

EXHIBIT 3

IN RE:
 INSURED: Carol Ann Stutte and Laura Stutte
 POLICY NO: 41-B-966985
 CLAIM NO: 41-H-258023-R
 DATE OF LOSS: 9/4/2010

EXAMINATION UNDER OATH OF
 CAROL ANN STUTTE
 December 21, 2010

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 COPY

The Examination Under Oath of CAROL ANN STUTTE, a witness called at the instance of the Insurer, American National Property & Casualty Company, taken on the 21st day of December, 2010, at the Held Law Firm, 1522 Highland Avenue, Knoxville, Tennessee, before Jill C. Scheib, Certified Court Reporter and Notary Public.

STIPULATIONS

It is agreed that Jill C. Scheib, Certified Court Reporter and Notary Public, may swear the witness, stenographically report said Examination, and afterwards reduce same to typewritten form.

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APPEARANCES:

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1 CAROL ANN STUTTE,
 2 called as a witness at the instance of the
 3 Insurer, having been first duly sworn, was examined and
 4 testified as follows:

EXAMINATION

5 BY MR. ROGUE:

6 Q. Please state your full name.
 7 A. Carol Ann Stutte.
 8 Q. Okay. Ms. Stutte, my name is Chad Rogue. I
 9 represent American National Property & Casualty Company.
 10 And of course you're here for an EOC. I'm going to refer
 11 you to some of the exhibits that we're going to be using
 12 today.
 13 A. Okay.
 14 Q. Have you seen that letter before?
 15 A. Yes.
 16 Q. Okay. That's Exhibit 1 we're referring to.
 17 A. Uh-huh.
 18 Q. I'm going to be asking you several questions
 19 today, and if I ask a question and you give an answer,
 20 I'm going to assume that you've understood my question
 21 and the answer you gave is the one you've intended. Is
 22 that fair?
 23 A. Yes.
 24 Q. If I ask you a question that you don't

1 understand, will you tell me?

2 A. Yes.

3 Q. Okay. Now, do you understand that all the
4 answers you give must be accurate and truthful because a
5 material misrepresentation can bar your claim?

6 A. Yes.

7 Q. Okay. In other words, if you lie about
8 something that's important, that could bar your claim.
9 Do you understand that?

10 A. Yes.

11 Q. Okay. Thank you. You're doing a good job of
12 saying yes or no. If you say uh-huh or huh-uh, I may
13 prompt you to say yes or no, and I'm not trying to be
14 mean, but we need the court reporter to have clear
15 answers on the record. Okay?

16 After we're done today the court reporter's
17 going to prepare a written transcript of your testimony,
18 and we're going to send that to your attorney for you to
19 look at. And it's also going to come with what's called
20 an errata sheet. And you need to look over your
21 testimony, the transcript, and if there are any
22 corrections to be made, you'll need to make a notation of
23 that on the errata sheet. And you'll have to sign that,
24 have your signature notarized, and return it through your
25 attorney to us. Okay?

1 A. It had been planned. Due to illness, we
2 weren't for sure if we were going to be able to make it.

3 Q. What illness are you referring to?

4 A. My daughter had been really sick that previous
5 week, and her friend that was going to be going with us
6 had been sick.

7 Q. Okay. And your daughter's Kimberly Holloway,
8 correct?

9 A. Yes.

10 Q. How old is Ms. Holloway?

11 A. Twenty-six.

12 Q. Who is her father?

13 A. Chris Sales.

14 Q. Were you and Mr. Sales married?

15 A. Yes.

16 Q. When were you married?

17 A. October 15th, '82.

18 Q. Were you divorced from Mr. Sales?

19 A. Yes.

20 Q. Okay. When did you get a divorce?

21 A. I believe it was finalized in August of '95.

22 Q. Okay. Just generally where did you and
23 Mr. Sales live during the time of your marriage?

24 A. Bethany, Oklahoma.

25 Q. Is that where you're from?

1 A. Okay.

2 MS. REID: You usually have 30 days to do
3 that.

4 Q. We took the examination of Laura Stutte and we
5 got lots of information, background and all that. I
6 think I'm going to just jump into the event we're here
7 about, and I'm talking about the fire. Why don't you
8 tell us, starting on the day that the fire happened, in
9 your own words, what happened from early in the morning
10 until you got word of the fire.

11 A. I don't remember the morning hours that well.
12 It was probably packing.

13 Q. Okay. And were you planning a trip?

14 A. Yes.

15 Q. Where were you going?

16 A. Nashville.

17 Q. Okay. Why were you going to Nashville?

18 A. We were celebrating our five-year anniversary
19 and the finishing of the home.

20 Q. Okay. And what was the anniversary for,
21 five-year anniversary of what event?

22 A. Moving into the home, and we had just finished
23 remodeling it.

24 Q. Okay. Had this trip been planned for a while
25 or was it a last-minute thing?

1 A. Yes.

2 Q. All right. Sorry. I got sidetracked there.
3 You said you were planning a trip --

4 A. Uh-huh.

5 Q. -- and your daughter Kimberly had been sick.

6 A. Uh-huh.

7 Q. And I think I asked you this. When was the
8 trip planned? When did you first start thinking about
9 going to Nashville?

10 A. We had talked about it off and on for some
11 months, and had started talking seriously about it about,
12 I think, a couple of weeks before.

13 Q. Okay. Did you have hotel reservations?

14 A. Yes.

15 Q. Okay. When did you get your hotel
16 reservations?

17 A. I'm not for sure the exact time.

18 Q. Was it more than a week before the trip?

19 A. No. I believe it was maybe a day or two
20 beforehand.

21 Q. Okay. Where were you staying?

22 A. Holiday Inn.

23 Q. Do you know what road that's located on in
24 Nashville?

25 A. No.

1 Q. What part of town is it?
 2 A. I don't know.
 3 Q. Is it downtown?
 4 A. Yes.
 5 Q. Okay. Who all went on this trip?
 6 A. Myself, Laura, our daughter Kimberly, and our
 7 friend and neighbor Lora Black.
 8 Q. At some point before this trip Kimberly was
 9 sick, right?
 10 A. Yes.
 11 Q. What kind of sickness did she have? What was
 12 bothering her?
 13 A. Stomach, head, chest.
 14 Q. Flu-like symptoms?
 15 A. Yes.
 16 Q. Okay. What time did you leave for the trip?
 17 A. I'm not for sure.
 18 Q. Do you know approximately when you left?
 19 A. Afternoon.
 20 Q. Okay. Did you leave from your home or from
 21 some other location?
 22 A. Our home.
 23 Q. What vehicle did you take?
 24 A. Our Honda Element.
 25 Q. Did you make any stops between Vance and

1 A. And then came back into the restaurant.
 2 Q. Okay. And what did she say when she came
 3 back?
 4 A. She said her daughter said our house was on
 5 fire.
 6 Q. And who is her daughter?
 7 A. Jade Black.
 8 Q. Does Jade live nearby?
 9 A. Yes.
 10 Q. Okay. Where in relation to your house did
 11 Jade live?
 12 A. Her and her family live -- it's a real hilly
 13 area -- but on one of the side hills.
 14 Q. And who lives at that residence with Jade?
 15 A. It would be her mother and father, Jeff and
 16 Lora Black.
 17 Q. Anyone else?
 18 A. Jade and her fiancé, Brandon.
 19 Q. How old is Jade?
 20 A. I believe 21.
 21 Q. Okay. Do you know where Jeff was during this
 22 trip?
 23 A. He was out of town.
 24 Q. Do you know where he was?
 25 A. I believe he was in Coker Creek.

1 Nashville?
 2 A. I don't remember.
 3 Q. Once you got to Nashville, what did you do?
 4 A. Checked into the hotel.
 5 Q. Okay. And then just tell me about your
 6 evening from there.
 7 A. Checked in, we got ready, drove downtown,
 8 found a parking garage, and had our picture taken by an
 9 Elvis statue, and then our daughter had heard about a
 10 neat restaurant and club, and that's where we went to.
 11 Q. Where was that?
 12 A. Wildhorse Saloon.
 13 Q. All right. Do you know what time you arrived?
 14 A. No, sir.
 15 Q. Do you know generally what time you arrived?
 16 A. No.
 17 Q. Was it before 8:00?
 18 A. Yes, I think so.
 19 Q. And what did you do at the Wildhorse?
 20 A. Looked around, sightsee, and ordered some
 21 dinner.
 22 Q. Okay. And then what happened?
 23 A. Lora Lee had gotten a call, or Lora Black had
 24 gotten a call and went outside where she could hear.
 25 Q. Okay.

1 Q. Coker Creek?
 2 A. Uh-huh.
 3 Q. Is that C-O-K-E-R?
 4 A. C-O-K-E-R, yes, I believe so.
 5 Q. Where is that? Is that in Tennessee?
 6 A. Uh-huh.
 7 Q. Do you know what he was doing in Coker Creek?
 8 A. Probably gold mining.
 9 Q. Is that his occupation?
 10 A. It's a hobby.
 11 Q. Okay. You may have said this. What's
 12 Brandon's last name, Jade's fiancé?
 13 A. I don't know.
 14 Q. Does he still live there with Jade?
 15 A. Yes.
 16 Q. All right. She got a call and told her mother
 17 the house was on fire.
 18 A. Yes.
 19 Q. And Lora relayed that information to you.
 20 A. Yes.
 21 Q. What did she say specifically?
 22 A. I don't remember specifically what she said.
 23 Q. And did she call -- relay that information
 24 directly to you or to someone else?
 25 A. To all three of us.

1 Q. All right. And how did you respond?

2 A. I asked her if she heard it correctly, if she
3 was sure.

4 Q. Did she say someone had actually seen the
5 house on fire, or what did she say?

6 A. She said that's what her daughter said. And
7 we went back outside because we couldn't hear, and she
8 called her daughter again, I believe.

