	53:10	45:22 55:3,5,8
43:23 70:14	28:23 48:24	57:15 59:3,9	billed 52:13,17	55:18,24
agree 18:2,14	arson 24:5,25	61:1,3,4,8,12	book 15:18	
32:16 60:17	25:4,21	62:1 66:9,13	42:18 44:7	
agreement 1:19	Arthur 1:7 2:6	66:16 68:10,14	57:21	
	2:19 3:19		bookkeeping	
				C
				C 2:1
				C.P.A 33:19

calculate 32:15	62:10 76:17,18	2:10 7:9 8:12	47:2,14,15,22	72:10,12,15,17
calculator 63:11	children 5:14,24	24:8,11 25:15	48:24 51:15	72:19,23 73:1
call 39:21,25	chunk 55:7	26:11 46:11	52:6 53:21	73:22,25 74:2
40:2	cite 78:19	complete 4:22	55:9 57:16	74:5,10,13,16
called 14:17	city 5:3,4 22:2,3	completion	58:13 60:22,23	74:23 75:4,11
19:9 40:4	22:11,12,12	82:13	62:23 66:14	75:14,16 76:1
56:13	civil 1:20 3:4	computer 15:1,5	69:20 71:14	76:4,7,20 77:4
capacity 19:24	claim 22:17,23	15:8,10,12,15	72:3 73:4 75:6	77:12,17,23
care 38:13 78:10	23:1 24:11	con--- 69:13	75:6,8	78:1,3,8,10,15
Carolina 1:1,3	27:17,21 52:20	80:3	contracts 13:2,7	78:19,23 79:12
1:10,14,20,23	claimed 46:21	concerning	13:13 16:5,22	80:8,20 81:8,9
3:4 8:11 24:1,9	46:22	21:15	16:23 17:1	corporation
44:15 45:23	claims 23:6,15	condemnation	18:4 19:17	8:17 9:10
46:6,25 49:19	23:20,23,25	70:2 71:19	20:6 21:23	10:17
55:2 82:2,5,20	24:5,16 25:5	72:4 75:10,11	23:11 40:14	corporations
82:24	55:13	76:8,21 77:14	69:13,22	10:19,20
case 6:7 24:8	clarify 19:20	79:16	copies 34:9	correct 5:12
25:10 46:16	clear 49:5	conduct 73:12	42:17	25:1 38:9
69:7 74:7,8	client 42:12,14	confident 32:1,6	copy 26:20,22	43:10 45:17
79:3 80:15	69:6 70:8,17	conflict 69:5,11	31:24 34:18,21	51:13 54:1,13
cause 1:19 80:5	70:24 71:6	70:6 71:24	42:12,15	54:19,24 55:9
causing 25:25	75:5 78:3	73:20 75:25	Corbin 2:6,8,21	65:18,19 69:24
certain 17:12	client's 71:12	78:24 79:19	3:16,18 6:13	74:3,12 75:13
28:9 43:20	74:17 78:20	80:7	6:15,17,23	correctly 78:20
59:24 79:6	clients 12:8	confused 78:17	12:20 14:8	cost 49:24
CERTIFICATE	clients' 70:22	78:25	17:20 18:18	counsel 3:2,7
82:1	coincidental	connected 82:18	19:23 20:1,2	4:18 26:21
certified 3:14	64:6,11	cons--- 57:21	20:19 21:6,9	69:1 70:15
56:22,24	Coker 22:12	consider 8:23	21:13,19,21	79:3,18 80:24
certify 82:6,16	Columbia 2:12	57:17,22	24:24 25:18	82:17
changed 14:20	columnar 35:6	consistent 73:12	30:3,18 31:12	counsel's 74:15
36:7,8,18 47:3	35:12 40:10	contains 82:11	33:13 36:15,21	counter 30:2,5
66:10,11	combination	contend 78:5	38:21 39:15	country 22:13
changes 82:15	66:17	contract 7:21	44:12 47:6	County 1:2 5:16
charge 33:6	come 31:24	8:8 17:5,14	48:1 49:10	8:6 82:3
45:12 49:23	58:16 59:1	20:24 22:4,17	50:9,14 53:13	couple 36:19
51:19 52:5	64:1,19,21	22:23 23:18	54:6 55:20	37:5,12 80:15
charged 50:2,20	69:3 70:4	25:6 26:19	56:5 59:8,18	course 74:4,25
50:22 51:4	comes 15:16	27:18 28:22	60:14 61:21	court 1:1,17,20
52:8	Commission	29:10 34:7,25	63:7 64:5,10	1:22 3:13 73:4
charges 15:20	1:10 82:25	35:3,25 36:3,7	64:13,16 68:19	78:13,15 82:4
charging 50:25	Common 1:1	36:18,25 37:3	68:22 69:4,10	court's 74:18
53:19 67:4	companies	37:10,25 38:15	69:15,18,23,25	cover 17:1 43:8
Charleston 2:17	23:22	38:25 42:21	70:10 71:1,4,9	coverage 8:10
check 42:19	company 1:4,8	43:4 45:15	71:11 72:2,7	8:13 47:8,23

48:7,11,15 51:1,5,17 52:4 52:9,15,23 53:25 covered 46:7,13 covering 42:20 credit 19:4 32:7 32:19 cure 56:14,15,18 57:5,9 58:12 58:14,20 59:5 59:11,20 60:9 current 9:22 14:19 16:25 20:23 21:22 23:16 24:2 46:15 64:25 currently 13:14 27:20 42:9 67:18 customer 33:11	67:19 day 41:11 47:1 82:21 days 80:9 de--- 76:13 decided 36:10 51:18 53:20 70:15,15 Defendant 2:5,9 Defendant(s) 2:14 defendants 1:11 define 39:20 deja 80:21 delinquent 39:9 68:6 dep--- 71:2 Department 44:15 55:2 depend 48:14 dependable 48:18 49:2 50:6 deponent 3:8,9 6:19,22 20:17 24:22 30:1,16 31:10 33:10 39:14 44:10 50:13 56:3 61:19 63:6 64:4,15 77:25 78:2,7,9,12 81:10 82:6,12 82:15 depose 69:8 deposed 81:6 deposition 1:13 1:19 3:3,20 4:8 4:11,18 6:2,5,6 69:2 71:3,6,6 71:25 72:13 74:4,17,20 75:1,7 76:13 76:18 81:1,13 82:7,9,12,13	depositions 70:18,22 79:8 79:23 80:24 Description 2:24 destroy 16:11,14 16:15 17:17 34:8 different 10:16 16:8 33:18 46:17 difficult 70:21 dilatory 73:11 disclosed 71:20 discussion 21:10 disqualified 71:18 disqualify 70:19 74:11 79:22 80:6 disqualifying 78:4 disseminate 21:20 document 58:15 60:11 documentation 33:21 36:6,13 36:17 37:7 38:3,19,24 documents 32:24 34:5 56:12 doing 13:9 26:24 27:5,13 34:17 58:24 59:22 61:2 62:20 68:11,15 dollar 43:6 54:15 dollars 32:11,13 36:12,19 37:6 37:12 38:17 39:10 43:5,9 43:12,19,21 46:17,24 47:9	48:3,8 51:16 53:24 54:10,23 54:24 55:15 56:1 63:10,12 63:14 64:22 Dotson 61:3,7 Dotson's 80:1 double 52:14 doubt 50:4 drafted 69:19 71:14 79:14 drafting 69:13 71:22 77:2 Driggers 1:6,7 1:13 2:14,14 3:12,17 4:23 4:24 5:6,9,12 5:19 7:4 9:5,9 9:11,12,16,16 9:17,19,20,20 9:21,21 10:8 13:17 19:20,21 19:21 28:8 29:22 45:3,4 45:19 62:13 63:8 66:24 68:3 69:1,1 72:6 77:20 80:4,24 81:4 Driggers' 46:23 69:17 76:13 Drive 2:11 due 41:21 56:4 56:20 67:3 duly 3:13 82:7 Dwight 2:4	78:18 either 44:6 66:5 eleven 10:16 Elizabeth 2:17 employed 82:17 employee 11:7 enforce 73:5 enter 14:25 15:11,17 entered 21:16 23:18 35:7,8 35:11 entire 5:5 14:24 35:23 37:24 57:15 entities 9:15 10:10,14,16,18 10:22 12:16,22 16:4 19:13 20:23 22:16,21 22:25 23:7 25:20 entitled 52:21 52:24 60:11 entitles 10:17 11:1 entity 8:18 entries 35:18,19 episode 80:22 Esq 2:4,8,12,17 estate 8:14 12:11,17 Evans 1:14,23 2:7 Eventually 67:10 everybody 79:18 evicting 61:12 eviction 60:23 61:5,8,16 65:16,17,21,24 65:25 66:3,9 66:11,14,19,20 66:25 67:8 68:6
D D 1:7 2:12,15,20 28:11 67:21 68:1 D.O.T 55:7 75:12 76:8 77:14 79:16 dandy 64:14 Daryl 2:8 3:18 69:4 75:24 76:14 date 1:15 6:20 24:14 63:16 69:9 70:5 78:6 dated 26:20 28:23 daughter 5:11 28:12 45:10 61:2,5,12,15 61:19 65:5,17 65:23 66:17 daughter's 46:24 61:9				
				E E 2:1,1,20,23 3:15 E--- 6:6 E-mail 1:24 earlier 6:16 25:7 27:15 Edward 76:23

Ex 2:24	file 35:1,2 56:11	following 77:3	50:8,12 53:12	42:12 56:7
exactly 64:1	59:12,20 73:13	FOLLOWS	54:5 55:19	given 4:7 6:1,4
examination	79:8	3:14	56:2 59:7,17	7:10 24:9
2:21 6:12	filed 70:11,18	foreclosing	60:13 61:18	30:25 32:3,7
example 4:3	73:13,14 79:4	60:20	63:4 64:3,9,12	32:19
12:11 36:10	79:4	foregoing 81:12	68:17,20,25,25	giving 6:8 34:20
53:23 54:7	filing 79:20 80:6	82:6,10	69:12,17,21,24	glad 80:16
55:1 66:24	fill 42:11	Foremost 23:24	70:1,25 71:2,7	go 14:20 21:4
67:11 68:12	finally 74:17	form 3:5 12:18	71:10,21 72:4	26:6 31:23
excused 81:10	80:23	14:6 17:19	72:9,11,13,16	36:22 53:14
Exhibits 2:24	financially 82:19	18:17 19:20	72:18,21,24	57:6 63:17,20
existing 18:4	fine 64:13 72:15	29:24 30:14	73:19,24 74:1	68:13,22 77:1
expect 54:10,12	74:22	31:9 33:9	74:3,6,12,14	78:16 79:7,23
expected 50:7	finished 79:10	36:14 38:20	74:21,24 75:9	81:1
expedite 80:17	fir--- 71:1	39:13 44:9	75:13,15,18,21	goes 42:14
expeditious	fire 7:18,25 8:12	49:9 50:8,12	76:11,23 77:6	going 4:16 12:24
80:13	22:16,22 23:1	53:12 54:5	77:9,20 78:16	17:11 19:19
expeditiously	23:6,15,20,25	55:19 56:2	79:11,11 81:4	21:16,20 24:20
81:7,7	24:4,11,15	59:7,17 60:13	furnished 52:3	26:14 30:19
Expires 82:25	25:25 34:15	61:18	53:3	36:23 37:5,14
explain 63:8	41:8,12,17,17	formal 57:14	further 69:6	47:4 49:6
extremely 70:21	41:22 56:7	61:16	70:6 72:11	51:18 68:12
F	fires 25:1,2,3	forty 26:8	74:6 82:16	70:4 72:17
F 2:17 48:2	firm 2:6 70:12	Forty-five 5:10	future 61:24,25	78:18 79:8,9
fact 30:11 31:6	70:19 79:2	forward 23:20	62:2,3	80:10 81:2,3
31:14 36:17	first 3:13 28:10	46:9 75:24	G	good 3:17 62:21
57:5	28:10 46:1	79:23 81:3	Gamble 22:10	Group 2:15 9:18
fair 3:24 55:23	70:24 71:4,13	four 17:8 23:21	23:19 27:20	74:7
65:3 81:9	71:13 73:15	23:23 24:4,15	28:15,15,18	guess 42:10
familiar 80:15	82:7	42:3 65:13	45:3,15 48:9	guys 76:20
far 32:20 57:7	five 13:4,6 16:2	front 44:14	48:10 70:3	Gwenda 1:17
Farm 1:3 8:11	16:5,12,13,21	70:12,13	Gamble's 16:24	82:4,22
23:24 24:1,9	16:25 17:5,18	fulfilled 51:20	62:11 76:16	H
45:23 46:6,14	17:22 20:6,21	51:24	gather 80:9	H 2:23
46:25 49:19	21:22 41:2	Fulton 2:17	general 7:14	hand 14:22
fashion 15:1	42:3 63:9 64:1	12:18 14:6	17:1	16:16 69:21
February 82:25	64:7	17:19 18:17	generate 15:19	71:16,21 75:5
feel 32:1,6 70:5	flag 76:19	19:19,24 20:14	getting 48:16	76:15 77:2
75:2	Florence 1:14,23	21:4,7,11,14	49:1,12 50:5	82:20
feeling 4:4	2:7 3:18 5:16	24:20 25:16	60:21 66:18	handle 61:20
female 11:11,12	5:22 8:6 82:20	29:24 30:14	70:21 77:22	handled 62:5
field 9:24	Floyd 1:7 2:15	31:9 33:9	80:17	hands 61:20
figure 54:15	5:12 28:11	36:14,20 38:20	give 7:4 12:10	65:13 66:10,11
64:21	67:21 69:2	39:13 44:9	19:3,7 34:11	happen 48:21
	Floyd's 68:1,4	47:4,24 49:9		

53:23 81:2	husband's 67:19	23:10 37:9	13:2 16:23	26:10 34:8,23
happened 51:7,9	I	40:13	23:10 24:15	40:12,17 42:12
54:18 79:17	important 75:2	instituted 48:24	involved 26:17	42:15 43:1
80:25	impression	instruct 70:8	74:7,8 75:8	48:10,15 57:21
head 43:14 79:7	79:12	instructions	76:21 77:13	keeper 32:22
heard 75:15	in--- 62:24	74:18	involvement	keeping 17:15
80:8	inappropriate	insurance 1:4,8	73:6	27:5 33:6
hearing 70:13	71:5	2:10 6:24 7:9	involving 12:22	62:25
78:13 80:14	including 4:17	7:15,16 8:10	14:2,13 15:5	keeps 10:9 15:9
help 11:2,5	22:16,22	8:12 23:22	15:15 16:6	kept 30:13 32:2
helping 11:17	inclusion 70:3	24:8,11 25:15	17:16 18:3	41:3,6,21 62:8
helps 15:4	income 12:15	41:15 45:13,23	22:17,23 23:1	63:2
HEREINAFT...	incorrect 80:5	46:6,11,22	23:13,23 24:11	kick 61:16
3:14	increase 36:11	47:1,8,23 48:7	25:1,5 27:19	kind 8:18 10:24
hereto 82:15	37:7 38:8,10	48:17,20 49:1	34:24 39:21	12:8,16,21
highway 27:19	38:24 39:10,14	49:4,6,12,14	40:18,22 42:4	13:23 15:3,14
44:13	increased 36:18	49:18,24 50:6	42:20 45:24	33:6 36:12,16
ho 64:17	37:5,12,23	50:16,17 51:1	46:15 47:15	37:6 38:18
Ho--- 64:17	38:16 39:1,2,4	51:5,17,25	73:9	41:12 50:10
home 1:8 2:10	increasing 39:16	52:3,7,9,14,15	issue 70:14	56:7 60:5
29:13	independent	52:21 53:7,10	It'd 40:4	71:16
homes 8:22,23	79:18	53:20,24 54:18	items 72:5	kinds 73:13
hope 73:17	indicate 41:18	interest 8:16,19	J	Kings 2:3
76:20	indicated 21:24	10:24 12:17	J 2:4,8	Kingstree 22:14
hoped 50:20	43:23 46:25	16:4 27:17,21	James 70:12,14	knew 71:19
Hopefully 50:3	indicates 36:1	27:24,25 28:18	80:14	know 5:11 15:7
hours 68:21	36:25	37:17,25 38:7	January 1:15	16:20 17:17,25
house 8:8,25	indicating 51:3	44:21 45:6,9	82:21	19:4 28:1,15
23:2 25:25	individual 14:21	45:16,20 46:21	Jenkinson 47:18	29:1,5,9 30:11
27:18 42:5	individuals	55:13 65:3,6	62:4	30:19,21 31:3
43:9,17 44:14	10:18,23 25:20	69:5 70:6	job 27:6	31:6,14,17,20
47:15 48:11,13	info@qacourt...	71:25 73:20	Judge 70:12,13	32:20 34:4
49:20 51:1	1:24	78:25 79:19	80:14	37:14 38:22
54:9,18,22	information	interested 82:19	jumbled 35:1	42:8 43:22
61:13,17 62:10	41:12 70:1	Internal 1:10	K	45:7,11,16,19
Houses 8:21	73:18	interrupt 6:11	K--- 32:3	46:3 53:19
Hudson 2:2,4	initially 48:23	Interrupted	Karen 30:8,12	55:22 57:11
6:10,14,16,18	inside 73:17	81:1	30:22 31:7,16	60:3,7 62:12
6:21 80:12	installment 7:21	investigated	keep 12:14,22	63:13,24,25
human 31:22	13:2,7,13 16:5	24:5 25:4,21	13:16,20,23	64:24 65:5
hundred 36:19	16:21 17:5,13	investigation	14:1,9,10,11	67:9,12,17,20
37:5,12	18:4 19:17	24:25	15:4,14,21,24	67:22 73:1,3,6
husband 5:6 7:8	20:6,23 21:22	investment	16:6,16,18	76:12,14
45:8 61:1,4,7	22:4,17,23	12:11		knowledge
66:16 68:10		involve 7:14		20:16 29:17

46:18 71:23 72:2 79:19 80:1 known 26:5 70:20 Kroger 21:2,25 22:1	28:8 45:3 69:1 let's 14:19 78:16 78:17 letters 56:14 life 5:5 Lisa 28:15 45:3 45:15 48:9,10 62:11 70:3 76:16 list 20:8 40:8 listed 10:11,23 12:16 48:3 listening 76:10 litigating 23:6 litigation 73:13 little 43:23 live 5:2,16,20 lived 5:4 Liz 68:25 76:9 77:15 78:23 79:11 load 58:11 loan 37:19 located 8:5 22:2 Location 1:14 long 5:4,8 10:1 11:10,13 12:4 14:23 17:10 24:18 26:4 27:16 48:23,24 longer 73:21 longest 17:6,10 look 14:16 32:17 47:11 looked 39:19 40:21 43:15 50:24 looking 38:17 47:16 loss 7:18 lost 36:24 65:25 66:1 67:7 lump 55:14 63:13,16	M M 3:15 4:23 M.J.W 9:18 ma'am 10:14 11:3 19:23 20:1 28:3 33:3 38:14 51:10 52:17 53:16 54:21 58:8,22 66:4,21 67:15 71:9 making 22:16,22 23:1 33:11 male 11:10 Mariel 2:12 Marine 1:8 2:10 Marion 1:6 2:14 9:19,20 82:3 marked 26:20 married 5:8 masonry 26:11 math 37:19 matter 69:5 matters 69:9 McFadden 22:13 McKay 11:9,10 11:13,20 McKenzie 1:7,8 2:6,6,19 3:19 7:22 13:3 21:24 23:19 25:24 26:16,25 27:4,14,20 28:18 29:9,15 29:18 30:11,21 31:15,18 32:3 33:22 34:11 38:6,18 39:7 42:21 43:16,24 44:17,22 45:4 45:12 47:16 48:9,25 49:23 50:5 51:1,4,15 52:22 53:24	55:3,8,18,24 56:7 60:5,18 61:6,13,16,23 63:1 67:4 70:7 72:6 73:21 McKenzie's 16:24 22:18,20 23:2,5 26:4 39:22 40:18,22 69:4 mean 7:17 8:16 8:20 11:6 16:3 18:12,21,24 75:23 76:24 80:22 medications 4:3 mentioned 12:23 20:7 22:22 24:16 27:18 66:6 mentioning 60:11 mentions 47:23 middle 74:20 mind 50:4 mis-impression 79:15 mis-statement 47:5 missed 32:18 missing 44:7 mobile 8:22,23 Monday 40:23 43:15 50:24 56:16 59:21 67:23 money 31:23 53:6 55:13 60:19,19,21 63:17,20 76:14 76:15 month 36:4,12 37:13 38:17 39:10 63:10 monthly 35:24	36:1,7,17 37:2 37:4,11,11 38:8,24 39:1,3 39:4,5,8 42:1,1 months 35:11 41:17,22 70:20 70:20,20 74:16 morning 3:17 73:25 mortgage 7:19 28:1,6,7 33:12 38:5 43:8 motion 70:11,13 70:16,18 74:11 74:14 79:2,8 79:20,21,21,24 79:25 80:1,6 motions 73:14 73:14 79:4,4 80:16 move 81:6 Mutual 1:4 Myrtle 2:3
L L 1:6 2:14 3:1 9:20 L.L.C 2:15 8:18 9:11,13,16,17 9:18,19,19 10:8 L.L.C.'s 10:17 10:21 L.L.P 2:10 Lake 5:3,4 22:3 22:12,12 land 58:13 Landmark 2:11 Langley 11:21 11:25 12:5 late 56:8 law 2:2,6,15 70:12 74:7 79:2 lawsuit 46:4,20 71:20 73:9 lawyer 7:1 learn 43:16 learned 73:22 75:4,7,9 ledger 13:23 14:2,4,10,11 14:12,16 40:1 40:10,11,12,18 40:22 41:10 42:3 45:13 ledgers 12:15 14:9 Leonard 8:9 25:7 Leroy 5:6 9:21	N N 2:1,20 3:1,15 3:15 name 3:17 4:22 5:12 10:6 11:8 21:24 39:22,25 40:6,8 46:23 46:23,24 61:9 62:10,11 67:17 67:18,19,19,20 68:1,2,4,14 75:6 76:16,17 names 5:18 9:4 9:7,8,14 20:22 20:24,25 21:1 22:8 need 5:21 18:23 19:4,10 20:7 20:13 47:13 56:20 62:18 69:8 71:18			

72:19 73:1	30:14 31:9	ongoing 27:6	34:24 35:3,15	40:1,9,19 42:3
needed 38:12	33:9 36:14	order 21:16,18	35:19 39:21	42:5,20 43:9
48:15	38:20 39:13	79:21	41:9 42:21	43:12,24 44:1
negotiated 44:15	44:9 47:4 49:9	original 28:14	45:14 46:12,16	44:5,8,11
neither 82:16	50:8,12 53:12	42:12,14 66:8	46:20 49:20	53:25 54:8,20
never 16:16 18:5	54:5 55:19	77:3 79:13	55:11	54:25 56:20
38:13 39:1,4,5	56:2 59:7,17	originally 79:11	parties 3:8 37:10	57:14 58:17
52:3	60:13 61:18	ought 18:2	79:13 82:18	59:2 60:18
newer 9:12	objection 25:16	owe 39:7 54:17	partnership	61:24,25 62:4
nice 58:24	36:20 64:3,9	54:24	8:17	62:25 63:9
nine 10:16	64:12 80:25	owed 41:18	partnerships	64:2,7 67:5
non-payment	objections 3:5	48:19 49:14	9:14	72:5 73:9
66:1 67:8	obligation 15:24	50:16,18 54:1	passed 65:13	77:22
normal 31:22	51:16,21,24	60:18	pay 37:25 50:7	payroll 27:6
53:22	occupation 9:22	owner 57:18,23	51:6,23 54:10	penalty 62:15
Norton 2:12	occur 24:18	ownership 8:14	54:12 66:25	pending 1:19
80:19	occurred 7:25	8:16 27:17,21	68:9	penny 64:8
Notary 82:4,24	office 1:22 2:2	27:23,24 44:21	paying 68:12	people 4:3,4
note 54:13	2:11,16 14:17	45:1,5,9,16,20	payment 17:23	10:11 11:1,19
notice 1:19 56:7	15:9 29:7,23	46:21 55:13	18:3,7 29:4,15	19:7 29:22
56:14,15,18	30:13 41:4	65:1,3,6	29:19 30:12,21	31:17 66:18
57:5,9 58:12	42:15 68:5	owning 10:23	31:7,15,19	people's 20:13
58:14,20 59:4	Oh 63:6 77:23		32:4,5 34:9	period 23:17
59:20 60:9,23	okay 4:7,21 5:6	P	35:11,14,22	26:12,13 48:22
61:5 68:3	5:23 6:1,15 7:1	P 2:1,1 3:1	36:3,7,11,17	57:6
notices 59:11	7:4 8:24 9:1	p.m 1:16 81:11	37:3,5,12,16	perjury 62:16
notification 60:5	10:22 11:4	pad 35:6,12	37:17,18,23	permission 53:9
notified 32:4	12:14 14:16	40:10,15	38:7,8,15 39:1	53:15
notify 48:25	17:12 19:15	page 19:10	39:3,4,8 40:22	person 8:7 19:25
November 41:8	21:3 22:8 25:9	28:10 35:25	42:1,1 43:6	33:20 37:17
number 15:17	25:12,23 26:14	47:25 48:2	54:9 55:14	person's 11:8
54:8	32:10 33:17	paid 32:7,20	56:8 61:22,24	personally 25:20
	34:1,7,23 35:5	43:5,13,16	payments 13:16	28:16
O	47:22 51:12	52:16,22 53:2	14:2,5,14,25	persons 58:13
O 3:1,15	52:12,24 54:15	53:6,10 67:23	15:4,9,15 16:6	Pg/Ln 2:24
oath 6:8,12 7:10	57:25 58:3	68:7	17:16 18:3,19	picking 68:14
24:10 25:8	59:19 60:2	paperwork 52:1	18:21 19:18	piece 7:18,20 8:4
30:10,20,20	62:19 63:3	part 55:25 77:22	28:21,24 29:6	13:24 28:7
31:13 32:2	64:25 65:23	79:15 80:12	29:7,10,21	46:12 55:24
59:19 62:13	69:25 72:23	participation	32:15,23 33:8	pieces 8:19
69:19	74:2,13 77:11	69:22 71:22	33:11,21 34:12	14:13
object 12:18	77:17	particular 7:7	34:25 35:6,8	place 48:20
14:6 17:19	Olanta 22:13	7:20 8:8 10:10	35:10,23 36:1	49:15
18:17 19:19	older 9:11	14:13 16:7,22	37:11,15,24	plaintiff 1:4 2:2
24:20 29:24	ones 44:23,24	24:8 28:7,22	38:25 39:5,22	played 58:1

Pleas 1:1	privilege 71:8	28:2,6,7 44:16	3:25 14:10	44:13,19 49:19
please 3:21 4:13	probably 6:12	44:21 45:6,9	15:6 19:12	50:2 55:1,12
4:21,25 5:18	6:18 14:24	45:24 46:7,12	20:15 31:19	57:4 59:13,15
7:12,24 9:24	16:1,15 27:15	46:21 47:8	33:3 34:20	62:9,11
10:7,15 22:11	30:2 56:17	48:17 52:22	37:4 38:2,14	receipt 15:17,18
36:22 53:14	69:8 70:3	53:11 54:1	52:12 62:9	15:21,25 16:11
69:10	problem 18:20	55:3,8,18,24	69:6	16:18 17:17,22
point 23:20	18:25 76:6	57:18,23 59:6	questions 4:11	18:3,6 29:12
26:24	procedure 1:20	60:20 65:1,25	62:18 63:5,5	29:14,18 30:13
policy 46:16,23	3:4 31:23	66:1,14,18,25	70:9	30:22,25 31:8
47:12 48:12	53:22	67:7,8,11,18	quick 21:5	31:17,18,24
49:1	proceed 80:18	68:5,7,11,12	quickest 17:4	42:10,11,20,25
portion 44:16	proceeding 61:9	68:13		44:7 56:25
64:20	71:19 78:15	protect 51:17,19	R	receipts 13:22
position 38:6	proceedings	53:25 75:3	R2:1	17:15 32:2,3
39:6 70:23	68:24 78:22	protected 48:15	raise 74:19 79:6	33:25 34:8,9
possession 66:18	proceeds 52:21	protective 21:16	raised 70:14	35:17 42:9
post 1:22 2:11	process 42:11	21:17 79:21	71:10 76:18	44:3,4
2:16 14:21	produce 59:25	prove 18:19	80:3,25	receive 45:8
practice 19:15	74:18	32:23 44:8	raising 76:18	55:17,21 57:12
premium 49:19	professional	71:15 73:17	Ravenel 2:10	58:19
preparation	33:5	76:21	re-- 17:14 72:10	received 55:14
12:9	proffered 2:24	provide 12:8	re-ask 17:21	55:25 57:9
prepare 27:8	program 15:4,8	19:12,17 51:16	read 3:9 37:2	59:4 63:13,16
prepared 27:10	15:19	provider 19:16	43:7 47:10	64:1
27:12 30:13,23	proof 43:25 44:2	proving 57:8	reads 28:8	reconciled 77:12
37:22 41:14,19	44:5 49:3 57:4	Public 82:5,24	ready 81:5	reconciling 77:2
79:22	59:4 60:4 73:6	purchase 26:19	real 8:14 12:17	77:4
preparer 19:25	73:10 80:10	28:23 44:16	really 48:17 65:1	reconstructed
27:11	proper 37:24	purpose 18:16	77:23 79:23	47:18
present 2:19 7:1	39:22	58:15 62:12	reason 4:2 14:1	record 4:22 21:4
32:16 81:5	properties 8:15	purposes 6:24	16:10 25:23	21:10 31:18
Presently 14:21	9:4,12,13,16	10:10 15:25	31:21,25 32:25	32:22 41:16
prevent 4:4	9:17,18 13:1,6	31:1	34:8 35:10,14	51:3 69:11
previous 74:15	13:8,8,9,12	pursuant 1:19	36:8,11 37:4	70:10 72:22
previously 70:11	14:2 15:1,5	1:20 3:3	38:8 40:17	75:22 76:12
principal 38:11	16:2,7,23,25	pursue 61:16	47:10 51:12	80:17 82:11
prior 46:10	17:6,22 19:21	pursuing 61:5	59:25 61:23	records 10:9
62:22 79:24	20:4 57:21	put 35:18,19	66:23 71:18	12:15,21 13:21
80:15,23	property 7:19	63:19,21 69:10	reasons 43:1	15:14 16:6
Pritchard 2:15	7:20 8:4,19,20	80:10	70:5	17:17,22 26:11
74:7 75:18,20	9:25 10:11,23	putting 72:21	recall 22:6,9	32:17 33:1,4,6
75:23 76:3,5,9	13:24 14:5,13		23:23 25:9	33:8 34:24
76:24 77:7,11	17:16 19:25	Q	27:2,9,13 30:4	41:20 42:13
77:15,18 80:4	22:18 27:21,25	question 3:5,20	34:20 43:6	44:10 49:22

50:1,21,22,24 51:13 56:10 57:2 58:4,6,9 redemption 60:2 60:6,8,12 redone 38:12 reference 35:22 50:25 78:14 referring 37:21 refilled 73:16 reflect 44:10 reflection 51:6 refuse 20:10 refusing 20:12 regard 77:8 regarding 69:8 70:2,2 72:5 related 82:17 relying 71:12 remained 37:16 remember 6:19 7:13 8:1 11:24 12:2 20:21,24 20:25 24:14 25:14 34:13,16 49:17,21 63:4 66:5 rent 13:10 15:15 rental 9:25 15:1 19:25 23:13 Rentals 9:5,9,11 9:12 68:4 rented 13:14 renters 13:17 renting 13:8 reoccurring 15:20 repeat 10:15 rephrase 3:21 10:13 12:24 23:4 30:17 31:10 reported 77:1 Reporter 1:17 3:13 82:1,4	REPORTING 1:22 repr--- 70:6 represent 72:12 73:21 representation 70:7 representing 79:13 represents 3:19 requested 82:14 required 4:11 48:7 reserved 3:6 residence 8:25 resolution 81:8 respect 16:23 respective 3:8 responsibility 53:3 responsible 17:15 69:12 retract 78:24 return 56:24 returns 27:8,10 27:13 Revenue 1:10 review 82:13 right 3:9 20:14 20:17 22:1 39:10 57:11 58:19,21 59:5 60:2,6,7,12 74:25 78:16 Road 2:3 Robin 11:21 roughly 5:9 8:15 9:2 12:2,5 26:13 Roy 29:12 30:9 30:12,22 31:7 31:16 rules 1:20 3:4 4:10 running 13:23	40:14 41:25 S S 2:1,23 3:1,1 S.C.D.O.T 61:22 sale 17:3 25:6 26:19 27:19 28:22 58:13 65:8,10,12,15 65:25 66:6,13 66:19 67:12 68:13 sales 7:21 13:2,7 13:13 16:5,21 17:5,13 18:4 19:17 20:6,23 21:23 22:4,17 22:23 23:10 37:9 40:13 sanctions 70:16 73:14 79:5 satisfy 52:9 saw 59:20,23 saying 34:4 56:19 69:15 73:19 says 28:11,14 36:5 52:6 69:18 SC 2:3,7,12,17 schedule 39:24 40:5 79:7 80:13 Seaside 9:17 second 21:5 71:15 73:16 secondly 71:12 see 18:23 19:10 42:19 48:4 50:25 56:15,16 57:8 59:11 61:10 74:21,23 75:24 seeing 57:4	seeks 81:8 self 48:20 self-employed 9:23 sell 13:10 seller 28:11 45:10,15 selling 13:7 60:20 send 56:22 58:12,14 60:11 sent 60:10 68:4 separate 35:1 40:12,16 serious 73:2 serve 60:23 service 1:10 9:19 9:25 10:2,6,8 12:7 13:18 19:16,21 26:16 26:25 29:7,11 33:5 37:19 services 1:22 10:25 11:17 12:8 set 79:17 80:23 sheet 35:4,5,15 35:19 39:20,21 39:23 40:1,10 40:11,13,22,24 41:10,13 sheets 14:22 40:18 41:1,3 42:4 Shiralee 1:6,13 2:14 3:12 4:23 9:20,21 45:3 69:1 short 54:9 show 41:21 70:17 sic 78:3 sign 3:9 27:11 signed 37:10 47:2 57:1	similar 6:8 7:22 21:23 single 20:21 35:22 sir 6:17 situation 22:18 22:20 23:3,5 26:4 55:3 six 13:4,6 16:2,5 16:21,25 17:6 17:22 20:6,21 21:22 41:2 74:16 Sixty 9:3 Sixty-six 5:1 sloppy 58:3,6,9 Smith 1:17 33:18 82:4,22 software 15:3,19 sold 7:21 67:11 67:14 68:6 somebody 10:12 11:1 13:18 29:4 30:1 33:19 son 30:8,12,22 31:7,16 sophisticated 57:18,23 sorry 18:12 68:17 75:1 77:11 sort 13:3 24:10 81:7 source 32:23 33:4,7,14 34:4 42:2,6 South 1:1,3,10 1:14,20,23 3:3 8:11 24:1,9 44:14 45:23 46:6,24 49:19 55:2 82:2,5,20 82:24 Space 43:3

speak 4:17 70:8 77:16	stuff 15:20 78:11	68:4 69:2	69:17 71:3	41:18 44:13,20
speaking 9:2 80:3	subject 21:17	tax 1:10 9:19,25	75:7 76:10,13	46:8 47:9
speaks 71:17	subparagraph 48:2	10:1,6,8,10,25	77:7,9,24	48:22 56:4,6
specific 34:24	suggest 80:14	11:17 12:7,9	78:20	57:6,15 58:11
specifically 20:5	Suite 2:3	13:17 15:23,25	thing 75:3 80:25	71:24 73:15,16
speculate 34:3	sum 55:14 63:13	19:16,21,25	things 70:4 80:2	74:11 80:23
Spencer 5:19,20	63:17	26:15,25 27:8	80:17	timeframe 14:18
square 38:23	summary 15:11	27:10,11,13	think 4:2 6:11	41:10
stand 33:1	15:16 35:23	33:5,10 65:7	6:11 11:23	times 65:14
start 14:19	superior 71:23	65:10,12,15,25	13:2,14,15	66:10 79:1
52:23	72:2	66:6,13,19	14:7 19:3 20:9	today 4:2 21:14
started 43:4	suppose 44:23	67:5,12 68:13	20:10 24:6	58:1 65:6 75:4
46:5 62:23	supposed 37:15	taxes 66:2,25	25:3 26:21	79:10 80:2
state 1:1 4:21	48:10 49:14,24	67:8,23 68:5,7	28:8 32:23,25	told 26:2 42:4
55:25 82:2,5	sure 15:12 19:22	68:12	33:4,7,14,20	48:19 49:13
statement 6:8	47:11,17 48:19	Telephone 1:24	34:15 37:14	53:21 70:24
7:5,8 18:23,25	63:21 65:1	tell 7:12 8:15 9:8	42:2,6,23	top 43:14
19:1,7,13,18	swear 31:14	14:20 17:4	46:16 49:3	total 40:14
24:7,19 25:8	59:16,19 69:19	21:1 31:5 33:7	53:18 58:9,10	town 5:21
56:19 70:23	sworn 3:13 6:8	35:5 36:2 39:2	60:10 64:6,11	track 13:16,20
71:13,13,15	7:9 20:20	41:10 42:10	65:2 66:23	15:4,9 17:15
statements 7:10	24:19 31:5	43:13 47:24	67:16 71:15,24	62:25 63:2
12:15 24:10	77:24 78:20	48:16 49:11,13	75:24,25 76:3	train 36:24
37:22	82:7	49:16 50:11	76:5	transaction
states 1:9 38:15	T	53:4,5 62:15	third 71:17	45:14 55:11
station 29:8,11	T 2:23 3:1,1,15	63:9 76:10	Thirty 26:8	79:14
stay 42:18	T.D.F 9:18	telling 4:5 25:9	thought 16:16	transcript 3:10
stenomask 82:10	take 4:15,16,16	73:4	18:5 21:7	82:9,11,14
step 78:18	38:11,13 59:5	ten 8:2 10:16	36:24 47:10	transferring
stipulate 21:12	68:17 73:11	80:9	59:23 64:18,23	68:11
stipulated 3:2,7	78:17	tenants 25:4	thousands 32:10	Transportation
stipulating	taken 1:19 3:3	term 49:4	three 11:15 12:6	44:15 55:2
37:10	68:23 78:21	terminology	17:8 41:17,22	Traveler's 41:15
stop 75:2	82:9	6:21	48:2 65:13	41:20
stopped 72:1	takes 78:10	terms 8:14	66:17 79:1	Travelers 2:10
stopping 69:2	talk 71:5 78:18	Terri 11:9,10	Thursday 1:15	Travlers 1:8
72:16	talking 14:18	12:3 13:19	time 1:16 3:6	trial 3:6
storage 41:7	19:1 20:4 40:9	testified 3:14	4:15 6:4 7:2,5	tried 27:5
straight 77:22	41:19 54:21	31:13,16 77:21	7:7 14:24 20:3	true 21:19 82:11
79:17	66:7	testify 29:21	20:9 23:4,17	truth 4:5 62:15
street 1:14,23	Tammy 1:7 2:15	30:10,20,20	26:10,12,15,24	82:8,8,9
2:7,16 5:23	5:12 28:11	32:1 82:7	27:7 32:17	try 13:25 14:9
33:18	67:21,25 68:4	testimony 4:18	34:19 36:24	58:16
		16:13 20:20	37:24 38:12,23	trying 6:11
		21:14,17 31:6	39:19 40:21	Tuesday 67:24

twice 51:23 79:5	wants 34:19	61:25	11 2:3	29501 1:23 2:7
two 13:15 24:3	78:24	write 29:12,14	118,000 47:11	29502 1:22
35:25 36:11	wasn't 52:18	29:18	12 34:15,16	29572 2:3
68:20 70:14	55:5 76:25	writing 58:20	12:16 1:16 81:11	
79:1	77:18	written 15:18	129 2:16	3
type 12:10	way 14:23 15:13	56:7 59:4 60:5	14 1:15	3 2:21
types 13:21 27:3	16:7,9 47:14	60:9 71:16	15 11:22	30 10:4
	54:8 60:19	73:4	18 73:8	300 36:11
U	76:15,16	wrong 18:22	18th 82:21	3710 2:11
U 3:1	we'll 69:8	32:8,9	1997 23:19	378 27:19
Uh-huh 37:20	we're 4:16 21:19	www.qacourt...	26:21 28:23	4
55:4 74:5	23:6 71:25	1:25	34:14 46:9	4,000 32:13
undependable	72:14,16 73:19	X	48:25 69:23	40,000 55:14,25
51:18	76:11 79:8	X 2:20,23 3:15	73:7 75:8 78:5	42,000 63:12,13
understand 3:21	80:10	Y	78:8	64:22
4:19 58:15,21	we've 25:16	Y	2	4563 1:22
78:23 80:4	73:13	y'all 62:5 64:23	20 11:22 16:24	5
understanding	weeks 70:14	Yeah 6:13 21:6	17:11 26:18	50 13:1,5 57:20
48:6 58:18	West 1:14,23 2:7	21:9,13 37:1	34:7 36:2	50,000 43:21
76:25	whoever's 46:8	67:16 71:4	2004 77:21 78:1	6
understood 3:25	widened 44:14	75:20	78:2,11,13	60 13:1,5 57:20
50:5	Wilbur 37:22	year 7:13,24	2005 51:4	630 2:16
United 1:9	Williamsburg	18:21,25 19:16	2006 51:4	673-9845 1:24
up-to-date	1:2	34:21 35:23	2007 51:4	694.81 36:5 37:3
56:21	willing 69:19	67:2 74:9	2008 51:5	37:16 38:16
V	81:5	years 8:2 10:4	2009 34:15 41:9	7
V 1:5	wish 79:5	11:15,23 12:6	2011 67:12	700 63:10
various 9:7	withdraw 69:7	16:12,14,22,25	2012 67:12	72,000 43:8,12
verify 19:5	70:16 74:10	17:1,9,18 22:6	2014-CP-45-132	75 9:3
versus 19:25	79:20,24	25:12 26:8,18	1:5	8
Visit 1:25	withdrawn	27:4,15 28:17	2015 6:22	8,000 43:5
vu 80:21	70:11 79:2,5	34:7,15,16	2016 1:15 82:21	80's 10:3 26:6,14
W	withdrew 70:19	36:2 63:9 64:2	2025 82:25	80,000 43:5
wait 74:16	73:15,15	64:7 73:8	227 1:14 2:7	46:16,24 47:9
waive 3:9	Witness 82:20	Yogi 80:21	239 54:8	48:3,8 51:16
want 4:16 15:13	words 73:5	Z	240 36:1	53:24 54:10,15
17:21 30:19	work 11:25 12:5	0	25 28:23 48:24	54:23,24
52:10,13,14	15:23 26:16,25	1	25th 26:21	8057 2:11
53:5 59:24	27:3 42:11	10 2:3	27 82:25	843 1:24
66:24 72:9	57:22 58:11	10:14 1:16	273 1:23	9
73:6 74:19	working 11:13	100,000 43:19	27th 41:8	
80:10	30:2,5 35:20	10838 2:3	29204 2:12	
wanted 51:23	world 33:19		29401 2:16	
55:7	wouldn't 31:22		29402 2:16	
	39:6 54:16,23			

900 38:16 39:10
97 32:16

State of South Carolina) In the Court of Common Pleas
County of Williamsburg) Case No: 2014-CP-45-132

South Carolina Farm Bureau Mutual Insurance Company,

Plaintiff,

vs.

Marion L. Driggers, Shiralee Driggers, Tammy D. Floyd, Auther McKenzie, a/k/a Arthur McKenzie, The Travelers Home and Marine Insurance Company, The United States of America acting by and through its agency, The Internal Revenue Service and The South Carolina Tax Commission,

Defendants.

THE DEPOSITION OF MARION L. DRIGGERS

Monday, April 12, 2021
1:33 p.m. - 5:17 p.m.

The deposition of MARION L. DRIGGERS, taken on behalf of the Defendants (Auther McKenzie, a/k/a Arthur McKenzie), was taken before Sharon B. Brock at the Corbin Law Firm, located at 227 W. Evans Street, Florence, South Carolina, on Monday, April 12, 2021.

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1 believe testified, too, under oath that
2 with this particular house, and when I
3 say the house, the house 378 in
4 Williamsburg County in which Mr. McKenzie
5 lived, we'll commonly call the 378 house,
6 okay?

7 A: Uh-huh.

8 Q: The 378 house, you've indicated to the
9 Court in several documents, as well as
10 under oath, that the ownership of the 378
11 house ---

12 A: Yeah.

13 Q: --- really was a family affair, correct?

14 A: That's right.

15 Q: And you indicated that, really, it was a
16 family affair and the ownership really
17 was an LLC called TDF, LLC?

18 A: Right.

19 Q: Is that correct?

20 A: That's my understanding.

21 Q: Why would you not understand?

22 A: That's the way I understand it. That's
23 what my wife told me.

24 Q: And it's your understanding that even
25 though that 378 house is titled in the

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1 name of Tammy D. Floyd, which is your
2 daughter, ---
3 A: Right.
4 Q: --- it really ought to belong in TDF,
5 LLC, correct?
6 A: That's the way I understand it.
7 Q: Who are the members of TDF, LLC?
8 A: I think me, my wife, and I'm not sure if
9 my daughter is listed on it, but she was
10 involved through us getting her in it.
11 I'm not sure on that.
12 Q: Well, of course, when you do an LLC, you
13 have to have a list of the members,
14 because the members receive partnership
15 returns and must file federal income tax
16 -- let me finish, please.
17 A: I hadn't said anything.
18 Q: Okay. You do understand an LLC, given
19 your experience, must have members, the
20 members receive some kind of annual tax
21 information and a tax return must be
22 filed by those members, correct?
23 A: I guess.
24 Q: So, you don't even know the members of
25 TDF ---

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1 A: I'm not sure. I told you who I thought
2 was members.

3 Q: Again, you're speaking over me. Please.
4 And it's your testimony that you really
5 don't even know who the members are of
6 TDF, LLC, correct?

7 A: All I know is what I told you. I told
8 you I believe it is my wife, me, and I'm
9 not sure if it's my daughter, but we
10 included her in the business.

11 Q: Tammy Floyd, your daughter, has she
12 received any kind of distributions from
13 TDF, LLC?

14 A: I have no idea.

15 Q: Who's the managing member of TDF, LLC?

16 A: I would say my wife.

17 Q: So, it's your testimony that, involving
18 this particular 378 house or any other
19 investments with TDF, LLC, you don't even
20 know if your daughter received a
21 distribution?

22 A: I don't.

23 Q: Have you?

24 A: I don't think so. I don't know. It's
25 probably in one of our tax returns.

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1 Q: TDF, LLC, you do not know who the
2 managing member is?

3 A: No.

4 Q: Are you authorized to speak for TDF, LLC?

5 A: I would say. I'm a member. I should be
6 able to.

7 Q: And in this particular lawsuit, you filed
8 numerous, numerous motions and Motions to
9 Reconsider various rulings of judges,
10 correct?

11 A: Right.

12 Q: And I think you indicated that you
13 probably still have an outstanding Motion
14 to Reconsider that the Court has not
15 ruled upon; is that your testimony?

16 A: That's my testimony.

17 Q: And, in fact, you recently filed an
18 additional motion. Well, this motion
19 dated July 26, 2018, it's entitled,
20 "Motion to Revise Cause of Action by
21 Marion L. Driggers and TDF Group."

22 A: Right.

23 Q: What is that?

24 A: That's, I think, when we went ahead with
25 the -- upped the punitive damage and the

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1 A: No, I can't, but Arthur McKenzie has been
2 in litigation claiming to be the owner
3 because he forged the document. He
4 forged it, and Judge Shuler on the order
5 signed stating that you cannot do an
6 assignment, and the judge hadn't
7 acknowledged that, either. I'm still
8 waiting on that.

9 Q: So, your contention is that TDF, LLC
10 really should've been put in that
11 contract back in 1997, correct?

12 A: What do you mean, put in it?

13 Q: In fact, that's the contract there, Mr.
14 Driggers.

15 A: I have a copy. I have a copy.

16 Q: Is that the contract, Mr. Driggers?

17 A: That is the contract, right.

18 MR. CORBIN: IF WE COULD MARK THAT,
19 PLEASE.

20 EXHIBIT NUMBER 5

21 MARKED FOR IDENTIFICATION.

22 A: And acknowledged his signatures on it.
23 His signatures ---

24 Q: Mr. Driggers, just answer my questions,
25 please.

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1 A: Well, I'll tell you, very little, very
2 little. You're not looking at a smart
3 man.

4 Q: Yes, sir. And under that contract, the
5 price was eighty thousand dollars,
6 correct?

7 A: That's correct.

8 Q: And one of your wife's friends had bought
9 this particular property out of a tax
10 sale, correct?

11 A: I -- let me see how that was. I think
12 you're right. I think we bought it in
13 her name.

14 Q: Yes, sir, and she was commonly called a
15 straw buyer?

16 A: I guess you would. We were told that --
17 we had a second mortgage and we were told
18 that if you paid anything on it, it went
19 toward the first mortgage, but I found
20 out later that's not correct.

21 Q: But the derivation or the genesis of this
22 particular 378 house that was put in the
23 name of Tammy D. Floyd, it came through a
24 tax sale and some transactions, correct?

25 A: Yes, through other people. We didn't end

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1 up buying it. We bought it from some
2 people that did buy it. It wasn't
3 represented like you said, that we run in
4 there and had the information withheld
5 from Arthur and run under him and bought
6 it, no, we did not do that.

7 Q: And Elsie Matthews paid twenty-five
8 thousand dollars at the sale for the
9 property?

10 A: I think it was like twenty-five thousand
11 through us, I mean, well ---

12 Q: Through TDF?

13 A: I guess. I don't -- no, that -- I don't
14 know if TDF was, was involved back then.
15 That's been -- we, we talking about way
16 back.

17 Q: We're talking at the time of this
18 contract, April ---

19 A: Well, that's '97.

20 Q: Please let me finish.

21 A: Okay.

22 Q: Okay?

23 A: Uh-huh.

24 Q: We're talking about April 25, 1997. At
25 that point in time, the property had been

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1 bought from a tax sale, correct?
2 A: Callahan bought it.
3 Q: Okay. And it ended up in your daughter's
4 name, Tammy D. Floyd, correct?
5 A: That is correct.
6 Q: And it came through a straw buyer,
7 because you were concerned about, if you
8 bought it yourself, ---
9 A: Right.
10 Q: --- it would apply towards some liens,
11 ---
12 A: Right.
13 Q: --- correct? And the purpose of the tax
14 sale is to wipe out all the liens?
15 A: Everything.
16 Q: So, whatever lien you had, you said you
17 had a lien on the house at that time?
18 A: I don't know if we did. I'm not sure.
19 I'm not sure. We had control of it. We
20 bought it from W.W. Dibble that cleared
21 the title with the tax sale with
22 Callahan, and then we owned it.
23 Q: Yes, sir. Have you told anybody under
24 oath that, in fact, you were concerned
25 that you had a mortgage on the property,

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1 a lien on the property and that if you
2 bid at the tax sale, that would just go
3 to pay off all the liens on the property?

4 A: I'm sure I have.

5 Q: Okay. And you said that under oath,
6 haven't you?

7 A: Yeah, I'm sure I have. I'm sure I've
8 said that.

9 Q: And you're sure that once it went to the
10 tax sale, it wiped out your lien and
11 other people's liens as well, correct?

12 A: I'm sure of that.

13 Q: Okay. So, whatever lien you had on this
14 378 house, you understood that it was
15 wiped clean, correct?

16 A: I guess, yeah, I mean, that -- that's,
17 that's the way it's supposed to be.

18 Q: But you decided to put that lien in this
19 particular contract for some reason,
20 correct?

21 A: I have no idea.

22 Q: And if you put that particular mortgage
23 in this particular contract, you
24 understood ---

25 A: That if we ---

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1 where Billy called and chastised you for
2 not going through with the agreement and
3 doing what you said. I'll, I'll let you
4 look at it if you need to, but we all
5 agreed to this, you included. This is
6 the contract and a judge issued an order
7 contemporaneously with this, and it said
8 that no assignments will be let without
9 the landlord or the other party being
10 involved, Part A of the judge's order.

11 Q: Show me where the contract says that.

12 A: The contract doesn't. The order, it says
13 contemporaneously.

14 Q: And in addition to the eight thousand
15 dollars down payment, did Tammy D. Floyd
16 get that money?

17 A: I have no idea. I would assume we did.

18 Q: Who is we?

19 A: My wife and I, and what she said, TDF.

20 Q: So, the eight thousand dollars was paid
21 to Tammy D. Floyd and given to TDF, LLC?

22 A: I would, I would say it was, now I don't
23 know that. I'm just telling you what I
24 think.

25 Q: Did Tammy Floyd get the money?

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1 Q: Is that true?
2 A: No, I'm through. Go ahead.
3 Q: Are you?
4 A: Move on through, move on.
5 Q: The insurance provision, the purpose of
6 the insurance provision, if you know, was
7 just to cover the balance due on that
8 particular note ---
9 A: That's true.
10 Q: --- with Ms. Gamble, correct?
11 A: That's what it was supposed to be.
12 That's how it started out.
13 Q: And you certainly didn't want -- if, for
14 example, the house burnt and Ms. Gamble
15 owed thirty thousand dollars, for
16 example, on the house, ---
17 A: Uh-huh.
18 Q: --- you certainly didn't expect to
19 receive eighty thousand dollars under the
20 insurance policy, do you?
21 A: Well, if they put it for that, yeah, I
22 do. Whatever I pay the premium for, I
23 do, I mean, wouldn't you? If you paid
24 for a Cadillac, would you want a
25 Chevrolet?

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1 Q: So, if Mr. McKenzie, for example, was
2 charged for these premiums, he would be
3 entitled to the money, wouldn't he?

4 A: Absolutely, if he was charged for it, but
5 that's, that's not so. I don't believe
6 it. I agree with that.

7 Q: No dispute about that?

8 A: No dispute, but I thought, ---

9 Q: Fair is fair?

10 A: --- I thought everybody went through the
11 records. Fair is fair. Listen, I don't
12 want somebody else's money, but I want
13 mine.

14 Q: You want ten million dollars in this
15 case, don't you?

16 A: I put that on there for one reason, to
17 try to scare them or teach them a lesson
18 on, that they should honor South Carolina
19 Law. I don't care about ten million
20 dollars, but I will fight for ten million
21 dollars if I go before the jury.

22 Q: The contract under paragraph 6(a) states,
23 "The seller will notify the buyer of any
24 default in writing and to vacate the
25 premises." Do you have any proof that

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1 Q: So, how did this contract come about, was
2 it ---

3 A: She -- go ahead.

4 Q: How did this contract come about, Exhibit
5 Number 7, was it Tammy D. Floyd's idea or
6 your idea?

7 A: My idea.

8 Q: Did Tammy D. Floyd give you permission to
9 do this?

10 A: Tammy D. Floyd signed it, but if you
11 through, Alice Peterson dealt with Arthur
12 McKenzie. Arthur McKenzie wanted a
13 hundred thousand dollars for the house
14 and she never could get Arthur to do
15 anything, so she went to check at the
16 courthouse to see whose name it was in.
17 It come up under Tammy D. Floyd, so she
18 found out that Tammy was my daughter and
19 she asked me would I be interested in
20 selling it, and I told her it was under
21 litigation, but I said, "I would very
22 much be interested in selling it or my
23 daughter would," because I wanted to get
24 rid of it. It ain't been nothing but a
25 drag on me for twelve years, and she

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1 agreed to go to some government
2 organization, and I told her I was not
3 putting a dime into the house 'til the
4 litigation was over. She said, "Well,
5 I'll fix it up and you can deduct."

6 Q: When did you expect her to pay the fifty
7 thousand dollars?

8 A: I've been expecting her to pay it. She
9 hadn't paid it, so I was trying to wait
10 'til this litigation was over.

11 Q: So, you're the reason she hadn't paid it?

12 A: She, she hadn't never got the people to
13 do the loan. I called her the other day.

14 Q: When did you call her?

15 A: Two weeks ago.

16 Q: Why did you call her?

17 A: I called her, told her she had to do
18 something one way or the other or we was
19 going to have to do -- put her out of
20 there.

21 Q: What did she say?

22 A: She said she was -- had a case settling
23 now and she was going to pay it off.

24 Q: Would the money be paid to Tammy D. Floyd
25 or somebody else?

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1 A: I want what I'm due.
2 Q: Okay. Are you due a hundred and fifteen
3 thousand dollars from Travelers?
4 A: I'm sure or more, a lot more than a
5 hundred and fifteen thousand.
6 Q: Okay, because you've asked for millions?
7 A: Yeah.
8 Q: So, you want all the money, the Travelers
9 money, correct?
10 A: Yeah. I want all of the hundred and
11 fifteen thousand.
12 Q: Let me finish my question, ---
13 A: Okay.
14 Q: --- okay? We all know you want ten
15 million dollars.
16 A: Yeah.
17 Q: Everybody knows that.
18 A: Uh-huh.
19 Q: Okay. You want all the Travelers money
20 ---
21 A: Uh-huh.
22 Q: --- that Arthur paid insurance on that
23 house for the fire loss, correct, you
24 want all of it?
25 A: But he didn't protect me.

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1 Q: Do you want all of it?

2 A: If he -- whatever the house was, whatever

3 he got out the house.

4 Q: You not only want the Travelers money,

5 you also want South Carolina Farm Bureau

6 for the same fire loss damage, correct?

7 A: I do. I do. I want what -- because I've

8 had the expense. If it would've

9 happened, if it would've been paid off in

10 '09, South Carolina Farm Bureau would've

11 never been involved. They would've never

12 been involved. I did not send them

13 anything 'til I absolutely had to; am I

14 correct? Well, you can't get involved.

15 I didn't send anything. If I would've

16 been smart, and Mr. Pritchard has told

17 me, I, I promise you, if I would've been

18 smart, I would've got the Farm Bureau

19 money and said, "The heck with it, don't

20 worry about what's right and wrong."

21 That's what I should've done, but I was

22 stupid. I just didn't realize it would

23 be that crooked a court.

24 Q: What do you mean, a crooked court?

25 A: I'm talking about, it is a bias court.

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1 expense, correct?

2 A: Uh-huh.

3 Q: So, when you said that you have protected
4 Farm Bureau, you mean that, "We had a
5 claim, we paid for the insurance," at
6 least you think you paid for the
7 insurance with Farm Bureau, "it should
8 cover the fire damage to the house, but
9 we decided not to bring it right away,"
10 correct?

11 A: That is correct.

12 Q: And you did that to protect Farm Bureau,
13 correct?

14 A: I didn't do it to protect them, but it
15 ended up being like that. I was trying
16 to not turn in a claim. That's -- I
17 should be well understood.

18 Q: Yes, sir. And is everything you said in
19 this correspondence truthful?

20 A: Well, I'll have to read it. Let me read
21 it.

22 Q: Let me read it to you, "We told you," Mr.
23 Hudson, "and Johnny Matthews that this
24 was a family LLC;" is that true?

25 A: I think so.

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1 Q: So, that family LLC better be in
2 existence at the time of the contract on
3 the 378 house, correct?
4 A: Well, not necessarily. I -- that's what
5 I believed.
6 Q: Okay. "The TDF Group stands for Tammy D.
7 Floyd."
8 A: Yeah, makes sense.
9 Q: And TDF Group better be in existence at
10 the time of the contract, correct?
11 A: It may be, I don't know. Like I said, I
12 -- that's what, what I was told.
13 Q: Okay. And if TDF Group were not even in
14 existence at the time the contract was
15 entered, this statement would be false,
16 wouldn't it?
17 A: It would be.
18 Q: "Mrs. Floyd was our designated owner of
19 this property."
20 A: She was.
21 Q: When you say our, you mean TDF Group,
22 correct?
23 A: TDF Group.
24 Q: It better be in existence at the time of
25 the contract, correct?

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1 A: Not necessarily, it's still legal.
2 Q: If this entity were not in existence and
3 you're representing to the Court ---
4 A: It wouldn't matter. She's a designee.
5 Q: You're sneering again. Let me ask the
6 question. It's rather simple. If you're
7 representing to the Court as a pro se
8 attorney ---
9 A: Uh-huh.
10 Q: --- representing yourself and TDF, ---
11 A: Right.
12 Q: --- you better tell the truth in this
13 document, correct?
14 A: Well, I thought I did.
15 Q: Okay?
16 A: Okay.
17 Q: So, the question is, if it's not
18 truthful, you've got a problem, don't
19 you?
20 A: I don't have a problem.
21 Q: And if TDF Group was not even in
22 existence ---
23 A: I don't have a problem there.
24 Q: If TDF was not even ---
25 A: It don't matter. I don't have a problem.

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1 Q: So, the TDF Group, LLC ---
2 A: Uh-huh.
3 Q: --- organization was October 1, 2008;
4 does that sound about right?
5 A: I don't know. We've been -- now, that
6 don't sound right, I don't think. It
7 ought to be earlier than that.
8 Q: And I was looking for TDF Group, TDF,
9 LLC, TDF Family ---
10 A: It's TDF Group.
11 Q: Let, let -- Again, you're being, not only
12 rude to me, especially rude to the court
13 reporter.
14 A: Okay.
15 Q: So, TDF Group, you're the registered
16 agent, Marion L. Driggers, correct?
17 A: That's it. That's it.
18 Q: Do you dispute that?
19 A: No.
20 Q: So, you were the registered agent for TDF
21 Group, LLC that you've been talking about
22 from day one.
23 A: Uh-huh.
24 Q: Tammy D. Floyd was really functioning as
25 a member of TDF Group, LLC ---

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1 TDF Group, so my ----

2 A: Well, I thought that.

3 Q: --- so my question -- I understand you
4 say you thought it, so my question is,
5 wouldn't you at least agree that was an
6 error?

7 A: That's an error, if it -- if it's done in
8 '08, and I guess it was. That's what it
9 says, but I was going by information I
10 was given.

11 Q: Would you agree it's a misrepresentation
12 to the Court?

13 A: Well, I would say so. It's an error.

14 Q: Would you agree that was your cover story
15 using some other entity besides your
16 daughter to really make it look like you
17 had some kind of claim to get ten million
18 dollars?

19 A: It's irrelevant. It's irrelevant.

20 Q: Wasn't that your cover story?

21 A: It's my daughter. It's my daughter. It
22 was the designee. You were involved,
23 Billy Jenkinson was involved.

24 Q: We've heard the same old song over and
25 over.

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1 Gamble, Ms. Floyd or Mr. McKenzie's
2 estate.
3 A: Well, Ms. Floyd will be fine with me.
4 Ms. Floyd will be fine with me.
5 Q: And you've been held in contempt of court
6 before, haven't you?
7 A: One time.
8 Q: And you thought that judge was corrupt in
9 doing it, correct?
10 A: I did. You know what case that was on or
11 you don't want to know?
12 Q: You've told me everything I need to know.
13 A: Okay.
14 Q: Now, you say you don't know too much
15 about the payments ---
16 A: I don't know anything about it.
17 Q: --- made ---
18 A: I know my wife told me ---
19 Q: Let me -- we all know your wife tells you
20 everything. I want to know what you
21 know.
22 A: He was paying us seven hundred dollars a
23 month, as far as I know. I took some
24 payments at the service station, she took
25 other payments different places, but I

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1 Q: Yeah, it started in '97.

2 A: Yeah, but you got seventy-one hundred
3 dollars payments received in 2000, and
4 that's really good for him. Eighty-four
5 hundred is what it's supposed to be, but
6 we, we really celebrated when we got
7 this, but you look at that record, forty-
8 two hundred, one thousand, seventy-one
9 hundred, forty-eight, sixty-three
10 hundred, and it's supposed to be eighty-
11 four hundred dollars every year.

12 Q: That's if you believe that ledger is
13 correct.

14 A: Well, I believe it's correct. I don't
15 believe my wife -- she might've made a
16 mistake, but she ain't made that many ---

17 Q: Hold on to it, we have lots more.

18 A: Okay.

19 Q: Okay?

20 A: She ain't had that many mistakes.

21 Q: So, you see nothing wrong with this
22 ledger at this point with all these ---

23 A: Not me.

24 Q: --- receipts, okay?

25 A: Not me, that I know something.

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1 Q: Yes, sir. We're going to ---
2 A: I don't.
3 Q: --- dig a little bit deeper.
4 A: There's two sides to every story.
5 Q: Let's look at November 15, 2003.
6 A: 2003, that ain't got no -- all, all I can
7 tell you is we got seventeen hundred
8 dollars that year.
9 Q: 2003?
10 A: 2003. Let's see, I got something that
11 may ---
12 Q: 2001, April 16, 2001 ---
13 A: We got forty-eight hundred that year.
14 Q: Excellent. That's if you believe those
15 figures. Let's check another one, April
16 16, 2001.
17 A: April 16th, 2000 -- all right, I got
18 forty-two hundred that year.
19 Q: Are you still willing to -- Do you
20 believe that ledger is accurate?
21 A: I'm pretty sure it is, I mean, I, I don't
22 know. My wife is not a dishonest person.
23 I think she -- she's made mistakes and
24 all, but now if you asking me do I know
25 anything about them, I can honestly tell

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1 you I do not. I don't get involved in
2 the bookwork. I work, I get out and
3 work. That's why I fight for what I got,
4 but see, here's something that's
5 confusing.

6 Q: You're confused, Mr. Driggers?

7 A: Yeah. No, this is -- what I got is
8 confusing.

9 Q: Is it about the ledger, yes or no?

10 A: It's about where we notified -- Billy
11 Jenkinson notified Gamble that they were
12 a amount due as ninety-seven thousand
13 dollars in February the 9th, 2005.

14 Q: Excellent.

15 A: That's confusing, you know, that's a
16 lawyer. We had a four-thousand-dollar
17 receipt, too.

18 Q: Yes, sir.

19 A: Uh-huh.

20 Q: Got any missing receipts?

21 A: Huh?

22 Q: Do you have any missing receipts?

23 A: I got one that he blamed, saying that ---

24 Q: Sir, I asked you a question.

25 A: Have I got any?

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1 Q: Listen, if you don't have any ownership
2 interest in the property, you're out of
3 this lawsuit, aren't you?
4 A: What?
5 Q: If you have no ownership interest in the
6 378 house, you're out of this lawsuit,
7 you have no standing?
8 A: Do you think, do you think ---
9 Q: Answer the question.
10 A: What? I'm not out of it.
11 Q: If you have no ownership interest in ---
12 A: I'm not out of it.
13 Q: Let me ask the question.
14 A: I'm not out of it.
15 Q: Okay. If you'd have no ownership
16 interest in the 378 house, you have no
17 standing for anything to claim anything
18 in this case, correct?
19 A: You'll see. My daughter is on it and I
20 believe we were in a partnership.
21 Whether it was TDF or not, you have a
22 right to do a family partnership or
23 whatever.
24 Q: So, now it's a partnership?
25 A: Well, whatever, whatever it is, she was a

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1 part of our family. You knew when we
2 designated her, you knew when that Liza
3 Gamble was designated, Billy Jenkinson
4 knew, and Duane Shuler knew. Everybody
5 knew the contract deal. Why didn't you
6 object to the judge putting that in there
7 about sending it to the magistrate?

8 Q: Again, you're asking questions.

9 A: Uh-huh, I want an answer.

10 Q: You understand it's inappropriate, but
11 you keep on doing it.

12 A: Go ahead.

13 Q: Do the rules mean anything to you?

14 A: What?

15 Q: Do the rules mean anything to you, ---

16 A: It does.

17 Q: --- especially when you're acting like a
18 lawyer, ---

19 A: It does.

20 Q: --- especially for yourself and TDF
21 Group?

22 A: Well, I'm not acting like a lawyer today.
23 I'm acting like a deponent, because y'all
24 refuse to do it.

25 Q: So, the bottom line is, if you have no

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1 ownership interest in the house, and I
2 understand you use this TDF Group, not in
3 existence, whatever excuse you want to
4 use, ---

5 A: Uh-huh.

6 Q: --- that wouldn't you at least agree in
7 fairness if you have no ownership
8 interest in that house, you have no claim
9 against anybody?

10 A: I don't agree. I'm going to see what the
11 jury says. I don't agree. I don't
12 agree.

13 Q: Do you have an ownership interest ---

14 A: That's why you have lawsuits.

15 Q: Yes, sir. Do you have an ownership
16 interest in the house?

17 A: I feel like I do, because we the one that
18 bought it, and my daughter, it's in her
19 name and all. You said names didn't mean
20 nothing. Liza Gamble, you, you know,
21 Arthur McKenzie is the one that claimed
22 it.

23 Q: Mr. Driggers, it really doesn't make any
24 difference. That's between Tammy D.
25 Floyd and you. If you wanted to buy a

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1 piece of property and put it in her name,
2 you're not an owner.

3 A: I agree.

4 Q: That's between your wife and you, I mean,
5 between your wife and you and your
6 daughter.

7 A: If you sign an illegal assignment, you're
8 not a ---

9 Q: Fine and dandy, Mr. Driggers, just answer
10 the question. If you gave your daughter
11 money to do this transaction and out of
12 the goodness of your heart, you put the
13 title in her name, that's between Tammy
14 D. Floyd and you, not anybody else in the
15 world, is there? You have no ownership
16 interest.

17 A: You was involved in that thing.

18 Q: Just answer the question. You're not an
19 owner.

20 A: I am telling you I am involved.
21 Everybody knows I'm ---

22 Q: Sure, you're involved.

23 A: Well, we'll get Billy Jenkinson and Duane
24 Shuler. I'll have -- get my wife to ask
25 Mr. Pritchard.

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1 Q: Do you understand the question?
2 A: Yeah, I understand it, and I'm involved,
3 ---
4 Q: Excellent.
5 A: --- because that is my family.
6 Q: Are you going to state under oath that
7 you're ---
8 A: Go ahead.
9 Q: Are you going to state under oath, under
10 the penalty of perjury, that you're an
11 owner of the house on 378; are you an
12 owner?
13 A: No, I don't own it.
14 Q: Okay.
15 A: I don't own it, but listen, how about
16 Arthur and Liza?
17 Q: Who owns it?
18 A: Tammy D. Floyd.
19 Q: Anybody else?
20 A: Not that I'm aware of.
21 MR. HUDSON: I WANT A LITTLE BREAK
22 HERE.
23 *****OFF THE RECORD*****
24 (ON THE RECORD.)
25 MR. CORBIN CONTINUES:

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1 and ---

2 Q: Let me ask you a question. This is not
3 your chance to sit there and ---

4 A: Okay.

5 Q: ---ruminates about everything in the world
6 that bothers you.

7 A: Go ahead.

8 Q: Don't have time for that.

9 A: Go ahead.

10 Q: Let me start over. It states, "The
11 Driggers and Ms. Floyd charged me for the
12 Farm Bureau Insurance policy. The
13 insurance policy was supposed to cover
14 the balance I owed under the contract if
15 the house got damaged by fire or bad
16 weather. If Farm Bureau pays the
17 Driggers and Ms. Floyd more than the
18 balance I owe under the contract, I think
19 they should give me a clear title to the
20 house and pay the extra money to me,"
21 wouldn't you agree if the insurance
22 proceeds pay off the note?

23 A: If he paid the insurance, he should have
24 paid the insurance, because, I mean, I, I
25 don't think he did. He didn't pay his

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1 bills.

2 Q: But if he paid the insurance, the money
3 should go to him, shouldn't it?

4 A: What? No. No, it's still -- he was
5 obligated to keep my debt covered. Why
6 should it go to him?

7 Q: So, listen to the question. I know it's
8 kind of hard for you to focus on the
9 question.

10 A: It is.

11 Q: Okay, and I'll read it to you again.

12 A: All right, read it.

13 Q: Okay?

14 A: Uh-huh.

15 Q: Focus. "If Farm Bureau," and assume this
16 fact to be true that this ---

17 A: No, I don't make any assumption on that,
18 not what he wrote.

19 Q: Yeah. Well, we'll find out about what's
20 in the, I mean, your wife just testified
21 that she charged Arthur for the South
22 Carolina Farm Bureau policies.

23 A: Well, get her.

24 Q: Okay?

25 A: Her lawyer is right here, get her.

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1 Q: Just listen to the question.
2 A: Okay.
3 Q: Okay?
4 A: I gotcha.
5 Q: If you don't mind.
6 A: I'm listening.
7 Q: "If Farm Bureau pays the Driggers and Ms.
8 Floyd more than the balance I owe under
9 the contract," since he was charged for
10 the contract, "I think they should give
11 me a clear title to the house if it pays
12 off the note," and the extra money, if
13 any, should go to him; do you disagree
14 with that?
15 A: If I get all the money, he can have that
16 house, his family can.
17 Q: Listen to the question. I know you want
18 all the money. You want all the money.
19 A: Oh, no.
20 Q: You made that clear.
21 A: No. No.
22 Q: So, focus.
23 A: No, I'm listening.
24 Q: If the insurance proceeds pays off the
25 note, whatever is proven to be owed,

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1 okay, assume that, the insurance company
2 pays off your note, at that point in time
3 the title would go to Mr. -- well, it'd
4 really go to Liza Gamble, wouldn't it?

5 A: Well, that's, that's who the legal,
6 that's who the legal thing is in.

7 Q: So, just answer yes or no. If the
8 insurance ---

9 A: So, you saying he didn't do it.

10 Q: Listen to the question, please, Mr.
11 Driggers.

12 A: All right. Go ahead, go ahead, go ahead.

13 Q: And you are the rudest deponent I've ever
14 had.

15 A: I, I don't doubt that.

16 Q: You win the prize.

17 A: I don't doubt it.

18 Q: Okay?

19 A: You're the rudest lawyer I've ever seen.

20 Q: Yeah. I've been very respectful to you.

21 A: You have, you have.

22 Q: Focus on this. If the insurance proceeds
23 pays every dime that is owed under the
24 note and there's an excess, wouldn't you
25 agree that the title of the house would

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1 be transferred to Liza Gamble, ---
2 A: If it would've ---
3 Q: --- because the note was paid?
4 A: If it would've happened in '09, I'll
5 agree, but it didn't happen in '09.
6 Q: Listen to the question.
7 A: I have been paying taxes. Listen to me
8 now. I've been paying taxes since '09.
9 Why didn't Arthur pay them, his contract
10 ---
11 Q: Well, why did you file your claim?
12 A: '09, his -- he broke the contract.
13 Q: So, I know you don't want to answer the
14 question ---
15 A: What?
16 Q: --- because it's pretty simple, it's
17 simple.
18 A: If it would've happened in '09, he
19 would've owned it.
20 Q: Let's say it happened today, let's take
21 ---
22 A: It's not going to happen.
23 Q: Okay. If the insurance company pays
24 every dime that's owed under that
25 contract to the rightful person, wouldn't

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1 become involved with Arthur, I mean, why
2 and how?

3 A: I have no idea, probably trying to make
4 money on it. He was good at that.

5 Q: Did he kind of give people legal advice
6 even though maybe he's not a lawyer?

7 A: I don't know that he gave them legal
8 advice, but he advised him on that
9 insurance, you know, telling to turn
10 Travelers in as us involved or Tammy
11 involved on Travelers, 'cause he told me
12 that. He said he told Arthur that he
13 better turn it in, you know, because
14 Arthur didn't list us, and I don't know
15 if Shiralee told you, but when she talked
16 with that Tina Kennedy, she offered to
17 add us on to the policy, why she didn't,
18 I don't know.

19 Q: Say that again now.

20 A: Tina Kennedy, the investigator.

21 Q: Right.

22 A: She said -- well, Shiralee told me that
23 she asked her, "Would you like" ---

24 Q: Shiralee asked Tina Kennedy?

25 A: No, Tina asked Shiralee ---

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1 Q: Tina asked Shiralee, okay.
2 A: --- if she wanted ---
3 Q: Go ahead.
4 A: --- her to see that she got added on, and
5 Shiralee told her she didn't know, and I
6 said, "Why did you tell her that?" If
7 she would've added her on there, there
8 wouldn't have been any question, you
9 know, other than the ---
10 Q: So, Tina Kennedy effectively, for the
11 Travelers, effectively offered to ---
12 A: Right, after she ---
13 Q: --- Shiralee, ---
14 A: Right.
15 Q: --- your wife, to add y'all to, ---
16 A: To the policy.
17 Q: --- to the Travelers policy ---
18 A: The Travelers policy.
19 Q: --- as a lienholder?
20 A: As a lienholder, because she had just
21 come from, you know, I think Shiralee
22 told her about the situation with Tammy
23 and all that and that's when they
24 discussed it, and like with WW Dibble,
25 we, we should've -- she should've done

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1 that. She should've had it done, but now
2 Tina did go back and did a paper, and I,
3 I sent all of y'all a copy of it about
4 where she said she had put the PB on
5 notice, which is whoever. I don't know
6 who that is, and he said that the
7 Driggers have already been taken care of.

8 Q: The PB?

9 A: I don't know who PB would be, but I got
10 that paper here somewhere. I thought
11 y'all had it.

12 Q: You can't put your hands on that, because
13 my next questions would be all the
14 conversations you had with the Travelers
15 agents.

16 A: We actually -- I don't know that we had
17 any conversation with -- Shirlee said she
18 talked with the guy, Alexander, but I
19 don't -- I've never talked with any of
20 them, 'cause I just thought they were
21 going to have to send us our money,
22 wrong.

23 Q: Well, tell me again while you're looking
24 for that particular PB document, again,
25 the conversation that Tina Kennedy ---

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1 A: She asked ---

2 Q: --- expressed.

3 A: She asked Shiralee if she wanted her or
4 us to be added on to the policy, and
5 Shiralee said, well, she didn't really
6 know, and she probably didn't, but I
7 would've told her to do it, but at any
8 rate, you going to have her in, but I
9 know I got the paper that states that and
10 it's got ---

11 Q: And what did Tina Kennedy say after that,
12 I guess, if Shiralee said she didn't
13 know, what, ---

14 A: I don't know.

15 Q: --- what would Tina Kennedy's response?

16 A: She said, well, she was going to put us
17 on, put Travelers on notice ---

18 Q: Her carrier, Travelers?

19 A: --- that we had -- right, we had a lien
20 or Tammy did.

21 Q: Y'all had the interest in the property?
22 Did she know about the Farm Bureau
23 policy?

24 A: Did ---

25 Q: Tina Kennedy know about the Farm Bureau

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1 property ---

2 A: I don't know.

3 Q: --- at the same time ---

4 MR. PRITCHARD: OBJECT TO FORM.

5 Q: --- she was making that representation?

6 A: I don't know.

7 MR. PRITCHARD: OBJECT TO FORM.

8 A: I don't know. Well, Shiralee testified
9 that she didn't say anything to her, and
10 I don't know when or where. I would say
11 that the thing come in about the same
12 time Wayne, when Wayne went to the fire.
13 I would say that's when they found out,
14 somebody probably did. I had that thing
15 right on top, but that was the
16 conversation. Now, I, I wasn't in on it,
17 I wasn't there, but she -- 'cause I asked
18 Shiralee and I said, "Well, as long as
19 you got us on notice that means we
20 there."

21 Q: But you, yourself never talked to
22 Travelers and told, ---

23 A: Travelers, Tina or anybody.

24 Q: --- told them about the Farm Bureau
25 policy?

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1 A: No. I, I didn't talk to anybody about
2 it, 'cause I didn't know nobody up there
3 to talk to, and I didn't call. I didn't
4 get involved. Edward, I think, was
5 involved in all of it then. Now where
6 is my paper? Y'all should have a copy of
7 that, though, 'cause I sent it two or
8 three times to the judge.

9 Q: While you're looking again, while you're
10 looking, can you tell me any other times
11 you talked with Travelers agents, either
12 Tina Kennedy or Ted Alexander?

13 A: None, none, never. I didn't talk with
14 any of them, my wife briefly, and I think
15 after that, she told me that Ted
16 Alexander called her or she called him, I
17 don't know which. I'll have to get you a
18 copy. I don't know where the thing is
19 at, but that's the gist of what I know,
20 but I had no representation or talking
21 with her at all or Ted Alexander. I must
22 be bypass that thing, but anyway, there
23 is a paper. I might not can pull it up,
24 but there is a paper that Tina Kennedy
25 acknowledges that Travelers was aware of

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1 it and she made it to a PB, that's all I
2 know. It says, "I discussed it with the
3 PB and he stated that they were already
4 taking care of it."

5 Q: Okay. Well, that document, if you ---

6 A: I can get it for you.

7 Q: --- can continuing looking for it, and
8 when you find it, send it to all of us
9 would be great or email it, whatever.

10 A: Well, everybody should have it.

11 Q: Well, that's fine. We'll look for it as
12 well.

13 A: I sent it to Judge Curtis every time I
14 sent her a note, but I've got it in here
15 somewhere, I'm just overlooking it.

16 Q: The Land Sales Contract, from your
17 testimony, it sounds like that you didn't
18 handle any insurance. You never advised
19 anybody at Farm Bureau of the Land Sales
20 Contract with Arthur McKenzie?

21 A: The, the Land Sales Contract?

22 Q: Yeah.

23 A: You talking about back in '85?

24 Q: Rent to buy or whatever you want to call
25 it, yeah.

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1 A: I hadn't, I hadn't talked with anybody,
2 to tell you the truth on it, not with --
3 actually, Shiralee dealt with Farm Bureau
4 pretty much all the way and I don't know,
5 like I said, on anything on it, but
6 that's the, that's the deal that Tina
7 Kennedy assured my wife or so she says,
8 this is secondhand, that she would have
9 it turned in, and she did, evidently,
10 'cause we have, we have the, the thing.
11 I, I got it through some kind of thing.
12 Here it is right there. I knew I had it.
13 Read that in yellow.

