

EXHIBIT 4

IN RE:
 INSURED: Carol Ann Statte and Laura Statte
 POLICY NO: 41-R-V66965
 CLAIM NO: 41-R-25N023-R
 DATE OF LOSS: 9/4/2010

EXAMINATION UNDER OATH OF
 LAURA JEAN STATTE
 December 21, 2010

JILL C. SCHEIB, CERTIFIED COURT REPORTER
 447 Maulsach Road
 Chattanooga, Tennessee 37415
 (423)544-7886 Fax: 423-443-4853
 jillscheib@comcast.net



The Examination Under Oath of LAURA JEAN STATTE, 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:

MARGARET HEID, ESQUIRE
 Heid Law Firm
 1522 Highland Avenue
 Knoxville, TN 37916
 (865)637-6550
 Appearing for the Insureds

M. MARK KINSMAN, ESQUIRE
 J. CHAD HEID, ESQUIRE
 Saber, Kinman, Hollis, Chalmers & Winer
 701 Market Street, Suite 1500
 Chattanooga, TN 37402
 (423)796-3133
 Appearing For American National Property & Casualty Company

INDEX OF EXAMINATION

Examination by Mr. Kinman.....	4
Examination by Ms. Heid.....	109
Examination by Mr. Kinman.....	110

INDEX OF EXHIBITS

NO.	DESCRIPTION	PAGE
1	November 17, 2010 Letter.....	4
2	Marriage Decree.....	20
3	Application for Insurance.....	22
4-14	Tax Returns 2006 through 2009.....	34
15	Real Estate Listing Agreement.....	61
16	Document Re Increase in Policy.....	81
17	Proof of Loss.....	82
18	Inventory.....	84
19	Inventory.....	93
20	Receipts from Nashville Trip.....	94
21	Receipts for Additional Living Expenses.....	101
22	Cell Phone Records.....	101
23	Food Receipt (Lora Black's).....	103

1 LAURA JEAN STATTE,
 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
 6 BY MR. KINSMAN:
 7 Q. Could you state your name, please?
 8 A. Laura Jean Statte, S-T-U-T-T-E.
 9 Q. Ms. Statte, I'm going to say your name
 10 incorrectly, I'm sure, so please pardon me for that and
 11 correct me and I'll try to get it right, because that's
 12 not how I've been saying it in my head.
 13 A. I understand.
 14 Q. My name is Mark Kinman, I'm an attorney, and
 15 I've been hired by American Property & Casualty Company
 16 to take your Examination Under Oath today. We sent this
 17 letter to you care of your attorney. It's a letter dated
 18 November 17, 2010. Did you receive that?
 19 A. Yes.
 20 Q. Okay. We'll make that Exhibit 1 to your
 21 Examination Under Oath.
 22 (Whereupon, Exhibit Number 1 was marked.)
 23 Q. Let me explain that, when we make things
 24 exhibits, that means that they will be attached to the
 25 transcript and you'll get a copy of this. One part of

1 the process is that the court reporter will prepare a
2 transcript of all the questions and answers and we'll
3 provide you with the original. We'll also provide you
4 with a copy for you to keep. We're going to ask you to
5 read the original to make sure it's accurate and note any
6 corrections on a correction sheet that will be attached
7 and then sign it and have your signature notarized and
8 send it back to me, the original.

9 A. Okay.

10 Q. The copy's for you to keep.

11 A. Okay.

12 Q. We'll handle that through your attorney.

13 Would it be acceptable if we sent that directly to your
14 attorney?

15 A. Yes.

16 Q. And then she can work out the details with
17 you. Do you understand it's important for you to tell
18 the truth today because a material misrepresentation can
19 bar your claim?

20 A. Yes.

21 Q. In other words, if you lie about something
22 important, that could bar your claim. Okay?

23 A. (Witness moves head up and down.)

24 Q. Do you have any reason you might have trouble
25 testifying today?

1 A. No.

2 Q. You're not taking any medication that would
3 affect your ability to tell the truth?

4 A. No.

5 Q. Okay. Do you have any physical problems that
6 might affect your ability to give testimony?

7 A. No.

8 Q. If I ask you a question and you don't
9 understand it, will you ask me to explain it?

10 A. Yes.

11 Q. If you don't hear me, will you tell me that?

12 A. Yes.

13 Q. Sometimes I'm a little soft spoken. If you
14 answer a question, I'm going to assume that you
15 understood it. Is that fair?

16 A. Yes.

17 Q. Okay. And you've already told me your name,
18 Laura Jean Stutte?

19 A. Yes.

20 Q. Have you ever gone by any other names?

21 A. I was married once and had the last name
22 Prokett, P-U-C-K-E-T-T.

23 Q. Okay. And what was your ex-husband's name?

24 A. Duane, D-U-A-N-E.

25 Q. Where were you married to Duane? That's a bad

1 question. Where did you live when you were married to
2 Duane?

3 A. Oklahoma City, Oklahoma.

4 Q. Where were you born?

5 A. Oklahoma.

6 Q. And where did you go to high school?

7 A. Wainey (phonetic) --

8 Q. I'm sorry. I'm just looking for Oklahoma.

9 A. Oklahoma.

10 Q. Okay. And when were you and Duane divorced?

11 A. 1991.

12 Q. Before you married Duane, what was your name?

13 A. Laura Jean Stutte.

14 Q. And Carol Ann Stutte, what is your
15 relationship with her?

16 A. She's my domestic partner.

17 Q. And Carol Ann, has she always gone by the name
18 Stutte?

19 A. No.

20 Q. Before she used that name, what was her name?

21 A. Her maiden name was Hightower.

22 Q. Okay. Do you know if she's gone by any other
23 names besides Hightower and Stutte?

24 A. She was married to Kimberly's father, and his
25 last name was Hales, H-A-L-E-S-E.

1 Q. Do you know if she's gone by any other names?

2 A. Not to my knowledge.

3 Q. Okay. This is a little unusual for me, and
4 I'm not trying to offend anybody here. I just want to
5 know what's going on. The truth matters. Okay?

6 A. Uh-huh.

7 Q. So I've got to ask questions. How did Carol
8 Ann come to have the name Stutte?

9 A. When we lived in California we changed her
10 last name legally to mine.

11 Q. So it was a legal name change?

12 A. Yes.

13 Q. When was that?

14 A. I don't know the specific year. It would be
15 either 1996 or '97.

16 Q. Okay. Where all have you lived besides
17 Oklahoma and Knoxville, Tennessee?

18 A. Okay. I've been a traveler, so the list will
19 be long.

20 Q. Okay. Well, let me do it this way, then. Let
21 me just kind of back up, and maybe there will get to be a
22 point where I can quit asking.

23 A. Okay.

24 Q. How long have you lived in Knoxville?

25 MS. HEAL: Well --

1 A. Tennessee?

2 Q. Oh, that's right. You lived in Venable, didn't

3 you?

4 A. Correct.

5 Q. How long did you live in Venable?

6 A. Five years.

7 Q. Before you lived in Venable, where did you

8 live?

9 A. Jones, Oklahoma.

10 Q. Okay. How long did you live there?

11 A. Approximately two-and-a-half years.

12 Q. And before that where did you live?

13 A. Fresno, California.

14 Q. How long?

15 A. Approximately six years.

16 Q. And before Fresno?

17 A. Las Vegas, Nevada.

18 Q. How long did you live there?

19 A. Three months.

20 Q. And before that?

21 A. Richmond, Virginia.

22 Q. How long there?

23 A. Approximately six months.

24 Q. Okay. When did you and Carol Ann become

25 domestic partners?

1 A. Correct.

2 Q. Where are you currently living?

3 A. 6103 Easton Road, South Knoxville.

4 Q. How long have you been there?

5 A. Since the middle of October.

6 Q. Are you renting there?

7 A. Yes, sir.

8 Q. Who are you renting from?

9 A. Wagging Tails Properties.

10 Q. Is there a person you deal with there?

11 A. Carol Ann deals with them.

12 Q. Do you don't know?

13 A. I know first names.

14 Q. Okay. What's the --

15 A. Jennie, I believe, Jennie.

16 Q. Did you-all sign a lease at that property?

17 A. Yes.

18 Q. When did you do that? What is the term of the

19 lease? When does it begin?

20 A. I don't recall the specific date.

21 Q. Was it a date after the fire?

22 A. Yes.

23 Q. So you began leasing the property at 610 (sic)

24 Easton Road after the fire, is that correct?

25 A. Yes.

1 A. Officially, our ceremony was in August of

2 1995.

3 Q. Okay. You said officially. Were you-all

4 together before that?

5 A. Yes.

6 Q. How long before that?

7 A. We became friends in March of '94.

8 Q. And was the ceremony in California?

9 A. No. The ceremony was in Oklahoma.

10 Q. Okay.

11 A. Prior to us starting to travel.

12 Q. Okay. And where in Oklahoma was that?

13 A. At my house on Billy Lane, north of Oklahoma

14 City.

15 Q. Okay. Have you gone by any nicknames?

16 A. No.

17 Q. And I understood that the only names you've

18 gone by is Laura Jean Statte, Laura Jean Puckett?

19 A. Yeah.

20 Q. And what?

21 A. When I was younger, I went by Jennie.

22 Q. Okay.

23 A. That's what my family called me.

24 Q. Okay. But the only last names you've gone by

25 have either been Statte or Puckett?

1 Q. Did you live anywhere else after the fire

2 other than 610 Easton Road?

3 A. Yes.

4 Q. Where?

5 A. The first two weeks, approximately, we stayed

6 at My and Carol Bouse's home.

7 Q. Carol?

8 A. Bouse, B-O-U-S-E.

9 Q. Okay. Where do they live?

10 A. In Tellico Plains.

11 Q. Okay. Do you know their phone number?

12 A. I have it in my phone.

13 Q. Do you have your phone with you?

14 A. It's in my jacket in the other room.

15 Q. Could you go get that, because there may be

16 other numbers I need to ask you about.

17 A. Sure. (Witness exits the room momentarily.)

18 Q. Let me -- we're confused about the address at

19 Easton Road. What was that number again?

20 A. 6103.

21 Q. Okay. And I'd asked you for a phone number

22 for My and Carol Bouse.

23 A. I have cell phone numbers.

24 Q. Sure.

25 A. Carol, 423-519-2686.

1 Q. Does Ry have a different number?
 2 A. Yes.
 3 Q. What's his number?
 4 A. 623-519-2687.
 5 Q. Okay. You stayed there for two weeks. Where
 6 else have you stayed after the fire?
 7 A. While we were there, the insurance company
 8 worked to find a place for us, and it was at the
 9 Chocolate Factory. I don't know the address. It's the
 10 Chocolate Factory Lofts.
 11 MS. HEID: Candy Factory, if that helps you.
 12 It's right down there. It's on 11th Street.
 13 Q. So is this a place that the insurance company
 14 paid the rent for?
 15 A. Yes.
 16 Q. How long did you stay there?
 17 A. Approximately a month.
 18 Q. Okay. And after that did you move to the 610
 19 Boston Road location?
 20 A. Yes.
 21 Q. Do you have your driver's license with you?
 22 A. Yes.
 23 Q. Can I see it?
 24 A. (Witness supplies license.)
 25 Q. Okay. The number is ~~88888888~~. And the

1 occasion other than that one in 1996?
 2 A. No, sir.
 3 Q. Okay. Have you ever been sued?
 4 A. No.
 5 Q. What how far did you go in school altogether?
 6 What's your last grade completed?
 7 A. My BSN in nursing.
 8 Q. Are you a nurse now?
 9 A. Yes.
 10 Q. Where are you a nurse?
 11 A. I work for Covenant Staffing.
 12 Q. Is that a -- I don't want to call it a temp
 13 service, but I'm trying to think of the proper name.
 14 A. It is a staffing service for the Covenant
 15 Healthcare System here in the Knoxville area.
 16 Q. Where did you receive your BSN?
 17 A. Central State University.
 18 Q. That's in Oklahoma?
 19 A. Edward, Oklahoma, yes.
 20 Q. Who is your supervisor at Covenant Staffing
 21 Services?
 22 A. Karen Bull, B-O-L-L.
 23 Q. Okay. How long have you worked for them?
 24 A. Approximately three years.
 25 Q. Okay. Where did you work before you worked

1 address on here is 3715 Highway 360, Vance, Tennessee.
 2 Is that the location where the fire was?
 3 A. Yes, sir.
 4 Q. And your birth date is correct on here,
 5 November 25, 1961?
 6 A. Yes.
 7 Q. Okay. Has your license ever been suspended or
 8 revoked for any reason?
 9 A. No.
 10 Q. Have you ever pled guilty or been convicted of
 11 any felonies?
 12 A. No.
 13 Q. Have you ever pled guilty or been convicted of
 14 any crimes involving dishonesty?
 15 A. No.
 16 Q. Have you ever declared bankruptcy?
 17 A. Yes.
 18 Q. When was that?
 19 A. I believe it was 1996.
 20 Q. Okay. What type of bankruptcy was that,
 21 Chapter 7, Chapter 13?
 22 A. I don't recall.
 23 Q. Okay. Did they wipe out your debts?
 24 A. Yes.
 25 Q. Have you ever declared bankruptcy on any other

1 for Covenant Staffing Services?
 2 A. I worked with Allied Staffing.
 3 Q. Where are they located?
 4 A. Their home office is in Chattanooga.
 5 Q. Okay. Do they have an office in Knoxville?
 6 A. At the time they did, but it has since closed.
 7 Q. Where is the office for Covenant Staffing?
 8 A. It's on Parkside Executive Park.
 9 Q. Okay. How long did you work for Allied
 10 Staffing?
 11 A. Approximately two years.
 12 Q. Before that, who did you work for?
 13 A. OU Medical Center in Oklahoma City.
 14 Q. Okay. Have you ever made any other insurance
 15 claims other than this one that we're here about today?
 16 A. I had an auto accident in September last year.
 17 Q. And what kind of claim did you make on account
 18 of that, damage to your vehicle?
 19 A. Yeah.
 20 Q. Did a lawsuit arise out of that claim?
 21 A. I believe they are trying to get in touch with
 22 me, but they don't know where I am yet.
 23 Q. They're trying to serve you?
 24 A. Yeah.
 25 MS. HEID: Run.

