

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
JONESBORO DIVISION

CENTENNIAL BANK,  
Guardian of the Estate of  
Mary Moore Stiny

PLAINTIFF

v.

No. 3:17-cv-226-DPM

RENA WOOD

DEFENDANT

ORDER

The parties were unable to resolve their disputes about some parts of Paul Tennen's evidentiary deposition. The Court's rulings are noted in the margin on the attached copy of their joint report. The Court is also attaching counsel's letter about the color legend for Tennen's deposition and the color-coded transcript. The Court thanks counsel for their helpful work highlighting the disputed testimony in context. Joint report, *No 193*, addressed.

So Ordered.

*D.P. Marshall Jr.*  
D.P. Marshall Jr.  
United States District Judge

*5 December 2018*

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF ARKANSAS  
JONESBORO DIVISION

CENTENNIAL BANK, Guardian of the Estate  
of Mary Moore Stiny, an Incapacitated Person

Plaintiff

Vs.

No. 3:17-cv-00226 DPM

RENA WOOD

Defendant

**JOINT REPORT ON DEPOSITION DISPUTE**

Comes the Plaintiff, Centennial Bank, Guardian of the Estate of Mary Moore Stiny, by and through its attorneys, Lyons & Cone, P.L.C. and Carla Rogers Nadzam and the Defendant, Rena Wood, by and through her attorneys, Lilly Law Firm, P.A. and the Darvish Law Firm and for their Joint Report on Deposition Dispute, states:

1. That on December 4, 2017, this Court issued its Final Scheduling Order in this matter (Doc. 52).
2. That in its Order, the Court directed the parties to try to agree on deposition testimony and if a dispute or objection was unresolved to file a Joint Report on November 8, 2018.
3. That the parties have conferred and discussed the issues regarding the deposition of Mr. Paul Tennen which was delayed in being provided by the reporter to the parties.
4. That a dispute still remains as to the introduction of the following portions of Mr. Tennen's deposition. Additionally, a brief description of the objections are set forth with the

disputed portions below:

Page	Lines	Objection	
19	18-20	Hearsay	sustained
20	1-5	Hearsay	sustained
27	18-21; 23	Conclusion	overruled
48	24-25	Calls for speculation	overruled
49	1-5	Calls for speculation	overruled
54	11-25	Irrelevant or if relevant, its probative value is outweighed by unfair prejudice	sustained. Irrelevant.
56	1-2; 13-20; 24-25	Irrelevant or if relevant, its probative value is outweighed by unfair prejudice	sustained. Irrelevant.
58	7-25	Calls for speculation	withdrawn
59	10-15	Irrelevant or if relevant, its probative value is outweighed by unfair prejudice	sustained. Irrelevant.
65	22-25	Hearsay	Overruled with instructions: Delete the question at 65:14-16. The answer at 22-25 is fine as his personal experience.
67	22-25	Hearsay	sustained
68	1	Hearsay	sustained
84	18-25	Confusing, assumes facts not in evidence, lack foundation, calls for speculation, vague as to what "statements" were produce.	overruled
85	1-25	Confusing, assuming facts not in evidence, lack foundation, calls for speculation, vague as to what "records" were produce.	overruled
86	1-12;23-25	Confusing, assuming facts not in evidence, lack foundation, calls for speculation, vague as to what "records" were produce.	overruled
87	1, 5-12, 19-25	Irrelevant, or if relevant, their probative value is outweighed by unfair prejudice, calls for speculation	overruled

88	1-25	Irrelevant, or if relevant, their probative value is outweighed by unfair prejudice, calls for speculation	overruled
89	1-17	Irrelevant, or if relevant, their probative value is outweighed by unfair prejudice, calls for speculation	overruled
90	6-25	Irrelevant, or if relevant, their probative value is outweighed by unfair prejudice, calls for speculation	overruled
91	1-25	Irrelevant, or if relevant, their probative value is outweighed by unfair prejudice, calls for speculation, confusing characterization of the source of the checks	overruled
92	1-5;13-17 10-25	Irrelevant, or if relevant, their probative value is outweighed by unfair prejudice, calls for speculation	overruled
93	1-25	Irrelevant, or if relevant, their probative value is outweighed by unfair prejudice, calls for speculation	overruled
94	1-24	Irrelevant, or if relevant, their probative value is outweighed by unfair prejudice, calls for speculation	overruled
95	1-6, 17-24	Document speaks for themselves, irrelevant, or if relevant, their probative value is outweighed by unfair prejudice, calls for speculation	overruled
96	1-10, 16-23	Irrelevant, or if relevant, their probative value is outweighed by unfair prejudice, calls for speculation	overruled
97	6-21	Irrelevant, or if relevant, their probative value is outweighed by unfair prejudice, calls for speculation, hearsay	overruled, opposing party statement/action.
98	1, 3-4,6-9, 13, 15-23	Conclusion, calls for speculation, vague as to "I did receive documentation"	overruled
99	1-12;19-23	Calls for speculation, calls for attorney-client privileged information	overruled. if consultation was privileged, it was waived by PT's lawyer and the answer.
101	6-25	Calls for speculation, vague	overruled
103	6-7;12-16	Calls for speculation; Irrelevant, or if relevant, their probative value is outweighed by unfair prejudice	overruled

106	1-25	Conclusion, calls for speculation; Irrelevant, or if relevant, their probative value is outweighed by unfair prejudice	overruled
108	1-24	Calls for attorney client privileged information, vague as to "comply with the order"	overruled
109	1-9, 12-13, 15-24	Argumentative, lacks foundation, vague as to "authority"	overruled
111	1-11, 20-24	Calls for attorney-client privileged information, calls for speculation vague as to "obligation for both sets of apartments essentially are the same"	overruled
116	13-21	Calls for speculation; Irrelevant, or if relevant, their probative value is outweighed by unfair prejudice	overruled
120	8-9; 14-24	Calls for speculation; Irrelevant, or if relevant, their probative value is outweighed by unfair prejudice, calls for speculation	overruled.
122	4-6, 8-16, 18-25	Calls for speculation; Irrelevant, or if relevant, their probative value is outweighed by unfair prejudice	overruled.
129	1-25	Irrelevant, or if relevant, their probative value is outweighed by unfair prejudice, calls for speculation	sustained.

5. That the parties will attempt, prior to pre-trial, to narrow their dispute in regard to the above.

6. A paper copy of the transcript of Mr. Paul Tennen will be produced to the Court in chambers by FedEx or other overnight service.

Respectfully Submitted,

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Attorney for Defendant

**Certificate of Service**

The undersigned attorney hereby certifies that on November 8, 2018, he has caused to be filed the foregoing pleading via electronic CM/ECF filing and whereby notice is to be provided to the following attorneys of record for Defendant and others electronically by the Court using the CM/ECF system or by U.S. Mail for those who are not electronically notified:

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\*Master of Laws in Agricultural Law  
\*\*Keenan Ball Trial College Faculty

November 28, 2018

**VIA OVERNIGHT SERVICE & EMAIL**

Hon. D. P. Marshall, Jr.  
United States District Judge  
600 West Capitol Avenue, Room B149  
Little Rock, AR 72201

Re: Centennial Bank vs. Rena Powell Wood, et al.;  
U.S. District Court for the Eastern Dist. of Ark.;  
Case No. 3:17-cv-00226-DPM

Dear Judge Marshall:

Per your request at the Pretrial Hearing, enclosed please find a color copy of the Deposition of Paul Tennen (the "Deposition") which include the designations by Plaintiff and Defendant as well as the objections to the designations by the Plaintiff and Defendant. Additionally, enclosed please find the Joint Report on Deposition Dispute which sets out the objections to the designations.

The color legends for the designations and objections in the Deposition are as follows: (i) Yellow is Plaintiff's designations; (ii) Green is Defendant's designations; and (iii) Orange is the objections for both parties and with each objection in the margin the objecting party is noted as "Obj. Plaintiff or Obj. Pltf." for the Plaintiff or "Obj. Def." for Defendant. Additionally, please note that in some cases, the Defendant designated and objected to the same portions of the Deposition. Finally, as this was an evidentiary deposition, any objection which was raised in the Joint Report on Deposition Dispute but was not set forth in the deposition should be disregarded.



By carbon copy, I am providing other counsel with notice of this communication with you as well as the enclosures. If there are any questions, please contact me. Thank you.

Sincerely,



Jim Lyons

JL/ab

Enclosures

cc: Carla Nadzam via email (w/enc.)  
Mark Johnson via email (w/enc.)  
Marty Lilly via email (w/enc.)  
Elan Darvish via email (w/enc.)

F:\WP60\STINY\Judge Marshall3.ltr.wpd

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF ARKANSAS  
JONESBORO DIVISION

CENTENNIAL BANK, Guardian of the )  
Estate of Mary Moore Stiny, an )  
Incapacitated Person, )  
 )  
Plaintiff, )  
 )  
vs. ) Case No.:  
 ) 3:17-cv-00226 DPM  
RENA WOOD, )  
 )  
Defendants. )  
 )  
\_\_\_\_\_ )

DEPOSITION OF PAUL TENNEN  
LOS ANGELES, CALIFORNIA  
THURSDAY, OCTOBER 18, 2018

REPORTED BY: KIMBERLY M. LOWE  
CSR NO. 12529

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1 IN THE UNITED STATES DISTRICT COURT  
 2 FOR THE EASTERN DISTRICT OF ARKANSAS  
 3 JONESBORO DIVISION  
 4 CENTENNIAL BANK, Guardian of the )  
 5 Estate of Mary Moore Stiny, an )  
 6 Incapacitated Person, )  
 7 ) Plaintiff, )  
 8 vs. ) Case No.: )  
 9 ) 3:17-cv-00226 DPM )  
 10 RENA WOOD, )  
 11 ) Defendants. )

12 VIDEOTAPED DEPOSITION OF PAUL TENNEN,  
 13 taken on behalf of the Defendants, at  
 14 10990 Wilshire Boulevard, Suite 420,  
 15 Los Angeles, California beginning at  
 16 10:59 a.m., and ending at 4:26 p.m.  
 17 on Thursday, October 18, 2018, before  
 18 Kimberly M. Lowe, Certified Shorthand  
 19 Reporter No. 12529.

1 APPEARANCES:  
 2  
 3 FOR THE PLAINTIFF:  
 4 LYONS & CONE, P.L.C.  
 5 BY: JIM LYONS, ESQ.  
 6 407 South Main Street  
 7 Jonesboro, Arkansas 72403  
 8 870.972.5440  
 9 jlyons@leclaw.com  
 10  
 11 FOR THE DEFENDANT:  
 12 THE DARVISH FIRM, APC  
 13 BY: ELAN DARVISH, ESQ.  
 14 DAVID WONG, ESQ.  
 15 10990 Wilshire Boulevard  
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 17 Los Angeles, California 90024  
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 21 FOR THE WITNESS:  
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 davemiller@libertybelllaw.com  
 ALSO PRESENT:  
 LON ANDRE, VIDEOGRAPHER

1 I N D E X  
 2  
 3 WITNESS: PAGE:  
 4 PAUL TENNEN  
 5 Examination by Mr. Darvish 7, 124  
 6 Afternoon Recess 73  
 7 Examination by Mr. Lyons 84, 114

11 E X H I B I T S  
 12 PLAINTIFF'S: PAGE:  
 13 Exhibit 1 - Bank of America Statement 4/1/13 87  
 14 Through 4/30/13  
 15 Exhibit 2 - 2/8/16 Letter to Mr. Tennen Re: 105  
 16 Guardianship of the Estate of  
 17 Mary Moore Stiny  
 18 Exhibit 3 - 2/8/16 Letter to Mr. Tennen Re: 107  
 19 555 East Olive Avenue & 321  
 20 South Sixth Street  
 21 DEFENDANTS': PAGE:  
 22 Exhibit 1 - Subpoena to Testify at Deposition 12  
 23 in a Civil Action  
 24 Exhibit 2 - List of Documents Produced 14  
 25 Exhibit 3 - Subpoena to Testify at a 42  
 Deposition in a Civil Action  
 Exhibit 4 - Durable Power of Attorney for 55  
 Asset Management

1 I N D E X (Continued)  
 2  
 3 DEFENDANTS': PAGE:  
 4 Exhibit 5 - Uniform Statutory Form Power of 57  
 5 Attorney  
 6 Exhibit 6 - 2/2/11 Letter Re: Delegation 60  
 7 Of Management Duties  
 8 Exhibit 7 - Quitclaim Deed 62  
 9 Exhibit 8 - Quitclaim Deed 63  
 10 Exhibit 9 - Asset Allocation Agreement Stiny 68  
 11 Family Trust  
 12 Exhibit 10 - Amendment to Petition for Order 82  
 13 Approving Division of Trust  
 14 Into Two or More Separate Trusts

16 QUESTIONS INSTRUCTED:  
 17 (NONE)

21 INFORMATION REQUESTED:  
 22 (NONE)

1 LOS ANGELES, CALIFORNIA  
2 THURSDAY, OCTOBER 18, 2018; 10:59 A.M.

3  
4 (Prior to going on record, all parties stipulated  
5 to waive the reading of Federal Rule 30(b)(6)  
6 read-on by the reporter.)

7  
8 **THE VIDEOGRAPHER:** We are going on  
9 record. The time is 10:59 a.m. on October 18, 2018.

10 This is media one of the video  
11 deposition of Paul Tennen taken by the defendant in the  
12 matter of "Centennial Bank, Guardian of the Estate of  
13 Mary Stiny versus Rena Wood," filed in the United States  
14 District Court, Eastern District of Arkansas, Civil  
15 Action No. 317-cv-00226.

16 This deposition is being held at 10990  
17 Wilshire Boulevard, Suite 420, Los Angeles, California.

18 My name is Lan Andre representing L.A.  
19 Reporters with offices located in Los Angeles,  
20 California; and I am a certified videographer.

21 The court reporter is Kimberly Lowe  
22 from the firm L.A. Reporters with offices in  
23 Los Angeles, California.

24 Counsel will now state their  
25 appearances and affiliation for the record.

1 of Arkansas, Case Number 13:17-CV-00226.  
2 During the deposition, I'm going to be  
3 asking you a series of questions which will be used in  
4 trial in this case. As you heard earlier, your  
5 testimony here today is going to be under penalty of  
6 perjury. It's going to have the same force -- your  
7 actual oath that you made has the same force and effect  
8 as you would normally have in trial in a courtroom.

9 If you don't answer -- if you don't  
10 understand a question that I am asking, please ask me to  
11 repeat it. Please don't answer if you don't understand  
12 the question.

13 If you do understand the question, we  
14 presume -- and you do answer it, we presume that you  
15 understood the question.

16 Everything that we're saying here  
17 today, even though we have a videographer, we also have  
18 a court reporter who is transcribing everything that's  
19 being said, which means that she's only able to type one  
20 of us speaking every time. So if I'm asking a question,  
21 please just do me a favor and wait until I finish the  
22 question before responding.

23 Every question I ask, I ask that you  
24 give me verbal responses, which means that with "yes" or  
25 "no" or actual words. The court reporter,

1 **MR. DARVISH:** Elan Darvish appearing on  
2 behalf of Defendant Rena Wood.

3 **MR. MILLER:** Dave Miller appearing --  
4 representing the Deponent Paul Tennen.

5 **MR. LYONS:** Jim Lyons on behalf of  
6 Plaintiff Centennial Bank.

7 **MR. WONG:** David Wong on behalf of  
8 Defendant Rena Wood.

9 **THE VIDEOGRAPHER:** Will the court  
10 reporter please swear in the witness.

11  
12 PAUL TENNEN,  
13 having been first duly sworn by the reporter,  
14 was examined and testified as follows:

15  
16 **EXAMINATION**

17 **BY MR. DARVISH:**

18 Q. Good morning, Mr. Tennen. My name is  
19 Elan Darvish, and I am the attorney for Defendant Rena  
20 Wood.

21 You're here today as a result of a  
22 subpoena that was issued. The purpose of this  
23 deposition is to be used in lieu of live testimony at  
24 trial in the case titled "Centennial Bank versus Rena  
25 Wood" in federal court, located in the Eastern District

1 unfortunately, cannot transcribe "uh-huhs" or "huh-uh's."  
2 So when asked a question, it would have to be a verbal  
3 response.

4 One thing I'd like you to do, if I ask  
5 you a question, is not guess. Normally, I go through  
6 this. In every single deposition, attorneys use  
7 completely different examples to explain what the  
8 difference is between a guess and an estimate.

9 I'm entitled to estimates, but I do not  
10 want you to guess. So the difference between an example  
11 would be if I ask you what the size of my garage was  
12 at home, you would pretty much have to guess because  
13 you've never been to my home. You could never tell me  
14 how big my garage is.

15 However, if I ask you what the square  
16 footage of this room is, you'll be -- in relatively  
17 certainty be able to give me an estimate as to how big  
18 this room is.