14 Q: Okay. I believe I have seen this, but
15 I'll have to put my hands on it.

16 A: Yeah, you got it.

17 Q: Maybe I didn't read it. The print is so
18 little, I probably didn't read it.

19 A: Yeah, you probably didn't, but you got
20 it. He's got a magnifying glass.

21 Q: Yeah.

22 MR. CORBIN: I HAD A MAGNIFYING
23 GLASS.

24 A: See if you can read it, Daryl.

25 MR. HUDSON: WE'LL MARK THAT.

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EXHIBIT NUMBER 22
MARKED FOR IDENTIFICATION.
COURT REPORTER: TWENTY-TWO.
A: You can have that one, I got another one.
Q: All right. We got another one, that's
great. I might show it to Ed over there.
MR. CORBIN: YOU WANT ME TO READ
WHAT IT SAYS?
MR. HUDSON: YEAH, IF YOU WANT TO,
GOOD. YOU'VE GOT THE
MAGNIFYING GLASS.
MR. PRITCHARD: I HATE TO SAY IT, BUT
WE'RE ALL THERE NOW.
OH, MY GOSH.
MR. CORBIN: THE YELLOW HIGHLIGHTED
PARTS STATE AS FAR AS
I CAN DECIPHER THE
LANGUAGE, "Q&O
INVESTIGATION IS
ONGOING AND I THOUGHT
TINA KENNEDY WAS
ASSISTING WITH THE
REMAINING PART OF OUR
INVESTIGATION. I ALSO
ASKED THE P8."

1 MR. DRIGGERS: IT'S PB OR P8 OR
2 SOMETHING. I DON'T
3 KNOW WHAT IT IS.
4 MR. CORBIN: I ALSO ASKED THE PB
5 ABOUT THE MORTGAGE
6 WITH SHIRLEY
7 (SHIRALEE) DRAGGERS.
8 HE SAID THAT HAS BEEN
9 TAKEN CARE OF. I
10 ADVISED WE WERE NOW ON
11 NOTICE OF THE
12 MORTGAGE. AFTER THE
13 CALL, SHIRLEY
14 (SHIRALEE) DRIGGERS
15 LEFT A VM," VOICEMAIL.
16 "TELEPHONE NUMBER IS
17 843-383-4468."
18 MR. DRIGGERS: 389, 389-4468.
19 MR. CORBIN: THAT'S THE NUMBER, AND
20 THAT'S ---
21 MR. PRITCHARD: CAN I LOOK AT THAT
22 JUST FOR A SECOND?
23 MR. CORBIN: DO YOU THINK THAT'S A
24 PB OR A P8 OR WHAT DO
25 YOU THINK THAT IS?

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1 MR. DRIGGERS: I TRIED TO FIGURE IT
2 OUT. IT'S, IT'S PB, I
3 THINK, BUT I DON'T --
4 WHAT WOULD THAT ---
5 MR. PRITCHARD: I MEAN, I AIN'T GOING
6 TO DECHIPHER IT.
7 MR. DRIGGERS: WHO WOULD THAT BE?
8 THAT WOULD BE THE --
9 IT'D HAVE TO BE TED
10 ALEXANDER OR SOMEBODY
11 OR IT WOULDN'T BE THE
12 LAWYER, NOT PB.
13 MR. HUDSON: "I ALSO ASKED THE PB
14 ABOUT THE MORTGAGE
15 WITH SHIRLEY
16 (SHIRALEE). HE SAID
17 THAT HAS BEEN TAKEN
18 CARE OF," MUST BE
19 TALKING ABOUT MCKENZIE
20 IS ALL I CAN THINK,
21 PB, WHATEVER THAT IS.
22 THAT'S MY GUESS.
23 MR. PRITCHARD: IT'S P8 OR PB.
24 MR. HUDSON: THAT WOULD BE A
25 LOGICAL THING, BUT I'M

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1 NOT SURE. I'M NOT
2 EVEN SURE IT'S PB.
3 MR. DRIGGERS: I CAN'T IMAGINE WHO IT
4 IS.
5 MR. PRITCHARD: IT'S A MORTGAGE, AND
6 THAT COULD BE PH,
7 POLICYHOLDER, ABOUT
8 THE MORTGAGE WITH
9 SHIRLEY (SHIRALEE)
10 DRIGGERS. THAT WOULD
11 MADE SENSE, "I ALSO
12 ASKED THE POLICYHOLDER
13 ABOUT THE MORTGAGE
14 WITH SHIRLEY
15 (SHIRALEE) DRIGGERS.
16 HE SAID THAT HAS BEEN
17 TAKEN CARE OF."
18 MR. HUDSON: THIS IS TRAVELERS
19 TALKING NOW.
20 MR. PRITCHARD: YEAH, BUT ARTHUR WOULD
21 BE THE POLICYHOLDER.
22 MR. HUDSON: RIGHT. RIGHT.
23 MR. PRITCHARD: THAT'S WHO I THINK
24 HE'S REFERRING TO. I
25 THINK HE'S REFERRING

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1 TO ARTHUR. HE SAID
2 THAT'S BEEN TAKEN CARE
3 OF.
4 MR. DRIGGERS: WELL, I DON'T KNOW
5 WHAT HE'S CONSIDERING,
6 BUT, I MEAN, SHE WAS
7 PUTTING THEM ON
8 NOTICE, SO THEY ARE ON
9 NOTICE, TRAVELERS.
10 MR. PRITCHARD: DON'T, DON'T ASK ME TO
11 GET BEHIND ARTHUR, I'M
12 JUST ---
13 MR. DRIGGERS: NO, YOU'RE ---
14 MR. HUDSON CONTINUES:
15 Q: Okay. While we're on that, on that
16 Travelers Number 22 with our trying to
17 decipher, interpret what it said, did you
18 have any other contact with Travelers ---
19 A: I didn't have any.
20 Q: --- at any time?
21 A: This, this came through some
22 documentation that y'all got, you know,
23 where ---
24 Q: Right.
25 A: What's his name, his lawyer, Davis, he,

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1 if she would've received anything.

2 Q: All right. And you've really not read
3 the subject Farm Bureau policy or
4 Travelers policy, really, yourself?

5 A: No. Well -- well, wait, let me see. I
6 may have brushed through it. Somebody
7 sent us a copy, you or either Travelers
8 and you and I may have brushed through it
9 or something, but I didn't really sit
10 down and read it.

11 Q: You would've had one, ---

12 A: I had copies.

13 Q: --- from that EUO.

14 A: I had copies. I was aware, I mean, y'all
15 made me aware of what the policies were,
16 both of you, Travelers and -- or maybe
17 you did, I don't know, Travelers and Farm
18 Bureau.

19 Q: Okay. It looks like, also, in the record
20 that we have, and there's a lot of
21 questions about payments and things like
22 that, that Arthur McKenzie has -- and I
23 think he signed an affidavit to that
24 effect that he's paid a lot more money on
25 this Land Sales Contract than he's being

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1 given credit for. What do you know about
2 that and did you ever talk to ---

3 A: All I know ---

4 Q: --- McKenzie about it?

5 A: Well, I know that Billy Jenkinson sent
6 this out. He was the last -- 2004, he
7 owed ninety-seven thousand, two hundred
8 and eighty-two dollars and he never
9 responded, but Shiralee, we didn't go on
10 through with it and evict him. That's
11 what we should've done then.

12 Q: That was when?

13 A: That was -- well, I'm going to let you
14 read it and I'll need that back. I may
15 have another copy, but you can ---

16 Q: All right. You just handed me a letter
17 dated February 9th, 2005 from Billy
18 Jenkinson's office to Arthur McKenzie and
19 Lisa Gamble?

20 A: Right.

21 Q: All right. Okay. And you're saying that
22 states his amount, I'm reading here. It
23 has a balance of ninety-seven thousand,
24 two hundred and eighty-two and twenty-
25 four cents?

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1 A: That was at the end of '04.
2 Q: End of '04?
3 A: Right.
4 Q: Yeah. Right, it does say that. All
5 right. And it provided in that letter an
6 itemization ---
7 A: Yeah.
8 Q: --- of the payments and that's on the
9 third page here?
10 A: And he did, he did get a copy of the
11 stuff and he never rebutted it. He
12 carried it to Wilbur Brown, and Wilbur
13 Brown told him he better be satisfied
14 with that figure, and Arthur, he must've
15 been, 'cause he kept paying or kept
16 paying some.
17 Q: Would Arthur McKenzie come by your
18 station and make payments?
19 A: He has.
20 Q: All right. Would y'all carry on
21 conversations about the balance and
22 delinquencies and anything else about the
23 property?
24 A: I -- not, not very seldom. He, he did
25 business with me and all, and like I

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State of South Carolina) In the Court of Common Pleas
)
 County of Williamsburg) Case No: 2014-CP-45-132

South Carolina Farm Bureau Mutual Insurance Company,

Plaintiff,

vs.

Marion L. Driggers, Shiralee Driggers, Tammy D. Floyd, Auther
 McKenzie, a/k/a Arthur McKenzie, The Travelers Home and Marine
 Insurance Company, The United States of America acting by and
 through its agency, The Internal Revenue Service and The South
 Carolina Tax Commission,

Defendants.

THE DEPOSITION OF SHIRALEE DRIGGERS

Thursday, April 15, 2021
 10:03 a.m. - 1:16 p.m.

The deposition of SHIRALEE DRIGGERS, taken
 on behalf of the Plaintiff, was taken before
 Sharon B. Brock at the Corbin Law Firm,
 located at 227 W. Evans Street, Florence, South
 Carolina, on Thursday, April 15, 2021.

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1 Q: So, you were married to Mr. Driggers at
2 that time when you went home and started
3 your own business as a tax return and
4 rental properties and things associated
5 with rentals?

6 A: Yes, sir.

7 Q: Okay. Well, tell me what the rentals job
8 duties entailed, kind of be as specific
9 as you can, and if it evolved, you know,
10 just start at the beginning and tell me
11 about that.

12 A: If I'm not too far off, I think we
13 started buying property in the '80s.

14 Q: Okay.

15 A: Okay. And it would involve getting it
16 fixed up, ready to rent.

17 Q: Would you be doing it for any other folks
18 other than you, your husband and/or your
19 family members?

20 A: No.

21 Q: Just personal?

22 A: Just personal.

23 Q: Not commercially, you weren't advertising
24 to the general public rental services?

25 A: Not a property manager.

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1 Q: Or a property manager. All right. So,
2 during that rental, and we'll call it
3 property management as well, because
4 that's what you're talking about, you're
5 mainly dealing with rental properties and
6 maintaining those rental properties?

7 A: That's right.

8 Q: That would be correct? Were you also
9 selling real estate, I mean, would y'all
10 sell things if folks came along and
11 offered you something, would you sell it?

12 A: We sure would.

13 Q: Did you sell, frequently, pieces of
14 property as opposed to just renting them?

15 A: Sold some.

16 Q: What percentage would you say you sold
17 out of the properties that you generally
18 handled?

19 A: One percent.

20 Q: One percent? So, it was primarily a
21 property management rental business?

22 A: Rental business.

23 Q: Okay. And what did you do with your job
24 duties with that, what were you
25 responsible for in that property

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1 management business?

2 A: Everything.

3 Q: Okay. Tell me what everything is.

4 A: Well, buying a piece of property, getting
5 it ready to rent, renting the piece of
6 property, then collecting the rent on the
7 piece of property, doing any repairs that
8 was called in while people lived in it.
9 We prepared the leases for them, in
10 general, just managing the property.

11 Q: Okay. So, it sounds like y'all would go
12 out and buy rental properties or
13 properties that you were going to rent?

14 A: That's right.

15 Q: Even though there might be some fixing
16 up, work to get them suitable?

17 A: Always.

18 Q: And would you be involved in the closing
19 with the closing attorney and all the
20 legal matters and documentation involved
21 with the purchase?

22 A: If that were the case, yes, sir.

23 Q: Would your husband, Marion Leroy
24 Driggers, would he be involved as well,
25 both of you or just one of you or

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1 Q: All right. And how was it titled at that
2 time, Mr. McKenzie's name?
3 A: Possibly so.
4 Q: Okay. And y'all had a mortgage?
5 A: Mortgage.
6 Q: Okay. Were y'all the mortgagors or was
7 it an independent mortgagor? And I'm
8 trying to get the ownership interest
9 squared away sequentially because so many
10 things have happened with it. I'm going
11 back to, what was the legal arrangement
12 with you and Mr. McKenzie and was it a
13 rental contract, was it a Land Sales
14 Contract or whatever at the time it was
15 sold for taxes?
16 A: It was a mortgage on his house.
17 Q: Y'all were the mortgagors, McKenzie was
18 the mortgagee?
19 A: Yes.
20 Q: So, y'all had loaned Mr. McKenzie money
21 on a property that he owned and he was
22 paying you mortgage payments?
23 A: Yes, sir.
24 Q: You were not on a Land Sales Contract?
25 A: No.

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1 Q: What were those mortgage payments back
2 then under that arrangement, what were
3 they?

4 A: I think it was seven hundred dollars a
5 month.

6 Q: Still seven hundred? Pretty much, been
7 seven hundred or pretty close to it the
8 entire many years of this relationship
9 and arrangement with Mr. McKenzie; is
10 that right?

11 A: Probably.

12 Q: Okay. The property was in what name at
13 that time, McKenzie?

14 A: I think so.

15 Q: Okay. It's been in several names and I
16 was just trying to go back and see what
17 you remembered about the records and the
18 different names it's been in. I think he
19 had a girlfriend or two involved, it
20 seems like, different times. Who took
21 out the insurance policy with Farm
22 Bureau, you or Mr. Driggers or both of
23 you, whatever? And I'm going to show you
24 Exhibit Number 3, it's two pages and I
25 think you've identified it, and as best

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1 A: Never claimed to have expertise. The
2 know how is just from previous contracts.

3 Q: Well, how did you do the first one?

4 A: Probably had somebody do it for me.

5 Q: A lawyer?

6 A: Yes.

7 Q: You don't remember who that might've
8 been?

9 A: No, maybe Sam Floyd's law office in
10 Kingstree.

11 Q: Exhibit Number 3, I think, when you got
12 insurance on that, you were insuring the
13 house, right, ---

14 A: Yes, sir.

15 Q: --- as owner?

16 A: Yes, sir.

17 Q: And did you advise Mr. Feagin that you
18 had a Land Sales Contract or that it was
19 being sold and there was a rent to own
20 arrangement of any sorts at the time?

21 A: Did not ask. All I had to ask was for
22 them to put insurance on it.

23 Q: So, you didn't read the application
24 really before you signed it. I would
25 assume that you didn't read the insurance

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1 policy either?

2 A: No.

3 Q: Okay. Have you since read the insurance
4 policy?

5 A: No.

6 Q: Okay. Do you remember being involved
7 with the order of Judge Shuler's, which
8 really kind of incorporated a contract
9 with Mr. McKenzie in the '90s about
10 insurance being taken out and who was
11 responsible for it and what the payments
12 would be on the Land Sales Contract and
13 the default provisions; do you remember
14 reading that?

15 A: I didn't do that.

16 Q: Well, as the exhibit showed -- I didn't
17 mark that. Have you reviewed that
18 lately? I'm going to show it to you. I
19 don't believe we've actually -- this is
20 actually Exhibit 5 in Mr. Driggers'
21 deposition that we started Monday. This
22 is what I'm talking about. It's a
23 Contract For Sale and Purchase, and it
24 looks like on page nine of that contract,
25 you tell me if you recognize that

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1 A: Never did.

2 Q: All right. So, you're saying Wayne
3 McKenzie called you and said, "Looks like
4 there's been a loss here because",
5 whatever, and indicated, "If you want to
6 make a claim," whatever, and you, what
7 you just told me, y'all did not desire to
8 make a claim, maybe later, but not then,
9 you're weren't making a claim?

10 A: That's right.

11 Q: Going to try to get it from the other
12 company, which turned out to be Travelers
13 Insurance Company?

14 A: That's right.

15 Q: Did you ever have any discussions at all
16 concerning this loss with Travelers
17 Insurance Company during the time of
18 adjustment by Travelers of the fire loss?

19 A: I did.

20 Q: Okay. Tell me about that, who you talked
21 to and what was said.

22 A: Ms. Tina Kennedy came to my office.

23 Q: About when, if you'll kind of keep me
24 straight with the dates the best you can,
25 month and year would be great. Month and

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1 year would be great.

2 A: I don't know. I'm sure it was right
3 after the fire, because I had just heard
4 about the fire, I mean, you know, it
5 wasn't what, like two days or whatever.

6 Q: I think the fire was November of '09, as
7 I recall.

8 A: Yeah, so she, she had to be there in
9 November, you know.

10 Q: You think it had to be that same month in
11 '09, not '010, but '09?

12 A: Yeah, because she was on her way to go to
13 check the fire, so I'm sure it wouldn't
14 have been two or three months after he
15 reported it, would it? No.

16 Q: So, she hadn't even been to the fire loss
17 scene, yet?

18 A: Apparently not.

19 Q: So, how did y'all happen to be talking?

20 A: She came to the office because she had
21 seen our mortgage at the courthouse,
22 because they did research on it.

23 Q: So, before she went out there to actually
24 observe the premises, ---

25 A: She came ---

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1 Q: --- the fire damages, she went to the
2 courthouse and did an adverse check, is
3 what we call it, ---

4 A: Yeah.

5 Q: --- in the records in the courthouse.

6 A: Apparently, so I don't know how she got
7 it. I don't know if she went or went
8 online, whatever.

9 Q: How did she get your name, Land Sales
10 Contract ---

11 A: Yeah.

12 Q: --- and the order of Judge Shuler?

13 A: The Land Sales Contract.

14 Q: Okay. Probably both, probably both on
15 the records, but okay. So, that's where
16 she got it, you're pretty sure?

17 A: I'm pretty sure.

18 Q: Of course, that contract doesn't mention
19 Farm Bureau. Did she tell you that she
20 was in touch, going to be in touch with
21 Farm Bureau, South Carolina Farm Bureau?

22 A: No.

23 Q: Did you tell her about South Carolina
24 Farm Bureau's policy?

25 A: I don't remember.

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1 A: With Ms. Tina?
2 Q: Yeah, Kennedy. She's changed names and I
3 can't even remember what it is. She got
4 married or divorced or something, but
5 anyway.
6 A: Okay.
7 Q: Yeah, we'll call her Ms. Kennedy. At
8 that time she was, I believe.
9 A: Okay. She came to the office and she
10 asked me about, Arthur, was he current in
11 his payments, "Did you do this, did you
12 do that" and all that stuff, and she said
13 that we were not listed on the policy,
14 but she had information that we were
15 mortgage holders on it and did I want to
16 be listed.
17 Q: She had information, what? I didn't
18 understand.
19 A: That we were mortgage holders on the
20 property.
21 Q: Okay.
22 A: Okay.
23 Q: All right.
24 A: Yeah. So, I told her if we needed to be,
25 we could be, if it was going to hold

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1 A: I talked with a Ted Alexander, too, by
2 telephone, but I don't remember our
3 conversation, I just know he called to
4 verify some things and ---

5 Q: So, you talked with Ted Alexander?

6 A: Yes, sir.

7 Q: Well, try your best to tell me what y'all
8 talked about, and as a result of those
9 conversations, what did you do and what
10 did Travelers do?

11 A: I just remember having conversation with
12 Ted Alexander, but I don't, I don't
13 remember what he called about. I don't
14 remember what he said. He must've just
15 asked me about the fire loss and how long
16 we'd had the mortgage or something. I, I
17 just flat don't remember his
18 conversation.

19 Q: When you say mortgage, what y'all had was
20 a Land Sales Contract.

21 A: Okay.

22 Q: Right. Y'all were selling the house or
23 at least your daughter was ---

24 A: Yes.

25 Q: --- to Arthur McKenzie, so it was a Land

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1 Sales Contract. You had an ownership
2 interest and Mr. McKenzie had an
3 ownership interest or at least an
4 executory interest and ownership of the
5 property; isn't that right? This is not
6 a mortgage situation; this was a Land
7 Sales Contract by an owner.

8 A: Okay.

9 Q: So, y'all were the owner.

10 A: Okay, yeah.

11 Q: It was a rent to own or a Land Sales
12 Contract. There was no mortgage filed
13 anywhere.

14 A: Okay.

15 MR. CORBIN: EXCUSE ME.

16 MR. PRITCHARD: YEAH, I'M GETTING
17 READY TO SAY ----

18 MR. CORBIN: I DIDN'T UNDERSTAND
19 WHAT HER ANSWER WAS.
20 SHE SAID, "OKAY."

21 Q: Let me ask you this, let me ask you this
22 if there was some confusion on that. Did
23 you understand -- the question was, was
24 there a mortgage filed?

25 A: At the time of the fire, is that when

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1 you're talking about?

2 Q: Yes.

3 A: Well, if it's an installment sale, but he

4 still owes for the house, so what you

5 want to call it, a Contract For Sale.

6 Q: A Contract -- that's a Land Sales

7 Contract.

8 A: Yeah.

9 Q: But there's no mortgage itself.

10 MR. PRITCHARD: I NEED TO INTERRUPT

11 HERE. SHIRALEE, YOU

12 CAN ONLY ANSWER

13 QUESTIONS, YOU CAN'T

14 ASK. IF YOU DON'T

15 KNOW THE ANSWER,

16 THAT'S A FAIR ANSWER,

17 BUT YOU CAN'T GO,

18 "OKAY." YOU ANSWER

19 HIS QUESTION OR SAY,

20 "I DON'T KNOW, OKAY?

21 I'M SORRY, CONTINUE

22 ON.

23 MR. HUDSON: I THINK SHE WAS

24 TRYING, SO.

25 MR. PRITCHARD: YEAH, I KNOW. I KNOW.

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1 for this?

2 A: Should not have been.

3 Q: Okay. But yet, on back, there is a
4 recording affidavit where the listed
5 amount is thirty thousand dollars and the
6 fee due is a hundred and eleven dollars?

7 A: That's right.

8 Q: Any idea why that happened?

9 A: You have to pay the stamps.

10 Q: Yeah, but why do you pay stamps on thirty
11 thousand dollars and it never got
12 transferred? Is that a Billy Jenkinson
13 special?

14 A: Must've been.

15 Q: Billy Jenkinson is the one that signed
16 that affidavit?

17 A: He is.

18 Q: But there was actually no consideration
19 for this, ---

20 A: That's right.

21 Q: --- because you already owned it, in your
22 mind?

23 A: That's right.

24 Q: All right. Now, so why does it go into
25 Tammy's name?

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1 A: There, again, we can follow the trail.
2 Q: Yeah, but whose trail for you following?
3 A: W.W. Dibble.
4 Q: W.W. Dibble told you to put it in Tammy's
5 name?
6 A: No. He had just said it's better to go
7 in other names.
8 Q: Okay. So, in your mind, you were trying
9 to clean the title up ---
10 A: Clean the title.
11 Q: --- by putting it in different names?
12 A: That's right.
13 Q: Now, don't talk over me. Now, listen, in
14 your mind, it was better to put it in
15 different names to clean the title up?
16 A: That's right.
17 Q: And you now know that that's not a really
18 -- didn't really work, that wasn't really
19 good advice?
20 A: May not have been.
21 Q: Okay. And have you been lectured on
22 that?
23 A: Several times.
24 Q: By who?
25 A: You.

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1 Q: Thank you.

2 MR. HUDSON: LET'S MORE ASK
3 QUESTIONS RATHER THAN
4 TESTIMONY, ELICITING A
5 RESPONSE.

6 MR. PRITCHARD: I'M JUST TRYING TO GET
7 THE POINT ACROSS.

8 MR. CORBIN: AGAIN.

9 MR. PRITCHARD: AGAIN. THAT'S NOT
10 TESTIMONY SO MUCH AS
11 I'M MAKING SURE WE
12 UNDERSTAND IT, YOU
13 KNOW, IT'S LIKE THAT
14 GIRL ON THE AT&T
15 COMMERCIAL, "WHY DID
16 YOU WRITE IT IN
17 PERMANENT INK AND I
18 WANT YOU REMEMBER IT."

19 EXHIBIT NUMBER 20
20 MARKED FOR IDENTIFICATION.

21 COURT REPORTER: EXHIBIT 20.

22 Q: Do you recognize that?

23 A: Yes.

24 Q: What is it?

25 A: Contract For Sale and Purchase.

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STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	THIRD JUDICIAL CIRCUIT
COUNTY OF WILLIAMSBURG	)	Case No: 2014-CP-45- 132
South Carolina Farm Bureau Mutual	)	
Insurance Company,	)	
	)	
Plaintiff,	)	
	)	<u>Motion To Alter, Amend, Reconsider</u>
vs.	)	
	)	
Marion L. Driggers, Shiralee Driggers,	)	
Tammy D. Floyd, Arthur McKenzie, a/k/a	)	
Auther McKenzie, The Travelers Home	)	
and Marine Insurance Company, The	)	
United States of America acting by and	)	
through its agency, The Internal Revenue	)	
Service and The South Carolina Tax	)	
Commission,	)	
	)	
Defendants.	)	
	)	

TO: DEFENDANTS AND THEIR COUNSEL OF RECORD:

YOU WILL PLEASE TAKE NOTICE that the undersigned counsel moves the Court to alter or its **Order** dated and filed March 30, 2021, (Hereinafter referred to as "the Order") and/or in the alternative that the Court grant the Plaintiff relief from "the Order", and/or that the Court reconsider "the Order", all within the meaning of the SC Rules of Civil Procedure, including Rules 59 and 60, and within the meaning of the statutes and common law of the state of South Carolina. The grounds for this Motion are that the Complaint states facts sufficient to state a valid cause of action; that there are genuine issues of material fact and that that Defendant Travelers is not entitled to Judgment as a matter of law. Further grounds for this Motion are as follows:

1. **The Court's Order erred in holding that Farm Bureau had presented no deposition testimony, affidavit or otherwise to establish that Mr. Driggers made a claim under the Travelers policy, that Travelers knew of Driggers' interest in the property or that Travelers knew of Farm Bureau's interest.**

Summary Judgement is improper if discovery has not been completed. This holding includes a footnote that the lawsuit has been ongoing since 2014, but fails to note that during this action there has been changes in parties due to the death of McKenzie, and changes in counsel or the representation status, due to Mrs. Driggers and Ms. Floyd being represented by Attorney Pritchard while Mr. Driggers is now *pro se*. It fails to note or consider Mr. Driggers ongoing issues and conflict allegations as to Mr. Corbin's representation of McKenzie, or that those issues caused the previously attempted depositions of Mr/Mrs Driggers and Ms. Floyd to end with the deponents leaving. The finding further fails to note or consider that depositions, including that of Travelers, are being attempted and have been attempted, but there are issues with this scheduling as Mr. Driggers contends that he will not be deposed because he is *pro se* and acting as his own lawyer, so he refuses to be deposed unless all lawyers are deposed. Further, the finding fails to consider Mr. Driggers pleadings and motions, which are of record, and all claim that he did, in fact, make a claim under the Travelers policy based on the contractual obligation of Travelers named insured, McKenzie, to insure Driggers' interest in the property. By failing to honor this contractual obligation, Travelers exposed its insured to personal liability to Driggers.

Summary Judgment must not be granted until the opposing party has had a full and fair opportunity to complete discovery. *BPS, Inc. v. Worthy*, 362 S.C. 319 (S.C. Ct. App. 2005), citing *Doe v. Batson*, 345 S.C. 316, 548 S.E.2d 854 (2001); *Baughman v. American Tel. Tel. Co.*, 306

S.C. 101, 410 S.E.2d 537 (1991); see also Schmidt v. Courtney, 357 S.C. 310, 319, 592 S.E.2d 326, 331 (Ct.App. 2003).

Given the complex facts of this case, the previously attempted depositions, Mr. Driggers pleadings confirming his prior claim as to the Travelers policy, the ongoing attempts to set depositions, and Mr. Driggers refusing to be deposed unless all lawyers are deposed, it was error for the Court to grant Summary Judgment to Travelers prior to the Plaintiff having a full and fair opportunity to complete discovery.

2. **The Court's Order erroneously held that Farm Bureau's claim for Equitable Indemnity against Travelers had no basis in fact. In so holding, the Court improperly states and limits Farm Bureau's factual basis for Equitable Indemnity, and it fails to consider the impact of deposition testimony on the Equitable Indemnity claim. Without Mr. Driggers testimony, the full basis of his claim against Travelers is unknown, and what he did or did not disclose to Travelers as to the Farm Bureau policy is also unknown. What is known is that Travelers had a timely claim made, an opportunity to investigate, and contact with Mr. Driggers which may have and should have revealed Farm Bureau's interest in the property. Further, after Travelers became aware of Farm Bureau's interest, and of the potential *pro rata* claim, Travelers acted in bad faith to Farm Bureau by settling with McKenzie and paying out a large part of its policy, all the while it had a claim for Interpleader pending.**

3. **The Court's Order held that Farm Bureau's claim for Equitable Indemnity had no basis in law and failed to consider or erroneously considered Farm Bureau's claim for contractual indemnity.**

Farm Bureau pled claims for contractual and equitable indemnity. As to equitable indemnity, South Carolina recognizes claims for equitable indemnification which is "that form of

compensation in which a first party is liable to pay a second party for a loss or damage the second party incurs to a third party." *Town of Winnsboro v. Wiedeman-Singleton, Inc.*, 303 S.C. 52, 56, 398 S.E.2d 500, 502 (Ct. App. 1990), *aff'd*, 307 S.C. 128, 414 S.E.2d 118 (1992). "A right to indemnity may arise by contract (express or implied) or by operation of law as a matter of equity between the first and second party." *Id. Simons v. Wal-Mart Stores E., L.P.*, Civil Action No.: 8:11-cv-03180-JMC (D.S.C. Feb. 1, 2013)

A claim for Equitable Indemnity rests on proof that the indemnitor caused the damages of the indemnitee. *Builders Mut. Ins. Co. v. Bob Wire Elec., Inc.*, 817 S.E.2d 807 (S.C. Ct. App. 2018). Here, had Travelers timely paid properly paid Driggers claim, Farm Bureau would not have been liable. Further, had Travelers properly approached Farm Bureau to advise of the claim and to negotiate the *pro rata* issues, Farm Bureau would not face sole liability in this action, and would not have incurred years of costs and attorney's fees associated with this case, due to the unusual issues and complex facts involved. The contract between Driggers and McKenzie imposed by prior Court action requiring McKenzie to insure Driggers interests should have been honored by Travelers, which should have paid Driggers for his losses. Had Travelers properly adjusted the claim, Farm Bureau would not be liable and would not have spent extensive funds for costs and attorney's fees in this action.

A plaintiff may maintain an equitable indemnification action if he was compelled to pay damages because of negligence imputed to him as the result of another's tortious act. *VermeerCarolina's, Inc. v. Wood/Chuck Chipper Co.*, [336 S.C. 53](#), [518 S.E.2d 301](#) (Ct.App. 1999). A plaintiff asserting an equitable indemnification cause of action may recover damages if he proves: (1) the indemnitor was liable for causing the plaintiffs damages; (2) the indemnitee was exonerated from any liability for those damages; and (3) the indemnitee suffered damages as a result of the plaintiffs claims against it, which were eventually proven to be the fault of the indemnitor. *Id.* *Fowler v. Hunter*, 388 S.C. 355, 363 (S.C. 2010)

In *Fowler*, the SC Supreme Court upheld a Court of Appeals decision reversing a grant of Summary Judgment in favor of an Insurance Agency as to an Equitable Indemnity claim by Selective Insurance. The claim arose out of the agency's failure to procure requested automobile insurance coverage as part of a commercial liability policy issued by Selective for an insured.. After various settlement's, the insured's claims for professional negligence and The agency claimed that Selective was not damaged because if the coverage had been procured, Selective would have owed significantly more in coverage, and Selective claimed that it would not have issued the policy. At issue were competing sets of guidelines. The Court of Appeals and the SC Supreme Court found that the competing guidelines presented a genuine issue of material fact precluding Summary Judgment. *Fowler v. Hunter*, 388 S.C. 355 (S.C. 2010) The Court of Appeals found that further inquiry into the facts might show that Selective would not have issued the policy to the insured, and in such case, Selective's claim for indemnification might prove viable. *Fowler v. Hunter*, 380 S.C. 121 (S.C. Ct. App. 2008)

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"Ordinarily, if one person is compelled to pay damages because of negligence imputed to him as the result of a tort committed by another, he may maintain an action over for indemnity against the person whose wrong has thus been imputed to him; but this is subject to the provision that no personal negligence of his own has joined in causing the injury."

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Equitable Indemnity is based on the relationship of the indemnitor and the indemnitee in dealing with a third party. The Courts allow equitable indemnity in cases of imputed fault or where a special relationship exists between the parties. *Fountain v. Fred's, Inc.*, 429 S.C. 533 (S.C. Ct. App. 2020). The right of indemnity exists if in law or in equity, the relationship between the parties obligates one to indemnify the other. *Fountain v. Fred's, Inc.*, 429 S.C. 533 (S.C. Ct. App. 2020)

In this case, Farm Bureau filed a claim against Travelers for Contractual and Equitable Indemnity. (See Complaint.) As to the contracts, there was an insurance policy between Travelers and McKenzie for homeowner's coverage as to the subject property, owned by Driggers and being purchased by McKenzie via a lease/option agreement. This agreement required McKenzie to insure Driggers, and separate litigation resulted in a Court Order requiring that McKenzie's maintain homeowner's insurance that also covered Driggers. Mr. Driggers was also the insured in a policy of homeowner's insurance that he obtained from Farm Bureau as a form of mortgagor insurance to protect him in the event McKenzie failed to do so. Drigger's pleadings and motions in this case indicate that he waited to file a claim with Farm Bureau after this fire until shortly prior to the Statute of Limitations running, because he was expecting payment from his claim with Travelers and was awaiting that payment. Thus, the delay in notice of the claim to Farm Bureau that deprived it of the opportunity to investigate the Fire loss resulted directly from Travelers failure to honor its insured, McKenzie's, contract with Driggers and Travelers failure to honor the Court Order that McKenzie's policy cover Driggers. In addition, Travelers and Farm Bureau are both insurance companies regulated by South Carolina law which governs many aspects of business, policies, and claims adjustment. As such, Travelers and Farm Bureau have a Special Relationship.

At a minimum, issues of fact exist as to the facts, contracts, relationship of the parties, and information known to the parties such that the grant of Summary Judgment to Travelers was erroneous and should be reversed.

4. **Summary Judgment was erroneously granted to Travelers because Summary Judgment is not appropriate if further inquiry into the facts is needed to clarify the application of the law. *Lanham v. Blue Cross and Blue Shield of South Carolina*, 349 S.C. 356 (S.C. 2002. Summary Judgment should not be granted even if evidentiary facts are undisputed if there is a dispute as to the conclusions to be drawn from those facts. *Id.***

Here, further inquiry into the facts is needed to clarify the applicability of the law and it is not yet fully known whether evidentiary facts are disputed because discovery is not complete and depositions have not been taken. Even if evidentiary facts are undisputed, which is not yet known, then the conclusions to be drawn from those facts will, almost certainly, be disputed. The key deposition here is that of Mr. Driggers, who appears to be the only party in the case who dealt directly with both carriers, Mr. McKenzie, and the Court in prior litigation as to this property. The nexus between the parties and the contracts here is Mr. Driggers, and he and his family left the prior depositions before they had barely begun over a dispute as to Mr. Corbin's involvement and Mr. Driggers refuses to be deposed presently unless all lawyers are deposed.

Given the foregoing, Summary Judgment in favor of Travelers should be reversed.

5. **The Summary Judgment Order fails to find facts in the light most favorable to Farm Bureau and it shifts the burden of proof to Farm Bureau.**

Under *Rule 56(c)*, *SCRCP*, Travelers as the moving party has the burden of proving that there are no genuine issues of material fact and in determining whether triable issues of fact exist, all evidence and inferences to be drawn from the evident must be viewed in the light most favorable

to the nonmoving party). *Lanham v. Blue Cross and Blue Shield of South Carolina*, 349 S.C. 356 (S.C. 2002). Rather than applying this standard, the Order finds no evidence that Driggers filed a claim with Travelers, that Travelers knew of Driggers interest in the property, or that Driggers had insured the property with Farm Bureau. The Order makes these finding seven though discovery is incomplete and neither Driggers nor Travelers has been deposed, and Driggers presently refuses to be deposed unless all lawyers are deposed. If, as the Summary Judgment standards require, all of these findings are made in the affirmative, then there are clearly genuine issues of material fact. And, in addition to these findings, the Order should have, and failed to, consider the import and binding effect of prior Court Orders requiring that the McKenzie policy cover Driggers. In addition, the pleadings and Motions of record by Driggers confirm that he filed a claim with Travelers.

Given the foregoing, Summary Judgment in favor of Travelers should be reversed.

6. **The Summary Judgment Order fails to rule as to the relationship between Farm Bureau's *pro rata* claim and its claim for Indemnity. The Court issued a prior Order to Travelers, erroneously granting the right to a partial Interpleader. In that Order, it contained calculations estimating the value of Farm Bureau's *pro rata* claim and found that sufficient funds were on deposit to satisfy that claim. This Order purports to grant Summary Judgment to Travelers as to only the Equitable Indemnity claim. It does not rule as to the *pro rata* claim. The Plaintiff's Motion for Reconsideration of the prior Order allowing Travelers to deposit the funds into Court was denied. However, this Order fails to rule or consider the relationship between the *pro rata* claim and the claim for indemnity, and therefore the Order For Summary Judgment should be reversed.**

7. Due process and the interests of justice mandate that the Summary Judgment to Travelers should be reversed and/or reconsidered. It is basic due process that the Plaintiff have a full and fair opportunity to complete discovery before Summary Judgment may be properly considered. While this case has been pending for a considerable length of time, the depositions were previously attempted but could not be held when the Driggers/Floyd defendants left. We've had a party pass away, and had to await his estate being filed and a PR appointed. We have the involvement of an active *pro se* party who presently refuses to be deposed. Other than that party, Mr. Driggers, we have depositions of a Travelers representative, Mr. and Mrs. Driggers, and Tammy Floyd scheduled for April 12th. The depositions of Farm Bureau have begun, but one deposition took a full day and there are several others to complete. This is a complex case with very involved facts and legal principals, making it a matter where it is important for discovery to be complete before Summary Judgment is decided.

8. Summary Judgment was granted to Travelers as to Farm Bureau and Driggers claims, but Farm Bureau's Summary Judgment motion was continued pending the completion of depositions and discovery. As a matter of due process and equity, Travelers Summary Judgment motion should also be continued.

9. There are numerous issues of genuine material fact preventing the grant of Summary Judgment. As to Travelers, these include, but are not limited to the following: the ownership issues between Driggers/Floyd and McKenzie, the ownership percentages between Driggers/Floyd and McKenzie, the contracts between Gamble/McKenzie and the Driggers/Floyd defendants, prior Court Orders between Driggers and McKenzie and the interpretation and application of those Orders, McKenzie's claim to Travelers, Driggers

claim to Travelers, the history of the contacts between Driggers and Travelers, the content of communications between Driggers and Travelers and what was said about Farm Bureau, and Travelers payment to McKenzie during the pendency of this action after the request for Interpleader was filed.

10. The complexity of the history, the facts, the contracts and relationships between the parties can not be properly understood and applied prior to the completion of discovery, and even then, will present a jury issue.

11. The prior Court Order requiring that McKenzie insure Driggers' interest in the subject property was not appealed. It, therefore, became the law of the case. *Hudson v. Lancaster Convalescent Ctr.*, 754 S.E.2d 486 (S.C. 2014). Therefore, the Travelers policy should be held to conform to this legal doctrine, and to cover Driggers.

This motion will be based upon the record in this cause, upon such Affidavits as may be presented, upon the law of the State of South Carolina, and upon such other and further evidence as may be hereafter presented.

Dated: April 8, 2021

/s/ J. Dwight Hudson

J. Dwight Hudson (SCB# 2753)
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Myrtle Beach, SC 29572
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Attorney for the Plaintiff

[illegible]

IN THE COURT OF COMMON PLEAS
THIRD JUDICIAL CIRCUIT
Case No: 2014-CP-45- 132

South Carolina Farm Bureau Mutual)
Insurance Company,)

Plaintiff,)

VS.)

**NOTICE OF MOTION & MOTION
FOR SUMMARY JUDGMENT**

Marion L. Driggers, Shiralee Driggers,)
 Tammy D. Floyd, Arthur McKenzie, a/k/a)
 Auther McKenzie, The Travelers Home)
 and Marine Insurance Company, The)
 United States of America acting by and)
 through its agency, The Internal Revenue)
 Service and The South Carolina Tax)
 Commission.)

Defendants.)

TO: THE PARTIES AND COUNSEL OF RECORD:

YOU WILL PLEASE TAKE NOTICE that the undersigned attorney for the defendant moves the Court pursuant to the *South Carolina Rules of Civil Procedure*, including Rules 26 and 30 thereof, for an Order granting the Plaintiff Summary Judgment as to all issues and claims pending in this case, particularly including all counterclaims. The grounds for this Motion are the interests of justice and that there are no genuine issues as to any material fact and the moving party is entitled to judgment as a matter of law.

This Motion is based upon the record in this cause, upon the attached and incorporated Memorandum, and upon South Carolina law, common law, statutes and rules.

I SO MOVE:

s/ J. Dwight Hudson, Esq.
J. Dwight Hudson, Esquire
SC Bar # 2753
Hudson Law Offices
PO Box 70218
Myrtle Beach, SC 29572
(843) 692-9889

Attorney For: Plaintiff

Dated: July 6, 2020

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	THIRD JUDICIAL CIRCUIT
COUNTY OF WILLIAMSBURG	)	Case No: 2014-CP-45- 132
 South Carolina Farm Bureau Mutual Insurance Company,	)))	
Plaintiff,	)	
vs.	)	<u>Motion To Alter, Amend, Reconsider</u>
	)	
Marion L. Driggers, Shiralee Driggers,	)	
Tammy D. Floyd, Arthur McKenzie, a/k/a	)	
Auther McKenzie, The Travelers Home	)	
and Marine Insurance Company, The	)	
United States of America acting by and	)	
through its agency, The Internal Revenue	)	
Service and The South Carolina Tax	)	
Commission,	)	
Defendants.	)	
	)	

TO: DEFENDANTS AND THEIR COUNSEL OF RECORD:

YOU WILL PLEASE TAKE NOTICE that the undersigned counsel moves the Court to alter or its **Order** dated and filed March 30, 2021, (Hereinafter referred to as "the Order") and/or in the alternative that the Court grant the Plaintiff relief from "the Order", and/or that the Court reconsider "the Order", all within the meaning of the SC Rules of Civil Procedure, including Rules 59 and 60, and within the meaning of the statutes and common law of the state of South Carolina. The grounds for this Motion are that the Complaint states facts sufficient to state a valid cause of action; that there are genuine issues of material fact and that that Defendant Travelers is not entitled to Judgment as a matter of law. Further grounds for this Motion are as follows:

1. **The Court's Order erred in holding that Farm Bureau had presented no deposition testimony, affidavit or otherwise to establish that Mr. Driggers made a claim under the Travelers policy, that Travelers knew of Driggers' interest in the property or that Travelers knew of Farm Bureau's interest.**

Summary Judgement is improper if discovery has not been completed. This holding includes a footnote that the lawsuit has been ongoing since 2014, but fails to note that during this action there has been changes in parties due to the death of McKenzie, and changes in counsel or the representation status, due to Mrs. Driggers and Ms. Floyd being represented by Attorney Pritchard while Mr. Driggers is now *pro se*. It fails to note or consider Mr. Driggers ongoing issues and conflict allegations as to Mr. Corbin's representation of McKenzie, or that those issues caused the previously attempted depositions of Mr/Mrs Driggers and Ms. Floyd to end with the deponents leaving. The finding further fails to note or consider that depositions, including that of Travelers, are being attempted and have been attempted, but there are issues with this scheduling as Mr. Driggers contends that he will not be deposed because he is *pro se* and acting as his own lawyer, so he refuses to be deposed unless all lawyers are deposed. Further, the finding fails to consider Mr. Driggers pleadings and motions, which are of record, and all claim that he did, in fact, make a claim under the Travelers policy based on the contractual obligation of Travelers named insured, McKenzie, to insure Driggers' interest in the property. By failing to honor this contractual obligation, Travelers exposed its insured to personal liability to Driggers.

Summary Judgment must not be granted until the opposing party has had a full and fair opportunity to complete discovery. *BPS, Inc. v. Worthy*, 362 S.C. 319 (S.C. Ct. App. 2005), citing *Doe v. Batson*, 345 S.C. 316, 548 S.E.2d 854 (2001); *Baughman v. American Tel. Tel. Co.*, 306

S.C. 101, 410 S.E.2d 537 (1991); see also Schmidt v. Courtney, 357 S.C. 310, 319, 592 S.E.2d 326, 331 (Ct.App. 2003).

Given the complex facts of this case, the previously attempted depositions, Mr. Driggers pleadings confirming his prior claim as to the Travelers policy, the ongoing attempts to set depositions, and Mr. Driggers refusing to be deposed unless all lawyers are deposed, it was error for the Court to grant Summary Judgment to Travelers prior to the Plaintiff having a full and fair opportunity to complete discovery.

2. **The Court's Order erroneously held that Farm Bureau's claim for Equitable Indemnity against Travelers had no basis in fact. In so holding, the Court improperly states and limits Farm Bureau's factual basis for Equitable Indemnity, and it fails to consider the impact of deposition testimony on the Equitable Indemnity claim. Without Mr. Driggers testimony, the full basis of his claim against Travelers is unknown, and what he did or did not disclose to Travelers as to the Farm Bureau policy is also unknown. What is known is that Travelers had a timely claim made, an opportunity to investigate, and contact with Mr. Driggers which may have and should have revealed Farm Bureau's interest in the property. Further, after Travelers became aware of Farm Bureau's interest, and of the potential *pro rata* claim, Travelers acted in bad faith to Farm Bureau by settling with McKenzie and paying out a large part of its policy, all the while it had a claim for Interpleader pending.**

3. **The Court's Order held that Farm Bureau's claim for Equitable Indemnity had no basis in law and failed to consider or erroneously considered Farm Bureau's claim for contractual indemnity.**

Farm Bureau pled claims for contractual and equitable indemnity. As to equitable indemnity, South Carolina recognizes claims for equitable indemnification which is "that form of

compensation in which a first party is liable to pay a second party for a loss or damage the second party incurs to a third party." *Town of Winnsboro v. Wiedeman-Singleton, Inc.*, 303 S.C. 52, 56, 398 S.E.2d 500, 502 (Ct. App. 1990), *aff'd*, 307 S.C. 128, 414 S.E.2d 118 (1992). "A right to indemnity may arise by contract (express or implied) or by operation of law as a matter of equity between the first and second party." *Id. Simons v. Wal-Mart Stores E., L.P.*, Civil Action No.: 8:11-cv-03180-JMC (D.S.C. Feb. 1, 2013)

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In this case, Farm Bureau filed a claim against Travelers for Contractual and Equitable Indemnity. (See Complaint.) As to the contracts, there was an insurance policy between Travelers and McKenzie for homeowner's coverage as to the subject property, owned by Driggers and being purchased by McKenzie via a lease/option agreement. This agreement required McKenzie to insure Driggers, and separate litigation resulted in a Court Order requiring that McKenzie's maintain homeowner's insurance that also covered Driggers. Mr. Driggers was also the insured in a policy of homeowner's insurance that he obtained from Farm Bureau as a form of mortgagor insurance to protect him in the event McKenzie failed to do so. Drigger's pleadings and motions in this case indicate that he waited to file a claim with Farm Bureau after this fire until shortly prior to the Statute of Limitations running, because he was expecting payment from his claim with Travelers and was awaiting that payment. Thus, the delay in notice of the claim to Farm Bureau that deprived it of the opportunity to investigate the Fire loss resulted directly from Travelers failure to honor its insured, McKenzie's, contract with Driggers and Travelers failure to honor the Court Order that McKenzie's policy cover Driggers. In addition, Travelers and Farm Bureau are both insurance companies regulated by South Carolina law which governs many aspects of business, policies, and claims adjustment. As such, Travelers and Farm Bureau have a Special Relationship.

At a minimum, issues of fact exist as to the facts, contracts, relationship of the parties, and information known to the parties such that the grant of Summary Judgment to Travelers was erroneous and should be reversed.

4. **Summary Judgment was erroneously granted to Travelers because Summary Judgment is not appropriate if further inquiry into the facts is needed to clarify the application of the law. *Lanham v. Blue Cross and Blue Shield of South Carolina*, 349 S.C. 356 (S.C. 2002. Summary Judgment should not be granted even if evidentiary facts are undisputed if there is a dispute as to the conclusions to be drawn from those facts. *Id.***

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Given the foregoing, Summary Judgment in favor of Travelers should be reversed.

5. **The Summary Judgment Order fails to find facts in the light most favorable to Farm Bureau and it shifts the burden of proof to Farm Bureau.**

Under *Rule 56(c)*, *SCRCP*, Travelers as the moving party has the burden of proving that there are no genuine issues of material fact and in determining whether triable issues of fact exist, all evidence and inferences to be drawn from the evident must be viewed in the light most favorable

to the nonmoving party). *Lanham v. Blue Cross and Blue Shield of South Carolina*, 349 S.C. 356 (S.C. 2002). Rather than applying this standard, the Order finds no evidence that Driggers filed a claim with Travelers, that Travelers knew of Driggers interest in the property, or that Driggers had insured the property with Farm Bureau. The Order makes these finding seven though discovery is incomplete and neither Driggers nor Travelers has been deposed, and Driggers presently refuses to be deposed unless all lawyers are deposed. If, as the Summary Judgment standards require, all of these findings are made in the affirmative, then there are clearly genuine issues of material fact. And, in addition to these findings, the Order should have, and failed to, consider the import and binding effect of prior Court Orders requiring that the McKenzie policy cover Driggers. In addition, the pleadings and Motions of record by Driggers confirm that he filed a claim with Travelers.

Given the foregoing, Summary Judgment in favor of Travelers should be reversed.

6. **The Summary Judgment Order fails to rule as to the relationship between Farm Bureau's *pro rata* claim and its claim for Indemnity. The Court issued a prior Order to Travelers, erroneously granting the right to a partial Interpleader. In that Order, it contained calculations estimating the value of Farm Bureau's *pro rata* claim and found that sufficient funds were on deposit to satisfy that claim. This Order purports to grant Summary Judgment to Travelers as to only the Equitable Indemnity claim. It does not rule as to the *pro rata* claim. The Plaintiff's Motion for Reconsideration of the prior Order allowing Travelers to deposit the funds into Court was denied. However, this Order fails to rule or consider the relationship between the *pro rata* claim and the claim for indemnity, and therefore the Order For Summary Judgment should be reversed.**

7. Due process and the interests of justice mandate that the Summary Judgment to Travelers should be reversed and/or reconsidered. It is basic due process that the Plaintiff have a full and fair opportunity to complete discovery before Summary Judgment may be properly considered. While this case has been pending for a considerable length of time, the depositions were previously attempted but could not be held when the Driggers/Floyd defendants left. We've had a party pass away, and had to await his estate being filed and a PR appointed. We have the involvement of an active *pro se* party who presently refuses to be deposed. Other than that party, Mr. Driggers, we have depositions of a Travelers representative, Mr. and Mrs. Driggers, and Tammy Floyd scheduled for April 12th. The depositions of Farm Bureau have begun, but one deposition took a full day and there are several others to complete. This is a complex case with very involved facts and legal principals, making it a matter where it is important for discovery to be complete before Summary Judgment is decided.

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claim to Travelers, the history of the contacts between Driggers and Travelers, the content of communications between Driggers and Travelers and what was said about Farm Bureau, and Travelers payment to McKenzie during the pendency of this action after the request for Interpleader was filed.

10. The complexity of the history, the facts, the contracts and relationships between the parties can not be properly understood and applied prior to the completion of discovery, and even then, will present a jury issue.

11. The prior Court Order requiring that McKenzie insure Driggers' interest in the subject property was not appealed. It, therefore, became the law of the case. *Hudson v. Lancaster Convalescent Ctr.*, 754 S.E.2d 486 (S.C. 2014). Therefore, the Travelers policy should be held to conform to this legal doctrine, and to cover Driggers.

This motion will be based upon the record in this cause, upon such Affidavits as may be presented, upon the law of the State of South Carolina, and upon such other and further evidence as may be hereafter presented.

Dated: April 8, 2021

/s/ J. Dwight Hudson

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HUDSONLAW@HUDSONLAWOFFICE.COM
Attorney for the Plaintiff

State of South Carolina) In the Court of Common Pleas
)
 County of Williamsburg) Case No: 2014-CP-45-132

South Carolina Farm Bureau Mutual Insurance Company,

Plaintiff,

vs.

Marion L. Driggers, Shiralee Driggers, Tammy D. Floyd, Auther McKenzie, a/k/a Arthur McKenzie, The Travelers Home and Marine Insurance Company, The United States of America acting by and through its agency, The Internal Revenue Service and The South Carolina Tax Commission,

Defendants.

THE DEPOSITION OF MARION L. DRIGGERS

Monday, April 12, 2021
 1:33 p.m. - 5:17 p.m.

The deposition of MARION L. DRIGGERS, taken on behalf of the Defendants (Auther McKenzie, a/k/a Arthur McKenzie), was taken before Sharon B. Brock at the Corbin Law Firm, located at 227 W. Evans Street, Florence, South Carolina, on Monday, April 12, 2021.

Sharon Brock Court Reporting

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 Myrtle Beach, South Carolina 29588
 (843) 685-7179

APPEARANCES:

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Sharon B. Brock

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INDEX

EXAMINATION OF WITNESS: PAGE

MARION L. DRIGGERS

Examination by Mr. Corbin 7
 Examination by Mr. Hudson 218
 Certificate of Court Reporter 258

EXHIBITS

Exhibit Number 1
 Exhibit A.....10
 Exhibit Number 2
 Motion Revised.....25
 Exhibit Number 3
 Ms. Driggers' Statement.....27
 Exhibit Number 4
 Code of Law.....29
 Exhibit Number 5
 Contract.....41
 Exhibit Number 6
 Magistrate's Order.....72
 Exhibit Number 7
 Agreement to Sell.....79

Sharon Brock Court Reporting

Post Office Box 32157
 Myrtle Beach, South Carolina 29588
 (843) 685-7179

CONTINUATION OF EXHIBITS:

Exhibit Number 8
 Judge Curtis Letter.....103
 Exhibit Number 9
 Judge Cothran Letter.....107
 Exhibit Number 10
 Opposing Statements.....111
 Exhibit Number 11
 Secretary of State Site.....127
 Exhibit Number 12
 Ledger 146
 Exhibit Number 13
 Check copies.....148
 Exhibit Number 14
 Check copies.....149
 Exhibit Number 15
 Check copies.....151
 Exhibit Number 16
 Check copies.....152
 Exhibit Number 17
 Check copies.....154
 Exhibit Number 18
 Check copies 156
 Exhibit Number 19
 Check copies 157

Sharon Brock Court Reporting

Post Office Box 32157
 Myrtle Beach, South Carolina 29588
 (843) 685-7179

CONTINUATION OF EXHIBITS:

Exhibit Number 20
 Arthur McKenzie Affidavit.....197
 Exhibit Number 21
 EUO 218
 Exhibit Number 22
 Travelers Statement.....232
 Exhibit Number 23
 Jenkinson Letter.....244

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 Myrtle Beach, South Carolina 29588
 (843) 685-7179

STIPULATIONS

Pursuant to the Notice and/or consent of the parties, the deposition herein captioned was conducted at the time and place mentioned before Sharon B. Brock, a Notary Public and Verbatim Court Reporter in and for the State of South Carolina.

The deposition was taken for use in accordance to the South Carolina Rules of Civil Procedure unless herein stipulated and agreed to by the parties.

The reading and signing of the deposition by the deponent was waived by the deponent.

1

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MARION L. DRIGGERS, HAVING BEEN DULY
 SWORN, WAS DEPOSED AS FOLLOWS:

EXAMINATION**BY MR. CORBIN:**

Q: Mr. Driggers, as you know, my name is Daryl Corbin. I represent the Estate of Arthur McKenzie in this lawsuit. If I ask you a question that you consider confusing in this deposition, would you let me know so I can rephrase the question for you?

A: I will.

Q: Is it fair to assume if you decide to answer the question that you fully understood it?

A: Yes.

Q: Is there any reason today, any medical issues or any other issues in the world that would cause you troubles telling the truth under oath?

A: No.

Q: You understand that you're under oath today just as if you're in front of a jury or a judge to tell the truth?

A: Yes.

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Q: If you want to take a break at any time, you can either say, "Corbin, let's take a break" or whatever, you control that.

A: I understand.

Q: During breaks, you're not allowed to speak to anybody about your deposition testimony; will you honor that requirement?

A: I will. I do want to say one thing before we get started.

Q: Yes, sir.

A: I'm doing this under protest. I feel like that I'm an acting attorney and I shouldn't have to do it without all attorneys also taking depositions. That's just my opinion. I think state law covers that. When you're an acting attorney you're the same as an attorney other than you can't sign Subpoenas, you have to do it through the Clerk of Court.

Q: Do you plan on testifying at trial?

A: I do. I certainly do.

Q: The Deposition Notice, I happened to hear you speaking, saying that you've never received a Deposition Notice for this

25

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deposition; is that true? Did you receive a Deposition Notice?

A: Yes, way back.

Q: Okay. And as ---

A: And one yesterday ---

Q: I gotcha.

A: --- or the day before.

Q: And, in fact, you were sent a letter December 16th, 2020 for your initial deposition, then in addition, you received ---

A: Got all that. I've got that.

Q: If you, please, it's very difficult if I speak over you or you speak over me for the court reporter.

A: Uh-huh.

Q: I promise to let you fully respond, please do the same thing for me; will you do that, please?

A: I will do that.

Q: In addition, you received the Subpoena to provide me with certain documents, correct?

A: Correct.

Q: In fact, it was Exhibit A attached to

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your Deposition Notice, correct?

A: I got that.

MR. CORBIN: IF WE COULD MARK THAT, PLEASE.

EXHIBIT NUMBER 1

MARKED FOR IDENTIFICATION.

Q: Mr. Driggers, when you received the Deposition Notice, did you respond by saying it would take a contempt citation to force you to testify in a deposition?

A: I did, but I changed my mind.

Q: Exhibit A, which is Exhibit Number 1 to this deposition, did, in fact, you bring the documents requested of you on the Subpoena?

A: I brought what I have. My wife, I thought she would be here, and Edward, they have all the thing. When we were trying to settle it out of court, they have all that information, and I wasn't aware -- I told my wife this morning, she had to be here at nine-thirty, and that's when we started hollering and running to find Edward, because I made it clear in the EUOs that I don't have any of that

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information.

Q: Okay. If I may just go down the list, the first thing was all documents that indicate any and all payments made by anyone involving the house in this litigation; did you do that?

A: I've got some, I mean, I ---

Q: And I don't need to go through it right now, I just want to see ---

A: Okay.

Q: So, you do have some receipts?

A: Some, yeah, I got some stuff.

Q: Did you sign any receipts for the payments?

A: Sign? Did I? I have, probably. If he went by the service station, I signed.

Q: Yes, sir. You're required under Subpoena to bring complete and legible copies of all accounting statements, spreadsheets, and other records that which identify any payment involving the house.

A: I have some that Shiralee worked out on a ledger and whatever, but that's it. Like I said, I don't have it.

Q: I understand, and you have no access to

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it?

A: I have no access to it.

Q: Number three, "Complete and legible copies of all contracts, loan agreements, notes, mortgages, purchase agreements, installment sales contracts and rental agreements involving the house in this litigation."

A: I have ---

Q: Have you brought those documents?

A: I have some. I got the contracts.

Q: Number four, "Complete and legible copies of all contracts, installment sales contracts, rental agreements, correspondence, letters, emails, other types of written or recorded communications involving Alice Peterson or anyone else who has lived in the house;" do you have that?

A: I do, I do not have anything about Alice Peterson; matter-of-fact, I don't even have the quitclaim deed. I was supposed to get a copy from Mr. Pritchard. He had a copy. I think must've sent my copy to him.

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Q: Yes, sir. Number five, "Complete and legible copies of all communications, letters, emails, other types of written or recorded communication with Tammy Floyd mentioning the indicated lawsuit or the house;" have you brought those with you?

A: I don't have anything on that. I don't have any kind of written stuff on it.

Q: So, Tammy Floyd has not sent you any emails or anything else involving this litigation?

A: No. She would have sent it to her mother.

Q: Number six, "Complete and legible or audible copies of each and every communication, letter, email or other types of written or recorded communication with Mrs. Shiralee Driggers involving this litigation;" do you have any of that?

A: No. She talks to him.

Q: So, your testimony is Mrs. Driggers has not given you any communication, no emails or nothing?

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A: I've got what she gave me.

Q: Fair enough.

A: I'll give you copies if you need it.

Q: Yes, sir. Number seven, "Complete and legible copies of all individual, business, LLC. or partnership financial statement signed by you which involve any loan, extension of credit, insurance or business transaction;" did you bring those documents?

A: I did not, but I think I could possibly had access to those. I think they're in our safe, but I thought, there again, she would be here.

Q: Did you try to get those documents?

A: I did not. I, I indicated to you that I thought we would all be here together.

Q: I understand, but you got a Subpoena to produce these documents, correct?

A: I did.

Q: Okay. Did you even try to produce the documents?

A: Not on that, I didn't, but that's the only thing I had available, that, that could be available.

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Q: I understand your reasoning. Number eight, "Complete and legible copies of all personal, partnership, LLC, or business federal income tax returns that identify any income or payments involving the house."

A: I don't have anything on that.

Q: Did you try to get it?

A: No. Like I said, I thought we were going to be here together and she would produce it.

Q: Mr. Driggers, can you give me the benefit of your educational background?

A: I have a two-year degree and probably a -- from Spartanburg Methodist College, and probably a year and a half in accounting at Francis-Marion.

Q: And your degree at Spartanburg was in what field, please?

A: A Associate of Arts.

Q: And you have what kind of degree from ---

A: I don't -- I didn't get one. I didn't finish up. I was going while I was working and I didn't never get to finish.

Q: Have you ever testified under oath that,

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in fact, you had a degree from Spartanburg? Is that where you went, Spartanburg?

A: Right, Spartanburg.

Q: Okay. Have you ever testified under oath that you had a degree from that college at Spartanburg?

A: Possibly, I'm not sure.

Q: If you did, it wouldn't be true, correct?

A: What you mean?

Q: Do you have a degree from the college at Spartanburg?

A: I got a Associate of Arts degree, supposedly.

Q: And at FMU you took accounting courses?

A: Uh-huh.

Q: For about a year and a half?

A: Probably so.

Q: And I understand that you were somewhat in the rental business; is that correct?

A: That's true.

Q: And you probably have accumulated about a hundred properties or so?

A: Somewhere in that neighborhood.

Q: And your net worth is millions of

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dollars?

A: Probably a couple million, two, three million.

Q: About three million dollars?

A: Just guessing, I don't know.

Q: And you have lots of experience setting up LLCs; is that correct?

A: No.

Q: Do you have lots of LLCs?

A: We got several, but I didn't set them up.

Q: And tell me what you know about LLCs, are they required to file tax returns?

A: I'm sure they are.

Q: And each member is required to have a partnership return from the LLC?

A: I'm sure they do.

Q: And the LLCs have to have members, correct?

A: It does.

Q: And the LLCs that you have, do they involve real estate matters?

A: Well, mostly, it does, yeah, if you got several.

Q: And, in fact, I think you testified or at least indicated to the Court, and I

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believe testified, too, under oath that with this particular house, and when I say the house, the house 378 in Williamsburg County in which Mr. McKenzie lived, we'll commonly call the 378 house, okay?

A: Uh-huh.

Q: The 378 house, you've indicated to the Court in several documents, as well as under oath, that the ownership of the 378 house ---

A: Yeah.

Q: --- really was a family affair, correct?

A: That's right.

Q: And you indicated that, really, it was a family affair and the ownership really was an LLC called TDF, LLC?

A: Right.

Q: Is that correct?

A: That's my understanding.

Q: Why would you not understand?

A: That's the way I understand it. That's what my wife told me.

Q: And it's your understanding that even though that 378 house is titled in the

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name of Tammy D. Floyd, which is your daughter, ---

A: Right.

Q: --- it really ought to belong in TDF, LLC, correct?

A: That's the way I understand it.

Q: Who are the members of TDF, LLC?

A: I think me, my wife, and I'm not sure if my daughter is listed on it, but she was involved through us getting her in it. I'm not sure on that.

Q: Well, of course, when you do an LLC, you have to have a list of the members, because the members receive partnership returns and must file federal income tax -- let me finish, please.

A: I hadn't said anything.

Q: Okay. You do understand an LLC, given your experience, must have members, the members receive some kind of annual tax information and a tax return must be filed by those members, correct?

A: I guess.

Q: So, you don't even know the members of TDF ---

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A: I'm not sure. I told you who I thought was members.

Q: Again, you're speaking over me. Please. And it's your testimony that you really don't even know who the members are of TDF, LLC, correct?

A: All I know is what I told you. I told you I believe it is my wife, me, and I'm not sure if it's my daughter, but we included her in the business.

Q: Tammy Floyd, your daughter, has she received any kind of distributions from TDF, LLC?

A: I have no idea.

Q: Who's the managing member of TDF, LLC?

A: I would say my wife.

Q: So, it's your testimony that, involving this particular 378 house or any other investments with TDF, LLC, you don't even know if your daughter received a distribution?

A: I don't.

Q: Have you?

A: I don't think so. I don't know. It's probably in one of our tax returns.

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1 Q: TDF, LLC, you do not know who the
2 managing member is?
3 A: No.
4 Q: Are you authorized to speak for TDF, LLC?
5 A: I would say. I'm a member. I should be
6 able to.
7 Q: And in this particular lawsuit, you filed
8 numerous, numerous motions and Motions to
9 Reconsider various rulings of judges,
10 correct?
11 A: Right.
12 Q: And I think you indicated that you
13 probably still have an outstanding Motion
14 to Reconsider that the Court has not
15 ruled upon; is that your testimony?
16 A: That's my testimony.
17 Q: And, in fact, you recently filed an
18 additional motion. Well, this motion
19 dated July 26, 2018, it's entitled,
20 "Motion to Revise Cause of Action by
21 Marion L. Driggers and TDF Group."
22 A: Right.
23 Q: What is that?
24 A: That's, I think, when we went ahead with
25 the -- upped the punitive damage and the

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1 total damages. I think that's what that
2 is.
3 Q: In fact, do you recognize that particular
4 motion?
5 A: That's it.
6 Q: Is that your Motion to Reconsider?
7 A: That is.
8 Q: And that's for Marion L. Driggers and
9 TDF, ---
10 A: That's right.
11 Q: --- LLC ---
12 A: Right.
13 Q: --- or TDF Group?
14 A: Right.
15 Q: Is TDF Group the same thing as TDF, LLC?
16 A: Yes.
17 Q: And on July 28, 2018, you filed a Motion
18 to Revise -- I'm sorry, July 26, 2018,
19 you filed a Motion to Revise Cause of
20 Action by Marion L. Driggers and TDF
21 Group, correct?
22 A: Right.
23 Q: You sent this motion to Judge Ferrell
24 Cothran, correct?
25 A: Probably.

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1 Q: And I want to read you parts of your
2 motion and let you explain what it means;
3 for example, it states, "I am now asking
4 three hundred fifty thousand dollars
5 actual damages and ten million dollars
6 punitive damage;" is that what you wanted
7 the Court to do?
8 A: That's what I wanted the Court to do.
9 Q: You want ten million, three hundred fifty
10 thousand dollars ---
11 A: Yes, sir.
12 Q: --- in this case?
13 A: I'll tell you why I did it.
14 Q: Just answer my question.
15 A: Yes.
16 Q: Okay?
17 A: Yes.
18 Q: In addition, you state to the Court, "It
19 is obvious that Travelers Insurance and
20 Farm Bureau have bad faith claims for
21 disobeying South Carolina Statute 38."
22 You're asking for relief for yourself and
23 TDF Group, correct?
24 A: Right.
25 Q: "I also ask they be held for breach of

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1 trust and breach of contract;" again, for
2 Marion Driggers and TDF Group, correct?
3 A: Correct.
4 Q: "I also plan to show this Court and jury
5 possible collusion and perjury by some
6 attorneys."
7 A: I do.
8 Q: Pretty serious accusation, isn't it?
9 A: It is.
10 Q: You better have proof of it, right?
11 A: I got it.
12 Q: Okay. And which attorneys do you accuse
13 of collusion and perjury?
14 A: I would say you and Davis.
15 Q: Okay. Have you told anybody else that?
16 A: I don't know, probably.
17 Q: Who do you think you've probably told?
18 A: Probably my family.
19 Q: Be more precise.
20 A: Well, that, that would be who it is.
21 Q: Who in your family?
22 A: My daughter and my wife.
23 Q: So, you accuse Mr. Davis who represented
24 Travelers, an attorney from Columbia, and
25 me of collusion and perjury, correct?

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1 A: I think so.
 2 Q: And you published it to members of your
 3 family, correct?
 4 A: To my family.
 5 Q: Then, you further state, "For the above
 6 reasons, I ask this Court and jury to
 7 enter a judgment for ten million, three
 8 hundred fifty thousand dollars against
 9 Travelers and Farm Bureau jointly and
 10 severally," correct?
 11 A: Right.
 12 Q: Now, you were functioning pro se,
 13 correct, as your own attorney?
 14 A: Pro se at that time, yeah.
 15 Q: Yeah, and you filed it for yourself as
 16 well as TDF Group, correct?
 17 A: Right.
 18 MR. CORBIN: IF WE COULD MARK THAT
 19 EXHIBIT NUMBER 1.
 20 COURT REPORTER: TWO, BE 2.
 21 MR. CORBIN: OR 2.
 22 EXHIBIT NUMBER 2
 23 MARKED FOR IDENTIFICATION.
 24 MR. PRITCHARD: WOULD YOU READ THAT
 25 QUESTION BACK? I'M

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1 JUST CURIOUS, THE LAST
 2 QUESTION THAT MR.
 3 CORBIN JUST ASKED.
 4 MR. HUDSON: DARYL, WAS THAT
 5 EXHIBIT 1?
 6 COURT REPORTER: THAT'S EXHIBIT 2.
 7 MR. HUDSON: TWO? WHAT WAS ONE?
 8 MR. CORBIN: THE EXHIBIT OF
 9 DOCUMENTS HE'S
 10 SUPPOSED TO BRING.
 11 MR. HUDSON: OKAY.
 12 (COURT REPORTER COMPLIES WITH REQUEST.)
 13 Q: In addition, Mr. Driggers, other
 14 occasions you've indicated that you're
 15 representing yourself as well as TDF,
 16 correct?
 17 A: I did.
 18 Q: In fact, there's some handwritten notes
 19 on this particular document which is a
 20 Sworn Statement in Proof of Loss signed
 21 by Arthur McKenzie. At the top, there
 22 appears to be handwritten documentation
 23 or somebody's remark; do you recognize
 24 this document and is that your
 25 handwriting?

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1 A: I got a copy. That's my handwriting at
 2 the top, yes, it is.
 3 MR. CORBIN: MARK THAT EXHIBIT,
 4 PLEASE.
 5 EXHIBIT NUMBER 3
 6 MARKED FOR IDENTIFICATION.
 7 Q: At the top you wrote, "This should make
 8 TDF and the Driggers part of Travelers
 9 family, not strangers," correct?
 10 A: Correct.
 11 Q: Again, you're representing yourself as
 12 well as TDF and trying to make a point to
 13 somebody on this court document, correct?
 14 A: Correct.
 15 Q: Have you ever been held in contempt of
 16 court?
 17 A: Yes.
 18 Q: Probably several times you've represented
 19 yourself as well as others in court in
 20 matters similar to this; is that correct?
 21 A: No. I think this is the first time.
 22 Q: Okay. And you spent a lot of time doing
 23 legal research, correct?
 24 A: Correct.
 25 Q: And, in fact, in this case, and I'm not

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1 going to pull up all the emails, you have
 2 criticized judges ---
 3 A: I have.
 4 Q: --- for -- In this particular case,
 5 several occasions you submitted emails to
 6 judges in this case, more than one,
 7 criticizing their understanding of the
 8 law, stating you understand the law
 9 better than he or she did, correct?
 10 A: Not necessarily putting it that way.
 11 I've tried to show them what I think is
 12 the law.
 13 Q: And you indicated the judges have made
 14 mistakes?
 15 A: I think so.
 16 Q: And you indicated that you've done lots
 17 of legal research, correct?
 18 A: I have.
 19 Q: Do you know what unauthorized practice of
 20 law is, given your legal research?
 21 A: I have the right to practice law pro se.
 22 Q: Listen to my -- answer the question,
 23 please.
 24 A: Say, say it again.
 25 Q: Are you familiar with unauthorized

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1 practice of law?

2 A: I would say possibly.

3 Q: Do you realize it's a felony?

4 A: I have no idea. I didn't know that.

5 Q: Do you think you should know that before

6 you represent TDF?

7 A: Well, I think that that's my personal

8 company with my wife and all and I feel

9 like I have a right. That's what a pro

10 se does.

11 Q: And are you familiar with Section 40-5-

12 310 of the South Carolina Code of Laws?

13 A: I'm not.

14 Q: That, in fact, is a copy of it. Would

15 you agree that's the particular law?

16 A: That looks like it.

17 MR. CORBIN: IF WE MAY MARK THAT,

18 PLEASE.

19 **EXHIBIT NUMBER 4**

20 **MARKED FOR IDENTIFICATION.**

21 Q: Under South Carolina Law, Section 40-5-

22 310, it states, "No person may either

23 practice law or solicit the legal cause

24 of another person or entity in this state

25 unless he is enrolled as a member of the

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1 South Carolina Bar." Are you a member of

2 the South Carolina Bar?

3 A: No, I'm not.

4 Q: But you have represented TDF, correct?

5 A: TDF is mine or, or part of it.

6 Q: And you think it might belong to your

7 sister, or your daughter as well, but

8 you're not sure?

9 A: Well, I'm sure she owns part of it, but I

10 do, but I think that I would have

11 permission to represent that company.

12 Q: So, you acknowledge that you do represent

13 the company, TDF, ---

14 A: Well -- go ahead.

15 Q: It makes it a lot difficult ---

16 A: Go ahead.

17 Q: --- overtalking me all the time. But you

18 acknowledge that you've represented TDF

19 Group and TDF, LLC in this litigation on

20 numerous occasions, correct?

21 A: Well, I've, I've involved them in

22 numerous occasions, because they are mine

23 ---

24 Q: Yes, sir.

25 A: --- or part of mine.

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1 Q: When you file a motion on behalf of TDF,

2 it's pretty clear ---

3 A: Uh-huh.

4 Q: --- you're representing TDF, correct?

5 A: Correct.

6 Q: Okay. And do you have permission of the

7 Court to represent TDF?

8 A: They know that I put those letters in.

9 Q: Sir, do you have permission from the

10 Court --

11 A: I do not.

12 Q: Again, ---

13 A: I do not.

14 Q: --- let me finish my question, okay? I

15 want you to be precise about this. Have

16 you ever gotten permission from any of

17 the judges in this particular case or the

18 Supreme Court of South Carolina to allow

19 you to represent, as a lawyer pro se, TDF

20 Group or TDF, LLC, yes or no?

21 A: No, I have not. I did not realize I had

22 to, and I feel like that a pro se can

23 represent himself and his family, if not,

24 file charges.

25 Q: And it further states, "A person who

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1 violates this section is guilty of a

2 felony and, upon conviction, must be

3 fined not more than five thousand dollars

4 or imprisoned not more than five years or

5 both," correct?

6 A: Correct, I guess. You read it.

7 Q: You're going to still represent TDF?

8 A: If it's illegal, I won't, but I will

9 represent myself, but file charges with

10 the judge.

11 Q: Could you be wrong about the perjury

12 committed by Mr. Davis and me, too?

13 A: No.

14 Q: Okay. Tell me the proof you got of that.

15 A: I will not tell you, yet. I'll let you

16 know at the trial. I am representing

17 myself and I don't feel like I have to

18 reveal it to you.

19 Q: I'm instructing you to answer the

20 question. Can you put ---

21 A: And I'm refusing.

22 Q: Again, you're talking over. I'm

23 instructing you to answer the question.

24 I know you're putting court documents

25 submitted to the Court and to judges ---

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A: Uh-huh.

Q: --- in this case that you have proof that Mr. Davis and I have committed the felony of perjury and I want to know what proof you got.

A: I think some of the statements you made went against the law. I think you're representing McKenzie in a case that has already been settled with you in it with your signature on it is collusion. You were in on that thing with Billy Jenkinson and Duane Shuler. You signed it. You agreed to it and I am going to have them deposed with you there.

Q: Anything else?

A: That's it.

Q: How has Mr. Davis committed perjury which is a felony? He could lose his law license and be put in prison. What proof do you have of that?

A: I know that he has told some of the things wrong about the law on this thing, about doing an interpleader. He did not do an interpleader. That's perjury.

Q: The Court has ruled numerous times that

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the Court, not just to your family members, but to the Court that Mr. Davis and I have committed collusion. I want to know what proof you have.

A: I will tell that to the jury, unless the judge authorize or forces me to.

Q: So, you're keeping that information to yourself?

A: I am.

Q: Now, in this case numerous times you've represented to the Court, I want to know if you're willing to backtrack or take back these accusations that Mr. McKenzie really should not be involved in this case because he wasn't the buyer under the contract, correct?

A: He was a designee. You're well aware of that.

Q: And you complain that the assignment between Liza Gamble and Arthur McKenzie was invalid, therefore he shouldn't be allowed to bring an action in this case, correct?

A: That's true.

Q: And, of course, Ms. Liza Gamble could

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your understanding of the law is wrong, too, correct?

A: Does it? You tell me.

Q: Have you won any motions?

A: None. That's amazing.

Q: Do you have any other proof of perjury?

A: I probably do. I'll have to look back over my records, but I do know an interpleader has not been filed.

Q: Judge Curtis disagrees with you?

A: I know. She's disagreed with everything I said.

Q: Has she committed perjury?

A: I don't know.

Q: Well, she ruled against you.

A: She ruled against me, but I won't say she committed perjury. She's got a right to do that. She has a right to rule against me and I have a right to fight that ruling.

Q: What proof do you have of collusion?

A: I will save that, I will save that for the jury.

Q: I'm instructing you to answer. You're under oath. You've made accusations to

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bring an action in the case, couldn't she?

A: She could.

Q: In fact, if anybody is to bring a case

A: It should be her. Excuse me.

Q: If anybody involved in this litigation for the 378 house could bring an action, you at least agree it ought to be Liza Gamble, correct?

A: True.

Q: Not Arthur McKenzie, correct?

A: Not Arthur McKenzie. He was -- he falsified, forged the assignment.

Q: Yes, sir. And if anybody has a right under that contract, it certainly wouldn't be Mr. McKenzie, it'd be Liza Gamble, correct?

A: That's correct.

Q: And you sued for breach of contract involving the 378 contract, correct?

A: Uh-huh, yes.

Q: And under the contract, the seller is Tammy D. Floyd, correct?

A: Correct, and I, I thought it was TDF

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1 Group, but that's the seller. She's a
 2 designee. You were there.
 3 Q: So, the seller was Tammy D. Floyd, you
 4 believe it ought to be TDF, LLC?
 5 A: I do. I thought it should. I thought it
 6 was TDF, LLC.
 7 Q: And the buyer was Liza Gamble, correct?
 8 A: The designee, Liza Gamble.
 9 Q: And if somebody breached the contract,
 10 it'd have to be Liza Gamble, correct?
 11 A: True. Liza Gamble was the one that --
 12 now, Arthur had some responsibility in
 13 it, also. You're aware of that, but
 14 there was a designee. You sat in on this
 15 contract and the order. That's what I've
 16 -- well, you go ahead.
 17 Q: And regardless of what you're saying,
 18 certainly Liza Gamble would be the
 19 designated buyer of this house, correct?
 20 A: Legally.
 21 Q: And you chose not to sue Liza Gamble,
 22 correct?
 23 A: I did not.
 24 Q: Tell me what you know about the statute
 25 of limitations?