9 Q. Okay. Did you ever talk to Jade directly?

10 A. I don't think so.

11 Q. Okay. Do you know if Laura talked to Jade
12 directly? And I don't mean Lora Black, I mean Laura
13 Starts.

14 A. No. She stayed. Her and Kimberly were inside.

15 Q. So you and Lora Black went outside and talked?

16 A. Yes.

17 Q. And then what did you do?

18 A. I just remember crying.

19 Q. Okay. And did you all leave from there or did
20 you go back inside, into the club?

21 A. We went back inside.

22 Q. Okay. And then what did you do there?

23 A. Just sat there.

24 Q. Did you have some drinks?

25 A. They ordered drinks, and we just sat there as

1 a family and cried.

2 Q. Okay. Did you eat dinner?

3 A. It arrived, but we never ate.

4 Q. Okay. What happened from there? How did you
5 get back to the house? When did you leave Nashville?

6 A. I know that they had been drinking, and I took
7 them back to the hotel.

8 Q. Okay.

9 A. And then I talked to Kimberly and Laura and
10 was going to go home and check on our puppy dogs.

11 Q. Okay. What time was the call that your house
12 was on fire? When did you receive that call?

13 A. I don't remember.

14 Q. When did you leave the hotel to return to
15 Vonore?

16 A. I don't remember that, either.

17 Q. Okay. Do you know when you arrived at Vonore?

18 A. I believe it was early morning hours. It was
19 still dark.

20 Q. Okay. Was it before or after 1:00 a.m.?

21 A. I would say it was after.

22 Q. Did you find your dog?

23 A. Yes.

24 Q. Okay. How many dogs do you have?

25 A. Three.

1 Q. Were there any emergency personnel on the
2 scene when you arrived?

3 A. No.

4 Q. Was there anyone there when you arrived?

5 A. No.

6 Q. What did you see when you got there?

7 A. I saw that the house was still on fire.

8 Q. Was it completely destroyed? Was some of it
9 still standing at that point?

10 A. The sunroom wall was still standing.

11 MS. BEED: You're doing okay. You're doing
12 good.

13 A. Thank you.

14 Q. Was the gate opened or closed?

15 A. It was closed.

16 Q. Okay. And was it closed when you left?

17 A. Yes.

18 Q. Did you have any kind of lock on the gate?

19 A. We keep a padlock, but it wasn't fully locked.

20 Q. What do you mean it wasn't fully locked?

21 A. It was just hung through there.

22 Q. Okay. So it was on -- it could have been
23 locked, but the lock wasn't completely latched. Is that
24 what you mean?

25 A. Yes.

1 Q. So somebody could have just come by and taken
2 that off the gate?

3 A. If they would have known it wasn't completely
4 locked, yes.

5 Q. Did you make it so it appeared that it was
6 locked?

7 A. Yes.

8 Q. Why did you do that instead of just locking
9 the gate?

10 A. Lora Lee's husband usually feeds our dogs and
11 chickens for us, so I left it unlocked where he would be
12 able to get through the gate.

13 Q. Was he expected to return from Coker Creek?

14 A. Yes.

15 Q. When was he going to feed your animals?

16 A. Monday.

17 Q. When did you intend to return from this
18 Nashville trip?

19 A. We were to return on Tuesday, I believe.

20 Q. Did you take a look at the property when you
21 arrived that night?

22 A. There was police tape. I didn't cross it.

23 Q. Was that at the gate or was that close to the
24 house?

25 A. At the gate.

1 Q. Okay. You didn't cross the police tape?
 2 A. No.
 3 Q. Where did you go from there?
 4 A. Back down to Lora Lee's house.
 5 Q. Did you spend the night there?
 6 A. I slept there for about an hour.
 7 Q. Did you have a conversation with Jade Black
 8 about the fire?
 9 A. No. She was crying. I was crying.
 10 Q. Have you ever had a conversation with Jade
 11 about what happened that night?
 12 A. Too emotional.
 13 Q. Where were your dogs when you arrived?
 14 A. They come running from the back of the land.
 15 Q. Okay. Did you take them with you?
 16 A. No.
 17 Q. At some point did you have contact with the
 18 fire department or the police department?
 19 A. The contact that I had with the police is
 20 before I left Nashville, I was able to call a neighbor,
 21 Ms. Daugherty.
 22 Q. Okay.
 23 A. And there was an officer nearby, and they went
 24 and got him for us.
 25 Q. What was your conversation with the officer?

1 Q. Yes, that night.
 2 A. Yes, the sunroom side was on fire, the one
 3 wall.
 4 Q. You saw flames?
 5 A. Yes.
 6 Q. Okay. But the fire department had already
 7 left?
 8 A. Yes.
 9 Q. Did you speak with Ms. Daugherty about what
 10 she had seen that night?
 11 A. No.
 12 Q. And I guess I should say, ask you, did you
 13 talk to her that night about the events?
 14 A. No.
 15 Q. You said something about you got in contact
 16 with her and she gave you the police officer, correct?
 17 A. She handed the phone immediately to her
 18 granddaughter, and her granddaughter went and got the
 19 police officer.
 20 Q. Okay. Since the fire, have you had any
 21 contact with Ms. Daugherty about what she saw?
 22 A. No.
 23 Q. Have you had any contact with anyone, any of
 24 the neighbors about the events of that night?
 25 A. No, other than, well, Lora Black.

1 A. He told me to stay in Nashville, we were
 2 already there, might as well go ahead and have fun.
 3 Q. Okay. Did you ask him about your dogs at that
 4 point?
 5 A. He said he hadn't seen any of our animals.
 6 Q. I think you mentioned dogs and chickens?
 7 A. Uh-huh.
 8 Q. Did you have any other animals or livestock on
 9 the property?
 10 A. No.
 11 Q. Where were the chickens housed?
 12 A. I'd have to draw a picture to describe it.
 13 The basement side of the house, we had a chicken house
 14 built for them.
 15 Q. How close to the house was the chicken coop?
 16 A. I would have to guess, but I couldn't give it
 17 in measurement.
 18 Q. Okay. Approximately how far?
 19 A. Fifty, 60 feet maybe.
 20 Q. Was that structure damaged in the fire?
 21 A. I don't know if it was or not. I don't think
 22 so.
 23 Q. When you went back, was the house on fire or
 24 was it smoking?
 25 A. When I arrived?

1 Q. Okay. What about persons other than
 2 neighbors, any conversations with anyone about what
 3 happened that night?
 4 A. Our friend, Joe Newbert, and then his
 5 relatives, Carol and Ky Bouse.
 6 Q. Did you end up staying with Carol and Ky?
 7 A. Yes.
 8 Q. Ky, is that a man or a woman?
 9 A. A man.
 10 Q. I'm assuming they're married, Carol and Ky?
 11 A. Yes.
 12 Q. And how do you know Joe Newbert?
 13 A. We bought our pontoon boat from him.
 14 Q. Is he a friend?
 15 A. Yes.
 16 Q. Okay. What conversations did you have with
 17 Mr. Newbert about the fire?
 18 A. Mostly heartbreaking, crying, how I felt about
 19 what I had seen.
 20 Q. And where did you spend that Saturday night?
 21 Did you still stay at Jade's house?
 22 A. No. Wait. Saturday night, that was the night
 23 of the fire.
 24 Q. I think September 4th was the night of the
 25 fire. I'm asking about the next day.

1 A. Sunday?
 2 Q. You said you stayed with Jade Friday night
 3 into Saturday morning. Where did you go that next
 4 evening?
 5 A. The fire happened on Saturday.
 6 Q. Okay. Where did you go the following night,
 7 after you stayed with Jade, where did you go?
 8 A. Ky and Carol's house.
 9 Q. How long did you stay with them?
 10 A. I believe around two weeks.
 11 Q. Did they have an extra room?
 12 A. Yes.
 13 Q. Did they charge you anything to stay there?
 14 A. No.
 15 Q. What kind of dogs do you have?
 16 A. Mixed breed.
 17 Q. Are they friendly dogs?
 18 A. Yes.
 19 Q. Do they bark at people that come onto the
 20 property?
 21 A. If they don't know them, yes.
 22 Q. Do you know who set this fire?
 23 A. No.
 24 Q. Do you have any suspicions about who set this
 25 fire?

1 A. Yes.
 2 Q. Who do you think set the fire?
 3 A. The one who made the threats to us.
 4 Q. Okay. You're talking about Janice Millsaps?
 5 A. Yes.
 6 Q. Laura Stutta, in her EJD, mentioned some
 7 encounters she had with Ms. Millsaps, and I believe there
 8 were two. She said you had other encounters, so I want
 9 to ask you about those.
 10 A. Okay.
 11 Q. And she told us about the encounter when you
 12 were pulling the pontoon boat, which I believe was in
 13 August, is that right?
 14 A. I believe so.
 15 Q. Okay. I don't think we need to go into that
 16 one again. Tell me about other encounters you had with
 17 Janice Millsaps. Do you know what this is?
 18 A. Police report.
 19 Q. Do you know what date that report was made?
 20 At the top here, if you turn to page 3. And let's make
 21 that an exhibit before we get too far. We'll make that
 22 Exhibit 24.
 23 (Whereupon, Exhibit Number 24 was marked.)
 24 MS. HEND: Is that the 8/6 police report?
 25 Q. Yeah. If you will, will you take a look at

1 that, the narrative on the third page. Tell me when
 2 you're finished reading that.
 3 A. I'm through.
 4 Q. Okay. Is that an accurate statement as to
 5 what happened?
 6 A. Yes.
 7 Q. Okay. Do you have anything that needs to be
 8 added to that?
 9 A. (Witness moves head from side to side.)
 10 Q. Okay.
 11 MS. HEND: You've got to say it out loud.
 12 A. Oh, no.
 13 Q. Now, other than this encounter that's the
 14 basis for this police report that occurred on August 4th,
 15 2010, what other problems have you had with Janice
 16 Millsaps?
 17 A. There are quite a few. Do you --
 18 Q. Let's say from this date, August 4th, 2010,
 19 did you have any more encounters with Janice Millsaps,
 20 between then and the date of the fire?
 21 A. No, I don't think so.
 22 Q. Did you speak with her after this event on
 23 August 4th?
 24 A. Not that I can recall.
 25 Q. Let's just back up from August 4th. When was

1 your next encounter with Janice Millsaps, and I don't
 2 mean hello, how are you, anything like that, but a
 3 problem, where you had a problem with Janice Millsaps?
 4 A. UPS asked me -- they were investigating a
 5 package that was meant to be delivered to my daughter,
 6 and the driver had delivered it to Janice --
 7 Q. Okay.
 8 A. -- and UPS had tried to, in their
 9 investigation, speak with her about taking the package
 10 and not returning it to us, and they asked if I would
 11 speak to her. And I told them that I didn't want to, but
 12 they said I needed to speak with her and file a police
 13 report for their investigative purposes.
 14 Q. Okay. And did you talk to Janice about the
 15 package?
 16 A. Finally, with much prompting from UPS.
 17 Q. Okay. Tell me how that conversation went.
 18 A. Not well.
 19 Q. Tell me what was said.
 20 A. I cannot give you exact words.
 21 Q. You can just tell me generally what you
 22 remember about that conversation.
 23 A. She said she took the package and she will not
 24 give it back.
 25 Q. Did you take that information to the police?

