

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.

DEPOSITION OF RAYMOND SCOTT FIELDS

June 28, 2023

Reporter: Todd Humble, LCR

APPEARANCES OF COUNSEL:

For the Plaintiffs:

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I N D E X

THE WITNESS: RAYMOND SCOTT FIELDS

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4 Examination by Mr. Hurley

Exhibits:	Page:	Description:
59 (filed)	9	Photograph
60 (filed)	58	Letter from Department of Environment and Conservation dated April 18, 2019
61 (filed)	60	Enclosure letter from Department of Environment and Conversation dated April 18, 2019

The deposition of RAYMOND SCOTT FIELDS, 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 VIDEOGRAPHER: Okay, we're on the record
2 and the time on the camera is 2:38. You may
3 swear the witness.

4 COURT REPORTER: Could I ask you to
5 raise your right hand, please? Do you solemnly
6 swear or affirm the testimony you're about to
7 give will be the truth, the whole truth,
8 nothing but the truth so help you God?

9 THE WITNESS: I do.

10 RAYMOND SCOTT FIELDS,
11 called as a witness at the instance of the Plaintiffs,
12 having first been duly sworn, was examined and deposed as
13 follows:

14 EXAMINATION

15 BY MR. HURLEY:

16 Q Good afternoon. Would you state your
17 full name for us, please?

18 A Raymond Scott Fields.

19 Q Mr. Fields, we've met and you've been
20 around all day yesterday and today as I deposed your
21 sister.

22 A Yes.

23 Q And so you've heard the questions and
24 answers going back and forth. Have you ever given a
25 deposition before?

1 A I have not.

2 Q The things that I mentioned to her
3 yesterday regarding this I would also suggest apply to
4 you and I. If I ask you a question that's not clear, you
5 let me know and I'll be glad to work on it with you until
6 we're on the same page, okay?

7 A Okay.

8 Q And you heard the other parts yesterday
9 about if you need a break, whatever the case may be, just
10 let us know.

11 MR. HAWKINS: Do you want to do
12 everybody on the record again as far as who's
13 here and who's not?

14 MR. HURLEY: Sure. The same, as best I
15 can tell, the same as for yesterday, but --

16 COURT REPORTER: That's fine.

17 MR. HAWKINS: Preston Hawkins for the
18 Defendants.

19 MR. FIELDS: Raymond Scott Fields.

20 MS. LEJEUNE: Paula Lejeune.

21 MR. LEJEUNE: Mark Lejeune.

22 MR. BOB HILTY: Bob Hilty.

23 MR. VALLE: Dan Valle.

24 MS. SERGENT: Georgia Sergent.

25 MS. SATZGER: Kim Satzger.

1 MR. HURLEY: Scott Hurley on behalf of
2 Plaintiffs.

3 Q I want to hand to you, Mr. Fields, a
4 photograph. I showed it to your sister and she was not
5 familiar with what this picture depicts or the location
6 of it; are you?

7 A Yes.

8 Q Can you tell us where this is?

9 A That is on Deer Run. That is a garage
10 being built by Josh Fisher. I tried to decline it, but
11 as long as it's a garage attached to a house or on the
12 same lot as the house, there is no restriction on how
13 large or small the garage can be. I tried to decline him
14 and he came back to me with some statements showing me
15 that in fact I couldn't.

16 Q And his name is Josh Fisher?

17 A Fisher, F-i-s-h-e-r.

18 Q Okay. So what we see basically being
19 constructed, at least partially depicted in this
20 photograph, is as you understand it a garage facility?

21 A Yes.

22 Q And from the description that you just
23 now gave me, you initially objected to and attempted to
24 stop the building of this garage?

25 A Yes, I did.

1 Q And then once you had done that, Mr.
2 Fisher came back and approached you and suggested that he
3 is going to have this garage attached to a residential
4 building?

5 A The house that you can see in the
6 background is the house that he owns.

7 Q Okay.

8 A He has given me an absolute promise
9 that -- but now, of course, it looks huge because it's a
10 big gaping wall. He says he'll blend it into the
11 environment as much as he can, also adding trees back to
12 cover it up.

13 Q Is he planning to do any commercial
14 work out of this?

15 A No. He owns his own equipment. He has
16 three houses in Deerfield. So it's dirt commercial type
17 equipment, but he just loves his equipment.

18 Q And wants a place to put it?

19 A Yeah.

20 Q And the house that we see kind of in
21 the upper right background of this photograph is his
22 house?

23 A It is.

24 Q And is it occupied now?

25 A It is.

1 Q And has been for some time?

2 A Yes.

3 Q So this is -- is this part of the same
4 lot that his house is on or is this a separate lot that
5 adjoins?

6 A It's an adjoining lot.

7 Q Adjoining lot, okay. And you said he
8 owned three houses in Deerfield; is that correct?

9 A Yes. The other thing that he did was
10 to turn it sideways. It's much deeper than it is wide.
11 So you're not going to see that long footprint from the
12 road.

13 Q So it basically runs deeper into a lot
14 to take away the amount of structure exposure that you
15 see visually from the street?

16 A Yeah.

17 MR. HURLEY: Okay. Let's go ahead and
18 mark that as the next exhibit.

19 THE WITNESS: There is one of the
20 reasons I can't wait to have an HOA is because
21 of things like this.

22 MR. HURLEY: Yeah.

23 COURT REPORTER: Exhibit 59.

24 (Exhibit No. 59, filed.)

25 Q Always something, right?

1 A Oh, yeah.

2 Q With that out of the way, let me ask
3 you a few questions. Just in general, can you tell me --
4 I talked with your sister about the various entities, and
5 let me just get you also on the record. As far as Fields
6 Development, Inc. is concerned, what is -- you are part
7 owner of that, correct?

8 A Yes and I am the president.

9 Q So you are one-half owner?

10 A Yes.

11 Q And president. And then there is
12 Fields Real Estate and can you give me the same
13 information there?

14 A Half owner and president and lead
15 broker.

16 Q Any other brokers in that --

17 A Yes, Matthew Stogsdill.

18 MS. LEJEUNE: He's an affiliate.

19 THE WITNESS: He's an affiliate, yeah.

20 Q Okay. And what's his name?

21 A Matthew Stogsdill, S-t-o-g-s-d-i-l-l.

22 Q So you are the broker, he is an
23 affiliate broker, and works basically under your shingle.

24 A Yes.

25 Q Are there any other affiliates other

1 than Matthew?

2 A Tyler is in school to get his license,
3 but he has not taken the exam yet.

4 Q Okay. Then there is Lejeune
5 Properties.

6 A Lejeune Homes.

7 Q Lejeune Homes.

8 A I have no involvement.

9 Q No ownership or officer position of any
10 kind there?

11 A None in Rae Alan.

12 Q None in Rae Alan either.

13 A And none in any of the condo complexes
14 whatsoever.

15 Q Does Rae Alan make use of any of the
16 office space that's in the office building there? We've
17 talked --

18 A Mark will come and get his mail is
19 about the only involvement.

20 Q His mail comes there, but that's about
21 it?

22 A Yeah, for packages.

23 Q Any other entities that operate out of
24 that office -- I talked to your sister about it, other
25 than the ones that she and I talked about?

1 A Deerfield Water System.

2 Q And we talked about that one and you
3 have ownership and --

4 A And my wife, Lisa.

5 Q You and your wife, Lisa, and is that
6 the name, Deerfield Water System?

7 A Yes, LLC.

8 Q So you and your wife, Lisa, own it
9 basically jointly 100 percent or 50/50?

10 A A hundred percent jointly.

11 Q All right. And are you the president?

12 A Yes.

13 Q Does she have an office?

14 A On paper she's secretary.

15 Q Any other entities that you own any
16 interest in?

17 A Not that I'm aware of.

18 Q Do you have any official position with
19 -- there is an entity called Deerfield Resort Homeowners
20 Association, Inc. Have you ever been an officer in that?

21 A I've always known of it to be -- as you
22 know the facts of it, but no, I've never had a position
23 with it.

24 Q And I don't remember from what we
25 admitted yesterday, but there were a couple of documents

1 that showed board members at various times. Have you
2 ever been listed as a board member, to your knowledge?

3 A If I have, I don't know.

4 Q Okay. What you can tell is you've
5 never taken any action or participated in any decision
6 making as a member of the Deerfield Resort Homeowners
7 Association, correct?

8 A That's correct.

9 Q Have you ever had any responsibilities
10 related to any account, and the only one I'm aware of is
11 the one with First Volunteer that would be in the name of
12 Deerfield Homeowners Association?

13 A That was as she said a condo account,
14 so no.

15 Q Have you had any involvement in the
16 account that is set up simply as Deerfield Resorts?

17 A Yes.

18 Q And what is your involvement with that
19 account?

20 A I do payroll out of it, pay bills out
21 of it.

22 Q Have an authorization to write checks?

23 A Yes.

24 Q And who else has authorization to write
25 checks?

1 A As far as I know just Paula.

2 Q So the two of you?

3 A Uh-huh.

4 Q How long have you had authorization to
5 write checks out of that Deerfield Resorts account?

6 A Maybe ten years.

7 Q So that would have pre-dated the
8 passing of your mother?

9 A Yeah.

10 Q And would it have pre-dated the passing
11 of your father?

12 A Yes. As they started getting older,
13 she put me on the account in case I needed to sign.

14 Q Now, it's one thing as our parents
15 become older and they've got accounts and they add us to
16 those accounts just in case it's needed. It's another
17 thing if they basically turn over the responsibility of
18 handling those accounts. So I know that if it was ten
19 years ago, or approximately ten years ago, that your name
20 was added to the accounts, that doesn't necessarily mean
21 that you automatically started writing checks.

22 A No.

23 Q Was it sometime after that that you
24 started writing checks?

25 A For years mom would -- I would write

1 checks and she would sign them. At some point QuickBooks
2 allowed us to put an automatic signature in and I put my
3 signature in at that point.

4 Q About when would that have been?

5 A Maybe six years.

6 Q Ago?

7 A Yeah, about the time dad passed.

8 Q Okay. So that would have been around
9 2016?

10 A Yeah.

11 Q And then since that time, your father
12 passed in '16, as I understand it, and your mother passed
13 in '21. Would it be fair to say that from '16 to '21 you
14 became more active over time --

15 A Yes.

16 Q -- in signing the checks?

17 A Yeah.

18 Q Were you aware, when you first had your
19 name added to the account as an authorized signatory to
20 the account that one of the sources of funds going into
21 that account or deposits into that account would be
22 monies that were coming from the various property owners
23 at Deerfield?

24 A Yes, I was.

25 Q And that those property owners would

1 from time to time, and as I understand it it was
2 annually, receive a notice or a bill or a -- I think they
3 were usually titled invoice.

4 A Of course.

5 Q In the mail and those invoices would
6 set forth an amount that they were to pay as dues or fees
7 for maintenance and security?

8 A Of course.

9 Q And you were aware of that?

10 A Yes.

11 Q You were a property owner at Deerfield
12 yourself as I understand it?

13 A Yes.

14 Q Would you also receive such a notice?

15 A I didn't for a long time.

16 Q Do you now?

17 A Yes.

18 Q And would you recall in 2016, let's say
19 through 2020, that five year period of time, '16, '17,
20 '18, '19 --

21 A We started paying it when the Judge
22 told us to pay it.

23 MR. HAWKINS: Let him finish the
24 question before you answer, okay, so you're not
25 talking over each other.

1 MR. HURLEY: I do the same thing. I
2 decide I know where the question is headed and
3 I start answering it sometimes.

4 Q In '16, '17, '18, '19, and '20, would
5 you have been paying yourself for the maintenance and
6 security fees?

7 A I think we started getting them in '20
8 or '21.

9 Q All right. And as you started to
10 answer a moment ago, I heard you make reference to the
11 time when the Judge ordered that there was going to be an
12 HOA.

13 A Yes.

14 Q Would that order, which I believe was
15 in somewhere around the summer of 2021, coincide with the
16 time that you started to pay?

17 A Yes.

18 Q Would it also coincide with the time
19 that you started actually receiving notices yourself with
20 those invoices?

21 A Yes.

22 Q And you have then paid for 2022 and
23 2023?

24 A Yes, I have.

25 Q How many properties do you in your

1 personal name own within Deerfield Resort?

