

IN THE CHANCERY COURT
FOR CAMPBELL COUNTY, TENNESSEE

DANIEL J. VALLE, ET AL,

Plaintiffs,

v.

No. 7CH1-2019-CV-237

FIELDS DEVELOPMENT
COMPANY, INC., ET AL,

Defendants.

CONTINUED DEPOSITION OF PAULA RAE LEJEUNE

June 28, 2023

Reporter: Todd Humble, LCR

APPEARANCES OF COUNSEL:

For the Plaintiffs:

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For the Defendants:

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I N D E X

THE WITNESS: PAULA RAE LEJEUNE

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The continued deposition of PAULA RAE LEJEUNE, called as a witness at the instance of the Plaintiffs, for purposes of discovery, pursuant to the applicable sections of Tennessee Rules of Civil Procedure, taken by agreement on June 28, 2023, before Todd Humble, Licensed Court Reporter and Notary Public, at the law office of Lewis Thomason, 620 Market Street, Suite 5, Knoxville, Tennessee, pursuant to the stipulation of counsel.

STIPULATIONS

It being agreed that Todd Humble, Licensed Court Reporter and Notary Public, may swear the witness, report the deposition in machine shorthand, afterwards reducing the same to typewriting.

All objections except as to the form of the question are reserved to on or before the hearing.

It being further agreed that all formalities as to notice, caption, certificate, transmission, et cetera, including the reading of the completed deposition by the witness and the signature of the witness, are expressly waived.

1 to say, but nothing in particularly specific to what we
2 discussed yesterday.

3 Q Okay. Well, when we come to the end
4 today, assuming that we've got time, and I'm going to try
5 to finish with you and your brother both today --

6 A Okay.

7 Q -- I will do my best to give you a bit
8 of time to address that.

9 A Okay.

10 Q I don't know how much time it will be,
11 but we'll try our best to accommodate and let you say
12 whatever you would like to say to us in that regard.

13 One of the things that we talked about
14 yesterday was this account with First Volunteer Bank.
15 You told me that the account with First Volunteer Bank
16 that we were talking about was an account that was for
17 the condo association actually.

18 A For Deer Lake Condominiums.

19 Q For Deer Lake Condominiums, okay. When
20 we obtained the records to that account, the account name
21 was Deerfield Resort Homeowners Association.

22 A Yes.

23 Q That was the name on the account. Let
24 me hand you a copy of the account information form. It's
25 a two page document from that bank and it bears various

1 signatures that were made on July the 8 , 2019, which I
2 think is about the time that that account was set up;
3 have you ever seen this before?

4 A I'm sure I signed it, that's my
5 signature.

6 Q So on the first page there is a place
7 for signature of Madeline Fields, Madeline C. Fields, and
8 I think what the bank had intended was that she was to
9 sign on the top line and put her office or position on
10 the line where it says its, but she signed on that line,
11 which is no problem. She has still signed it. And then
12 you signed right below her, correct?

13 A Yes.

14 Q And then on the opposite side of those
15 signatures on this account information form with First
16 Volunteer Bank is a signature line for Raymond Scott
17 Fields. That looks like to me some type of stamped
18 signature, is it?

19 A Yes, it is.

20 Q And would you have been the person that
21 placed the stamp signature on there?

22 A No, it was not me.

23 Q Would your mother have been the person
24 that did that?

25 A Probably, I would assume it would have

1 been her.

2 Q Okay. And then right below that is a
3 signature line for Marc Lejeune and does that appear to
4 be his signature?

5 A Yes, it does.

6 Q Do you recall you, your mother, and
7 your husband being at the bank to sign this or did they
8 send this form over and people signed it at different
9 times?

10 A I think they sent it out and we signed
11 it at the office.

12 Q Okay. Do you recall signing it
13 together or do you recall all of you signed it at
14 different times?

15 A I don't recall.

16 Q To the best of your knowledge, would it
17 have been with the authority and with the consent of your
18 brother that his stamp signature was placed on this form?

19 A Yes.

20 MR. HURLEY: All right. Let's make that
21 the next exhibit, please. What are we up to?

22 COURT REPORTER: Exhibit 39.

23 (Exhibit No. 39, filed.)

24 Q Now that -- let me hand it back to her
25 just one second. I should have asked you this while you

1 had it. That form shows under the account title and
2 address, it says Deerfield Resort Homeowners Association,
3 this is up near the top, 1235 Deerfield Way, LaFollette,
4 Tennessee 37766-6620, correct?

5 A Yes.

6 Q And then below that where it says
7 business entity information, there it has the same name
8 and the same address, Deerfield Resort Homeowners
9 Association with the address below that, correct?

10 A Correct.

11 Q Okay.

12 A The one thing that doesn't make any
13 sense to me is why this is in 2019 because I closed this
14 account out in that timeframe, in '19 or '20. So I don't
15 understand, unless maybe just from the very beginning --
16 it says resolution date. I don't understand the 2019,
17 because I closed this account and opened up a different
18 condo checking account. And so I do not understand the
19 '19 date, unless from the beginning of the account maybe
20 they just never got the signature cards for us and maybe,
21 at that point, they just realized in their records they
22 didn't have it.

23 Q I've actually got the checking records
24 that were obtained from this bank and I think I've given
25 a copy to counsel of those in the past. I don't think I

1 brought them today. I don't know the answer to your
2 question.

3 A Okay.

4 Q I can tell you, having represented
5 banks in the past, sometimes they will discover during a
6 state or federal banking examination --

7 A Yes.

8 Q -- that they don't have certain
9 documents that they should have and they will scramble to
10 get those while the examiners are there.

11 A Okay.

12 Q That's a possibility.

13 A Okay.

14 Q As to the dating, I don't recall. My
15 recollection was that the records that we got, and I may
16 be wrong, I'll let Preston know, but my recollection was
17 that the records that we got showed that account being
18 open somewhere in the '16 range.

19 A Exactly.

20 Q And running up to '19 or '20.

21 A That would seem closer to my
22 recollection when I closed it out.

23 Q Now, I don't remember seeing anything
24 in the records that we got that showed the account being
25 closed.

1 A Okay.

2 Q But that may have been just based on
3 the timing of the subpoena that Mr. Pryor had served.

4 A Okay. I'm sure at some point it would
5 have showed a zero balance in the records that you have
6 because I don't recall doing anything in that account in
7 2020, but I would have to go back and look at the
8 statements.

9 Q Sure, understood, okay.

10 MR. HAWKINS: Here's another copy over
11 here, just an extra copy.

12 MR. HURLEY: Okay.

13 Q In conjunction with that document is
14 the actual resolution I believe that it makes reference
15 to and we have that as well here. I have handed to you
16 now a document titled Resolution Association or
17 Organization. It's under a letterhead type designation
18 up at the top, insignia of First Volunteer Bank, business
19 entity, name, and address, Deerfield Condo Owners
20 Association, d/b/a Deerfield Lake Condominiums. The date
21 of this resolution is May 13, 2020, and it shows a
22 checking account number and a tax I.D. number. Now this
23 is different from the form that we just looked at, right?

24 A Well, it still says Deerfield Resort
25 Homeowners. So is this when -- is this maybe, this is

1 when I opened the new checking account and maybe that's
2 why the date is -- this is when we transitioned from
3 saying that it was -- because I think it was causing us
4 problems, that it said homeowners, not condos, and I
5 think that's why we changed it. So that's -- I'm trying
6 to find where you said it says condos.

7 Q Right under business entity name.

8 A Okay.

9 MR. HAWKINS: Hold on a minute.

10 MR. HURLEY: Are they different?

11 MR. HAWKINS: Yeah, these are not the
12 same document.

13 MR. HURLEY: Okay, sorry.

14 MR. HAWKINS: That's all right.

15 MR. HURLEY: What I've probably done --

16 MR. HAWKINS: The one that I've got --
17 this is the one from 2020, that one is from
18 2019.

19 MR. HURLEY: All right. Then let's do
20 this. We'll go ahead and enter the one that I
21 gave you, Preston, the one that's got the d/b/a
22 Deer Lake Condominiums.

23 MR. HAWKINS: Okay.

24 MR. HURLEY: We're going to use that one
25 and we'll make some extra copies here shortly.

1 I've just got a couple of questions for her.

2 MR. HAWKINS: Okay, sure.

3 Q You see what I was talking about now?

4 A Yes.

5 Q All right. I think the one that you

6 had may have been the previous resolution back in '19.
th

7 This one is dated May 13 , 2020, correct?

8 A Okay. Yes, it is.

9 Q And this would seem perhaps to conform
10 to the explanation that you were giving, that at some
11 point you went back in and changed the account --

12 A Yes.

13 Q -- is my understanding, correct?

14 A Correct.

15 Q Because you were having some problems
16 the way the account was originally set up?

17 A Right.

18 Q And the account as originally set up
19 which simply said Deerfield Resort Homeowners
20 Association, that account had been used or operated with
21 for a few years, correct?

22 A Repeat that question.

23 Q The account that was originally set up
24 as Deerfield Resort Homeowners Association, at least on
25 the bank's documentation and on the checks --

1 A Yes.

2 Q -- had been used for a few years?

3 A Right, for the condos or -- at least I
4 think around 2016.

5 Q Your testimony to me yesterday was
6 that, to the best of your knowledge, all of the
7 transactions in that account had actually been for
8 condominium purposes.

9 A Correct.

10 Q And not for Deerfield Resort Homeowners
11 Association business.

12 A Correct.

13 Q All right. So this would suggest to
14 you then that at least somewhere perhaps in the May 2020
15 timeframe, you went in and made that correction?

16 A That's correct.

17 Q Do you know if the account number -- it
18 looks to me like the account number probably even changed
19 at that time; is that your recollection?

20 A It seems like it did because I remember
21 during discovery I found the last -- the end of the bank
22 statements for that number.

23 Q And on that last bank statement did the
24 account show as actually zeroing out?

25 A The best I can remember, yes.

1 MR. HURLEY: Okay, all right. Let's
2 make that document the next exhibit and then we
3 can make a couple of extra copies of that when
4 we get a chance.

5 COURT REPORTER: Exhibit 40.

6 (Exhibit No. 40, filed.)

7 Q The next document, and because of what
8 we just encountered I've only got one copy of it, is the
9 2019 Resolution on the original account. That's the one
10 you were holding a few minutes ago, I believe.

11 A Okay.

12 Q All right. And that 2019 Resolution is
13 in the original name, the way the account was set up,
14 correct?

15 A Yes.

16 Q Does that one bear signatures of the
17 officers of the corporation?

18 A Well, again, this would have been in
19 reference to the fact that it was a condo because I'm not
20 clearly the president of the Fields Development or the
21 Deerfield Resort HOA. So they've had me sign this for
22 the condominiums. And I think that maybe the bank was
23 questioning that they were condo checks and that they
24 must have needed me to come in and clarify that, because
25 I would not have said I was president of anything to do

1 with Deerfield Resort, Fields Development, or the
2 Deerfield HOA. I'm not -- even now I'm not, Scott is.

3 Q So the document you're holding in your
4 hand now that we're about to make the next exhibit, which
5 will be 41, is a document that technically was in error
6 to be used?

7 A If I'm saying that I'm president of
8 any, it would have to have been for the condos.

9 Q All right. Because you've never been
10 president of Deerfield Resort Homeowners Association,
11 Inc.?

12 A Exactly.

13 Q Have you ever been president of Fields
14 Development?

15 A Never.

16 Q Okay.

17 A Scott is now.

18 Q And has Scott been president of that
19 entity, Fields Development Company, Inc. since your
20 mother passed?

21 A Only since she passed.

22 Q Only since she passed?

23 A Yes.

24 Q Prior to that your mother was the
25 president?

1 A And prior to that --

2 Q Your father was?

3 A Dad would have been, yes.

4 MR. HURLEY: Okay. So let's make the
5 document that is the 2019 Resolution, the one
6 that we think ultimately got corrected, the
7 next, Exhibit 41.

8 (Exhibit No. 41, filed.)

9 Q A few things I'm doing here are just to
10 clean up some things that we talked about yesterday,
11 okay?

12 A Okay.

13 Q I'm going to hand to you and your
14 counsel next a copy of a letter, a short one, from the
15 Campbell County Highway Department. It's addressed to
16 the Property Assessor's Office. It's dated June the 7th,
17 2021. It's signed by Don Dilbeck, the Road
18 Superintendent; do you know Ron?

19 A Not personally.

20 Q You know of him?

21 A I know of him.

22 Q It says, "Dear Mr. Partin: The Campbell
23 County Highway Department considers Deerfield Resort a
24 private gated community and we do no maintenance and
25 repair work to the roads in that community. If you

1 should need any additional information, please let me
2 know. Sincerely, Ron Dilbeck" D-i-l-b-e-c-k. Have you
3 seen this letter before?

4 A I have not.

5 Q Do you know the purpose or reason that
6 Ron Dilbeck would have been sending this letter to
7 Brandon Partin, P-a-r-t-i-n, of the Property Assessor's
8 Office for Campbell County?

9 A No. I'm not aware of any discussion
10 that would have prompted a letter like this.

11 Q With that being said, do you agree with
12 the indication? It's referenced as a consideration. Do
13 you agree that Deerfield Resort is a private gated
14 community?

15 A Yes.

16 Q And do you agree that the Campbell
17 County Highway Department does no maintenance or repair
18 work to the roads in the Deerfield community?

19 A Yes.

20 Q So the content of this letter you
21 essentially agree with?

22 A I do.

23 Q You were just unaware of it?

24 A Correct.

25 MR. HURLEY: Okay. Let's make that the

1 next exhibit.

2 COURT REPORTER: Exhibit 42.

3 (Exhibit No. 42, filed.)

4 Q One of the great things about living in
5 East Tennessee is we have four seasons. One of the bad
6 things about living in East Tennessee can be that we have
7 four seasons. And the changing of seasons can require
8 significant changes in the temperature and in the amount
9 of moisture that we get in the form of rain, or even
10 sometimes snow, which can be hard on roads.

11 You told me yesterday that the last
12 time, to your recollection, the roads were totally
13 resurfaced or repaved you believed to be in 2013,
14 correct?

15 A To the best that I have found or seen
16 or can remember.

17 Q Since then you indicated that there had
18 been some patching, both in very specific areas, probably
19 for potholes, but in some sections of the roadway that
20 has occurred, correct?

21 A Correct.

22 Q What is the condition of the roads now
23 as you would -- you drive it, how would you characterize
24 the condition of the roads?

25 A I would say they definitely need

1 patching. I don't know whether or not they're to the
2 point that they need repaving, but I would say there's
3 definitely streets that need repair work done.

4 Q In light of that, do you have any idea
5 the extent to which you think that repair work needs to
6 be accomplished?

7 A I do not. That's not something I
8 would've ever been involved with.

9 Q That would be more of a Scott question?

10 A Yes.

11 Q Okay. To the extent that we had, let's
12 say coming up in 2023, '24 winter, a bad winter, and to
13 the extent that that winter was hard on the roads and
14 there was a need for a significant repaving or
15 resurfacing, not maybe of the entire 18 miles of roads in
16 Deerfield, but a significant portion of it; what would
17 you do?

18 A At that point we would have a board and
19 it would be the board's decision.

20 Q Well, we hope we will, right?

21 A Well, we hope so.

22 Q And it would be the board's decision of
23 what to do?

24 A Correct.

25 Q And how to do it?

1 A That's correct.

2 Q And where to find the money to do it
3 with?

4 A That's correct.

5 Q Has there ever been a program in place
6 at Deerfield, to your knowledge, that undergoes a
7 periodic, maybe it's annual, maybe it's bi-annual, maybe
8 it's every five years, analysis or survey or evaluation
9 of the roads and their need for repair?

10 A To my knowledge there's been nothing
11 formally done, but I know that my father drove the roads
12 every day and that would have been his assessment.

13 Q And whose assessment would it be now?

14 A At this point without a board, it would
15 be Scott's.

16 Q Has he had any discussions with you
17 about his, first of all, perceptions as to the need for
18 any significant resurfacing or repair of the roads?

19 A Not for resurfacing. He is just
20 continually mentioning that he's trying to do the repair
21 himself or he's trying to get the repair done, that he
22 keeps the material with him to do the patch work. I'm
23 aware of his ongoing attempt at maintenance of what we
24 have.

25 Q Are you aware of any projection or plan

1 as to when resurfacing of the roads is anticipated?

2 A No, I am not.

3 Q When you say he keeps the material or
4 the things necessary to do the work, he does that work
5 himself or directs it to be done?

6 A Both. He would either do it himself or
7 he would have some of the grounds crew do it.

8 Q Is there any process that has been used
9 in the past to your knowledge where there is a program in
10 place, a policy, a protocol that's in place for the
11 periodic budgeting of money for road surface work?

12 A There's never been anything assessed in
13 the security and maintenance that would have been
14 designated for extra work. When she did -- from what I
15 found, and I believe it was 2013, she just did an
16 additional assessment or a request. She called it
17 voluntary. She said again, this is voluntary, you don't
18 have to do it, but we hope you will, and she just asked
19 for people at that point to pitch in something extra, I
20 think was her words.

21 Q Did people do that?

22 A Some people did. I don't -- I remember
23 seeing the sheet of who didn't pay and, of course, all
24 the usual names were on there. But I would say -- I
25 couldn't even venture a guess about what percentage of

1 the homeowners chipped in.

2 Q Or how much was raised from the
3 homeowners to do it with?

4 A Right. I guess the best information I
5 saw was what you had yesterday we discussed that were on
6 the --

7 Q On some of those exhibits?

8 A Exactly.

9 Q All right. And in that regard, when
10 Scott does work -- and I'll ask him later today too, but
11 I'm just looking at how it's done within the
12 organizations.

13 A Okay.

14 Q When Scott does work on the roads for
15 patching or resurfacing some section or portion, or a
16 pothole, or whatever the case may be, how is that paid
17 for?

18 A For the most part, I assume it's coming
19 through -- I've seen invoices coming through the security
20 and maintenance. I would also assume Scott has probably
21 purchased quite a bit himself that he's never asked for
22 reimbursement for.

23 Q Does he keep up with that?

24 A He does, but he also tends to just not
25 ask for the money back.

1 Q Does he keep up with it in an organized
2 way? In other words, there's a journal or there is a
3 computer entry, or something that regularly keeps up with
4 what he contends that he's incurring as costs for those
5 road projects.