1 A. I figure they can find me.
 2 Q. They will eventually. Other than that -- I
 3 asked you if you had had any insurance claims other than
 4 the one we're here about today and you mentioned that
 5 motor vehicle accident. Have you had any other insurance
 6 claims other than that one and the one we're here about
 7 today?
 8 A. Yes.
 9 Q. How -- let me start this way. How many?
 10 A. Two, I believe.
 11 Q. Okay. When was the most recent one?
 12 A. The most recent was the auto accident I spoke
 13 about in September.
 14 Q. Okay.
 15 A. Prior to that we had a Ford Explorer that was
 16 stolen.
 17 Q. Were you insured with AWPAC at that time?
 18 A. Yes.
 19 Q. By AWPAC, I mean American National Property &
 20 Casualty Company.
 21 A. Yes.
 22 Q. Other than the theft of the Ford Explorer and
 23 the motor vehicle accident, have you had any other
 24 insurance claims?
 25 A. In California we had a Honda Civic that was

1 theft of property?
 2 A. That we didn't make any claims on?
 3 Q. Yes, ma'am.
 4 A. When I was in Oklahoma, yes.
 5 Q. Okay. In Oklahoma?
 6 A. Yes.
 7 Q. Approximately what year?
 8 A. April of this year.
 9 Q. What kind of claim was that?
 10 A. My Element suffered hail damage, minimal hail
 11 damage.
 12 Q. Okay. Your car?
 13 A. Yes.
 14 Q. Who did you -- oh, you didn't make a claim.
 15 Okay. Other than that hail damage to your Element motor
 16 vehicle, have you had any other losses either that were
 17 not covered or you didn't make a claim on? And by loss,
 18 I mean damage, destruction, theft of property, including
 19 motor vehicles, houses, boats, anything.
 20 A. Not that -- I do not recall any.
 21 Q. Okay. I asked you a question earlier about
 22 whether you've -- think I asked you if you've been sued.
 23 Have you ever sued anybody?
 24 A. No.
 25 Q. Okay. Maybe I didn't. Have you ever been

1 stolen.
 2 Q. Where were you living at that time?
 3 A. Fresno, California.
 4 Q. Who was the insurance company on that?
 5 A. I don't recall.
 6 Q. What year was that?
 7 A. Approximately '97.
 8 Q. Okay. And did you receive a payment on that
 9 from the insurance company?
 10 A. The vehicle was actually recovered.
 11 Q. Okay. So instead of -- well, they didn't make
 12 you a payment, they gave you your car back?
 13 A. Correct.
 14 Q. Was the car damaged?
 15 A. Yes.
 16 Q. Did they pay to have it repaired?
 17 A. Yes.
 18 Q. Okay. When I say they, I mean the insurance
 19 company. I'm going to ask you a little bit different
 20 question. I was asking about claims before where maybe
 21 you had a loss and you submitted a claim to an insurance
 22 company. This question is whether or not you've had any
 23 losses that were not insured or which you did not make a
 24 claim for. Have you had any losses other than the one
 25 we're here about today involving damage or destruction or

1 sued? Of course, we've got this one that you think
 2 they're looking for you involving a motor vehicle
 3 accident. Other than that, have you been sued in the
 4 past?
 5 A. No.
 6 Q. Sometimes I can't remember what questions I
 7 have and haven't asked, so bear with me. And it gets
 8 harder as I get older. Have you ever had an insurance
 9 company refuse to write insurance for you?
 10 A. No.
 11 Q. Were you involved in the application for the
 12 American National policy? Did you handle that or did
 13 Carol Ann, or were you present?
 14 A. I don't recall.
 15 Q. Do you remember who the agent is?
 16 A. Eric Rucka.
 17 Q. Okay. When did you--all first buy this house?
 18 By this house, I mean the one that was destroyed by the
 19 fire. If you turn over to the second page of that
 20 warranty deed there's probably a signature line. I'm
 21 sorry, the next one. There's a date.
 22 A. Okay. June 10th, 2005.
 23 Q. Let me get the court reporter to mark that
 24 warranty deed as Exhibit 2. Actually, I'll do it.
 25 (Whereupon, Exhibit Number 2 was marked.)

1 Q. Ms. Statte, we've marked as Exhibit 2 the
2 warranty deed. Is that the warranty deed where you and
3 Carol Ann acquired this house? Maybe it was actually
4 just you that acquired it.
5 A. Yes.
6 Q. Later on you quitclaimed the deed -- you
7 executed a quitclaim deed so the house would be in both
8 your names, is that right?
9 A. Correct.
10 Q. And that's how it is now, the house is in both
11 names?
12 A. Correct.
13 Q. All right. This affidavit of value up here at
14 the top of Exhibit 2 states that the value of the house
15 was \$149,000 when you bought it. Is that what you paid
16 for the house?
17 A. Yes.
18 Q. Okay. And is that your signature?
19 A. No.
20 Q. Whose signature is that, if you know?
21 A. It appears to me to say Lisa Dimeson.
22 Q. Who is that?
23 A. I do not know.
24 Q. In my experience, it's usually the purchaser
25 that signs that.

1 A. Yes.
2 Q. So that was pretty close in time to when you
3 purchased the house, it looks like. Do you agree with
4 me?
5 A. Yes.
6 Q. You purchased the house in May of 2005 and
7 this application was done on June 8th, 2005?
8 A. Yes.
9 Q. Okay. So do you think you took out the
10 insurance about the same time that you bought the house?
11 A. We apparently took it out on June 8th, 2005.
12 Q. Okay. Were you with Carol Ann when she
13 completed the application for the policy, if you
14 remember?
15 A. I don't remember.
16 Q. Some of these questions I'm just trying to
17 find out if you know or don't know, and if you don't
18 know, just tell us, or if you don't remember, just tell
19 us.
20 A. Okay.
21 Q. But I am going to follow up to make sure I
22 understand. And my understanding from what you just said
23 is you have no recollection of being present or being
24 involved with the application for the ANPRC policy, is
25 that correct?

1 MS. HELD: Is it the notary? Sometimes
2 notaries do weird things.
3 Q. Tracy something is the notary. Tracy Higgins
4 is the -- you think maybe that's the closing agent? Ah,
5 there's her signature. Yeah. Says this indenture made
6 this 24th day of May 2005. Let me show you what I'm
7 going to mark as Exhibit 3.
8 (Whereupon, Exhibit Number 3 was marked.)
9 Q. I'll represent to you that's a copy of the
10 application for the policy. If you'll look at the second
11 page, there's a signature at the bottom. One of them I
12 think may be Eric Kurtz's. Well, I don't know. Do you
13 see the two signatures down at the bottom there?
14 A. Yes.
15 Q. Do you recognize those?
16 A. Yes.
17 Q. Whose are those?
18 A. Carol Ann Statte's.
19 Q. All right. And this application for the
20 policy looks like it was in June of 2005, June 16, 2005.
21 Trying to find the date. Actually, it says -- okay.
22 Eric Kurtz has got a date on here of June 8th, 2005,
23 11:37 a.m. on the first page. Do you see that?
24 A. (Indicating.)
25 Q. Right.

1 A. That is correct.
2 Q. Do you have any recollection of discussing
3 with Carol Ann the application for the insurance policy?
4 A. No, sir.
5 Q. Do you have any recollection at all of
6 discussing with Carol Ann the questions that Eric Kurtz
7 was asking in order to obtain the insurance? For
8 example, did she say, Laura, he's asking this, that and
9 the other, you know, can you give us the answers.
10 anything like that?
11 A. I do not recall any specifics.
12 Q. Any generalities?
13 A. We discuss all business.
14 Q. Uh-huh.
15 A. But I don't recall any specific questions she
16 might have asked me.
17 Q. Do you remember a general discussion about the
18 application for insurance with Carol Ann?
19 A. Could you rephrase that question because I'm
20 not --
21 Q. Yeah. I was just trying to find out if you
22 remember ever having any discussion with Carol Ann Statte
23 about the application for the ANPRC policy.
24 A. I recall prior to us moving out here from
25 Oklahoma her trying to transfer our vehicles and how to

1 a different company out here.
 2 Q. Okay. Other than that, do you have any
 3 recollection of any discussion about the ASPAC
 4 homeowner's policy?
 5 A. No.
 6 Q. Okay. See, I'm just trying to eliminate
 7 things so I don't have to ask you more questions.
 8 A. Okay.
 9 Q. Is this the first piece -- well, have you
 10 owned real property in the past?
 11 A. Yes.
 12 Q. Where else have you owned real property?
 13 A. My first home was Billy Lane, in Edmond,
 14 Oklahoma.
 15 Q. Before this policy that we're here about
 16 today, have you ever had insurance with ANPRC before?
 17 A. I don't believe so.
 18 Q. Okay. And I understand from your earlier
 19 answers that you've never had a house fire before?
 20 A. Correct.
 21 Q. In other words, you've never had property
 22 destroyed by fire?
 23 A. Correct.
 24 Q. Including automobiles, boats, houses,
 25 businesses, anything like that?

1 Q. What else do you own?
 2 A. We own a property at 216 Depot Street, Vonnore.
 3 Q. Okay. You say we. Do you own that with Carol
 4 Ann Stutte?
 5 A. Yes, sir.
 6 Q. What else do you own?
 7 A. As far as properties?
 8 Q. Yes, ma'am.
 9 A. That is the only one.
 10 Q. What is at 216 Depot Street?
 11 A. A fixer-upper house.
 12 Q. Does anybody live there?
 13 A. No.
 14 Q. Is it insured?
 15 A. I believe so.
 16 Q. Who is it insured with?
 17 A. I would have to defer that to Carol Ann.
 18 Q. How long have you owned that?
 19 A. We acquired it in 2007.
 20 Q. How much did you pay for it?
 21 A. I do not recall.
 22 Q. Can you give us an estimate?
 23 A. Approximately 60,000.
 24 Q. Why did you buy that?
 25 A. We were going to fix it up for Kimberly and

1 A. Correct.
 2 Q. We have your tax returns here, and I can look
 3 at those, but if you could just tell me to the best of
 4 your recollection, what was your personal income, what
 5 income did you have in 2009?
 6 A. I would have to look at the form.
 7 Q. You'd have to look at this. Okay. Whatever
 8 is on your tax return is an accurate representation of
 9 your income for each of the years reported to the IRS?
 10 A. Yes.
 11 Q. Did you report all your income to the IRS on
 12 your income tax return?
 13 A. Yes.
 14 Q. So your tax returns are honest, truthful
 15 statements to the IRS, is that correct?
 16 A. Yes.
 17 MS. HELD: Better be.
 18 Q. You'd be surprised how many times people don't
 19 agree with that.
 20 MS. HELD: I'd be putting that sucker under a
 21 confidentiality order.
 22 Q. There, and there's quite a stack here of --
 23 well, I'll get to that. Do you currently own any other
 24 real property other than the place where the fire was?
 25 A. Yes.

1 her fiancé.
 2 Q. Did you do any work in that regard?
 3 A. We since that time have been improving it.
 4 Q. Okay. What have you done to improve it?
 5 MS. HELD: It's a long list.
 6 Q. Just give us a Reader's Digest version.
 7 A. We totally gutted it, revamped the floor plan,
 8 put in new flooring, new wiring, new plumbing, and have
 9 insulation up right now.
 10 Q. Okay. Are you-all doing that work yourselves
 11 or have you hired somebody to do it for you?
 12 A. A lot of the work we are doing ourselves. The
 13 electrical was hired out.
 14 Q. Okay. Probably the plumbing, too?
 15 A. And the -- the revamping the floor plan was
 16 hired out.
 17 Q. Did you-all do the plumbing?
 18 A. I assisted.
 19 Q. Okay. Who did you assist?
 20 A. Gentleman named Tim Brennan. Let me check.
 21 Tom Brennan, B-R-E-N-N-A-N.
 22 Q. Do you have his number?
 23 A. Yes.
 24 Q. Go ahead.
 25 A. 423-894-6935.

1 Q. Okay. Is there currently any personal
2 property located inside that house at 216 Depot Street?
3 A. We have tools.
4 Q. Okay.
5 A. And we had pre-bought the appliances for the
6 kitchen.
7 Q. When you say appliances, tell me what you
8 mean.
9 A. Refrigerator, washer and dryer, stove and
10 microwave.
11 Q. Where did you buy those?
12 A. And dishwasher, I believe. Home Depot.
13 Q. Which one, Knoxville?
14 A. The one in Maryville.
15 Q. When did you buy those appliances?
16 A. I don't know the specific.
17 Q. Okay. Before or after the fire?
18 A. Before.
19 Q. What tools are in there?
20 A. Do you want the whole list?
21 Q. In general. Like hammers, saws?
22 A. Table saws, chop saws, drills.
23 Q. Are these things you were using to work on the
24 house?
25 A. Yes.