1 A. I told her that UPS was having me file a
2 police report, and she didn't care, that they couldn't
3 prove that she still had the package.
4 Q. Did you actually go to the police?
5 A. Yes.
6 Q. Do you know who you spoke to?
7 A. I don't remember the officer's name.
8 Q. Did they do anything in response to your
9 complaint?
10 A. No.
11 Q. What did UPS ask you to say to Janice
12 Millsaps?
13 A. They wanted me to see if I could get the
14 package back from her.
15 Q. Okay. And did you report back to UPS what she
16 said?
17 A. Yes.
18 Q. Did they take any further action?
19 A. They sent one of their supervisors out there
20 to try to speak with her.
21 Q. Did they tell you whether they actually spoke
22 with her?
23 A. Yes, they did.
24 Q. What did they say?
25 A. That she was crazy and they wouldn't deliver

1 Q. -- about either of these incidents?
2 A. The police officer or the UPS?
3 Q. I'm sorry. They do have similar names, or
4 exact names. I'm talking about Deputy Haynes.
5 A. Not that I'm aware of.
6 Q. Do you know if he ever spoke with
7 Ms. Millsaps?
8 A. I wasn't told.
9 Q. Does anyone live with Ms. Millsaps?
10 A. No.
11 Q. Do you know if she's married?
12 A. Divorced.
13 Q. Do you know what her ex-husband's name is?
14 A. No.
15 Q. Okay.
16 MS. HELD: Do you know her brother?
17 A. I know her brother.
18 Q. Who's her brother?
19 A. I just blanked out on his name. Bruce.
20 Q. Bruce Millsaps?
21 A. Yes.
22 Q. That's who actually sold you your property?
23 A. Yes.
24 MS. HELD: Counsel, if you want me to hold --
25 I tend to, if I know something that might be helpful. I

1 packages to that area anymore due to her.
2 Q. Do you know who you dealt with at UPS?
3 A. No.
4 Q. I think your attorney's provided a business
5 card, Jim Haynes. Does that sound like somebody you
6 spoke with at UPS?
7 A. Sounds familiar.
8 Q. Okay. Did you speak with a Ray Haynes from
9 the Monroe County Sheriff's Department?
10 A. I have.
11 Q. And is that who you made the complaint to,
12 Mr. Haynes, I'm sorry, Deputy Haynes?
13 A. He's one of the officers that one of the
14 reports were made to.
15 Q. Who did you speak with about the August 4th
16 incident?
17 A. I would have to look.
18 Q. I'm looking at Exhibit 24. It says reporting
19 officer, Ray Haynes.
20 A. Okay.
21 Q. Is that who you spoke with?
22 A. Yes.
23 Q. Okay. Did Mr. Haynes do anything that you
24 know of --
25 A. Not that I know of.

1 tend to jump in like that.
2 MR. HOGUE: That's fine.
3 MR. KIRSWEN: Generally in these things you
4 don't really have a right to ask questions, but we don't
5 object to it because we want to give you a chance to
6 bring that stuff out if you think it's important.
7 MS. HELD: Well, it seems like --
8 MR. HOGUE: Might help move things along?
9 MS. HELD: Yeah. That's the only reason I'm
10 doing it. And if it gets in your way, I'll stop.
11 MR. HOGUE: No, that's fine. Thank you.
12 BY MR. HOGUE:
13 Q. Why don't you take a look at this. I'm going
14 to mark it as Exhibit Number 25.
15 (Whereupon, Exhibit Number 25 was marked.)
16 Q. Is this the incident report regarding the UPS
17 package?
18 A. Yes, sir.
19 Q. Will you take a look at the narrative? It's
20 on the second page.
21 A. Okay.
22 Q. Is that narrative what happened, basically
23 what happened?
24 A. Yes.
25 Q. All right. Other than what you told us, is

1 there anything else you need to tell us about that
2 incident?

3 A. The only thing I can think of is I tried to
4 explain to Janice about my daughter being diabetic and
5 really needed her insulin pump.

6 Q. Okay. What did she say in response?

7 A. She didn't care.

8 Q. Where was that package -- who was the sender
9 of that package?

10 A. Laura Stutte.

11 Q. Okay. Where was it coming from?

12 A. Oklahoma City.

13 Q. What were the circumstances? Why would she be
14 sending a diabetic pump back to Vancore?

15 A. Kimberly and I had went to Oklahoma City to
16 visit her on a travel nurse assignment and Kimberly had
17 lost it while she was there.

18 Q. Okay. And Laura Stutte had found it and was
19 sending it back, is that right?

20 A. That's correct.

21 Q. Other than these two incidents, are there any
22 other times when you've had problems with Janice
23 Millsaps?

24 A. Yes, sir.

25 Q. Okay. Tell me about -- it would probably be

1 about that.

2 A. I had come home and she was very, very sick
3 and passed away.

4 Q. Did you see Janice Millsaps at that point?

5 A. Next day.

6 Q. And did she come to your house or were you at
7 her house? When did you actually speak to her?

8 A. Where our gate is located, right there by her
9 yard, so when we'd come in and out of our property she
10 would either stand in her yard or up on her porch and say
11 things.

12 Q. Is that where she was when she bragged about
13 knowing how to poison dogs?

14 A. Yes.

15 Q. So you were just driving by and she was saying
16 this as you were driving by, is that the way it worked?

17 A. It was -- I don't remember if I was getting
18 the mail or shutting or opening the gate, I just remember
19 her being in her yard bragging about it.

20 Q. Okay. And you were going to tell us about an
21 incident where you found her on your porch. Tell me
22 about that.

23 A. I don't remember exact date or time, but
24 within our first several years of living there had found
25 her on the porch, I just remember it was around midnight

1 easiest if we had done this already. We started August
2 4th and now we have -- Exhibit 25 is a June 22nd
3 incident. Tell us about the -- backing up from that
4 date, the next -- the next one.

5 A. She had bragged about poisoning my dog.

6 Q. Okay.

7 A. I had found her on my front porch in the past.

8 Q. Are these separate incidents?

9 A. Yes, sir. There's many, but I can narrow it
10 down to a few.

11 Q. Let me ask you about this, where she bragged
12 about poisoning your dog.

13 A. Yes.

14 Q. What kind of dog was it?

15 A. A Lab.

16 Q. What did she say?

17 A. She said, I know how to poison animals without
18 being caught.

19 Q. And did your Lab actually turn up deceased?
20 Was it poisoned?

21 A. Yes.

22 Q. When was that?

23 A. Around a year-and-a-half ago.

24 Q. When did you find the dog? When was the last
25 time you had seen it before? Give me a little detail

1 one evening and Laura and I heard something and then saw
2 something, a shadow in our front windows, and opened the
3 front door and Janice was just standing out on the porch
4 looking in our windows and wandering around. And I asked
5 if I could help her, if she needed something, and she
6 said, No. I'm just hanging out.

7 Q. Okay. Did she say anything else?

8 A. No.

9 Q. Did you tell her to get off your porch or go
10 home, anything like that?

11 A. I just said, Is there anything we can help you
12 with, and she finally wandered off.

13 Q. Okay. Did that happen more than once?

14 A. Uh-huh.

15 Q. How many times would you say that happened?

16 MS. HELD: Yes or no?

17 Q. Let me ask it again.

18 A. Okay.

19 Q. Did that type of event where you found her on
20 your porch, did that happen more than once?

21 A. Yes.

22 Q. Okay. About how many times did that happen?

23 A. Can I include, it would be porch, deck, patio,
24 yard, land, garage. I mean, she was --

25 Q. Yeah, let's be broad here. How many times has

1 she been on your property without permission?
 2 A. I couldn't even name how many. A lot.
 3 Q. Was it more than 20?
 4 A. Yes.
 5 Q. More than 50?
 6 A. I wouldn't know.
 7 Q. Okay.
 8 A. It was a weekly occurrence over five years.
 9 Q. Okay. Did you ever have a conversation with
 10 Ms. Millsaps, that that wasn't welcomed behavior?
 11 A. Yes, I did.
 12 Q. Okay. And what was the response?
 13 A. That's not how they do things around there.
 14 Q. Okay. Did you ever take it a step further and
 15 go to the police about those incidents?
 16 A. No. I put a fence and a big gate up.
 17 MS. HALL: If it's useful, counsel, here's a
 18 picture of the front of the house. Where did I put that?
 19 I've lost it. Well, here's a picture of the big gate and
 20 Janice Millsaps's house. This is their driveway, if that
 21 gives you a sense of just how close they are.
 22 Q. It looks like it's a matter of 50 feet from
 23 your gate, is that right, Janice Millsaps's house?
 24 A. When you go to shut the gate, this is how
 25 close you are to her front porch, right there.

1 Q. Did she say anything else?
 2 A. Not that I recall.
 3 Q. Okay. Other than this incident that's
 4 reflected in Exhibit 24, the August 4th incident, did she
 5 make any derogatory or inflammatory comments towards you?
 6 A. Yes.
 7 Q. Okay. Tell me about those incidents.
 8 A. Didn't like Yankees.
 9 Q. Okay.
 10 A. I explained to her I wasn't a Yankee, every
 11 time she would say that, I'm from Oklahoma.
 12 Q. Okay. Anything else that you would consider
 13 hurtful or insulting?
 14 A. I just know of other threats, so many things
 15 I've -- I've blanked out, because she's always saying
 16 things.
 17 Q. Okay. Well, you told us that you suspect she
 18 burned your house down. I'm trying to understand, you
 19 know, what information you have that would lead you to
 20 suspect that. We've talked about the August 4th
 21 incident.
 22 A. Okay.
 23 Q. But now I'm asking if there are other
 24 instances that would lead you to suspect that she burned
 25 your house.