6 MR. HAWKINS: Object to the form. You
7 can answer, if you know.

8 A I don't know his method.

9 Q Okay. Has he ever shown you any type
10 of ongoing projection of the cost for the roads?

11 A He has not shown me that.

12 Q Or the maintenance of the roads?

13 A No.

14 Q Okay.

15 MR. HURLEY: We marked the Campbell
16 County letter, right?

17 COURT REPORTER: Yes.

18 Q Just as a matter of kind of
19 housekeeping and developing a full record here, I want to
20 show you a copy of what has been obtained from the State
21 of Tennessee, being the State of Tennessee Department of
22 State Certificate approving the formation of Deerfield
23 Resort Homeowners Association, Inc.

24 And then on the next page we find the
25 Articles of Incorporation of Deerfield Resort Homeowners

1 Association, Inc. which continues on for about four
2 pages. It bears, at the end of the document on the last
3 page, the signature of Paul R. Fields; do you recognize
4 his signature on that last page?

5 A Yes.

6 Q And there is also a notarization of
7 that signature there indicating that Andy Troutman
8 notarized his signature; do you see that?

9 A I do.

10 Q And it indicates that his signature was
11 placed on the document. Now here you've got to go back
12 to your dad's signature, the 1st day of March, 1985 --

13 A '86.

14 Q -- I believe. No, '86, you're correct.
15 The 1st day of March, 1985, have you seen this --

16 MR. HAWKINS: Six.

17 Q I'm sorry, '86, '86. Have you seen
18 this document before?

19 A Yes, I have.

20 Q Do you believe that this is in fact the
21 Certificate and the original Articles of Incorporation?

22 A I do.

23 MR. HURLEY: Let's make that the next
24 exhibit, please.

25 COURT REPORTER: Exhibit 43.

1 (Exhibit No. 43, filed.)

2 Q Next I want to show you a document
3 that's called a filing information form that we have
4 obtained from the Tennessee Secretary of State regarding
5 Deerfield Resort Homeowners Association, Inc. and, Ms.
6 Lejeune, these forms typically are just a number of line
7 items with dates and what happened. They don't go into
8 any detail or narrative. They just say what forms were
9 filed and when.

10 Have you seen a document like this
11 before or have you seen something like this on the -- any
12 pulling up of the State of Tennessee website?

13 A I don't recall seeing something like
14 this.

15 Q All right. It shows on there back at
16 the inception -- go back to the third page. Just as we
17 saw a few minutes ago, it shows mail address, initial
18 filing, 4/15/86; do you see that at the bottom of that --

19 A Yes, I do.

20 Q All right. Then it goes from there,
21 there have been various times when the principal address
22 has been changed. There have been I think one or two
23 changes of the name of the registered agent for the
24 corporation. And as you go forward, back then on the
25 second page and work your way up from the bottom, it also

1 designates and shows each year that the annual report has
2 been filed; do you see that?

3 A I do.

4 Q I note, in particular, that it appears
5 that back in the years perhaps '87 or '88, '90, '91, '92,
6 there are some years that the forms appear to be filed
7 and then from about '91 there is -- on the top of the
8 third page there is an annual report update at the top of
9 the third page, July 29, 1991. And then as you come to
10 the next page what you see is an annual report update on
11 April 2nd, 1997, and then it goes to '99 and then appears
12 to be regular all the way up to the present from there as
13 best I can see and read on this form; would you agree
14 with that?

15 A Yes.

16 Q It shows a change in the name of the
17 registered agent of the corporation and a change of the
18 address of the registered agent occurring in 2021 when
19 Mr. Reams was named to that position, correct?

20 A Correct.

21 Q And then it shows annual reports being
22 filed in 2022 and 2023. Have you actually filed those
23 reports or has Mr. Reams done so?

24 A He directed me to do those.

25 Q Okay. So you did them at his

1 instruction?

2 A Yes.

3 Q Okay.

4 MR. HAWKINS: Actually I think the court
5 directed that.

6 THE WITNESS: Oh, okay.

7 MR. HURLEY: Okay, that's fine.

8 Q Has one -- yes, one has been filed for
9 2023. So we're up to date on that as best you know?

10 A Correct.

11 Q All right. And I know you weren't
12 necessarily involved in this on a day to day basis back
13 in the '90s, but do you have any reason to disagree with
14 anything on here? You have recognized certain things and
15 certain dates. Do you have any -- do you see anything
16 that you disagree with on this form?

17 A To thoroughly look at it, it might take
18 me a few minutes, but so far just a review of it I'm not
19 seeing anything that jumps out as incorrect.

20 Q There's nothing hidden about my
21 question. There's nothing that I'm trying --

22 A Okay.

23 Q -- to do. I'm just asking if this
24 would appear to be, at least to the dates that you're
25 aware of, accurate?

1 A Yes.

2 MR. HURLEY: Let's mark that as the next
3 exhibit.

4 MR. HAWKINS: I think we need to make
5 that for I.D. since she said she hadn't seen it
6 before.

7 MR. HURLEY: No problem.

8 MR. HAWKINS: Okay, thank you.

9 COURT REPORTER: Exhibit 44 for
10 identification.

11 (Exhibit No. 44, filed for I.D.)

12 Q One of the other things that we found
13 as we looked in the documentation up in Campbell County
14 at the Register's Office was an easement declaration.
15 It's dated the 1st day of September 1988. It indicates
16 that Fields Development, Inc. is the declarant of this
17 easement and on page two it bears the signature line of
18 Madeline Fields, Vice President of Fields Development
19 Company, Inc., indicating that she has signed it on the
20 day and year first above written, which again is
21 September 1, 1988; do you know what this is?

22 A I do not.

23 Q Have you seen it before?

24 A No.

25 Q It indicates in the section on the

1 first page, and I'm going to try to kind of point to help
2 orient you to what I'm about to ask about.

3 A Okay.

4 Q Where it says situated --

5 A Okay.

6 Q -- in District 2 of Campbell County and
7 being a permanent nonexclusive easement for ingress and
8 egress upon and over the road as depicted on the plat
9 attached hereto as Exhibit A, said road providing access
10 to the tract shown on the plat attached as Exhibit A
11 hereto. And then it makes reference to a deed of 1985
12 from Edwin Chapman and wife to Fields Development, Inc.,
13 and appears to grant an easement. And when I look over
14 at the third -- the fourth page there is a drawing, kind
15 of a survey type depiction of some property there; do you
16 see that?

17 A Yes.

18 Q And when I look at that it appears that
19 there is a road that is referenced in it and it looks
20 like to me that what it is doing there is granting an
21 easement over another portion of property that runs kind
22 of contiguous with the road, but the road is Deerfield
23 Way main road?

24 A Yes.

25 Q Does that give you any reason to know

1 what this is about?

2 A This looks to me to be Antlers Way.

3 Q Okay.

4 A And I'm not sure what they're saying in
5 the easement, but I do know that that road was going
6 through individual lots. So I'm wondering if this is
7 somehow granting themselves easement to have the main --
8 one of the tributary roads a secondary road coming across
9 other people's lots, but that's just an assumption.

10 Q Do you have any recollection of Fields
11 Development acquiring property from Edwin Chapman and
12 wife, Gertie, G-e-r-t-i-e, Chapman?

13 A Yes. That is what I referenced
14 yesterday, but the original purchase of Deerfield from
15 Sam Claiborne did not go all the way to the entrance
16 gate. That was a separate parcel. So I don't know what
17 the situation was, if Mr. Claiborne had an easement to
18 get into his acreage, but I do know that -- and
19 apparently this was very early on, it's saying 1985. But
20 they bought that additional section of acreage from Mr.
21 Chapman and that's what we would consider from the
22 entrance gate and the golf course parcel coming into
23 Deerfield.

24 Q Now, we talked a little about that
25 entrance area yesterday and just in very general terms

1 you told me that if I'm entering Deerfield on the left to
2 the property off the roadway, but adjacent to the roadway
3 is owned by someone else.

4 A Another individual.

5 Q An individual that's unaffiliated
6 officially with you or with Fields Development or with
7 Deerfield Resort?

8 A That's correct.

9 Q And that property -- I want to make
10 sure. That property of that individual is not owned --
11 that property owned by that individual is not part of
12 Deerfield Resort?

13 A That is correct.

14 Q Does this have anything to do, as best
15 you can tell in looking at this drawing, with that
16 entrance area?

17 A No. This is further in, about a mile
18 in.

19 Q That's what I thought. So are there
20 any -- to your knowledge, are there any problems with the
21 entrance area to the resort as far as Deerfield Resort or
22 any of its entities, Fields Development, in particular,
23 owning what is needed to be owned to get proper entrance
24 to the resort?

25 A I'm not aware of any problems with it.

1 We have in the past asked that individual either -- for
2 additional space. I believe my uncle actually tried to
3 buy some from him and at the time he was unwilling, but
4 it has been attempted in the past, just to have a little
5 better access, a little turnaround space there a little
6 easier, something like that.

7 Q Right.

8 A It's at a crossroads, so people do just
9 back up and turn around in those crossroads.

10 Q So the discussions, to the extent that
11 you've just referenced them, was perhaps not necessarily
12 to acquire all of the property owned by the adjacent
13 property owner, but to acquire some to give you a little
14 bit of room to expand that entrance area?

15 A Exactly.

16 Q I'm not trying to put words in your
17 mouth, but I think I'm following what you're saying.

18 A Yes.

19 Q And the adjoining owner has not been
20 agreeable to that to this point?

21 A That's correct. And I don't know what
22 amount was discussed, if that was the issue. I'm not
23 sure what the reason was. I just know he attempted it
24 and it didn't.

25 Q In your view, and I'll ask your brother

1 later, would that be beneficial if it could be broadened
2 or widened a little bit in that entrance area?

3 A It's a little narrow. It would
4 definitely be helpful and it would probably, if in the
5 future they wanted a gate, I would assume that would be
6 helpful in that respect.

7 Q All right. Now, on the right side as
8 you enter the property, right off the roadway is owned by
9 whom?

10 A To my -- the best of my understanding
11 is that is actually owned by the golf course.

12 Q By the golf course. Have there been
13 any discussions at any time, to your knowledge, of either
14 acquiring part of that ground right off the right side of
15 the entrance from the golf course, or getting some type
16 of easement or additional access to be able to widen the
17 entrance area there at Deerfield?

18 A I'm not aware of any discussions
19 concerning that directly.

20 Q Are you aware of any impediments or
21 reasons that that acquisition of some additional space
22 would be a problem for the golf course?

23 A Yes. I don't think there's any way we
24 could go any further to the right. That's golf course,
25 there's an actual golf course there. So I don't think we

1 could go any further in that direction.

2 Q So expansion or widening of that
3 entrance area, if it occurs, is most likely going to have
4 to be on the left side as you enter?

5 A To the best of my understanding that's
6 the only option.

7 Q Okay. What part of the golf course is
8 on the right side? Why would it be difficult to expand
9 anymore on the right side?

10 A You could ask Scott that question.

11 Q Okay. You don't know?

12 A I don't know. I just know it's all
13 golf course.

14 MR. HURLEY: Okay. Let's make that
15 document for I.D. purposes the next exhibit,
16 please.

17 COURT REPORTER: Exhibit 45 for
18 identification.

19 (Exhibit No. 45, filed for I.D.)

20 Q We were talking yesterday about the
21 condos, the villas, and things of that nature and we made
22 a list, and I don't even know that I've got all of that
23 list with me right now, but I want to take you back
24 through those for just one quick second. Any condo
25 projects or villa projects and we can take them in

1 whatever order you're comfortable in taking them, and my
2 question is who owns the dirt that the condos or the
3 villas or the tiny homes, or whatever you call them, sit
4 on?

5 A It depends on the stage of development.

6 Q Okay.

7 A But if you look at any of what we would
8 call true condominiums where they're multi-build, multi-
9 units per building, those are all under a master deed and
10 everything that has to do with the Deerfield Condo Owners
11 Association, that is all fully owned at this point in
12 time by the owners of the Association with the exception
13 of two parcels.

14 Q All right. So let me get some
15 clarification on that, okay?

16 A Okay.

17 Q So, first of all, we're talking about
18 the property that would be the condos where we've got
19 multiple units per building?

20 A Yes.

21 Q That's what you've referred to as true
22 condos?

23 A Right.

24 Q And on that property how many condos
25 are there there?

1 A I believe there was 85 or 87 completed.

2 Q And what is that one called officially
3 or --

4 A Deerfield Condo Owners Association.

5 Q Okay. And your indication to me is
6 that the dirt that those buildings -- how many buildings
7 are there?

8 A Well --

9 Q Approximately.

10 A Let's see, approximately 12.

11 Q All right. The dirt that those
12 buildings sit on, your indication to me is that that dirt
13 is currently owned by the Deerfield Condo Owners
14 Association, Inc.?

15 A For the completed condominiums.

16 Q For those that have been completed?

17 A Yes.

18 Q Now, you mentioned two parcels. You
19 said except for two parcels.

20 A And actually that should be three.

21 Q Three parcels?

22 A Right. There is one parcel that's
23 adjoining what we would call the A and B building.
24 That's actually adjoining the map we just looked at on
25 the previous exhibit.

1 Q Okay.

2 A And that is undeveloped. That is owned
3 by Fields Development Company, but it has been submitted
4 to the condo regime.

5 Q When you say submitted to the condo
6 regime, what do you mean by that?

7 A It's on the master deed. It's
8 connected to the master deed. So it has been submitted
9 with an amendment. Actually that was the original
10 filing. It was already in -- so that part was not an
11 amendment and it's still owned and retained by Fields
12 Development Company and it's projected that there's still
13 an additional seven condominiums that would be
14 constructed there.

15 Q Would that be actually an additional
16 building?

17 A Yes.

18 Q A new separate building?

19 A Correct.

20 Q That would have seven units in it?

21 A Yes.

22 Q But the plan as I'm understanding, if
23 I'm understanding what you're telling me, the plan is
24 that that building and the dirt that that building sits
25 on would become part of the condo regime or, as we refer

1 to it, Deerfield Condo Owners Association, Inc.?

2 A Correct.

3 Q So once that building is completed and
4 has been sold, the various units, then the Association
5 would own that dirt and the building?

6 A Collectively. It would be all of the
7 owners owning it in kind. They would all own equal
8 portions. They would own their own unit, but all the
9 land itself would be in common.

10 Q And to further classify that, Fields
11 would cease to have any ownership in it?

12 A In that particular parcel --

13 Q Okay.

14 A -- once it's all conveyed.

15 Q So that's one of the three parcels?

16 A Yes.

17 Q Let's go to the other two.

18 A There is another parcel that is
19 immediately above what we call the Deer Lake Condominiums
20 that we've been talking about and I believe that's a
21 three acre parcel. I'm not quite sure, 2.56 acres maybe,
22 and that's also future condo development. That parcel is
23 owned by Rae Alan Properties.

24 Q And I believe from yesterday, if I
25 recall correctly, Rae Alan Properties is a Tennessee --

1 A LP.

2 Q -- limited partnership and the limited
3 partners are you and your husband?

4 A And Lejeune Custom Homes, Inc. The
5 limited partners are myself and Marc and the general
6 partner is Lejeune Custom Homes.

7 Q Okay. And the plan there on that three
8 acre parcel is for future condo development. Would the
9 plan be the same there, that once the condominium
10 building is built and the units have been sold, that it
11 would be turned over to the regime?

12 A That's correct.

13 Q And at that point Rae Alan Properties
14 would cease to have any ownership interest?

15 A With the last conveyance.

16 Q Okay. And then parcel three?

17 A That is the septic treatment plant,
18 it's 3.81 acres. That services the Deer Lake section of
19 condominiums and would also serve as this last parcel we
20 were just discussing.

21 Q Which was the second of the parcels?

22 A Yes.

23 Q So you said it services Deer Lake --

24 A Condominiums.

25 Q -- Condominiums. That, since it is the

1 home of the septic treatment plant, would not subject to
2 further development, any portion of the 3.18 acres?

3 A 3.81.

4 Q 3.81, sorry. Correct?

5 A That is correct. It is filed lines and
6 treatment equipment.

7 Q Next is a document titled Septic
8 Easement Agreement dated June 27, 2020, by and between
9 Robin F., is that Dubois?

10 A I think it's Dubuc. I'm not sure.

11 Q Okay. And that is a C, isn't it?

12 A Uh-huh.

13 Q Okay, Dubuc, D-u-b-u-c, individually
14 and husband, David Malik --

15 A Malik.

16 Q Malik, and others, including a trust as
17 parties of the first part, and Madeline Fields of
18 Campbell County, Tennessee, indicated as party of the
19 second part, and Deerfield Flying Association, Inc., a
20 Tennessee corporation, as the third party; do you see
21 that?

22 A I do.

23 Q Have you seen this agreement before?

24 A I haven't seen it, but I was aware
25 there was a need to do this for someone. I wasn't sure

1 who.

2 Q Were you aware that it in fact was
3 done?

4 A I just knew that someone needed that in
5 order to get a bathroom in their hangar.

6 Q In their hangar?

7 A Yes.

8 Q Okay. This one is dated August the
9 19th, 2020?

10 A Yes.

11 Q And on the signature page there is
12 actually a signature for Robin, for David, and for
13 Barbara on the first party side. There is a signature
14 line for Madeline as the second party on the last page,
15 and also Madeline as president of the Flying Association
16 on the third page. This has nothing to do with the
17 septic treatment plant that we were just talking about.

18 A That's correct.

19 Q This is a separate deal. It's up near
20 the airstrip where the hangars are. It was specifically
21 designed to address one hangar?

22 A Yes. This would only be for that one
23 particular hangar.

24 Q Okay. Are each of those hangars on
25 their own separate septic?

1 A They're supposed to be. My
2 understanding is they would have their own allowance for
3 whatever. Not everyone has a bathroom or water, only a
4 few do.

5 Q But if they do have a bathroom or
6 water, they would be on a separate septic system or plan
7 per each unit that is so situated?