1 Q. Is the house secure, is it locked up?
2 A. Yes.
3 Q. Is there an alarm on it?
4 A. No.
5 Q. Have you removed anything from that house
6 after the fire?
7 A. Yes.
8 Q. What have you removed?
9 A. We have removed a hammer, drill, level, finish
10 nailer.
11 Q. Okay.
12 A. A number of things to do minor repairs at the
13 rental house that we're in.
14 Q. Okay. Has anybody lived at 216 Depot Street
15 during the time you've owned it?
16 A. No.
17 Q. Is the power turned on there currently?
18 A. No.
19 Q. Has it been turned on during the time that
20 you've owned the property there?
21 A. Yes.
22 Q. When was it on?
23 A. From the time we bought it until the time we
24 had the meter removed so that we could rewire the house.
25 Q. Approximately when was that that you had the

1 meter removed to rewire?
2 A. Approximately a year to a year-and-a-half ago.
3 Q. Okay. Is there currently any other property
4 there at 216 Depot Street other than what you've named,
5 for example, any vehicles, any other appliances or
6 equipment of any kind?
7 A. There's a Volkswagen Bug, late sixties model,
8 in the driveway.
9 Q. Okay. Does it run?
10 A. It can.
11 Q. Is it licensed?
12 A. Yes.
13 Q. I mean, is it a vehicle you drive on occasion?
14 A. It's -- yeah, on occasion.
15 Q. When it wants to start?
16 A. Yes, and not in the wintertime.
17 Q. What other equipment or --
18 A. There are -- outside of the house there is a
19 tractor, couple of lawnmowers, and a lot of miscellaneous
20 landscaping items.
21 Q. Whose are those?
22 A. Carol Ann's and myself.
23 Q. What kind of lawnmowers are they, little push
24 mowers, riding mowers?
25 A. They're zero-turn riding mowers. As far as

1 specifics, you'd have to ask Carol Ann. That's her gig.
2 Q. Okay. Does she have a business?
3 A. No.
4 Q. Okay. Has she ever run a landscaping
5 business?
6 A. Yes.
7 Q. When's the last time she operated that
8 business?
9 A. I believe 1995 was the last year.
10 Q. I noticed on some of your tax returns here
11 there's a reference to L & C Statke, Inc.?
12 A. Yes.
13 Q. What is that?
14 A. When we moved to Oklahoma, we incorporated.
15 Q. Is that an Oklahoma corporation?
16 A. Yes.
17 Q. Is it registered to do business in Tennessee?
18 A. No.
19 Q. Okay. What's its corporate purpose? Do you
20 need us to explain that?
21 A. Yes.
22 Q. Well, when you incorporate a business, at
23 least in Tennessee, you have to state what its function
24 is going to be, what its corporate purpose is going to
25 be, like to sell hamburgers, or landscape, or whatever.

1 What does this corporation do?

2 A. I believe it was set up as a service
3 corporation.

4 Q. What kind of service?

5 A. I would have to ask Jack.

6 Q. Who's Jack?

7 A. Welborn. He's the gentleman who did our taxes
8 in Oklahoma.

9 Q. Does the -- I mean, you filed tax returns, and
10 I have looked at these to see if the corporation is
11 claiming income. Does the corporation make income?

12 A. Honestly, I turn in the paperwork to Jack and
13 he --

14 Q. It says zero income in 2006. Is this Carol
15 Ann's or yours? Well, it says you're the president.

16 MS. HEID: I don't want to influence the
17 testimony of the witness, but I have a theory.

18 MR. KINGSMAN: Well, I appreciate it, but let
19 me -- I don't have a theory, but if I did, I'm not sure
20 it would be worth much, but let me just ask her, and if
21 she can answer, that's fine.

22 BY MR. KINGSMAN:

23 Q. It says L & C Stutte, Inc. Is L for Laura?

24 A. Yes.

25 Q. And C is for Carol?

1 MS. HEID: If I could just make a request of
2 counsel to share this with others on a need-to-know basis
3 due to the sensitivity of some of the materials contained
4 in the personal income tax return?

5 MR. KINGSMAN: Yeah. We keep this inside of
6 ANEAC. We don't -- I mean, even if -- I'll just give you
7 an example. If there were some other court case pending
8 and somebody were to ask us for this information, I
9 wouldn't give it to them unless I had a court order or a
10 subpoena that forced me to do it.

11 MS. HEID: Okay.

12 MR. KINGSMAN: And then I think I'd contact you
13 and let you know.

14 MS. HEID: That would be wonderful. This is
15 the kind of thing I would normally put under a
16 confidentiality order, but of course we have no pending
17 litigation, so I can't do it, but I would like it to be
18 treated as you typically would treat items subject to a
19 confidentiality order.

20 MR. KINGSMAN: We do. We keep this as
21 confidential. We don't give it out to people.

22 MS. HEID: Okay. Thank you. You can
23 understand my concern.

24 MR. KINGSMAN: That's kind of a general rule
25 under all these examinations we do.

1 A. Yes.

2 Q. Okay. It says depreciation \$10,798. What was
3 depreciated? I'm referring to your 2006 tax return. And
4 you might want to look in there. There may be a
5 depreciation schedule. I'm looking at your 2007 L
6 & C Stutte, Inc. tax return, and it's got depreciation
7 residential rental property mentioned. Did this
8 corporation own rental property?

9 A. We had a total of 20 acres in Oklahoma, and
10 when we bought -- when my daughter first got married, we
11 put a trailer on the other ten acres.

12 Q. Tell you what, maybe the thing to do is to
13 fast forward here to more recent times. Let's look at
14 the 2009. I need to go ahead and mark those as exhibits,
15 I think. I'm going to let the court reporter do that
16 because I'm afraid I'll mess it up and then I can't blame
17 her.

18 (Whereupon, Exhibit Numbers 4 through 14 were marked.)

19 Q. Let us just put on the record what we've got
20 here. Ms. Stutte, the court reporter has marked as
21 Exhibits 4 through 14 tax returns for you personally and
22 for L & C Stutte, Inc. from the year 2006 through 2009.
23 Can you tell me if that's a correct statement?

24 A. Yes.

25 Q. Okay.

1 BY MR. KINGSMAN:

2 Q. Ms. Stutte, I think we've already covered
3 this, but I just wanted to get it back on the record with
4 the exhibit numbers. It's my understanding from your
5 earlier testimony that Exhibits 4 through 14 are accurate
6 and truthful reports by you to the Internal Revenue
7 Service of your income, correct?

8 A. Correct.

9 Q. In 2009, did you have any other source of
10 money other than what's reported on your income tax
11 return? For example, did you win the Lottery or have
12 somebody pass away and leave you a bunch of money or
13 anything like that?

14 A. No.

15 Q. Okay. Couple of general questions about these
16 tax returns. I saw that you have -- there's your
17 personal return, Laura Stutte, and then you've got Carol
18 Ann Stutte as a dependent. Do you understand that that's
19 the case on these tax returns? I can show you if you
20 want to see.

21 A. Okay.

22 Q. You want to see it?

23 A. Sure.

24 Q. Here's 2009, which is Exhibit 11, and see, it
25 says Carol Stutte, dependent?

1 A. Uh-huh.
 2 Q. Why do you have her as a dependent?
 3 A. I do not know.
 4 Q. Do you support her?
 5 A. Yes.
 6 Q. Okay. Does she have any source of income --
 7 let me rephrase that. In 2009, did she have any other
 8 source of income other than the support you give her?
 9 A. No.
 10 Q. How about in 2008?
 11 A. Not that I recall.
 12 Q. How about in 2007?
 13 A. Not that I recall.
 14 Q. Okay. Exhibit 12 is a Missouri 2009 tax
 15 return.
 16 A. Yes.
 17 Q. Why did you file a tax return in Missouri in
 18 2009?
 19 A. I, as a travel nurse, worked an assignment in
 20 Missouri.
 21 Q. Okay. Same question, you have a short form
 22 for California for 2009. Is that for the same reason?
 23 A. Yes.
 24 Q. Okay. That brings us to Exhibit 14, which is
 25 your tax return for L & C Stutte, Inc.

1 A. Yes.
 2 Q. So what management services in nursing are you
 3 providing that you would have been incorporated?
 4 A. I was told by the CPA in Oklahoma that I could
 5 incorporate and it would save on income taxes.
 6 Q. Okay. Did you incorporate your personal
 7 activity as a nurse working for a staffing service, is
 8 that what you -- was that the activity?
 9 A. Yes.
 10 Q. I noticed on this 2009 tax return --
 11 apparently, it's dated December 8, 2010. Apparently,
 12 this was just prepared recently?
 13 A. Yes.
 14 Q. Okay. How many of these returns were prepared
 15 on December 8, 2010?
 16 A. I believe four.
 17 Q. Which years?
 18 A. 2009.
 19 Q. So the four that you had to prepare for 2009
 20 you prepared December 8, 2010?
 21 A. Yes.
 22 Q. Why did you -- I think tax returns are due
 23 like in April of 2010. Why did you wait so long to
 24 prepare your taxes?
 25 A. The CPA in Oklahoma had filed an extension so

1 A. Uh-huh.
 2 Q. It says on here, and I'll show you, on
 3 Schedule K, it says management services is the business
 4 activity of L & C Stutte, Inc.
 5 A. Yes.
 6 Q. And then it says product or service nursing.
 7 A. Uh-huh.
 8 Q. Can you explain that to me?
 9 A. We changed CPAs, and he recommended basically
 10 that we close the L & C Stutte, Incorporated.
 11 Q. Okay. When did you close L & C Stutte, Inc.?
 12 A. I don't know how to answer that.
 13 Q. When did he tell you to close it?
 14 A. Last month, when we met with him.
 15 Q. What's his name?
 16 A. J. Richard Morris, Jr.
 17 Q. Okay. Why did he tell you to close it?
 18 A. He told us that we did not need to be
 19 incorporated, that it did not benefit us tax-wise.
 20 Q. What was it you were -- I'm having a hard time
 21 figuring out what the business was you were
 22 incorporating, because I understood that you personally
 23 are employed as a nurse --
 24 A. Correct.
 25 Q. -- for a staffing service.

1 that we did not have to have the taxes until October
 2 15th.
 3 Q. At the time of this fire were you in any
 4 financial distress?
 5 A. No, sir.
 6 Q. Had you had any creditors sending you letters
 7 demanding payment because you were behind or late on your
 8 debts?
 9 A. No, sir.
 10 Q. Were you behind or late on any of your debts
 11 or expenses?
 12 A. No, sir.
 13 Q. What debts did -- I guess I ought to break
 14 this down into what debts you personally owed and what
 15 debts you owed with Carol Ann, and any way you want to
 16 answer the question is fine with me. I just want to make
 17 sure I've got them all. Okay?
 18 A. Okay.
 19 Q. Let me ask you this. What debts did you
 20 personally owe at the time of the fire?
 21 A. We had a house payment on the property where
 22 the house was burned.
 23 Q. Okay.
 24 A. We had a payment on the Depot Street house.
 25 Q. All right.

1 A. Second mortgage on the 2715 property.
 2 Q. Where the fire was?
 3 A. Correct. Payment on the Honda Element.
 4 Q. Okay.
 5 A. Lumber Liquidators for flooring, and half of
 6 it was in my name and half of it was in Carol Ann's name,
 7 on the Lumber Liquidators.
 8 Q. Okay. Any other car payments?
 9 A. No, just the Honda Element.
 10 Q. Any other payments on equipment?
 11 A. No.
 12 Q. Boats?
 13 A. No. The boat was paid for. Various credit
 14 cards. I have a Capital One and two Chase credit cards.
 15 Q. Okay.
 16 A. Best Buy. I believe that's it.
 17 Q. Okay. Are these all the debts in your
 18 household?
 19 A. Carol Ann had one Capital One card. And since
 20 the fire we have another Best Buy card.
 21 Q. Okay. Kimberly is, I've forgotten, whose
 22 daughter is she?
 23 A. Carol Ann's biological daughter.
 24 Q. How long did Kimberly live at the house before
 25 the fire, and I'm looking for a time period, six months,

1 a year, a month, whatever?
 2 A. I believe about a year-and-a-half.
 3 Q. Okay.
 4 A. Since she separated from her husband.
 5 Q. Okay. Did she contribute to the household in
 6 the form of money?
 7 A. I believe she gave us a couple hundred bucks a
 8 month.
 9 Q. Did you formally charge her rent or did she
 10 just voluntarily kick in a couple hundred dollars a
 11 month?
 12 A. Half and half.
 13 Q. Okay. Kind of a mutual agreement?
 14 A. Yes.
 15 Q. Okay.
 16 A. I mean, it wasn't like we made her sign a
 17 lease or anything and said you have to pay us.
 18 Q. Let us go back and ask you about some of the
 19 debts. The house where the fire occurred, who's the
 20 first mortgage with?
 21 A. Chase Home Mortgage.
 22 Q. How much was the total amount you borrowed
 23 originally?
 24 A. I don't recall.
 25 Q. Can you give me --

1 A. Off of the deed, it was 149.
 2 Q. About 149, somewhere in that ballpark?
 3 A. Minus whatever we put down at closing.
 4 Q. Do you remember what you put down?
 5 A. I believe it was ten percent.
 6 Q. So you put down, if I'm doing my math right,
 7 that would be about 15,000?
 8 A. I believe.
 9 Q. Or 1,500?
 10 MS. REED: 15,000.
 11 A. Yeah.
 12 Q. So you think you put down about 15,000?
 13 A. I would have to go back and look at the
 14 paperwork.
 15 Q. But you put something down.
 16 A. Yes.
 17 Q. How much were the payments on that per month?
 18 A. I don't recall the specific, but approximately
 19 \$60.
 20 Q. Okay. That's good enough. And were you
 21 delinquent or behind on that at the time of the fire?
 22 A. No.
 23 Q. Had you ever been behind on that in the year
 24 before the fire?
 25 A. No.

1 Q. You said you had a second mortgage on the
 2 house?
 3 A. Yes.
 4 Q. Who was that with?
 5 A. Wells Fargo.
 6 Q. Okay. How much was the total amount you
 7 borrowed?
 8 A. \$37,000.
 9 Q. Okay. What was the payment on that?
 10 A. Approximately 230.
 11 Q. Okay. During the year before the fire were
 12 you delinquent or behind on that debt?
 13 A. No.
 14 Q. Why did you borrow that money?
 15 A. Home improvements.
 16 Q. What did you use that money for? I know you
 17 said home improvements, but what do you mean?
 18 A. To the best of my memory, crown molding,
 19 baseboards, doors, door casings.
 20 Q. Did all of this go into the house where the
 21 fire was?
 22 A. Yes.
 23 Q. At some point did you remodel the basement?
 24 A. Yes.
 25 Q. When did you do that?

