

**SECOND DUFFY DECLARATION
EXHIBIT O**

ADDENDUM # 1
THIS IS THE 1ST MEETING OF THE TRUSTEES OF THE
FOX GROUP TRUST

Meeting began at 1:00PM, adjourned at 2:00PM on the 21 day of SEPTEMBER, 2004

PRIVATE CONTRACT

Now comes **Clare Louise Reading** and **James Leslie Reading**, the **Administrative Trustees** of the **Fox Group Trust**, who are adding the following directive to the Trust Body Document while conforming to the restrictions and regulations of the trust, According to the Common Law of the **Arizona** state. The following two parties are entering into the below stated Agreement:

1. Fox Group Trust

c/o 4448 East Main Street, #3, Box 256
Mesa, Arizona [85205]

2. James Leslie Reading

c/o 2425 East Fox Street
Mesa, Arizona [85213]




Fox Group Trust is the holder of all property, assets and funds for the benefit of the beneficiaries and is contracting with **James Leslie Reading** to do specific and general work and services named and outlined as follows:

- a. Act as a contact entity, negotiate contracts, make payments, buy, sell and transport merchandise, and other needful tasks on the behalf of **Fox Group Trust**.
- b. Hold all lawfully required licenses and conduct all dealings with the different government agencies.
- c. Manage and deal with all Independent Contractors, temporary and permanent workers and help.
- d. Manage and pay all payroll and lawfully due taxes, if any.
- e. All other needful things the Trustees and the **Administrative Trustees** of **Fox Group Trust** feel is necessary for the purpose of a harmonious and profitable operation of the **Fox Group Trust**.

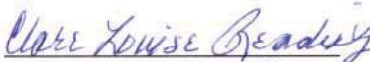
This Private contract is done in good faith, by competent people of sound mind and under the Right to Contract as set forth in the Constitution of the united states of America. All decisions made, and property received is done without prejudice.

This document has been presented to the Trustees and voted into effect.

For Fox Group Trust:

Trustee # 1: 
David Pastorkey

Trustee # 2: 
Charles Baird

Administrative Trustee: 
Clare Louise Reading

ADDENDUM # 2
THIS IS THE 1ST MEETING OF THE TRUSTEES OF THE
FOX GROUP TRUST

Meeting began at 1:00PM, adjourned at 2:00PM on the 21 day of SEPTEMBER, 2004

PRIVATE CONTRACT

Now comes **Clare Louise Reading** and **James Leslie Reading**, the **Administrative Trustees** of the **Fox Group Trust**, who are adding the following directive to the Trust Body Document while conforming to the restrictions and regulations of the trust, According to the Common Law of the **Arizona** state. The following two parties are entering into the below stated Agreement:

1. Fox Group Trust

**c/o 4448 East Main Street, #3, Box 256
Mesa, Arizona [85205]**

2. Clare Louise Reading

**c/o 2425 East Fox Street
Mesa, Arizona [85213]**

Fox Group Trust is the holder of all property, assets and funds for the benefit of the beneficiaries and is contracting with **Clare Louise Reading** to do specific and general work and services named and outlined as follows:

- a. Act as a contact entity, negotiate contracts, make payments, buy, sell and transport merchandise, and other needful tasks on the behalf of **Fox Group Trust**.
- b. Hold all lawfully required licenses and conduct all dealings with the different government agencies.
- c. Manage and deal with all Independent Contractors, temporary and permanent workers and help.
- d. Manage and pay all payroll and lawfully due taxes, if any.
- e. All other needful things the Trustees and the **Administrative Trustees** of **Fox Group Trust** feel is necessary for the purpose of a harmonious and profitable operation of the **Fox Group Trust**.

This Private contract is done in good faith, by competent people of sound mind and under the Right to Contract as set forth in the Constitution of the united states of America. All decisions made, and property received is done without prejudice.

This document has been presented to the Trustees and voted into effect.

For Fox Group Trust:

Trustee # 1:


David Pastorkey

Trustee # 2:


Charles Baird

Administrative Trustee:


James Leslie Reading

ADDENDUM # ^{TO VERIFICATION}
and INDENTURE
**THIS IS THE 3rd MEETING OF THE TRUSTEES OF THE
FOX GROUP TRUST**

Meeting began at 1:00PM, adjourned at 2:00PM on the 16th day of May, 2005

PRIVATE CONTRACT
THE FOLLOWING ARE PERMANENT ADDITIONS OF DIRECTIVES
TO THE TRUST AND ITS FUNCTIONARIES:

Now comes Clare Louise Reading and James Leslie Reading, the Administrative Trustees of the Fox Group Trust, who are adding the following directive to the Trust Body Document while conforming to the restrictions and regulations of the trust, According to the Common Law of the Arizona state. The following three parties are entering into the below stated Agreement:

1. Fox Group Trust
c/o 4448 East Main Street, #3, Box 256
Mesa, Arizona [85205]

2. Clare Louise Reading
3. James Leslie Reading
c/o 2425 East Fox Street
Mesa, Arizona [85213]

Fox Group Trust is the holder of all property, assets and funds for the benefit of the beneficiaries and is contracting with CHARLES JAY FRENTHWAY to do specific and general work and services named and outlined as follows:

Act as a Third Trustee for the Fox Group Trust, as stipulated in THE ARTICLES AND INDENTURE OF THE FOX GROUP TRUST, as per page 1 through page 9 herein.

This Private contract is done in good faith, by competent people of sound mind and under the Right to Contract as set forth in the Constitution of the united states of America. All decisions made, and property received is done without prejudice.

This document has been presented to the Trustees and voted into effect.

For Fox Group Trust:

Trustee # 1: [Signature]
David Pastorkey

Trustee # 2: [Signature]
Charles Baird

Administrative Trustee: _____
James Leslie Reading

Administrative Trustee: [Signature]
Clare Louise Reading

Acceptance of Appointment:

Trustee # 3: [Signature]
Charles Jay Frenthway

May 16, 2005
Date

**SECOND DUFFY DECLARATION
EXHIBIT P**

**Government
Exhibit**
DuffyExp

In The Matter Of:
United States of America v
Reading

30(b)(6) - Fox Trust Group - Terry Ivin Major
April 16, 2012

Griffin & Associates Court Reporters
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602.264.2230

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UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

UNITED STATES OF AMERICA,)
Plaintiff,)
vs.) Civ. No. 11-0698-PHX-FJM
JAMES LESLIE READING, CLARE L.)
READING, FOX GROUP TRUST,)
MIDFIRST BANK, CHASE,)
FINANCIAL LEGAL SERVICES,)
STATE OF ARIZONA,)
Defendants.)

THE 30(B)(6) DEPOSITION OF THE FOX GROUP TRUST,
THROUGH ITS REPRESENTATIVE, TERRY IVIN MAJOR

Phoenix, Arizona
April 16, 2012
12:36 p.m.

PREPARED BY:
DOREEN C. BORGMANN, RMR, CRR
Certified Reporter
Certificate No. 50644

PREPARED FOR:
ASCII
(Copy)

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1]	E X H I B I T S (CONTINUED)		
2]	EXHIBIT NO.	DESCRIPTION	PAGE
3]	4	"Unofficial Document" cover sheet and	
4]		attached Quit Claim Deed dated June	
5]		10, 2005 (2 pages)	27
6]		Bates Nos. US06757 - US06758	
7]	5	Fox Group Trust documents dated	
8]		September 21, 2004 (11 pages)	36
9]		No Bates numbers	
10]	6	Addendums #1, #2, and #3, Trustees	
11]		Meeting, Fox Group Trust, Private	
12]		Contracts (3 pages)	55
13]		No Bates numbers	
14]	7	Two Appointment of Trustees, Agreement,	
15]		and two Letters of Resignation dated	
16]		January 1, 2011 (5 pages)	69
17]		No Bates numbers	
18]	8	Correct Property Legal Description	
19]		dated June 19, 2008, and attached	
20]		documents (7 pages)	80
21]		No Bates numbers	
22]			
23]			
24]			
25]			

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1]	I N D E X		
2]	WITNESS	PAGE	
3]	TERRY IVIN MAJOR		
4]	Examination by Mr. Duffy	5, 82	
5]	Examination by Mr. Ventrella	75	
6]			
7]			
8]	E X H I B I T S		
9]	EXHIBIT NO.	DESCRIPTION	PAGE
10]	1	Letter dated March 28, 2012, to Tommy	
11]		K. Cryer from Charles M. Duffy, and	
12]		attached United States' Second Amended	
13]		Notice of Taking Depositions and	
14]		Request For Production of Documents	
15]		(7 pages)	13
16]		No Bates numbers	
17]	2	Recorded Document Search Detail,	
18]		Maricopa County Recorder, dated	
19]		10/30/1979, and attached Joint Tenancy	
20]		Deed (2 pages)	18
21]		Bates Nos. US06904 - US06905	
22]	3	Note dated March 4, 1993, for 2425	
23]		East Fox Street, Mesa, AZ 85213	
24]		(3 pages)	21
25]		Bates Nos. Prod2435 - Prod2437	

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1] THE 30(B)(6) DEPOSITION OF THE FOX GROUP

2] TRUST, THROUGH ITS REPRESENTATIVE, TERRY IVIN MAJOR, a

3] witness herein, was taken upon oral examination by the

4] parties through their respective attorneys before DOREEN

5] C. BORGMANN, RMR, CRR, and a Certified Reporter in and

6] for the County of Maricopa, State of Arizona, at Two

7] Renaissance Square, 40 North Central Avenue, Suite 1200,

8] Phoenix, Arizona, on the 16th day of April, 2012,

9] commencing at the hour of 12:36 p.m. of the said day.

10]

11] COUNSEL APPEARING:

12] For the Plaintiff:

13] U. S. DEPARTMENT OF JUSTICE

14] TAX DIVISION

15] BY: CHARLES M. DUFFY, ESQ.

16] P. O. Box 683

17] Ben Franklin Station

18] Washington, D.C. 20044-0683

19] (202) 307-6406

20]

21] For the Defendants:

22] TOMMY K. CRYER, ESQ.

23] 7330 Fern Avenue

24] Shreveport, Louisiana 71105

25] (318) 865-3392

ALSO PRESENT:

JAMES L. READING

CLARE L. READING

DEBBIE VAHE

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1] TERRY IVIN MAJOR,
2] called as a witness herein, having been first duly
3] sworn, was examined and testified as follows:
4]
5] EXAMINATION
6] BY MR. DUFFY:
7] Q. Please state your name for the record.
8] A. Terry Ivin Major, M-A-J-O-R.
9] Q. What's your address?
10] A. Address is 1001 South 6th Street,
11] Cottonwood, Arizona 86326.
12] Q. I'm Charles Duffy with the U.S. Department
13] of Justice representing the United States in this
14] matter. You've had your deposition taken before because
15] I've taken your deposition.
16] A. Yes.
17] Q. So you understand the process. Please try
18] to make your answers clear, yes and no. Try not to talk
19] over me, and I'll do the same to you. And if you have a
20] question about one of my questions, definitely let me
21] know. Okay?
22] A. Yes.
23] Q. What's your educational background, say,
24] starting from high school?
25] A. Graduated from high school at Arcadia High

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1] School in Scottsdale, Arizona. Went to Arizona State
2] University. Got a degree in secondary education history
3] with a minor in mathematics. Went to mortuary school in
4] Houston, Texas, and got a license as a funeral director.
5] Continued with some other education working toward a
6] Master's in computer science and taken other classes,
7] but the only degree was in education.
8] Q. So you didn't get a Master's degree?
9] A. No, I did not.
10] Q. How about over the last 10 years? What
11] occupations have you had, or occupation?
12] A. Last 10 years have been mainly computer
13] services, computer repair.
14] Q. What else? I guess you're here as a
15] trustee for the Fox Group Trust?
16] A. Correct. I've helped with some trusts.
17] Most of that has been volunteer work.
18] Q. What does that mean, "help with trusts"?
19] A. Back in -- a few years ago, there was a
20] trustee who had a number of trusts, and he had some
21] problems. We took over some of the trusts to help out
22] the people that were having trouble.
23] Q. What's that person's name?
24] A. Jimmy Chisum.
25] Q. And Jimmy Chisum, that's C-H-I-S-U-M.

