
No. 14-20532

**IN THE
UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

**BANK OF AMERICA, N.A.
Plaintiff - Appellee,**

v.

**FULCRUM ENTERPRISES, LLC,
Defendants - Appellants.**

APPELLEE'S ADDENDUM TO LETTER BRIEF

Michael J. McKleroy, Jr.
Texas Bar No. 24000095
AKERMAN LLP
2001 Ross Avenue, Suite 2550
Dallas, Texas 75201
Telephone: 214.720.4300
Facsimile: 214.981.9339

**ATTORNEY FOR APPELLEE
BANK OF AMERICA, N.A.**

CERTIFICATE OF SERVICE

I hereby certify a true and correct copy of this document was served on June 15, 2015, as follows:

Jeremy J. Gaston
Hawash, Meade, Gaston, Neese & Cicack LLP
2118 Smith Street
Houston, TX 77002
VIA CM/ECF SYSTEM

/s/ Michael J. McKleroy, Jr. _____

Michael J. McKleroy, Jr.

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EXHIBIT 1

No. 14-20532

**IN THE
UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

**BANK OF AMERICA, N.A.
Plaintiff - Appellee,**

v.

**FULCRUM ENTERPRISES, LLC,
Defendants - Appellants.**

DECLARATION OF MICHAEL J. MCKLEROY, JR.

I, Michael J. McKleroy, Jr., declare as follows:

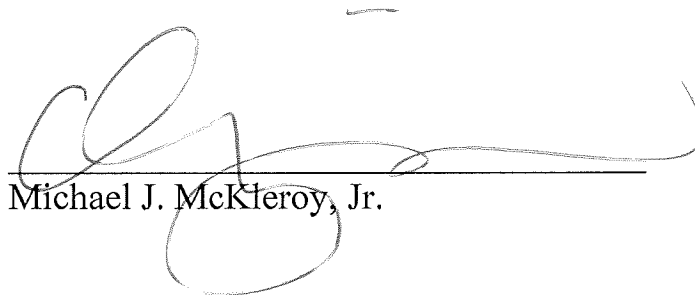
1. My name is Michael J. McKleroy, Jr. I am over 18 years of age and am capable of making this declaration. The facts stated in this declaration are within my personal knowledge and are true and correct.

2. I am the attorney of record for appellee Bank of America, N.A. (**BANA**), and represented BANA in the district court from which this case was appealed. In the district court, I prepared and served on appellant Fulcrum Enterprises, LLC (**Fulcrum**) the Plaintiff's First Request for Admission, First Set of Interrogatories and First Request for Production of Documents to Defendant

attached hereto as Exhibit 1-A. On or about October 30, 2013, I received Fulcrum Enterprises, LLC's Responses to Plaintiff's First Request for Admission, First Set of Interrogatories and First Request for Production of Documents attached hereto as Exhibit 1-B. Exhibits 1-A and 1-B are true and correct copies of the written and discovery requests by BANA and Fulcrum's responses in this case.

3. I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 15, 2015.



Michael J. McKleroy, Jr.

EXHIBIT 1-A

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

BANK OF AMERICA, N.A.,

Plaintiff,

v.

FULCRUM ENTERPRISES, LLC,

Defendant.

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Case No. 4-12-cv-00313

**PLAINTIFF'S FIRST REQUEST FOR ADMISSION, FIRST
SET OF INTERROGATORIES AND FIRST REQUEST
FOR PRODUCTION OF DOCUMENTS TO DEFENDANT**

TO: Defendant Fulcrum Enterprises, LLC, by and through its counsel of record, GP Matherne, P.O. Box 547, Spring, Texas 77383.

Plaintiff Bank of America, N.A., successor by merger to BAC Home Loans Servicing, LP fka Countrywide Home Loans Servicing, LP (BANA) hereby serves their first requests for admission, first set of interrogatories and first request for production of documents to defendant Fulcrum Enterprises, LLC (Fulcrum). In support thereof, BANA respectfully shows the following:

I. INSTRUCTIONS

The Interrogatories are being propounded to you pursuant to Rule 33 of the Federal Rules of Civil Procedure. You are requested to respond to each Interrogatory, fully, in writing, and under oath, within the time and manner prescribed by Rules 26, 33, and 37 of the Federal Rules of Civil Procedure and other applicable law. Each Interrogatory in this discovery document is denominated "Interrogatory."

The Requests for Production of Documents are being propounded to you pursuant to Rule 34 of the Federal Rules of Civil Procedure. You are requested to respond to each Request for Production of Documents within the time and manner prescribed by Rules 26, 34, and 37 of the Federal Rules of Civil Procedure and other applicable law. The actual production of documents and things for inspection and copying will occur at the offices of Akerman Senterfitt, LLP, 2001 Ross Avenue, Suite 2550, Dallas, Texas 75201. Each Request for Production of Documents is denominated "Request for Production of Documents" in this discovery document.

The Requests for Admission are being propounded to you pursuant to Rule 36 of the Federal Rules of Civil Procedure. You are requested to respond to each request for admission fully, in writing, and under oath, within the time and manner prescribed by Rules 26, 36 and 37 of the Federal Rules of Civil Procedure and other applicable law. Each Request for Admission in this discovery document is denominated "Request for Admission."

II. DEFINITIONS

The term "Plaintiff" or "BANA" will refer to Bank of America, N.A., successor by merger to BAC Home Loans Servicing, LP fka Countrywide Home Loans Servicing, LP. If the request refers to an act or omission taken, or not taken, as the case may be, or on behalf of BANA, this term shall also refer to any agents and/or representatives of BANA.

The terms "you," "your," "yours," "Defendant" and/or "Fulcrum" will refer to Defendant Fulcrum Enterprises, LLC. If the request refers to an act or omission taken, or not taken, as the case may be, or on behalf of Fulcrum, this term shall also refer to any agents and/or representatives of Fulcrum.

The term "Nancy Groves" will refer to Nancy Groves. If the request refers to an act or omission taken, or not taken, as the case may be, or on behalf of Nancy Groves, this term shall also refer to any agents and/or representatives of Nancy Groves.

The term "Underlying Proceeding" shall refer to the suit styled *BAC Home Loans Servicing, LP v. Texas Realty Holdings, LLC, et al.*, and numbered Civil Action No. 4:09-cv-02359 filed in the United States District Court for the Southern District of Texas, Houston Division, Honorable Judge Gray Miller, presiding.

The term "Current Proceeding" shall refer to this lawsuit, styled *Bank of America, N.A. v. Fulcrum Enterprises, LLC* and numbered Civil Action No. 4-12-cv-00313 filed in the United States District Court for the Southern District of Texas, Houston Division, Honorable Sim Lake, presiding.

The term "Complaint" will refer to the Plaintiff's First Amended Complaint filed by BANA in the Current Proceeding.

The term "Properties" shall refer collectively to the following 8 properties identified in the Complaint, namely: (1) 12811 Wressell Circle, Houston, Texas 77044; (2) 11812 Southlake Drive, Unit 1, Houston, Texas 77077; (3) 7047 Bissonnet Street, Unit 110, Houston, Texas 77074; (4) 8525 Hearth Drive, Unit 3, Houston, Texas 77054; (5) 5911 Arncliffe, Houston, Texas; (6) 781 Country Place Drive, Unit 1081, Houston, Texas 77079; (7) 10912 Gulf Freeway, Unit 77, Houston, Texas 77075; and (8) 10912 Gulf Freeway, Unit 15, Houston, Texas 77075.