19 Do you understand the deposition?

20 **A. I do.**

21 Q. At the end of the deposition the court  
22 reporter will prepare a transcript, and that transcript  
23 is going to be sent to you. What we would like you to  
24 do is read it and verify that you answered each one of  
25 the questions correctly. You could make changes with

1 regards to the transcript itself, but if you make any  
 2 changes, we would be able to make a note of those  
 3 changes at trial.  
 4           Therefore, I always tell deponents to  
 5 try to answer to the best of your knowledge right now.  
 6           Had -- do you understand everything  
 7 that we have discussed so far?  
 8           **A. I do.**  
 9           Q. Have you had any alcohol in the past  
 10 24 hours?  
 11           **A. I have not.**  
 12           Q. Okay. Are you taking any medication  
 13 that impairs your ability to understand questions or  
 14 answer truthfully?  
 15           **A. No.**  
 16           Q. Is there any reason that you feel you  
 17 cannot move forward with the deposition here today?  
 18           **A. No.**  
 19           Q. Can you please state your name for the  
 20 record.  
 21           **A. Paul Steven Tennen.**  
 22           Q. And what is your address?  
 23           **A. My business address is 3699 Wilshire**  
 24 **Boulevard, Suite 800, Los Angeles, California 90010.**  
 25           Q. Okay. And what is your home address?

1           **Q. Okay. You manage these properties;**  
 2 **correct?**  
 3           **A. I do.**  
 4           Q. And how long have you been managing  
 5 them for?  
 6           **A. Since 2013.**  
 7           Q. Do you have a signed written agreement  
 8 with -- to manage these properties?  
 9           **A. I do.**  
 10           Q. Okay. Perfect.  
 11                   I am showing you what has now been  
 12 **pre-marked as Exhibit 1.**  
 13                   (Whereupon, Defendant's Exhibit No.  
 14 I was marked for identification by  
 15 the reporter and is attached hereto.)  
 16 **BY MR. DARVISH:**  
 17           Q. Can you take a look at that document  
 18 for me.  
 19           **A. Yes, sir.**  
 20           Q. Did I give you the original?  
 21           **MR. LYONS:** This has the original  
 22 sticker on it.  
 23           **MR. DARVISH:** Let me trade you out.  
 24           **MR. LYONS:** Okay.  
 25           ///

1           **A. 940 South Cloverdale Avenue,**  
 2 **Los Angeles, California 90036.**  
 3           Q. What is your occupation?  
 4           **A. Real estate property manager.**  
 5           Q. And how long have you been doing that?  
 6           **A. I bought the company, Linder &**  
 7 **Associates, in 2012. So I've owned the company since**  
 8 **then; however, I've been a real estate agent and a**  
 9 **property manager prior to that; so I would say maybe,**  
 10 **you know, eight -- eight years total.**  
 11           **Q. Okay. And what is your position right**  
 12 **now at Linder & Associates?**  
 13           **A. I'm the president of the company.**  
 14           Q. Do you know -- are you familiar with  
 15 the Stiny Family Trust?  
 16           **A. I am.**  
 17           Q. How are you familiar with them?  
 18           **A. We work on behalf of them for the**  
 19 **management of the properties that we manage.**  
 20           Q. Do you know the addresses to the  
 21 properties that you manage for them?  
 22           **A. 555 East Olive Avenue, Burbank,**  
 23 **California. I don't know the ZIP Code offhand. 321**  
 24 **South Sixth Street, Burbank, California. I believe it's**  
 25 **91423, but I'm not correct on that.**

1 **BY MR. DARVISH:**  
 2           Q. Do you know what this document is?  
 3           **A. This is a property management**  
 4 **agreement.**  
 5           Q. Okay. Who's the property management  
 6 agreement with?  
 7           **A. Stiny Trust and Linder & Associates,**  
 8 **R.E.S.U.**  
 9           Q. Okay. And are you familiar with this  
 10 document?  
 11           **A. Yes, I am.**  
 12           Q. And can you look at the -- the second  
 13 page of the document.  
 14                   Was this an agreement that was signed  
 15 on behalf of the Stiny Trust?  
 16           **A. Yes, it was.**  
 17           Q. Do you recall when this agreement was  
 18 signed?  
 19           **A. I cannot tell you the exact date.**  
 20 **However, I believe it would have been March 18, 2013, as**  
 21 **I, you know, put that date in as our agreement date and**  
 22 **when I did this in person. So that would -- I guess you**  
 23 **could say that's my best guess.**  
 24           Q. Okay.  
 25           **A. But --**

1 Q. Did you see Rena Wood sign the  
2 document?

3 A. Yes, I did.

4 Q. And you were present at that time?

5 A. Yes, I was.

6 Q. All right. I am showing you what has  
7 not been pre-marked as Exhibit Number 2.

8 (Whereupon, Defendant's Exhibit No.  
9 2 was marked for identification by  
10 the reporter and is attached hereto.)

11 BY MR. DARVISH:

12 Q. Can you tell me what this document is.

13 A. Exhibit No. 2 is a property management  
14 agreement.

15 Q. Is it -- for which property?

16 A. It would be for 3563 East Verdugo  
17 Avenue and also 321 South Sixth Street, which is one  
18 property at the corner.

19 Q. And they're both similar agreements?

20 A. They are.

21 Q. And for two different properties?

22 A. Correct.

23 Q. Okay. Were you also present when  
24 Ms. Wood signed this agreement?

25 A. I was.

1 A. That's correct.

2 Q. What was your understanding as to who  
3 owns the properties?

4 A. My understanding is that the trust owns  
5 the properties. I was the one who generated these  
6 management agreements, and I went to Fidelity Title's  
7 Web site to pull down the ownership statement.

8 The reason for the difference is  
9 because there is an abbreviation in one, and the way  
10 it's written -- you know, basically online, the title is  
11 written differently for each of the ones.

12 See it's abbreviated, Stiny Trust,  
13 comma, Elijah and Mary Stiny Trust. So then the second  
14 one that I did was basically I wrote it out, but this  
15 was based off of Fidelity National Title online Web  
16 portal for trust -- you know, for property profiles.

17 Q. I presume it's what you call "Title  
18 Pro" is what you're looking at?

19 A. Yes.

20 Q. When you pulled up "Title Pro," did you  
21 pull up the deed or did you pull --

22 THE REPORTER: I'm sorry.

23 (Speaking simultaneously.)

24 THE WITNESS: I did not pull up her  
25 deed.

1 Q. Do you have a copy of this agreement in  
2 your file currently?

3 A. We do.

4 Q. Do you -- who has management control of  
5 all the records for Linder & Associates?

6 A. That would be me.

7 Q. Would you be custodian of records for  
8 Linder & Associates?

9 A. I would.

10 Q. And this would be part of your file?

11 A. That is correct.

12 Q. Is there any reason to believe that  
13 these two documents that I've just shown you, Exhibits 1  
14 and 2, are not the true and correct copies of the  
15 documents that Ms. Wood signed?

16 A. I do not have any reason to believe  
17 that.

18 Q. All right. With regard to the  
19 agreement itself -- I'd like you to take a look at the  
20 agreement, both of them.

21 Who's this agreement with?

22 A. Well, the first one with Olive is the  
23 Stiny Trust. The second one is the -- I'm sorry --  
24 Exhibit 2 is the Elijah and Mary Stiny Trust.

25 Q. They're both with a trust; correct?

1 BY MR. DARVISH:

2 Q. So when you went to -- I believe it's  
3 called Title Pro 24/7.

4 A. Yes.

5 Q. And so when you went on line, you  
6 looked at the cover page?

7 A. Correct.

8 Q. Do you have any other agreements with  
9 either the Stiny Trust or Elijah and Mary Stiny Trust?

10 A. I do not.

11 Q. And earlier I believe you testified  
12 that your understanding was that the trust owned these  
13 properties; correct?

14 A. That is correct.

15 Q. All right. Do you know who Rena Powell  
16 is?

17 A. I do.

18 Q. Do you know her as Rena Powell, or did  
19 you know her as another name?

20 A. I know -- I know her as Rena Powell. I  
21 know her as Rena Powell Wood.

22 Q. So when I refer to "Rena," I'm  
23 referring to "Rena Powell Wood."

24 A. Yes. I believe Paul is her maiden  
25 name.

1 Q. And how do you know her?  
 2 A. She contacted us, my management  
 3 company, to manage her properties.  
 4 Q. When you say "manage her properties,"  
 5 did she own the properties?  
 6 A. No.  
 7 Q. Did she ever tell you she owned the  
 8 properties?  
 9 A. She did not.  
 10 Q. What did she tell you with regard to  
 11 what authority she had with regard to the properties?  
 12 A. She's working on behalf of the trust.  
 13 Q. Okay. And how did you know that?  
 14 A. She provided a document that she was a  
 15 co-trustee of the trust.  
 16 Q. Do you have that document?  
 17 A. I do.  
 18 Q. Okay. When was the first time that you  
 19 met with Rena?  
 20 A. I cannot tell you that. I do not  
 21 remember exactly when.  
 22 Q. Would it be -- would it be safe, so to  
 23 say, obviously, prior to --  
 24 A. That is correct.  
 25 Q. -- Exhibit 1 -- Exhibit 1 and 2 being

1 A. My understanding is that she was acting <sup>obj</sup>  
 2 as an agent on behalf of the trust as a co-trustee, as <sup>Plainti</sup>  
 3 she had described, and that she had the authority to  
 4 engage us and sign a management agreement with us as  
 5 most of my clients do.  
 6 MR. LYONS: Same objection. I'll ask  
 7 it be stricken. He said it was based on -- essentially  
 8 said it was based on what she told him.  
 9 BY MR. DARVISH:  
 10 Q. Did you regularly interact with  
 11 Rena Wood after you signed -- after you had her execute  
 12 Exhibits 1 and 2?  
 13 A. Yes.  
 14 Q. How often would you interact --  
 15 communicate with her?  
 16 A. I cannot recall the frequency, but I  
 17 can tell you that, upon execution of the document, we  
 18 began to do our normal takeover of a property, which  
 19 included both the transition of paperwork and some  
 20 gathering of information and some general, you know,  
 21 interactions towards getting a handle on the management  
 22 of these buildings.  
 23 Q. Did she assist you in the transition  
 24 paperwork and getting ahold of the management of the two  
 25 buildings?

1 signed; correct?  
 2 A. That is correct.  
 3 Q. How far before you believe that before  
 4 Exhibits 1 and 2 were executed that you met with her?  
 5 A. Maybe a month.  
 6 Q. Okay. And what role did she have in  
 7 terms of over the years with regard to the management of  
 8 the apartments?  
 9 MR. LYONS: Objection. Calls for  
 10 hearsay.  
 11 MR. MILLER: You can answer if you  
 12 know.  
 13 THE WITNESS: Please repeat the  
 14 question.  
 15 BY MR. DARVISH:  
 16 Q. You are so -- what role did she have --  
 17 maybe I should clarify.  
 18 What role do you believe she had by  
 19 interacting with her with regard to the management of  
 20 the company?  
 21 MR. LYONS: Same objection.  
 22 MR. MILLER: You can answer based on  
 23 your personal knowledge only.  
 24 BY MR. DARVISH:  
 25 Q. Correct.

1 A. Yes, she did.  
 2 Q. Could you describe, after the  
 3 agreements were signed, what sorts of communications  
 4 that you had with her?  
 5 A. She had provided us some, you know,  
 6 paperwork for, I believe -- I guess, operational of the  
 7 building, her records that she had of prior operations  
 8 of the building months prior. She had given me the  
 9 contact information for the resident manager. She had  
 10 provided us with information with regard to the bank  
 11 account that we're going to be working with, and I -- I  
 12 believe -- and I cannot recall specifically that we  
 13 received a keys from her. But typically, we would have  
 14 gotten keys from the -- from her.  
 15 You know, I can't -- I just can't  
 16 recall if it was, like, given from the resident manager  
 17 at the time or given by her, but she gave us common area  
 18 keys basically, and the resident manager typically has a  
 19 set of keys for the tenant units.  
 20 But, unfortunately, it's hard to recall  
 21 specifics; but that was our interactions through that  
 22 period of time until I was strong enough to get ahold of  
 23 the operations of the building, and we began to get  
 24 going.  
 25 Q. Perfect.

1 So I presume that that occurred in  
2 about 2013 when the agreement was signed; correct?

3 A. That is correct.

4 Q. Okay. After you started getting going  
5 and 14 came along, were you still having interactions  
6 with Ms. Wood?

7 A. Yes.

8 Q. What kind of interaction would you  
9 have?

10 A. Both e-mail correspondence calls on the  
11 phone, and there were, I believe, at least one to three  
12 physical interactions at the building. I cannot recall  
13 the amount of frequency. But there were interactions at  
14 the buildings. We did a walkthrough of the premises.

15 Q. How often?

16 A. I cannot recall specifically how often,  
17 but I do recall we had -- there is at least one  
18 interaction that I had with her where I do recall being  
19 at the buildings with her, and we did a walkthrough of  
20 the common areas.

21 I cannot confirm that beyond that  
22 initial one -- I know that subsequently we had -- over  
23 the years we had several, but initially, I could only  
24 remember specifically one, but it could have been maybe  
25 two or more. I just cannot remember.

1 A. They were mostly on telephone and  
2 e-mail; however, if you're specifically relating to  
3 2014, yes. There were physical interactions at the  
4 property. I just cannot remember how many.

5 Q. Okay.

6 A. But I do know that we at least had at  
7 least one a year since this time. I just cannot recall  
8 specifically how much more in '14 or '15 has it  
9 dissipated. She was initially in town when this  
10 started. So it was easier to do that. That's why I  
11 believe the frequency was a little bit higher at the end  
12 of '13. By "higher," I mean maybe two or three times,  
13 perhaps. But beyond that, our interaction was an e-mail  
14 and phone.

15 Q. Do you recall interactions in -- we  
16 talked about '13, '14, and '15.

17 What about '16?

18 A. Honestly, I cannot recall specifically  
19 that year.

20 Q. Okay.

21 A. But I could tell you that we did have  
22 physical interactions at the building to do  
23 walkthroughs, to point things out, to show me things to  
24 paint. It certainly dissipated as the years went on  
25 because she moved to a different part of town or

1 Q. When you're talking about one or two,  
2 what kind of time frame are you referring to?

3 A. Within the following month or so of the  
4 signing of this agreement --

5 Q. So we're talking about 2013?

6 A. Oh, yeah.

7 Q. Okay. We're talking about 2013?

8 A. That's correct.

9 Q. I wanted -- so you had subsequent  
10 walkthroughs with her in 2014 and '15?

11 A. Yeah, there was at least one meeting.  
12 I could tell you at least in '14 there was at least one  
13 meeting where we would -- you know, she would fly in and  
14 meet at the property and we would walk the buildings or  
15 at least talk outside.

16 Initially, when we first took over, she  
17 was in L.A.; And she and I had spoken relatively  
18 frequently just because I needed to get a bunch of  
19 information from her.

20 Q. Okay.

21 A. So for my accounting purposes for --  
22 and I don't have specifics but that -- you know, I know  
23 there was interactions related to that.

24 Q. So in '14, these conversations -- these  
25 conversations were occurring over telephone and e-mail?

1 different part of the country. But initially, you know,  
2 there was a buildup to that. So there were a few  
3 interactions, and then it kind of dissipated. It was  
4 more of the things we could call an e-mail.

5 Q. So when she would come to meet you at  
6 the property, she would do a walkthrough?

7 A. Uh-huh.

8 Q. What would you discuss with her?

9 A. Initially, we talked about things that  
10 she wanted to better at the building; so there was a  
11 room that we converted into a gym, per her direction,  
12 because she wanted a rec room for the tenants.

13 There was paintings -- elements of  
14 paintings that were needed around the building. There  
15 were conversations about the --

16 MR. LYONS: Object to conversation as  
17 hearsay.

18 THE WITNESS: Okay.

19 BY MR. DARVISH:

20 Q. Keep on going.

21 A. About the improvement of the bricks,  
22 which were fading in color and calcium buildup. There  
23 was conversation about the improvement of the look of  
24 the pools because they were in need of some improvement  
25 both with furniture and also, I guess, paint and some



1 tile -- you know, there were cracks in the plaster, that  
2 kind of conversation. So there was -- there were  
3 conversations about that needed, yeah.

4 Q. What would be your opinion as to the --  
5 you're a real estate agent, correct?

6 A. Yes.

7 Q. And how long have you had your license?

8 A. Let's see. I -- I was licensed, I  
9 believe, in 2003 -- 2000 -- I got my license in '3.

10 Q. Okay.

11 A. I have a broker. I was a real estate  
12 agent from basically 2004 through current.

13 Q. Okay.

14 A. I became a broker in -- I cannot recall  
15 the exact day. It was 2000 -- last -- probably 2014.

16 Q. Okay.

17 A. But I'm not confirmed on that date, but  
18 I've basically been -- I was a real estate agent for a  
19 while. During that period of time, I had been  
20 approached by clients, not this client but others, to  
21 manage their buildings. So over time, I began to manage  
22 other client buildings.

23 And then I did do -- and then in 2012 I  
24 met a David Linder. David Linder owned a company,  
25 management company, that we wanted to expand our

1 that or not.

2 MR. MILLER: You can answer.

3 BY MR. DARVISH:

4 Q. You can answer the question.

5 A. I'm fully confident that that improved  
6 the property.

7 Q. And the improvements that were -- I was  
8 referring to, so we have a clear record, you testified  
9 were the walkthroughs that you did with her with regard  
10 to the gym, the painting of the bricks, all the other  
11 list of improvements that you earlier testified to;  
12 correct?

13 A. Yes.

14 Q. Do you know if Rena paid for any type  
15 of office expenses or supplies for the operation of the  
16 apartments?

17 A. Not directly. What happened is that we  
18 served in notice to the property for -- to the tenants  
19 to let them know where to send their rents to our  
20 address with -- made out to Linder & Associates, which  
21 is the blank -- well, actually, sorry. I do not recall  
22 exactly how that was set up initially.