1 A. It was during, I believe, the last half of
2 2008 and throughout 2009.
3 Q. Did you do that work or did somebody do it for
4 you?
5 A. We did a lot of it ourselves.
6 Q. Did somebody help you with it?
7 A. Yes.
8 Q. Who was that?
9 A. Gary McKay.
10 Q. Do you have his phone number?
11 A. Yes. 423-428-9552.
12 Q. Was Gary McKay a contractor you paid, or was
13 he a friend, or both?
14 A. Both.
15 Q. Okay. Did you use any of that 37,000 for that
16 work?
17 A. I believe so.
18 Q. Did you have to borrow any other money in
19 order to do the remodeling of the basement?
20 A. No.
21 Q. Did you get a building permit when you
22 remodeled the basement?
23 A. I believe so. I do not know for sure. I would
24 have to defer that to Carol Ann.
25 Q. You said you owed money on the house at 216

1 A. Correct.
2 Q. Lumber Liquidators, how much did you owe them?
3 A. The total cost?
4 Q. At the time of the fire.
5 A. Oh, Lord.
6 Q. Approximately.
7 A. Approximately 4,300.
8 Q. Okay. Did you have monthly payments to Lumber
9 Liquidators?
10 A. Yes.
11 Q. How much was that?
12 A. It's zero percent interest for 12 months.
13 Minimal payment I do not recall.
14 Q. When did that loan start?
15 A. I believe it was in August.
16 Q. Of 2010?
17 A. Yes.
18 Q. Had you made any payments on that at the time
19 of the fire?
20 A. I believe one payment.
21 Q. How much did you pay?
22 A. I do not recall.
23 Q. Was it more or less than \$100?
24 A. More.
25 Q. Was it more or less than \$500?

1 Depot Street. Who did you owe that to?
2 A. United Community Bank.
3 Q. How much was the debt on that at the
4 beginning?
5 A. Approximately 54,000.
6 Q. And was that a loan you took out when you
7 bought it?
8 A. Yes.
9 Q. How much was the payment on that?
10 A. Approximately 430.
11 Q. And who did you owe money to on the Honda
12 Element?
13 A. Honda Finance.
14 Q. How much was the total debt in the beginning
15 on that?
16 A. Approximately 21,000.
17 Q. How much was the payment?
18 A. Approximately 480.
19 Q. And I'm not going to keep asking you this
20 because you've already told me, you were not delinquent
21 on that loan or any of your other loans --
22 A. Correct.
23 Q. -- or credit cards --
24 A. Correct.
25 Q. -- during the year before the fire?

1 A. Less.
2 Q. You said that was half and half, half yours
3 and half Carol Ann's.
4 A. Oh-huh.
5 Q. Did you both sign the note; is that what you
6 were referring to?
7 A. She applied for a credit card and I applied
8 for a credit card to get the zero percent interest to
9 cover the flooring.
10 Q. Is this flooring -- where did you put this
11 flooring?
12 A. It was planned to go into the 216 Depot house.
13 Q. Where was it at the time of the fire?
14 A. Inside the Depot house.
15 Q. Is it still there?
16 A. Yes.
17 Q. And is 4,300 the total debt, it's not just
18 your half, that's the total amount?
19 A. Total, yes.
20 Q. And you said you had a Capital One credit
21 card. How much was the balance on that at the time of
22 the fire?
23 A. I do not know.
24 Q. Can you give me an approximation?
25 A. Approximately 2,000.

1 Q. Okay. Did you have a minimum payment?
 2 A. Yes.
 3 Q. What was that?
 4 A. I do not know.
 5 Q. Was it more or less than \$50?
 6 A. I don't know.
 7 Q. You don't have any idea?
 8 A. It would be less than \$100.
 9 Q. Okay.
 10 MS. HEND: There's two Capital One cards. I
 11 didn't know if you caught that.
 12 Q. I've got two Chase.
 13 A. One is in my name and one is in Carol Ann's
 14 name, on the Capital One.
 15 Q. The other Capital One, what was the balance on
 16 that at the time of the fire, the one that's in Carol
 17 Ann's name?
 18 A. I don't know.
 19 Q. Don't have any idea?
 20 A. [Witness moves head from side to side.]
 21 Q. Who pays that bill?
 22 A. I usually do. If I'm out of town, she does.
 23 Q. And you said you had -- oh, let me ask you
 24 this. When did you buy the Honda Element? When did that
 25 loan start?

1 at the time of the fire?
 2 A. Just the Volkswagen in the driveway at the
 3 Depot house.
 4 Q. Had either you or Kimberly or Carol Ann rented
 5 any vehicles at the time of the fire?
 6 A. At the time of the fire. No. Wait.
 7 Kimberly's Ford was in the shop, so she had a
 8 replacement.
 9 Q. Okay. She had a loaner or something?
 10 A. Yes.
 11 Q. What kind of vehicle was that?
 12 A. All I can tell you is it was white and had
 13 four doors.
 14 Q. So a sedan of some kind?
 15 A. Yes.
 16 Q. Where was her vehicle in the shop?
 17 A. I do not know.
 18 Q. That's something I ought to ask her?
 19 A. Yes.
 20 Q. I want to go back to your two Chase credit
 21 cards you had. Approximately what was the balance on
 22 each of those?
 23 A. One was approximately 7,000 and one was
 24 approximately 900.
 25 Q. What was the minimum payment on the one that

1 A. Approximately October of 2009.
 2 Q. Okay. What kind of car does Carol Ann -- at
 3 the time of the fire, what kind of car did Carol Ann
 4 drive?
 5 A. 2-71 Chevy pick-up.
 6 Q. And there's no debt on that?
 7 A. No.
 8 Q. What year is that?
 9 A. '94.
 10 Q. And at the time of the fire what kind of
 11 vehicle did Kimberly driver
 12 A. A Ford Mustang. I do not know the year
 13 specifically.
 14 Q. Fairly new or --
 15 A. Yes.
 16 Q. -- was it old?
 17 A. Well, it would be.
 18 Q. Year or two old? I'm just trying to --
 19 A. 2006, 2007.
 20 Q. Okay. That's good enough. What color is her
 21 Ford?
 22 A. White.
 23 Q. The Chevy pick-up, what color is that?
 24 A. Blue.
 25 Q. Did you all have access to any other vehicles

1 had 7,000?
 2 A. Approximately 100.
 3 Q. Okay. And the \$900 one, what was the
 4 approximate minimum payment on that?
 5 A. Twenty.
 6 Q. Your Best Buy credit card, what was the
 7 balance on that at the time of the fire?
 8 A. Approximately seven or 800.
 9 Q. Do you think it probably had about a \$20
 10 minimum, too?
 11 A. Yes.
 12 Q. Are those all of your credit cards? Have we
 13 talked about all of your credit cards?
 14 MS. HEND: Were there two Best Buys, there was
 15 the old one and the new one?
 16 A. Yeah. The second Best Buy we acquired after
 17 the fire.
 18 Q. Yeah. That's fine. Did you have any gasoline
 19 credit cards?
 20 A. No.
 21 Q. Are these all of your debts that you and Carol
 22 Ann had? When I say these, I'll go back and name them
 23 for you. I've got the first mortgage and second mortgage
 24 on the house where the fire was, mortgage on the house at
 25 216 Depot, the loan on the Honda Element, lender

1 Liquidators card, two Capital One cards, two Chase cards,
2 and a Best Buy account.
3 A. That sounds correct.
4 Q. Did you pay any of Kimberly's bills, you or
5 Carol Ann, or did she take care of her own bills?
6 A. She took care of her own.
7 Q. Where did Kimberly work, do you know?
8 A. Y-12 Credit Union.
9 Q. Who handled the household expenses, as far as
10 paying the utilities and buying the groceries and all
11 that sort of thing?
12 A. Carol Ann and I shared.
13 Q. What would you estimate you spend per month on
14 groceries?
15 A. Somewhere between 150 and 200.
16 Q. Did you have separate electric and water bills
17 or did they combine that?
18 A. Combined. Well, just electric. We were on
19 sewer, septic and well water.
20 Q. Okay. What was your electric bill per month
21 on average?
22 A. On average, 125 maybe.
23 Q. You say you had well water and septic.
24 A. Right.
25 Q. So you wouldn't have had to pay for water, is

1 A. Yes.
2 Q. Why is that?
3 A. Kimberly bought, or got new phones for us for
4 Christmas and put us on her plan.
5 Q. Must have been pretty recent.
6 A. Yes.
7 Q. It's not even Christmas yet.
8 A. I know.
9 Q. Okay. How much would you estimate that you
10 spent on gasoline per month in your household, you and
11 Carol Ann?
12 A. Approximately 150.
13 Q. And did you have cable or satellite?
14 A. That was rolled into our landline phone. It
15 was a package.
16 Q. Did you have garbage pick-up?
17 A. No.
18 Q. Did you have any other household expenses,
19 clothing, trying to think what else, toiletries, that
20 sort of thing?
21 A. I mean, we would buy on occasion what we need.
22 Q. What would you spend a month on automobile
23 insurance?
24 A. Approximately 130.
25 Q. Okay. Was your homeowner's insurance through

1 that right?
2 A. That's right.
3 Q. Did you have propane?
4 A. No.
5 Q. Did you have natural gas?
6 A. No.
7 Q. Cell phones, what did you all spend a month on
8 cell phones at the time -- all this is --
9 A. About \$120.
10 Q. I'm sorry.
11 A. Sorry.
12 Q. You understand all these questions are as of
13 the time of the fire?
14 A. Yeah.
15 Q. Did have you a landline?
16 A. Yes.
17 Q. How much was it per month?
18 A. I believe about \$100.
19 Q. Okay. What is your cell phone number?
20 A. At the time of the fire or now?
21 Q. I'm sorry. At the time of the fire.
22 A. Okay. 423-261-4255.
23 Q. What was Carol Ann's?
24 A. 423-261-4255.
25 Q. Was your number changed now?

1 ANPAC made part of your payment, your house payment?
2 A. Yes. It was taken out of escrow.
3 Q. Were the taxes, property taxes also escrowed?
4 A. Yes.
5 Q. I think I'm clear on this, but during the
6 three years before this fire happened all of the income
7 that you and Carol Ann had is reflected in these tax
8 returns that are exhibits to your transcript, is that
9 correct?
10 A. Yes.
11 Q. Did either of you receive any government aid
12 of any kind during the three years before the fire?
13 A. No.
14 Q. By that, I mean Social Security, food stamps,
15 anything like that?
16 A. (Witness moves head from side to side.)
17 Q. Do y'all have any relatives in Blount County?
18 A. No.
19 Q. Other than Kimberly?
20 A. No.
21 Q. Okay. Do you all have health insurance?
22 A. No.
23 MS. HELD: What county is Vance in?
24 A. Monroe.
25 Q. Oh, Monroe. I'm sorry. I was saying Blount.

1 Do you have any relatives in --
 2 A. Mumroe County, no.
 3 Q. So at the time of the fire neither you nor
 4 Carol Ann had any health insurance?
 5 A. Correct.
 6 Q. Any disability insurance?
 7 A. No.
 8 MS. HEED: You need some health insurance.
 9 Q. Did you owe the IRS any money at the time of
 10 the fire?
 11 A. Yes.
 12 Q. What did you owe the IRS?
 13 A. Approximately 3,000.
 14 Q. Why did you owe them that?
 15 A. Because our CPA in Oklahoma screwed up our
 16 taxes.
 17 Q. Is that all taxes or was some of that penalty
 18 and interest?
 19 A. Some was penalties and interest.
 20 Q. What years was that for, calendar years?
 21 A. 2006 and 2007.
 22 Q. Who was your accountant that messed that up?
 23 A. May 17
 24 Q. Yeah, go ahead.
 25 A. Jack Weiborn, with Consult Tax Service,

1 Q. When did you list it?
 2 A. May 17
 3 MS. HEED: May I show this to her?
 4 Q. Sure. Go ahead. Anything that will refresh
 5 her memory.
 6 A. August 4th, 2010.
 7 Q. What is that you're looking at?
 8 A. The sales contract that was signed with our
 9 realtor.
 10 Q. Listing agreement?
 11 A. Yes.
 12 Q. May I look at it?
 13 A. Certainly.
 14 Q. Do you remember who your agent -- is that Dan
 15 or Dean Watson?
 16 A. Dan Watson.
 17 Q. Okay. And this looks like a copy. Where did
 18 you get this? Where did this come from?
 19 A. We had the copy.
 20 Q. Where was it?
 21 A. In a file.
 22 Q. At the time of the fire?
 23 A. All our extra files were placed in the laundry
 24 room at the brick house, the 216 Depot Street.
 25 Q. Okay. What else was at the house at 216 Depot

1 Oklahoma City, Oklahoma.
 2 Q. Okay. Have you made arrangements to make
 3 payments on that?
 4 A. Our 2009 tax return had a refund, which would
 5 more than cover what we owed.
 6 Q. So how much was your refund in 2009?
 7 A. May 17
 8 Q. If it's on there, I'll just look at it.
 9 That's all right.
 10 A. Okay.
 11 Q. Whatever the refund is, it's on your tax
 12 return?
 13 A. Correct.
 14 Q. For 2009?
 15 A. Correct.
 16 Q. Did you have any other insurance on the house
 17 or any of the contents that were destroyed in the fire?
 18 A. No.
 19 Q. For example, sometimes when you buy a TV or
 20 something they might sell you an insurance policy to go
 21 with it. You didn't have that?
 22 A. I should have, but, no, I did not.
 23 Q. Getting there. Was this house for sale before
 24 the fire?
 25 A. Yes.