2 A Two pieces of property, one with my
3 home, and then a property that's adjacent.

4 Q And is the property that's adjacent
5 improved?

6 A No, it's just grassy.

7 Q A lot?

8 A Uh-huh.

9 Q All right. And then any of the
10 entities in which you have an ownership interest, which
11 of those entities own lots and how many?

12 A Fields Development owns more than
13 Fields Real Estate. There's several in mom and dad's
14 name, but I don't know the numbers off the top of my
15 head.

16 Q Would all of those parcels receive
17 notices now?

18 A Until we get the HOA formed I'm not
19 sure.

20 Q Would all of those -- would there be a
21 payment made on behalf of all of those parcels now for
22 maintenance and security?

23 A Not that I'm aware of right now.

24 Q Okay. And I know your sister mentioned
25 that, at least in practice perhaps in the past, if I

1 lived at Deerfield Resort and I had a home there and yet,
2 at the same time, I had four other lots, that I would pay
3 one fee?

4 A Yes.

5 Q There wouldn't be a fee for each parcel
6 owned, there would be one fee per owner?

7 A That's correct.

8 Q Okay. And would that be true as well
9 if I had a home, two undeveloped lots, and then two other
10 houses that I have long-term rental agreements on, would
11 I still just pay one fee?

12 A No. Each of the homes would receive a
13 security and maintenance bill.

14 Q So if there's a home there, if it's
15 improved with a residence, then they're going to get a
16 security and maintenance bill?

17 A Yes.

18 Q And whoever the owner of that is,
19 regardless of who the tenant might be, is going to get
20 that bill, whether the owner requires the tenant to pay
21 it or not is between them, right?

22 A Yes.

23 Q But if there's a home there, it will
24 pay?

25 A Yes, because there's more taxing on the

1 infrastructure.

2 Q Right. Let's talk about some aspects
3 of the infrastructure for just a moment. And I'm going
4 to try to cover all the major issues that I've got with
5 you that might have some impact on tomorrow.

6 And then I've discussed with your
7 attorney, he's going to need to leave at five and we're
8 going to cut this off at five to accommodate that. I'm
9 going to try to cover my major issues today because if
10 there's other things that we can't get resolved tomorrow
11 and we have to come back, we'll do that, all right.

12 Let me ask you first about one aspect
13 of the infrastructure being the fire hydrants that are
14 within Deerfield; are you familiar with those?

15 A Yes.

16 Q And if there was to be a problem, if
17 somebody runs over one or hits one and damages one, or if
18 there is some issue with a fire hydrant, it starts
19 leaking or spraying water all over the place, who, more
20 likely than not, is going to get the call to come look at
21 that?

22 A Me and the crew.

23 Q You and the crew and you and the crew
24 would be responsible for trying to do whatever needed to
25 be done to it, right?

1 A Correct.

2 Q Do you know how many fire hydrants
3 there are within Deerfield?

4 A I meant to total that up while we were
5 at lunch, 15.

6 Q Okay. It doesn't have to be exact, but
7 approximately 15?

8 A Yeah.

9 Q Are they all operational?

10 A There are two with bad valves right
11 now. We're trying to get valves to replace them. It's
12 looking like we may have to replace the entire hydrants.

13 Q Where are those two bad valve hydrants
14 located at?

15 A They're both on Deerfield Way.

16 Q So those two with the bad valves, to
17 the best of your knowledge, would not be operational
18 right now?

19 A You can try to turn them on, but the
20 inner workings is not turning.

21 Q Okay. What about the others, are the
22 others all operational?

23 A Absolutely.

24 Q Are there any of the other -- and if we
25 use 15 as a number and I know that's an approximation,

1 but if we use 15 as a number and we say two have bad
2 valves, that would leave us with about 13.

3 A Yes.

4 Q Those other 13, to the best of your
5 knowledge, if there is a need for those hydrants to be
6 activated so that water can be discharged, they're ready
7 to go?

8 A They sure are.

9 Q All right. The water that comes into
10 those hydrant systems to be available if needed, where
11 does that water come from?

12 A It comes from each of the wells in
13 Deerfield.

14 Q Do you know how many wells there are in
15 Deerfield?

16 A There are seven currently. We have an
17 eighth one that's about to come online.

18 Q Seven wells currently, one about to
19 come online --

20 A Got to do testing.

21 Q Pardon?

22 A Have testing to do before we can bring
23 it online.

24 Q Understood. Where is the one that's
25 about to come online?

1 A It is off of Sam and Maria Way.

2 Q Salmon?

3 A Sam and Maria.

4 Q And Maria.

5 A Spelled M-a-r-i-a.

6 Q Way?

7 A Yeah.

8 Q Now let's talk about that entrance area
9 to Deerfield for just a moment from the standpoint of
10 both infrastructure and safety. Is that an entrance area
11 to Deerfield?

12 A Uh-huh.

13 Q You heard my discussion with your
14 sister about that?

15 A Yes.

16 Q She indicated the property on the left
17 as you enter, if you're in your car, to your left the
18 area is owned by some other property owner?

19 A Yes.

20 Q It's not part of Deerfield?

21 A No.

22 Q The area to the right is part of the
23 golf course?

24 A It is.

25 Q And she indicated that she did not

1 believe that there was the ability to expand the entrance
2 on the right side because it was part of the golf course.
3 Could that be done if it could be worked out?

4 A If it could be worked out with the golf
5 course.

6 Q With the golf course?

7 A Yeah.

8 Q And are you a golfer?

9 A I worked the golf course for ten years,
10 so no.

11 Q As close as you needed to get to it.
12 Well, you're seated beside one.

13 A Yeah.

14 MR. HAWKINS: Not a good one though.

15 MR. HURLEY: Well, I bet okay, from what
16 I've heard.

17 Q So the part on the right as you enter
18 that's part of the golf course, and I've been up there,
19 and years and years and years ago I was at that golf
20 course, probably 20 years ago. How long has that golf
21 course been there?

22 A Since '95.

23 Q Okay. Probably not long after that I
24 was up there one time, but I don't remember the course
25 well. Is there a hole right in that area out there on

1 the road?

2 A Yeah. Just behind the guard shack is
3 hole number one.

4 Q That's what I was thinking, okay. And
5 does the golf course property, the golf -- excuse me.
6 The guard shack is just a bit inside the entrance. It's
7 not right at the entrance, right?

8 A No.

9 Q So you can turn off the roadway and get
10 into the entrance and you go a little ways and there's
11 the guard shack?

12 A Exactly.

13 Q Does the golf course own all the
14 property on the right that goes beyond the guard shack
15 all the way out to the road?

16 A Yes.

17 Q So if there was to be any expansion of
18 the entry to Deerfield on the right side, it would be off
19 of the golf course property.

20 A True.

21 Q And only if it could be done without
22 affecting the hole or if your uncle was willing to
23 somehow make some adjustments, could it be expanded to
24 the right?

25 A It could be.

1 Q If that's not an option, then your
2 sister indicated to me that the property owner on the
3 left has never shown an inclination to be willing to sell
4 any of that to allow expansion of the entrance?

5 A I've never asked him.

6 Q Is that your understanding?

7 A It is my understanding. I know that
8 there is city utility water coming through that lot. So
9 it would be a lot to expand that way.

10 Q Does the entry area need to be expanded
11 for safety purposes?

12 A There's been some talk of doing an
13 owners lane so that they could pass behind maybe, and
14 I've always said that's something for the HOA board to
15 do. It's more than I'm willing to tackle on my own.

16 Q How would that look or where would that
17 be?

18 A It would have to -- the bellhouse would
19 have to be moved, but I mean there's some possibility of
20 it.

21 Q Has that been an area that is accident
22 prone?

23 A No.

24 Q Are you aware of any accidents that
25 have occurred there?

1 A There are hold ups on busy weekends
2 with the guards checking people in.

3 Q Where there's a backup while the guards
4 are doing their duty to check who's coming in and out --

5 A Exactly.

6 Q It can cause some traffic backup if
7 it's, for example, I guess maybe a holiday weekend or
8 something like that?

9 A Yes.

10 Q When you had your name added to the
11 Deerfield Resort account, you indicated that you knew
12 that property owner payments of the security and
13 maintenance fees went into that account?

14 A Yes.

15 Q Did you also know, at that time when
16 your name was added to the account, that from time to
17 time there were other monies that were being deposited
18 into that account, not payments from homeowners?

19 A I was never on that end of it.

20 Q So the goings and comings of money into
21 that account really was not something that was drawing
22 your attention at that time?

23 A No.

24 Q Did you later at any time, as your role
25 increased, as your parents were not as active, and your

1 father passed and then your mother passed, did you become
2 aware that other monies were coming into that account
3 other than just the property owner monies?

4 A I knew that she put money into it to
5 keep it afloat.

6 Q Did you ever have a discussion with her
7 about whether or not it would be prudent or wise to make
8 sure that the monies that came from the homeowners was
9 segregated and kept apart from any other funds?

10 A I did not.

11 Q Was there any reason that you didn't
12 discuss that with her?

13 A Because I never got into the
14 financials. I was forced into the financials at a later
15 date.

16 Q Once you got forced into the financials
17 at a later date, did you take up that issue?

18 A We immediately took out -- or the
19 account that was there we treated as its own -- only
20 homeowners funds come into it and additional funds that
21 we put in to keep it afloat.

22 Q Now, the timing of when that happened
23 -- first of all, that was a change; was it not?

24 A Yeah.

25 Q It was a change to make sure that only

1 the money coming from the homeowners went into that
2 account and it was changed from the standpoint, as I
3 understand it from your sister, and I think you're saying
4 the same thing, a separate account was set up for Fields
5 Development Company, Inc.?

6 A Yes.

7 Q And from that point forward, to the
8 best of your knowledge have the funds been segregated or
9 kept separate?

10 A Completely segregated.

11 Q All right. Now, about when was that,
12 was it about the time of your mother's passing?

13 A It was late in 2020.

14 Q Late in 2020, and I believe she passed
15 in early 2021, didn't she?

16 A Yes.

17 Q February?

18 A February 2021 she passed.

19 Q Yes. So it was late in 2020 when that
20 separation and segregation of the monies occurred so that
21 the homeowner money went into the Deerfield Resort
22 account. It always had, but now only that money was
23 going in that account?

24 A As far as I knew that was all that ever
25 happened except for the -- I've continued to put Fields

1 Real Estate money in it too.

2 Q Into the Deerfield Resort's account?

3 A Yes, to make payroll.

4 Q For the employees that worked in the
5 office building?

6 A And for daily expenditures.

7 Q Whatever those might need to be?

8 A But only specifically to Deerfield.

9 Q As time went on -- well, let's back up.
10 During the time that the Deerfield Resort account was
11 receiving both homeowner funds and, from time to time,
12 for example, Fields Real Estate money, did you implement
13 or recommend the implementation of any procedures to make
14 sure that those various funds were capable of being
15 accounted for separately?

16 A Repeat the question.

17 Q During the time that, let's say in late
18 '20, early 2021, when monies were coming in from the
19 property owners, being deposited into the Deerfield
20 Resort account, correct?

21 A Correct.

22 Q And from time to time, as I understand
23 it, there might need to be money deposited by Fields Real
24 Estate to pay payroll and other expenses that were coming
25 up?

1 A Yes.

2 Q So monies from multiple sources, at
3 least two or more sources were coming into that account?

4 A Yes.

5 Q Did you implement any policies or
6 procedures to make sure that there could be a completely
7 accurate accounting of where those monies were going in
8 and what they were being used for?

9 A Absolutely. That's why Kelly was
10 hired.

11 Q And Kelly came on board, I believe the
12 testimony was yesterday, in 2021; is that correct?

13 A Yes.

14 Q And I believe your sister's testimony
15 was that she came on somewhere in the June or July type
16 timeframe?

17 A I think maybe June.

18 Q Okay. I see your sister out of the
19 corner of my eye shaking her head no.

20 A I mean May.

21 Q May, okay. So just a few months after
22 your mother had passed Kelly was brought on board?

23 A Yes.

24 Q Okay. And Kelly was brought on board
25 in part, as I understand your testimony, to help make

1 sure that there was an accounting and an ability to keep
2 separate what was occurring with those monies?

3 A Yes.

4 Q And was it as a result of that, Kelly
5 coming on board, that the decision was made to have a
6 separate Fields Development, Inc. account?