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1] A. Correct.
2] Q. And how do you know Jimmy Chisum?
3] A. From the Legal Research Society. It was a
4] group that met once a week, and we attended. So I met
5] him there.
6] Q. Did he also give seminars?
7] A. Yes, he did.
8] Q. What type of seminars did he give?
9] A. Gave seminars related to trusts and forming
10] business organizations.
11] Q. Did you come to know his views concerning
12] the Internal Revenue Service?
13] A. Yes.
14] Q. How would you describe those?
15] A. I believe that he was concerned about some
16] of the things that the Internal Revenue Service was
17] engaged in and didn't follow the law or the regulations.
18] Q. And he's litigated tax cases, as far as you
19] know, with the United States?
20] A. Yes, according to information I've seen in
21] some of the cases I've read.
22] Q. And are you still in touch with Mr. Chisum?
23] A. I probably talk to him once a month, maybe
24] twice a month.
25] Q. What was your involvement in his classes?

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1] A. I generally ran the videotape and
2] videotaped them.
3] Q. And did you also sell the videotapes?
4] A. No. Mr. Chisum would take a certain number
5] of them to provide to people who hadn't attended, told
6] me I could sell the remainder, but I never sold any of
7] them.
8] Q. And Mr. and Mrs. Reading, James and Clare
9] Reading, are sitting at the table here today. Did they
10] also attend Mr. Chisum's seminars?
11] A. I don't recall them ever attending a Chisum
12] seminar.
13] Q. How did you come to know the Readings?
14] A. They very seldom attended the meetings of
15] the Legal Research Society, and that's where I met them.
16] Q. What did you call it?
17] A. Legal Research Society.
18] Q. What is that specifically?
19] A. It was a group that was formed about 26
20] years ago, I believe. And back in those days, the
21] paralegal who ran the group -- I guess Philip O'Neil
22] also ran it at one time. But they were dealing with
23] mostly tax issues in the earlier days.
24] Q. Was that paralegal John Wilde?
25] A. The John Wilde, yes.

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1) Q. Was the spelling of his name W-I-L-D-E?

2) A. Yes, it was.

3) Q. When you say "tax issues," what are you

4) talking about?

5) A. People who were having problems with the

6) IRS, notice of deficiencies, tax notices, John Wilde

7) would assist them and go into tax court.

8) Q. Was he a lawyer?

9) A. No, he wasn't. He was a paralegal.

10) Q. How would he assist them?

11) A. Doing documents for them.

12) Q. And is Mr. Wilde still alive?

13) A. No, he's not.

14) Q. Were there any specific -- I mean, the

15) Legal Research Society also has -- basically, they --

16) they don't think very much with the Internal Revenue

17) Service; is that correct?

18) A. Not -- not anymore, no. Are you -- are you

19) -- excuse me. Would you repeat the question? I missed

20) it.

21) MR. DUFFY: You want to repeat --

22) Q. BY MR. DUFFY: Let me just ask another

23) question.

24) A. Okay.

25) Q. Because, actually, I don't think it was

Page 10

1) that clear.

2) A. Okay.

3) Q. Concerning the Internal Revenue Service,

4) Legal Research Society, how does it consider the

5) Internal Revenue Service, or what views does it hold

6) generally?

7) A. Generally, I would say the members today

8) don't have much to do with the Internal Revenue Service

9) other than filing their tax returns. Because they're

10) out back --

11) Q. When did you say the Readings attended the

12) meetings?

13) A. Oh, probably five to eight years ago.

14) Q. How about back then? What was the

15) general --

16) A. At that time people who were having

17) problems with the IRS in one form or another, John Wilde

18) would assist them with paperwork to petition tax court.

19) Q. And he, as far as you know, has litigated

20) many cases. Not many. But he's litigated federal tax

21) cases, too?

22) A. He repeated the same losing arguments over

23) and over again, yes.

24) Q. You have a published case in tax court,

25) don't you?

Page 11

1) A. Correct. He died the day he was supposed

2) to help me with that.

3) Q. And tax court ruled against you in that

4) case?

5) A. Yes. Of course. Yes.

6) Q. Did they call some of your positions

7) frivolous?

8) A. Of course. Yes. I've learned a lot since

9) then.

10) Q. What were the positions that they called

11) frivolous?

12) A. I don't even recall, it's been so long ago.

13) But just the arguments about the income tax that

14) generally are put forth by protesters, and I have

15) learned that those arguments don't go anywhere.

16) Q. Did you argue in that case that wages

17) received are not taxable?

18) A. Probably did, yes.

19) Q. What do you think about that argument?

20) A. I think they're probably taxable if you

21) receive wages.

22) Q. And you advise your clients to -- you're

23) not a lawyer, are you?

24) A. I don't have clients. No, I'm not a

25) lawyer.

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1) Q. You don't advise anybody who receives wages

2) not to pay their taxes on those wages, do you?

3) A. I advise people to pay any tax they're

4) legally obligated to pay and to stay out of trouble.

5) Q. Would you consider the Readings your

6) friends?

7) A. Certainly.

8) Q. How often did you get together with the

9) Readings, say, over the last 10 years?

10) A. Oh, probably -- person to person, probably

11) not very often. I think maybe three or four occasions.

12) But I've seen them at the meetings, and we've talked on

13) the phone a few times.

14) Q. Does the Legal Research Society still meet?

15) A. Yes, it does.

16) Q. And do the Readings still attend?

17) A. Not very often. I think maybe -- oh,

18) maybe -- we only meet once a month now. So I would say

19) about every third or fourth meeting.

20) Q. Okay. And when I say the Readings -- or I

21) think it's the Readings --

22) A. Yes.

23) Q. -- I mean James and Clare Readings?

24) A. Yes. Sometimes Clare attends by herself.

25) Q. Who runs the meeting for the Legal Research

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1] Society these days?
 2] A. I would say that I'm the moderator.
 3] Q. Does Jimmy Chisum attend?
 4] A. He has been attending, yes.
 5] Q. Now, I'm going to mark this deposition that
 6] I served. There's a copy for you, Mr. Cryer. Let me
 7] just have this marked here as Exhibit 1.
 8] (Whereupon, the Reporter marked Deposition
 9] Exhibit 1.)
 10] Q. BY MR. DUFFY: I represent to you that this
 11] is the United States' Second Amended Notice of Taking
 12] Depositions and Request For Production of Documents.
 13] We've marked it here as Exhibit 1.
 14] A. Yes.
 15] Q. Now, I'm going to direct your attention to
 16] page 2. Right there. "Depositions." And it says, "The
 17] Fox Group Trust." The United States, pursuant to
 18] Federal Rule of Civil Procedure 30(b)(6), asks the Fox
 19] Group Trust to "designate one or more duly qualified
 20] individuals to testify about the following subject
 21] matters." And I'm going to go through these subject
 22] matters.
 23] I assume that you've been designated to
 24] appear and discuss all these categories today; is that
 25] correct?

Page 14

1] A. Yes.
 2] Q. Who designated you?
 3] A. The other trustee and I discussed it and --
 4] because Mr. Cryer sent this over to me. And we
 5] determined that I would come rather than Sylvia.
 6] Q. Who's the other trustee?
 7] A. Sylvia Boutillier.
 8] Q. How do you spell that?
 9] A. B-O-U-T-I-L-I-E-R.
 10] Q. Can you repeat that, please?
 11] A. Yes. Sylvia, S-Y-L-V-I-A,
 12] B-O-U-T-I-L-I-E-R.
 13] Q. And where is she located?
 14] A. She lives in Phoenix.
 15] Q. And is she involved with you acting as
 16] trustee in other cases or just this case?
 17] A. We -- in our previous deposition, we talked
 18] about the meetings that Mr. Wilde held to teach some of
 19] us how to do the trust work. And she's one of the
 20] people who attends those meetings.
 21] Q. And Mr. Vild? That's V-I-L-D.
 22] A. Yes.
 23] Q. And he also goes by the name of Phillip
 24] O'Neil?
 25] A. Phillip O'Neil.

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1] Q. And I think, as I recall it, he's training
 2] you and others to become trustees?
 3] A. Yes.
 4] Q. Is he still training you, or are you
 5] finished with your training?
 6] A. He's retired. He keeps saying that.
 7] Q. Okay. When did you become trustee of the
 8] Fox Group Trust?
 9] A. I became trustee on January 1, 2011.
 10] Q. And who asked you to become trustee?
 11] A. I was asked by the Readings if I would take
 12] a look at it since the other trustees at that point were
 13] no longer available.
 14] Q. What do you mean, "the other trustees"?
 15] A. The previous two trustees were not able to
 16] act as trustees, and they had signed the resignation
 17] that they would resign as soon as another trustee was
 18] able to take over.
 19] Q. As far as you know, why couldn't they act
 20] as trustees?
 21] A. I don't know the details.
 22] Q. And so the Readings came to you and said,
 23] "Hey, Terry Major, we need you to be the trustee"?
 24] A. They asked if I would consider it, and I
 25] looked at the documents and told them I'd be glad to

Page 16

1] step in and take over the responsibilities.
 2] Q. And what do you receive in exchange for
 3] acting as the trustee?
 4] A. Nothing as of yet. We're going to be
 5] discussing that when this case is over. Then we'd
 6] probably make some changes in the trust.
 7] Q. They're going to pay you a fee?
 8] A. The trust will pay a fee, yes.
 9] Q. And what do you generally charge to be
 10] trustee?
 11] A. For a trust like this, probably \$300 a
 12] year.
 13] Q. And what changes are you going to make to
 14] the trust?
 15] A. My recommendation will be that we replace
 16] it with a new trust. This is a -- it's an okay trust.
 17] Q. Let's go through these categories in
 18] Exhibit 1, page 2.
 19] A. Certainly.
 20] Q. You've been designated to testify about
 21] "any legal or other interest that the Fox Group Trust
 22] may have in the real property."
 23] A. Yes.
 24] Q. And you understand that that reference to
 25] real property is the residence located at 2425 East Fox

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1] Street, Mesa, Arizona?
 2] A. Yes.
 3] Q. So if I refer to the real property, that's
 4] what I'm -- let me finish me question.
 5] A. Uh-huh.
 6] Q. So if I refer to the real property, that's
 7] what I'm referring to.
 8] A. Yes.
 9] Q. And you can testify about the paragraph A;
 10] correct?
 11] A. Yes.
 12] Q. You can also testify about "the formation
 13] of the Fox Group Trust and the documents relating to its
 14] creation and continuing existence"?
 15] A. Yes.
 16] Q. And when was it created?
 17] A. September 21 of 2004.
 18] Q. And you were around then?
 19] A. No, I was not. Well, I was around, but not
 20] in regards to the formation of the trust.
 21] Q. How can you testify about it if you weren't
 22] present?
 23] A. From reading the original trust documents
 24] that were signed by all the parties.
 25] Q. That's the extent?