1 Street as far as paperwork files? Tax returns, were they
 2 there?
 3 A. Yes.
 4 Q. Okay. Titles to vehicles, were they there?
 5 A. I believe so.
 6 Q. Of course, this listing agreement was there.
 7 A. Yes.
 8 Q. Birth certificates for you and Carol Ann,
 9 where were they?
 10 A. I don't know that we have those, but they -- I
 11 mean --
 12 Q. If you had them, where --
 13 A. If we had them, they would have been there.
 14 Q. At 216 Depot Street?
 15 A. Yes.
 16 Q. Why did you keep your papers over at 216 Depot
 17 Street?
 18 A. Because they junked up the closet in the
 19 office closet.
 20 Q. Where was your copy of the insurance policy,
 21 the AMERAC insurance policy?
 22 A. In the files.
 23 Q. At 216 Depot Street?
 24 A. Yes.
 25 Q. What other paperwork or documents are at 216

1 Depot Street other than what we've talked about?

2 A. Living wills, divorce papers, the manuals or
3 the information you get with items that you buy, like
4 washers and dryers and that type thing.

5 Q. Okay. Would it be fair to say all your
6 important papers were over at 216 Depot Street?

7 A. Could you repeat that?

8 Q. Would it be fair to say that all your
9 important papers were at 216 Depot Street?

10 A. I would say that our files were at the Depot
11 Street.

12 Q. Okay. Were there any important papers that
13 were destroyed in the fire?

14 A. I don't recall. I mean, we had -- I don't
15 know if there were bills.

16 Q. I was going to ask you to name them if you
17 said yes, no --

18 A. I don't recall.

19 (Whereupon, Exhibit Number 15 was marked.)

20 Q. All right. Is exhibit 15 a copy of that
21 listing agreement with Mr. Watson?

22 A. Yes.

23 Q. Why did you have the house for sale?

24 A. We had been dealing with our neighbor in our
25 front yard.

1 Q. Did you have any other neighbors that you had
2 problems with?

3 A. Initially when we moved there the neighbors
4 would come up on our property from back behind.

5 Q. You said you had a right-of-way issue with
6 Gerald Daugherty. Just in brief tell me what the problem
7 was. What were you --

8 A. He or members of his family would park in the
9 driveway and walk or partially block access up to our
10 home.

11 Q. Did you resolve that with him?

12 A. Yes.

13 Q. Did you resolve it with him in a way that
14 there were no hard feelings between either of you?

15 A. Yes.

16 Q. So it would be fair to say that, even though
17 you had to have a discussion with Mr. Daugherty about
18 right-of-way issues, there was no animosity or ill
19 feelings between you two and him?

20 A. Correct.

21 Q. And who did you think burned this house down?

22 A. I don't know.

23 Q. Don't have any idea?

24 A. I have a suspicion.

25 Q. Okay. Who do you suspect?

1 Q. Okay. I want to get into that in more detail,
2 but let me ask you, if I can just summarize, would it be
3 fair to say that you had put the house up for sale
4 because of disputes you had with your neighbor and you
5 wanted to move away?

6 A. I would say --

7 Q. You say it the way you want to say it. Okay?

8 A. I would say we wanted to peacefully get away
9 from that area.

10 Q. And who is the neighbor?

11 A. Janice Millsaps.

12 Q. And I'm going to ask you a lot more about
13 that, but are there any other neighbors that you had had
14 problems with of any kind, or is she the only one?

15 A. We had discussed right-of-way issues with
16 another neighbor at the bottom of the hill named Gerald
17 Daugherty.

18 Q. Okay. Any other neighbors that you had any
19 issues with or problems with?

20 A. There was a preacher who had a property to the
21 back of us who would come across our land to go to the
22 lake and tell his church -- apparently tell his church
23 people that they could do the same.

24 Q. What's his name?

25 A. I would have to defer that to Carol Ann.

1 A. Janice Millsaps.

2 Q. As I said, we're going to talk about that some
3 more. Is there anybody else you suspect of burning your
4 house down?

5 A. No, sir.

6 Q. Is there anybody else that you've had any kind
7 of a fight or argument with that would cause you to
8 suspect that they might have burned your house, other
9 than Janice Millsaps?

10 A. No. She's the only one that we really butted
11 heads with at all.

12 Q. Let me just lay it out. I'm just trying to
13 find out if she's the only one we need to consider as a
14 suspect, or are there other people out there that you've
15 had problems with that you think might have burned your
16 house down. Okay?

17 A. I have not had any issues personally with
18 anyone other than Janice.

19 Q. Okay. What about Carol Ann, has she told you
20 about anybody else that she's had problems with that
21 might have wanted to burn your house down?

22 A. She has had more interaction with other
23 neighbors who have come across our land.

24 Q. When the house was listed, and I guess I could
25 look at the listing agreement here, what was included in

1 the --

2 MS. REID: You got it.

3 Q. Let me just ask you, because I can't read
4 this, it's too little. When you listed the house for
5 sale or when you offered it for sale --

6 A. Uh-huh.

7 Q. -- what was included in the house to be sold,
8 other than the house and the garage? Was there anything
9 else that went with the house? Well, perhaps the
10 appliances, I guess?

11 A. Yes.

12 Q. Is there anything else besides the house, the
13 appliances and the garage that were to be sold if
14 somebody bought the house?

15 A. We were offering a used pontoon boat, one of
16 our zero-turn lawnmowers --

17 Q. Okay.

18 A. -- and a jon boat.

19 Q. Anything else?

20 A. I believe that is all.

21 Q. Okay. Where was the used pontoon boat located
22 at the time of the fire?

23 A. On the back part of the property, up on a
24 little incline.

25 Q. Is that where it normally was kept?

1 Q. Okay.

2 A. They were removed after the fire, after we got
3 clearance from the sheriff's department to remove our
4 property, because we didn't want looters to come up
5 and --

6 Q. Right. What was inside the garage at the time
7 of the fire?

8 A. At the time of the fire we had camping
9 equipment, automotive equipment, some boating toys.
10 That's the best I can remember.

11 Q. Camping equipment. I think that's kind of
12 self-explanatory. Would that be like maybe a tent,
13 sleeping bags?

14 A. Tents and bags and --

15 Q. Camping stove?

16 A. Correct.

17 Q. Auto equipment, what do you mean by that?

18 A. Anything from jacks and oil, antifreeze. Had
19 a toolbox.

20 Q. Stuff you would use to maintain your vehicle?

21 A. Yes.

22 Q. And boating toys, I assume you're meaning like
23 a tube, skis, hose board?

24 A. Tubes and floats.

25 Q. Okay. And that's everything as best you can

1 A. Yes.

2 Q. Okay. Was it damaged or destroyed?

3 A. No.

4 Q. And the zero-turn lawnmower, where was it
5 located at the time of the fire?

6 A. It was on the end of the garage, outside.

7 Q. Was it damaged or destroyed?

8 A. No.

9 Q. And the jon boat, where was it located?

10 A. It was in the cove.

11 Q. Was it in the water or just sitting on the
12 bank or --

13 A. In the water, I believe.

14 Q. Did the pontoon boat have a trailer that went
15 with it?

16 A. Yes.

17 Q. Was it sitting on its trailer?

18 A. Yes.

19 Q. So y'all actually had three zero-turn
20 lawnmowers?

21 A. No.

22 Q. Okay. You had two, but one was at 21st Depot
23 and the other one was where the house was that burned?

24 A. Actually, both of the zero-turns were at the
25 2715 property.

1 recall that was in the garage at the time of the fire?

2 A. Yes.

3 Q. And I understand you all left to go to
4 Nashville sometime before the fire, and we'll get to that
5 in more detail, but is that correct?

6 A. Yes.

7 Q. When you left, was the house locked up?

8 A. Yes.

9 Q. Was the alarm turned on?

10 A. We did not have an alarm.

11 Q. It did not have one installed?

12 A. Correct.

13 Q. Had it ever had an alarm?

14 A. Not to my knowledge.

15 Q. Who had keys to the house at the time of the
16 fire?

17 A. Carol Ann, Kimberly and myself.

18 Q. Anybody else to your knowledge?

19 A. No.

20 Q. After you bought the house did you change the
21 locks?

22 A. Eventually, yes.

23 Q. Okay. Before the fire had the locks been
24 changed?

25 A. Yes. From the time we bought the house to the

1 time of the fire it had been changed.

2 Q. Okay. Did you have any keys hidden outside?

3 A. We used to, but when our neighbors started

4 being really, really bad we put them on the key chain.

5 Q. On the key chain, what do you mean by that?

6 A. Of our vehicles, our respective vehicles.

7 Q. Was the garage locked when you left to go to

8 Nashville?

9 A. Yes.

10 Q. And I've seen a picture of it somewhere and I

11 noticed it had like three bay doors --

12 A. Yes.

13 Q. -- and then a personal door on the end?

14 A. Yes.

15 Q. Were there any other doors on the garage?

16 A. No.

17 Q. Were there any other windows?

18 A. Yes.

19 Q. Where was the other window?

20 A. There are windows on each end and either two

21 or three in the back.

22 Q. Okay. Was it the same house key that operated

23 the garage door or a different key?

24 A. Different key.

25 Q. Who had keys to that door?

1 A. We had those hidden, I believe.

2 Q. Where were they hidden?

3 A. Behind the guttering.

4 Q. Who knew the whereabouts of those keys besides

5 you?

6 A. Carol Ann. I don't know if Kimberly was aware

7 or not.

8 Q. You say behind the guttering?

9 A. The downspout.

10 Q. Of the garage?

11 A. Yes.

12 Q. When you returned from Nashville was the

13 garage still locked up?

14 A. Yes.

15 Q. So nobody had broken into it?

16 A. No.

17 Q. Were there any lawnmowers inside the garage?

18 A. No.

19 Q. Was there any gasoline inside the garage?

20 A. No.

21 Q. Was there any gasoline anywhere else on the

22 property?

23 A. We had gasoline for the lawnmowers.

24 Q. Okay. Where was it located?

25 A. Outside the garage.

1 Q. Where outside the garage?

2 A. To the back of the garage.

3 Q. What size container?

4 A. Five-gallon.

5 Q. How many five-gallon containers?

6 A. I don't know how many at the time of the fire.

7 Q. How many did you have altogether?

8 A. I would have to defer that to Carol Ann

9 because she kept up with the diesel and the gasoline for

10 the tractor and the boat and --

11 Q. Sure the five-gallon cans of gasoline,

12 whatever you had, were they still there after the fire?

13 A. As far as I know.

14 Q. Did you look?

15 A. I did not.

16 Q. Did you have any other diesel or other

17 flammable -- I'm trying to think of other flammable

18 liquids. Did you have any other flammable liquids on the

19 property?

20 A. We had a couple of propane -- smaller propane

21 tanks by the garage.

22 Q. Okay. Were they still there after the fire?

23 A. Yes.

24 Q. Was there any flammable liquids inside the

25 house before the fire?

1 A. Just household chemicals.

2 Q. Whatever might be in spray cans or --

3 A. Right. We had, you know, cleaning chemicals

4 and --

5 Q. Was there any gasoline inside the house?

6 A. No.

7 Q. Was there any diesel inside the house?

8 A. No.

9 Q. Diesel fuel? Was there any lamp oil?

10 A. No.

11 Q. Was there --

12 A. We did have lamp oil out in the garage with

13 the camping stuff.

14 Q. And it was still there after the fire?

15 A. Yes.

16 Q. What about kerosene, did you have any kerosene

17 inside the house?

18 A. No.

19 Q. What about otherwise on the property?

20 A. I don't recall any other places.

21 Q. Okay. The gasoline that you had sitting in

22 back of the garage that was in a five-gallon container --

23 A. Uh-huh.

24 Q. -- was it just sitting there in the container

25 or was it in some sort of jar or box or something?

1 A. We just had the cans out on the ground.
 2 Q. Okay. Tell us about the problems you had with
 3 Janice Millsaps.
 4 A. Beginning from the beginning or just --
 5 Q. You moved into this house in May of 2005, is
 6 that right?
 7 A. That's when we bought it.
 8 Q. When did you move in?
 9 A. September.
 10 Q. Of 2005?
 11 A. Yes.
 12 Q. Why did it take -- why the delay from when you
 13 bought it till when you moved in?
 14 A. We had a property in Oklahoma that we had to
 15 sell.
 16 Q. So you moved in in September 2005. When was
 17 the first time you had any unpleasant or bad experience
 18 with Janice Millsaps?
 19 A. Well, we noticed when we came back -- we made,
 20 I think, three trips out to move our belongings from
 21 Oklahoma to Tennessee, and we noticed on one of the
 22 trips, when we went inside the house to check it, that
 23 some of our belongings had been gone through.
 24 Q. Approximately what year was this?
 25 A. 2005.

1 A. Because she was in the area.
 2 Q. Okay. Is there any other reason that you
 3 suspect her going through your belongings?
 4 A. Well, we would receive phone calls on our
 5 landline for Janice at our home months after we had
 6 bought it.
 7 Q. Was it a new number, was it a new telephone
 8 line?
 9 A. I don't think so. I think she still had that
 10 original phone number.
 11 Q. Okay. Let me ask you to sort of narrow this
 12 down instead of, you know --
 13 A. You don't want to go over five years?
 14 Q. Well, no. What I was trying to do is get you
 15 to identify specific instances where you had a problem
 16 with Janice Millsaps, that you can definitely identify
 17 that it was her you had a problem with --
 18 A. Okay.
 19 Q. -- as opposed to suspicions.
 20 A. Okay.
 21 Q. Okay? Let's work on that first.
 22 A. Okay. Within our first year of being there,
 23 Carol Ann and I were sitting in our living room, and I
 24 passed by the window and looked out and Janice was
 25 standing on our front porch.

1 Q. Where were your belongings that had been gone
 2 through?
 3 A. In boxes inside the house.
 4 Q. Had there been any forced entry into the
 5 house?
 6 A. Not that we noticed.
 7 Q. Was the house locked when you left?
 8 A. Yes.
 9 Q. Do you have any idea how the person got inside
 10 to go through your stuff?
 11 A. No. I mean, I have my suspicions, but --
 12 Q. What are your suspicions?
 13 A. I suspected that Janice kept a house key.
 14 Q. Is this a house that had belonged to her
 15 family?
 16 A. Yes.
 17 Q. So is that why you think she might have had
 18 the house key?
 19 A. Uh-huh.
 20 Q. Yes?
 21 A. Yes.
 22 Q. Is that why you had the locks changed?
 23 A. Yes.
 24 Q. Do you have any reason -- why do you think it
 25 was Janice Millsaps that did that?