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1 the house, not to sue Liza Gamble,
 2 correct?
 3 A: Correct.
 4 Q: You further understood and in numerous of
 5 your motions, you talk about the statute
 6 of limitations, you understood you had
 7 three years to sue Liza Gamble or you
 8 couldn't sue her, correct?
 9 A: Not if y'all said you were claiming
 10 Arthur McKenzie ---
 11 Q: Did you understand you couldn't sue her
 12 after three years?
 13 A: I understood that it would be a statute
 14 of limitations, but it's been in
 15 litigation for twelve -- well, almost,
 16 the whole thing, almost twelve years.
 17 Travelers claimed that we were out the
 18 statute of limitations, but you also saw
 19 that their investigator said, "I am
 20 putting you on notice that the Driggers
 21 have a -- and Floyd has a contract."
 22 Q: So, no matter how hard you try, given the
 23 lapse of seven years and your conscious
 24 decision not to sue Liza Gamble, you
 25 can't sue her for breach of contract, can

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1 A: Three years, from what I understand.
 2 Q: And I think this lawsuit started when the
 3 South Carolina Farm Bureau brought an
 4 action against you ---
 5 A: Yeah.
 6 Q: --- in 2014, correct?
 7 A: That's correct.
 8 Q: We're now seven years into the
 9 litigation, why have you not sued Liza
 10 Gamble?
 11 A: Because y'all were stating that Arthur
 12 McKenzie was the man. That's been in the
 13 judges, you, all the attorneys, but I --
 14 like I said all along, it never was
 15 Arthur McKenzie's legally. He's -- it's
 16 never been titled to Arthur McKenzie at
 17 all. If it wasn't for this contract,
 18 Arthur McKenzie couldn't even have got
 19 insurance, could he?
 20 Q: And I believe it's been seven years, at
 21 least, since this lawsuit began, and you
 22 made a conscious decision yourself,
 23 representing yourself as well as TDF, ---
 24 A: Uh-huh.
 25 Q: --- that you say actually is the owner of

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1 you?
 2 A: Nope, not now, I'm sure, but hey, I was
 3 in litigation with this, Arthur McKenzie.
 4 That's what you claimed.
 5 Q: Yeah. Can ---
 6 A: Did you read that?
 7 Q: Just answer my questions, okay, Mr.
 8 Driggers.
 9 A: Okay. Well, read this before you talk.
 10 Q: Mr. Driggers, I pledge to treat you with
 11 respect, I expect the same out of you.
 12 A: I'm going to treat you with respect, too.
 13 Q: Can you behave yourself and treat me with
 14 respect?
 15 A: I will. I will treat you with respect.
 16 I believe in that.
 17 Q: So, if Liza Gamble who's the designated
 18 buyer in the contract has done something,
 19 in your opinion, to breach that contract,
 20 it's been more than three years and you
 21 can't sue her, correct?
 22 A: Well, yeah, she breached the contract to
 23 start with. Arthur McKenzie was ---
 24 Q: Can you sue her under the statute of
 25 limitations?

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1 A: No, I can't, but Arthur McKenzie has been
2 in litigation claiming to be the owner
3 because he forged the document. He
4 forged it, and Judge Shuler on the order
5 signed stating that you cannot do an
6 assignment, and the judge hadn't
7 acknowledged that, either. I'm still
8 waiting on that.

9 Q: So, your contention is that TDF, LLC
10 really should've been put in that
11 contract back in 1997, correct?

12 A: What do you mean, put in it?

13 Q: In fact, that's the contract there, Mr.
14 Driggers.

15 A: I have a copy. I have a copy.

16 Q: Is that the contract, Mr. Driggers?

17 A: That is the contract, right.

18 MR. CORBIN: IF WE COULD MARK THAT,
19 PLEASE.

20 **EXHIBIT NUMBER 5**

21 **MARKED FOR IDENTIFICATION.**

22 A: And acknowledged his signatures on it.
23 His signatures ---

24 Q: Mr. Driggers, just answer my questions,
25 please.

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1 A: All right, go ahead.

2 Q: Exhibit Number 5 is the Contract for Sale
3 and Purchase dated April 25, 1997,
4 correct?

5 A: Should be. It was done in '94, but y'all
6 drug it out from '94 to '97, you
7 remember?

8 Q: And the contract, it states it's between
9 Tammy D. Floyd, hereinafter referred to
10 as "Seller" and Liza Gamble hereinafter
11 referred to as "Buyer" correct?

12 A: Correct, designees, designees.

13 Q: Is TDF mentioned in this contract?

14 A: It may not be, it may not be, but I
15 brought it. TDF -- I was under the
16 impression that TDF was in it. I won't
17 argue, 'cause I didn't do the paperwork,
18 but you were aware of the contract.
19 You've had since '97 to say something
20 about it.

21 Q: Mr. Driggers, if you're not going to be
22 responsive, it's going to take days to do
23 ---

24 A: All right, go ahead.

25 Q: --- this deposition, okay, ---

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1 A: Go ahead. Go ahead.

2 Q: --- but if you want to do that, that's
3 fine with me.

4 A: That's fine, go ahead.

5 Q: I understand that you're angry. You've
6 made accusations against attorneys in
7 this case, me and Mr. Davis.

8 A: I have.

9 Q: Have you made any accusations against Mr.
10 Hudson?

11 A: Not yet.

12 Q: Have you accused Mr. Pritchard of any
13 misconduct?

14 A: Not yet.

15 Q: And your position under oath, and you've
16 told the Court this in other documents,
17 even though this contract states and
18 identifies the seller as Tammy D. Floyd,
19 it really did mean TDF, LLC, correct?

20 A: I'm not sure. My wife said that's the
21 way she applied it. I'm not sure.

22 Q: And TDF, LLC, if you're telling the truth
23 to the Court, TDF, LLC certainly was in
24 existence on April 25, 1997, correct?

25 A: I would think so if we, we used it, yes.

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1 I, I, I don't know, but I'm assuming it
2 was.

3 Q: Yes, sir, because, again, if you're using
4 false information with the Court and
5 taking the position this contract really
6 involved TDF, LLC and TDF, LLC really
7 wasn't even in existence at that time,
8 ---

9 A: Well, if it wasn't, ---

10 Q: --- it's a falsehood, isn't it?

11 A: --- then we got a -- we made a mistake.

12 Q: Repeatedly, correct?

13 A: Well, I mean, if, if that's the case,
14 absolutely, but now, my wife told me we
15 had it in TDF.

16 Q: Do you know when TDF -- well, has TDF,
17 LLC ever been in existence?

18 A: What do you mean?

19 Q: Does it actually exist?

20 A: It's supposed to. I've seen the LLC.

21 Q: And when do you recall it became in
22 existence?

23 A: When do I recall?

24 Q: Yes, sir.

25 A: I'm not sure.

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1 Q: But for your statements to the Court to
 2 be truthful and your defense in this
 3 lawsuit to be truthful, TDF, LLC had to
 4 be in existence ---
 5 A: If would have to be if, if we used it, I
 6 mean, it would be ---
 7 Q: Let me finish, please.
 8 A: Okay.
 9 Q: If your statements to the Court and your
 10 defense is that Tammy D. Floyd really was
 11 just a designee for TDF, LLC and TDF,
 12 LLC, which you represent pro se as an
 13 attorney, ---
 14 A: And myself.
 15 Q: --- it had to be in existence as of April
 16 25, 1997, the date of the contract,
 17 correct?
 18 A: I would think so.
 19 Q: Any idea when TDF, LLC actually was
 20 formed with the Secretary of State's
 21 office in South Carolina?
 22 A: I do not know.
 23 Q: Have you filed a tax return for TDF, LLC?
 24 A: I do not know.
 25 Q: Well, you do know if your position really

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1 is, and think about this, that all the
 2 payments, including the eight thousand
 3 dollars down payment and the other
 4 payments made under this contract really
 5 didn't belong to Tammy D. Floyd, it
 6 belonged to TDF, LLC, TDF, LLC better be
 7 filing tax returns as of 1997 claiming
 8 this income, correct?
 9 A: I have no idea. You'll have to -- as I
 10 stated, and Mr. Pritchard is well aware
 11 of it, that my wife does all the records.
 12 I told the same thing to --
 13 Q: Mr. Driggers, please, we don't need to
 14 hear that. If you don't know, so be it,
 15 say, "My wife should know."
 16 A: I did say that.
 17 Q: Okay. Well, you do know with your
 18 accounting background and multi-million
 19 dollar real estate investments and
 20 hundred properties, you do know that the
 21 income off this particular 378 house
 22 better be declared somewhere in
 23 somebody's tax return, correct?
 24 A: I would assume so. You know they've
 25 already -- you're aware that they've

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1 already pulled our tax returns. Mr.
 2 Pritchard and Ms. Fulton went through all
 3 of them and they said that everything was
 4 okay, so what would I expect?
 5 Q: So, the tax returns indicate that TDF,
 6 LLC declared the income off this
 7 property?
 8 A: I, I don't know.
 9 Q: Okay. If you don't know, that's fine.
 10 A: I don't know.
 11 Q: Okay?
 12 A: I can't tell you. I don't know.
 13 Q: That's a good answer.
 14 A: I mean, that's a fact.
 15 Q: Do you actually -- from your LLCs survey,
 16 you receive distribution ---
 17 A: Sir, I don't receive anything. My wife
 18 receives everything that comes in that
 19 office. That's all I want to get to you.
 20 What I get is what she gave me, and I
 21 told you I came here, thinking she would
 22 have the stuff with Mr. Pritchard, they
 23 have it.
 24 Q: Yes, sir. All I want to know is what you
 25 know, Mr. Driggers.

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1 A: Well, I'll tell you, very little, very
 2 little. You're not looking at a smart
 3 man.
 4 Q: Yes, sir. And under that contract, the
 5 price was eighty thousand dollars,
 6 correct?
 7 A: That's correct.
 8 Q: And one of your wife's friends had bought
 9 this particular property out of a tax
 10 sale, correct?
 11 A: I -- let me see how that was. I think
 12 you're right. I think we bought it in
 13 her name.
 14 Q: Yes, sir, and she was commonly called a
 15 straw buyer?
 16 A: I guess you would. We were told that --
 17 we had a second mortgage and we were told
 18 that if you paid anything on it, it went
 19 toward the first mortgage, but I found
 20 out later that's not correct.
 21 Q: But the derivation or the genesis of this
 22 particular 378 house that was put in the
 23 name of Tammy D. Floyd, it came through a
 24 tax sale and some transactions, correct?
 25 A: Yes, through other people. We didn't end

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up buying it. We bought it from some people that did buy it. It wasn't represented like you said, that we run in there and had the information withheld from Arthur and run under him and bought it, no, we did not do that.

Q: And Elsie Matthews paid twenty-five thousand dollars at the sale for the property?

A: I think it was like twenty-five thousand through us, I mean, well ---

Q: Through TDF?

A: I guess. I don't -- no, that -- I don't know if TDF was, was involved back then. That's been -- we, we talking about way back.

Q: We're talking at the time of this contract, April ---

A: Well, that's '97.

Q: Please let me finish.

A: Okay.

Q: Okay?

A: Uh-huh.

Q: We're talking about April 25, 1997. At that point in time, the property had been

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bought from a tax sale, correct?

A: Callahan bought it.

Q: Okay. And it ended up in your daughter's name, Tammy D. Floyd, correct?

A: That is correct.

Q: And it came through a straw buyer, because you were concerned about, if you bought it yourself, ---

A: Right.

Q: --- it would apply towards some liens, ---

A: Right.

Q: --- correct? And the purpose of the tax sale is to wipe out all the liens?

A: Everything.

Q: So, whatever lien you had, you said you had a lien on the house at that time?

A: I don't know if we did. I'm not sure. I'm not sure. We had control of it. We bought it from W.W. Dibble that cleared the title with the tax sale with Callahan, and then we owned it.

Q: Yes, sir. Have you told anybody under oath that, in fact, you were concerned that you had a mortgage on the property,

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a lien on the property and that if you bid at the tax sale, that would just go to pay off all the liens on the property?

A: I'm sure I have.

Q: Okay. And you said that under oath, haven't you?

A: Yeah, I'm sure I have. I'm sure I've said that.

Q: And you're sure that once it went to the tax sale, it wiped out your lien and other people's liens as well, correct?

A: I'm sure of that.

Q: Okay. So, whatever lien you had on this 378 house, you understood that it was wiped clean, correct?

A: I guess, yeah, I mean, that -- that's, that's the way it's supposed to be.

Q: But you decided to put that lien in this particular contract for some reason, correct?

A: I have no idea.

Q: And if you put that particular mortgage in this particular contract, you understood ---

A: That if we ---

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Q: Mr. Driggers, please.

A: Go ahead, go ahead.

Q: I know it's tough. Mr. Driggers, you got the straw buyer, because you were concerned if you paid for it yourself or TDF, LLC paid for it that it would go towards payment of the liens and you wouldn't receive anything, so my question is, you understood the tax transaction, the sale wiped out all of the previous liens, ---

A: We ---

Q: --- so my ---

A: Go ahead.

Q: So, my question is, if you knew that, why would you put that particular mortgage language in this document?

A: Which mortgage language now? You, you and Billy Jenkinson did this.

Q: We'll go through the document. Let's do this ---

A: Let's do it like ---

Q: -- piece by piece, okay?

A: All right, go ahead.

Q: We got plenty of time and you can make

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1 any comment you want to make, just talk
 2 as long as you want.
 3 A: Okay.
 4 Q: Okay?
 5 A: All right.
 6 Q: Exhibit Number 5, Contract For Sale and
 7 Purchase, the seller is who in this
 8 contract?
 9 A: Wait a minute, Exhibit Number 5, on which
 10 page, the first?
 11 Q: First sentence.
 12 A: First sentence, okay.
 13 Q: If you need to read it again, please go
 14 ahead and take your time and read it.
 15 The question was, who is the seller in
 16 this contract?
 17 A: "Sale and purchase entered into on this
 18 25th day, by and between Tammy D. Floyd,
 19 Tammy D. Floyd ---
 20 Q: Who is the buyer.
 21 A: --- and Liza Gamble."
 22 Q: Liza Gamble is the buyer?
 23 A: Right. That's what it says.
 24 Q: And paragraph number one, the buyer
 25 agrees to buy from the seller, correct?

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1 where Billy called and chastised you for
 2 not going through with the agreement and
 3 doing what you said. I'll, I'll let you
 4 look at it if you need to, but we all
 5 agreed to this, you included. This is
 6 the contract and a judge issued an order
 7 contemporaneously with this, and it said
 8 that no assignments will be let without
 9 the landlord or the other party being
 10 involved, Part A of the judge's order.
 11 Q: Show me where the contract says that.
 12 A: The contract doesn't. The order, it says
 13 contemporaneously.
 14 Q: And in addition to the eight thousand
 15 dollars down payment, did Tammy D. Floyd
 16 get that money?
 17 A: I have no idea. I would assume we did.
 18 Q: Who is we?
 19 A: My wife and I, and what she said, TDF.
 20 Q: So, the eight thousand dollars was paid
 21 to Tammy D. Floyd and given to TDF, LLC?
 22 A: I would, I would say it was, now I don't
 23 know that. I'm just telling you what I
 24 think.
 25 Q: Did Tammy Floyd get the money?

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1 A: Uh-huh.
 2 Q: So, Liza Gamble was agreeing to buy this
 3 house from Tammy D. Floyd and nobody
 4 else, correct?
 5 A: That's what it says.
 6 Q: The total purchase price is eighty
 7 thousand dollars?
 8 A: Right.
 9 Q: And there was a financing agreement, too,
 10 correct?
 11 A: Right.
 12 Q: And under the financing agreement,
 13 paragraph 1(a), "The buyer will pay to
 14 the seller," which is Tammy D. Floyd,
 15 "the sum of eight thousand dollars on or
 16 before May 1, 1996;" was the eight
 17 thousand dollars paid to Tammy D. Floyd?
 18 A: I don't think it was at that time. Y'all
 19 stalled it, remember, for about two
 20 years.
 21 Q: Take your time. What else?
 22 A: And that's ---
 23 Q: Say whatever you want to say.
 24 A: Okay. That's, that's what happened.
 25 Y'all stalled it out, but I got a letter

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1 A: I would doubt it.
 2 Q: Subparagraph (c), "The balance due on the
 3 purchase price, the sum of seventy-two
 4 thousand dollars will be repaid with
 5 interest there from February 1, 1996
 6 until fully paid at the rate of ten
 7 percent per annum."
 8 A: Uh-huh.
 9 Q: Is that what it says?
 10 A: Wait a minute, page, what page you on?
 11 Yeah, yeah, I see it, ten percent, yeah.
 12 Q: And the contract further stipulates what
 13 the monthly payments are to be, the sum
 14 of six hundred ninety-four dollars and
 15 eighty-one cent, correct?
 16 A: Right, uh-huh.
 17 Q: Now, the default provision that you're
 18 talking about, it states, "Default in the
 19 payment of any installment when due shall
 20 render the entire balance due at the
 21 option of the seller," correct?
 22 A: Correct.
 23 Q: What if that violates the law?
 24 A: You signed it.
 25 Q: Sir, what ---

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1 A: You signed it.
 2 Q: Did you sign it?
 3 A: You a lawyer. I signed it, also, but
 4 y'all -- you and Jenkinson advised me and
 5 McKenzie, so if it violates the law, what
 6 about you? I can see Daryl C. Corbin
 7 back here, I mean, that's what we pay
 8 lawyers for, to do the right thing, the
 9 right contract. MariAnne Langley signed
 10 it, Mouzan signed it, Tammy D. Floyd
 11 signed it, Daryl C. Corbin, Denise,
 12 something, and Liza Gamble, Leroy
 13 Driggers, Shiralee M. Driggers, all these
 14 people signed it, so I would assume it's
 15 correct.
 16 Q: "Payments by cash, bank check or
 17 certified funds will be made payable to
 18 Leroy Driggers," why should you get the
 19 money?
 20 A: I have no idea. You signed it.
 21 Q: Mr. Driggers, if you don't mind, let's
 22 get off that personal attack stuff.
 23 A: Okay, let's don't get ---
 24 Q: It's not appealing, okay?
 25 A: But let me -- I understand.

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1 about insurance ---
 2 A: Yeah.
 3 Q: --- and it indicates that the buyer, Liza
 4 Gamble, was supposed to get insurance,
 5 not less than eighty thousand dollars on
 6 the house in her name; is that correct?
 7 A: Yeah. I guess, yeah, go ahead.
 8 Q: Okay. And you testified, given your
 9 wife's longstanding relationship with
 10 Arthur McKenzie, and you knew as well,
 11 that Arthur McKenzie, at least in your
 12 minds, was undependable about paying
 13 insurance payments, correct?
 14 A: Very true.
 15 Q: And there's been sworn testimony in this
 16 case that even though that provision
 17 states that the buyer is supposed to get
 18 insurance listing the seller as a payee,
 19 loss payee, that Mrs. Driggers decided,
 20 "He's undependable, so what we're going
 21 to do is we're going to buy our own
 22 insurance to cover this 378 house,"
 23 correct?
 24 A: Probably.
 25 Q: Okay. And not only did you get the

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1 Q: We all understand you got some vent up
 2 hatred or something going on in your
 3 mind.
 4 A: I understand.
 5 Q: So, please be civil.
 6 A: But I will, ---
 7 Q: Can you?
 8 A: --- I try to be. I can, I think. You
 9 know what, but when I pay a lawyer --
 10 Billy Jenkinson signed this, we need to
 11 get him in in deposition.
 12 Q: The question was, Mr. Driggers, why in
 13 the world did you get the money?
 14 A: I didn't.
 15 Q: It says here, "Payment by cash, bank
 16 check or certified funds will be made
 17 payable to Leroy Driggers."
 18 A: Why did y'all write it that way?
 19 Q: So, you don't know why you got it?
 20 A: I have no idea.
 21 Q: Did you get it?
 22 A: No. I never get any money that comes to
 23 my wife, do you?
 24 Q: We're going to get into that in a minute,
 25 Mr. Driggers. Now, the next provision is

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1 insurance through South Carolina Farm
 2 Bureau on this particular house which
 3 covered fire damage, correct, ---
 4 A: Correct. I guess, yeah.
 5 Q: --- you not only got that insurance on
 6 this particular house, you also charged
 7 Mr. McKenzie for the premium payments in
 8 your name, correct?
 9 A: I have no idea, but I would doubt it. He
 10 won't pay the payment, he -- how's he
 11 going to pay any insurance? He owed the
 12 IRS a million and a half dollars and the
 13 ---
 14 Q: Please just be responsive.
 15 A: --- South Carolina DOR. That is, that is
 16 responsive.
 17 Q: Okay. Okay. If you don't know whether
 18 or not you charged ---
 19 A: I don't.
 20 Q: --- Mr. McKenzie for these -- That's a
 21 good answer.
 22 A: I do not know.
 23 Q: Do you know of any reason why Mr.
 24 McKenzie would be charged for your
 25 premiums paid under the South Carolina

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1 Farm Bureau policy on this particular
2 house?

3 A: He wouldn't be. My wife wouldn't charge
4 him.

5 Q: Why wouldn't she?

6 A: She just would not, I mean, she might at
7 the end or something, if they did, I
8 don't know, but she wouldn't charge him.
9 She, she wouldn't have charged him.
10 She's the reason we did this contract. I
11 would've never have done it, ever.

12 Q: Would you agree that if Mr. McKenzie was
13 charged ---

14 A: It would be wrong.

15 Q: Why so?

16 A: Well, he shouldn't be charged if he's --
17 if he had the insurance. Now, if he did
18 not have the insurance, it would be
19 right; matter-of-fact, if he didn't have
20 the insurance, he has no longer got a
21 contract.

22 Q: And you had three years from the time
23 that you knew or should've known he
24 didn't have insurance or Ms. Gamble
25 didn't have insurance to bring a lawsuit,

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1 correct?

2 A: I don't know. What you mean, three years
3 now?

4 Q: You were just talking about the statute
5 of limitations and you were talking about
6 breach of contract. You had three years.
7 If you're complaining about the insurance
8 provision, you had three years from the
9 day you knew or should've known that the
10 provision was violated to start the
11 lawsuit, correct?

12 A: We could have, could have. I got that
13 option.

14 Q: Yes, sir, but you chose not to, correct?

15 A: But I -- my wife chose not to. I would
16 have done it, but she tried to help the
17 guy. She had a little bit of compassion,
18 and you know what, compassion cost you,
19 but I don't have compassion, I don't.

20 Q: That's pretty obvious.

21 A: You better believe it, and you don't,
22 either, you don't.

23 Q: So, we're going to resort to personal
24 attacks?

25 A: No.

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1 Q: Is that true?

2 A: No, I'm through. Go ahead.

3 Q: Are you?

4 A: Move on through, move on.

5 Q: The insurance provision, the purpose of
6 the insurance provision, if you know, was
7 just to cover the balance due on that
8 particular note ---

9 A: That's true.

10 Q: --- with Ms. Gamble, correct?

11 A: That's what it was supposed to be.
12 That's how it started out.

13 Q: And you certainly didn't want -- if, for
14 example, the house burnt and Ms. Gamble
15 owed thirty thousand dollars, for
16 example, on the house, ---

17 A: Uh-huh.

18 Q: --- you certainly didn't expect to
19 receive eighty thousand dollars under the
20 insurance policy, do you?

21 A: Well, if they put it for that, yeah, I
22 do. Whatever I pay the premium for, I
23 do, I mean, wouldn't you? If you paid
24 for a Cadillac, would you want a
25 Chevrolet?

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1 Q: So, if Mr. McKenzie, for example, was
2 charged for these premiums, he would be
3 entitled to the money, wouldn't he?

4 A: Absolutely, if he was charged for it, but
5 that's, that's not so. I don't believe
6 it. I agree with that.

7 Q: No dispute about that?

8 A: No dispute, but I thought, ---

9 Q: Fair is fair?

10 A: --- I thought everybody went through the
11 records. Fair is fair. Listen, I don't
12 want somebody else's money, but I want
13 mine.

14 Q: You want ten million dollars in this
15 case, don't you?

16 A: I put that on there for one reason, to
17 try to scare them or teach them a lesson
18 on, that they should honor South Carolina
19 Law. I don't care about ten million
20 dollars, but I will fight for ten million
21 dollars if I go before the jury.

22 Q: The contract under paragraph 6(a) states,
23 "The seller will notify the buyer of any
24 default in writing and to vacate the
25 premises." Do you have any proof that

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1 Liza Gamble was notified in writing about
2 any default?

3 A: Oh, I'm sure. That -- that's the reason
4 we were in the -- no, that was from the
5 contract.

6 Q: Do you have proof of that?

7 A: That Liza Gamble probably was -- either
8 Arthur or Liza was notified.

9 Q: Sir, the question, I hope you ---

10 A: Do I know, no.

11 Q: Do you understand the question?

12 A: Yeah. No.

13 Q: Are you having trouble understanding the
14 question?

15 A: I don't, and I'm sure we have.

16 Q: Do you have any proof that Liza Gamble
17 was notified by Tammy Floyd of any
18 default in writing about this house
19 contract, any proof of that?

20 A: Well, when we went to court, that was an
21 eviction.

22 Q: Do you have any proof that Liza Gamble
23 received written notice ---

24 A: You should have a file on it where we
25 went for eviction. You, you, you

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1 represented him in that.

2 Q: We're going to get into the Magistrate
3 Court action in a minute. Is that the
4 only proof you have?

5 A: I'm sure we have other proof.

6 Q: And you're willing to testify under oath
7 that you believe the Magistrate's Court
8 action is proof that Liza Gamble received
9 written notice of default, correct?

10 A: Yeah, we had a lawyer, Jim Dotson, I'm
11 pretty sure, that notified.

12 Q: And you notified Liza Gamble in writing
13 to vacate the premises, correct?

14 A: He notified somebody.

15 Q: But it better be Liza Gamble, correct?

16 A: Why?

17 Q: Wasn't she the seller, I mean, the buyer?

18 A: Well, she's supposed to be, but y'all
19 represented as Arthur McKenzie, said that
20 he's the one that owned it. You
21 represented as that, so we had to either
22 notify one of them, and I would assume
23 one of them was notified or we wouldn't
24 have been in court.

25 Q: Well, I think you sued the wrong person,

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1 Mr. Driggers.

2 A: You think I did?

3 Q: This document, the contract, also talks
4 about foreclosure.

5 A: Foreclosure. What does it say?

6 Q: Well, read paragraph eleven to yourself,
7 I want to ask you some questions about
8 it, see if you understand it.

9 A: Any other lien or mortgage, yeah, that's,
10 that's another mortgage, like if we ---

11 Q: Go ahead and read it to yourself and I
12 can ask you a question.

13 A: Okay.

14 Q: Okay? We can break it down. The first
15 sentence, ---

16 A: Okay, go ahead.

17 Q: --- do you understand what that means?

18 A: The way I read it and with my little
19 knowledge, it reads to mean is there was
20 another action, in other words, if we had
21 a lien on it and it was -- and they was
22 forced to make the payments, they'd have
23 to keep paying until they actually were
24 evicted or pushed out, but that was not
25 the case. There was no other liens

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1 involved.

2 Q: It talks about any other lien or mortgage
3 other than the seller's mortgage.

4 A: Uh-huh.

5 Q: I thought the seller's mortgage was wiped
6 out at the tax sale?

7 A: It was.

8 Q: Okay. So, there was no seller's
9 mortgage, correct?

10 A: Well, I'm assuming not, I mean, the tax
11 sale, the way I understand it, a tax sale
12 wipes out all equity of anybody else.

13 Q: And, then, the third sentence states, "In
14 the event a foreclosure action results in
15 Gamble or McKenzie being evicted, then
16 all obligation to Leroy Driggers, Shirley
17 (Shiralee) Driggers or Tammy D. Floyd
18 under the terms of this contract will be
19 extinguished," correct?

20 A: That's what it says.

21 Q: And the next page, the first sentence
22 states, "In addition, other than a
23 foreclosure action instituted by the
24 seller," so ---

25 A: Wait a minute now. Where you reading at,

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the next page?

Q: Yes, sir, page seven, ---

A: What number?

Q: --- first sentence.

A: "Hereof extinguish the debt and note?" Okay.

Q: No, sir, it starts out, "In addition, other than a foreclosure action instituted by the seller," but the seller had no foreclosure action, correct?

A: The seller. We didn't have any kind of action, I mean, not, not, not that we owed anybody else is the way I read that. We did not owe anybody else. That's if somebody else ---

Q: Yes, sir.

A: --- had a debt on it.

Q: It talks about, "Other than a foreclosure action instituted by the seller due to a default of the buyer under this agreement."

A: That's right. That's what happened.

Q: So, if there's a default, the seller has got to foreclosure on this contract, correct?

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'til he died and he hadn't paid me.

Q: Don't mind you going off on a tangent, but it's going to take a whole lot more time if you want to do that, okay?

A: Okay. Well, I'm just telling you what I want, I want you to understand.

Q: So, you understand, reading that language, that if there's a foreclosure action, that the seller must prove how much is owed, and when the property is sold through foreclosure, if there's any excess, it goes to the buyer, Ms. Gamble, correct?

A: That's right, but there's no excess. He had ---

Q: When was the foreclosure sale?

A: Order of Default and Order of Ejectment.

Q: The house was sold?

A: What, what do you mean?

Q: When was the foreclosure sale?

A: There wasn't a foreclosure sale. It was already taken out of his name, and this is the standard language, it's -- a magistrate did it. The judge says that a magistrate could do it. You signed the

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A: Foreclose, we did foreclose.

Q: When?

A: That's when Dotson went to the magistrate. You have a copy of it.

Q: Yes, sir. Your legal knowledge, that's a foreclosure action?

A: That is. That's a judge's order.

Q: You believe it's a foreclosure action?

A: It's a judge's order.

Q: Just answer the question, please.

A: Yes, I believe that's a foreclosure, the magistrate believed it. It's a judge's Order. Why didn't you appeal?

Q: It states in addition, "Further, in the event of any foreclosure action, the seller agrees the buyer is entitled to any excess proceeds arising from a foreclosure beyond what the buyer owes under this agreement," pretty simple language. Do you understand what that means?

A: Simple, I do. Guess what, he owed us, we didn't owe him. He had a burned house there that I had to take up, didn't pay anything for seven years, eight years

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papers and agreed to it.

Q: You're looking at ---

A: This is the Order of Ejectment. That's Jim Dotson. A lawyer did it.

Q: Yes, and I understand what it is, Mr. Driggers, okay?

A: Okay.

Q: All right?

A: Okay.

Q: Who is William Driggers?

A: William? I have no idea.

Q: You're not related to William Driggers, the magistrate?

A: Oh. Well, no, no, I know him in Williamsburg County, yeah. Yeah, I know Billy.

MR. CORBIN: IF WE COULD MARK THIS EXHIBIT NUMBER 4 OR 5?

COURT REPORTER: IT SHOULD BE 6, ---

MR. CORBIN: SIX?

COURT REPORTER: --- 'CAUSE THE CONTRACT IS 5.

EXHIBIT NUMBER 6

MARKED FOR IDENTIFICATION.

Q: Exhibit Number 6, which is Order of

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Default and Order of Ejectment, you contend that's a foreclosure action?

A: I contend ---

Q: Yes or no, do you contend that's a foreclosure action?

A: Yes, but ---

Q: So, Exhibit Number 6, you contend that's a foreclosure action involving the 378 house of which the buyer was Liza Gamble, correct?

A: That was the designee.

Q: Liza Gamble was the buyer, correct?

A: It was a designee.

Q: Okay. And you contend this Magistrate's Court action is a formal foreclosure on that particular house?

A: On that Contract For Sale.

Q: Sir, was it a foreclosure on the house?

A: It was a Contract For Sale. That's a foreclosure -- that is an ejectment. That's what the Court called for.

Q: And, again ---

A: That's what we agreed to, excuse me.

Q: Yes, sir, I understand that, Mr. Driggers. Again, under the contract, the

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Q: You have no proof that Liza Gamble was served with this document, correct?

A: She was not, I doubt.

Q: But you contend this document forecloses her action for interest in the 378 house, correct?

A: Do you contend that Arthur McKenzie owned it?

Q: You're entitled to answer my question, you're instructed to answer my question.

A: Okay.

Q: Do you contend this document that doesn't even name Liza Gamble affects her interest in the 378 house?

A: I contend it empties the house, frees it up to the seller.

Q: Would you agree that if under the law, the real law, not Driggers law, ---

A: Uh-huh.

Q: --- if under the real law, that under that Contract of Sale that talks about foreclosure, that to get rid of Liza Gamble's interest in that house, you had to go through a formal foreclosure action, ---

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buyer was Liza Gamble. You contend Exhibit Number 6, which is a Magistrate's Court order, is a foreclosure of Mrs. Gamble's interest in the 378 house, correct?

A: That relieves it due to the contract.

Q: Relieves Liza Gamble's interest in the house, correct?

A: That's it.

Q: Show me where she was sued in this Magistrate's Court action.

A: You'll have to get Jim Dotson and get William.

Q: Sir, look at the document. Tell me ---

A: I've looked at it.

Q: --- if you see Liza Gamble being sued in this document.

A: She don't have to be sued. It's a Contract For Sale. She don't have to be sued. She is treated as a renter and she is put out on ejectment by a magistrate. How long ago is that?

Q: So, Liza Gamble was not a defendant in this Magistrate's Court action, correct?

A: She was not.

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A: No, sir.

Q: --- you had to go through a formal foreclosure action, the house had to be sold, you had to prove, TDF, LLC had to prove how much was owed on that house, any excess from that foreclosure sale would be Arthur McKenzie or Liza Gamble's money; do you understand that?

A: I don't. You, Billy Jenkinson and a judge said otherwise. You were a signator (phonetically spelled) of that deal, and I'm trying to find the judge's order, and we all agree that the judge wrote an order contemporaneously with this order. Let me see what it says, do you mind? I know you supposed to be -- you, you look at it.

Q: You had something derogatory to say?

A: That's what?

Q: You had something else to say?

A: I'm waiting to see what you ask.

Q: Mr. Driggers, would you agree that it would be inappropriate for you to mislead the Court about TDF, LLC's involvement in this lawsuit?

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1 A: I have not purposely misled them, if I
 2 have. As I told you, I thought TDF, the
 3 way my wife told me, is that the way she
 4 handled it. If she did not handle it,
 5 talk with her. Y'all -- you'll have a
 6 chance. I, I don't know those things,
 7 those details.

8 Q: And during this litigation, wouldn't you
 9 understand there's a whole lot of
 10 controversy, at least under the law,
 11 who's entitled to what with respect to
 12 this house, correct?

13 A: That's correct.

14 Q: And even you understood that, correct?

15 A: Absolutely.

16 Q: But what you did, knowing all the
 17 controversy for the last seven or eight
 18 years involving title to the house,
 19 ownership to the house, who's entitled to
 20 insurance proceeds, who owns the house,
 21 all that controversy, despite knowing
 22 that, you turned around and tried to sell
 23 the house to somebody else, didn't you?

24 A: I was going to sell it. I had the right
 25 to sell it.

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1 Q: And didn't you tell ---
 2 A: Go ahead.

3 Q: Understand in your mind, you know, the
 4 Driggers right, did you inform the Court
 5 that, "Oh, by the way, in the midst of
 6 this litigation, I would like to sell
 7 this house?"

8 A: I didn't have to inform the Court. I
 9 don't believe I did. Jim Dotson told me
 10 it was my daughter's house. We can
 11 subpoena him if you want to.

12 Q: I didn't think it was your daughter's
 13 house.

14 A: Well, you said it was.

15 Q: I thought it was TDF, LLC.

16 A: Well, I think it was, I, I think, you
 17 know, what I think and what it really is,
 18 is probably -- may be different, but I'm
 19 telling you that I thought it was TDF and
 20 I have been pursuing it under TDF and
 21 Marion L. Driggers, because Marion L.
 22 Driggers and TDF is the one that I
 23 thought was -- that's what they checked
 24 the records and all for. They pulled our
 25 bank accounts.

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EXHIBIT NUMBER 7
MARKED FOR IDENTIFICATION.

1 Q: Yes, sir. Do you recognize this
 2 document? It's Agreement to Sell Real
 3 Estate dated September 16, 2013.

4 A: This is probably the deal I had. I need
 5 a copy of that, too, if I can get one,
 6 because I lost mine. I did, I agreed to
 7 it. My attorney stated that Tammy could
 8 do what she wanted.

9 Q: And on this Agreement to Sell Real
 10 Estate, did you prepare it?

11 A: I don't know. Let me look. That's not
 12 my writing. That's not my writing. I
 13 don't know who prepared it. Alice may
 14 have prepared it, but she was supposed to
 15 go get money through a government
 16 organization and pay that, and I -- my
 17 daughter would have signed a deed.

18 Q: And under this agreement -- do you think
 19 it's a valid contract?

20 A: I do.

21 Q: Enforceable contract?

22 A: I do.

23 Q: Under law, enforceable?

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1 A: I do.

2 Q: Did Alice Peterson, the purchaser, did
 3 she violate this enforceable contract?

4 A: She hadn't paid anything, if that's ---

5 Q: Did she violate it?

6 A: Well, I would say she hadn't paid, so
 7 that's violating it.

8 Q: How many payments did she make?

9 A: Zero.

10 Q: This document is dated September 16,
 11 2013, more than seven years ago, correct?

12 A: Yeah. It's been in litigation and I
 13 didn't push the issue until the
 14 litigation. I thought the litigation
 15 would end, but evidently, it won't.

16 Q: Have you ever sued Alice Peterson?

17 A: I have not.

18 Q: It's been more than three years since you
 19 knew that she violated the contract,
 20 correct?

21 A: Yeah. I hadn't sued her.

22 Q: Statute of limitations run?

23 A: I don't know. If she hadn't paid
 24 anything, I don't know how it could run,
 25 but now you never know with lawyers.

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Q: So, how did this contract come about, was it ---

A: She -- go ahead.

Q: How did this contract come about, Exhibit Number 7, was it Tammy D. Floyd's idea or your idea?

A: My idea.

Q: Did Tammy D. Floyd give you permission to do this?

A: Tammy D. Floyd signed it, but if you through, Alice Peterson dealt with Arthur McKenzie. Arthur McKenzie wanted a hundred thousand dollars for the house and she never could get Arthur to do anything, so she went to check at the courthouse to see whose name it was in. It come up under Tammy D. Floyd, so she found out that Tammy was my daughter and she asked me would I be interested in selling it, and I told her it was under litigation, but I said, "I would very much be interested in selling it or my daughter would," because I wanted to get rid of it. It ain't been nothing but a drag on me for twelve years, and she

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A: Well, I would assume she'd pay it to Tammy D. Floyd, but I don't know. It may be handed to me, but it'll be all in the family.

Q: If she would've come up with the money in 2013, would you have accepted the fifty thousand dollars?

A: I certainly would have, in a heartbeat.

Q: Even with the pending litigation?

A: Hmm?

Q: Even with the pending litigation?

A: Even with the pending litigation. There's no question, the house is in my daughter's name, and it has not been appealed.

Q: Now, in this lawsuit, I think you sued Arthur McKenzie for breach of contract?

A: Right.

Q: And you also sued Arthur McKenzie for conspiracy?

A: Right.

Q: Explain the conspiracy to me.

A: Well, he conspired to get the house back when it wasn't -- he, he did a assignment. It was a forgery. I don't

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agreed to go to some government organization, and I told her I was not putting a dime into the house 'til the litigation was over. She said, "Well, I'll fix it up and you can deduct."

Q: When did you expect her to pay the fifty thousand dollars?

A: I've been expecting her to pay it. She hadn't paid it, so I was trying to wait 'til this litigation was over.

Q: So, you're the reason she hadn't paid it?

A: She, she hadn't never got the people to do the loan. I called her the other day.

Q: When did you call her?

A: Two weeks ago.

Q: Why did you call her?

A: I called her, told her she had to do something one way or the other or we was going to have to do -- put her out of there.

Q: What did she say?

A: She said she was -- had a case settling now and she was going to pay it off.

Q: Would the money be paid to Tammy D. Floyd or somebody else?

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think the Court would approve of forgery or I wouldn't have thought the Court would approve of forgery, so all along, y'all been claiming that it was Arthur's. I got documentation on that.

Q: What's your damages with respect to your theory of conspiracy, any more than breach of the contract? The house is the house, right?

A: The house is the house, so what are you asking me?

Q: What are your damages with respect to conspiracy?

A: Well, I figured up one time probably where I had around three hundred and fifty thousand dollars in all the stuff, the lost payments and all. That's what -- that was my preliminary figure, and the reason that I put the ten-million-dollar figure on punitive damages, because Michael Nettles has just finished a case over in Darlington or somewhere for fifteen million dollars punitive damage and the Court dropped it down to ten million, and I said, "Well, that's a

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legitimate figure."

Q: Now, you have accused Arthur McKenzie of conspiring with Travelers, correct?

A: Well, somebody had, somebody had. Travelers hadn't paid me.

Q: Have you accused Arthur McKenzie of conspiring with Travelers?

A: I don't know that Arthur McKenzie conspired with Travelers.

Q: Who did?

A: I don't know, his attorney may have.

Q: Again, you're accusing me of conspiring?

A: I, I said may have, I don't know. Look, I'm just, I'm just bringing up questions that ought to be answered.

Q: So, you have no basis to have any proof at all that Arthur McKenzie conspired with anybody, correct?

A: Not Arthur, I don't guess.

Q: Well, you sued him for conspiracy.

A: Well, maybe it was a mistake.

Q: Why did you sue him?

A: Maybe it was a mistake. Why'd y'all sue me?

Q: If you have any proof of Arthur McKenzie

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conspiring with anybody, tell me your proof.

A: Well, I don't know right now, not proof.

Q: And, in fact, the Court has already ruled that Travelers didn't conspire with anybody, correct?

A: I have no idea. The Court has ruled so much, I can't keep up with it.

Q: But as you're sitting here, you have no proof of Arthur McKenzie conspiring with anybody involving the house, correct?

A: Not unless I look. I don't think I have right now. I hadn't got -- I'm not prepared to say it now, right now, but I do know that he forged the assignment That's a crime, isn't it?

Q: Can you forge somebody's signature if they give you permission to sign something?

A: Absolutely. If you don't have permission, if you don't have a Power of Attorney; is that not correct?

Q: And why are you suing Arthur McKenzie for breach of contract, you have no proof of conspiracy that you can think of now?

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A: But he breached the contract by not paying, but now, are you saying now that Arthur McKenzie is not involved, it's Liza Gamble?

Q: Don't you understand the purpose of this deposition is to ask you questions?

A: Move forward.

Q: Do you understand that ---

A: I gotcha.

Q: --- or not?

A: Move forward.

Q: If it's confusing, ---

A: I got it.

Q: --- let's talk about it right now.

A: All right, move forward.

Q: Okay, ---

A: Move forward. Let's go ahead.

Q: --- because the way you interrupt is inappropriate.

A: All right. Well, maybe it is.

Q: Breach of contract -- well, do you believe that Liza Gamble conspired with anybody to hurt you?

A: Not really, not Liza. Liza said she gave permission, I don't doubt that, but you

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don't do things like that, you got to get a Power of an Attorney to sign it.

Q: So, you have no proof of Liza Gamble committing conspiracy to do anything against you, correct?

A: Well, I have proof that Liza didn't pay the bill, but that's not, I wouldn't say conspiracy. She did not pay the payments.

Q: So, she breached the contract?

A: Evidently, somebody did.

Q: Why didn't you sue Liza Gamble?

A: Why didn't I?

Q: Yes, sir.

A: Because y'all were claiming Arthur McKenzie had a legitimate assignment, I mean, that's common. You got paperwork going out every day where Arthur ---

Q: How long have you been squawking about the assignment, how many years?

A: Ever since it happened.

Q: How many years?

A: I don't know.

Q: Three, four, five years?

A: Probably.

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1 Q: Okay. In the last five years ---
 2 A: Yeah.
 3 Q: --- you've been squawking about the
 4 assignment ---
 5 A: Yeah.
 6 Q: --- being invalid?
 7 A: Yeah.
 8 Q: So, why didn't you sue Liza Gamble four
 9 or five years ago?
 10 A: I didn't sue Liza. Y'all said Arthur had
 11 it. You, as his attorney, represented
 12 that Arthur McKenzie ---
 13 Q: Mr. Driggers, listen to the question.
 14 A: All right.
 15 Q: Listen to the question, ---
 16 A: Go ahead.
 17 Q: --- and I can break it down, we can take
 18 it nice and slow.
 19 A: Break it easy.
 20 Q: Okay. Liza Gamble was the buyer,
 21 correct?
 22 A: Designee. Arthur was some responsible.
 23 It also showed he was responsible for it,
 24 too, but she was the designee, because
 25 Arthur McKenzie could not put things in

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1 his name, the IRS would take any equity
 2 that he had. That was discussed. That
 3 was discussed.
 4 Q: Please answer the question. You squawked
 5 about the assignment?
 6 A: For years.
 7 Q: For years.
 8 A: For years.
 9 Q: Yeah, you say that with a sneer on your
 10 face.
 11 A: I do, and you know what, for years more
 12 I'll squawk about it until we get some
 13 kind of justice.
 14 Q: So, the question is, ---
 15 A: Okay.
 16 Q: --- you complained about the assignment,
 17 ---
 18 A: Right.
 19 Q: --- you say it's invalid.
 20 A: Right.
 21 Q: You've been squawking for years, ---
 22 A: Right.
 23 Q: --- four or five, six years.
 24 A: Maybe.
 25 Q: You complained to the Court about the

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1 assignment, ---
 2 A: Right.
 3 Q: --- squawking about it?
 4 A: Who do you complain to?
 5 Q: Just answer my question.
 6 A: Yes.
 7 Q: You've been squawking for years ---
 8 A: Yes.
 9 Q: --- to the Court ---
 10 A: Yes.
 11 Q: --- that the assignment is invalid, ---
 12 A: Yes.
 13 Q: --- which means that the only person that
 14 has an ownership interest in the house
 15 would be the buyer, Liza Gamble, correct?
 16 A: Uh-huh. That's correct.
 17 Q: Because the assignment is invalid, in
 18 your mind, ---
 19 A: That is.
 20 Q: --- right?
 21 A: Uh-huh.
 22 Q: Liza Gamble should be involved in the
 23 lawsuit, not Arthur McKenzie, about who
 24 gets what money, correct?
 25 A: Absolutely. I said all along, all along

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1 Liza Gamble had it in her name and it
 2 never was transferred, but y'all fought
 3 that theory, now you're probably going to
 4 come back and want to say, "Hey, you sued
 5 the wrong person."
 6 Q: Please, please limit your answer ---
 7 A: Go ahead.
 8 Q: --- to the question.
 9 A: You said you'd let me elaborate all I
 10 wanted.
 11 Q: Go ahead.
 12 A: Okay. No, no, you just told me to
 13 elaborate all I want.
 14 Q: Besides saying that in the lawsuit
 15 somebody said something or had some kind
 16 of position in the lawsuit, ---
 17 A: Uh-huh.
 18 Q: --- that it's somebody else's fault that
 19 you didn't sue Liza Gamble, so my
 20 question is, you're the one who squawked
 21 about the assignment?
 22 A: It is. That's true, I did.
 23 Q: You criticized -- Let me finish, please.
 24 A: Okay, go ahead.
 25 Q: You criticized even the Court?

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1 A: Yeah.
 2 Q: You criticized the judges in this case
 3 ---
 4 A: I have.
 5 Q: --- about this assignment, correct?
 6 A: I have.
 7 Q: But for whatever reason, being a pro se
 8 attorney for yourself and TDF, LLC, ---
 9 A: Yeah.
 10 Q: --- for whatever reason, in your mind,
 11 ---
 12 A: Okay.
 13 Q: --- you complained about the assignment
 14 and you knew the only person involved
 15 with the contract at that point would be
 16 Liza Gamble and you chose not to sue Liza
 17 Gamble, correct?
 18 A: Because y'all said Arthur McKenzie had
 19 it. Why didn't we clear this in the
 20 contract when we wrote it if it's a
 21 problem? We three -- I had ---
 22 Q: Mr. Driggers?
 23 A: I had Billy --- you said I could
 24 elaborate. I had Billy Jenkinson as my
 25 lawyer. You represented Arthur McKenzie

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1 and designated Liza Gamble, because he
 2 was trying to beat the IRS. That's why
 3 you did it, and Duane Shuler is the
 4 judge. They still live and they
 5 available. We need to get them in it,
 6 'cause if they did that thing that wrong,
 7 then I ought to get them for malpractice
 8 or I ought to get Billy Jenkinson for
 9 malpractice, 'cause he's a legitimate
 10 attorney, you are, too.
 11 Q: Whatever your reason is, the fact is for
 12 the last five or six years you chose not
 13 to add Liza Gamble as a defendant,
 14 correct?
 15 A: Well, Edward, also.
 16 Q: I'm talking about with you ---
 17 A: With me.
 18 Q: --- representing yourself.
 19 A: With me, okay. Okay, but I have my wife
 20 ---
 21 Q: Please just answer the question. You
 22 certainly understood you could add her if
 23 you wanted to, but you chose not to?
 24 A: I didn't think it was necessary, because
 25 y'all were hollering about Arthur

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1 McKenzie, Arthur McKenzie owned it,
 2 Arthur McKenzie. I had Mr. Pritchard
 3 here since when, '15? Nobody said
 4 anything about, I ought to sue Arthur or
 5 to my wife, we ought to sue Liza Gamble,
 6 'cause y'all were stating that she's out
 7 of it, she signed it over.
 8 Q: She's out of it now, isn't she?
 9 A: Maybe so, that's whatever, but one of
 10 them is in it.
 11 Q: Now, the bottom line is, in this lawsuit
 12 you're seeking millions of dollars, and
 13 have you, in your mind, the way you
 14 understand the law, the Driggers law, is
 15 that you're entitled to money from Arthur
 16 McKenzie's Travelers policy, correct?
 17 A: Correct.
 18 Q: You're entitled to all the money from
 19 South Carolina Farm Bureau's policy,
 20 correct?
 21 A: Correct, we paid it.
 22 Q: Well, whoever paid it is entitled to it,
 23 correct?
 24 A: Yeah.
 25 Q: Okay. And you further understand, being

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1 an astute businessperson, you can't
 2 collect twice for the same fire damage,
 3 correct?
 4 A: I'm well aware of that.
 5 Q: But you want all of Arthur McKenzie's
 6 money?
 7 A: All of Arthur's? I ain't got any.
 8 Q: You want all Arthur McKenzie's money for
 9 the fire loss, correct?
 10 A: No. No, I don't want his personal ---
 11 Q: How much do you want?
 12 A: I want the amount that was paid on the
 13 house, the amount that was paid on the
 14 house. Arthur wasn't titled -- that
 15 house wasn't titled on Arthur when
 16 Travelers paid you. Who'd they write the
 17 check in?
 18 Q: So, you want Travelers' money, correct?
 19 A: I want some of it. Arthur got a hundred
 20 and some thousand dollars personal
 21 belongings.
 22 Q: Yeah, and that bothers you, doesn't it?
 23 A: Not really. I don't mind him getting it.
 24 Q: So, you want part of the Travelers money,
 25 how much?

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1 A: I want what I'm due.
 2 Q: Okay. Are you due a hundred and fifteen
 3 thousand dollars from Travelers?
 4 A: I'm sure or more, a lot more than a
 5 hundred and fifteen thousand.
 6 Q: Okay, because you've asked for millions?
 7 A: Yeah.
 8 Q: So, you want all the money, the Travelers
 9 money, correct?
 10 A: Yeah. I want all of the hundred and
 11 fifteen thousand.
 12 Q: Let me finish my question, ---
 13 A: Okay.
 14 Q: --- okay? We all know you want ten
 15 million dollars.
 16 A: Yeah.
 17 Q: Everybody knows that.
 18 A: Uh-huh.
 19 Q: Okay. You want all the Travelers money
 20 ---
 21 A: Uh-huh.
 22 Q: --- that Arthur paid insurance on that
 23 house for the fire loss, correct, you
 24 want all of it?
 25 A: But he didn't protect me.

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1 Q: Do you want all of it?
 2 A: If he -- whatever the house was, whatever
 3 he got out the house.
 4 Q: You not only want the Travelers money,
 5 you also want South Carolina Farm Bureau
 6 for the same fire loss damage, correct?
 7 A: I do. I do. I want what -- because I've
 8 had the expense. If it would've
 9 happened, if it would've been paid off in
 10 '09, South Carolina Farm Bureau would've
 11 never been involved. They would've never
 12 been involved. I did not send them
 13 anything 'til I absolutely had to; am I
 14 correct? Well, you can't get involved.
 15 I didn't send anything. If I would've
 16 been smart, and Mr. Pritchard has told
 17 me, I, I promise you, if I would've been
 18 smart, I would've got the Farm Bureau
 19 money and said, "The heck with it, don't
 20 worry about what's right and wrong."
 21 That's what I should've done, but I was
 22 stupid. I just didn't realize it would
 23 be that crooked a court.
 24 Q: What do you mean, a crooked court?
 25 A: I'm talking about, it is a bias court.

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1 Baker Bender and Ravenel, I promise you,
 2 they got a lot of pull up in Columbia.
 3 Q: Pull with judges?
 4 A: Judges, judges, senators.
 5 Q: So, judges are corrupt?
 6 A: A good many, a good many in South
 7 Carolina.
 8 Q: Any reason to believe any judge in this
 9 case has been corrupt?
 10 A: I won't say.
 11 Q: If you've got that accusation, I'm
 12 entitled to hear it.
 13 A: I won't say. I'll present it at the
 14 jury.
 15 Q: Do you have any proof that any judge in
 16 this case has been corrupted by anybody
 17 involved in this case?
 18 A: I won't say that. I can't prove that, I
 19 mean, I could say that, I could think
 20 that, but I can't prove that, you know
 21 that.
 22 Q: Do you think South Carolina Farm Bureau
 23 has been corrupt?
 24 A: Not -- they should have paid me like they
 25 said they were going to do, they didn't.

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1 I think somebody changed their mind. I'm
 2 trying to find out how, but I think that
 3 Mr. Hudson is well aware of why I didn't
 4 turn it in. It wasn't to hide anything.
 5 Q: Well, the reason you decided not to file
 6 a claim and you had an absolute right to
 7 file one, didn't you, ---
 8 A: I absolutely did.
 9 Q: --- because the insurance was in your
 10 name, correct?
 11 A: Right. Well, yeah, I believe it is in my
 12 name.
 13 Q: Okay. It covered this particular house,
 14 378 house, ---
 15 A: Uh-huh.
 16 Q: --- correct?
 17 A: Correct.
 18 Q: You say you paid for that insurance
 19 coverage on the 378 house in your name,
 20 correct?
 21 A: My wife did.
 22 Q: Okay. And you understood you had
 23 coverage for fire damage, correct?
 24 A: I don't know. I, I thought that we had
 25 it. I thought Woody Feagin knew what it

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1 was for. It was for a mortgage, but, I
2 mean, fire would cover it.

3 Q: And you understood the house caught on
4 fire November 1995, correct?

5 A: Caught on fire, no, that was '09.

6 Q: 2009, yeah. You understood November 25,
7 2009, the house caught on fire?

8 A: Right.

9 Q: Right? You had insurance on the house
10 through South Carolina Farm Bureau at
11 that time, correct?

12 A: Right.

13 Q: And you chose not to file a claim,
14 correct?

15 A: I did.

16 Q: But you did file a timely claim, didn't
17 you?

18 A: Less than three years. Wilbur Brown told
19 me Travelers had to pay us, so I held
20 off. Wilbur Brown was Arthur's mentor.
21 He said there's no way around it, whether
22 they had me listed or not, he said they
23 had to pay me, so I held off, stupid
24 mistake.

25 Q: And the reason that you were hesitant to

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1 file a fire claim is because you had this
2 impression, and, in fact, it was your
3 wife's decision or your decision not to
4 file a claim, because you were concerned
5 about insurance premiums?

6 A: I was. I was concerned that they would
7 go up, but I come to find out, they said
8 later on, I heard Randall or whoever he
9 is, said that they don't go up like that
10 anymore, I don't know, but that was my
11 impression.

12 Q: So, you believe Arthur McKenzie twisted
13 your arm and made you not file a claim
14 under your own insurance policy, correct?

15 A: Do I believe he twisted my arm?

16 Q: Yeah, compelled you not to or made you or
17 forced you not to file a claim?

18 A: That was my decision.

19 Q: If it was a bad decision, it's your bad
20 decision, correct?

21 A: It was, I agree. You right on one thing,
22 Mr. Corbin, you right, bad decision. I
23 should've let them pay and I would've
24 been gone.

25 Q: September, I'm sorry, November 30, 2020,

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1 you're again communicating with the judge
2 in this case, one of the judges, Judge
3 Kristi Curtis; do you recognize that
4 document?

5 A: "I disagree that Travelers was released
6 with my permission. There was no mention
7 of interpleader when we agreed to let
8 Travelers place the money into Court. I
9 asked the Court, then does this mean that
10 Travelers is released and you said no.
11 My family has fought these corrupt
12 lawyers for twelve years without a chance
13 to depose Travelers' employees."

14 Q: The question was, do you recognize that
15 document?

16 A: Yes, I do.

17 Q: Yes?

18 A: Yeah.

19 MR. CORBIN: MARK THAT, PLEASE.

20 COURT REPORTER: NUMBER 8.

EXHIBIT NUMBER 8

MARKED FOR IDENTIFICATION.

22 Q: Again, in this document you're
23 complaining to the Court about corrupt
24 lawyers, correct?

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1 A: Right.

2 Q: The same thing you told other people,
3 your family members about corrupt
4 lawyers?

5 A: Right. This should've been settled years
6 ago.

7 Q: And which attorneys were you accusing of
8 being corrupt to the Court?

9 A: I won't say.

10 Q: What proof do you have that any attorney
11 was corrupt in this case?

12 A: I won't say. I'll present it in court.

13 Q: No, sir, if you don't tell me now, you
14 certainly can't present anything in
15 court. You're under oath ---

16 A: Okay.

17 Q: --- and you have to answer the question.

18 A: Well, I won't present it. I won't
19 present it.

20 Q: Well, you made the accusation, didn't
21 you?

22 A: I did. I believe it.

23 Q: What proof do you have that any attorneys
24 were corrupt in this case?

25 A: Direct proof, I can't give you any.

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Q: Indirect proof, what do you have?

A: I mean, you could say, "Hey, by breaking the laws." I can't just look at you and say you a thief, but I'm telling you, I believe some of the laws were broke.

Q: You've also accused lawyers of being corrupt and committing fraud, correct?

A: Well, I think some fraud has been committed.

Q: Which fraud?

A: I won't say. I'll give it to the jury.

Q: No, sir, if you don't tell me now what proof you have ---

A: Well, I ---

Q: --- of any attorney committing fraud in this case, you're not going to be allowed to testify to that in court.

A: Well, I'm planning to testify. I'll see what the judge says.

Q: What evidence do you have of any attorney committing fraud in this case?

A: I won't say right yet.

Q: Were you just joking to the Court when you accused lawyers ---

A: No, sir.

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Q: --- of being corrupt and fraudulent?

A: No, sir, I believe it happened.

Q: What proof do you have?

A: I just told you, I don't have any direct proof, I believe breaking the law, I mean, you know, you could say -- I can't put it in writing and show that somebody did that, no, I can't do it like that, but I can say they broke the law. Laws have been broken.

Q: Unauthorized practice of law, has that been broken?

A: I don't know, you tell me. Why hadn't somebody complained about it? Remember, I'm a pro se, you're a professional attorney.

Q: This is one of your communications with another judge in this case, Judge Ferrell Cothran, dated July 26, 2018.

A: Right.

Q: Again, you're making accusations against lawyers. Do you recognize that document, yes or no? Is that your document?"

A: "I don't believe he was aware that another circuit judge had issued an

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order."

Q: Mr. Driggers, when you read stuff out loud, the court reporter has to take it down.

A: I'm sorry.

Q: Please read it to yourself.

A: I am sorry. I did write this.

Q: Did you have proof of your accusations in this correspondence to the Court?

A: I think that I can probably prove some of it by law.

MR. CORBIN: IF WE CAN MARK THAT,
PLEASE.

COURT REPORTER: NUMBER 9.

EXHIBIT NUMBER 9
MARKED FOR IDENTIFICATION.

Q: This was another one of your Motions to Reconsider. You probably had five or six or seven of them?

A: Oh, no, I've, I've got over a thousand dollars' worth of motions, and guess what, I don't think I won a one. That's odd.

Q: All your pro se motions?

A: All my pro se motions. We had one for

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Summary Judgment, was going to do it res judicata, because it's the same case, but we never have, we never have went back and done it. I tried it, but they didn't honor it.

Q: In this correspondence to Judge Cothran, again, you had derogatory statements about attorneys in this case. It states, "This case was brought only to line the pockets of all the attorneys involved."

A: I believe that. I certainly believe that. I got a right.

Q: Who brought the case?

A: What?

Q: Which attorney started the case?

A: Mr. Hudson, I guess, but now -- well, they didn't pay me.

Q: Did Mr. Hudson bring this case to line his pocket?

A: Well, no, not on that, but I'm talking about the, the case, Travelers, by not paying, Travelers brought the case. No, Mr. Pritchard brought the case or did ---

Q: Sir, ---

A: --- Dotson, Dotson do it?

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Q: --- you told the Court, and you have an obligation to be truthful to the Court, correct, ---

A: I do.

Q: --- especially if you're going to be pro se, correct?

A: I do.

Q: In this correspondence to Judge Cothran, you stated, "This case was brought only to line the pockets of all the attorneys involved." Do you believe Mr. Hudson brought ---

A: No, he's ---

Q: Let me finish the question, please.

A: Okay.

Q: Do you have any proof that Mr. Hudson brought this case only to line his pockets?

A: No, sir.

Q: Did you sue Mr. McKenzie or did he sue you to start with?

A: I'm trying to remember.

Q: Okay. Assume that you brought the case against him first.

A: Oh, we -- to be honest with you, I don't

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remember now. We brought the eviction and got that done, and, and I don't remember who actually brought the case, unless it was Edward here. I got a thing where he sued Farm Bureau and Travelers. Yeah, Edward brought the case, I guess.

Q: So, which other attorneys do you believe brought this case to line their pockets, if any?

A: This must be the actual case right here.

Q: So, the question was, you made an accusation to the Court?

A: What?

Q: You're functioning as a pro se attorney.

A: Right.

Q: You're required to tell the truth, especially to the Court.

A: That's true.

Q: So, my question was, when you stated, "This case was brought only to line the pockets of all the attorneys involved," which attorneys?

A: I don't know. I don't know. I got a few of them in mind, but like I said, we -- it had to be defended either way, but I

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think the attorneys have played this case out a long time.

Q: Do you have any proof that that statement you made to the Court was true?

A: No.

Q: But you made it, anyway?

A: I did, other than twelve years.

Q: This is another one of your documents submitted to the Court, but it's addressed to the Hudson Law Firm, dated July 6, 2020. Just answer yes or no, is that your document?

A: This is a document I wrote.

Q: Yes, sir. Is it?

A: That's it.

MR. CORBIN: MARK THAT, PLEASE.

COURT REPORTER: NUMBER 10.

EXHIBIT NUMBER 10

MARKED FOR IDENTIFICATION.

Q: Exhibit Number 10 is your opposing statements to the motions and it's dated July 6, 2020. You submitted this to the Court, correct?

A: I don't know, I hadn't see it. Oh, that's the one I just looked at, yeah.

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Q: Yes, sir.

A: Yeah, okay.

Q: You submitted that to the Court ---

A: Yeah.

Q: --- in opposition to a motion, correct?

A: Probably so. I didn't read it, but I'm sure I did.

Q: In this correspondence to Mr. Hudson, and Mr. Hudson represents South Carolina Farm Bureau Insurance Company, correct?

A: Correct.

Q: And you're suing South Carolina Farm Bureau Insurance Company, correct?

A: Correct, or Mr. Pritchard is, mostly.

Q: Well, are you?

A: I am, also, trying to collect.

Q: And it states, Dear sir, "I'm enclosing our EUOs to remind the Court how we have protected Farm Bureau;" how have you protected Farm Bureau?

A: I didn't turn the claim in so they would have to pay it.

Q: Well, that was your mistake, wasn't it?

A: It was, but that's protecting them?

Q: You're protecting Farm Bureau at your

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1 expense, correct?

2 A: Uh-huh.

3 Q: So, when you said that you have protected

4 Farm Bureau, you mean that, "We had a

5 claim, we paid for the insurance," at

6 least you think you paid for the

7 insurance with Farm Bureau, "it should

8 cover the fire damage to the house, but

9 we decided not to bring it right away,"

10 correct?

11 A: That is correct.

12 Q: And you did that to protect Farm Bureau,

13 correct?

14 A: I didn't do it to protect them, but it

15 ended up being like that. I was trying

16 to not turn in a claim. That's -- I

17 should be well understood.

18 Q: Yes, sir. And is everything you said in

19 this correspondence truthful?

20 A: Well, I'll have to read it. Let me read

21 it.

22 Q: Let me read it to you, "We told you," Mr.

23 Hudson, "and Johnny Matthews that this

24 was a family LLC;" is that true?

25 A: I think so.

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1 A: Not necessarily, it's still legal.

2 Q: If this entity were not in existence and

3 you're representing to the Court ---

4 A: It wouldn't matter. She's a designee.

5 Q: You're sneering again. Let me ask the

6 question. It's rather simple. If you're

7 representing to the Court as a pro se

8 attorney ---

9 A: Uh-huh.

10 Q: --- representing yourself and TDF, ---

11 A: Right.

12 Q: --- you better tell the truth in this

13 document, correct?

14 A: Well, I thought I did.

15 Q: Okay?

16 A: Okay.

17 Q: So, the question is, if it's not

18 truthful, you've got a problem, don't

19 you?

20 A: I don't have a problem.

21 Q: And if TDF Group was not even in

22 existence ---

23 A: I don't have a problem there.

24 Q: If TDF was not even ---

25 A: It don't matter. I don't have a problem.

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1 Q: So, that family LLC better be in

2 existence at the time of the contract on

3 the 378 house, correct?

4 A: Well, not necessarily. I -- that's what

5 I believed.

6 Q: Okay. "The TDF Group stands for Tammy D.

7 Floyd."

8 A: Yeah, makes sense.

9 Q: And TDF Group better be in existence at

10 the time of the contract, correct?

11 A: It may be, I don't know. Like I said, I

12 -- that's what, what I was told.

13 Q: Okay. And if TDF Group were not even in

14 existence at the time the contract was

15 entered, this statement would be false,

16 wouldn't it?

17 A: It would be.

18 Q: "Mrs. Floyd was our designated owner of

19 this property."

20 A: She was.

21 Q: When you say our, you mean TDF Group,

22 correct?

23 A: TDF Group.

24 Q: It better be in existence at the time of

25 the contract, correct?

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1 Q: You're being very rude.

2 A: Okay. I don't have -- listen, my theory

3 is ---

4 Q: Let me ask the question.

5 A: Okay.

6 Q: TDF better be in existence at the time

7 the contract was entered by your

8 daughter, correct?

9 A: Not as far as I'm concerned. We have ---

10 Q: Does it bother you making the

11 misstatements to the Court?

12 A: Well, yes, it bothers me if I did, but I

13 was under the impression that TDF was in

14 existence, and it may not have been. My

15 wife told me that. I thought it was, but

16 we did a contract with a designee. As

17 far as I'm concerned, TDF, it don't

18 matter. That's my theory. That's the

19 Driggers law you talking about.

20 Q: Yeah, "After talking with some of the

21 other attorneys," talking to Mr. Hudson,

22 after Mr. Hudson was talking to some of

23 the other attorneys, "you decided to file

24 for Declaratory Judgment to avoid

25 defending my family," defending your

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family from what?

A: From not paying.

Q: So, you expected Farm Bureau to defend you for some reason?

A: I would. I did. I figured they would, my wife did.

Q: Defend you from what action?

A: For, for Travelers not paying, I figured they would go after them, Driggers law.

Q: You further state, "Some corrupt insurance companies try to avoid defending their client by a Declaratory Judgment." Were you accusing Farm Bureau of being corrupt by using the Declaratory Judgment?

A: I just -- that's, that's just a statement I made.

Q: Did you believe that to be true?

A: Well, I believed it, sort of, yeah.

Q: Sort of?

A: I do, yeah.

Q: Pretty serious accusation, ---

A: It is.

Q: --- but you sort of believed it or did you really believe it?

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went for more, the proof of loss, he did sign it, 'cause his mentor, Wilbur Brown, told him he better sign that, ---

Q: Yes, sir.

A: --- because he had a contract.

Q: In this document you submitted to the Court as a pro se attorney for yourself and TDF, LLC, you stated, "Could this be because of political pressure from Columbia."

A: Uh-huh.

Q: What in the world does that mean?

A: I mean, Travelers, Travelers, Mr. Davis has, has got a lot of pull in Columbia. That's what I meant.

Q: Political pressure on whom?

A: I don't know, whoever he knows.

Q: So, you believe political pressure affected the rulings in this case?

A: I do. I do, I really do.

Q: Which judge do you think was submitted to political pressure and made an improper ruling?

A: I won't call names. There's several improper rulings. We'll, we'll litigate

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A: I believed it.

Q: Okay. So, you believed Farm Bureau was being corrupt by filing the Declaratory Judgment action?

A: Well, I think they should've paid me.

Q: Were they're being corrupt?

A: Well, that's, that's what -- you look at it that way. I thought they should've paid me.

Q: That's what you said. Do you believe it or not?

A: Well, corruption means not paying.

Q: It further states, "We were waiting for Travelers to pay the claim and if this did not happen, then we would be filing a claim against Farm Bureau." Did you wait too long?

A: Wait too long for what?

Q: Are you blaming Mr. McKenzie that you decided to wait filing your claim?

A: Too long for what?

Q: Filing your claim with Farm Bureau?

A: I, I waited on Travelers. I blame Mr. McKenzie because he didn't put us down, but then when I saw the contract that

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that before the jury.

Q: No, sir, you told the Court and raised the issue about political pressure ---

A: Uh-huh, I believe.

Q: --- influencing the rulings in this case.

A: Yeah.

Q: What proof do you have of that and which judge?

A: Well, I'll tell you when I get to court what I want to ---

Q: No, sir, I'm asking you under oath right now. You're required to answer my question. Which judge do you think was influenced by political pressure?

A: I'm not going to tell you who I think was influenced. I'm not going to tell you.

Q: Are you going to testify to that in court?

A: What? I might. I'll see. I'll let you know. I feel like I have a right to some secrecy for me as a acting attorney.

Q: It's not secret when you put something in the public record and accuse judges of being subject to political pressure from Columbia.

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1 A: Well, I believe it.
 2 Q: So, which ones?
 3 A: Huh? Well, I told you I'll hold ---
 4 Q: Judge Cothran?
 5 A: I won't say.
 6 Q: Does that mean you think he was
 7 influenced by political corruption?
 8 A: I think that he tried and held a
 9 conference before no court reporter. I,
 10 I think that is improper, don't you?
 11 Q: Any complaint about Judge James?
 12 A: Probably.
 13 Q: How was he influenced by political
 14 pressure?
 15 A: We'll just see. He was, he was running
 16 for office, wasn't he?
 17 Q: So, he made some corrupt rulings?
 18 A: I think he might have.
 19 Q: Judge Brown, he ruled against you, too.
 20 A: He absolutely made a corrupt ruling. He
 21 overruled another judge for sure.
 22 Q: Judge Curtis, she's ruled against you
 23 many, many times?
 24 A: She's -- every time, and she's overruled
 25 ---

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1 Q: Has she been influenced by political
 2 pressure?
 3 A: Possibly. She's over ---
 4 Q: Do you think she's made corrupt rulings?
 5 A: I think she's made some wrong rulings,
 6 you know, you, you, you -- judge has got
 7 decisions, they can be right or wrong,
 8 but I think she is not obeyed the law.
 9 She overruled Duane Shuler's order.
 10 Q: When you accuse judges of being
 11 influenced by political pressure, don't
 12 you understand you're making the
 13 accusation of improper conduct by a
 14 judge; you understand that, don't you?
 15 A: Well, it's possible.
 16 Q: What else did you mean by that?
 17 A: That's what I told you. I think they
 18 ruled improperly, you know, you have a
 19 right to do that. That's why they got to
 20 seek -- hold a Disciplinary Commission.
 21 Q: It further states, "If your company,"
 22 South Carolina Farm Bureau, "would have
 23 protected my family like I protected you,
 24 then this would have been over," what do
 25 you mean by that?

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1 A: I mean, if they would've paid me.
 2 Q: Who paid you?
 3 A: Nobody. Nobody's paid me, nobody, but
 4 you have been paid.
 5 Q: You kind of glad you got some money to
 6 argue about?
 7 A: Some money?
 8 Q: Yes, sir, the Travelers money, you kind
 9 of glad you got some money to argue
 10 about?
 11 A: I hadn't got it, yet. Look, I wouldn't
 12 count nothing past Travelers. I hadn't
 13 got a dime in twelve years. Don't you
 14 count on that. I wouldn't go out and buy
 15 a new car on it.
 16 Q: You further complain about Farm Bureau
 17 not following some kind of appeal, what's
 18 the basis of that? It doesn't make any
 19 sense to me.
 20 A: I don't know. I feel like they should've
 21 appealed or -- and should appeal.
 22 Q: You testified a while ago you have no
 23 compassion. You told Mr. Hudson, South
 24 Carolina Farm Bureau, "I no longer have
 25 any sympathy for this company. You seem

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1 to listen to corrupt lawyers and not to
 2 your client." What in the world does
 3 that mean?
 4 A: That means that he didn't pay me and I
 5 asked for it.
 6 Q: No sympathy for Farm Bureau?
 7 A: So-so.
 8 Q: Well, here, you said ---
 9 A: I think they got caught in a position
 10 that they screwed as well as I am, I can
 11 tell you that. They, they are -- well,
 12 that's as far as I'm going to go.
 13 Q: You further state, "You seem to listen to
 14 corrupt lawyers." Again, you submitted
 15 this to the Court. You have no proof of
 16 corrupt lawyers, do you?
 17 A: No. No, no way. I don't know if you can
 18 find one.
 19 MR. HUDSON: LET'S GIVE THE COURT
 20 REPORTER A QUICK BREAK
 21 HERE, ALL RIGHT?
 22 MR. CORBIN: YEP, YEP, ABSOLUTELY.
 23 MR. HUDSON: WE'VE BEEN AT IT FOR
 24 ABOUT TWO HOURS.
 25

****OFF THE RECORD****

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(ON THE RECORD.)

MR. CORBIN CONTINUES:

Q: Mr. Driggers?

A: Yes, sir.

Q: The date of the Contract For Sale and Purchase involving the 378 house listing Tammy D. Floyd as the seller and Liza Gamble as the buyer is dated April 25, 1997, ---

A: Uh-huh.

Q: --- for reference. If you want to find out if TDF, LLC, TDF Group, TDF Family -- any other TDFs we need to look for?

A: There's just TDF. Group, I think, is the way it is, TDF Group.

Q: Okay. And if we want to find out, you know, for real ---

A: Uh-huh.

Q: --- whether or not the TDF entity even existed ---

A: Uh-huh.

Q: --- at the time you're representing to the Court back in 1997 that really was TDF, do you know how to do that?

A: I, I got a -- I should have a thing at

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home in the safe with the TDF thing on it, but I'm just telling you what my wife told me. She said that we run it through TDF. Now, she might've meant that we were running it through the books in TDF, I don't know.

Q: I don't want any excuses, I just want to know. Are you aware that the Secretary of State, you got to register LLCs and

A: You got to.

Q: --- corporations ---

A: Uh-huh.

Q: --- with the Secretary of State, whether or not you like to, you're required to do that, correct?

A: Right, absolutely.

Q: And if you're operating an entity that's not registered as an LLC in the state, that is not registered with the Secretary of State, that's a violation of the law, isn't it?

A: It could be. I would think so.

Q: Pretty big violation, isn't it, ---

A: I don't know.

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Q: --- because if you're operating as a sham, that's a pretty big violation; wouldn't you think?

A: I -- well, like I said, I don't know if we operated ---

Q: Let's see if we can find out.

A: I can find out when I get home.

Q: No, we're going to find out right now. If you go to the Secretary of State's website, ---

A: Uh-huh.

Q: --- the section called Business Entities Online; you can do a business name search.

A: Uh-huh.

Q: Giving you a document, wouldn't you agree that's basically what that document says?

A: Business Entities Online, yeah.

Q: Secretary of State's Office South Carolina, ---

A: Uh-huh.

Q: --- correct?

MR. CORBIN: MARK THAT, PLEASE.

COURT REPORTER: NUMBER 11.

EXHIBIT NUMBER 11

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MARKED FOR IDENTIFICATION.

Q: And if you go to the Secretary of State's Office, it might be in existence, might not, we're going to find out.

A: I don't know.

MR. PRITCHARD: I GOT IT RIGHT HERE.

Q: And you search TDF, it says, "No results."

MR. PRITCHARD: I GOT TDFS.

MR. CORBIN: LET ME SEE.

MR. DRIGGERS: YOU GOT IT?

MR. PRITCHARD: WELL, IF YOU'RE LOOKING FOR TDF GROUP, THAT'S IT RIGHT THERE (INDICATING). THAT'S THE ONLY ONE THAT'S GOT MARION'S NAME ON IT AS A REGISTERED AGENT. THE REST OF THE OTHER PEOPLE, I DON'T RECOGNIZE AND OTHER TDFS.

A: That was it, TDF Group.

Q: TDF Group?

A: Yeah, TDF Group.

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Q: So, the TDF Group, LLC ---
 A: Uh-huh.
 Q: --- organization was October 1, 2008; does that sound about right?
 A: I don't know. We've been -- now, that don't sound right, I don't think. It ought to be earlier than that.
 Q: And I was looking for TDF Group, TDF, LLC, TDF Family ---
 A: It's TDF Group.
 Q: Let, let -- Again, you're being, not only rude to me, especially rude to the court reporter.
 A: Okay.
 Q: So, TDF Group, you're the registered agent, Marion L. Driggers, correct?
 A: That's it. That's it.
 Q: Do you dispute that?
 A: No.
 Q: So, you were the registered agent for TDF Group, LLC that you've been talking about from day one.
 A: Uh-huh.
 Q: Tammy D. Floyd was really functioning as a member of TDF Group, LLC ---

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A: Well ---
 Q: --- at the time she entered the contract in 1997, correct? That's what you told the Court?
 A: That's, that's what I was told. Well -- well, it could've been they're doing the paperwork.
 Q: Yes, sir.
 A: I don't know how they did it, but it wasn't ---
 Q: It could've been anything, but according to the Secretary of State's Office, it was organized October 1, 2008.
 A: Well, it couldn't have been right, then, I mean ---
 Q: So, the Secretary of State is wrong?
 A: No. No, no, no, no, I didn't say. I said it couldn't have been right that my wife -- she must've just been putting it -- but it couldn't even ---
 Q: Another way to say it is that you misrepresented to the Court ---
 A: No.
 Q: --- to establish -- let me finish, please. Again, you're being extremely

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rude.
 A: I usually am.
 Q: You're what, now?
 A: I said I usually am.
 Q: Yeah.
 A: Uh-huh.
 Q: At least I can verify that, at least today.
 A: Uh-huh.
 Q: You're rude to me and the court reporter.
 A: Yeah. Now, you've done a lot of depositions, I only been a few.
 Q: So, TDF Group, it's been your position as a pro se attorney representing, not only yourself, but apparently this group or some other group?
 A: He actually represents them. He actually represents -- I believe she told you TDF, didn't she ---
 Q: Mr. Driggers, ---
 A: --- or did she?
 Q: --- again, you're being inappropriate.
 A: Okay.
 Q: Please try to control yourself, I know you're having troubles.

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A: I am.
 Q: Please act in a professional sense, answer the questions ---
 A: I am trying.
 Q: --- in a respectful manner.
 A: I'm trying in a respectful manner.
 Q: And you don't answer questions by accusing somebody else of doing something. So, you have represented as a pro se attorney, ---
 A: Uh-huh.
 Q: --- we're not going to blame anybody else in the world but you.
 A: Me.
 Q: I hope you accept responsibility.
 A: I do.
 Q: You have represented to this Court in Williamsburg County in front of numerous judges, ones that you say have been influenced by improper political influence, and you represented to attorneys that you say are fraudulent and corrupt and everything else that really the real party in interest to the 1997 contract was not Tammy D. Floyd, it was

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1 TDF Group, so my ----
 2 A: Well, I thought that.
 3 Q: --- so my question -- I understand you
 4 say you thought it, so my question is,
 5 wouldn't you at least agree that was an
 6 error?
 7 A: That's an error, if it -- if it's done in
 8 '08, and I guess it was. That's what it
 9 says, but I was going by information I
 10 was given.
 11 Q: Would you agree it's a misrepresentation
 12 to the Court?
 13 A: Well, I would say so. It's an error.
 14 Q: Would you agree that was your cover story
 15 using some other entity besides your
 16 daughter to really make it look like you
 17 had some kind of claim to get ten million
 18 dollars?
 19 A: It's irrelevant. It's irrelevant.
 20 Q: Wasn't that your cover story?
 21 A: It's my daughter. It's my daughter. It
 22 was the designee. You were involved,
 23 Billy Jenkinson was involved.
 24 Q: We've heard the same old song over and
 25 over.

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1 Q: Yes, sir, honesty.
 2 A: Honesty
 3 Q: Misleading the Court.
 4 A: I honestly believe that. I can testify
 5 of ---
 6 Q: By accusing attorneys and judges of
 7 corruption without any proof?
 8 A: Well, I think they -- they've been some
 9 problems with the law, let me put it that
 10 way. I won't -- they've been some
 11 problems with the law that we don't seem
 12 to agree on.
 13 Q: Mr. Driggers, the reason to take
 14 ownership away from your daughter ---
 15 A: Uh-huh.
 16 Q: --- is on the documents. It's kind of
 17 hard to do.
 18 A: Uh-huh.
 19 Q: It's in the title search, it's in the
 20 court records, it's in the contract. The
 21 seller is not anything to do with Leroy
 22 Driggers, ---
 23 A: Uh-huh.
 24 Q: --- it's Tammy D. Floyd, so let ---
 25 A: Well, why did y'all put Leroy Driggers,

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1 A: Okay. Well, I'm just saying, ---
 2 Q: Let's go on to something else.
 3 A: --- you signed the contract, you honor
 4 it.
 5 Q: Isn't it true, Mr. Driggers, that you've
 6 misrepresented to the Court for years ---
 7 A: No. No.
 8 Q: --- that ---
 9 A: I made an error.
 10 Q: Because if you did it on purpose, ---
 11 A: I didn't.
 12 Q: --- but if you did ---
 13 A: I didn't.
 14 Q: And the only way that you can lay a
 15 claim, and you seem to be very anxious to
 16 get millions of dollars ---
 17 A: I don't care about the money, ---
 18 Q: I know you don't.
 19 A: --- Mr. Corbin.
 20 Q: Yeah.
 21 A: I really don't, not like you.
 22 Q: You're sneering again.
 23 A: No, I'm not. I don't care about the
 24 money, never went in it for the money,
 25 fairness, honesty.