The term "Relevant Time Period" shall refer to the period of time beginning on January 1, 2010, through the date of trial.

III. DISCOVERY REQUESTS

1. Request for Admission. Admit BANA filed the Underlying Proceeding on August 7, 2009.

Response.

2. Request for Admission. Admit Nancy Groves was a party to the Underlying Proceeding.

Response.

3. Request for Admission. Admit Nancy Groves was served with the Underlying Proceeding on February 22, 2010.

Response.

4. Request for Admission. Admit Nancy Groves filed her answer in the Underlying Proceeding on April 7, 2010.

Response.

5. Request for Admission. Admit BANA filed a motion in the Underlying Proceeding seeking a preliminary injunction against Nancy Groves on May 13, 2010.

Response.

6. Request for Admission. Admit Magistrate Nancy Johnson recommended BANA's motion for preliminary injunction against Nancy Groves be granted on July 6, 2010.

Response.

7. Request for Admission. Admit District Judge Gray Miller entered an Order Adopting Magistrate's Memorandum and Recommendation in the Underlying Proceeding enjoining Nancy Groves on September 8, 2010.

Response.

8. **Request for Admission.** Admit Nancy Groves entered into an agreement to settle the Underlying Proceeding for payment of \$345,000.

Response.

9. **Request for Admission.** Admit Nancy Groves agreed to a judgment to be entered in the Underlying Proceeding in the event she failed to pay the settlement amount of \$345,000 by September 3, 2013.

Response.

10. **Request for Admission.** Admit Nancy Groves did not pay the settlement amount of \$345,000 by September 3, 2013.

Response.

11. **Interrogatory.** Unless you have unequivocally admitted Request for Admission Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10, above, please state the factual and legal bases supporting the reasons you failed to unequivocally admit those requests.

Response.

12. **Request for Production of Documents.** Unless you have unequivocally admitted Request for Admission Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10, above, please produce for inspection and copying any and all written documents and/or tangible things, including data or information that exists in electronic or magnetic form, evidencing the factual and legal bases supporting the reasons you failed to unequivocally admit those requests.

Response.

13. **Request for Admission.** Admit on May 28, 2010, Nancy Groves executed a Special Warranty Deed conveying the property located at 12811 Wressell Circle, Houston, Texas 77044 to Fulcrum.

Response.

14. Request for Admission. Admit on May 27, 2010, Nancy Groves executed a Special Warranty Deed conveying the property located at 11812 Southlake Drive, Unit 1, Houston, Texas 77077 to Fulcrum.

Response.

15. Request for Admission. Admit on May 28, 2010, Nancy Groves executed a Special Warranty Deed conveying the property located at 7047 Bissonnet Street, Unit 110, Houston, Texas 77074 to Fulcrum.

Response.

16. Request for Admission. Admit on May 28, 2010, Nancy Groves executed a Special Warranty Deed conveying the property located at 8525 Hearth Drive, Unit 3, Houston, Texas 77054 to Fulcrum.

Response.

17. Request for Admission. Admit on May 28, 2010, Nancy Groves executed a Special Warranty Deed conveying the property located at 5911 Arncliffe, Houston, Texas to Fulcrum.

Response.

18. Request for Admission. Admit on June 11, 2010, Nancy Groves executed a Special Warranty Deed conveying the property located at 781 Country Place Drive, Unit 1081, Houston, Texas 77079 to Fulcrum.

Response.

19. Request for Admission. Admit on July 16, 2010, Nancy Groves executed a Special Warranty Deed conveying the property located at 10912 Gulf Freeway, Unit 77, Houston, Texas 77075 to Fulcrum.

Response.

20. Request for Admission. Admit on July 16, 2010, Nancy Groves executed a Special Warranty Deed conveying the property located at 10912 Gulf Freeway, Unit 15, Houston, Texas 77075 to Fulcrum.

Response.

21. Request for Admission. Admit Fulcrum did not provide any consideration to Nancy Groves in exchange for the Properties.

Response.

22. Interrogatory. Unless you have unequivocally admitted Request for Admission No. 21, above, for each of the Properties you contend Fulcrum provided consideration to Nancy Groves in exchange for her conveyance, please identify the consideration provided, including, but not limited to, the value of the consideration provided in dollars and cents, the date the consideration was provided and the manner in which the consideration was provided.

Response.

23. Request for Production of Documents. Unless you have unequivocally admitted Request for Admission No. 21, above, for each of the Properties you contend Fulcrum provided consideration to Nancy Groves in exchange for her conveyance, please produce for inspection and copying any and all written documents and/or tangible things, including data or information that exists in electronic or magnetic form, evidencing the consideration provided, including, but not limited to, the value of the consideration provided in dollars and cents, the date the consideration was provided and the manner in which the consideration was provided.

Response.

24. **Request for Admission.** Admit that any consideration Fulcrum provided to Nancy Groves in exchange for the Properties was not reasonably equivalent to the value of the Properties.

Response.

25. **Interrogatory.** Unless you have unequivocally admitted Request for Admission No. 24, above, for each of the Properties you contend Fulcrum provided consideration of reasonably equivalent value, please identify the value of the property on the date the consideration was exchanged.

Response.

26. **Request for Production of Documents.** Unless you have unequivocally admitted Request for Admission No. 24, above, for each of the Properties you contend Fulcrum provided consideration of reasonably equivalent value, please produce for inspection and copying any and all written documents and/or tangible things, including data or information that exists in electronic or magnetic form, evidencing the value of the property on the date the consideration was exchanged.

Response.

27. **Request for Admission.** Admit the Properties consisted of all, or substantially all, of Nancy Groves's non-exempt assets when they were conveyed to Fulcrum.

Response.

28. **Interrogatory.** Unless you have unequivocally admitted Request for Admission No. 27, above, please identify all other non-exempt assets owned by Nancy Groves and the value for each at the time the Properties were conveyed to Fulcrum.

Response.

29. **Request for Production of Documents.** Unless you have unequivocally admitted Request for Admission No. 27, above, please produce for inspection and copying any and all written documents and/or tangible things, including data or information that exists in electronic or magnetic form, evidencing all other non-exempt assets owned by Nancy Groves and the value for each at the time the Properties were conveyed to Fulcrum.

Response.

30. **Request for Admission.** Admit Nancy Groves became insolvent as a result of the conveyances of the Properties to Fulcrum.

Response.

31. **Interrogatory.** Unless you have unequivocally admitted Request for Admission No. 30, above, please identify all of Nancy Groves's debts and assets at the time of the conveyances of the Properties.

Response.

32. **Request for Production of Documents.** Unless you have unequivocally admitted Request for Admission No. 30, above, please produce for inspection and copying any and all written documents and/or tangible things, including data or information that exists in electronic or magnetic form, evidencing all of Nancy Groves's debts and assets at the time of the conveyances of the Properties.

Response.

33. **Request for Admission.** Admit Nancy Groves was unable to pay her debts as a result of the conveyances of the Properties to Fulcrum.

Response.

34. **Interrogatory.** Unless you have unequivocally admitted Request for Admission No. 33, above, please identify all of Nancy Groves's debts at the time of and after the conveyances of the Properties and each payment Nancy Groves made on such debts.