7 A We made a lot sale and didn't know
8 where to put it. So we put it in the new Fields
9 Development account.

10 Q And would that have been the first
11 deposit of any significance into that account?

12 A Yes.

13 Q And who's that account with bank wise?

14 A Can I ask my sister?

15 MR. HURLEY: You can.

16 MS. LEJEUNE: Well, now it's --

17 THE WITNESS: Builtwell.

18 Q Builtwell?

19 A Yeah.

20 Q Okay. Same bank as the Deerfield
21 Resort account is in?

22 MS. LEJEUNE: No.

23 MR. HURLEY: No, no, that's --

24 MS. LEJEUNE: It's Hearthside.

25 MR. HURLEY: Hearthside, Hearthside.

1 THE WITNESS: Both of our banks changed
2 names in the same year.

3 MR. HURLEY: They do that often, don't
4 they?

5 Q Okay, I've got it. One of the
6 questions that I was asking yesterday, and I just took
7 one year out of the summaries that we were provided, and
8 I asked your sister some questions. One of those was
9 about a Key Man Insurance policy; do you remember those
10 questions?

11 A I remember the questions.

12 Q Do you know anything about that policy?

13 A I do not.

14 Q Do you know any reason that that policy
15 was getting paid out of the Deerfield Resort account?

16 A I do not.

17 Q Do you know who the owner of that
18 policy was?

19 A Only because she said it was for my
20 dad.

21 Q Do you know who the beneficiary of that
22 policy was?

23 A I do not.

24 Q Do you know who received the money when
25 your father passed?

1 A I do not.

2 Q Do you know if that insurance policy
3 was even still in effect when your father passed?

4 A I knew absolutely nothing about that
5 policy in any capacity.

6 Q Have you, as a co-executor or co-
7 personal representative of your mother's estate, learned
8 of any information indicating that she received a payout
9 on a life insurance policy?

10 A I have not.

11 Q If that happened, it's news to you?

12 A We've not closed her estate out. We've
13 not even touched the surface of it because of the
14 litigation.

15 Q And I understand that, but my question
16 very specifically is, have you learned of anything or
17 seen anything that indicates to you that your mother had
18 received a life insurance payout once your father passed?

19 A Not that she ever shared with me.

20 Q All right. And not that you've seen or
21 learned from anywhere else either?

22 A No.

23 Q One of the things that we saw as a
24 recurring line item in that 2016 summary that we took a
25 look at was fairly regular payments to Lamar. Lamar is a

1 company that has billboards, correct?

2 A Correct.

3 Q You've dealt with them in the past?

4 A I have.

5 Q And we saw recurring payments to Lamar
6 coming out of that Deerfield Resort account. Do you know
7 what those payments were for?

8 A It would be for the billboard at
9 stoplight number ten. And that's always been a funny one
10 to us because, as she stated, if you're pulling a boat to
11 Deerfield and you're using GPS, you have about a nine out
12 of ten chance it's going to take you another route, a
13 route that's not safe for boats. So we started putting
14 it up kind of as a public service, you know, don't go the
15 way it's telling you. In fact, it said that at one time.

16 Deerfield has never paid for all of it,
17 has paid for part of it. I mean it's a good notice to
18 the resort, you know, it's a good way for people to
19 remember we're there, but it's also a good way to keep
20 people safe coming to the lake. In fact, it reads best
21 route.

22 Q The purpose of that sign is essentially
23 directional only?

24 A To me it's -- yeah. Now, in this year
25 we just had it refaced. It's now half golf course. Golf

1 course pays for half, Fields Real Estate pays for half.
2 In fact, Fields Real Estate has paid for that board every
3 single time it's been paid since mom passed.

4 Q So the payments coming out of the
5 Deerfield Resort account, which would be the account that
6 housed or kept the homeowner payments for maintenance and
7 security, that only occurred up until the time that she
8 passed?

9 A As far as I know. Tyler helps me with
10 those. I remember he asked me one day what account
11 should this come out of and I said, you know, I'm afraid
12 -- I'm afraid that would be frowned upon by the resort.
13 So let's just do it all in Fields Real Estate.

14 Q So since that time, to the best of your
15 knowledge, it's been paid by Fields Real Estate and/or
16 more recently Fields Real Estate and the golf course?

17 A Yes.

18 Q Before the golf course was added to the
19 board, what did the board say?

20 A It just had a picture of three boys on
21 a tube, the most recent iteration, said Deerfield Resort
22 best route with a big red arrow, on a lake, in the
23 mountains, with a golf course and an airstrip.

24 Q And that was at the -- that billboard
25 was located at the point and had an arrow designated this

1 way?

2 A Yes.

3 Q Giving the --

4 A Saying best route in bold letters.

5 Q Giving the traffic the indication if
6 you want to get to Deerfield Resort, this is the best way
7 to go?

8 A Yes.

9 Q Do you know why, prior to your mother's
10 death, that the Deerfield Resort account was the one that
11 was picked or chosen to be the account to make the
12 payment on that billboard?

13 A I would just, you know, it was a
14 partial payment. It wasn't the whole payment and I would
15 assume it benefitted Deerfield, you know, we looked after
16 the best good of the resort.

17 Q Did you question in your own mind,
18 before the day that Tyler asked you and you thought about
19 it and you said, well, it may be frowned upon if we pay
20 it out of Deerfield Resort, before that moment had you
21 ever questioned, or did you ever have a question in your
22 mind about how it might look for the security and
23 maintenance funds to be used to pay for a billboard?

24 A Before that time I had no clue where it
25 came out of, but I had to make a call which I have in a

1 lot of things.

2 Q Are there any other billboards, to your
3 knowledge, that Deerfield Resort account has been used to
4 make payments for those billboards?

5 A No.

6 Q One of the things that was done in this
7 case was a series of subpoenas were issued and Lamar was
8 one of the companies, just because the amount of money
9 that was paid Lamar over a period of time out of that
10 account, Lamar was one of the companies that was
11 subpoenaed and they produced a number of contracts for
12 billboards. Location Caryville, West Street, Top
13 SSFW, U.S. 25 West, Central at Cumberland --

14 A That is the one.

15 Q That's the one that you and I have just
16 been talking about?

17 A Uh-huh.

18 Q U.S. 25, Gant Street, there's two of
19 those. These other billboards, not the one which was
20 Central and Cumberland, but the other billboards that I
21 have just mentioned, those billboards were paid for by
22 whom?

23 A McCloud Mountain Restaurant.

24 Q All of them?

25 A Yes.

1 Q I-75, one mile north of Emory Road,
2 that's in Knox County, who paid for that one?

3 A McCloud Mountain.

4 Q I-75 North, S -- it's either SD or SO
5 exit 34.

6 A South of the 134 exit would be McCloud
7 Mountain.

8 Q Did Fields Real Estate pay for any of
9 these other billboards at any time?

10 A No, those were simply the restaurant,
11 for its benefit.

12 Q So all the other contracts that I would
13 see as I go through here for these contracts that Lamar
14 has provided, other than the location that is the
15 directional sign that we've talked about, all these other
16 billboards would be McCloud Mountain billboards?

17 A Yes, sir.

18 Q And they would be -- well, on all of
19 them, I believe, and as I say that let me double check
20 myself to make sure I'm telling you right. I believe all
21 of these contracts indicate that the name of the party
22 purchasing the contract is Fields Development, Inc. Did
23 Fields Development, Inc., was that the company that
24 operated McCloud Mountain?

25 A Yes.

1 MS. LEJEUNE: No.

2 THE WITNESS: I'm sorry, is its own --
3 it's its own, sorry.

4 Q McCloud Mountain was its own -- there
5 was an entity there, right?

6 A McCloud Mountain Restaurant, LLC.

7 Q Do you know then why Fields
8 Development, Inc., which as I have understood to be the
9 developer of Deerfield Resort, why were the billboards
10 being bought in the name of Fields Development, Inc.?

11 A Sloppy bookkeeping by Lamar. Could you
12 subpoena them for cancelled checks that we used to pay
13 for them?

14 Q I could. I've not, but I could.

15 A Dad would call them up and say hey, I
16 saw this board. I want it for McCloud and they simply
17 stuck it on the account that he had.

18 Q So when this contract would come in and
19 it had Fields Development, Inc. on it, do you know if
20 Lamar would be called and told, hey, this is wrong,
21 correct it?

22 A I never dealt in that end of it.

23 Q Do you know which account would pay
24 these other boards?

25 A McCloud Mountain Restaurant.

1 Q You don't believe that Fields
2 Development, Inc. would have paid any of these other
3 billboards?

4 A Not for a second.

5 Q Do you remember the cost of the
6 billboard, the directional billboard?

7 A I think it's \$600 a month.

8 Q Do you remember how often that would be
9 paid? I know it could be \$600 a month, but was it paid
10 quarterly, semi-annual, annual?

11 A Monthly.

12 Q Monthly. So if there were payments
13 that were accumulating that were -- if there were
14 payments that were being made that exceeded \$600 a month,
15 would you know what those would be for?

16 A I'm not sure and I'm remembering \$600.
17 I can't swear that's what the price was.

18 MR. HAWKINS: I need to step out for
19 just a minute, Scott.

20 MR. HURLEY: Absolutely.

21 MR. HAWKINS: Give me two minutes.

22 MR. HURLEY: No problem.

23 VIDEOGRAPHER: We're going off the
24 record. The time is 3:18.

25 (Short break.)

1 VIDEOGRAPHER: We're back on the record.

2 The time is 3:20.

3 Q Going back to the building, the
4 commercial building that the various entities operate out
5 of --

6 A Yes.

7 Q -- are you familiar with the policy or
8 program by which the cost of operating out of that
9 building are shared by the various entities?

10 A Not implicitly. I believe Fields Real
11 Estate pays for all the electricity, the different
12 entities pay a shared part of the telephone.

13 Q What about the employees?

14 A The employees -- I've got employees
15 that get four checks a week. I trust them to keep their
16 time. Tyler, for instance, every week will give me his
17 timecard with how many hours of Deerfield, how many hours
18 of McCloud Mountain, how many hours on my water system,
19 how many hours with Fields Real Estate.

20 Q Is there any process by which that's
21 ever audited or reviewed to make sure that each entity is
22 bearing its fair share?

23 A I pay attention to what they're doing.

24 Q But is there any policy or procedure by
25 which that's ever audited or basically formally checked?

1 A Just with my eyes. I'm very hands on
2 and I'm with him every day.

3 Q What is there, other than the annual
4 sending out of the bill and the annual receipt of
5 payments from the property owners at Deerfield, what
6 tasks or duties are there from a maintenance and security
7 standpoint that would occupy or require the attention of
8 personnel within that building?

9 A I don't totally understand the
10 question.

11 Q Deerfield Resort and as to maintenance
12 and security issues, if it's sending out bills for
13 maintenance and security, somebody's got to do that.

14 A Yes.

15 Q And then once the bills are sent out
16 and checks are sent back somebody's got to receive those
17 checks, process those checks, keep records of that.

18 A And that's Kelly's job.

19 Q And that's Kelly's job, but that's kind
20 of -- sending out the bills is a one time a year
21 proposition, correct?

22 A Yes.

23 Q And then the receipt -- I know
24 different people will pay on different days, so they may
25 come in over a period of time, but that's kind of one

1 event, billing, receiving the money back, and processing
2 it and putting it in the bank. Other than that, what is
3 there from a maintenance and security standpoint that
4 would require the use of personnel there in that
5 building, the office building?

6 A Answering daily questions. We have a
7 steady line of people coming through with different
8 needs. They may be reporting a tree down on their street
9 or an issue with the water.

10 Q That type of thing happens every day?

11 A All day, every day.

12 Q What other things?

13 A That's plenty and that's why real
14 estate pays the biggest portion of the office because
15 they come in to look at property.

16 Q And I kind of assumed that. I kind of
17 assumed that the biggest cause of traffic or --

18 A No, the biggest cause of traffic by far
19 is the resort, the daily operations of the resort, people
20 coming in to check out pickle ball paddles, to tell me
21 we're out of toilet paper at the bathroom. It's a steady
22 stream all day, every day.

23 Q The bathroom where?

24 A At the swimming pool.

25 Q Okay. Have you reviewed the

1 information that Kelly put together about the amount of
2 money that had been received from the property owners
3 from 2016 through, I believe it was 2022?

4 A I glanced through it.

5 Q Did it look accurate to you?

6 A Yes.

7 Q And I believe, as we went over
8 yesterday, that amount of money over that period of time
9 was something in excess of \$2,000,000?