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1 then?
 2 Q: Let me ask you a question, Mr. Driggers.
 3 A: Uh-huh.
 4 Q: So, the way you get some kind of claim so
 5 you can assert a claim, and some of your
 6 claims have been tossed out, correct?
 7 A: About everything of mine has been tossed
 8 out.
 9 Q: Yes, sir, and you believe that's because
 10 of corruption of the judges and lawyers,
 11 correct?
 12 A: I think some of it, yeah.
 13 Q: Okay. And all your claims, most of your
 14 claims ---
 15 A: Uh-huh.
 16 Q: --- have been tossed out, so the only way
 17 that you have to lay a claim to what you
 18 hope is ten million dollars or more ---
 19 A: I'll take less.
 20 Q: --- is by coming up with this sham that
 21 TDF Group ---
 22 A: It's not a sham.
 23 Q: --- really -- again, you're being rude,
 24 that TDF Group really was the owner and
 25 Tammy D. Floyd really wasn't when TDF

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1 Group didn't even exist?

2 A: It's possible.

3 Q: Would you consider that to be corrupt?

4 A: It's irrelevant. It's -- I don't think

5 that has anything to do with it.

6 Q: If TDF Group did not even exist ---

7 A: I thought it did.

8 Q: Mr. Driggers, again, you're being rude.

9 A: Go ahead.

10 Q: I'm not asking you what you thought.

11 A: Okay.

12 Q: Really don't much care what you think.

13 A: I know you don't.

14 Q: I want to know what you know as a fact.

15 A: I don't know it. I don't think it makes

16 any difference to a jury, I don't think,

17 because I ---

18 Q: But you've been misrepresenting yourself

19 as ---

20 A: I ---

21 Q: --- being an owner in the property?

22 A: I can get up under oath and swear to you

23 or the judge or to God that I didn't

24 know. I thought my wife told me she

25 thought we did it under TDF.

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1 Gamble, Ms. Floyd or Mr. McKenzie's

2 estate.

3 A: Well, Ms. Floyd will be fine with me.

4 Ms. Floyd will be fine with me.

5 Q: And you've been held in contempt of court

6 before, haven't you?

7 A: One time.

8 Q: And you thought that judge was corrupt in

9 doing it, correct?

10 A: I did. You know what case that was on or

11 you don't want to know?

12 Q: You've told me everything I need to know.

13 A: Okay.

14 Q: Now, you say you don't know too much

15 about the payments ---

16 A: I don't know anything about it.

17 Q: --- made ---

18 A: I know my wife told me ---

19 Q: Let me -- we all know your wife tells you

20 everything. I want to know what you

21 know.

22 A: He was paying us seven hundred dollars a

23 month, as far as I know. I took some

24 payments at the service station, she took

25 other payments different places, but I

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1 Q: Who was ignorant about that fact?

2 A: Who, what?

3 Q: Who was ignorant about that fact?

4 A: Me.

5 Q: You were ignorant about it?

6 A: Me, okay? I've been ignorant about a

7 lot.

8 Q: And you missed it by eleven years?

9 A: Oh, yeah. Well, maybe so, I don't know.

10 Do, do you think I would've put that up

11 there and tried to fool you over that?

12 Q: That's the way it looks.

13 A: Well, you wrong, but what we need to

14 concentrate on is the contract and the

15 order.

16 Q: We need to concentrate on your

17 representing TDF ---

18 A: Okay.

19 Q: --- that doesn't exist.

20 A: Tell it to the judge and the jury.

21 Q: And we need to focus on you with this

22 sham attempt to lay claim to money that

23 certainly doesn't belong to you.

24 A: Well ---

25 Q: If it belongs to anybody, it's either Ms.

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1 never have seen his receipts where he's

2 paid up.

3 Q: Well, who had the receipts?

4 A: Huh?

5 Q: You don't keep receipts?

6 A: Well, we got them, but you disagreed with

7 them. We got them. We got ours. You

8 got yours, ---

9 Q: We're going to find out, aren't we?

10 A: --- 'cause the fire didn't burn them up.

11 Q: Not all of them.

12 A: Alice Peterson -- no, it didn't burn

13 anything up down in his office. Alice

14 Peterson will testify to that.

15 Q: Would you agree that the burden is on

16 you? If you want to claim in court under

17 oath how much money was due under the

18 contract with Ms. Gamble, the burden was

19 on you to prove it, correct, you can't

20 just make up a number, ---

21 A: No.

22 Q: --- can you?

23 A: Why should I have to prove it?

24 Q: Just like you can't make up an LLC.

25 A: Well -- well, how can -- why should I

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1 prove it? If a person can't, if a person
2 can't bring in their receipt, why should
3 the seller have to prove it? I can't
4 prove it.

5 Q: Don't you have to pay taxes on it?

6 A: I do.

7 Q: You have an accounting background.

8 A: Well ---

9 Q: You own a hundred properties, you're
10 worth millions of dollars.

11 A: My wife has.

12 Q: Let me ask the question, please.

13 A: Uh-huh.

14 Q: You're required under law to keep
15 documentation of how much money you get,
16 correct?

17 A: Tell the jury.

18 Q: Do you believe that to be true or not?

19 A: Yeah, tell the jury.

20 Q: You can't hide stuff, can you?

21 A: Tell the jury. I, I don't try to hide
22 it.

23 Q: And you understand Mr. McKenzie is dead?

24 A: Yes, I understand.

25 Q: All right. And you submitted an

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1 accounting of what you say ---

2 A: This was before he died.

3 Q: Let me ask the question, please, ---

4 A: Okay.

5 Q: --- and then you can squawk ---

6 A: Okay.

7 Q: --- and sneer.

8 A: Okay.

9 Q: You submitted an accounting?

10 A: Do what?

11 Q: You have submitted an accounting?

12 A: I hadn't.

13 Q: Well, I'm going to show you an
14 accounting.

15 A: Mr. Pritchard and my wife have.

16 Q: Okay. And would you agree that
17 accounting better be accurate?

18 A: It should be.

19 Q: Okay, because you've got the burden to
20 prove it's accurate, don't you?

21 A: Not me, my wife and Mr. Pritchard.

22 Q: Okay. Well, doesn't that tie into your
23 claim that you're entitled to some money
24 if you're ---

25 A: Well ---

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1 Q: Because you've represented to the Court
2 numerous times, ---

3 A: Yeah.

4 Q: --- numerous times ---

5 A: Yeah.

6 Q: --- that you have proof that over a
7 hundred thousand dollars is owed on this
8 contract; haven't you done that?

9 A: I don't know. I hadn't said over a
10 hundred. That's what my wife had worked
11 up with Mr. Pritchard.

12 Q: And you've given sworn statements about
13 how much money is owed?

14 A: Where do you see that?

15 Q: We'll get into it, Mr. Driggers, but what
16 I want to focus on is what you know, what
17 you can prove.

18 A: I know what I got there.

19 Q: Okay. Well, I know what I got here, too.

20 A: Okay. Well, bring it on.

21 Q: Wouldn't you agree that the accounting
22 better be accurate?

23 A: Better be.

24 Q: Mr. McKenzie, thank goodness before he
25 died, gave a Sworn Affidavit submitted to

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1 the Court, ---

2 A: Yeah.

3 Q: --- correct?

4 A: Uh-huh.

5 Q: You're laughing about it. You're
6 laughing about him dying or the
7 affidavit?

8 A: No. No. No. I don't laugh about people
9 dying.

10 Q: Okay. You're laughing about the
11 affidavit?

12 A: The affidavit, I don't know. I can't
13 remember. I don't remember what he said
14 in it.

15 Q: Okay. But he's no longer here, but thank
16 goodness, he kept some of the receipts.

17 A: That's good. Well, we need to see them.

18 Q: Mr. Driggers, I'm going to ask you
19 questions.

20 A: Okay, go ahead.

21 Q: And I want you to look, this is the
22 accounting that has been given to us.

23 A: Uh-huh.

24 Q: And would you agree that the accounting
25 records were sloppy kept by you?

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1 A: Not by me.
 2 Q: Well, by your wife?
 3 A: By my wife.
 4 Q: Was it sloppy?
 5 A: I don't know. I don't know. I, I would
 6 say that it's possible, I mean, I ---
 7 Q: Would you at least agree that if you're
 8 suing somebody on this contract involving
 9 several years of payments, you better be
 10 able to prove how much is owed, correct?
 11 A: I think Mr. Pritchard can. I think he'll
 12 show you what it is.
 13 Q: What I want to do is, this is the
 14 accounting.
 15 A: Uh-huh.
 16 Q: And I'm sure you recognize, in general,
 17 that's the accounting? Your wife
 18 prepared it; I think?
 19 A: Well, that -- that's probably correct,
 20 and I've probably seen this, but I don't
 21 have it.
 22 Q: And Mr. Dotson supplied that to Mr.
 23 Nettles, the first attorney representing
 24 Mr. McKenzie?
 25 A: That's very possible.

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1 A: What about it?
 2 Q: Look for May 3, 1999.
 3 A: May 3, 1999. That's '05. This ain't got
 4 '99 on it, has it? I don't see any '99
 5 on it.
 6 Q: Let me see it, please. Right here at the
 7 top, you don't see 1999?
 8 A: Well, I did -- you said over here and I
 9 went over there.
 10 Q: How much credit was Mr. McKenzie given
 11 for the entire year of 1999 under this
 12 contract?
 13 A: A thousand dollars is what it looks like.
 14 Q: That had better be correct, right?
 15 A: I'm pretty sure it's close. My wife did
 16 it.
 17 Q: I'm sure, and we're going to get into
 18 what Mr. Driggers did, but look at this
 19 exhibit. Do those look like receipts
 20 from the payment on the house? It's
 21 rather obvious. The answer is yes.
 22 A: "Paid on account," that's what it says,
 23 ---
 24 Q: Yes, sir.
 25 A: --- a thousand dollars. Wait a minute,

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1 Q: Yes, sir, and that's proof of how much is
 2 owed, correct?
 3 A: I, I would think so.
 4 Q: Okay.
 5 MR. CORBIN: MARK THAT, PLEASE.
 6 COURT REPORTER: NUMBER 12.
 7 **EXHIBIT NUMBER 12**
 8 **MARKED FOR IDENTIFICATION.**
 9 Q: And for whatever reason, the contract
 10 started out in 1997, we've got limited
 11 documentation here, but I want you to
 12 look at Exhibit Number 12.
 13 A: What is this? That's the same thing,
 14 isn't it?
 15 Q: Yes, sir. I'm going to ask you questions
 16 about it, ---
 17 A: Oh.
 18 Q: --- if you don't mind.
 19 A: That's fine.
 20 Q: Who has initials SD?
 21 A: Shiralee Driggers.
 22 Q: Look on that ledger. When you flip to
 23 it, it's got dates on it.
 24 A: Here?
 25 Q: Yes, sir.

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1 what account?
 2 Q: Right, we can play that game.
 3 A: Okay. You need to ---
 4 MR. CORBIN: LET'S MARK THAT,
 5 PLEASE.
 6 A: You need to talk with my wife about that.
 7 **EXHIBIT NUMBER 13**
 8 **MARKED FOR IDENTIFICATION.**
 9 COURT REPORTER: NUMBER 13.
 10 Q: Assume these to be receipts on the
 11 Highway 378 house and the house payments
 12 stamped Shiralee Driggers?
 13 A: I have no idea.
 14 Q: Okay. I know you have no idea, but for
 15 1999, your accounting sheet has one
 16 thousand dollars.
 17 A: Uh-huh.
 18 Q: These two receipts add up to twenty-six
 19 hundred dollars; can you explain that?
 20 A: I, I can't. I can't explain it. I
 21 didn't sign it. I didn't stamp it. I
 22 can't explain it, but I think she can.
 23 Q: Very good. Who is JMD or GMD?
 24 A: Let me see.
 25 Q: See the highlighted yellow?

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1 A: Gail M. Driggers, could be my wife's
2 sister.
3 Q: Now, look on the ledger sheet, let's see
4 if this receipt is included on the ledger
5 sheet, February 4, 2005.
6 A: February 4th, 2005, this is not on this.
7 Q: Wonder why?
8 A: I, I don't know. This is not my
9 document.
10 MR. CORBIN: MARK THAT EXHIBIT,
11 PLEASE.
12 COURT REPORTER: NUMBER 14.
13 EXHIBIT NUMBER 14
14 MARKED FOR IDENTIFICATION.
15 Q: Let's look at April 20, 2009.
16 A: '9?
17 Q: Yes sir, check made out to Driggers
18 Rentals, seven hundred dollars.
19 A: April?
20 Q: Would it be quicker if I find it for you?
21 A: I, I got it now. April what, now?
22 Somebody's got a six back here. Is it
23 4/11/2009?
24 Q: No, sir. It's 3/25/2009.
25 A: 3/25 shows zero.

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1 Q: And, then, it was deposited 4/20/2009; do
2 you see any credit for that?
3 A: Wait a minute now. We talking about --
4 all right, I'm showing number 7/9 -- What
5 date, 3/25?
6 Q: It's 3/23.
7 A: 3/23.
8 Q: Let me speed up this process.
9 A: You mark it for me.
10 Q: Yeah, I'll be glad to.
11 A: Where are you getting this information?
12 Q: Are you curious about it?
13 A: Yeah. That looks like bank statements.
14 Q: 3/9/09. Do you see 3/9/09 on that
15 document?
16 A: Do I see 3 what, 3/9/09?
17 Q: Yes, sir.
18 A: 3/9/09, seven hundred dollars. It's got
19 a "4" by it; is that right? Well, you
20 don't have that, though, you got ---
21 Q: Bingo, that's the fourth payment? How
22 many payments were made on that day?
23 A: I don't know.
24 Q: Do you see a payment for 3/20/09?
25 A: 3/20/09.

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1 Q: Just a little bit down.
2 A: 3/20/09, zero is what it's showing.
3 Q: And 3/30/09, do you see another zero?
4 A: Zero.
5 Q: On these documents, these are checks made
6 to Driggers Rentals for seven hundred
7 dollars apiece. Explain why only one of
8 three of those checks show up on the
9 ledger.
10 A: I don't know, talk with my wife.
11 Q: Something bad wrong, correct?
12 A: I, I don't know, yet, hey.
13 Q: We're going to dig deeper.
14 A: Dig all you want, I mean, I, ---
15 Q: Yes, sir.
16 A: --- I can't tell you something I don't
17 know.
18 EXHIBIT NUMBER 15
19 MARKED FOR IDENTIFICATION.
20 COURT REPORTER: NUMBER 15
21 Q: Can you look at February 2009?
22 A: February 2009.
23 Q: February 3, 2009. You want me to help
24 you?
25 A: No, I can do it, it just takes me time.

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1 Q: Either February 3 or February 4, 2009.
2 A: I'm getting there. February 2008, '9,
3 zero.
4 Q: For 2003 and 2004, zero, right, I mean,
5 February 3rd and February 4th, 2009?
6 A: February the 3rd, ---
7 Q: Zero.
8 A: --- zero.
9 Q: February 4th, zero.
10 A: February the 4th is zero, yeah, they
11 several zeroes.
12 Q: Yes, there sure are. Can you explain why
13 those two checks are not on the ledger
14 for February 3rd and 4th, seven hundred
15 dollars apiece?
16 A: I can't.
17 Q: Something's bad wrong with the ledger?
18 A: Wonder who cashed them?
19 Q: We're going to find out, aren't we?
20 A: Yeah.
21 Q: Would you ---
22 A: We need to know -- I, I, I don't know
23 about this.
24 MR. CORBIN: MARK IT, PLEASE.
25 EXHIBIT NUMBER 16

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MARKED FOR IDENTIFICATION.

A: I told you before we ever come, before I ever come to the deposition, I don't know this stuff.

Q: Yes, sir. We're going to go a little bit deeper.

A: But yeah, find out who cashed it.

Q: Yeah. Sometimes Arthur would pay by check, correct?

A: Yeah.

Q: Sometimes he'd pay by cash, ---

A: Yeah.

Q: --- correct? Sometimes he'd pay by Money order?

A: I guess, I don't know.

Q: It's in the records, assume that to be true.

A: Very seldom.

Q: Sometimes he would cash the money and bring cash. It's kind of hard to trace cash, isn't it?

A: Well, I, I would assume it is, ---

Q: Yes, sir.

A: --- but, I mean ---

Q: Look at June 2, 2009.

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A: Okay, fine.

Q: --- keep on, okay?

A: Go ahead. I got time. I got time.

Q: If you don't mind.

A: Yeah. Yeah.

Q: You made lots of accusations of fraud ---

A: Right.

Q: --- and corruption and all that kind of stuff.

A: I have.

Q: Yeah.

A: I have.

Q: We're going to keep on digging.

A: We will. I am, too.

Q: Very good.

A: Yeah.

Q: Look at -- some of these are kind of confusing. Here's a check to Driggers Rentals from February 4th, 2008, but it wasn't deposited until May 7, 2008, so look at both those dates.

A: Wait a minute.

Q: February 4, 2008.

A: 2008, I don't show February.

Q: Believe me, it's not there, okay?

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A: June.

Q: Either 2 or 3, 2008.

A: 2008. June, I got to go back. No, June of 2000 -- I start on 7/27. I don't show June.

Q: All right. So, June payments aren't even there?

A: Huh?

Q: June payments are not even on the ledger?

A: Okay. Well, I don't see them. That's what I say.

Q: Can you explain ---

A: No, I can't explain that. I've already told you.

Q: Okay.

MR. CORBIN: MARK THAT, PLEASE.

EXHIBIT NUMBER 17**MARKED FOR IDENTIFICATION.**

COURT REPORTER: NUMBER 17.

Q: Got some more checks made out to Driggers Rental.

A: Well, let me make a suggestion. This is -- coming up Thursday, my wife will be ---

Q: No, sir, we're going to ---

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A: Okay.

Q: Can you explain why it's not there? This check was made out to Driggers Rentals, seven hundred dollars.

A: I can explain. Something happened. I don't know what happened.

Q: Okay. The next one is March 7, I'm sorry, May 7, 2008.

A: May 7th, I don't show May.

Q: That one is missing, too.

A: Yeah.

Q: Can you explain why these two checks made to Driggers Rentals for seven hundred dollars apiece signed by Arthur McKenzie do not show up in this ledger?

A: I can't.

MR. CORBIN: MARK THAT, PLEASE.

EXHIBIT NUMBER 18**MARKED FOR IDENTIFICATION.**

COURT REPORTER: EIGHTEEN.

A: But Mr. Pritchard should be able to find out and be able to give you some answers Thursday.

Q: Look at November 14, 2005.

A: 2005.

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Q: Let's see if that one is missing. This is a check made out to Driggers Rentals signed by Arthur McKenzie ---

A: 2005.

Q: --- for house payment, seven hundred dollars.

A: What now, 2005? I don't show nothing up to 12/31/05.

Q: Can you explain why that payment would not be listed?

A: No, I can't.

Q: And another one was made ---

A: Can't explain that neither.

Q: Yes, sir, November 18, 2005.

A: Okay.

Q: No, I'm sorry, that's his Travelers payment for the insurance.

A: What?

Q: Yeah.

MR. CORBIN: MARK THIS, PLEASE.

EXHIBIT NUMBER 19

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COURT REPORTER: NUMBER 19.

Q: Maybe you know something about this one. Did you sign it?

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A: No, that ain't my signature.

Q: It says Leroy Driggers?

A: I know it, but that's not my signature. You hadn't never seen me ---

Q: Somebody forged your signature?

A: I don't know, but I, I -- Shiralee could've wrote it. I didn't write that.

Q: Did she have your permission to do it, to forge your name?

A: I doubt it, because I didn't know it happened, but I -- I'm almost ninety-nine percent sure that's not my signature.

Q: So, you think somebody forged your signature?

A: Well, I would say my wife. I don't know if it's a forgery.

Q: Well, she didn't have your permission, did she?

A: No, she didn't, but that's not a legal agreement, as far as I'm concerned.

That's between a landlord and a tenant.

Q: Yes, sir, and let's see if this, this is on the ledger, I kind of doubt it is, January 15, 2000 -- January 15, 1996.

A: '96?

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Q: Yeah.

A: That was before the agreement.

Q: Twelve hundred dollars.

A: That was before the agreement. Mark that one off.

Q: Do you remember getting that?

A: I don't. I don't remember any of it, I ---

Q: You got twelve hundred dollars cash?

A: I, I don't know.

Q: Here's one for Driggers Rentals, two thousand, eight hundred thirty-eight dollars and four cents.

A: For Driggers Rentals?

Q: Signed by Liza Gamble for property tax and three months' rent.

A: That's probably where they was paying us back.

Q: Yes, sir, and it's dated January 7, 2000. Do you see any credit for that anywhere in your ledger sheets?

A: 1/7, no. 1/7, what, 2000?

Q: Yes, sir.

A: Well, I don't even show 2000. This thing start -- well, 2000.

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Q: Yeah, it started in '97.

A: Yeah, but you got seventy-one hundred dollars payments received in 2000, and that's really good for him. Eighty-four hundred is what it's supposed to be, but we, we really celebrated when we got this, but you look at that record, forty-two hundred, one thousand, seventy-one hundred, forty-eight, sixty-three hundred, and it's supposed to be eighty-four hundred dollars every year.

Q: That's if you believe that ledger is correct.

A: Well, I believe it's correct. I don't believe my wife -- she might've made a mistake, but she ain't made that many ---

Q: Hold on to it, we have lots more.

A: Okay.

Q: Okay?

A: She ain't had that many mistakes.

Q: So, you see nothing wrong with this ledger at this point with all these ---

A: Not me.

Q: --- receipts, okay?

A: Not me, that I know something.

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1 Q: Yes, sir. We're going to ---
 2 A: I don't.
 3 Q: --- dig a little bit deeper.
 4 A: There's two sides to every story.
 5 Q: Let's look at November 15, 2003.
 6 A: 2003, that ain't got no -- all, all I can
 7 tell you is we got seventeen hundred
 8 dollars that year.
 9 Q: 2003?
 10 A: 2003. Let's see, I got something that
 11 may ---
 12 Q: 2001, April 16, 2001 ---
 13 A: We got forty-eight hundred that year.
 14 Q: Excellent. That's if you believe those
 15 figures. Let's check another one, April
 16 16, 2001.
 17 A: April 16th, 2000 -- all right, I got
 18 forty-two hundred that year.
 19 Q: Are you still willing to -- Do you
 20 believe that ledger is accurate?
 21 A: I'm pretty sure it is, I mean, I, I don't
 22 know. My wife is not a dishonest person.
 23 I think she -- she's made mistakes and
 24 all, but now if you asking me do I know
 25 anything about them, I can honestly tell

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1 you I do not. I don't get involved in
 2 the bookwork. I work, I get out and
 3 work. That's why I fight for what I got,
 4 but see, here's something that's
 5 confusing.
 6 Q: You're confused, Mr. Driggers?
 7 A: Yeah. No, this is -- what I got is
 8 confusing.
 9 Q: Is it about the ledger, yes or no?
 10 A: It's about where we notified -- Billy
 11 Jenkinson notified Gamble that they were
 12 a amount due as ninety-seven thousand
 13 dollars in February the 9th, 2005.
 14 Q: Excellent.
 15 A: That's confusing, you know, that's a
 16 lawyer. We had a four-thousand-dollar
 17 receipt, too.
 18 Q: Yes, sir.
 19 A: Uh-huh.
 20 Q: Got any missing receipts?
 21 A: Huh?
 22 Q: Do you have any missing receipts?
 23 A: I got one that he blamed, saying that ---
 24 Q: Sir, I asked you a question.
 25 A: Have I got any?

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1 Q: Yes.
 2 A: What do you mean?
 3 Q: Do you have any receipts that are not
 4 listed on that ledger?
 5 A: Any receipts that are not listed on this
 6 ledger? I don't. I don't have anything.
 7 Q: Let's move on.
 8 A: Okay.
 9 Q: I'm going to give you a chance to retrack
 10 one of your earlier statements under oath
 11 ---
 12 A: All right.
 13 Q: --- where you said that Arthur McKenzie
 14 -- he certainly wasn't charged for your
 15 South Carolina Farm Bureau Insurance
 16 coverage, was he?
 17 A: I don't think so.
 18 Q: And if he was, that would be wrong?
 19 A: It would be wrong.
 20 Q: And if he was charged for it and he paid,
 21 was charged for payment of Farm Bureau,
 22 that's his insurance coverage, isn't it?
 23 You can't charge him and take it away
 24 from him, can you?
 25 A: Show me where he's paid for it.

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1 Q: Answer my question.
 2 A: What? Show me a receipt, show me where
 3 he's paid.
 4 Q: Answer my question.
 5 A: What are you asking me?
 6 Q: Well, listen very carefully.
 7 A: He didn't pay for it, ---
 8 Q: Listen very carefully.
 9 A: --- I'm sure of that.
 10 Q: Okay. And if he was charged for it and
 11 added to this note to where you're trying
 12 to collect, that insurance belongs to
 13 him, doesn't it?
 14 A: He what?
 15 Q: If he paid, if he was charged for it ---
 16 A: No, it does not, but he would ---
 17 Q: Listen very ---
 18 A: Hey, he, he didn't pay for it.
 19 Q: You're being rude again.
 20 A: Okay, but he didn't pay for it. He
 21 wouldn't pay his debt. He was a million
 22 and a half behind, you think he would
 23 worry about a few hundred dollars, now
 24 common sense. I tell you, if a jury
 25 don't believe me on that, then I need to

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1 lose. You going -- a man that owes
2 everybody, owes the IRS, owes DOR and
3 tell me that us out there, legitimate
4 landowners trying to make a living will
5 cheat him, you are full of it.

6 Q: You got, you got the house for twenty-
7 five thousand dollars and charged him
8 eighty for it?

9 A: Absolutely.

10 Q: Yes, sir.

11 A: I made a profit on it.

12 Q: You sure did.

13 A: Well, what would you have done? You, you
14 own real estate, you, you try to sell
15 yours at a loss? Somebody that would
16 screw you much as Arthur screwed us and
17 you telling me. We saved the house for
18 him, do you believe that? He lost it,
19 you know that, 'cause you was his
20 attorney.

21 Q: Okay. Now, I appreciate you being frank
22 that it'd be wrong to charge Mr. McKenzie
23 for the South Carolina Farm Bureau
24 Insurance coverage and it never happened
25 and it'd be wrong and I agree. Are you

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1 aware that your wife was asked a question
2 under oath, "Did you charge Mr. McKenzie
3 for the cost of that insurance that he
4 was supposed to get for you?" You follow
5 me?

6 A: I gotcha.

7 Q: Okay.

8 A: Uh-huh.

9 Q: She responded, "It's in the records."

10 Question: "Do you recall you charged him
11 for it?" Answer: "Hopefully." Question:
12 "Or did you just kind of add it in and
13 not tell him?" Answer: "He was aware of
14 being charged."

15 A: Well, if he ---

16 Q: Let me finish, please.

17 A: Finish.

18 Q: Question: "He was aware of what?"

19 Answer: "That he owed for the insurance."

20 Question: "Was he aware that you got
21 insurance?" "Yes." Question: "You said
22 you hoped you charged him for it and it
23 would be in the records? What would be
24 in the records if you charged him for
25 it?" "It'd be added to his balance."

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1 A: Well, did she show it?

2 Q: You'll see it later. Question: "If there
3 was a record indicating that you charged
4 Mr. McKenzie for 2005, 2006, 2007, and
5 2008 for the insurance coverage that you
6 had to pay, would that be an accurate
7 reflection of what happened?" Answer:
8 "It was on there, that would be what
9 happened." Question: "Yes, ma'am."
10 Answer: "Yes." Question: "Any reason to
11 believe that your records are not
12 correct?" Answer: "No." So if it's in
13 the record somewhere, you got a problem,
14 don't you?

15 A: I don't have a problem. We going to
16 court to solve my problem, 'cause I'm
17 going to tell you something, she wouldn't
18 have charged him unless he hadn't taken
19 insurance that year. He is supposed to
20 furnish insurance, and I don't believe
21 she's charged him, 'cause she couldn't
22 get her payments, and Billy Jenkinson can
23 verify that when we depose him.

24 Q: Furthermore, would you at least agree --
25 apparently, you're deflecting a lot of

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1 the questions ---

2 A: Uh-huh, yeah.

3 Q: --- to, "My wife would know the answer to
4 that question;" isn't that fair?

5 A: Fair enough, but you see this? You
6 remember Arthur testified that this ---

7 Q: Don't you recall the rules, Mr. Driggers?

8 A: Okay. Okay. Well, I was just trying to
9 ---

10 Q: You are representing TDF, ---

11 A: I am.

12 Q: --- you need to act like a lawyer.

13 A: I don't know if I'm representing TDF or
14 not, but I'm representing myself and we
15 will go before a jury and find out.

16 Q: Yes, sir. And, further, your wife was
17 asked under oath, "Do you know in whose
18 name that property currently is," talking
19 about the 378 property?

20 A: What did she say?

21 Q: She said Tammy D. Floyd.

22 A: Okay, so.

23 Q: Question: "How did it get just in Tammy
24 D. Floyd's name?" Answer: "It's always
25 been in her name;" do you agree with

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1 that?

2 A: No, it was transferred to Tammy at that
3 hearing that you was at, signed the
4 contract and all. I don't agree with
5 that. That's when it was transferred.
6 It was in Elsie Matthews' name. We just
7 went through that.

8 Q: Your wife further gave sworn testimony,
9 Question: "Why did you have your own
10 policy on that house," the 378 house?
11 Answer: "Because you could not depend on
12 Arthur to keep coverage and I needed it
13 to be protected." Question: "Did you
14 tell Arthur you were getting insurance on
15 the property because he was really not
16 dependable?" Answer: "I'm sure that I
17 told him that. He owed for the
18 insurance, we had to place it ourself."

19 A: Well, if that year he didn't have
20 insurance and she took it, it'd still be
21 our insurance 'cause he was guarantee or
22 made to guarantee that he would take
23 insurance. How about taxes? He didn't
24 pay the taxes, not a dime.

25 Q: Are you aware that a magistrate in South

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1 A: Yeah, he wrote a letter that they -- he
2 thought that, that what you said was
3 wrong, but it's not. The judge ordered
4 it. That's the rule of the day. We
5 having to abide by that.

6 Q: Well, the judges in this particular case
7 in the Circuit Court, they disagree with
8 your opinion, right?

9 A: Yeah, and we having to abide with it, so
10 y'all abide with it. It's something you
11 signed.

12 Q: No, sir. You've raised the issue several
13 times in this litigation ---

14 A: That you have signed.

15 Q: Interrupt again. Are you done?

16 A: Done.

17 Q: Okay. We all know your position.

18 A: I've tried to be level with you, straight
19 up and down.

20 Q: I'm sure.

21 A: Uh-huh.

22 Q: Several judges in this case, not one, but
23 more than one, ---

24 A: Uh-huh.

25 Q: --- because you repeatedly file Motions

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1 Carolina, given your research of the law,
2 has no authority or jurisdiction over
3 foreclosure actions?

4 A: A judge ---

5 Q: Are you aware of that, yes or no?

6 A: I am aware that, normally, that doesn't
7 happen, but a Contract For Sale, when
8 it's not titled in somebody else's name
9 -- Arthur McKenzie's never had it, other
10 than earlier in his life, had it titled.
11 It's never been titled since the
12 contract. You were a party to that
13 contract and you agreed ---

14 Q: Same old song, Mr. Driggers.

15 A: But it's the same thing, attorneys did
16 that, attorneys drew up the contract and
17 a judge signed the order
18 contemporaneously with the contract. Did
19 anybody appeal it? You got a right to
20 appeal anything. Leroy Nettles refused
21 to appeal it, because he knew he was
22 wrong.

23 Q: Oh, really?

24 A: Yeah.

25 Q: He wrote a letter to that effect?

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1 to Reconsider.

2 A: Uh-huh.

3 Q: Every time, you've lost motions?

4 A: I did.

5 Q: Every time you file Motions to
6 Reconsider, every time you criticize the
7 three or four judges in this case as
8 being wrong and not understanding the law
9 as well as you do, so it's been heard,
10 you've made the same old argument ---

11 A: Uh-huh.

12 Q: --- for years, it's never worked.

13 A: It hadn't.

14 Q: Your argument that the Magistrate's Court
15 case means you win, it doesn't mean that.

16 A: Why.

17 Q: Because it's not valid in the Circuit
18 Court.

19 A: Who said so? Who said so? The judge
20 hadn't ruled on that. Nobody's ruled on
21 that. If you'll read the rules, you're
22 going to have to appeal and they had
23 thirty days to appeal. That was Mr.
24 Nettles' fault. He should've appealed.
25 I sent him that, got the letter. I'll

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1 dig it up for you.
 2 Q: Excellent.
 3 A: That magistrate rules until it's in
 4 Appellate Court and they overrule it or
 5 Circuit Court, which would've been
 6 Appellate Court. Do you know of it
 7 changing out of our name or Tammy's name?
 8 Did you see anything?
 9 Q: You know, I know you disrespect the
 10 Court, I know you disrespect attorneys in
 11 this case, and I know you don't honor the
 12 rules of the Court, ---
 13 A: I try.
 14 Q: --- but you try to be a lawyer, but you
 15 totally ignore the rules ---
 16 A: I am ---
 17 Q: --- of civility. You sit there sneering,
 18 you interrupt.
 19 A: I am trying to defend our property and
 20 get what we're due.
 21 Q: Ten million dollars?
 22 A: Hmm?
 23 Q: Ten million dollars?
 24 A: Well, that's -- you know why I did that,
 25 a deterrent, that's exactly why. You

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1 think I expect I'm going to get ten
 2 million dollars? I did that because of
 3 the case Michael Nettles had with that
 4 young black guy over there and they
 5 approved ten million.
 6 Q: Some young black guy?
 7 A: Uh-huh.
 8 Q: I'd asked you about financial statements.
 9 Have you ever submitted a financial
 10 statement when you borrowed money to a
 11 bank?
 12 A: We have. I hadn't, I mean, my family,
 13 probably. We borrowed money from the
 14 Citizens Bank, I think.
 15 Q: As a family?
 16 A: As a family, I guess.
 17 Q: You don't know?
 18 A: I don't know.
 19 Q: And I think you were boasting earlier in
 20 one of the previous EOU's or something
 21 that you'd spent three hundred thousand
 22 dollars for the restaurant or some
 23 property?
 24 A: We borrowed it.
 25 Q: Where did you borrow it?

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1 A: From Citizens Bank.
 2 Q: Did you have to submit a financial
 3 statement?
 4 A: I don't think.
 5 Q: Have you ever submitted a financial
 6 statement to any bank?
 7 A: I'm sure we have, but I don't remember
 8 when.
 9 Q: I'm talking about you.
 10 A: Me? Not personally.
 11 Q: TDF, was it TDF Group?
 12 A: TDF Group.
 13 Q: Has TDF Group submitted a financial
 14 statement ---
 15 A: I don't know.
 16 Q: --- to any financial institution?
 17 A: I don't think so.
 18 Q: Do you have any records of TDF
 19 designating the members?
 20 A: We should have the LLC. It designates --
 21 you just said there was two of us.
 22 Q: No, sir, you said there were two, maybe
 23 three.
 24 A: No, you just read it off the LCC that you
 25 pulled up there. You said Marion L.

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1 Driggers and Shiralee Driggers.
 2 Q: Where would you keep -- If I want to find
 3 out who actually declared -- you
 4 understand depreciation, you're an astute
 5 real estate guy ---
 6 A: No, I'm not an astute anything, not
 7 depreciation and all, I don't do that
 8 stuff.
 9 Q: Let me ask the question.
 10 A: Okay. You wanted me to answer.
 11 Q: What was my question?
 12 A: You was asking about financial and all,
 13 I'm an astute accountant and all that is
 14 what you were trying to say, but I'm not.
 15 Q: Can I ask the question now?
 16 A: Go ahead.
 17 Q: Okay. I know that your position is that
 18 you're not a sophisticated investor,
 19 correct?
 20 A: I'm not.
 21 Q: You really don't understand depreciation?
 22 A: I understand depreciation, but I'm not a
 23 real bookkeeper type, no.
 24 Q: You certainly don't understand taxes?
 25 A: I don't understand anything about taxes,

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1 other than you better pay them.
 2 Q: Do you understand anything about
 3 distributions of LLCs?
 4 A: Distribution, like how you mean?
 5 Q: If you wanted to get money out of TDF
 6 Group, how do you get it out of there?
 7 A: Whatever is in the bank.
 8 Q: Have you ever paid Tammy D. Floyd
 9 anything from TDF Group?
 10 A: I don't know.
 11 Q: Have you ever paid yourself anything from
 12 TDF Group?
 13 A: I don't think so.
 14 Q: Has anybody received any money out of TDF
 15 Group?
 16 A: I don't know, Tammy, probably. I don't
 17 think I have. My wife might be. You'll
 18 have to ask her.
 19 Q: There was a time when the South Carolina
 20 Highway Department condemned a certain
 21 part of this property, correct?
 22 A: Absolutely, yeah.
 23 Q: And the Highway Department paid fifty
 24 thousand dollars?
 25 A: Fifty-eight, something like that. Now,

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1 this property that was under contract
 2 with Ms. Gamble for the roadway, correct?
 3 A: Correct.
 4 Q: And you felt you were entitled to some of
 5 that money?
 6 A: All of it.
 7 Q: What ---
 8 A: He got credit for all of it. We -- hey,
 9 let me ask you this. If Arthur McKenzie
 10 ---
 11 Q: Again, it's inappropriate, okay?
 12 A: What is?
 13 Q: You asking questions.
 14 A: Okay.
 15 Q: Okay?
 16 A: Go ahead and continue.
 17 Q: Fifty-eight thousand dollars, ---
 18 A: Right.
 19 Q: --- you said you got all of it?
 20 A: No. No, no, no, no, that's lawyers' fees
 21 and everything. You don't ever get
 22 everything with a lawyer. The amount of
 23 money distributed, I believe, was like
 24 forty-two thousand.
 25 Q: And the forty-two thousand dollars ---

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1 that's just a estimate, I think it was.
 2 Q: And this is the property under the 378
 3 house contract, correct?
 4 A: Yeah, uh-huh.
 5 Q: And Liza Gamble was the buyer at that
 6 time, correct?
 7 A: No. No. Yeah, yeah, she was, 'cause
 8 that's when he did the, he did the fake
 9 assignment. He did it right after that,
 10 and I think that's the reason he had it
 11 done.
 12 Q: And the State Highway Department paid
 13 fifty-eight thousand dollars ---
 14 A: Total, total.
 15 Q: Please, can you let me finish?
 16 A: Well, I thought you were, but you never
 17 are. Go ahead.
 18 Q: You are so disrespectful, you know it?
 19 A: I, I do.
 20 Q: You really are a very disrespectful
 21 person.
 22 A: Uh-huh, I understand.
 23 Q: So, the South Carolina Highway Department
 24 paid fifty-eight thousand dollars or so
 25 because the State had to take part of

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1 A: Shiralee let Arthur have like four
 2 thousand or forty-four hundred cash,
 3 because he needed some cash.
 4 Q: And who got the thirty-seven or thirty-
 5 eight thousand dollars?
 6 A: It went toward Arthur's payments, toward
 7 his -- at the end of the contract. It's
 8 deducted from the end. That never was a
 9 question.
 10 Q: Deducted from the end?
 11 A: From the end, not -- he didn't get his,
 12 his payment from behind, like you're
 13 trying to indicate, he didn't get them
 14 paid up, it -- it's paid on the end.
 15 Q: Was he delinquent at that time?
 16 A: He's been delinquent ever since the
 17 contract.
 18 Q: Really?
 19 A: Really.
 20 Q: Do you deny that when you add up the
 21 actual amounts that were paid for this
 22 house, including the forty-two thousand
 23 dollars from the Highway Department, ---
 24 A: Yeah.
 25 Q: -- it's more than one hundred thousand

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dollars?

A: I have no idea.

Q: Well, you say delinquent all the time.

A: You say what?

Q: You said he was delinquent all the time, you just exaggerated?

A: Hey, if the highway hadn't come along, he was back. I showed you the thing from Billy Jenkinson. In '05, he was ninety-seven thousand dollars and been supposed to pay since '97.

Q: If your ledger is correct?

A: Well, I'm -- prove it's wrong.

Q: Wouldn't you agree that if somebody has an obligation to keep accurate records and somebody, for example, gives you a ledger sheet and you determine that there are lots of payments that are missing from that ledger sheet, would you agree you really couldn't trust that person's ledger?

A: I wouldn't agree with that.

Q: You could trust it?

A: I wouldn't agree. No, I wouldn't agree to it. I'd like to find out. I would go

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accountant for thirty or forty years, ---

A: Been forever.

Q: --- and you have an obligation to keep accurate records involving the rental properties, you have over a hundred rental properties worth three million dollars or so, and it's your position that the obligation is on Arthur McKenzie to keep track of these records or you?

A: We got our records, he should have his, ---

Q: Yes, sir.

A: --- and then you put them together and see who's right, so you and Edward do that.

Q: So, my question is, it just makes common sense ---

A: Common sense.

Q: --- if you're dealing with somebody's ledger that's supposed to have been keeping accurate records ---

A: Yeah.

Q: --- and they're saying, they're swearing under oath that these records ---

A: Yeah.

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and do what you need to do, go find out from my wife.

Q: And would you agree that if, for example, somebody is hiding payments that were made on a piece of property and they get caught, you know, five or six or eight or ten times, would you agree it's reasonable not to trust that ledger and not to trust that person, too?

A: Well, I'd be skeptical, but now, have we done that? I mean, I'd be very skeptical if somebody -- if they did that, but ---

Q: You'd be mad, wouldn't you?

A: Yeah, I'd be aggravated.

Q: You'd be sneering?

A: You better believe I would, you would, too. That's for you to prove.

Q: With receipts?

A: Receipts, yeah, you going to have to show receipts, 'cause everybody knows that people keep receipts. If I pay cash, I'll have a receipt.

Q: You know, it's pretty amazing that you have an accounting background and your wife does tax records and been an

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Q: --- are correct ---

A: Yeah.

Q: --- and they're suing you for the balance due in these records ---

A: Yeah.

Q: --- and then you find out ---

A: Well, if I found out we're ---

Q: Let, let ---

A: All right, go ahead.

Q: Mr. Driggers, appreciate if you wouldn't interrupt this time.

A: I don't ever know when you finished.

Q: Because when I stop talking.

A: Oh, yeah.

Q: Okay?

A: But that ain't happening. Go ahead.

Q: Just want to see if I can get a fair response out of you.

A: I'll try.

Q: Okay?

A: Uh-huh.

Q: Do your best.

A: I'm going to do my best for you.

Q: If you owe somebody some money on a long-term note, for example, a bank, and

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1 you've been making payments for like
 2 twelve years or so, over a hundred
 3 thousand dollars ---
 4 A: Uh-huh.
 5 Q: --- and then there's a dispute about how
 6 much is owed and the bank produces a
 7 ledger, "Oh, gosh, you got to accept
 8 these numbers, because we're a bank" ---
 9 A: They'll ask -- go ahead.
 10 Q: --- "and you got to accept these numbers,
 11 because I'm a bookkeeper or I'm a bank or
 12 I have an accounting background, these
 13 numbers are correct," but then when you
 14 start digging some of your records, you
 15 didn't have an obligation to keep them
 16 all, and you find just in the stack that
 17 you have, eight or ten documents that
 18 prove payments were made and not on that
 19 particular ledger, wouldn't you agree
 20 you'd distrust that person?
 21 A: After I heard her side, I might, I might
 22 not, I mean, but what -- she's the
 23 person, you know, ---
 24 Q: Yes, sir.
 25 A: -- the person that does it.

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1 Q: Interruption again.
 2 A: Yeah.
 3 Q: If somebody submitted a ledger to you
 4 demanding you pay them money ---
 5 A: Uh-huh.
 6 Q: --- and you find receipts that are not on
 7 that ledger, many of them, thousands of
 8 dollars, ---
 9 A: Right.
 10 Q: --- that wouldn't upset you?
 11 A: Yeah, but did you confront her?
 12 Q: And, then, somebody turns around and sues
 13 you for the full amount?
 14 A: Did you confront her? Give her her
 15 chance, show me your records or Arthur's
 16 records.
 17 Q: Listen, Mr. Driggers, I'm asking you. I
 18 know you want to deflect things to your
 19 wife. I'm asking you, wouldn't you be
 20 upset about that?
 21 A: I would question it, no problem. You are
 22 questioning it.
 23 Q: Questioning.
 24 A: Question, I'd question why there, there
 25 -- if, if there was a receipt, but see, I

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1 Q: I'm just asking you a ---
 2 A: I understand. I know what you're trying
 3 to get to.
 4 Q: It's a pretty simple question.
 5 A: I'll tell you this, if it didn't look
 6 right, I would check it. If I had a bank
 7 payment there and if something wasn't
 8 right, I would check it, but now I'll
 9 promise you, if you can't come up with
 10 your receipts to show that you paid it
 11 ---
 12 Q: We just went through some receipts that
 13 aren't on that ledger.
 14 A: I don't know anything about them. We
 15 don't know. Let her talk, let her show
 16 you what she did.
 17 Q: Would you agree if there was -- do you
 18 have any reason to believe those receipts
 19 are fraudulent or corrupt?
 20 A: I, I believe my wife would do the right
 21 thing. I'll put my life on it, that she
 22 would do the right thing.
 23 Q: And if somebody presented a ledger to you
 24 like that and you had receipts ---
 25 A: I may have doubt.

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1 don't know anything about those checks
 2 and receipts.
 3 Q: If it's not on there, it was either
 4 sloppy or done on purpose?
 5 A: Well, I have no idea.
 6 Q: And a lot of those payments were done in
 7 cash, and those payments were made to
 8 you, some, ---
 9 A: Some.
 10 Q: --- at your gas station?
 11 A: And I turned them in.
 12 Q: Yes, sir, and some were made to other
 13 people?
 14 A: I don't doubt that. I don't doubt it.
 15 Q: And the receipts seem to indicate there
 16 are lots of payments not on your ledger
 17 sheet; would you agree?
 18 A: Do you agree with that? Arthur McKenzie
 19 stated that we wrote that; would you
 20 agree with it? That's a ALE from
 21 Travelers, four thousand dollars. He
 22 stated that that come from Driggers
 23 Rentals. So, that's two sides to this
 24 story. He paid Driggers Rentals that
 25 day.

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Q: That's fine and dandy. Did I show you one of those receipts today?

A: Uh-huh. I don't know. I don't know, but anyway, here's the object of it. You can keep drilling me, grilling me or whatever, but I honestly don't know about the account. My wife is due Thursday, right?

MR. HUDSON: YES.

A: Thursday?

MR. PRITCHARD: NOTICED HER.

A: You know, why drill me over it? I don't know. I don't know. You want me to say something against my wife. If she's done wrong, she deserves punishment, so get her.

Q: What kind of punishment?

A: Whatever, whatever, whatever it calls for. I don't believe she done it. I don't believe it.

Q: What should your punishment be?

A: She's fought for Arthur the whole time. He wouldn't have never been staying in the house when I went to that agreement that you signed and Billy Jenkinson

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A: Okay.

Q: Okay?

A: Go ahead.

Q: Makes you happy, go ahead and do it. What should be your punishment if, in fact, you've misled this Court? You've called the judges corrupt and politically influenced and you've misled this Court about TDF Group really being the entity involved in this transaction, what should your punishment be?

A: Mine is a mistake. We'll let the jury decide.

Q: A mistake?

A: Yeah, I mean, if, if TDF wasn't involved, my wife thought she run it through TDF. That, that wouldn't help me.

Q: TDF Group.

A: What would that help me? How would that help me?

Q: Well, it could let you claim some of this ---

A: Claim what?

Q: --- ten million dollars.

A: You said -- you know for a fact ---

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signed, and that judge, he would've never got that house. I told her I wouldn't cared, no, 'cause I didn't have compassion for him. He would not pay.

Q: Hundred thousand dollars and not payment?

A: Hey, he ain't paid a hundred thousand dollars. The state paid forty-two thousand, and look here, it was devalued property. We owned it at the time they paid it.

Q: Who is we?

A: Whoever, Tammy.

Q: Not you?

A: Well, I was involved. You know I was involved. You was in the contract. You signed it.

Q: What do you think your punishment should be ---

A: Mine?

Q: Let me finish the question, if you don't mind, ---

A: Okay.

Q: --- and then you can sneer ---

A: Okay.

Q: --- all you want?

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Q: Listen, if you don't have any ownership interest in the property, you're out of this lawsuit, aren't you?

A: What?

Q: If you have no ownership interest in the 378 house, you're out of this lawsuit, you have no standing?

A: Do you think, do you think ---

Q: Answer the question.

A: What? I'm not out of it.

Q: If you have no ownership interest in ---

A: I'm not out of it.

Q: Let me ask the question.

A: I'm not out of it.

Q: Okay. If you'd have no ownership interest in the 378 house, you have no standing for anything to claim anything in this case, correct?

A: You'll see. My daughter is on it and I believe we were in a partnership. Whether it was TDF or not, you have a right to do a family partnership or whatever.

Q: So, now it's a partnership?

A: Well, whatever, whatever it is, she was a

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1 part of our family. You knew when we
2 designated her, you knew when that Liza
3 Gamble was designated, Billy Jenkinson
4 knew, and Duane Shuler knew. Everybody
5 knew the contract deal. Why didn't you
6 object to the judge putting that in there
7 about sending it to the magistrate?

8 Q: Again, you're asking questions.

9 A: Uh-huh, I want an answer.

10 Q: You understand it's inappropriate, but
11 you keep on doing it.

12 A: Go ahead.

13 Q: Do the rules mean anything to you?

14 A: What?

15 Q: Do the rules mean anything to you, ---

16 A: It does.

17 Q: --- especially when you're acting like a
18 lawyer, ---

19 A: It does.

20 Q: --- especially for yourself and TDF
21 Group?

22 A: Well, I'm not acting like a lawyer today.
23 I'm acting like a deponent, because y'all
24 refuse to do it.

25 Q: So, the bottom line is, if you have no

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1 ownership interest in the house, and I
2 understand you use this TDF Group, not in
3 existence, whatever excuse you want to
4 use, ---

5 A: Uh-huh.

6 Q: --- that wouldn't you at least agree in
7 fairness if you have no ownership
8 interest in that house, you have no claim
9 against anybody?

10 A: I don't agree. I'm going to see what the
11 jury says. I don't agree. I don't
12 agree.

13 Q: Do you have an ownership interest ---

14 A: That's why you have lawsuits.

15 Q: Yes, sir. Do you have an ownership
16 interest in the house?

17 A: I feel like I do, because we the one that
18 bought it, and my daughter, it's in her
19 name and all. You said names didn't mean
20 nothing. Liza Gamble, you, you know,
21 Arthur McKenzie is the one that claimed
22 it.

23 Q: Mr. Driggers, it really doesn't make any
24 difference. That's between Tammy D.
25 Floyd and you. If you wanted to buy a

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1 piece of property and put it in her name,
2 you're not an owner.

3 A: I agree.

4 Q: That's between your wife and you, I mean,
5 between your wife and you and your
6 daughter.

7 A: If you sign an illegal assignment, you're
8 not a ---

9 Q: Fine and dandy, Mr. Driggers, just answer
10 the question. If you gave your daughter
11 money to do this transaction and out of
12 the goodness of your heart, you put the
13 title in her name, that's between Tammy
14 D. Floyd and you, not anybody else in the
15 world, is there? You have no ownership
16 interest.

17 A: You was involved in that thing.

18 Q: Just answer the question. You're not an
19 owner.

20 A: I am telling you I am involved.

21 Everybody knows I'm ---

22 Q: Sure, you're involved.

23 A: Well, we'll get Billy Jenkinson and Duane
24 Shuler. I'll have -- get my wife to ask
25 Mr. Pritchard.

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1 Q: Do you understand the question?

2 A: Yeah, I understand it, and I'm involved,
3 ---

4 Q: Excellent.

5 A: --- because that is my family.

6 Q: Are you going to state under oath that
7 you're ---

8 A: Go ahead.

9 Q: Are you going to state under oath, under
10 the penalty of perjury, that you're an
11 owner of the house on 378; are you an
12 owner?

13 A: No, I don't own it.

14 Q: Okay.

15 A: I don't own it, but listen, how about
16 Arthur and Liza?

17 Q: Who owns it?

18 A: Tammy D. Floyd.

19 Q: Anybody else?

20 A: Not that I'm aware of.

21 MR. HUDSON: I WANT A LITTLE BREAK
22 HERE.

23 ****OFF THE RECORD****

24 (ON THE RECORD.)

25 MR. CORBIN CONTINUES:

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Q: Mr. Driggers, as you know, Mr. McKenzie has since died. The Estate of Arthur McKenzie has been substituted in his stead, but before he died, he signed an affidavit submitted to the Court dated June 23, 2016. It's entitled, "Affidavit of Arthur McKenzie." You indicated you had seen that document before; is that correct?

A: Yeah, I got a copy here, I think.

MR. CORBIN: IF WE CAN MARK THAT, PLEASE.

COURT REPORTER: THAT'LL BE NUMBER 20.

**EXHIBIT NUMBER 20
MARKED FOR IDENTIFICATION.**

Q: Mr. Driggers, I think you've read some documentation where Arthur submitted a claim to Travelers, and in that claim to Travelers, he indicated that there was a Contract of Sale on the house and actually listed, not you as the owner,

A: Uh-huh.

Q: --- but listed Tammy D. Floyd?

A: Absolutely.

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time of the November 29, 2009 fire, I was current on my payments. I also made a lump sum payment to the Driggers of about forty-two thousand dollars in July of 2006. I believe that I owe the Driggers and Ms. Floyd about eighty-four hundred dollars at the end of 2010 to pay off the contract;" do you dispute that?

A: Yeah. Yeah, I do, I mean, I need to receive records on that, somebody's records. I dispute that, but now, the forty-two thousand dollars was devalued property. It was taken off of his debt at the end. He had a responsibility of fulfilling that contract, for he -- the only option that Arthur McKenzie had was redemption, Lewis versus Premium Investment. He had a right to redemption, and he didn't ever redeem it, he didn't pay anything. When the contracted ended, when the fire came, he hadn't paid a dime since, none. That nulled his contract right away or Liza's, whichever.

Q: And Tammy's contract, right?

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Q: Wasn't that the right thing to do?

A: That was the -- yeah. Wilbur -- he wasn't going to do it, but Wilbur Brown told him to.

Q: Yeah, more hearsay, but he did it, didn't he?

A: He did.

Q: He did the right thing, didn't he?

A: He did.

Q: Do you have any reason to believe that Arthur McKenzie was dishonest?

A: Well, it's your definition of dishonest. He was a bad payee. Can you deny that? You don't lock a fellow up for not paying his debt, but, I mean ---

Q: Do you have any basis to believe that he was dishonest and lie under oath?

A: Not really, I mean, you know, not -- he wouldn't pay, but other than that, we didn't have any hard feelings.

Q: In his affidavit, for example, paragraph eight, he stated, "I looked at some of the accounting sheets that the Driggers gave my attorney after the fire. The accounting sheets are not right. At the

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A: Well, I would, I would say that ended it, 'cause we -- that's, you know, we've been in litigation ever since.

Q: Arthur further stated within this affidavit, "I trusted Shiralee to keep a correct list of all payments I made to the Driggers and Ms. Floyd. I know the accounting sheets are wrong."

A: Well, I -- go ahead.

Q: Based upon those receipts that you saw today, comparing it to the ledger, wouldn't you at least agree that he had receipts that are not on the ledger?

A: When my wife ---

Q: Would you agree or not?

A: When my wife goes through her deposition and y'all clear that up, if there's something wrong, then I'll agree. I'm not going to tell you, 'cause I know for a fact she would not take anything from Arthur.

Q: I didn't say that. I said ---

A: What did you say?

Q: He said it was incorrect.

A: Well, that's taking something from him, I

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1 mean, she either had -- she either made a
2 mistake or she lied, it's just that
3 simple.

4 Q: That's true.

5 A: It's got to be one or the other.

6 Q: So, his statement that it was incorrect,
7 you dispute that, I mean, you saw the
8 receipts that are not on the ledger?

9 A: I, I don't know the whole story, yet, I
10 don't know it. I don't know it. That's
11 -- wait to Thursday, you get all the
12 questions you want in and then we can
13 discuss it, then we'll go back and
14 discuss it. Two sides to every story.

15 Q: Arthur took the position since he was
16 charged for your South Carolina Farm
17 Bureau policy on the house that -- I'll
18 just read to you what he stated, "The
19 Driggers and Ms. Floyd charged me for the
20 Farm Bureau Insurance policy."

21 A: How do you know?

22 Q: It's in the records.

23 A: How, I mean, where'd he hear it from?

24 Q: Your wife testified under oath.

25 A: It was a deposition, you're exactly right

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1 and ---

2 Q: Let me ask you a question. This is not
3 your chance to sit there and ---

4 A: Okay.

5 Q: ---ruminates about everything in the world
6 that bothers you.

7 A: Go ahead.

8 Q: Don't have time for that.

9 A: Go ahead.

10 Q: Let me start over. It states, "The
11 Driggers and Ms. Floyd charged me for the
12 Farm Bureau Insurance policy. The
13 insurance policy was supposed to cover
14 the balance I owed under the contract if
15 the house got damaged by fire or bad
16 weather. If Farm Bureau pays the
17 Driggers and Ms. Floyd more than the
18 balance I owe under the contract, I think
19 they should give me a clear title to the
20 house and pay the extra money to me,"
21 wouldn't you agree if the insurance
22 proceeds pay off the note?

23 A: If he paid the insurance, he should have
24 paid the insurance, because, I mean, I, I
25 don't think he did. He didn't pay his

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1 bills.

2 Q: But if he paid the insurance, the money
3 should go to him, shouldn't it?

4 A: What? No. No, it's still -- he was
5 obligated to keep my debt covered. Why
6 should it go to him?

7 Q: So, listen to the question. I know it's
8 kind of hard for you to focus on the
9 question.

10 A: It is.

11 Q: Okay, and I'll read it to you again.

12 A: All right, read it.

13 Q: Okay?

14 A: Uh-huh.

15 Q: Focus. "If Farm Bureau," and assume this
16 fact to be true that this ---

17 A: No, I don't make any assumption on that,
18 not what he wrote.

19 Q: Yeah. Well, we'll find out about what's
20 in the, I mean, your wife just testified
21 that she charged Arthur for the South
22 Carolina Farm Bureau policies.

23 A: Well, get her.

24 Q: Okay?

25 A: Her lawyer is right here, get her.

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1 Q: Just listen to the question.

2 A: Okay.

3 Q: Okay?

4 A: I gotcha.

5 Q: If you don't mind.

6 A: I'm listening.

7 Q: "If Farm Bureau pays the Driggers and Ms.
8 Floyd more than the balance I owe under
9 the contract," since he was charged for
10 the contract, "I think they should give
11 me a clear title to the house if it pays
12 off the note," and the extra money, if
13 any, should go to him; do you disagree
14 with that?

15 A: If I get all the money, he can have that
16 house, his family can.

17 Q: Listen to the question. I know you want
18 all the money. You want all the money.

19 A: Oh, no.

20 Q: You made that clear.

21 A: No. No.

22 Q: So, focus.

23 A: No, I'm listening.

24 Q: If the insurance proceeds pays off the
25 note, whatever is proven to be owed,

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1 okay, assume that, the insurance company
 2 pays off your note, at that point in time
 3 the title would go to Mr. -- well, it'd
 4 really go to Liza Gamble, wouldn't it?
 5 A: Well, that's, that's who the legal,
 6 that's who the legal thing is in.
 7 Q: So, just answer yes or no. If the
 8 insurance ---
 9 A: So, you saying he didn't do it.
 10 Q: Listen to the question, please, Mr.
 11 Driggers.
 12 A: All right. Go ahead, go ahead, go ahead.
 13 Q: And you are the rudest deponent I've ever
 14 had.
 15 A: I, I don't doubt that.
 16 Q: You win the prize.
 17 A: I don't doubt it.
 18 Q: Okay?
 19 A: You're the rudest lawyer I've ever seen.
 20 Q: Yeah. I've been very respectful to you.
 21 A: You have, you have.
 22 Q: Focus on this. If the insurance proceeds
 23 pays every dime that is owed under the
 24 note and there's an excess, wouldn't you
 25 agree that the title of the house would

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1 be transferred to Liza Gamble, ---
 2 A: If it would've ---
 3 Q: --- because the note was paid?
 4 A: If it would've happened in '09, I'll
 5 agree, but it didn't happen in '09.
 6 Q: Listen to the question.
 7 A: I have been paying taxes. Listen to me
 8 now. I've been paying taxes since '09.
 9 Why didn't Arthur pay them, his contract
 10 ---
 11 Q: Well, why did you file your claim?
 12 A: '09, his -- he broke the contract.
 13 Q: So, I know you don't want to answer the
 14 question ---
 15 A: What?
 16 Q: --- because it's pretty simple, it's
 17 simple.
 18 A: If it would've happened in '09, he
 19 would've owned it.
 20 Q: Let's say it happened today, let's take
 21 ---
 22 A: It's not going to happen.
 23 Q: Okay. If the insurance company pays
 24 every dime that's owed under that
 25 contract to the rightful person, wouldn't

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1 you agree under the contract the house
 2 needs to be transferred to Liza Gamble?
 3 A: No.
 4 Q: Even if ---
 5 A: No.
 6 Q: --- it was paid off?
 7 A: No.
 8 Q: So, you want someone to pay -- Let me ask
 9 the question, if you don't mind.
 10 A: Go ahead.
 11 Q: So, your position is that even if you get
 12 every dime that is owed under that
 13 contract, every dime, ---
 14 A: You're right.
 15 Q: --- and the note is paid, ---
 16 A: And the note is paid.
 17 Q: --- still -- You know, you constantly
 18 interrupt.
 19 A: I do, but I don't mean to.
 20 Q: It's your position that if the rightful
 21 person has paid every dime owed under
 22 that contract, every dime that's owed
 23 under that contract is paid by the
 24 insurance proceeds, wouldn't you agree
 25 that under the contract since the note is

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1 paid, title of that house would go to
 2 Liza Gamble?
 3 A: It would in '09.
 4 Q: Today?
 5 A: No.
 6 Q: If every penny ---
 7 A: No.
 8 Q: Listen to the question.
 9 A: No. I'm listening. No. Hey, '09 money
 10 is different from 2021 money. We have
 11 lost seven hundred dollars a month for
 12 this many years. He lost the house. The
 13 contract, it went to a magistrate and did
 14 the, the ejection.
 15 Q: Mr. Driggers, listen to the question
 16 again, okay? We can sit here ---
 17 A: Go ahead.
 18 Q: Okay, know you don't want to answer it.
 19 A: I did.
 20 Q: If you're paid every dime in today's
 21 money, whatever is proven, you're paid
 22 every dime, every dime of money under
 23 that contract is paid to the rightful
 24 owner, every nickel in today's money,
 25 wouldn't you agree that the note would be

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1 paid off and at that point in time title
2 to the property would be transferred to
3 Liza Gamble?

4 A: That's -- no, it's gone. Liza Gamble or
5 Arthur McKenzie lost it.

6 Q: So, you want the note ---

7 A: They were ejected.

8 Q: Well, why are you trying to collect on
9 the note, then?

10 A: What you mean? We've been trying since
11 -- there's been a lawsuit going on since
12 '09 -- '13.

13 Q: I need to figure out your logic, and you
14 say -- do you think you're a greedy
15 person?

16 A: No, I do not.

17 Q: Okay. So, if the note is paid in full,
18 under the contract, the house would go to
19 Liza Gamble. You're saying you want all
20 the money for the note, every penny of
21 it, and then you want the house, too, and
22 Liza Gamble or whoever owns that house,
23 whoever paid off that note gets zero?

24 A: What do you think I should get?

25 Q: I don't think you have standing for

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1 anything.

2 A: Okay.

3 Q: Okay?

4 A: Well, I ---

5 Q: I don't think you're entitled to
6 anything?

7 A: I do, and we'll see. That's all we can
8 do, is go to court.

9 Q: Can you answer the question?

10 A: What? I did. I don't agree.

11 Q: So, you want the house paid off, every
12 nickel on the house, and then you want
13 title to the house, too?

14 A: The house is already settled. I'm not
15 going to get my money out of Travelers.
16 I may get some out of Farm Bureau, but
17 Travelers is not going to pay. They owe
18 me. They are the ones that owe the
19 money.

20 Q: Not according to the Court.

21 A: I know. I know. I say the Court makes
22 mistakes.

23 Q: Corruption.

24 A: Well, what would you say?

25 Q: I'd say it's a good ruling. It's ---

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1 A: A good ruling?

2 Q: --- compliance with the law.

3 A: You look at that. You read that.

4 Contracts ---

5 Q: Explain your logic to me, ---

6 A: I, I can't explain anything.

7 Q: --- why you want every nickel owed under
8 the contract and you want ownership of
9 the house, too.

10 A: I don't care about that house.

11 Q: And you want collection from Farm Bureau
12 and you want collection from Travelers
13 ---

14 A: I don't care about it.

15 Q: -- and you want the house, too.

16 A: I want our losses, that's what we're
17 after.

18 Q: And if you get your losses, you still
19 want the house?

20 A: No, you can have the house. I told
21 Edward, I don't care about that house.
22 The house don't mean nothing to me, I
23 just want my losses. We did a contract,
24 all of us agreed to it, and it should be
25 honored; do you agree with that?

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1 Q: You're being sued for breach of that
2 contract.

3 A: What?

4 Q: You're being sued for breach of that
5 contract.

6 A: Me?

7 Q: Yes.

8 A: By who?

9 Q: By the Driggers estate, I mean, by the
10 ---

11 MR. PRITCHARD: MCKENZIE.

12 Q: --- McKenzie estate.

13 A: I can't be sued. I didn't break it, but
14 the McKenzie estate can't sue me. You
15 said that Liza Gamble would have to.

16 Q: You own the house, don't you?

17 A: Yeah, but you said Liza Gamble. Well,
18 Tammy owns it, but Liza Gamble would have
19 to sue, wouldn't she?

20 Q: It's too late for that, isn't it?

21 A: Why, I mean, what if she's the one that
22 owns it? She would have to sue me.

23 Q: It's been more than three years, hadn't
24 it?

25 A: Well, she would have to sue, yeah.

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Q: It's been more than three years.

A: It's too late for her to sue now.

Q: Too late for you to sue her, too.

A: Well, I'm not going to sue her, I've got the house.

Q: Yeah.

A: Yeah. Why would I sue her? We've been pushing for Arthur to own the house, but he doesn't.

Q: Who does?

A: Huh? Tammy D. Floyd, that's who the magistrate put it in. I didn't do that, an attorney did. I didn't push that. Jim said, "You own the house." That's what he told me or meaning my daughter. He said, "They don't own it anymore." When they breached the contract, he went to the magistrate, the magistrate looked at what was written in the order, she served it. That's all I know. Seems simple to me, but it doesn't to you. Are you saying this is not legal, my, my ejectment notice?

Q: You know, you like to disregard the rules.

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Group?

A: I guess not, if you say it's illegal.

Q: Well, who cares what I say?

A: Well, somebody must care. You've been going twelve years or we've been fighting it twelve years, somebody must be listening to you. I don't think you should legally represent McKenzie.

Q: And that's been shot down numerous times ---

A: It has, it has.

Q: --- by several judges.

A: It's unethical.

Q: By several ---

A: It's unethical. You fighting to break a contract you signed, that's unethical.

Q: Have you read why you're being sued?

A: What? I hadn't read it. Look here, I -- I'm just a lawyer, a full-blooded lawyer. I hadn't read it. I just go on gut instincts.

Q: So, how many people have you accused me of being a dishonest lawyer or corrupt or unethical, how many people?

A: I doubt it, probably my family. Just

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A: Okay.

Q: You want to play lawyer when you violated the Unauthorized Practice of Law provision ---

A: If I did.

Q: --- and you want to play lawyer and you want to call the judges and the attorneys in this case that don't go your way corrupt and fraudulent, and you're the one, who it seems, has been practicing law improperly ---

A: Well, we'll see.

Q: --- and in violation of the law.

A: We'll see. I got a right to defend my family.

Q: Even if it violates the law?

A: I don't care. If it violates the law, you can go ahead, you can put it before the Court and they'll probably rule with you, but look here, I got a right, I think, to look after my daughter and my wife. Now you may not think so and the Court may not think so, but we'll stick it to the jury and see.

Q: You're going to keep on representing TDF

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like I told you, I had -- I've always said some lawyers are corrupt, and they are.

Q: But not Mr. Driggers?

A: Well, I don't think I am. I don't think I'm corrupt, no, I don't.

Q: Have you told other people that the judges were corrupt in this case?

A: I told them I disagreed with them, and I do, I still do. A written contract should stand, and the parties signed it shouldn't be able, by the house rule, shouldn't be able to sue to break that contract.

Q: You just don't understand too much of anything in this lawsuit, Mr. Driggers.

A: I, I probably don't. Look, I've been wrong a lot of times, but let's go ahead and get this over with, just tell me what you want to hear.

MR. CORBIN: WE'RE GOING TO TAKE OUR BREAK AND COME BACK THURSDAY?

MR. PRITCHARD: YEAH.

MR. HUDSON: YES. THE COURT

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REPORTER, WE GOT A
WAYS TO RIDE, SO LET'S
GET BACK BEFORE DARK.
YEAH, 9:30?
MR. CORBIN: SAME PLACE?
(The deposition adjourned at 5:17 p.m.)

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THE CONTINUATION OF
THE DEPOSITION OF
MARION L. DRIGGERS.

Friday, April 16, 2021

1:30 p.m. - 2:18 p.m.

EXHIBIT NUMBER 21
MARKED FOR IDENTIFICATION.

MARION L. DRIGGERS, HAVING BEEN DULY
SWORN, WAS DEPOSED AS FOLLOWS:

EXAMINATION**BY MR. HUDSON:**

Q: Okay. Mr. Driggers, you've been here today. We've talked several times, various times in this and I think we have most of the information from you, but we need to go through this process of kind of getting things up to speed and up-to-date as of today. First of all, I notice you have a lot of paperwork here. What, primarily, do you have there? Is it the same stuff ---

A: I got a ---

Q: --- that you had Monday?

A: Same thing, identical, and I hadn't changed anything or most of it is what I

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tried to gather up that I had, the information, you know, on the accounting, but Shiralee and Edward had all that, so I basically ---
Q: All right. Well, that sounds good. Well, let's start off at the beginning. Let me -- you're sworn now, but let's get your full legal name and address and ---
A: Marion Leroy Driggers, 3497 Hebron Road, Lake City.
Q: All right. And birth date and age?
A: 3/3/49, seventy-two.
Q: All right. And present occupation and enterprises?
A: I am kind of doing some maintenance for our rental property. I do electrical, heating and air, certain things.
Q: Okay. We deposed your wife earlier today. You've given a previous Examination Under Oath, as has your wife, and we've marked your Examination Under Oath from July 31st, 2013 ---
A: Right.
Q: --- as Exhibit Number 21. You're familiar with that EUO and you have read

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it?

A: I have.

Q: Obviously, you read it and signed it in years past?

A: I signed it, that's ---

Q: All right. Is there anything -- at the beginning, is there anything you would specifically add to that or change today?

A: Not that I'm aware of.

Q: All right. Okay, good. You heard your wife testify here today. She has a separate lawyer than you have, you have yourself. She has Mr. Pritchard over here.

A: Right.

Q: Without pitting one witness against the other, is there anything you think she testified to in the activities that have taken place and transactions that have taken place in this sequence of events that we're here today about with these insurance policies on the, I'll call it the McKenzie property? Is there anything that you feel was incorrect or needed explaining or supplementing that your

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wife testified to?

A: The only thing that I'm not sure about that she testified to, everything else I agree with, I, I think we got a few more properties than that, I don't know. I would have to check. We could find out, but, I mean, other than that, that's it.

Q: Okay. Well, it sounds like that she handled, basically, the bookkeeping and accounting and receipts and monetary transactions having to do with your enterprises and I'm going to call it rental management, rental properties, ---

A: Right.

Q: --- and that maybe you were more concentrated in hands-on maintenance, ---

A: Maintenance.

Q: --- boots on the ground type things and maybe legal matters that would arise?

A: Occasionally, when something arises, I get involved in it, but the insurance, I've never, ever, I mean, and, and I don't ever remember messing with the policy, you know what I'm talking about, actually me doing it.

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Q: Really? Okay.

A: Woody Feagins and Shiralee usually handled that from back in the '80s and all. He was a good friend of hers.

Q: Okay. Was he like a fellow church member?

A: No. No, he wasn't a fellow church member. I don't remember. I think insurance is how they got to be friends.

Q: How about Dwayne McKenzie that was maybe in the same church?

A: Oh, yeah, Wayne McKenzie was a church member.

Q: Both of them ---

A: But Woody Feagins was -- he, he was an agent, I believe, running a -- he run Lake City down there. That's how we got involved with him.

Q: He was an agent before Wayne McKenzie, I believe.

A: Right. He, he had a place down there. He was over Farm Bureau in Lake City.

Q: And Mr. Feagin, I believe, has his own agency.

A: He does now, yeah. Guess who he writes

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for? Travelers.

Q: He does?

A: Some, yeah.

Q: Does you or your wife still deal with him ---

A: Oh, yeah.

Q: --- on your policies?

A: Yeah, she still does business with him, I'm sure.

Q: Yeah. All right. But she does all the insurance as she did in this instance?

A: She does all of that, I ---

Q: So, you really have no firsthand involvement with this insurance policy that we're talking about with ---

A: No.

Q: --- Farm Bureau at all?

A: None.

Q: You've never read the policy?

A: I doubt it, I mean, I, I wouldn't have any reason to, unless something come up that we, you know, would have a problem.

Q: Okay. All right. So, any information that was received by Farm Bureau during the time sequences involved in these

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matters would've come from your wife, ---

A: Yes.

Q: --- not from you?

A: None. None from me, because I never dealt with them.

Q: All right. Tell me, Mr. -- this Brown that she worked for, ---

A: Right.

Q: --- and his name has, ---

A: Wilbur Brown.

Q: --- has popped up in different aspects of the matter, do you do business with him other than what your wife testified to, and ---

A: Well, he ---

Q: --- how was he involved in these transactions?

A: He's been involved with Arthur longer than Shiralee, I mean, he's kind of a mentor for him; matter-of-fact, he -- you heard he handled the land transaction and all for Arthur building his house and everything.

Q: That's what I -- okay. So, how would he become involved with Arthur, I mean, why

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and how?

A: I have no idea, probably trying to make money on it. He was good at that.

Q: Did he kind of give people legal advice even though maybe he's not a lawyer?

A: I don't know that he gave them legal advice, but he advised him on that insurance, you know, telling to turn Travelers in as us involved or Tammy involved on Travelers, 'cause he told me that. He said he told Arthur that he better turn it in, you know, because Arthur didn't list us, and I don't know if Shiralee told you, but when she talked with that Tina Kennedy, she offered to add us on to the policy, why she didn't, I don't know.

Q: Say that again now.

A: Tina Kennedy, the investigator.

Q: Right.

A: She said -- well, Shiralee told me that she asked her, "Would you like" ---

Q: Shiralee asked Tina Kennedy?

A: No, Tina asked Shiralee ---

Q: Tina asked Shiralee, okay.

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Tina did go back and did a paper, and I, I sent all of y'all a copy of it about where she said she had put the PB on notice, which is whoever. I don't know who that is, and he said that the Driggers have already been taken care of.

Q: The PB?

A: I don't know who PB would be, but I got that paper here somewhere. I thought y'all had it.

Q: You can't put your hands on that, because my next questions would be all the conversations you had with the Travelers agents.

A: We actually -- I don't know that we had any conversation with -- Shirlee said she talked with the guy, Alexander, but I don't -- I've never talked with any of them, 'cause I just thought they were going to have to send us our money, wrong.

Q: Well, tell me again while you're looking for that particular PB document, again, the conversation that Tina Kennedy ---

A: She asked ---

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A: --- if she wanted ---

Q: Go ahead.

A: --- her to see that she got added on, and Shiralee told her she didn't know, and I said, "Why did you tell her that?" If she would've added her on there, there wouldn't have been any question, you know, other than the ---

Q: So, Tina Kennedy effectively, for the Travelers, effectively offered to ---

A: Right, after she ---

Q: --- Shiralee, ---

A: Right.

Q: --- your wife, to add y'all to, ---

A: To the policy.

Q: --- to the Travelers policy ---

A: The Travelers policy.

Q: --- as a lienholder?

A: As a lienholder, because she had just come from, you know, I think Shiralee told her about the situation with Tammy and all that and that's when they discussed it, and like with WW Dibble, we, we should've -- she should've done that. She should've had it done, but now

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Q: --- expressed.

A: She asked Shiralee if she wanted her or us to be added on to the policy, and Shiralee said, well, she didn't really know, and she probably didn't, but I would've told her to do it, but at any rate, you going to have her in, but I know I got the paper that states that and it's got ---

Q: And what did Tina Kennedy say after that, I guess, if Shiralee said she didn't know, what, ---

A: I don't know.

Q: --- what would Tina Kennedy's response?

A: She said, well, she was going to put us on, put Travelers on notice ---

Q: Her carrier, Travelers?

A: --- that we had -- right, we had a lien or Tammy did.

Q: Y'all had the interest in the property? Did she know about the Farm Bureau policy?

A: Did ---

Q: Tina Kennedy know about the Farm Bureau property ---

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1 A: I don't know.
 2 Q: --- at the same time ---
 3 MR. PRITCHARD: OBJECT TO FORM.
 4 Q: --- she was making that representation?
 5 A: I don't know.
 6 MR. PRITCHARD: OBJECT TO FORM.
 7 A: I don't know. Well, Shiralee testified
 8 that she didn't say anything to her, and
 9 I don't know when or where. I would say
 10 that the thing come in about the same
 11 time Wayne, when Wayne went to the fire.
 12 I would say that's when they found out,
 13 somebody probably did. I had that thing
 14 right on top, but that was the
 15 conversation. Now, I, I wasn't in on it,
 16 I wasn't there, but she -- 'cause I asked
 17 Shiralee and I said, "Well, as long as
 18 you got us on notice that means we
 19 there."
 20 Q: But you, yourself never talked to
 21 Travelers and told, ---
 22 A: Travelers, Tina or anybody.
 23 Q: --- told them about the Farm Bureau
 24 policy?
 25 A: No. I, I didn't talk to anybody about

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1 it, 'cause I didn't know nobody up there
 2 to talk to, and I didn't call. I didn't
 3 get involved. Edward, I think, was
 4 involved in all of it then. Now where
 5 is my paper? Y'all should have a copy of
 6 that, though, 'cause I sent it two or
 7 three times to the judge.
 8 Q: While you're looking again, while you're
 9 looking, can you tell me any other times
 10 you talked with Travelers agents, either
 11 Tina Kennedy or Ted Alexander?
 12 A: None, none, never. I didn't talk with
 13 any of them, my wife briefly, and I think
 14 after that, she told me that Ted
 15 Alexander called her or she called him, I
 16 don't know which. I'll have to get you a
 17 copy. I don't know where the thing is
 18 at, but that's the gist of what I know,
 19 but I had no representation or talking
 20 with her at all or Ted Alexander. I must
 21 be bypass that thing, but anyway, there
 22 is a paper. I might not can pull it up,
 23 but there is a paper that Tina Kennedy
 24 acknowledges that Travelers was aware of
 25 it and she made it to a PB, that's all I

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1 know. It says, "I discussed it with the
 2 PB and he stated that they were already
 3 taking care of it."
 4 Q: Okay. Well, that document, if you ---
 5 A: I can get it for you.
 6 Q: --- can continuing looking for it, and
 7 when you find it, send it to all of us
 8 would be great or email it, whatever.
 9 A: Well, everybody should have it.
 10 Q: Well, that's fine. We'll look for it as
 11 well.
 12 A: I sent it to Judge Curtis every time I
 13 sent her a note, but I've got it in here
 14 somewhere, I'm just overlooking it.
 15 Q: The Land Sales Contract, from your
 16 testimony, it sounds like that you didn't
 17 handle any insurance. You never advised
 18 anybody at Farm Bureau of the Land Sales
 19 Contract with Arthur McKenzie?
 20 A: The, the Land Sales Contract?
 21 Q: Yeah.
 22 A: You talking about back in '85?
 23 Q: Rent to buy or whatever you want to call
 24 it, yeah.
 25 A: I hadn't, I hadn't talked with anybody,

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1 to tell you the truth on it, not with --
 2 actually, Shiralee dealt with Farm Bureau
 3 pretty much all the way and I don't know,
 4 like I said, on anything on it, but
 5 that's the, that's the deal that Tina
 6 Kennedy assured my wife or so she says,
 7 this is secondhand, that she would have
 8 it turned in, and she did, evidently,
 9 'cause we have, we have the, the thing.
 10 I, I got it through some kind of thing.
 11 Here it is right there. I knew I had it.
 12 Read that in yellow.
 13 Q: Okay. I believe I have seen this, but
 14 I'll have to put my hands on it.
 15 A: Yeah, you got it.
 16 Q: Maybe I didn't read it. The print is so
 17 little, I probably didn't read it.
 18 A: Yeah, you probably didn't, but you got
 19 it. He's got a magnifying glass.
 20 Q: Yeah.
 21 MR. CORBIN: I HAD A MAGNIFYING
 22 GLASS.
 23 A: See if you can read it, Daryl.
 24 MR. HUDSON: WE'LL MARK THAT.
 25 EXHIBIT NUMBER 22

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MARKED FOR IDENTIFICATION.