23 Q. I don't think you understood the  
24 question. I apologize.

25 A. Okay.

1 operations. So we purchased this company in itself. I  
2 purchased this company in 2012, and then in the early  
3 part of '13 is how we met Rena. My company, me and her  
4 met; and that's kind of the length of time.

5 Q. Okay. And where did you go to school?

6 A. I went to college at USC.

7 Q. Okay.

8 A. University of Southern California.

9 Q. And what was your bachelor's in?

10 A. I have a bachelor's in economics.

11 Q. Okay.

12 A. And a minor in music industry.

13 Q. And did you go to school after that?

14 A. I did not.

15 Q. Okay.

16 A. I did get my real estate license after  
17 college.

18 Q. In your opinion, would you believe that  
19 the improvements that were made on the property that  
20 were directed by Rena improved the value of the  
21 property?

22 MR. LYONS: Object.

23 THE WITNESS: 100 percent.

24 MR. LYONS: Conclusion.

25 MR. DARVISH: I don't know if you got

1 Q. The question was do you know if Rena  
2 paid for any type of office expenses or any type of  
3 expenses with relating to the property itself out of the  
4 trust?

5 A. No.

6 Q. Okay.

7 A. The short answer is no.

8 Q. The operational expenses were paid by  
9 Linder & Associates?

10 A. Were paid by the property --

11 Q. Correct.

12 A. -- Via us. So any costs that are  
13 related to the property are paid through the property's  
14 operation.

15 Q. Did Rena ever sign any checks, if you  
16 recall?

17 A. I do not believe she did.

18 Q. So I'd like to kind of go back with  
19 regard to the improvements that have been made since.

20 MR. MILLER: Can I get some  
21 clarification on the last question?

22 MR. DARVISH: Sure.

23 MR. MILLER: Signing the checks from  
24 what account? What were you trying to --

25 MR. DARVISH: I guess the question is

1 has he seen any checks signed with Rena Wood's signature  
2 on them.

3 **MR. MILLER:** From?

4 **MR. DARVISH:** Anywhere.

5 **MR. MILLER:** Out of money that he  
6 received from the rents?

7 **MR. DARVISH:** Anywhere.

8 **MR. MILLER:** Okay. You can answer the  
9 question.

10 **BY MR. DARVISH:**

11 Q. Have you ever seen her name signed on  
12 any checks?

13 A. **I don't recall.**

14 Q. So let's go back to the improvements.  
15 I'd like you to outline each one of the improvements  
16 that have been made on the property since you took it  
17 over.

18 So you said, I believe, replastering  
19 the pools.

20 A. **Well, if I may back it up a little  
21 bit --**

22 Q. Sure.

23 A. **-- to give you some perspective on how  
24 the process began.**

25 Q. Okay.

1 A. **The first problem that was there was  
2 that the resident manager had been managing the building  
3 through the -- I guess the trust under -- I guess.**

4 **MR. LYONS:** Object. This is all  
5 hearsay.

6 **THE WITNESS:** Okay.

7 **MR. MILLER:** And, Paul, clarify which  
8 building. There are two buildings; correct?

9 **THE WITNESS:** So there was one resident  
10 manager who managed both properties.

11 **BY MR. DARVISH:**

12 Q. And how do you know that?

13 A. **Because I met him.**

14 Q. Okay.

15 A. **And I do not recall his name offhand.**

16 Q. Okay. And just to shorten the length  
17 of the deposition, I just wanted to know, really, what  
18 improvements have been made.

19 A. **Okay.**

20 Q. That's all I really need --

21 A. **I just have a story to tell.**

22 Q. I know you do, and that's fine. I just  
23 need to know what improvements have been made since you  
24 took over.

25 A. **Sure.**

1 Q. **Improvements that have been made on the  
2 property itself because it sounds like, to me, there's  
3 been some significant improvements.**

4 A. **That's correct. We'll start with  
5 improvement -- this is in no particular order.**

6 Q. Correct.

7 A. **But purchasing of pool -- brand new  
8 pool, you know, chairs and tables to beautify the pool  
9 area. We replastered both pools, repaired the pool  
10 gates. We installed fitness equipment in both buildings  
11 in a common area room tenants can now use as an amenity.**

12 **We have dramatically improved the unit  
13 turnovers so, when a unit becomes vacant, we have  
14 dramatically improved the overall look of the units  
15 which has contributed significantly to a higher increase  
16 in rent value.**

17 **We have the landscaper replace all  
18 common area plants with, I guess -- what do you call it?  
19 Dry -- no, water need --**

20 Q. Drought tolerance.

21 A. **Drought tolerance plants. Forgive me.  
22 We performed decking repairs as needed. We repaired  
23 common area gate locks and gate doors. And what I mean  
24 by that are hinges and basically to better improve the  
25 condition of the gate that's around the building.**

1 the phone?

2 A. I do not believe I have.

3 Q. And I -- again, Mr. Stiny, have you

4 ever met Mr. Stiny?

5 A. I have not.

6 Q. Let's go back to 2013, which is when

7 you scouted the contracts.

8 What was the procedure on handling the

9 income that was coming in from the rents?

10 A. So I'm going to try to remember that

11 far back.

12 MR. LYONS: I object to the question.

13 Are you talking about before or after

14 Mr. Tennen took over?

15 BY MR. DARVISH:

16 Q. I said I believe my question was right

17 after he signed the contract.

18 MR. LYONS: Okay. Okay. I

19 misunderstood.

20 THE WITNESS: There -- from what I

21 recall, this is what I recall is that, initially, she

22 was -- the checks were going into an account called Park

23 Verdugo Apartments. We had served notice for tenants to

24 change that.

25 What I'm struggling to remember at this

1 bank, Chase Bank. It was moved over from California

2 Bank and Trust. That's why I'm a little bit unclear

3 here because this was dating back to when we were still

4 with that bank; so --

5 But from what I recall, there were

6 accounts set up on a trust account that was set up by

7 us. The monies went into that account. From that

8 account, we sent -- well, we would pay the bills, and

9 then any distributions would go to Rena. And Park

10 Verdugo Apartments was what was on the checks. That's

11 what I remember.

12 Q. So when you say that you wrote the

13 check to Rena to go to Park Verdugo Apartments --

14 A. They were sent to her address, and they

15 were made out to Park Verdugo Apartment. That was the

16 count she set up as an operational account. That was

17 the account that was in effect prior to us coming on

18 board.

19 Q. All right.

20 A. So what I recall we did, as we normally

21 do, is we set up these accounts, two separate accounts.

22 And we put the monies into those accounts that came from

23 the rents, and we would pay the bills because we had the

24 jurisdiction to do that from that account, and then at

25 the end of the account -- the end of the month, as we

1 moment is, you know, how that was directed to them. And

2 so I'm just blanking on --

3 BY MR. DARVISH:

4 Q. Let me clarify the question for you.

5 I'm a tenant in Park -- Park Verdugo,

6 and I hand you my rent check for April of 2013.

7 What do you do with that rent check?

8 A. The rent check, I believe, was

9 deposited into the Park Verdugo -- our bank account was

10 set up --

11 Q. Okay.

12 A. -- through the bank that we were

13 banking with.

14 Q. And what bank was that?

15 A. It was California Bank and Trust, I

16 believe. I'm just blanking on the process. I have to

17 look back in my notes.

18 But the reason is -- typically what we

19 do is we have them make the check out to Linder &

20 Associates. We open up a bank account -- a trust

21 account. We put the monies into the account, and we pay

22 the bills from that account.

23 Q. Is that what you currently do?

24 A. That is what we currently do. So all

25 the accounts that we have are with a trust account at a

1 normally do, we would send any potential distributions.

2 If we have, we would distribute them.

3 Q. Would you make the improvements from

4 the costs in the bank account that you have from the

5 trust account?

6 A. That is correct.

7 Q. Did you use an outside accounting firm

8 to reconcile your accounts, or did you do those

9 in-house?

10 A. We reconciled our accounts in-house

11 with my CFO.

12 Q. And who is your CFO?

13 A. Don Allay (spelled phonetically.)

14 Q. How often do you reconcile your

15 accounts?

16 A. I cannot speak to that offhand. I do

17 not know exactly. I know that monthly, we reconcile all

18 amounts prior to sending out the monthly statements to

19 the clients.

20 Q. Okay.

21 A. So I would assume, if not at least once

22 a month, but prior to that it could be more.

23 Q. So at some point -- so I'm clear on

24 your testimony is that should the tenants -- the tenants

25 would issue a check at the beginning when you entered

1 into the agreement. They went directly into the Park  
2 Verdugo Apartment account. You sent them notices that  
3 the checks need to be made directly to Linder &  
4 Associates.

5 A. If I may.

6 Q. Please.

7 A. The resident manager who lives there  
8 and worked there previously, from what I understand to  
9 be true, is he would collect --

10 MR. LYONS: Object to hearsay.

11 THE WITNESS: He would collect the  
12 rents.

13 BY MR. DARVISH:

14 Q. And how would you know that he  
15 collected the rents?

16 A. Because that was his practice. That  
17 was part of his, I guess, job at the time, the tenants.

18 MR. LYONS: Same objection.

19 THE WITNESS: He would walk around the  
20 building collecting rents and deposited them into the  
21 account.

22 BY MR. DARVISH:

23 Q. Have you -- have you seen him do that  
24 before?

25 A. No, I have not.

1 Q. Did someone tell you that?

2 A. That is what I -- I mean, that's what I  
3 recall understanding, but I could -- I'm not a hundred  
4 percent sure about that.

5 Q. You're guessing?

6 MR. LYONS: Motion to strike. Hearsay.

7 BY MR. DARVISH:

8 Q. What I'm trying to clarify is at some  
9 point you took over. You sent notices to everyone in  
10 all the units.

11 A. Uh-huh.

12 Q. The checks came directly to the  
13 lenders -- Linder & Associates?

14 A. Uh-huh.

15 Q. They went to your client's trust  
16 account --

17 A. Correct.

18 Q. -- correct?

19 And then from the client's trust  
20 account, you would pay all the expenses. You pay all  
21 the improvements.

22 A. Right.

23 Q. And then any money left would be  
24 distributions that you make to the client?

25 A. That is correct.

1 And to clarify, any monies left

2 there's -- sometimes there's reserves for taxes,  
3 insurance, and so forth. So it would not necessarily be  
4 a total clearing of the account.

5 Q. Sure.

6 A. We set up the account to pay insurance  
7 and also maintenance improvements and things of that  
8 nature.

9 Q. To your knowledge, was there a  
10 mortgage?

11 A. I cannot recall offhand.

12 Q. Okay. So on this trust account that  
13 you're referring to, was Ms. -- Ms. Stiny was not --  
14 strike that.

15 So on the account that you're referring  
16 to, the trust account, Ms. Wood was not a signatory to  
17 that account; correct?

18 A. Correct.

19 Q. Did you send monthly statements with  
20 regard to the account to anyone?

21 A. Yes. Yes, I did.

22 Q. Okay. Who did you send them to?

23 A. We would send one to Rena, and we would  
24 send one to Mrs. Stiny.

25 Q. And where is your understanding

1 Ms. Stiny lived?

2 A. I was given direction by Rena to send a  
3 copy to the address we have on file. I can look through  
4 my notes and tell you more specifically. I just don't  
5 have it in front of me here.

6 Q. It's not a problem.

7 A. But I was given direction to send two  
8 reports monthly.

9 Q. The same exact report?

10 A. That is correct.

11 Q. One to Rena and one to Ms. Stiny?

12 A. That is correct.

13 Q. Was the address, do you recall, the  
14 address of the report that you sent to Ms. Stiny in  
15 Arkansas?

16 A. I cannot confirm because there was  
17 another address involved. I just can't confirm offhand.  
18 I'm sorry, but I believe so. I just can't be --

19 Q. Okay.

20 A. I can pull my records here if it helps,  
21 but --

22 Q. Did you bring any documents with you  
23 today?

24 A. I did.

25 Q. What documents did you bring with you?

1 A. I have all of my documents that I --  
2 are in my files, both operational building documents and  
3 my documents related to this case and just --

4 Q. Have you provided a copy of all those  
5 files to anyone?

6 A. Offhand, I do not believe I did.

7 MR. MILLER: Just to point out, the  
8 subpoena does not have a demand for production on the  
9 subpoena I've seen.

10 MR. DARVISH: What exhibit number are  
11 we on?

12 THE REPORTER: 3.

13 BY MR. DARVISH:

14 Q. I'm showing you what we've now -- been  
15 previously marked as Exhibit No. 4.

16 MR. MILLER: No, we're --

17 THE REPORTER: We're on 3.

18 MR. MILLER: We're 3.

19 MR. DARVISH: 3.

20 (Whereupon, Defendant's Exhibit No.  
21 3 was marked for identification by  
22 the reporter and is attached hereto.)

23 BY MR. DARVISH:

24 Q. Can you take a look at that document  
25 for me.

1 my files.

2 Q. Uh-huh.

3 A. But from the time that you have been  
4 involved in this case, I have not received anything  
5 else.

6 Q. Okay. So in the past two to three  
7 weeks, you have not been served with another subpoena  
8 besides this one, Exhibit No. 3?

9 A. That is my recollection.

10 Q. Yeah.

11 A. Is that your recollection?

12 Q. Again, I did not serve you with another  
13 subpoena.

14 A. Okay.

15 Q. I believe that Mr. Lyons issued another  
16 subpoena, but presumably, it was not served.

17 MR. LYONS: No, it was served.

18 MR. DARVISH: He was served?

19 MR. LYONS: Yes.

20 THE WITNESS: Okay. That's why --  
21 within the last two weeks?

22 MR. LYONS: I don't know if it was in  
23 the last two weeks. In the last three weeks probably.

24 THE WITNESS: Oh, okay. If I could  
25 pull my records, I can --

1 A. Yes.

2 Q. What is this document?

3 A. This is a subpoena to testify at  
4 deposition in a civil action.

5 Q. Okay. You agreed to appear here today  
6 pursuant to this; correct?

7 A. Correct.

8 Q. Have you been served with another  
9 subpoena besides this one?

10 A. I have to look -- I have to look back  
11 in my files.

12 Q. Within the past two weeks has  
13 anybody --

14 A. Oh, no, not in the past two weeks.

15 Q. So you have not been served with a  
16 subpoena at all besides this subpoena right here?

17 A. That is correct. However, if I may,  
18 prior to you coming on board --

19 Q. Okay.

20 A. -- there was interactions, and I just  
21 cannot recall specifically what documents I received at  
22 that time because I know you've been sending some,  
23 Mr. Lyons.

24 So what I mean to say is I have to look  
25 back and see specifically what other documents I have in

1 MR. LYONS: Personal service on  
2 10-3-18.

3 MR. DARVISH: Let me see that.

4 (Document handed to counsel.)

5 (Document reviewed by counsel.)

6 BY MR. DARVISH:

7 Q. How long have you been sending what I  
8 would call dual statements, one to Ms. Wood and one to  
9 Ms. Stiny?

10 A. I believe since the beginning of our  
11 management agreement tenure.

12 Q. So you manage the company -- manage the  
13 two buildings for a couple of years, and you were  
14 distributing that income. At some point you stopped  
15 making distributions.

16 What happened?

17 A. We had received conflicting reports  
18 from Helen Robins who was the -- I believe, the aunt. I  
19 received multiple communications from multiple party  
20 members in Arkansas, and I guess it was -- they live in  
21 Arkansas. I don't know for sure, but it was the -- I  
22 believe it was the nephew, and I believe it was Helen  
23 Robins, the aunt. I cannot confirm specifically who was  
24 in relationship, but that was who they appeared to be.

25

1 If I saw the names, I could tell you  
2 specifically that they're confirmed that those were the  
3 people.

4 Q. Do you recall how many conversations --  
5 did you have any conversations with Helen Robins?

6 A. I did.

7 Q. Okay. How many conversations did you  
8 have?

9 A. About two to three.

10 MR. DARVISH: Let's go ahead and  
11 take -- go off the record.

12 THE VIDEOGRAPHER: The time is  
13 11:53 a.m. We're off the record.

14 (Recess taken.)

15 THE VIDEOGRAPHER: The time is 12:03  
16 p.m. We're back on the record.

17 BY MR. DARVISH:

18 Q. Sir, we're back on record.

19 At some point you stopped making  
20 distributions through the bank account.

21 A. Yes.

22 Q. Can you tell me why?

23 A. We had received conflicting  
24 communications that Rena was no longer in charge of  
25 or -- of the trust; that Helen Robins had received

1 A. "I'm Helen Robins. I'm now here in  
2 Arkansas. I take care of Mary." She's, I think, her  
3 sister. And so there was some communications about who  
4 she was.

5 Q. Do you recall when that conversation  
6 occurred?

7 A. I can't offhand.

8 Q. Okay. That was the first conversation  
9 you had with her?

10 A. That's correct.

11 Q. Did you have any subsequent  
12 conversations with her?

13 A. She had called back a couple times. I  
14 cannot say specifically how many, but subsequent  
15 conversations -- or I should say, to answer your  
16 question as to why those distributions stopped was  
17 because I received a phone call from her saying that --

18 MR. LYONS: Object to what Helen Robins  
19 said is hearsay.

20 THE WITNESS: I received a call from  
21 her saying that Rena was no longer in charge of the  
22 trust and to begin sending funds to her.