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1] A. Yes.
 2] Q. And you have no idea when those documents
 3] were signed?
 4] A. According to the date on the documents, it
 5] was September 21, 2004.
 6] Q. But you weren't there?
 7] A. I was not there. I was not physically
 8] present.
 9] Q. And you can testify about "the alleged
 10] transfer of the real property from the Readings to the
 11] Fox Group Trust on or about June 10, 2005"?
 12] A. Yes.
 13] Q. You can testify about "the consideration,
 14] whether monetary or otherwise, paid or given by the Fox
 15] Group Trust to the Readings in return for the alleged
 16] transfer of the real property"?
 17] A. Yes. Based on the documents.
 18] Q. And you can testify about these other
 19] paragraphs, D through J?
 20] A. D -- yes. Based on the documents that I've
 21] examined.
 22] (Whereupon, the Reporter marked Deposition
 23] Exhibit 2.)
 24] Q. BY MR. DUFFY: Have you ever seen that
 25] document?

Page 19

1] A. I believe this was the original deed when
 2] the property was purchased by the Readings, from the
 3] looks of it. I may have seen it. I don't recall
 4] specifically.
 5] Q. And in your duties as trustee in helping
 6] others, you recognize things such as joint tenancy deeds
 7] and things like that?
 8] A. Yes.
 9] Q. This is basically when the Readings
 10] purchased the real property that's at issue in this
 11] case?
 12] A. Correct.
 13] Q. This was in 1979, it looks like.
 14] A. Yes.
 15] Q. Going back to Mr. Chisum, would you
 16] consider yourself a student of Mr. Chisum's?
 17] A. No, I would not.
 18] Q. You attended his seminars. What would you
 19] consider him to you?
 20] A. I believed at that time that there was
 21] information he was disseminating which I was interested
 22] in studying. As a student would be one who would
 23] follow him, and I don't believe I wish to follow him.
 24] Q. Did you ever follow him?
 25] A. I followed some of his ideas, which is why

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1] I went to tax court recently.
 2] Q. How many years did you follow Mr. Chisum's
 3] teachings?
 4] A. I would say probably three years.
 5] Q. Three years? What were those years? Do
 6] you recall?
 7] A. 2000 -- probably '3, '4, '5, or '4, '5, '6,
 8] along that period.
 9] Q. And are you still in touch with Mr. Chisum?
 10] A. As I said earlier, yes.
 11] Q. Do you ask him for advice?
 12] A. No.
 13] Q. When you talk with Mr. Chisum, what do you
 14] talk about?
 15] A. As I think we discussed in our earlier
 16] deposition, he was permitted by the court to help us
 17] solve the problems that were created by these trusts,
 18] and he's helped us by answering questions for us when we
 19] aren't sure of something.
 20] Q. Now, Exhibit 2 that I just showed you, the
 21] Fox Group Trust had nothing to do with purchasing the
 22] real property; correct?
 23] A. Correct.
 24] MR. DUFFY: Mark this as Exhibit 3, please.
 25] (Whereupon, the Reporter marked Deposition

<p style="text-align: right;">Page 21</p> <p>1] Exhibit 3.)</p> <p>2] Q. BY MR. DUFFY: What is that document? Have</p> <p>3] you ever seen it?</p> <p>4] A. I don't recall having seen this one, but</p> <p>5] it's a mortgage note.</p> <p>6] Q. What's the date on that?</p> <p>7] A. I need my magnifying glass. It looks like</p> <p>8] March 4 of 1993.</p> <p>9] Q. Now, at that point in time, it looks like</p> <p>10] the Readings borrowed \$68,000 from the Venture Financial</p> <p>11] Services, Inc. company. Is that what your take on this</p> <p>12] document is?</p> <p>13] A. It appears that's correct.</p> <p>14] Q. And this is basically the mortgage on the</p> <p>15] real property?</p> <p>16] A. Yes. It appears to be.</p> <p>17] Q. Do you know if the Readings still owe money</p> <p>18] on that note?</p> <p>19] A. I believe they do.</p> <p>20] Q. And the note's changed hands down through</p> <p>21] various mortgage companies?</p> <p>22] A. Undoubtedly, as normally would happen.</p> <p>23] Q. Now, the Fox Group Trust had nothing do</p> <p>24] with this note?</p> <p>25] A. Correct.</p>	<p style="text-align: right;">Page 23</p> <p>1] A. That they're responsible to see that it's</p> <p>2] paid off. And, obviously, to protect the property, they</p> <p>3] would have -- payments have to be current.</p> <p>4] Q. Why does Fox Group Trust care about whether</p> <p>5] they make the payments? Fox Group Trust isn't a party</p> <p>6] to the note.</p> <p>7] A. If they don't pay the note, the house will</p> <p>8] be foreclosed, and Fox Group Trust will lose its asset</p> <p>9] value in the home.</p> <p>10] Q. So the Fox Group Trust has made no mortgage</p> <p>11] payments on this note?</p> <p>12] A. It's not the debt of the Fox Group Trust.</p> <p>13] This debt is to the Readings.</p> <p>14] Q. It's between the Readings and the bank?</p> <p>15] A. Yes. My only concern is that they keep</p> <p>16] current.</p> <p>17] Q. Have you ever been to the real property?</p> <p>18] A. Yes, I have.</p> <p>19] Q. How often do you go?</p> <p>20] A. I think I've been there probably about</p> <p>21] every two months.</p> <p>22] Q. How about before you got involved with the</p> <p>23] Fox Group Trust? Did you ever visit the Readings'</p> <p>24] house?</p> <p>25] A. No, I hadn't. Not before.</p>
<p style="text-align: right;">Page 22</p> <p>1] Q. The Fox Group Trust was not a payor or</p> <p>2] obligor?</p> <p>3] A. Not even formed at that time.</p> <p>4] Q. Your understanding is the Readings still</p> <p>5] owe moneys on this note?</p> <p>6] A. Yes.</p> <p>7] Q. Do you know how they pay the mortgage?</p> <p>8] A. I believe they pay it out of their personal</p> <p>9] checking account or with money orders. But I have been</p> <p>10] verifying with them that they are current on the</p> <p>11] mortgage.</p> <p>12] Q. How do you know how they pay the mortgage?</p> <p>13] A. The -- she keeps records in envelopes, and</p> <p>14] I've seen the envelopes. We've checked on it, and they</p> <p>15] do keep receipts to show it was paid.</p> <p>16] Q. Who is "she"?</p> <p>17] A. Clare Reading.</p> <p>18] Q. So ever since you got involved, you make</p> <p>19] sure she pays the mortgage?</p> <p>20] A. Yes.</p> <p>21] Q. And does the Fox Group Trust make payments</p> <p>22] on that mortgage?</p> <p>23] A. Not unless they default.</p> <p>24] Q. What types of discussions have you had with</p> <p>25] the Readings concerning the note?</p>	<p style="text-align: right;">Page 24</p> <p>1] Q. I think you said that you and the Readings</p> <p>2] are friends?</p> <p>3] A. Yes.</p> <p>4] Q. Would you see them other places other than</p> <p>5] these meetings of the society that you talked about?</p> <p>6] A. Yes. The Arizona Breakfast Club meets once</p> <p>7] a month, and Clare would often attend the Breakfast</p> <p>8] Club.</p> <p>9] Q. What's the Arizona Breakfast Club?</p> <p>10] A. They've been meeting since 1968. It used</p> <p>11] to be that if you wanted to run for office in the State</p> <p>12] of Arizona, you had to come to the Breakfast Club. It's</p> <p>13] been kind of an area where people would come and speak,</p> <p>14] and we had different speakers. Ernest Hancock runs the</p> <p>15] meeting now, and he usually runs for office. So it's</p> <p>16] kind of a political action organization.</p> <p>17] Q. What about John Wilde? What would you --</p> <p>18] how would you term your relationship with John Wilde?</p> <p>19] And that's W-I-L-D-E.</p> <p>20] A. I consider him a friend.</p> <p>21] Q. Was he at one time an advisor to you?</p> <p>22] A. Yes. Yes.</p> <p>23] Q. And you studied for Mr. Wilde?</p> <p>24] A. Yes. He used to run the meetings of the</p> <p>25] Legal Research Society when I joined.</p>

<p style="text-align: right;">Page 25</p> <p>1] Q. Do you ever disagree with Mr. Wilde's 2] positions? 3] A. Looking back, I do now. 4] Q. How many years did you follow Mr. Wilde's 5] advice? 6] A. I knew him for, I think, about six years 7] before he died. 8] Q. So during that time, basically, would you 9] term yourself a student or somebody who studied from him 10] or an advisee, or how would you term it? 11] A. We shared discussions, and when it came to 12] legal documents, he would assist me in preparation of 13] documents. But I never allowed him to prepare them. I 14] would redo what he did. 15] Q. So was he somebody who directed your 16] actions? Was he in charge, or were you in charge? 17] A. I was in charge. He would make 18] recommendations, which at that time I thought was a good 19] idea. 20] Q. How many cases did you work on with Mr. 21] Wilde? 22] A. Just my cases. Just my tax court case. 23] Q. Are there any published cases other than 24] your own tax court case that you worked on? 25] A. With Mr. Wilde? No.</p>	<p style="text-align: right;">Page 27</p> <p>1] worked on, as far as you know, any cases you can find 2] through computer research like on Westlaw or Lexis or 3] places like that, even the Internet? 4] A. Certainly. 5] Q. Which other cases? 6] A. Well, there's -- you can look up cases 7] under plol.org. It's a free website where you can look 8] up cases. 9] Q. But, I mean, are any of your cases, cases 10] that you worked on, as far as you know, can you find 11] them doing computer research? 12] A. I don't believe they would be -- they're 13] State cases, and they're not -- the documents are not 14] listed on the Internet. 15] Q. So, basically, the Forman case, the Lipari 16] case you worked on. Any other cases? 17] A. Just this case here is the only one I've 18] done study on at all. 19] MR. DUFFY: Mark this. 20] (Whereupon, the Reporter marked Deposition 21] Exhibit 4.) 22] Q. BY MR. DUFFY: Have you ever seen that 23] document? 24] A. Yes, I've seen a copy of this. 25] Q. What is Exhibit 4?</p>
<p style="text-align: right;">Page 26</p> <p>1] Q. How about otherwise? 2] A. Published cases. I don't know whether it's 3] published or not. But there was the Forman case, which 4] was concluded a few months ago. 5] Q. How do you spell Forman? 6] A. F-O-R -- I think it's F-O-R-M-A-N. 7] Q. And was that a civil tax case? 8] A. Yes. 9] Q. And was that case tried? 10] A. No. 11] Q. And how did that case turn out? 12] A. Quite well. We made a settlement 13] agreement. 14] Q. How about other cases? 15] A. Just the Lipari case. 16] Q. Lipari case. Any other cases? Are you 17] familiar with Westlaw? 18] A. Yes. I'm familiar with it. 19] Q. Or computer -- 20] A. From the legal -- or from attending or from 21] going to the law library at ASU. 22] Q. You do legal research? 23] A. Yes. I've got two other cases that are 24] unrelated to tax issues that are going on. 25] Q. And are any of your cases that you've</p>	<p style="text-align: right;">Page 28</p> <p>1] A. It is a Quit Claim Deed, and it was filed 2] on 6-10-05, so June of '05, where the Readings quit- 3] claimed their interest in the property that we were 4] discussing to the Fox Group Trust. 5] Q. They owned this property in their personal 6] capacities, is that what you understand. 7] A. Yes, according to the first document we 8] saw. 9] Q. And they transferred the property by Quit 10] Claim Deed to the Fox Group Trust? 11] A. Yes. And it says here subject to the 12] existing mortgage. In other words, they're responsible 13] for the debt. 14] Q. Do you know why the Readings gave the real 15] property to the Fox Group Trust? 16] A. Their intention was to place the property 17] in trust for estate planning purposes to avoid probate 18] and to see to it that, no matter what happened to them, 19] the equity in the property would go to their nephew. 20] Q. How do you know that? 21] A. From documents and from discussion with the 22] Readings. 23] Q. What documents? 24] A. From the documents that we've presented. 25] Q. We'll go over those documents.</p>