8 A Well, that's the way it is for the
9 homes. So I assume that would be the same as for the
10 hangars.

11 Q You're not aware of any common septic
12 system that's serving multiple of those hangars?

13 A Not that I'm aware of.

14 Q Okay.

15 A If there's any difference, Scott may
16 know.

17 MR. HURLEY: I don't think we need to
18 clutter the record with this one.

19 MR. HAWKINS: Okay.

20 MR. HURLEY: I just wanted to clarify
21 and know what that was. Sorry about that.

22 MR. HAWKINS: No, no, no, that's okay.

23 MR. HURLEY: You're welcome to keep the
24 copy, but I'm not going to make it an exhibit.

25 Q The Register's Office of Campbell

1 County, Tennessee, when asked what plats are there for
2 Deerfield provides a response to that. It's not a real
3 immediate type response and it requires some work and
4 obtaining documents from within the office, but I'm going
5 to represent to you that we've asked for plats of
6 Deerfield and what we have provided is what I'm handing
7 to your counsel and to you.

8 I'm going to represent -- and I'm not
9 going to ask you to count it, that's not important, but I
10 think there's 52 separate plats.

11 A Okay.

12 Q And I'm providing you here a copy of
13 what we have obtained. I am also going to represent to
14 you that I believe some of these plats are actual
15 recorded plats. Some of these that come from the Office
16 of the Register of Deeds appear to me to be not recorded.
17 They've got them up there at their office. They keep
18 them in a place where they can go find them if they need
19 them, but they don't appear to me to bear a stamp
20 indicating that they've actually been recorded.

21 Some of these are -- a large number of
22 them are of that type. They don't appear to be recorded.
23 Some of them look to me to be pretty much completed in a
24 way that you would expect to see, but for the absence of
25 any stamps or approvals or recordings, and some of them

1 look to me to be fairly preliminarily, maybe not what you
2 would need in order to fully record. In other words,
3 some of the documents might need some more work to be
4 done by a surveyor or the preparer of the documents in
5 order to get them to a point that they could be recorded.

6 First of all, does my indication to
7 you, and as best I can tell these are all 52 separate. I
8 might have missed something or there might be two of them
9 numbered 12 and 38 that are duplicates and I'm just not
10 catching that. That's my best estimate, okay?

11 A Okay.

12 Q Does it surprise you that there are 52
13 separate plats?

14 A I don't know that it would surprise me
15 one way or the other, just more or less.

16 Q Okay. And by no means am I
17 representing to you -- I'm just telling you this is what
18 we got.

19 A Okay.

20 Q Okay.

21 A All right.

22 Q There may be others up there that we've
23 not seen or not been provided. This is what we got.

24 Secondly, let me ask you, would it
25 surprise you that some of these plats that are in that

1 office are recorded and some of them are not?

2 A To my knowledge, I don't think that the
3 plats were required to be recorded as long as they have
4 gone -- they couldn't sell any property until it had gone
5 in front of the Planning Commission, and it's my
6 understanding that's all that was required, was as long
7 as it had Planning Commission approval and I did notice
8 some of these have the signatures on there from that.

9 Q Yes, yes, some of them do. Have you
10 ever attended Planning Commission meetings in conjunction
11 with an effort to get some of these plats presented and
12 approved?

13 A I don't believe I've ever been there
14 for any Deerfield roads except for within the past year.
15 We attended for another developer within Deerfield who
16 was planning to subdivide.

17 Q Was that the Jollywood?

18 A Yes, it was.

19 Q So setting that one aside, you
20 typically have not attended Planning Commission meetings
21 for the purpose of discussion of or an attempt to obtain
22 approval of plats?

23 A Correct.

24 Q It's my understanding your brother
25 Scott is on the Planning Commission?

1 A Yes.

2 Q How long has he been on the Planning
3 Commission?

4 A I don't know.

5 Q Would it be fair to say that if there
6 is an issue related to Deerfield Resort that needs
7 someone from Fields to be present at a Planning
8 Commission meeting, that that would probably be Scott
9 that would be present?

10 A Most likely. I mean I could be. I've
11 just never needed to be.

12 Q Understood. Anyone else that would do
13 it besides Scott?

14 A At this point, no. It would only be
15 myself or Scott.

16 Q All right.

17 A But I would say this, oftentimes
18 anything we need approval for, there is someone within
19 the Crutchfield survey office who presents these maps and
20 divisions or any changes to the Planning Commission. And
21 I do recall that there have been several times he has
22 just represented us and gone there for us, but it could
23 be a different representative from their office.

24 Q And that would be, it's Tony
25 Crutchfield, right?

1 A Tony Crutchfield's office.

2 Q And that's fairly common for the
3 surveyor to go there in the place of the property owner
4 because the surveyor can answer all the technical
5 questions.

6 A Right.

7 Q Are you aware of any other surveyors
8 that, at least on behalf of Fields Development or
9 Deerfield Resort as it's referred to, that would have
10 done surveyors and taken them to get them recorded or
11 considered by the Planning Commission?

12 A In the very earliest days I have seen
13 plats or surveys that said Oxendene or Oxendine on them,
14 maybe even the condo A and B that we were just
15 discussing. By the way, this is what we were just
16 talking about that's in here that shows the seven unit
17 condos that's on this plat. That's on this particular
18 one, O-x-e-d -- O-x-e-n-d-i-n-e. So I think in the very
19 early stages of Deerfield he may have done some of the
20 initial surveys.

21 Q Is his first name on that one?

22 A B.E.

23 Q As in initials?

24 A Yes, initial B, initial E.

25 Q B.E. Oxendine?

1 A Yes.

2 Q Is that person -- was that person from
3 Campbell County?

4 A I don't know and I believe he's
5 deceased and I believe that's why they started going with
6 Crutchfield.

7 Q Understood, thank you for that. As you
8 thumb through there, anything that you see that is
9 catching your attention or do you --

10 A Yes, the Marina Ridge that is in here
11 is not Deerfield.

12 Q Okay. Let's see, how many pages in is
13 that one? I'm sorry I don't have them numbered, but I
14 didn't want to mark them up.

15 A One, two, three, four -- page ten.

16 Q Is that --

17 A It looks like this.

18 Q Yes. Is it the one that I'm looking at
19 here?

20 A Yes.

21 Q Okay. And your indication to me is
22 that that particular survey is not part of Deerfield?

23 A Yes. That would have been part of the
24 other land to the left that was owned by Chapman.

25 Q Yes.

1 A This would have been a portion of that
2 parcel.

3 Q So it's not part of Deerfield and it
4 has never been part of Deerfield?

5 A Correct.

6 Q Any others that you see that would
7 catch your attention as either not being part of
8 Deerfield or of note to you?

9 While you're looking, this is not to
10 distract you, but I probably should have said when I
11 handed these to you, I think some of these surveys, or
12 plats I should say, may indicate a subdivision of lots
13 within Deerfield by someone other than Fields.

14 A Correct.

15 Q I'm not inferring that Fields did all
16 these plats.

17 A Okay, thank you for --

18 Q We just asked what plats do you have
19 within Deerfield.

20 A I'm just trying to identify anything
21 that I recognize that is definitely Deerfield.

22 Q Right, and that's fine.

23 A Okay. Some of these are maps that I've
24 lost and wondered if I'd ever find another one again. So
25 that's kind of handy.

1 Q You're going to get a copy of all this
2 as an exhibit and actually you're counsel's got a copy,
3 so hopefully that helps.

4 A This one, I wouldn't even know how to
5 begin to count. It says Robert L. Woodson and it adjoins
6 Deer Hill Village about halfway in. This one is not
7 Deerfield.

8 Q Okay. Let's see, it's got Robert L.
9 Woodson, III at the bottom, correct?

10 A Correct.

11 Q Is that the one that I'm showing you
12 right now?

13 A Yes.

14 Q Okay. Do you mind with blue ink
15 writing on that one --

16 A Okay.

17 Q -- on the bottom, not part of
18 Deerfield.

19 A Okay.

20 Q Or write it anywhere, just as long as
21 you're not writing over something, in any of that white
22 space that you've got.

23 A (Witness complies with request.)

24 Q Thank you.

25 A Okay. This is one of the properties I

1 referenced yesterday, but I said I think they were on --
2 two homes on one lot. This is showing that they did at
3 least take it to the Planning Commission to divide it
4 into two, but the tax records are showing it's one just
5 for reference, but that's what we were talking about
6 yesterday.

7 Q Okay. I don't know how you need to
8 mark -- do you know the name of the people?

9 A It's Rick Swihart.

10 Q Okay. Just circle that and that's
11 fine.

12 A I'm going to say one or two lots.

13 Q Great.

14 THE WITNESS: Can I ask Scott a
15 question?

16 MR. HURLEY: Sure. If it's okay with
17 your attorney, it's okay with me.

18 THE WITNESS: H-I-R-S-H, that was the
19 Lane Hall area, is that what they called their
20 subdivision?

21 MR. FIELDS: I think so. If you will
22 show it to me.

23 THE WITNESS: It looks like -- this is
24 the side section of it and that looks like the
25 rest of that land on the Lane Hall site.

1 MR. FIELDS: Yes.

2 THE WITNESS: This is not Deerfield.
3 The second to the last page says Royal View
4 Estates, Alder Springs Village.

5 Just going through that quickly I
6 didn't identify anything else in there that
7 wasn't Deerfield.

8 Q All right. And you made a comment, I
9 wonder if those people, referring to the next to the last
10 one that are not part of Deerfield Village, are being
11 assessed at Deerfield rates. Deerfield rates of the
12 assessments are actually less than the normal property in
13 Campbell County because it is a private community,
14 correct?

15 A My understanding is Deerfield is taxed
16 at a much higher assessment rate. The percentage is the
17 same for everyone --

18 Q Right.

19 A -- the tax rate, but the property
20 values are much higher.

21 Q As in the appraised values are higher?

22 A Correct.

23 Q And is that -- that's interesting. Is
24 that done as a result of a formula or a case by case
25 basis?

1 A I don't know what the property assessor
2 uses. I don't know if they just strictly use the sales
3 price of the homes, but there are -- every five years
4 they do a reassessment --

5 Q Correct.

6 A -- and they will alter those. So I do
7 not know what formulas they use.

8 Q But it's your belief, based on what you
9 know or have heard or learned, that a property within
10 Deerfield will be appraised at the higher number than
11 that same property would be if it was outside of
12 Deerfield?

13 A That's my assumption, based on even
14 adjoining property such as Alder Springs Village. Their
15 property values wouldn't be as high as Deerfield's.

16 Q What is the rationale for that; do you
17 know?

18 A Some of it would be sales price, some
19 of it I would assume would be for the amenities that
20 makes it more of a true resort that a lot of these places
21 don't have. It could be also that we're private. The
22 security gated community seems to add to property values
23 from their perspective as well.

24 Q And the amenities that you're referring
25 to are the things that are generally referred to as

1 common. That would be the swimming pool, the playground,
2 the tennis courts --

3 A The golf course.

4 Q -- the golf course. Although it's
5 under discussion as to whether it's part of Deerfield,
6 it's there.

7 A It's an amenity.

8 Q Right. And I think we talked about
9 this. If we did, I'm sorry, but I've talked to a lot of
10 people and it all runs together after a while. If I'm a
11 property owner at Deerfield, am I considered a member of
12 the golf course?

13 A No.

14 Q Do I get any discount in becoming a
15 member of the golf course?

16 A I don't believe so. I think there is
17 -- I wouldn't even call it a membership. I think you can
18 buy a yearly package with unlimited play, but I don't
19 believe they even sell memberships, but I'm not sure
20 about that.

21 Q And when we say selling memberships,
22 there are some golf courses across the country that are
23 private and you have to belong as a member of the club to
24 get to play or be brought in as a guest. That golf
25 course is a public course, isn't it?

1 A Oh, Scott's gone.

2 Q He stepped out.

3 A Anyone can play. You do not have to be
4 a member to play.

5 Q I can go play. If I've got the clubs
6 and I'm willing to step out there and the gentleman
7 seated to your left is an avid golfer could go up there,
8 if he's not a member or --

9 A Correct.

10 Q -- hasn't bought a package, he could
11 still go play if he makes his time and shows up and hands
12 a credit card over, right?

13 A Correct, as long as you pay.

14 Q But as far as you know, folks that live
15 in Deerfield as a resident of Deerfield, you're not aware
16 of any discount or privilege or break that they get
17 related to their play on the course?

18 A I'm not aware of any. That doesn't
19 mean there may not be something like that. I've never
20 asked, I've never heard it discussed.

21 Q What you're telling me is consistent
22 with what I've heard from other places.

23 A Okay.

24 Q So the amenity aspect of that would
25 simply be that it's there and it's very convenient?

1 A Very accessible, yes.

2 MR. HURLEY: Let's make this the next
3 exhibit with the --

4 MR. HAWKINS: She's wanting to know if
5 she had written something --

6 MR. HURLEY: On the next to the last
7 page?

8 MR. HAWKINS: On the next to the last
9 page. You did.

10 THE WITNESS: I did, okay.

11 MR. HAWKINS: You wrote not Deerfield.

12 MR. HURLEY: Yes, okay.

13 MR. HAWKINS: That's going to be 46.

14 MR. HURLEY: Yes.

15 MR. HAWKINS: We need to make that for
16 I.D. because -- you've seen a lot of those
17 plats, right?

18 THE WITNESS: Yes. I would still like
19 one more, you know, good look at going through,
20 but I didn't want to take anymore time.

21 (Exhibit No. 46, filed for I.D.)

22 (Discussion off the record.)

23 Q Next, I don't have a document, I just
24 want to talk to you for a minute. I may have some
25 documents in a minute. I want to talk to you about

1 commercial properties within Deerfield.

2 A Okay.

3 Q And so that you and I can kind of be on
4 the same page, I want to talk about properties that are
5 not residential properties.

6 A Okay.

7 Q And I'm not referring to just vacant
8 lots.

9 A Okay.

10 Q I'm referring to a lot that has
11 something on it that's being used that is not
12 residential, okay?

13 A Okay.

14 Q So at this time, as we sit here now,
15 what non-residential properties do we have within
16 Deerfield?

17 A We would have the office, the main
18 office.

19 Q Now that's the office that Deerfield
20 Resort uses. It used to be a restaurant.

21 A Correct.

22 Q It's now been converted. The
23 restaurant is closed and it's no longer functioning
24 whatsoever.

25 A Correct.

1 Q And in that same building is now an
2 office.

3 A That's correct.

4 Q And operating out of that office is
5 Deerfield Resort.

6 A Yes.

7 Q Fields Development Company, Inc.

8 A Yes.

9 Q Fields Real Estate, Inc.

10 A Yes.

11 Q And what else?

12 A The Deerfield Water System.

13 Q The water system. What's the name of
14 that again?

15 A Scott -- Deerfield Water System, LLC.
16 He also operates a lot of that out of his own home. So I
17 couldn't say he's a hundred percent operating --

18 Q And I'll ask him about that. So that's
19 four essentially, and I guess Fields Development Company
20 and Deerfield Resort are kind of one in the same, but
21 they may be some different things there. So we've got
22 four different functions coming out of that building at
23 this point and I believe there's also a mail and
24 receiving room?

25 A That's correct, a package room.

1 Q You call it the package room?

2 A Yes.

3 Q And that's where, if I'm having a FedEx
4 delivery or UPS delivery, that's the place that it can go
5 to or what?

6 A That's the current dispute, but in
7 general anyone that is not home to receive their package,
8 the packages can be left there.

9 Q Okay.

10 A The Post Office can leave packages
11 there, FedEx, UPS. I've seen a DHL truck. I didn't know
12 they were still operating, but any packages.

13 Q All right. Anything else? We've got
14 Deerfield, Fields Development, Fields Real Estate,
15 Deerfield Water System, and the package room. Anything
16 else operating out of that building?

17 A That's all that I can think of.

18 Q Okay. Are all, other than the package
19 room, I assume it doesn't contribute to any cost related
20 to the building, but are all the others contributing to
21 the cost of the building and the equipment and operations
22 that are occurring within?

23 A In some form or fashion, yes.

24 Q And when you say in some form or
25 fashion, what do you mean by that?

1 A For example, we've never charged
2 Deerfield anything to be in that building, even though
3 its primary function is customer service and taking care
4 of the owners. They may pay a portion of the fees that
5 it cost to operate it. Sometimes they may pay the power,
6 sometimes they may pay part of the phone.

7 From what I've seen from looking
8 through the records though, it looks like the actual
9 building costs, there's been no rent charged to Deerfield
10 that I found. The building costs, the insurance, as far
11 as I've seen, is all paid by either Paul and Madeline
12 Fields or Fields Real Estate.

13 There is in the basement, it's not
14 currently being utilized that much, but there's workout
15 equipment that's intended for the use of the owners if
16 they wanted to.

17 Q Who owns that building?

18 A I believe it's Paul and Madeline
19 Fields.

20 Q When the building closed as a
21 restaurant, at that time who owned it?

22 A Before it closed as a restaurant Paul
23 and Madeline sold it to other people who ran it as a
24 restaurant for awhile. Ken Arendt and Jack Schafer, they
25 operated as a restaurant and I'm not sure for how many

1 years, and then they had also at the same time built a
2 restaurant down at the marina called the Tiki Bar. And
3 for a short while they ran both, and then after a while
4 they just moved all operations down to the Tiki Bar.
5 They closed that restaurant down sometime in that
6 timeframe. Afterwards then Paul and Madeline bought the
7 building back from him.

8 Q All right. When they bought the
9 building back did they have any debt on the building,
10 Paul and Madeline, did they take a mortgage out on the
11 building, to your knowledge?

12 A I don't know.

13 Q Are you aware of any debt on the
14 building now?

15 A No.

16 Q There's not a payment being made
17 regularly to any bank on a deed of trust?

18 A No.

19 Q Does Fields Development pay any rent on
20 the building?

21 A No rent.

22 Q Does Fields Real Estate pay any rent on
23 the building?

24 A I have seen -- through Jack, I've heard
25 but I haven't seen it myself, I guess I should say, I

1 know there's some rent being paid from some entity and I
2 believe it's Fields Real Estate to Paul and Madeline.

3 Q Does Deerfield Water System, LLC pay
4 any rent on the building?

5 A Not that I'm aware of.

6 Q The folks that come in and use the
7 workout equipment, is there any type of membership or
8 cost related to that?

9 A We just restrict it to Deerfield home
10 owners. We do not open it up to renters. We try to not
11 even allow guests of owners. We try to just let it be
12 owners only.

13 Q Are owners charged?

14 A No.

15 Q Is the estate of Madeline Fields
16 incurring and paying any expenses related to the building
17 or are all those expenses being taken care by one or more
18 of the tenants?