23 BY MR. DARVISH:

24 Q. Okay. Do you recall signing all  
25 declarations where you declared that Ms. Robins called

obj  
Plaintiff

1 control back, and therefore, monies should start going  
2 to her.

3 And I said, "Well, I'd like to get  
4 communication and some sort of proof, if that's the  
5 case. And in order -- before I do that or before I  
6 continue sending distributions of any kind, I'm going to  
7 pause on that."

8 Q. All right. Let's try to go into  
9 detail.

10 So how many times did you have  
11 conversations with Helen Robins?

12 A. You know, there were -- I cannot recall  
13 the exact number of conversations. There were at least  
14 a few conversations that she called me --

15 Q. Okay.

16 A. -- saying first -- the first one was to  
17 introduce herself just to say hi and, you know, tell me  
18 that she was, you know --

19 MR. LYONS: I'm going to object to what  
20 she told him. It would be hearsay.

21 THE WITNESS: Okay. There were  
22 conversations that she had initially with me just to  
23 introduce herself. Then after that --

24 BY MR. DARVISH:

25 Q. She just said, "I'm Helen Robins"?

1 you on or about August 24, 2015, where she told you that  
2 Rena was no longer the manager and that she liked you  
3 and she was going to keep you but that she was in charge  
4 now and to forward all money directly to her?

5 A. That's correct.

6 Q. Did you believe that to be true?

7 MR. LYONS: Object. It calls for  
8 speculation on his part.

9 MR. MILLER: You could answer.

10 BY MR. DARVISH:

11 Q. You can answer.

12 A. I did not believe that to be true.

13 Q. Why not?

14 A. Well, I should say I didn't  
15 particularly mind who was in charge if a change had  
16 happened to the trust. We work for the trust, and  
17 therefore, if she says that she's in charge, show me  
18 she's in charge and show me that Rena is not in charge  
19 or have Rena communicate with me that she's not in  
20 charge.

21 But until that, I'm -- I don't -- you  
22 know, you can't just take somebody just because they  
23 said that. We -- yeah.

24 Q. So at this point, have you received any  
25 documents that's showed -- shown to you that Helen

1 Robins was in charge by the time she called you at that  
2 point?

3 A. Yeah, and I don't recall the timeline;  
4 however, I do recall that she submitted a document to us  
5 showing that she had power of attorney over Mary Moore  
6 Stiny.

7 Q. Okay.

8 A. And I don't recall any other elements  
9 to it as if she was now in charge of what the language  
10 was offhand.

11 Q. Uh-huh.

12 A. But there was language that she showed  
13 me that she was now power of attorney of Mary Moore  
14 Stiny's Trust and that, therefore, we should believe  
15 that that is the case.

16 Q. She showed you a document that she was  
17 the power of attorney for the trust?

18 A. Well, that she was power -- Mary Moore  
19 Stiny was now incapacitated mentally.

20 Q. Okay.

21 A. And that she had been given authority  
22 over her affairs.

23 The reason I cannot recall specifically  
24 the words in the document is because I can't recall what  
25 kind of document it was.

1 (Recess taken.)

2 THE VIDEOGRAPHER: The time is 12:13.

3 We're back on the record.

4 BY MR. DARVISH:

5 Q. So back on the record. You've had an  
6 opportunity to look at your records. So I'll ask the  
7 question again.

8 When did you stop making any  
9 distributions of the income from the properties?

10 A. As of the end of August 2015.

11 Q. And what would you do with the money?

12 A. The checks were cut in distribution to  
13 Park Verdugo Apartments in care of Rena Woods at the  
14 Silver Springs address that she gave us, and that's  
15 where our distributions went from the property.

16 Q. After you stopped making  
17 distributions --

18 A. No. No.

19 Q. Okay.

20 A. I'm sorry. Prior to stopping.

21 Q. Correct.

22 A. To do so.

23 Q. Correct. So after you stopped making  
24 distributions --

25 A. The money remainder in operation

1 Q. I understand.

2 A. But the language I'm aware of was that  
3 Mary Moore Stiny was incapacitated and that she was  
4 handling her affairs and to believe that -- that also  
5 meant she's in charge now of the trust and that Rena's  
6 no longer.

7 Q. So at that time, were you -- did you  
8 continue making distributions?

9 A. No.

10 Q. At what point did you stop making  
11 distributions from the -- let me ask the question again  
12 because I believe you responded before I could finish  
13 it.

14 Did you continue making distributions  
15 from the properties to anyone after talking to Ms. Helen  
16 Robins?

17 A. I have to look in my notes to know what  
18 month we stopped making distributions, and from that  
19 month on, we did not make any more distributions to  
20 anybody.

21 MR. DARVISH: Okay. Let's go ahead and  
22 take a break so we could have him go ahead and look at  
23 his notes so he could tell us what date that was.

24 THE VIDEOGRAPHER: The time -- the time  
25 is 12:09 p.m. We're off the record.

1 accounts.

2 Q. What's your current procedure to the  
3 income from the properties right now as of today?

4 A. We're under a court order to distribute  
5 a specific amount of funds to court, I believe, in  
6 Arkansas.

7 Q. Okay.

8 A. And so the distributions are specific,  
9 and any extras that are there remains in the account.

10 Q. Earlier you testified that you had two  
11 to three conversations with Helen Robins.

12 Did you have any type of  
13 correspondences that went back and forth with  
14 Ms. Robins?

15 A. It's possible that there was some  
16 e-mail correspondence as well.

17 Q. Do you have copies of those e-mail  
18 correspondences?

19 A. I -- I believe so, but I'd have to  
20 confirm that.

21 Q. Can you agree to produce those  
22 correspondences if they're in your possession?

23 A. Oh, certainly. If I have them, I'm  
24 happy to.

25 MR. MILLER: Can you repeat

1 specifically what you want him to produce.  
2 **MR. DARVISH:** Correspondence between  
3 him and Helen Robins.

4 **MR. MILLER:** Okay. Thank you.  
5 At any time?

6 **MR. DARVISH:** At any time.

7 **BY MR. DARVISH:**

8 Q. Have you had any conversations with  
9 anyone who's been an attorney for Helen Robins?

10 A. **I do not recall offhand.**

11 Q. **I'm going to play a voicemail for you.**  
12 (Audio playing.)

13 **BY MR. DARVISH:**

14 Q. I just played a voicemail for you.  
15 Do you recall that voicemail?

16 A. **I do.**

17 Q. Do you recall who called you now --

18 A. **Yes.**

19 Q. -- with regard to attorney for Helen  
20 Rob -- Helen Robins?

21 A. **Yes.**

22 Q. And who was that?

23 A. **Mr. Lyons.**

24 Q. Do you recall when that was?

25 A. **I do not recall.**

1 the correct date that this e-mail was sent?

2 A. **Yes, it does.**

3 Q. Do you have a copy of that voicemail  
4 somewhere?

5 A. **I would.**

6 Q. Did anybody else contact you with  
7 regard to representing Helen Robins?

8 A. **I do not recall the connection between  
9 the phone calls that I received and their relationship  
10 to Helen Robins offhand.**

11 Q. Okay.

12 A. **Yes.**

13 Q. **And just so we're clear on Exhibit**

14 No. 4, just so we're sure, this is -- this e-mail would  
15 be a true and accurate copy of the e-mail that you sent  
16 to Mr. Coleman?

17 A. **Yes. And after hearing the voicemail,  
18 knowing that he has a representation for Helen Robins,  
19 it's clear that that is the relationship and that's who  
20 left me this message. So I am aware of this message.**

21 Q. And you did hear that message --

22 A. **Yes, I did.**

23 Q. -- as it was?

24 **I am showing you now what has been  
25 premarked as Exhibit No. 5.**

1 Q. All right. I am going to show you what  
2 I pre-marked now as Exhibit No. 4.

3 (Whereupon, Defendant's Exhibit No.  
4 4 was marked for identification by  
5 the reporter and is attached hereto.)

6 **BY MR. DARVISH:**

7 Q. **Do you recall this e-mail?**

8 A. **Yes. It looks like an e-mail that I  
9 received.**

10 Q. Okay. Was this an e-mail that you  
11 sent?

12 A. **Yes.**

13 Q. Is it to Mr. Coleman Taylor?

14 A. **Yes, sir.**

15 Q. Do you believe that this is a true and  
16 accurate copy of the e-mail you forwarded to Mr. Coleman  
17 Taylor?

18 A. **Yes.**

19 Q. Does the date of Tuesday, November 10,  
20 2015, look --

21 A. **Yes.**

22 **MR. DARVISH:** Let me finish my  
23 question. I apologize. I had a pause there.

24 **BY MR. DARVISH:**

25 Q. **Does the date November 2015 look like**

1 (Whereupon, Defendant's Exhibit No.  
2 5 was marked for identification by  
3 the reporter and is attached hereto.)

4 **BY MR. DARVISH:**

5 Q. **Can you read that document for me.**

6 A. **This is the -- this is by Mark R.**

7 **Johnson, attorney pursuant to the order of the Circuit  
8 Court of Lawrence County, probate division Mark Johnson,  
9 attorney for Helen Robins, the permanent guardian of  
10 Mary Moore Stiny requests that you cooperate with any  
11 and all requests.**

12 Q. I guess the question I wanted to ask  
13 you is do you recall ever receiving this correspondence?

14 A. **I do.**

15 Q. Do you recall receiving this -- when do  
16 you recall receiving this correspondence?

17 A. **Around the date of March 16, 2016, when  
18 this was dated. I do not recall specifically what date.**

19 Q. But it was around that date?

20 A. **That's correct.**

21 Q. And this is a true and accurate copy of  
22 the document you received?

23 A. **That is correct.**

24 Q. Do you know what the context of the  
25 letter is?



1 A. Saying that Mark R. Johnson, attorney  
2 for Helen Robins, is the guardian -- as the guardian of  
3 the Mary Moore Stiny -- the guardian of Mary Moore  
4 Stiny.  
5 Q. When did you believe that that -- your  
6 understanding of that was?  
7 A. I believe that these requests were  
8 being made on behalf of Helen Robins and that the -- I  
9 was not -- I was being -- well, this was a request by  
10 Helen Robins; however, I don't work for Helen Robins,  
11 and I don't have a relationship with Helen Robins; so I  
12 forwarded this on to the attorney for Rena Wood, who is  
13 the person who hired me to manage these buildings of  
14 which that is our responsibility.  
15 Q. So at this point, your understanding  
16 was that Ms. Robins had two attorneys; correct?  
17 MR. LYONS: Object. Calls for  
18 speculation.  
19 THE WITNESS: I do not know for sure  
20 offhand.  
21 BY MR. DARVISH:  
22 Q. But you received two separate --  
23 A. Yes. Yes.  
24 Q. Correspondences --  
25 A. Correct.

1 A. I cannot speak specifically to the  
2 conversation. I can only recollect that it is in  
3 relationship to this matter and that if I -- my memory  
4 serves me correctly, he was a representative of the  
5 bank.  
6 Q. Okay.  
7 A. The Centennial Bank and Trust, I  
8 believe.  
9 Q. Centennial Bank and Trust.  
10 I am showing you what has now been  
11 premarked as Exhibit No. 6  
12 (Whereupon, Defendant's Exhibit No.  
13 6 was marked for identification by  
14 the reporter and is attached hereto.)  
15 BY MR. DARVISH:  
16 Q. Can you read that document for me,  
17 please.  
18 A. Sure. Centennial Bank was --  
19 Q. To yourself. I'm sorry.  
20 A. Oh, I'm sorry.  
21 (Document reviewed by the witness.)  
22 THE WITNESS: Yes, I recall this  
23 document.  
24 BY MR. DARVISH:  
25 Q. Is it fair to say that you received

1 Q. One voicemail --  
2 A. From Jim Lyons.  
3 MR. MILLER: Wait for him to finish his  
4 question.  
5 THE WITNESS: I'm sorry. My apologies.  
6 MR. DARVISH: She'll be the one -- I'll  
7 be honest. Normally, I get yelled at.  
8 THE REPORTER: You're getting eyes.  
9 BY MR. DARVISH:  
10 Q. You received one voicemail --  
11 A. That's correct.  
12 Q. -- from Mr. Lyons, and you received  
13 another correspondence from another attorney saying they  
14 represent Helen Robins?  
15 A. Correct.  
16 Q. Have you ever spoken to a person by the  
17 name of Steve Baker?  
18 A. I have.  
19 Q. Who is he?  
20 A. I believe -- I do not recall him  
21 offhand. I just recall his name and --  
22 Q. Do you remember when you spoke to him?  
23 A. I don't recall offhand.  
24 Q. And do you remember the substance of  
25 the conversations you had with him?

1 this document in February -- roughly around February 6  
2 of 2016?  
3 A. Correct.  
4 MR. LYONS: The letter is dated  
5 February 8.  
6 MR. DARVISH: February 8. I apologize.  
7 MR. LYONS: Yeah.  
8 MR. DARVISH: My eyesight's going bad.  
9 BY MR. DARVISH:  
10 Q. What is the substance -- what is this  
11 document to you?  
12 A. A request for documents.  
13 Q. Okay. Do you recall when you received  
14 it?  
15 A. I do recall.  
16 Q. And is this a true and correct copy of  
17 the document that you received?  
18 A. Yes, I believe so.  
19 Q. Okay. What did you do after you  
20 received this document?  
21 A. From what I recall, I believe I also  
22 forwarded this on to the attorney for Rena Wood.  
23 Q. Okay.  
24 A. And I may have also -- again, I'm  
25 not -- I vaguely remember responding to him to let him

1 know that I'm unable to do anything without permission  
2 from Rena Wood, if I recall correctly. I don't have it  
3 in front of me, but that's what I recall.

4 Q. I am showing you what's now been  
5 pre-marked as Exhibit No. 7.

6 (Whereupon, Defendant's Exhibit No.  
7 7 was marked for identification by  
8 the reporter and is attached hereto.)

9 BY MR. DARVISH:

10 Q. What is this document?

11 A. This is an e-mail that I generated,  
12 wrote, in response to Steve Baker in response to his  
13 e-mail -- or I should say letter --

14 Q. Uh-huh.

15 A. -- informing him that all  
16 correspondence and requests should be sent to and  
17 granted by Rena Wood and her attorney, Coleman Taylor,  
18 who I cc'd on this e-mail.

19 Q. After sending that e-mail out, did you  
20 send it to Mr. Baker or Mr. Lyons or to anyone at  
21 Centennial the documents that were requested?

22 A. No. Not without permission or --

23 Q. Did you ever receive permission?

24 A. I did receive permission at a later  
25 date.

1 information to --

2 A. Yes, I did.

3 Q. Okay. How often did you generate these  
4 cash flow statements?

5 A. Monthly.

6 Q. And these cash flow statements, you  
7 testified earlier you would send reports to both Rena  
8 and to Ms. Stiny at her address; correct?

9 A. That's correct.

10 Q. All right. And with regard to the cash  
11 flow statements, were those part of the reports that you  
12 would send?

13 A. Yes, they are.

14 Q. So you would -- your testimony here  
15 today is that you did send cash flow statements to  
16 Arkansas to Ms. Stiny?

17 A. That is correct.

18 Q. And that would be on a monthly basis?

19 A. Okay.

20 Q. So you prepared this e-mail and the  
21 attached cash flow statement and sent it to Mr. Baker.  
22 Did he give you a response?

23 A. I cannot recall offhand.

24 Q. Did you receive any response from  
25 anybody with regard to sending out the cash flow

1 Q. Okay. How far later?

2 A. I cannot recall the date offhand.

3 Q. The date on that e-mail is?

4 A. February 18 --

5 Q. Okay.

6 A. -- 2016.

7 Q. So I'm going to now show you, just for  
8 authentication purposes, the e-mail you see before you  
9 as Exhibit 8 a true and correct copy of the e-mail that  
10 you sent?

11 A. Yes.

12 I'm showing you now what is now being  
13 marked as Exhibit No. 8.

14 (Whereupon, Defendant's Exhibit No.  
15 8 was marked for identification by  
16 the reporter and is attached hereto.)

17 BY MR. DARVISH:

18 Q. Do you remember Exhibit No. 8?

19 A. Yes.

20 Q. Can you brief me as to when you sent  
21 this e-mail?

22 A. March 18.

23 Q. And you sent it to Mr. Baker; correct?

24 A. Yes, I did.

25 Q. Did you receive approval to send this

1 statements after you sent these off?

2 A. I believe so, but I don't remember  
3 without seeing it in front of me. I cannot remember if  
4 he responded or there was a response, but I do know I  
5 sent this out.

6 Q. Okay. Did you communicate with anybody  
7 else with regard to the cash flow statements in the  
8 management agreement in this e-mail?

9 A. Well, I copied Coleman Taylor on this  
10 e-mail.

11 Q. Was there anybody else you discussed  
12 with it?

13 A. Not that I recall, no.

14 Q. All right. At this time, who was your  
15 understanding was the trustee of the trust at this  
16 point?

17 MR. LYONS: Objection. Calls for a  
18 legal conclusion. It also calls for hearsay unless he  
19 testifies he's read and reviewed the document.

20 BY MR. DARVISH:

21 Q. You can answer that question.

22 A. We were hired by Rena Wood to manage  
23 these properties. That is who we took direction from,  
24 and that is who we were under the impression we took  
25 direction from the beginning of time. Obj.  
Pitfi

1 Q. At this point had you received any  
2 court orders or any kind of verification that somebody  
3 else, besides Rena Wood, would be entitled to the money  
4 or the income from the properties?

