

02802-71561 (RER)

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

AMERICAN NATIONAL PROPERTY )  
AND CASUALTY COMPANY, )

Plaintiff, Counterclaim-Defendant, )

V. )

CAROL ANN STUTTE; LAURA JEAN )  
STUTTE, )

Defendants, Counterclaim-Plaintiffs, )

and )

CHASE HOME FINANCE, LLC, )

Defendant. )

CIVIL ACTION

NO. 3:11-CV-219

JURY TRIAL DEMANDED

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AFFIDAVIT OF GARY NOLAND

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1. My name is Gary Noland. I am above the age of eighteen (18) and competent to make this Affidavit. I will testify to these facts in a court of law if called to do so.
2. I am a private investigator with Noland Private Investigations, LLC.
3. I was hired by American National Property and Casualty Company (ANPAC) to assist ANPAC in investigating a fire loss which occurred on Saturday evening, September 4, 2010 at 2715 Highway 360, Vonore, Tennessee, a property owned by Carol Stutte and Laura Stutte.
4. I assisted ANPAC with gathering information and interviewing witnesses.
5. I regularly updated ANPAC with the information I gathered or learned from witnesses during my investigation work.

6. As part of my investigation, I obtained photographs of the fire scene.
7. During my investigation, I learned that the Stuttes blamed their neighbor, Janice Millsaps for the fire.
8. During my investigation, I learned that the Stuttes considered the fire to be a "hate crime" directed against them because they are a lesbian couple.
9. As part of my investigation, I interviewed Eddie Hammondtree.
10. Eddie Hammondtree told me he and Larry Bookout had been fishing near the Stutte house on the day of the fire and that their attention was drawn to the house when they heard a large explosion, so they went to the house to make sure no one was inside or injured.
11. As part of my investigation, I interviewed Larry Bookout.
12. Larry Bookout told me that after he heard the explosion, he smelled what appeared to be an odor of kerosene.
13. Neither Eddie Hammondtree nor Larry Bookout recalled anyone coming or going from the Stutte driveway on the day of the fire.
14. As part of my investigation, I interviewed neighbors Carl and Pam Self.
15. Carl Self told me that after he heard an explosion, he went to the Stutte house to make sure no one was inside.
16. Carl Self told me that he had painted the house, so he was familiar with the layout.
17. Carl Self told me that during the fire, he was able to see into the kitchen, sunroom, front bedroom, and back bedroom because of the light from the fire and he said that that he did not see any furniture or pictures on the wall in those rooms.
18. As part of my investigation, I interviewed Gary Elliott, who is with the Tennessee State Bomb and Arson Division.
19. Gary Elliott told me that he was working alongside the FBI, who had been assigned to the case due to the allegation that the fire was a "hate crime."
20. As part of my investigation, I interviewed neighbors Gerald and Catherine Daugherty.
21. Gerald and Catherine Daugherty told me that a large amount of furniture was removed from the Stuttes' house during the two weeks before the fire.

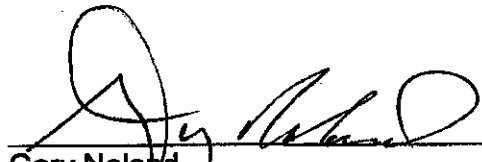
22. Gerald and Catherine Daugherty indicated that so much was moved out of the Stuttes' house that they thought the Stuttes were moving.
23. Catherine Daugherty said that Carol Stutte was always talking about selling the house.
24. Gerald Daugherty said that Carol Stutte told him that she increased the insurance on the house due to a threat from Janice Millsaps that she was going to kill the Stuttes and burn their house down.
25. During my investigation, I interviewed Lora Black, the Stuttes' friend and neighbor.
26. Lora Black told me that the vehicles remaining at the Stutte property on the night of the fire were moved for aesthetic purposes because the house was going to be shown by a realtor two or three times that weekend.
27. Lora Black told me that nothing had been moved out of the Stuttes' house before the fire except for books and bookcases from the sunroom.
28. Lora Black also told me that the rental car company did not open the day after the fire until the afternoon, so the remainder of the group could not return home any sooner from Nashville than they did.
29. As part of my investigation, I interviewed Janice Millsaps.
30. Janice Millsaps denied involvement in the fire.
31. Janice Millsaps told me that she had voluntarily underwent and passed a polygraph test.
32. During the investigation, I learned that the Stuttes' house was listed for sale at the time of the fire, both from Gary Elliott and independent research.
33. During the investigation, we learned that the Stuttes wanted to move away from where they lived and had wanted to sell the house for some time.
34. During the investigation, I learned that the Stuttes had removed belongings out of the house before the fire, including furniture.
35. During the investigation, I learned that, at the time of the fire, the Stuttes owned another house located at 216 Depot Street in Vonore, Tennessee, both from Gary Elliott and independent research.
36. During my investigation, I inspected and photographed the property located at 216 Depot Street in Vonore, Tennessee.