Response.

35. **Request for Production of Documents.** Unless you have unequivocally admitted Request for Admission No. 33, above, please produce for inspection and copying any and all written documents and/or tangible things, including data or information that exists in electronic or magnetic form, evidencing all of Nancy Groves's debts at the time of and after the conveyances of the Properties and each payment Nancy Groves made on such debts.

Response.

36. **Request for Admission.** Admit Nancy Groves retained control over the Properties after the conveyances of the Properties to Fulcrum.

Response.

37. **Interrogatory.** Unless you have unequivocally admitted Request for Admission No. 36, above, for each of the Properties please identify the following:

- a. the person or entity who collected the rents and/or other income from the Properties for each month following the conveyances, including, but not limited to, the bank account(s) (by bank name, account number and account holder name) in which the rents and/or other income from the Properties for each month following the conveyances were paid; and
- b. the person or entity who paid the property taxes, HOA dues, hazard insurance and/or other expenses for the Properties for each month following the

conveyances, including, but not limited to, the bank account(s) (by name, account number and account holder name) from which these expenses were paid.

Response.

38. **Request for Production of Documents.** Unless you have unequivocally admitted Request for Admission No. 36, above, for each of the Properties, please produce for inspection and copying any and all written documents and/or tangible things, including data or information that exists in electronic or magnetic form, evidencing the following:

- a. the person or entity who collected the rents and/or other income from the Properties for each month following the conveyances, including, but not limited to, the bank account(s) (by bank name, account number and account holder name) in which the rents and/or other income from the Properties for each month following the conveyances were paid; and
- b. the person or entity who paid the property taxes, HOA dues, hazard insurance and/or other expenses for the Properties for each month following the conveyances, including, but not limited to, the bank account(s) (by name, account number and account holder name) from which these expenses were paid.

Response.

39. **Request for Production of Documents.** Please produce for inspection and copying any and all written documents and/or tangible things, including data or information that exists in electronic or magnetic form, evidencing all records you maintain regarding the Properties, including, but not limited to the following:

- a. Your acquisition of the Properties;
- b. The rents or other income you have collected from the Properties; and

- c. The expenses you have incurred for taxes, insurance, HOA assessments and/or dues, repairs and/or other maintenance for the Properties.

Response.

40. **Request for Admission.** Admit Fulcrum was aware of the Underlying Proceeding when it accepted the conveyances of the Properties from Nancy Groves.

Response.

41. **Request for Admission.** Admit Lance Kerness was aware of the Underlying Proceedings when Fulcrum accepted the conveyances from Nancy Groves.

Response.

42. **Request for Admission.** Admit Allan Groves was aware of the Underlying Proceedings when Fulcrum accepted the conveyances from Nancy Groves.

Response.

43. **Interrogatory.** Identify each person(s) providing information for the responses to these discovery requests.

Response.

44. **Interrogatory.** For each person(s) identified in response to Interrogatory No. 43, above, please identify each person(s) to whom he or she reports or from whom he or she takes direction.

Response.

45. **Interrogatory.** Identify each person or entity who, during the Relevant Time Period, was or is:

- a. an employee of Fulcrum;
- b. an officer of Fulcrum;
- c. a director of Fulcrum;

- d. a manager of Fulcrum;
- e. a member of Fulcrum; and
- f. accepted payment of any kind for services performed on behalf of Fulcrum.

Response.

46. **Request for Production of Documents.** Please produce for inspection and copying any and all written documents and/or tangible things, including data or information that exists in electronic or magnetic form, evidencing all agreements Fulcrum had with, monies Fulcrum collected from and/or monies Fulcrum paid to, each person identified in Interrogatory Nos. 43, 44 and 45, above, during the Relevant Time Period. With respect to payments made to or from Fulcrum, your response should include the bank account(s) (by name, account number and account holder name) maintained by Fulcrum from which such monies were paid, cashed or deposited.

Response.

47. **Request for Production of Documents.** Please produce for inspection and copying any and all written documents and/or tangible things, including data or information that exists in electronic or magnetic form, evidencing all agreements Fulcrum had with, monies Fulcrum collected from and/or monies Fulcrum paid to, Nancy Groves during the Relevant Time Period. With respect to payments made to or from Fulcrum, your response should include the bank account(s) (by name, account number and account holder name) maintained by Fulcrum from which such monies were paid, cashed or deposited.

Response.

48. **Request for Production of Documents.** Please produce for inspection and copying any and all written documents and/or tangible things, including data or information that exists in

electronic or magnetic form, evidencing all agreements Fulcrum had with, monies Fulcrum collected from and/or monies Fulcrum paid to, Allan Groves during the Relevant Time Period. With respect to payments made to or from Fulcrum, your response should include the bank account(s) (by name, account number and account holder name) maintained by Fulcrum from which such monies were paid, cashed or deposited.

Response.

49. **Request for Production of Documents.** Please produce for inspection and copying any and all written documents and/or tangible things, including data or information that exists in electronic or magnetic form, evidencing all agreements Fulcrum had with, monies Fulcrum collected from and/or monies Fulcrum paid to, Lance Kerness during the Relevant Time Period. With respect to payments made to or from Fulcrum, your response should include the bank account(s) (by name, account number and account holder name) maintained by Fulcrum from which such monies were paid, cashed or deposited.

Response.

50. **Request for Admission.** Admit Allan Groves has known Nancy Groves for at least the last 50 years.

Response.

51. **Request for Admission.** Admit Allan Groves has had a close personal relationship with Nancy Groves for at least the last 50 years.

Response.

52. **Request for Admission.** Admit Allan Groves and Nancy Groves were married for more than 30 years.

Response.

53. **Request for Admission.** Admit Allan Groves and Nancy Groves have had a close personal relationship even after they divorced.

Response.

54. **Request for Admission.** Admit Allan Groves controlled Fulcrum when Nancy Groves conveyed the Properties to Fulcrum.

Response.

55. **Request for Admission.** Admit Allan Groves operated Fulcrum when Nancy Groves conveyed the Properties to Fulcrum.

Response.

56. **Request for Admission.** Admit Allan Groves owned Fulcrum when Nancy Groves conveyed the Properties to Fulcrum.

Response.

57. **Interrogatory.** Unless you have unequivocally admitted Request for Admission Nos. 54, 55 and 56, above, please identify the person(s) who owned, operated and controlled Fulcrum when Nancy Groves conveyed the Properties to Fulcrum.

Response.

58. **Request for Production of Documents.** Unless you have unequivocally admitted Request for Admission Nos. 54, 55 and 56, above, please produce for inspection and copying any and all written documents and/or tangible things, including data or information that exists in electronic or magnetic form, evidencing all agreements Fulcrum had with, monies Fulcrum paid to and/or monies Fulcrum received from the person(s) who owned, operated and controlled Fulcrum when Nancy Groves conveyed the Properties to Fulcrum.

Response.

59. **Request for Admission.** Admit Allan Groves owned Fulcrum when Nancy Groves conveyed the Properties to Fulcrum.

Response.

60. **Interrogatory.** Unless you have unequivocally admitted Request for Admission No. 59, above, please identify the person(s) who owned, operated and controlled Fulcrum when Nancy Groves conveyed the Properties to Fulcrum.

Response.