5 MR. LYONS: You say at that time. I  
6 object because it doesn't say what time.

7 MR. DARVISH: Thank you.

8 BY MR. DARVISH:

9 Q. At the time of March 18 of 2016 -- can  
10 you read me the last question, please.

11 (Record read.)

12 BY MR. DARVISH:

13 Q. On Friday March 18, 2016, had you  
14 received any court orders or any type of other document  
15 authorizing you to distribute any of the money from the  
16 properties to anyone else besides --

17 A. I cannot recall the specific dates, but  
18 I did receive that correspondence that you see.

19 Q. Correct.

20 A. And I can't recall the time frames of  
21 those -- those documents, but I did receive multiple  
22 calls and multiple documents from multiple people saying  
23 that things were changed or changing or that they were  
24 now in charge and then these correspondence then  
25 produced themselves to me.

1 money to Rena at this point?

Obj, p1+r.

2 A. No, it was Rena's directive to tell me  
3 not to do anything until this gets resolved.

4 Q. And Exhibit No. 8 is a true and correct  
5 copy of the document that you sent; correct?

6 A. I believe so.

7 Q. Okay. I am showing you what is now  
8 being pre-marked as Exhibit No. 9.  
9 (Whereupon, Defendant's Exhibit No.  
10 9 was marked for identification by  
11 the reporter and is attached hereto.)

12 BY MR. DARVISH:

13 Q. Can you read the document to yourself,  
14 please.

15 A. Uh-huh.

16 (Document reviewed by the witness.)

17 BY MR. DARVISH:

18 Q. Do you recall this document?

19 A. I do.

20 Q. Is this a true and correct document of  
21 the document you received from Eric Nelson?

22 A. I believe so.

23 Q. Is there anything that would -- that  
24 would make you believe that this is not a true and  
25 correct document from Mr. Nelson?

1 So I cannot recall the timeline, but I  
2 can tell you that I had received calls and e-mails of  
3 this nature in these letters all in that period of time  
4 letting me know that something had changed.

5 Q. I understand.

6 Have you ever received a document -- or  
7 court order that directed you to pay money to anyone  
8 except to the court registry?

9 A. I do -- I do recall a document in  
10 court letting me know -- I just don't remember exactly  
11 the terms of the document.

12 Q. Okay.

13 A. However, I believe there was some  
14 directives given to us letting us know that money should  
15 be given to Helen Robins or to Mary Moore Stiny. I just  
16 don't remember in front of me here, but that was the  
17 reason why the confusion began -- or that was during the  
18 time the confusion began of who's in charge or what's  
19 going on. And that's, you know, then why we stopped  
20 altogether with sending any monies until we got you  
21 guys -- they got this figured out.

22 Q. At this point did Rena demand that you  
23 turn over all the money to her?

24 A. No.

25 Q. And in fact, you had not given any

1 A. I do not believe so.

2 Q. What is this -- who is Eric Nelson?

3 A. My understanding is --

4 MR. LYONS: Objection. Calls for --  
5 your understanding comes from what someone told you or  
6 from what you read. If it's from what someone told you,  
7 then object. It calls for hearsay.

8 THE WITNESS: I cannot recall who  
9 Eric Nelson is.

10 BY MR. DARVISH:

11 Q. What's your understanding, in reading  
12 of the document, as to who Eric Nelson is?

13 A. My understanding of who Eric Nelson is  
14 is that he is the successor trustee of the Exemption,  
15 Marital and Survivor's Trusts contained in the Elijah  
16 and Mary Stiny Trust.

17 Q. Did Mr. Nelson provide you a copy of  
18 the trust?

19 A. I cannot recall if he did. I was --  
20 yeah.

21 Q. Did you receive this by e-mail? Do you  
22 recall, or did you receive it in the mail? If you don't  
23 recall --

24 A. I'm sorry. Yeah, I don't recall.

25 Q. Did you provide Mr. Nelson as to what

1 he wanted to pursue to the correspondence?  
 2 A. I did not.  
 3 Q. So let's go over this document here.  
 4 And I'm looking at Mr. Nelson's correspondence. Let's  
 5 take it paragraph by paragraph here.  
 6 The first paragraph, can you read out  
 7 loud for me.  
 8 A. (Reading):  
 9 "As you've been advised from  
 10 the correspondence you have  
 11 received from Attorney Jim Lyons, I  
 12 am the successor trustee of  
 13 Exemption, Marital, and Survivor's  
 14 Trusts contained in the Elijah and  
 15 Mary Mon -- Elijah and Mary Stiny  
 16 Trust, which contains subtrusts  
 17 known as the Exemption, Marital and  
 18 Survivor's Trusts."  
 19 Q. Now, did you receive a correspondence  
 20 from Mr. Lyon that said that Eric Nelson is a successor  
 21 trustee?  
 22 A. Oh, did I receive correspondence from  
 23 Jim Lyons?  
 24 Q. Yes.  
 25 A. That he was successor trustee?

1 (Lunch recess was held from 12:40 p.m.  
 2 to 1:05 p.m.)  
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1 Q. Yes.  
 2 A. I do not recall, but I could have  
 3 because, you know, I received a lot of these different  
 4 notices --  
 5 Q. Could you look in your records and find  
 6 for me where -- correspondence from Mr. Lyons? Can you  
 7 produce that for me after this deposition?  
 8 A. If I have it, I'm glad to provide it.  
 9 MR. DARVISH: Okay. Can we get an  
 10 agreement on that, Counsel?  
 11 MR. MILLER: It is correspondence from  
 12 Jim Lyons?  
 13 MR. DARVISH: Correct.  
 14 MR. MILLER: Designating Eric Nelson as  
 15 successor trustee of the --  
 16 MR. DARVISH: Exemption, Marital and  
 17 Survivor's Trusts.  
 18 MR. MILLER: He will.  
 19 MR. DARVISH: Perfect. Thank you.  
 20 Let's go ahead and take a quick break.  
 21 Go off the record.  
 22 THE VIDEOGRAPHER: This marks the end  
 23 of media number one in the deposition of Paul Tennen.  
 24 The time is 12:40 p.m. We're off the record.  
 25 ///

1 LOS ANGELES, CALIFORNIA  
 2 OCTOBER 18, 2018; 1:27 P.M.  
 3  
 4 THE VIDEOGRAPHER: We are back on the  
 5 record. The time is 1:27 p.m. And this marks the  
 6 beginning of media 2 in the deposition of Paul Tennen.  
 7  
 8 EXAMINATION  
 9 BY MR. DARVISH:  
 10 Q. So we're back on the record after  
 11 lunch. We're going to start back where we left off,  
 12 which was Exhibit 9.  
 13 A. Oh, here you go.  
 14 Q. Perfect.  
 15 So you earlier testified that you  
 16 received a letter from Mr. Nelson.  
 17 A. Yes.  
 18 Q. I seemed to have -- my copy has  
 19 disappeared. I'll take a look at that really quick.  
 20 So you received a copy from Mr. Nelson  
 21 on or around February 9, 2016; correct?  
 22 A. Uh-huh. Yes.  
 23 Q. And in that letter, my understanding  
 24 is -- and correct me if I'm wrong, Mr. -- he had --  
 25 basically, you had received a correspondence from

1 Mr. Lyons that he is a successor trustee of Exemption,  
2 Marital, and Survivor's Trusts?

3 **MR. LYONS:** Object to form. That  
4 insinuates that I'm the trustee.

5 **THE WITNESS:** Yeah, that Mr. Nelson  
6 was.

7 **BY MR. DARVISH:**

8 Q. That Mr. Nelson was. Let me rephrase  
9 the question. Thank you.

10 **You received a letter from -- you had**  
11 received a correspondence from Mr. Lyons that Mr. Nelson  
12 was now the successor trustee of the Exemption, Marital  
13 and Survivor's Trusts?

14 **A. That is correct.**

15 Q. At this point, had you made any  
16 distribution to anyone?

17 **MR. MILLER:** Objection. Vague as to  
18 time.

19 **BY MR. DARVISH:**

20 Q. As of February 16, 2016, after this  
21 February 6 of 2016, had you made any distributions --

22 **A. No.**

23 Q. -- as a result of this correspondence?

24 **A. No.**

25 Q. Did Mr. Nelson provide you any other

1 **of time --**

2 Q. Yes.

3 **A. -- and then I believe it also may**  
4 **have -- I cannot recall when we stopped sending those to**  
5 **Ms. Stiny, but prior -- I mean, from 2013, at least for**  
6 **a year or two years beyond that, we had been sending**  
7 **those statements.**

8 Q. Okay.

9 **A. I cannot recall what date we stopped**  
10 **sending those, and we were just sending Rena, but I**  
11 **believe it was -- certainly prior to this date we were.**

12 Q. Do you have records as to when --

13 **A. I have the final date. I just don't**  
14 **know it offhand of when I stopped sending reports to**  
15 **Mrs. Stiny but prior to that.**

16 Q. Why would you stop sending reports to  
17 Ms. Stiny?

18 **A. I don't recall what the reason was;**  
19 **however, there was -- at some point we had stopped, and**  
20 **I think it was around the -- August 15, same time we**  
21 **stopped sending the distributions because we basically**  
22 **stopped sending everything except for the hard copy**  
23 **report to Rena around that time. I cannot recall**  
24 **exactly the dates.**

25 Q. Okay.

1 documents except this correspondence showing you that he  
2 is successor trustee of the Exemption, Marital and  
3 Survivor's Trusts?

4 **A. I do not recall beyond this document.**

5 Q. This document (indicated)?

6 **A. Yeah.**

7 Q. Okay. In the correspondence, it  
8 requests that you provide -- and if you could follow  
9 along with me here.

10 In 2014, I do not have statements for  
11 February, April, August, and October through December.  
12 I presumed that he's asking for monthly statements for  
13 both buildings.

14 **A. Correct.**

15 Q. Did you send monthly statements to  
16 Ms. Stiny at the address that was provided to her in  
17 Arkansas?

18 **A. At this time or in general?**

19 Q. Prior to this time, you had been  
20 sending --

21 **A. That's correct.**

22 Q. -- monthly statements on a regularly  
23 and monthly basis, all the information that Mr. Nelson  
24 is requesting in this correspondence.

25 **A. Prior to -- yes, during the beginning**

1 **A. But from 2000 -- from the day we took**  
2 **over through at least a year and change, we were sending**  
3 **the monthly reports.**

4 Q. Okay. At some point did you start  
5 sending monthly reports again?

6 **A. To -- since that time, no.**

7 Q. Okay. Did you send Mr. Nelson the  
8 monthly reports?

9 **A. No. No.**

10 Q. Okay. When was the next time you sent  
11 monthly reports out?

12 **A. We have consistently sent Rena a**  
13 **monthly report to this day.**

14 Q. Okay.

15 **A. If I recall, the reason we stopped**  
16 **because she got removed to a -- Ms. Stiny was removed to**  
17 **a facility. It was a hospital or something, and**  
18 **therefore, she wasn't in that address anymore, and then**  
19 **we were told not to do that anymore, I believe, by Rena;**  
20 **but I do not recall specifically why that was done.**

21 Q. But you did send -- just to clarify the  
22 record, you did send monthly statements after  
23 February 9?

24 **A. To Rena.**

25 Q. But you also sent them to other people

1 as well; correct?  
 2 A. Well, per the -- this Exhibit A, for  
 3 example --  
 4 Q. Correct.  
 5 A. -- yes, if that's what you're asking.  
 6 Q. That's what I'm asking.  
 7 A. Yes.  
 8 Q. Exactly. That's what I wanted to  
 9 clarify.  
 10 A. So only per these type -- these  
 11 instructions --  
 12 MR. MILLER: Again, you're talking over  
 13 each other.  
 14 THE WITNESS: I'm sorry.  
 15 MR. MILLER: That's okay.  
 16 THE WITNESS: Yes. If that's what you  
 17 mean by, yes, these were sent, for example.  
 18 BY MR. DARVISH:  
 19 Q. All right.  
 20 A. However, what I was referring to was  
 21 our normal monthly sending out a report. We sent one, I  
 22 believe, via hard copy and also via e-mail.  
 23 Q. Uh-huh.  
 24 A. And that goes to Rena.  
 25 Q. Okay. Did you continue sending monthly

1 request.  
 2 Q. So you were only asked one time by  
 3 Mr. Baker from Centennial Bank to provide you the cash  
 4 flow statements, and that was the only time you provided  
 5 it, and you had not been requested for any statements  
 6 since then?  
 7 A. I don't recall any other requests. I  
 8 only recall this particular request.  
 9 Q. And if they had requested it, would you  
 10 have provided it to them?  
 11 A. Subject to approval, yes.  
 12 Q. Did you receive an e-mail from anyone  
 13 telling you that you should cooperate with Mr. Baker?  
 14 A. Yes. Mr. Coleman --  
 15 Q. Okay.  
 16 A. -- directed me on behalf of Rena Wood  
 17 to -- I'm sorry, Mr. Taylor -- to send this --  
 18 Q. Okay.  
 19 A. -- this e-mail, which is Exhibit 8.  
 20 Q. All right. And at that point in time,  
 21 Mr. Baker never followed up with you and asked you for  
 22 additional documents --  
 23 A. Not that I recall, no.  
 24 Q. All right. Do you ever have -- do you  
 25 recollect having conversation with Mr. Nelson?

1 statements?  
 2 A. No, not in this situation. Only this  
 3 time.  
 4 Q. Okay.  
 5 MR. LYONS: Object, form. You said,  
 6 "Did you continue to send monthly statements?" To whom?  
 7 BY MR. DARVISH:  
 8 Q. Good question.  
 9 With regard to Exhibit 8, after you  
 10 sent the cash flow -- the monthly cash flow statement to  
 11 Mr. Baker, did you send the cash flow at any other point  
 12 in time after -- after this time?  
 13 A. I do not believe so. I do not. I  
 14 don't believe so, no.  
 15 Q. You don't believe so, or you don't  
 16 recall?  
 17 A. I do not recall sending it anymore.  
 18 Q. So who's currently getting the monthly  
 19 cash flow statements?  
 20 A. Rena Wood.  
 21 Q. Anyone else?  
 22 A. No one.  
 23 Q. Has anyone requested additional monthly  
 24 cash flow statements from you?  
 25 A. Not since this interaction or this

1 A. I -- I do not recall if I specifically  
 2 spoke to Eric Nelson; however, I did receive this  
 3 correspondence, Exhibit 9, and, perhaps, another  
 4 correspondence via e-mail or letter. I cannot recall  
 5 specifically, but that's been my limited scope with  
 6 Eric Nelson.  
 7 Q. What did you do with the other  
 8 correspondence, if you -- if you recall, what did you do  
 9 with the other correspondence that you received from  
 10 Mr. Nelson?  
 11 A. All requests given to me were forwarded  
 12 to Rena Wood's representation at that time. During this  
 13 period, it was Coleman Taylor. Prior to that, I believe  
 14 it was somebody else.  
 15 However, most of the correspondence  
 16 that I have through this period is through Coleman  
 17 Taylor, and all requests were submitted to Rena Wood's  
 18 representation prior to anything being done about it.  
 19 Q. But you do not recall having a  
 20 conversation with Mr. Nelson at all?  
 21 A. I cannot recall offhand, specifically,  
 22 if there was a phone call. I just cannot speak to  
 23 specifics to that. I cannot.  
 24 Q. In the correspondence, it says:  
 25 "There may be some

1 considerable weight involving  
2 shipping these copies. I would  
3 very much like to meet in any  
4 event. So, perhaps, we could  
5 arrange to meet at your office in  
6 the near future."

7 Did he ever come by your office?

8 A. He did not that I remember, no.

9 Q. Did you receive any communication from  
10 anyone about Mr. Nelson's role with regard to the trust  
11 outside of this correspondence?

12 A. I don't -- I don't recall receiving any  
13 information.

14 Q. And this is a true -- Exhibit 9 is a  
15 true and correct document of the document that you  
16 received from Mr. Nelson?

17 A. I believe so, yes.

18 Q. I am going to show you what is now  
19 being premarked as Exhibit No. 10.

20 (Whereupon, Defendants' Exhibit No.  
21 10 was marked for identification by  
22 the reporter and is attached hereto.)

23 BY MR. DARVISH:

24 Q. Can you read that for me, please.

25 A. This is the -- oh, read it to myself?

1 THE VIDEOGRAPHER: The time is  
2 1:56 p.m. We're on the record.

3  
4 EXAMINATION

5 BY MR. LYONS:

6 Q. Mr. Tennen, I'm Jim Lyons, and I  
7 represent Centennial Bank in regard to this litigation.  
8 I have handed you a set of binders, Volume I being  
9 Linder & Associates' financial statements from 2013  
10 through 2015.

11 Did you produce, beginning in April of  
12 2013 all the way through 2015 financial statements for  
13 the Sixth Street Apartments?

14 MR. DARVISH: I'm going to place an  
15 objection on record as to form and to relevance to the  
16 documents that are being authenticated.

17 BY MR. LYONS:

18 Q. Did you produce financial statements in *Obj.*  
19 regard to the Sixth Street Apartments for -- that are *Def.*  
20 owned by the Stiny Trust? And we're just going to call  
21 it the Stiny Trust rather than get into the subtrust for  
22 now.