37. At the 216 Depot Street house, I discovered labeled boxes and large pieces of plywood with large spray painted words.
38. I noted that that there appeared to be similarities between the handwriting used to spray paint the word "QUEERS" on the Stuttes' garage on the day of the fire and the handwriting used to label boxes and spray paint on the plywood located at the Stuttes' 216 Depot Street house.
39. During the investigation, I learned that the Stuttes had a storage unit at the time of the fire.
40. During my investigation, I contacted Mark Smith, Postmaster at the Vonore Post Office, and learned that on August 14, 2010, the Stuttes changed their mailing address at the post office.
41. During my investigation, I went to the Fort Loudon Electric Cooperative and learned that and on August 24, 2010, the Stuttes changed their address with the electric company.
42. As part of my investigation, I contacted Eric Kurtz, the Stuttes' insurance agent.
43. Eric Kurtz told me that on August 16, 2010, the Stuttes increased their insurance coverage on the subject house and the contents.
44. During my investigation, I interviewed several witnesses, including, Jack Welch, Jade Black, Lora Black, Kimberly Holloway, and Postmaster Mark Smith.
45. Gary Elliott of the Tennessee State Bomb and Arson office told me that he did not think that Janice Millsaps was involved in the fire.
46. Gary Elliott confirmed that Janice Millsaps had passed a polygraph test.
47. During my investigation, I learned from Gary Elliott and Travis Jones that Janice Millsaps' hands were examined after the fire and no paint residue was found on them.
48. During my investigation, I learned that the Stuttes' other neighbors' opinions about Janice Millsaps were different than those held by the Stuttes.
49. For example, Pam Self told me that she was aware of the accusations the Stuttes had made about Janice Millsaps and had lived in the area for about 32 years and said there was no way above this earth that Janice Millsaps could do anything like that, meaning burning down the Stuttes' house.
50. Carl Self denied that people in the community caused problems for the Stuttes, and thought it was the other way around, meaning that the Stuttes were the people who

- caused problems, describing incidents in which the Stuttes, armed with guns, approached persons attempting to fish on TVA land near the Stuttes' property.
51. Gerald and Catherine Daugherty told me that they felt that the Stuttes had falsely accused Janice Millsaps of being involved in the fire.
  52. Gerald and Catherine Daugherty told me that no one in the community has threatened the Stuttes or cared that they were gay. In fact, Catherine Daugherty said that the only person around that she heard use the terms "queer" or "fag" was Carol Stutte.
  53. As part of my investigation, I interviewed neighbor Jack Welch.
  54. Jack Welch told me that he wasn't aware of any problems the Stuttes were having with neighbors.
  55. Jack Welch told me that he knew Janice Millsaps and has always liked her and that there was "no harm in her."
  56. During my investigation, I learned that the Stuttes reported that, at the time of the fire, they were in Nashville, Tennessee with Kimberly Howell and Lora Black celebrating the fact that they had lived in their house for five (5) years.
  57. During my investigation, I noticed that the receipt from the Wildhorse Saloon, in Nashville, which was provided by the Stuttes, shows that there were five (5) guests and that the ticket for (2) two sandwiches was paid for with Lora Black's credit card.
  58. During my investigation, I learned that none of the Stuttes' neighbors reported hearing the Stuttes' dogs barking on the night of the fire.
  59. During the investigation, I learned that only Laura Stutte, Carol Stutte, and Kimberly Holloway had keys to the property.
  60. Janice Millsaps told me that on the day of the fire, a car and truck had been parked off to the side of the front part of the property, when they were normally left sitting around the front of the home.
  61. During my investigation, I interviewed Dan Watson, the Stuttes' real estate agent, who provided a copy of the listing for the Stuttes' house and confirmed that the house was listed for sale on August 4, 2010.
  62. Dan Watson told me that the Stuttes' house was not scheduled to be shown on the weekend of the fire.

- 63. As part of my investigation, I contacted National Car Rental, who advised me that on Sunday, the day after the fire, their office opened at 6:00 a.m.
- 64. After the insurance denial, I interviewed Detective Travis Jones, Tommy Self, and Rick Harris.
- 65. Detective Travis Jones confirmed that he was the officer who checked Janice Millsaps' hands for paint residue shortly after the fire and that no paint residue was found.
- 66. Detective Jones confirmed that Janice Millsaps had been interrogated at length and that she passed a polygraph test.
- 67. Tommy Self and Rick Harris suggested to me that it was the Stuttes, and their friend, Joe Neubert, who were aggressive and unfriendly to neighbors.
- 68. Rick Harris told me that he and his children, who were attempting to go fishing on public access land, were approached one day by an angry and aggressive Carol Stutte, dressed in camouflage and carrying some type of assault rifle.
- 69. I learned that Joe Neubert was a close friend of the Stuttes who was frequently at their property.
- 70. Tommy Self told me that he knew Janice Millsaps and did not think she was capable of planning and setting a house on fire.
- 71. I learned from Catherine Daugherty, Carl Self, and Tommy Self that Joe Neubert had on more than one occasion even confronted the Stuttes' neighbors concerning issues related to property, property lines, right of way, and access in the neighborhood.

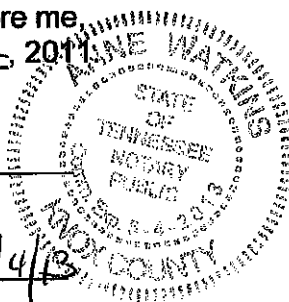
FURTHER AFFIANT SAYETH NOT

  
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Gary Nolard

Sworn to and subscribed before me,  
this the 30 day of September, 2011

  
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Notary Public

My Commission Expires: 5/4/13



Respectfully submitted,

**s/ N. Mark Kinsman**

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**CERTIFICATE OF SERVICE**

The undersigned certifies that a true copy of this pleading or document was served via the Court's ECF filing system upon:

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This the 25<sup>th</sup> day of October, 2011.

s/     N. Mark Kinsman \_\_\_\_\_