1 Q. Okay.
 2 A. So I opened the door and asked her if I could
 3 help her, and she said no. I asked her if she needed
 4 anything, and she said no. And I went back in the house
 5 and told Carol Ann that Janice was standing on our front
 6 porch.
 7 Q. Anything else?
 8 A. Not at that time.
 9 Q. So did she just eventually leave?
 10 A. Yeah.
 11 Q. You never found out why she was there?
 12 A. No.
 13 Q. What was the next incident you recall?
 14 A. Oh, Lord. I don't recall specifics other than
 15 that one. Carol Ann had many more interactions with her
 16 than I.
 17 Q. Okay. So we need to ask Carol Ann about
 18 those?
 19 A. Yes.
 20 Q. Let me make sure I understand your testimony.
 21 The only incident you specifically recall involving
 22 Janice Millsaps where you can identify her is the one
 23 where she was standing on your porch within the first
 24 year that you lived there?
 25 A. No, there was another incident that --

1 Q. Okay.

2 A. -- I was in most recently.

3 Q. Tell me about that.

4 A. Carol Ann and I were going to the lake with

5 the pontoon boat, and we stopped to shut our gate, and

6 when we do that we have to stop right in front of

7 Janice's house, and she was out on her deck and said it

8 was a good thing that we were shutting our gate, so we

9 walked over to find out what she meant and she proceeded

10 to tell us that we had pissed off a lot of people in the

11 area and that we were known as queers around there. And

12 then she asked if we knew what they did to queers around

13 there, and we said no. She said, We burn them out. And

14 then she proceeded to ask us if we wanted to hear a joke.

15 We said, Sure. She said, Do you know what's better than

16 one dead queer, two dead queers, and then pointed at me

17 and pointed at Carol Ann. And we proceeded to get on our

18 boat and leave. Carol Ann tried to tell her that we were

19 putting our property up for sale, but she just walked

20 off.

21 Q. When was this?

22 A. It was the same day that we signed our papers

23 on the house, put it up for sale.

24 Q. Same day as the listing agreement?

25 A. Yes.

1 Q. I'm assuming you would have got in your

2 pick-up truck.

3 A. Yeah.

4 Q. Okay.

5 A. Well, I would drive the vehicle and she would

6 get in the pontoon boat, and then we'd go over, I would

7 back it up and she would take off.

8 Q. Okay. Where were you going to?

9 A. We launch at the Ballplay boat ramp, across

10 the highway from where we live.

11 Q. About what time of day was this on August 4th?

12 MS. HEALD: Do you have a copy of the police

13 report?

14 Q. Did you make a police report on this?

15 A. Yes.

16 Q. Okay. Do you recall the time of day?

17 A. I would -- it was mid-afternoon,

18 approximately.

19 Q. Okay. And so you say you did make a police

20 report on that?

21 A. Yes.

22 Q. And so if there's a time reflected in that,

23 would it be accurate?

24 A. Yes.

25 Q. Are there any other incidents where you had

1 Q. I thought you said that was in August of 2010.

2 A. August 4th, 2010.

3 Q. Was anybody else present during this

4 discussion besides you, Carol Ann and Janice Millsaps?

5 A. No.

6 Q. And do you have a gate on your driveway?

7 A. Uh-huh.

8 Q. Does that lock?

9 A. It has a solid bar that can go through and we

10 can put a lock on it.

11 Q. At the time of the fire, while you were gone,

12 did it have a lock on it?

13 A. No.

14 Q. Have you ever used a lock on that gate?

15 A. We did when we first got the gate, but found

16 it annoying.

17 Q. And were you in a vehicle or something? You

18 said you stopped to shut the gate.

19 A. We had the pontoon boat hooked up to the Chevy

20 pick-up.

21 Q. And you were pulling it out to go to the lake?

22 A. Uh-huh.

23 Q. Because you said you got back in your pontoon

24 boat and left.

25 A. Vehicle. Sorry.

1 problems with Janice Millsaps that you can recall? And I

2 know that Carol Ann may know of some, but I'm asking what

3 you recall.

4 A. No. Those were -- the two that I mentioned

5 were the main ones.

6 Q. Tell me about the day of the fire. Do you

7 remember what day of the week it was?

8 A. It was Saturday.

9 Q. Okay. September 4th?

10 A. Yes.

11 Q. Does that sound right?

12 A. (Witness wows head up and down.)

13 Q. And I understood you went to Nashville, but

14 would you tell me how that came about?

15 MS. HEALD: I want her to go ahead and answer

16 the question since there's a question on the floor, but

17 if we could then take a brief break?

18 MR. KINGSMAN: We can go ahead and take a

19 break. That was a pretty easy question.

20 (Whereupon, a break was taken.)

21 BY MR. KINGSMAN:

22 Q. Change the questions here a little bit. Did

23 you-all increase the coverage on your house shortly

24 before the fire?

25 A. Yes.

1 Q. On August -- trying to find the date. I think
2 it was August 16th. Yeah, August 16, 2017?
3 A. Yes.
4 Q. What did you increase it from and to?
5 A. We increased it to \$200,000 from -- I don't
6 recall what the previous one was.
7 (Whereupon, Exhibit Number 16 was marked.)
8 Q. Exhibit 16, have you ever seen that before?
9 A. I have seen a variation of it.
10 Q. Did you receive something in the mail showing
11 that your policy had been increased?
12 A. Yes.
13 Q. Was it a variation of Exhibit 16?
14 A. Yes.
15 Q. Who handled the increase in the coverage with
16 the agent, who did that?
17 A. Carol Ann and I both went.
18 Q. What reason did you give the agent for
19 increasing your coverage?
20 A. We had completed the basement.
21 Q. Okay. And so you felt the house was worth
22 more?
23 A. Uh-huh.
24 Q. Yes?
25 A. Yes. Sorry.

1 (Whereupon, Exhibit Number 17 was marked.)
2 Q. Exhibit 17, is that a copy of your Proof of
3 Loss that you submitted? Well, there's a cover sheet
4 there that I think is in your handwriting --
5 A. Yes.
6 Q. -- with your signature, is that correct?
7 A. Yes.
8 Q. That's Exhibit 17?
9 A. Yes.
10 Q. And who filled out?
11 A. Who filled this out?
12 Q. The Same Statement In Proof Of Loss, yes.
13 A. I filled it out.
14 Q. Did Carol Ann help you?
15 A. Yes.
16 Q. And is your signature on the third page of
17 Exhibit 17?
18 A. Yes.
19 Q. And is Carol Ann's?
20 A. Yes.
21 Q. And is it under that thing that says must be
22 signed something, something?
23 A. Yes.
24 Q. Okay.
25 A. I had to look for it. Yeah.

1 Q. And then let's go back to the first page of
2 Exhibit 17. Is that your handwriting?
3 A. Yes.
4 Q. Is that addressed to Stacey Jennings?
5 A. Yes.
6 Q. Okay. And it says there that: As per our
7 telephone conversation today, 10/27/10, the inventory of
8 items pages will be forwarded to you by Bright Claims.
9 Tim Cockett with Bright Claims worked with us and has
10 sent the forms to AWPAC. Is that what that says?
11 A. Yes.
12 Q. And so you-all worked with him and sat down
13 with him and tried to visualize or recall what was in
14 each room of the house?
15 A. We actually sat down with Aaron Miller --
16 Q. Okay.
17 A. -- and went over the items in the house.
18 Q. Did he ask you to try to picture what was in
19 the house room by room and make a record of it?
20 A. Yes.
21 Q. And I've got what was furnished to me by
22 AWPAC, it's a document entitled Bright Claim --
23 MS. HEED: Should we look at them together?
24 Q. And what we can do, if you'd rather use yours,
25 since you're familiar with it.

1 MS. HEED: I don't care.
2 Q. I think they're the same thing. If you want
3 to look at what I brought with me --
4 MS. HEED: If you want to see if they're the
5 same thing. Is that all right, counsel?
6 MR. KINSEMAN: Sure. Just trying to save you
7 some copying.
8 MS. HEED: In fact, why don't I have him go
9 ahead and start copying those.
10 MR. KINSEMAN: Go ahead.
11 MS. HEED: What we can do is keep this out,
12 unless counsel has any questions.
13 MR. KINSEMAN: I wasn't going to go over that.
14 I just wanted to identify it as a copy of the inventory.
15 We're going to make this Exhibit 18.
16 (Whereupon, Exhibit Number 18 was marked.)
17 BY MR. KINSEMAN:
18 Q. Is that a copy of your inventory that you
19 prepared with Bright Claims?
20 A. Yes.
21 Q. And did you and Carol Ann prepare this, or
22 help prepare it, or just you?
23 A. Mostly me. If I couldn't remember something,
24 then I would ask Carol Ann.
25 Q. Was everything that's listed on Exhibit 18

1 destroyed in the fire?
 2 A. Yes.
 3 Q. Did you-all remove anything from the house
 4 during the 60 days before the fire?
 5 A. Yes.
 6 Q. What did you remove?
 7 A. We downsized and de-personalized the house for
 8 showings.
 9 Q. Okay. And so -- first of all, when did you
 10 take these things out?
 11 A. From the -- I would think from the last week
 12 of July through August.
 13 Q. And where did you put these things?
 14 A. In storage.
 15 Q. Where?
 16 A. I believe it was You Store It in Vancore, off
 17 of Highway 72.
 18 Q. What size building did you rent?
 19 A. We had two storage buildings rented at that
 20 place.
 21 Q. Okay. And what all did you put in there?
 22 A. We had a lot of Kimberly's belongings from
 23 when she separated. We had stuff that we had had from
 24 the garage in there.
 25 Q. Did you move any furniture out of the house

1 A. Yes.
 2 Q. -- to you now? Where is it in Alcoa, what
 3 street?
 4 A. I don't know the specific address. I could
 5 drive you there.
 6 MS. HEND: Is it over by the K-Mart?
 7 A. It's behind McDonald's. Off Alcoa Highway,
 8 it's behind the McDonald's.
 9 MS. HEND: I know where it is. You'll drive
 10 by it when you go back. Well, you-all didn't fly.
 11 Q. When did you rent that in Alcoa, before or
 12 after the fire?
 13 A. After the fire.
 14 Q. How much are you paying for that?
 15 A. \$220, I believe.
 16 Q. When did you rent the one in Vancore?
 17 A. The first one we rented, I don't recall
 18 specifically, it would be six months to a year.
 19 Q. Before the fire?
 20 A. Yes.
 21 Q. And how much were you paying for that per
 22 month?
 23 A. I believe that was 110.
 24 Q. And then you rented a second one?
 25 A. Yes.

1 before the fire?
 2 A. In the previous 60 days?
 3 Q. Yes, um-hm.
 4 A. No.
 5 Q. Had you moved any furniture out of the house
 6 in the previous 90 days before the fire?
 7 A. No.
 8 Q. I'm sorry. I couldn't hear. Was that --
 9 A. No.
 10 Q. Had you moved any clothing out of the house
 11 during the 90 days before the fire?
 12 A. Yes.
 13 Q. Okay. Whose clothing?
 14 A. All three of us downsized our closets so they
 15 didn't look junked up.
 16 Q. And did that stuff go into the You Store It
 17 building?
 18 A. Yes.
 19 Q. Do you still have the You Store It buildings
 20 leased?
 21 A. No. We have since moved all that to
 22 Maryville -- no, Alcoa.
 23 Q. Where in Alcoa?
 24 A. It's another You Store It facility.
 25 Q. Is that because it's closer --

1 Q. When did you rent that?
 2 A. After the fire.
 3 Q. What did you pay for that one after the fire,
 4 the second one?
 5 A. The first month was \$20, and thereafter it was
 6 110.
 7 Q. Is this in Vancore?
 8 A. Yes.
 9 Q. Why did you rent the second one after the
 10 fire?
 11 A. To put items from the garage and items that
 12 were outside the garage, to store them so that they would
 13 not get stolen from the property.
 14 Q. Did you-all change your address with the post
 15 office before the fire?
 16 A. Yes.
 17 Q. When did you do that?
 18 A. It was sometime in August, after Janice
 19 threatened us.
 20 Q. After that incident where she was saying --
 21 told you-all the poor jokes?
 22 A. Yes.
 23 Q. I don't want to call that a joke, but you know
 24 what I'm talking about.
 25 A. Yes.

2 Q. And what did you change your address from and
3 to?
4 A. From 2715 Highway 360, Vonnore, to a post
5 office box in Vonnore, and I can't recall the number.
6 Q. Okay. And that was -- was that at the post
7 office?
8 A. Yes.
9 Q. Before you changed your address in August of
10 2010 did you receive your mail at your mailbox?
11 A. Yes.
12 Q. On the property?
13 A. At the corner of it.
14 Q. Okay. Now, why did you change your address?
15 A. We didn't want to have to go -- walk in front
16 of her house to get our mail.
17 Q. Okay. Was there any other reason you changed
18 your address other than that?
19 A. We didn't want her to be getting our mail in
20 case she so desired.
21 Q. Had you had any trouble with anybody going
22 through your mail or messing with your mail before you
23 changed your address?
24 A. When we first had moved there.
25 Q. Let me limit it, then. During the six months
before the fire had you had any trouble with anybody

1 MS. HEDD: You say -- do you need more detail
2 about the mail incident on the package that was delivered
3 to her house?
4 Q. You filed an incident report on that, or not?
5 A. Yes, I filed a police report, Carol Ann and
6 Kimberly did.
7 MS. HEDD: Keep going.
8 MR. KINGMAN: I'm trying to keep going here.
9 MS. HEDD: We can make those incident reports
10 late filed exhibits, if you'd like, counsel, and get them
11 to you, if that's helpful.
12 MR. KINGMAN: Sure. And I don't want to go
13 over the stuff that she's already told the police.
14 BY MR. KINGMAN:
15 Q. Did you tell the police everything you could
16 about that postal incident?
17 A. I would have to defer that to Carol Ann and
18 Kimberly because they were here. I was in Oklahoma at
19 the time.
20 Q. On your Proof of Loss you indicated -- you
21 made a claim for \$206,000 on the dwelling. How did you
22 derive that number? First of all, what did you have the
23 house listed for for sale, was it more than 206,000?
24 A. Yes. I would have to --
25 Q. I want to say it was \$274,000. Does that

1 going through your mail or, as I said, messing with it?
2 A. Not from the mailbox. There was a -- May 17
3 Q. Go ahead.
4 A. There was an incident where I had -- I was in
5 Oklahoma and had a UPS package sent to our home, and it
6 was delivered to Janice's house by mistake, and she -- it
7 was not recovered.
8 Q. Okay. Other than that incident, had you had
9 any trouble during the six months before the fire with
10 anybody going through your mail or taking your mail or
11 disturbing your mail?
12 A. No.
13 Q. And I understand that on the garage side
14 facing the house there was the word "Queers" painted?
15 A. (Witness moves head up and down.)
16 Q. Okay. Was that there before the fire?
17 A. No, sir.
18 Q. Do you know who put that there?
19 A. (Witness moves head from side to side.)
20 Q. Were there any spray cans laying around the
21 property after the fire?
22 A. Not that I saw.
23 Q. Do you know where that paint came from that
24 they used to paint that on the side of the house?
25 A. No, sir.