23 A. Yes, I did.

24 Q. And are these documents prepared in the  
25 normal and ordinary course of business, sir?

1 Q. Read it to yourself, please.  
2 (Document reviewed by the witness.)

3 BY MR. DARVISH:

4 Q. Have you had an opportunity to review  
5 Exhibit No. 10?

6 A. Yes.

7 Q. Do you know what it is?

8 A. Yes, this is a declaration in support  
9 of Respondent Rena Wood's opposition to Petitioner  
10 Centennial Bank.

11 Q. Whose declaration?

12 A. Mine.

13 Q. You've had an opportunity to read every  
14 single one.

15 Is this a true and correct copy of the  
16 document that is -- that you signed?

17 A. Yes.

18 Q. Is every single item -- every single  
19 declaration that you have made in this document true and  
20 accurate?

21 A. Yes, I believe it to be.

22 MR. DARVISH: Let's go off the record.

23 THE VIDEOGRAPHER: The time is  
24 1:42 p.m. We're off the record.

25 (Recess taken.)

1 A. Yes, they are.

2 Q. And are these produced at or near the  
3 time that the information is gathered?

4 A. Yes.

5 Q. And are the records kept in the course  
6 of regular conducted activity of business?

7 A. Yes, they are.

8 Q. Is the making of these records a  
9 regular practice or your activities as the real estate  
10 manager for the property?

11 A. Yes, they are.

12 Q. Are you the custodian of these records  
13 or another qualified witness with the authority to  
14 review and testify as to the authenticity of these  
15 documents, sir?

16 A. I am and my staff. We prepare the  
17 documents, and I am aware of them, and I keep them.

18 Q. All right. And you do that for both  
19 sets of apartments. One of them is known as the Sixth  
20 Street Apartments; is that correct?

21 A. That is correct.

22 Q. And the other one is known as the Olive  
23 Street Apartments; is that correct?

24 A. That's correct, sir.

25 Q. And you produced those from April of

Obj.  
Def.

Obj.  
Def.

Obj.  
Def.

Obj.  
Def.

Obj.  
Def.

1 2013 up until the most recent statement every month from  
 2 2013 to -- we're in October. So through September of  
 3 2018; is that correct?  
 4 A. That's correct.  
 5 MR. DARVISH: Objection as to form.  
 6 THE WITNESS: That is correct.  
 7 BY MR. LYONS:  
 8 Q. Okay. And you did review all of these,  
 9 and these appear to be true and correct copies of the  
 10 financial statements that your office produced in the  
 11 normal and ordinary course of business; is that correct?  
 12 A. That is correct.  
 13 THE VIDEOGRAPHER: You may have  
 14 unhooked.  
 15 MR. LYONS: I'm sorry.  
 16 BY MR. LYONS:  
 17 Q. Has the Darvish Firm ever represented  
 18 you or your firm in any manner of any kind, sir?  
 19 A. Not that I'm familiar with.  
 20 Q. Has Mr. Elan Darvish ever represented  
 21 you or your firm in any manner of any kind?  
 22 A. Not that I'm aware of, no.  
 23 Q. Who is the client, as far as you're  
 24 concerned, in regard to the Stiny Trust?  
 25 A. My client is Rena Wood Powell or Rena

1 MR. DARVISH: Objection as to form.  
 2 BY MR. LYONS:  
 3 Q. Do you recognize that document, sir?  
 4 MR. DARVISH: Same objection.  
 5 THE WITNESS: This is a copy of a check  
 6 that we generated. Obj.  
 7 BY MR. LYONS: Def.  
 8 Q. And is that document a check -- who is  
 9 that signed by, sir?  
 10 A. It's probably myself, or at the time,  
 11 there was another accounting person there that generated  
 12 the checks, but that looks -- it looks like mine, my  
 13 signature.  
 14 Q. All right. And that's Check No. 59216,  
 15 sir; is that correct?  
 16 A. That's correct.  
 17 Q. And that's written on rental trust  
 18 account of Linder & Associates; correct?  
 19 A. Correct.  
 20 Q. And payable to apartment -- Vertigo  
 21 Apartments?  
 22 A. That's correct.  
 23 Q. Do you know whether 1132 Vista Ridge is  
 24 Rena Wood's address at that time, sir?  
 25 A. I believe so.

Obj.  
Def.

Obj.  
Def.

Obj.  
Def.

1 Powell Wood.  
 2 MR. MILLER: Objection. Vague, the  
 3 question.  
 4 BY MR. LYONS:  
 5 Q. Tell the jury when you were contacted  
 6 about the apartments, please.  
 7 A. In -- when I was contacted?  
 8 Q. Yes, sir.  
 9 A. In 2013 we were contacted by Rena  
 10 Powell Wood to manage her -- the buildings that she had  
 11 under -- under her management at the time, I guess, or  
 12 control over.  
 13 MR. LYONS: If you would mark that as  
 14 Plaintiff's Exhibit No. 1, please.  
 15 (Whereupon, Plaintiff's Exhibit No.  
 16 1 was marked for identification by  
 17 the reporter and is attached hereto.)  
 18 BY MR. LYONS:  
 19 Q. You've been handed a document that is  
 20 marked as Plaintiff's Exhibit Number 1.  
 21 Is that correct, sir?  
 22 A. Yes, that is correct.  
 23 Q. If you would look on page -- it's Stiny  
 24 BOA page 419, sir. If you would, tell me what that is.  
 25 A. A check copy --

1 Q. Why was that check made out to Park  
 2 Verdugo Apartments, sir?  
 3 A. That was the account that we were  
 4 instructed to cut distribution checks to -- or the  
 5 account name, I should say. Obj.  
 6 Q. Who instructed you that? Def.  
 7 A. Rena Wood.  
 8 Q. And who told you to send that check to  
 9 that address?  
 10 A. Rena Wood.  
 11 Q. All right. If you would look at the  
 12 check number which is marked Stiny BOA 430, sir.  
 13 Tell us whether you recognize that,  
 14 sir.  
 15 A. I do.  
 16 Q. And if you would, please explain to us  
 17 what this is.  
 18 MR. DARVISH: Instead of having me  
 19 object as to each one of the checks that you intend to  
 20 ask him about, would you stipulate to a running  
 21 objection --  
 22 MR. LYONS: Sure.  
 23 MR. DARVISH: -- with regard to this  
 24 form?  
 25 MR. LYONS: Sure.



1 **MR. DARVISH:** And its relevance.  
 2 **MR. LYONS:** Sure. That's fine.  
 3 **BY MR. LYONS:**  
 4 Q. Go ahead, sir.  
 5 A. **What was your question? I'm sorry.**  
 6 Q. **Who told you to generate this check?**  
 7 A. **Well, this was -- this was a check we**  
 8 **would normally cut; however, it looks like there was an**  
 9 **address change at some point.**  
 10 Q. And who told you to change the address?  
 11 A. **That would have been Rena Wood.**  
 12 Q. Did you continue to send checks to  
 13 Ms. Rena Wood as shown on Stiny BOA 452, Stiny BOA  
 14 450 -- 485, Stiny BOA 523, Stiny BOA 547, Stiny BOA 558?  
 15 Did you continue to generate those checks each month to  
 16 Rena Wood at her request from the rental trust account  
 17 of Linder & Associates?  
 18 A. **That is correct.**  
 19 Q. And where did that money come from,  
 20 sir?  
 21 A. **From distributions from the property's**  
 22 **operational account.**  
 23 Q. And when you say "the property," you --  
 24 there's actually two properties --  
 25 A. **That's correct.**

1 page Stiny BOA 572, please, sir. *obj*  
 2 A. Okay. *Def.*  
 3 Q. What is that, sir?  
 4 A. **That is a check that was produced by**  
 5 **us.**  
 6 **MR. DARVISH:** So we have the same  
 7 running objection; correct?  
 8 **MR. LYONS:** Yeah. You got it on all  
 9 the Stiny BOA until I finish with those, and I'll tell  
 10 you when I'm finished. *obj.*  
 11 **MR. DARVISH:** Fantastic. *Def.*  
 12 **BY MR. LYONS:**  
 13 Q. **And this one is to care of Rena Wood**  
 14 **2875 Sulphur College Road in Hartsville, Tennessee; is**  
 15 **that correct?**  
 16 A. **That's correct.**  
 17 Q. **Why was the address changed?**  
 18 **MR. DARVISH:** Objection. Calls for  
 19 speculation.  
 20 **THE WITNESS:** We were given direction  
 21 to change the address to the new mailing address. *obj.*  
 22 **BY MR. LYONS:**  
 23 Q. Who gave you that instruction? *Def.*  
 24 A. **Rena Wood.**  
 25 Q. **Was it your understanding from Ms. Wood**

1 Q. **Correct?**  
 2 The Sixth Street Apartments and the  
 3 Olive Street Apartments; correct?  
 4 A. **That's correct.**  
 5 Q. And these \$20,000 per month checks that  
 6 were sent to Ms. Rena Wood --  
 7 A. **Uh-huh.**  
 8 Q. -- made out to Park Verdugo Apartments,  
 9 those were generated from the income from the Sixth  
 10 Street property and from the --  
 11 A. **Olive Street.**  
 12 Q. -- Olive Street?  
 13 A. **That is correct, sir. Operation, yeah.**  
 14 Q. If you would turn to the very next  
 15 page, sir. And that's Stiny BO -- Stiny BOA 559, sir.  
 16 A. **Oh, 559?**  
 17 Q. Yes, sir.  
 18 A. **Okay.**  
 19 Q. And that one is also to the Keystone  
 20 address; is that correct, sir?  
 21 A. **That's correct.**  
 22 Q. And you understood that to be Ms. Rena  
 23 Wood's address; is that right?  
 24 A. **That's correct.**  
 25 Q. Then if you would look, turn over to

1 that she had moved to Hartsville, Tennessee?  
 2 A. **Yes.**  
 3 Q. Did those checks continue at the rate  
 4 of approximately \$20,000 per month until August 1 of  
 5 2015?  
 6 A. **Yes. Approximately, yeah.**  
 7 Q. If you would look at Stiny BOA 852,  
 8 which is the last page of that document.  
 9 A. **Stiny BOA --**  
 10 Q. BOA.  
 11 A. **-- 852?** *obj.*  
 12 Q. 852. It's the last page of Plaintiff's  
 13 Exhibit 1, sir. *Def.*  
 14 A. **Okay.**  
 15 **MR. MILLER:** Which one?  
 16 **THE WITNESS:** 852.  
 17 **BY MR. LYONS:**  
 18 Q. 852, the last page.  
 19 Earlier during Mr. Darvish's  
 20 questioning of you, you mentioned that you ceased to  
 21 issue checks to Park Verdugo Apartments in August of  
 22 2015; is that correct?  
 23 A. **Yes, the last month of distribution was**  
 24 **in August.**  
 25 Q. **Why did you stop sending those checks**

obj.  
ref

1 to Ms. Wood, sir?

2 A. Because it was around that time that we

3 were getting conflicting reports about who was in charge

4 of our relationship, I guess, or management of the

5 property.

6 Q. Now, I'll show you what's been marked

7 as Defendant's Exhibit No. 1, which is a copy of the

8 Stiny Trust pertaining to the Olive Avenue Apartments.

9 Do you recognize that, sir?

10 A. I do.

11 Q. And you looked at this document earlier

12 during Mr. Darvish's questioning; is that correct?

13 A. I did.

14 Q. Who does it say is the owner of the

15 apartment on the first page of that document?

16 A. Stiny Trust.

17 Q. And on Exhibit 2, that was introduced

18 during Mr. Darvish's questioning. Ask you to look at

19 that.

20 Do you recognize that, sir?

21 A. I do.

22 Q. And who does that document show is the

23 owner of the apartments?

24 A. This one says --

25 MR. MILLER: I would object. These

1 they were to the Park Verdugo Apartments.

2 BY MR. LYONS:

3 Q. But in December of '13, that was when

4 you changed to Hartsville in Hartsville, Tennessee; is

5 that correct?

6 A. That's correct.

7 Q. And from December '13 until August of

8 '15, all of those checks were mailed to Ms. Rena Wood in

9 Hartsville, Tennessee; is that correct, sir?

10 A. I -- I believe --

11 MR. DARVISH: Objection as to form.

12 THE WITNESS: I believe so. I don't

13 have it in front of me. I'm assuming that's what it was

14 after the address was changed.

15 BY MR. LYONS:

16 Q. Well, you have the -- you can look

17 on --

18 A. Oh, yes.

19 Q. -- Plaintiff's Exhibit No. 1.

20 A. Yes. Then, yes, those are all Sulphur

21 College Road.

22 Q. In Tennessee; correct?

23 A. That's correct.

24 Q. What happened to cause you to change

25 that from Park Verdugo Apartments without care of anyone

obj.  
Def.

obj.  
Def.

obj.  
ref.

1 documents speak for themselves.

2 BY MR. LYONS:

3 Q. Go ahead.

4 MR. MILLER: You can answer. Go ahead.

5 THE WITNESS: Elijah and Mary Stiny

6 Trust.

7 BY MR. LYONS:

8 Q. And you indicated that the reason for

9 the difference in those was because you checked not the

10 actual real estate records but some sort of summary of

11 the real estate records, and one had a shortened name;

12 is that correct, sir?

13 A. Yes. There was -- there's an online

14 through the title company that is used, I guess,

15 commonly used. The naming of the title -- on title for

16 the ownership of property was dated as such.

17 Q. So did every check that was issued

18 between December 13 until August of 2015 to Park Verdugo

19 Apartments, were those sent to Ms. Rena Wood in

20 Tennessee?

21 A. Well, the address --

22 MR. DARVISH: Objection as to form.

23 THE WITNESS: -- is changed. The

24 address is changed in where we were sending them, but

25 they were cut to the same, as I mentioned earlier; that

obj.  
ref.

1 to adding care of Rena Wood on those checks, sir?

2 A. Honestly, I cannot speak to that. I

3 don't know why. It probably was a change in our --

4 maybe our accounting process, or -- I don't have any

5 particular reason why it was changed.

6 Q. Looking at what was introduced as

7 Defendant's Exhibit 1, who signed that document, sir?

8 A. Rena Powell Wood.

9 Q. And it shows there is a signature line

10 for owners; is that correct?

11 A. That's correct.

12 Q. Did she represent on that page of the

13 document that she was the trustee?

14 A. She rep -- she represented herself as

15 the trustee of the trust.

16 Q. Sir, did she represent on what's been

17 introduced as Exhibit 1 on the second page signature

18 line where it says Rena Powell Wood owner --

19 A. Uh-huh.

20 Q. -- did she indicate on there that she

21 was the trustee?

22 MR. DARVISH: Objection --

23 MR. MILLER: Objection --

24 (Speaking simultaneously.)

25 MR. DARVISH: -- as to form. And the

obj.  
Def.

1 document speaks for itself.  
2 MR. MILLER: Same objection.  
3 THE WITNESS: It is not written here,  
4 no.

5 BY MR. LYONS:

6 Q. And looking at Exhibit 2, which is the  
7 property management agreement for the Sixth Street  
8 Apartments on that document, did Ms. Rena Powell Wood  
9 indicate that she was the trustee?

10 MR. DARVISH: Objection as to form.  
11 The document speaks for itself.

12 MR. MILLER: Join on that objection.

13 THE WITNESS: No.

14 BY MR. LYONS:

15 Q. Did you review the entire trust  
16 agreement to determine whether she was the trustee, sir?

17 A. I did not review the entire trust  
18 agreement. I did receive documentation from her that  
19 she had -- she was a co-trustee of the Stiny Trust.

20 Q. And you believed her to be a co-trustee  
21 of the Stiny Trust, of the entire Stiny Trust?

22 A. That is correct.

23 Q. And she --

24 MR. DARVISH: Objection as to form.

25 ///

1 Don't answer the question.  
2 MR. LYONS: The communication was  
3 between Mary Stiny and Mr. Powell -- I mean -- I'm  
4 sorry -- Mr. Tennen, and there is no attorney-client  
5 privilege for that.

6 And if you're instructing him not to  
7 answer, then we will need to call the Court.

8 MR. MILLER: That question asked if he  
9 brought the documents to his attorney and consulted with  
10 his attorney as to the effect of those documents. And  
11 that is not a -- that is a privileged communication.  
12 He's asking -- you're asking about communications  
13 between himself and his attorney related to something.

14 MR. LYONS: I only asked if he  
15 consulted with an attorney. That is not privileged,  
16 sir.

17 MR. MILLER: Okay. You can -- you can  
18 answer that one. It's not the communication itself. I  
19 agree.

20 THE WITNESS: I did not.

21 BY MR. LYONS:

22 Q. Did you do anything other than see the  
23 document that Ms. Wood brought to you and take it at  
24 what you believed to be face value, sir?

25 A. I did.

1 BY MR. LYONS:

2 Q. And you said you received documentation  
3 from her to that effect; is that correct?

4 A. Yes.

5 Q. What did you receive, sir?

6 A. My recollection is that there was a  
7 document that lay -- that stated that she was co-trustee  
8 of the Elijah and Mary Stiny Trust dated 2000 something.  
9 There was a document that indicated that she was.