19 A I'm aware of -- I would have to go back
20 and look at the exact records, but I believe that the
21 bulk of the expense as far as the insurance and the
22 maintenance would be paid for by Madeline, the estate.

23 Q The estate would be writing the checks
24 for that now?

25 A Correct.

1 Q And incurring those expenses?

2 A That's correct.

3 Q Is there any written lease agreement
4 between the estate and any of the parties that are
5 occupying that building now, to your knowledge?

6 A I would have to go back and search for
7 it. I do know there was some discussion between Jack,
8 the CPA, and Madeline to that effect, but I'm not sure
9 what they discussed or what they did.

10 Q Who is the personal representative or
11 the personal representatives of the estate of your
12 mother?

13 A That would be myself and Scott.

14 Q Joint, co?

15 A Yes. Correct.

16 Q All right. So that's the office
17 building?

18 A Yes.

19 Q Other buildings that would be non-
20 residential or uses would be nonresidential within
21 Deerfield?

22 A In the same area as the main office is
23 the Deerfield rental office.

24 Q Is it on a separate parcel?

25 A Yes, it is.

1 Q Who owns that parcel?

2 A Her name is Marjorie Duvall,
3 D-u-v-a-l-l, but I don't know if she owns it in her name
4 or if she owns it in an LLC or corporate name.

5 Q One building?

6 A Yes.

7 Q What is it used for?

8 A Rentals, property management in
9 Deerfield.

10 Q So, if I'm from away from here and I am
11 looking for a place to rent for a week, or a month, or
12 weekend, and my eyes settle in on the Deerfield area and
13 I decide to rent up there, there are homes within
14 Deerfield that are on the rental program?

15 A There are some on the rental program
16 and then some are rented privately or some are rented
17 maybe through other property management companies.

18 Q So the Deerfield rental office, is that
19 the one that handles property owners who are not renting
20 direct but have reached an agreement for their properties
21 to be rented through this rental office?

22 A Correct.

23 Q And who operates that rental program?

24 A That would be -- her name is Margie
25 Duvall, but I don't know if she has a legal company name.

1 Q So she manages those rentals for those
2 that ask her to do so?

3 A That's correct.

4 Q And I would assume she charges for her
5 service in doing that?

6 A I would assume so.

7 Q And then remits to the property owners
8 whatever the net is after her charge comes out?

9 A Correct.

10 Q Other nonresidential uses?

11 A Officially there's, of course, the
12 Deerfield Marina that we were just discussing. That is
13 owned currently by, I believe it's Brian Costello and, I
14 don't know Joe's last name.

15 MR. FIELDS: Whited.

16 THE WITNESS: Whited, W-h-i-t-e-d.

17 Q Joe?

18 A Whited.

19 Q Spell that one more time.

20 A W-h-i-t-e-d. And then again we've
21 discussed we're not sure if the golf course is Deerfield
22 or not.

23 Q That would be owned by your Uncle Jim
24 and his wife?

25 A Correct.

1 Q That includes the operating business of
2 the golf course and also the dirt, the real estate, that
3 it sits on?

4 A Yes.

5 Q And he operates under the name The
6 Greens?

7 A The Greens at Deerfield.

8 Q At Deerfield.

9 A And I believe that's an LLC.

10 Q Okay.

11 A And then there would be another
12 commercial dock in Deerfield is the Deer Hill Marina.

13 Q Who owns it?

14 A It's jointly owned by PARC Properties
15 and Vince and Pamela Karsteter.

16 COURT REPORTER: Can you spell that
17 last name?

18 THE WITNESS: K-a-r-s-t-e-t-e-r.

19 Q And what were their first names?

20 A Vince and Pamela.

21 Q Do they live in Deerfield?

22 A They have property in Deerfield.

23 Q Where do they actually reside?

24 A Indiana.

25 Q And, of course, there can be a marina

1 business and there can be the underlying dirt and TVA can
2 come into play in that. I take it that Deer Hill Marina
3 business is owned jointly by PARC Properties and the
4 Karsteters?

5 A Yes.

6 Q Is the dirt that the marina sits on and
7 may actually sit over some water, but is it -- who owns
8 that?

9 A It sits in front of the Deer Hill
10 Village that we looked at the picture of it yesterday,
11 but the dirt that is owned that the permit is licensed to
12 is owned by PARC Properties.

13 Q You said it's licensed to PARC
14 Properties by TVA?

15 A By TVA.

16 Q But that license is held by PARC
17 Properties?

18 A I believe the license is officially the
19 Deer Hill Marina.

20 Q Is that an entity?

21 A Yes.

22 Q LLC or --

23 A It's an LLC.

24 Q Okay. And I take it that Deer Hill
25 Marina, LLC is what is jointly owned by PARC Properties

1 and the Karsteters?

2 A Correct.

3 Q Okay. And I believe we said yesterday
4 or discussed yesterday that PARC Properties is owned by
5 you and your husband?

6 A Yes, that is correct.

7 Q And the two of your are 50/50?

8 A Yes.

9 Q All right. Other non-residentials?

10 A The parcel that we looked at, the photo
11 yesterday that you were asking if it was common land,
12 that was another set of boat slips in Deer Hill, in the
13 Deer Hill section. That is confusing, but it is not the
14 same as the Deer Hill Marina. Those are -- I don't know
15 if you would classify that as commercial or not. The
16 permit for that is residential and it is owned just in
17 the estate of Madeline Fields and that is only for the
18 residents of the Deer Hill section and homes that are in
19 that area.

20 Q Let me make sure I've got that right.
21 The boat slips at Deer Hill, we looked at a photo
22 yesterday which showed a strip of property kind of coming
23 down and then kind of fans out at the water and there's
24 some slips there --

25 A Yes.

1 Q -- that are under cover.

2 A Yes.

3 Q Though that land, that dirt, is owned
4 by the estate of your mother?

5 A Yes.

6 Q And it is permitted as a residential
7 property?

8 A That's correct. The other two marinas
9 are permitted as commercial.

10 Q Right. And only the residents of Deer
11 Hill have access or use to those slips?

12 A Technically. I can't say that one or
13 two don't ever slip in or out, but it's only for Deer
14 Hill.

15 Q Okay. And how many residents are there
16 at Deer Hill?

17 A I don't know.

18 Q How many units at Deer Hill
19 approximately?

20 A I would have to look at a map. I would
21 say 30, 25 to 30.

22 Q How many slips?

23 A Twenty-eight.

24 Q Twenty-eight. So almost enough to take
25 care of the population, right?

1 A Uh-huh.

2 Q Other properties?

3 A There is the Georgia storage area
4 that's owned by Regents, I believe, properties. That is
5 dry storage, trailer parking.

6 Q How large is that area or that parcel?

7 A I don't recall.

8 Q Okay. Do you know how many units there
9 are on it?

10 A I do not.

11 Q Next, any other properties?

12 A That's all that's coming to mind. I'm
13 not saying I haven't forgotten something, just going by
14 memory.

15 Q Is there a commercial building or
16 structure that is in progress or under construction now?

17 A Not that I recall.

18 Q If you think of any other commercial
19 structures, can you let me know?

20 A Yes.

21 Q Okay. I was talking to you earlier
22 today about condos and the condo buildings sits on dirt
23 and who owns the dirt; did we cover all of them?

24 A We never got to -- there's another
25 condominium in there that is not part of the Deerfield

1 Condo Association. They have their own association.
2 It's a six unit condominium building.

3 Q Six units?

4 A Yes.

5 Q Who owns it?

6 A Just the individual condominium owners
7 and I don't know the name of their association.

8 Q Do you know what they call it?

9 A I don't, but Scott probably will.

10 Q Okay. To your knowledge the owners of
11 the condos collectively own the dirt that the condos sit
12 on?

13 A Yes.

14 Q Do you know if they've got a condo
15 regime, an association?

16 A I believe that they do. I believe they
17 have their own association.

18 Q You're not affiliated with that in any
19 way?

20 A I am not.

21 Q Fields Development isn't either?

22 A No.

23 Q Any other condos?

24 A There's a section on Deerwood Drive.
25 There's a section of 12 homes that have an association.

1 Q Are these freestanding and separate?

2 A These are freestanding and separate,
3 but there's been some back and forth over whether they
4 were patio homes with common land, or whether they are
5 individual homes with some common area on the lake, and I
6 believe currently they are individually deeded homes
7 owning the dirt underneath their homes but that the lake
8 section is common area.

9 Q What section?

10 A Down on the lake where --

11 Q The lake section.

12 A -- they have a common slip for
13 everyone.

14 Q Do you know what that's called, is it
15 just Deerwood Drive or --

16 A Deerwood Villas.

17 Q Deerwood Villas. Who owns the dirt
18 under the tiny homes?

19 A I believe that each individual owner
20 owns the dirt under their homes.

21 Q So there is, in essence, a regime for
22 that?

23 A Are you talking about what I was just
24 talking about on Deerwood Villas or are we switching to a
25 different, when you say tiny homes?

1 Q The ones that we looked at yesterday in
2 the photos.

3 A Okay. So that's a separate regime than
4 what we're talking about --

5 Q Right.

6 A -- here with the Deerwood Villas. That
7 is Deer Hill Village. Those are -- they were intended to
8 be PUDs but they're technically condos because there's a
9 master deed. So the land underneath is just like a
10 condominium regime where that's held in common with the
11 current owners.

12 Q So the dirt that Deer Hill Village sits
13 on would be collectively owned by the unit owners there?

14 A Except for the undeveloped parcels that
15 haven't been conveyed.

16 Q Right.

17 A And that's still owned by PARC
18 Properties.

19 Q So the developed parcels would be owned
20 by the unit owners?

21 A Yes.

22 Q And the undeveloped would be PARC
23 Properties?

24 A Correct.

25 Q Any others?

1 A There may be some areas in the resort
2 that they may have their own association for upkeep, but
3 I'm not sure. There's been some discussion about the
4 Buckeye Landing section. That was originally supposed to
5 have its own association where they took care of their
6 own mowing, but I don't know if that's functioning or
7 operating to that capacity.

8 Q Okay.

9 A And I did want to revisit on the
10 commercial property.

11 Q Yes.

12 A I only mentioned the ones that are
13 officially approved in Deerfield. It's our understanding
14 that one of the plaintiffs, Dan Valle, is operating a
15 commercial business out of his hangar that is unapproved
16 and that is, to the best of my understanding for
17 mechanical work so we would consider that commercial, but
18 it has not been approved.

19 Q So the understanding is, is that Dan's
20 operating a mechanic's business for airplanes?

21 A Yes.

22 Q And that he's not sought approval or
23 obtained approval to do that?

24 A That's correct.

25 Q So that leads me to ask, what process

1 is there and by what means does it occur that one who is
2 within Deerfield with a property that wants to operate a
3 commercial business seeks an approval to do so, who do
4 you seek that approval from?

5 A The restrictions say that it's by the
6 developer.

7 Q So the restrictions say by the
8 developer and what does one do?

9 A They would just submit a request to the
10 developer and the developer would review, I assume, I've
11 not been part of that process. The commercial buildings
12 that exist in Deerfield all currently started with the
13 developer and then they were sold off to --

14 Q To someone else.

15 A -- individuals. So that would be an
16 implicit approval, I suppose, if the developer started it
17 and then he sold it off.

18 Q Has anybody protested or contested,
19 either formally with a lawsuit or informally with a
20 letter or claim or complaint or gripe about the
21 commercial business that exists now within Deerfield?

22 A When we were applying for the permit
23 for the commercial dock at the Deer Hill Village that's
24 owned by Deer Hill Marina, there was a review period for
25 public comment. It was heavily disputed and protested,

1 but it was approved by TVA.

2 Any of the other businesses, the rental
3 business, the Deerfield Marina, although it does seem to
4 be in the lawsuit filing, there's some contesting about
5 the existence of the Deerfield Marina and the Tiki Bar,
6 but other than that I'm not aware of any other protests.

7 Q All right. Have you had complaints
8 about Dan?

9 A Yes.

10 Q Who?

11 A Most of the Deerfield residents
12 contacted us repeatedly. It's actually been on Facebook.
13 Some of the owners at the hangars, they're bringing in
14 people that are not Deerfield residents are landing on
15 the airstrip is my understanding.

16 Q To have work done on their planes?

17 A Work done on their planes.

18 Q Have you informed Dan of the
19 complaints?

20 A We have discussed it with counsel and
21 at this time we have been advised not to pursue it during
22 -- at this moment in time.

23 Q So the answer then would be no, you
24 have not, correct?

25 A True.

1 Q Do you have any information or
2 knowledge as to the extent or amount of mechanic business
3 that he's doing there?

4 A Just hearsay.

5 Q Is it every day?

6 A I'm not aware.

7 Q And I know how we value hearsay in the
8 courtroom, but I also know how we value it out of the
9 courtroom. What is the hearsay as to how often he's
10 doing it or the volume of business that he's doing?

11 A I haven't heard specifics. I just know
12 that people have seen business cards also outside of
13 Deerfield for marketing purposes to bring people in from
14 other areas, and there have been witnesses who have seen
15 other planes land there that are not Deerfield planes.

16 Q Okay. Any other commercial properties?

17 A Nothing that I would say is considered
18 commercial. There is a company in Deerfield that
19 provides lawn service. They keep -- they store their
20 mowers and their equipment in one of the airplane hangars
21 and they mow grass in Deerfield. They live in their
22 home. I would say you could say they operate out of
23 their home, but people do not come to their home for that
24 purpose.

25 Q Typically they go to you, right?

1 A Yes.

2 Q Any others?

3 A Nothing that's coming to mind.

4 Q Have you seen this before? Let me
5 clarify what I mean by this, okay. First of all, I would
6 indicate to you that this is a map and it's a map that I
7 believe is intended to depict parts or all of Deerfield.

8 Secondly, I would indicate to you that
9 shown here on this map, other than just the Deerfield
10 area, is some breakdown of lots and parcels and roadways
11 within Deerfield that have been labeled in some
12 instances.

13 Third, there are general
14 classifications made on this sheet that indicate, for
15 example, Deerfield condominium, Deerfield office,
16 redivision of lots 10 and 11, road variance. In other
17 words, some comments that have been added to this map.
18 And then I would indicate to you that there's been an
19 effort made to set forth some of the subdivision plats.
20 Those notations are made within those particular areas
21 with the date that the plat shows for those areas.

22 A Okay.

23 Q Now, with that rambling description,
24 have you seen this before?

25 A I have not. Is this from the property

1 assessor's office?

2 Q Well, parts of it, but parts of it have
3 been added, okay.

4 A Okay.

5 Q First of all, in looking at the map,
6 and this is a very broad general question, okay, does
7 this appear to depict the area that you would call
8 Deerfield?

9 A Yes.

10 Q And does it look like to you to have --
11 let's go up toward the top. Right at the very top
12 there's a yellow arrow that says gate and guard house; do
13 you see that?

14 A I do.

15 Q Does that look like about where the
16 gate and guard house would be located?

17 A Approximately, yes.

18 Q And then as you go from there, there is
19 a little Clubhouse Drive right off of that Deerfield Way;
20 do you see that, go to the arrow?

21 A Okay. Yes, I see it.

22 Q All right. And that takes us to the
23 golf course clubhouse; does it not?

24 A It does.

25 Q And it indicates there The Greens at

1 Deerfield, and then going back to the guard house area,
2 if you follow that road down that's Deerfield Way,
3 correct?

4 A Correct.

5 Q And it winds around and goes deep into
6 the project. Does this appear, generally speaking, I'm
7 not asking real specifics, but generally speaking to
8 depict the road systems in Deerfield?

9 A Yes.

10 Q And from a location standpoint, does it
11 appear, for example, if you go to the right side, close
12 to the top, there's a purple area there; do you see that?

13 A Here?

14 Q Yes.

15 A Okay.

16 Q That shows that as being Deer Hill
17 section one?

18 A Yes.

19 Q Is that accurate?

20 A It appears to be accurate, yes.

21 Q Then as you wind on around that
22 peninsula there, it appears to be Deer Hill section two
23 and that's in more of a greenish type color; do you see
24 that?

25 A Yes.

1 Q Between those two, but a little above
2 them, is Deer Hill section one; do you see that?

3 A Is that the yellowish?

4 Q Yes.

5 A Yeah, it looks like it says Deer Hill
6 section two also.

7 Q Oh, it does, it does, you're correct.

8 A I wonder if the green area is three. I
9 don't know, it's hard to --

10 Q Could be, but those lines get small,
11 don't they?

12 A They do.

13 Q All right. In any event, there are
14 three sections of Deer Hill?

15 A Correct.

16 Q And it would be -- if they're
17 misnumbered here, we would need to correct that, but does
18 that appear to be in general the three sections?

19 A Yes, but for our purposes, we've never
20 sectioned them off like that.

21 Q Okay.

22 A So this must just be a tax map.

23 Q All right.

24 MR. HAWKINS: I think it's fair to ask
25 where did you get this document?

1 MR. HURLEY: This is a combination of
2 taking a plat or a drawing of the project and
3 then going onto it, and we've added the
4 verbiage on here.

5 MR. HAWKINS: Okay. So this is your
6 document?

7 MR. HURLEY: Yes, yes.

8 MR. HAWKINS: Okay, all right.

9 MR. HURLEY: Yeah, I didn't get this
10 from -- yeah, I didn't get this from the
11 register's office or the tax assessor's office.

12 MR. HAWKINS: Okay. I just wanted to
13 clarify. Thank you.

14 Q And then if you go back up to the gate,
15 the guard house depiction up at the top and you work your
16 way to the left of that and come down, you see
17 Championship Way?

18 A Yes.

19 Q And Deerfield Landing?

20 A Yes.

21 Q And then there's an area there with a
22 long strip that's black; do you see that?

23 A I do.

24 Q What is that?

25 A That is the airstrip.

1 Q So it's the location of the airstrip.
2 And then, if you come all the way down to the bottom of
3 the airstrip, and continue on below that is what is
4 indicated as being Hirsch Vista?

5 A Yeah. I mean that's not -- I mean that
6 general area was subdivided, but that's not the entire
7 area that's marked there. But, in general, that is
8 Deerfield property there.