61. **Request for Production of Documents.** Unless you have unequivocally admitted Request for Admission No. 59, above, please produce for inspection and copying any and all written documents and/or tangible things, including data or information that exists in electronic or magnetic form, evidencing all agreements Fulcrum had with, monies Fulcrum paid to and/or monies Fulcrum received from the person(s) who owned, operated and controlled Fulcrum when Nancy Groves conveyed the Properties to Fulcrum.

Response.

62. **Request for Admission.** Admit Nancy Groves conveyed the Properties to Fulcrum with the intent to hinder BANA's efforts to collect a debt from her.

Response.

63. **Request for Admission.** Admit Nancy Groves conveyed the Properties to Fulcrum with the intent to delay BANA's efforts to collect a debt from her.

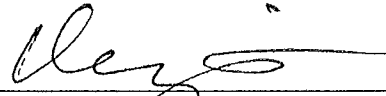
Response.

64. **Request for Admission.** Admit Nancy Groves conveyed the Properties to Fulcrum with the intent to defraud BANA.

Response.

Dated: September 20, 2013

Respectfully submitted,



Michael J. McKleroy, Jr.

Of Counsel

SBN: 24000095; FBN: 576095

C. Charles Townsend

Attorney-in-charge

SBN: 24028053 FBN: 1018722

AKERMAN SENTERFITT, LLP

2001 Ross Avenue, Suite 2550

Dallas, Texas 75201

Telephone: 214.720.4300

Facsimile: 214.981.9339

**ATTORNEYS FOR PLAINTIFF
BANK OF AMERICA, N.A.**

CERTIFICATE OF SERVICE

I hereby certify that on September 20, 2013, a true and correct copy of the foregoing instrument has been served as shown below.

G. P. Matherne
Attorney at Law
PO Box 547
Spring, TX 77383
*Attorney for Defendant
Fulcrum Enterprises, LLC*
**VIA CERTIFIED MAIL RECEIPT
NO. NO. 7196 9008 9111 1486 5013**



Michael J. McKleroy

EXHIBIT 1-B

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

BANK OF AMERICA, N.A.

Plaintiff,

vs.

FULCRUM ENTERPRISES, LLC

Defendant.

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Case No. 4-12-cv-00313

**FULCRUM ENTERPRISES, LLC'S RESPONSES TO PLAINTIFF'S FIRST
REQUEST FOR ADMISSION, FIRST SET OF INTERROGATORIES AND
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS**

TO: Plaintiff Bank of America, N.A., successor by merger to BAC Home Loans Servicing, LP fka Countrywide Home Loans Servicing, LP ("BANA") by and through its counsel of record, Michael J. McKleroy, Akerman Senterfitt, LLP, 2001 Ross Avenue, Suite 2550, Dallas, Texas 75201.

Defendant hereby serves its responses to Plaintiff's first request for admission, first set of interrogatories, and first for production of documents. In support thereof Defendant respectfully shows the following:

RESPONSES TO DISCOVERY REQUESTS

1. **Request for Admission.** Admit BANA filed the Underlying Proceeding on August 7, 2009.

Response. Defendant objects to the extent that any instruction, definition or request is designed or attempts to elicit any testimony or admission from any individual that may be protected from disclosure pursuant to the Fifth Amendment to the United States Constitution. The following answer is only on behalf of the Defendant, as a corporate entity, and without waiver with regard to any individual's Fifth Amendment rights, including the Fifth Amendment rights of Lance Kerness and Allan Groves, both of whom have informed the Defendant that they have asserted their Fifth Amendment rights under the United States Constitution (this objection is referred to herein as the

“Fifth Amendment objection”). Subject to and notwithstanding this objection, deny.

2. Request for Admission. Admit Nancy Groves was a party to the Underlying Proceeding.

Response. Defendant asserts the Fifth Amendment objection. Subject to and notwithstanding this objection, deny.

3. Request for Admission. Admit Nancy Groves was served with the Underlying Proceeding on February 22, 2010.

Response. Defendant asserts the Fifth Amendment objection. Subject to and notwithstanding this objection, deny.

4. Request for Admission. Admit Nancy Groves filed her answer in the Underlying Proceeding on April 7, 2010.

Response. Defendant asserts the Fifth Amendment objection. Subject to and notwithstanding this objection, deny.

5. Request for Admission. Admit BANA filed a motion in the Underlying Proceeding seeking a preliminary injunction against Nancy Groves on May 13, 2010.

Response. Defendant asserts the Fifth Amendment objection. Subject to and notwithstanding this objection, deny.

6. Request for Admission. Admit Magistrate Nancy Johnson recommended BANA's motion for preliminary injunction against Nancy Groves be granted on July 6, 2010.

Response. Defendant asserts the Fifth Amendment objection. Subject to and notwithstanding this objection, admit.

7. Request for Admission. Admit District Judge Gray Miller entered an Order Adopting Magistrate's Memorandum and Recommendation in the Underlying Proceeding enjoining Nancy Groves on September 8, 2010.

Response. Defendant asserts the Fifth Amendment objection. Subject to and notwithstanding this objection, deny.

8. **Request for Admission.** Admit Nancy Grove entered into an agreement to settle the Underlying Proceeding for payment of \$345,000.

Response. Defendant asserts the Fifth Amendment objection. Subject to and notwithstanding this objection, deny.

9. **Request for Admission.** Admit Nancy Groves agreed to a judgment to be entered in the Underlying Proceeding in the event she failed to pay the settlement amount of \$345,000 by September 3, 2013.

Response. Defendant asserts the Fifth Amendment objection. Subject to and notwithstanding this objection, deny.

10. **Request for Admission.** Admit Nancy Groves did not pay the settlement amount of \$345,000 by September 3, 2013.

Response. Defendant asserts the Fifth Amendment objection. Subject to and notwithstanding this objection, admit.

11. **Interrogatory.** Unless you have unequivocally admitted Request for Admission Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10, above, please state the factual and legal bases supporting the reasons you failed to unequivocally admit those requests.

Response. Defendant asserts the Fifth Amendment objection and the following objections. This interrogatory is irrelevant, vague, ambiguous, and overbroad, including regarding the terms “unequivocally” and “Underlying Proceeding,” as these terms are used in the discovery requests. This request also is unduly burdensome because it would require Defendant to marshal all its evidence before trial. It also contains multiple subparts. The

term “legal bases” also has a legal meaning, calls for a legal conclusion, and goes to an ultimate issue upon which Plaintiff bears the burden. Also, the individual who would verify any responses to this request asserts the Fifth Amendment objection.

12. **Request for Production of Documents.** Unless You have unequivocally admitted Request for Admission Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10, above, please produce for inspection and copying any and all written documents and/or tangible things, including data or information that exists in electronic or magnetic form, evidencing the factual and legal bases supporting the reasons you failed to unequivocally admit those requests.

Response. Defendant asserts the Fifth Amendment objection and following objections. This request is irrelevant, vague, ambiguous, and overbroad, including regarding the terms “unequivocally” and “Underlying Proceeding,” as these term are used in the discovery requests. This request also is unduly burdensome because it would require Defendant to marshal all its evidence before trial. It also contains multiple subparts. The term “legal bases” also has a legal meaning, calls for a legal conclusion, and goes to an ultimate issue upon which Plaintiff bears the burden. Subject to and notwithstanding these objections, Defendant, after a diligent search, has found no documents responsive to this request.