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1] A. Yes.
 2] Q. But there's reference to estate planning in
 3] those documents?
 4] A. Just by reading it, the intention is that
 5] it go to the beneficiary, and they're not the
 6] beneficiary.
 7] Q. Is the nephew mentioned in those documents?
 8] A. I believe he is.
 9] Q. Who would you have these conversations
 10] with? Clare Reading or James Reading?
 11] A. I've discussed it with both of them, and I
 12] intend to meet with the beneficiary as soon as possible.
 13] Q. Who was the beneficiary?
 14] A. Beneficiary is the nephew, and he lives in
 15] Los Angeles, Austin Reading. And he's the son of
 16] James's brother.
 17] Q. And what do you understand? What was the
 18] estate planning reason that you understand in talking to
 19] the Readings?
 20] A. That if they became infirm or they died,
 21] they wanted the property to not have to go through
 22] probate with the estate, that they wanted this one
 23] person to receive the full benefit of the property.
 24] Q. And when did you have this discussion with
 25] the Readings?

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1] A. Back in December of 2010 before we took
 2] over as trustees.
 3] Q. And did both of them tell you that?
 4] A. Yes.
 5] Q. So you weren't involved with Fox Group
 6] Trust when this Exhibit 4 was filed?
 7] A. No, I was not.
 8] Q. So do you know whether or not Fox Group
 9] Trust gave any consideration to the Readings?
 10] A. The only consideration that I know of would
 11] be the fact that, once it was put into trust, the trust
 12] owns the property, and they're permitted to live there,
 13] which is considerable consideration over the number of
 14] years if they live for another 20 years, and that they
 15] have the peace of mind of knowing that their estate plan
 16] purpose is going to be carried out.
 17] Q. So they gave their property to the Fox
 18] Group Trust and -- let me get this straight -- the Fox
 19] Group Trust is letting them live there, and that's the
 20] consideration?
 21] A. They're required to pay all the overhead,
 22] but, yes, they continue to live in the property.
 23] Q. Let me back up just a second.
 24] A. Uh-huh.
 25] Q. The Fox Group Trust received this property

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1] from the Readings, and in consideration, the Fox Group
 2] Trust is letting the Readings live in their house?
 3] A. It's not their house. The house belongs to
 4] the trust.
 5] Q. Okay.
 6] A. They are permitted to live there.
 7] Q. The Readings transferred the real estate?
 8] A. The ownership to the trust.
 9] Q. And the trust in return is letting the
 10] Readings live in the house on the property?
 11] A. Yes.
 12] Q. That's the consideration?
 13] A. The estate planning purposes of avoiding
 14] probate.
 15] Q. And is there any mention of estate planning
 16] or probate or anything in this Exhibit 4?
 17] A. Exhibit 4, no.
 18] Q. Who was the trustee at the time?
 19] A. There were two trustees that were original
 20] trustees. The names were Pastorkey and Baird, I
 21] believe.
 22] Q. Have you ever backdated a document?
 23] A. No, I haven't.
 24] Q. Do you know what backdating is?
 25] A. Yes.

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1] Q. Have you ever seen anybody else backdate a
 2] document?
 3] A. No, I haven't.
 4] Q. Never?
 5] A. No.
 6] Q. Okay. Since June 10, 2005, who has lived
 7] in the real property?
 8] A. The Readings have.
 9] Q. Has anybody else lived in it?
 10] A. Not to my knowledge.
 11] Q. Have they paid rent to live in the
 12] property?
 13] A. They've maintained the property according
 14] to the contract.
 15] Q. Have they made monthly payments to the Fox
 16] Group Trust?
 17] A. There's been no need to. No, they haven't.
 18] Q. Have they made any payments to the Fox
 19] Group Trust?
 20] A. Only to cover expenses that the Fox Group
 21] Trust would incur.
 22] Q. Has the Fox Group Trust incurred expenses?
 23] A. Since I took over, no. And I wouldn't have
 24] any knowledge prior to that.
 25] Q. So they've made no payments to the Fox

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11 Group Trust?
 21 A. Not since I took over that I know of.
 31 Q. Do you know of payments before that time?
 41 A. I have no knowledge of anything before.
 51 Q. Are you still in touch with the previous
 61 trustees?
 71 A. No, I'm not.
 81 Q. Have you ever talked to them?
 91 A. No, I haven't.
 101 Q. Have you ever met them?
 111 A. No, I haven't.
 121 Q. What do you know about the previous
 131 trustees?
 141 A. Nothing. They were unavailable.
 151 Q. Have you tried to get in contact with them?
 161 A. No. There was no need.
 171 Q. Why is that?
 181 A. They resigned as trustees. We had the
 191 resignation forms. And we were appointed trustees.
 201 Q. How do you know they signed the forms?
 211 A. Well, I guess they -- I don't.
 221 Q. Did you direct somebody to get them to sign
 231 the forms?
 241 A. No, I didn't.
 251 Q. They just showed up? They just were given

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11 to you signed?
 21 A. They were part of the trust document. They
 31 had been put in there specifically so new trustees could
 41 be assigned.
 51 Q. And who pays the real estate taxes on the
 61 property?
 71 A. The Readings do.
 81 Q. How about the maintenance and upkeep?
 91 A. The Readings do.
 101 Q. And as far as you know, the Readings paid
 111 the real estate taxes and the maintenance and upkeep
 121 since June 10, 2005?
 131 A. Yes.
 141 Q. How about the insurance on the house? Who
 151 pays that? Who's paid that since June 10, 2005?
 161 A. The mortgage has all of that wrapped, PITI.
 171 So everything is included in the mortgage payments.
 181 Q. And the Readings make the mortgage payment?
 191 A. Yes.
 201 Q. Who pays the utilities on the property?
 211 A. The Readings do.
 221 Q. As far as you know, they've paid the
 231 utilities since June 10, 2005?
 241 A. Yes.
 251 Q. And can the trust, Fox Group Trust,

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11 transfer the property back to the Readings?
 21 A. It's not in the agreement that would ever
 31 happen. So the answer would be no.
 41 Q. Absolutely not?
 51 A. Absolutely.
 61 Q. So the Readings can never own this property
 71 again?
 81 A. I suppose they could buy it, but we
 91 wouldn't sell it to them, I don't believe.
 101 Q. Do you know if the Readings have acted on
 111 behalf of the trust since June 10, 2005?
 121 A. They were not supposed to. They are
 131 administrative trustees, according to the document. But
 141 there's been no action necessary that I've been informed
 151 of.
 161 Q. So if they were acting on behalf of the
 171 trust, that was improper action?
 181 A. In my opinion, yes.
 191 Q. Have you talked to them about that, whether
 201 they acted on behalf of the trust?
 211 A. Yes. I mean, there's been nothing that
 221 I've been told.
 231 Q. They told you they've never acted on behalf
 241 of the trust?
 251 A. Correct. Trust is just an existence. It

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11 owns the property.
 21 Q. What's an administrative trustee for the
 31 Fox Group Trust? What does that constitute?
 41 A. If I can refer to the trust document, it
 51 tells what it is right in here.
 61 Q. Why don't we wait then. We'll get to that.
 71 A. Okay. It's right in the second section of
 81 the trust.
 91 Q. We'll go through that.
 101 A. All right.
 111 Q. Do you know if the Readings ever referred
 121 to the real property as their property after June 10,
 131 2005?
 141 A. Well, if they said it to me, I would have
 151 corrected them. I've not heard them do that.
 161 Q. Have they told you they've never
 171 represented to anybody that it was their property after
 181 June 10, 2005?
 191 A. They -- that topic didn't come up.
 201 MR. DUFFY: Okay. Okay. Mark this.
 211 (Whereupon, the Reporter marked Deposition
 221 Exhibit 5.)
 231 Q. BY MR. DUFFY: Let's go back briefly to
 241 Exhibit 1.
 251 A. Yes.

<p style="text-align: right;">Page 37</p> <p>1] Q. Now, Exhibit 1 requested somebody from the 2] trust to show up and give a deposition, but also to 3] produce documents. And I want to go through the 4] document production, make sure I keep everything 5] straight as far as what was produced. 6] So Exhibit 5 was a document that the trust 7] produced in response to this category. This is my 8] understanding. It's paragraph A, page 4 of Exhibit 1. 9] "All documents that evidence whether consideration was 10] paid or given by the Fox Group Trust to the Readings in 11] return for the alleged transfer of the real property 12] from the Readings to the Fox Group Trust on or about 13] June 10, 2005." 14] So your understanding is that Exhibit 5 was 15] produced in response to that paragraph? 16] MR. CRYER: If I could interrupt for a second and 17] to interject that that document was also -- although the 18] e-mail that I sent you with the digital version of the 19] document did not reflect that, it was also sent or 20] intended to be sent, I believe with respect to E, echo, 21] the category "documents relating to the formation of the 22] Fox Group Trust." So it was also tendered in 23] response -- should have been reflected in my e-mail. It 24] was tendered in response to both A and E. 25] MR. DUFFY: Thank you.</p>	<p style="text-align: right;">Page 39</p> <p>1] A. Well, it states in the document it was 2] September 21 of 2004, and all the pages are dated 3] 9-21-04. 4] Q. But you have no personal knowledge? 5] A. No personal knowledge. 6] Q. How did you get this document? 7] A. I got it -- we got the original documents 8] when we took over as trustees on January 1 of 2011, 9] Sylvia and I. 10] Q. And did you and Sylvia have a meeting? Did 11] you go over to the Readings' house? What happened? 12] A. As I recall, Sylvia and I met on that day, 13] and there were number of other documents that we signed 14] on that day. So we had a special meeting to take care 15] of documents. We'd agreed to do this in December, and 16] January 1 was the day we met to do it. 17] Q. What's your understanding why the Fox Group 18] Trust was formed? 19] A. My understanding is it was formed to hold 20] property as a holding trust. 21] Q. And was the Fox Group Trust formed also for 22] estate tax purposes? 23] A. Estate planning purposes, in other words, 24] to hold the property that the Readings at that time 25] owned when they put it into trust.</p>
<p style="text-align: right;">Page 38</p> <p>1] Q. BY MR. DUFFY: Sir, you're looking at 2] Exhibit 5. What is did Exhibit 5? 3] A. Exhibit 5 is a copy of the trust indenture 4] document. 5] Q. Who drafted that document? 6] A. Man by the name of Nost -- N-O-S-T, I 7] believe -- was the creator who wrote up the trust. 8] Q. You have no personal knowledge of this 9] document; correct? 10] A. That is correct. Other than reading it. 11] Q. Pardon? 12] A. I didn't have any part in the creation of 13] it, no. 14] Q. When's the first time you saw this 15] document? 16] A. Back in December of 2010. 17] Q. And who is Mr. Nost? 18] A. I have never met him. I have no idea. 19] Q. Where does he live? 20] A. I don't know that either. 21] Q. So what is this document? 22] A. This is the -- the contract, essentially, 23] that formed the Fox Group Trust. 24] Q. And you have no idea personally when this 25] document was executed?</p>	<p style="text-align: right;">Page 40</p> <p>1] Q. Where is the reference in this document to 2] estate planning purposes? 3] A. "Character and Purpose of the Trust." 4] Let's see. Give me just a moment. It's basically 5] throughout the document. But -- 6] Q. Where is the word "estate planning"? 7] A. Those words don't occur in these old trusts 8] even though they probably should have. But it's to hold 9] and convey property for the benefit of the 10] beneficiaries. And that's under -- that would be page 2 11] and 3 where we get into that character and purpose of 12] the trust. 13] Q. So there's no reference to estate planning? 14] A. No. 15] Q. Where do you see the reference to holding 16] property for the beneficiary? 17] A. If you'll look on page 3, that top 18] paragraph, "The purpose of this instrument is to hold 19] and convey property to the Trust, to constitute a 20] Private Contract Pure Trust for the benefit of the 21] Beneficiaries, held in fee simple..." etcetera. 22] Q. Who is the beneficiary at this point in 23] time? 24] A. The only beneficiary is the nephew, Austin 25] Reading.</p>