9 Q Okay. And then right below that there
10 is a depiction of Deer Ridge; do you see that?

11 A Yes.

12 Q Does that appear to be accurate?

13 A Yes.

14 MR. HURLEY: All right. Let's mark this
15 for I.D. purposes --

16 THE WITNESS: Well, I do see some things
17 that are not accurate.

18 Q Tell me what they are.

19 A So I don't know if you're trying to say
20 this is what we discussed about on the plats, but if you
21 go back up to the guard house and then you come down to
22 Deer Hill Lane, the area marked as Marina Ridge in red is
23 not Deerfield. The area to the left of that, Royal View
24 Estates in Brown, that is not Deerfield.

25 Q Okay. Let's go back to the blue ink

1 thing here, okay?

2 A Okay.

3 Q The ones that are on there that are not
4 part of Deerfield, if you would just draw an arrow to
5 those. And you're drawing an arrow and putting not
6 Deerfield, correct?

7 A Yes.

8 Q And you've done that two places so far?

9 A Two places. Now, as far as actual
10 property division, this section five that looks sort of
11 pink --

12 Q Over on the left upper part of the
13 page?

14 A Yes, that is incorrect. About where
15 the five is I would draw a line. What is pink is private
16 owner.

17 Q Who is that private owner?

18 A Wisecup and there's just a very small
19 section that is one small condominium building and that
20 would be condo building F.

21 Q Okay.

22 A Then generally we use gray to say areas
23 that are not Deerfield. There's a large section of
24 property down here around Whitetail that's also gray that
25 is still Deerfield. So I'm not sure if you're dividing

1 that out or --

2 Q I don't think we're using gray to say
3 that it's not part of Deerfield.

4 A Okay.

5 Q I think that's just a color thing. But
6 your indication would be that that area that is depicted
7 by the road that's in the middle of it, Whitetail --

8 A Yes.

9 Q -- that is in fact part of Deerfield?

10 A That is all Deerfield.

11 Q Okay. I think we understood that to be
12 the case. We just used the wrong color there.

13 A Okay. And can I ask what the purpose
14 of this map will be so I know how thorough I need to be
15 with reviewing it?

16 Q Well, I don't know. First of all, this
17 map, since you've shown me a couple of things that are
18 not part of Deerfield, it won't exist in the form that
19 you see it right now. This was just for me to ask you
20 some general questions.

21 A Okay.

22 Q There's no trick or specific purpose
23 for this map other than for me to develop an
24 understanding as to what is --

25 A Okay.

1 Q -- and what is not Deerfield.

2 A Okay.

3 Q And then, once I get beyond that, as to
4 where just in general the various specific parts of
5 Deerfield are in relation to each other.

6 A Okay. Because I mean I couldn't say
7 that I'm saying this map is correct.

8 Q I'm not asking you to.

9 A Okay, all right.

10 Q And I do appreciate you showing me the
11 parts that you believe to be incorrect. Any other areas
12 that you believe to be incorrect?

13 A I'm not seeing anything in particular
14 that is looking completely incorrect. It just looks like
15 the golf course is definitely in Deerfield.

16 Q Well, and I understand that based on
17 what you told me yesterday, it's my understanding that
18 whether the golf course is within or part of Deerfield is
19 a fact that's still under some discussion and
20 consideration, correct?

21 A That's correct.

22 Q There are a number of factors that come
23 in perhaps in favor and some not in favor of it being
24 part of Deerfield, but it's something that's just an open
25 question right now?

1 A That's correct.

2 Q From your perspective?

3 A Yes.

4 Q All right. And I understand that.

5 A Okay.

6 MR. HURLEY: So let's mark that, the
7 exhibit as an I.D.

8 COURT REPORTER: 47.

9 (Exhibit No. 47, filed for I.D.)

10 Q Now, Ms. Lejeune, I'm giving your
11 counsel a copy -- I've handed him a copy and giving him a
12 copy of that as well. Obviously you feel free to look at
13 it. If there are other things that you see that you
14 think are incorrect or inaccurate, you let us know
15 through counsel and we'll be glad to consider that.

16 The purposes of this map is just to
17 help the receiver and the court, if we end up going to a
18 trial, to know what Deerfield is like, if you look down
19 on a map of it and where these general parts or portions
20 of the project are in configuration with each other.

21 A Okay. If I could just add a comment, I
22 think it would be safer to use the digital maps that
23 we've submitted that came directly from a surveyor rather
24 than trying to recreate something new.

25 Q Sure. Let me ask you next, and you may

1 not, I may end up having to ask your brother, do you
2 recognize that photograph, where it's at or what it is?
3 I'll represent to you it's some construction that I
4 understand is going on within Deerfield now.

5 A Okay.

6 Q Do you know what it is or what it is
7 intended to be?

8 A I'm not able to identify it from this
9 photo.

10 Q Are you familiar with the construction?
11 I'm going to represent to you that what I'm looking at
12 here, there's a truck obviously.

13 A Okay.

14 Q There's some foliage and stuff in the
15 background. There appears to be a structure in the
16 background. There is some what appears to be gravel with
17 some broken up concrete. There is some walls that are at
18 least partially constructed. There's no roof on this
19 structure yet.

20 A Okay.

21 Q But in looking at this you don't know
22 what that represents?

23 A I'm sure Scott could help me understand
24 what I'm looking at, but I'm not identifying it.

25 Q Fair enough, I'll ask him.

1 A Okay.

2 MR. HURLEY: Do you want to take a
3 break?

4 MR. HAWKINS: How much time do you have
5 left with her?

6 MR. HURLEY: I'm going to have a little
7 bit because I'm actually going pretty rapidly
8 through stuff that I would have otherwise asked
9 him.

10 MR. HAWKINS: Okay.

11 MR. HURLEY: So we're achieving a
12 purpose here, and his is going to be
13 significantly way shorter and I'll finish him
14 easily today.

15 MR. HAWKINS: Okay. Yeah, let's take a
16 short break then.

17 VIDEOGRAPHER: We're going off the
18 record. The time on the camera is 11:36.

19 (Short break.)

20 VIDEOGRAPHER: We're back on the record.
21 The time on the camera is 11:50.

22 Q Ms. Lejeune, here is a letter that I
23 wrote to your counsel and to Mr. Reams back on September
24 16th, 2022.

25 A Yes.

1 Q This followed the submission of a
2 property owners list is what I'm calling it. It may have
3 been called something else by you all, but we referenced
4 it basically yesterday and I think it was put together as
5 of August 2022 and was submitted. And I believe since
6 then there's probably been some changes, some properties
7 sold, the identities of some of the property owners have
8 probably changed.

9 I wrote this letter after receiving
10 that list and having reviewed that list and I raised a
11 question. That list, as I recall, and I don't think I
12 brought it with me today, but I think that list had 49
13 villas under construction for PARC Properties at that
14 time. Time has passed. Are those units now constructed
15 and sold?

16 A A few of them have been.

17 Q Okay. Do you know roughly how many
18 PARC Properties owns now?

19 A I would have to go back and look at the
20 list to count it up again to see where we're at in the
21 transfer of property.

22 Q Probably less than 49?

23 A I would say so.

24 Q And under your interpretation of what
25 we've been discussing as properties, lots, owners, votes,

1 would PARC be entitled to vote whatever number of units
2 it has under construction or just one vote for all of the
3 unconstructed, unfinished, and unsold units?

4 A The reason we counted those as actual
5 units is they have either been platted or there have been
6 amendments filed legally with the courthouse to recognize
7 them as individual structures. The same would apply to
8 number two, the twenty villas in building N, and also
9 number five, the seven villas in building O.

10 That also lines up with the condo
11 documentation that grants votes for any future
12 construction once they're recognized, with amendments.
13 And then, in particular with the PARC Properties, the
14 majority of those have either currently now or at one
15 time been under contract. So there's actually physical
16 contracts for the majority of these units or, again,
17 about ten of those have -- I'm just guessing ten have
18 probably been conveyed.

19 Q So that I can understand your position
20 on this and that's all we're discussing right now, okay,
21 is just your position on it. If out of those 49 units
22 that were under construction, out of those 49 units that
23 were in existence at that time or being referred to at
24 that time on that property owner sheet --

25 A Yes.

1 Q -- or compilation of pages, if there
2 are 40 left, maybe nine have been finished and sold --

3 A Yes.

4 Q -- but let's say there's 40 unsold, how
5 many votes would PARC get?

6 A Forty.

7 Q Even though they've not been sold?

8 A Well, they're under contract.

9 Q Are they all under contract?

10 A I would say there may be three or four
11 of them that are not currently under contract that maybe
12 have been under contract in the past.

13 Q If they have been under contract but
14 they're not now, would the votes still be cast?

15 A Yes.

16 Q And that would be the same for Rae Alan
17 on number two?

18 A Correct.

19 Q And what about Jollywood?

20 A Well, that has been approved by the
21 Planning Commission. Those have been definitely platted
22 off and three -- and I believe it was ten, not nine --

23 Q Okay.

24 A -- and I think at least three to four
25 of those have already been sold and conveyed. So that

1 would leave him remaining probably four or five.

2 Q So that developer of Jollywood would
3 sell those -- would vote those?

4 A That's correct.

5 Q And by the way, we've referred to
6 Jollywood, and I think a reference was made to a
7 developer of Jollywood earlier. Has anything ever been
8 recorded, documented, filed with the register's office
9 indicating any developer within Deerfield other than
10 Fields Development?

11 A There have been -- I don't think
12 anything has been officially filed. It has been a
13 consistent practice, since the beginning of Deerfield,
14 that other property owners might buy acreage parcels and
15 then develop them themselves rather than Fields
16 Development doing it.

17 Q But there's never been any amendment to
18 the existing documents, the existing Deerfield documents,
19 that are recorded to recognize officially any other
20 developer other than Fields Development, to your
21 knowledge?

22 A Concerning Deerfield itself in the
23 condominium documents that recognized both Fields
24 Development and Rae Alan Properties as developers of that
25 section only.

1 Q All right. Any others?

2 A Not that's coming to mind.

3 Q All right. And you're saying that that
4 recognition of Rae Alan occurred in documents that were
5 filed as amendments to the master deed?

6 A Yes.

7 Q Of the Condo Association?

8 A Correct.

9 Q Okay. Then on number six we raised a
10 question as to whether Deerfield Cove Marina, Deerfield
11 Flying Association, Deerfield administrative office, and
12 Deerfield golf course were properly set forth as owners
13 within Deerfield; what is your position on each of those?

14 A These are commercial properties. I
15 noticed that you did leave off the two properties that
16 were commercial that Georgia Sargent had been affiliated
17 with which would be her dry storage, and the rental
18 office that she sold to Margie Duvall -- there was
19 someone in between. Those would also be classified in
20 this same category of discussion.

21 All I can say is that when Preston and
22 I were having early discussions about bylaws, there were
23 some drafts of that that included commercial properties.
24 So when I submitted the list for voting, I just included
25 every commercial property that we recognized, including

1 Georgia's properties.

2 Q Well, let me clarify just a little bit
3 so that it will help you know where we were coming from.
4 Number six was not designed to reference commercial
5 businesses --

6 A Okay.

7 Q -- so much as it was raising a question
8 about whether the names within number six are actually
9 owners of property. For example, we thought we saw on
10 that list Deerfield administrative office. Well, that's
11 just a name, that's not an entity or an individual.

12 A Okay.

13 Q So that's one of the reasons I've been
14 asking you who owns the dirt that these buildings sit on.

15 A Okay.

16 Q And we were just raising a question
17 about who -- you know, we understand that there's a
18 Deerfield administrative office.

19 A Okay.

20 Q But that's neither a person nor an
21 entity.

22 A Okay.

23 Q So who owns the dirt that that office
24 sits on and who is going to be casting that vote, that's
25 really what we were trying to get at.

1 A Okay. So this is not whether a
2 commercial property gets a vote or not?

3 Q No, no. I think we recognize that any
4 property owner gets a vote.

5 A Okay.

6 Q But we were raising questions about
7 these fairly general characterizations of names on that
8 list and we're looking for who is the owner that's going
9 to cast the vote.

10 A Okay. And for the Deerfield Cove
11 Marina, I'm not sure what the current legal name is of
12 the ownership of that particular marina.

13 Q Okay. Does Deerfield Cove Marina get
14 one vote, whoever it is?

15 A Yes.

16 Q Deerfield Flying Association, is it an
17 Inc.?

18 A Yes.

19 Q Is it active?

20 A As far as I know it is.

21 Q Do you know who the officers are?

22 A Scott and Paula.

23 Q Did it get one vote?

24 A Yes.

25 Q Does it actually own real estate?

1 A The airstrip itself, the actual
2 airstrip.

3 Q Is owned by Deerfield Flying
4 Association?

5 A Correct.

6 Q Deerfield administrative office is not
7 an entity.

8 A Correct.

9 Q And I believe you told me that the
10 owner of the dirt that that building sits on is. . .

11 A Paul and Madeline Fields.

12 Q So the estate of your mother would get
13 one vote?

14 A Correct.

15 Q And then Deerfield golf course, we've
16 talked about it?

17 A Yes.

18 Q Okay.

19 A You didn't ask, but the answer to
20 question four would be the same as question three and
21 those have been approved by the Planning Commission.

22 Q Being the hangar lots?

23 A The hangar lots, yes.

24 Q Okay.

25 A And the majority of those have been

1 conveyed, the rest of them are under contract.

2 Q Okay. Do you intend to update that
3 property owners list?

4 A Yes. There have been a significant
5 amount of property transfers since it was last submitted.
6 I don't expect any additional numbers to the total, but
7 we've had -- and the addresses change daily, so that
8 would need to be updated as well.

9 Q Okay. For purposes, and this probably
10 is a discussion that I can have with Preston and I will,
11 I want to talk to you -- I wanted to ask about making
12 sure that Mr. Reams has an updated and accurate address
13 list, to the best of your ability. I know this is fluid,
14 and probably also, since we're going to be trying to do
15 some electronic voting, Mr. Reams is going to need all
16 the e-mail addresses that at least you have access to.

17 A Yes.

18 Q And you understand that?

19 THE WITNESS: Is that agreed on?

20 MR. HAWKINS: I think that will have to
21 be the case.

22 THE WITNESS: Because he wants to do
23 some of it digitally, correct?

24 MR. HURLEY: Yes. I think because so
25 many people live elsewhere that we feel that to

1 give everybody -- I think we've all discussed
2 this.

3 MR. HAWKINS: For sure.

4 MR. HURLEY: That we need to have an
5 electronic voting mechanism and that
6 ElectionBuddy is very set up to do that.

7 THE WITNESS: Okay.

8 MR. HURLEY: So you understand that?

9 THE WITNESS: Yes.

10 MR. HURLEY: Okay. Let's mark this as
11 the next exhibit just for I.D. purposes.

12 MR. HAWKINS: You don't have to, she's
13 seen it.

14 MR. HURLEY: Okay.

15 MR. HAWKINS: Let's just make that one
16 just 48.

17 (Exhibit No. 48, filed.)

18 Q Regarding those entities that have
19 multiple units and those things, I take it that will be
20 updated as well?

21 A Correct.

22 Q So that we can take a look at that and
23 evaluate our position on it?

24 A And then we can get the new number.

25 Q Great, okay. All right, thank you. I

1 want to give you next a document that is actually a
2 pleading in this case and it actually pre-dates my
3 involvement, Ms. Lejeune, but I've just got a question
4 for you about it.

5 MR. HAWKINS: I would just suggest that
6 that is -- this document is not from this case.

7 Q I get it, I get it, it is not. This is
8 in response to the demand letter that was made by, was it
9 Mr. Pryor?

10 MR. HAWKINS: Uh-huh.

11 Q For information, and this is a response
12 to that demand letter that was made in case 2020-CV-55,
13 In Re: Deerfield Resort Homeowners Association, Inc., and
14 then by Daniel Valle and others that are listed there;
15 have you seen this before? This is a response that was
16 made by counsel to a notice demand letter that had been
17 provided to you previously.

18 A I saw it in draft form before it was
19 filed. I'm not sure I've seen the actual official
20 filing.

21 Q Okay. To the best of your knowledge,
22 was it accurate?

23 A Yes.

24 MR. HURLEY: Okay. Let's make that the
25 next exhibit.

1 COURT REPORTER: Exhibit 49.

2 (Exhibit No. 49, filed.)

3 Q What I'm handing to you now is a
4 document that I've made reference to in one of the
5 hearings that was conducted in this case and it basically
6 is pulled off of the internet. It was a site or a place
7 that you could go to read information about the lawsuit
8 and I think this one was -- I'm trying to remember.
9 We've been to so many places in this case. I'm trying to
10 remember which courtroom we were in. I think it was in
11 Campbell County.

12 But, in any event, it is, as I
13 understand it, and from your response to the Judge during
14 that hearing, I think this is a printing of certain
15 information that's on the internet regarding this lawsuit
16 and some of the issues related to this lawsuit and I
17 presented this during that hearing that day. Have you
18 had a chance to look at this before from what I presented
19 that day?

20 A I had seen the website early on when it
21 was posted.

22 Q Okay. Who keeps that website stocked,
23 for lack of a better term, with information?

24 A It was originally built by one of our
25 homeowners and I don't know that it's been updated at all

1 since it's inception. So I'm not sure if there's any
2 ongoing updates to it at all.

3 Q Do you know who the homeowners was?

4 A Shannon Compton, C-o-m-p-t-o-n.

5 Q There's a lot of information on that
6 website regarding the lawsuit, about various pleadings
7 that have been filed. There are links and other things
8 that you can go to on that website that include
9 specifically some of the pleadings, letters between the
10 parties, references to documents that have been filed.

11 Part of the website you have to have
12 some type of password or special access to get to it and
13 read. I didn't get to all of it because I don't qualify
14 for that at this point in time. But, to your knowledge,
15 is this website still up?

16 A To my knowledge it is still operating.

17 Q But as you indicated to me just a
18 moment ago, you're not aware of whether or not it has
19 been updated since it was first formed?

20 A No, I'm not.

21 Q Have you had any involvement in putting
22 anything on this website?

23 A I reviewed it in the beginning, but it
24 was already posted when I reviewed it.

25 Q Who asked you to review it?

1 A Shannon.

2 Q Compton?

3 A Yes.

4 Q And when Shannon Compton asked you to
5 review it, it already existed?

6 A Correct.

7 Q Do you know how it was that Shannon
8 Compton came to possess all of the information that's on
9 this website?

10 A Let me see, I'd have to look at the
11 tabs. It looks like most of this is court filings. The
12 financials would have been submitted by Kelly. I believe
13 everything else looks to me to be public filings.