13. **Request for Admission.** Admit on May 28, 2010, Nancy Groves executed a Special Warranty Deed conveying the property located at 12811 Wressell Circle, Houston, Texas 77044 to Fulcrum.

Response. Defendant asserts the Fifth Amendment objection. Subject to and notwithstanding this objection, admit.

14. **Request for Admission.** Admit on May 27, 2010, Nancy Groves executed a Special Warranty Deed conveying the property located at 11812 Southlake Drive, Unit 1,

Houston, Texas 77077 to Fulcrum.

Response. Defendant asserts the Fifth Amendment objection. Subject to and not withstanding this objection, admit

15. **Request for Admission.** Admit on May 28, 2010, Nancy Groves executed a Special Warranty Deed conveying the property located at 7047 Bissonnet Street, Unit 110, Houston, Texas 77074 to Fulcrum.

Response. Defendant asserts the Fifth Amendment objection. Subject to and not withstanding this objection, admit

16. **Request for Admission.** Admit on May 28, 2010, Nancy Groves executed a Special Warranty Deed conveying the property located at 8525 Hearth Drive, Unit 3, Houston, Texas 77054 to Fulcrum.

Response. Defendant asserts the Fifth Amendment objection. Subject to and not withstanding this objection, admit

17. **Request for Admission.** Admit on May 28, 2010, Nancy Groves executed a Special Warranty Deed conveying the property located at 5911 Arneliffe, Houston, Texas to Fulcrum.

Response. Defendant asserts the Fifth Amendment objection. Subject to and not withstanding this objection, admit.

18. **Request for Admission.** Admit on June 11, 2010, Nancy Groves executed a Special Warranty Deed conveying the property located at 781 Country Place Drive, Unit 1081, Houston, Texas 77079 to Fulcrum.

Response. Defendant asserts the Fifth Amendment objection. Subject to and not

withstanding this objection, admit

19. **Request for Admission.** Admit on July 16, 2010, Nancy Groves executed a Special Warranty Deed conveying the property located at 10912 Gulf Freeway, Unit 77, Houston, Texas 77075 to Fulcrum.

Response. Defendant asserts the Fifth Amendment objection. Subject to and not withstanding this objection, admit.

20. **Request for Admission.** Admit on July 16, 2010, Nancy Groves executed a Special Warranty Deed conveying the property located at 10912 Gulf Freeway, Unit 15, Houston, Texas 77075 to Fulcrum.

Response. Defendant asserts the Fifth Amendment objection. Subject to and not withstanding this objection, admit

21. **Request for Admission.** Admit Fulcrum did not provide any consideration to Nancy Groves in exchange for the Properties.

Response. Defendant asserts the Fifth Amendment objection and the following objections. The term “consideration” is vague, ambiguous, overbroad. The term “consideration” also has a legal meaning, calls for a legal conclusion, and goes to an ultimate issue upon which Plaintiff bears the burden. Defendant is not qualified as a legal expert to interpret this term. Subject to and not withstanding these objections, deny.

22. **Interrogatory.** Unless you have unequivocally admitted Request for Admission No. 21, above, for each of the Properties you contend Fulcrum provided consideration to Nancy Groves in exchange or her conveyance, please identify the consideration provided, including, but not limited to, the value of the consideration provided in dollars and cents, the date the consideration was provided and the manner in which the consideration was provided.

Response. Defendant asserts the following objections. The term “consideration” is vague, ambiguous, overbroad. The term also has a legal meaning, calls for a legal conclusion, and goes to an ultimate issue upon which Plaintiff bears the burden. Defendant is not qualified as a legal expert to interpret this term. The individuals who might have responsive information and would verify any responses to this request assert the Fifth Amendment objection.

23. **Request for Production of Documents.** Unless you have unequivocally admitted Request for Admission No. 21, above, for each of the Properties you contend Fulcrum provided consideration to Nancy Groves in exchange for her conveyance, please produce for inspection and copying any and all written documents and/or tangible things, including data or information that exists in electronic or magnetic form, evidencing the consideration provided, including, but not limited to, the value of the consideration provided in dollars and cents, the date the consideration was provided and the manner in which the consideration was provided.

Response. Defendant asserts the Fifth Amendment objection and the following objections. The term “consideration” is vague, ambiguous, overbroad. The term also has a legal meaning, calls for a legal conclusion, and goes to an ultimate issue upon which Plaintiff bears the burden. Defendant is not qualified as a legal expert to interpret this term. This request also is unduly burdensome because it would require Defendant to marshal all its evidence before trial. Subject to and notwithstanding these objections, Defendant has no responsive documents.

24. **Request for Admission.** Admit that any consideration Fulcrum provided to Nancy Groves in exchange for the Properties was not reasonably equivalent to the value of

the Properties.

Response. Defendant asserts the Fifth Amendment objection and the following objections. The terms “consideration” and “reasonably equivalent value” are vague, ambiguous, overbroad. The term also has a legal meaning, calls for a legal conclusion, and goes to an ultimate issue upon which Plaintiff bears the burden. Defendant is not qualified as a legal expert to interpret this term. Subject to and notwithstanding these objections, Defendant further responds: deny.

25. **Interrogatory.** Unless you have unequivocally admitted Request for Admission No. 24, above, for each of the Properties you contend Fulcrum provided consideration of reasonably equivalent value, please identify the value of the property on the date the consideration was exchanged.

Response. Defendant asserts the Fifth Amendment objection and following objections. The terms “consideration” and “reasonably equivalent value” is vague, ambiguous, overbroad. The terms also have a legal meaning, call for a legal conclusion, and go to an ultimate issue upon which Plaintiff bears the burden. Defendant is not qualified as a legal expert to interpret these terms. The individuals who might have responsive information and would verify any responses to this request assert the Fifth Amendment objection.

26. **Request for Production of Documents.** Unless you have unequivocally admitted Request for Admission No. 24, above, for each of the Properties you contend Fulcrum provided consideration of reasonably equivalent value, please produce for inspection and copying any and all written documents and/or tangible things, including data or information that exists in electronic or magnetic form, evidencing the value of the property on the date the consideration was exchanged.

Response. Defendant asserts the Fifth Amendment objection and the following objections. The term “consideration” is vague, ambiguous, overbroad. The term also has a legal meaning, calls for a legal conclusion, and goes to an ultimate issue upon which Plaintiff bears the burden. Defendant is not qualified as a legal expert to interpret this term. Subject to and notwithstanding these objections, Defendant, after a diligent search, has found no documents responsive to this request.

27. **Request for Admission.** Admit the Properties consisted of all, or substantially all, of Nancy Groves's non-exempt assets when they were conveyed to Fulcrum.

Response. Defendant asserts the Fifth Amendment objection and the following objections. The term “non-exempt assets” is vague, ambiguous, overbroad. The term also has a legal meaning, calls for a legal conclusion, and goes to an ultimate issue upon which Plaintiff bears the burden. Defendant is not qualified as a legal expert to interpret this term. Subject to and notwithstanding these objections, Defendant further responds that it does not have sufficient knowledge to either admit or deny this request and thus responds: deny.

28. **Interrogatory.** Unless you have unequivocally admitted Request for Admission No. 27, above, please identify all other non-exempt assets owned by Nancy Groves and the value for each at the time the Properties were conveyed to Fulcrum.