10 A Yes.

11 Q During that time are you aware of any
12 breakout of expenses that shows the total amount of
13 expenses that were necessary from a maintenance and
14 security standpoint?

15 A Not a true breakout. It's something
16 that we hope to do. It's something that Kelly's trying
17 to put together for us, but we operate -- I wish we had a
18 true budget but, you know, every year a certain amount of
19 money comes in and I pinch every penny I can to make it
20 to the end of that year. Some years we may have to
21 resurface the pool. I ran across one yesterday of
22 resurfacing the tennis court. Those are the big
23 expenditures. Last year we had to buy a new lawnmower
24 and two years ago a new lawnmower.

25 Q The maintenance and security

1 requirements at the resort vary from time to time.

2 A Oh, they vary all the time.

3 Q Every day?

4 A Yeah.

5 Q The receipt of monies, you've now taken
6 steps, since Kelly came on board in 2021, to segregate
7 those monies so that the Deerfield Resort monies being
8 paid by the homeowners is kept in a separate account and
9 that certainly helps, does it not, to be able to
10 segregate the payments that are coming out of that
11 account and what they're for?

12 A Absolutely.

13 Q Prior to that time it's my
14 understanding from your sister's testimony that if funds
15 ran short, your mother, your father, Fields Real Estate,
16 Fields Development might put money into the Deerfield
17 Resort account to help it make do?

18 A I am aware of that.

19 Q The numbers that we saw yesterday were
20 about \$300,000.

21 A I'm surprised it's not more than that.

22 I --

23 Q That was for '16 on.

24 A I wrote \$100,000 last year just to get
25 by due to inflation and the cost of everything.

1 Q When you say you wrote \$100,000, you
2 put \$100,000 into that account?

3 A Yes, I put over \$100,000 last year from
4 Fields Real Estate.

5 Q Okay. And is that the \$100,000 that's
6 represented by this promissory note that we've been told
7 about?

8 A It is, yes.

9 Q Was that the first time, to your
10 knowledge, a promissory note had ever been used?

11 A To my knowledge, yes.

12 Q Have you ever seen another promissory
13 note?

14 A I have not, but I've never been
15 involved in the day to day until now.

16 Q And I just used a lawyer phrase,
17 promissory note. Have you ever seen a note, an IOU, a
18 number written on a legal pad, or any other form of
19 recording?

20 A All I know is just through hearsay with
21 mom, her talking, is that she would put money in pretty
22 much every year just to get us past.

23 Q Did you ever ask her if she was keeping
24 a good record of that?

25 A Yeah.

1 Q And what did she say?

2 A She said yes.

3 Q Do you know where that record is?

4 A I do not.

5 Q Did she ever tell you where it was?

6 A No.

7 Q Have you ever found anything that you
8 thought, gee, this is that record mom was talking about?

9 A If anybody found that, it would be
10 Paula.

11 Q And Paula's never indicated to you that
12 she's found such a record?

13 A I know there are some records of how
14 much they put in.

15 Q Do you know where those are?

16 A I do not.

17 Q Some of the financial statements that
18 we looked at yesterday, and when I say financial
19 statements, one of the things that the court ordered and
20 that was done on May 31st was that an accounting be
21 provided, and accountings that were provided I believe
22 for year end 2022 and for March 2023 included a balance
23 sheet.

24 A Uh-huh.

25 Q And a balance sheet is basically, and I

1 know you know, but just for the purposes of the record
2 let me say, it's a document that shows the assets and the
3 liabilities and the difference between the liabilities
4 and the assets which is called equity or net worth. And
5 looking at those balance sheets, I believe my
6 recollection is that they showed a little over a \$100,000
7 owed by Deerfield Resort. But it's my understanding,
8 from the other testimony and other documentation we
9 looked at yesterday, the amount is more like \$300,000; do
10 you know why the difference?

11 A I do not. I'm questioning that in my
12 head as you're asking me. All I know is what I wrote
13 last year and the year before; the year before not being
14 nearly as much.

15 Q I'm sure there's some frustration on
16 your part for not knowing why there's that difference.

17 A I don't deal in that. I'm more of a
18 tool.

19 Q I understand, and I'm not trying to
20 imply anything. I'm just saying I'm sure you wish that
21 you could tell me right now why there's that difference.

22 A Yeah, I just don't know.

23 Q You don't know. But I would ask you,
24 can you then understand the frustration on the part of
25 others as to that difference?

1 A Yeah.

2 Q In relation to the water company, when
3 was the water company actually formed?

4 A In 1985 we drilled a well to provide
5 water to the first condo building. I took over the water
6 system in about 2005. Dad had considered turning it over
7 to the city. The city didn't want to use our well
8 system. So I asked him if I could step in and run the
9 water system and he allowed me to do that.

10 Q And you have since?

11 A Yes.

12 Q And that would be since 2005?

13 A Ish.

14 Q All right. And I believe you told me a
15 minute ago, but let me go back, the name of that water
16 company is Deerfield --

17 A Water System, LLC.

18 Q Deerfield Water System, LLC. In 2019,
19 did there develop a problem with Tennessee Department of
20 Environment and Conservation regarding the quality of the
21 water?

22 A Never the quality of the water.

23 Q What was the problem?

24 A The problem was my bookkeeping. I did
25 not get testing turned in on time which was a violation.

1 There were several book -- I was late with my MOR's, my
2 monthly operating reports, and several things like that
3 which were all bookkeeping added up until they dinged me
4 but there has never been a water quality violation on
5 record with Deerfield Water System.

6 Q So it is just -- your indication is
7 that it was just a failure to file the proper reports or
8 records?

9 A Exactly.

10 Q Was there a failure to obtain approval
11 for a new well?

12 A That was a small ding. I didn't know
13 that I had to contact them before I drilled a well.

14 Q Was there a failure to turn in design
15 plans for the approval of a new well?

16 A There were several things that went
17 along with me drilling the well without telling them
18 first.

19 Q Was there a failure to submit an
20 updated emergency operations plan and a drought
21 management plan?

22 A Yes, they have since been done.

23 Q Was there a failure to maintain and
24 repair the system's infrastructure for certain of the
25 wells, specifically number six, number one, number three,

1 number five, and number ten?

2 A I'm not aware of what that is without
3 more specifics.

4 Q Okay. Let me give you a copy of a
5 document here. Maybe I didn't bring copies.

6 MR. HURLEY: Maybe we didn't bring
7 copies. Preston, we may need copies of this
8 because I am going to want to make it an
9 exhibit. It looks like I brought one thing but
10 not the others.

11 MR. HAWKINS: I'll take that.

12 MR. HURLEY: Can we get a couple of
13 those?

14 MR. HAWKINS: Yeah, I'll be right back.

15 COURT REPORTER: Let's go off the
16 record.

17 (Short break.)

18 VIDEOGRAPHER: We're back on.

19 Q Your counsel has now handed to you a
20 document that I had handed to him that he was kind of
21 enough to make copies of, dated April 18, 2019, and it's
22 a letter from the Department of Environment and
23 Conservation, Division of Water Resources, State of
24 Tennessee, signed by Jessica Murphy. The subject is
25 Director's Order No. DWS19-0003; do you see that?

1 A Yes.

2 Q Have you seen this before?

3 A Yes.

4 Q This is essentially an assessment of a
5 civil penalty by the Director of the division or
6 department, and it's issued and addressed to Madeline
7 Fields, Deerfield Resort Homeowners Association, Inc.,
8 1235 Deerfield Way, LaFollette, Tennessee, correct?

9 A It is correct. Somehow that name got
10 on there. Mom's name has never been on any of them. The
11 Homeowners Association popped up that year, called the
12 Division of Water Services and said, why is this on here?
13 They corrected it, and the next year it popped up again.
14 That's why I finally did the LLC is just to completely
15 take it out of it.

16 Q Do you know how it was that Deerfield
17 Resort Homeowners Association, Inc. showed up on this
18 assessment?

19 A Absolutely no idea and I immediately
20 called them and said that cannot be on there.

21 Q Would you agree with me that it should
22 not have been on there?

23 A Oh, absolutely not.

24 Q And that it was an error and a mistake
25 for it to be on there?

1 A It was an absolute mistake. How they
2 got it I'll never understand.

3 Q And then when you turn to the next page
4 we have basically what we call legally a caption, and
5 that's where you state the name of an action and who it
6 is. And there this is the official order and the
7 assessment of the Director and it says, In the Matter of
8 Deerfield Resort Homeowners Association, Inc.

9 A I don't know why. It had never been on
10 it before and it's never been on it since.

11 Q It says on that page, Roman numeral two
12 section down toward the bottom, Deerfield Resort
13 Homeowners Association, Inc., the respondent, is a
14 nonprofit corporation properly registered to conduct
15 business in Tennessee. The respondent owns, operates,
16 and controls -- and/or controls a community public water
17 system, the system in Campbell County, Tennessee. The
18 public water system identification number is TN0000912.
19 Process may be served on the respondent through the
20 registered agent, Madeline Fields, Deerfield Resort
21 Homeowners Association, Inc., 1235 Deerfield Way,
22 LaFollette, Tennessee.

23 A For years it was never on there and it
24 popped up one day.

25 Q Do you know how it popped up?

1 A I have no idea.

2 Q Do you know who caused it to pop up?

3 A No idea.

4 Q Do you know by what process or means it
5 popped up?

6 A No. We got it, it showed up. Mom
7 brought it to my attention and said call them now and I
8 did.

9 Q When you called them did they tell you
10 how they got that name?

11 A No, they did not. I went through about
12 three different people asking how it got changed to that
13 and no one could give me a satisfactory response.

14 Q Did they ever issue a document or -- we
15 call this a pleading, it's a court -- usually it's a
16 court filed or agency issued type document, did they ever
17 give you any indication of where the use of that name may
18 have come from?

19 A They did not.

20 Q This goes on and it's a fairly lengthy
21 document. Actually it goes through a total of 21 pages.
22 There is a section that starts on page seven that denotes
23 the various violations that their findings require. Did
24 you legally contest this assessment?

25 A I did not.

1 Q Now, I used a phrase there I probably
2 should have qualified a little bit. When I say legally
3 contest, did you hire a lawyer and file any response to
4 this?

5 A No. We simply retained the services of
6 Communities Unlimited. Community Unlimited deals in
7 water wells to help systems that are having a tough time
8 getting back up to snuff, and they did that.

9 Q So that entity or that company worked
10 with you to try get everything back in compliance?

11 A They worked with -- they're still
12 working with me today on a limited basis, but yes.

13 Q More on an as needed basis. Have there
14 been any other violations since this one?

15 A If there were, they were small ones.
16 We missed a lead testing and re-did it the next one, but
17 I got dinged on that.

18 Q All right. Now, there was a financial
19 fine or assessment related to this which is called a
20 civil penalty, correct?

21 A Uh-huh.

22 Q And if you go over to page 14 of this
23 document it indicates that the civil penalty that was
24 being assessed was \$19,080, and on the next page it gives
25 a breakdown as to how that is to be paid, I believe.

1 A I made a big mistake on this one. I
2 didn't read it well enough. I paid the entire fee. If
3 you'll read A on 15, they were asking for \$3,860 or 16 at
4 that time and then gave you a period to fix everything.
5 I paid the penalty.

6 Q Are you telling me you paid the entire
7 \$19,000?

8 A I paid the entire \$19,000. That was
9 before I got Communities Unlimited on board.

10 Q So you believe you overpaid what you
11 had to pay?

12 A I terribly overpaid.

13 Q Well, did you notify them that you had
14 overpaid?

15 A Communities Unlimited reached out and
16 they've not refunded.

17 Q Did they reach out formally with a
18 letter --

19 A Yes.

20 Q -- or some type of communication?

21 A With a letter.

22 Q And, of course, this occurred back in
23 April of '19. When did you pay, do you know?

24 A Sometime in the year 2019.

25 Q It says that you were supposed to pay

1 owner before the 31 day after the receipt of this
2 order, would you have complied with that?