14 Q So when Shannon Compton, as best you
15 know, put together and constructed this website, did
16 Shannon approach you and say, hey, can you give me
17 information?

18 A I didn't give her any information.

19 Q You did not give --

20 A I don't recall her asking me for any
21 information.

22 Q So you did not give Shannon any
23 information?

24 A I don't recall giving her anything for
25 this.

1 Q You believe that Kelly gave her
2 financial information?

3 A Yes.

4 Q Because there is financial information
5 referenced here, correct?

6 A Correct.

7 Q And did you give or did Kelly give
8 Shannon any of the other information that is in here,
9 other than financial information?

10 A The only thing I see that Kelly would
11 have had access to, other than anything that was a public
12 filing would have just been the financial records.

13 Q For example, and I think it's the third
14 page, I believe it is, there's a section called legal
15 fees; do you see that?

16 A No. I'm looking for that.

17 Q Third page.

18 A Okay.

19 Q Fairly specific information, at the
20 current -- at the current date the Fields family has
21 spent over \$160,000 in legal fees. How would Ms. Compton
22 have gained that information?

23 A She probably would have asked one of us
24 how much we had and it would have just been a general
25 ballpark number.

1 Q One of us would include you --

2 A Myself or Scott.

3 Q -- or Scott. Would Kelly have known
4 that information?

5 A I don't think she did. I don't think
6 she had access to that information.

7 Q Would there be anybody that would have
8 known the amount of legal fees that you had spent at any
9 given time other than you or Scott and, of course,
10 counsel?

11 A No.

12 Q Did you furnish documents or access to
13 documents to Kelly to your recollection?

14 A Some of this financial information
15 would have come up as Kelly was helping me research
16 information. So we would have all been tied into the
17 same information jointly.

18 Q I believe that there is -- some of this
19 information in the attachments went back to 2013, Bob
20 Hilty letter?

21 A Yes, that was submitted by a homeowner.

22 Q By a homeowner?

23 A Yes.

24 Q Who was the homeowner?

25 A I believe that was the Carolyn Ray

1 letter.

2 Q Carolyn Ray?

3 A Yes.

4 Q Is that R-a-e or R-a-y?

5 A R-a-y.

6 Q And then the August 2022 Valle water
7 complaint.

8 A That may have come from Scott, I don't
9 know. That may have been just on the TDEC side as well.

10 Q Did you ever have any communications or
11 conversations of any kind, written, electronic, or
12 otherwise, to encourage Shannon to set up this website?

13 A She did it all on her own.

14 Q So would your answer be no?

15 A My answer would be no.

16 MR. HURLEY: For I.D. purposes let's
17 make this the next exhibit.

18 COURT REPORTER: Exhibit 50.

19 (Exhibit No. 50, filed for I.D.)

20 Q Next is a document that I will purport
21 to you I think has come off of a Facebook page. I told
22 you earlier I don't do Facebook, but I am constantly in
23 contact with people that do in all kinds of situations,
24 and this case is one of them. This is a posting that
25 appears to have been made by a Mike Rees, R-e-e-s; do you

1 know Mike?

2 A Not personally, but I just -- I know
3 who he is in the community.

4 Q Does Scott know him personally?

5 A I think so.

6 Q All right. And Mike posts on here, Way
7 to go Deerfielders. We are already 170 strong on the HOA
8 collaborative site in less than five days. Let's keep it
9 going. The larger and more coordinated we are, the more
10 likely we are to end the insanity with the POA. The
11 longer this drags on the more money it will ultimately
12 cost the entire community. Let's inundate Scott Reams
13 with e-mails asking to get the HOA established as soon as
14 possible. And it gives Scott Reams e-mail address and it
15 says, also, we will be having another HOA group zoom call
16 tomorrow at 5:00 p.m. Please join HOA collaborative
17 group to get the info." Have you seen this before?

18 A I saw the post on Facebook.

19 Q Was this on the Deerfield Facebook or
20 was this somewhere else?

21 A They have their own Facebook site, but
22 he posted this on the Deerfield Facebook site.

23 Q When you say they, are you referring to
24 the HOA collaborative site?

25 A Yes. I think they've changed the name

1 from that, but that would be the site that Mike Rees
2 started.

3 Q All right. Did you have any
4 encouragement role in getting the HOA collaborative site
5 set up?

6 A None.

7 Q Did Scott?

8 A No.

9 Q So this is just something that Mike
10 Rees has taken on himself?

11 A Several of our homeowners have decided
12 they're taking their own action separate and apart from
13 us.

14 Q When you saw the inundate Reams
15 language, did they cause you any concern?

16 A I knew it wouldn't be well received,
17 but I couldn't control what they did.

18 Q Did you try to control it?

19 A No. I didn't feel like it was my place
20 to tell them not to.

21 Q Did you give any consideration to
22 contacting Mike and say, hey, appreciate your support and
23 your effort, but inundating the receiver might not be a
24 good a idea?

25 A I don't think that I can control what

1 they do or say. They feel like they are homeowners and
2 that they have a voice and they are not being heard.

3 Q And I understand what you -- you know,
4 that you think what you think, but my question was did
5 you contact him to say this might not be a good idea?

6 A I did not.

7 Q Did Scott contact him to that effect?

8 MR. HAWKINS: Objection to the form.

9 You can answer if you know.

10 A I don't know.

11 MR. HURLEY: Let's mark that as the next
12 exhibit.

13 COURT REPORTER: Exhibit 51.

14 (Exhibit No. 51, filed.)

15 Q Next is an e-mail that actually came
16 from Scott Reams to myself and your counsel and it came
17 to us on June 23rd, 2023, and he was forwarding to us an
18 e-mail that had been sent by Kelly Sjogren whom we have
19 spoken earlier many times in this deposition, where she
20 wrote him an e-mail on Thursday, June 22nd, at
21 approximately 4:14 p.m.; have you seen this e-mail?

22 A Kelly sent us a copy after she had
23 already sent it.

24 Q Did she tell you she was going to send
25 it to Mr. Reams?

1 A Not before she did.

2 Q And did she tell you that she was going
3 to address certain issues with Mr. Reams whether she said
4 it was going to be in an e-mail or not?

5 A No.

6 Q After she sent it, did you discuss with
7 her the wisdom of sending this e-mail?

8 A She just sent me the letter and asked
9 me -- let me know that she had sent it. She didn't ask
10 me what I thought. She didn't ask me for feedback. And
11 I didn't really have any comment on it because she's a
12 homeowner as well. I don't know if it comes through in
13 this letter or not, but because she works with the
14 condos, she just feels very strongly that the original
15 charter is not being followed in the election process.
16 So that's I think what's driving her concern.

17 Q Do you feel that way?

18 A Well, I just think that several court
19 rulings have modified or overrode the charter and I feel
20 like at this point the court is deciding what we're to
21 follow. Sometimes we seem to follow the charter and
22 sometimes it seems to -- like changing the number of
23 Board of Directors.

24 Q When Mr. Reams sent this e-mail to me
25 and to Preston, your attorney, he said, "See below. FYI,

1 I do not intend to respond. Apparently the three of us
2 are dumbasses and the Judge is biased and I seriously
3 doubt that anything I say can change her mind"; do you
4 see that?

5 A Yes.

6 MR. HAWKINS: I would like to just
7 insert for the record that I am not a dumbass.

8 MR. HURLEY: I would like to insert that
9 I apparently am.

10 Q With that said, have you discussed with
11 -- I mean her e-mail, you've read it, right?

12 A I have.

13 Q You read it before today?

14 A Yes.

15 Q It's very strongly worded and expresses
16 a lot of very strong opinions about the process and the
17 court and the lawyers, and that type of thing. Have you
18 admonished Kelly in any way for having sent this to Mr.
19 Reams?

20 A I have not. There are definitely
21 things in there I wouldn't have said myself, but again,
22 she's a homeowner and I feel like she has just as much
23 right as anyone else, if she wants to express that.

24 Q Did you give any consideration to
25 asking her -- because she says in April of 2021, I took a

1 position working with Deerfield Resort, the Fields
2 family, the Deer Lake Condos within the Deerfield
3 property, and Deer Hill Village within the Deerfield
4 property. The primary purpose of my role for Deerfield
5 Resort is to provide accountability and transparency of
6 expenses, invoicing of fees for each entity, improving
7 operating efficiency, and communication with homeowners.
8 Basically assessed with the responsibilities of Mrs.
9 Madeline Fields after her passing. And that's all true,
10 isn't it? She was brought on board to do those things.

11 A That's correct.

12 Q She was brought on board after Mrs.
13 Fields had passed and she's been tasked with doing the
14 things that she says that she's doing here, correct?

15 A That is correct.

16 Q That needed to be done, didn't they?

17 A Yes.

18 Q In light of the fact that she's
19 fulfilling so many roles within your organizations, and
20 I'm speaking specifically of Deerfield Resort, Deerfield
21 Lake Condos, Deer Hill Village and, of course, the
22 developer itself, Fields Development, have you asked her,
23 hey, you know, you're a homeowner and you can send Mr.
24 Reams whatever you want, but please let him know that
25 you're speaking as a homeowner and not in any official

1 capacity on our behalf as the Fields family; did you ask
2 her that?

3 A I hadn't considered that, but that is
4 definitely something I could say, that if she is sending
5 communications as a homeowner that she just makes it
6 clear that that's not in her capacity as an employee that
7 she's doing this.

8 Q I ask you that for a reason, and
9 obviously everybody in this case has their feelings.

10 A Yes.

11 Q And everybody in this case has their
12 opinions. But I'm going to show you something else here
13 that causes a concern from our side and I want to ask you
14 about it, okay?

15 A Okay.

16 Q Let me just give it to you. This is a
17 court pleading that came from Judge Boniface in this
18 case.

19 COURT REPORTER: Scott, did you want to
20 mark that as 52?

21 MR. HURLEY: Yes, I do. Thank you,
22 Todd. I appreciate that.

23 Actually, if you'll unclip those, I'm
24 going to take one at a time, I'm sorry.

25 MR. HAWKINS: That's all right.

1 (Exhibit No. 52, filed.)

2 Q There's one here that is called Notice
3 of Filing and on the first one, I believe it is July the
4 25th, 2022, and that date comes out where I've got my
5 index finger right here at the bottom.

6 A July 25th, okay.

7 Q So this was the first one that I recall
8 that we got from the Judge and what the Judge is doing
9 here, Ms. Lejeune, is she's letting us know that somebody
10 has written her and contacted her direct and independent
11 of the normal filing process. It could be a telephone
12 call, it could be some type of e-mail, it could be a
13 letter, which in this instance it was letters that were
14 written by a number of people, Marilyn Zobrist, Ronald
15 Dubin, D-u-b-i-n, MD, Brenda Dossett and James Dossett,
16 Gregory and Bryna, B-r-y-n-a, Miller, Dan and Mary Beth
17 Miller, Jim and Petey, P-e-t-e-y, Revell, R-e-v-e-l-l.

18 The letters were all I believe written
19 either on the same day or back to back days. They were
20 all received by the court at or about the same time. Let
21 me say this. There's different information about dating
22 here. Some of them have an envelope that's got a postal
23 date on it. Some of the letters show -- all of the
24 letters show the date they were received by the Clerk or
25 the Chancery Court for Campbell County and I think they

1 were all received either the same day or back to back
2 days in July of 2022.

3 Interestingly to us, all the letters
4 spoke very strongly in favor of your family and the
5 entities of your family. More interesting to us is that
6 all of these letters were sent at the timeframe where
7 there was a lot of attention being given by the court as
8 to the organization of this HOA and some of the legal
9 issues that we've got. Of even more interest to us was
10 the fact that each of these letters contain sections or
11 portions that are virtually identical to the comma. The
12 likelihood of these six or seven people getting together
13 and composing phrases that were identical struck us being
14 unlikely.

15 So my question is this. Did you or
16 anyone at your direction have a role in urging these
17 people to write these letters?

18 A I did not.

19 Q Did you or anyone under your direction
20 give these people specific phrases to put in the letters
21 to send to Judge Boniface?

22 A I did not.

23 Q Did you or anyone under your control
24 organize the effort to make a communication to Judge
25 Boniface?

1 A I did not.

2 Q Did you or anyone under your control
3 provide talking points or any other information that was
4 to be done or put in these communications?

5 A I did not.

6 Q Do you know who did?

7 A I do not.

8 Q Were you aware that this had happened?

9 A I read the letters when Preston sent
10 them to me from the filing.

11 Q Did it surprise you?

12 A I thought it was very nice. I didn't
13 expect that and it was very heartwarming.

14 Q "We feel confident supporters of the
15 POA," you're referring to my clients, "are less than ten
16 percent of our community, and one for sure isn't a
17 stellar caring person. He's known for shooting the geese
18 surrounding the lake with a BB gun."

19 A I didn't know he did that.

20 Q I didn't either. "Not a pretty sight
21 to witness, especially for children."

22 MR. HAWKINS: What's the question?

23 Q The question is, is there an organized
24 effort on the part of the Fields and your companies and
25 your officers and your directors to have people contact

1 the receiver and have people contact the Court, apart and
2 aside from the normal legal processes in this case to try
3 to sway this case in your direction?

4 A There is none.

5 Q You've had no role in organizing these
6 efforts whatsoever?

7 A I have had no role in organizing any of
8 these efforts.

9 MR. HURLEY: Let's mark this one for
10 I.D. purposes as the next exhibit.

11 COURT REPORTER: Exhibit 53 for
12 identification.

13 MR. HAWKINS: It doesn't have to be I.D.
14 I mean she's seen it. That's fine, just make
15 it --

16 MR. HURLEY: That's better.

17 MR. HAWKINS: Wait a minute, are you
18 going to cover the next one too.

19 MR. HURLEY: Yes. We'll cover them
20 separately.

21 (Exhibit No. 53, filed.)

22 Q The next one is a Notice of Filing of
23 August 15th, 2022. So this came about a month later.
24 Judge Boniface sent to all of the lawyers in this case a
25 letter that she had received from Nelson Lare, L-a-r-e?

1 A Lare.

2 Q Lare, L-a-r-e, and this one is stamped
3 at least by the Chancery Court as August the 25th, 2022
4 and this one is a little more positive in overall nature,
5 mentioning your family and your brother in specific. Did
6 you have any role in this one?

7 A I did not.

8 Q Have you seen it before?

9 A I think Preston sent this one to me as
10 well.

11 Q Okay. But you had no effort in
12 encouraging, initiating this person to have contact with
13 the court?

14 A I did not.

15 Q Do you know how these people decided to
16 come to the point of sending these communications to
17 Judge Boniface?

18 A I do not know how they decided to do
19 that. I don't even know how they got her address.

20 Q Okay.

21 A I don't have it.

22 MR. HURLEY: Let's mark that as the next
23 exhibit.

24 COURT REPORTER: Exhibit 54.

25 (Exhibit No. 54, filed.)

1 Q And then the next one, June 23, 2023 is
2 the date of the notice issued by the court. She sent to
3 us a communication that apparently was sent by e-mail
4 from Mary Beth Miller to Jane McMinn. Now, Jane McMinn,
5 I'll represent to you, is the assistant to Judge Boniface
6 and is the person that counsel has been directed to send
7 our pleadings to if we're getting a hearing ready to go,
8 whether it's a motion or a response or a brief, Jane is
9 the one that we send it to and then Jane assists us in
10 scheduling those things, works with everybody. Do you
11 know how Mary Beth got Jane's e-mail address?

12 A The only thing I can think of is when
13 there's a zoom link we'll forward that zoom link and so
14 it's probably been left on there because of all the
15 information that's included in her e-mail.

16 Q Do you know Mary Beth?

17 A I don't think I know her personally,
18 and I have not seen this letter and I was not aware this
19 had been sent.

20 Q You're not aware of this one?

21 A No.

22 Q The complaints in this one are somewhat
23 similar to the complaints -- they're not as lengthy, but
24 they're somewhat consistent with the complaints that
25 Kelly made. Do you know if Kelly knows Mary Beth Miller?

1 everyone, they just didn't believe me, for whatever
2 reason I can't say. And so they just felt like they were
3 not being represented, that they were going to be -- and
4 I'm just speaking on what I heard or things that have
5 been said back to me, and I think they felt like they are
6 being, as exactly as she said in this
7 letter, very few are represented. They feel like the
8 litigation is dictating everything for them and that they
9 will have no voice or say. I don't personally see it
10 that way.

11 Q Is it your understanding that anybody
12 has ever resisted the ability of the board going forward
13 to be able to amend its own bylaws?

14 A In one of the original drafts it said
15 only by majority vote or something along those lines, and
16 it didn't give the board that authority. So I just asked
17 that it be specifically stated that they could so it
18 couldn't be misinterpreted that they had that option.

19 Q Okay. I just wanted to make sure.
20 You're not saying that it's your understanding that
21 somebody has resisted the board having the ability to
22 amend the bylaws?

23 A Oh no, not that I'm aware of.

24 Q Okay.

25 A No. I think they want that to be the

1 case.

2 MR. HAWKINS: Just off the record for a
3 minute.

4 (Off the record discussion.)

5 VIDEOGRAPHER: We're back on the record.

6 MR. HURLEY: Let's mark that as the next
7 exhibit, please.

8 MR. HAWKINS: And that can be for I.D.
9 because she hasn't seen that.

10 MR. HURLEY: She had not seen it, I
11 agree.

12 COURT REPORTER: Exhibit 55 for
13 identification.

14 (Exhibit No. 55, filed for I.D.)

15 Q I'm probably -- I had brought this, but
16 I'm probably not going to get into it other than to ask
17 you a question. There was a dues payment record I
18 believe that was submitted to Mr. Reams at some point
19 where there's an indication of those who have and who
20 have not paid dues in 2023, correct?

21 A Correct. And that would be outdated.

22 Q And it's outdated now. Is it your
23 intention to update that so that Mr. Reams will have
24 current information once we get to that point?

25 A Yes. At some point in time Preston

1 said to me that there will be a cutoff date and that
2 everything will be submitted up to that point, new
3 addresses, payments. And once we reach that point, even
4 if a new owner buys, after that point they may not be
5 able to vote in this first election.

6 Q Okay. Those are all issues still being
7 worked out and will be worked out?

8 MR. HAWKINS: Correct, correct.

9 Q Okay. And to the extent that there's
10 disagreement, those will be brought to the court in the
11 appropriate way; is that your understanding?