COURT REPORTER: TWENTY-TWO.

A: You can have that one, I got another one.

Q: All right. We got another one, that's great. I might show it to Ed over there.

MR. CORBIN: YOU WANT ME TO READ WHAT IT SAYS?

MR. HUDSON: YEAH, IF YOU WANT TO, GOOD. YOU'VE GOT THE MAGNIFYING GLASS.

MR. PRITCHARD: I HATE TO SAY IT, BUT WE'RE ALL THERE NOW. OH, MY GOSH.

MR. CORBIN: THE YELLOW HIGHLIGHTED PARTS STATE AS FAR AS I CAN DECIPHER THE LANGUAGE, "Q&O INVESTIGATION IS ONGOING AND I THOUGHT TINA KENNEDY WAS ASSISTING WITH THE REMAINING PART OF OUR INVESTIGATION. I ALSO ASKED THE P8."

MR. DRIGGERS: IT'S PB OR P8 OR

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SOMETHING. I DON'T KNOW WHAT IT IS.

MR. CORBIN: I ALSO ASKED THE PB ABOUT THE MORTGAGE WITH SHIRLEY (SHIRALEE) DRAGGERS. HE SAID THAT HAS BEEN TAKEN CARE OF. I ADVISED WE WERE NOW ON NOTICE OF THE MORTGAGE. AFTER THE CALL, SHIRLEY (SHIRALEE) DRIGGERS LEFT A VM," VOICEMAIL. "TELEPHONE NUMBER IS 843-383-4468."

MR. DRIGGERS: 389, 389-4468.

MR. CORBIN: THAT'S THE NUMBER, AND THAT'S ---

MR. PRITCHARD: CAN I LOOK AT THAT JUST FOR A SECOND?

MR. CORBIN: DO YOU THINK THAT'S A PB OR A P8 OR WHAT DO YOU THINK THAT IS?

MR. DRIGGERS: I TRIED TO FIGURE IT

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OUT. IT'S, IT'S PB, I THINK, BUT I DON'T -- WHAT WOULD THAT ---

MR. PRITCHARD: I MEAN, I AIN'T GOING TO DECHIPHER IT.

MR. DRIGGERS: WHO WOULD THAT BE? THAT WOULD BE THE -- IT'D HAVE TO BE TED ALEXANDER OR SOMEBODY OR IT WOULDN'T BE THE LAWYER, NOT PB.

MR. HUDSON: "I ALSO ASKED THE PB ABOUT THE MORTGAGE WITH SHIRLEY (SHIRALEE). HE SAID THAT HAS BEEN TAKEN CARE OF," MUST BE TALKING ABOUT MCKENZIE IS ALL I CAN THINK, PB, WHATEVER THAT IS. THAT'S MY GUESS.

MR. PRITCHARD: IT'S P8 OR PB.

MR. HUDSON: THAT WOULD BE A LOGICAL THING, BUT I'M NOT SURE. I'M NOT

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EVEN SURE IT'S PB.

MR. DRIGGERS: I CAN'T IMAGINE WHO IT IS.

MR. PRITCHARD: IT'S A MORTGAGE, AND THAT COULD BE PH, POLICYHOLDER, ABOUT THE MORTGAGE WITH SHIRLEY (SHIRALEE) DRIGGERS. THAT WOULD MADE SENSE, "I ALSO ASKED THE POLICYHOLDER ABOUT THE MORTGAGE WITH SHIRLEY (SHIRALEE) DRIGGERS. HE SAID THAT HAS BEEN TAKEN CARE OF."

MR. HUDSON: THIS IS TRAVELERS TALKING NOW.

MR. PRITCHARD: YEAH, BUT ARTHUR WOULD BE THE POLICYHOLDER.

MR. HUDSON: RIGHT. RIGHT.

MR. PRITCHARD: THAT'S WHO I THINK HE'S REFERRING TO. I THINK HE'S REFERRING TO ARTHUR. HE SAID

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1 THAT'S BEEN TAKEN CARE
2 OF.
3 MR. DRIGGERS: WELL, I DON'T KNOW
4 WHAT HE'S CONSIDERING,
5 BUT, I MEAN, SHE WAS
6 PUTTING THEM ON
7 NOTICE, SO THEY ARE ON
8 NOTICE, TRAVELERS.
9 MR. PRITCHARD: DON'T, DON'T ASK ME TO
10 GET BEHIND ARTHUR, I'M
11 JUST ---
12 MR. DRIGGERS: NO, YOU'RE ---
13 MR. HUDSON CONTINUES:
14 Q: Okay. While we're on that, on that
15 Travelers Number 22 with our trying to
16 decipher, interpret what it said, did you
17 have any other contact with Travelers ---
18 A: I didn't have any.
19 Q: --- at any time?
20 A: This, this came through some
21 documentation that y'all got, you know,
22 where ---
23 Q: Right.
24 A: What's his name, his lawyer, Davis, he,
25 he ---

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(843) 685-7179

1 Q: --- advised of them by Travelers?
2 A: No. No.
3 MR. PRITCHARD: NO.
4 A: No, sir. I would've rejected it, I mean,
5 because, you know.
6 Q: Did you receive anything in writing at
7 any time from Travelers after they
8 acknowledged your potential of interest
9 in it?
10 A: No.
11 Q: Never?
12 A: No.
13 Q: Nothing later from Tina Kennedy ---
14 A: No.
15 Q: --- or from Ted Alexander?
16 A: Never heard from anybody.
17 Q: Now, it was in your daughter's name,
18 Tammy Floyd?
19 A: Tammy D. Floyd, but I'm sure ---
20 Q: Same questions about her, did she receive
21 anything?
22 A: I would say no, I mean, you know, I
23 couldn't answer for her, but I know that
24 she would've went to her mother if, if,
25 if she would've received anything.

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1 Q: Yeah. That would've come from him.
2 A: That come from Davis, because I pulled it
3 up and I happened to note that she said
4 that we were acknowledged, you know, when
5 they were denying that we had ever had
6 contact with them, but she did put it on
7 notice.
8 Q: Okay. Well, what's your understanding of
9 what was taking place with the Travelers
10 adjustment on Arthur McKenzie's claim and
11 the disbursements and all that Travelers
12 made to McKenzie?
13 A: I'm not sure on that. I don't understand
14 why. I would've thought that a mortgagee
15 would have priority over everybody. See,
16 the, the property was never titled to
17 Arthur McKenzie, it was just a Contract
18 For Sale, but I would've thought that a
19 mortgagee had priority, even over the
20 IRS.
21 Q: And these disbursements that had been
22 made outside of the litigation here that
23 we're talking about, did you know they
24 were coming or were you ---
25 A: No.

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1 Q: All right. And you've really not read
2 the subject Farm Bureau policy or
3 Travelers policy, really, yourself?
4 A: No. Well -- well, wait, let me see. I
5 may have brushed through it. Somebody
6 sent us a copy, you or either Travelers
7 and you and I may have brushed through it
8 or something, but I didn't really sit
9 down and read it.
10 Q: You would've had one, ---
11 A: I had copies.
12 Q: --- from that EUO.
13 A: I had copies. I was aware, I mean, y'all
14 made me aware of what the policies were,
15 both of you, Travelers and -- or maybe
16 you did, I don't know, Travelers and Farm
17 Bureau.
18 Q: Okay. It looks like, also, in the record
19 that we have, and there's a lot of
20 questions about payments and things like
21 that, that Arthur McKenzie has -- and I
22 think he signed an affidavit to that
23 effect that he's paid a lot more money on
24 this Land Sales Contract than he's being
25 given credit for. What do you know about

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1 that and did you ever talk to ---
 2 A: All I know ---
 3 Q: --- McKenzie about it?
 4 A: Well, I know that Billy Jenkinson sent
 5 this out. He was the last -- 2004, he
 6 owed ninety-seven thousand, two hundred
 7 and eighty-two dollars and he never
 8 responded, but Shiralee, we didn't go on
 9 through with it and evict him. That's
 10 what we should've done then.
 11 Q: That was when?
 12 A: That was -- well, I'm going to let you
 13 read it and I'll need that back. I may
 14 have another copy, but you can ---
 15 Q: All right. You just handed me a letter
 16 dated February 9th, 2005 from Billy
 17 Jenkinson's office to Arthur McKenzie and
 18 Lisa Gamble?
 19 A: Right.
 20 Q: All right. Okay. And you're saying that
 21 states his amount, I'm reading here. It
 22 has a balance of ninety-seven thousand,
 23 two hundred and eighty-two and twenty-
 24 four cents?
 25 A: That was at the end of '04.

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1 but I stayed on my wife about it, because
 2 Arthur is notorious, but we knew he was
 3 getting in trouble, because he was
 4 getting old and he'd about lost his
 5 business with the brick, brick masons,
 6 you know, I mean, he, he, he made an
 7 extremely good salary for a while.
 8 Q: Well, with the amount of taxes that the
 9 IRS had a lien on, I would say he dealt
 10 with some pretty big numbers?
 11 A: Yeah. Well, I think a lot of that was
 12 payroll.
 13 Q: From the IRS?
 14 A: You know, where he didn't ---
 15 Q: He didn't even pay his employees.
 16 A: I don't think -- well, no, I think he
 17 didn't pay their ---
 18 Q: Right. Right.
 19 A: --- stuff. Now, I'm not sure about that,
 20 I'm just -- I'm like you, I don't believe
 21 he could do that much income taxes, plus
 22 he had a sizable sum with the Department
 23 of Revenue.
 24 Q: Okay. Is this a copy we can mark?
 25 A: You have it. I, I got ---

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1 Q: End of '04?
 2 A: Right.
 3 Q: Yeah. Right, it does say that. All
 4 right. And it provided in that letter an
 5 itemization ---
 6 A: Yeah.
 7 Q: --- of the payments and that's on the
 8 third page here?
 9 A: And he did, he did get a copy of the
 10 stuff and he never rebutted it. He
 11 carried it to Wilbur Brown, and Wilbur
 12 Brown told him he better be satisfied
 13 with that figure, and Arthur, he must've
 14 been, 'cause he kept paying or kept
 15 paying some.
 16 Q: Would Arthur McKenzie come by your
 17 station and make payments?
 18 A: He has.
 19 Q: All right. Would y'all carry on
 20 conversations about the balance and
 21 delinquencies and anything else about the
 22 property?
 23 A: I -- not, not very seldom. He, he did
 24 business with me and all, and like I
 25 said, I didn't keep up with it closely,

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1 Q: Three pages here, it'll be whatever it
 2 is, 23?
 3 COURT REPORTER: TWENTY-THREE.
 4 **EXHIBIT NUMBER 23**
 5 **MARKED FOR IDENTIFICATION.**
 6 A: There, again, everybody should have a
 7 copy of that, 'cause I sent it in.
 8 Q: Probably do, ---
 9 A: Yeah.
 10 Q: --- but I'll just, while we have it, and
 11 you got yours. But after the fire, you
 12 did have him evicted?
 13 A: Yeah. Yeah, we, we did that. Mr. Corbin
 14 was involved on it.
 15 MR. CORBIN: THAT'S AN ABSOLUTE
 16 FALSEHOOD, ---
 17 MR. DRIGGERS: WAIT A MINUTE.
 18 MR. CORBIN: --- OKAY, UNLESS YOU
 19 KNOW WHAT YOU'RE
 20 TALKING ABOUT. YOU'RE
 21 UNDER OATH.
 22 MR. HUDSON: I DIDN'T HEAR HIM.
 23 A: Okay. Hold on, let me think now. You
 24 said after the fire.
 25 Q: After the fire, Mr. McKenzie was evicted?

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 (843) 685-7179

1 A: Oh, yeah. Yeah, that was Corbin, not
 2 Corbin. Dotson, Dotson had him evicted.
 3 No, I apologize, that was Dotson.
 4 Q: Attorney Jim Dotson ---
 5 A: Jim Dotson.
 6 Q: --- did evict him for you?
 7 A: He told me, he said, "Y'all own that
 8 house," and I said, "Well," I said, "we
 9 need to get it in our name, and he went
 10 and he said, "The contract states to go
 11 before a magistrate," and he went before
 12 a magistrate, and you should have a copy
 13 of that, the eviction.
 14 Q: An order of that eviction, I think
 15 everybody has a copy of it.
 16 A: Yeah.
 17 Q: Did you talk -- what happened after that
 18 order was served on Mr. McKenzie?
 19 A: Nothing, nothing.
 20 Q: He had already vacated the property,
 21 hadn't he?
 22 A: Yeah, he was already gone. There wasn't
 23 nobody in the house then. We were just
 24 trying to establish ownership.
 25 Q: Yeah. Well, what conversations did you

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1 have with Mr. McKenzie about the fire
 2 loss, getting it fixed, getting the
 3 insurance proceeds, all of the above?
 4 What conversations did you have with him?
 5 A: I really didn't have any with him. We
 6 didn't talk too much after that.
 7 Q: Did he move out right after the fire?
 8 A: Oh, yeah. It was, it was uninhabitable, I
 9 mean, he had to ---
 10 Q: Well, being habited, is being habited ---
 11 A: Habited now.
 12 MR. PRITCHARD: HABITABLE.
 13 A: Now?
 14 Q: Yeah, by several people? I was going to
 15 say ---
 16 A: It looks like a crowd, but anyway, Alice
 17 Peterson went to the -- she tried to deal
 18 with Arthur, and she wanted like a
 19 hundred thousand dollars for the house
 20 and she went to the County and found out
 21 who owned the house. She went to the
 22 County, same as Tina Kennedy, and found
 23 out that the house was in my daughter's
 24 name, because that -- it had already been
 25 removed out of Arthur's name, and she

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 (843) 685-7179

1 came to me. She learned about me
 2 somewhere, somehow, and I told her, "Yes,
 3 I would sell it," and she was supposed to
 4 get a government loan and, you know, fix
 5 the house so she could do it. She had
 6 to, she had to go in and repair enough
 7 that the people could come inspect it,
 8 but that never happened. She never got
 9 the loan and I didn't pursue it, because
 10 it was in litigation. That was one of
 11 the reasons I didn't push it. That's the
 12 reason I haven't pushed it, yet.
 13 Q: Well, how did she get in the house?
 14 A: Fixed it up and went in it.
 15 Q: I mean, just without asking you or
 16 telling you she was going to do it?
 17 A: No. We talked, we talked, I mean ---
 18 Q: You said, "Well, go ahead and" ---
 19 A: I -- she said, "I'll fix it up, I'll get
 20 the loan.
 21 Q: And you -- okay.
 22 A: Yeah. Yeah, I mean, you know, and, and
 23 she did fix it half-tail.
 24 Q: Did you ever go look at her fixings?
 25 A: Yes, Lord.

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 (843) 685-7179

1 Q: Tell me about it. Tell me before ---
 2 A: It was awful. It's about as bad as it
 3 was after, I mean, right after the fire,
 4 but she fixed it up to make it habitable,
 5 enough they can live. She hadn't done
 6 any of the air-conditioners, anything.
 7 It was ragged-looking work. She did a
 8 little work on the roof and all, but ---
 9 Q: Was this some of her friends or herself
 10 or was she kind of a ---
 11 A: She is -- I don't know who all is there.
 12 I'm like, I'm like you, there's a lot of
 13 people, looked like they staying there,
 14 but I hadn't pursued it until -- I
 15 thought this litigation would've been
 16 over, way, way years ago, but I hadn't
 17 pursued it until we got the litigation
 18 over, 'cause, you know, I didn't want to
 19 tell her something and then have to come
 20 back and say, "Well, hey, you know, the
 21 house is not ours."
 22 Q: So, you're just kind of approaching this
 23 thing with Ms. Peterson to where she's
 24 kind of doing a little housekeeping?
 25 A: She's, she's staying there free, she's

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1 not even paying -- she was supposed to
2 pay taxes and all. She's staying there
3 free.

4 Q: Right, I see.

5 A: And we still paying the taxes, been
6 paying them for years.

7 Q: Right. But she is kind of on the
8 property and I suppose doing some kind of
9 maintenance of it, you know?

10 A: Probably bare minimum.

11 Q: Bare minimum.

12 A: I'm sure.

13 Q: But that would be typical of rental
14 property?

15 A: Right, that is. That's right.

16 Q: All right. So, you hadn't tried to evict
17 her?

18 A: I have not.

19 Q: You hadn't said, "Hey, you need to pay
20 more rent?"

21 A: Well, we done went this long, I'd be
22 stupid to try to evict her right now.
23 It's fixing to come to a head one way or
24 the other, so I said, you know. I've
25 already talked with her about it. She

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1 said she's got a settlement coming in,
2 but you know how settlements are.

3 Q: Yeah.

4 MR. PRITCHARD: OH, YEAH.

5 Q: All right. And do you know anybody else
6 that might be involved with Ms. Peterson
7 with the house, because obviously there's
8 other folks involved?

9 A: I have no idea who she's -- I don't know
10 who she's related to. I do think they
11 running a hair salon now, I do think.

12 Q: Well, it's real habitable because there's
13 a ---

14 A: Well, they even had ---

15 Q: --- lot of people in that house.

16 A: They had campers and all.

17 Q: There's trucks, there's campers, ---

18 A: Yeah.

19 Q: --- big motor homes and ---

20 A: But I try not to look at it when I go by,
21 'cause Arthur kept it spotless.

22 Q: Did he really?

23 A: He did.

24 Q: So, I was going to say, did he ---

25 A: He kept it ---

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1 Q: How did he maintain it?

2 A: It was in good shape.

3 Q: Paint a picture for me and just the
4 damages to the house after that fire.

5 A: Mostly, it was a inside fire, lots of
6 smoke damage.

7 Q: Couldn't tell much from the outside at
8 all?

9 A: Yeah, and -- yeah, you could tell. Yeah,
10 you could tell around the doors and all.
11 It's smoked bad, I mean, you know, but
12 the inside, they wasn't a lot of fire
13 damage. The ---

14 Q: Was this mainly smoke damage?

15 A: Right there, it was a little fire in the
16 kitchen. That's the reason I stated that
17 his receipts wasn't there, 'cause his
18 receipts was back there at the bathroom.
19 Alice Peterson has got those photos. If
20 you want to see them, she's got them.

21 Q: Okay. We'll ask her to bring those to
22 her deposition.

23 A: And I think -- didn't they send a lot of
24 photos from Travelers?

25 Q: I think they did some.

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1 A: Yeah. Yeah, they was, they was a lot of
2 photos. I may have some of them at home.
3 I hadn't -- I just didn't mess with them,
4 but I went in the house, but as far as
5 fire itself, the kitchen was pretty much
6 burned, and the hallway had a little
7 damage, but none of the back part, fire
8 didn't touch, back where he had his
9 stuff, his office.

10 Q: So, as far as Ms. Peterson fixing it up
11 in a non-professional way, she could've
12 somehow managed to fix up the kitchen
13 some and got rid of some of the -- clean
14 up some of the smoke damage and ---

15 A: Somehow, she had to rewire it. I forgot
16 what happened on that, but all the air-
17 conditioners were stolen and, you know,
18 that was done. I don't think she did
19 that. I think it was stolen when the
20 house was burned, sitting there.

21 Q: Right. Where did Arthur McKenzie go
22 after this fire?

23 A: He went to his girlfriend's.

24 Q: Where, in the area?

25 A: Lake City, I think.

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Q: And who was his girlfriend then?

A: Is it Tracey Brown or, or, or -- we ---

MR. CORBIN: I THINK IT WAS HIS
FIANCÉE, TERRI BROWN.

A: Terri Brown, that's it, Terri Brown.

MR. CORBIN: TERRI BROWN MCKENZIE?

A: Yeah.

Q: Did you ever tell Arthur McKenzie about your Farm Bureau policy on the house?

A: I don't think I did. I think he learned through Shiralee's deposition. I didn't talk ---

Q: The first time he knew about it was Shiralee's ---

A: Shiralee's deposition, and that's where that, that, that they said that Shiralee was holding out money for his insurance.

Q: So, that was that first 2016 deposition?

A: I, I think that's when he found out, 'cause she just recently got that deposition.

Q: And as your wife, pretty much, indicated, your daughter, Tammy Floyd, really, most probably has very little information ---

A: Tammy Floyd ---

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A: --- I asked Woody about coming to the trial, but I, I don't know about ---

Q: That would be Woody Feagin?

A: Woody Feagins. I don't know about Matthews. It seemed like I talked with him about something, but I don't remember what. It might've just been, you know, when you had them there with the EUOs and all, I, I don't recall.

Q: All right. What did you talk to Woody Feagin about, I mean ---

A: I, I told him I wanted him to come testify about the policies and all, that we had had policies with Farm Bureau for years and all and that he was well aware. He knew that we didn't live in that house and, and he knew it wasn't a rental house, I think. I'm not sure what he knew, but ---

Q: I think it's listed as a tenant dwelling.

A: Well, it could be, I don't know, but, I mean, it -- it's a Contract For Sale, whatever that is.

Q: To your knowledge, did you ever advise Woody Feagin that there was a Contract of

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Q: --- about any of these issues?

A: I said, "It would be a waste of your time, unless you could trip, trip her up or something," because she doesn't know anything about it, I can -- I'll give you my word. She knows that it went on, she knows that she signed those documents, but she does not know any of the business side of it, just like I knew very little.

Q: Hold on just a second, I think I'm about through. You've answered a lot of questions over the years. And I think I might've asked this, to an extent, but let me ask you again to make sure I covered it, did the adjustment after, initially after the fire, pretty much, after the fire and on up to the point the where the Dec Action was filed, did you have any conversations with Johnny Matthews of Farm Bureau who's an adjuster, who came in once Farm Bureau was, a claim was actually made or any of the agents, either Feagin or McKenzie ---

A: I asked Woody, --

Q: --- about the loss?

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Sale?

A: No. No, I never, never talked with Woody about it until I asked him to come to trial.

Q: Did he say he'd come to trial?

A: He didn't want to; I can tell you that. He, he, he didn't indicate he would, either.

MR. PRITCHARD: WHO IS THIS?

MR. DRIGGERS: WOODY FEAGINS, THE AGENT.

MR. PRITCHARD: YOU KNOW, HE'LL COME, HE'LL COME IF HE GETS A SUBPOENA.

MR. DRIGGERS: YEAH.

MR. PRITCHARD: I KNOW HOW TO. I KNOW HOW TO ASK.

Q: Do you still do business with Woody Feagin? I know ---

A: Well, the company ---

Q: --- you said Shiralee does, but ---

A: Well, I mean, if Shiralee does, I do.

Q: All right. And McKenzie, when he got a partial settlement, apparently, from Travelers, he never advised you or

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1 consulted with you about, ---

2 A: No.

3 Q: --- that that was going to take place or
4 had taken place?

5 A: No. No, I, I had no record or no
6 knowledge of any payoffs, because I
7 would've objected to it, you know that,
8 because I feel like I, I should be first.

9 Q: Right.

10 A: Now, his personal belongings, it wouldn't
11 matter, but on that house, I should be --
12 well, my daughter should be first.

13 Q: Okay. I think these exhibits that were
14 introduced Monday when we actually
15 started, I guess this would be my
16 deposition and the conclusion of the
17 other one after Mr. Pritchard maybe asks
18 you any questions. That should be pretty
19 much it, I think. Okay.

20 MR. PRITCHARD: I DON'T HAVE ANY
21 QUESTIONS OF THIS
22 WITNESS.

23 MR. HUDSON: OKAY. WELL, THAT DOES
24 THE DEAL.

25 (The deposition concluded at 2:18 p.m.)

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STATE OF SOUTH CAROLINA)

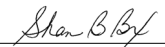
COUNTY OF HORRY)

CERTIFICATE

I, Sharon B. Brock, a Notary Public and
Verbatim Court Reporter in and for the State of
South Carolina, do hereby certify that the
foregoing proceedings of **MARION L. DRIGGERS**,
after first being duly sworn; was taken by me
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HUNDRED FIFTY-EIGHT(258) pages contain a full,
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reported by method of steno mask with backup.

IN WITNESS WHEREOF I have hereunto set my
hand and seal this **22ND** day of **APRIL, 2021.**



Sharon B. Brock
Verbatim Court Reporter
Notary in and for the
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MARION L. DRIGGERS

* ****off 124:25 196:22 0 04 241:25 242:1 05 147:3 181:9 08 133:8 09 98:10 101:5 206:4,8,11,17 208:3,9 209:12 1 1 10:5,12 25:19 26:5 54:16 56:5 129:3 130:13 1(a 54:13 1/7 159:21,21 1:30 218:5 10 111:17,18,20 11 127:24,25 12 146:6,7,12 12/31/05 157:8 13 148:7,9 209:12 14 149:12,13 156:24 15 95:3 151:18,20 158:24,24 161:5 16 79:5 80:10 152:25 161:12,16 218:4 16th 9:9 161:17 17 154:17,19 18 156:18 157:14 19 157:21,23 1995 101:4 1996 54:16 56:5 158:24 1997 41:11 42:3 43:24 45:16 46:7 49:24 125:9,23 130:3 132:24 146:10 1999 147:2,3,7,11 148:15 2 2 25:20,21,22 26:6 153:25 154:2	2:18 218:5 257:25 20 149:15 197:13,14 2000 154:4 158:24 159:18,21,23,24 160:3 161:17 2001 161:12,12,16 2003 152:4 161:5,6,9,10 2004 152:4 241:5 2005 149:5,6 156:24,25 157:4,7,14 162:13 167:4 241:16 2006 167:4 199:5 2007 167:4 2008 129:3 130:13 152:2 154:2,3 155:19,20,23,24 156:8 167:5 2009 101:6,7 149:15 151:21,22,23 152:1,5 153:25 199:1 2010 199:7 2013 79:5 80:11 83:6 219:22 2014 38:6 2016 197:6 253:18 2018 21:19 22:17,18 106:19 2020 9:9 102:25 111:11,22 2021 208:10 218:4 21 218:6 219:24 22 232:25 237:15 23 197:6 244:2,4 25 42:3 43:24 45:16 49:24 101:6 125:8 25th 53:18 26 21:19 22:18 106:19 28 22:17 29 199:1 3 3 27:5 147:2,3 150:	16 151:23 152:1 154:2 3/20/09 150:24,25 151:2 3/23 150:6,7 3/25 149:25 150:5 3/25/2009 149:24 3/3/49 219:12 3/30/09 151:3 3/9/09 150:14,14,16,18 30 102:25 310 29:12,22 31st 219:22 3497 219:9 378 18:3,5,8,10,25 20:18 36:7,20 46:21 48:22 51:14 59:22 73:8 74:4 75:5,14 100:14,19 114:3 125:6 148:11 168:18 169:10 178:2 192:6,16 196:10 38 23:21 389 234:17 389-4468 234:17 3rd 152:5,6,14 4 4 29:19 72:18 149:5 150:19 152:1 155:23 4/11/2009 149:23 4/20/2009 150:1 40-5 29:11,21 4th 149:6 152:5,9,10,14 155:19 5 5 41:20 42:2 53:6,9 72:18,22 5:17 217:6 6 6 72:19,23,25 73:7 74:2 111:11,22 6(a 64:22	7 7 79:1 81:5 155:20 156:7,8 159:18 7/27 154:4 7/9 150:4 7th 156:9 8 8 103:20,21 80s 222:3 843-383-4468 234:16 85 231:22 9 9 107:14,15 149:16 152:2 9:30 217:4 94 42:5,6 96 158:25 97 42:6,19 49:19 160:1 181:11 99 147:4,4 9th 162:13 241:16 A abide 171:5,9,10 able 21:6 145:10 156:21,22 216:12,13 above 25:5 246:3 absolute 100:6 244:15 absolutely 44:13 64:4 77:15 86:20 91:25 98:13 100:8 121:20 124:22 126:16 165:9 177:22 197:24 accept 132:15 185:7,10 accepted 83:6 access 11:25 12:2 14:12 according 130:11 210:20 account 147:22	148:1 189:7 accountant 176:13 183:1 accounting 11:19 15:17 16:15 46:18 141:7 142:1,9,11,14,17 143:21 144:22,24 145:14,17 148:15 182:24 185:12 198:23,25 200:8 219:2 221:10 accounts 78:25 accumulated 16:22 accurate 142:17,20 143:22 161:20 167:6 181:15 183:4,20 accusation 24:8 99:11 104:20 110:12 117:22 122:13 accusations 34:25 35:13 43:6,9 106:21 107:8 155:6 accuse 24:12,23 120:23 122:10 accused 43:12 85:2,6 105:6,24 215:21 accusing 85:12 104:7 117:13 132:8 135:6 acknowledge 30:12,18 acknowledged 41:7,22 238:4 239:8 acknowledges 230:24 act 132:2 168:11 acting 8:13,17 120:21 193:17,22,23 action 21:20 22:20 35:22 36:1,7 38:4 66:3,8 67:20 68:14,23 69:8,10,12,19 70:6,8,15 71:9 73:2,5,8,15 74:11,24 75:5,25 76:3 117:7 118:4 254:18

MARION L. DRIGGERS

actions 170:3 activities 220:18 actual 23:5 110:10 180:21 actually 38:25 44:18 45:19 47:15 67:23 110:3 131:17,17 176:3 197:21 221:25 227:15 232:2 254:22 257:14 add 94:13,21 148:18 166:12 180:20 220:8 225:16 226:14 added 164:11 166:25 226:3,6 228:3 addition 9:10,21 23:18 26:13 55:14 68:22 69:7 70:14 additional 21:18 address 219:8 addressed 111:10 adjourned 217:6 adjuster 254:21 adjustment 238:10 254:15 advice 225:4,7 advise 255:24 advised 57:4 225:7 231:17 234:9 239:1 256:25 affair 18:13,16 affected 119:19 affects 75:13 affidavit 143:25 144:7,11,12 197:5,6 198:21 200:5 240:22 age 219:11 agency 222:24 agent 128:19 129:16,20 222:16,19 256:11 agents 227:14 230:10 254:23 aggravated 182:14	ago 74:22 80:11 82:15 89:9 104:6 123:22 248:16 agree 29:15 36:8 61:12 64:6 75:17 76:13,22 102:21 127:16 133:5,11,14 135:12 140:15 142:16 143:21 144:24 145:7 165:25 167:24 168:24 169:4 181:14,19,22,24,24 182:3,7 185:19 186:16 188:17,18,20 194:6,10,11,12 195:3 200:12,15,18 202:21 205:25 206:5 207:1,24 208:25 210:10 211:24 221:4 agreed 33:13 55:5 72:1 73:23 79:8 82:1 103:7 170:13 211:23 agreeing 54:2 agreement 54:9,12 55:2 69:21 70:19 79:4,11,20 158:20 159:2,4 189:24 agreements 12:4,5,7,14 agrees 53:25 70:16 ahead 21:24 30:14,16 37:16 42:1,23 43:1,1,4 52:2,2,14,24 53:14 59:7 63:2 67:11,16 78:2 81:3 87:17 89:16 92:7,11,24 137:9 144:20 155:3 176:16 178:17 179:15 184:9,16 185:9 191:3,4 193:12 196:7 200:9 202:7,9 205:12,12,12 207:10 208:17 214:18 216:18 226:2	247:18 ain't 81:24 96:7 147:3 158:1 160:16,20 161:6 184:16 190:6 235:4 air 219:17 252:16 air-conditioners 248:6 ale 188:20 alexander 227:17 230:11,15,20 235:9 239:15 alice 12:17,20 79:15 80:2,16 81:11 140:12,13 246:16 251:19 allow 31:18 allowed 8:5 35:22 105:16 almost 39:15,16 158:11 already 33:9 46:25 47:1 71:22 86:4 154:13 210:14 227:6 231:2 245:20,22 246:24 249:25 amazing 34:5 182:23 amount 96:12,13 162:12 179:21 187:13 241:21 243:8 amounts 180:21 angry 43:5 annual 19:20 annum 56:7 another 29:24 67:10,20 106:18,25 107:17 111:8 121:21 130:21 151:3 157:12 161:15 233:3,4 241:14 answer 7:14 23:14 28:22 32:19,23 34:24 40:7 41:24 47:13 60:20 70:10 75:9,10 90:4 91:5 92:6	94:20 104:17 111:11 120:12 132:3,7 147:21 164:1,4 166:11,13,19 167:7,10,12 168:3,23 169:11,16 176:10 192:9 193:9 195:9,18 205:7 206:12 208:18 210:9 239:23 answered 85:15 254:11 answers 156:22 anxious 134:15 anybody 8:6 24:15 36:4,6,14 50:22 68:12 69:13,14 85:18 86:1,6,11 87:23 99:16 132:12 138:25 170:19 177:14 194:9 195:14 196:18 229:22,25 231:18,25 239:16 250:5 anyway 111:6 189:4 230:21 246:16 apiece 151:7 152:15 156:14 apologize 245:3 apparently 131:15 167:25 256:24 appeal 70:13 123:17,21 170:19,20,21 172:22,23 appealed 83:15 123:21 172:24 appealing 57:24 appears 26:22 appellate 173:4,6 applied 43:21 apply 50:10 appreciate 165:21 184:10 approaching 248:22 approve 84:1,3 approved 174:5 april 42:3 43:24 45:	15 49:18,24 125:8 149:15,19,21 161:12,15,17 218:4 area 252:24 aren't 140:9 152:19 154:6 186:12 192:3 argue 42:17 123:6,9 argument 172:10,14 arise 221:19 arises 221:20 arising 70:17 arm 102:13,15 around 77:22 84:15 101:21 187:12 251:10 arthur's 84:4 96:7 101:20 180:6 187:15 246:25 arts 15:20 16:13 asks 257:17 aspects 224:11 assert 136:5 assignment 35:19 36:13 41:6 83:25 86:15 88:16,20 89:4 90:5,16 91:1,11,17 92:21 93:4,11 178:9 195:7 assignments 55:8 assisting 233:21 associate 15:20 16:13 assume 7:13 46:24 55:17 57:14 66:22 83:1 109:23 148:10 153:16,22 203:15 205:1 assuming 44:1 68:10 assumption 203:17 assured 232:6 astute 96:1 176:4,6,13 attached 9:25 attack 57:22

MARION L. DRIGGERS

attacks 62:24 attempt 138:22 attorney 8:13,18,18 24:24 25:13 45:13 79:9 85:11 86:22 88:2 89:11 93:7 94: 10 104:10 105:15, 20 106:16 108:15 110:14 115:8 119:7 120:21 131:14 132: 10 145:23 165:20 198:24 213:13 245: 4 attorneys 8:15 24:6, 12 38:13 43:6 104: 7,23 108:8,10 109: 10 110:7,21,22 111: 1 116:21,23 132:22 135:6 170:15,16 173:10 214:7 audible 13:16 authority 170:2 authorize 35:6 authorized 21:4 available 14:24,25 94:5 avoid 116:24 117: 11 aware 10:21 35:17 37:13 42:18 46:10, 25 96:4 100:3 106: 24 126:8 166:1,13, 18,20 169:25 170:5, 6 196:19 220:9 230: 24 240:13,14 255: 15 away 113:9 135:14 163:22 199:23 awful 248:2 B back 9:3 25:25 34:7 35:13 41:11 49:14, 16 57:7 83:23 92:4 108:3 125:23 149: 22 154:3 159:17 181:8 201:13 216:	23 217:3 222:3 227: 1 231:22 241:13 248:20 251:18 252: 7,8 background 15:13 46:18 141:7 182:24 185:12 backtrack 35:12 bad 23:20 102:19, 19,22 151:11 152: 17 198:13 202:15 248:2 251:11 baker 99:1 balance 56:2,20 63: 7 166:25 184:3 202: 14,18 204:8 241:22 242:20 bank 57:16 58:15 78:25 150:13 174: 11,14 175:1,6 177: 7 184:25 185:6,8, 11 186:6 bar 30:1,2 bare 249:10,11 based 200:10 basically 127:17 219:4 221:9 basis 85:16 123:18 198:16 bathroom 251:18 beat 94:2 became 44:20 become 224:25 began 38:21 beginning 219:6 220:7 behalf 31:1 behave 40:13 behind 164:22 180: 12 237:10 believe 18:1 20:8 37:4 38:20 40:16 62:21 64:5 66:7 70: 8,11 78:9 87:22 99: 8 100:11 102:12,15 104:22 105:5 106:2,	5,24 108:11,11 109: 11 110:7 117:18,25 118:10 119:18 120: 4 121:1 131:18 135: 4 136:9 141:18 155: 25 160:12,14,15 161:14,20 164:25 165:18 167:11,20 179:22 182:16 186: 17,19 189:19,20 192:20 198:10,16 199:5 222:16,20,23 232:13 243:20 believed 70:12 114: 5 117:19,24 118:1, 2 belong 19:4 30:6 46:5 138:23 belonged 46:6 belongings 96:21 257:10 belongs 138:25 164:12 bender 99:1 benefit 15:12 besides 92:14 133: 15 best 184:22,23 better 24:10 28:9 46:6,22 62:21 66: 15 114:1,9,24 115: 12 116:6 119:3 142: 17 143:22,23 145:9 147:14 177:1 182: 16 225:12 242:12 between 35:20 42: 8 53:18 158:21 194: 24 195:4,5,13 beyond 70:18 bias 98:25 bid 51:2 big 126:23 127:2 243:10 250:19 bill 88:7 bills 203:1 billy 33:11 52:19 55:	1 58:10 72:16 76:9 93:21,22 94:8 133: 23 162:10 167:22 181:9 189:25 193:3 195:23 241:4,16 bingo 150:21 birth 219:11 bit 62:17 151:1 153: 5 161:3 black 174:4,6 blame 118:23 132: 12 blamed 162:23 blaming 118:19 boasting 174:19 bookkeeper 176:23 185:11 bookkeeping 221:9 books 126:5 bookwork 162:2 boots 221:18 borrow 174:25 borrowed 174:10, 13,24 both 32:5 155:21 222:14 240:15 bother 116:10 bothers 96:22 116: 12 202:6 bottom 95:11 193: 25 bought 48:8,12 49: 1,5 50:1,2,8,19 194: 18 breach 23:25 24:1 36:19 39:25 40:19 62:6 83:17 84:8 86: 24 87:21 212:1,4 breached 37:9 40: 22 87:1 88:10 213: 17 break 8:1,3 67:14 89:17,19 124:20 196:20 212:12 215: 14 216:13,22 breaking 105:2 106:	5 breaks 8:5 brick 243:5,5 briefly 230:13 bring 10:13 11:18 14:9 26:10 35:22 36:1,4,7 61:25 108: 18 113:9 141:2 143: 20 153:20 251:21 bringing 85:14 broke 105:5 106:9 206:11 broken 106:10,12 brought 10:16 12: 10 13:6 38:3 42:15 108:9,13,22,23 109: 9,12,17,23 110:1,3, 6,8,20 brown 101:18,20 119:2 121:19 198:3 224:6,10 242:11,12 253:2,4,5,5,6 brushed 240:5,7 building 224:22 burden 140:15,18 142:19 bureau 23:20 25:9 38:3 60:2 61:1 98:5, 10,18 99:22 101:10 110:5 112:10,13,19, 20,25 113:4,7,12 117:3,13 118:2,16, 22 122:22 123:16, 24 124:6 163:14,20 165:23 201:17,20 202:12,16 203:15, 22 204:7 210:16 211:11 222:22 223: 16,23 228:21,24 229:23 231:18 232: 2 240:2,17 253:9 254:20,21 255:14 bureau's 95:19 burn 140:10,12 burned 70:23 252:6, 20

MARION L. DRIGGERS

burnt 63:14 business 14:6,9 15:4 16:20 20:10 127:12,13,18 223:7 224:12 242:24 243:5 254:8 256:18 businessperson 96:1 buy 49:2 53:25 54:2 59:21 123:14 194:25 231:23 buyer 35:15 37:7,19 40:18 42:11 48:15 50:6 52:4 53:20,22,24 54:13 59:3,17 64:23 66:17 69:20 70:16,18 71:12 73:9,12 74:1 89:20 91:15 125:8 178:5 buying 49:1 bypass 230:21 C cadillac 63:24 call 18:5 82:14,16 119:24 214:7 220:22 221:12 230:2 231:23 234:12 callahan 50:2,21 called 18:17 48:14 55:1 73:21 82:13,17 127:12 191:7 230:15,15 calls 189:18 came 47:21 48:23 50:6 199:21 237:20 247:1 254:21 campers 250:16,17 cannot 41:5 car 123:15 care 64:19 134:17,23 137:12 211:10,13,20 214:17 215:4 227:6 231:3 234:8 235:17 236:16 237:1 cared 190:3	carefully 164:6,8 cares 215:3 carolina 23:21 29:12,21 30:1,2 31:18 38:3 45:21 60:1,14,24 64:18 95:19 98:5,10 99:7,22 101:10 112:9,12 122:22 123:24 127:20 163:14 165:23 170:1 177:19 178:23 201:16 203:22 carried 242:11 carrier 228:17 carry 242:19 case 23:12 27:25 28:4,6 31:17 33:2,8 35:10,15,22 36:1,4 43:7 44:12 59:16 64:15 67:25 82:22 84:22 93:2 99:9,16,17 103:2 104:11,24 105:16,21 106:18 108:2,8,9,13,15,18,21,22,23 109:9,17,23 110:3,6,8,10,20 111:1 119:19 120:5 139:10 171:6,22 172:7,15 173:11 174:3 192:18 214:8 216:8 cash 57:16 58:15 153:11,19,20,21 159:8 180:2,3 182:21 188:7 cashed 152:18 153:7 caught 101:3,5,7 124:9 182:6 cause 7:19 21:20 22:19 29:23 42:17 72:21 94:6,9 95:6 119:2 140:10 165:19 167:16,21 169:21 178:7 182:20 190:3 200:2,19 225:	10 227:19 229:16 230:1,6 232:9 242:14 244:7 248:18 250:21 251:17 253:20 celebrated 160:6 cent 56:15 cents 159:12 241:24 certain 9:22 177:20 219:17 certainly 8:22 36:15 37:18 43:23 63:13,18 83:8 94:21 104:14 108:11 138:23 163:13 176:24 certified 57:17 58:16 chance 77:6 103:12 163:9 187:15 202:3 change 220:8 changed 10:11 100:1 218:25 changing 173:7 charge 61:3,8 163:22 165:22 166:2 charged 60:6,17,23 61:9,13,16 64:2,4 163:13,19,20 164:10,15 165:7 166:10,14,22,24 167:3,18,21 201:16,19 202:11 203:21 204:9 charges 31:24 32:9 chastised 55:1 cheat 165:5 check 57:16 58:16 81:15 96:17 149:17 153:9 155:18 156:3 157:2 161:15 186:6,8 221:6 checked 78:23 checks 151:5,8 152:13 154:20 156:12 188:1 chevrolet 63:25	chose 37:21 62:14,15 93:14 94:12,22 101:13 church 222:5,7,11,12 circuit 106:25 171:7 172:17 173:5 citation 10:9 citizens 174:14 175:1 city 219:10 222:17,22 252:25 civil 58:5 civility 173:17 claim 100:6 101:13,16 102:1,4,13,17 112:21 113:5,16 118:14,16,20,22 133:17 134:15 136:4,5,17 138:22 140:16 142:23 191:21,22 192:17 194:8 197:18,18 206:10 238:10 254:22 claimed 39:17 40:4 194:21 claiming 39:9 41:2 46:7 84:4 88:15 claims 23:20 136:6,13,14 clean 51:15 252:13 clear 10:24 31:2 93:17 200:17 202:19 204:11,20 cleared 50:19 clerk 8:20 client 117:12 124:2 close 147:15 closely 242:25 code 29:12 collect 96:2 112:16 164:12 209:8 collection 211:11,12 college 15:15 16:6,11	collusion 24:5,13,25 33:10 34:21 35:3 columbia 24:24 99:2 119:10,14 120:25 come 81:1,4,17 83:5 92:4 102:7 153:2,3 181:7 186:9 188:22 216:22 223:20 224:1 226:20 229:10 238:1,2 242:16 247:7 248:19 249:23 255:12 256:3,5,12,13 comes 47:18 58:22 coming 136:20 154:23 238:24 250:1 255:1 comment 53:1 commission 122:20 committed 32:12 33:3,17 34:13,17 35:3 105:9 committing 88:4 105:7,15,21 common 88:17 164:24 183:15,17 commonly 18:5 48:14 communicating 103:1 communication 13:4,17,19,24 communications 12:17 13:2 106:17 companies 117:11 company 29:8 30:11,13 112:10,13 122:21 123:25 205:1 206:21 256:20 comparing 200:11 compassion 62:17,18,19 123:23 190:4 compelled 102:16 complain 35:19 91:4 123:16

MARION L. DRIGGERS

complained 90:16, 24 93:11 106:14 complaining 62:7 103:24 complaint 121:11 complete 11:18 12:3,12 13:1,15 14:4 15:2 compliance 211:2 complies 26:12 concentrate 138:14,16 concentrated 221:16 concerned 50:7,23 52:5 102:4,6 116:9, 17 158:20 concluded 257:25 conclusion 257:16 condemned 177:20 conditioners 252:17 conduct 122:13 conference 121:9 confront 187:11,14 confused 162:6 confusing 7:9 87:12 155:18 162:5,8,15 conscious 38:22 39:23 consider 7:8 137:3 considering 237:4 conspiracy 83:20, 22 84:7,13 85:20 86:25 88:4,8 conspire 86:5 conspired 83:23 85:9,17 87:22 conspiring 85:3,7, 12 86:1,10 constantly 207:17 consulted 257:1 contact 237:17 238:6 contemporaneousl y 55:7,13 76:14 170:	18 contempt 10:9 27:15 139:5 contend 73:2,3,4,7, 14 74:1 75:4,7,12, 15 contention 41:9 continuation 218:1 continue 179:15 continues 125:2 196:24 237:13 continuing 231:6 contracted 199:21 contracts 12:4,6,11, 13,14 211:4 control 8:3 50:18 131:24 controversy 77:10, 17,21 conversation 227:16,24 229:15 conversations 227:13 242:20 245:25 246:4 254:19 conviction 32:2 copies 11:18 12:4, 12 13:2,16 14:3,5 15:2 240:11,13 copy 12:23,24,24 27:1 29:14 41:15, 15 70:4 79:7 197:10 227:2 230:5,17 240:6 241:14 242:9 243:24 244:7 245:12,15 corbin 7:4,6 8:2 10:3 25:18,21 26:3,8 27:3 29:17 41:18 57:6,11 72:17,20 102:22 103:19 107:12 111:16 124:22 125:2 127:23 128:10 134:19 146:5 148:4 149:10 152:24 154:16 156:17 157:20 196:24 197:	11 216:21 217:5 232:21 233:6,14 234:3,18,22 244:13, 15,18 245:1,2 253:3,6 corporations 126:11 correspondence 12:15 107:9 108:6 109:8 112:8 113:19 corrupt 99:5,9,23 103:11,24 104:3,8, 11,24 105:7 106:1 117:10,14 118:3,6 121:17,20 122:4 124:1,14,16 132:23 137:3 139:8 186:18 191:7 214:9 215:22 216:2,6,8 corrupted 99:16 corruption 118:12 121:7 135:7 136:10 155:8 210:23 cost 62:18 166:3 cothran 22:24 106:19 108:6 109:8 121:4 couldn't 36:1 38:18 39:8,11 130:14,18, 20 167:21 181:20 239:23 251:7 could've 130:6,11 158:7 252:11 count 123:12,14 county 18:4 72:15 132:18 246:20,22 couple 17:2 course 19:12 35:25 courses 16:15 courthouse 81:16 cover 59:22 63:7 101:2 113:8 133:14, 20 202:13 coverage 100:19,23 163:15,21 165:24 167:5 169:12	covered 60:3 100:13 203:5 254:15 covers 8:17 credit 14:8 147:10 150:2 159:19 179:8 240:25 crime 86:16 criticize 172:6 criticized 28:2 92:23,25 93:2 criticizing 28:7 crooked 98:23,24 crowd 246:16 curious 26:1 150:12 current 199:2 currently 168:17 curtis 34:10 103:3 121:22 231:12 D damage 21:25 23:6 60:3 84:24 96:2 98:6 100:23 113:8 251:6,13,14 252:7,14 damaged 202:15 damages 22:1 23:5 84:6,12,20 251:4 dandy 189:1 195:9 dark 217:3 darlington 84:22 daryl 7:6 26:4 57:6, 11 232:23 date 45:16 125:5 150:5 218:18 219:11 dated 21:19 42:3 79:5 80:10 106:19 111:10,21 125:8 159:18 197:5 241:16 dates 146:23 155:21 daughter 19:2,9 20:9,11,20 24:22 30:7 79:19 81:18,23 116:8 133:16,21,21 135:14 192:19 194:18	195:6,10 213:15 214:21 253:23 257:12 daughter's 50:3 78:10,12 83:14 239:17 246:23 davis 24:14,23 32:12 33:3,17 35:2 43:7 119:13 237:24 238:2 day 9:7 53:18 62:9 82:13 88:18 129:22 150:22 171:4 188:25 days 42:22 172:23 dead 141:23 deal 76:12 79:6 193:5 223:4 232:5 246:17 257:24 dealing 183:18 dealt 81:11 224:5 232:2 243:9 dear 112:17 debt 69:5,17 164:21 198:15 199:13 203:5 dec 254:18 december 9:9 dechipher 235:5 decide 7:13 191:13 decided 51:18 59:19 100:5 113:9 116:23 118:20 decipher 233:16 237:16 decision 38:22 39:24 102:3,3,18,19,20, 22 decisions 122:7 declaratory 116:24 117:12,14 118:3 declared 46:22 47:6 176:3 deduct 82:5 deducted 180:8,10 deed 12:22 79:19

MARION L. DRIGGERS

deeper 151:13 153:6 161:3 default 56:17,18 64:24 65:2,18 66:9 69:20,23 71:17 73:1 defend 117:3,7 173:19 214:14 defendant 74:23 94:13 defended 110:25 defending 116:25,25 117:12 defense 45:2,10 definition 198:12 deflect 187:18 deflecting 167:25 degree 15:14,18,21 16:1,6,11,13 delinquencies 242:21 delinquent 180:15,16 181:3,5 demanding 187:4 denise 57:11 deny 180:20 198:13 denying 238:5 department 177:20,23 178:12,23 180:23 243:22 depend 169:11 dependable 169:16 deponent 193:23 205:13 depose 103:13 167:23 deposed 7:2 33:14 218:9 219:18 deposited 150:1 155:20 deposition 7:9 8:6,23,25 9:1,2,10 10:1,8,10,13 42:24 58:11 87:6 153:3 200:16 201:25 217:6 218:2 251:22 253:11,15,18,21 257:16,25	depositions 8:15 131:12 depreciation 176:4,7,21,22 derivation 48:21 derogatory 76:18 108:7 deserves 189:15 designated 37:19 40:17 94:1 114:18 193:2,3 designates 175:20 designating 175:19 designee 35:17 37:2,8,14 45:11 73:11,13 89:22,24 115:4 116:16 133:22 designees 42:12,12 despite 77:21 details 77:7 determine 181:17 deterrent 173:25 devalued 190:8 199:12 dibble 50:19 226:23 died 71:1 142:2 143:25 197:2,4 difference 137:16 194:24 different 78:18 139:25 208:10 224:11 difficult 9:13 30:15 dig 151:13,14 161:3 173:1 digging 155:13 185:14 dime 82:3 123:13 169:24 199:22 205:23 206:22 207:12,13,21,22 208:20,22,22 direct 104:25 106:4 disagree 103:5 171:7 204:13 disagreed 34:11	140:6 216:9 disagrees 34:10 disbursements 238:11,21 disciplinary 122:20 discuss 201:13,14 discussed 90:2,3 226:23 231:1 dishonest 161:22 198:11,12,17 215:22 disobeying 23:21 dispute 64:7,8 129:18 185:5 199:8,11 201:7 disregard 213:24 disrespect 173:9,10 disrespectful 178:18,20 distributed 179:22 distribution 20:21 47:16 177:4 distributions 20:12 177:3 distrust 185:20 document 26:19,24 27:13 41:3 52:17,20 67:3 74:14,17 75:2,4,12 79:4 80:10 103:4,15,23 106:22,23 111:12,13 115:13 119:6 127:16,17 149:9 150:15 197:8 227:23 231:4 documentation 26:22 84:5 141:15 146:11 197:17 237:21 documents 9:22 10:14 11:3 12:10 14:10,15,19,22 18:9 26:9 32:24 43:16 111:8 135:16 151:5 185:17 254:7 doing 8:12 27:22 33:23 55:3 130:6 132:8 139:9 193:11	219:15 221:25 248:24 249:8 dollar 46:19 84:20 dollars 17:1,4 23:4,5,10 25:8 32:3 46:3 48:5 49:8 54:7,15,17 55:15,20 56:4,14 59:5 60:12 63:15,19 64:14,20,21 81:13 82:7 83:7 84:16,23 95:12 96:20 97:3,15 133:18 134:16 136:18 139:22 141:10 143:7 147:13,24 148:16,19 149:18 150:18 151:7 152:15 156:4,14 157:6 159:3,8,12 160:3,11 161:8 162:13 164:23 165:7 173:21,23 174:2,22 177:24 178:13,24 179:16,24 180:5,23 181:1,10 183:7 185:3 187:8 188:21 190:5,7 191:23 199:4,7,12 208:11 241:7 246:19 dollars' 107:21 done 28:16 40:18 42:5 61:11 62:16 98:21 108:4 110:2 131:11 133:7 143:8 165:13 171:15,16 178:11 182:11 188:4,6 189:14,19 226:24,25 241:10 248:5 249:21 252:18 doors 251:10 dor 60:14 165:2 dotson 66:10 70:3 72:4 74:12 78:9 108:25,25 145:22 245:2,2,3,4,5 doubt 56:1 60:9 75:3 87:25 158:10,23	186:24 188:14,14 205:15,17 215:24 223:19 down 11:2 46:3 55:15 67:14 84:24 89:17 107:4 118:24 140:13 151:1 171:19 215:9 222:17,21 240:9 drag 81:25 draggers 234:6 drew 170:16 drill 189:12 drilling 189:5 dropped 84:24 drug 42:6 duane 33:12 94:3 122:9 193:4 195:23 due 56:2,19,20 63:7 69:19 74:6 97:1,2 140:17 162:12 173:20 184:4 189:7 duly 7:1 218:8 during 8:5 77:8 223:23 dwayne 222:10 dwelling 255:20 dying 144:6,9
E				
each 13:16 17:14 earlier 129:7 163:10 170:10 174:19 219:18 easy 89:19 ed 233:5 educational 15:13 edward 10:17,24 94:15 110:4,6 183:13 211:20 219:3 230:3 effect 170:25 240:23 effectively 226:9,10 eight 15:2 46:2 54:15,16 55:14,20 70:				

MARION L. DRIGGERS

25 77:17 159:11 180:5 182:6 185:17 198:22 eighteen 156:20 eighty 48:5 54:6 59: 5 63:19 160:10 165: 8 eighty-four 160:4 199:6 eighty-one 56:15 eighty-two 241:7, 23 either 8:2 29:22 41: 7 62:22 65:7 66:21 110:25 138:25 152: 1 154:2 188:3 201: 1,1 230:10 240:6 254:23 256:8 ejected 209:7 ejection 71:17 72: 3 73:1,20 74:21 208:14 213:23 elaborate 92:9,13 93:22 electrical 219:16 eleven 67:6 138:8 else's 64:12 92:18 170:8 elsie 49:7 169:6 email 13:17 231:8 emails 12:15 13:3, 11,25 28:1,5 employees 103:13 243:15 empties 75:15 enclosing 112:17 end 48:25 61:7 80: 15 180:7,8,10,11,14 199:7,14 241:25 242:1 ended 50:3 113:15 199:21 200:1 enforceable 79:23, 25 80:3 enough 14:2 168:5 247:6 248:5	enrolled 29:25 enter 25:7 entered 53:17 114: 15 116:7 130:2 enterprises 219:14 221:12 entire 56:20 147:11 entities 127:12,18 entitled 21:19 64:3 70:16 75:9 77:11, 19 95:15,18,22 99: 12 142:23 179:4 197:6 210:5 entity 29:24 115:2 125:19 126:17 133: 15 191:9 eous 174:20 equity 68:12 90:1 error 133:6,7,13 134:9 especially 109:5 110:17 129:12 193: 17,20 establish 130:24 245:24 estate 7:6 17:21 46: 19 79:5,12 139:2 165:14 176:5 197:2 212:9,11,13 estimate 178:1 euo 219:25 240:12 euos 10:25 112:18 255:8 even 12:21 14:21 18:24 19:24 20:5, 19 38:18 43:17 44: 7 59:16 75:13 77: 14 83:9,11,12 92:25 114:13 115:21,24 125:19 130:20 137: 1,6 154:6,9 159:23 207:4,11 214:16 225:5 236:1 238:19 243:15 249:1 250: 14 event 68:14 70:15	events 220:20 everybody 64:10 97:17 165:2 182:20 193:4 195:21 231:9 238:15 244:6 245: 15 everything 34:11 47:3,18 50:14 113: 18 132:23 136:7 139:12,20 179:20, 21 202:5 221:3 224: 23 evict 241:9 245:6 249:16,22 evicted 67:24 68:15 244:12,25 245:2 eviction 65:21,25 110:1 245:13,14 evidence 105:20 evidently 80:15 88: 11 232:8 exactly 173:25 201: 25 exaggerated 181:6 examination 7:3 218:10 219:20,21 example 23:3 63: 14,16 64:1 181:16 182:3 184:25 198: 21 excellent 161:14 162:14 173:2 196:3 excess 70:17 71:12, 14 76:6 205:24 excuse 36:5 73:23 194:3 excuses 126:7 exhibit 152:25 exhibit 9:25 10:5,12, 12 25:19,22 26:5,6, 8 27:3,5 29:19 41: 20 42:2 53:6,9 72: 18,23,25 73:7 74:2 79:1 81:4 103:21 107:15 111:18,20 127:25 146:7,12	147:19 148:7 149: 10,13 151:18 154: 17 156:18 157:21 197:14 218:6 219: 24 232:25 244:4 exhibits 257:13 exist 44:18 137:1,6 138:19 existed 125:20 existence 43:24 44: 7,16,21 45:4,15 114:2,9,14,24 115: 2,22 116:6,14 128: 3 194:3 expect 40:11 47:4 63:18 82:6 174:1 expected 117:3 expecting 82:8 expense 98:8 113:1 experience 17:6 19: 19 explain 23:2 83:22 148:19,20,22 151:7 152:12 154:12,13 156:2,5,12 157:9, 13 211:5,6 explaining 220:25 expressed 228:1 extension 14:8 extent 254:13 extinguish 69:5 extinguished 68:19 extra 202:20 204: 12 extremely 130:25 243:7 F face 90:10 fact 9:8,25 10:13 16: 1 17:24 21:17 22:3 26:18 27:25 29:14 36:4 41:13 47:14 50:23 86:4 94:11 102:2 137:14 138:1, 3 191:6,24 200:20 203:16	fair 7:13 14:2 64:9, 9,11,11 168:4,5 184:17 fairness 134:25 194:7 faith 23:20 fake 178:8 false 44:4 114:15 falsehood 44:9 244: 16 falsified 36:13 familiar 28:25 29: 11 219:25 family 18:13,16 24: 18,21 25:3,4 27:9 31:23 35:1 83:4 103:11 104:3 113: 24 114:1 116:25 117:1 122:23 125: 12 129:9 174:12,15, 16 192:22 193:1 196:4 204:16 214: 15 215:24 far 116:9,17 124:12 139:23 158:20 233: 15 252:4,10 farm 23:20 25:9 38: 3 60:1 61:1 95:19 98:5,10,18 99:22 101:10 110:5 112:9, 12,19,20,25 113:4,7, 12 117:3,13 118:2, 16,22 122:22 123: 16,24 124:6 163:14, 20 165:23 201:16, 20 202:12,16 203: 15,22 204:7 210:16 211:11 222:22 223: 16,23 228:21,24 229:23 231:18 232: 2 240:2,16 253:9 254:20,21 255:14 fault 92:18 172:24 feagin 100:25 222: 23 254:23 255:3,11, 25 256:19

MARION L. DRIGGERS

feagins 222:2,15 255:4 256:10 february 56:5 149: 5,6 151:21,22,23 152:1,1,2,5,5,6,9,10, 14 155:19,23,24 162:13 241:16 federal 15:4 19:15 feel 8:12 29:8 31:22 32:17 120:20 123: 20 194:17 220:24 257:8 feelings 198:20 fees 179:19 fellow 198:14 222: 5,7 felony 29:3 32:2 33: 3,18 felt 179:4 ferrell 22:23 106:18 few 110:23 131:12 164:23 221:4 fiancée 253:4 field 15:19 fifteen 84:23 97:2,5, 11 fifty 23:4,9 25:8 82: 6 83:6 84:16 177: 23 fifty-eight 177:25 178:13,24 179:16 fight 34:19 64:20 162:3 fighting 215:5,14 figure 84:18,20 85: 1 209:13 234:25 242:13 figured 84:14 117:5, 8 figures 161:15 file 17:12 19:15 31: 1,24 32:9 65:24 100:5,7 101:13,16 102:1,4,13,17 116: 23 171:25 172:5 206:10	filed 19:22 21:7,17 22:17,19 25:15 34: 9 45:23 254:18 filing 46:7 118:3,15, 20,22 financial 14:6 174: 8,9 175:2,5,13,16 176:12 financing 54:9,12 find 10:24 76:12 100:2 102:7 124:18 125:11,16 127:6,7, 8 128:4 140:9 149: 20 152:19 153:7 156:21 168:14 176: 2 181:25 182:1 184: 6 185:16 187:6 203: 19 221:6 231:7 fine 43:3,4 47:9 139:3,4 146:19 155: 1 189:1 195:9 231: 10 fined 32:3 finish 15:23,24 19: 16 31:14 45:7 49: 20 92:23 97:12 109: 14 130:24 166:16, 17 178:15 190:20 finished 84:21 184: 12 fire 60:3 96:2,9 97: 22 98:6 100:23 101: 2,4,5,7 102:1 113:8 140:10 198:24 199: 1,21 202:15 229:11 244:11,24,25 246:1, 7 248:3 251:4,5,12, 15 252:5,7,22 254: 16,17 firm 111:10 first 11:3 27:21 48: 19 53:10,11,12 67: 14 68:21 69:4 109: 24 145:23 218:18 253:13,18 257:8,12 firsthand 223:12	five 13:1 32:3,4 88: 24 89:1,9 90:22 94: 12 107:18 165:7 182:6 fix 82:5 247:4,19,23 252:12 fixed 246:2 247:14 248:4 fixing 249:23 252: 10 fixings 247:24 flip 146:22 floyd 13:5,10 19:1 20:11 36:23 37:3 39:21 42:9 43:18 45:10 46:5 48:23 50:4 53:18,19 54:3, 14,17 55:15,21,25 57:10 65:17 68:17 81:8,10,17 82:24 83:2 114:7,18 125: 7 129:24 132:25 135:24 136:25 139: 1,3,4 168:20 177:8 194:25 195:14 196: 17 197:23 199:6 200:7 201:19 202: 11,17 204:8 213:11 239:18,19 253:23, 25 floyd's 81:5 168:23 fmu 16:15 focus 138:21 143: 16 203:8,15 204:22 205:22 folks 250:8 follow 166:4 following 123:17 follows 7:2 218:9 fool 138:11 force 10:10 forced 67:22 102: 17 forces 35:6 foreclose 70:1,1 forecloses 75:4	foreclosure 67:4,5 68:14,23 69:8,10,18, 24 70:6,8,11,15,18 71:8,11,16,20,21 73: 2,5,8,15,18,20 74:3 75:22,24 76:3,6 170:3 forever 183:2 forge 86:17 158:9 forged 36:13 41:3,4 86:15 158:5,13 forgery 83:25 84:1, 3 158:16 forgot 252:15 form 229:3,6 formal 73:15 75:24 76:2 formed 45:20 forty 160:7 183:1 forty-eight 160:9 161:13 forty-four 180:2 forty-two 161:18 179:23,24 180:22 190:7 199:4,12 forward 87:7,11,15, 17 fought 92:2 103:11 189:22 found 48:19 81:18 184:7 229:12 246: 20,22 253:19 four 12:12 88:24 89: 8 90:22 159:12 160: 11 172:7 180:1 188: 21 241:24 fourth 150:21 four-thousand-doll ar 162:16 francis-marion 15: 17 frank 165:21 fraud 105:7,8,10,15, 21 155:6 fraudulent 106:1 132:22 186:18 214:	9 free 248:25 249:3 frees 75:15 friday 218:4 friend 222:4 friends 48:8 222:9 248:9 front 7:23 132:18 fulfilling 199:15 full 165:5 187:13 209:17 219:8 full-blooded 215: 18 fully 7:14 9:17 56:6 fulton 47:2 functioning 25:12 110:14 129:24 funds 57:17 58:16 furnish 167:20 further 25:5 31:25 39:4 56:12 70:14 95:25 117:10 118: 13 122:21 123:16 124:13 168:15 169: 8 200:4 furthermore 167: 24
G				
gail 149:1 gamble 35:20,25 36: 9,17 37:7,8,10,11, 18,21 38:10 39:1,7, 24 40:17 42:10 53: 21,22 54:2 57:12 59:4 61:24 63:10, 14 65:1,7,16,22 66: 8,12,15 68:15 71:12 73:9,12 74:1,16,23 75:1,13 87:4,22 88: 3,12 89:8,20 91:15, 22 92:1,19 93:14,15 94:1,13 95:5 125:8 139:1 140:18 159: 14 162:11 178:5 179:2 193:3 194:20 205:4 206:1 207:2				

MARION L. DRIGGERS

208:2 209:3,4,19, 22 212:14,16,17 241:18 gamble's 74:4,7 75: 23 76:7 game 148:2 gas 188:10 gather 219:1 gave 14:1 47:20 87: 24 143:25 169:8 195:10 198:24 225: 6 general 145:16 genesis 48:21 gets 91:24 209:23 256:13 getting 19:10 96:23 150:11 152:2 159:6 169:14 218:17 243: 3,4 246:2,2 girlfriend 253:1 girlfriend's 252:23 gist 230:18 give 14:3 15:12 81: 8 86:18 104:25 105: 11 124:19 156:22 163:9 187:14 202: 19 204:10 225:4 254:5 given 13:24 19:18 28:20 39:22 55:21 59:8 133:10 143:12 144:22 147:10 170: 1 219:19 240:25 gives 181:16 giving 127:16 glad 123:5,9 150:10 glass 232:19,22 233: 10 gmd 148:23 god 137:23 goodness 143:24 144:16 195:12 gosh 185:7 233:13 gotcha 9:6 87:9 166:6 204:4	gotten 31:16 government 79:17 82:1 247:4 great 231:8 233:5 greedy 209:14 grilling 189:5 ground 221:18 group 21:21 22:13, 15,21 23:23 24:2 25:16 30:19 31:20 37:1 114:6,9,13,21, 23 115:21 125:12, 14,15 128:13,23,24, 25 129:1,8,10,15,21, 25 131:13,15,16 133:1 136:21,24 137:1,6 175:11,12, 13 177:6,9,12,15 191:9,18 193:21 194:2 215:1 guarantee 169:21, 22 guess 19:23 32:6 48:16 49:13 51:16 59:7 60:4 70:22 85: 19 107:21 108:16 110:6 133:8 153:15 174:16 215:2 222: 25 228:11 235:21 257:15 guessing 17:5 guilty 32:1 gut 215:19 guy 62:17 174:4,6 176:5 227:17 H habitable 246:12 248:4 250:12 habitated 246:11 habited 246:10,10 hair 250:11 half 15:16 16:17 60: 12 164:22 half-tail 247:23 hallway 252:6 handed 83:3 241:	15 handle 77:4 231:17 handled 77:4 221:9 222:3 224:21 hands 227:11 232: 14 hands-on 221:16 handwriting 26:25 27:1 handwritten 26:18, 22 happen 118:15 170: 7 206:5,20 happened 8:23 54: 24 69:22 88:21 98: 9 106:2 156:5,6 158:11 165:24 167: 7,9 206:4,17,19 238:3 245:17 247:8 252:16 happening 184:16 happy 191:4 hard 39:22 135:17 153:20 198:20 203: 8 hate 233:11 hatred 58:2 head 249:23 hear 8:23 46:14 99: 12 201:23 216:20 244:22 heard 102:8 133:24 172:9 185:21 220: 10 224:21 239:16 hearing 169:3 hearsay 198:5 heart 195:12 heartbeat 83:8 heating 219:17 hebron 219:9 heck 98:19 held 23:25 27:15 101:19,23 121:8 139:5 he'll 145:11 256:12, 13	help 62:16 151:23 191:17,19,20 hereinafter 42:9,10 hereof 69:5 herself 248:9 hesitant 101:25 hide 100:4 141:20, 21 hiding 182:4 highlighted 148:25 233:14 highway 148:11 177:20,23 178:12, 23 180:23 181:7 himself 31:23 hmm 83:10 173:22 hold 121:3 122:20 160:17 244:23 254: 10 holding 253:17 hollering 10:23 94: 24 home 126:1 127:7 252:2 homes 250:19 honest 109:25 honestly 135:4 161: 25 189:6 honesty 134:25 135:1,2 honor 8:7 64:18 108:5 134:3 173:11 honored 211:24 hope 65:9 132:15 136:18 hoped 166:22 hopefully 166:11 hours 124:24 housekeeping 248: 24 how's 60:10 hudson 26:4,7,11 43:10 100:3 108:16, 18 109:11,16 111: 10 112:8,9 113:23 116:21,22 123:23	124:19,23 189:9 196:20 216:25 218: 11 232:24 233:8 235:12,23 236:17, 21 237:13 244:22 257:23 hundred 16:23 23:4, 9 25:8 46:20 56:14 81:13 84:15 96:19 97:2,5,10 139:22 141:9 143:7,10 148: 19 149:18 150:18 151:6 152:14 156:4, 13 157:5 159:3,8, 11 160:2,5,8,9,10, 11 161:7,13,18 164: 23 174:21 180:2,25 183:5 185:2 190:5, 6 199:6 208:11 241: 6,23 246:19 hurt 87:23 I idea 20:14 29:4 45: 19 46:9 51:21 55: 17 57:20 58:20 60: 9 72:11 81:5,6,7 86: 7 148:13,14 181:2 188:5 225:2 250:9 identical 218:24 identification 10:6 25:23 27:6 29:20 41:21 72:24 79:2 103:22 107:16 111: 19 128:1 146:8 148: 8 149:14 151:19 153:1 154:18 156: 19 157:22 197:15 218:7 233:1 244:5 identifies 43:18 identify 11:20 15:5 ignorant 138:1,3,5, 6 ignore 173:15 illegal 32:8 195:7 215:2 imagine 236:2

MARION L. DRIGGERS

impression 42:16 102:2,11 116:13 imprisoned 32:4 improper 119:22, 25 121:10 122:13 132:20 improperly 122:18 214:11 in'09 206:5 inappropriate 76: 23 87:19 131:22 179:10 193:10 included 20:10 55:5 149:4 including 46:2 180: 22 income 15:4,5 19: 15 46:8,21 47:6 243:21 incorrect 200:24 201:6 220:24 indicate 11:4 47:5 180:13 188:15 256: 7 indicated 13:5 14: 16 17:25 18:8,15 21:12 26:14 28:13, 16 197:7,19 253:22 indicates 59:3 indicating 128:15 167:3 indirect 105:1 individual 14:5 influence 132:21 influenced 120:14, 16 121:7,13 122:1, 11 132:20 191:8 influencing 120:5 inform 78:4,8 information 10:20 11:1 19:21 35:7 44: 4 49:4 133:9 150: 11 218:15 219:2 223:22 253:24 initial 9:9 initially 254:16	initials 146:20 inside 251:5,12 inspect 247:7 installment 12:6,13 56:19 instance 223:10 instincts 215:20 instituted 68:23 69: 9,19 institution 175:16 instructed 75:10 instructing 32:19, 23 34:24 insurance 14:8 23: 19 38:19 59:1,4,13, 18,22 60:1,5,11 61: 17,18,20,24,25 62:7 63:5,6,20 77:20 97: 21 100:9,18 101:9 102:5,14 112:10,13 113:5,7 117:11 157: 17 163:14,21 164: 12 165:24 166:3,19, 21 167:5,19,20 169: 14,18,20,21,23 201: 20 202:12,13,21,23, 24 203:2 204:24 205:1,8,22 206:21 207:24 220:22 221: 21 222:9 223:10,13 225:8 231:17 246:3 253:17 interest 56:5 74:4,7 75:5,14,23 91:14 132:24 192:2,5,11, 16 194:1,8,13,16 195:16 228:20 239: 8 interested 81:19,22 interpleader 33:23, 24 34:9 103:7 interpret 237:16 interrupt 87:18 171:15 173:18 184: 11 207:18 interruption 187:1	introduced 257:14 invalid 35:21 89:6 90:18 91:11,17 investigation 233: 18,23 investigator 39:19 225:19 investment 199:18 investments 20:19 46:19 investor 176:18 involve 14:7 17:21 involved 19:10 30: 21 35:14 36:6 44:6 49:14 55:10 68:1 87:3 91:22 93:12 98:11,12,14 99:17 108:10 109:11 110: 21 133:22,23 162:1 190:14,15 191:10, 15 195:17,20,22 196:2 221:21 222: 18 223:24 224:16, 18,25 225:9,10 230: 3,4 244:14 250:6,8 involvement 76:24 223:13 involving 11:5,21 12:7,17 13:11,20 15:5 20:17 36:20 73:8 77:18 86:11 125:6 145:8 183:4 irrelevant 133:19, 19 137:4 irs 60:12 90:1 94:2 165:2 238:20 243:9, 13 isn't 24:8 44:9 86: 16 95:8 126:21,23 134:5 146:14 153: 21 163:21 168:4 212:19 issue 80:13 120:3 171:12 issued 55:6 106:25 issues 7:18,18 254:	1 it'd 36:16 37:10 165:22,25 166:25 169:20 205:3 235:8 itemization 242:5 it'll 83:3 244:1 itself 252:5 J james 121:11 january 158:24,24 159:18 jenkinson 33:12 52: 19 57:4 58:10 76:9 93:22 94:8 133:23 162:11 167:22 181: 9 189:25 193:3 195: 23 241:4 jenkinson's 241:17 jim 66:10 72:4 74: 12 78:9 213:14 245: 4,5 jmd 148:23 johnny 113:23 254: 19 jointly 25:9 joking 105:23 judge 7:24 22:23 32: 10 34:10 35:6 41:4, 6 55:6 71:24 76:10, 13 94:4 99:8,15 103:1,2 105:19 106: 18,18,25 108:6 109: 8 119:21 120:8,13 121:4,11,19,21,22 122:6,14 137:23 138:20 139:8 170:4, 17 171:3 172:19 190:1 193:6 230:7 231:12 judges 21:9 28:2,6, 13 31:17 32:25 38: 13 93:2 99:3,4,4,5 103:2 120:23 122: 10 132:19 135:6 136:10 171:6,22 172:7 191:7 214:7	215:11 216:8 judge's 55:10 70:7, 9,12 76:12 judgment 25:7 108: 1 116:24 117:13,15 118:4 judicata 108:2 july 21:19 22:17,18 106:19 111:11,22 199:4 219:22 june 153:25 154:1,3, 3,5,6,9 197:6 jurisdiction 170:2 jury 7:24 24:4 25:6 34:23 35:5 64:21 99:14 105:11 120:1 137:16 138:20 141: 17,19,21 164:24 168:14 191:12 194: 11 214:24 justice 90:13 K keep 67:23 86:8 140:5 141:14 155:2, 13 169:12 176:2 181:15 182:21 183: 3,9 185:15 189:5 193:11 200:5 203:5 214:25 242:25 keeping 35:7 183: 20 kennedy 225:15,19, 23 226:9 227:24 228:10,24 230:11, 23 232:6 233:20 239:13 246:22 kennedy's 228:14 kept 144:16,25 242: 14,14 250:21,25 kind 13:9 15:21 19: 20 20:12 69:11 90: 13 92:15 123:5,8,17 133:17 135:16 136: 4 153:20 155:8,17 158:23 166:12 189: 17 203:8 218:16

MARION L. DRIGGERS

219:15 224:19 225:4 232:10 248:10,22, 24 249:7,8 kitchen 251:16 252:5,12 knowing 77:16,21 knowledge 67:19 70:5 255:24 257:6 known 61:23 62:9 knows 97:17 119:17 182:20 195:21 254:6,7 kristi 103:3 L lake 219:10 222:17, 22 252:25 land 224:21 231:15, 18,20 240:24 landlord 55:9 158:21 landowners 165:4 langley 57:9 language 52:17,18 70:20 71:8,23 233:17 lapse 39:23 last 26:1 77:17 89:1 94:12 241:5 late 212:19 213:2,3 later 48:20 102:8 167:2 239:13 laugh 144:8 laughing 144:5,6,10 law 8:17 28:8,8,12, 20,21 29:1,15,21,23 33:7,18,22 34:1 56:23 57:5 64:19 75:17,18,18,20 77:10 79:25 95:14,14 106:5,9,11 107:11 111:10 116:19 117:9 122:8 126:20 135:9, 11 141:14 170:1 172:8 211:2 214:3, 11,13,16,17 laws 29:12 105:3,5	106:9 lawsuit 7:7 13:5 21:7 38:2,21 45:3 61:25 62:11 76:25 83:16 91:23 92:14,16 95:11 192:3,6 209:11 216:16 lawsuits 194:14 lawyer 31:19 57:3 58:9 66:10 72:4 93:23 162:16 168:11 173:14 179:21 193:18,22 203:25 205:19 214:2,6 215:18, 18,22 220:12 225:5 235:11 237:24 lawyers 57:8 80:25 103:12,25 104:4 105:6,24 106:22 124:1,14,16 136:10 216:2 lawyers' 179:19 lay 134:14 136:17 138:22 lcc 175:24 learned 247:1 253:10 least 17:25 36:8 38:21 59:11 77:10 113:6 131:7,7 133:5 145:7 167:24 194:6 200:12 ledger 11:23 146:22 149:3,4 151:9 152:13,17 154:9 156:15 158:23 159:20 160:12,22 161:20 162:9 163:4,6 181:12,17,19,21 182:8 183:19 185:7, 19 186:12,22 187:3, 7 188:16 200:11,13 201:8 left 234:14 legal 27:23 28:17, 20 29:23 70:5 115:	1 158:19 205:5,6 213:22 219:8 221:19 225:4,6 legally 37:20 38:15 215:8 legible 11:18 12:3, 12 13:2,15 14:5 15:2 legitimate 85:1 88:16 94:9 165:3 leroy 57:12,18 58:17 68:16 135:21,25 158:2 170:20 219:9 less 59:5 101:18 136:19 lesson 64:17 letter 9:8 13:17 54:25 170:25 171:1 172:25 241:15 242:4 letters 12:15 13:3 31:8 level 171:18 lewis 199:17 license 33:19 lie 198:17 lied 201:2 lien 50:15,16 51:1, 10,13,18 67:9,21 68:2 228:18 243:9 lienholder 226:18, 19 liens 50:10,13 51:3, 11 52:7,11 67:25 life 170:10 186:20 limit 92:6 limitations 37:25 39:6,14,18 40:25 62:5 80:22 limited 146:10 line 95:11 108:9,18 109:10,17 110:8,20 193:25 lisa 241:18 list 11:2 19:13 200:6 225:13	listed 19:9 101:22 157:10 163:4,5 197:21,23 255:20 listen 28:22 64:11 89:13,15 116:2 124:1,13 164:6,8,17 187:17 192:1 196:14 203:7 204:1,17 205:10 206:6,7 208:8,15 listening 204:6,23 208:9 215:7 listing 59:18 125:6 litigate 119:25 litigation 11:6 12:8 13:12,20 30:19 36:6 38:9 39:15 40:3 41:2 77:8 78:6 80:12,14,14 81:21 82:4, 10 83:9,11,12 171:13 200:3 238:22 247:10 248:15,17 little 48:1,2 62:17 67:18 151:1 153:5 161:3 196:20 232:17 248:8,24 251:15 252:6 253:24 254:9 live 94:4 248:5 255:16 lived 12:18 18:5 living 165:4 liza 35:20,25 36:8, 16 37:7,8,10,11,18, 21 38:9 39:1,7,24 40:17 42:10 53:21, 22 54:2 57:12 59:3 65:1,7,8,16,22 66:8, 12,15 73:9,12 74:1, 7,16,23 75:1,13,22 76:7 87:4,22,24,24 88:3,6,12 89:8,10, 20 91:15,22 92:1,19 93:14,14 94:1,13 95:5 125:7 159:14 178:5 193:2 194:20 196:15 205:4 206:1	207:2 208:2 209:3, 4,19,22 212:14,16, 17 liza's 199:23 llc 14:6 15:3 17:15 18:17,17 19:5,7,12, 18 20:6,13,15,19 21:1,4 22:11,15 30:19 31:20 37:4,6 41:9 43:19,22,23 44:6,6, 16,19 45:3,11,12,19, 23 46:6,6 47:6 52:6 55:21 76:4 78:15 93:7 113:24 114:1 119:8 125:12 126:18 129:1,9,21,25 140:24 175:20 llcs 17:7,9,11,17,20 47:15 126:9 177:3 llc's 76:24 loan 12:4 14:8 82:13 247:4,9,20 lock 198:14 logic 209:13 211:5 logical 235:24 long 53:2 74:22 88:19 111:2 118:17,18, 21 184:24 229:17 249:21 longer 61:20 123:24 144:15 224:18 longstanding 59:9 look 34:7 55:4 74:14 76:17 79:13 85:13 86:12 105:3 118:7 123:11 125:13 133:16 144:21 146:12,22 147:2,18,19 149:3,15 151:21 153:25 155:17,21 156:24 160:7 161:5 186:5 190:8 211:3 214:20,21 215:17 216:17 231:10 234:20 247:24 250:20 looked 74:15 111:

MARION L. DRIGGERS

25 198:22 213:18 248:13 looking 48:2 72:2 128:13 129:8 227: 22 230:8,9 231:6 looks 29:16 138:12 147:13 150:13 240: 18 246:16 lord 247:25 lose 33:18 165:1 loss 26:20 59:19 96: 9 97:22 98:6 119:1 165:15 246:2 254: 25 losses 211:15,17,22 lost 79:8 84:17 165: 18 172:3 208:11,12 209:5 243:4 lot 27:22 30:15 71:3 77:9 97:4 99:2 119: 14 131:11 138:7 167:25 188:6 216: 18 218:19 240:19, 23 243:11 248:12 250:15 251:12,23 252:1 254:11 lots 17:6,9 28:16 155:6 160:17 181: 18 188:16 251:5 loud 107:3 lump 199:3 M ma'am 167:9 mad 182:13 made 10:24 11:4 28:13 33:6 34:25 38:22 43:6,9 44:10 46:4 57:17 58:16 102:13,16 104:20 110:11 111:4,6 117: 17 119:22 121:17, 20 122:4,5 134:9 139:17 149:17 150: 22 151:5 154:20 155:6 156:3,12 157: 2,12 160:15,16 161:	23 165:11 169:22 172:10 182:5 185: 18 188:7,12 199:2 200:6 201:1 204:20 230:25 236:10 238: 12,22 240:14 243:6 254:22 magistrate 66:2 70: 4,12 71:24,25 72:13 74:21 169:25 173:3 193:7 208:13 213: 12,18,18 245:11,12 magistrate's 66:7 73:14 74:2,11,24 172:14 magnifying 232:19, 21 233:10 mainly 251:14 maintain 251:1 maintenance 219: 15 221:16,17 249:9 malpractice 94:7,9 man 38:12 48:3 165:1 managed 252:12 management 221: 13 managing 20:15 21: 2 manner 132:5,6 many 80:8 88:20,22 99:6,6 121:23,23 150:22 160:16,20 187:7 208:12 215: 21,23 march 156:7 marianne 57:9 marion 7:1 21:21 22:8,20 24:2 78:21, 21 129:16 175:25 218:3,8 219:9 marion's 128:17 mark 10:3 25:18 27: 3 29:17 41:18 72: 17 103:19 107:12 111:16 127:23 146:	5 148:4 149:10 150: 9 152:24 154:16 156:17 157:20 159: 4 197:11 232:24 243:24 marked 10:6 25:23 27:6 29:20 41:21 72:24 79:2 103:22 107:16 111:19 128: 1 146:8 148:8 149: 14 151:19 153:1 154:18 156:19 157: 22 197:15 218:7 219:21 233:1 244:5 masons 243:5 matter 39:22 115:4, 25 116:18 224:12 257:11 matter-of-fact 12: 21 61:19 224:20 matters 17:21 27: 20 221:19 224:1 matthews 49:7 113: 23 254:20 255:5 matthews' 169:6 mckenzie 7:7 18:4 26:21 33:8 35:13, 20 36:11,12,16 38: 12,16,18 39:10 40:3, 23 41:1 57:5 59:10, 11 60:7,19,23 61:12 64:1 66:19 68:15 75:7 76:7 81:12,12 83:17,19 85:2,6,8, 17,25 86:10,23 87:3 88:16 89:12,25 91: 23 93:16,23 95:1,1, 2 102:12 109:20 118:19,24 141:23 143:24 145:24 147: 10 156:14 157:3 163:12 165:22 166: 2 167:4 179:9 183: 8 188:18 194:21 197:1,3,7 198:11 199:16 209:5 212:	10,11,13 215:8 220: 23 222:10,12,19 231:19 235:18 238: 12,17 240:21 241:3, 17 242:16 244:25 245:18 246:1 252: 21 253:6,8 254:23 256:23 mckenzie's 38:15 95:16 96:5,8 139:1 170:9 238:10 mean 11:7 16:10 41:12 43:19 44:12, 17 45:6 47:14 49: 11 51:16 57:7 61:6 62:2 63:23 66:17 67:19 68:10 69:12 71:19 88:17 98:24 99:19 101:2 103:9 105:2 106:6 113:4 114:21 119:12,13 121:6 122:16,25 123:1 124:3 130:15 145:6 151:14 152:4 153:24 161:21 163: 2 172:15 174:12 177:4 182:11 185: 22 191:15 193:13, 15 194:19 195:4 198:15,18 199:9 201:1,7,23 202:24 203:20 207:19 209: 10 211:21 212:9,20 221:7,22 223:19 224:19,25 235:4 237:5 239:4,22 240: 13 243:6 246:9 247: 15,17,22 248:3 251: 11 255:11,22 256: 22 meaning 213:15 means 23:2 67:17 70:21 91:13 118:12 124:4 172:15 229: 18 meant 119:15 126:	4 medical 7:17 member 17:14 20: 15 21:2,5 29:25 30: 1 129:25 222:6,8, 13 members 17:17 19: 7,13,14,19,20,22,24 20:2,5 25:2 35:2 104:3 175:19 mention 103:6 mentioned 42:13 mentioning 13:5 mentor 101:20 119: 2 224:20 mess 252:3 messing 221:23 methodist 15:15 michael 84:21 174: 3 midst 78:5 might 30:6 61:6 120:19 121:18 128: 3,3 177:17 185:21, 21 230:22 233:5 250:6 might've 126:4 160: 15 254:13 255:7 million 17:2,3,4 23: 5,9 25:7 60:12 64: 14,19,20 84:23,25 97:15 133:17 136: 18 164:21 173:21, 23 174:2,5 183:6 191:23 millions 16:25 95: 12 97:6 134:16 141: 10 mind 10:11 57:21 58:3 71:2 76:16 78: 3 91:18 93:9 95:13 96:23 100:1 110:24 146:18 155:4 190: 21 204:5 207:9 minds 59:12 mine 30:5,22,24 64:

MARION L. DRIGGERS

13 79:8 136:7 190: 19 191:12 minimum 249:10, 11 minute 53:9 56:10 58:24 66:3 68:25 147:24 150:3 155: 22 244:17 misconduct 43:13 mislead 76:23 misleading 135:3 misled 77:1 191:6,8 misrepresentation 133:11 misrepresented 130:22 134:6 misrepresenting 137:18 missed 138:8 missing 156:10 157: 1 162:20,22 181:18 misstatements 116:11 mistake 44:10 85: 21,23 101:24 112: 23 160:16 191:12, 14 201:2 mistakes 28:14 160: 20 161:23 210:22 monday 218:23 257:14 monetary 221:10 money 55:16,25 57: 19 58:13,22 64:3,12 76:8 79:17 82:24 83:5 91:24 95:15, 18 96:6,8,18,24 97: 8,9,19 98:4,19 103: 8 123:5,7,8,9 134: 17,24,24 138:22 140:17 141:15 142: 23 143:13 153:13, 19 174:10,13 177:5, 14 179:5,22 184:24 187:4 195:11 202: 20 203:2 204:12,15,	18,18 208:9,10,21, 22,24 209:20 210: 15,19 225:3 227:20 240:23 253:17 month 139:23 208: 11 monthly 56:13 months' 159:15 morning 10:21 mortgage 48:17,19 50:24 51:22 52:16, 18 67:9,10 68:2,3,5, 9 101:1 234:4,11 235:13 236:4,7,12 mortgagee 238:14, 19 mortgages 12:5 most 136:13 218: 15,25 253:23 mostly 17:22 112: 14 251:5 mother 13:14 239: 24 motion 21:13,18,18, 20 22:4,6,17,19,23 23:2 31:1 112:5 motions 21:8,8 34: 4 39:5 107:17,21, 24,25 111:21 171: 25 172:3,5 motor 250:19 mouzan 57:10 move 63:4,4 87:7, 11,15,17 163:7 246: 7 ms 35:25 47:2 61: 24 63:10,14 71:12 138:25 139:1,3,4 140:18 179:2 199:6 200:7 201:19 202: 11,17 204:7 248:23 250:6 252:10 much 71:10 76:5 81:22 86:8 96:11, 25 137:12 139:14 140:17 141:15 143:	13 145:10 146:1 147:10 165:16 185: 6 216:15 232:3 243: 21 246:6 251:7 252: 5 253:22 254:16 257:19 multi-million 46:18 must 19:15,19,21 32:2 71:9 110:10 215:4,6 230:20 235: 17 must've 12:24 130: 19 242:13 myself 32:9,17 45: 14 168:13 N name 7:5 19:1 48: 13,23 50:4 59:6 60: 8 71:22 75:13 81: 16 83:14 90:1 92:1 100:10,12,19 127: 13 128:17 158:9 168:17,23,24 169:6 170:8 173:7,7 194: 19 195:1,13 219:8 224:9 237:24 239: 17 245:9 246:24,25 names 119:24 194: 19 necessarily 28:10 114:4 115:1 necessary 94:23 need 11:8 14:3 46: 13 53:13 55:4 58: 10 79:6 94:5 125: 13 138:13,16,21 139:12 144:17 148: 3,6 152:22 164:25 168:11 182:1 199:9 209:13 218:16 241: 13 245:9 249:19 needed 169:12 180: 3 220:24 needs 207:2 neighborhood 16: 24	neither 157:13 net 16:25 nettles 84:21 145: 23 170:20 174:3 nettles' 172:24 never 8:24 15:24 38:14,16 58:22 61: 11 80:25 81:14 82: 12 92:2 98:11,11 108:3,3 134:24 140: 1 158:4 165:24 170: 9,11 172:12 178:16 180:8 189:23 190:1 221:22 223:18 224: 4 227:18 229:20 230:12 231:17 238: 16 239:11,16 241:7 242:10 247:8,8 256: 2,2,25 new 123:15 next 58:25 68:21 69:1 156:7 227:12 nice 89:18 nickel 208:24 210: 12 211:7 nine-thirty 10:22 ninety 181:9 ninety-four 56:14 ninety-nine 158:11 ninety-seven 162: 12 241:6,22 nobody 54:3 95:3 123:3,3 230:1 245: 23 nobody's 123:3 172:20 none 34:5 199:22 223:17 224:4,4 230: 12,12 252:7 non-professional 252:11 nope 40:2 normally 170:6 note 63:8 69:5 164: 11 184:25 202:22 204:12,25 205:2,24	206:3 207:15,16,25 208:25 209:6,9,17, 20,23 231:13 238:3 notes 12:5 26:18 nothing 13:25 81: 24 123:12 157:7 160:21 194:20 211: 21 239:13 245:19, 19 notice 8:23,25 9:2 10:1,8 39:20 65:23 66:9 213:23 218:18 227:4 228:16 229: 18 234:10 237:7,8 238:7 noticed 189:11 notified 65:1,8,17 66:11,12,14,23 162: 10,11 notify 64:23 66:22 notorious 243:2 november 101:4,6 102:25 156:24 157: 14 161:5 199:1 nulled 199:23 number 10:5,12 12: 3,12 13:1,15 14:4 15:1 25:19,22 27:5 29:19 41:20 42:2 53:6,9,24 69:3 72: 18,23,25 73:7 74:2 79:1 81:5 103:20, 21 107:14,15 111: 17,18,20 127:24,25 140:20 146:6,7,12 148:7,9 149:12,13 150:4 151:18,20 152:25 154:17,19 156:18 157:21,23 197:13,14 218:6 219:24 232:25 234: 15,18 237:15 244:4 numbers 185:8,10, 13 243:10 numerous 21:8,8 30:20,22 33:25 35:

MARION L. DRIGGERS

10 39:4 132:18 143:2,4 215:9 O oath 7:20,22 15:25 16:5 18:1,10 34:25 43:15 50:23 51:5 66:6 104:15 120:11 137:22 140:17 163:10 166:2 168:16 183:23 196:5,8 198:17 201:24 219:20,22 244:21 obeyed 122:8 object 189:4 193:6 229:3,6 objected 257:7 obligated 203:5 obligation 68:16 109:2 181:15 183:3,8 185:15 obvious 23:19 62:20 147:21 obviously 220:3 250:7 occasionally 221:20 occasions 26:14 28:5 30:20,22 occupation 219:13 october 129:3 130:13 odd 107:23 offered 225:15 226:10 office 45:21 47:19 121:16 127:19 128:3 130:12 140:13 241:17 252:9 old 133:24 170:14 172:10 243:4 once 51:9 254:21 one 8:9 9:5 15:22 20:25 26:7 28:6 37:11 48:8 53:24 64:16 66:20,22,23 78:22 79:7 82:18 84:	14 92:20 95:9 100:7 102:21 103:2 106:17 107:17,22,25 111:8,25 124:18 128:16 129:22 139:7 148:15 151:7 156:7,10 157:1,12,24 159:5,10 160:8 161:15 162:23 163:10 171:22,23 174:20 180:25 189:2 194:17,21 201:5 212:20 214:10 220:16 233:3,3,4 240:10 247:10 249:23 257:17 ones 121:2 132:19 210:18 ongoing 233:19 online 127:13,18 only 14:24 59:25 60:5 66:4 91:13 93:12 98:4 108:9 109:9,17 110:20 128:16 129:11 131:12,14 134:14 136:16 151:7 199:16 221:2 operated 127:5 operating 126:17 127:1 opinion 8:16 40:19 171:8 opposing 111:20 opposition 112:5 option 56:21 62:13 199:16 order 37:15 41:4 55:6,10,12 70:7,9,13 71:17,17 72:3,25 73:1 74:3 76:13,14,15 107:1 122:9 138:15 153:14 170:17 213:19 245:14,18 ordered 171:3 organization 79:18 82:2 129:3 organized 130:13	other 7:18 8:19 11:20 12:15 13:3,17 20:18 26:13 34:6 43:16 46:3 48:25 51:11 55:9 66:5 67:9,20,25 68:2,3,22 69:8,18 82:13,18 104:2 110:7 111:7 116:21,23 125:13 128:20,22 131:16 133:15 139:25 170:9 177:1 188:12 198:19 201:5 216:7 220:17 221:7 224:13 226:8 230:9 237:17 249:24 250:8 257:17 others 27:19 otherwise 76:10 ought 19:4 36:8 37:4 85:15 94:7,8 95:4,5 129:7 ourself 169:18 out 10:19 11:22 39:17 40:11 42:6 48:9,20 50:13 51:10 52:10 54:25 63:12 67:24 68:6,12 69:7 71:22 74:21 81:18 82:19 88:18 95:6,8 98:3 100:2 102:7 107:2 111:2 123:14 125:12,16 127:6,7,8 128:4 136:6,8,16 140:9 146:10 149:17 152:19 153:7 154:20 156:3,22 157:2 162:2 165:3 168:14 173:7 176:3 177:5,6,14 181:25 182:1 184:6,7,18 192:2,6,10,12,14 195:11 203:19 209:13 210:15,16 221:6 229:12 235:1 241:5 246:7,20,23,25 253:	17,19 outside 238:22 251:7 outstanding 21:13 over 9:14,14 20:3 32:22 34:8 82:4,10 84:22 95:7 107:20 122:3,24 133:24,25 138:11 143:6,9 147:8,9 170:2 174:4 183:5 185:2 189:12 202:10 216:19 220:13 222:22 233:5 238:15,19 248:16,18 254:12 overlooking 231:14 overrule 173:4 overruled 121:21,24 122:9 overtalking 30:17 owe 69:14 70:23 184:24 199:5 202:18 204:8 210:17,18 owed 60:11 63:15 69:13 70:22 71:10 76:5 143:7,13 145:10 146:2 166:19 169:17 185:6 202:14 204:25 205:23 206:22 207:12,21,22 211:7 241:6 owes 70:18 165:1,2,2 own 25:13 59:21 102:14 141:9 165:14 169:9 196:12,14 212:15 213:8,14,16 222:23 245:7 owned 50:21 66:20 75:7 95:1 190:9 206:18 246:21 owner 38:25 41:2 114:18 136:24 137:21 195:2,19 196:10,11 197:21 208:24 ownership 18:10,	16 77:19 91:14 135:14 192:1,5,11,15 194:1,7,13,15 195:15 211:8 245:24 owns 30:9 77:20 196:16 209:22 212:17,21 P p.m 217:6 218:5,5 257:25 p8 233:24,25 234:23 235:22 page 53:10 56:10,10 68:21 69:1,2 242:8 pages 244:1 paid 48:18 49:7 52:5,6 54:17 55:20 56:6 60:24 63:23 71:1 80:4,6,23 82:9,11,24 85:5 95:21,22 96:12,13,16 97:21 98:9 99:24 100:18 113:5,6 118:5,9 123:1,2,3,4 140:2 147:22 163:19,24 164:3,15 177:8,11,23 178:12,24 180:14,14,21 186:10 188:24 190:6,7,10 199:22 202:23,24 203:2 206:3 207:6,15,16,21,23 208:1,20,21,23 209:1,17,23 210:11 240:23 paint 251:3 paper 227:1,9 228:8 230:5,22,23 papers 72:1 paperwork 42:17 88:17 130:7 218:19 paragraph 53:24 54:13 64:22 67:6 198:21 part 27:8 30:5,9,24 55:10 96:24 177:21

MARION L. DRIGGERS

178:25 193:1 233: 22 252:7 partial 256:24 particular 18:2 20: 18 21:7 22:3 26:19 28:4 29:15 31:17 46:21 48:9,22 51: 19,22,23 52:16 60:2, 6 61:1 63:8 73:16 100:13 171:6 185: 19 227:23 parties 216:11 partnership 14:6 15:3 17:15 19:14 192:20,22,24 parts 23:1 233:15 party 55:9 132:24 170:12 past 123:12 220:4 pay 51:3 54:13 57:7 58:9 60:10,11 63: 22 70:24 79:18 82: 6,8,23 83:1 88:6,8 101:19,23 102:23 108:17 112:22 118: 14 124:4 141:5 153: 8,11,13 164:7,18,20, 21 167:6 169:24 177:1 181:11 182: 21 187:4 190:4 198: 19 199:7,20 202:20, 22,25 206:9 207:8 210:17 243:15,17 249:2,19 payable 57:17 58: 17 payee 59:18,19 198: 13 paying 59:12 67:23 87:2 108:22 117:2, 8 118:12 139:22 159:16 198:14 206: 7,8 242:14,15 249: 1,5,6 payment 11:21 46: 3 52:7 55:15 56:19	58:15 60:10 147:20 150:21,24 157:5,9, 17 163:20 180:12 186:7 190:5 199:3 payments 11:4,14 15:5 46:2,4 56:13 57:16 59:13 60:7 67:22 80:8 84:17 88:9 139:15,24,25 145:9 148:11 150: 22 154:6,9 160:3 167:22 180:6 181: 18 182:4 185:1,18 188:6,7,16 199:2 200:6 240:20 242:7, 17 payoffs 257:6 payroll 243:12 pays 202:16 204:7, 11,24 205:2,23 206: 21 pb 227:3,7,8,23 230: 25 231:2 233:25 234:3,23 235:1,11, 12,20,22 236:1 penalty 196:9 pending 83:9,11,12 penny 208:6 209: 20 people 48:25 49:2 57:14 82:12 104:2 128:20 144:8 182: 21 188:13 215:21, 23 216:7 225:4 246: 14 247:7 248:13 250:15 people's 51:11 per 56:7 percent 56:7,11 158:12 perjury 24:5,13,25 32:11 33:4,17,24 34:6,13,17 196:9 permission 30:11 31:6,9,16 81:8 86: 18,21 87:25 103:6	158:8,17 person 29:22,24 31: 25 66:25 91:13 92: 5 93:12 141:1,1 161:22 178:21 182: 9 185:20,23,25 206: 23 207:21 209:15 personal 15:3 29:7 57:22 62:23 96:10, 20 257:10 personally 175:10 person's 181:20 peterson 12:17,21 80:2,16 81:11 140: 12,14 246:17 248: 23 250:6 251:19 252:10 ph 236:5 phonetically 76:11 photos 251:19,24 252:2 picture 251:3 piece 52:23,23 182: 5 195:1 pitting 220:16 place 103:8 169:18 217:5 220:19,20 222:21 238:9 257:3, 4 places 139:25 plan 8:21 24:4 planning 105:18 play 148:2 214:2,6 played 111:1 please 9:13,18,19 10:4 15:19 19:16 20:3 27:4 28:23 29: 18 41:19,25 45:7 46:13 49:20 52:1 53:13 58:5 60:13 70:10 90:4 92:6,6, 23 94:20 103:19 107:6,13 109:14 111:16 127:23 130: 25 131:24 132:2 141:12 142:3 146:5	147:6 148:5 149:11 152:24 154:16 156: 17 157:20 166:16 178:15 197:12 205: 10 pledge 40:10 plenty 52:25 plus 243:21 pocket 108:19 pockets 108:10 109:10,18 110:8,21 point 27:12 49:25 93:13 160:22 205:2 209:1 254:17 policies 203:22 220: 22 223:6 240:14 255:13,14 policy 61:1 63:20 95:16,19 102:14 169:10 201:17,20 202:12,13 221:24 223:13,18 225:16 226:15,16,17 228:3, 22 229:24 240:2,3 253:9 policyholder 236:6, 11,20 political 119:9,16, 18,22 120:3,14,24 121:7,13 122:1,11 132:20 politically 191:7 popped 224:11 position 43:15 44:5 45:25 92:16 124:9 131:13 171:17 176: 17 183:7 201:15 207:11,20 possible 24:5 122: 15 137:2 145:6,25 possibly 14:11 16:8 29:2 122:3 potential 239:8 power 86:21 88:2 practice 28:19,21 29:1,23 106:11 214:	3 practicing 214:10 precise 24:19 31:15 preliminary 84:18 premises 64:25 66: 13 premium 60:7 63: 22 199:17 premiums 60:24 64: 2 102:5 prepare 79:12 prepared 79:15,16 86:14 145:18 present 99:13 104: 12,14,18,19 219:13 presented 186:22 pressure 119:9,16, 18,22 120:3,14,24 121:14 122:2,11 pretty 24:8 31:2 62: 20 66:11 70:19 117: 22 126:23 127:2 147:15 161:21 182: 23 186:4 206:15 232:3 243:10 252:5 253:22 254:16 257: 18 previous 52:10 174: 20 219:19 price 48:5 54:6 56:3 primarily 218:20 print 232:16 priority 238:15,19 prison 33:19 pritchard 12:23 25: 24 43:12 46:10 47: 2,22 95:2 98:16 108:23 112:14 128: 6,9,12 142:15,21 143:11 145:11 156: 21 189:11 195:25 212:10 216:24 220: 13 229:3,6 233:11 234:20 235:4,22 236:4,19,22 237:9 239:3 246:12 250:4

MARION L. DRIGGERS

256:9,12,16 257:17, 20 prize 205:16 pro 25:12,14 28:21 29:9 31:19,22 45: 12 93:6 106:15 107: 24,25 109:5 110:14 115:7 119:7 131:14 132:10 probably 11:15 15: 14,16 16:18,22 17:2 20:25 21:13 22:25 24:16,17,18 27:18 34:7 59:24 65:7 78: 18 79:6 84:14 88: 25 92:3 107:10,18 112:6 121:12 145: 19,20 159:16 174: 13 177:16 214:19 215:24 216:17 225: 2 228:5 229:13 232: 17,18 244:8 249:10 253:24 problem 93:19 115: 18,20,23,25 167:13, 15,16 187:21 223: 21 problems 135:9,11 proceeds 70:17 77: 20 202:22 204:24 205:22 207:24 246: 3 process 150:8 218: 16 produce 14:19,21 15:10 produces 185:6 professional 106: 15 132:2 profit 165:11 promise 9:17 98:17 99:1 186:9 proof 24:10 26:20 32:14 33:2,4,19 34: 6,21 35:4 64:25 65: 6,16,19,22 66:4,5,8	75:1 85:16,25 86:2, 3,10,24 88:3,6 99: 15 104:10,23,25 105:1,13 106:3,5 107:8 109:16 111:3 119:1 120:7 124:15 135:7 143:6 146:1 properties 16:23 46:20 141:9 183:5, 6 221:5,13 property 47:7 48:9 49:9,25 50:24 51:1, 3 71:10 114:19 137: 21 159:14 168:17, 18 169:15 173:19 174:23 177:21 178: 2 179:1 182:5 190: 9 192:2 195:1 199: 13 209:2 219:16 220:23 228:20,25 238:16 242:22 245: 20 249:8,14 protect 97:24 113: 12,14 protected 112:19, 20 113:3 122:23,23 169:13 protecting 112:24, 25 protest 8:12 prove 71:9 76:4,5 99:18,20 107:10 140:19,23 141:1,3, 4 142:20 143:17 145:10 181:13 182: 17 185:18 proven 204:25 208: 21 provide 9:22 provided 242:4 provision 56:17 58: 25 59:16 62:8,10 63:5,6 214:4 public 120:23 published 25:2 pull 28:1 99:2,3	119:14 230:22 pulled 47:1 78:24 175:25 238:2 punishment 189:15, 17,21 190:17 191:5, 11 punitive 21:25 23:6 84:20,23 purchase 12:5 42:3 53:7,17 54:6 56:3 125:6 purchaser 80:2 purpose 50:12 63:5 87:5 134:10 188:4 purposely 77:1 pursue 247:9 pursued 248:14,17 pursuing 78:20 push 80:13 213:13 247:11 pushed 67:24 247: 12 pushing 213:8 put 31:8 32:20 33: 19 41:10,12 48:22 51:18,22 52:16 63: 21 64:16 74:21 82: 19 84:19 89:25 106: 7 118:24 120:22 135:9,25 138:10 183:12 186:20 195: 1,12 213:12 214:18 227:3,11 228:15,16 232:14 238:6 putting 28:10 32:24 39:20 82:3 130:19 193:6 237:6	90:4,14 91:5 92:8, 20 94:20 97:12 103: 14 104:17 109:14 110:11,19 115:6,17 116:4 120:13 133:3, 4 136:2 141:12 142: 3 162:24 164:1,4 166:1,10,11,18,20, 21 167:2,9,10 168: 4,22 169:9,13 176: 9,11,15 180:9 183: 15 186:4 187:21,24, 24 190:20 192:9,13 195:10,18 196:1 202:2 203:7,9 204: 1,17 205:10 206:6, 13 207:9 208:8,15 210:9 226:7 questioning 187:22, 23 questions 40:7 41: 24 67:7 85:14 87:6 132:3,7 144:19 146: 15 168:1 179:12 193:8 201:12 227: 12 239:20 240:20 254:12 257:18,21 quick 124:20 quicker 149:20 quitclaim 12:22	215:16,17,19 219: 25 220:3 223:18 232:12,16,17,23 233:6 240:1,9 241: 13 reading 68:25 71:7 241:21 reads 67:19 real 17:21 46:19 75: 18,20 79:4,11 125: 17 132:24 165:14 176:5,23 250:12 realize 29:3 31:21 98:22 really 18:13,15,16 19:4 20:4 35:14 41: 10 43:19 44:5,6 45: 10,25 46:4 78:17 87:24 96:23 117:25 119:20 125:23 129: 24 132:23 133:16 134:21 136:23,24, 25 137:12 160:4,6 169:15 170:23 176: 21 178:20 180:18, 19 181:20 191:9 194:23 198:18 205: 4 222:1 223:12 228: 4 240:1,3,8 246:5 250:22 253:23 reason 7:17 51:19 60:22 61:10 64:16 65:3 82:11 84:19 93:6,9 94:11 99:8 100:5 101:25 117:4 135:13 146:9 167: 10 178:10 186:17 198:10 223:20 247: 12 251:16 reasonable 182:8 reasoning 15:1 reasons 25:6 247: 11 rebutted 242:10 recall 44:20,22 166: 10 168:7 255:9

R

ragged-looking

248:7

raised 120:2 171:12

randall 102:8

rate 56:6 228:7

rather 115:6 147:

21

ravenel 99:1

read 23:1 25:24 32:

6 40:6,9 53:13,14

67:6,11,18 69:13

107:2,6 112:6 113:

20,20,22 172:21

175:24 197:16 201:

18 203:11,12 211:3

Q

q&o 233:17

question 7:8,11,14

23:14 25:25 26:2

28:22 31:14 32:20,

23 52:8,15 53:15

58:12 65:9,11,14

67:12 70:10 75:9,

10 83:13 89:13,15

MARION L. DRIGGERS

receipt 141:2 149:4 162:17 164:2 182: 22 187:25 receipts 11:11,13 140:1,3,5 144:16 147:19 148:10,18 160:24 162:20,22 163:3,5 182:18,19, 20,21 186:10,11,17, 23 187:6 188:2,15 189:2 200:10,13 201:8 221:10 251: 17,18 receive 9:2 19:14, 20 47:16,17 52:8 63:19 199:10 239:6, 20 received 8:25 9:11, 21 10:7 20:12,20 65:23 66:8 160:3 177:14 223:23 239: 25 receives 47:18 recently 21:17 253: 20 recognize 22:3 26: 23 79:3 103:3,14 106:22 128:21 145: 16 reconsider 21:9,14 22:6 107:18 172:1, 6 record 120:23 125: 1 160:7 167:3,13 196:23 240:18 257: 5 record**** 124:25 196:22 recorded 12:16 13: 4,18 records 11:20 34:8 46:11 64:11 78:24 135:20 144:25 153: 16 166:9,23,24 167: 11 175:18 181:15 182:25 183:4,9,10, 20,23 184:4 185:14 187:15,16 199:10, 11 201:22 redeem 199:19 redemption 199:17, 19 reference 125:11 referred 42:9,11 referring 236:23,24 reflection 167:7 refuse 193:24 refused 170:20 refusing 32:21 regardless 37:17 register 126:9 registered 126:18, 19 128:18 129:15, 20 rejected 239:4 related 72:12 250: 10 relationship 59:9 released 103:5,10 relief 23:22 relieves 74:6,7 remaining 233:22 remark 26:23 remember 42:7 54: 19 106:14 109:22 110:1,3 144:13,13 159:6,7 168:6 175: 7 221:23 222:8 255: 6 remind 112:18 removed 246:25 render 56:20 rent 159:15 231:23 249:20 rental 12:6,14 16: 20 154:21 183:4,6 219:16 221:13,13 249:13 255:17 rentals 149:18 151: 6 155:19 156:3,13 157:2 159:10,13 188:23,24 renter 74:20 repaid 56:4 repair 247:6 repeatedly 44:11 171:25 rephrase 7:10 reporter 9:15 25:20 26:6,12 72:19,21 103:20 107:3,14 111:17 121:9 124: 20 127:24 129:13 131:10 146:6 148:9 149:12 151:20 154: 19 156:20 157:23 197:13 217:1 233:2 244:3 represent 7:6 29:6 30:11,12 31:7,19,23 32:7,9 45:12 215:8 representation 229:4 230:19 represented 24:23 27:18 30:4,18 35: 11 49:3 66:1,19,21 89:11 93:23 132:9, 17,21 143:1 representing 26:15 27:11 31:4 32:16 33:8 38:23 94:18 115:3,7,10 125:22 131:14 138:17 145: 23 168:9,12,13 214: 25 represents 112:9 131:17,18 request 26:12 requested 10:14 required 11:17 17: 12,14 110:16 120: 12 126:14 141:14 requirement 8:8 res 108:1 research 27:23 28: 17,20 170:1 resort 62:23 respect 40:11,12,14, 15 77:11 84:6,12 respectful 132:5,6 205:20 respond 9:17 10:8 responded 166:9 241:8 response 184:18 228:14 responsibility 37: 12 132:15 199:14 responsible 89:22, 23 responsive 42:22 60:13,15 rest 128:19 restaurant 174:22 results 68:14 128:8 retrack 163:9 return 17:15 19:21 45:23 46:23 returns 15:4 17:12 19:15 20:25 46:7 47:1,5 reveal 32:18 revenue 243:23 revise 21:20 22:18, 19 rewire 252:15 rid 75:22 81:24 252: 13 ride 217:2 rightful 206:23 207: 20 208:23 road 219:9 roadway 179:2 roof 248:8 rude 116:1 129:12, 12 131:1,10 136:23 137:8 164:19 rudest 205:13,19 rule 34:18 171:4 214:19 216:12 ruled 21:15 33:25 34:15,16 86:4,7 121:19,22 122:18 172:20,20 rules 168:7 172:21 173:3,12,15 193:13, 15 213:25 ruling 34:20 119:23 121:20 210:25 211: 1 rulings 21:9 119:19, 25 120:5 121:17 122:4,5 ruminate 202:5 run 49:3,5 80:22,24 126:3 191:16 222: 16 running 10:23 121: 15 126:5 222:16 250:11	S safe 14:13 126:1 salary 243:7 sale 42:2 48:10,24 49:8 50:1,13,20 51: 2,10 52:10 53:6,17 68:6,11,11 71:16,20, 21 73:17,19 74:19 75:21 76:6 125:5 170:7 197:20 238: 18 255:22 256:1 sales 12:6,13 231: 15,18,20 240:24 salon 250:11 same 8:18 9:18 22: 15 40:11 46:12 96: 2 98:6 104:2 108:2 133:24 146:13 170: 14,15 172:10 217:5 218:21,24 222:11 229:2,10 239:20 246:22 sat 37:14 satisfied 242:12 save 34:22,22 saved 165:17 saw 39:18 118:25 200:10 201:7 saying 8:24 10:9 37: 17 87:2 92:14 134:

MARION L. DRIGGERS

1 162:23 183:22 205:9 209:19 213: 22 241:20 says 53:23 54:5 55: 11,12 56:9 58:15 68:20 71:24 76:15 105:19 127:17 128: 7 133:9 147:22 158: 2 194:11 231:1 232: 6 233:7 scare 64:17 screw 165:16 screwed 124:10 165:16 sd 146:20 se 25:12,14 28:21 29:10 31:19,22 45: 12 93:6 106:15 107: 24,25 109:6 110:14 115:7 119:7 131:14 132:10 search 127:14 128: 7 135:19 second 48:17 234: 21 254:10 secondhand 232:7 secrecy 120:21 secret 120:22 secretary 45:20 126:8,13,19 127:9, 19 128:2 130:12,16 section 29:11,21 32: 1 127:12 see 11:9 48:11 56: 11 57:6 67:8 74:16 76:15,21 81:16 105: 18 111:24 120:19 121:15 127:6 128: 10 143:14 144:17 147:4,6,7 148:24, 25 149:3 150:2,14, 16,24 151:3 154:10 157:1 158:22 159: 19 160:21 161:10 162:4 167:2 168:5 173:8 183:13 184:	17 187:25 192:19 194:10 210:7 214: 12,14,24 226:3 232: 23 238:15 240:4 249:4 251:20 seek 122:20 seeking 95:12 seem 123:25 124: 13 134:15 135:11 188:15 seemed 255:5 seems 213:20 214: 10 seen 44:19 140:1 145:20 158:4 197:8 205:19 232:13 seldom 153:18 242: 23 sell 77:22,24,25 78: 6 79:4,11 165:14 247:3 seller 36:22 37:1,3 42:10 43:18 53:7, 15,25 54:14 56:21 59:18 64:23 66:17 68:24 69:9,9,11,19, 23 70:16 71:9 75: 16 125:7 135:21 141:3 seller's 68:3,5,8 selling 81:20,22 senators 99:4 send 98:12,15 227: 20 231:7 251:23 sending 193:7 sense 114:8 123:19 132:2 164:24 183: 16,17 236:10 sent 9:8 12:24 13: 10,13 22:23 172:25 227:2 230:6 231:12, 13 240:6 241:4 244: 7 sentence 53:11,12 67:15 68:13,21 69: 4	separate 220:12 september 79:5 80: 10 102:25 sequence 220:20 sequences 223:24 serious 24:8 117:22 served 75:2 213:20 245:18 service 11:16 139: 24 set 17:10 setting 17:6 settle 10:19 settled 33:9 104:5 210:14 settlement 250:1 256:24 settlements 250:2 settling 82:22 seven 14:4 38:8,20 39:23 69:2 70:25 77:17 80:11 107:19 139:22 149:18 150: 18 151:6 152:14 156:4,13 157:5 181: 10 208:11 seventeen 161:7 seventy-one 160:2, 8 seventy-two 56:3 219:12 several 17:10,23 18: 9 27:18 28:5 119: 24 145:9 152:11 171:12,22 215:11, 13 218:13 246:14 severally 25:10 shall 56:19 sham 127:2 136:20, 22 138:22 shape 251:2 she'd 83:1 sheet 148:15 149:3, 5 181:17,19 188:17 sheets 159:20 198: 23,25 200:8	she's 34:11,17 37:1 61:10 66:18 95:6,8 115:4 121:22,24,24 122:3,4,5 161:23 167:21 185:22 189: 14,22 212:20 248: 23,25,25,25 249:2 250:1,9,10 251:20 shiralee 11:22 13: 19 57:13 68:17 146: 21 148:12 158:6 176:1 180:1 200:5 219:3 222:2 224:19 225:14,21,23,24,25 226:4,12,20 228:2, 4,11 229:7,17 232: 2 234:6,13 235:15 236:8,14 241:8 253: 16 256:21,22 shiralee's 253:11, 14,15 shirlee 227:16 shirley 68:16 234:5, 12 235:14 236:8,13 shot 215:9 shouldn't 8:14 35: 21 61:16 203:3 216: 12,13 should've 41:10 61: 23 62:9 98:21 102: 23 104:5 118:5,8 123:20 172:24 226: 24,24,25 241:10 show 24:4 28:11 55: 11 74:10 106:7 142: 13 145:12 151:8 154:4 155:24 156:9, 15 157:7 159:23 163:24 164:2,2 167: 1 182:19 186:10,14 187:15 189:1 233:5 showed 89:23 181: 8 showing 150:4 151: 2 shows 149:25	shuler 33:12 41:4 94:3 193:4 195:24 shuler's 122:9 side 185:21 254:9 sides 161:4 188:23 201:14 sign 8:19 11:13,15 57:2 86:18 88:2 119:2,3 148:21 157: 25 195:7 signator 76:11 signature 33:10 86: 17 158:1,3,5,12,14 signatures 41:22,23 signed 11:16 14:7 26:20 33:12 41:5 56:24 57:1,3,9,10, 11,14,20 58:10 71: 25 79:19 81:10 95: 7 134:3 156:14 157: 3 159:14 169:3 170: 17 171:11,14 189: 25 190:1,16 197:4 215:15 216:11 220: 3,5 240:22 254:7 similar 27:20 simple 70:19,22 115:6 186:4 201:3 206:15,16 213:21 since 38:21 42:19 80:18 88:21 95:3 170:11 180:16 181: 11 197:2 199:22 200:3 201:15 204:9 206:8 207:25 209: 10,11 sir 8:11 11:17 13:1 14:4 23:11 30:23 31:9 36:14 44:3,23 47:17,24 48:4,14 50:22 56:25 62:14 65:9 69:2,7,16 70:5 73:18,24 74:14 76: 1 79:3 88:14 104: 13 105:12,25 106:2 108:24 109:19 111:

MARION L. DRIGGERS

14 112:1,17 113:18 119:4 120:2,11 123: 8 125:4 130:8 135: 1 136:9 146:1,15, 25 147:23 149:17, 24 150:17 151:15 153:5,23 154:24 157:14 158:22 159: 18,22 161:1 162:18, 24 165:10 168:15 171:12 175:22 183: 11 185:24 188:12 194:15 239:4 sister 30:7 149:2 sit 173:17 202:3 208:16 240:8 sitting 86:9 252:20 situation 226:21 six 13:15 56:14 72: 20 90:22 94:12 107: 18 149:22 182:6 sixty-three 160:9 sizable 243:22 skeptical 182:10,11 sloppy 144:25 145: 4 188:4 slow 89:18 smart 48:2 98:16, 18 smoke 251:6,14 252:14 smoked 251:11 sneer 90:9 142:7 190:23 sneering 115:5 134: 22 173:17 182:15 sold 71:11,18 76:4 solicit 29:23 solve 167:16 somebody 27:13 37:9 64:12 66:14 69:15 77:23 82:25 85:4,4 88:11 92:15, 18 100:1 106:7,14 132:8 145:8 158:5, 13 165:15 170:8	181:14,16 182:4,12 184:24 186:22 187: 3,12 215:4,6 229: 13 235:9 240:5 somebody's 26:23 46:23 86:17 149:22 183:18 199:10 somehow 247:2 252:12,15 someone 207:8 something's 152: 17 sometimes 153:8, 11,13,19 somewhat 16:19 somewhere 16:24 46:22 84:22 167:13 227:9 231:14 247:2 song 133:24 170:14 sophisticated 176: 18 sorry 22:18 102:25 107:5,7 156:8 157: 16 sort 117:19,20,24 so-so 124:7 sound 129:4,6 sounds 219:5 221:8 231:16 south 23:21 29:12, 21 30:1,2 31:18 38: 3 45:21 60:1,14,24 64:18 95:19 98:5, 10 99:6,22 101:10 112:9,12 122:22 123:23 127:19 163: 14 165:23 169:25 177:19 178:23 201: 16 203:21 spartanburg 15:15, 18 16:2,3,4,7,12 speaking 8:24 20:3 specifically 220:8 speed 150:8 218:17 spelled 76:11 spent 27:22 174:21	spotless 250:21 spreadsheets 11: 19 squawk 90:12 142: 5 squawked 90:4 92: 20 squawking 88:19 89:3 90:20 91:3,7 stack 185:16 stalled 54:19,25 stamp 148:21 stamped 148:12 stand 216:11 standard 71:23 standing 192:7,17 209:25 stands 114:6 start 40:23 62:10 109:21 154:4 159: 24 185:14 202:10 219:6 started 8:10 10:23 38:2 63:12 108:15 146:10 160:1 257: 15 starts 69:7 state 8:16 23:18 25: 5 29:24 117:10 124: 13 126:9,13,18,20 130:16 178:12,25 190:7 196:5,8 233: 15 stated 46:10 79:9 109:9 110:19 119:8 188:19,22 198:22 200:4 201:18 231:2 251:16 statement 14:7 26: 20 111:3 114:15 117:16 174:10 175: 3,6,14 201:6 statements 11:19 33:6 45:1,9 108:7 111:21 143:12 150: 13 163:10 174:8	states 23:3 29:22 31:25 42:8 43:17 56:18 59:17 64:22 68:13,22 70:14 108: 8 112:17 118:13 122:21 202:10 228: 8 241:21 245:10 state's 45:20 127:9, 19 128:2 130:12 stating 28:8 38:11 41:5 95:6 station 11:16 139: 24 188:10 242:17 statute 23:21 37:24 39:5,13,18 40:24 62:4 80:22 stayed 243:1 staying 189:23 248: 13,25 249:2 stead 197:4 stick 214:23 still 21:13 32:7 41:7 94:4 115:1 161:19 169:20 203:4 207: 17 211:17 216:10 223:4,7 249:5 256: 18 stipulates 56:12 stolen 252:17,19 stop 184:13 story 133:14,20 161:4 188:24 201:9, 14 straight 171:18 strangers 27:9 straw 48:15 50:6 52:4 stuff 11:12 13:9 47: 22 57:22 84:16 107: 2 141:20 153:4 155: 9 176:8 218:21 242: 10 243:19 252:9 stupid 98:22 101: 23 249:22 subject 120:24 240: 2	submit 175:2 submitted 28:5 32: 25 111:9,22 112:3 119:6,21 124:14 141:25 142:9,11 143:25 174:9 175:5, 13 187:3 197:5,17 subparagraph 56:2 subpoena 9:21 10: 15 11:17 14:18 78: 11 256:14 subpoenas 8:19 substituted 197:3 sue 37:21 39:1,7,8, 11,24,25 40:21,24 85:22,23 88:12 89: 8,10 92:19 93:14 95:4,5 109:20,20 212:13,18,21,24 213:2,3,4,7 216:13 sued 36:19 38:9 66: 25 74:10,16,18,20 80:16,21 83:16,19 85:20 92:4 110:5 212:1,4,12 215:16 sues 187:12 suggestion 154:22 suing 86:23 112:12 145:8 184:3 sum 54:15 56:3,13 199:3 243:22 summary 108:1 supplementing 220:25 supplied 145:22 suppose 249:8 supposed 12:22 26: 10 44:19 51:17 59: 4,17 63:11 66:18 76:16 79:16 160:5, 10 166:4 167:19 181:10 183:19 202: 13 247:3 249:1 supposedly 16:14 supreme 31:18 survey 47:15

MARION L. DRIGGERS

swear 137:22 swearing 183:22 sworn 7:2 26:20 59:15 143:12,25 169:8 218:9 219:7 sympathy 123:25 124:6 T talked 218:13 225:14 227:17,18 229:20 230:10 231:25 247:17,17 249:25 255:5 256:2 talks 13:22 67:3 68:2 69:18 75:21 tammy 13:4,10 19:1 20:11 36:23 37:3 42:9 43:18 45:10 46:5 48:23 50:4 53:18,19 54:3,14,17 55:15,21,25 57:10 65:17 68:17 79:9 81:5,8,10,17,18 82:24 83:2 114:6 125:7 129:24 132:25 135:24 136:25 168:20,22 169:2 177:8,16 190:12 194:24 195:13 196:17 197:23 212:17 213:11 225:9 226:21 228:19 239:18,19 253:23,25 tammy's 173:7 199:25 tangent 71:2 tax 15:4 17:12 19:15,20,21 20:25 45:23 46:7,23 47:1,5 48:9,24 50:1,12,20 51:2,10 52:9 68:6,10,11 159:14 182:25 taxes 141:5 169:23,24 176:24,25 206:7,8 243:8,21 249:2,5 tdfs 125:13 128:9,	22 teach 64:17 ted 230:11,14,20 235:8 239:15 telephone 234:15 tells 139:19 ten 23:5,9 25:7 56:6,11 64:14,19,20 84:25 97:14 133:17 136:18 173:21,23 174:1,5 182:7 185:17 191:23 tenant 158:21 255:20 ten-million 84:19 term 184:25 terms 68:18 terri 253:4,5,5,6 testified 15:25 16:5 17:24 18:1 59:8 123:22 168:6 201:24 203:20 220:18 221:1,3 224:13 229:7 testify 10:10 66:6 105:17,18 120:17 135:4 140:14 220:11 255:13 testifying 8:21 testimony 8:7 13:23 20:4,17 21:15,16 59:15 169:8 231:16 that'll 197:13 theory 84:7 92:3 116:2,18 therefore 35:21 there's 26:18 59:15 69:23 71:8,11,14 77:9 83:13 101:21 119:24 125:14 161:4 185:5 200:17 205:24 209:11 240:19 248:12 250:7,12,17,17 they'll 185:9 214:19	they've 46:24,25 135:8,10 thief 105:4 thinking 47:21 third 68:13 242:8 thirty 63:15 172:23 180:4 183:1 thirty-eight 159:11 thirty-seven 180:4 though 18:25 43:17 59:16 150:20 225:5 230:6 thousand 23:4,10 25:8 32:3 46:2 48:5 49:8,10 54:7,15,17 55:14,20 56:4 59:5 63:15,19 81:13 82:7 83:7 84:16 96:20 97:3,5,11 107:20 143:7 147:13,24 148:16 159:11 160:8 162:12 165:7 174:21 177:24 178:13,24 179:16,23,24 180:2,5,22,25 181:10 185:3 188:21 190:5,6,8 199:4,12 241:6,22 246:19 thousands 187:7 three 12:3 17:2,4 23:4,9 25:7 38:1 39:7,12 40:20 61:22 62:2,6,8 80:18 84:15 88:24 93:19 101:18 151:8 159:15 172:7 174:21 175:23 183:6 212:22 213:1 230:7 244:1 thursday 154:23 156:23 189:7,10 201:11 216:23 tie 142:22 til 71:1 82:3,10 98:13 timely 101:16 tina 225:15,19,23,	24,25 226:9 227:1,24 228:10,14,24 229:22 230:11,23 232:5 233:20 239:13 246:22 title 50:20 77:18 135:19 195:13 202:19 204:11 205:3,25 208:1 209:1 210:13 titled 18:25 38:16 96:14,15 170:8,10,11 238:16 today 7:17,23 131:8 189:2 193:22 200:11 206:19 208:4 218:13,18 219:19 220:8,11,21 today's 208:20,24 together 14:17 15:10 183:12 took 16:15 139:23,24 169:20 201:15 top 26:21 27:2,7 147:7 229:14 tossed 136:6,7,16 total 22:1 54:6 178:14,14 totally 173:15 touch 252:8 tough 52:3 toward 48:19 180:6,6 towards 50:10 52:7 trace 153:20 tracey 253:2 track 183:9 transaction 14:9 52:9 191:10 195:11 224:21 transactions 48:24 220:19 221:11 224:17 transferred 92:2 169:2,5 206:1 207:2 209:2 travelers 23:19 24:	24 25:9 27:8 39:17 85:3,5,7,9 86:5 95:16 96:16,24 97:3,8,19 98:4 101:19 103:5,8,10 108:21,22 110:5 117:8 118:14,23 119:13,13 123:8,12 157:16 188:21 197:18,19 210:15,17 211:12 223:1 225:9,10 226:10,16,17 227:13 228:16,17 229:21,22 230:10,24 236:17 237:8,15,17 238:9,11 239:1,7 240:3,6,15,16 251:24 256:25 travelers' 96:18 103:13 treat 40:10,12,13,15 treated 74:20 trial 8:21 32:16 255:2 256:4,5 tried 28:11 62:16 77:22 108:4 121:8 138:11 171:18 219:1 234:25 246:17 249:16 trip 254:3,3 trouble 65:13 243:3 troubles 7:19 131:25 trucks 250:17 true 9:1 16:9,21 35:24 36:10 37:11 59:14 63:1,9 92:22 110:18 111:4 113:24 117:18 134:5 141:18 153:17 201:4 203:16 trust 24:1 181:20,23 182:8,9 trusted 200:5 truth 7:20,24 43:22 110:16 115:12 232:

MARION L. DRIGGERS

1 truthful 45:2,3 109: 2 113:19 115:18 try 14:15,21 15:8 39:22 58:8 64:17 117:11 131:24 141: 21 165:14 173:13, 14 184:19 249:22 250:20 trying 10:19 27:12 76:12 82:9 94:2 100:2 109:22 112: 16 113:15 132:4,6 164:11 165:4 168:8 173:19 176:14 180: 13 186:2 209:8,10 225:2 237:15 245: 24 turn 100:4 112:21 113:16 225:8,12 turned 77:22 188: 11 232:8 turns 187:12 twelve 39:15,16 81: 25 103:12 111:7 123:13 159:3,8 185: 2 215:5,6 twenty 165:6 241: 23 twenty-five 49:7,10 twenty-six 148:18 twenty-three 244: 3 twenty-two 233:2 twice 96:2 twisted 102:12,15 two 17:2 25:20 26: 7 54:19 82:15 124: 24 148:18 152:13 156:12 159:10 160: 8 161:4 175:21,22 188:23 201:14 230: 6 241:6,23 two-year 15:14 type 176:23 221:18 types 12:16 13:3,18	typical 249:13 U unauthorized 28: 19,25 106:11 214:3 undependable 59: 12,20 under 7:20,22 8:12 11:17 15:25 16:5 18:1,10 29:21 34: 25 35:15 36:15,22 40:24 42:15 43:15 46:4 48:4 49:5 50: 22 51:5 54:12 60: 24 63:19 64:22 66: 6 68:18 69:20 70: 19 73:25 75:17,20, 20 77:10 78:20 79: 20,25 81:17,20 102: 14 104:15 116:13 120:11 137:22,25 140:16,17 141:14 147:11 163:10 166: 2 168:16 178:2 179: 1 183:23 196:5,8,8 198:17 201:24 202: 14,18 204:8 205:23 206:22 207:1,12,21, 23,25 208:22 209: 18 211:7 219:20,21 244:21 understand 7:22 8: 4 11:25 14:18 15:1 16:19 18:21,22 19: 6,18 28:8 38:1 39: 11 43:5 57:25 58:1, 4 65:11 67:8,17 68: 11 70:20 71:6,7 72: 5 73:24 76:8 77:9 78:3 87:5,8 95:14, 25 122:12,14 133:3 141:23,24 176:4,21, 22,24,25 177:2 178: 22 186:2 193:10 194:2 196:1,2 216: 15 238:13 understanding 18:	20,24 28:7 34:1 65: 13 172:8 238:8 understood 7:15 39:4,6,13 51:14,24 52:9 77:14 94:21 100:22 101:3,6 113: 17 unethical 215:12, 14,15,23 unhabitable 246:8 unless 29:25 35:5 86:12 110:4 167:18 223:20 244:18 254: 3 until 56:6 67:23 80: 13 90:12 155:20 173:3 248:14,17 256:3 up 15:23 17:7,10 28: 1 49:1 50:3 58:1 70: 24 75:16 81:17 82: 5 83:5 84:14 85:14 86:8 99:2 102:7,9 113:15 136:20 137: 22 138:10 140:2,10, 13,20,24 143:11 148:18 150:8 151:8 154:23 156:15 157: 7 170:16 171:19 173:1 175:25 180: 14,20 186:9 198:14 200:17 218:17 219: 1 223:20 224:11 230:1,22 238:3 242: 25 247:14,19 248:4 252:10,12,14 254:3, 17 upped 21:25 upset 187:10,20 up-to 218:17 using 44:3 117:14 133:15 V vacate 64:24 66:13 vacated 245:20 valid 79:21 172:17	various 21:9 218:14 vent 58:1 verify 131:7 167:23 versus 199:17 violate 80:3,5 violated 62:10 80: 19 214:2 violates 32:1 56:23 57:5 214:16,17 violating 80:7 violation 126:20,23 127:2 214:13 vm 234:14 voicemail 234:14 W w.w 50:19 wait 53:9 56:10 68: 25 82:9 118:16,18, 20 147:24 150:3 155:22 201:11 240: 4 244:17 waited 118:23 waiting 41:8 76:21 118:13 wanted 23:6,8 79: 10 81:12,23 92:10 94:22 176:10 177:5 194:25 226:1 228:2 246:18 255:12 waste 254:2 way 9:3 18:22 19:6 28:10 43:21 49:15 51:17 58:18 67:18 68:11 69:13 77:3,3 78:5 82:18 87:18 95:13 101:21 110: 25 118:8 124:17 125:15 130:21 134: 14 135:10 136:4,16 138:12 214:8 232:3 248:16,16 249:23 252:11 wayne 222:12,19 229:11,11 ways 217:2 weather 202:16	website 127:10 weeks 82:15 whatever 8:3 11:23 50:15 51:13 54:23 63:22 93:6,9 94:11 95:9 98:2,2 146:9 177:7 189:6,18,18, 18 192:23,25,25 194:3 204:25 208: 21 231:8,23 235:20 244:1 255:23 where'd 201:23 whether 60:16 101: 21 125:19 126:13 192:21 whichever 199:24 who'd 96:16 whoever 95:22 102: 8 119:17 190:12 209:22,23 227:4 whole 39:16 71:3 77:9 189:22 201:9 whom 119:16 who's 20:15 40:17 77:11,19 183:13 254:20 why'd 85:23 wife 10:16,21 18:23 19:8 20:8,16 24:22 29:8 43:20 44:13 46:11,15 47:17 55: 19 58:23 61:3 62: 15 77:3 94:19 95:5 100:21 116:15 117: 6 126:2 130:19 137: 24 139:18,19 141: 11 142:15,21 143: 10 145:2,3,17 147: 15 148:6 151:10 154:23 158:15 160: 15 161:22 166:1 168:3,15 169:8 177: 17 182:2,25 186:19 187:19 189:7,14 191:16 195:4,5,24 200:14,16 201:24

MARION L. DRIGGERS

203:20 214:22 219:18,20 220:11 221:1 223:4 224:1,13 226:14 230:13 232:6 243:1 253:22 wife's 48:8 59:9 102:3 149:1 wilbur 101:18,20 119:2 198:2,3 224:10 242:11,11 will 7:12 8:7,9 9:18,20 32:8,15 34:22,22 35:5 40:15,15 54:13 55:8 56:4 57:17 58:6,16 64:20,23 68:18 139:3,4 140:14 154:23 155:14 165:4 168:14 william 72:10,11,12 74:13 williamsburg 18:4 72:15 132:18 willing 35:12 66:6 161:19 win 172:15 205:16 wipe 50:13 wiped 51:10,15 52:10 68:5 wipes 68:12 withheld 49:4 within 200:4 without 8:14 55:8 103:12 135:7 220:16 247:15 witness 220:16 257:22 won 34:4 107:22 wonder 149:7 152:18 woody 100:25 222:2,15 254:24 255:1,3,4,10,25 256:2,10,18 word 254:6 words 67:20 work 162:2,3 248:7,	8 worked 11:22 143:10 172:12 224:7 working 15:24 world 7:18 58:13 119:12 124:2 132:13 195:15 202:5 worry 98:20 164:23 worth 16:25 107:21 141:10 183:6 would've 61:11 83:5 98:8,9,10,11,15,17,18 102:23 123:1 138:10 173:5 190:1 206:2,4,17,18 224:1 226:6 228:6 238:1,14,18 239:4,24,25 240:10 248:15 257:7 write 58:18 96:16 107:7 158:7 writes 222:25 writing 64:24 65:1,18 66:12 79:14,14 106:7 239:6 written 12:16 13:3,9,18 65:23 66:9 213:19 216:10 wrote 27:7 76:14 93:18 111:13 158:7 170:25 171:1 188:19 203:18 ww 226:23 Y y'all 38:11 39:9 42:5 54:18,25 57:4 58:18 66:18 77:5 84:4 85:23 88:15 89:10 92:2 93:16 94:24 95:6 135:25 171:10 193:23 200:17 226:14 227:2,10 228:20 230:5 237:21 240:13 242:19 245:7 year 15:16 16:17 147:11 160:11 161:	8,13,18 167:19 169:19 years 32:4 38:1,8,20 39:7,12,16,23 40:20 54:20 61:22 62:2,6,8 70:25,25 77:18 80:11,18 81:25 88:20,22,24 89:1,9 90:6,7,8,11,20,22 91:7 94:12 101:18 103:12 104:5 111:7 123:13 134:6 138:8 145:9 172:12 183:1 185:2 208:12 212:22 213:1 215:5,6 220:4 248:16 249:6 254:12 255:15 yellow 148:25 232:12 233:14 yep 124:22,22 yesterday 9:5 young 174:4,6 yourself 23:22 25:15 26:15 27:11,19 35:8 38:22,23 40:13 50:8 52:5 67:6,11 93:7 94:18 107:6 115:10 119:7 131:15,24 137:18 177:11 193:20 220:13 229:20 240:3 Z zero 80:9 149:25 151:2,3,4 152:3,4,7,8,9,10 209:23 zeroes 152:11

State of South Carolina) In the Court of Common Pleas
)
 County of Williamsburg) Case No: 2014-CP-45-132

South Carolina Farm Bureau Mutual Insurance Company,)

Plaintiff,)

vs.)

Marion L. Driggers, Shiralee Driggers, Tammy D. Floyd, Auther
 McKenzie, a/k/a Arthur McKenzie, The Travelers Home and Marine
 Insurance Company, The United States of America acting by and
 through its agency, The Internal Revenue Service and The South
 Carolina Tax Commission,)

Defendants.)

THE DEPOSITION OF SHIRALEE DRIGGERS

Thursday, April 15, 2021
 10:03 a.m. - 1:16 p.m.

The deposition of SHIRALEE DRIGGERS, taken
 on behalf of the Plaintiff, was taken before
 Sharon B. Brock at the Corbin Law Firm,
 located at 227 W. Evans Street, Florence, South
 Carolina, on Thursday, April 15, 2021.

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INDEX

EXAMINATION OF WITNESS: PAGE

SHIRALEE DRIGGERS

Examination by Mr. Hudson 7
 Examination by Mr. Pritchard 80
 Re-Examination by Mr. Hudson 143
 Re-Examination by Mr. Pritchard 145
 Certificate of Court Reporter 147

EXHIBITS

Exhibit Number 1
 EUO 7
 Exhibit Number 2
 Prior Deposition 7
 Exhibit Number 3
 Insurance Application 7
 Exhibit Number 4
 Proof of Loss 7
 Exhibit Number 5
 Contract 49
 Exhibit Number 6
 Tax Receipt 2020 81

Sharon Brock Court Reporting

Post Office Box 32157
 Myrtle Beach, South Carolina 29588
 (843) 685-7179

CONTINUATION OF EXHIBITS:

Exhibit Number 7
 Purchase 83
 Exhibit Number 8
 Note \$15,000 Mortgage of Real Estate 85
 Exhibit Number 9
 Tax Sale Deed 87
 Exhibit Number 10
 Deed to Askins 90
 Exhibit Number 11
 Deed Dibble to Matthews 94
 Exhibit Number 12
 Cashier Check copies 99
 Exhibit Number 13
 Cashier Check copies 100
 Exhibit Number 14
 Satisfaction Transaction 101
 Exhibit Number 15
 Special Power of Attorney 102
 Exhibit Number 16
 Worksheet from Farm Bureau 104
 Exhibit Number 17
 Insurance Pages of Farm Bureau 112
 Exhibit Number 18
 Last Will of Elise Matthews 116

Sharon Brock Court Reporting

Post Office Box 32157
 Myrtle Beach, South Carolina 29588
 (843) 685-7179

CONTINUATION OF EXHIBITS:

Exhibit Number 19
 Deed Matthews to Floyd.....117
 Exhibit Number 20
 Contract for Sale/Purchase.....123
 Exhibit Number 21
 Assignment of Interest.....126
 Exhibit Number 22
 Farm Bureau Premium Payments.....128

Sharon Brock Court Reporting

Post Office Box 32157
 Myrtle Beach, South Carolina 29588
 (843) 685-7179

STIPULATIONS

Pursuant to the Notice and/or consent of the parties, the deposition herein captioned was conducted at the time and place mentioned before Sharon B. Brock, a Notary Public and Verbatim Court Reporter in and for the State of South Carolina.

The deposition was taken for use in accordance to the South Carolina Rules of Civil Procedure unless herein stipulated and agreed to by the parties.

The reading and signing of the deposition by the deponent was waived by the deponent.

1

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**EXHIBIT NUMBERS 1 THROUGH 4
 MARKED FOR IDENTIFICATION.**

SHIRALEE DRIGGERS, HAVING BEEN DULY
 SWORN, WAS DEPOSED AS FOLLOWS:

EXAMINATION**BY MR. HUDSON:**

Q: Ms. Driggers, Attorney Dwight Hudson representing South Carolina Farm Bureau Insurance Company. We've met before, maybe at this same table, I can't remember exactly, and I think maybe talked a time or two, so we're familiar with each other and the issues involved and that type thing. So, I'm here today to find out if this loss that occurred back in 2009 with a home with ownership interest in both, I think your daughter and Arthur McKenzie, as best we can tell. So, anyway, that's our best guess at this time. I have handed you, before we started when everybody was chatting and reintroducing themselves, even though we all know each other, a copy of your EUO with the exhibits that was taken 2013, I believe, and then a copy of your

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 (843) 685-7179

deposition that was done in 2016, and I believe got further along than I actually remembered the other day that it lasted, but it was interrupted and not completed at that time because of some various evidentiary problems that came up. And, then, I've handed you, I think, a application for this policy. As best we can tell, that this came up from Underwriting and Mr. Randall Graham formerly at Lake City, who now has worked for Farm Bureau and has for several years, that that's been identified as, we think, as the original application for this policy when it started, and also the Proof of Loss that was filed in 2013, I think, by either you or your husband or both or your daughter. Do you recognize those documents? Have you got any problem with them? You have copies of all of them.

A: I have seen them.

Q: Okay, great. All right. And we pre-marked those, and so if you'll hand them back to me, and if I ask you a specific

25

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question, I'll hand them back to you, because it doesn't look like you brought any paperwork, did you?

A: No, sir.

Q: All right. Okay. The EUO has been pre-marked Exhibit Number 1. The deposition in 2016, the transcript, has been marked as Exhibit Number 2. The application for the policy, two pages, has been marked as Exhibit 3, three pages? Where's the other two? I've just got one page here. Well, we got some logistical problems here, because I know we had them, didn't we? Exhibit Number 3, the application is two pages, and Exhibit Number 4 is the Sworn Statement and Poof of Loss, which is two pages, and that's all that were pre-marked. If we have anymore, we'll just mark them at the time. Okay. Well, let's start off both as a new deposition and as a resumption of the previous deposition. At the beginning, I suppose, let me, again, have your full legal name and address, please, ma'am.

A: Shiralee M. Driggers, 3497 Hebron Road,

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Lake City, South Carolina.

Q: Okay. Can you give me your birth date and age right quick for identification?

A: 6/28/49, seventy-one.

Q: Okay, good. All right. And I'm not sure we got into some details on all this, give me your educational background, that's kind of a broad question, ---

A: Yes.

Q: --- and work history. Most people kind of went to high school and maybe started work after that, maybe went to some schools or training or whatever and then work history. Let me just get you back here to start at the beginning and give me that, give me your educational background.

A: High school education, went straight to work.

Q: Lake City?

A: Olanta.

Q: Olanta, okay, Olanta High School.

A: Yeah.

Q: Is that right? Okay. You went straight to work. Give me your work history, kind

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of with who and kind of what you did with those employments.

A: My first job is the City/County Identification Office of Florence. I worked there several years. I don't remember the years.

Q: Identification office? Explain, what do you do, just job duties, I'm not ---

A: That's where people were fingerprinted and photographed and ---

Q: Some kind of ---

A: --- recorded. Yeah.

Q: Some kind of a police department function?

A: Uh-huh, yes.

Q: So, you worked with the sheriff's department or Lake City Police Department?

A: City/County ---

Q: City/County?

A: --- of Florence, City/County ---

Q: Of Florence?

A: --- Identification Office, yeah.

Q: I got you, okay. Well, how long did you have that job?

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A: Don't remember.

Q: Approximately?

A: Six or eight years.

Q: Okay. Where did you go from there?

A: Maybe Merritt & Tomlinson in Scranton.

Q: I'm not from around here, so ---

A: That was a concrete plant, Merritt & Tomlinson, a concrete company, uh-huh.

Q: Concrete company?

A: Yes.

Q: And what were your job duties there?

A: Bookkeeping.

Q: All right. Back up a little bit, you went to work, you didn't have any secondary education after high school?

A: No, sir.

Q: Nothing formal?

A: Nothing formal.

Q: Everything was on-the-job training, so to speak?

A: On-the-job training. I think I took an accounting course one time at ---

Q: Well, tell me about those.

A: Tech school or whatever. It was in Lake City.

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1 Q: Was that a year or two years or what?
 2 A: One year.
 3 Q: One year?
 4 A: No, not a year.
 5 Q: One semester?
 6 A: A class, okay.
 7 Q: A class?
 8 A: Uh-huh.
 9 Q: Okay. Did you get some kind of
 10 certificate or accounting?
 11 A: I don't remember.
 12 Q: Well, when was it, approximately? Just
 13 give me your best dates and shots on
 14 these.
 15 A: '76.
 16 Q: Okay. All right. And after the concrete
 17 company, how long did you work there and
 18 where did you go?
 19 A: This was a long time ago now.
 20 Q: It is. Well, you're holding up well.
 21 You certainly don't look your age that
 22 you quoted, so we won't be checking
 23 driver's license, but just bring me up to
 24 speed.
 25 A: Concrete company, then I went to Brown &

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1 Q: Insurance would be property, casualty,
 2 life, all types of insurance?
 3 A: All types of insurance.
 4 Q: Workers' Comp?
 5 A: I didn't work in the insurance department
 6 now; I just did the payroll and
 7 bookkeeping part.
 8 Q: Okay. Well, if you did the bookkeeping,
 9 what did that entail, I mean, it seems
 10 like you keep books on everything, so
 11 when you did bookkeeping, what areas of
 12 Brown & Company's business did you keep
 13 the books on? I would assume in all
 14 phases of the business books were kept,
 15 ---
 16 A: Yeah.
 17 Q: --- records, so tell me what you did.
 18 A: I paid bills.
 19 Q: You mentioned rentals.
 20 A: Yeah.
 21 Q: Okay. You paid bills.
 22 A: Yeah.
 23 Q: Go ahead and give me some specifics.
 24 A: I paid bills, posted expense, did
 25 payroll.

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1 Company, I think.
 2 Q: Okay. And Brown & Company have kind of
 3 been mentioned in this matter that we're
 4 here today about previously in just
 5 various ways. Tell me about Brown &
 6 Company, what were your job duties there
 7 and ---
 8 A: Accounting.
 9 Q: --- what do they do?
 10 A: I did the accounting work at Brown &
 11 Company. I did not do insurance or real
 12 estate. I handled the rental part of his
 13 business and then the accounting.
 14 Q: Okay. Well, let's back up. Let me find
 15 out who they are. Who is Brown &
 16 Company? Who's Mr. and Mrs. Brown?
 17 A: Wilbur Brown.
 18 Q: Wilbur Brown, and they're located in Lake
 19 City?
 20 A: Lake City.
 21 Q: All right. And tell me their businesses,
 22 what did they engage in?
 23 A: Insurance.
 24 Q: Insurance?
 25 A: Real estate.

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1 Q: Generally, how many employees are we
 2 talking about when you say you did
 3 payroll, just roughly, highs and lows?
 4 A: Probably five.
 5 Q: Five? All right. Go ahead, payroll, you
 6 paid bills on all the companies, all of
 7 the Brown enterprises or ---
 8 A: Yes.
 9 Q: --- areas of business? What else? Does
 10 that, pretty much, cover it?
 11 A: That was enough.
 12 Q: Okay. How long did you do that,
 13 approximately?
 14 A: Six years, ten years.
 15 Q: Well, that's a big spread there,
 16 A: Yeah.
 17 Q: For how long did you work at Brown's, I
 18 mean, six to ten years?
 19 A: I could try to associate it with
 20 something, but I just, I just have no
 21 idea. It was more than a year, okay?
 22 Q: It was more than a year?
 23 A: Yeah, and less than twenty.
 24 Q: And less than twenty?
 25 A: Yeah.

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1 Q: That ought to cover it.
 2 MR. PRITCHARD: THAT WAS MORE LIKE A
 3 SENTENCE, SHIRALEE.
 4 Q: Okay. So, after that one year or twenty
 5 years, where did you go in employment?
 6 A: Home, home.
 7 Q: Okay. That's the biggest job. Was that
 8 raising children?
 9 A: No, to work at work, to do my own ---
 10 Q: Home to work?
 11 A: Uh-huh.
 12 Q: So, you had a home office?
 13 A: Uh-huh.
 14 Q: And what were you working -- what were
 15 your business pursuits at home?
 16 A: Tax business and rental business.
 17 Q: And be more specific on tax business,
 18 what did you do?
 19 A: Individual tax returns for people.
 20 Q: Individual tax returns, State and
 21 Federal?
 22 A: State and Federal.
 23 Q: Where did you get your expertise in that
 24 before you went into business for
 25 yourself to be able to have a business

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1 Q: So, you were married to Mr. Driggers at
 2 that time when you went home and started
 3 your own business as a tax return and
 4 rental properties and things associated
 5 with rentals?
 6 A: Yes, sir.
 7 Q: Okay. Well, tell me what the rentals job
 8 duties entailed, kind of be as specific
 9 as you can, and if it evolved, you know,
 10 just start at the beginning and tell me
 11 about that.
 12 A: If I'm not too far off, I think we
 13 started buying property in the '80s.
 14 Q: Okay.
 15 A: Okay. And it would involve getting it
 16 fixed up, ready to rent.
 17 Q: Would you be doing it for any other folks
 18 other than you, your husband and/or your
 19 family members?
 20 A: No.
 21 Q: Just personal?
 22 A: Just personal.
 23 Q: Not commercially, you weren't advertising
 24 to the general public rental services?
 25 A: Not a property manager.

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1 commercially doing that?
 2 A: No expertise, just trial and error, just
 3 enjoyed doing taxes.
 4 Q: Did you do them for Brown?
 5 A: No.
 6 Q: You didn't do them for the City of
 7 Florence or whoever they were?
 8 A: No.
 9 Q: Okay. So, you just went and started
 10 doing taxes on your own ---
 11 A: Yes.
 12 Q: --- without any real prior experience?
 13 A: That's right.
 14 Q: And you mentioned rentals, right?
 15 A: That's right.
 16 Q: Okay. Well, whose rentals and what type
 17 of rentals?
 18 A: Residential.
 19 Q: Residential?
 20 A: Yes.
 21 Q: And whose rentals would they be, who were
 22 the landlords that you were working ---
 23 A: We are.
 24 Q: For the Driggers Family?
 25 A: Driggers, yes.

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1 Q: Or a property manager. All right. So,
 2 during that rental, and we'll call it
 3 property management as well, because
 4 that's what you're talking about, you're
 5 mainly dealing with rental properties and
 6 maintaining those rental properties?
 7 A: That's right.
 8 Q: That would be correct? Were you also
 9 selling real estate, I mean, would y'all
 10 sell things if folks came along and
 11 offered you something, would you sell it?
 12 A: We sure would.
 13 Q: Did you sell, frequently, pieces of
 14 property as opposed to just renting them?
 15 A: Sold some.
 16 Q: What percentage would you say you sold
 17 out of the properties that you generally
 18 handled?
 19 A: One percent.
 20 Q: One percent? So, it was primarily a
 21 property management rental business?
 22 A: Rental business.
 23 Q: Okay. And what did you do with your job
 24 duties with that, what were you
 25 responsible for in that property

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management business?

A: Everything.

Q: Okay. Tell me what everything is.

A: Well, buying a piece of property, getting it ready to rent, renting the piece of property, then collecting the rent on the piece of property, doing any repairs that was called in while people lived in it. We prepared the leases for them, in general, just managing the property.

Q: Okay. So, it sounds like y'all would go out and buy rental properties or properties that you were going to rent?

A: That's right.

Q: Even though there might be some fixing up, work to get them suitable?

A: Always.

Q: And would you be involved in the closing with the closing attorney and all the legal matters and documentation involved with the purchase?

A: If that were the case, yes, sir.

Q: Would your husband, Marion Leroy Driggers, would he be involved as well, both of you or just one of you or

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jointly?

A: Probably either/or.

Q: Okay. So, both of you could do the same things ---

A: Yes.

Q: --- as far as purchasing the property?

A: Yes.

Q: And did you deal in fixing up the properties with contractors, repairmen, folks to get it in order to rent?

A: Yes, sir.

Q: You did that?

A: Yes, sir.

Q: Would you do the contract and agreements to pay these folks?

A: No contracts, Mr. Hudson, you just picked up who you could and got the work done and paid them.

Q: Everything was kind of verbal and on a handshake and ---

A: It is.

Q: --- such as that or whatever was available to jot something down; is that about it?

A: That's it.

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Q: Did you buy the materials or would the contractor buy them or either one, either way?

A: I would furnish materials.

Q: You would?

A: Yes, sir.

Q: All right. Did you handle the insurance on the purchase and the maintenance and management of the properties; would you handle the insurance?

A: Most of the time.

Q: All right. And what insurance companies would you deal with, obviously Farm Bureau was involved?

A: Obviously, yes.

Q: Any other companies?

A: I was with Brown & Company at one time through -- I forgot the name of the insurance company.

Q: Are you talking about an independent agency or a company?

A: The company.

Q: Brown was an independent agent for insurance, correct, were they selling insurance? They were an independent

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agent maybe for several different companies?

A: Yes.

Q: Is that right? And you had purchased insurance through them, for the various companies they represented?

A: I did. I can't remember the name of the insurance company, but they had this one company that would cover all your property on one spreadsheet, you know, I mean, you just added property as you bought it, and then when they lost that company, I think is when I went to Farm Bureau.

Q: You don't remember the name of that company?

A: I'm trying. I can't ---

Q: Well, it sounds like to me maybe -- I'm not sure I understand exactly right, but when you were working with Brown & Company, you and your husband were getting into the rental business even then, right, so you were dealing with insurance personally for yourself and your family even before you went home and

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1 basically started your own business.
 2 Would that be a fair statement? You were
 3 still employed with Brown & Company when
 4 you ---

5 A: Yes.

6 Q: --- were buying rental properties?

7 A: I was.

8 Q: Okay. And, so, how many properties are
 9 we talking about that you, say, when
 10 y'all started and that you have now, how
 11 many properties are we talking about that
 12 you would've been dealing with insurance
 13 issues and policies, approximately? I
 14 know you ---

15 A: You're talking ---

16 Q: If you know the exact number, tell me,
 17 but, you know, just the high and the low
 18 and now, tell me, tell me the number of
 19 properties that have insurance that
 20 you've handled and secured on those
 21 properties.

22 A: Well, naturally, we started with one
 23 piece, and then just continued to buy
 24 during that time, and I would probably
 25 say we have seventy pieces now. I'm not

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1 sure on that, either.

2 Q: So, you have seventy now and they are
 3 located, generally, in what physical
 4 areas?

5 A: Lee County, Clarendon County, Florence
 6 County, Williamsburg County. You want
 7 towns?

8 Q: Okay.

9 A: Olanta, Lake City, Florence, Myrtle
 10 Beach.

11 Q: What's the most properties you've had, if
 12 you can remember? Have you had as many
 13 as, let's say two hundred?

14 A: No.

15 Q: Been pretty much about what you have now,
 16 seventy, thereabouts, pretty close?

17 A: May have had a few more at the time when
 18 we had a lot of mobile homes, not houses,
 19 but there was a time we had a larger
 20 number of mobile homes.

21 Q: In these rentals and/or property
 22 management, would you be into property
 23 financing on a regular basis?

24 A: Not on a regular. We do have some that
 25 was on installment sales.

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1 Q: To what extent, when you say, "We had
 2 some," how many are we talking about?
 3 Out of seventy, how many would you say?

4 A: At one time?

5 Q: Yes.

6 A: Probably six.

7 Q: And in that property management and
 8 rental business that you're describing to
 9 us, you were in charge of collecting the
 10 rent; would that be a fair statement, or
 11 who was in charge of actually collecting
 12 the rent on each of those properties,
 13 you, your husband, your daughter, a
 14 combination?

15 A: I probably did more of it than he did,
 16 because he was tied up doing something
 17 else. It was years that he worked at the
 18 service station. People would take rent
 19 to the service station, but when he
 20 worked there, he was not out collecting
 21 rent, okay, so that would've been my job.

22 Q: So, his involvement, his being Marion L.
 23 Driggers, would be basically because he
 24 ran a service station and was there most
 25 of the time, tenants would bring, often

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1 bring their payments by the service
 2 station and give them to him?

3 A: Some of the Lake City tenants.

4 Q: Right. How about these in Williamsburg,
 5 I'm sorry, Florence, Clarendon, Horry,
 6 the other places you listed, how'd you
 7 get their rent?

8 A: Hopefully, they would mail it in.

9 Q: Mail it in, all right. And you would
 10 keep the books on all that?

11 A: Yes.

12 Q: All right. And would you keep up with
 13 the insurance on those properties?

14 A: Tried to.

15 Q: What do you mean, tried to, was there any
 16 difficulty in knowing what insurance you
 17 have?

18 A: Yes.

19 Q: What would be the difficulties?

20 A: Just always remembering to insure
 21 something or keep the payments going or
 22 whatever.

23 Q: Sounds like maybe you were handling the
 24 financial end of these rentals, what was
 25 your husband primarily doing, if

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1 anything?

2 A: During a certain period of time, he was

3 running the service station.

4 Q: Exclusively and not involved in the

5 rentals at all other than getting an

6 occasional payment?

7 A: Not very much.

8 Q: How long would that last, and did that

9 involve any of the time periods we're

10 involved here from, say, the mid '90s up

11 to today's date?

12 A: I'm going to think he closed the station

13 in '15, 2015.

14 Q: All right. So, after he closed it, he

15 would've been more active?

16 A: Yes.

17 Q: Okay. What we're dealing with here has

18 been going on since the fire loss, I

19 suppose, in 2009.

20 A: Yeah.

21 Q: What would he have been doing in 2009 in

22 the business of managing and dealing with

23 tenants, such as Mr. McKenzie?

24 A: Well, he was always involved in the

25 decision-making, okay, but as far as

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1 A: Bookwork, no.

2 Q: No? As far as accounts and y'all's

3 expenses, it's my understanding you had

4 maybe several LLCs, things like that, for

5 various reasons and different properties;

6 is that correct?

7 A: That's correct.

8 Q: Okay. And why would you have so many

9 different LLCs, particularly, in the

10 rental business, why?

11 A: It should protect you from being open to

12 every piece of property you have should

13 there be a lawsuit, yeah.

14 Q: All right. So, that's the reason, just

15 for limited liability exposure?

16 A: Limited liability, LLC.

17 Q: Okay. And that's why you would form

18 multiple LLCs?

19 A: Yes, sir.

20 Q: And who would do those for you, you,

21 would you arrange those or would Mr.

22 Driggers with the attorneys?

23 A: I'm going to say both on that.

24 Q: Both of you would?

25 A: Uh-huh.

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1 going out and repairing a house or

2 anything like that, he did not do much of

3 that during that time. There was a

4 period in there that Spencer ran the

5 station. Spencer is my son. The period

6 in there that Spencer ran the station

7 that Roy, what you call Marion L.

8 Driggers, did not have to stay down there

9 so much, so he was still available to do

10 some things.

11 Q: All right. When you say available to do

12 some things, what things, in the

13 accounting end of it, financial end of,

14 ---

15 A: In the ---

16 Q: --- bookkeeping end of it or ---

17 A: --- air-conditioning and electrical and

18 that kind of stuff.

19 Q: Sounds like you're talking about hands-on

20 maintenance and upkeep of the properties?