3 A It was in 2019, I couldn't recall.

4 Q All right. But you believe that you
5 overpaid and they never reimbursed you for the
6 overpayment?

7 A Yes, but that has no bearing here.

8 Q And this also put into place other
9 assessments that would be made should you fail to do
10 certain things?

11 A Everything was done.

12 Q So you've not had to make any other
13 payments?

14 A No.

15 Q What was the source of the payment of
16 the \$19,000?

17 A Deerfield Water System.

18 Q Did any of that money whatsoever come
19 from Deerfield Resort Homeowners Association funds?

20 A No.

21 Q Did any portion of that come from the
22 Deerfield Resort account?

23 A No.

24 Q All of the monies that were paid came
25 from the Water System?

1 A Yes.

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

4 MR. HAWKINS: 60?

5 COURT REPORTER: Yes, Exhibit 60.

6 (Exhibit No. 60, filed.)

7 THE WITNESS: What's the record?

8 MR. HAWKINS: For the most exhibits?
9 We're not even in the ballpark. We've got
10 hundreds and hundreds to go.

11 MR. HURLEY: This is what we're calling
12 a warm up.

13 MR. HAWKINS: We're not going to get
14 there hopefully.

15 Q The next document that I want to
16 provide you is I believe an associated letter that went
17 with that. I believe it's dated the exact same day of
18 April 18, 2019, and it says -- I think this was the
19 enclosure letter. It says enclosed is a Director's Order
20 and Assessment of Civil Penalty issued by Jennifer Dodd.
21 Read the order carefully, pay special attention to the
22 notice of rights section and then attached to that is
23 something that I don't believe was necessarily attached
24 to the letter, but I wanted to ask you in conjunction
25 with this letter.

1 This is something that was pulled from
2 a website Tapwater System, PHP PWS for the State of
3 Tennessee. I think it is an organization that includes
4 information about water systems within the state.

5 This one says Deerfield Report [sic]
6 Water System and down in the section where I've got some
7 highlighting down there, it says Deerfield Resort Water
8 System compliance with legally mandated federal standards
9 from October 2015 to September 2018, Deerfield Resort
10 water system did not comply with health based drinking
11 water standards. In violation of any federal drinking
12 water standard from October 2015 to September 2018. Over
13 the last three years this water utility has spent -- has
14 spent -- in significant violation of federal drinking
15 water standards. And I think it says has spent and
16 there's a number of quarters there, I believe, but I
17 can't read the number; have you seen this before?

18 A Yes.

19 Q Have you done anything to contest that?

20 A That's what got me the penalties.

21 Q Okay.

22 A They're not water quality violations.

23 Q They're reporting violations?

24 A Reporting violations.

25 Q Is the water quality good?

1 A Yes.

2 Q Is the water --

3 A Water quality has always been good.

4 Q Is the water quality ever dingy or
5 colored?

6 A Sometimes if we've had a line break it
7 can be a little dingy. But no, it's great quality water
8 that's always passed all water quality standards.

9 MR. HURLEY: Let's make that the next
10 exhibit.

11 COURT REPORTER: Exhibit 61.

12 (Exhibit No. 61, filed.)

13 Q Moving to another type of -- well,
14 before I move to another type, let me ask you, is there
15 -- do you have within the water systems, the company, is
16 there a plan, a depiction, a drawing that shows basically
17 where those water systems are and how they function?

18 A Yes.

19 Q What is that called?

20 A We spent a lot of money two years ago
21 to do a full mapping of the system, every valve, every
22 tap. I can't pull the name of them in my head right now.

23 Q Of what the title of it is, but --

24 A GIS comes to mind.

25 Q Okay. Is that something that's

1 available if someone wants to request it?

2 A Absolutely.

3 Q And could we request that you provide
4 us with one?

5 A Sure.

6 Q All right. Secondly --

7 MR. HAWKINS: Wait, what is it you're
8 requesting?

9 MR. HURLEY: The thing that he just
10 mentioned. He knows what I'm talking about.
11 It's basically a depiction or a plan of the
12 water system.

13 MR. HAWKINS: Map of the Deerfield water
14 system?

15 MR. HURLEY: Yes.

16 Q Does that plan or map show and depict
17 how that system services the fire hydrants?

18 A Yes.

19 Q From time to time are there independent
20 -- is there independent testing that's done as to the
21 quality of the system?

22 A We do -- on a monthly basis we do
23 testing for -- names aren't coming to my head today. We
24 do quality testing to make sure there's nothing bad in
25 the water.

1 Q Right.

2 A That it's chlorinated properly.
3 Sometime before the end of this week I have to finish
4 lead and copper sampling. We do a myriad of different
5 sampling. We just finished inorganics a couple of months
6 ago. So yeah, everything that the EPA and the State of
7 Tennessee requires.

8 Q You have to deal with both, don't you?

9 A Yeah.

10 Q And so when I was asking about testing,
11 in my mind, as I look at that and when I work with
12 clients that have similar type things, there is testing
13 that you do and you send the results of that in a
14 reporting compliance to the state or the EPA or whoever
15 they may direct you to send it to, correct?

16 A True.

17 Q Then there can be in some instances
18 situations where someone independent, and it may be the
19 state agency themselves, or some of their employees, it
20 may be somebody that they contract with, or it may be
21 someone that they have lined up that actually comes and,
22 independent of what you do, they sample it themselves.

23 A You're talking about a sanitary survey?

24 Q Yes.

25 A Yes, we do that mostly once a year.

1 Q And who does that when it occurs?

2 A TDEC, more specifically Eric Webber.

3 Q Eric Webber with TDEC?

4 A Yes.

5 Q All right. And do you maintain records
6 of the results of that?

7 A Absolutely.

8 Q Would those results be something that
9 would be available upon request?

10 A Sure.

11 Q And do you mind doing that?

12 A Sure. Just the most current one or --

13 Q If you don't mind -- well, is it
14 annual, like you said?

15 A It's almost annual. In 2020 they
16 didn't do one and in some odd years they will miss it.

17 Q Could we get, if they did them, '21,
18 '22, and anything that's been done in '23?

19 A They haven't done one in '23.

20 Q I figured you hadn't. So could we get
21 '21 and '22?

22 A Yes.

23 Q All right. Is there any of that
24 testing that's done that tests essentially the water
25 pressures?

1 A It's all maintained at the well house.

2 Q That occurs at the well house?

3 A Yes.

4 Q And when TDEC comes in to inspect the
5 water, is that part of what they inspect or are they just
6 looking at water quality?

7 A They'll watch it go through a cycle.
8 They'll watch pressure up, drop, and pressure up again.
9 They're mainly there to check chlorination, the condition
10 of the equipment.

11 Q Right. Do they give you any type of
12 printed results of water pressure?

13 A No.

14 Q Does your system generate any
15 measurements in written form of what water pressures are
16 from time to time?

17 A Not in written form.

18 Q Have there been any occurrences in
19 Deerfield during the time that you've had the water
20 system where there's been, because of drought, mechanical
21 or equipment problems, or anything else, a failure of
22 water pressures?

23 A Yes, when the equipment goes down,
24 never due to drought.

25 Q When the equipment goes down, that's

1 because of some type of mechanical failure or some type
2 of problem with the equipment?

3 A Yes. It's equipment and it fails.

4 Q And you get that repaired and the water
5 pressure is restored?

6 A Yes.

7 Q Is the water pressure typically fairly
8 constant absent a failure of equipment?

9 A It varies 10 to 20 psi.

10 Q All right. That's not a whole lot. Is
11 there any difference -- and this is going to sound like a
12 very simplistic question and it's because it is, okay.
13 Is there any difference in the water that goes to the
14 fire hydrants and the water that goes to the homes?

15 A It's the same water.

16 Q Is there any difference in the water
17 that goes to the drinking water sources within the homes
18 and the water that goes to the outside spickets?

19 A Shouldn't be.

20 Q Should be the same water?

21 A Should be the same water.

22 Q All right. Do you have, other than
23 what we've already talked about, do you maintain records
24 of regular testing of the wells as to the quality of the
25 water other than what we've already talked about?

1 A Absolutely.

2 Q And what is that?

3 A Like I say, we do testing every year.

4 Every year is different. Last year we did -- we went
5 down as far as smell and taste, water clarity. Two years
6 ago we tested for radionuclides.

7 Q And is that testing done internally; in
8 other words, by you and your people?

9 A No, it's done by Pace Labs just outside
10 of Nashville.

11 Q That's some fairly technical testing,
12 isn't it?

13 A Yeah.

14 Q And so Pace Labs out of Nashville does
15 that?

16 A Yes.

17 Q How often do they do that?

18 A Yearly.

19 Q Do you maintain records of that?

20 A Absolutely.

21 Q And is that available?

22 A Yes.

23 Q And would you mind us getting the last
24 two years of that?

25 A Sure. It will have to be copies. I

1 have to maintain the originals in my office.

2 Q Understood, yeah. I'm not asking for
3 your originals. Just a copy of whatever testing results
4 that you've got from there.

5 Deerfield, as we've talked about and
6 we've looked at these maps, we've talked about the number
7 of lots and properties, and things of that nature. It's
8 a substantial resort; is it not?

9 A Yes.

10 Q And lots of homes in there, lots of
11 people, lots of families in there?

12 A Yes.

13 Q When it was originally conceived and
14 started, was there always a plan for condominium projects
15 and what I would call multifamily occupied residential
16 buildings, things of that nature?

17 A Yes. A condominium was I believe the
18 second structure that dad built.

19 Q Have there been any studies done as to
20 the capacity or ability of the resort to withstand or
21 maybe a better word is accommodate additional growth?

22 A No formal studies.

23 Q Has consideration been given to that?

24 A Yes, always.

25 Q When is the last time that a study was

1 done that you can say there is a study, Scott, and it was
2 done X day that analyzes the ability of the resort to
3 accommodate growth?

4 A There has never been one of those done.

5 Q Is one planned now?

6 A For the HOA, yes.

7 Q And when you say for the HOA, what do
8 you mean?

9 A When the HOA is elected, I'm sure that
10 will be one of the first things that they do.

11 Q You think they will do that?

12 A It needs to be done.

13 Q Why does it need to be done?

14 A For the same reasons you're wondering,
15 what is our capacity.

16 Q From time to time there at Deerfield
17 Resort in the past, have there been electrical brownouts?

18 A We almost had a brownout during the
19 snow or during the very cold period. That's the only one
20 I'm aware of. There are little temporary outages due to
21 a squirrel and a transformer, things like that.

22 MS. LEJEUNE: The brownout was
23 countywide. It was not isolated to Deerfield.

24 Q So I hear reference to the brownout.
25 Is there a brownout that's --

1 A It never browned out. The electric
2 company called me on my personal cell phone and said if
3 you can get some of your residents to turn off their --
4 turn their electric heat down because we're ready to pop
5 a breaker, a lead, something to that effect. And I put
6 out a call and we absolutely took down our power
7 consumption.

8 Q And that was on one occasion?

9 A Yeah, that was Christmas Eve.

10 Q Of?

11 A 2022.

12 Q This most recent Christmas Eve. Have
13 there been any summer brownouts in Deerfield in the last
14 ten years?

15 A I hear some people say that they might
16 see -- that things are a little bit low on electricity.
17 I've never noticed that myself.

18 Q So you've never observed that at all?

19 A No. Now, summer outages are pretty
20 common because of summer storms.

21 Q I can't think of anyone that would be
22 able to tell me more about Deerfield than you and your
23 sister. As we sit here today, what, if anything, is your
24 opinion as to the capacity of Deerfield to accommodate
25 more growth?

1 A There's more room to grow, but not a
2 ton more.

3 Q When you say more room, can you
4 quantify that for me in any way?

5 A I really can't.

6 Q And I'm not suggesting anything to you,
7 I'm just looking for your thoughts because I'd like your
8 thoughts, if you can. Can it grow another ten percent,
9 can it grow another 30 residential units, can it grow by
10 500 more people; what can it accommodate?

11 A I don't think it can grow by 500 more
12 households, but it does have some room to grow. I can't
13 quantify that.

14 Q Can it grow more than a 100 more
15 households?

16 A I wouldn't think so.

17 Q You think that would be in the upper
18 range of what it could do?

19 A Just in my guesstimation.

20 Q And when we say it can grow, we're
21 talking about it can grow and still maintain its
22 character and its ability to service the people that are
23 in it is what we're talking about, right?

24 A Yes.

25 Q Because when a community grows the

1 usage of its roads increase, right?

2 A Yes.

3 Q And when a community grows its usage of
4 resources like water and electricity increase?

5 A Yes.

6 Q And when a community grows that is a
7 resort type of community to the extent that it has common
8 areas and amenities, those common areas and amenities
9 have a capacity load that they can tolerate and then one
10 that they can't, right?