Response. Defendant asserts the Fifth Amendment objection and the following objections. The term “non-exempt assets” is vague, ambiguous, overbroad. The term also has a legal meaning, calls for a legal conclusion, and goes to an ultimate issue upon which Plaintiff bears the burden. Defendant is not qualified as a legal expert to interpret this term. The Defendant does not have sufficient knowledge to respond to this request. The individuals who might have responsive information and would verify any responses to this request assert the Fifth

Amendment objection.

29. **Request for Production of Documents.** Unless you have unequivocally admitted Request for Admission No. 27, above, please produce for inspection and copying any and all written documents and/or tangible things, including data or information that exists in electronic or magnetic form, evidencing all other non-exempt assets owned by Nancy Groves and the value for each at the time the Properties were conveyed to Fulcrum.

Response. Defendant asserts the Fifth Amendment objection and the following objections. The term “non-exempt assets” is vague, ambiguous, overbroad. The term also has a legal meaning, calls for a legal conclusion, and goes to an ultimate issue upon which Plaintiff bears the burden. Defendant is not qualified as a legal expert to interpret this term. This request also is unduly burdensome because it would require Defendant to marshal all its evidence before trial. Subject to and notwithstanding these objections, Defendant, after a diligent search, has found no documents responsive to this request.

30. **Request for Admission.** Admit Nancy Groves became insolvent as a result of the conveyances of the Properties to Fulcrum.

Response. Defendant asserts the Fifth Amendment objection and the following objections. The term “insolvent” is vague, ambiguous, overbroad. The term also has a legal meaning, calls for a legal conclusion, and goes to an ultimate issue upon which Plaintiff bears the burden. Defendant is not qualified as a legal expert to interpret this term. Subject to and notwithstanding these objections, Defendant further responds that it does not have sufficient knowledge to either admit or deny this request and thus responds: deny.

31. **Interrogatory.** Unless you have unequivocally admitted Request for Admission No. 30, above, please identify all of Nancy Groves's debts and asset; at the time of the conveyances

of the Properties.

Response. Defendant asserts the Fifth Amendment objection and the following objections. The request is vague, ambiguous, and overbroad. The Defendant does not have sufficient knowledge to respond to this request. The individuals who might have responsive information and would verify any responses to this request assert the Fifth Amendment objection.

32. **Request for Production of Documents.** Unless you have unequivocally admitted Request for Admission No. 30, above, please produce for inspection and copying any and all written documents and/or tangible things, including data or information that exists in electronic or magnetic form, evidencing all of Nancy Groves's debts and assets at the time of the conveyances of the Properties.

Response. Defendant asserts the Fifth Amendment objection and the following objections. The request is vague, ambiguous, and overbroad. This request also is unduly burdensome because it would require Defendant to marshal all its evidence before trial. Subject to and not withstanding these objections, Defendant, after a diligent search, has found no documents responsive to this request.

33. **Request for Admission.** Admit Nancy Groves was unable to pay her debts as a result of the conveyances of the Properties to Fulcrum.

Response. Defendant asserts the Fifth Amendment objection and the following objections. The request is vague, ambiguous, and overbroad. Subject to and not withstanding this objection, Defendant further responds that it does not have sufficient knowledge to either admit or deny this request and thus responds: deny.

34. **Interrogatory.** Unless you have unequivocally admitted Request for Admission No. 33,

above, please identify all of Nancy Groves's debts at the time of and after the conveyances of the Properties and each payment Nancy Groves made on such debts.

Response. Defendant asserts the Fifth Amendment objection and the following objections. The request is vague, ambiguous, and overbroad. The Defendant does not have sufficient knowledge to respond to this request. The individuals who might have responsive information and would verify any responses to this request asserts the Fifth Amendment objection.

35. **Request for Production of Documents.** Unless you have unequivocally admitted Request for Admission No. 33, above, please produce for inspection and copying any and all written documents and/or tangible things, including data or information that exists in electronic or magnetic form, evidencing all of Nancy Groves's debts at the time of and after the conveyances of the Properties and each payment Nancy Groves made on such debts.

Response. Defendant asserts the Fifth Amendment objection and the following objections. The request is vague, ambiguous, and overbroad. The Defendant does not have sufficient knowledge to respond to this request. This request also is unduly burdensome because it would require Defendant to marshal all its evidence before trial. Subject to and notwithstanding these objections, Defendant, after a diligent search, has found no documents responsive to this request.

36. **Request for Admission.** Admit Nancy Groves retained control over the Properties after the conveyances of the Properties to Fulcrum.

Response. Defendant asserts the Fifth Amendment objection and the following objections. The term "control" is vague, ambiguous, overbroad. The term also has a legal meaning, calls for a legal conclusion, and goes to an ultimate issue upon which Plaintiff bears the burden.

Defendant is not qualified as a legal expert to interpret this term. Subject to and notwithstanding this objection, Defendant further responds that it does not have sufficient knowledge to either admit or deny this request and thus responds: deny.

37. **Interrogatory.** Unless you have unequivocally admitted Request for Admission No. 36, above, for each of the Properties please identify the following:

a. the person or entity who collected the rents and/or other income from the Properties for each month following the conveyances, including, but not limited to, the bank account(s) (by bank name, account number and account holder name) in which the rents and/or other income from the Properties for each month following the conveyances were paid; and

b. the person or entity who paid the property taxes, HOA dues, hazard insurance and/or other expenses for the Properties for each month following the conveyances, including, but not limited to, the bank account(s) (by name, account number and account holder name) from which these expenses were paid.

Response. Defendant asserts the Fifth Amendment objection and the following objections. It also contains multiple subparts. The individuals who might have responsive information and would verify any responses to this request assert the Fifth Amendment objection.

38. **Request for Production of Documents.** Unless you have unequivocally admitted Request for Admission No. 36, above, for each of the Properties, please produce for inspection and copying any and all written documents and/or tangible things, including data or information that exists in electronic or magnetic form, evidencing the following:

a. the person or entity who collected the rents and/or other income from

the Properties for each month following the conveyances, including, but not limited to, the bank account(s) (by bank name, account number and account holder name) in which the rents and/or other income from the Properties for each month following the conveyances were paid; and

b. the person or entity who paid the property taxes, HOA dues, hazard insurance and/or other expenses for the Properties for each month following the conveyances, including, but not limited to, the bank account(s) (by name, account number and account holder name) from which these expenses were paid.

Response. Defendant asserts the Fifth Amendment objection and the following objection. It also contains multiple subparts. This request also is unduly burdensome because it would require Defendant to marshal all its evidence before trial. Subject to and notwithstanding these objections, Defendant, after a diligent search, has found no documents responsive to this request.

39. **Request for Production of Document.** Please produce for inspection and copying any and all written documents and/or tangible things, including data or information that exists in electronic or magnetic form, evidencing all records you maintain regarding the Properties, including, but not limited to the following:

- a. Your acquisition of the Properties;
- b. The rents or other income you have collected from the Properties; and
- c. The expenses you have incurred for taxes, insurance, HOA assessments and/or dues, repairs and/or other maintenance for the properties.

Response. Defendant asserts the Fifth Amendment objection and the following objection. It also contains multiple subparts. Subject to and notwithstanding these objections, Defendant, after a diligent search, has found no documents responsive to this request.