12 A Yes.

13 Q Okay. I want to ask you about Home
14 Federal Bank for just a moment. Home Federal Bank, as I
15 understand it, based on your testimony yesterday, is the
16 bank that has the Deerfield Resort account. It was Home
17 Federal and now it's Hearthside?

18 A Correct.

19 Q That has the account that is titled
20 Deerfield Resort and that is the account that has been
21 used to deposit checks that come from the homeowners as a
22 result of getting invoices or fee statements or whatever?

23 A Correct.

24 Q And they send their amount in and those
25 amounts when received have been deposited into that Home

1 Federal, now Hearthside account?

2 A Correct.

3 Q That's the only account that's been
4 used for that purpose?

5 A That is correct.

6 Q No other bank accounts have been
7 utilized for the purpose of putting those property owner
8 payments into an account other than that one?

9 A If you're asking are there multiple
10 accounts where any other homeowners' fees would go, there
11 are no other accounts. That is the only account for the
12 Deerfield homeowners' fees.

13 Q The only one now and, to the best of
14 your knowledge, the only one that has existed?

15 A No. I think, and this is what I
16 alluded to yesterday, I don't think that was the original
17 account that she had. That was when I mentioned I had
18 seen a check in the past, many years past, that said
19 Deerfield maintenance. So I believe that in the early
20 days she had a different checking account, but there's
21 never been more than one at one time.

22 Q All right. That Home Federal Bank
23 account, there are various people at Home Federal that I
24 would assume that you have worked with in the past. Do
25 you know Steve Ward?

1 A Yes.

2 Q Is Steve a person that's still at that
3 bank which would now be Hearthside?

4 A Yes.

5 Q Is he a truthful person?

6 A Yes.

7 Q Do you know Mike Cannon?

8 A Yes.

9 Q Is he still at that bank?

10 A Yes.

11 Q Is he a truthful person?

12 A I don't know him. I mean I know who he
13 is, but I don't know him.

14 Q All right. Keebler Williams, do you
15 know Keebler Williams?

16 A Yes.

17 Q Is he still at that bank?

18 A Not -- technically he's under the
19 umbrella, but he's in a commercial division. So he's not
20 physically located at that bank any longer.

21 Q Do you have any dealings with him now?

22 A I do for a separate loan that is not
23 part of this proceedings.

24 Q Okay. Is he a truthful person?

25 A I'm under oath?

1 Q Yes.

2 A I can't say.

3 Q All right. Does that mean you don't
4 have an opinion? You can tell me you don't have an
5 opinion or you can tell me -- well, you can tell me
6 whatever you want to tell me. I'm not going to push you
7 on it.

8 A I'll say I don't know.

9 Q All right. And Angie Poteet,
10 P-o-t-e-e-t, do you know Angie?

11 A Yes.

12 Q And have you had dealings with Angie in
13 the past?

14 A I have.

15 Q Is Angie a truthful person?

16 A I would say yes.

17 Q All right. One of the things that I've
18 attempted to obtain from the tax assessor's office is a
19 list, just an informational list, not a document, we
20 constructed this document, but of all the parcels at
21 Deerfield that would have a tax card in the name of
22 Fields Development.

23 A Okay.

24 Q And what I have been able to put
25 together from the information that I was given is this,

1 and I'd like to ask you to just briefly look at it. I
2 can't tell you that it's accurate. What I can tell you
3 is we asked for information, we got information, and
4 we've tried to record it here. So there may be errors in
5 this, okay? I'm not representing to you that I've got it
6 right. That's the reason I'm showing it to you and I
7 want to ask you about it.

8 There are various parcel numbers here
9 that are indicated and I don't expect you to recognize
10 all those parcel numbers. There are in the column titled
11 at the top where it says where, I've tried to have an
12 indication there as to the location as best I can tell
13 for that parcel number. And then the acreage is just
14 based on what we could obtain that gives some indication
15 to us, and I've even got some questions myself about
16 that. And then there's an amount as to the taxes that
17 would normally be due each year for those various
18 parcels.

19 I want to ask you, first of all, I
20 think we've got here, let me count, about 23 parcels,
21 give or take one or two.

22 A Okay.

23 Q Do you recognize these parcels as being
24 parcels that would be in the name of Fields Development?

25 A Let me say first, this looks to me like

1 what I submitted in discovery. This looks to me like her
2 spreadsheet, but I'm not sure that it is without seeing
3 it in context. This just looks to me like her other
4 spreadsheets that have been submitted.

5 Q All right.

6 A But I'm not a hundred percent sure it's
7 hers originally, but it looks exactly like what I
8 submitted in discovery.

9 Q Okay, all right. I want to ask you
10 specifically about the fourth item down. It's regarding
11 receipt number 8735 and the where, it just says mineral
12 and the acreage 658.7. Has, to your knowledge, Fields
13 Development retained the mineral rights to properties
14 that have been sold?

15 A No. My understanding is they don't
16 have mineral rights and when I have paid the property
17 taxes for the last three years, there has been no mineral
18 part that I've paid, that I've seen any invoice for from
19 the assessor's office.

20 Q Do you know if there was one previous
21 to that?

22 A I always heard them say that they did
23 not own the mineral rights to Deerfield.

24 Q Okay. Would you know then what that --
25 well, you're telling me you've not received a card

1 billing you for mineral rights?

2 A No. And they have gone through every
3 list they have with me to see if there's anything
4 outstanding that I've missed, that I may not have paid,
5 and nothing like that has come up.

6 Q All right. Do you see anything on here
7 that appears to you to be in error other than that?

8 A This is 2017. Nothing is jumping out
9 at me. This is maybe not the descriptions I've used for
10 the recent bills I've paid for some of these, but for the
11 most part these all look like they would be legitimate.

12 MR. HURLEY: Okay. Let's make that --

13 THE WITNESS: Except for the mineral.

14 Q Let me say, it's possible that as I see
15 that 2017, it's possible that I've pulled this. We've
16 tried to construct one too and I can't swear to you which
17 it is right now. This may have come from your discovery.

18 A Okay.

19 MR. HURLEY: We've got a lot of lists in
20 this case. So let's make that the next Exhibit
21 No. 56.

22 COURT REPORTER: Exhibit 56.

23 (Exhibit No. 56, filed.)

24 Q I'm going to hand you two documents
25 next. One is an affidavit of Michael Parr, P-a-r-r?

1 A He was a previous owner in Deerfield.

2 Q Yes. I'm going to hand to you an
3 affidavit by him and a portion of the Tennessee
4 Residential Property Condition Disclosure form that was
5 referenced by his affidavit. First of all, have you seen
6 this affidavit before?

7 A I don't recall seeing it. It's not
8 seeming familiar.

9 Q I'll represent to you I believe it's
10 been filed in the litigation.

11 A Okay.

12 Q But I don't know if you've seen it or
13 not.

14 A Okay.

15 Q He's simply -- and my purpose for
16 putting this in, he simply says in his affidavit that
17 when his home was sold that the selling documentation was
18 handled by Fields Real Estate, Madeline Fields, and that
19 on the Residential Property Condition Disclosure form
20 that she, Madeline Fields, added the name of the HOA as
21 Deerfield Resort Homeowners, the telephone number of
22 423-562-3282. By the way, is that the number there at
23 the office?

24 A That is the office number.

25 Q And the phrase yearly dues and entered

1 the amount \$500, and he goes on to say in his statement
2 -- it shows on the closing disclosure information I was
3 charged \$116.44 based on a proration for 85 days that
4 they lived in Deerfield for that particular year, being
5 January 1 through March the 27th, March the 27th.

6 What I wanted to ask you, if you'll go
7 over to the second page of the disclosure there is some
8 handwriting up there that says Deerfield Resort
9 Homeowners, there's a telephone number, there are some
10 marks where it says -- well, it's hard to tell for sure
11 which lines, but there's one for special assessments.
12 There is another mark below that that may apply to a
13 couple of lines, I don't know, and then there is on the
14 right side, it says monthly dues and monthly has been
15 marked through and the letters YR have been entered above
16 the word dues and then the number five hundred has been
17 written in. Do you recognize that writing there in that
18 portion of the disclosure form?

19 A It does look like her handwriting.

20 Q Okay. And would \$500 have been the
21 annual dues amount as of 2019?

22 A Security and maintenance, yes.

23 Q All right. So you don't recall if
24 you've ever seen this affidavit before?

25 A I don't remember seeing it. I'm

1 missing some of the exhibits on some of the filings. So
2 it's possible it was in one of the filings that I don't
3 have the exhibits for.

4 Q Do you remember seeing the Tennessee
5 Residential Property Condition Disclosure form from Mr.
6 Parr in the past?

7 A Not for him, I do not.

8 Q Okay. But what you can say is that on
9 the second page of that those notations in item 17 appear
10 to be the handwriting of your mother?

11 A Yes.

12 Q And would you also recognize that on
13 the bottom, it does list her name where it says this form
14 is copyrighted and may only be used in real estate
15 transactions in which, there's a blank there and Madeline
16 Fields has been entered there?

17 A Yes.

18 Q In which Madeline Fields is involved as
19 a T-A-R authorized user?

20 A Correct.

21 MR. HURLEY: Let's mark that. We can
22 just mark it for I.D. since she's not seen it
23 before, but she has identified the handwriting.

24 MR. HAWKINS: Both of them as Collective
25 57 for I.D.?

1 MR. HURLEY: Yes.

2 MR. HAWKINS: Okay.

3 (Exhibit No. 57 filed for I.D.)

4 Q These run together sometimes. Did you
5 tell me yesterday that your brother would be more likely
6 to be the one that deals with Lamar as far as billboard
7 advertisements?

8 A He wouldn't be the one to pay it, but
9 he would be the one to work with the graphics.

10 Q What about the selection of billboard
11 sites?

12 A That was determined years ago by mainly
13 Paul. I think Paul would have selected the sites.

14 Q What about the content of the
15 billboard, what the billboards say?

16 A Well, when mom and dad were alive they
17 would have determined it, but at this point it would be
18 Scott.

19 Q I'm going to leave that to ask him.
20 I'll ask him about that too. Actually it's better for
21 him.

22 Also in looking through the various
23 records up in Campbell County, another thing that we
24 located that I want to ask you about, I don't think it
25 applies, but I just want to make sure, there is a Notice

1 of Lien in Campbell County for the amount of \$152,745.

2 It was filed by Rembco, R-e-m-b-c-o, Geotechnical
3 Contractors, based in Powell, Tennessee. The owner
4 against whom the lien is asserted is PARC, P-a-r-c,
5 Properties, LLC, and the prime contractor is indicated as
6 being Lejeune Homes, LLC. Do you know anything about
7 this lien?

8 A I do.

9 Q Does it still exist?

10 A It has been released.

11 Q It has been released, okay. We had
12 gotten this earlier. Are there any liens, to your
13 knowledge, in existence now that are not paid, satisfied,
14 or released that pertain to PARC Properties or Lejeune
15 Homes, LLC, both of them, right?

16 A Right.

17 Q That would serve as a lien on any
18 property that those two entities, PARC Properties and
19 Lejeune Homes, own within Deerfield?

20 A Could you repeat the question?

21 Q Are you aware of any liens that exist
22 now that have not been paid or released that would affect
23 properties owned by PARC Properties, LLC or Lejeune
24 Homes, LLC within Deerfield?

25 A I'm not aware of any.

1 Q Had you seen this lien before?

2 A Yes.

3 MR. HURLEY: All right. Let's mark that
4 as the next exhibit.

5 COURT REPORTER: Exhibit 58.

6 (Exhibit No. 58, filed.)

7 Q In looking around from time to time I
8 have seen various ads. Here is one, Norris Lake to do
9 list, check out McCloud Mountain and the skywalk, fine
10 dining, lodging, amazing view above it all, great steaks,
11 photo ops. And then it says see what all the buzz is
12 about, golf course, great homes, lake lots, condos and
13 villas, rentals, amenities, affordable, Deerfield Resort,
14 and it's got a telephone number. I think it's the same
15 telephone number that we just referenced a few minutes
16 ago, 423-562-3282; is that that number at the office?

17 A Yes, it is.

18 Q And it says McCloud Mountain -- excuse
19 me, McCloud.com, Deerfieldresort.org. Are you familiar
20 with that ad?

21 A I have seen a similar ad to that in the
22 past.

23 Q It comes just in a -- it's kind of like
24 a magazine. It's kind of a glossy type thing. There are
25 other ads in here. I think a few that mention things at

1 Deerfield. My question is this. This appears to be what
2 I would call a joint marketing ad. Sometimes businesses
3 that are somehow affiliated by their location or by their
4 ownership, or otherwise, pitch in together and it allows
5 them to control half a page or a page, a double page, or
6 whatever the case may be, and they coordinate their ad
7 campaign and it allows them to have a bigger pop on the
8 same page by paying a certain amount of money.

9 This looks like to me a joint ad and
10 there was affiliation or some connection between the
11 ownership of McCloud Mountain and Fields Development
12 Company, right?

13 A The same owners, different companies.

14 Q Same owners, different companies. Was
15 there advertising that was jointly coordinated in
16 situations such as what we see here?

17 A To my knowledge, it would have only
18 been for that Norris Life magazine that came out -- it
19 comes out three times a year.

20 Q Okay. You're not aware of joint
21 advertising occurring in other instances?

22 A When they do the Cincinnati boat show,
23 I think just this past year for the first time, I think
24 they had a separate McCloud Mountain booth adjoining the
25 Deerfield booth.

1 Q And would each entity pay its fair
2 share of that ad?

3 A Correct.

4 Q Was there ever any situation, to your
5 knowledge, where Deerfield Homeowners Resort --
6 Homeowners Association, Inc. was the party that carried
7 the load or paid the cost of this type of joint
8 advertising?

9 A I would just have to look for the
10 specific invoice to see how each one was paid.

11 Q So the answer is you don't know?

12 A I don't know.

13 Q Have you see this before? And I want
14 to tell you I didn't mean for there to be, but there's
15 some highlighting on it which I think has some specific
16 reference to our case, but I'm not intending really to
17 focus on the highlights; have you seen this before?

18 A It's not particularly ringing a bell,
19 but it looks like something they might have put in one of
20 the sales brochures.

21 Q Okay. It's got a lot of information
22 about Deerfield Resort, doesn't it?

23 A It does.

24 Q You don't know though who would have
25 composed this?

1 A Scott may. I don't know who did it.

2 Q Okay. Let me just ask him about it.

3 A Okay.

4 Q You can keep your copy. I'm not going
5 to make it an exhibit yet until I ask him. I'll ask him
6 that too, since he's the realtor.

7 You've testified that Marina Ridge, is
8 that right, is that the right name, is not part of
9 Deerfield?

10 A Correct.

11 Q But how do you get to Marina Ridge?

12 A You do have to come through the
13 Deerfield gate.

14 Q If Marina Ridge is not part of
15 Deerfield, then how do the folks at Marina Ridge have the
16 right to come through the private road to get access to
17 their property; is there other access to Marina Ridge?

18 A That I don't know. I don't know if
19 they can access it from any other location, I'm not sure.

20 Q But they certainly can through the
21 Deerfield entrance?

22 A They do. I don't know if they have an
23 easement. I don't know how that works.

24 Q So the means by which and the legal
25 right by which they come through Deerfield and use

1 Deerfield roads to get to Marina Ridge you're not
2 familiar with?

3 A I'm not sure.

4 Q Okay. Was Marina Ridge ever a part of
5 Deerfield?

6 A Never.

7 Q Was Marina Ridge there when Deerfield
8 was started?

9 A No, it was just farmland.

10 Q Do you know who owns Marina Ridge?

11 A It's had about four different owners to
12 develop it out. So I don't know if any of the last
13 developers still own any land there. The last I heard,
14 Home Federal had it, and then maybe they sold it off to
15 someone.

16 Q Do you know how many living units,
17 residences, condos, villas, or whatever they've got
18 there, how many separate units there would be roughly?

19 A I think there are three cabins and one
20 duplex.

21 Q So it's not a lot?

22 A No.

23 Q But whatever there is, based on your
24 observations, they come through Deerfield's entrance --

25 A Correct.

1 Q -- to get there?

2 A Yes.

3 Q The Woodson property is not part of
4 Deerfield I believe you said earlier, correct?

5 A That's correct.

6 Q Is that accessed through Deerfield?

7 A If they come through the gate, yes, but
8 they actually -- I believe they access that behind the
9 marina.

10 Q But they access through Deerfield
11 roads?

12 A They come through Deerfield roads.

13 Q By what means do they do that?

14 A Through the gate.

15 Q But by what legal means do they do
16 that?

17 A I would assume, I don't know this for a
18 fact, but I would assume they have some form of easement
19 that's attached to their deed, but I don't know that.

20 Q Royal View Estates, is that part of
21 Deerfield?

22 A No, and I don't believe they come
23 through the gate. Looking at the map that you had, it
24 looked to me like they go through Alder Springs Village,
25 unless there's been a name change, but none of that rang

1 a bell to me at all. I don't remember hearing the name
2 Royal View Estates. And it looked like that was part of
3 the Chapman land inside of Deerfield, but I'm not
4 familiar at all with that.

5 Q Okay. We looked yesterday at the 2018
6 restriction and without pulling it back out, it talks of
7 developer control. That was one of the topics, topic
8 headings, and it makes fairly clear that the developer
9 has control over roads and common areas and those types
10 of things.

11 Just if you know, why at that time was
12 the developer asserting control over those things and now
13 the developer is, as I understand it, willing to give
14 control of the roads to the Homeowners Association? Do
15 you know the reason for the change in position on that?

16 A Well, it's court ordered, so we're
17 cooperating with the court.

18 Q Okay. Do you view, I'm just talking to
19 you now.

20 A Okay.

21 Q And I'll ask your brother as well. Do
22 you view the roads as a likely large liability going
23 forward?

24 A As far as the maintenance and upkeep
25 goes, it will have ongoing expenses, but I don't believe

1 there's ever going to be any tax liability for that.

2 Q In other words, the roads, to your
3 knowledge, are not taxed?

4 A I don't believe they're taxable. I
5 believe that was a decision that was made.

6 Q Right. I want to ask you for just a
7 moment a couple of safety issues about Deerfield just so
8 that I can have a better understanding. There are fire
9 hydrants at Deerfield; are there not?