10 Q. Do you know what that document was,  
11 sir?

12 A. I believe it was the trust.

13 MR. MILLER: Object. That calls for a  
14 legal opinion.

15 MR. DARVISH: And also it calls for  
16 speculation.

17 MR. MILLER: Belated objection.

18 BY MR. LYONS:

19 Q. And you -- did you take that document  
20 to your attorney or to any attorney to review that to  
21 determine if she was, in fact, the trustee of the Elijah  
22 and Mary Stiny Trust or of the Stiny Trust or of the  
23 Exemption Trust or of the marital trust or of any trust?

24 MR. MILLER: Objection. It calls for  
25 privileged attorney-client communication.

1 Q. What else did you do, sir?

2 MR. MILLER: Objection. Vague.

3 THE WITNESS: What do you mean what  
4 else did I do?

5 BY MR. LYONS:

6 Q. I asked you if you did anything else to  
7 determine that Ms. Rena Powell Wood was the trustee of  
8 any of the trusts that were the owner of the Sixth  
9 Street Apartments or the Olive Avenue Apartments, and  
10 I'm asking what else you did, sir.

11 A. I did not do anything else.

12 Q. Have you ever fully and completely read  
13 the trust document, sir? *obj.*

14 A. I cannot say I have.

15 Q. Can you tell me whether you ever took  
16 them to an attorney for review, sir? *Def*

17 A. I did not.

18 Q. It's my understanding that on both of  
19 plaintiff's -- I'm sorry -- Defendant's Exhibit 1 and  
20 Defendant's Exhibit 2 that you received a management fee  
21 of 5 percent of the gross income; is that correct?

22 A. That's correct.

23 Q. If you would, please tell me,  
24 generally, what your management of the Olive Street  
25 Apartments and the Sixth Street Apartments covered, sir.

1 A. That would cover a collection of rents,  
2 facilitation of maintenance, facilitation of  
3 accounting-related functions such as payment of bills,  
4 fielding of calls from tenants, and basic management of  
5 the property.

6 Q. Anything else that you can think of,  
7 sir?

8 A. There is a variety of functions that we  
9 do. We, you know, pay the bills. We ensure compliance  
10 with insurance inspections and code compliances both  
11 with the city and local governments. We facilitate  
12 trash pickup. We coordinate parking responsibilities.  
13 We lease the apartments for rent. We market them. We  
14 facilitate the unit turnover of rents of the apartments.  
15 We handle leaks and roof-related repairs, AC related  
16 repairs. All of that gets facilitated through the  
17 property.

18 MR. MILLER: I'm going to object that  
19 the question was vague and overbroad.

20 BY MR. LYONS:

21 Q. Anything else that you can tell us that  
22 you do, sir?

23 MR. MILLER: Same objection.

24 THE WITNESS: Yeah, nothing else that  
25 comes to mind at the moment.

1 If there is a stipulation, then,  
2 obviously -- or the Court creates a further order that  
3 any documents, obviously, it would be subject to your --  
4 your agreeing to provide.

5 THE WITNESS: That is correct.

6 MR. MILLER: We will agree based on  
7 that stipulation.

8 MR. DARVISH: Do you agree with that  
9 stipulation?

10 MR. LYONS: I -- I do not agree with  
11 your interpretation of what the Court said, but we've  
12 already discussed that. Both of us are not positive  
13 what the Court indicated in its ruling, but I think that  
14 communication between Rena Wood and Mr. Tenner were --  
15 were items that he was ordered to produce at this  
16 deposition, and so I think I'm entitled to get copies of  
17 those.

18 MR. MILLER: And we'll produce copies  
19 after this is all kind of worked out between you two,  
20 between the parties.

21 MR. LYONS: Certainly understood.

22 MR. MILLER: But not until.

23 MR. LYONS: Let's go off the record for  
24 a second.

25 THE VIDEOGRAPHER: The time is

1 BY MR. LYONS:

2 Q. Do you have on-site managers at both of  
3 those apartments -- sets of apartments, sir?

4 A. We do.

5 Q. Did Mary Stiny tell you to do these  
6 things in writing, or were these things that you would  
7 get from conversations with her?

8 MR. MILLER: Objection. Vague as to  
9 "these things."

10 MR. DARVISH: Objection as to form.  
11 Lacks foundation.

12 THE WITNESS: You mean Rena Wood?

13 BY MR. LYONS:

14 Q. Yes, Rena Wood.

15 A. We received direction via e-mail and  
16 phone call, a variety of directions.

17 Q. Will you provide us with copies of all  
18 of the e-mails that you have between your office and  
19 Rena Wood's office from April of 2013 to the present,  
20 sir?

21 MR. DARVISH: Objection subject to the  
22 conversation and stipulation between counsel, and if we  
23 cannot come to an agreement to any documents that would  
24 be provided, then we would obviously have to have the  
25 Court involved.

1 2:27 p.m. We're off the record.

2 (Discussion held off record.)

3 THE VIDEOGRAPHER: The time is  
4 2:57 p.m. We're back on the record.

5 MR. LYONS: Mark that, please. It will  
6 be Plaintiff's Exhibit 2.

7 (Whereupon, Plaintiff's Exhibit No.  
8 2 was marked for identification by  
9 the reporter and is attached hereto.)

10 MR. DARVISH: This is the one -- I've  
11 been wondering.

12 BY MR. LYONS:

13 Q. Mr. Tennen, I've handed you what's been  
14 marked as Plaintiff's Exhibit No. 2. And this is a  
15 letter to you dated February 8, 2016, that was sent via  
16 UPS overnight mail.

17 Do you recognize that letter, sir?

18 A. I do.

19 Q. And did you receive this letter with a  
20 copy of the court order appointing an emergency  
21 temporary guardian of the estate in 2016?

22 A. I'm sorry. Would you repeat that  
23 question?

24 Q. Yes, sir.

25 Did you receive this letter with a copy

1 of the order appointing emergency temporary guardian of  
2 the estate in 2016, sir?

3 A. I believe I did.

4 Q. And as a result of this letter,

5 Centennial Bank was appointed as guardian of the estate,  
6 and Centennial Bank was ordered to investigate the  
7 income and assets, and we asked you for an accounting  
8 for the funds which you were holding in regard to the  
9 rentals of the above apartments.

10 Do you see that, sir, in the bottom  
11 paragraph on page 1?

12 A. Yes.

13 Q. Did you produce that at that time, sir?

14 A. I do not believe I did, no.

15 Q. Did you talk to Ms. Rena Wood regarding  
16 that?

17 A. I believe I forwarded this, or -- yes,  
18 I probably copied it and forwarded it on to them, to her  
19 and her attorney, I believe.

20 Q. Do you recall speaking with Ms. Wood  
21 regarding that, sir?

22 A. I don't recall specifically this  
23 particular document; however, it's possible I did.  
24 There were many of these coming my way; so --

25 Q. Besides forwarding it, what else did

1 Q. All right. Did you receive that  
2 letter, sir?

3 A. Yes, I did.

4 Q. What did you do when you received it?

5 A. I forwarded it on to them.

6 Q. When you say "them," tell me who "them"  
7 is?

8 A. I'm sorry. I believe it was Rena Wood  
9 and her attorney.

10 Q. Did you contact an attorney about it  
11 besides her attorney?

12 A. At this time, no, I don't believe I  
13 did.

14 Q. Did you comply with the order that was  
15 provided here?

16 A. At the time, no, I don't believe I did.  
17 However, yeah, at this time, no, I initially got it.

18 Q. And you've already seen the letter from  
19 Eric Nelson which was dated February 9, which was  
20 introduced as Defendant's Exhibit 9; is that correct,  
21 sir?

22 A. That's correct.

23 Q. And did you do anything different in  
24 regard to Exhibit 9, sir?

25 MR. DARVISH: Objection as to form.

1 you do in regard to determining whether you needed to  
2 comply with this order, sir?

3 A. I forwarded it to Rena and, I believe,  
4 her attorney and did what was told for me to do, I  
5 believe. It was to -- that they were going to  
6 communicate with you guys about it and they were to give  
7 me direction. I cannot recall specifically  
8 timeline-wise, but that would have been what the order  
9 was.

10 Q. And they did not direct you to provide  
11 the information that was sought in the letter of  
12 February 8, 2016, marked as Plaintiff's Exhibit 2?

13 A. At this time, no. No, I don't believe  
14 that's the case.

15 Q. I don't see a copy of it; so we'll go  
16 ahead and mark this as Plaintiff's Exhibit 3.  
17 (Whereupon, Plaintiff's Exhibit No.

18 3 was marked for identification by  
19 the reporter and is attached hereto.)

20 THE WITNESS: Actually, before you do  
21 that -- this is it.

22 BY MR. LYONS:

23 Q. Okay. Great. Looking at Defendant's  
24 Exhibit 6 and ask whether you recognize that, sir?

25 A. Yes, sir, I do.

1 THE WITNESS: I do not believe -- I  
2 mean, what I did was I forwarded all these  
3 correspondence for it.

4 BY MR. LYONS:

5 Q. Did you supply Mr. Nelson any  
6 documents, sir?

7 A. I do not recall doing that, no.

8 Q. Did you simply listen to whatever Rena  
9 Wood and her attorney told you to do?

10 MR. MILLER: Objection. Argumentative.

11 MR. DARVISH: Objection as to form.

12 THE WITNESS: That would have been the  
13 case. Yeah, I would have taken their direction.

14 BY MR. LYONS:

15 Q. And then we had a letter -- I'm  
16 sorry -- an e-mail dated February 16.

17 A. February 1.

18 Q. Yeah, I'm sorry. February 18. And in  
19 Defendant's Exhibit 7, that was your response to  
20 Mr. Baker's letter, wasn't it, sir?

21 A. That is correct.

22 Q. Did you have any other authority, other  
23 than what Ms. Wood and her attorney told you, in regard  
24 to the court order, sir?

25 MR. MILLER: Objection. Vague.

1 MR. DARVISH: Objection. Lacks  
2 foundation. Objection as to form.  
3 THE WITNESS: Could you repeat the  
4 question.  
5 BY MR. LYONS:  
6 Q. Sure.  
7 A. I'm sorry.  
8 Q. Sure. In this letter you say:  
9 "I have been explicitly  
10 instructed that all correspondence  
11 and requests must be sent through  
12 and granted by Rena Wood and her  
13 Attorney Coleman Taylor who I've  
14 cc'd on this e-mail."  
15 A. Correct.  
16 Q. (Reading):  
17 "Coleman's contact number is  
18 479.527.0006. Unfortunately, I do  
19 not have any authority to release  
20 documents without permission."  
21 Is that correct?  
22 A. Yes.  
23 Q. (Reading):  
24 "Please submit the request  
25 for documents to Coleman, and with

1 THE WITNESS: Yes.  
2 BY MR. LYONS:  
3 Q. Are there differences between your  
4 obligations for the Olive Street Apartments and the  
5 Sixth Street Apartments?  
6 MR. DARVISH: Objection as to form.  
7 THE WITNESS: Not specifically.  
8 There's -- there are nuances to both buildings that are  
9 different from one another, but as far as our management  
10 responsibilities are concerned, it would be both.  
11 BY MR. LYONS:  
12 Q. It would be the same?  
13 A. It would be the same for both.  
14 Q. Same for both. Thank you.  
15 Is the percentage --  
16 (Cell phone interruption and a telephonic  
17 hearing was held from 3:07 p.m. to 3:34 p.m.)  
18 (Deposition proceedings resumed.)  
19 MR. DARVISH: First time appearing in  
20 federal court in Arkansas.  
21 MR. MILLER: That's kind of cool.  
22 MR. DARVISH: It's -- I'm telling you,  
23 you got to move there. It's so much easier to practice  
24 law than it is here.  
25 MR. MILLER: You can't imagine. You

1 written permission, I am happy to  
2 help you."  
3 Is that correct?  
4 A. Yes.  
5 Q. Was that your response?  
6 A. That was my response.  
7 Q. And did you consult with an attorney,  
8 sir, other than Mr. Coleman Taylor?  
9 A. No.  
10 Q. Did you have your own attorney look at  
11 that document, sir?  
12 MR. MILLER: Objection. I -- I would  
13 object that's privileged communication.  
14 MR. DARVISH: Objection by this --  
15 MR. LYONS: I just asked whether he  
16 looked at it.  
17 MR. MILLER: That's privileged as well.  
18 MR. DARVISH: Yeah, that's privileged.  
19 BY MR. LYONS:  
20 Q. Did you meet with an attorney regarding  
21 your response set forth in Exhibit 7, sir?  
22 A. No.  
23 Q. Now, your obligation for both sets of  
24 apartments essentially are the same, sir?  
25 MR. MILLER: Objection. Vague.

1 get in your car, and you get to where you're going at  
2 the speed limit the whole way. It used to be with  
3 everything around here.  
4 MR. LYONS: It is life.  
5 Y'all got a problem, call me. I'll  
6 handle it on the phone.  
7 MR. MILLER: Yeah, I had a search  
8 warrant thing. He's right.  
9 THE WITNESS: You don't get that same  
10 attention in L.A., huh, from L.A. judges?  
11 MR. DARVISH: Not even close.  
12 Ex-parte. Get out of here.  
13 MR. MILLER: I've had judges invite  
14 that for discovery disputes and thing like that, but  
15 usually it isn't like that. It isn't like that.  
16 MR. LYONS: This is still on the  
17 record, guys.  
18 MR. MILLER: Oh, yes.  
19 MR. LYONS: Why don't we go off record  
20 and take a five-minute break. Come back and get this  
21 done.  
22 THE VIDEOGRAPHER: This marks the end  
23 of media 2 in the deposition of Paul Tennen. It is  
24 3:36 p.m.  
25 We're off the record.

1 (Recess taken.)  
 2 **THE VIDEOGRAPHER:** We are back on the  
 3 record. The time is 3:50 p.m.  
 4 This marks the beginning of media three  
 5 in the deposition of Paul Tennen.  
 6  
 7 **EXAMINATION (RESUMED)**  
 8 **BY MR. LYONS:**  
 9 **Q. So the apartments on Sixth Street and**  
 10 **the apartments on Olive Street have approximately the**  
 11 **same number of apartments, sir?**  
 12 **A. Yes, they do.**  
 13 **Q. Is the total rent approximately the**  
 14 **same?**  
 15 **A. Give or take approximately, yes.**  
 16 **Q. They are within a few blocks of each**  
 17 **other. Is that correct, sir?**  
 18 **A. That's correct.**  
 19 **Q. The use -- did you see the appraisal**  
 20 **when these were refinanced, sir?**  
 21 **A. I don't think so, no.**  
 22 **Q. Who is Jason Baker?**  
 23 **A. "Jason Baker"?**  
 24 **Q. Yes, sir.**  
 25 **A. If my memory serves me, he's related to**

1 **Q. If an issue arises regarding the**  
 2 **payment of an expense or reimbursement in regard to**  
 3 **either the Sixth Street or the Olive Street Apartments,**  
 4 **who makes the decision on that if you're not sure what**  
 5 **to do?**  
 6 **MR. MILLER:** Objection. Improper  
 7 hypothetical. Vague.  
 8 You can answer if you understand the  
 9 question.  
 10 **THE WITNESS:** Repeat again the  
 11 question.  
 12 **BY MR. LYONS:**  
 13 **Q. Sure. If an issue arises regarding a**  
 14 **payment of an expense or a reimbursement and you're not**  
 15 **sure what to do --**  
 16 **A. I contact Rena Wood.** obj.  
 17 **Q. -- does Rena Wood make the final** Def.  
 18 **decision on those as far as you know, sir?**  
 19 **A. She would, in my jurisdiction, yes.**  
 20 **Sometimes I don't get the correspondence. So I have to**  
 21 **make the judgment call on my own.**  
 22 **Q. Now, you mentioned Title Pro 24-7. If**  
 23 **you would, explain to me what that is, sir.**  
 24 **A. It's an online title company resource**  
 25 **for Fidelity National Title, which is a title firm.**

1 **Rena Wood.**  
 2 **Q. Do you know how he is related to Rena**  
 3 **Wood, sir?**  
 4 **A. I do not know for sure how, but I know**  
 5 **they have some relationship.**  
 6 **Q. Who is Carissa Oldenberg, sir?**  
 7 **A. Carissa Oldenberg is the daughter of**  
 8 **Rena Wood.**  
 9 **Q. And both of them get free rent at one**  
 10 **of the sets of apartments. Is that correct, sir?**  
 11 **A. Jason Baker, I believe, gets a rent --**  
 12 **free rent; however, Carissa Oldenberg gets rental**  
 13 **compensation for her -- as a resident manager of the**  
 14 **building. So it is -- yeah.**  
 15 **Q. She also gets free phone -- Carissa**  
 16 **Oldenberg also gets a free phone?**  
 17 **A. She gets reimbursed for office supplies**  
 18 **such as office reimbursement for cell phone and, I**  
 19 **believe, Internet usage and other work-related per labor**  
 20 **law.**  
 21 **Q. Who is John Moore, sir?**  
 22 **A. I believe John Moore is Rena's father.**  
 23 **Q. And he gets reduced rent also; is that**  
 24 **correct, sir?**  
 25 **A. That's correct.**

1 **They have an online portal to access title records and**  
 2 **information. They give a property profile cover sheet**  
 3 **which gives the highlights of the building.**  
 4 **And then sometimes there are documents**  
 5 **attached to those Web pages where you can access other**  
 6 **documents such as loan documents and other public**  
 7 **records.**  
 8 **Q. You look there to determine the name of**  
 9 **the owner to put on the Defendants Exhibits 1 and 2; is**  
 10 **that correct, sir?**  
 11 **A. That's correct.**  
 12 **Q. But you didn't search any other**  
 13 **documents to determine if title was in the name of a**  
 14 **particular trust of the -- or a portion of the sub --**  
 15 **Stiny Trust or subtrust of the Stiny Trust; is that**  
 16 **correct?**  
 17 **MR. MILLER:** Objection as to form.  
 18 **THE WITNESS:** There -- there are  
 19 documents that are attached as an attachment link that  
 20 would red flag certain title records and loan records.  
 21 To my best knowledge, I cannot recall  
 22 if I dug further beyond what it says, which is owner's  
 23 name; and then it said, I believe, Stiny Trust; and then  
 24 there's a semicolon and then like the full name of it.  
 25 And so I believe that the difference in

1 the naming of the ownership was simply just an error I  
2 made where it said Stiny Trust, and then on the other --  
3 as I produced the other one, I noticed if you pull up  
4 the other address, it says the full name Elijah and Mary  
5 Stiny Trust; whereas, the Olive cover letter says Stiny  
6 Trust.