11 A Right.

12 Q So that's generally what you and I are
13 trying to talk our way through here, correct?

14 A Yes.

15 Q What is the current status of the
16 growth plan for Deerfield to the extent that you know it?

17 A I don't know of a growth plan.

18 Q To what extent do you have knowledge of
19 the intention of others to cause growth to occur? Do you
20 know of other condo projects, villa projects, tiny home
21 projects, or other things that are currently either in
22 the planning process or being contemplated?

23 A Just what's underway currently, but
24 nothing beyond that.

25 Q So let me talk to you for just a minute

1 about what is underway currently, all right. Now I'm not
2 talking about stuff that's already finished and occupied,
3 but I am interested in what is underway currently that's
4 not finished and occupied.

5 A A few more of the villas and the small
6 villas on Deer Hill.

7 Q On Deer Hill?

8 A Yes.

9 Q How many more villas?

10 A I don't know their plans. It looks to
11 me like maybe eight or ten more.

12 Q And how many more small villas?

13 A That's really what I'm talking about.

14 Q Okay. One in the same?

15 A Yeah.

16 Q So that would be eight or ten more of
17 those. Any other condo projects contemplated right now?

18 A (No audible response.)

19 Q No?

20 A No. Sorry, I forget to talk out loud.

21 Q This guy kicks me if I don't get those
22 answers out there. Any more villa projects --

23 A No, they're basically building out.

24 Q Communities on the water of any kind?

25 A We currently have -- I know of two

1 lakefront lots that are available for sale. The rest are
2 either padding beside of someone, they don't want anybody
3 to build beside of them. I don't even know that we'll
4 have anymore lakefront houses besides these two more
5 lots.

6 Q And one thing that I was curious about
7 as I talked with your sister yesterday and today, and as
8 I thought as time has gone on, the answers that I got
9 yesterday essentially were that, as I understand it, over
10 the last several years there's not been a lot of lot
11 sales by Fields Development Company, Inc.?

12 A Right.

13 Q Correct?

14 A Correct.

15 Q And when I say lot sales, sales of
16 inventory of Fields Development, Inc. --

17 A Right.

18 Q -- from the original Deerfield Resort
19 project?

20 A That's true.

21 Q In fact, the only one that's really
22 been mentioned is the one that generated that \$45,000.

23 A Correct. We've closed a couple of
24 hangar lots.

25 Q Right.

1 A Aside from that, we don't focus on our
2 inventory. We have customers that want us to resale
3 their lots. That's where our major focus goes.

4 Q And when you say that's where our major
5 focus goes, are you talking there from the hat of Fields
6 Real Estate?

7 A Exactly.

8 Q Okay. Is there any active plan right
9 now to sell any of the remaining inventory of Fields
10 Development?

11 A There's a plan, there's not a time
12 line.

13 Q What is there that still could be sold?

14 A We've got some land in the golf course.

15 Q Land on the golf course?

16 A Yeah, two decent size tracts on the
17 golf course.

18 Q What size are they?

19 A They've not been surveyed off.

20 Q Just eyeballing it, what do you think?

21 A Ten acres per tract, so approximately
22 20 to 25 lots.

23 Q What else?

24 A Just some scattered lots at the end of
25 streets that aren't very good.

1 Q When you say that aren't very good --

2 A They don't have much of a view.

3 Q No curb appeal or eye pop view?

4 A It could be nice, but they're not the
5 most desirable lots.

6 Q What's the total acreage within the
7 inventory of Fields Development now?

8 A As she said yesterday, a guesstimation
9 between mom and dad's, Fields Real Estate, and Fields
10 Development, 40 acres.

11 Q That's what she kind of estimated
12 yesterday. So I take it you were comfortable with that?

13 A Yeah.

14 Q You didn't feel -- the thought didn't
15 go through your mind, gee, I don't agree with that?

16 A No. I don't sit and count my eggs.

17 Q I understand. But you do see them from
18 time to time?

19 A Yeah.

20 Q And that one lot is the only recent,
21 let's say in the last five or six years, that's the only
22 one that sold?

23 A For a residential lot, yes.

24 Q And I believe I saw in the paperwork
25 somewhere there was some correspondence from your mother

1 to others that occurred from time to time, and I remember
2 seeing one note in one of those letters, something to the
3 effect of we've really not had much in the way of sales
4 of lots and real estate for years. I think her letter
5 was dated 2013 -- 2012 or '13.

6 A Following up the housing crash, we
7 didn't sell anything, didn't sell any inventory for three
8 or four years.

9 Q That crash, I remember it real well.
10 It was 2007 and '08 when all that carnage occurred, but
11 the fallout from it was for years, correct?

12 A I mean we saw it start in 2008 and they
13 continued to foot the bill every year paying for
14 everything and that brought about the need to share the
15 costs.

16 Q And we saw the letter yesterday
17 something to the effect the time has now come.

18 A Yeah.

19 Q And that was a letter I believe that
20 was issued at the very end of 2011.

21 A Yeah.

22 Q And from that time on there was some
23 effort made to collect money from the property owners
24 there at Deerfield.

25 A Right.

1 Q So if you started getting some money
2 from the property owners at Deerfield in 2012 forward,
3 based on annual invoicing, right?

4 A Right.

5 Q And if you weren't experiencing any
6 real income or revenue during those years because of the
7 real estate crisis, why was the decision made to keep
8 putting money into Deerfield Resort?

9 A Can I speak candidly?

10 Q Sure.

11 A Dad fought against it because he said,
12 "Just as soon as you start charging people, they're going
13 to be up your ass," and that's to quote him. "They're
14 going to want to know everything you're doing." It won't
15 be -- he didn't like what was coming, but Dad was
16 control. I want an HOA, I want help. I'm doing this by
17 -- Paula and me are doing this by ourselves. I need
18 help. I need an advisory board. I need people to help
19 me answer when somebody comes and says can I do this and
20 it's obviously wrong. Dad liked to have his finger on
21 the trigger.

22 Q So your view of it, you believe,
23 because you knew your dad pretty well, your view of it
24 now is different than the view that he had?

25 A Oh absolutely. And he wanted to turn

1 it over. You've seen that several times in the past in
2 those documents that you've produced. He would ask, is
3 it time to do it, and every time he'd get back the
4 response no. But mom was the one that understood that
5 they've spent everything they had. They spent their nest
6 egg and our nest egg keeping it afloat.

7 Q Did you ever sit down and have a -- I
8 say sit down, did you ever have a talk with your dad?

9 A Yeah. I told him I agree it's
10 absolutely time to start at least asking for help if not
11 form an HOA.

12 Q And obviously he had contemplated an
13 HOA because one was formed in 1985 or 6, right; what was
14 the year?

15 A It was administratively formed.

16 Q So he had contemplated that from the
17 very beginning, had he not?

18 A He was told that he should have the
19 paperwork in place and that's all I know about that. I
20 was in junior high.

21 Q You mentioned he was about control.

22 A He liked to control, but he was very
23 benevolent about it.

24 Q His reluctance to go ahead with it was
25 that if he started charging people, they would be up your

1 ass, that was the phrase that you used and those were his
2 words, I take it?

3 A That's close.

4 Q Okay. Did you ever have the discussion
5 with him up until the time of his passing in 2016, dad
6 you've got to turn this thing over to the HOA?

7 A Yeah.

8 Q And his response was?

9 A He wasn't ready to.

10 Q Once he passed --

11 A Then we started working our way toward
12 this. That's where that advisory panel came up on the
13 one report about the HOA.

14 Q And we would be you, your sister, and
15 your mother?

16 A Yes. It took a couple of years to get
17 her head straight after he passed.

18 Q Can you tell me, and I wasn't involved
19 in the litigation at the very start of this lawsuit, I
20 came in later, but can you tell me why it was that
21 originally, at least by the papers that I look at in the
22 lawsuit records, there seems to have been initial
23 resistance to the formation of a homeowners association
24 to the extent that it went to a motion for summary
25 judgment that Judge Boniface ruled on?

1 A It was resistant to your plaintiffs.

2 Q Resistance to the plaintiffs?

3 A Yes. We had every intention of putting
4 this together and we knew that we could.

5 Q So, if I understand that, and you
6 correct me if I'm wrong, I'm trying to move us along
7 here. I've got a five o'clock appointment to keep. If I
8 understand what you're telling me, there was a desire on
9 your side of the table for a homeowners association, just
10 not with these folks?

11 A Exactly.

12 Q And the other folks that are
13 plaintiffs?

14 A And we mediated. I'm sure you've read
15 that. We went to mediation and they said we want an HOA,
16 we said okay, and then we got the bullet points of
17 everything else they wanted and that's why that mediation
18 failed.

19 Q If the mediation had just been about an
20 HOA, you would have agreed?

21 A We did agree.

22 Q Can you agree now?

23 A Yeah, absolutely. I'd have an election
24 this weekend on the 4th of July.

25 Q Well, there would be a lot of people in

1 town I bet.

2 A Yeah, there will be.

3 Q The HOA, assuming hopefully that it's
4 formed and assumes its position as soon as possible, is
5 going to have some challenges; is it not?

6 A It's got to help me do my job. I'm
7 doing it by myself right now.

8 Q Let's talk the roads for a second.
9 Your sister --

10 A The roads -- the fees have to be raised
11 more, there's no doubt. Probably a special assessment is
12 going to have to be done. All the roads don't need
13 repaving. With \$150,000 I could make pretty much
14 everybody in there happy. We need to do patching. I've
15 got patching in the back of my truck that I'm not able to
16 do today, but a lot of potholes can be filled and they're
17 not deep chugholes.

18 Q You've done this for years.

19 A My whole life.

20 Q You're familiar with what it takes
21 labor wise to get the road in good condition?

22 A Yes.

23 Q You're familiar with the costs of the
24 materials and the things that go into having to do that
25 patching or resurfacing.

1 A \$100,000 a mile.

2 Q \$100,000 a mile?

3 A A mile.

4 Q You're familiar with the equipment
5 that's required to do that work?

6 A Yes.

7 Q You don't get any help from the county?

8 A No.

9 Q The letter that I presented to your
10 sister yesterday where the county basically said we've
11 got nothing to do with those roads, is that your
12 understanding?

13 A Yeah, that's the way we want it.

14 Q And that's the way it's always been,
15 correct?

16 A Correct.

17 Q So when it comes to resurfacing those
18 roads to the extent that's necessary to keep them safe
19 and passable, you're telling me that cost runs about a
20 \$100,000 per mile?

21 A Yes.

22 Q But you also are telling me that the
23 entirety of the road network in Deerfield does not need
24 to be resurfaced --

25 A No.

1 Q -- right now?

2 MR. HAWKINS: You're very conversational
3 and that is good, but please let him finish
4 because our intrepid court reporter here will
5 want to hear the end of his question before you
6 start answering.

7 MR. HURLEY: He might start kicking
8 Preston too.

9 MR. HAWKINS: I'm trying to avoid that.
10 He's resisted so far.

11 Q So from what I'm hearing then, you
12 believe that that cost is \$100,000 per mile. Yesterday I
13 had a breakdown of the roads and your sister looked at
14 it. I don't know if you got to see it or not, did you?

15 A Just from a distance.

16 Q That listing of the roads, I'm going to
17 let you look at it here in just a minute, and it showed
18 something just over 18 miles of roadway; does that
19 sound --

20 A That sounds reasonable.

21 Q Okay. Me eyeballing it, it looked
22 pretty reasonable, but I wasn't the one that put it
23 together. So I was wanting to see what your view of that
24 was. That sounds ballpark-ish then?

25 A Ballpark-ish, yeah.

1 Q Okay. You've got a lot up here about
2 the roads, but are there any studies, analyses, reports
3 about the roads as to their current condition or as to
4 the projection for resurfacing, repair work, maintenance
5 on the roads going forward?

6 A In my opinion, it's kind of like when
7 your air conditioner breaks. You assess the road and you
8 see if it needs to be repaved, recapped. Just a cap is
9 what most of them need.

10 Q Which is the very top layer.

11 A Yes.

12 Q Is there any type of projection or plan
13 that currently exists as to resurfacing the roads?

14 A Get an HOA in effect, raise rates
15 moderately, and possibly some special -- get some money
16 coming in from each road that needs to be repaired.