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1] Q. Where is his name in this document?
 2] A. In the original document, the name doesn't
 3] appear.
 4] Q. So who was the beneficiary at this point in
 5] time?
 6] A. I can't tell from the document.
 7] Q. When did he become a beneficiary?
 8] A. That would have been in the minute entries
 9] and the letter of wishes that would have been written up
 10] afterward.
 11] Q. Was this document filed with the State or
 12] any other agency?
 13] A. No. There was no requirement to file or
 14] record a trust. It's a private contract.
 15] Q. So who was involved? What's your
 16] understanding of how the trust was formed? Who got
 17] together, and what was the -- all you know is hearsay;
 18] correct?
 19] A. Correct. I have no firsthand knowledge.
 20] Q. You have zero personal knowledge?
 21] A. I can only --
 22] Q. What's your understanding of how the
 23] trustee, the Readings, and others got together to form
 24] this plan? What was the discussion?
 25] A. That the four of them that signed the

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1] document on page 9 went over the verbiage of the
 2] document, made the agreement, had a meeting of the
 3] minds, and signed the document. And then they had an
 4] affidavit of truth added at an additional -- an
 5] additional time. I guess it was -- looks like May 6 of
 6] '05, which was notarized.
 7] Q. Now, Mr. Nost's name is set forth here?
 8] A. Yes.
 9] Q. Had you ever heard of Mr. Nost before
 10] seeing this document?
 11] A. No, I hadn't.
 12] Q. How about Mr. Pastorkey?
 13] A. Pastorkey or Baird, I hadn't heard of
 14] either. Just their documentation.
 15] Q. What have you heard about these
 16] individuals? Anything?
 17] A. Nothing.
 18] Q. Did you ask the Readings who Mr. Pastorkey,
 19] who Mr. Baird, or who Mr. Nost was?
 20] A. No.
 21] Q. You have no curiosity?
 22] A. Not really, no.
 23] Q. You don't know where they live?
 24] A. No. I just know they resigned as trustee,
 25] and they asked that I take over, and I agreed to.

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1] Q. You've had no discussion concerning those
 2] individuals?
 3] A. No. It's not relevant.
 4] Q. Never mentioned their name?
 5] A. Not relevant to what we're doing.
 6] Q. Never mentioned their name?
 7] A. No.
 8] Q. Now, on page 8 of this document, it says,
 9] "This trust is Recorded at the office of Loul
 10] Foundation." L-O-U-L. What's your understanding of
 11] what the Loul Foundation is?
 12] A. I have no idea.
 13] Q. Never heard of it?
 14] A. Actually, I have not.
 15] Q. It says, "The recording number shall be the
 16] TIN number...."
 17] A. Correct.
 18] Q. What is the TIN number?
 19] A. Would have been the number obtained from
 20] the Internal Revenue Service, tax ID number, which is on
 21] the second page of the document and in a couple of other
 22] locations.
 23] Q. So the Fox Group Trust actually applied for
 24] a taxpayer identification number from the I --
 25] A. It appears they have. I --

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1] Q. Let me finish my question.
 2] A. Sorry.
 3] Q. So the Fox Group Trust applied for a
 4] taxpayer identification number from the Internal Revenue
 5] Service?
 6] A. I have no firsthand knowledge, and I have
 7] not had the opportunity to check the number.
 8] Q. What is your understanding of when this
 9] number was applied for?
 10] A. I would have no idea.
 11] Q. Did you check into it?
 12] A. I have not had an opportunity to do that
 13] yet. We've had no tax filing requirement at this time.
 14] Q. What are the requirements of your
 15] involvement with other trusts? What are the
 16] requirements for a trust?
 17] A. Requirements?
 18] Q. For a trust to exist. What does a trust
 19] need to do?
 20] A. A trust would have to have the -- it's a
 21] contract, so you'd have to have the meeting of the minds
 22] of the parties. There has to be consideration. And so
 23] I'd have to have a lawful purpose like any contract.
 24] Q. How about filing requirements or other
 25] requirements, continuing requirements?

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1] A. If the trust produces income, then it would
 2] be required to file a tax return, which would be a 1041
 3] form for most trusts.
 4] Q. So Fox Group Trust doesn't receive any
 5] income?
 6] A. No, it doesn't.
 7] Q. Doesn't receive any payment?
 8] A. Not yet.
 9] Q. What other continuing duties does the trust
 10] have? To file documents or anything?
 11] A. If there's a transfer of the property,
 12] either more property into the trust or property out of
 13] the trust, then there would be documentation and
 14] paperwork to file.
 15] Q. What's your understanding of other State
 16] requirements that a trust must adhere to in the State of
 17] Arizona?
 18] A. It's a private contract. So to my
 19] knowledge, there's nothing else that would have to be
 20] done.
 21] Q. There's no requirements?
 22] A. No.
 23] Q. Did you ask the Readings about the Loul
 24] Foundation?
 25] A. No, I didn't.

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1] Q. It doesn't concern you?
 2] A. Based on the document and what our purpose
 3] is, no, it does not.
 4] Q. What does it mean that the trust is
 5] recorded at the office of the Loul Foundation?
 6] A. I assume that that foundation, wherever it
 7] is, has a copy of the trust on file.
 8] Q. Okay. Page 8 says, "Verification." "In
 9] witness hereof, the exchangers have set their hand...."
 10] Who are the exchangers?
 11] A. Based upon the design of this document, the
 12] exchangers are Clare and James Reading.
 13] Q. What is an exchanger, as far as you know?
 14] A. One who places property into the trust.
 15] Q. That's a legal term?
 16] A. I don't know whether it's legal or not, but
 17] it's used in trust verbiage.
 18] Q. Mr. Pastorkey lives here in Arizona?
 19] A. I don't know where he lives.
 20] Q. Isn't he a member of the Scottsdale
 21] Symphony?
 22] A. That would be a first. I really know
 23] nothing about him.
 24] Q. So the first time you saw this document was
 25] in December, 2010?

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1] A. Yes.
 2] Q. Have you seen other documents similar to
 3] this, other trust documents that Mr. Nost prepared?
 4] A. I've never seen another Nost document that
 5] I can recall.
 6] Q. And is Nost another individual like John
 7] Wilde or Jimmy Chisum?
 8] A. I don't know anything about Mr. Nost.
 9] Q. Do you know if any of these individuals,
 10] Pastorkey, Baird, Nost, have pseudonyms?
 11] A. I have no idea.
 12] Q. Do you use a pseudonym?
 13] A. No, I don't.
 14] Q. Affidavit of Truth, page 9A of 9.
 15] A. Correct.
 16] Q. Now, does this Affidavit of Truth relate to
 17] the first nine pages, or does it just stand alone?
 18] A. Based on the document itself, I can't tell.
 19] Q. Well, it's dated differently, isn't it,
 20] from the first nine pages?
 21] A. Yes. The exchanger initial and date is 5-6
 22] of '05. So it would be May 6 of 2005.
 23] Q. You have no idea who added this page, do
 24] you?
 25] A. No, I don't. It just was in the trust book

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1] with the original documents.
 2] Q. And did you ask the Readings about it?
 3] A. No. It's -- it basically restates the
 4] parties to the trust. So it didn't seem to have any
 5] weight as far as any legal significance.
 6] Q. And who's Ellen K. Smith?
 7] A. Based upon the stamp, a notary public in
 8] Arizona. But I personally have no knowledge of who she
 9] is.
 10] Q. Do you know if her license to notarize was
 11] revoked?
 12] A. I -- again, this is the only time I've seen
 13] her name.
 14] Q. Are those Mr. Reading's initials throughout
 15] that document on the bottom?
 16] A. I don't know. I would assume they are, but
 17] I don't know. Based on his signature, it appears to be.
 18] Q. Now, there's an address box for the trust
 19] care of 4448 East Main Street.
 20] A. Yes.
 21] Q. Who owns that building?
 22] A. I asked about that. And I don't believe
 23] that box is used any longer. And as far as who owns the
 24] building, I have no idea. I've not been there.
 25] Q. So that address doesn't ring a bell?

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1) A. No. It's my -- I was told it's an old
2) address no longer used.
3) Q. And is that still the location for the Fox
4) Group Trust?
5) A. The location currently -- and we need do
6) some work to inform people, but it's going to be P.O.
7) Box 2023, Cottonwood, Arizona.
8) Q. When are you going to get around to doing
9) that?
10) A. Well, there has been no purpose for mail up
11) until now. But we're going to be doing that in the next
12) couple of weeks. I'm meeting with the other trustee.
13) Q. So as far as you know, the Fox Group Trust
14) has never received mail?
15) A. As far as I know, it has not.
16) Q. Now, I think you mentioned the term
17) "administrative trustee." You were going to explain
18) that. Is that term set forth in this Exhibit 5?
19) A. Yes, it is.
20) Q. Who is the administrative trustee?
21) A. When the document was created, Clare and
22) her husband were assigned to be the administrative
23) trustees on behalf of the trust. And their signatures
24) as such are on page 8 of the trust document.
25) Q. So they're both the exchanger and the

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1) administrative trustee?
2) A. Correct.
3) Q. Now, what do you understand the role of the
4) administrative trustee to be?
5) A. They would be in a position, since they
6) live on the property, to be aware of issues regarding
7) the property and could handle the day-to-day activities
8) related to mowing the lawn and maintaining the building,
9) etcetera. So they would handle the administrative
10) duties associated with maintenance of the property.
11) Q. Who authorized them to be the
12) administrative trustee?
13) A. The original two trustees, which would be
14) Pastorkey and Baird.
15) Q. So, basically, the original trustees
16) deputized them to be kind of the trustees on the
17) property?
18) A. Yes.
19) Q. What other roles does the administrative
20) trustee have?
21) A. Well, according to the document, it says
22) they're hired by private contract to execute all needful
23) work and tasks on behalf of the trust and the
24) beneficiaries in return for having a lifetime use of the
25) property.