7 So that's the reason for the  
8 differential in the ownership maybe.

9 And if I may, sometimes there are title  
10 differences, you know. So subtleties. So that's why I  
11 went with what was on the profile naming as opposed to  
12 maybe digging further at the time.

13 Q. You mentioned that you had certain  
14 walkthroughs with Rena Wood after you took over the  
15 apartments. I realize you had one at the beginning, but  
16 I'm talking about after when you took over.

17 A. That's correct.

18 Q. Is that correct?

19 A. Yes.

20 Q. When you walked through with Rena Wood  
21 after the first time, these later walkthroughs, did you  
22 keep any records of those walkthroughs, sir?

23 A. I don't recall if I wrote any notes  
24 down or if we made any record of it. I can't recall  
25 right now.

1 some familiarity or involvement in some capacity.

2 MR. MILLER: I would object that that  
3 question calls for speculation. Belated objection.

4 BY MR. LYONS:

5 Q. You were asked during Mr. Darvish's  
6 questioning whether Ms. Wood signed any checks. And you  
7 said you didn't believe she did.

8 What type of checks would she have  
9 signed if there were any?

Obj.  
Def

10 MR. MILLER: Objection. Improper  
11 hypothetical.

12 MR. DARVISH: Objection as to form.

13 MR. MILLER: It calls for speculation.

14 THE WITNESS: With regards to our  
15 operation, she didn't sign any checks. If she chose to  
16 buy things or do things on her own, that was her  
17 prerogative.

Obj.  
Def

18 With regards to the management of the  
19 buildings, the accounts are labeled in our name as in  
20 trust -- trust accounts for the reason that we are  
21 responsible for the monies that go in and out, and we  
22 are -- have an accounting for all of that. So in that  
23 sense, she would have had jurisdiction to write checks  
24 in that sense.

25 BY MR. LYONS:

1 Q. If you have any records, will you  
2 produce those, sir?

3 A. Absolutely.

4 Q. And this would -- I realize you don't  
5 remember, but what was the point of having this  
6 walkthrough or these walkthroughs?

7 A. Generally, she was in town. While she  
8 was in town, we would do them, like I said, maybe once  
9 or twice or three times; but during the time she was  
10 here, we did a couple of walks to get familiar with the  
11 buildings.

12 Once she relocated or moved or whatever  
13 it was, she said she would come into town, and she would  
14 walk the buildings, and so we would just check them out,  
15 you know, as we do with a lot of the owners in a lot of  
16 these buildings. We walk with them. We notice things.  
17 They'll give me some direction: paint the top, fix the  
18 soffit, such and such. So that was pretty much the  
19 basis for the meetings.

20 Q. Had Ms. Rena Wood been in charge of the  
21 apartments before April of 2013?

22 A. I believe she was. I don't know the  
23 specifics because I wasn't involved with her at that  
24 time, but I believe, given what she knew about the  
25 buildings and the process and things, I believe she had

1 Q. Let me show you what was marked as

2 Exhibit 5 during your direct examination letter from  
3 Mark Johnson regarding him representing Helen Robins.

4 Did you respond to Mark Johnson, sir?

5 A. I don't believe I did. I don't believe  
6 I did.

7 Q. Mr. Darvish asked you about sending the  
8 monthly statements out, and you said you thought you  
9 were sending them to Ms. Wood only at this time. But in  
10 fact, you were sending a copy to us; is that correct?

11 MR. MILLER: Objection. Vague as to  
12 time.

13 THE WITNESS: I confirmed, that since  
14 the court order, that I had been sending them to all  
15 parties that I've been asked to send them to.

16 MR. DARVISH: Objection as to form.  
17 Which court order?

18 BY MR. LYONS:

19 Q. Which court order are you referring to?

20 A. The one that instructed me to  
21 distribute funds and also submit paperwork to the courts  
22 and to a laundry list of people on e-mail that I send it  
23 to. Sorry. I don't have it in front of me. So I'm  
24 sorry.

25 Q. That's fine.



1 That order came from Judge Marshall who  
2 we spoke with; correct?

3 A. Okay. Yeah. Yes.

4 Q. Did you ever do anything to determine  
5 whether Eric Nelson was named as a successor trustee  
6 prior to Rena Wood?

7 MR. DARVISH: Objection as to form.

8 THE WITNESS: Did I do anything else?

9 The correspondence that I received from Eric Nelson and  
10 from everybody else involved here was forwarded to  
11 Rena Wood and her counsel for direction. And I believe  
12 if I -- if memory serves me, the only response I gave  
13 was to Steve Baker from the bank letting him know that I  
14 cannot distribute these documents without permission,  
15 and then that -- that was about the fifth -- yeah.

16 Yeah. And --

17 BY MR. LYONS:

18 Q. And you were told not to send these  
19 documents by Ms. Rena Wood; correct, sir?

20 A. Her counsel had said that they would  
21 reach out and confirm and not to send anything until  
22 they get any, you know, further clarification or  
23 guidance.

24 Q. Did Ms. Wood ever say it was acceptable  
25 to send documents to anyone other than to her counsel?

1 correspondence. I just cannot remember if I had reached  
2 out to him via phone call or if that was based on the  
3 e-mail.

4 Q. Did you ever call Eric Nelson and offer  
5 to meet him as he mentioned in his letter?

6 A. In coming to my office?

7 Q. Yes.

8 A. I don't recall inviting him to a  
9 meeting to come to my office.

10 MR. LYONS: Pass the witness.

11 MR. DARVISH: Let's take -- can we go  
12 off the record.

13 THE VIDEOGRAPHER: The time is  
14 4:08 p.m. We're off the record.

(Discussion held off record.)

15 THE VIDEOGRAPHER: The time is 4:12.  
16 We're back on the record.

EXAMINATION

20 BY MR. DARVISH:

21 Q. So we're back on the record. I wanted  
22 to ask you some followup questions that you were asked  
23 earlier by Mr. Lyons.

24 I am handing you right now Volume I of  
25 Linder & Associates' financial statement from '13 to

1 A. Initially, Rena told me to -- she's the  
2 one who gave me the address for Ms. Mary Stiny, and she  
3 was aware that I was sending reports monthly to that  
4 address.

5 Q. But you stopped that; is that correct,  
6 sir?

7 A. Yes.

8 Q. And after you stopped that, have you  
9 ever started sending them to Ms. Stiny again?

10 A. No.

11 Q. Why did you stop sending those to  
12 Ms. Stiny?

13 A. I cannot recall specifically why. I  
14 just cannot. I don't know why I -- yeah.

15 Q. When you say you contracted Ms. Wood  
16 and her attorney, did you specifically contact Coleman  
17 Taylor; or did you contact Ms. Wood? How was that done,  
18 sir?

19 A. I would say most likely via e-mail,  
20 correspondence and/or phone call.

21 Q. Would you contact Mr. Coleman Taylor  
22 directly by phone call, or would you contact Rena Wood,  
23 sir?

24 A. I can't recall if I specifically -- if  
25 I called Coleman Taylor directly. I know that we had

1 2015.

2 Can you take a look at this document --  
3 this binder for me.

4 A. Uh-huh.

5 Q. You were shown three binders about that  
6 size; correct?

7 A. That is correct.

8 Q. All right. And you were asked to  
9 review the documents and authenticate the documents  
10 prior to coming back on the record; correct?

11 A. That is correct.

12 Q. All right. Did you review every single  
13 page of these documents in order --

14 A. I did not.

15 Q. -- to determine whether or not they are  
16 the true and accurate -- true and accurate reflection of  
17 the documents that you actually -- you produced?

18 A. I did not.

19 Q. Did you crosscheck to any of these  
20 documents to the originals that you have in your office?

21 A. I did not.

22 Q. You did not produce these documents  
23 today; correct?

24 A. Correct.

25 Q. Did you produce any documents today?

1 **A. I did not.**  
 2 Q. How do you know that the numbers that  
 3 are on those statements right there are true and  
 4 accurate?  
 5 **A. I do not.**  
 6 Q. Would it be possible that these are or  
 7 are not -- strike that.  
 8 **Would it be -- so when you originally**  
 9 testified that these look like your statements that you  
 10 had sent out on a monthly basis, there is no way for you  
 11 to tell me today as to whether or not these are the true  
 12 and accurate statements that were sent out?  
 13 **A. That's correct.**  
 14 Q. You earlier testified that you stopped  
 15 sending checks to Rena at some point because of the  
 16 dispute that had arisen.  
 17 **A. Correct.**  
 18 Q. Did Rena tell you to stop sending any  
 19 money out?  
 20 **A. She did.**  
 21 Q. Okay. Just curious. Do you know the  
 22 difference between a guardian and a trustee?  
 23 **MR. MILLER:** Objection. Calls for  
 24 legal opinion.  
 25 If he knows.

1 Q. She assisted in that?  
 2 **A. Yes. Some of that was on-site with the**  
 3 **resident manager and so forth.**  
 4 Q. And the resident -- and the manager  
 5 knew her; correct?  
 6 **A. Yes, that's correct.**  
 7 **MR. DARVISH:** I have no further  
 8 questions.  
 9 **MR. LYONS:** Let's go off the record for  
 10 a second.  
 11 Do you want --  
 12 **THE VIDEOGRAPHER:** Standby.  
 13 The time is 4:16. We're off the  
 14 record.  
 15 (Discussion held off record.)  
 16 **THE VIDEOGRAPHER:** The time is 4:22.  
 17 We're back on the record.  
 18 **MR. LYONS:** First, I believe that we  
 19 have an agreement that Mr. Tennen will read and sign his  
 20 deposition, and we'll produce any errata sheet and  
 21 signature within seven days of receipt of that  
 22 deposition; is that correct?  
 23 **MR. MILLER:** That's correct.  
 24 **MR. LYONS:** Is that correct?  
 25 **MR. DARVISH:** That's correct.

1 **BY MR. DARVISH:**  
 2 Q. If you know, answer.  
 3 **MR. LYONS:** Same objection.  
 4 **THE WITNESS:** I -- I can't speak to  
 5 that. I do not know for sure.  
 6 **BY MR. DARVISH:**  
 7 **Q. All right. When you originally took**  
 8 over the management of the buildings, you spoke to Rena  
 9 correct? And she provided you the keys, as you earlier  
 10 testified, or knew the manager who had the keys; is that  
 11 correct?  
 12 **MR. MILLER:** You have to say "yes" --  
 13 **THE WITNESS:** Yes, I'm sorry. Yes, I  
 14 was waiting for you to finish. Yes, that's correct.  
 15 **BY MR. DARVISH:**  
 16 Q. Was there any reason to believe that  
 17 she was not actually participating in managing those  
 18 buildings?  
 19 **A. I had no reason to believe that.**  
 20 Q. Did she have access to the accounts  
 21 that the money was going into, to your knowledge?  
 22 **A. Prior -- yes, she did.**  
 23 Q. Did she help transfer all the documents  
 24 and leases to Linder & Associates?  
 25 **A. She assisted in that, yes.**

1 **MR. LYONS:** Okay. And then we have a  
 2 stipulation that Mr. Tennen will also produce all of the  
 3 documents beginning in April of 2013 up through whatever  
 4 the present date is, as of the date of production of all  
 5 financial statements for both sets of apartments being  
 6 the Olive Street Apartments and the Sixth Street *obj.*  
 7 Apartment, and he will produce them either by Dropbox or *Def.*  
 8 by flash drive, and we'll execute a document to the  
 9 effect -- under oath to the effect that this is a true  
 10 an correct set of the documents from April of 2013 up to  
 11 the date they're produced, and that I agree that those  
 12 may be admitted and used at trial subject to objections  
 13 to relevance that they are properly authenticated.  
 14 Do you agree, Mr. Darvish, that those  
 15 will be properly authenticated?  
 16 **MR. DARVISH:** The financial documents  
 17 with regard to the ones that he will produce, yes.  
 18 **MR. LYONS:** Okay. Do you have any  
 19 objection?  
 20 **MR. MILLER:** I have no objection what  
 21 we will produce.  
 22 **MR. LYONS:** Okay.  
 23 **MR. DARVISH:** So we're clear on the  
 24 record, the stipulation is with only the financial  
 25 records, not with the documents that are the additional

1 documents that he is going to produce?  
 2 MR. MILLER: Correct. Only the monthly  
 3 financial documents that were previously reviewed.  
 4 MR. DARVISH: Correct.  
 5 MR. LYONS: Right, that's correct.  
 6 MR. DARVISH: Okay. Now I stipulate to  
 7 relieve the court reporter of his -- her duties under  
 8 the code;  
 9 And that she will prepare a transcript,  
 10 and it will be produced to you, and you will have seven  
 11 days within which to review and sign back of any  
 12 changes;  
 13 If you do not make any changes, then  
 14 the original may be used -- or a copy thereof may be  
 15 used at trail;  
 16 And the purpose of this deposition is  
 17 in lieu of your live testimony in federal court in  
 18 Arkansas.  
 19 Did I miss anything else with the  
 20 stipulation?  
 21 So stipulated.  
 22 MR. LYONS: So stipulated.  
 23 MR. MILLER: So stipulated.  
 24 THE VIDEOGRAPHER: This concludes the  
 25 deposition of Paul Tenner. Total number of media used


1 PENALTY OF PERJURY CERTIFICATE  
 2  
 3 I hereby declare I am the witness in the  
 4 within matter, that I have read the foregoing transcript  
 5 and know the contents thereof; that I declare that the  
 6 same is true to my knowledge, except as to the matters  
 7 which are therein stated upon my information or belief,  
 8 and as to those matters, I believe them to be true.  
 9 I declare being aware of the penalties of  
 10 perjury that the foregoing answers are true and correct.  
 11  
 12  
 13  
 14  
 15 Executed on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_,  
 16 at \_\_\_\_\_, \_\_\_\_\_.  
 17 (CITY) (STATE)  
 18  
 19  
 20  
 21 \_\_\_\_\_  
 22 PAUL TENNEN  
 23  
 24  
 25

1 was three.  
 2 We're going off the record. The time  
 3 is 4:25 p.m.  
 4 (Discussion held off record.)  
 5 (Proceedings resumed without videotape.)  
 6 MR. MILLER: If the original is lost or  
 7 destroyed, a certified copy may be used for any purpose,  
 8 including at trial.  
 9 MR. DARVISH: Exactly.  
 10 MR. LYONS: Absolutely.  
 11  
 12 (The proceedings concluded at 4:26 p.m.)  
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1 STATE OF CALIFORNIA )  
 2 COUNTY OF LOS ANGELES ) ss:  
 3  
 4 I, KIMBERLY M. LOWE, do hereby certify:  
 5 That I am a duly qualified Certified  
 6 Shorthand Reporter, in and for the State of California,  
 7 holder of certificate number 12529, which is in full  
 8 force and effect and that I am authorized to administer  
 9 oaths and affirmations;  
 10 That the foregoing deposition testimony of  
 11 the herein named witness was taken before me at the time  
 12 and place herein set forth;  
 13 That prior to being examined, the witness  
 14 named in the foregoing deposition, was duly sworn or  
 15 affirmed by me, to testify the truth, the whole truth,  
 16 and nothing but the truth;  
 17 That the testimony of the witness and all  
 18 objections made at the time of the examination were  
 19 recorded stenographically by me, and were thereafter  
 20 transcribed under my direction and supervision;  
 21 That the foregoing pages contain a full,  
 22 true, and accurate record of the proceedings and  
 23 testimony to the best of my skill and ability;  
 24 I further certify that I am not a relative or  
 25 employee or attorney or counsel of any of the parties,

1 nor am I a relative or employee of such attorney or  
2 counsel, nor am I financially interested in the outcome  
3 of this action,

5 IN WITNESS WHEREOF, I have subscribed my name  
6 this 5TH day of November 2018.



10 KIMBERLY M. LOWE, CSR NO. 12529

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ERRATA SHEET

3 If any corrections to your deposition are necessary,  
4 indicate them on this sheet, giving the change, page  
number, Line number and reason for change.

5	PAGE	Line	FROM	TO
6	_____	_____	_____	_____
7	Reason	_____	_____	_____
8	_____	_____	_____	_____
9	Reason	_____	_____	_____
10	_____	_____	_____	_____
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20	_____	_____	_____	_____
21	Reason	_____	_____	_____
22	_____	_____	_____	_____
23	Reason	_____	_____	_____
24	_____	_____	_____	_____
25	Signature of Deponent	_____	Date	_____