1 Q. Did you ever have any conversation with Bruce
 2 Millsaps about Janice?
 3 A. Yes, I did.
 4 Q. And was this after you purchased the property?
 5 A. Yes.
 6 Q. Okay. What were those conversations about?
 7 A. Help, can you please help us with her.
 8 Q. Okay. Did he speak with her, that you know
 9 of, or did he assist you in any way?
 10 A. He just said there was nothing they could do
 11 about her, that she wasn't right.
 12 Q. Do you have any knowledge as to why Janice
 13 Millsaps disliked you or -- just leave it at that. Do
 14 you know why she disliked you?
 15 A. No.
 16 Q. Did she ever tell that you she didn't like
 17 you?
 18 A. Yes.
 19 Q. Okay. When was that?
 20 A. Soon after we bought the house.
 21 Q. Okay. What was that conversation? What did
 22 she say?
 23 A. Didn't like the changes we were making.
 24 Q. Just to the house and the property?
 25 A. Yes.

1 A. In the past, she had threatened this before,
 2 but -- as far as things happen to outsiders.
 3 Q. I don't understand you.
 4 A. That they take care of things the hillbilly
 5 way.
 6 Q. Okay. And she's referring to you as an
 7 outsider, someone who's not from around there or not --
 8 A. That's correct, not a local, yes.
 9 Q. Did she say anything else to that effect, or
 10 threatening?
 11 A. She would ask -- she always said she knew when
 12 I was at home, when I was gone, kept an eye on us all the
 13 time.
 14 Q. Any other threatening behavior?
 15 A. She had talked about setting the house on fire
 16 several other times, but more like she was joking.
 17 Q. Okay. Did you ever take that to the police?
 18 A. No, but she said she had relatives and she
 19 would make sure I pay if I told anyone.
 20 Q. When did she make those comments?
 21 A. Throughout the entire five years.
 22 Q. Was there ever a time during the five years
 23 when you were on good terms with Janice Millsaps?
 24 A. When we first bought the house and before, I
 25 would speak with her.

1 Q. Okay. Did you ever invite her into your home?
 2 A. I had in the very beginning.
 3 Q. Okay. Were those pleasant experiences?
 4 A. Yes.
 5 Q. Had you ever been inside her home?
 6 A. No.
 7 Q. How many times would you say you invited her
 8 onto your property?
 9 A. Once.
 10 Q. Was that at the very beginning?
 11 A. Yes.
 12 Q. Okay. Did you immediately start having
 13 problems with her?
 14 A. Once she saw the changes.
 15 Q. Okay. What changes would she be referring to?
 16 A. Landscaping, remodeling, painting.
 17 Q. Let me ask you about this incident where she
 18 poisoned your dog. You said that she had bragged that
 19 she knew how to poison a dog without getting caught,
 20 right?
 21 A. That's correct.
 22 Q. Did she say that before or after the dog was
 23 actually poisoned?
 24 A. She had said it before, referring to a
 25 neighbor's animals, and then she said it after mine got

1 A. I would say approximately a year to two years
 2 after we moved in.
 3 Q. Have you ever talked to anyone about what the
 4 cause of the fire was?
 5 A. No.
 6 Q. You haven't talked to any fire investigators
 7 about what caused this fire?
 8 A. The only person I've spoken with was the one
 9 who interviewed us that was sent out from our insurance
 10 company.
 11 Q. Okay. Do you suspect anyone else is
 12 responsible for this fire?
 13 A. No, sir.
 14 Q. Just Janice Milleaps?
 15 A. Or someone she knows.
 16 Q. Did you have any trouble with any of the other
 17 neighbors or locals?
 18 A. No.
 19 Q. Let me show you what I'm going to mark as
 20 Exhibit 26.
 21 (Whereupon, Exhibit Number 26 was marked.)
 22 Q. I'll represent to you it's a Monroe County
 23 Sheriff's Office Incident Report like these others. If
 24 you will, take a look at that and read the narrative
 25 there. Tell me when you're finished.

1 sick and died, also.
 2 Q. Did she have any reason to want to poison your
 3 dog?
 4 A. Not that I would know of.
 5 Q. Did she ever complain to you about dogs
 6 barking or anything like that?
 7 A. She didn't like them coming in her yard.
 8 Q. Okay. Was that -- I assume that's before you
 9 got the fence, right?
 10 A. Yes and no. My answer to her was quit feeding
 11 them scraps, because she would call them over there.
 12 Q. Okay. Did you have a fence that went all the
 13 way around your property?
 14 A. No.
 15 Q. These pictures we've looked at, there's a
 16 fence on both sides of the gate, correct?
 17 A. Everything facing her and around that area was
 18 why I fenced.
 19 Q. When did you put up the fence?
 20 A. I believe it was -- I'm not for sure the exact
 21 date. Do you want me to guess?
 22 Q. If you have an estimate, and if you want to
 23 say it was how long after you moved in, that's fine. I
 24 don't need an exact date. I'm just trying to get an
 25 idea.

1 A. Okay.
 2 Q. Tell us about that incident, what happened.
 3 What prompted you to go to the Monroe County Sheriff's
 4 Department?
 5 A. Well, we went to move the boat off of the land
 6 after the fire, and it was making a really weird
 7 grinding, squeaking noise, so we stopped and noticed that
 8 the lug nuts were loosened.
 9 Q. Okay. How long had it been since you had
 10 moved the boat?
 11 A. Probably a week or so.
 12 Q. Okay. And you took that to the police, asking
 13 them to investigate that?
 14 A. We wanted to report. They told us to report
 15 anything and everything that we noticed after the fire.
 16 Q. Okay. Do you know who was responsible for
 17 that incident?
 18 A. No.
 19 Q. Is Janice still living there?
 20 A. Yes.
 21 Q. You had listed this property for sale, is that
 22 correct?
 23 A. That's correct.
 24 Q. Who was your real estate agent?
 25 A. Dan Watson.

1 Q. Okay. Did you handle the conversation with
2 Mr. Watson listing the property for sale?
3 A. Yes.
4 Q. Okay. Why did you list the property for sale?
5 A. I gave up. I didn't want to live in fear
6 anymore.
7 Q. You wanted to get away from Janice Hillspass?
8 A. That's correct.
9 Q. Did you ask for an increase in your insurance
10 coverage?
11 A. Yes.
12 Q. And was that you or was that Laura that
13 handled that?
14 A. I did.
15 Q. Okay. Tell me about that. When was that in
16 relation to the fire, or the date, if you know?
17 A. I don't know the exact date. Two, three weeks
18 before --
19 Q. Okay.
20 A. -- we were sent the letter.
21 Q. Why did you -- well, let me ask you this.
22 What letter are you referring to?
23 A. Our insurance company had sent us a letter
24 stating, if we had done any remodeling, repairs or
25 updates, that it was time for a check-up with our

1 then.
2 (Whereupon, Exhibit Number 27 was marked.)
3 Q. Now, this appears to be some type of pamphlet
4 that's been copied.
5 A. Yes, I copied it.
6 Q. And the second page looks like the inside
7 cover or, I'm sorry, the first page is the front cover,
8 and then the second page is the inside left and right --
9 A. Uh-huh.
10 Q. -- of the pamphlet, is that right?
11 A. That's correct.
12 Q. You say you got this two or three weeks before
13 the fire?
14 A. Yes.
15 Q. Okay. Did it come with a cover letter?
16 A. I'm not for sure about that.
17 Q. Okay. You got that in the mail, U.S. Mail?
18 A. Yes.
19 Q. What did you do in response to receiving this
20 pamphlet?
21 A. Made an appointment with our agent, Eric
22 Kurts.
23 Q. Eric Kurts. Okay. And what you were
24 referring to a few minutes ago, this is -- pages 5 and 6
25 of Exhibit 27 are typewritten, you're saying this is

1 insurance agent.
2 Q. Okay. You said that was two or three weeks
3 before the fire?
4 A. That's correct.
5 Q. Do you still have that letter?
6 A. Yes, I do.
7 Q. Would you give that to your attorney so we can
8 make that a late-filed exhibit? If you will, we're going
9 to make that a late-filed exhibit, Exhibit Number 27. If
10 you'll give that to your attorney, we'll make that a part
11 of this deposition. Okay?
12 A. I already have.
13 MS. HELD: You've given it to us already?
14 THE WITNESS: Yes.
15 MS. HELD: I remember this thing. Is this
16 what you're talking about.
17 THE WITNESS: That's it.
18 MS. HELD: Okay. I thought there was a
19 separate letter. I'm sorry. I thought it was a letter.
20 I didn't realize I had it.
21 THE WITNESS: And the back pages were what --
22 he needed to see what we had done, so I made a complete
23 list for him.
24 BY MR. HOGUE:
25 Q. Okay. I'm going to make this Exhibit 27,

1 information be requested about the remodeling you had
2 done?
3 A. Uh-huh.
4 Q. Is that right? You want to make sure that
5 that's --
6 A. I'm a very detailed person, and I wanted to
7 show him everything we had done, so I went through to the
8 best of my knowledge and did a walk-through and tried to
9 list everything that I had taken care of. And I had also
10 told him we were going to put the property up for sale
11 and what was going to be sold with it.
12 Q. Okay. Is there a list of what was to be sold
13 with the property?
14 A. Right there (indicating).
15 Q. So to be included in the sale is this 20-foot
16 jonboat boat, 12-foot jon boat, Bush Hog brand zero-turn
17 lawnmower, and a weed eater?
18 A. That's correct.
19 Q. Okay. Did you tell Mr. Kurts why you were
20 selling?
21 A. No.
22 Q. Okay. Is the remodeling of your home, is that
23 the only reason you increased your insurance coverage?
24 A. Yes.
25 Q. How did you arrive at the amount of the