40. **Request for Admission.** Admit Fulcrum was aware of the Underlying Proceeding when it accepted the conveyances of the Properties from Nancy Groves.

Response. Defendant asserts the Fifth Amendment objection. Subject to and notwithstanding this objection, deny.

41. **Request for Admission.** Admit Lance Kerness was aware of the Underlying Proceedings when Fulcrum accepted the conveyances from Nancy Groves.

Response. Defendant asserts the Fifth Amendment objection. Subject to and notwithstanding this objection, deny.

42. **Request for Admission.** Admit Allan Groves was aware of the Underlying Proceedings when Fulcrum accepted the conveyances from Nancy Groves.

Response. Defendant asserts the Fifth Amendment objection. Subject to and notwithstanding this objection, deny.

43. **Interrogatory.** Identify each person(s) providing information for the responses to these discovery requests.

Response. Defendant asserts the Fifth Amendment objection and the following objection. The individuals who might have responsive information and would verify any responses to this request assert the Fifth Amendment objection.

44. **Interrogatory.** For each person(s) identified in response to Interrogatory No. 43, above, please identify each person(s) to whom he or she reports or from whom he or she takes direction.

Response. Defendant asserts the Fifth Amendment objection and the following objection. The individuals who might have responsive information and would verify any responses to this request assert the Fifth Amendment objection.

45. **Interrogatory.** Identify each person or entity who, during the Relevant Time Period, was or is:

- a. an employee of Fulcrum;
- b. an officer of Fulcrum;
- c. a director of Fulcrum;
- d. a manager of Fulcrum;
- e. a member of Fulcrum; and
- f. accepted payment of any kind for services performed on behalf of Fulcrum.

Response. Defendant asserts the Fifth Amendment objection and the following objections. This request is not relevant and not reasonably calculated to lead to the discovery of admissible evidence. This request is vague, ambiguous and overbroad particularly regarding the identification of any person or entity who “accepted payment of any kind for services performed on behalf of Fulcrum.” The individuals who might have responsive information and would verify any responses to this request assert the Fifth Amendment objection.

46. **Request for Production of Documents.** Please produce for inspection and copying any and all written documents and/or tangible things, including data or information that exists in electronic or magnetic form, evidencing all agreements Fulcrum had with, monies Fulcrum collected from and/or monies Fulcrum paid to, each person identified in Interrogatory Nos. 43, 44 and 45, above, during the Relevant Time Period. With respect to

payments made to or from Fulcrum, your response should include the bank account(s) (by name, account number and account holder name) maintained by Fulcrum from which such monies were paid, cashed or deposited.

Response. Defendant asserts the Fifth Amendment objection and the following objections. This request is not relevant and not reasonably calculated to lead to the discovery of admissible evidence. This request is vague, ambiguous and overbroad particularly regarding monies Defendant collected and paid and Defendant's bank account information. This request also is unduly burdensome because it would require Defendant to marshal all its evidence before trial. Subject to and notwithstanding these objections, Defendant, after a diligent search, has found no documents responsive to this request.

47. **Request for Production of Document.** Please produce for inspection and copying any and all written documents and/or tangible things, including data or information that exists in electronic or magnetic form, evidencing all agreements Fulcrum had with, monies Fulcrum collected from and/or monies Fulcrum paid to, Nancy Groves during the Relevant Time Period. With respect to payments made to or from Fulcrum, your response should include the bank account(s) (by name, account number and account holder name) maintained by Fulcrum from which such monies were paid, cashed or deposited.

Response. Defendant asserts the Fifth Amendment objection and the following objections. This request is not relevant and not reasonably calculated to lead to the discovery of admissible evidence. This request is vague, ambiguous and overbroad particularly regarding monies Defendant collected and paid and Defendant's bank account information. This request also is unduly burdensome because it would require Defendant to marshal all its evidence before trial. Subject to and notwithstanding these objections, Defendant, after

a diligent search, has found no documents responsive to this request.

48. **Request for Production of Document.** Please produce for inspection and copying any and all written documents and/or tangible things, including data or information that exists in electronic or magnetic form, evidencing all agreements Fulcrum had with, monies Fulcrum collected from and/or monies Fulcrum paid to, Allan Groves during the Relevant Time Period. With respect to payments made to or from Fulcrum, your response should include the bank account(s) (by name, account number and account holder name) maintained by Fulcrum from which such monies were paid, cashed or deposited.

Response. Defendant asserts the Fifth Amendment objection and the following objections. This request is not relevant and not reasonably calculated to lead to the discovery of admissible evidence. This request is vague, ambiguous and overbroad particularly regarding monies Defendant collected and paid and Defendant's bank account information. This request also is unduly burdensome because it would require Defendant to marshal all its evidence before trial. Subject to and notwithstanding these objections, Defendant, after a diligent search, has found no documents responsive to this request.

49. **Request for Production of Document.** Please produce for inspection and copying any and all written documents and/or tangible things, including data or information that exists in electronic or magnetic form, evidencing all agreements Fulcrum had with, monies Fulcrum collected from and/or monies Fulcrum paid to, Lance Kerness during the Relevant Time Period. With respect to payments made to or from Fulcrum, your response should include the bank account(s) (by name, account number and account holder name) maintained by Fulcrum from which such monies were paid, cashed or deposited.

Response. Defendant asserts the Fifth Amendment objection and the following objections.

This request is not relevant and not reasonably calculated to lead to the discovery of admissible evidence. This request is vague, ambiguous and overbroad particularly regarding monies Defendant collected and paid and Defendant's bank account information. This request also is unduly burdensome because it would require Defendant to marshal all its evidence before trial. Subject to and notwithstanding these objections, Defendant, after a diligent search, has found no documents responsive to this request.

50. **Request for Admission.** Admit Allan Groves has known Nancy Groves for at least the last 50 years.

Response. Defendant asserts the Fifth Amendment objection and the following objections. This request is not relevant and not reasonably calculated to lead to the discovery of admissible evidence. This request is vague, ambiguous and overbroad. Subject to and notwithstanding this objection, Defendant further responds that it does not possess sufficient information to admit or deny this request and thus responds: deny.

51. **Request for Admission.** Admit Allan Groves has had a close personal relationship with Nancy Groves for at least the last 50 years.

Response. Defendant asserts the Fifth Amendment objection and the following objections. This request is not relevant and not reasonably calculated to lead to the discovery of admissible evidence. This request is vague, ambiguous and overbroad regarding the term "close personal relationship." Subject to and notwithstanding this objection, Defendant further responds that it does not possess sufficient information to admit or deny this request and thus responds: deny.

52. **Request for Admission.** Admit Allan Groves and Nancy Groves were married for more than 30 years.

Response. Defendant asserts the Fifth Amendment objection and the following objections. This request is not relevant and not reasonably calculated to lead to the discovery of admissible evidence. This request is vague, ambiguous and overbroad. Subject to and notwithstanding this objection, Defendant further responds that it does not possess sufficient information to admit or deny this request and thus responds: deny.

53. **Request for Admission.** Admit Allan Groves and Nancy Groves have had a close personal relationship even after they divorced.

Response. Defendant asserts the Fifth Amendment objection and the following objections. This request is not relevant and not reasonably calculated to lead to the discovery of admissible evidence. This request is vague, ambiguous and overbroad regarding the term “close personal relationship.” Subject to and notwithstanding this objection, Defendant further responds that it does not possess sufficient information to admit or deny this request and thus responds: deny.