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1) Q. You said that you had problems with the
2) trust agreement. What are your problems with it?
3) A. Just that -- my opinion and probably not
4) pertinent here, just that we would not design a trust
5) today like that. We would not have the exchangers
6) involved.
7) Q. Why is that?
8) A. Just is better to divide completely to show
9) ownership that the original exchangers and beneficiaries
10) should not be involved in the operation.
11) Q. How are they involved here? Explain that
12) to me. You're an expert. Explain it to me.
13) A. Well, we -- I don't know of any way other
14) than what I've said. Just that they -- their names are
15) associated with activities regarding control, and we
16) don't want exchangers or beneficiaries to have any
17) control if it's irrevocable.
18) Q. Why is that?
19) MR. CRYER: Excuse me a second. I hate to do
20) this. I warned you in advance. But we need to take a
21) short break here.
22) MR. DUFFY: Okay.
23) MR. CRYER: I hate to do it. I'm trying to get
24) you through this. But I'm on medication that's going
25) to --

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1) MR. DUFFY: Yeah.
2) MR. CRYER: -- have its way.
3) MR. DUFFY: That's fine. I don't want to make
4) you uncomfortable.
5) (Whereupon, a recess was taken from 1:32
6) p.m. to 1:46 p.m.)
7) Q. BY MR. DUFFY: So when do you propose
8) you're going to change the trust documents in this case,
9) Mr. Major?
10) A. I have no idea.
11) Q. And if you change the documents, do you
12) think you're going to start filing documents with the
13) IRS or get a taxpayer identification number or things
14) like that?
15) A. Only if there's a filing requirement for
16) the trust and if the trust has income, we will obtain a
17) number.
18) Q. And what other requirements do you want to
19) carry out once you get more involved in this case?
20) A. I really couldn't speculate until I talk to
21) the other trustee about specifics, but we would make
22) some changes down the road.
23) Q. So your problem with this trust, your
24) general problem, is that the Readings are too involved
25) with the trust?

<p style="text-align: right;">Page 53</p> <p>1] A. Just in general. But it's an old document, 2] and, generally, we find that older trusts are not 3] designed as well. So we like to update them or 4] supplement them. 5] Q. Where specifically in the document is the 6] involvement too much for your taste? 7] A. I wouldn't want to speculate until I've 8] gone through it a little further with the other trustee. 9] Q. What kind of pops out? You've obviously 10] read it and highlighted. I see you've highlighted your 11] copy. 12] A. Yes. 13] Q. You've come to a conclusion about that 14] there's too much involvement. But where kind of do you 15] see that? 16] MR. CRYER: I'm going to object to 17] characterization of his answer as having said there was 18] too much involvement. I don't believe that was his 19] answer. If you want to ask him if he thinks there was 20] too much involvement, get an answer to that, then I'd 21] suggest you do that before you characterize his answer 22] as having said so. 23] Q. BY MR. DUFFY: Do you consider the Readings 24] have too much involvement with this trust? I thought 25] that's what you said. Didn't you say that?</p>	<p style="text-align: right;">Page 55</p> <p>1] A. Set that aside. 2] MR. DUFFY: Why don't we mark this as Exhibit 6. 3] (Whereupon, the Reporter marked Deposition 4] Exhibit 6.) 5] MR. DUFFY: Now, maybe counsel can answer this. 6] What category of documents in my Notice of Deposition, 7] my Request For Production of Documents, was this 8] produced pursuant to? And I'm looking at page 4 of 9] Exhibit 1. 10] MR. CRYER: I think that would be in relation to 11] D, "All agreements or documents [evidencing] agreements 12] between the Fox Group Trust and one or both of the 13] Readings over the last 10 years." 14] MR. DUFFY: Okay. Thank you. 15] THE WITNESS: Uh-huh. 16] Q. BY MR. DUFFY: Now, who drafted this 17] document, Exhibit 6? 18] A. I do not know who drafted it. I only know 19] who signed it based on the document. 20] Q. Do you know when it was drafted? 21] A. As to the drafting, I do not. 22] Q. Now, on page 1, it says, "Fox Group Trust 23] is the holder of all property, assets and funds for the 24] benefit of the beneficiaries...." 25] Now, is the beneficiary named in this</p>
<p style="text-align: right;">Page 54</p> <p>1] A. Only in terms of trusts that we design. We 2] don't have the beneficiaries or exec -- the people that 3] put the money into the trust involved at all and their 4] names in the documents once it's an irrevocable trust. 5] And it's just not the way we normally do the -- do it. 6] But we didn't design this one. 7] Q. Right. But compared to your document -- 8] A. Yes. 9] Q. I guess that would be more accurate. 10] A. We would not have administrative -- 11] Q. Let me finish my question. So according to 12] your document, there's too much involvement of the 13] Readings for your taste in this Fox Group Trust. 14] A. That would only be my opinion, and -- 15] Q. Well, you're the trustee. 16] A. Correct. It's just not the way we do it 17] when we design trusts, when Mr. O'Neil and I design 18] them. 19] Q. And I'm not a trust expert, so I'm trying 20] to understand where the too much involvement is. 21] A. I don't -- I didn't say it's a problem. 22] It's just not the way what I'd usually do it is all. 23] Q. Well, we'll move on. 24] A. Okay. Are we finished with 5? 25] Q. Yes.</p>	<p style="text-align: right;">Page 56</p> <p>1] document? 2] A. No, the beneficiary is not. 3] Q. And this is dated 2004; correct? 4] A. Correct. It was dated the same date as the 5] trust. 6] Q. When is the beneficiary actually named? 7] A. I don't recall right now. 8] Q. Is there a document that names the 9] beneficiary? 10] A. I believe there is, but I did not find it 11] amongst these. 12] Q. Have you ever seen that document? 13] A. I believe I have. I do remember reading 14] it. I was trying to find it and didn't find it today. 15] Q. I don't think it's been produced to us, has 16] it? 17] A. I didn't find it, no. 18] Q. Have you ever seen the document? 19] A. Yes, I recall reading the name, and I was 20] looking through -- it was a pile -- I've got a big box 21] of papers. Some of them are multiple copies. So I was 22] not able to locate it. I'd be glad to send it to you 23] when I find it. 24] Q. Through your attorney? 25] A. Yes.</p>

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1] Q. What's the date of that document?
 2] A. Again, I don't recall the date of it.
 3] Q. Who's the specific name of the beneficiary?
 4] A. The name of the beneficiary is Austin
 5] Reading, and he lives in Los Angeles.
 6] Q. What was the date of this document that
 7] you're referring to?
 8] A. As I just stated, I don't know. I remember
 9] reading it. I just don't recall the date on it.
 10] Q. Did you read it in a document or something
 11] else?
 12] A. I believe it was one of these documents,
 13] but it's not in the ones that we produced.
 14] Q. Now, page 1, "Fox Group Trust is the holder
 15] of all property, assets and funds for the benefit of the
 16] beneficiaries...."
 17] Is there more than one beneficiary?
 18] A. No, there's not at this time.
 19] Q. Why is it always plural?
 20] A. When these trusts were designed, again,
 21] these older trusts, they were designed generically, and
 22] they didn't make a modification to this document to say
 23] "beneficiary."
 24] Q. Now, continuing reading where I left off,
 25] "...and is contracting with James Leslie Reading to do

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1] specific and general work and services named and
 2] outlined as follows."
 3] A. Correct.
 4] Q. A, B, C, D, and E. Now, Mr. Reading is
 5] supposed to carry out those duties?
 6] A. Yes. He's to act as the administrative
 7] trustee.
 8] Q. In return, he gets to live on the property?
 9] A. Yes.
 10] Q. Even though he purchased the property
 11] originally and paid off a lot of the mortgage?
 12] A. Yes.
 13] Q. Okay. So the trust is letting him live on
 14] the property?
 15] A. Yes.
 16] Q. And that's the only consideration that Mr.
 17] Reading gets?
 18] A. After he and his wife have died, then the
 19] trustees take over full management of the property for
 20] the benefit of the beneficiaries.
 21] Q. Have you ever talked with the beneficiary?
 22] A. No. I hope to meet him this year.
 23] Q. What if Mr. Reading fails to do any of
 24] these duties, A, B C, D, and E?
 25] A. The trustee would have to step in, which

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1] would be Sylvia or I, and see that it's taken care of.
 2] Q. Could you evict the Readings from their
 3] property?
 4] A. It's not their property. Yes, we could.
 5] Q. Could you as the trustee evict the Readings
 6] from the real property?
 7] A. The subject property, yes, we could.
 8] Q. Under what conditions?
 9] A. The agreement is that they will maintain
 10] and keep all the overhead covered on the property. And
 11] if they should default on the mortgage or if the
 12] property becomes in disrepair, we'll give them notice to
 13] get it cleaned up. And if they don't, we can evict
 14] them.
 15] Q. What would you consider disrepair?
 16] A. If the roof is leaking and there's damage
 17] to the property. Anything that would cause damage to
 18] the property that is not taken care of.
 19] Q. How about if the yard is messy. Could you
 20] evict them?
 21] A. Probably wouldn't for that. But I would --
 22] if they didn't take care of it, then the trust would
 23] start charging them rent, and we would hire someone to
 24] take care of the property. That's speculation, however.
 25] Q. And you've evicted others, haven't you, in

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1] your role of trustee in other cases?
 2] A. I wasn't trustee. But I was involved in
 3] the eviction of the Liparis, yes.
 4] Q. Paragraph A, "Act as a contact entity,
 5] negotiate contracts, make payments, buy, sell and
 6] transport merchandise...."
 7] What merchandise would they be selling and
 8] transporting on behalf of the Fox Group Trust?
 9] A. Regarding the property, if there was a
 10] contract for a plumber to come in and repair the
 11] property, if they were to purchase things at Home Depot,
 12] for instance, for repairs or maintenance, and if they
 13] didn't use all those things, I would imagine they would
 14] sell the things that weren't used.
 15] Q. And if they referred to that real property
 16] that we were discussing as "their properties," they're
 17] mistaken?
 18] A. Yes. They would call it their home, but
 19] it's not their property.
 20] Q. And if you find out that they've referred
 21] to that property as their property since the date of the
 22] quit claim deed, is that also grounds for eviction?
 23] A. Probably not. But I would certainly remind
 24] them that that would be an incorrect statement.
 25] Q. Of course, you have no personal knowledge

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1] of this private contract?
 2] A. Correct.
 3] Q. What do you base your knowledge on?
 4] A. From reading the documents, the trust
 5] documents, and discussing it with the Readings.
 6] Q. What specific questions did you have to the
 7] Readings about this document?
 8] A. The only questions I had was were they
 9] doing these things when we took over, and then, as I
 10] said, I've visited the property and gone over the
 11] receipts with them to see that everything is being paid
 12] and they were -- there were times they had difficulty
 13] paying things.
 14] Q. Is the property in good shape?
 15] A. Yes, it is.
 16] Q. What would the fair market of the property
 17] be?
 18] A. That would be speculation. I really
 19] haven't examined property values today. I don't know.
 20] Q. Have you asked the Readings?
 21] A. No.
 22] Q. You're not up on what properties sell for
 23] in that area, Mesa?
 24] A. That subject doesn't come up regarding this
 25] property. Unless it did, it wouldn't be even necessary

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1] to know that.
 2] Q. What is the amount of the mortgage that the
 3] Readings owe on the property?
 4] A. The remaining balance, I'm not certain of.
 5] Q. Did you ask them?
 6] A. No.
 7] Q. How often do they report to you about the
 8] property?
 9] A. As I said, I see them and discuss it with
 10] them approximately every two months just to see that
 11] things are being maintained.
 12] Q. You actually go by and visit?
 13] A. I have, yes, about four times a year.
 14] Q. So every three months?
 15] A. Two, three months, I go by.
 16] Q. What do you do when you go visit?
 17] A. Stop in, sit down at the table, have a cup
 18] of coffee, and we'll talk about the receipts and the
 19] bills. And it doesn't take very long just to make sure
 20] everything looks like it should. About all there is to
 21] it.
 22] Q. Do you get copies of bills and receipts?
 23] A. No, I haven't at this point.
 24] Q. You just look at them?
 25] A. Just look at them.