1 increased coverage? Did you tell him what you wanted to
 2 list it for or insure it for?
 3 A. I gave him the list, described what I had
 4 done, and he figured it out based on square footage or
 5 something like that.
 6 Q. Do you know how much the property was listed
 7 for sale?
 8 A. 274.
 9 Q. How did you arrive at that figure?
 10 A. The real estate agent did comps and
 11 comparables of the area.
 12 Q. Why didn't you tell Mr. Kurts why you were
 13 selling the property?
 14 A. Didn't figure he needed to know. It was
 15 personal.
 16 Q. You didn't tell him you had had threats?
 17 A. No.
 18 Q. You didn't think he would want to know that?
 19 A. To me, it was personal, between the neighbor
 20 and us. It was embarrassing to tell people that
 21 someone's calling you a queer.
 22 Q. Of course, we haven't talked about this, but
 23 that word was what was written on the garage, correct?
 24 A. Yes, sir.
 25 Q. And was that written on the garage before you

1 she used that word, did she direct that to someone in
 2 particular?
 3 A. Just homosexuals in general.
 4 Q. Were you the one that handled the application
 5 when you bought the property?
 6 A. Yes.
 7 Q. Okay. And I'm referring to the AMFAC
 8 application. Is that still a yes?
 9 A. Yes.
 10 Q. Okay. I'll get you to take a look at it, if I
 11 can find it. This is Exhibit 3. I want you to take a
 12 look at that.
 13 A. They spelled the town wrong.
 14 Q. I'm sorry. What's that?
 15 A. They had spelled the town wrong.
 16 Q. Do you recognize Exhibit 3?
 17 A. Yes.
 18 Q. Is this the application that was completed
 19 when you applied for the AMFAC insurance policy?
 20 A. I believe so.
 21 Q. Okay. All right. The second page of Exhibit
 22 3, is your signature there at the bottom?
 23 A. Yes.
 24 Q. Okay. One of the questions is: Have you ever
 25 filed bankruptcy? Do you see that there?

1 left for Nashville?
 2 A. No.
 3 Q. Did you see it when you arrived and saw the
 4 property for the first time after the fire?
 5 A. No.
 6 Q. When did you first see that word written?
 7 A. The next day.
 8 Q. Had Ms. Williams called you that before? I
 9 believe we've already heard that she did that on August
 10 4th.
 11 A. Yes.
 12 Q. Other than that day, has she used that word
 13 before?
 14 A. She has referred to other people that way, but
 15 not personally to me.
 16 Q. When she used that word, did you say anything
 17 about that that was offensive or --
 18 A. No, I did not.
 19 Q. I assume that is offensive to you.
 20 A. Yes.
 21 Q. Okay. Do you know who she was referring to
 22 when she'd used that word before?
 23 A. The day of the threat she pointed at Laura and
 24 I, so I know she was using it toward myself and Laura.
 25 Q. And in the other instance you explained that

1 A. Yes.
 2 Q. Were you asked that question in the
 3 application process?
 4 A. I wouldn't remember.
 5 Q. Okay.
 6 A. If it's on there and I marked it, then I was.
 7 Q. Okay. Had you ever filed bankruptcy?
 8 A. Yes.
 9 Q. Okay. When was that?
 10 A. In the late nineties.
 11 Q. What type of bankruptcy was it?
 12 A. I don't remember.
 13 Q. Commonly there's Chapter 7 or Chapter 13
 14 (sic). Do you know which one?
 15 A. No.
 16 Q. Did you have a payment plan or did they
 17 discharge your debts?
 18 A. It discharged.
 19 Q. Was Mr. Kurts the one who handled your
 20 application?
 21 A. I believe so.
 22 Q. Okay. Did he ask you to fill out the
 23 questionnaire or did he ask you questions?
 24 A. I don't remember.
 25 Q. And has Laura Stutta filed bankruptcy?

1 A. Yes.
 2 Q. Do you know when here was?
 3 A. Late nineties.
 4 Q. Were y'all together when she filed for
 5 bankruptcy?
 6 A. Yes.
 7 Q. Okay. Did y'all file at the same time?
 8 A. No.
 9 Q. Was that --
 10 A. Close together.
 11 Q. Okay. Was that bankruptcy, referring to your
 12 bankruptcy, was that in Oklahoma?
 13 A. I filed in California.
 14 Q. And where in California were you living?
 15 A. Fresno. Do I tell why I filed?
 16 MS. HELD: He hasn't asked.
 17 Q. You can tell me if you want. Otherwise, I
 18 don't need to know.
 19 A. Okay.
 20 MS. HELD: That was a long time ago.
 21 Q. All right. We asked Laura Stutte about lots
 22 of the household expenses and finances. Is it fair to
 23 say that she handles most of those?
 24 A. Yes.
 25 Q. Okay. There are some things that she didn't

1 is?
 2 A. \$3,892. Minimum payments?
 3 Q. I think I saw that in this box here
 4 (indicating).
 5 A. \$126.
 6 Q. Okay. That's the minimum payment for your
 7 credit card, is that right?
 8 A. Yes. No. Minimum payment right here, \$76.
 9 Q. Oh.
 10 A. That's showing an average --
 11 Q. Oh, I see.
 12 A. -- over three years.
 13 Q. \$76. Okay.
 14 A. Yes.
 15 Q. Thank you. I understand from Laura that you
 16 have a new Best Buy credit card in your name.
 17 A. Yes.
 18 Q. Was that obtained after the fire?
 19 A. Yes.
 20 Q. Okay. Other than that Capital One and this
 21 new Best Buy card, were there any other credit cards in
 22 your name at the time of the fire?
 23 A. Not that I recall.
 24 Q. Okay. Had you moved any belongings out of the
 25 house before the fire?

1 know, and I think one of those was she said that you had
 2 a Capital One credit card in your name. Is that right?
 3 A. Yes.
 4 Q. Okay. Do you know how much the balance was at
 5 the time of the fire?
 6 A. No. Do you have a copy of the bill?
 7 MS. HELD: We do, because it was the one used
 8 for the Nashville trip.
 9 Q. Oh.
 10 MS. HELD: Good thinking.
 11 Q. All right. I'm referring to Exhibit 20, the
 12 last page of Exhibit 20. Is that a credit card statement
 13 from Capital One --
 14 A. Yes.
 15 Q. -- for your credit card?
 16 A. Yes.
 17 Q. Do you see the balance on there anywhere?
 18 A. Help me out here.
 19 MS. HELD: There it is, 3,892.
 20 A. Right there (indicating).
 21 Q. Thank you. I'm trying to find the minimum
 22 payment due. Do you happen to know? She said 3,892.
 23 MS. KINSEW: She said that.
 24 MS. HELD: Actually, I said it.
 25 Q. Oh. Could you tell us how much the balance

1 A. Yes.
 2 Q. Okay. In the 60 days before the fire, what
 3 had you moved or removed from the property?
 4 A. Due to staging and decluttering, books and
 5 bookshelves, some tools.
 6 Q. What else?
 7 A. Trying to remember. Landscaping supplies.
 8 The realtor said my office was too cluttered and asked me
 9 to declutter that. So there would have been supplies.
 10 Q. Okay. What did you remove from your office?
 11 A. I had a large desk in there, and I removed it.
 12 Q. Okay.
 13 A. Boxes of miscellaneous supplies.
 14 Q. Like office supplies?
 15 A. Yes.
 16 Q. Unused office supplies?
 17 A. That's correct.
 18 Q. Did you remove any other furniture other than
 19 that desk?
 20 A. Bookshelves.
 21 Q. Anything else?
 22 A. Do you mind bearing with me while I go from
 23 room to room?
 24 Q. Sure. Take as long as you need.
 25 A. Okay.

1 Q. Or another topic, how many bookshelves were
2 removed?
3 A. I believe four. I removed -- let me try to
4 think. Rocking chair. Actually, my mind is blank at the
5 moment on some of the clutter I removed.
6 Q. Let's talk about furniture. You've said four
7 bookshelves, a large desk and a rocking chair. Any other
8 furniture you can recall?
9 A. And you said 60 days prior, or 60 days --
10 Q. I'm trying to get a time span before the fire,
11 60 days before the fire.
12 A. Okay.
13 Q. Is that when you removed all these other
14 things you've been talking us about?
15 A. Yes.
16 Q. Okay. Let's stick to that time frame, then.
17 A. I'm sure there were things, but I can't recall
18 right at the moment.
19 Q. Okay. That's fine. What size were these
20 bookshelves?
21 A. Maybe three by sixes.
22 Q. Six feet tall and three feet wide?
23 A. Yes. That's a guess.
24 Q. Okay. Where did you move all this stuff
25 you're talking about, where did it go?

1 A. Down to the studs, no insulation, no
2 electrical, no plumbing.
3 Q. So it was basically unlivable at that point?
4 A. That's correct.
5 Q. And where did all these things that you moved
6 from your house, where did they go in the Depot Street
7 house?
8 A. There's a large laundry, or what's going to be
9 a laundry room, and then it has a large basement.
10 Q. Okay. Other than the Depot Street property,
11 did you take any of the stuff that you moved from your
12 house to any other location?
13 A. I have a storage in Vanore.
14 Q. Okay. What was in the storage unit at the
15 time of the fire, just in general? You don't have to
16 tell us specifics.
17 A. Oh, okay. The desk, odd-and-odd clothing that
18 we had pack-ratted since California.
19 Q. Okay.
20 A. Odd-and-odd decorations that had not been
21 unpacked since California.
22 Q. Anything else?
23 A. Nothing of value.
24 Q. How long had you had that storage unit before
25 the fire?

1 A. To 216 Depot Street.
2 Q. Okay. I haven't asked you about that. I
3 understand that was some other property you owned?
4 A. Yes.
5 Q. When did you purchase the Depot Street
6 property?
7 A. I believe three years ago.
8 Q. What was the purpose of that purchase?
9 A. My daughter and her husband at the time were
10 wanting to start a family and move closer to us.
11 Q. So the house was intended for them?
12 A. That's correct.
13 Q. Okay. Did you do any remodeling of that
14 property?
15 A. Have I?
16 Q. Yes.
17 A. Yes.
18 Q. Okay. What have you done to remodel?
19 A. I have completely gutted it down to the studs.
20 Q. Now, when did that work start in relation to
21 this fire? Had you started that before the fire?
22 A. Oh, yes. This has been started within the
23 last three years.
24 Q. Okay. What was the condition of the Depot
25 Street house at the time of the fire?