10 A Yes.

11 Q Do you know how many there are?

12 A I do not.

13 Q Are they operational?

14 A To my knowledge they are operational.

15 Q To the best of your knowledge, are they
16 all operational?

17 A To the best of my knowledge, they are.

18 Q And would the water that comes from
19 those fire hydrants, in the event that I've got a place
20 up there and it catches on fire and the fire hydrant has
21 access to get water to my place, where does that water
22 come from?

23 A From each hydrant?

24 Q Yes.

25 A I assume, and this would a Scott

1 question, but they would come from the closest well that
2 would be in that section.

3 Q You're not aware of any of those fire
4 hydrants that is not operational?

5 A I'm not aware of any.

6 Q But those are all better questions for
7 him?

8 A Correct.

9 Q Have you removed any Facebook postings
10 made on the Deerfield Facebook page that were derogatory
11 or personally derogatory against any of the plaintiffs?

12 A I have not removed any Facebook post of
13 any kind at anytime.

14 Q Do you know if -- who right now is in
15 control of that Facebook page that if a post is made on
16 it that's deemed to be inflammatory or improperly
17 derogatory can hit whatever button or do whatever is
18 necessary to remove it, who does that?

19 A Scott would know for sure who all are
20 admins. The only one I'm aware of are Scott and Kelly,
21 myself. I don't know if Tyler is an admin or not.

22 Q Those would be the only ones that
23 you're aware of?

24 A Those are the only ones I'm aware of.

25 Q Who mows the property at the airport,

1 who does the mowing there?

2 A My understanding is it's a collection
3 of the hangar pilots that are up there. I don't know
4 which ones.

5 Q Do you know physically who they have
6 that does the actual mowing?

7 A I do not, but Scott might.

8 Q Do you know if they pay for that?

9 A I think there was a collection I've
10 heard they've taken up, but I don't know. I know that --
11 I think Scott would -- anything I say is just a guess.

12 Q Have hangar units been sold to non-
13 pilots?

14 A Yes.

15 Q And are hangars used for purposes other
16 than airplanes?

17 A People will store things in there other
18 than airplanes. There's no restrictions against that.

19 Q Then just as a matter of curiosity, if
20 there's an airplane hangar, why are they used for
21 purposes other than airplanes?

22 A I think most people that are doing it
23 are just looking for additional storage, like a big
24 garage.

25 Q Are you aware -- this is probably a

1 better question for Scott. I'll just ask him. You don't
2 really participate on the real estate side for Fields
3 Real Estate in the preparation of closing statements or
4 anything like that?

5 A Not really. I mean every now and then
6 a title company will happen to reach out to me to just
7 ask me what the fees that are due. So occasionally I
8 might, but then I would just reach out to Kelly to see
9 what's the current status, if they've paid or not, and
10 then just pass that information along.

11 Q You're not really physically handling
12 those transactions or the documentation?

13 A No. I might just communicate to a
14 title agent.

15 Q Is your husband, Mark Lejeune, a
16 licensed architect?

17 A He is not an architect.

18 Q Has he ever been an architect?

19 A Not a licensed architect. He graduated
20 from the architecture school, but he did not sit for his
21 license.

22 Q All right. So he doesn't prepare for
23 folks that come to Deerfield and want a plan and maybe
24 they want a custom plan for their home, he doesn't draw
25 those plans?

1 A Sure, he can design plans.

2 Q He designs plans, but he's not a
3 licensed architect to put an architect stamp on the
4 plans?

5 A To stamp it, that's correct.

6 Q Okay. Does he actually put himself out
7 as a drawer or preparer of plans for pay?

8 A No. He would prefer not to do it, but
9 if it's a custom home that he's building, then he might
10 draw the plans for them, but he would rather just work
11 from their plans.

12 Q And if he does do plans, does he charge
13 for the plans?

14 A I'm not saying that he never has, but
15 typically, if he is doing the plans, it's for a home he's
16 building the majority of the time.

17 Q Is there a lot or parcel that's used as
18 a fire pit for a fire?

19 A Well, there's an area below the
20 airstrip that is used for storage of some vehicles and,
21 at one point in time, there was a hole there that they
22 would burn things in, but that's been shut down.

23 Q It's been shut down?

24 A Yeah, they don't allow homeowners to
25 burn anything in there.

1 Q Is there any place now within Deerfield
2 where burning is allowed?

3 A There's no place like that where you
4 could take your brush. I think people are having to
5 either haul it to town, I don't know if they can burn it
6 themselves on their own lots, but there's no localized
7 place for that.

8 Q A centralized local place that they can
9 take it within Deerfield to do a burning?

10 A That's correct.

11 Q But there was in the past?

12 A There was in the past and it had been
13 shut down for many years and people still dumped, people
14 still came in. We had one fire set by someone that was
15 not authorized. So according to us it's not allowed.

16 Q We had some discussion yesterday about
17 the villa HOA. We were talking about the Becker
18 situation. Is there an actual real organized HOA for
19 that --

20 A For Deer Hill Village just like the
21 condominium association.

22 Q Okay. And that's the Deer Hill Village
23 Association, right?

24 A Correct, that's right.

25 Q Is there any other litigation in

1 existence now that you're aware of related to Deerfield,
2 or any of the condo or villa associations within
3 Deerfield, where there are questions about getting access
4 to records, access to information, access to data, is
5 there any other litigation, other than the lawsuit that
6 we're sitting here about right now, to your knowledge, in
7 that regard?

8 A There's a recently filed lawsuit with
9 Deer Hill Village from one of the owners who did not want
10 to pay her dues and those are dues.

11 Q Do you know her name?

12 A Jenene Lamothe, and then --

13 Q L-a-m-o-n-t?

14 A L-a-m-o-t-h-e.

15 Q Okay.

16 A And then I don't know if he's her
17 husband or partner, his last name is Davenport. I'm not
18 sure of his first name.

19 Q Is that jointly filed?

20 A Yes, one property, two names. She
21 contends it's voluntary and she doesn't have to pay and
22 she doesn't have to pay for her marina slip.

23 Q Any other lawsuits that you're aware of
24 seeking records or information, or anything like that?

25 A That's the only one I'm aware of.

1 Q Okay. Is there any disclosure, and
2 this may be a Scott Fields question, but let me ask you.
3 Is there any disclosure that you are aware of now that's
4 being made to people who come to buy a piece of property
5 at Deerfield and they're buying it through Fields Real
6 Estate, Inc.? Is there any disclosure that's made in
7 those transactions where Fields Real Estate, Inc. is
8 handling the transaction to inform newly purchasing
9 property owners that there is this litigation going on?

10 A I think that would be a Scott question.

11 Q Okay. The answer is you don't know?

12 A I don't know.

13 Q All right, fair enough. The last
14 thing, and then I'm going to, I believe, conclude your
15 part of this deposition process. We talked yesterday
16 about the fact that into that Deerfield Resort Homeowners
17 payment -- the payments are being made by the homeowners,
18 those payments are going into the Deerfield Resort
19 account that was at Home Federal that's now Hearthside
20 Bank.

21 And you told me yesterday that, based
22 on your understanding as I heard you answer it, and
23 correct me if I'm wrong, that it has always been the
24 practice to put those monies into that account, other
25 than the one reference you made seeing one check, but for

1 the years that we're concerned about, 2016 and after
2 we've been talking about, the money was put into that
3 account. If it came from Dan Valle, if it came from
4 Steve Dehler, if it came from anyone else that was a
5 property owner, it got put into that account, right?

6 A That's correct.

7 Q Okay. Other than 2023 has Fields
8 Development Company paid dues for its properties?

9 A I believe that starting after the Judge
10 ruled I believe in '21 and '22, that Fields Development,
11 Fields Real Estate, Madeline Fields, that we've all paid
12 as if the first property was paid.

13 Q The Judge that I think the ruling
14 you're making reference to is the Judge's order on a
15 motion for partial summary judgment, that there would be
16 a HOA?

17 A An HOA.

18 Q And so you're -- and I think that
19 occurred in '21.

20 A Yes.

21 Q So your indication, and I think it
22 occurred like in May or June of 2021, it wasn't early in
23 the year. It was on up in the year.

24 A I don't recall, but I think it was the
25 middle, maybe July or something.

1 Q So your indication is, from that point
2 on that you think that those entities, your mother's
3 property, or whatever have paid dues?

4 A Correct.

5 Q And would that include Rae Alan?

6 A Yes.

7 Q Fields Development?

8 A Yes.

9 Q Fields Real Estate?

10 A Yes.

11 Q Whatever other entities -- of course,
12 your mother.

13 A Yes.

14 Q Is the estate paying now?

15 A Well, it's just in the name of Madeline
16 Fields, but yes.

17 Q Okay. But those lots that are in her
18 name are being paid for now?

19 A Well, her house.

20 Q Okay. What about other properties that
21 are --

22 A Well, that would be additional
23 properties, so they would not be billed once the first
24 one is paid.

25 Q So she's only paying for the one?

1 A Correct.

2 Q And then that, based on your
3 interpretation, qualifies -- the rest of her properties
4 come under the payment for that one?

5 A The way all of the other properties are
6 billed.

7 Q All right. And then we talked about
8 that if other money came in, like the sale of that one
9 lot for \$45,000, that money went into that account?

10 A During the discovery time, yes.

11 Q All right. And there were other
12 instances where you indicated that Fields Development or
13 Fields Real Estate had to put money into the account to
14 pay things?

15 A Correct.

16 Q So, in essence, what was happening is
17 there was the homeowner money that was coming in and
18 going into that account and from time to time there was
19 other money coming into that account?

20 A Yes.

21 Q And those funds were combined and bills
22 get paid, correct?

23 A Correct.

24 Q Did you ever -- I asked you yesterday,
25 did you ever discuss with your mother that perhaps the

1 money coming from the property owners should be
2 segregated and kept separate, and I believe you told me
3 that you did not recall ever having that conversation
4 with her.

5 A That's correct.

6 Q If you had that conversation with her,
7 and that's a hypothetical, okay, would she have
8 segregated the money?

9 MR. HAWKINS: Object to the form. You
10 can answer, if you know.

11 A I can't say what she would have done.
12 I don't know. I'm sure that she was doing nothing wrong
13 and thought she was doing nothing wrong. So I don't know
14 that the conversation would have even happened or what
15 her reaction would have been.

16 Q What we do know is a conversation did
17 not occur?

18 A Correct.

19 Q And you knew before your mother passed
20 that the money was being handled in that way, that the
21 money coming from the homeowners was going into that
22 account and, from time to time, money coming from
23 Deerfield Real Estate, Deerfield Development, perhaps
24 other sources, was going into that account?

25 MR. HAWKINS: Object to the form, you

1 can answer.

2 A I can't say that I had an awareness
3 that that was going on because there was no reason for me
4 to even pursue details like that. That just wasn't
5 something I would have been cognizant of.

6 Q Were you on the signature cards for
7 those accounts?

8 A Yes.

9 Q For that account?

10 A Yes.

11 Q But you're saying you don't know if you
12 were aware that those monies were being combined --

13 A Correct.

14 Q -- from time to time?

15 A I wasn't aware of how she did her
16 bookkeeping.

17 Q Did she ever tell you, Paula, I'm
18 having to put money into the Deerfield Homeowners -- the
19 Deerfield Resort account to help pay some of these
20 homeowner expenses?

21 A Constantly. She would always say that
22 -- she wouldn't say the homeowners account. She would
23 say I'm having to put money into Deerfield again. That
24 was a frequent conversation.

25 Q And you took that to mean the Deerfield

1 Resort account?

2 A Yes. That she was once again having to
3 help pay for the upkeep.

4 Q But you're not able to say if you knew
5 that the monies were actually being combined into a
6 single account?

7 A Correct.

8 Q But once she passed away and she wasn't
9 there to do it anymore, you did it, correct?

10 A Because of the ongoing lawsuit and
11 because of the questions that were raised, at a certain
12 point in time, and I don't remember how recent it was, I
13 opened up a separate Fields Development checking account
14 just to make sure there was no overlap of any monies,
15 that they would all be kept separate.

16 Q When did that occur?

17 A I would have to look at the original
18 checkbook. I don't recall if it was '21. It was
19 probably in the year of '21. I don't think it was as
20 recent as '22, but I think it was not long after her
21 death.

22 Q So have any monies other than monies
23 coming from the homeowners gone into the Deerfield Resort
24 account since your mother died?

25 A Yes.

1 Q And were you aware of that?

2 A We put the money in. That's the
3 promissory note from Fields Real Estate.

4 Q And there is a promissory note for that
5 money?

6 A Yes.

7 Q Who signed the promissory note payable
8 to Fields?

9 A I believe I did and maybe Scott did. I
10 would have to go back and look at the note again.

11 Q And do you know in what capacity you
12 signed it?

13 A Not from memory, but it was how we were
14 advised by counsel, not Preston, but by counsel to do it.

15 Q I'm not asking you what counsel has
16 told you or not told you. I'm not entitled to that and
17 don't want that, don't even want to have to argue about
18 that, but what I am interested in, obviously because I
19 represent these folks, is to see the promissory note, or
20 any written evidence that you have, that there's monies
21 owing from Deerfield Resort or the Homeowners
22 Association, Inc., or however you want to refer to it --

23 A Sure.

24 Q -- back to Fields Development or
25 whoever it's owed to.

1 MR. HURLEY: So there's not a real late
2 filed exhibit thing.

3 MR. HAWKINS: I'll give it to you.

4 MR. HURLEY: Okay. I'd like to have --

5 MR. HAWKINS: And it doesn't need to be
6 a late filed exhibit. I'll just give it to
7 you.

8 MR. HURLEY: Okay. And can we have an
9 agreement that any documentation that you've
10 got, if there's more than one note, that --

11 MR. HAWKINS: Sure.

12 MR. HURLEY: Some people --

13 MR. HAWKINS: And I don't think that
14 there is. Is there?

15 THE WITNESS: I don't think so.

16 MR. HAWKINS: Okay.

17 Q Some people -- you know, we lawyers
18 refer to promissory notes. Some people do IOU's, some
19 people make a note on a napkin. What I'm interested in
20 is any writings that show that there is money owed to any
21 of your entities, Fields Development, Fields Real Estate,
22 Lejeune, PARC, by what will be this Homeowners
23 Association, or Deerfield Resort as it's been referred
24 to. So are you good with understanding what I'm asking
25 for, you think you --

1 A Yes, that's the sheet I referenced
2 yesterday that Jack, the CPA, has compiled. He seemed to
3 have a list of all of the entities that have contributed
4 to Deerfield.

5 Q And we talked about that a little
6 yesterday and you said it might be in the tax stuff that
7 he provided to me and I'm going to go back and look at
8 that.

9 A Okay.

10 Q But I'd like to separately ask you all
11 to do that and provide it to me so we've got it all --

12 A I will continue --

13 Q -- on the table and we all know.

14 A Yes.

15 Q No surprises about that.

16 A Okay.

17 MR. HURLEY: Okay, all right. With
18 that, do you want to take a lunch break?

19 MR. HAWKINS: I have a few questions.

20 MR. HURLEY: Sure.

21 EXAMINATION

22 BY MR. HAWKINS:

23 Q So I'm just going to ask a few follow-
24 up questions about one of the exhibits and it's Exhibit
25 49. This is the response to the notice demand letter

1 that Mr. Hurley asked you about earlier and I think that
2 -- I just wanted to ask a few follow-up questions.

3 First of all, the date of this on page
4 three that bears my signature, it says April the 14th of
5 2020. Do you recall whether you would have helped me
6 prepare this or would that have been your mother?

7 A I'm thinking at this point it would
8 have been my mother because I think she was answering all
9 of your questions at that point.

10 Q Okay. And I don't want to go -- the
11 reason that I'm following up on this is I believe that
12 Mr. Hurley asked you if everything in this document was
13 correct, and I believe you testified that it was, but I
14 did want to follow up.

15 With respect to number four, read that,
16 which says the association charter or restated charter
17 and all amendments to it currently in effect -- this was
18 a request for I guess the production of that type of
19 document. And our response was the association does not
20 maintain and is not in possession of any records
21 responsive to this request. Did I read that correctly?

22 A Yes.

23 Q But that actually is not correct, is
24 it?

25 A There is a charter.

1 Q Is there also articles of incorporation
2 related to the Deerfield Resort Homeowners Association,
3 Inc.?

4 A Yes.

5 Q And those documents are a part of this
6 lawsuit; is that correct?

7 A Correct.

8 Q Why don't you take just a minute and
9 look through this.

10 A Okay.

11 Q And tell me if you see anything other
12 than number four that you believe to be incorrect, and
13 I'm not trying to suggest that there is. I just want you
14 to have an opportunity to look at it --

15 A Okay.

16 Q -- so that you can state whether there
17 was anything else that might be incorrect about the
18 response.

19 A Can I also just say that when I did
20 look at this, until you pointed out the date, I thought
21 this was one of our discovery responses. I wasn't
22 reading it correctly. I would just say that some of the
23 exhibits that we have looked at that I was not aware
24 existed might fall into one of these categories, some of
25 the easements, but I'm not sure which one.

1 Q Okay. Anything else?

2 A Nothing else that I'm seeing.

3 MR. HAWKINS: Okay. I've got no further
4 questions then. Do you need to follow up on
5 that at all?

6 MR. HURLEY: No.

7 MR. HAWKINS: Okay, thanks a lot.

8 VIDEOGRAPHER: You're ready to go off?

9 MR. HURLEY: Yes.

10 VIDEOGRAPHER: Okay, we're going off.

11 The time is 1:20 p.m.

FURTHER DEPONENT SAITH NOT.

PAULA RAE LEJEUNE

Sworn to before me when
taken June 28, 2023.

Notary Public

My Commission expires: 7-2-2024

C E R T I F I C A T E

STATE OF TENNESSEE:

COUNTY OF SEVIER:

I, Todd Humble, Licensed Court Reporter and Notary Public, do hereby certify that I reported in machine shorthand the above testimony, and that the foregoing 539 pages were typed under my personal supervision and constitute a true and accurate record of the proceedings.

I further certify that I am not an attorney or counsel for any of the parties; nor a relative or employee of any attorney or counsel connected with the action; nor financially interested in the action.

This day of ,
2023.

Todd Humble, Licensed Court
Reporter and Notary Public

My commission expires: 7-2-2024