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1] Q. Take their word for it?
 2] A. Certainly.
 3] Q. Is there any reason not to trust the
 4] Readings?
 5] A. I don't believe so.
 6] Q. That's based on your longstanding
 7] friendship?
 8] A. Yes.
 9] Q. Do you ever talk about the IRS with the
 10] Readings?
 11] A. Only in general terms like Legal Research
 12] meetings and things where the topic has come up.
 13] Q. What's their views and concerns about
 14] Internal Revenue Service?
 15] A. Specifically as to their views, I don't
 16] know what the -- I haven't gone into detail other than
 17] general.
 18] Q. You don't recall any stated views of the
 19] Readings?
 20] A. No.
 21] Q. At the meetings, they never speak?
 22] A. Occasionally, Clare will talk about things
 23] that are coming up regarding Mr. Cryer's website or
 24] something.
 25] Q. What do you mean, "website"?

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1] A. Mr. Cryer has a website.
 2] Q. So that's a topic at the meetings?
 3] A. If there are things posted on the site that
 4] are of interest.
 5] Q. How often is the website referred to at the
 6] meeting?
 7] A. Oh, Clare's passed out some things with the
 8] website listed for people to go and look some things up.
 9] That's about it. She talks maybe four or five minutes
 10] once in a while.
 11] Q. Is the website used as some type of
 12] educational platform or toll?
 13] A. Apparently, there are documents that are
 14] listed that are educational.
 15] Q. Do you look at the website?
 16] A. Actually, no, I don't.
 17] Q. So Clare brings up topics that she's seen
 18] on the website?
 19] A. Occasionally.
 20] Q. What else has she talked about?
 21] A. We've talked about politics and about the
 22] presidential race.
 23] Q. What topics concerning the website has she
 24] brought up exactly?
 25] A. Just the fact that there are documents

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1] there, counter cases cited regarding income tax.
 2] Q. Such as?
 3] A. Supreme Court cases that are referred to.
 4] Mr. Cryer has done a memorandum which is posted there
 5] that people are free to read.
 6] Q. How about Mr. Reading? What does he say at
 7] the meetings?
 8] A. Quite frankly, he doesn't attend as often
 9] as Clare does. He's busy with his work.
 10] Q. Do you have to pay to attend the meetings?
 11] A. No.
 12] Q. Is there a general feeling that IRS is
 13] doing a good job at the meeting?
 14] A. To be honest with you, we don't discuss IRS
 15] topics very much at the meeting anymore.
 16] Q. How about in the past?
 17] A. In the past, we did.
 18] Q. What was the general feeling about the
 19] Internal Revenue Service?
 20] A. We more or less match the idea presented by
 21] RA 98 where there are a lot of things that the IRS is
 22] engaged in that are -- they're not following the
 23] regulations.
 24] Q. Is it illegal, what they do?
 25] A. Some of it is in my opinion.

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1] Q. What's, for instance, is illegal that the
 2] IRS does?
 3] A. I don't think we need to get into that in
 4] this deposition. Just some of the procedures are not
 5] followed.
 6] Q. Well, your views are relevant to the case.
 7] You're the trustee of the trust.
 8] A. That has no relevance to the ownership of
 9] the property.
 10] Q. You're the trustee.
 11] A. I'm the trustee.
 12] MR. CRYER: I'm going to have to interpose an
 13] objection at this particular point, going into his
 14] personal views as though that has an effect on the
 15] ownership of the property.
 16] MR. DUFFY: Well, how he views vis-a-vis the IRS,
 17] I mean, is certainly relevant. Are you directing him
 18] not to answer?
 19] MR. CRYER: I'm not directing him not to answer.
 20] I'm noting the objection now.
 21] Q. BY MR. DUFFY: What specifically do you
 22] think that the IRS does that is illegal?
 23] A. Well, I think that in some cases we've had
 24] instances where the administrative rules aren't
 25] followed, where someone should have a right to a hearing

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1] and they don't get the hearing or that documents are
 2] filed too early. There should have been some discussion
 3] ahead of time. Administrative procedure should have
 4] been followed, and I don't feel that they have been.
 5] Q. What else?
 6] A. Characterization of what's income and what
 7] isn't.
 8] Q. Wages are income; right?
 9] A. Wages are income, yeah.
 10] Q. Compensation is income?
 11] A. Can be, yes.
 12] Q. So if somebody works and receives a 1099
 13] from a company, on the 1099 it says "Compensation." Is
 14] that income?
 15] A. It may or may not be.
 16] Q. What does it depend on?
 17] A. It would depend upon -- I've received
 18] 1099's, for instance, for a total amount paid to me by a
 19] company, and yet part of that was expense. So when I
 20] fill out the tax form, part of it would be income, part
 21] of it wouldn't.
 22] Q. So the income that's not expensed is
 23] taxable?
 24] A. Certainly. In that example.
 25] Q. Have you ever seen anybody receive a 1099

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1] and change the 1099?
 2] A. I've heard of that being done.
 3] Q. What's your view of that?
 4] A. It's stupid.
 5] Q. I'm looking at Exhibit 6, page 3.
 6] A. Okay.
 7] Q. There's a reference to a Charles Jay
 8] Frentheway. Do you see that?
 9] A. Yes. Uh-huh.
 10] Q. Who is Mr. Frentheway?
 11] A. I have no idea.
 12] Q. Never heard of that name?
 13] A. No, I haven't.
 14] Q. Did you ever tell the Readings they needed
 15] to get Mr. Pastorkey and Mr. Baird to resign?
 16] A. No. They had all already agreed to resign
 17] when I was asked to step in as trustee.
 18] Q. Did you tell the Readings they needed to
 19] get their resignation documents?
 20] A. Yes. We got those. When we had those, we
 21] were appointed trustees.
 22] Q. Did you instruct the Readings to do it?
 23] A. No. I didn't need to.
 24] Q. Why is that?
 25] A. They had already decided to resign. They

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1] were unavailable to handle the job as trustee.
 2] MR. DUFFY: Mark this as Exhibit 7.
 3] (Whereupon, the Reporter marked Deposition
 4] Exhibit 7.)
 5] Q. BY MR. DUFFY: Who drafted this document?
 6] And I'm having you look at Exhibit 7.
 7] A. Right. The first page, the appointment of
 8] Sylvia as trustee. Is that what you're referring to?
 9] Q. I'm looking at the whole Exhibit 7.
 10] A. Oh, whole exhibit.
 11] Q. Who drafted this document?
 12] A. I don't know who drafted it. I have no
 13] idea.
 14] Q. Now, who's Mike Macek?
 15] A. Mike Macek is a notary in Maricopa County.
 16] Q. Is he another person who is being trained
 17] to act as a trustee by Mr. Vild, V-I-L-D?
 18] A. No. He's been -- he's attended a couple of
 19] our meetings and has acted as notary on a few documents.
 20] Q. When you say "our meetings," what do you
 21] mean?
 22] A. They're trustee meetings. We had him --
 23] he's a friend, and he agreed to assist by notarizing
 24] documents. So when we had a meeting where we would be
 25] signing documents, he would attend and notarize

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1] documents for us when we set up trusts.
 2] Q. Now, what is Exhibit 7?
 3] A. This is the acceptance and appointment of
 4] trustees for Sylvia, for myself, and then a reiteration
 5] of the agreement is the third page where the Readings,
 6] Sylvia, and I essentially state that the Readings are to
 7] be caretakers of the property. And we also included
 8] with that the letters of resignation of the previous two
 9] trustees.
 10] Q. So you did not prepare any of this?
 11] A. No, I did not.
 12] Q. Who brought this document to you?
 13] A. These documents were included when I
 14] received the package of trust documents. And we signed
 15] everything on the 1st of January, 2011.
 16] Q. Who did you receive these documents from?
 17] A. From the Readings when we got all of the
 18] documents together.
 19] Q. So they brought these documents to you, you
 20] looked at them, and you signed them?
 21] A. We went through -- well, we looked at them
 22] in December. And then you can see the dates were 2010
 23] on the original document. We changed those to 2011,
 24] because we signed it January 1 when we did our signings.
 25] Q. Did you recommend any changes?

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1] A. No, I didn't.
 2] Q. Now, page 3 says "Agreement."
 3] A. Yes.
 4] Q. And there's another reference to the "sake
 5] of the Beneficiaries." Are the beneficiaries mentioned
 6] in this document?
 7] A. No, they're not.
 8] Q. And is there any reference to estate
 9] planning in Exhibit 7?
 10] A. No, there's not.
 11] Q. And was there any reference to estate
 12] planning in Exhibit 6?
 13] A. The Exhibit 6 was the addendum. No, there
 14] was not.
 15] Q. Now, it looks like the letters of
 16] resignation are a different font, different type font.
 17] A. Uh-huh.
 18] Q. Do you know who drafted the letters of
 19] resignation?
 20] A. No, I don't.
 21] Q. Do you know if that's Mr. Pastorkey's
 22] correct address?
 23] A. I do not.
 24] Q. What does the Fox Group Trust intend to do
 25] with the property?

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1] A. Our intention with the property is to see
 2] that it is maintained as long as the Readings live
 3] there. And should they become unable to continue with
 4] the requirements that they have to maintain and make the
 5] payments, we would take over the property at that point
 6] and, in discussions with the beneficiary, determine what
 7] would be best for the beneficiary.
 8] Q. And where does it say that you could do
 9] that, what you just said?
 10] A. If we can refer back to Exhibit 5. Take a
 11] look at that if I might. Under page 3, "Trustees -
 12] Duties," it says we would exercise best judgment and
 13] discretion, in accordance with the Trust minutes and
 14] require -- let's see -- "distribute all income of the
 15] trust.
 16] "Powers and Functions" under "Trustees."
 17] Let's see. Acting for the beneficial interest. We
 18] can -- we can hire administrative trustees. We can take
 19] loans. Let's see. "The Trustees" -- underlined portion
 20] on page 4, "The Trustees shall have exclusive power to
 21] conduct the meaning and the intent of the Trust
 22] Indenture or instrument and the Trustee's decisions
 23] shall be conclusive and lawfully binding. The Trustees
 24] will be the same as the intention of all parties as
 25] expressed throughout the entire indenture or instrument,

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1| including addenda."
 2| Q. What limits the trustee's duties or what
 3| the trustee can do under these trust documents, Exhibits
 4| 5, 6, and 7?
 5| A. In irrevocable trusts, the thing that
 6| limits the trustee is that the actions must be in
 7| accordance with the contract to see to it that it's in
 8| the beneficial interest of the beneficiary.
 9| Q. All right. Is this trust irrevocable?
 10| A. Irrevocable trust.
 11| Q. Is there some reference to "irrevocable"?
 12| A. Yes. I believe on page 2 under "The
 13| Trustees." And in the middle of that paragraph, it
 14| says, "in Trust irrevocable." And there are other
 15| references, but I know that is a direct use of the word.
 16| Q. Let's go off the record.
 17| A. Yes.
 18| (Whereupon, a discussion off the record was
 19| had.)
 20| THE WITNESS: Again, at the bottom of that page,
 21| page 2, "Character and Purpose of the Trust," the first
 22| sentence, "This is expressly declared as an Irrevocable
 23| Private Contract, Common Law Pure Trust..., " etcetera.
 24| Q. BY MR. DUFFY: Have the Readings ever asked
 25| you for advice about their tax returns or how they

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1| should deal with the IRS?
 2| A. No, they haven't.
 3| Q. Have you ever talked to them about what
 4| they're going through with the IRS in general?
 5| A. In general.
 6| Q. What did they talk about?
 7| A. There was a -- the main comment is
 8| regarding some -- I guess some income that was
 9| attributed to them, but there were expenses against it,
 10| and they actually lost money. But the IRS claimed they
 11| didn't care, and so did the State. Bottom line is it
 12| hasn't been fixed, whatever the problem is.
 13| Q. So there's no restrictions on what the
 14| trustee can do with the trust, the Fox Group Trust?
 15| A. As long as it's in the interests of the
 16| beneficiary. We can't just run off to Brazil with the
 17| money.
 18| Q. And the Readings have no rights under the
 19| trust?
 20| A. Rights to property, no. We would honor the
 21| contract and allow them to live there as long as they
 22| maintain and pay the bills.
 23| Q. And if they don't follow what you want them
 24| to do, you could evict them?
 25| A. Yes.