1 A. I want to guess a year.
2 Q. Okay. Did you just have one?
3 A. Yes.
4 Q. Okay. Do you own any other property, other
5 than this house we're talking about today and the Depot
6 Street property?
7 A. No, sir.
8 Q. Have you ever been involved in a lawsuit?
9 A. Yes.
10 Q. What lawsuits have you been involved in?
11 A. An Asian sued my daughter in California.
12 Q. An Asian person?
13 A. (Witness moves head up and down.)
14 MS. HELD: You have to say it out loud, dear.
15 A. Yes, yes.
16 Q. What was that about?
17 A. High-speed police chase. The police ran
18 through oncoming traffic, you know, green signal light,
19 and my daughter bumped the rear of this Asian's vehicle,
20 and he sued us, or sued me.
21 Q. When was that?
22 A. I believe that was 2000 -- I want to say 2003
23 or 2003.
24 Q. Your daughter wasn't involved in the
25 high-speed chase, was she?

1 A. No.
 2 Q. She was just other traffic?
 3 A. She was other traffic.
 4 Q. Any other lawsuits you've been involved in?
 5 A. Not that I recall.
 6 Q. Other than divorce.
 7 A. Oh, yeah.
 8 Q. Have you ever made any insurance claims other
 9 than this fire?
 10 A. Back in '95, I believe, it was either '95 or
 11 first of '96, we had rented one of our homes out to some
 12 fellow hospital workers when we went on a travel
 13 assignment, and I came back and they had completely
 14 cleaned the house out, appliances and everything.
 15 Q. And you made a claim against your homeowners
 16 insurance for that?
 17 A. That's correct.
 18 Q. Okay. You may have said this, but was that in
 19 California, or was that --
 20 A. That was Oklahoma.
 21 Q. That was Oklahoma. Okay. Any other insurance
 22 claims?
 23 A. Homeowners type things?
 24 Q. Homeowners or automobile policies or any other
 25 kind of insurance claims.

1 policy for that?
 2 A. That's correct.
 3 Q. Any other insurance claims?
 4 A. Laura I believe last year was in an accident
 5 due to bad weather, and it was on my Nissan truck that
 6 she was in the accident in.
 7 Q. That was in your vehicle?
 8 A. Well, ours.
 9 Q. Okay. Is that the vehicle you typically
 10 drive, a Nissan truck?
 11 A. Yes, it was.
 12 Q. When was this accident?
 13 A. I don't recall the exact date.
 14 Q. What vehicle do you drive now?
 15 A. Chevy truck.
 16 Q. Okay. Do you have your driver's license with
 17 you?
 18 A. Yes, I do. May I go get it?
 19 Q. I need to look at that.
 20 A. (Witness produces driver's license.)
 21 Q. I'm looking at your driver's license here.
 22 It's Tennessee license number 115794612, date of birth
 23 February 19, 1963, is that right?
 24 A. Correct.
 25 Q. All right. Has your license ever been

1 A. We had had our Ford Explorer stolen, I
 2 believe -- do you have the police report on that?
 3 MS. HELD: I don't think I do.
 4 Q. Okay.
 5 A. It's been in the last couple of years.
 6 Q. Where was that car stolen from?
 7 A. The house in Vance.
 8 Q. The house that burned?
 9 A. Yes.
 10 Q. Did they ever recover the vehicle?
 11 A. No.
 12 MS. HELD: I'll double-check.
 13 Q. Did they ever catch the person that stole the
 14 vehicle?
 15 A. No.
 16 Q. Do you suspect anyone? Say that a better way.
 17 Do you know who stole it?
 18 A. No.
 19 Q. Okay. Do you have any suspicions as to who
 20 stole it?
 21 A. No.
 22 Q. Do you think Janice Millsaps stole the
 23 vehicle?
 24 A. No.
 25 Q. So you made a claim against your automobile

1 suspended or revoked?
 2 A. No.
 3 MS. HELD: Gentlemen, while I'm thinking of
 4 it, we need to give about a 30-minute warning to Kimberly
 5 to get here, 30 minutes before y'all think you're ready
 6 for her.
 7 MR. ROGUE: I think it would probably be good
 8 now.
 9 MS. HELD: Want to take a break and -- it felt
 10 like you were winding up.
 11 MR. ROGUE: Yeah. Let's do that. You want to
 12 call her?
 13 (Whereupon, a break was taken.)
 14 BY MR. ROGUE:
 15 Q. Have you ever had any license suspended or
 16 revoked, not just your Tennessee license?
 17 A. (Witness moves head from side to side.)
 18 Q. En?
 19 A. No.
 20 Q. Was there an alarm on this property?
 21 A. No.
 22 Q. Did you have any kind of security devices?
 23 A. We had the spotlights.
 24 Q. Okay.
 25 A. And as we told our agent, the three dogs were

1 our alarm system.
 2 Q. Okay. I think I know what you mean, but what
 3 do you mean when you say the three dogs are your alarm
 4 system?
 5 A. Barking.
 6 Q. Any other security devices?
 7 A. My gun.
 8 Q. How many firearms do you own?
 9 A. I'm not for sure.
 10 Q. Is it more than five?
 11 A. Yes.
 12 Q. Okay. More than ten?
 13 A. I don't believe so.
 14 Q. Okay. Were there any firearms destroyed in
 15 this fire?
 16 A. Yes.
 17 Q. Okay. What firearms were destroyed?
 18 A. I had two Kel-Tec 80 -- .380's.
 19 Q. Okay. I'm not real familiar with guns.
 20 Kel-Tec is the brand?
 21 A. Yes.
 22 Q. Two Kel-Tec .380 caliber?
 23 A. Yes. Girl guns.
 24 Q. Those are girl guns?
 25 A. Yes.

1 A. Just dead bolt -- the house that's vacant?
 2 Q. The Depot Street house.
 3 A. Yes. There's no security, other than I have
 4 friends that will drive by and check on it --
 5 Q. Okay.
 6 A. -- and dead bolts.
 7 Q. Any alarms?
 8 A. No. There's no electricity.
 9 Q. Okay. Any cameras?
 10 A. No.
 11 Q. Any bars on the windows, anything like that?
 12 A. (Witness moves head from side to side.)
 13 Friends and neighbors watching it.
 14 Q. Did you have family photos that were destroyed
 15 in the fire?
 16 A. Those were in storage. There were a few that
 17 were around in the house.
 18 Q. Okay. Where did you keep your photos before
 19 the fire?
 20 A. The office.
 21 Q. Okay. And are those things you moved out of
 22 the office?
 23 A. Correct.
 24 Q. And you moved those to storage?
 25 A. Uh-huh.

1 Q. Okay. What other guns do you own? Maybe it's
 2 easier if I ask --
 3 A. No, I was trying to remember because I haven't
 4 had them -- they've been in storage since Oklahoma. A
 5 shotgun, .22 rifle. Bear with me here. I'm having to
 6 remember a number of years back. A 30-30, a .38 handgun
 7 and I believe a .270.
 8 Q. Okay. So at the time of the fire you had
 9 seven firearms, does that sound right?
 10 A. I believe so.
 11 Q. Okay.
 12 A. Not at the house, though.
 13 Q. And only two of those were destroyed in the
 14 fire, is that correct?
 15 A. That's correct.
 16 Q. Where were these other guns stored?
 17 A. I kept them in the nightstands, in the
 18 bedroom.
 19 Q. I meant the other ones, the ones that weren't
 20 destroyed.
 21 A. Oh, I kept them over at the other house.
 22 Q. The Depot Street house?
 23 A. That's correct.
 24 Q. Was there any security at the Depot Street
 25 house?

1 Q. We've been referring to some photographs that
 2 were in this warron notebook, or warron album.
 3 A. Yes.
 4 Q. And generally it shows pictures before the
 5 fire and after the fire, is that right?
 6 A. Correct.
 7 Q. Where were these photographs that were taken
 8 before the fire, where were they located at the time of
 9 the fire?
 10 A. They were on my camera disk --
 11 Q. Okay.
 12 A. -- with me in Nashville.
 13 Q. Are you talking about like an SD card?
 14 A. Yeah.
 15 Q. They were actually in your camera?
 16 A. Yes.
 17 Q. Did you have any other photo storage devices,
 18 I'll call them, CDs, thumb drives, SD cards, anything
 19 like that?
 20 A. Where at?
 21 Q. At the time of the fire, did you have any of
 22 those other types of devices, other than the one you had
 23 in your camera?
 24 A. I had things like that in my office that were
 25 in the fire.

1 Q. Those were destroyed in the fire, as well?
 2 A. Yes.
 3 Q. You didn't remove those from the office when
 4 you were cleaning things out?
 5 A. They were little. They weren't clutter.
 6 Q. That's a no?
 7 A. No, they were not removed.
 8 Q. When did you first contact your real estate
 9 agent about listing the house for sale?
 10 A. It was, I don't know the exact date, before
 11 the threat, though.
 12 Q. Approximately how long before the threat? I'm
 13 assuming, when you say threat, you mean the August 4th
 14 incident that's reflected in --
 15 A. That's correct.
 16 Q. Okay. How long before that incident was it
 17 when you contacted the real estate agent and listed the
 18 house for sale?
 19 MS. HEND: Am I allowed to register an
 20 objection to the form of the question?
 21 MR. HOGUE: I'll ask it again.
 22 BY MR. HOGUE:
 23 Q. I think you said that you contacted your real
 24 estate agent before --
 25 A. Yes.