21 A: Yes, sir.

22 Q: But he didn't have anything to do with

23 the books and the insurance, ---

24 A: Bookwork?

25 Q: --- financial part of it? Yes.

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1 Q: And what attorneys would you normally

2 use?

3 A: I think it was Kim Turbeville.

4 Q: Okay. This particular real estate that

5 we're dealing with now, you're familiar

6 with it, its location?

7 A: Name the piece of real estate, please.

8 Q: You're not familiar with what we're here

9 today about, the Arthur McKenzie -- I

10 call it the Arthur McKenzie real estate,

11 at least formerly?

12 A: Yes.

13 Q: Are you familiar with it?

14 A: I am.

15 Q: Okay. Have you ever been on that

16 property?

17 A: Yes, sir.

18 Q: You have? When's the last time you were

19 actually on the property?

20 A: I can't tell you that, either, but it was

21 before the fire damage. I have not been

22 to it.

23 Q: It was what?

24 A: It was before the fire damage.

25 Q: All right. Roughly, how long before

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that, I mean, that was 2009, and I think this has been going on since the '90s?

A: When Arthur first built the house, I helped him with some of the, buying the furniture and everything in the house, so that's when I was going over there. So, that would've been in whatever year the house was built.

Q: Who all was involved in building the house?

A: He built the house.

Q: So, it was, pretty much, all Arthur McKenzie building the house? How would you get involved in buying furniture for Arthur McKenzie?

A: Because I was keeping Arthur's books at some point there and making his payments.

Q: His business?

A: Yes.

Q: And making his payments, what do you mean, making his payments, on the house or all of his business payments?

A: His other -- furniture payments.

Q: His what?

A: His furniture payments.

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Q: I'm not sure I understand. Why are you involved in making his furniture payments?

A: Simply because Arthur's credit was not good and I assured them at Jordan Furniture Company if they would let Arthur have the furniture that I would make sure they got their payments 'til the furniture was paid off.

Q: Okay. And did you have to make any payments for Arthur?

A: Yes.

Q: You did? Approximately how much and is any still owed?

A: None is still owed, and I don't remember how many times if Arthur didn't have the money to make the payment and I made it for him, because I gave my word to Jordan Furniture Company.

Q: Would you add that to what he owed you?

A: Not on the house, no.

Q: How would you collect it, a separate account?

A: Separate.

Q: Do you have records on all of that?

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A: Not now.

Q: Where would they be or what not?

A: I'm through with it.

Q: So, you just discarded them?

A: Yes.

Q: After a certain length of time?

A: Yes.

Q: All right. I would assume that would've been back in the '90s when he was buying furniture for the house, because he'd been in that long, correct, I mean, it had been built in the '90s?

A: I don't remember the year.

Q: Any other involvement with you and/or Mr. Driggers in the Arthur McKenzie house other than helping him buy furniture?

A: No. As far as the construction of the house or anything like that, no.

Q: Were you involved in the transactions that took place, apparently, with Arthur McKenzie in this house as a result of a tax sale taking place and ownership or at least title to the property eventually winding up in your daughter, Tammy Floyd's name? Were you involved in any

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of those legal transactions or issues?

A: Yes, sir.

Q: Okay. So, you had full knowledge of all of those as they were happening?

A: Yes, sir.

Q: Were you pretty heavily involved or were you just kind of leaving it primarily up to Mr. Driggers and would show up when he said, "You need to sign this or that?"

A: I really don't know how to answer that.

Q: Well, were you involved in any of those legal proceedings in a decision-making capacity?

A: Some of them.

Q: Tell me which ones and what you remember about it.

A: Arthur's house was sold for taxes and somehow, and I'm not going to remember all this, but we were contacted by W.W. Dibble that he had bought the house for taxes.

Q: And? Go ahead, just ---

A: And he wanted to know were we interested in buying it from him, and ---

Q: How did you respond? What happened after

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1 that?

2 A: Well, apparently, we decided to buy it
3 from him, and then that's when all those
4 transactions started.

5 Q: Did you make that decision or Mr.
6 Driggers or both of you to buy it?

7 A: I guess both of us.

8 Q: At that time, was Mr. -- at the time of
9 the tax sale, was Mr. McKenzie making
10 payments to y'all on the house?

11 A: Yes.

12 Q: Do you remember how much those payments
13 were at the time the tax sale issues
14 arose?

15 A: I think his payment was like seven
16 hundred dollars.

17 Q: Okay. Was he current at that time? He
18 apparently wasn't current with his taxes,
19 so.

20 A: That's right, he was not current with me
21 nine-tenths of the time.

22 Q: Okay. Do you remember at that time when
23 it was sold for taxes how much taxes he
24 owed, what was involved with the taxes?

25 A: Property taxes?

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1 Q: Correct.

2 A: No, but it had to be at least two years
3 for it to be sold.

4 Q: Do you know what the total of those taxes
5 that were owed and he was in default,
6 what those taxes totaled?

7 A: I do not remember.

8 Q: Okay. But at that time y'all were -- was
9 Mr. McKenzie paying on a Land Sales
10 Contract at the time it was lost for
11 taxes or was he just paying rent or what?
12 Can you tell me what the legal status was
13 with Mr. McKenzie and payments? What was
14 the legal arrangement at that time?

15 A: Have you got the year Dibble ---

16 Q: Say again.

17 A: Have you got the year that Dibble sold it
18 to us?

19 Q: It's in the '90s here.

20 A: Yeah.

21 Q: I've got it somewhere, but ---

22 A: In the '90s?

23 Q: --- I can't put my hand right on it.

24 A: Okay.

25 MR. PRITCHARD: OFF THE RECORD.

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1 ****OFF THE RECORD****

2 (ON THE RECORD.)

3 MR. HUDSON CONTINUES:

4 Q: So, what was the arrangement? I guess my
5 last question was, what was the
6 arrangement at the time of the tax sale?
7 I guess that's when Dibble would've
8 become involved. What was the
9 arrangement y'all had with Mr. McKenzie?
10 Did you have a Land Sales Contract, was
11 it just rent, and what was the status of
12 that ---

13 A: It was a mortgage at that time.

14 Q: Say again.

15 A: Had a mortgage on it at that time.

16 Q: Explain. You had a mortgage? Who had
17 the mortgage, Mr. McKenzie or y'all had
18 taken a mortgage or --

19 A: Yes, I think so.

20 Q: Who was the mortgagor and who was the
21 mortgagee?

22 A: In '91, we had a mortgage on that house
23 that was sold for taxes.

24 Q: Who's we, you and -- the Driggers family?

25 A: Yes, the Driggers.

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1 Q: All right. And how was it titled at that
2 time, Mr. McKenzie's name?

3 A: Possibly so.

4 Q: Okay. And y'all had a mortgage?

5 A: Mortgage.

6 Q: Okay. Were y'all the mortgagors or was
7 it an independent mortgagor? And I'm
8 trying to get the ownership interest
9 squared away sequentially because so many
10 things have happened with it. I'm going
11 back to, what was the legal arrangement
12 with you and Mr. McKenzie and was it a
13 rental contract, was it a Land Sales
14 Contract or whatever at the time it was
15 sold for taxes?

16 A: It was a mortgage on his house.

17 Q: Y'all were the mortgagors, McKenzie was
18 the mortgagee?

19 A: Yes.

20 Q: So, y'all had loaned Mr. McKenzie money
21 on a property that he owned and he was
22 paying you mortgage payments?

23 A: Yes, sir.

24 Q: You were not on a Land Sales Contract?

25 A: No.

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Q: What were those mortgage payments back then under that arrangement, what were they?

A: I think it was seven hundred dollars a month.

Q: Still seven hundred? Pretty much, been seven hundred or pretty close to it the entire many years of this relationship and arrangement with Mr. McKenzie; is that right?

A: Probably.

Q: Okay. The property was in what name at that time, McKenzie?

A: I think so.

Q: Okay. It's been in several names and I was just trying to go back and see what you remembered about the records and the different names it's been in. I think he had a girlfriend or two involved, it seems like, different times. Who took out the insurance policy with Farm Bureau, you or Mr. Driggers or both of you, whatever? And I'm going to show you Exhibit Number 3, it's two pages and I think you've identified it, and as best

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we can tell, that's most probably the original application on this particular piece of property.

A: It probably is, and I would assume that I took the insurance.

Q: Okay. And look at the questions on there and all the questions and how you answered them, and would you have answered those questions?

A: I did not answer any of those questions. It was filled out when it came to me, and I signed it right there.

Q: Now, you're going to have to explain that.

A: I signed it.

Q: You did not go in and get this? How was it done?

A: No, sir, I called Woody Feagin, your agent, and asked him to add insurance on it.

Q: Okay. What information did you give Mr. Feagin about the ---

A: The address, and he would say, "How much coverage do you need?"

Q: What information did he have about the

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status of the house as far as Mr. McKenzie is concerned and the ownership and the tenancy and amounts owed on it?

A: He didn't ask me any of that, he just asked how much coverage we needed.

Q: You said it came to you filled out, did you read it before you signed it?

A: No, sir.

Q: No?

A: No.

Q: Is that the way you normally do business with insurance contracts, you don't read them?

A: I don't.

Q: All right. How about rental contracts and Land Sales Contracts, do you read those before you sign them?

A: I do. I do.

Q: Who prepares those for you, ---

A: I do.

Q: --- the Land Sales Contracts? You prepare them, the Land Sales Contracts?

A: Most of the time.

Q: Where did you get the expertise to do that?

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A: Never claimed to have expertise. The know how is just from previous contracts.

Q: Well, how did you do the first one?

A: Probably had somebody do it for me.

Q: A lawyer?

A: Yes.

Q: You don't remember who that might've been?

A: No, maybe Sam Floyd's law office in Kingstree.

Q: Exhibit Number 3, I think, when you got insurance on that, you were insuring the house, right, ---

A: Yes, sir.

Q: --- as owner?

A: Yes, sir.

Q: And did you advise Mr. Feagin that you had a Land Sales Contract or that it was being sold and there was a rent to own arrangement of any sorts at the time?

A: Did not ask. All I had to ask was for them to put insurance on it.

Q: So, you didn't read the application really before you signed it. I would assume that you didn't read the insurance

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policy either?

A: No.

Q: Okay. Have you since read the insurance policy?

A: No.

Q: Okay. Do you remember being involved with the order of Judge Shuler's, which really kind of incorporated a contract with Mr. McKenzie in the '90s about insurance being taken out and who was responsible for it and what the payments would be on the Land Sales Contract and the default provisions; do you remember reading that?

A: I didn't do that.

Q: Well, as the exhibit showed -- I didn't mark that. Have you reviewed that lately? I'm going to show it to you. I don't believe we've actually -- this is actually Exhibit 5 in Mr. Driggers' deposition that we started Monday. This is what I'm talking about. It's a Contract For Sale and Purchase, and it looks like on page nine of that contract, you tell me if you recognize that

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contract, looks like you signed it and Tammy Floyd has signed.

MR. PRITCHARD: LET ME INTERRUPT. ARE WE JUST CONTINUING WITH EXHIBIT NUMBERS FROM ROY'S?

MR. HUDSON: WELL, LET HER IDENTIFY IT AND I'LL MARK IT AS A NEW EXHIBIT HERE.

MR. PRITCHARD: CAN WE MARK THAT OTHER ONE AS A NEW EXHIBIT. I'M JUST TRYING TO FOLLOW.

MR. HUDSON: I'M GOING TO MARK IT AS A NEW EXHIBIT AND IT'LL ALSO BE NUMBER 5 IN ---

MR. PRITCHARD: AND WHAT ABOUT THIS ONE, IS THIS ---

MR. HUDSON: THAT'S 3. THAT'S ONE MARKED PREVIOUSLY.

MR. PRITCHARD: OKAY. I'M JUST TRYING TO GET MYSELF STRAIGHT.

MR. HUDSON: YEAH, WE STARTED A NEW

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MR. PRITCHARD: NUMERICAL SYSTEM HERE. I'M WITH YOU, AND I HAVE NO PROBLEM, I WAS JUST CURIOUS.

A: You called this Shuler, didn't you? What did you ask me?

Q: Judge Shuler -- this is a contract and it was adopted in Judge Shuler's order, is my understanding, but this is a contract that's with Mr. McKenzie and it's signed by various parties, including you, Mr. Driggers, and Tammy Floyd.

A: All right. This is the Contract For Sale and Purchase, yes.

Q: Correct.

A: Yes, I was involved in that.

Q: Yeah.

A: I thought you talked about the Shuler ---

Q: Well, it's incorporated into an order, and the terms are incorporated in that order of Judge Shuler, but you read this contract and signed it, correct?

A: I think we signed that at the lawyer's office.

Q: Okay. So, the answer is yes, I mean,

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that's your signature?

A: I signed it, yes, sir.

Q: Did you read it?

A: I probably skimmed it, yes.

Q: Say again.

A: I think we went over it in the lawyer's office.

Q: Take another look at it. But basically, my question is, is that's your signature and you signed it, ---

A: That is my signature.

Q: --- along with your daughter and your husband?

A: Yes, sir. That's their signatures.

Q: That's basically what I was trying to get across. But you don't remember, necessarily, reading it, but you did sign it in a lawyer's office?

A: This is that contract they prepared.

Q: Okay. The lawyers prepared that one?

A: That's right.

Q: Okay. Did you ever advise Farm Bureau, Woody Feagin or anybody else at Farm Bureau of that Contract For Sale?

A: I don't know that I did.

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Q: All right.

MR. HUDSON: LET'S MARK THE EXHIBIT.

COURT REPORTER: THAT'LL BE NUMBER 5.

MR. HUDSON: IT WOULD BE ---

COURT REPORTER: THAT'LL BE NUMBER 5 TO HERS.

MR. HUDSON: BUT IT'S ALSO NUMBER 5 TO MARION'S?

COURT REPORTER: RIGHT.

**EXHIBIT NUMBER 5
MARKED FOR IDENTIFICATION.**

Q: The fire occurred in 2009?

A: Yes, sir.

Q: The prior testimony that I think basically reaffirmed that you mentioned this fire loss to Mr. Wayne McKenzie some months maybe into the next year, 2010, that there had been a loss on, a fire loss on that property, but that y'all were pursuing repairs and benefits from another insurance company, that there was another policy on the property, but you didn't want to make a claim with them. Would that be essentially correct, you

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Q: Okay. Because the previous testimony was kind of, he was -- you did his taxes.

A: I do, I mean, I did.

Q: You did, okay. And it was when y'all were discussing taxes, apparently, in your office that you told him about the loss. That was his recollection.

A: Well, he's mistaken.

Q: But you're saying that he called you on the telephone when he was inspecting the property and looks like there had been a loss, a fire loss there. The house was not totaled, it was a partial fire loss, correct?

A: The house was still standing. I don't care what the insurance company said.

Q: Did you ever go in the house and look at the fire damage?

A: No, sir.

Q: Never did?

A: Never did.

Q: Who did, to your knowledge, in the Driggers -- Mr. Driggers?

A: Roy, uh-huh.

Q: But you never did?

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didn't want to make a claim at that time?

A: Wayne called me from the location of the house, because they were doing inspections on all our property as -- well, I say all of it, but on some of it, you know, they were doing field inspections, and he called, he said did I know there'd been fire damage there. I said, "Yes," but I think it was just a couple of months after the fire, I think. And anyway, he said we'd had fire damage there, and I said, "Yes," and he says, "Well, you know we can't renew your policy with it like this", was I going to file a claim, but I told him at the time I did not want to file one then, I was waiting to see if Arthur's insurance would take care of it, ---

Q: You say Wayne -- Go ahead, I'm sorry.

A: --- verified with him that I could still turn it in at a later date, 'cause I said, "If you don't renew my insurance, then how can I turn it in", he said, "Because you were insured at the time, it won't matter," the time of the fire, yes.

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A: Never did.

Q: All right. So, you're saying Wayne McKenzie called you and said, "Looks like there's been a loss here because", whatever, and indicated, "If you want to make a claim," whatever, and you, what you just told me, y'all did not desire to make a claim, maybe later, but not then, you're weren't making a claim?

A: That's right.

Q: Going to try to get it from the other company, which turned out to be Travelers Insurance Company?

A: That's right.

Q: Did you ever have any discussions at all concerning this loss with Travelers Insurance Company during the time of adjustment by Travelers of the fire loss?

A: I did.

Q: Okay. Tell me about that, who you talked to and what was said.

A: Ms. Tina Kennedy came to my office.

Q: About when, if you'll kind of keep me straight with the dates the best you can, month and year would be great. Month and

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year would be great.

A: I don't know. I'm sure it was right after the fire, because I had just heard about the fire, I mean, you know, it wasn't what, like two days or whatever.

Q: I think the fire was November of '09, as I recall.

A: Yeah, so she, she had to be there in November, you know.

Q: You think it had to be that same month in '09, not '010, but '09?

A: Yeah, because she was on her way to go to check the fire, so I'm sure it wouldn't have been two or three months after he reported it, would it? No.

Q: So, she hadn't even been to the fire loss scene, yet?

A: Apparently not.

Q: So, how did y'all happen to be talking?

A: She came to the office because she had seen our mortgage at the courthouse, because they did research on it.

Q: So, before she went out there to actually observe the premises, ---

A: She came ---

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Q: --- the fire damages, she went to the courthouse and did an adverse check, is what we call it, ---

A: Yeah.

Q: --- in the records in the courthouse.

A: Apparently, so I don't know how she got it. I don't know if she went or went online, whatever.

Q: How did she get your name, Land Sales Contract ---

A: Yeah.

Q: --- and the order of Judge Shuler?

A: The Land Sales Contract.

Q: Okay. Probably both, probably both on the records, but okay. So, that's where she got it, you're pretty sure?

A: I'm pretty sure.

Q: Of course, that contract doesn't mention Farm Bureau. Did she tell you that she was in touch, going to be in touch with Farm Bureau, South Carolina Farm Bureau?

A: No.

Q: Did you tell her about South Carolina Farm Bureau's policy?

A: I don't remember.

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Q: Why would you not?

A: She was Travelers Insurance.

Q: Was this before or after you talked with Woody Feagin and, I'm sorry, Wayne McKenzie after he inspected the property and y'all had the discussion about not making a claim?

A: I'm pretty sure she was there before.

Q: So, he learned it by inspecting the property, he learned of the loss, fire damage from inspecting the property. You had not told him or Mr. Driggers had not told him, I'm talking about Wayne McKenzie, about any kind of loss until he called you after he inspected the property?

A: That's right.

Q: And he had apparently not heard anything, at least at that time from Travelers Insurance Company?

A: That's right.

Q: All right. Go ahead, I interrupted you a little bit there. Any other discussions with her? Tell us more about the initial discussion with the Travelers agent.

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A: With Ms. Tina?

Q: Yeah, Kennedy. She's changed names and I can't even remember what it is. She got married or divorced or something, but anyway.

A: Okay.

Q: Yeah, we'll call her Ms. Kennedy. At that time she was, I believe.

A: Okay. She came to the office and she asked me about, Arthur, was he current in his payments, "Did you do this, did you do that" and all that stuff, and she said that we were not listed on the policy, but she had information that we were mortgage holders on it and did I want to be listed.

Q: She had information, what? I didn't understand.

A: That we were mortgage holders on the property.

Q: Okay.

A: Okay.

Q: All right.

A: Yeah. So, I told her if we needed to be, we could be, if it was going to hold

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everything up and cause a problem, then when Arthur got paid, he would pay me, is what I told her. That was faith, wasn't it? Yeah.

Q: And what did she say to that?

A: I don't know what she said to that. I suppose that would be okay.

Q: Was Mr. Driggers privy to that conversation?

A: No.

Q: Did you report that conversation to Mr. Driggers shortly after it took place with Ms. Kennedy?

A: I'm sure I told him she came by.

Q: And you're pretty confident that happened pretty soon right after the fire loss?

A: I would think.

Q: It wasn't any great period of time?

A: It wouldn't have been six months later or something like that.

Q: Couple of weeks, maybe, thereabouts?

A: Yeah.

Q: All right. What happened next, as far as your recollection goes, with any contact with Travelers and y'all's interest?

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A: I talked with a Ted Alexander, too, by telephone, but I don't remember our conversation, I just know he called to verify some things and ---

Q: So, you talked with Ted Alexander?

A: Yes, sir.

Q: Well, try your best to tell me what y'all talked about, and as a result of those conversations, what did you do and what did Travelers do?

A: I just remember having conversation with Ted Alexander, but I don't, I don't remember what he called about. I don't remember what he said. He must've just asked me about the fire loss and how long we'd had the mortgage or something. I, I just flat don't remember his conversation.

Q: When you say mortgage, what y'all had was a Land Sales Contract.

A: Okay.

Q: Right. Y'all were selling the house or at least your daughter was ---

A: Yes.

Q: --- to Arthur McKenzie, so it was a Land

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Sales Contract. You had an ownership interest and Mr. McKenzie had an ownership interest or at least an executory interest and ownership of the property; isn't that right? This is not a mortgage situation; this was a Land Sales Contract by an owner.

A: Okay.

Q: So, y'all were the owner.

A: Okay, yeah.

Q: It was a rent to own or a Land Sales Contract. There was no mortgage filed anywhere.

A: Okay.

MR. CORBIN: EXCUSE ME.

MR. PRITCHARD: YEAH, I'M GETTING READY TO SAY ----

MR. CORBIN: I DIDN'T UNDERSTAND WHAT HER ANSWER WAS. SHE SAID, "OKAY."

Q: Let me ask you this, let me ask you this if there was some confusion on that. Did you understand -- the question was, was there a mortgage filed?

A: At the time of the fire, is that when

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you're talking about?

Q: Yes.

A: Well, if it's an installment sale, but he still owes for the house, so what you want to call it, a Contract For Sale.

Q: A Contract -- that's a Land Sales Contract.

A: Yeah.

Q: But there's no mortgage itself.

MR. PRITCHARD: I NEED TO INTERRUPT HERE. SHIRALEE, YOU CAN ONLY ANSWER QUESTIONS, YOU CAN'T ASK. IF YOU DON'T KNOW THE ANSWER, THAT'S A FAIR ANSWER, BUT YOU CAN'T GO, "OKAY." YOU ANSWER HIS QUESTION OR SAY, "I DON'T KNOW, OKAY?" I'M SORRY, CONTINUE ON.

MR. HUDSON: I THINK SHE WAS TRYING, SO.

MR. PRITCHARD: YEAH, I KNOW. I KNOW.

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I JUST WANT TO MAKE
SURE SHE UNDERSTANDS
THE DISTINCTION.

Q: But there was no actual mortgage filed,
you had a Land Sales Contract; isn't that
correct?

A: Correct.

Q: And the policy that you took out with
Farm Bureau was an owner's policy,
because y'all owned the property. That
was your insurable interest, you owned
the property or your daughter did at the
time of the loss. I believe Marion
Driggers was how the policy was issued.
Originally, it was issued that way
throughout and to the fire loss; is that
right?

A: That's right.

Q: Tammy Floyd, your daughter, got involved
after the tax sale took place and y'all,
the Driggers, i.e., Tammy Floyd, the
daughter, wound up with legal title on
the deed to the property, i.e., ownership
interest, even though the policy was in
Marion Driggers' name, correct?

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A: Correct.

Q: I know you're not totally into your
daughter's head here, but maybe you are,
but she was leaving the business, it
appears to me from previous testimony,
she was leaving the business, she was --
to you and Mr. Driggers. She's kind of a
straw person, that she's been designated
as a designee just simply to hold the
title; would that be a fair statement?

MR. PRITCHARD: OBJECT TO THE FORM.
YOU CAN ANSWER IT.

A: That's fair.

Q: Well, you tell me, how did she become --
why did the property get in her name and
who authorized that?

A: I suppose we put it in her name, because
taking a little advice from W.W. Dibble.
You were doing a chain of -- to clear the
title more so from a tax sale and because
from the beginning, we had the mortgage
on the house.

Q: You had a Land Sales Contract.

A: No, before the tax sale, we had a
mortgage, yeah.

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Q: So, tell me the legal ramifications and
decision-making process to put it in
Tammy Floyd's name. What did Dibble say?
The reason to do that was what?

A: I don't know.

Q: All right. Well, did Mr. Driggers know?
Did y'all discuss it?

A: You'd have to ask him.

Q: Does Tammy Floyd know?

A: No.

Q: She doesn't know?

A: No.

Q: And you don't know whether Mr. Driggers
knows why Tammy Floyd owned the property
at the time of the loss?

A: I'm probably certain he has a better
understanding than I do.

Q: Okay. You said you hadn't been to the
property since the fire loss?

A: Not that I recall.

Q: Has Tammy Floyd been to the property?

A: No, sir.

Q: Does Tammy Floyd still own the property?

A: Yes, sir.

Q: Well, what's the situation and

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relationship and condition of the
property and whoever is in it now, what's
the status?

A: I have no idea.

Q: Mr. Driggers would know that?

A: Yes, sir.

Q: But y'all hadn't discussed it?

A: Discussed it, yes, this has been
discussed over and over and over. I'm
sure something has been said about it,
yes.

Q: Okay. Well, I'm talking about, what was
your discussions and what's your
understanding of the status of the house
now, ownership interest, repairs, who's
in it, who's using it? What's going on
with it?

A: Alice Peterson is in it. If the inside
looks like the outside, it's a dog mess.
Tammy still owns the house and we're
waiting for everything to get cleared up
so you can do something with it.

Q: Is Ms. Peterson paying rent, to your
knowledge?

A: Not a penny.

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1 Q: Who's paying the taxes?
 2 A: I am.
 3 Q: How much are the taxes?
 4 A: I ---
 5 MR. PRITCHARD: DON'T GUESS.
 6 A: I don't remember.
 7 Q: Well, I'll take an approximation. It's
 8 just past tax time, you should've just
 9 paid them.
 10 MR. PRITCHARD: WELL, IT'S A MATTER OF
 11 PUBLIC RECORD. I'M
 12 GOING TO OBJECT TO
 13 THIS.
 14 MR. HUDSON: WELL, I KNOW THAT, BUT
 15 SHE'S A MEMBER OF THE
 16 PUBLIC AS WELL AND
 17 SHE'S A PARTY TO THE
 18 ACTION.
 19 MR. PRITCHARD: THAT'S FINE. I DON'T
 20 THINK SHE KNOWS, BUT
 21 ANYWAY, SHE CAN ANSWER
 22 AS BEST SHE CAN, BUT
 23 IF SHE DOESN'T KNOW,
 24 SHE DOESN'T KNOW.
 25 Q: That's always the case.

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1 A: Can't answer.
 2 Q: Do the best you can.
 3 A: Maybe eighteen hundred.
 4 Q: Have you ever been down to the taxing
 5 authorities and say, "Hey, there's been a
 6 fire loss" ---
 7 A: I have not.
 8 Q: --- "and the value of the property has
 9 maybe depreciated?"
 10 A: Roy handled that.
 11 Q: Who did?
 12 A: Marion L. Driggers handled that.
 13 Q: Okay. Okay, thank you.
 14 A: Yeah, and they have lowered the taxes,
 15 that's why I don't remember how much they
 16 are now.
 17 Q: You've never talked to Ms. Peterson?
 18 A: Yes, I have.
 19 Q: Tell me what discussions y'all have had.
 20 A: She came to my office, asked about the
 21 house, because she wanted to buy the
 22 house, and I told her I was not
 23 interested in doing anything with that
 24 house, it's in some litigation, and I was
 25 not interested in selling it or anything

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1 else at this point.
 2 Q: Was she in the house at that time?
 3 A: No.
 4 Q: How did she get in the house if you ---
 5 A: She talked to Marion L. Driggers.
 6 Q: And rented it from Mr. Driggers?
 7 A: She is not paying any rent.
 8 Q: She's just in the house without paying
 9 any rent or taxes?
 10 A: Yes, sir.
 11 Q: That seems like a strange way to do
 12 business. How does that -- how did you
 13 voluntarily go into that arrangement?
 14 A: Marion L. Driggers, you'll have to talk
 15 with him.
 16 MR. PRITCHARD: LET THE RECORD REFLECT
 17 THAT DIDN'T SOUND
 18 NICE.
 19 A: It's not, off the record.
 20 Q: Well, I see, and obviously the record
 21 shows that you and Tammy Floyd have
 22 different counsel, i.e., Mr. Pritchard's
 23 law firm here, and Marion Driggers is pro
 24 se, which means he's basically
 25 representing himself as a pro se attorney

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1 in this legal action in addition to his
 2 individual capacity, I suppose. So,
 3 y'all don't discuss this thing when
 4 you're around the supper table on Sunday
 5 or anything like that, what's going on,
 6 either individually or as lawyers?
 7 A: Constantly.
 8 Q: Well, what's your disagreement, if any,
 9 that you need separate counsel?
 10 A: That was not our disagreement.
 11 Q: Well, whose disagreement was it? I'm not
 12 sure I understand the answer.
 13 A: It's not a disagreement. I didn't need
 14 separate counsel. I was just left with
 15 counsel, no offense.
 16 MR. PRITCHARD: NONE TAKEN.
 17 Q: So, I'm still not sure. You were left
 18 from where with counsel? I'm not sure
 19 what happened. What happened when you --
 20 are you talking about when Dr. Driggers
 21 decide -- when he went pro se, ---
 22 A: Yes, sir.
 23 Q: --- you and your daughter, Tammy Floyd,
 24 ---
 25 A: Yes, sir.

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1 Q: --- were left with Pritchard ---
 2 A: That's right.
 3 Q: --- who was representing all of you?
 4 A: That's right.
 5 Q: Okay. But you were left, you and Tammy
 6 were left with Mr. Pritchard, because
 7 y'all didn't go pro se?
 8 A: That's right.
 9 Q: Does Tammy Floyd understand the
 10 relationships or change in relationships,
 11 legal relationships that have taken
 12 place?
 13 A: She's not concerned with it.
 14 Q: She's not concerned with it?
 15 A: No, sir.
 16 Q: She still owns the property?
 17 A: Yes, sir.
 18 Q: Have you insured or Tammy, you or Tammy
 19 or Mr. Driggers, for that matter, insured
 20 the property since the fire loss, since
 21 it was cancelled because of the loss by
 22 Farm Bureau?
 23 A: No, sir.
 24 Q: You've not insured it at all?
 25 A: No, sir.

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1 Q: Assuming that you could get it, wouldn't
 2 that be a good idea to insure the
 3 property if you still own it?
 4 A: I don't think it would be ready for
 5 insured. I am not sure, but ---
 6 Q: Because you hadn't been on the property?
 7 A: Right.
 8 Q: Why do you say you don't think it would
 9 be insurable? Obviously, they're living
 10 in it, so it's livable, so have you
 11 explored or attempted to get insurance?
 12 A: No, sir.
 13 Q: So, you haven't done that and it has been
 14 declined, you just hadn't even tried to
 15 get insurance?
 16 A: That's right.
 17 Q: So, if there was -- forbid, if there was
 18 another fire out there and there was more
 19 damage or even if it was a total as
 20 opposed to just a partial loss like the
 21 previous fire, you'd be out the
 22 compensation paid for the loss?
 23 A: That's right.
 24 Q: Have you talked to Ms. Peterson since she
 25 came and tried to buy the property in any

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1 capacity or any subject?
 2 A: I don't think I have.
 3 Q: Frankly, I've ridden by there a couple of
 4 times or more. I'm sure you probably
 5 have or whatever, anyway, and there's a
 6 lot of activity, vehicles, whatever, so
 7 it looked like it is experiencing a lot
 8 of habitation, let's put it that way.
 9 MR. PRITCHARD: THAT'S A FAIR WORD.
 10 Q: Do you know anything about who might be
 11 in that house or using that house besides
 12 Ms. Peterson?
 13 A: I do not. I know when I pass that way, I
 14 have seen like a big semi-truck there, so
 15 that would make me think there's a man
 16 living there.
 17 Q: So, you haven't made any investigation of
 18 who all is -- it's turned into multi-
 19 family unit.
 20 A: No, sir.
 21 Q: Have you heard from -- Mr. McKenzie
 22 passed away, left us, unfortunately.
 23 Have you had any dealings with this
 24 subject matter at all with Mr. McKenzie's
 25 relatives or heirs or, i.e., Ms.

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1 McKenzie, I suppose, or anybody else sin
 2 that family concerning this property ---
 3 A: No, sir.
 4 Q: --- and the insurance proceeds?
 5 A: No, sir.
 6 Q: In your Complaint, have you looked at
 7 any, I'll say, Cross-Complaints and
 8 Counterclaims, pleadings, I'm going to
 9 say pleadings, have you read, really read
 10 any of the pleadings in this action
 11 yourself to understand the entire legal
 12 claims that you're making?
 13 A: I have tried.
 14 Q: Have you read the ones that were involved
 15 initially when Mr. Dotson was
 16 representing all of you; did you read
 17 them then?
 18 A: I may have.
 19 Q: What was your understanding of what y'all
 20 were claiming at that time, and when I
 21 say y'all, you, Mr. Driggers, and your
 22 daughter, Tammy? I'm going to use you as
 23 a group.
 24 A: When Mr. Dotson did the eviction, is that
 25 what you're talking about?

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Q: Well, that's part of it, yeah, if that'll help you understand what you were pleading in this lawsuit, and there was an eviction, you're right.

A: I don't know. Mr. Driggers handled that.

Q: Okay. And Tammy, most likely, would not know any more than you or not as much as you, which is not much?

A: That's right.

Q: Sounds like we need to take her deposition, her being Tammy, but it'll will probably be pretty short, because she'll probably defer ---

A: Zero.

Q: How about the pleadings since the Pritchard representation came on for y'all, either as a unit or separately since Mr. Driggers has chosen to go pro se, what's your understanding of those pleadings and what you're claiming?

A: I really don't understand that question.

Q: Well, you counterclaimed, you made claims against Farm Bureau, South Carolina Farm Bureau and Travelers and other things, but I want to know what your

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understanding of the legal claims you're making in this, and particularly, I want to know what legal claims you have against, your understanding of what you have against Farm Bureau. You're the litigant and you're named as well as your daughter.

A: My claims against Farm Bureau is for them to pay the policy that we have on the house. That was the whole issue to start with. We filed a claim against Farm Bureau because the house had burned and Farm Bureau should've paid us insurance and that would've been the end of the story.

Q: Insurance, you know, generally, the claim is paid once and multiple people will get paid. There's things like insurable interest and legal relationships that are involved. You said you hadn't read the policy at all?

A: The policy, no, I probably looked at the sheet, you know, the first sheet y'all give us.

Q: With your background in bookkeeping and

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taxes or what have you, have you done any computations or whatever on what pro rata responsibilities would be between Travelers and Farm Bureau in compensating the insureds or for the loss, what the pro rata shares would be, have you done any computations?

A: I did not, because my first statement with you was to prove that you had insurability. Your last statement to me was that we had done that and then we should be getting paid in a couple of weeks, because that was all you had to do, was prove insurability and we had the policy that ---

Q: Who are you talking about, I'm sorry, when you say me, are you talking about Farm Bureau?

A: You, yes, sir, you.

Q: Me.

A: You.

Q: And what are we talking about, ---

A: When ---

Q: --- in the EUO?

A: In the EUO, in the EUO.

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Q: You said in the EUO.

A: In the EUO, at that time when we finished down there in Lake City, I thought that would be the end of then, too, because you said we had proof and insurability and that's what we needed to do.

Q: All right. Are you quoting me from the actual testimony in that EUO from you, I mean, I didn't testify?

A: No, you didn't, I mean, that's what you told me when it was over.

Q: Okay. All right.

A: Yes, sir.

Q: Okay.

A: Yeah.

Q: On the pro rata provision, I'm assuming insurability of both policies of the person who took out the policy, but we're still insuring the same thing, the house, and the damages to the house. So, have you read or attempted to read the pro rata provision of the standard insurance policy, which is what this is, owners policy?

A: No, sir.

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Q: Where's your daughter living now, at the Beach?

A: Conway.

Q: Conway, that's close enough. It's the county seat. And what is she doing now since no longer operating the barbecue restaurant?

A: She works with ECHO.

Q: Who is that?

A: Eastern Carolina Homeless Organization.

Q: What does she do?

A: Administrative work, I don't know exactly what.

Q: She's not active in the business, Driggers various LLCs, ---

A: No, sir.

Q: --- including the one with her initials, she's not active?

A: No, sir.

Q: And I think I might've asked you this before, on Exhibit Number 4 to your deposition, you've indicated that you did recognize that and we've introduced it. This is the Sworn Proof of Loss in the official claim with Farm Bureau. Who

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filled that out and made that claim?

A: Marion L. Driggers.

Q: All right. And what's the date on it?

A: 11/9/12.

Q: And I think the fire loss was a couple of weeks later in 2009, I believe, right, late November?

A: This says the loss occurred on the 27th day of November 2009 at 5:30 o'clock.

Q: Okay, about a week and a half, it looks like, no, about two weeks, two weeks.

A: It didn't say a.m. or p.m.

Q: Okay. On the second page of that Exhibit Number 4, it states in the particulars of the loss and the paragraph, it's just the last little sentence there, it says, "Total loss on structure?"

A: Yes, sir.

Q: And that's really not the case, is it, it's not a total loss?

A: I don't know. I thought they had said total loss the whole time.

Q: Is that signed also by Tammy Floyd?

A: It is.

Q: Okay. Is that her signature?

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A: It looks like it to me, yes, sir.

Q: Do you have any idea that Tammy Floyd has been on the property?

A: No.

Q: Exhibit Number 4, okay. Listen, I think that's probably about all the questions I have at this time, anyway. These other lawyers will probably have a few questions of you and then I might have a few more, but otherwise, I'll turn it over to them. Do you want to take a break?

A: I do.

Q: Okay.

******OFF THE RECORD******

(ON THE RECORD.)

MR. HUDSON CONTINUES:

Q: Ms. Driggers, a couple of questions I might should've asked you kind of when we started and talking about the exhibits or whatever. You gave a deposition and a EUO in reverse order in this case and you've identified the copies of them and that sort of thing. After today and the questions you've answered and the

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questions I asked, would you change anything in those previous depositions or sworn testimony, EUO and/or depositions or anything you'd add or change to that as introduced?

A: I don't think so.

Q: Okay, didn't think you would, but I just didn't ask the question. Okay. I think that's all I have, but these fellows will have a couple of questions, I imagine.

MR. CORBIN: MR. PRITCHARD. ARE YOU OKAY SITTING THERE OR YOU WANT TO COME OVER HERE?

MR. PRITCHARD: I'M GOOD RIGHT HERE.

MR. CORBIN: OKAY.

EXAMINATION

BY MR. PRITCHARD:

Q: All right. Ms. Driggers, we're going to take a little stroll down memory lane.

MR. CORBIN: OH, BOY.

Q: So, a minute ago you were asked about the taxes on the property.

A: Yes, sir.

Q: Do you recall that? Now, by

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happenstance, I have a piece of paper, and let the record reflect that I only have three copies, because Jill Corbin said that she wasn't going to make a fourth copy for Daryl and that he's not to object, and if he objects, she's going to show him an objection, okay? All right?

MR. PRITCHARD: SO, WITH THAT HAVING BEEN SAID, LET'S PLEASE MARK THIS AS WHATEVER THE NEXT EXHIBIT NUMBER IS.
COURT REPORTER: EXHIBIT NUMBER 6.

**EXHIBIT NUMBER 6
MARKED FOR IDENTIFICATION.**

Q: All right. Ms. Driggers, what does that look like to you?
A: This is the 2020 taxes.
Q: Okay. And down in the lower right-hand corner or where it says, "Total taxes paid," what is the amount given?
A: Twenty-four ninety-two, fifty-four.
Q: Do you have any reason to disagree with that?

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IS.
COURT REPORTER: EXHIBIT NUMBER 7.

**EXHIBIT NUMBER 7
MARKED FOR IDENTIFICATION.**

Q: I'm going to hand you what is marked as Exhibit Number 7 and I'm going to ask if you understand what that is?
A: That is where Arthur McKenzie purchased a piece of land, I think, from Wilbur Brown.
Q: All right. As best you can tell, is that the 378 property with which we're concerned here today?
A: Yes, sir.
Q: Okay. Now, you see down here, about right here (indicating)? So, your understanding is this is the deed where Mr. Brown conveyed the property to Arthur McKenzie; is that correct?
A: That's correct.
Q: All right. Do you see where it says 19 December 1994? Do you have any reason to disagree with that date?
A: '84.
Q: '84, excuse me. Right, you ought to

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A: Not at all.
Q: Do you think that's an accurate reflection of the taxes you paid in 2020 on the property? Just to make sure we're all on the same page, I'm going to call the property that Arthur owned and lived in, the 278 property; is that right?
MR. CORBIN: 378.
Q: 378, 378 property, okay? Is that the taxes paid on the 378 property for 2020?
A: Yes, sir.
Q: Okay. And who made the payment?
A: I did.
Q: Okay. And how many years back did you make payments on that property?
A: I think I paid all of them.
Q: All of them, starting when?
A: '91, maybe.
Q: So, from 1991 forward and to the best of your memory, you paid the real property taxes on that property?
A: The best I can recall.
Q: Okay.
MR. PRITCHARD: LET'S MARK THIS AS WHATEVER THE NEXT ONE

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disagree. '84, is that correct?
A: That's correct.
Q: My glasses are not good, I hadn't cleaned them. And it was recorded, if you look on the next page, does it look like it was recorded on -- well, I don't know how that can be, but it said December 2nd, but that can't be right, can it?
A: It might say 21.
Q: Yeah, December 21. All right. It sure enough does. Does that sound about right? Do you have any reason to disagree with that?
A: Sounds right.
Q: All right. Now, is it your understanding when Arthur purchased this property in December of '84 that it was vacant land?
A: That's right.
Q: And a house was subsequently put on that property; was it not?
A: That's right.
Q: And did Arthur put it there?
A: He did.
Q: And he built it ---
A: He did.

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Q: --- himself?
A: No.
Q: Obviously, with help, but yeah.
A: He subcontracted it.
Q: Okay. Arthur was a mason; was he not?
A: Brick mason, he did the brick work.
Q: Okay. So, he did the brick work on the house himself?
A: Yes. Yes, sir.
Q: And things like plumbing and electricity and all, he subcontracted?
A: That's right.
Q: Now, I'm going to hand ---
MR. PRITCHARD: IS THIS 8; IS THAT RIGHT?
COURT REPORTER: CORRECT.

**EXHIBIT NUMBER 8
MARKED FOR IDENTIFICATION.**

Q: What is that?
A: It's a note for fifteen thousand dollars.
Q: What does it say in the upper right-hand corner, way up there on the top there?
A: Mortgage of Real Estate.
Q: All right, there you go. So, what would that tell you that is?

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A: It's a mortgage.
Q: And who is giving the mortgage?
A: Arthur McKenzie.
Q: And who's he giving it to?
A: Marion L. and Shiralee M. Driggers.
Q: And that would be you and Roy?
A: That's us.
Q: All right. How much is it for?
A: Fifteen thousand.
Q: All right. So, what date is that given?
A: January 1st, '86.
Q: Are you sure?
A: Oh.
Q: What does it say right here (indicating) on this back page, right there? Turn two pages, third page.
A: First day of October '85.
Q: All right. So, on October 1st, '85, Arthur gave you and Roy a mortgage for fifteen thousand dollars; is that correct?
A: That's correct.
Q: And that apparently got recorded a little bit later; is that correct? Looks like November 22nd, '85; is that correct?

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A: That's -- no, '85.
Q: '85, '85. That's '85. It looks like '85, looks like '85.
A: '85.
Q: All right. So, Arthur owns the property in '84 and he gives you and Roy a mortgage for fifteen thousand dollars in '85, October; is that correct?
A: That's correct.
Q: All right.
MR. PRITCHARD: HOPEFULLY, YOU'RE KEEPING COUNT, BECAUSE I'M NOT GOOD AT THAT.
MR. CORBIN: NUMBER 9
COURT REPORTER: NUMBER 9

**EXHIBIT NUMBER 9
MARKED FOR IDENTIFICATION.**

Q: All right. I'm going to ask you to look at Number 9, ask if you know what that is or have any idea what that is? There's a whole bunch of whereases. You may want to flip over.
A: Yeah. Yeah.
Q: Look on page two at the top.
A: I think it's where the land was sold for

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taxes.
Q: Does that look like it to you?
A: Yeah.
Q: That's what you think it is?
A: I think it is.
Q: All right. So, you agree with me that it's the deed where the property was transferred out of Arthur's name for the tax sale?
A: Yes, sir.
Q: And who bought it?
A: Colonial Properties.
Q: And what date is that? Turn to the next page.
A: Second day of June '88.
Q: All right. Is that your understanding where Arthur lost the property in the tax sale?
A: Yes, sir.
Q: Seven hundred and fifty dollars?
A: Yes, sir.
Q: All right. Any idea who Colonial Properties is?
A: That may have been the Askins, but I'm not sure.

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1 Q: Okay. You don't know at this point?

2 A: No.

3 Q: All right. Now, what's your

4 understanding of what happened to your

5 October 1st mortgage when that tax sale

6 happened?

7 A: I didn't have an understanding at the

8 time.

9 Q: What's your understanding today?

10 A: Today?

11 Q: Yes.

12 A: According to information you gave me, it

13 took away my mortgage.

14 Q: Wiped it out, didn't it?

15 A: That's what you said.

16 Q: Why didn't you pay the taxes on the

17 house?

18 A: Why didn't I pay it?

19 Q: Yes.

20 A: Because there was a first mortgage of

21 about three hundred thousand or whatever

22 and it would have stayed on had I paid

23 the taxes.

24 Q: And by letting it go to the tax sale, is

25 it your understanding that it wiped that

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1 A: I do not.

2 Q: And what's the date of the deed?

3 A: 25th day of May '89.

4 Q: All right. So, it's your understanding

5 that about eleven months after Colonial

6 got the property, it sold it to Askins,

7 right?

8 A: That's right.

9 Q: And for two hundred and three dollars,

10 looks like.

11 A: Yes, sir.

12 Q: Okay. Now, when the property was sold in

13 '88 for taxes, did Arthur move out?

14 A: No.

15 Q: And to the best of your knowledge, was he

16 still living in there in May of '89 when

17 Colonial sold it to Askins?

18 A: To the best of my knowledge, yes, sir.

19 Q: You kind of kept in contact with Arthur

20 throughout all these years, correct?

21 A: Yes, I did.

22 Q: And, so, you kind of pretty well knew

23 where he was and what he was up to and

24 what was going on, right?

25 A: Yes.

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1 first mortgage out?

2 A: That's right.

3 Q: All the debt went away?

4 A: Yes.

5 Q: But Arthur still owed you money, right?

6 A: He did.

7 Q: But the mortgage was no longer valid?

8 A: That's right.

9 Q: All right.

EXHIBIT NUMBER 10**MARKED FOR IDENTIFICATION.**

12 COURT REPORTER: NUMBER 10.

13 Q: Take a look at that and let me know what

14 that is, if you would.

15 A: Well, that looks like Colonial

16 Properties. I don't know, did they sell

17 it to Harry Askins, Jr.?

18 Q: Sure, looks like it to me; does it look

19 like it to you?

20 A: Yeah.

21 Q: Does that look like a deed?

22 A: Yeah.

23 Q: Colonial to Askins?

24 A: Colonial to Harry Askins, Jr.

25 Q: Do you know Harry Askins?

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1 Q: All right. I messed up here, hold on

2 just a second.

3 MR. PRITCHARD: Y'ALL BEAR WITH ME A

4 SECOND.

5 Q: All right. Now, is it your understanding

6 that at some point W.W. Dibble ended up

7 with the property?

8 A: It is.

9 Q: And if I were to tell you that W.W.

10 Dibble purchased the property from Mr.

11 Askins on November 24, '89, roughly six

12 months later, would you have any reason

13 to disagree with that?

14 A: None.

15 Q: All right. And would you have any reason

16 to disagree that W.W. Dibble assigned an

17 interest to Blue, Inc.?

18 A: That's right.

19 Q: All right. So, let me ask you this

20 question, do you know W.W. Dibble?

21 A: Not personally, not.

22 Q: But you know of him?

23 A: Probably.

24 Q: Have you talked to him?

25 A: I did.

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Myrtle Beach, South Carolina 29588
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1 Q: Okay. And, so, when W.W. Dibble took
2 title to the property in November '89,
3 was Arthur still living there, as best
4 you know?
5 A: He was.
6 Q: Okay. And when did you -- to the best of
7 your knowledge, why did you talk to W.W.
8 Dibble?
9 A: He contacted us to see if we would be
10 interested in buying the property from
11 him, because our names had been
12 associated with it.
13 Q: Okay. And what did you tell him?
14 A: "See Roy."
15 Q: All right. Did you have any more
16 conversation with him besides, "See Roy?"
17 A: I think Mr. Dibble at that time said that
18 he had served an eviction on Arthur, had
19 posted it at the -- on the property.
20 Q: But did y'all have any more discussions
21 regarding your or you and your family or
22 whoever purchased it purchasing the
23 property?
24 A: We did. He, he buys tax property. That
25 was his whole livelihood, is he buys tax

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(843) 685-7179

1 title of that title of that property?
2 A: W.W. Dibble, being the pro at that, said
3 it would be better to put it in somebody
4 else's name.
5 Q: When you say the pro, ---
6 A: Yeah.
7 Q: --- the self-proclaimed pro?
8 A: Yeah, self-proclaimed pro, knowing how to
9 handle the tax sale, said it would be
10 better to put it in somebody else's name
11 and do a couple of transactions to clear
12 up the title.
13 Q: All right. Knowing what you know now --
14 first off, how much did you pay for that
15 advice?
16 A: None.
17 Q: Knowing what you know now, what was that
18 advice worth?
19 A: What I paid for it.
20 Q: Exactly. And, so, tell me what the terms
21 of this sale are based on this deed.
22 A: Based on this deed, we paid him ten
23 thousand ---
24 Q: What does it say, just read what it says.
25 A: "The sum of thirty thousand dollars of

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1 property, so he was saying how we could
2 purchase it from him.
3 Q: Okay. And under what terms and
4 conditions did you purchase it from him?
5 A: He sold it to us for thirty thousand
6 dollars, if I'm not mistaken, and we paid
7 him a down payment and that the was
8 financing the rest of it for a couple of
9 years.
10 Q: All right.
11 MR. PRITCHARD: LET'S MARK THIS.
12 COURT REPORTER: NUMBER 11.
13 **EXHIBIT NUMBER 11**
14 **MARKED FOR IDENTIFICATION.**
15 Q: All right. Do you recognize that?
16 A: That would be his deed.
17 Q: All right. Who's he?
18 A: W.W. Dibble.
19 Q: All right. W.W. Dibble, and who is W.W.
20 Dibble selling the property to?
21 A: E. L. Matthews.
22 Q: And who is E.L. Matthews?
23 A: E.L. Matthews is Elsie Matthews, a friend
24 of mine.
25 Q: All right. Why was Elsie Matthews on the

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1 which ten thousand has been paid to me,
2 paid to me and it by E.L. Matthews,
3 herein after called grantee, with the
4 balance of twenty thousand to be paid in
5 two, ten thousand dollar with six percent
6 interest per annum installments by
7 Cashier's Check payable to the grantors
8 herein, the first at or before noon on
9 November the 14th, '92 and the second at
10 or before noon on November 15th, '93 and
11 when timely paid, the vendor's lien
12 herein created will become satisfied."
13 Q: All right. Were there any other
14 conditions?
15 A: Yes, sir, same standard conditions, we
16 would put insurance on the property.
17 Q: All right. Read that for us.
18 A: Well, I got to find it. There it is
19 right there, "During the time this
20 vendor's lien remains, the grantee shall
21 carry fire and extended insurance on the
22 improvements of the premises sufficient
23 to cover at least the remaining balance
24 of the vendor's lien with a copy of said
25 policy to be promptly furnished to the

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grantors and with the grantors being shown on said insurance policy as lienholders, have granted, bargained, sold and released and do hereby grant, bargain, sell and release," all of that. "Vendor's lien retained as aforesaid unto the said grantee, with said grantee being responsible for all property taxes (current and past due) assessed against the property herein conveyed plus the documentary stamps required to be affixed to this deed prior to it being filed for record."

Q: All right. Let me stop you there.

A: Is that enough?

Q: That's enough. All right. So, based on this, it was ten thousand down plus two payments of ten thousand dollars at six percent per annum, correct?

A: That's correct.

Q: And it was required to have insurance, correct?

A: Correct.

Q: All right. Now, that ten thousand dollars down payment, who paid it?

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A: We did.

Q: Who's we?

A: Myself and Marion L. Driggers.

Q: You can call him Roy, if you'd like.

A: All right, Roy.

Q: Do you call him Roy at the house?

A: All the time.

Q: Call him Roy here, okay? So, you and Roy paid, really the ones that paid that ten thousand dollars?

A: That's right.

Q: And how about these other payments, who paid them?

A: Me and Roy.

Q: Do you and Roy have any evidence that you paid those payments?

A: Yeah, we paid it with a Cashier's Check.

Q: Have you got any of those Cashier's Checks with you today?

A: I do.

Q: All right. Can we see them?

A: Maybe I do.

Q: Well, what were you told to do last night?

A: Well, that was last night. I might have

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to go and send them to you.

Q: We can come back and do that if we have to, but if you've got them, I'd like to have them.

A: I got ---

Q: Do you not have them?

A: You know, I don't.

Q: What was the one thing you were going to do?

A: Bring those Cashier's Checks. This might be -- there they are.

Q: All right.

A: There they are.

Q: Okay. I'll get that in a minute.

A: Okay.

MR. PRITCHARD: I'M GOING TO TELL YOU
WHAT, I'M GOING TO GET
A COUPLE OF COPIES OF
THESE, GUYS.

****OFF THE RECORD****

(ON THE RECORD.)

MR. PRITCHARD: SO, I'M GOING TO MARK
THIS AS NUMBER 12,
PLEASE

EXHIBIT NUMBER 12

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MARKED FOR IDENTIFICATION.

MR. PRITCHARD CONTINUES:

Q: All right. Can you please tell us what it is we're looking at in Defendant's Exhibit Number 12?

A: It's a Cashier's Check to Elsie Matthews.

Q: And who are the checks from?

A: It's from me.

Q: Okay. And why were you giving Elsie Matthews checks?

A: To make the payment to W.W. Dibble for the 378 property.

EXHIBIT NUMBER 13

MARKED FOR IDENTIFICATION.

Q: All right. And I'm going to hand you what is marked Number 13. I'm going to ask you if you recognize those?

A: That is the payment to W.W. Dibble and Blue, Inc. from Elsie Matthews for the payment.

Q: All right. And if you look at the reference on both of those checks, what do they say?

A: "Final payment on McKenzie, payment on McKenzie property."

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(843) 685-7179

Q: And is that the 378 property?

A: It is.

Q: All right. And, so, as I understand the way the transaction worked is, you would give Elsie the money and Elsie would then pay W.W. Dibble?

A: That's right.

Q: All right.

EXHIBIT NUMBER 14

MARKED FOR IDENTIFICATION.

Q: And I'm going to hand you what is marked as, I guess it's 14, if I'm keeping my track correct, and ask you if you recognize that document?

A: (No response).

Q: Do you recognize it? Do you know what it is?

A: It's a Satisfactory of Vendor's Lien from W.W. Dibble.

Q: Okay. So, it's your understanding that on November 1st, W.W. Dibble satisfied the lien that was contained in the deed, which I believe is Number 11?

COURT REPORTER: YES.

Q: Number 11, and he was satisfying that.

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Myrtle Beach, South Carolina 29588
(843) 685-7179

saying that all that was paid; is that correct?

A: That's correct.

Q: And that was recorded in Williamsburg County Deed Office, correct?

A: That's correct.

Q: All right. So, it's my understanding that W.W. Dibble suggested that you put the property in the name of Elsie Matthews?

A: Someone else, yes, sir.

Q: But you and Roy were the ones really buying it; is that correct?

A: That's correct.

Q: And what is the date on that deed?

A: November 15th, '91.

Q: Okay.

EXHIBIT NUMBER 15

MARKED FOR IDENTIFICATION.

A: Now, I'm going to hand you what's marked as Number 15. Do you recognize that document?

A: Yes, sir.

Q: What is it?

A: It's a Special Power of Attorney that

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Myrtle Beach, South Carolina 29588
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Elsie gave to Driggers Rentals to handle the transactions of the 378 property.

Q: She's basically gave you full power to handle whatever needed to be handled with 378?

A: Yes, sir.

Q: And what's the date of that?

A: December the 9th, '91.

Q: That was shortly after the property was purchased by Elsie, correct?

A: That's correct.

Q: It's safe to say Elsie was your best buddy?

A: She was.

Q: And is Elsie with us any longer? Fairly recently? In fact, I called you one day looking for you, you were at her funeral; is that correct? You need a minute?

A: Yes.

Q: Okay, take a minute.

(Whereupon, there was a pause in the proceedings).

A: Okay.

Q: You ready?

A: Yeah.

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Myrtle Beach, South Carolina 29588
(843) 685-7179

Q: If you need another one, you let me know, okay? It's not an endurance contest.

All right. Now, is it your understanding that you were required to have insurance on that property?

A: That's right.

Q: And is it fair to say that Elsie was really acting as your agent when that property went in her name?

A: That's right.

Q: All right.

EXHIBIT NUMBER 16

MARKED FOR IDENTIFICATION.

Q: I'm going to hand you what is marked as

COURT REPORTER: SIXTEEN.

Q: --- 16. Do you recognize that?

A: Yes, I do.

Q: All right. So, what is it?

A: It's apparently a worksheet from Farm Bureau adding the 378 property on.

Q: Is that the handwritten stuff down there?

A: It is.

Q: Any idea whose handwriting that is?

A: I do not know.

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Myrtle Beach, South Carolina 29588
(843) 685-7179

Q: All right. And what's the date of that?

A: November 21st, '91.

Q: Up here on the top where it's in handwriting?

A: 11/15/91.

Q: All right. And what's the date of that deed?

A: I'm losing my date now, 11/15/91.

Q: Is that a coincidence?

A: No.

Q: Okay. So, you called up and got insurance on this property on 11/15/91; is that correct?

A: That's correct.

Q: In your mind, you owned this property; is that correct?

A: I did.

Q: You paid for it, right?

A: I did.

Q: And Elsie was just acting your agent, correct?

A: That's right.

Q: All right. So, that handwriting on there, other than the signature in the lower right-hand corner, do you recognize

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(843) 685-7179

that handwriting?

A: I do not.

Q: Look like Roy's handwriting?

A: No.

Q: Neater or dirtier?

A: It's neater.

MR. PRITCHARD: SORRY, ROY.

MR. DRIGGERS: MINE'S WORSE THAN THAT.

Q: So, tell me how that transaction went down, who was the agent at the time?

A: Woody Feagin.

Q: Right, and you called Woody and said what?

A: That I need ---

Q: Wait a minute, hang go. How did you talk to Woody?

A: By phone.

Q: All right, sorry. Now, let me make sure I understand something. You already had this policy in place with two other properties; is that correct?

A: That looks like apparently where he added that one, yeah.

Q: All right. So, you had two dwellings,

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(843) 685-7179

one was on Fitch Road and one was on Wilmont; is that correct?

A: That's correct according to this.

Q: So, these properties were already -- you already owned them?

A: That's right.

Q: And they were already insured under this policy?

A: That's right.

Q: And, then, on November 15, '91, you added this property, ---

A: That's right.

Q: --- the 378 property

A: That's correct.

Q: All right. Now, and was it that you added it?

A: I called Woody and asked him to put coverage on it.

Q: Okay. Now, how was the value decided, I mean, Woody asked you what amount?

A: Yes, sir.

Q: All right. Now, let's turn to page three. All right. Do you see that?

A: Yes, sir.

Q: Have you ever seen that document before?

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Myrtle Beach, South Carolina 29588
(843) 685-7179

A: I don't think so.

Q: All right. What is it, just -- you don't need to read the very top stuff, but right after it says Woody, I want you read into the record that little paragraph right there.

A: "I have received your request to add coverage on the insured's new tenant dwelling. We discussed the coverage amount on this property during my county visit to your office. After further review and discussion with Management, we are in agreement with offering coverage on this property at eighty-four thousand, which is eighty percent of the replacement cost value of the dwelling the insured so desire. Should coverage be added at eighty-four thousand? Is this amount of coverage acceptable with the insureds? Please advise."

Q: All right. Now, flip back over to that page on the front.

A: Yeah.

Q: All right. Now, you see where two numbers have been scratched through?

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1 A: That's right.
 2 Q: All right. Which number was scratched
 3 through first?
 4 A: The seventy-five thousand.
 5 Q: What's written on top of that?
 6 A: Eighty-four.
 7 Q: Is that the same as on that memo in
 8 there?
 9 A: It is.
 10 Q: All right. What's that second number?
 11 A: 105.
 12 Q: And it's scratched out, right?
 13 A: It is.
 14 Q: And what's written over it?
 15 A: Eighty-four thousand.
 16 Q: Is that the same one in that memo?
 17 A: Yes.
 18 Q: So, is it your understanding that Farm
 19 Bureau, after looking at the property,
 20 decided eighty-four thousand was the
 21 correct amount?
 22 A: Apparently so.
 23 Q: All right. If you look at that page
 24 three again, who is it addressed to?
 25 A: Woody Feagin.

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Post Office Box 32157
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 (843) 685-7179

1 Q: And who is it from?
 2 A: Dell Duncan.
 3 Q: All right. And what's the day to respond
 4 by?
 5 A: 12/22/91.
 6 Q: All right. And what day was it sent?
 7 A: 12/5/91.
 8 Q: Now, at the very bottom -- well, what
 9 does it say, date responded?
 10 A: 12/9/91
 11 Q: Okay. And down at the bottom, what does
 12 it say, the very bottom?
 13 A: "OK add coverage at eighty-four thousand.
 14 Thanks."
 15 Q: All right. Now, if we go back to this
 16 front page where you've got eighty-four
 17 thousand on the front one scratched,
 18 you've got parenthesis, what does that
 19 look like to you?
 20 A: It looks like Dell Duncan's initials, DD.
 21 Q: All right. Now, we go down, it's, "Add
 22 item number three as changed," you see
 23 that, right here (indicating)?
 24 A: Uh-huh.
 25 Q: All right. What does it say right

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1 beneath that?
 2 A: "Add item number three as changed, DD,
 3 12/12/91."
 4 Q: You believe that's Dell Duncan?
 5 A: Would make sense, yes.
 6 Q: All right. Now, right beneath that by
 7 first mortgagee, what does it say?
 8 A: "W.W. Dibble and Blue, Inc., Post Office
 9 Box 1244, Sumter, South Carolina."
 10 Q: As best you know, that's Dell's address,
 11 I mean, excuse me, W.W. Dibble's address?
 12 A: W.W. Dibble, must've been, yeah.
 13 Q: All right. So, it looks like Farm Bureau
 14 was making W.W. Dibble the first
 15 mortgagee, correct?
 16 A: Yes, sir.
 17 Q: And if you go to the back page, it looks,
 18 pretty much, as the front page; does it
 19 not?
 20 A: Except it's all typed.
 21 Q: Except it's all typed; otherwise, it's
 22 pretty much the same, ---
 23 A: Yes, sir.
 24 Q: --- except for a few initials and
 25 whatnot; is that fair?

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1 A: That's fair.
 2 Q: All right. Now, this deed required you
 3 to provide W.W. Dibble with proof of
 4 insurance; is that correct?
 5 A: That's correct.
 6 Q: And, so, when W.W. Dibble -- to the best
 7 of your knowledge, W.W. Dibble got proof
 8 of the insurance, correct?
 9 A: He did.
 10 Q: And it would've showed that he was the
 11 first mortgagee, correct?
 12 A: Correct.
 13 Q: And it showed that Marion L. Driggers and
 14 Shiralee Driggers were the insureds; is
 15 that correct?
 16 A: That's correct.
 17 Q: Did W.W. Dibble ever object to that?
 18 A: No, sir.
 19 Q: He understood that you were the ones
 20 buying the property; is that correct?
 21 A: Yeah.
 22 Q: All right.

EXHIBIT NUMBER 17**MARKED FOR IDENTIFICATION.**

COURT REPORTER: SEVENTEEN.

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Q: All right. Take a look at that, all the pages, and then let's chat. Some of it's kind of hard to read.

A: (Pause while reviewing document).

Q: Are you good?

A: Can't read it, but I'm good.

Q: All right. Do you recognize any of those documents?

A: This is insurance pages from Farm Bureau.

Q: All right. Now, how many properties are insured under that policy?

A: Yeah, just two on this one.

Q: There you go, just shout right out when you know the answer. And what's the first property on there?

A: Turbeville Highway, Lake City.

Q: Is that the 378 property?

A: It is.

Q: All right. Now, let me ask a question. In November of '91, November 15, '91, when Elsie Matthews took title of that property, was Arthur still living there?

A: Yes, sir.

Q: Had he moved out at any point between the time he built that house, we'll call it

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Post Office Box 32157
Myrtle Beach, South Carolina 29588
(843) 685-7179

'95, because it takes time to build a house, and '91?

A: No, sir.

Q: All right. So, he's still there?

A: Still thee.

Q: All right. '95 when this insurance application or when this -- let me back up, I didn't ask you a question. Let's flip over to page three.

A: Okay.

Q: All right. Now, in the lower left-hand corner, whose signature is that?

A: It's mine.

Q: All right. And you agree that that's your signature?

A: I do.

Q: And it's dated what?

A: 2/13/95.

Q: All right. And who filled this document out?

A: I would assume Woody did.

Q: Do you remember filling it out?

A: That's not me.

Q: No, that's not your handwriting?

A: That's not.

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Myrtle Beach, South Carolina 29588
(843) 685-7179

Q: All right. Let's go to the next page and ask the same question. Is that your signature in the lower right-hand corner?

A: It is.

Q: What's the date on that?

A: 2/13/95.

Q: All right. How about the other writing on there, did you put that in there?

A: No, sir.

Q: Any idea who did?

A: Woody, I suppose.

Q: All right. So, Woody filled this out, but you just signed it?

A: That's right.

Q: And at this point, the property was titled in the name of Elsie Matthews; is that correct, in '95?

A: '95, yes, sir.

Q: All right. But in reality, you were the owner of the property; is that correct?

A: That's correct.

Q: So, when you filled this out, you believed that you were the owner of that property; is that correct?

A: I was.

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Post Office Box 32157
Myrtle Beach, South Carolina 29588
(843) 685-7179

Q: All right. And Elsie, you never got any disputes with Elsie, correct?

A: Correct.

Q: And Elsie gave you a Power of Attorney, correct?

A: That's correct.

Q: And Elsie even at one point went so far as to fill out a Will, that she never signed that left, that property to you in case she died; is that correct?

A: That's correct.

Q: Do you have copies of that?

A: I do.

Q: May I have it, please?

****OFF THE RECORD****

(ON THE RECORD.)

EXHIBIT NUMBER 18

MARKED FOR IDENTIFICATION.

COURT REPORTER: THAT'S NUMBER 18.

MR. PRITCHARD: YES, MA'AM.

MR. PRITCHARD CONTINUES:

Q: All right. So, Ms. Driggers, you've got Number 18, and I assume you know what that is?

A: Yes, sir.

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Myrtle Beach, South Carolina 29588
(843) 685-7179

1 Q: And that is a draft Will of Elsie
2 Matthews, correct?
3 A: It is.
4 Q: And in that is the idea that she's going
5 to make sure that if she dies before
6 y'all can straighten this property out
7 that it goes to you; is that correct?
8 A: That's correct.
9 Q: But it never got signed, did it?
10 A: It did not.
11 Q: And happily, that all got straightened
12 away before, long before Elsie passed; is
13 that correct?
14 A: That's correct.
15 Q: And is it your understanding that there
16 was a letter that Elsie wrote that made
17 sure that you were going to get that
18 property, telling her children that
19 that's she wanted; is that correct?
20 A: That's correct.
21 Q: All right. So, I hand you ---
22 COURT REPORTER: NINETEEN.
23 EXHIBIT NUMBER 19
24 MARKED FOR IDENTIFICATION.
25 Q: Do you recognize that?

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Myrtle Beach, South Carolina 29588
(843) 685-7179

1 Q: All right. And this is what that was; is
2 that correct?
3 A: That's correct.
4 Q: Any idea why it took three, three
5 additional years?
6 A: None, whatsoever.
7 Q: Just didn't get around to it?
8 A: That's exactly right.
9 Q: All right. But you didn't have to worry
10 about Elsie, did you?
11 A: Not a bit.
12 Q: And all this time Arthur was living in
13 that house?
14 A: That's right.
15 Q: And you were paying the taxes?
16 A: I was.
17 Q: You were paying the insurance?
18 A: I was.
19 Q: You were paying the upkeep?
20 A: No, sir.
21 Q: What?
22 A: No, sir.
23 Q: You were not paying the upkeep on the
24 house?
25 A: Didn't have any.

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Post Office Box 32157
Myrtle Beach, South Carolina 29588
(843) 685-7179

1 A: There is where E. L. Matthews deeded the
2 property to Tammy D. Floyd.
3 Q: All right. And who is Tammy D. Floyd?
4 A: My daughter.
5 Q: All right. Elsie Matthews conveyed the
6 property to Tammy Floyd; is that correct?
7 A: That's correct.
8 Q: And to the best of your knowledge, is
9 Tammy Floyd still own this property as of
10 today?
11 A: She does.
12 Q: All right. What's the date of this deed?
13 A: I think it's January 30th, '96.
14 Q: Okay. And when was the mortgage to W.W.
15 Dibble paid off?
16 A: I got to go back to that satisfaction.
17 November the 1st, '92.
18 Q: Okay. So, you would agree with me that
19 that's a little more than three years
20 later, correct?
21 A: It is.
22 Q: All right. Was it always the plan that
23 Elsie Matthews was going to convey that
24 property out to you or Roy or somebody?
25 A: Yes, sir.

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Post Office Box 32157
Myrtle Beach, South Carolina 29588
(843) 685-7179

1 Q: But you would've if you'd had to?
2 A: I would've if I'd had to.
3 Q: All right. So, Tammy now gets the
4 property in January of '96. I have a
5 question. It looks like it wasn't
6 recorded until '98, any idea why that
7 would've been?
8 A: No.
9 Q: Just didn't get around to it?
10 A: Didn't get it around to it.
11 Q: All right. Have you been lectured about
12 that?
13 A: Several times.
14 Q: All right. By who?
15 A: By you.
16 Q: Okay. Now, how much does it say Tammy
17 paid for this property?
18 A: Thirty thousand, I think, it was.
19 Q: Did she actually pay for it?
20 A: No, sir.
21 Q: Anybody actually pay for it?
22 A: To Elsie?
23 Q: Yes.
24 A: No.
25 Q: So, really, there was no consideration

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1 for this?

2 A: Should not have been.

3 Q: Okay. But yet, on back, there is a

4 recording affidavit where the listed

5 amount is thirty thousand dollars and the

6 fee due is a hundred and eleven dollars?

7 A: That's right.

8 Q: Any idea why that happened?

9 A: You have to pay the stamps.

10 Q: Yeah, but why do you pay stamps on thirty

11 thousand dollars and it never got

12 transferred? Is that a Billy Jenkinson

13 special?

14 A: Must've been.

15 Q: Billy Jenkinson is the one that signed

16 that affidavit?

17 A: He is.

18 Q: But there was actually no consideration

19 for this, ---

20 A: That's right.

21 Q: --- because you already owned it, in your

22 mind?

23 A: That's right.

24 Q: All right. Now, so why does it go into

25 Tammy's name?

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1 A: There, again, we can follow the trail.

2 Q: Yeah, but whose trail for you following?

3 A: W.W. Dibble.

4 Q: W.W. Dibble told you to put it in Tammy's

5 name?

6 A: No. He had just said it's better to go

7 in other names.

8 Q: Okay. So, in your mind, you were trying

9 to clean the title up ---

10 A: Clean the title.

11 Q: --- by putting it in different names?

12 A: That's right.

13 Q: Now, don't talk over me. Now, listen, in

14 your mind, it was better to put it in

15 different names to clean the title up?

16 A: That's right.

17 Q: And you now know that that's not a really

18 -- didn't really work, that wasn't really

19 good advice?

20 A: May not have been.

21 Q: Okay. And have you been lectured on

22 that?

23 A: Several times.

24 Q: By who?

25 A: You.

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1 Q: Thank you.

2 MR. HUDSON: LET'S MORE ASK

3 QUESTIONS RATHER THAN

4 TESTIMONY, ELICITING A

5 RESPONSE.

6 MR. PRITCHARD: I'M JUST TRYING TO GET

7 THE POINT ACROSS.

8 MR. CORBIN: AGAIN.

9 MR. PRITCHARD: AGAIN. THAT'S NOT

10 TESTIMONY SO MUCH AS

11 I'M MAKING SURE WE

12 UNDERSTAND IT, YOU

13 KNOW, IT'S LIKE THAT

14 GIRL ON THE AT&T

15 COMMERCIAL, "WHY DID

16 YOU WRITE IT IN

17 PERMANENT INK AND I

18 WANT YOU REMEMBER IT."

EXHIBIT NUMBER 20**MARKED FOR IDENTIFICATION.**

20 COURT REPORTER: EXHIBIT 20.

21 Q: Do you recognize that?

22 A: Yes.

23 Q: What is it?

24 A: Contract For Sale and Purchase.

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1 Q: All right. Who's it between?

2 A: Tammy D. Floyd.

3 Q: And?

4 A: Liza Gamble.

5 Q: All right. Who's Liza Gamble?

6 A: Liza Gamble is Arthur's fiancée.

7 Q: Arthur?

8 A: --- McKenzie's fiancée.

9 Q: Okay. And why is Tammy selling it to

10 Eliza Gamble, Liza Gamble as opposed to

11 Arthur, if you know?

12 A: I don't know.

13 Q: Are you familiar with Arthur's tax

14 situation?

15 A: He was probably in debt at that time,

16 too.

17 Q: In other words, did you understand that

18 he might've had some tax liens against

19 him?

20 A: Yes, sir.

21 Q: And to the best of your recollection, did

22 it go in Liza so it wouldn't have the tax

23 liens attached to it?

24 A: Yes.

25 Q: All right. And was the goal all along, I

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1 just want to make sure I understand this,
 2 was the goal all along for Arthur to get
 3 the house back?
 4 A: It was.
 5 Q: All right. So, in April of '97, is
 6 Arthur living in the house?
 7 A: He is.
 8 Q: Had he ever moved out of it between '98
 9 and '97?
 10 A: Never.
 11 Q: Never, and what's the purchase price?
 12 A: Eighty thousand.
 13 Q: Okay. All right. Now, do you know who
 14 drafted this document?
 15 A: Jenkinson's office.
 16 Q: Jenkinson being?
 17 A: Billy Jenkinson and Jenkinson Law Firm in
 18 Kingstree.
 19 Q: Okay. Now, on page three at the top,
 20 look at (f).
 21 A: Yes, sir.
 22 Q: Just read it to yourself.
 23 A: (Pause while reviewing document), yeah.
 24 Q: All right. What is your understanding
 25 that was all about?

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1 A: Liza was to carry insurance on it.
 2 Q: All right. To your knowledge, did Liza
 3 ever do so?
 4 A: Never gave me proof of it.
 5 Q: Okay. You never got proof of it?
 6 A: That's right.
 7 Q: So, if she did, you just didn't know
 8 about it?
 9 A: I didn't know about it.
 10 Q: But you can't say for sure she didn't,
 11 all you can say is that you never got
 12 proof of it?
 13 A: Never got proof.
 14 Q: All right. And throughout this time, did
 15 you have that Farm Bureau policy we're
 16 here about today in place?
 17 A: Yes, sir.
 18 Q: And did that, to your knowledge, ever
 19 lapse?
 20 A: Not to my knowledge.
 21 Q: All right.
 22 **EXHIBIT NUMBER 21**
 23 **MARKED FOR IDENTIFICATION.**
 24 COURT REPORTER: TWENTY-ONE.
 25 Q: And did you continue paying those

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1 premiums on it?
 2 A: I did.
 3 Q: All right. I'm going to hand you what is
 4 21, ask if you recognize that?
 5 A: It's an Assignment of Interest and the
 6 Contract For Sale and Purchase.
 7 Q: All right. And who is it between?
 8 A: With Tammy D. Floyd.
 9 Q: Who's that assignment between?
 10 A: Liza Gamble, and she's transferring it to
 11 Arthur McKenzie.
 12 Q: What's she transferring, to your
 13 understanding?
 14 A: Interest in the Contract For Sale and
 15 Purchase on Highway 378.
 16 Q: That one that Tammy executed to Liza?
 17 A: Say it again.
 18 Q: She's transferring her interest in the
 19 contract she had with, Tammy had with
 20 Liza?
 21 A: That's right.
 22 Q: Okay. So, at that point, in your mind,
 23 did Arthur own it or would be living
 24 there on it?
 25 A: Arthur was living there.

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1 Q: And if he made the payments, he would own
 2 it?
 3 A: He would.
 4 Q: Is that correct?
 5 A: That's right.
 6 Q: Now, I'm going to hand you what is marked
 7 as -- I don't know.
 8 COURT REPORTER: TWENTY-TWO.
 9 MR. PRITCHARD: WOW, WE'RE GETTING UP
 10 THERE.
 11 **EXHIBIT NUMBER 22**
 12 **MARKED FOR IDENTIFICATION.**
 13 Q: Now, do you know what that is?
 14 A: I do not.
 15 Q: All right. I'm going to represent to you
 16 that it was produced by Farm Bureau as
 17 the premiums paid on the 378 Turbeville
 18 property on the Farm Bureau policy that
 19 we're here about today, okay?
 20 A: Okay.
 21 Q: Do you have any reason to dispute that?
 22 A: No.
 23 Q: Does that look about right, those
 24 premiums in item one column?
 25 A: I suppose so.

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Q: All right. And, then, the coverage amounts are over there in the right-hand column, do you have any disagreement with that?

A: No, sir.

Q: And it increased, as best you can tell, overtime; is that correct?

A: Looks like what it did.

Q: All right. Now, if I was to tell you that that totaled four thousand, one hundred and forty-seven dollars and forty cents; would you have any reason to disagree with that?

A: No.

Q: Okay. Now, so as best you can recall, over the course of the life of that policy, there was forty-one hundred and forty-seven dollars and forty cents paid in premiums; is that your understanding?

A: Sounds reasonable.

Q: Okay. Now, how many premium years did you pay on that property?

A: I think it would've started at '91, I think.

Q: Now, this is in '95, this is after that

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'95 application, so there were some even before this?

A: That's right.

Q: All right. So, how many just on that from the '95 on?

A: Well, fifteen, twenty, fifteen.

Q: Yeah, and there were probably three or four before that; is that correct?

A: That's right.

Q: And we don't even have those amounts, correct?

A: That's right?

Q: Now, on the next page, this was produced by Farm Bureau, too. Do you understand what this document is?

A: It looks like an explanation on deleting the policy of coverage.

Q: Okay. I'm going to hand you ---

MR. PRITCHARD: WHAT NUMBER IS THIS?

COURT REPORTER: THAT ONE RIGHT THERE IS 22.

MR. PRITCHARD: NO, THIS ONE RIGHT HERE.

COURT REPORTER: SEVENTEEN, I BELIEVE.

Q: All right. Now, we've been over this.

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MR. HUDSON: THAT'S RIGHT, 17.

Q: What is your understanding of what this page is?

A: That's the coverage on that policy.

Q: All right. What's the first property listed?

A: The Highway 378.

Q: Okay. And that would be item one; is that what it says up top in the left-hand corner?

A: It does.

Q: Okay. So, this form right here is -- what does it say it's doing?

A: Deleting item one.

Q: And that would be the 378 property?

A: Yes.

Q: All right. Now, and that's effective what date?

A: 3/10/10.

Q: Okay. What is the date of this document? Well, there's three dates, and what does that say right there in the left-hand corner?

A: "Per insured, 5/12/10."

Q: All right. And what's that next one

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right there?

A: 5/12/10.

Q: Okay. And whose signature is beside that?

A: I don't know, Wayne E. McKenzie, yeah.

Q: Okay. And, then, what's this next one down here?

A: The date?

Q: Yeah.

A: 5/9/10.

Q: And what's beside that, as best you can tell?

A: Somebody's initials.

Q: Does it look like DD?

A: I think so.

Q: Okay. Now, earlier, you testified to a conversation that you had with Wayne McKenzie; do you remember that?

A: Correct, I did.

Q: Okay. Given that date of 5/12/10, does that look like about the time that you had the conversation with Wayne, have any reason to disagree with that?

A: No.

Q: All right. So, the best of your

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1 recollection, that would've been around
 2 the time frame that you had a
 3 conversation with Wayne? I'm not saying
 4 it was, just best of your recollection.
 5 A: Okay.
 6 Q: I'm asking you. Don't say okay, don't
 7 agree with me. I'm asking you the
 8 question. If you don't know, the answer
 9 is no or "I don't know," okay?
 10 A: Well, I don't know the date.
 11 Q: But do you have any reason to think
 12 that's wrong?
 13 A: No.
 14 Q: Okay. Now, so as I understand it from
 15 your earlier testimony, Wayne called you?
 16 A: That's correct.
 17 Q: Okay. On the telephone?
 18 A: On the telephone.
 19 Q: All right. And when you first started
 20 speaking with Wayne, what did he say?
 21 A: He said they were doing inspections on my
 22 property and they were at Highway 378 and
 23 that it had had fire damage.
 24 Q: All right. It was your understanding
 25 that he inspected the property?