17 Q Have you sat down and done any
18 calculations about what you think is needed?

19 A Not formally.

20 Q You said a minute ago something to the
21 effect, give me \$150,000 and I can get them in pretty
22 good shape.

23 A And that's just a guess off the top of
24 my head.

25 Q I understand that. But you said it and

1 you looked like you meant it when you said it. You
2 didn't look like you were joking me.

3 A It depends on how much patching you
4 want to do.

5 Q But when you said that the thought had
6 gone through your mind, I think I could do a lot to get
7 those roads up to spiff with a \$150,000.

8 A Possibly.

9 Q All right. You mentioned a special
10 assessment, if there was a homeowners association in
11 place and ready to act through its board, or if the
12 developer was so inclined -- I know this past year you
13 guys implemented a -- I say you guys, the developer,
14 implemented an increase.

15 A Yes.

16 Q For example, on a residence with a lot,
17 from \$500 to \$750, right?

18 A True.

19 Q And your sister indicated that there
20 really wasn't much negative feedback to that, a lot of
21 people said about time?

22 A Yeah.

23 Q So have you sat down and put the pencil
24 to your thoughts and impressions as to how much of a
25 special assessment needs to be made?

1 A Take a figure and divide it by 525.

2 Q What does the 525 represent?

3 A The number of residents that is
4 approximately.

5 Q Have you formed any opinion as to any
6 adjustments that need to be made in the annual
7 assessment?

8 A I mean we did what we felt we had to do
9 to not have to fund the whole thing this year.

10 Q Do you think the increase in the
11 assessment that was made from \$500 to \$750, for example,
12 on the residences and there were corresponding increases
13 on hangars and other things, right?

14 A Yes.

15 Q Did that raise enough money to get you
16 through the end of the year?

17 A Yeah, we can comfortably get through
18 the end of the year. Kelly asked me what I thought it
19 would take to get us through the end of the year. What
20 we raised it, that increased it \$120,000 for the year.
21 We put in a 110 last year, so it's not really going to
22 buy a whole lot of frills, but it should get us through
23 it.

24 Q Get you to December 31?

25 A Thankfully gas is down a little.

1 Q Right.

2 A My crew size is down a little, but my
3 guards just got a pretty good raise because I was
4 treating them terribly pay wise and was unable to get
5 anybody for less than \$12 an hour.

6 Q Are you treating them right now or just
7 less terribly?

8 A Less terribly.

9 Q Okay. Do you have any opinions as to
10 what the annual assessment should be?

11 A I think it should be at least a
12 thousand, in my opinion. That would be able to build up
13 some money to pay, you know, a couple hundred thousand,
14 two miles of road a year.

15 Q Have you done any reviews, studies,
16 comparisons with other similar type communities that are
17 private that have assessments and there are many of them?

18 A They are all \$600 a month.

19 Q So apparently you have?

20 A Oh, yeah.

21 Q Has that just been done informally or
22 have you compiled information that you keep that you look
23 at?

24 A Informally.

25 Q Informally. Let's talk about another

1 subject because I'm getting closer to five o'clock. And
2 that is reserves, rainy day funds, money for
3 contingencies going forward. Is there anything that
4 exists now to accommodate those things?

5 A Not currently because we've always
6 undercharged and put our own money in at the end. That's
7 why the fee needs to be raised more is to have a
8 contingency.

9 Q Just out of curiosity, once your father
10 passed -- and I understand the way he looked at things,
11 you told me that you looked at it different and you not
12 only would welcome but wanted help related to the duties
13 pertaining to this resort.

14 Once your father had passed and it was
15 you, your mother, and your sister making these decisions,
16 why did you keep going forward if it was coming up short
17 every year and you were having to put money in?

18 A For one, we were mourning him. In
19 2018, we started putting together an advisory panel which
20 was misconstrued as a HOA. She put the wrong names on
21 the wrong form.

22 Q Who was the advisory panel?

23 A That was Charlie Hencie and Bob
24 Newhall. It was a list you pulled with her yesterday of
25 eight or nine names, Janet Lee. They were people who we

1 wanted to bring in and say, you know, what do you think
2 we should do with this? How should we manage the guards?
3 What should we raise this to? We didn't want to make
4 decisions all on our own. This was to get us to the
5 point of electing an HOA. That was two years after he
6 died. That was long enough to mourn and get our feet
7 back on the ground.

8 Q So that was 2018-ish?

9 A Yeah.

10 Q And then we come to 2019 is when the
11 lawsuit gets filed?

12 A Yeah.

13 Q 2020, early 2021 your mother passes and
14 we come forward to 2022 and I'm being told, as I
15 understand it, that you had to put \$110,000 in or so in
16 2022.

17 A Yes.

18 Q Why still feeding it?

19 A What else was I going to do? If I
20 didn't feed it, it would die.

21 Q It being the resort?

22 A Yeah. I may or may not get that money
23 back. I need that money back, but I couldn't let it die.
24 We ran out of money in July which would have meant no
25 grass mowing, no upkeep of anything, no cleaning out

1 storm drains, no guards at the guard shack; that's
2 anarchy.

3 Q One of the things that's been produced
4 in this lawsuit, Mr. Fields, are these reports.

5 A Uh-huh.

6 Q And what they basically are, it's kind
7 of a spreadsheet that has a column for date, a column for
8 check number, a column for who the check was made to, a
9 description of what that was for, and an amount. And
10 then there's other headings, legal, insurance,
11 maintenance, refunds, home fees, taxes, fuel, that type
12 thing. Some of those are filled in and some of them
13 aren't. Have you looked at these?

14 A Just on and off. I would watch mom
15 compile them and she'd say hey, look at this, this is how
16 much you spent this year on this, but never in detail.

17 Q Well, now these I'm --

18 A I created most of the boxes.

19 Q You created the boxes?

20 A Just by expenditures in keeping the
21 resort up.

22 Q Now, my understanding on these is that
23 these for 2016, '17, '18, '19, '20, '21 were compiled by
24 your sister -- no?

25 MS. LEJEUNE: I submitted every --

1 that's all mom's work and everything I
2 submitted in December was all of her work, and
3 what I submitted in May I just added the one
4 column of description as I was trying to find
5 more detail of what each check was for. She
6 did not have the description in her original
7 work.

8 MR. HURLEY: Okay. But the year '21
9 being the year that, as I understand it, she
10 passed.

11 MS. LEJEUNE: Yes.

12 MR. HURLEY: She passed early in '21.
13 So I'm assuming that she didn't have any role
14 really in the '21 numbers.

15 MS. LEJEUNE: That's Kelly's from '20
16 going forward.

17 MR. HURLEY: But Kelly didn't come on
18 board until May of '21?

19 MS. LEJEUNE: Right, but she --

20 THE WITNESS: We were still making
21 expenditures. Kelly came in in May and took
22 all the expenditures from the start of the year
23 and started compiling those.

24 Q So she went back and caught up?

25 A Yeah.

1 Q But getting back to my question, have
2 you looked at and studied these reports --

3 A I've not studied them --

4 Q -- for these various years?

5 A Sorry, I talked over you again. Not in
6 detail.

7 Q Do you know whether or not there are
8 entries on here that to an observer that would look at
9 these reports, where you would look at it and you would
10 say, well, what in the world is the maintenance and
11 security fund doing paying these expenses?

12 MR. HAWKINS: Object to the form, you
13 can answer.

14 A No. I pinch every penny that I can.
15 What I do on the budget that I have I think is pretty
16 amazing.

17 Q Do you know anything about, back on
18 the '16 report, for example, is the one I was showing
19 your sister yesterday, what it was and why it was that
20 substantial payments were being made to American Express?

21 A Mom would use her American Express
22 every month for -- can I use Lowe's as an example?
23 Lowe's was the one she wore me out on. We had a Lowe's
24 company card. At the end of the month she would sit me
25 down with a pile of invoices and say tell me who owes

1 what, and we would go through them line by line and I
2 would have my app out pulling up SKU numbers, because
3 sometimes -- every now and then things would get
4 scattered onto one receipt. So I would pull out the Diet
5 Mountain Dew, and the rake, the shovel, and the
6 fertilizer was Deerfield's expense. We would price all
7 of that out.

8 McCloud Mountain would write a check,
9 Deerfield Resort would write a check to the American
10 Express. The Water System, I would buy plumbing parts
11 that she would pay for on that Lowe's card. I would pay
12 her for those.

13 The same thing with American Express.
14 She did not -- she just learned to use Amazon and she
15 would buy stuff for the resort through that. She would
16 use her American Express card to purchase it. Then she
17 would expense it all out at the end of the month and pay
18 what was owed from each company.

19 Q Do you all have the American Express
20 records? I'm going to represent to you we have
21 subpoenaed those, don't have them yet. We've gotten a
22 letter back from them saying they're working on it.

23 A That's a Paula question.

24 Q I'm not interested in your mother's
25 personal use of that card. I am interested in what it

1 was that was bought and paid for with checks coming out
2 of Deerfield Resort to go to American Express. That's
3 what I'm interested in.

4 A All I can do is promise you that they
5 were Deerfield expenses and they were thought over hard
6 to make sure they were the right ones.

7 Q And I understand that, but are there
8 records available for us to look at that show that?

9 A Not that I have my hands on. You would
10 have to ask her.

11 Q Okay. Let's talk for just a minute
12 about another issue related to the roads; who owns those
13 roads?

14 A Fields Development as far as I know.

15 Q Have you ever stated in a Planning
16 Commission meeting that you owned the roads?

17 A Somebody ticked me off at a Planning
18 Commission meeting and yeah, I did answer that. I own
19 the company that owns the road.

20 Q Okay. So when you say you owned the
21 roads, what you meant --

22 A Fields Development owns the roads.

23 Q -- was that Fields Development owns the
24 roads. But your sister said that to her knowledge nobody
25 pays taxes on the roads.

1 A That I don't know either.

2 Q And would you agree with me that the
3 roads are there to service and benefit the residents of
4 Deerfield Resort?

5 A That's the only reason.

6 Q And would you agree with me that to the
7 extent that something needs to be done, if it needs to be
8 done, I'm not saying that it does necessarily, but if
9 something needs to be done to legally create the right of
10 the residents at Deerfield Resort to use those roads,
11 you're not going to stand in the way of that?

12 A I wouldn't possibly have a reason to
13 stand in the way of that.

14 Q Right. Now, in going forward, as I
15 understand it, you believe that there is a need for money
16 to be raised to work on the roads?

17 A Yeah, now more than ever. We've gotten
18 behind on our patching due to the weather and due to
19 being in court. We're behind a little bit for the 4th of
20 July having them patched. Patching is not all that it
21 needs, but it's the majority of what it needs.

22 Q Business people don't make a lot of
23 money at the courthouse, do they?

24 A No.

25 Q In relation to other things they might

1 need for there to be a contingency fund or a reserve
2 available, what other things could be coming down the
3 pike or lurking that you're aware of that there might
4 need to be some type of reserve or contingency
5 established for?

6 A For Deerfield I can't think of any.

7 Q You're not aware of any --

8 A I'm not aware of any.

9 Q -- approaching event, need for
10 significant maintenance and repair?

11 A I think the roads are -- the roads are
12 the most needy.

13 Q What condition is that swimming pool
14 in?

15 A We had it re-gunited six years ago, so
16 it's good.

17 Q Is it in use now?

18 A Yeah.

19 Q What condition is that playground in?

20 A The playground needs some sprucing up.
21 It just needs some elbow grease put into it.

22 Q Does it the need the replacement of any
23 major equipment or pieces, parts?

24 A No. We just did some repairs on the
25 ball goals.

1 Q Tennis courts?

2 A The tennis court was resurfaced, what
3 was that, seven years ago you pulled up there? A couple
4 of cracks showing up, but nothing major.

5 Q Anything else that you can think of?

6 A Not resort related.

7 MR. HURLEY: It's 4:30. Let's do this,
8 let's take a real quick short break and let me
9 confer with my people for a minute. We'll come
10 back in and we'll finish at five and adjourn at
11 that point, in the event that we need more from
12 Scott.

13 MR. HAWKINS: Okay.

14 VIDEOGRAPHER: We're going off. The
15 time is 4:32.

16 (Short break.)

17 VIDEOGRAPHER: All right. We're back on
18 the record. The time on the camera is 4:46.

19 Q A few little cleanups here before we
20 adjourn, Mr. Fields. First of all, regarding the
21 roadways I've got a depiction that shows about 18 miles.
22 You said that sounded roughly accurate.