1 on the night of the fire on the telephone?
 2 A. No.
 3 Q. Do you know what department he was with?
 4 A. Monroe County Sheriff.
 5 Q. Would you have known if it was Mr. Haynes that
 6 you had to talk to before?
 7 A. The phone was cutting in and out.
 8 Q. Let me ask you about the tax returns.
 9 A. Uh-huh.
 10 Q. I want to refer you to Exhibit 4. That
 11 appears to be the 2006 tax return for Laura Stutte --
 12 A. That's correct.
 13 Q. -- is that correct? And you're listed as a
 14 dependent on that tax return, is that right?
 15 A. Yes.
 16 Q. Okay. What is your Social Security number?
 17 This shows the fourth and fifth digits as being 70. Is
 18 that right? We've seen where it's 75.
 19 A. No, it's 75.
 20 Q. Okay. It's supposed to be 75?
 21 A. Yes.
 22 Q. So it's 441-76-3283?
 23 A. That's correct.
 24 Q. Okay. Now, we have your 2006 through 2009 tax
 25 returns or, rather, they're Laura's tax returns. Are you

1 Q. -- this threat, correct?
 2 A. (Witness moves head up and down.)
 3 Q. Okay. And the threat we're talking about is
 4 the August 4th threat, correct.
 5 A. Yes.
 6 Q. How long before that threat did you contact
 7 your real estate agent?
 8 A. I'm not for sure the exact date.
 9 Q. Okay. Approximately how long? Was it more
 10 than a week?
 11 A. Yes.
 12 Q. More than a month?
 13 A. No. Probably a couple of weeks, guessing.
 14 Q. When in relation to when you signed the
 15 listing agreement did you first speak with your real
 16 estate agent, Mr. Watson?
 17 A. What was the question?
 18 Q. That was a bad question. I'm sorry. You
 19 signed the listing agreement with Mr. Watson, correct, to
 20 list the property for sale, correct?
 21 A. Yes.
 22 Q. Did you sign that contract the same day you
 23 saw him to talk about the listing?
 24 A. Yes.
 25 Q. Okay. Do you know which officer you talked to

1 listed as a dependent on each of those returns?
 2 A. Should be.
 3 Q. Okay. Do you earn any income at this point?
 4 A. No.
 5 Q. When was the last time before the fire that
 6 you earned income, that you were working?
 7 A. 2000 -- I want to say end of 2005, maybe the
 8 beginning of 2006.
 9 Q. And what were you doing to earn income, what
 10 kind of work were you doing?
 11 A. Retail.
 12 Q. Where was that at?
 13 A. Petland, I believe.
 14 Q. Where is that?
 15 A. It was in Maryville.
 16 Q. Is it still there?
 17 A. No.
 18 Q. What other occupations have you had in, let's
 19 say, the last six years?
 20 A. Side jobs, including landscaping, mowing,
 21 mostly just working on the home, remodeling it for us.
 22 Q. How long had your daughter been living at the
 23 property before the fire?
 24 A. Could you repeat that?
 25 Q. How long had your daughter been living with

1 you before the fire?
 2 A. I would guess about a year.
 3 Q. Okay. Was she contributing to monthly
 4 expenses, was she paying any expenses or giving you money
 5 to cover monthly expenses?
 6 A. (Witness moves head up and down.)
 7 Q. Yes?
 8 A. Yes.
 9 Q. How much was she paying?
 10 A. I believe it was 200 a month.
 11 Q. Did you have any kind of agreement with her
 12 that she would pay that?
 13 A. She came -- she just does that on her own.
 14 Q. Just voluntarily?
 15 A. Yes.
 16 Q. Did she have any pets?
 17 A. Not at the time of the fire.
 18 Q. Look through my notes. I think I'm almost
 19 finished.
 20 A. Could I re-answer that last question again?
 21 Q. Sure.
 22 A. We had another Lab that she had bought us,
 23 which it kind of took to her, so I don't know if she'll
 24 consider that her pet, but it disappeared when we were
 25 out of town, in Oklahoma.

1 Q. When was that, when did the dog disappear?
 2 A. I believe that would have been in June.
 3 Q. June of this year?
 4 A. Yes.
 5 Q. Now, I'm glad you asked that question, if you
 6 could modify your answer. If you think of something
 7 you've said and that you need to correct, or if you need
 8 to correct it or you need to add to it, you can feel free
 9 to do that.
 10 A. Thank you. Well, it wasn't here, but I know
 11 she might consider it hers.
 12 MS. HELD: Off the record.
 13 (Whereupon, a discussion was held off the
 14 record.)
 15 BY MR. HOQUE:
 16 Q. Were you having any financial problems at the
 17 time of the fire?
 18 A. No.
 19 Q. The household income was sufficient to cover
 20 the household expenses?
 21 A. Uh-huh. Yes.
 22 Q. Had you ever listed the Depot Street property
 23 for sale before the fire?
 24 A. No.
 25 Q. Have you since listed it for sale?

1 A. No.
 2 Q. Have you ever talked to anyone about
 3 purchasing that property?
 4 A. Yes.
 5 Q. Okay. Who was that?
 6 A. I talked to the local grocery store owner.
 7 Q. What's his name?
 8 A. T. E. Sloan.
 9 Q. Okay. When did you speak to Mr. Sloan about
 10 purchasing that property?
 11 A. I don't know the exact date. Do you want me
 12 to give you a guesstimate?
 13 Q. Was it before or after the fire?
 14 A. It was after.
 15 Q. Okay. Was it within the month after the fire?
 16 A. A month to two months after the fire.
 17 Q. And why did you ask him to purchase that
 18 property?
 19 A. I was scared to go back to Vancore.
 20 Q. I know you said that you didn't cross the
 21 police tape when you got there the night of the fire.
 22 When did you go back to the property, if you've been
 23 back?
 24 A. I went back the next day. And I went onto the
 25 land. There's a back way.

1 Q. Okay. And did you go right up to the -- to
 2 where the house had been?
 3 A. No.
 4 Q. Did you go around the garage area?
 5 A. I stayed in the back yard on my boat.
 6 Q. Okay. Did you at any point after the fire
 7 inspect the area around the garage or around the house?
 8 A. When -- I didn't inspect it, but when American
 9 National had inspectors come out, they would ask me to
 10 come up there and walk around with them.
 11 Q. Okay. Was the garage secured --
 12 A. Yes.
 13 Q. -- when you went back?
 14 A. Yes.
 15 Q. Okay. Did you have any gasoline in the garage
 16 before the fire?
 17 A. No.
 18 Q. Did you have any gasoline outside the garage
 19 at the time of the fire?
 20 A. Yes.
 21 Q. Okay. What gasoline containers did you own?
 22 A. I had diesel and -- is that what you're
 23 meaning about the gasoline that I had or --
 24 Q. Well, I mean, what kind of containers did you
 25 have around the garage?

1 A. I had red gasoline containers. I'm sorry.
 2 Q. What size?
 3 A. Oh, okay. I had some one- and five-gallon.
 4 Q. Okay. How many one-gallon containers did you
 5 have?
 6 A. Do you want me to guess?
 7 Q. Do you know?
 8 A. I do not know accurate.
 9 Q. Is it more than one?
 10 A. Yes.
 11 Q. Okay. Less than five?
 12 A. Yes, one-gallon.
 13 Q. And you had some other containers that were
 14 larger than one-gallon, correct?
 15 A. Yes.
 16 Q. And what size were those?
 17 A. Around five.
 18 Q. Do you know how many of those you had?
 19 A. No.
 20 Q. More than one?
 21 A. Yes.
 22 Q. Less than five?
 23 A. May have been more than five.
 24 Q. Had those been disturbed when you went back to
 25 the property?

1 A. Not that I could tell. They were empty.
 2 Q. Were they empty before?
 3 A. Yes. I had used them. Can I say something to
 4 you? Can I say --
 5 Q. You can say something to me.
 6 MS. HELD: Can she consult with counsel?
 7 A. Or can it be off the record if I ask you a
 8 question, and then you can put it on the record? I don't
 9 know how this works.
 10 MR. KINGMAN: Let me think a second.
 11 THE WITNESS: Okay.
 12 MR. KINGMAN: Generally we don't like for
 13 witnesses to ask their attorneys for advice on how to
 14 answer a question.
 15 THE WITNESS: Okay.
 16 MR. KINGMAN: But if you're confused about a
 17 question, you can ask for clarification, but I don't
 18 think it's really appropriate for you to ask your
 19 attorney for advice on what to say.
 20 MS. HELD: And we covered that before today,
 21 that I can't advise her as to the nature of her
 22 testimony. But if you have a procedural question, of
 23 course, that's why I'm here.
 24 THE WITNESS: No. I was going to clarify
 25 something.

1 MS. HELD: You might ask her why the gas cans
 2 were empty. I bet I know what she's wanting to tell you.
 3 BY MR. HOGUE:
 4 Q. Why were the gas cans empty?
 5 MS. HELD: Because I've talked to her enough.
 6 A. The officer -- we had filed the original
 7 police report on the threat.
 8 Q. Uh-huh.
 9 A. He had told me that it behooved me to pour all
 10 the gasoline into my vehicles and into my lawn equipment
 11 and to make the area safer because of the neighbor's
 12 threat.
 13 Q. Okay. Was that Deputy Haynes?
 14 A. I believe so.
 15 Q. And is that what you did, you emptied the gas
 16 cans?
 17 A. Yes.
 18 Q. I believe you're going to say you had some
 19 diesel.
 20 A. Yes.
 21 Q. What diesel containers did you have, if they
 22 were different? You told us you had several one-gallon
 23 containers and several five-gallon containers.
 24 A. Uh-huh.
 25 Q. Did you have diesel containers, separate from

1 that, or were some diesel and some regular?
 2 A. Some were diesel, some were regular gas.
 3 Q. Did Deputy Haynes tell you to take any other
 4 precautions?
 5 A. He jokingly stated, You'd better make sure you
 6 have good insurance. And I said, We're with a good
 7 company.
 8 Q. You may have already said this, but was that
 9 before or after you spoke with Eric Kurts about
 10 increasing your coverage?
 11 A. That was after, I believe.
 12 Q. Okay.
 13 MS. HELD: Is that what you were going to ask
 14 me?
 15 THE WITNESS: Yes.
 16 MS. HELD: I feel like I've known you a long
 17 time.
 18 THE WITNESS: Well, you know we have that
 19 equipment.
 20 BY MR. HOGUE:
 21 Q. Is it fair to say that, because of the advice
 22 given to you by Deputy Haynes, you didn't have any
 23 gasoline around the exterior of the house?
 24 A. That's correct.
 25 Q. Okay. Did you have any other flammable

1 liquids other than gasoline?
 2 A. Such as?
 3 Q. Diesel or kerosene?
 4 A. The diesel was put in my tractor.
 5 Q. Any other flammable liquids around the house?
 6 A. I don't have kerosene.
 7 Q. Did you have any flammable liquids inside the
 8 house?
 9 A. What's considered flammable?
 10 Q. Well --
 11 MR. HEGD: Fingernail polish remover.
 12 A. Oh, well, yes, I had fingernail polish
 13 remover.
 14 Q. You didn't keep gasoline inside your house.
 15 did you?
 16 A. Oh, no.
 17 Q. No diesel inside your house?
 18 A. No.
 19 Q. Any kerosene lamps inside your house?
 20 A. No.
 21 Q. Was there anything flammable inside your
 22 garage?
 23 A. No. Well, I don't know what was flammable.
 24 There was no gasoline inside the garage.
 25 Q. Okay.