1 sound right?
2 A. Sounds about right.
3 Q. The listing contract's out being copied. And
4 then on the personal property, on Exhibit 17, you've got
5 the number \$69,131.31?
6 A. Yes.
7 Q. Where does that come from?
8 A. I believe I got it from this. I got it from
9 this, I believe. At the time that was filled out, I got
10 it from a listing similar to this, but the total was
11 different, and it had depreciation on it.
12 Q. Okay. Let me compare what you've got there to
13 Exhibit 18. If you want to look at it with me, see what
14 it's got.
15 A. Total 88,000.
16 Q. Personal property reported total cost, it says
17 \$88,138.73. That's 's different from the number you have
18 there.
19 A. Right.
20 Q. That's the replacement cost value.
21 A. Uh-huh.
22 Q. We need to go ahead and make this an exhibit,
23 because I think Exhibit 18 may be different from
24 what you're relying on.
25 MS. HEDD: That was my concern, as well.

1 Q. Let's make that Exhibit 19.
 2 (Whereupon, Exhibit Number 19 was marked.)
 3 Q. Exhibit 19, is that a copy of the inventory
 4 that was --
 5 A. This is a copy that we worked on with Aaron
 6 Miller.
 7 Q. Okay. Exhibit 19 is?
 8 A. Yes.
 9 Q. Okay. I should have done that in the first
 10 place. Now let me ask you about the day of the fire. I
 11 know you went to Nashville. About what time did you
 12 leave?
 13 A. Approximately, between the hours of 2:00 and
 14 4:00.
 15 Q. And why were you going to Nashville?
 16 A. We were celebrating our fifth year at the
 17 house.
 18 Q. Who went to Nashville with you?
 19 A. It was myself, Carol Ann Stutte, Kishorly
 20 Holloway, and Lena Black.
 21 Q. Anybody else?
 22 A. No.
 23 Q. What vehicle did you go in?
 24 A. In the Honda Element.
 25 Q. I think we have some receipts here for

1 would have been Central time.
 2 A. Oh-huh.
 3 Q. Which would have been, I guess, 3:00 Eastern,
 4 is that right?
 5 MS. HELD: No. We're an hour ahead. It would
 6 be 5:00 Eastern.
 7 Q. Well, if it's 2:00 Central, it would be --
 8 MS. HELD: 3:00 Eastern. Gain an hour.
 9 Q. Does that fit with your memory?
 10 A. No. These were just when we could check in on
 11 that date, it would be after 2:00 p.m., and we would have
 12 to check out before 11:00 a.m. on September 7th.
 13 Q. These aren't the actual check-in times?
 14 A. Correct.
 15 Q. After you checked in at the hotel and
 16 apparently went to the room and put your stuff away and
 17 did something. Where did you go after that?
 18 A. We went -- we parked at a parking garage. We
 19 parked at, I believe, that parking garage.
 20 Q. NCB Garage?
 21 A. Yes. And then we walked a number of blocks to
 22 the Wildhorse Saloon.
 23 Q. Okay. Is this piece of paper to the left of
 24 the NCB Garage receipt the back of it?
 25 A. Yes. So, yes.

1 expenses incurred during that trip, and we've got a
 2 heading on them, and item 7, I think, was probably in my
 3 letter. Let's make this Collective Exhibit 20.
 4 (Whereupon, Collective Exhibit Number 20 was marked.)
 5 Q. Ms. Stutte, would you look at Exhibit 20?
 6 MS. HELD: I'm sorry. What was Exhibit 20?
 7 A. The receipts from the trip.
 8 MS. HELD: I have two more. That one, I had
 9 an extra copy, so I went ahead and handed it to him.
 10 There were two more.
 11 Q. Is Exhibit 20 copies of receipts for expenses
 12 during the trip to Nashville?
 13 MS. HELD: Take your time.
 14 A. Yes.
 15 Q. Where did you first go when you got to
 16 Nashville?
 17 A. To the hotel.
 18 Q. Okay. Do you remember the name of that?
 19 A. It was either Holiday Inn or Holiday Inn
 20 Express.
 21 Q. Okay. How long did you stay at the hotel
 22 before you went somewhere else?
 23 A. I don't recall. Ballpark, two to three hours.
 24 Q. Okay. I'm looking at part of Exhibit 20 here.
 25 It says check-in September 4, 2010 at 2:00 p.m., which

1 Q. It's got a date stamp on it of September 4,
 2 19:30.
 3 A. Yes.
 4 Q. Is that when that vehicle left the garage?
 5 A. That's when it came into the garage.
 6 Q. Into the garage. Okay. And there's a phone
 7 number here, and it says --
 8 A. That was used as a scrap piece.
 9 Q. Who's T. K. Sloan?
 10 A. A person in Venice that Carol Ann had -- was
 11 contacting regarding the house, the 216 Depot house.
 12 Q. To do work on it or buy it or --
 13 A. To see if he was interested in buying it
 14 or-is.
 15 Q. Did you -- had you made efforts to sell that
 16 house before the fire?
 17 A. No.
 18 Q. Was this somebody you-all talked to after the
 19 fire about buying that house?
 20 A. Yes.
 21 Q. Okay. And that's his phone number there,
 22 836-12657
 23 A. You would have to confirm that with Carol Ann.
 24 Q. What's this other note here about?
 25 A. This was our contact person when we were

1 staying at the Chocolate Factory while --
 2 MS. HEED: Candy Factory.
 3 A. Candy Factory.
 4 Q. This receipt for the Wildhorse Saloon --
 5 A. Yes.
 6 Q. -- looks like -- did y'all have to pay a
 7 cover? What is that for?
 8 A. This was our admission into the Wildhorse
 9 Saloon.
 10 Q. Did you have to pay to get in there?
 11 A. Yeah.
 12 Q. All right. I've never been there.
 13 A. From what I remember, it's kind of cool.
 14 Q. And it says September 4, 1948. Is that what
 15 time you arrived?
 16 A. Yes.
 17 Q. Is it ~~the~~ piece to get in?
 18 A. Yes.
 19 Q. This receipt right here, it says plate face up
 20 on dash.
 21 A. M-100.
 22 Q. Plate number 0099. What's that a receipt for?
 23 A. That was for parking the following day at
 24 another parking area in Nashville, in the general area.
 25 Q. Okay. What vehicle was parked with this

1 A. It shows the gas that we stopped for on
 2 September 4th, the fill-up at Monterey, Tennessee, at
 3 Convenience Mart.
 4 Q. Does it also show the rental car, or not?
 5 A. Yes, it does, National Car Rental.
 6 Q. Just take me -- just walk me through what
 7 happened from -- you know, I don't want to ask you
 8 painstaking one right after the other. Just tell me what
 9 happened.
 10 A. Okay. From which point do you want me to
 11 start?
 12 Q. From when you left the hotel forward.
 13 A. We -- while we were at the hotel, looked
 14 through some pamphlets to find out what we wanted to do
 15 that night. And having a 26-year-old daughter, her
 16 hopping was the activity of choice. So we picked the
 17 Wildhorse Saloon, and found out how to get to it, drove
 18 from the hotel to the parking garage, parked and walked
 19 to the Wildhorse Saloon, went in, ordered some drinks,
 20 ordered our food. Kimberly got a phone call, best of my
 21 recollection, and it was for Lora, our neighbor that went
 22 with us, and she walked away with the phone, and whenever
 23 she came back she was talking to Carol Ann and seemed
 24 shaken, and it was loud, I couldn't hear what was going
 25 on, and I thought something might have happened to Lora's

1 ticket?
 2 A. Honda Element. No, no. I take that back.
 3 That's incorrect. This was a rental car, because Carol
 4 Ann had driven the Honda Element back.
 5 Q. Did you rent a car?
 6 A. Yes.
 7 Q. I think we'll get to that here.
 8 A. Okay.
 9 Q. What is this a receipt for, Nashville Limited?
 10 A. Souvenirs. That one was for our daughter.
 11 Q. Sloan's of Vance, September 5.
 12 A. That was us being back in town.
 13 Q. Where you stopped and got something to drink?
 14 A. Correct.
 15 Q. And this Pilot looks like a gas station charge
 16 for September 5?
 17 A. Yes.
 18 Q. Is that for the Element or the rental car?
 19 A. This would be for the Element, because it was
 20 at 1:01 a.m.
 21 Q. So there's two admission tickets here, one for
 22 you and one for Carol Ann?
 23 A. Yes.
 24 Q. And then the last piece of paper there for
 25 Capital One, what is that?

1 family or something and they couldn't get hold of her,
 2 so they got hold of Kimberly. But Lora started crying
 3 and told us that our house was on fire. And I wanted to
 4 leave and come back to the house --
 5 MS. HEED: You're just dealing with a bunch of
 6 teary women today.
 7 Q. Take your time.
 8 MS. HEED: I'm not used to this from you.
 9 A. I know.
 10 MR. KINGMAN: While she's recuperating here,
 11 what else did you bring?
 12 MS. HEED: I gave you the three more police
 13 reports we copied, I think they're on the bottom, and
 14 then this is the cell phone records you requested. This
 15 is what you provided to us.
 16 MR. KINGMAN: Yeah.
 17 MS. HEED: And then this is also a statement
 18 of the living expenses they've incurred with supporting
 19 documentation, KUB bills and that sort of thing.
 20 BY MR. KINGMAN:
 21 Q. Tell you what, if you can, while -- I'll
 22 divert you with something else here.
 23 A. Okay.
 24 (Whereupon, Exhibit Number 21 was marked.)
 25 Q. Is Exhibit 21 a copy of the receipts for your

1 additional living expenses after the fire?
 2 MS. HEED: Nothing like changing the subject.
 3 right?
 4 Q. We'll go back.
 5 MS. HEED: Nothing like foreshadowing, right?
 6 A. Okay.
 7 MS. HEED: Weeping woman.
 8 A. Yes, these are rental receipts for the rent
 9 and the NUB bills for October and November.
 10 Q. Are those all of your additional living
 11 expenses that you're making a claim for so far?
 12 A. Yes.
 13 Q. Okay. We can put that down. What was
 14 Kimberly's cell phone number at the time of the fire?
 15 A. I don't know if I still have it. I don't have
 16 her old cell phone number.
 17 (Whereupon, Exhibit Number 22 was marked.)
 18 Q. Let me show you Exhibit 22. Is that a copy of
 19 the cell phone records you've produced?
 20 A. Yes.
 21 Q. Are those records for your phone or yours and
 22 Carol Ann's?
 23 A. Both mine and Carol Ann's.
 24 Q. And who was it that received the phone call
 25 about the fire?

1 A. At the end of our home, on the sun room side.
 2 Q. And this one was taken where?
 3 A. Outside the hotel in Nashville.
 4 Q. That looks like the same spot. Now, is that
 5 Carol Ann?
 6 A. Yes.
 7 Q. Okay.
 8 A. She looks different without her glasses.
 9 MS. HEED: You should see her with camo.
 10 Q. And we've got this food receipt here. Did you
 11 get this from Lora Black? I'm sorry. Let me let you
 12 look at it. That might help.
 13 A. Yes, yes. Lora Black paid for it by credit
 14 card.
 15 Q. Let's make that Exhibit 23.
 16 (Whereupon, Exhibit Number 23 was marked.)
 17 Q. \$172.
 18 MS. HEED: It's those tequila shots. Big
 19 night on the town for you guys.
 20 Q. Just looking at this, it looks like there's
 21 just basically two sandwiches on here.
 22 A. I'd have to look.
 23 Q. Is that right?
 24 A. Yes, sir.
 25 Q. Did anybody else pay for anything at the

1 A. I believe it was on Kimberly's phone.
 2 Q. Okay. And we don't have her record here?
 3 A. No.
 4 Q. How did you pay for the food that you-all
 5 ordered that night, cash, credit card, check?
 6 A. I believe Lora paid by credit card.
 7 Q. Lora Black did?
 8 A. Yes.
 9 Q. I didn't see -- the reason I asked, I didn't
 10 see a receipt in Exhibit 20 for the food.
 11 A. I did not, either.
 12 Q. Okay. Do you have a receipt for the food?
 13 MS. HEED: (Produced document to Mr. Kinsman.)
 14 Here are pictures from the trip, as well, if you need
 15 them.
 16 MR. KINSMAN: Yeah. At least let me look at
 17 them. I don't know that we need to make them exhibits.
 18 BY MR. KINSMAN:
 19 Q. Your attorney has handed me pictures from the
 20 trip. Let's see. Is that you?
 21 A. Yes.
 22 Q. I can't tell. Who --
 23 A. From left to right, it is Carol Ann Statte,
 24 Lora Black, myself, and Kimberly Holloway.
 25 Q. Okay. And where was that picture taken?