23 A Roughly accurate.

24 Q How much of that is unpaved?

25 A Less than a mile.

1 Q What's the plan for the unpaved
2 portions of that?

3 A They were those oddballs where dad
4 wholesaled land to someone so that they could split it
5 and it was -- their purpose was to divide them up, pave
6 the road, put in utilities and, you know, basically sell
7 it as their own little enterprise, and we had three that
8 never finished.

9 Q What three are those, do you know right
10 off the top of your head?

11 A One is Cedar Ridge Way, another is
12 Cedar Creek Point, the third is Deer Pond Circle.

13 Q Do all three have homes on them?

14 A Yes.

15 Q Is there a plan, and there may not be
16 the ability to implement the plan, but is there a plan to
17 ultimately surface those, pave them?

18 A My hope has been when the HOA is formed
19 to come up with a way to do it, possibly having those
20 homeowners split some of the expense. If they're going
21 to be in the HOA paying dues, they need to have paved
22 roads. I don't know how. I want somebody besides me to
23 come up with that way.

24 Q Do you have any estimate or projection
25 as to what it would cost to pave those three roads?

1 A The Greenwoods on Cedar Ridge Way, I
2 had an estimate done, \$35,000 I believe.

3 Q Okay.

4 A Just to be candid, they told me that
5 they wanted their road paved. They said that my mom told
6 them that she would pave it, which she didn't. I was in
7 on the meeting. When they came back I said, you know,
8 I'd like to pave it. I wish I had the money to pave it.
9 I'm in litigation, I can't, but if I promise you, I will.
10 Then they became one of your plaintiffs.

11 MS. LEJEUNE: You didn't -- there's more
12 to that story.

13 Q Is there more to that story?

14 A Just -- they did one of the old ones
15 that everybody likes to do, your momma said she'd do
16 this.

17 Q Who is they?

18 A The Greenwoods.

19 Q Okay.

20 A And I would love to pave it. Do I have
21 that money in my pocket? No.

22 Q So the total cost to pave all three of
23 those unpaved roads roughly?

24 A Guessing, well under a \$100,000.

25 Q Okay. Seventy-five, eighty-ish?

1 A Yeah.

2 Q Okay.

3 A Theirs is definitely the longest of the
4 three.

5 Q The Greenwoods?

6 A Yeah.

7 Q Another thing I want to ask you about
8 that we've talked about any, the runway that's up there
9 for the folks that have the air hangars. Do you have a
10 hangar?

11 A No.

12 Q Are you a pilot?

13 A I started to be a pilot, but never
14 finished.

15 Q Okay. Have you looked at the runway
16 lately?

17 A Yeah.

18 Q Does it need work?

19 A It could use a sealing.

20 Q Needs a sealing?

21 A Yeah. There's differing opinions.
22 Some say it needs a cap. I think a good sealing would be
23 good for it.

24 Q Do you have any projections of what a
25 good cap would cost?

1 A I don't.

2 Q Any projections as to what a good
3 sealing would cost?

4 A I would have to convert it into miles.
5 It's 3200 feet, it's twice as wide as a road.

6 Q I think it's about three-quarters of a
7 mile long.

8 A Yeah. So I don't know, probably a
9 couple hundred thousand.

10 Q To reseal it?

11 A No, to repave it.

12 Q To repave it, okay, all right.

13 A Sealing, I have no clue.

14 Q That would be substantially less
15 though, would it not?

16 A Yeah.

17 Q Than the \$200,000?

18 A Right.

19 Q Your sister mentioned yesterday that
20 you had -- who mows up there, that property?

21 A The pilots do.

22 Q Do they pay for that?

23 A They do. At one point -- and she said
24 that we donated a mower. Bob Lau -- I had a mower. My
25 allergies are so bad I can't mow anymore. Bob wanted to

1 buy this mower they had that was propane driven. So he
2 bought it and I started mowing with it and mom started
3 paying for him to refill that tank. We weren't mowing it
4 often enough and they said, well, we'll mow it if you'll
5 give us some help with fuel. So we did that. I know
6 there were times that we bought gasoline, but one day
7 they quit asking for that.

8 Q So now they're arranging for that and
9 paying that cost out of their pocket?

10 A Apparently. I've not put money into it
11 in a while.

12 Q Okay. And the mower was not donated,
13 but was sold?

14 A It was sold.

15 Q Okay. Do you know what it sold for?

16 A Seems like \$3,000.

17 Q All right. Is there any regular
18 program of testing those fire hydrants to see that
19 they're operational and what their --

20 A Once a year we massage the -- we
21 exercise the valves. We turn them all the way on, turn
22 them all the way off.

23 Q We being you and your people with water
24 facility?

25 A Yes. And it's also done to help clear

1 the lines. We typically do it coming into the season.
2 This year we are going to have to do it after the season.
3 It puts a big demand on the system and runs people out of
4 water while we're testing them. So we'll probably do it
5 in about October.

6 Q When you do that testing, are there
7 reports that are generated that they did work or didn't
8 work, or what the capacity was, or the pressure was, or
9 anything of that nature?

10 A We don't do the pressure. We simply --
11 we take a chlorine residual. When we start it, we run it
12 for five minutes and we take a chlorine residual at the
13 end, or we report that the water was murky when we
14 started, or the water was clear when we started. We run
15 it for five minutes. We're supposed to mark it, you
16 know, how long it took it to clear. It's usually about
17 three minutes because it's typically the dead end of the
18 line.

19 Q You told me that there were about 15
20 hydrants there.

21 A Yeah.

22 Q A couple of them not operational right
23 now?

24 A True.

25 Q Has there ever been a study done as to

1 the number of hydrants that for safety purposes are
2 needed?

3 A It all comes to grandfathering in. As
4 we opened up sections they weren't required on the first
5 few sections and as the resort matured and aged we'd open
6 up a new section. Suddenly we had to have one every 300
7 feet. Then we had to have one every 200. By the time we
8 did Deer Hill in 2000, it was every hundred feet, I
9 believe.

10 Q So the requirements have been more
11 strenuous as time went on?

12 A Yeah. We're grandfathered in with the
13 older sections, but there's been some talks with people
14 on different streets to go in and put a hydrant in.

15 Q Do you think more hydrants are needed?

16 A It wouldn't hurt to have one on each
17 street, even the ones that aren't required to, for
18 safety, or at least having more access into the ponds,
19 having access at the marina where a truck could pull up
20 and pump out of the lake. They're all pumper trucks.

21 Q Okay, all right, I understand. Has any
22 study ever been commissioned to evaluate that?

23 A No.

24 Q Would you be open to such a study?

25 A I'd be open to it.

1 Q Do you think it's necessary?

2 A There are no requirements and I'm not
3 looking for added expenditures, but I'd like to know what
4 some recommendations would be.

5 Q And at least eyeballing it from your
6 view, it would be good to have a hydrant on every street?

7 A Yeah.

8 MR. HURLEY: Was there another topic,
9 guys? I don't want to lose eight minutes here.
10 So I'm going to keep --

11 MR. HAWKINS: No, go for it.

12 Q So I'm going to keep going. Common
13 areas, there was a lot of discussion in your sister's
14 deposition between she and I about the common properties
15 or common areas. Have you over the years been familiar
16 with communications that were made either in
17 advertisements or in marketing, or in general
18 discussions, boy, if you come to Deerfield you've got a
19 lot of common amenities and properties, so my question
20 is, have you heard that before and, if so, what are, in
21 your viewpoint, the common properties up there?

22 A The swimming pool, the playground, the
23 tennis court, the volleyball court. Those are pretty
24 much the common areas.

25 Q Guard shack?

1 A Yeah, of course.

2 Q And if the guard shack was to be a
3 common area that was turned over, let's say, to the HOA,
4 is there a deed for that property that the guard shack
5 sits on?

6 A It's going to have to have some work
7 done. No doubt Jim would let us survey off a chunk.
8 Then it would have to go through the Planning Commission
9 to be divided which would be no issue. You know,
10 allowing adequate space and doing a survey, it can be
11 done.

12 Q And as I understand it, and correct me
13 if I'm wrong, the guard shack itself sits on whose
14 property?

15 A The golf course.

16 Q That's what I thought. And you believe
17 that Jim would likely -- I know you can't speak for him
18 and bind him --

19 A I can speak for him there.

20 Q Okay, you can. He's not here, but you
21 don't think that would be a problem in getting that
22 deeded over to the homeowners association?

23 A No.

24 Q And speaking only for yourself because
25 you're just here today in your individual capacity, okay,

1 do you have any objection to the playground, the tennis
2 courts, the swimming pool, and the -- which one am I
3 missing here?

4 A Guard shack.

5 Q Guard shack, we already mentioned that
6 though. Tennis courts, swimming pool, playground,
7 volleyball court being deeded over to the homeowners
8 association?

9 A Please.

10 Q Are there other common properties that
11 could be of benefit to the homeowners association that
12 could be deeded over?

13 A Not that I'm aware of.

14 Q Would you agree with me that going
15 forward, in the event that we come to a blessed and
16 wonderful day when the homeowners association is fully
17 formed and staffed with a board, and there could be a
18 turn over of things to the homeowners association, that
19 going forward from that day there's going to be a need
20 for funds?

21 A Yeah.

22 Q More than what the \$750 that's being
23 assessed right now --

24 A Absolutely. That was a stopgap.

25 Q And not only was it a stopgap, it was a

1 stopgap for 2023, wasn't it?

2 A Yes.

3 Q And it was a stopgap that made no
4 allowance for the development of any type of rainy day
5 fund or contingency or reserve?

6 A Yes.

7 Q It's a stopgap that makes no allowance
8 for the future needs of resurfacing the roads?

9 A True.

10 Q It's a stopgap that doesn't have any
11 room for any surprises or unexpected expenses?

12 A True.

13 Q When you say stopgap, you're saying to
14 me basically, Scott, that's what we had to have to get
15 through to '23?

16 A It plugged the hole.

17 Q Yeah, yeah. So regardless of who is
18 there for 2024, there's going to have to be money raised?

19 A Absolutely.

20 Q And that money will have to be raised
21 just to get through the next year without even giving
22 consideration to increased costs, inflation, unexpected
23 surprises, resurfacing of roads?

24 A Absolutely.

25 Q How much of your time each week do you

1 spend on Deerfield Resort issues as compared to -- you
2 wear several hats. You work a lot, don't you?

3 A Yeah.

4 Q You don't know what a 40 hour week is,
5 do you?

6 A I will spend at least 60 hours a week
7 on Deerfield.

8 Q Okay. How much of your -- 60 hours a
9 week on Deerfield?

10 A On Deerfield alone.

11 Q How much do you spend on Fields Real
12 Estate?

13 A Fields Real Estate, Tyler takes care of
14 a lot of those duties for me on a daily basis. Right now
15 we're not doing a lot of property showing because we have
16 nothing to sell. We have zero houses actively on the
17 market right now because they're all under contract.

18 Q Okay.

19 A I'd say probably five to ten hours on
20 Fields Real Estate.

21 Q Water System?

22 A Water System, another ten hours.

23 Q That's an 80 hour week.

24 A Yeah. Aren't they all? When you do it
25 seven days a week, it's all right.

1 Q Yeah. Other than the roads, the single
2 biggest existing need right now at Deerfield Resort?

3 A Aside from more staff, more people to
4 get the mowing done.

5 Q That costs too, right?

6 A Well, you just can't get them. More
7 mowing, more roadside maintenance, and we need a boom
8 mower but I'm not going to buy one out of the funds until
9 we have an HOA in place, but that would simplify a lot of
10 it. We need to be working smarter.

11 Q With an HOA and if we could get to
12 the point that all the horses were pulling the wagon in
13 the same direction, your life would be a little bit
14 easier?

15 A It would be a lot easier.

16 Q Deerfield Resort would be a better
17 place, wouldn't it?

18 A Absolutely.

19 Q And that would be what at least you,
20 Scott Fields, would like to see?

21 A I can't wait. Let's start this
22 weekend.

23 Q Actually it would be an honor to your
24 parents too, wouldn't it?

25 A Absolutely.

1 MR. HURLEY: Let's adjourn.

2 MR. HAWKINS: Thank you.

3 VIDEOGRAPHER: Okay. We're going off

4 the record. The time on the camera is 5:00.

FURTHER DEPONENT SAITH NOT.

RAYMOND SCOTT FIELDS

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 111 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