1 A. Yes.
 2 Q. Is that the August 4th incident when she said
 3 that?
 4 A. And previous.
 5 Q. Tell me about every time she threatened to
 6 burn down your house.
 7 A. Oh, goodness. As I said before, mostly it was
 8 in a joking manner, about us being Yankees --
 9 Q. Uh-huh.
 10 A. -- and outsiders, and that's what they do to
 11 people around there.
 12 Q. She said in a joking manner?
 13 A. Previously.
 14 Q. Before August 4th, right?
 15 A. August 4th, yes.
 16 Q. Did you think she was joking when she made
 17 those comments?
 18 A. I was very leary, and so I would not leave the
 19 house much.
 20 Q. Were there any other incidents when she made
 21 direct threats to burn down your house?
 22 A. Not other than what I've mentioned.
 23 Q. Okay. When did you move the fire alarms to
 24 the Depot Street property?
 25 A. Can I venture a guess?

1 MR. KINGSBORN: I want to make sure I understand
 2 this. There were no containers containing gasoline
 3 sitting outside your house before the fire?
 4 THE WITNESS: There were empty containers.
 5 MR. KINGSBORN: Okay. All the containers
 6 outside your house that could have had gasoline were
 7 empty, is that correct?
 8 THE WITNESS: They were on the other side of
 9 my garage, which --
 10 MR. KINGSBORN: And they were empty?
 11 THE WITNESS: They were empty.
 12 MR. KINGSBORN: Sorry, Chad.
 13 MR. HOGUE: That's okay.
 14 BY MR. HOGUE:
 15 Q. Did Deputy Haynes give you any other advice
 16 following that August 4th incident, other than what
 17 you've told us?
 18 A. Not that I recall.
 19 Q. Did you speak with anybody else about that
 20 incident?
 21 A. About the threat?
 22 Q. Yes. I'm talking about the August 4th threat.
 23 A. I had told a neighbor, Lora Black.
 24 Q. Did Janice Millsaps tell you directly that she
 25 was going to burn down your house at any point?

1 Q. Yes.
 2 A. I would say about a year previously.
 3 Q. Okay. Was the Depot Street property insured?
 4 A. Yes.
 5 Q. Who did you have insurance with?
 6 A. Our agent, Eric Kurtz, has it insured through
 7 Zurich.
 8 Q. Do you know what the limits of that insurance
 9 is, or was at the time of the fire?
 10 A. And we're talking about the Depot Street
 11 house?
 12 Q. Yes.
 13 A. No, I don't recall.
 14 Q. What kind of policy did you have, was it like
 15 a regular homeowners policy?
 16 A. No. Through Zurich, it's a remodeler,
 17 builder's type, a home that's not inhabited, but that
 18 you're in the process of working on it. I don't know
 19 what the policy is called, but Zurich handles --
 20 Q. Okay.
 21 A. -- some type of policies like that.
 22 Q. Do you know if that policy has contents
 23 coverage?
 24 A. I don't know.
 25 Q. Okay. Did you ever ask Eric Kurtz about

1 whether it had contents coverage?
 2 A. I know I told him I have tools over there for
 3 working on the house, but --
 4 Q. When did you purchase the insurance for the
 5 Depot Street property?
 6 A. When we bought the home several years ago.
 7 Q. And has it been with Zurich the entire time
 8 you've owned it?
 9 A. I believe so.
 10 Q. Let me look at my notes. When you signed the
 11 application for insurance for this property, was the
 12 application already filled out, all the information on
 13 the form?
 14 A. For Depot or --
 15 Q. No. I'm talking about the house that we're
 16 here about today.
 17 A. Okay. Okay. Repeat the question.
 18 Q. When you signed the application --
 19 A. Uh-huh.
 20 Q. -- was the application already filled out?
 21 A. I don't recall.
 22 Q. Did you read the application before you signed
 23 it?
 24 A. I would think I would.
 25 Q. Is that your habit, to read things before you

1 Q. What did that business do? Did it generate
 2 any income?
 3 A. No. The accountant set it up for -- I don't
 4 even know why he set it up now.
 5 Q. Just for tax reasons?
 6 A. Yes.
 7 Q. Laura mentioned some IRS troubles.
 8 A. That's correct.
 9 Q. And was that related to the business?
 10 A. It was related to the accountant not filling
 11 out things correctly.
 12 Q. Okay. Do you know exactly what the IRS is
 13 saying was the problem with your returns?
 14 A. We never could get a direct answer. It has
 15 something to do with some things he was filling out
 16 wrong. We've had it resolved since then.
 17 Q. Do you have any relatives in Monroe County?
 18 A. No. My daughter.
 19 Q. Where does she live now?
 20 A. With us, in Knoxville.
 21 Q. The way you answered it I thought she might
 22 still be living there. Did you ever change your address
 23 with the postal service?
 24 A. Yes.
 25 Q. What was the reason for that?

1 sign them?
 2 A. Eric, I remember, went over and quickly
 3 explained each part.
 4 Q. Okay. So your memory is he would explain each
 5 section of the application before asking you to sign it?
 6 A. Yes.
 7 Q. You told us about a claim you had in Oklahoma,
 8 I think that was Oklahoma, may have been California, I'm
 9 a little confused, where you rented to some folks and
 10 they cleaned it out?
 11 A. Yes, that was Oklahoma.
 12 Q. Okay. Who was the insurer that you made the
 13 claim against?
 14 A. I don't recall.
 15 Q. Do you recall how much was paid?
 16 A. No. That was in '95, '96.
 17 Q. Okay.
 18 A. I don't remember.
 19 Q. Give me just a minute. Do you know anything
 20 about the business L & C Stutte, Inc.?
 21 A. Yes.
 22 Q. Were you involved in that business?
 23 A. I handle all the paperwork.
 24 Q. Okay. Is that business still active?
 25 A. No.

1 A. The neighbor, Janice Millsaps, taking the
 2 package.
 3 Q. That was the UPS package we've already talked
 4 about?
 5 A. We changed it sometime after that.
 6 Q. Did she ever disturb your U.S. Mail --
 7 A. Yes.
 8 Q. -- that you got through the U.S. Postal
 9 Service?
 10 A. (Witness moves head up and down.)
 11 Q. Tell me about that.
 12 A. When we very first moved in she would bring
 13 the mail up to me, and I asked her not to do that, that I
 14 was capable of walking to the mailbox myself.
 15 Q. Any other incidents regarding your mail?
 16 A. Not that I saw personally.
 17 Q. When did you fill out that change of address?
 18 A. After she took our daughter's UPS package. I
 19 don't know the date.
 20 Q. This is a question we typically ask, I don't
 21 want you to take any offense with it, but did you have
 22 anything to do with this fire?
 23 A. No.
 24 Q. Did you ask anyone to set this fire for you?
 25 A. No.

1 O. Okay. That's all I have. Thank you very
2 much.
3 (Examination Under Oath concluded.)
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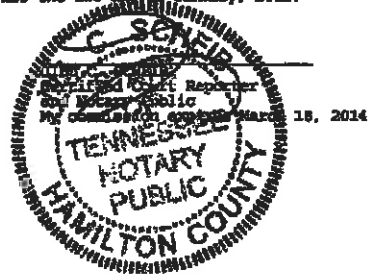
REPORTER'S CERTIFICATE

STATE OF TENNESSEE :
COUNTY OF HAMILTON :

I, Jill C. Scheib, do hereby certify that the foregoing Examination Under Oath was stenographically recorded by me as stated in the caption; that CAROL ANN STUTTE was duly sworn by me; that pages 1 to 87, inclusive, were reduced to typewriting under my direction and supervision; and the deposition is a true and correct record, to the best of my ability, of the testimony given by the witness.

I further certify that I am not a relative or employee or attorney or counsel of any of the parties, nor am I a relative or employee of such attorney or counsel, nor am I financially interested in the action.

This the 1st day of January, 2011.



ERRATA SHEET
I, CAROL ANN STUTTE, the witness herein, have read the transcript of my testimony and the same is true and correct, to the best of my knowledge, with the exception of the following changes noted below, if any:

PAGE/LINE	/CHANGE	/REASON

CAROL ANN STUTTE
Sworn to and subscribed before me,
this the ___ day of _____, 2011.

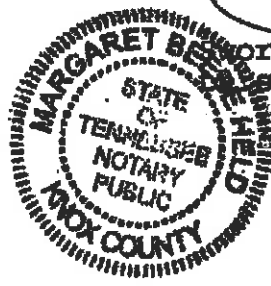
Notary Public
My commission expires: _____

ERRATA SHEET

I, CAROL ANN STUTTE, the witness herein, have read the transcript of my testimony and the same is true and correct, to the best of my knowledge, with the exception of the following changes noted below, if any:

PAGE/LINE	/CHANGE	/REASON
7 5	our (not her)	
20 5, 8+10	Kaī (not Ky)	names spelled wrong
21 8	Kaī + Karel	names spelled wrong
20 5	Karel + Kaī	names spelled wrong
20 6	Karel + Kaī	names spelled wrong
20 8	Kaī	names spelled wrong
20 10	Karel + Kaī	names spelled wrong
20 12	Neubert	name spelled wrong
20 17	Neubert	name spelled wrong

Carol Ann Stutte
 CAROL ANN STUTTE



born to and subscribed before me,
 the 3rd day of January, 2011.
Margaret Held
 Notary Public
 My commission expires: 11-12-2011