54. **Request for Admission.** Admit Allan Groves controlled Fulcrum when Nancy Groves conveyed the Properties to Fulcrum.

Response. Defendant asserts the Fifth Amendment objection and the following objections. This request is not relevant and not reasonably calculated to lead to the discovery of admissible evidence. This request is vague, ambiguous and overbroad regarding the term “controlled.” Subject to and notwithstanding this objection, Defendant further responds: that it does not possess sufficient information to admit or deny this request and thus responds: deny.

55. **Request for Admission.** Admit Allan Groves operated Fulcrum when Nancy Groves conveyed the Properties to Fulcrum.

Response. Defendant asserts the Fifth Amendment objection and the following objections. This request is not relevant and not reasonably calculated to lead to the discovery of admissible evidence. This request is vague, ambiguous and overbroad regarding the term “operated.” Subject to and notwithstanding this objection, Defendant further responds that it does not possess sufficient information to admit or deny this request and thus responds: deny.

56. **Request for Admission.** Admit Allan Groves owned Fulcrum when Nancy Groves conveyed the Properties to Fulcrum.

Response. Defendant asserts the Fifth Amendment objection and the following objections. This request is not relevant and not reasonably calculated to lead to the discovery of admissible evidence. This request is vague, ambiguous and overbroad regarding the term “owned.” Subject to and notwithstanding this objection, Defendant further responds that it does not possess sufficient information to admit or deny this request and thus responds: deny.

57. **Interrogatory.** Unless you have unequivocally admitted Request for Admission Nos. 54, 55 and 56, above, please identify the person(s) who owned, operated and controlled Fulcrum when Nancy Groves conveyed the Properties to Fulcrum.

Response. Defendant asserts the Fifth Amendment objection and the following objections. This request is not relevant and not reasonably calculated to lead to the discovery of admissible evidence. This request is vague, ambiguous and overbroad particularly regarding the identification of any person or entity who “owned, operated, and controlled Fulcrum.” This request also is unduly burdensome because it would require Defendant to marshal all its evidence before trial. The individuals who might have responsive information and would verify any responses to this request assert the Fifth Amendment objection.

58. **Request for Production of Documents.** Unless you have unequivocally admitted Request for Admission Nos. 54, 55 and 56, above, please produce for inspection and copying any and all written documents and/or tangible flings, including data or information that exists in electronic or magnetic form, evidencing all agreements Fulcrum had with, monies Fulcrum paid to and/or monies Fulcrum received from the person(s) who owned, operated and controlled Fulcrum when Nancy Groves conveyed the Properties to Fulcrum.

Response. Defendant asserts the Fifth Amendment objection and the following objections. This request is not relevant and not reasonably calculated to lead to the discovery of admissible evidence. This request is vague, ambiguous and overbroad particularly regarding monies Defendant paid and received. This request also is unduly burdensome because it would require Defendant to marshal all its evidence before trial. Subject to and not withstanding these objections, Defendant, after a diligent search, has found no documents responsive to this request.

59. **Request for Admission.** Admit Allan Groves owned Fulcrum when Nancy Groves conveyed the Properties to Fulcrum.

Response. Defendant asserts the Fifth Amendment objection and the following objections. This request is not relevant and not reasonably calculated to lead to the discovery of admissible evidence. This request is vague, ambiguous and overbroad regarding the term "owned." Subject to and not withstanding this objection, Defendant further responds: that it does not possess sufficient information to admit or deny this request and thus responds: deny.

60. **Interrogatory.** Unless you have unequivocally admitted Request for Admission No. 59, above, please identify the person(s) who owned, operated and controlled Fulcrum when Nancy Groves conveyed the Properties to Fulcrum.

Response. Defendant asserts the Fifth Amendment objection and the following objections. This request is not relevant and not reasonably calculated to lead to the discovery of admissible evidence. This request is vague, ambiguous and overbroad particularly regarding the identification of any person who “owned, operated, and controlled Fulcrum.” This request also is unduly burdensome because it would require Defendant to marshal all its evidence before trial. The individuals who might have responsive information and would verify any responses to this request assert the Fifth Amendment objection.

61. Request for Production of Documents. Unless you have unequivocally admitted Request for Admission No. 59, above, please produce for inspection and copying any and all written documents and/or tangible things, including data or information that exists in electronic or magnetic form, evidencing all agreements Fulcrum had with monies Fulcrum paid to and/or monies Fulcrum received from the person(s) who owned, operated and controlled Fulcrum when Nancy Groves conveyed the Properties to Fulcrum.

Response. Defendant asserts the Fifth Amendment objection and the following objections. This request is not relevant and not reasonably calculated to lead to the discovery of admissible evidence. This request is vague, ambiguous and overbroad particularly regarding monies Defendant paid and received. This request is vague, ambiguous and overbroad regarding the term “operated.” This request also is unduly burdensome because it would require Defendant to marshal all its evidence before trial. Subject to and notwithstanding these objections, Defendant, after a diligent search, has found no documents responsive to this request.

62. Request for Admission. Admit Nancy Groves conveyed the Properties to Fulcrum with the intent to hinder BANA's efforts to collect a debt from her.

Response. Defendant asserts the Fifth Amendment objection and the following objections. The term “hinder” also has a legal meaning, calls for a legal conclusion, and goes to an ultimate issue upon which Plaintiff bears the burden. This request also is vague, ambiguous and overbroad. Subject to and notwithstanding this objection, Defendant further responds that it does not have sufficient knowledge to either admit or deny this request and thus responds: deny.

63. **Request for Admission.** Admit Nancy Groves conveyed the Properties to Fulcrum with the intent to delay BANA's efforts to collect a debt from her.

Response. Defendant asserts the Fifth Amendment objection and the following objections. The term “intent to delay” also has a legal meaning, calls for a legal conclusion, and goes to an ultimate issue upon which Plaintiff bears the burden. This request also is vague, ambiguous and overbroad. Subject to and notwithstanding this objection, Defendant further responds that it does not have sufficient knowledge to either admit or deny this request and thus responds: deny.

64. **Request for Admission.** Admit Nancy Groves conveyed the Properties to Fulcrum with the intent to defraud BANA.

Response. Defendant asserts the Fifth Amendment objection and the following objections. The term “intent to defraud” also has a legal meaning, calls for a legal conclusion, and goes to an ultimate issue upon which Plaintiff bears the burden. This request also is vague, ambiguous and overbroad. Subject to and notwithstanding this objection, Defendant further responds that it does not have sufficient knowledge to either admit or deny this request and thus responds: deny.

DATED: October 30, 2013.

Respectfully submitted,

/s/ George Niño
George Niño
Attorney-in-Charge
Texas Bar No. 00786456
S.D. Texas Bar No. 22971
OKIN & ADAMS LLP
1113 Vine St., Suite 201
Houston, TX 77002
(713) 228-4100 (Telephone)
(888) 865-2118 (Facsimile)
mokin@oakllp.com

**ATTORNEY FOR FULCRUM ENTERPRISES,
LLC**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was provided *via* email and regular mail to counsel for BANA listed below on October 30, 2013.

Michael J. McKleroy, Jr.
Akerman Senterfitt, LLP
2001 Ross Avenue, Suite 2550
Dallas, TX 75201

/s/ George Niño
George Niño