1 Wildhorse Saloon besides Lora?
 2 A. I gave her cash. I couldn't tell you how
 3 much.
 4 Q. To reimburse her?
 5 A. Right. And I don't recall if Kimberly paid
 6 for her own meal or not.
 7 Q. Exhibit 23 says five guests. Did you-all have
 8 five guests there, five people?
 9 A. No. Where did -- I didn't see that.
 10 Q. Somewhere up at the top here. Right there
 11 (indicating).
 12 A. I see the five. But there were only four of
 13 us.
 14 Q. You-all didn't meet somebody in Nashville,
 15 something like that?
 16 A. (Witness moves head from side to side.)
 17 Q. Just looking at your cell phone records here,
 18 I wanted to identify these numbers. Maybe you can see
 19 them better than I can. There's two here on 9/4 and two
 20 on 9/5. Well, several on 9/5 and one on 9/4. Can you
 21 identify whose telephone numbers those are?
 22 A. The 6875 numbers are to Lora Black's cell
 23 phone from Carol Ann's cell phone.
 24 Q. Okay. Are there any others? Does that take
 25 care of all those on 9/4 and 9/5?

1 A. I'm sorry. Hang on one second, because they
2 divide this into my cell phone number and Carol Ann's
3 cell phone number. Okay. Four of the phone calls to
4 423-864-6875 is from Carol Ann's cell phone to Lora
5 Black's cell phone. And then it looks like Carol Ann
6 called her cell for voicemail or something like that.
7 Q. Why was Carol Ann calling Lora instead of you?
8 A. I had -- I had Lora's cell phone.
9 Q. Where was your cell phone?
10 A. I had it, as well. I'm not sure why she
11 called it. I think probably because it was easier, she
12 could just push a button and dial on the road.
13 Q. And after you-all got that call from -- who
14 was that call from to Lora?
15 A. Her daughter, Jade.
16 Q. What did you-all do after that phone call came
17 in?
18 A. Carol Ann and Lora went outside, and I don't
19 know what all discussion was made, what they told me was
20 that the -- a police officer called and spoke with Carol
21 Ann.
22 Q. Okay. And then what did you-all do?
23 A. We stayed at the Wildhorse Saloon and drank
24 and tried to eat.
25 Q. How long did you stay?

1 A. Between 11:00 and midnight, I would say,
2 Central.
3 Q. How much had she had to drink at that point?
4 A. Maybe two shots.
5 Q. I mean, from the entire time you were at the
6 Wildhorse Saloon to when you-all were drinking adult
7 beverages back at the hotel, is that all she had?
8 A. She wasn't a drinker really until after the
9 fire.
10 Q. Okay. I'll tell you, on your Proof Of Loss it
11 says time of occurrence 8:11 Central Daylight Time. Do
12 you remember that?
13 A. Uh-huh.
14 Q. Where did you get that?
15 A. From the cell phone.
16 Q. From whose cell phone?
17 A. I believe it was Lora's cell phone.
18 Q. So you looked on her cell phone record and
19 that's what time it showed that she received the call
20 from her daughter, Jade Black?
21 A. Uh-huh.
22 Q. Yes?
23 A. Initially, yes.
24 Q. When you say uh-huh, it's hard for her to --
25 A. Yes. I'm sorry.

1 A. Can I see the receipts?
2 Q. If you can -- do you have any recollection?
3 MS. HELL: Independent of the receipt, do you
4 remember anything?
5 A. It would just be a guess.
6 Q. Can you give me an estimate in terms of --
7 A. Approximately, I would say, in the area of
8 11:00 we left.
9 Q. Okay. And where did you go?
10 A. Back to the hotel.
11 Q. After that, what did you do? I understood
12 Carol Ann drove back.
13 A. Yeah.
14 Q. That's what I'm trying to get to.
15 A. Okay. We sat at the hotel in disbelief. We
16 had adult beverages in our room and we partook in them.
17 Carol Ann during this time decided to drive back because
18 one of our puppy dogs was unaccounted for, and so it was
19 decided amongst us that she would drive back, try to find
20 the puppy dog, and we could rent a car the following day
21 and drive back.
22 Q. And that rental is shown on that receipt?
23 A. On the credit card bill.
24 Q. About what time was it when Carol Ann left
25 Warville to drive back?

1 Q. How many dogs did you have?
2 A. Three.
3 Q. What kind were they?
4 A. Heins 57. One is a hound mix, another is a
5 hound mix, and then a lab mix.
6 Q. Okay. Do they run free, or do you have them
7 in a pen, or how do you keep them?
8 A. They were outside dogs.
9 Q. Were they all found after the fire?
10 A. Yes.
11 Q. None of them were killed?
12 A. No.
13 Q. Okay. Are they pretty good guard dogs?
14 A. Yes.
15 Q. If somebody comes up to the house, they'll
16 bark and sound a warning, basically?
17 A. Yes.
18 Q. Is it possible for somebody to approach the
19 house without them barking?
20 A. I have not known it to happen.
21 Q. Okay. Did you-all have any guns in the house?
22 A. We each had a handgun in our side tables.
23 Q. Did you have any other guns?
24 A. No.
25 Q. Long guns, shotguns, rifles?

1 A. Not in the house, no.
 2 Q. At the time of the fire?
 3 A. No.
 4 Q. Did you have some somewhere else?
 5 A. Yes. We had moved our guns out of the home
 6 into the Depot house basement.
 7 Q. When did you do that?
 8 A. First part of August, I believe, after we had
 9 signed the papers for the house.
 10 Q. Why did you do that?
 11 A. We didn't want guns in the house while the
 12 house was being shown.
 13 Q. Why is that?
 14 A. Didn't want anybody to get into them or steal
 15 them.
 16 MS. HELD: I have a couple of questions about
 17 the dogs. Would you like me to wait until the end?
 18 MR. KINGSMAN: Go ahead.
 19 EXAMINATION
 20 BY MS. HELD:
 21 Q. Did the dogs, were they familiar with Janice
 22 Millsaps?
 23 A. Yes.
 24 Q. Would they bark with Janice -- if Janice came
 25 onto your property?

1 Q. Okay. What was wrong with her, flu, stomach
 2 virus, do you have any idea?
 3 A. I think it was mostly upper respiratory type.
 4 Q. Is she diabetic?
 5 A. Yes.
 6 Q. I'm going back through my questions.
 7 A. Okay.
 8 Q. I think we're almost done, but we really
 9 haven't gone over -- I understood that Carol Ann got in
 10 the element about 11:00 or midnight and left to go back?
 11 A. Yes.
 12 Q. Have you talked to her about what time she got
 13 back to Vance? If you haven't, that's okay.
 14 A. She called us periodically on her way back
 15 because I wanted to make sure she didn't fall asleep or
 16 anything, and I knew that she was within seven miles the
 17 last time she called us.
 18 Q. All right. Where did she stay when she got
 19 back?
 20 A. At the Black family home.
 21 Q. Are y'all pretty good friends with them?
 22 A. Yes.
 23 Q. There's a number on your cell phone records
 24 for, I think, September 6th, maybe, or 5th, 423-519-2996.
 25 A. Let me check.

1 A. They had in the past.
 2 Q. Did they bark at her the night that she was on
 3 your front porch.
 4 A. We didn't have all those dogs at that time.
 5 Q. Could neighbors hear them bark besides --
 6 other than Janice, would other neighbors have heard the
 7 dogs barking?
 8 A. Possibly.
 9 Q. Who could have?
 10 A. The Black family down the hill.
 11 Q. Did they indicate that they had heard any dogs
 12 barking the night of the fire?
 13 A. Not to my knowledge.
 14 EXAMINATION
 15 BY MR. KINGSMAN:
 16 Q. Have you interviewed them?
 17 A. Me?
 18 Q. Yes.
 19 A. I have not.
 20 Q. Was Kimberly ill on September 4th?
 21 A. She had been feeling ill throughout the
 22 previous week.
 23 Q. Okay. Was there a question about her going on
 24 the trip because she was ill?
 25 A. Yes.

1 Q. I can see better without my glasses.
 2 A. 423-519-2996?
 3 Q. Yes, we'm.
 4 A. That would be Joe Wehert.
 5 Q. Who is he?
 6 A. He's a friend of ours.
 7 Q. Okay. And why would you call -- why did you
 8 call him at that point in time? I've got the phone
 9 records here if you need to see them.
 10 A. Okay. I believe I called him to let him know
 11 that we were almost -- Kimberly and I were almost home.
 12 Q. Okay. Why would he be concerned about that?
 13 A. He lived near Ry and Carol House, whom we
 14 ended up staying with.
 15 Q. Okay. They're in Tallico?
 16 A. Elaine.
 17 Q. Elaine. Where does he live in Tallico Elaine?
 18 A. Just down the hill from Ry and Carol House.
 19 Q. Where does he work?
 20 A. He does not work.
 21 Q. Is he retired or disabled or --
 22 A. He has land and he works the land. His wife
 23 is disabled.
 24 Q. So would you say he's a farmer?
 25 A. Yeah.

1 Q. Do you have any receipts showing you bought
2 the things that are listed in your inventory?
3 A. No.
4 Q. Okay. When did you-all get back to Vansore?
5 When I say you-all, I mean you and everybody except Carol
6 Ann.
7 A. We arrived back the evening of the 5th.
8 Q. Did you go to the fire scene?
9 A. No.
10 Q. Have you been to the fire scene after the
11 fire?
12 A. Yes.
13 Q. Is there anything you saw about the fire scene
14 that you thought was unusual or something that you could
15 comment on? Just looked like a burned house?
16 A. There was nothing left.
17 Q. Okay. What I'm trying to find out is if when
18 you went there you saw something and said, oh, that's
19 usual, that tells me something, anything like that.
20 A. I didn't see anything misplaced.
21 MR. KINSMAN: Okay. Ms. Held, we have this
22 notebook full of photographs here.
23 MS. HELD: Yes, sir.
24 MR. KINSMAN: I don't want to make it an
25 exhibit, but can we just identify it on the record as a

1 MS. HELD: I think these are from the --
2 MR. KINSMAN: The trip?
3 MS. HELD: Yeah.
4 BY MR. KINSMAN:
5 Q. Okay. All right.
6 A. That's just a --
7 Q. Did that come with the notebook?
8 A. Yes.
9 Q. I'm assuming you rented the rental car on
10 September 5th, the day after the fire, is that correct?
11 A. Yes.
12 Q. Where did you rent the rental car?
13 A. At the airport in Nashville.
14 Q. How did you get from your hotel over to the
15 rental car place?
16 A. Had to call a cab.
17 Q. Okay. And do you have a receipt for that or
18 did you pay them cash?
19 A. I did have a receipt at one point. I don't
20 know where --
21 MS. HELD: I've never seen it.
22 Q. How long did you keep that rental car?
23 A. We turned it back in the afternoon of the 6th.
24 Q. Where did you turn it in?
25 A. The Alcoa Airport, or Knoxville.

1 seven notebook with about an inch-and-a-half to two
2 inches worth of photographs in it?
3 MS. HELD: Certainly.
4 MR. KINSMAN: And will you keep this in its
5 current state until this matter is resolved?
6 MS. HELD: Yes, I will.
7 MR. KINSMAN: And if we need to, can we send
8 it out and have copies made? I don't want to disturb the
9 arrangement of this, but if we have to have copies made,
10 could we have it made without taking the pictures out?
11 Does that make sense?
12 MS. HELD: I think we could keep the pictures
13 in their current order. I think we'd have to physically
14 remove them from the sleeves to have them copied
15 accurately.
16 BY MR. KINSMAN:
17 Q. Because, Ms. Stutte, I understand what you-all
18 did is took pictures of the fire scene and matched them
19 up with pictures you already had, is that correct?
20 A. Yes.
21 MS. HELD: It has been very difficult for my
22 clients to look at these pictures, so it may be our best
23 documentation that they actually purchased this stuff,
24 any of the items in the inventory.
25 MR. KINSMAN: What are these?

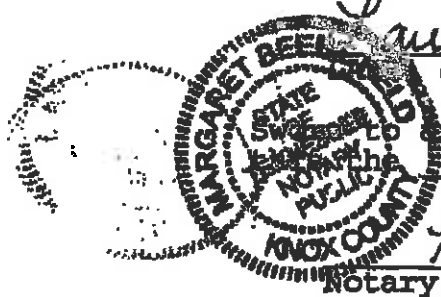
1 Q. Okay. Where did you stay on the evening of
2 September 5th?
3 A. We were at Ky and Carol Boese's.
4 Q. You already gave me their phone number, didn't
5 you?
6 A. Yes.
7 Q. Ms. Stutte, I appreciate your patience and
8 your efforts here today. Are there any questions that
9 you don't think you understood that I didn't explain to
10 you?
11 A. Not that I can recall.
12 Q. Okay. In other words, if you didn't
13 understand something, did you tell me so?
14 A. Uh-huh.
15 MS. HELD: You've got to say yes or no.
16 A. Yes. I'm sorry.
17 Q. Have I been polite to you?
18 A. Yes.
19 Q. Okay. Thank you.
20 (Examination Under Oath concluded.)
21
22
23
24

ERRATA SHEET

I, LAURA JEAN 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
7/7	Olney	spelling
11/9	Tales	"
12/6	Kai and Karel	"
12/7	Karel	"
12/22	Kai and Karel	"
12/25	Karel	"
13/1	Kai	"
16/8	Executive Park Dr.	Name Clarification
23/8	Purchased house June 10, 2005	
41/20	Care Credit	
63/9	block or partially block	
73/7	We bought it June 10, 2005	
93/5	Erin	Spelling
112/4	Neubert	"
112/13+14	Kai and Karel	"
116/3	Kai and Karel	"

Laura Jean Stutte
 JEAN STUTTE



to and subscribed before me,
 this 28th day of June, 2011.
 Margaret Beel
 Notary Public
 My commission expires: 11/12/2011