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1 he said it wouldn't affect that, because
 2 I had coverage the date of the fire.
 3 Q: Okay. Did he give you any time frame as
 4 to how long you had to turn that claim
 5 in?
 6 A: I verified that I could turn it in up
 7 three years from the date of the fire.
 8 Q: So, Wayne McKenzie verified that with
 9 you?
 10 A: He did.
 11 Q: Okay. And, then, he told you, as I
 12 understand from your earlier testimony,
 13 then, that he had -- the policy had to be
 14 cancelled?
 15 A: That's right.
 16 Q: And you said, "Okay?"
 17 A: Yes.
 18 Q: And, so, when it says, "Per insured," was
 19 that your agreement to let him terminate
 20 it based on the fact that it had been on
 21 fire?
 22 A: That's my only alternative.
 23 Q: Okay. And when it says, "Home insured
 24 with another carrier," to the best of
 25 your knowledge, is he referring to that

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1 A: He was there to inspect it.
 2 Q: Did he inspect it; do you know?
 3 A: I do not know if he went in or anything.
 4 Q: But he, to the best of your recollection,
 5 told you that the house had been on fire?
 6 A: That's right.
 7 Q: And what did you tell him?
 8 A: I told him I knew that.
 9 Q: Didn't come as a surprise, did it?
 10 A: No.
 11 Q: All right. And what did you tell him --
 12 did he ask you about whether or not you
 13 want to make a claim?
 14 A: He did.
 15 Q: And what did you tell him?
 16 A: I told him that, that Arthur had
 17 insurance on the house, I was waiting to
 18 see if his would pay, 'cause I didn't
 19 want to turn mine in if I did not have
 20 to.
 21 Q: Okay. And did y'all discuss whether you
 22 needed to turn it in?
 23 A: He said he would have to cancel the
 24 insurance. I said, "If you cancel the
 25 insurance, can I still turn it in," and

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1 policy that Arthur had on it?
 2 A: Could have been, because I didn't have
 3 anything else on it.
 4 Q: You didn't have any other coverage?
 5 A: No.
 6 Q: So, that's the only explanation you have?
 7 A: Yes.
 8 Q: Okay. So, and at that time, Wayne was
 9 your agent?
 10 A: Yes, sir.
 11 Q: Okay. So, he was still acting as your
 12 agent at that point?
 13 A: He was.
 14 Q: And at some point, he stopped being the
 15 agent for the Driggers; is that correct,
 16 ---
 17 A: That's right.
 18 Q: --- because he moved to another office;
 19 is that correct?
 20 A: He moved, but that was not the reason he
 21 quit talking to me.
 22 Q: Well, I didn't ask was he talking to you,
 23 I just asked was he acting as your agent?
 24 A: Quit acting as my agent.
 25 Q: Okay. Did he quit talking to you?

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1 A: Yes.
 2 Q: Why is that?
 3 A: He said he couldn't discuss it because
 4 after we turned in the claim, it became a
 5 legal matter.
 6 Q: All right. And prior to November of
 7 2009, were you aware that Arthur had
 8 purchased a policy on the property?
 9 A: No.
 10 Q: Did that come as a surprise to you?
 11 A: Actually, no.
 12 Q: It didn't come as a surprise to you that
 13 Arthur had the Travelers policy?
 14 A: No.
 15 Q: Okay. Did you ever ask Arthur for a
 16 policy?
 17 A: I don't recall.
 18 Q: Okay. Now, when you -- let me ask you a
 19 question. Do you have a license to write
 20 insurance?
 21 A: Do I have a license to what?
 22 Q: To write insurance?
 23 A: Oh, no.
 24 Q: Do you have a license to underwrite
 25 insurance?

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1 A: No.
 2 Q: Have you ever taken any courses or
 3 classes on insurance?
 4 A: No, I do not like insurance.
 5 Q: Do you like it even less now?
 6 A: Exactly.
 7 Q: Do you have any training whatsoever in
 8 insurance ---
 9 A: No.
 10 Q: --- other than what you're getting in
 11 this case?
 12 A: Other than paying bills.
 13 Q: All right. So, when you place coverage
 14 on a property, do you rely on the agent?
 15 A: Totally.
 16 Q: And why do you rely on the agent?
 17 A: They're the ones selling and I assume
 18 they know what they're selling and what I
 19 would need.
 20 Q: Okay. And do you assume that they would
 21 ask you the pertinent questions when
 22 writing the coverage?
 23 A: Exactly.
 24 Q: And did anybody ever ask you how title
 25 was held?

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1 A: No.
 2 Q: But in your mind, you own that property?
 3 A: I do.
 4 Q: And you paid for?
 5 A: I did.
 6 Q: All right. So, when the Travelers lady
 7 came, and I believe you testified it was
 8 November of 2009; is that correct?
 9 A: I think it would've been within that
 10 month, yes.
 11 Q: Okay. So, the best of your recollection?
 12 A: Yes.
 13 Q: Could've been December, but ---
 14 A: Yeah.
 15 Q: --- to the best of your recollection, it
 16 was November?
 17 A: Correct.
 18 Q: But it was in 2009?
 19 A: It was right after the fire.
 20 Q: Okay. So, the fire happened in November
 21 of '09, so before the end of the year,
 22 ---
 23 A: Yes.
 24 Q: --- because they're really not but about
 25 thirty-five days left and one of them is

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1 Christmas and one of them is Christmas
 2 Eve, so, and then there are weekends, so
 3 there's not a whole lot of days left.
 4 And was that the first you knew about the
 5 Travelers policy?
 6 A: I don't know.
 7 Q: How would you have learned about the
 8 Travelers policy prior to that?
 9 A: I probably couldn't have.
 10 Q: Okay. So, the best of your recollection,
 11 is that the first time you knew about it?
 12 A: Yes.
 13 Q: Okay. And what did she tell you about
 14 it?
 15 A: She was there to verify the information
 16 that she had gotten from the courthouse
 17 or wherever she got it that we were
 18 listed.
 19 Q: She found it in Tammy's name?
 20 A: Yeah.
 21 Q: That's better than listed, right?
 22 A: But she still came to the office, yeah,
 23 so she made connection somehow.
 24 Q: Okay. It's probably not a great state
 25 secret in Kingstree that Tammy's your

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1 daughter; would you think?
 2 A: I wouldn't think.
 3 Q: 'Cause it ain't that big, right?
 4 A: That's right.
 5 Q: And everybody kind of knows who you are?
 6 A: Probably.
 7 Q: And Roy, they know who he is?
 8 A: Yeah.
 9 Q: And Tammy?
 10 A: She'd know it.
 11 Q: And Spencer?
 12 A: Yes.
 13 Q: So, it's pretty easy to connect y'all?
 14 A: Yes.
 15 Q: It wasn't a quantum leap?
 16 A: No.
 17 Q: Okay. Now, earlier, you were asked
 18 whether or not you told the lady at
 19 Travelers about the Farm Bureau policy;
 20 do you recall that question?
 21 A: I recall the question.
 22 Q: And to your knowledge, you didn't tell
 23 her about it?
 24 A: I don't think I did.
 25 Q: All right. Can you think of reason why

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1 you would have?
 2 A: No.
 3 Q: Is there a reason, that you know of, you
 4 should have?
 5 A: No.
 6 Q: Just didn't occur to you, ---
 7 A: Well ---
 8 Q: --- one way or the other?
 9 A: One way or the other.
 10 Q: All right. And when you learned about
 11 that Travelers policy, did it become your
 12 expectation that you would receive a
 13 portion of the Travelers policy and
 14 payment under the loss?
 15 A: That's right.
 16 Q: Okay. Did that ever happen?
 17 A: No, it did not.
 18 Q: And what year is it now?
 19 A: '21.
 20 Q: Did you receive so much as a quarter from
 21 anybody on that loss?
 22 A: Not a penny.
 23 Q: I have no further questions.
 24 MR. HUDSON: GOT ANY?
 25 MR. CORBIN: I DON'T THINK I HAVE

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1 ANY QUESTIONS.
 2 MR. HUDSON: I DON'T THINK I HAVE
 3 ANY MORE.
 4 ****OFF THE RECORD****
 5 (ON THE RECORD.)
 6 MR. HUDSON: YOU HAD SOMETHING ELSE
 7 TO SAY IN RESPONSE?
 8 MS. DRIGGERS: OH.
 9 MR. HUDSON: WELL, HERE, I'LL ASK
 10 YOU A QUESTION.
 11 RE-EXAMINATION
 12 BY MR. HUDSON:
 13 Q: Mr. Corbin doesn't have any questions, so
 14 I think I asked you previously did you
 15 have any other comments or any changes
 16 you would maybe make to your prior
 17 testimony or your EUO and prior
 18 deposition?
 19 A: I didn't really, but I didn't name all
 20 the places that I worked. I had worked
 21 at some more places in between, so.
 22 Q: Well, tell me about that. Let me have
 23 that.
 24 A: That was all, because I had part-time
 25 work at the post office. I was a clerk

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1 at the post office, okay?
 2 Q: What did you do there, sell stamps?
 3 A: Sort mail, yeah.
 4 Q: And sort mail?
 5 A: Yeah.
 6 Q: Okay, go ahead.
 7 A: And run the window and -- but it was not
 8 full-time work, but it was somewhere in
 9 there with all the rest of my work.
 10 Q: Was that in Lake City?
 11 A: Olanta.
 12 Q: Pardon me, Olanta.
 13 A: Olanta.
 14 Q: Anywhere else?
 15 A: I hope not, but I remember the year on
 16 that. It was '89.
 17 Q: Okay. All right.
 18 A: Okay?
 19 Q: Let me ask you some, because I'm not sure
 20 I know, all these changes in the names,
 21 Ms. Matthews, Lisa Gamble, et cetera,
 22 involved, supposedly, clearing up this
 23 tax debt? How is that going to clear it
 24 up, what's your understanding?
 25 A: I don't understand it.

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Q: But who is the source of that ingenious plan, Mr. Dibble?

A: W.W. Dibble.

Q: W.W. Dibble, ---

A: W.W. Dibble.

Q: --- not Mr. Brown, but W.W. Dibble?

A: W.W. Dibble.

Q: Have you ever asked Mr. Brown, "Hey, is Dibble right?"

A: No, I don't think so.

Q: Okay. That's all I have. Thank you, ma'am.

A: Thank you.

RE-EXAMINATION

BY MR. PRITCHARD:

Q: One more thing. Have you been told that that was wrong?

A: I have been.

Q: And by who?

A: By you.

Q: Thank you.

MR. PRITCHARD: I WANT THE RECORD TO REFLECT SHE WAS FREE TO GO AND THEN DECIDED TO VOLUNTARILY ASK

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SOME MORE QUESTIONS.

MS. DRIGGERS: I'M THROUGH?

MR. PRITCHARD: YOU'RE THROUGH.

(The deposition concluded at 1:16 p.m.)

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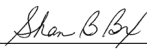
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STATE OF SOUTH CAROLINA)
COUNTY OF HORRY) CERTIFICATE

I, Sharon B. Brock, a Notary Public and Verbatim Court Reporter in and for the State of South Carolina, do hereby certify that the foregoing proceedings of SHIRALEE DRIGGERS, after first being duly sworn; was taken by me and thereafter transcribed by me. That the ONE HUNDRED FORTY-SEVEN (147) pages contain a full, true, and correct transcription of all the proceedings; that I am not of kin to any parties to this cause of action, nor am I interested in its outcome.

This transcript may contain quoted material; said material is transcribed as read or quoted by the speaker. Said proceedings were reported by method of steno mask with backup.

IN WITNESS WHEREOF I have hereunto set my hand and seal this 25TH day of APRIL, 2021.


Sharon B. Brock
Verbatim Court Reporter
Notary in and for the
State of South Carolina
My Commission Expires: 5/31/2021

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SHIRALEE DRIGGERS

* ****off 39:1 79:15 99:20 116:15 143:4 0 010 53:11 09 53:6,11,11 139:21 1 1 7:1 9:6 1:16 146:4 10 90:10,12 105 109:11 11 94:12,13 101:23,25 11/15/91 105:5,8,12 11/9/12 78:4 12 99:23,25 100:5 12/12/91 111:3 12/22/91 110:5 12/5/91 110:7 12/9/91 110:10 1244 111:9 13 100:13,16 14 101:9,12 14th 96:9 15 29:13 102:18,21 107:10 113:20 15th 96:10 102:16 16 104:12,16 17 112:23 131:1 18 116:17,19,23 19 83:21 117:23 1991 82:19 1994 83:22 1st 86:11,18 89:5 101:21 118:17 2 2 9:8 2/13/95 114:18 115:6 20 123:19,21 2009 7:16 29:19,21 33:1 49:13 78:6,9	137:7 139:8,18 2010 49:18 2013 7:24 8:16 2015 29:13 2016 8:1 9:7 2020 81:19 82:3,10 21 84:9,10 126:22 127:4 142:19 21st 105:2 22 128:11 130:21 22nd 86:25 24 92:11 25th 91:3 278 82:7 27th 78:8 2nd 84:7 3 3 9:10,14 41:24 44:11 46:20 3/10/10 131:19 30th 118:13 3497 9:25 378 82:8,9,9,10 83:12 100:12 101:1 103:2,5 104:20 107:13 113:17 127:15 128:17 131:7,15 133:22 4 4 7:1 9:15 77:21 78:14 79:5 5 5 45:20 46:16 49:4,6,8,11 5/12/10 131:24 132:2,20 5/9/10 132:10 5:30 78:9 6 6 81:14,15 6/28/49 10:4 7 7 83:2,3,6	76 13:15 8 8 85:14,17 80s 19:13 84 83:24,25 84:1,17 87:6 85 86:17,18,25 87:1,2,2,2,3,3,4,8 86 86:11 88 88:15 91:13 89 91:3,16 92:11 93:2 144:16 9 9 87:14,15,16,19 90s 29:10 33:2 35:9,12 38:19,22 91 39:22 82:18 102:16 103:8 105:2 107:10 113:20,20 114:2 129:23 92 96:9 118:17 93 96:10 95 114:1,6 115:17,18 130:1,5 96 118:13 120:4 97 125:5,9 98 120:6 125:8 9th 103:8 A a.m 78:12 able 17:25 acceptable 108:19 according 89:12 107:3 account 34:23 accounting 12:22 13:10 14:8,10,13 30:13 accounts 31:2 accurate 82:2 across 48:16 123:7 acting 104:8 105:20 136:11,22,23 action 65:18 68:1 72:10	active 29:15 77:14,18 activity 71:6 actual 61:4 76:8 actually 8:2 27:11 32:19 45:19,20 53:23 120:19,21 121:18 137:11 add 34:20 42:19 80:4 108:7 110:13,21 111:2 added 24:11 106:23 107:10,16 108:18 adding 104:20 addition 68:1 additional 119:5 address 9:24 42:23 111:10,11 addressed 109:24 adjustment 52:18 administrative 77:12 adopted 47:8 adverse 54:2 advertising 19:23 advice 62:18 95:15,18 122:19 advise 44:17 48:22 108:20 affect 135:1 affidavit 121:4,16 affixed 97:11 aforesaid 97:6 age 10:3 13:21 agency 23:21 agent 23:23 24:1 42:19 55:25 104:8 105:20 106:11 136:9,12,15,22,23 138:14,16 ago 13:19 80:22 agree 88:6 114:14 118:18 133:7 agreement 108:13 135:19	agreements 22:14 ahead 15:22 16:5 36:22 50:19 55:22 144:6 ain't 141:3 air-conditioning 30:16 alexander 58:1,5,12 alice 64:18 already 106:20 107:4,5,7 121:21 alternative 135:22 amount 81:22 107:20 108:10,19 109:21 121:5 amounts 43:3 129:2 130:10 and/or 19:18 26:21 35:14 80:3 annum 96:6 97:19 another 48:8 49:22,23 70:18 104:1 135:24 136:17 answer 36:10 42:10 47:25 59:19 60:12,15,16,18 62:12 65:21 66:1 68:12 113:14 133:8 answered 42:8,9 79:25 anybody 48:23 72:1 120:21 138:24 142:21 anyway 7:19 50:11 56:5 65:21 71:5 79:7 apparently 35:20 37:2,18 51:5 53:18 54:6 55:18 86:23 104:19 106:23 109:22 appears 62:5 application 8:8,14 9:8,14 42:2 44:23 114:7 130:1 approximately 12:

****off - approximately

SHIRALEE DRIGGERS

2 13:12 16:13 25: 13 34:13 approximation 65: 7 april 125:5 areas 15:11 16:9 26: 4 arose 37:14 around 12:6 68:4 119:7 120:9,10 133: 1 arrange 31:21 arrangement 38:14 39:4,6,9 40:11 41:2, 9 44:20 67:13 arthur 7:18 32:9,10 33:3,12,15 34:7,11, 16 35:15,20 56:10 57:2 58:25 82:6 83: 8,18 84:16,22 85:5 86:3,19 87:5 88:17 90:5 91:13,19 93:3, 18 113:22 119:12 124:7,11 125:2,6 127:11,23,25 134: 16 136:1 137:7,13, 15 arthur's 33:16 34:4 36:17 50:17 88:8 124:6,13 askins 88:24 90:17, 23,24,25 91:6,17 92: 11 assessed 97:9 assigned 92:16 assignment 127:5,9 associate 16:19 associated 19:4 93: 12 assume 15:13 35:8 42:4 44:25 114:21 116:23 138:17,20 assuming 70:1 76: 16 assured 34:5 at&t 123:14	attached 124:23 attempted 70:11 76:21 attorney 7:7 21:19 67:25 102:25 116:4 attorneys 31:22 32: 1 authorities 66:5 authorized 62:16 available 22:23 30: 9,11 aware 137:7 away 40:9 71:22 89: 13 90:3 117:12 B back 7:16 8:25 9:1 10:14 12:13 14:14 35:9 40:11 41:1,16 82:14 86:15 99:2 108:21 110:15 111: 17 114:7 118:16 121:3 125:3 background 10:7, 17 74:25 balance 96:4,23 barbecue 77:6 bargain 97:5 bargained 97:3 based 95:21,22 97: 16 135:20 basically 25:1 27:23 48:8,15 49:16 67: 24 103:3 basis 26:23 beach 26:10 77:2 bear 92:3 became 137:4 become 39:8 62:14 96:12 142:11 beginning 9:22 10: 15 19:10 62:21 believe 7:25 8:2 45: 19 56:8 61:13 78:6 101:23 111:4 130: 24 139:7 believed 115:23	beneath 111:1,6 benefits 49:21 beside 132:3,11 besides 71:11 93: 16 best 7:18,19 8:8 13: 13 41:25 52:24 58: 7 65:22 66:2 82:19, 22 83:11 91:15,18 93:3,6 103:12 111: 10 112:6 118:8 124: 21 129:6,15 132:11, 25 133:4 134:4 135: 24 139:11,15 140: 10 better 63:16 95:3, 10 122:6,14 140:21 between 75:3 113: 24 124:1 125:8 127: 7,9 143:21 big 16:15 71:14 141: 3 biggest 17:7 bills 15:17,20,23 16: 6 138:12 billy 121:12,15 125: 17 birth 10:2 bit 12:13 55:23 86: 24 119:11 blue 92:17 100:19 111:8 bookkeeping 12:12 15:7,8,11 30:15 74: 25 books 15:10,13,14 28:10 30:22 33:16 bookwork 30:23 31: 1 both 7:17 8:18 9:20 21:25 22:3 31:23, 24 37:6,7 41:22 54: 14,14 76:17 100:22 bottom 110:8,11,12 bought 24:12 36:20 88:11	box 111:9 boy 80:21 break 79:12 brick 85:6,6,7 bring 13:23 27:25 28:1 99:10 broad 10:8 brought 9:2 brown 13:25 14:2,5, 10,15,16,17,18 15: 12 16:7 18:4 23:17, 23 24:20 25:3 83: 10,18 145:6,8 brown's 16:17 buddy 103:13 build 114:1 building 33:9,13 built 33:3,8,11 35: 12 84:24 113:25 bunch 87:21 bureau 7:8 8:12 23: 14 24:14 41:22 48: 22,24 54:19,21,21 61:9 69:22 73:23, 24 74:5,8,12,13 75: 4,18 77:25 104:20 109:19 111:13 113: 9 126:15 128:16,18 130:14 141:19 bureau's 54:24 burned 74:12 business 14:13 15: 12,14 16:9 17:15,16, 16,17,24,25 19:3 20: 21,22 21:1 24:22 25:1 27:8 29:22 31: 10 33:18,22 43:11 62:4,6 67:12 77:14 businesses 14:21 buy 21:12 23:1,2 25: 23 35:16 37:2,6 66: 21 70:25 buying 19:13 21:4 25:6 33:4,14 35:9 36:24 93:10 102:13 112:20	buys 93:24,25 C call 20:2 30:7 32:10 54:3 56:7 60:5 82:5 98:4,6,8 113:25 called 21:8 42:18 47:5 50:2,7 51:9 52: 3 55:15 58:3,13 96: 3 103:16 105:11 106:13 107:17 133: 15 came 8:6,9 20:10 42:11 43:6 52:22 53:20,25 56:9 57: 14 66:20 70:25 73: 16 139:7 140:22 cancel 134:23,24 cancelled 69:21 135:14 capacity 36:13 68:2 71:1 care 50:18 51:16 carolina 7:8 10:1 54:21,23 73:23 77: 10 111:9 carrier 135:24 carry 96:21 126:1 case 21:22 65:25 78:19 79:22 116:10 138:11 cashier's 96:7 98: 17,18 99:10 100:6 casualty 15:1 cause 50:21 57:1 134:18 141:3 cents 129:12,18 certain 29:2 35:6 63:16 certainly 13:21 certificate 13:10 cetera 144:21 chain 62:19 change 69:10 80:1, 4 changed 56:2 110: 22 111:2

approximately - changed

SHIRALEE DRIGGERS

changes 143:15 144:20 charge 27:9,11 chat 113:2 chatting 7:21 check 53:13 54:2 96:7 98:17 100:6 checking 13:22 checks 98:19 99:10 100:7,10,22 children 17:8 117:18 chosen 73:18 christmas 140:1,1 city 8:11 10:1,20 11:17 12:25 14:19,20 18:6 26:9 28:3 76:3 113:16 144:10 city/county 11:3,19,20,21 claim 49:24 50:1,15 52:6,8,9 55:7 74:11, 16 77:25 78:1 134:13 135:4 137:4 claimed 44:1 claiming 72:20 73:20 claims 72:12 73:22 74:1,3,8 clarendon 26:5 28:5 class 13:6,7 classes 138:3 clean 122:9,10,15 cleaned 84:3 clear 62:19 95:11 144:23 cleared 64:21 clearing 144:22 clerk 143:25 close 26:16 41:7 77:4 closed 29:12,14 closing 21:18,19 coincidence 105:9 collect 34:22	collecting 21:6 27:9,11,20 colonial 88:12,22 90:15,23,24 91:5,17 column 128:24 129:3 combination 27:14 come 80:13 99:2 134:9 137:10,12 comments 143:15 commercial 123:15 commercially 18:1 19:23 comp 15:4 companies 16:6 23:12,16 24:2,6 company 7:9 12:8,9 13:17,25 14:1,2,6, 11,16 23:17,19,21, 22 24:8,9,13,16,21 25:3 34:6,19 49:22 51:16 52:12,13,17 55:20 company's 15:12 compensating 75:4 compensation 70:22 complaint 72:6 completed 8:4 computations 75:2,7 concerned 43:2 69:13,14 83:13 concerning 52:16 72:2 concluded 146:4 concrete 12:7,8,9 13:16,25 condition 64:1 conditions 94:4 96:14,15 confident 57:15 confusion 59:22 connect 141:13 connection 140:23 consideration 120:	25 121:18 constantly 68:7 construction 35:17 contact 57:24 91:19 contacted 36:19 93:9 contained 101:22 contest 104:2 continue 60:21 126:25 continued 25:23 continues 39:3 79:17 100:2 116:21 continuing 46:4 contract 22:14 38:10 39:10 40:13,14, 24 44:18 45:8,12,23, 24 46:1 47:7,9,13, 22 48:19,24 54:10, 13,18 58:20 59:1,7, 12 60:5,6,7 61:5 62:23 123:25 127:6,14, 19 contractor 23:2 contractors 22:9 contracts 22:16 43:12,15,16,21,22 44:2 conversation 57:9, 11 58:3,11,18 93:16 132:17,22 133:3 conversations 58:9 convey 118:23 conveyed 83:18 97:10 118:5 conway 77:3,4 copies 8:20 79:23 81:3 99:18 116:12 copy 7:23,25 81:5 96:24 corbin 59:15,18 80:11,16,21 81:3 82:8 87:14 123:8 142:25 143:13 corner 81:21 85:22 105:25 114:12 115:	3 131:10,23 correct 20:8 23:24 31:6,7 35:11 38:1 47:15,22 49:25 51:14 61:6,7,25 62:1 83:19,20 84:1,2 85:16 86:21,22,24,25 87:8,9 91:20 97:19, 20,22,23 101:13 102:2,3,5,6,13,14 103:10,11,18 105:13,14,16,21 106:22 107:2,3,14 109:21 111:15 112:4,5,8, 11,12,15,16,20 115:17,20,21,24 116:2,3, 5,6,10,11 117:2,7,8, 13,14,19,20 118:6,7, 20 119:2,3 128:4 129:7 130:8,11 132:19 133:16 136:15, 18 139:8,17 cost 108:16 couldn't 137:3 140:9 could've 139:13 counsel 67:22 68:9, 14,15,18 count 87:12 counterclaimed 73:22 counterclaims 72:8 county 26:5,5,6,6 77:5 102:5 108:10 couple 50:10 57:21 71:3 75:12 78:5 79:18 80:10 94:8 95:11 99:18 course 12:22 54:18 129:16 courses 138:2 court 49:4,6,10 81:14 83:2 85:16 87:15 90:12 94:12 101:24 104:15 112:25 116:19 117:22 123:	21 126:24 128:8 130:20,24 courthouse 53:21 54:2,5 140:16 cover 16:10 17:1 24:9 96:23 coverage 42:24 43:5 107:18 108:8,9, 13,17,19 110:13 129:1 130:17 131:4 135:2 136:4 138:13, 22 created 96:12 credit 34:4 cross-complaints 72:7 curious 47:4 current 37:17,18,20 56:10 97:9
D				
damage 32:21,24 50:8,11 51:18 55:11 70:19 133:23 damages 54:1 76:20 daryl 81:5 date 10:2 29:11 50:21 78:3 83:23 86:10 88:13 91:2 102:15 103:7 105:1,6,8 110:9 115:5 118:12 131:18,20 132:8,20 133:10 135:2,7 dated 114:17 dates 13:13 52:24 131:21 daughter 7:17 8:18 27:13 35:24 48:12 58:23 61:12,19,22 68:23 72:22 74:7 77:1 118:4 141:1 daughter's 62:3 day 8:3 78:9 86:17 88:15 91:3 103:16 110:3,6 days 53:5 139:24				

SHIRALEE DRIGGERS

140:3 dd 110:20 111:2 132:14 deal 22:8 23:13 dealing 20:5 24:23 25:12 29:17,22 32: 5 dealings 71:23 debt 90:3 124:15 144:23 december 83:22 84: 7,10,17 103:8 139: 13 decide 68:21 decided 37:2 107: 19 109:20 145:24 decision 37:5 decision-making 29:25 36:12 63:2 declined 70:14 deed 61:23 83:17 88:7 90:21 91:2 94: 16 95:21,22 97:12 101:22 102:5,15 105:7 112:2 118:12 deeded 118:1 default 38:5 45:13 defendant's 100:4 defer 73:13 deleting 130:16 131:14 dell 110:2,20 111:4 dell's 111:10 department 11:13, 17,18 15:5 deposed 7:4 deposition 8:1 9:6, 20,22 45:21 73:11 77:22 79:21 143:18 146:4 depositions 80:2,3 depreciated 66:9 describing 27:8 designated 62:8 designee 62:9 desire 52:7 108:17	details 10:6 dibble 36:20 38:15, 17 39:7 62:18 63:3 92:6,10,16,20 93:1, 8,17 94:18,19,20 95: 2 100:11,18 101:6, 19,21 102:8 111:8, 12,14 112:3,6,7,17 118:15 122:3,4 145: 2,3,4,5,6,7,9 dibble's 111:11 died 116:10 dies 117:5 different 24:1 31:5, 9 41:18,20 67:22 122:11,15 difficulties 28:19 difficulty 28:16 dirty 106:5 disagree 81:24 83: 23 84:1,13 92:13,16 129:13 132:23 disagreement 68:8, 10,11,13 129:3 discarded 35:4 discuss 63:7 68:3 134:21 137:3 discussed 64:7,8,9 108:9 discussing 51:5 discussion 55:6,25 108:12 discussions 52:15 55:23 64:13 66:19 93:20 dispute 128:21 disputes 116:2 distinction 61:3 divorced 56:4 document 101:14 102:22 107:25 113: 4 114:19 125:14,23 130:15 131:20 documentary 97: 11 documentation 21:	20 documents 8:19 113:8 dog 64:19 doing 18:1,3,10 19: 17 21:7 27:16 28: 25 29:21 50:3,6 62: 19 66:23 77:5 131: 13 133:21 dollar 96:5 dollars 37:16 41:4 85:20 86:20 87:7 88:20 91:9 94:6 95: 25 97:18,25 98:10 121:5,6,11 129:11, 18 done 8:1 22:17 42: 17 70:13 75:1,6,11 dotson 72:15,24 down 22:23 30:8 66:4 76:3 80:20 81: 20 83:15 94:7 97: 17,25 104:21 106: 11 110:11,21 132:7 draft 117:1 drafted 125:14 driggers 7:3,7 9:25 18:24,25 19:1 21: 24 27:23 30:8 31: 22 35:15 36:8 37:6 39:24,25 41:22 47: 12 51:23,23 55:12 57:8,12 61:14,21 62:7 63:6,13 64:5 66:12 67:5,6,14,23 68:20 69:19 72:21 73:5,18 77:15 78:2 79:18 80:19 81:17 86:5 98:3 103:1 106:8 112:13,14 116:22 136:15 143: 8 146:2 driggers' 45:20 61: 25 driver's 13:23 due 97:9 121:6	duly 7:3 duncan 110:2 111: 4 duncan's 110:20 during 20:2 25:24 29:2 30:3 52:17 96: 19 108:10 duties 11:8 12:11 14:6 19:8 20:24 dwelling 108:9,16 dwelling's 106:25 dwight 7:7 E e.l 94:22,23 96:2 each 7:13,23 27:12 earlier 132:16 133: 15 135:12 141:17 eastern 77:10 easy 141:13 echo 77:8 education 10:18 12: 15 educational 10:7, 16 effective 131:17 eight 12:3 eighteen 66:3 eighty 108:15 125: 12 eighty-four 108:14, 18 109:6,15,20 110: 13,16 either 8:17 23:2,2 26:1 32:20 45:1 68: 6 73:17 either/or 22:2 electrical 30:16 electricity 85:10 eleven 91:5 121:6 eliciting 123:4 eliza 124:10 else's 95:4,10 elsie 94:23,25 100: 6,9,19 101:5,5 102: 9 103:1,10,12,15 104:7 105:20 113:	21 115:16 116:1,2, 4,7 117:1,12,16 118:5,23 119:10 120:22 employed 25:3 employees 16:1 employment 17:5 employments 11:2 end 28:24 30:13,13, 15 74:14 76:4 139: 21 ended 92:6 endurance 104:2 engage 14:22 enjoyed 18:3 enough 16:11 77:4 84:11 97:15,16 entail 15:9 entailed 19:8 enterprises 16:7 entire 41:8 72:11 error 18:2 essentially 49:25 estate 14:12,25 20: 9 32:4,7,10 85:23 et 144:21 euo 7:23 9:5 75:24, 25,25 76:1,2,8 79: 22 80:3 143:17 eve 140:2 even 7:22 21:15 24: 22,25 53:16 56:3 61:24 70:14,19 116: 7 130:1,10 138:5 eventually 35:23 everybody 7:21 141:5 everything 12:19 15:10 21:2,3 22:19 33:5 57:1 64:21 eviction 72:24 73:4 93:18 evidence 98:15 evidentiary 8:6 evolved 19:9 exact 25:16

SHIRALEE DRIGGERS

exactly 7:11 24:19 77:12 95:20 119:8 138:6,23 examination 7:5 80:17 except 111:20,21, 24 exclusively 29:4 excuse 59:15 83:25 111:11 executed 127:16 executory 59:4 exhibit 7:1 9:6,8,10, 14,15 41:24 44:11 45:16,20 46:5,9,11, 15 49:3,11 77:21 78:13 79:5 81:13, 14,15 83:2,3,6 85: 17 87:16 90:10 94: 13 99:25 100:5,13 101:9 102:18 104: 12 112:23 116:17 117:23 123:19,21 126:22 128:11 exhibits 7:24 79:20 expectation 142:12 expense 15:23 expenses 31:3 experience 18:12 experiencing 71:7 expertise 17:23 18: 2 43:24 44:1 explain 11:7 39:16 42:13 explanation 130:16 136:6 explored 70:11 exposure 31:15 extended 96:21 extent 27:1 F fact 103:16 135:20 fair 25:2 27:10 60: 16 62:10,13 71:9 104:7 111:25 112:1 fairly 103:15	faith 57:3 familiar 7:12 32:5,8, 13 124:13 family 18:24 19:19 24:25 39:24 71:19 72:2 93:21 far 19:12 22:6 29: 25 31:2 35:17 43:1 57:23 116:7 farm 7:8 8:12 23:13 24:13 41:21 48:22, 23 54:19,21,21,24 61:9 69:22 73:23, 23 74:5,8,11,13 75: 4,18 77:25 104:19 109:18 111:13 113: 9 126:15 128:16,18 130:14 141:19 feagin 42:18,22 44: 17 48:23 55:4 106: 12 109:25 federal 17:21,22 fee 121:6 fellows 80:9 few 26:17 79:8,10 111:24 fiancée 124:6,8 field 50:6 fifteen 85:20 86:9, 20 87:7 130:6,6 fifty 88:20 fifty-four 81:23 file 50:15,16 filed 8:16 59:12,24 61:4 74:11 97:12 fill 116:8 filled 42:11 43:6 78: 1 114:19 115:12,22 filling 114:22 final 100:24 financial 28:24 30: 13,24 financing 26:23 94: 8 find 7:15 14:14 96: 18	fine 65:19 fingerprinted 11:9 finished 76:2 fire 29:18 32:21,24 49:13,17,19 50:8,10, 11,25 51:12,13,18 52:18 53:3,4,6,13, 16 54:1 55:10 57: 16 58:15 59:25 61: 16 63:19 66:6 69: 20 70:18,21 78:5 96:21 133:23 134:5 135:2,7,21 139:19, 20 firm 67:23 125:17 first 11:3 33:3 44:3 74:23 75:8 86:17 89:20 90:1 95:14 96:8 109:3 111:7, 14 112:11 113:15 131:5 133:19 140:4, 11 fitch 107:1 five 16:4,5 fixed 19:16 fixing 21:15 22:8 flat 58:17 flip 87:22 108:21 114:9 florence 11:4,21,22 18:7 26:5,9 28:5 floyd 46:2 47:12 61: 19,21 63:9,14,21,23 67:21 68:23 69:9 78:23 79:2 118:2,3, 6,9 124:2 127:8 floyd's 35:25 44:9 63:3 folks 19:17 20:10 22:10,15 follow 46:13 122:1 following 122:2 follows 7:4 forbid 70:17 forgot 23:18 form 31:17 62:11	131:12 formal 12:17,18 formerly 8:11 32: 11 forty 129:11,18 forty-one 129:17 forty-seven 129:11, 18 forward 82:19 found 140:19 four 129:10 130:8 fourth 81:5 frame 133:2 135:3 frankly 71:3 free 145:23 frequently 20:13 friend 94:23 front 108:22 110: 16,17 111:18 full 9:23 36:3 103:3 full-time 144:8 function 11:14 funeral 103:17 furnish 23:4 furnished 96:25 furniture 33:5,14, 23,25 34:2,6,7,9,19 35:10,16 further 8:2 108:11 142:23 G gamble 124:4,5,6, 10,10 127:10 144: 21 gave 34:18 79:21 86:19 89:12 103:1, 3 116:4 126:4 general 19:24 21: 10 generally 16:1 20: 17 26:3 74:16 gets 120:3 getting 19:15 21:4 24:22 29:5 59:16 75:12 128:9 138:10 girl 123:14	girlfriend 41:19 give 10:2,7,15,16,25 13:13 15:22 28:2 42:21 74:24 101:5 135:3 given 81:22 86:10 132:20 gives 87:6 giving 86:2,4 100:9 glasses 84:3 goal 124:25 125:2 got 8:2,19 9:11,12 10:6 11:24 22:17 34:8 38:15,17,21 44:11 54:6,16 56:3 57:2 61:19 86:23 91:6 96:18 98:18 99:3,5 105:11 110: 16,18 112:7 116:1, 22 117:9,11 118:16 121:11 126:5,11,13 140:17 142:24 gotten 140:16 graham 8:10 grant 97:4 granted 97:3 grantee 96:3,20 97: 7,7 grantors 96:7 97:1, 1 great 8:23 52:25 53: 1 57:18 140:24 group 72:23 guess 7:19 37:7 39: 4,7 65:5 101:12 guys 99:19 H habitation 71:8 half 78:10 hand 8:24 9:1 38:23 83:5 85:13 100:15 101:11 102:20 104: 14 117:21 127:3 128:6 130:18 handed 7:20 8:7 handle 23:7,10 95:9

SHIRALEE DRIGGERS

103:1,4 handled 14:12 20:18 25:20 66:10,12 73:5 103:4 handling 28:23 handshake 22:20 hands-on 30:18 handwriting 104:23 105:4,23 106:1,3 114:24 handwritten 104:21 hang 106:16 happen 53:19 142:16 happened 36:25 40:10 57:15,23 68:19,19 89:4,6 121:8 139:20 happening 36:4 happenstance 81:1 happily 117:11 hard 113:3 harry 90:17,24,25 head 62:3 heard 53:3 55:18 71:21 heavily 36:6 hebron 9:25 heirs 71:25 held 138:25 help 73:2 85:3 helped 33:4 helping 35:16 hereby 97:4 herein 96:3,8,12 97:10 high 10:11,18,22 12:15 25:17 highs 16:3 highway 113:16 127:15 131:7 133:22 himself 67:25 85:1,8 history 10:10,14,25	hold 56:25 62:9 92:1 holders 56:15,19 holding 13:20 home 7:16 17:6,6,10,12,15 19:2 24:25 135:23 homeless 77:10 homes 26:18,20 hope 144:15 hopefully 28:8 87:11 horry 28:5 house 30:1 33:3,5,8,10,11,13,21 34:21 35:10,15,18,21 36:17,20 37:10 39:22 40:16 43:1 44:13 50:3 51:12,15,17 58:22 60:4 62:22 64:14,20 66:21,22,24 67:2,4,8 71:11,11 74:10,12 76:19,20 84:19 85:8 89:17 98:6 113:25 114:2 119:13,24 125:3,6 134:5,17 houses 26:18 how'd 28:6 hudson 7:6,7 22:16 39:3 46:7,14,20,25 49:2,5,8 60:23 65:14 79:17 123:2 131:1 142:24 143:2,6,9,12 hundred 26:13 37:16 41:4,6,7 66:3 88:20 89:21 91:9 121:6 129:11,17 husband 8:17 19:18 21:23 24:21 27:13 28:25 48:13 I i.e 61:21,23 67:22 71:25 idea 16:21 64:4 70:	2 79:2 87:20 88:22 104:23 115:10 117:4 119:4 120:6 121:8 identification 7:2 10:3 11:4,7,23 49:12 81:16 83:4 85:18 87:17 90:11 94:14 100:1,14 101:10 102:19 104:13 112:24 116:18 117:24 123:20 126:23 128:12 identified 8:13 41:25 79:23 identify 46:7 imagine 80:10 improvements 96:22 in'95 129:25 inc 92:17 100:19 111:8 including 47:11 77:17 incorporated 45:8 47:19,20 increased 129:6 independent 23:20,23,25 40:7 indicated 52:5 77:22 indicating 83:16 86:14 110:23 individual 17:19,20 68:2 individually 68:6 information 42:21,25 56:14,17 89:12 140:15 ingenious 145:1 initial 55:24 initially 72:15 initials 77:17 110:20 111:24 132:13 ink 123:17 inside 64:18	inspect 134:1,2 inspected 55:5,15 133:25 inspecting 51:10 55:9,11 inspections 50:4,7 133:21 installment 26:25 60:3 installments 96:6 insurability 75:10,14 76:5,17 insurable 61:11 70:9 74:18 insurance 7:9 14:11,23,24 15:1,2,3,5 23:7,10,12,19,24,25 24:5,8,24 25:12,19 28:13,16 30:22 41:21 42:5,19 43:12 44:12,22,25 45:3,10 49:22 50:17,22 51:16 52:13,17 55:2,20 70:11,15 72:4 74:13,16 76:22 96:16,21 97:2,21 104:4 105:12 112:4,8 113:9 114:6 119:17 126:1 134:17,24,25 137:20,22,25 138:3,4,8 insure 28:20 70:2 insured 50:24 69:18,19,24 70:5 107:7 108:17 113:11 131:24 135:18,23 insureds 75:5 108:20 112:14 insured's 108:8 insuring 44:12 76:19 interest 7:17 40:8 57:25 59:2,3,4 61:11,24 64:15 74:19 92:17 96:6 127:5,14,18 interested 36:23	66:23,25 93:10 interrupt 46:3 60:10 interrupted 8:4 55:22 introduced 77:23 80:5 investigation 71:17 involve 19:15 29:9 involved 7:13 21:18,20,24 23:14 29:4,10,24 33:9,14 34:2 35:19,25 36:6,11 37:24 39:8 41:19 45:6 47:16 61:19 72:14 74:20 144:22 involvement 27:22 35:14 isn't 59:5 61:5 issue 74:10 issued 61:14,15 issues 7:13 25:13 36:1 37:13 item 110:22 111:2 128:24 131:8,14 it'll 46:16 73:11 itself 60:9 J january 86:11 118:13 120:4 jenkinson 121:12,15 125:16,17,17 jenkinson's 125:15 jill 81:3 job 11:3,8,25 12:11 14:6 17:7 19:7 20:23 27:21 jointly 22:1 jordan 34:5,18 jot 22:23 jr 90:17,24 judge 45:7 47:7,8,21 54:12 june 88:15 K

SHIRALEE DRIGGERS

keep 15:10,12 28:10,12,21 52:23 keeping 33:16 87:12 101:12 kennedy 52:22 56:2,7 57:13 kept 15:14 91:19 kim 32:3 kind 10:8,10,25 11:1,11,13 13:9 14:2 19:8 22:19 30:17 36:7 45:8 51:2 52:23 55:14 62:7 79:19 91:19,22 113:3 141:5 kingstree 44:10 125:18 140:25 knowing 28:16 95:8,13,17 knowledge 36:3 51:22 64:24 91:15,18 93:7 112:7 118:8 126:2,18,20 135:25 141:22 knows 63:14 65:20 141:5 L lady 139:6 141:18 lake 8:11 10:1,20 11:17 12:24 14:18,20 26:9 28:3 76:3 113:16 144:10 land 38:9 39:10 40:13,24 43:16,21,22 44:18 45:12 54:9,13 58:20,25 59:6,11 60:6 61:5 62:23 83:9 84:17 87:25 landlords 18:22 lane 80:20 lapse 126:19 larger 26:19 last 29:8 32:18 39:5 75:10 78:16 98:23,25 lasted 8:3	late 78:7 lately 45:18 later 50:21 52:8 57:19 78:6 86:24 92:12 118:20 law 44:9 67:23 125:17 lawsuit 31:13 73:3 lawyer 44:5 lawyers 48:20 68:6 79:8 lawyer's 47:23 48:6,18 leap 141:15 learned 55:9,10 140:7 142:10 leases 21:9 least 32:11 35:23 38:2 55:19 58:23 59:3 96:23 leaving 36:7 62:4,6 lectured 120:11 122:21 lee 26:5 left 68:14,17 69:1,5,6 71:22 116:9 139:24 140:3 left-hand 114:11 131:9,22 legal 9:23 21:20 36:1,12 38:12,14 40:11 61:22 63:1 68:1 69:11 72:11 74:1,3,19 137:5 length 35:6 leroy 21:23 less 16:23,24 138:5 letter 117:16 letting 89:24 liability 31:15,16 license 13:23 137:19,21,24 lien 96:11,20,24 97:6 101:18,22 lienholders 97:3 liens 124:18,23	life 15:2 129:16 likely 73:6 limited 31:15,16 lisa 144:21 listed 28:6 56:13,16 121:4 131:6 140:18,21 listen 79:5 122:13 litigant 74:6 litigation 66:24 little 12:13 55:23 62:18 78:16 80:20 86:23 108:5 118:19 livable 70:10 lived 21:8 82:6 livelihood 93:25 living 70:9 71:16 77:1 91:16 93:3 113:22 119:12 125:6 127:23,25 liza 124:4,5,6,10,22 126:1,2 127:10,16,20 llc 31:16 llcs 31:4,9,18 77:15 loaned 40:20 located 14:18 26:3 location 32:6 50:2 logistical 9:12 long 11:24 13:17,19 16:12,17 29:8 32:25 35:11 58:15 117:12 135:4 longer 77:6 90:7 103:15 look 9:2 13:21 42:6 48:8 51:17 81:18 84:4,5 87:18,24 88:2 90:13,18,21 100:21 106:3 109:23 110:19 113:1 125:20 128:23 132:14,21 looked 71:7 72:6 74:22 looking 100:4 103:	17 109:19 looks 45:24 46:1 51:11 52:3 64:19 78:10 79:1 86:24 87:2,3 90:15,18 91:10 106:23 110:20 111:13,17 120:5 129:8 130:16 losing 105:8 loss 7:15 8:16 9:16 29:18 49:17,19,20 51:7,12,12,13 52:4,16,18 53:16 55:10,14 57:16 58:15 61:13,16 63:15,19 66:6 69:20,21 70:20,22 75:5 77:24 78:5,8,15,17,20,22 142:14,21 lost 24:12 38:10 88:17 lot 26:18 71:6,7 140:3 low 25:17 lower 81:20 105:25 114:11 115:3 lowered 66:14 lows 16:3 M ma'am 9:24 116:20 145:12 made 34:17 71:17 73:22 78:1 82:12 117:16 128:1 140:23 mail 28:8,9 144:3,4 mainly 20:5 maintaining 20:6 maintenance 23:8 30:19 man 71:15 management 20:3,21 21:1 23:9 26:22 27:7 108:12 manager 19:25 20:1	managing 21:10 29:22 many 16:1 25:8,11 26:12 27:2,3 31:8 34:16 40:9 41:8 82:14 113:10 129:21 130:4 marion 21:23 27:22 30:7 61:13,25 66:12 67:5,14,23 78:2 86:5 98:3 112:13 marion's 49:9 mark 9:19 45:17 46:8,10,14 49:2 81:11 82:24 94:11 99:22 marked 7:2 8:24 9:6,7,9 46:21 49:12 81:16 83:4,5 85:18 87:17 90:11 94:14 100:1,14,16 101:10,11 102:19,20 104:13,14 112:24 116:18 117:24 123:20 126:23 128:6,12 married 19:1 56:4 mason 85:5,6 materials 23:1,4 matter 14:3 50:25 65:10 69:19 71:24 137:5 matters 21:20 matthews 94:21,22,23,23,25 96:2 100:6,10,19 102:10 113:21 115:16 117:2 118:1,5,23 144:21 mckenzie 7:18 29:23 32:9,10 33:13,15 35:15,21 37:9 38:9,13 39:9,17 40:12,17,20 41:9,13 43:2 45:9 47:10 49:17 52:3 55:5,14 58:25 59:2 71:21 72:1 83:8,19 86:3 100:24,25 127:11 132:5,18 135:8

SHIRALEE DRIGGERS

mckenzie's 40:2 71:24 124:8 mean 15:9 16:18 20:9 24:11 28:15 33:1,21 35:11 47:25 51:3 53:4 76:9,10 107:20 111:11 means 67:24 member 65:15 members 19:19 memo 109:7,16 memory 80:20 82:20 mention 54:18 mentioned 14:3 15:18 18:14 49:16 merritt 12:5,7 mess 64:19 messed 92:1 met 7:9 mid 29:10 might 21:15 71:10 79:9,19 84:9 98:25 99:10 might've 44:7 77:20 124:18 mind 105:15 121:22 122:8,14 127:22 139:2 mine 94:24 114:13 134:19 mine's 106:8 minute 80:22 99:14 103:18,20 106:16 mistaken 51:8 94:6 mobile 26:18,20 monday 45:21 money 34:17 40:20 90:5 101:5 month 41:5 52:25,25 53:10 139:10 months 49:18 50:10 53:14 57:19 91:5 92:12 mortgage 39:13,15,16,17,18,22 40:4,5,	16,22 41:1 53:21 56:15,19 58:16,19 59:6,12,24 60:9 61:4 62:21,25 85:23 86:1,2,19 87:7 89:5,13,20 90:1,7 118:14 mortgagee 39:21 40:18 111:7,15 112:11 mortgagor 39:20 40:7 mortgagors 40:6,17 most 10:10 23:11 26:11 27:24 42:1 43:23 73:6 move 91:13 moved 113:24 125:8 136:17,19 ms 7:7 52:22 56:1,7 57:13 64:23 66:17 70:24 71:12,25 79:18 80:19 81:17 116:22 143:8 144:21 146:2 much 16:10 26:15 29:7 30:2,9 33:12 34:13 37:12,23 41:6 42:23 43:5 65:3 66:15 73:7,8 86:8 95:14 111:18,22 120:16 123:10 142:20 multi 71:18 multiple 31:18 74:17 must've 58:14 111:12 121:14 myrtle 26:9 myself 46:23 98:3 N name 9:23 23:18 24:7,15 32:7 35:25 40:2 41:12 54:9 61:25 62:15,17 63:3 88:8 95:4,10 102:9 104:9 115:16 121:	25 122:5 140:19 143:19 named 74:6 names 41:15,18 56:2 93:11 122:7,11,15 144:20 naturally 25:22 neater 106:5,6 necessarily 48:17 need 36:9 42:24 60:10 68:9,13 73:10 103:18 104:1 106:15 108:3 138:19 needed 43:5 56:24 76:6 103:4 134:22 never 44:1 51:20,21,25 52:1 66:17 116:1,8 117:9 121:11 125:10,11 126:4,5,11,13 new 9:20 46:9,11,15,25 108:8 next 49:18 57:23 81:12 82:25 84:5 88:13 115:1 130:13 131:25 132:6 nice 67:18 night 98:24,25 nine 45:24 nineteen 117:22 nine-tenths 37:21 ninety-two 81:23 none 34:15 68:16 92:14 95:16 119:6 noon 96:8,10 normally 32:1 43:11 note 85:20 nothing 12:17,18 november 53:6,9 78:7,9 86:25 92:11 93:2 96:9,10 101:21 102:16 105:2 107:10 113:20,20 118:17 137:6 139:8,16,20	number 9:6,8,14,15 25:16,18 26:20 41:24 44:11 46:16 49:4,6,8,11 77:21 78:14 79:5 81:13,14,15 83:2,3,6 85:17 87:14,15,16,19 90:10,12 94:12,13 99:23,25 100:5,13,16 101:9,23,25 102:18,21 104:12 109:2,10 110:22 111:2 112:23 116:17,19,23 117:23 123:19 126:22 128:11 130:19 numbers 7:1 46:5 108:25 numerical 47:1 O object 62:11 65:12 81:6 112:17 objection 81:7 objects 81:6 observe 53:24 obviously 23:13,15 67:20 70:9 85:3 occasional 29:6 occur 142:6 occurred 7:15 49:13 78:8 o'clock 78:9 october 86:17,18 87:8 89:5 offense 68:15 offered 20:11 offering 108:13 office 11:4,7,23 17:12 44:9 47:24 48:7,18 51:6 52:22 53:20 56:9 66:20 102:5 108:11 111:8 125:15 136:17 140:22 143:25 144:1 official 77:25 often 27:25 ok 110:13	olanta 10:21,22,22 26:9 144:11,12,13 once 74:17 one 9:11 12:22 13:2,3,5 17:4 20:19,20 21:25 23:2,17 24:8,10 25:22 27:4 44:3 46:11,19,20 48:20 50:16 77:17 82:25 99:8 103:16 104:1 106:24 107:1,1 109:16 110:17 113:12 116:7 121:15 127:16 128:24 129:10 130:20,22 131:8,14,25 132:6 139:24 140:1 142:8,9 145:16 ones 36:15 72:14 98:9 102:12 112:19 138:17 online 54:8 only 60:12 81:2 135:22 136:6 on-the-job 12:19,21 open 31:11 operating 77:6 opposed 20:14 70:20 124:10 order 22:10 45:7 47:8,19,21 54:12 79:22 organization 77:10 original 8:14 42:2 originally 61:15 other 7:13,23 8:3 9:11 19:17,18 23:16 28:6 29:5 33:23 35:14,16 46:10 52:11 55:23 73:24 79:7 96:13 98:12 105:24 106:21 115:7 122:7 124:17 136:4 138:10,12 142:8,9 143:15

SHIRALEE DRIGGERS

otherwise 79:10 111:21 ought 17:1 83:25 out 7:15 14:15 20: 17 21:12 27:3,20 30:1 41:21 42:11 43:6 45:10 52:12 53:23 61:8 70:18, 21 76:18 78:1 88:8 89:14 90:1 91:13 109:12 113:13,24 114:20,22 115:12, 22 116:8 117:6 118: 24 125:8 outside 64:19 over 33:6 48:6 64:9, 9,9 76:11 79:11 80: 14 87:22 108:21 109:14 114:9 122: 13 129:2,16 130:25 overtime 129:7 owed 34:14,15,20 37:24 38:5 43:3 90: 5 owes 60:4 own 17:9 18:10 19: 3 25:1 44:19 59:11 63:23 70:3 118:9 127:23 128:1 139:2 owned 40:21 61:10, 11 63:14 82:6 105: 15 107:5 121:21 owner 44:15 59:7,9 115:20,23 owners 76:23 owner's 61:9 ownership 7:16 35: 22 40:8 43:2 59:1,3, 4 61:23 64:15 owns 64:20 69:16 87:5 P p.m 78:12 146:4 page 9:11 45:24 78: 13 82:5 84:5 86:15, 16 87:24 88:14 107:	22 108:22 109:23 110:16 111:17,18 114:9 115:1 125:19 130:13 131:3 pages 9:9,10,15,17 41:24 86:16 113:2, 9 paid 15:17,20,23 16: 6 22:18 34:9 57:2 65:9 70:22 74:13, 17,18 75:12 81:22 82:3,10,16,20 89:22 94:6 95:19,22 96:1, 2,4,11 97:25 98:9,9, 13,16,17 102:1 105: 18 118:15 120:17 128:17 129:18 139: 4 paper 81:1 paperwork 9:3 paragraph 78:15 108:6 pardon 144:12 parenthesis 110:18 part 14:12 15:7 30: 24 73:1 partial 51:13 70:20 particular 32:4 42:2 particularly 31:9 74:2 particulars 78:14 parties 47:11 part-time 143:24 party 65:17 pass 71:13 passed 71:22 117: 12 past 65:8 97:9 pause 103:21 113:4 125:23 pay 22:15 57:2 74:9 89:16,18 95:14 101: 6 120:19,21 121:9, 10 129:22 134:18 payable 96:7 paying 38:9,11 40:	22 64:23 65:1 67:7, 8 119:15,17,19,23 126:25 138:12 payment 29:6 34: 17 37:15 82:12 94: 7 97:25 100:11,18, 20,24,24 142:14 payments 28:1,21 33:17,20,21,22,23, 25 34:3,8,11 37:10, 12 38:13 40:22 41: 1 45:11 56:11 82: 15 97:18 98:12,16 128:1 payroll 15:6,24 16: 3,5 penny 64:25 142:22 people 10:10 11:9 17:19 21:8 27:18 74:17 per 96:6 97:19 131: 24 135:18 percent 20:19,20 96:5 97:19 108:15 percentage 20:16 period 29:2 30:4,5 57:18 periods 29:9 permanent 123:17 person 62:8 76:18 personal 19:21,22 personally 24:24 92:21 pertinent 138:21 peterston 64:18,23 66:17 70:24 71:12 phases 15:14 phone 106:18 photographed 11: 10 physical 26:3 picked 22:16 piece 21:4,5,7 25: 23 31:12 32:7 42:3 81:1 83:9 pieces 20:13 25:25	place 35:20,22 57: 12 61:20 69:12 106: 21 126:16 138:13 places 28:6 143:20, 21 plan 118:22 145:2 plant 12:7 pleading 73:3 pleadings 72:8,9,10 73:15,20 please 9:24 32:7 81: 11 99:24 100:3 108: 20 116:14 plumbing 85:10 plus 97:10,17 point 33:17 67:1 89: 1 92:6 113:24 115: 15 116:7 123:7 127: 22 136:12,14 police 11:13,17 policies 25:13 76: 17 policy 8:8,15 9:9 41: 21 45:1,4 49:23 50: 14 54:24 56:13 61: 8,9,14,24 74:9,21, 22 75:15 76:18,23, 24 96:25 97:2 106: 21 107:8 113:11 126:15 128:18 129: 17 130:17 131:4 135:13 136:1 137:8, 13,16 140:5,8 141: 19 142:11,13 poof 9:16 portion 142:13 possibly 40:3 post 111:8 143:25 144:1 posted 15:23 93:19 power 102:25 103: 3 116:4 pre 8:23 9:5 pre-marked 9:18 premises 53:24 96: 22	premium 129:21 premiums 127:1 128:17,24 129:19 prepare 43:22 prepared 21:9 48: 19,20 prepares 43:19 pretty 16:10 26:15, 16 33:12 36:6 41:6, 7 54:16,17 55:8 57: 15,16 73:12 91:22 111:18,22 141:13 previous 9:21 44:2 51:1 62:5 70:21 80: 2 previously 14:4 46: 21 143:14 price 125:11 primarily 20:20 28: 25 36:7 prior 18:12 49:15 97:12 137:6 140:8 143:16,17 pritchard 17:2 38: 25 46:3,10,18,22 47: 2 59:16 60:10,25 62:11 65:5,10,19 67:16 68:16 69:1,6 71:9 73:16 80:11, 15,18 81:9 82:24 85:14 87:11 92:3 94:11 99:22 100:2 106:7 116:20,21 123:6,9 128:9 130: 19 145:15,22 146:3 pritchard's 67:22 pritchard 130:22 prithard 99:16 privy 57:8 pro 67:23,25 68:21 69:7 73:18 75:2,6 76:16,21 95:2,5,7,8 probably 16:4 22:2 25:24 27:6,15 41: 11 42:1,4 44:4 48:4 54:14,14 63:16 71:

otherwise - probably

SHIRALEE DRIGGERS

4 73:12,13 74:22 79:6,8 92:23 124: 15 130:7 140:9,24 141:6 problem 8:20 47:3 57:1 problems 8:6 9:12 proceedings 36:12 103:22 proceeds 72:4 process 63:2 produced 128:16 130:13 promptly 96:25 proof 8:16 76:5 77: 24 112:3,7 126:4,5, 12,13 properties 19:4 20: 5,6,17 21:12,13 22: 9 23:9 25:6,8,11,19, 21 26:11 27:12 28: 13 30:19 31:5 88: 12,23 90:16 106:22 107:4 113:10 protect 31:11 prove 75:9,14 provide 112:3 provision 76:16,22 provisions 45:13 public 19:24 65:11, 16 purchase 21:21 23: 8 45:23 47:14 94:2, 4 123:25 125:11 127:6,15 purchased 24:4 83: 8 84:16 92:10 93: 22 103:10 137:8 purchasing 22:6 93: 22 pursuing 49:21 pursuits 17:15 put 38:23 44:22 62: 17 63:2 71:8 84:19, 22 95:3,10 96:16 102:8 107:17 115:8	122:4,14 putting 122:11 Q quantum 141:15 quarter 142:20 question 9:1 10:8 39:5 48:9 59:23 60: 19 73:21 80:8 92: 20 113:19 114:8 115:2 120:5 133:8 137:19 141:20,21 143:10 questions 42:6,7,9, 10 60:13 79:6,9,18, 25 80:1,10 123:3 138:21 142:23 143: 1,13 146:1 quick 10:3 quit 136:20,23,24 quoted 13:22 quoting 76:7 R raising 17:8 ramifications 63:1 ran 27:24 30:4,6 randall 8:10 rata 75:2,6 76:16,22 rather 123:3 read 43:7,12,16 44: 23,25 45:3 47:21 48:3 72:9,9,14,16 74:20 76:21,21 95: 24 96:17 108:3,5 113:3,6 125:22 reading 45:14 48: 17 ready 19:16 21:5 59:17 70:4 103:24 reaffirmed 49:16 real 14:11,25 18:12 20:9 32:4,7,10 82: 20 85:23 reality 115:19 really 36:10 44:24 45:8 72:9 73:21 78:	19 98:9 102:12 104: 8 120:25 122:17,18, 18 139:23 143:19 reason 31:14 63:4 81:24 83:22 84:12 92:12,15 128:21 129:12 132:23 133: 11 136:19 141:25 142:3 reasonable 129:20 reasons 31:5 recall 53:7 63:20 80: 25 82:22 129:15 137:17 141:20,21 receive 142:12,20 received 108:7 recently 103:16 recognize 8:18 45: 25 77:23 94:15 100: 17 101:14,16 102: 21 104:16 105:25 113:7 117:25 123: 22 127:4 recollection 51:7 57:24 124:21 133:1, 4 134:4 139:11,15 140:10 record 38:25 39:2 65:11 67:16,19,20 79:16 81:2 97:13 99:21 108:5 116:16 143:5 145:22 record**** 39:1 79:15 99:20 116:15 143:4 recorded 11:12 84: 4,6 86:23 102:4 120:6 recording 121:4 records 15:16 34: 25 41:17 54:5,15 re-examination 143:11 145:14 reference 100:22 referring 135:25 reflect 67:16 81:2	145:23 reflection 82:3 regarding 93:21 regular 26:23,24 reintroducing 7:22 relationship 41:8 64:1 relationships 69:10, 10,11 74:19 relatives 71:25 release 97:5 released 97:4 rely 138:14,16 remaining 96:23 remains 96:20 remember 7:11 11: 6 12:1 13:11 24:7, 15 26:12 34:15 35: 13 36:15,18 37:12, 22 38:7 44:7 45:6, 13 48:16 54:25 56: 3 58:2,11,13,14,17 65:6 66:15 114:22 123:18 132:18 144: 15 remembered 8:3 41:17 remembering 28: 20 renew 50:13,22 rent 19:16 21:5,6, 13 22:10 27:10,12, 18,21 28:7 38:11 39:11 44:19 59:11 64:23 67:7,9 rental 14:12 17:16 19:4,24 20:2,5,6,21, 22 21:12 24:22 25: 6 27:8 31:10 40:13 43:15 rentals 15:18 18:14, 16,17,21 19:5,7 26: 21 28:24 29:5 103: 1 rented 67:6 renting 20:14 21:5	repairing 30:1 repairmen 22:9 repairs 21:7 49:21 64:15 replacement 108: 16 report 57:11 reported 53:15 reporter 49:4,6,10 81:14 83:2 85:16 87:15 90:12 94:12 101:24 104:15 112: 25 116:19 117:22 123:21 126:24 128: 8 130:20,24 represent 128:15 representation 73: 16 represented 24:6 representing 7:8 67:25 69:3 72:16 request 108:7 required 97:11,21 104:4 112:2 research 53:22 residential 18:18, 19 respond 36:25 110: 3 responded 110:9 response 101:15 123:5 143:7 responsibilities 75: 3 responsible 20:25 45:11 97:8 rest 94:8 144:9 restaurant 77:7 result 35:21 58:8 resumption 9:21 retained 97:6 return 19:3 returns 17:19,20 reverse 79:22 review 108:12 reviewed 45:17

probably - reviewed

SHIRALEE DRIGGERS

reviewing 113:4 125:23 ridden 71:3 right-hand 81:20 85:21 105:25 115:3 129:2 road 9:25 107:1 roughly 16:3 32:25 92:11 roy 30:7 51:24 66: 10 86:6,19 87:6 93: 14,16 98:4,5,6,8,8, 14,15 102:12 106:7 118:24 141:7 roy's 46:6 106:3 run 144:7 running 29:3 S safe 103:12 sale 35:22 37:9,13 39:6 45:23 47:13 48:24 60:3,5 61:20 62:20,24 88:9,18 89:5,24 95:9,21 123:25 127:6,14 sales 26:25 38:9 39: 10 40:13,24 43:16, 21,22 44:18 45:12 54:9,13 58:20 59:1, 7,11 60:6 61:5 62: 23 sam 44:9 same 7:10 22:3 53: 10 76:19 82:5 96: 15 109:7,16 111:22 115:2 satisfaction 118:16 satisfactory 101:18 satisfied 96:12 101: 21 satisfying 101:25 saying 51:9 52:2 94: 1 102:1 133:3 says 50:12 78:8,16 81:21 83:21 95:24 108:4 131:9 135:18,	23 scene 53:17 school 10:11,18,22 12:15,24 schools 10:13 scranton 12:5 scratched 108:25 109:2,12 110:17 se 67:24,25 68:21 69:7 73:19 seat 77:5 second 78:13 88:15 92:2,4 96:9 109:10 secondary 12:15 secret 140:25 secured 25:20 see 41:16 50:17 67: 20 83:15,21 93:9,14, 16 98:21 107:23 108:24 110:22 134: 18 seems 15:9 41:20 67:11 seen 8:22 53:21 71: 14 107:25 self-proclaimed 95: 7,8 sell 20:10,11,13 90: 16 97:5 144:2 selling 20:9 23:24 58:22 66:25 94:20 124:9 138:17,18 semester 13:5 semi-truck 71:14 send 99:1 sense 111:5 sent 110:6 sentence 17:3 78: 16 separate 34:22,24 68:9,14 separately 73:17 sequentially 40:9 served 93:18 service 27:18,19,24 28:1 29:3	services 19:24 seven 37:15 41:4,6, 7 88:20 seventeen 112:25 130:24 seventy 25:25 26:2, 16 27:3 seventy-five 109:4 seventy-one 10:4 several 8:12 11:5 24:1 31:4 41:15 120:13 122:23 shall 96:20 shares 75:6 she'd 141:10 sheet 74:23,23 she'll 73:13 sheriff's 11:16 she's 56:2 62:7,8 65:15,17 67:8 69: 13,14 77:14,18 81:6 103:3 117:4 127:10, 18 shiralee 7:3 9:25 17: 3 60:11 86:5 112: 14 short 73:12 shortly 57:12 103:9 shots 13:13 should've 65:8 74: 13 79:19 shout 113:13 show 36:8 41:23 45: 18 81:7 showed 45:16 112: 10,13 shown 97:2 shows 67:21 shuler 47:5,7,18,21 54:12 shuler's 45:7 47:8 sign 36:9 43:17 48: 17 signature 48:1,9,11 78:25 105:24 114: 12,15 115:3 132:3	signatures 48:14 signed 42:12,15 43: 7 44:24 46:1,2 47: 10,22,23 48:2,10 78: 23 115:13 116:9 117:9 121:15 simply 34:4 62:9 sin 72:1 since 29:18 33:2 45: 3 63:19 69:20,20 70:24 73:15,18 77: 6 sir 9:4 12:16 19:6 21:22 22:11,13 23: 6 30:20 31:19 32: 17 36:2,5 40:23 42: 18 43:8 44:14,16 48:2,14 49:14 51: 19 58:6 63:22,24 64:6 67:10 68:22, 24 69:15,17,23,25 70:12 71:20 72:3,5 75:19 76:13,25 77: 16,19 78:18 79:1 80:24 82:11 83:14 85:9 88:10,19,21 91:11,18 96:15 102: 11,23 103:6 107:21, 24 111:16,23 112: 18 113:23 114:3 115:9,18 116:25 118:25 119:20,22 120:20 124:20 125: 21 126:17 129:5 136:10 sitting 80:12 situation 59:6 63: 25 124:14 six 12:3 16:14,18 27: 6 57:19 92:11 96:5 97:18 sixteen 104:15 skimmed 48:4 sold 20:15,16 36:17 37:23 38:3,17 39: 23 40:15 44:19 87:	25 91:6,12,17 94:5 97:4 somebody 44:4 95: 3,10 118:24 somebody's 132:13 somehow 36:18 140:23 someone 102:11 somewhere 38:21 144:8 son 30:5 soon 57:16 sorry 28:5 50:19 55: 4 60:21 75:16 106: 7,19 sort 79:24 144:3,4 sorts 44:20 sound 67:17 84:11 sounds 21:11 24:18 28:23 30:18 73:10 84:14 129:20 source 145:1 south 7:8 10:1 54: 21,23 73:23 111:9 speaking 133:20 special 102:25 121: 13 specific 8:25 17:17 19:8 specifics 15:22 speed 13:24 spencer 30:4,5,6 141:11 spread 16:15 spreadsheet 24:10 squared 40:9 stamps 97:11 121:9, 10 144:2 standard 76:22 96: 15 standing 51:15 start 9:20 10:15 19: 10 74:10 started 7:21 8:15 10:11 18:9 19:2,13 25:1,10,22 37:4 45:

SHIRALEE DRIGGERS

21 46:25 79:20 129:23 133:19 starting 82:17 state 17:20,22 140:24 statement 9:16 25:2 27:10 62:10 75:8,10 states 78:14 station 27:18,19,24 28:2 29:3,12 30:5,6 status 38:12 39:11 43:1 64:3,14 stay 30:8 stayed 89:22 still 25:3 30:9 34:14,15 41:6 50:20 51:15 60:4 63:23 64:20 68:17 69:16 70:3 76:19 90:5 91:16 93:3 113:22 114:4,5 118:9 134:25 136:11 140:22 stop 97:14 stopped 136:14 story 74:15 straight 10:18,24 46:24 52:24 straighten 117:6 straightened 117:11 strange 67:11 straw 62:8 stroll 80:20 structure 78:17 stuff 30:17 56:12 104:21 108:3 subcontracted 85:4,11 subject 71:1,24 subsequently 84:19 sufficient 96:22 suggested 102:8 suitable 21:16 sum 95:25	sumter 111:9 sunday 68:4 supper 68:4 suppose 9:22 29:19 57:7 62:17 68:2 72:1 115:11 128:25 supposedly 144:22 surprise 134:9 137:10,12 sworn 7:4 9:16 77:24 80:3 system 47:1 T table 7:10 68:4 talked 7:12 47:18 52:20 55:3 58:1,5,8 66:17 67:5 70:24 92:24 tammy 35:24 46:2 47:12 61:19,21 63:3,9,14,21,23 64:20 67:21 68:23 69:5,9,18,18 72:22 73:6,11 78:23 79:2 118:2,3,6,9 120:3,16 124:2,9 127:8,16,19 141:9 tammy's 121:25 122:4 140:19,25 tax 17:16,17,19,20 19:3 35:22 37:9,13 39:6 61:20 62:20,24 65:8 88:9,17 89:5,24 93:24,25 95:9 124:13,18,22 144:23 taxes 18:3,10 36:17,21 37:18,23,23,24,25 38:4,6,11 39:23 40:15 51:2,5 65:1,3 66:14 67:9 75:1 80:23 81:19,21 82:3,10,21 88:1 89:16,23 91:13 97:8 119:15 taxing 66:4 tech 12:24	ted 58:1,5,12 telephone 51:10 58:2 133:17,18 ten 16:14,18 95:22 96:1,5 97:17,18,24 98:9 tenancy 43:3 tenant 108:8 tenants 27:25 28:3 29:23 terminate 135:19 terms 47:20 94:3 95:20 testified 132:16 139:7 testify 76:9 testimony 49:15 51:1 62:5 76:8 80:3 123:4,10 133:15 135:12 143:17 thanks 110:14 that'll 49:4,6 73:1 the'90s 45:9 thee 114:5 themselves 7:22 thereabouts 26:16 57:21 there'd 50:8 there's 52:4 60:9 66:5 71:5,15 74:18 87:20 131:21 140:3 third 86:16 thirty 94:5 95:25 120:18 121:5,10 thirty-five 139:24 though 7:22 21:15 61:24 thousand 85:20 86:9,20 87:7 89:21 94:5 95:23,25 96:1,4,5 97:17,18,24 98:10 108:14,18 109:4,15,20 110:13,17 120:18 121:5,11 125:12 129:10 three 9:10 53:14 81:	3 89:21 91:9 107:23 109:24 110:22 111:2 114:9 118:19 119:4,4 125:19 130:7 131:21 135:7 throughout 61:16 91:20 126:14 tied 27:16 til 34:8 timely 96:11 tina 52:22 56:1 title 35:23 61:22 62:10,20 93:2 95:1,1,12 113:21 122:9,10,15 138:24 titled 40:1 115:16 today 7:14 14:4 32:9 79:24 83:13 89:9,10 98:19 118:10 126:16 128:19 today's 29:11 tomlinson 12:5,8 took 12:21 35:20 41:20 42:5 57:12 61:8,20 76:18 89:13 93:1 113:21 119:4 top 85:22 87:24 105:3 108:3 109:5 125:19 131:9 total 38:4 70:19 78:17,20,22 81:21 totaled 38:6 51:13 129:10 totally 62:2 138:15 touch 54:20,20 towns 26:7 track 101:13 trail 122:1,2 training 10:13 12:19,21 138:7 transaction 101:4 106:10 transactions 35:19 36:1 37:4 95:11 103:2	transcript 9:7 transferred 88:8 121:12 transferring 127:10,12,18 travelers 52:12,16,18 55:2,19,25 57:25 58:10 73:24 75:4 137:13 139:6 140:5,8 141:19 142:11,13 trial 18:2 tried 28:14,15 70:14,25 72:13 try 16:19 52:11 58:7 trying 24:17 40:8 41:16 46:12,22 48:15 60:24 122:8 123:6 turbeville 32:3 113:16 128:17 turn 50:21,23 79:10 86:15 88:13 107:22 134:19,22,25 135:4,6 turned 52:12 71:18 137:4 twenty 16:23,24 17:4 96:4 130:6 twenty-four 81:23 twenty-one 126:24 twenty-two 128:8 two 7:12 9:9,11,15,17 13:1 26:13 38:2 41:19,24 53:5,14 78:11,11 86:15 87:24 91:9 96:5 97:17 106:21,25 108:24 113:12 type 7:14 18:16 typed 111:20,21 types 15:2,3 U under 41:2 94:3 107:7 113:11 142:14

SHIRALEE DRIGGERS

understand 24:19 34:1 56:18 59:18, 23 68:12 69:9 72: 11 73:2,21 83:7 101:3 106:20 123: 12 124:17 125:1 130:14 133:14 135: 12 144:25 understanding 31: 3 47:9 63:17 64:14 72:19 73:19 74:1,4 83:17 84:15 88:16 89:4,7,9,25 91:4 92: 5 101:20 102:7 104: 3 109:18 117:15 125:24 127:13 129: 19 131:2 133:24 144:24 understands 61:2 understood 112:19 underwrite 137:24 underwriting 8:10 unfortunately 71: 22 unit 71:19 73:17 until 55:14 120:6 unto 97:6 up 8:6,9 12:13 13: 20,23 14:14 19:16 21:16 22:8,17 27: 16 28:12 29:10 35: 24 36:7,8 57:1 61: 22 64:21 85:22 91: 23 92:1,6 95:12 105:3,11 114:8 122: 9,15 128:9 131:9 135:6 144:22,24 upkeep 30:19 119: 19,23 upper 85:21 using 64:16 71:11 V vacant 84:17 valid 90:7 value 66:8 107:19 108:16	various 8:5 14:5 24: 5 31:5 47:11 77:15 vehicles 71:6 vendor's 96:11,20, 24 97:6 101:18 verbal 22:19 verified 50:20 135: 6,8 verify 58:4 140:15 visit 108:11 voluntarily 67:13 145:25 W w.w 36:19 62:18 92: 6,9,16,20 93:1,7 94: 18,19,19 95:2 100: 11,18 101:6,19,21 102:8 111:8,11,12, 14 112:3,6,7,17 118:14 122:3,4 145: 3,4,5,6,7 wait 106:16 waiting 50:17 64:21 134:17 wanted 36:23 66: 21 117:19 way 23:3 43:11 53: 12 61:15 67:11 71: 8,13 85:22 101:4 142:8,9 wayne 49:17 50:2, 19 52:2 55:4,13 132:5,17,22 133:3, 15,20 135:8 136:8 ways 14:5 week 78:10 weekends 140:2 weeks 57:21 75:13 78:6,11,11 whatever 10:13 12: 24 22:22 28:22 33: 7 40:14 41:23 52:5, 6 53:5 54:8 71:5,6 75:2 79:21 81:12 82:25 89:21 103:4 whatnot 111:25	whatsoever 119:6 138:7 when's 32:18 whereases 87:21 where's 9:10 77:1 whereupon 103:21 wherever 140:17 whether 63:13 134: 12,21 141:18 whoever 18:7 64:2 93:22 whole 74:10 78:22 87:21 93:25 140:3 who's 14:16 39:24 64:15,16 65:1 86:4 94:17 98:2 124:1,5 127:9 wilbur 14:17,18 83: 9 will 73:12 74:17 79: 8 80:9 96:12 116:8 117:1 williamsburg 26:6 28:4 102:4 wilmont 107:2 winding 35:24 window 144:7 wiped 89:14,25 within 139:9 without 18:12 67:8 woody 42:18 48:23 55:4 106:12,13,17 107:17,20 108:4 109:25 114:21 115: 11,12 word 34:18 71:9 words 124:17 work 10:10,12,14, 19,25,25 12:14 13: 17 14:10 15:5 16: 17 17:9,9,10 21:16 22:17 77:12 85:6,7 122:18 143:25 144: 8,9 worked 8:11 11:5, 16 27:17,20 101:4	143:20,20 workers' 15:4 working 17:14 18: 22 24:20 works 77:8 worksheet 104:19 worry 119:9 worse 106:8 worth 95:18 would've 25:12 27: 21 29:15 33:7 35:8 39:7 74:14 112:10 120:1,2,7 129:23 133:1 139:9 wound 61:22 wow 128:9 write 123:16 137: 19,22 writing 115:7 138: 22 written 109:5,14 wrote 117:16 Y y'all 20:9 21:11 25: 10 37:10 38:8 39:9, 17 40:4,6,17,20 49: 20 51:4 52:7 53:19 55:6 58:7,19,22 59: 9 61:10,20 63:7 64: 7 66:19 68:3 69:7 72:19,21 73:17 74: 23 92:3 93:20 117: 6 134:21 141:13 y'all's 31:2 57:25 year 13:1,2,3,4 16: 21,22 17:4 33:7 35: 13 38:15,17 49:18 52:25 53:1 139:21 142:18 144:15 years 8:13 11:5,6 12:3 13:1 16:14,14, 18 17:5 27:17 38:2 41:8 82:14 91:20 94:9 118:19 119:5 129:21 135:7 you,and 47:2	yourself 17:25 24: 24 72:11 125:22 Z zero 73:14

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM WILLIAMSBURG COUNTY

Court of Common Pleas

Kristi F. Curtis, Circuit Court Judge

Appellate Case No: 2021-000494

South Carolina Farm Bureau Ins. Co, Appellant
v.

Marion L. Driggers, Shiralee Driggers, Tammy D.
Floyd, Estate of Arthur McKenzie, The Travelers
Home and Marine Insurance Company, The
United States of America acting by and through
Its agency, The Internal Revenue Service, and
The South Carolina Tax Commission, Defendants,

Of Which The Travelers Home and Marine Insurance
Company is the Respondent.

Proof Of Service of Appellant's Initial Brief
And Designation

I certify that on September 29, 2021, I served the *Appellant's Return To Travelers Motion To Strike Matters Designated By Appellant For The Record on* counsel and the Pro Se party as noted below:

/s/ J. Dwight Hudson

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Subject: RE: South Carolina Farm Bureau v. Marion L. Driggers, et. al. - 2021-000494
Attachments: Filing Ltr, Return to Mtn to Strike.pdf; Proof Of Service, Return To Motion To Strike.pdf; Return, Appellant to Travelers Motion to Strike.pdf; A_Return, Ex 4, SD Dep, Mtn2Bifurcate.pdf; B_Return, Ex 3, MD Dep, Rsp2Bifurcate.pdf; C_Return, Ex 4, SD Dep2, Rsp2Bifurcate.pdf; D_Motion For Reeconsideration.pdf; E_FB MSJ, Recon.pdf; F_Deps, full, M&S D.pdf

Dated and Transmitted: September 29, 2021

Enclosed and served are the following: (1) *Appellant's Return To Travelers Motion To Strike Matters Designated By Appellant For The Record* and (4) Proof of Service regarding the same.

With best regards,

J. Dwight Hudson, Esq.

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September 29, 2021
Via Email

The Hon. Jenny Abbott Kitchings
Clerk, SC Court of Appeals
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Columbia, SC 29211

Re: South Carolina Farm Bureau Mutual Insurance Company v. Marion L. Driggers, et. al.
Trial Court Case No: 2014-CP-45- 132

Dear Ms. Kitchings:

Enclosed for filing are the following:

1. Appellant's Return to Motion To Strike
2. Proof of Service of the Same

By copy of this letter, the enclosures are served as per the Proof of Service.

With best regards, I remain

J. Dwight Hudson, Esq.
J. Dwight Hudson, Esq.

JDH: mag
Enclosure(s): as stated
cc: Per Proof of Service

ADMITTED IN S.C. and N.C.*
United States Supreme Court*
U.S. Court of Appeals 4th Circuit*^
U.S. District Court – South Carolina*^
U.S. District Court – North Carolina*
(Eastern, Middle and Western Districts)
S.C. Supreme Court*^
N.C. Supreme Court*
S.C. Court of Appeals*^
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