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1| Q. Just like you did the others?
 2| A. Just like the Liparis, yes.
 3| Q. What was the year of your tax court case
 4| with the Internal Revenue Service?
 5| A. I believe it was 2004.
 6| Q. Do you remember the cite offhand?
 7| A. No, I don't. I think I was going to send
 8| that to you last time and didn't do it. If you'd like,
 9| I'll do that through our attorney.
 10| MR. DUFFY: Do you have any questions?
 11| MR. VENTRELLA: I apologize. This is the first
 12| time I've seen the documents. I know I made the
 13| request, too. So I guess --
 14|
 15| EXAMINATION
 16| BY MR. VENTRELLA:
 17| Q. You indicated that, with respect to the
 18| trust, there were three requirements. Can you repeat
 19| those for me.
 20| A. We would have to have the parties to the
 21| contract, consideration, lawful consideration, and a
 22| lawful intent. In the case of this trust, property was
 23| placed into trust, and we've mentioned a consideration
 24| and the parties involved.
 25| Q. Yeah. And I think you used the term

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1| "lawful purpose" last time.
 2| A. Yes.
 3| Q. So would it be a lawful intent or purpose
 4| to create a trust to avoid a tax obligation to the State
 5| of Arizona?
 6| A. Certainly not.
 7| Q. Now, you were not involved in the creation
 8| of this Fox Group Trust; correct?
 9| A. I was not.
 10| Q. So it would not be a lawful purpose if,
 11| during a dispute with the Department of Revenue, this
 12| was created to avoid paying any money if that dispute
 13| was lost; is that correct?
 14| A. I believe that would require a legal
 15| opinion. So I'm not qualified to offer one.
 16| Q. I'm asking if you think that that's a
 17| lawful purpose. I mean, you're indicating --
 18| A. Okay.
 19| Q. -- that you -- I mean, I assume that as a
 20| trustee, you wouldn't want to be part of a trust that
 21| had an unlawful purpose. So you would have to have an
 22| opinion as to what would be appropriate; correct?
 23| A. If you would utilize ---
 24| Q. Is that correct?
 25| A. If you'd utilize the correct terminology.

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<p>1] The difference between avoidance and evasion. To avoid 2] taxes is legal. So I would say if they were trying to 3] avoid taxes by a structure, that would probably be 4] legal. To evade is another story. 5] Q. So if there was a lawful lien on the 6] property prior to this -- is that correct? -- that was 7] even later rolled into a judgment -- 8] A. Okay. 9] Q. -- you would not advise the trustee to try 10] to evade that; is that correct? 11] A. No, I would not. 12] Q. And were you aware of the fact that there 13] was a judgment in 2008 against both of the Readings for 14] State property tax? 15] A. Well, 2008 is subsequent to putting the 16] property in trust. 17] Q. I know that. But I asked the question. 18] A. No, I was not aware. Personally, to make 19] it short, I have not followed their personal tax 20] situation. So I'm not -- 21] Q. Go ahead. I'm sorry. 22] A. I'm just not in a position to discuss their 23] tax situation. 24] Q. So you also would not have been aware of 25] the lien in 2003 that was rolled into that judgment; is</p>	<p>1] Q. BY MR. VENTRELLA: So they already have a 2] right to live on the property prior to establishing the 3] trust or submitting this to the trust; correct? 4] A. Yes. 5] Q. Now, as the administrative trustee, should 6] they be filing legal documents with the Recorder's 7] Office? 8] A. That's not a requirement. 9] Q. I'm sorry? 10] A. That would not be a requirement. 11] Q. Okay. Well, who would be doing that? Say, 12] a Notice of Homestead. Would that be something the 13] trustee should do or the administrator should do? 14] A. I see a Notice of Homestead. But I don't 15] believe that a homestead exemption would apply to the 16] trust. 17] Q. Okay. But would they be filing it on 18] behalf of the trust then? 19] A. I don't believe the trust would file a 20] homestead exemption. 21] Q. Let me show you what -- 22] MR. VENTRELLA: I guess we need to mark that as 23] Exhibit 8. 24] (Whereupon, the Reporter marked Deposition 25] Exhibit 8.)</p>
<p>1] that correct? 2] A. That's correct. 3] Q. Now, again, I'm a little confused by the 4] difference. Okay. Well, let me talk about 5] consideration. 6] A. Uh-huh. 7] Q. So in the consideration that they're paying 8] to this trust, I mean, their benefit is to be able to 9] live on the property; correct? 10] A. Correct. And to fulfill their desire that 11] the property go to their nephew. 12] Q. Well, but the right to live on the property 13] is something they already had prior to supposedly 14] transferring this to the Fox Group Trust; correct? 15] A. Correct. 16] Q. So they're giving up something they already 17] have a right to do; is that correct? 18] A. The difference being -- 19] Q. I didn't ask that. You need to answer my 20] question. I don't want to debate the issue with you. 21] A. The question is, please? 22] MR. DUFFY: Could you please read it back. 23] (The record was read by the Reporter.) 24] THE WITNESS: There's more to it than that, but 25] yes.</p>	<p>1] Q. BY MR. VENTRELLA: This is a document that 2] was recorded by the Readings at the Maricopa County 3] Recorder's Office in December of 2009. Is this 4] something that an administrative trustee would normally 5] be expected to do on behalf of the trust or on behalf of 6] a piece of property that they no longer technically own? 7] A. Are you asking for my opinion? 8] Q. Is this something you would normally do? 9] A. No. 10] Q. And you indicated that Exhibit 5, which is 11] the trust document itself, was never filed publicly 12] anywhere; is that correct? 13] A. It is my understanding. If it is, I'm not 14] aware of it. 15] Q. And assuming that that is correct, that 16] means that there would be no notice of the terms of that 17] document to anybody, including lienholders and credit 18] holders; is that correct? 19] A. It would only be the private parties, yes. 20] Q. And to your knowledge, that was not sent to 21] any of the existing lienholders, creditors, to the IRS, 22] or to the Department of Revenue; is that correct? 23] A. I believe so. I don't have any direct 24] knowledge of that. 25] Q. Okay. So how would creditors get notice of</p>

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1] the existence of this Fox Group Trust?
 2] A. From the deed that's recorded which shows
 3] the owner as the Fox Group Trust of the property.
 4] Q. And how would they get notice of the terms
 5] of this trust?
 6] A. They would not be privy to it unless there
 7] was a reason to provide them with the information, and
 8] they would have to come to the trustee for that.
 9] Q. If you look at Exhibit 5 -- I'm sorry.
 10] Yeah. Exhibit 5, page 7.
 11] A. Page 7. Okay.
 12] Q. And it's the first --
 13] A. Yes.
 14] Q. -- first bold area, first paragraph.
 15] A. Correct.
 16] Q. And it says, "Notice is hereby given to all
 17] persons, companies or corporations extending credit to,
 18] contracting with, or having claims against the Trust or
 19] the Trustees hereof that they must look only to the
 20] funds and property of the Trust for payment or
 21] settlement" and then it goes on "of any indebtedness."
 22] A. Uh-huh.
 23] Q. So nobody would have actual notice of that
 24] term -- is that correct? -- who was a lienholder, which
 25] would include the IRS and the State of Arizona, assuming

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1] that they had valid liens; correct?
 2] A. Correct.
 3] MR. VENTRELLA: Okay. I have nothing else.
 4]
 5] FURTHER EXAMINATION
 6] BY MR. DUFFY:
 7] Q. Just follow up on Exhibit 8. Did a
 8] trustee, to your knowledge, authorize the Readings to
 9] act on behalf of the Fox Group Trust with this document?
 10] A. Only insofar as the administrative duties
 11] were outlined in the trust.
 12] Q. And is that part of the duties?
 13] A. Are you asking --
 14] Q. Is the filing of Exhibit 8 part of the
 15] duties in the trust?
 16] A. I would say no.
 17] Q. And where are those duties laid out again?
 18] Is that in Exhibit 5?
 19] A. Yes. Page 2, "Administrative Trustees"
 20] identifies the administrative trustees, how they would
 21] be appointed. Let's see if I can find the other
 22] section.
 23] Q. I guess my question is what did they run
 24] afoul of in this Exhibit 5 when they filed Exhibit 8?
 25] A. Since I was not trustee at the time, I

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1] would have told them that taking a homestead exemption
 2] on essentially rental property would not be appropriate.
 3] That would be my opinion. But that's --
 4] Q. Because taking a homestead exemption is
 5] usually taken by somebody who owns the property.
 6] A. Again, I'm not a lawyer, but I agree with
 7] you.
 8] Q. Is this grounds for eviction, filing of
 9] Exhibit 8?
 10] A. I would say it's a grounds to negate it,
 11] because it's not a valid document in my opinion. I'd
 12] have to get some legal advice first.
 13] Q. By filing this document, Exhibit 8, what's
 14] your understanding as to what Readings received from the
 15] State? They received some type of credit on their taxes
 16] or their property taxes?
 17] A. Homestead exemption is simply in place to
 18] protect your basic amount of value for your home. So
 19] the creditors can't attack you for anything that's
 20] 150,000 in this case or less. So if you had creditors,
 21] they wouldn't be able to take your home from you.
 22] Q. So, basically, what's happened here is the
 23] Readings did not want their creditors to go against the
 24] real estate?
 25] A. Correct. But they didn't own it. So that

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1] wouldn't be an issue in my opinion.
 2] Q. Did you discuss this with them?
 3] A. At the time they did this, I wasn't
 4] trustee.
 5] Q. Have you discussed it subsequently?
 6] A. I first noticed it today. I will be.
 7] MR. DUFFY: You have the opportunity to read and
 8] sign your deposition.
 9] THE WITNESS: Yes.
 10] MR. DUFFY: Would you like to do that?
 11] THE WITNESS: Yes, I would.
 12] MR. DUFFY: I think that's it.
 13] (Whereupon, the deposition then adjourned
 14] at 2:28 p.m.)
 15]
 16]
 17] _____
 18] TERRY IVIN MAJOR
 19]
 20]
 21]
 22]
 23]
 24]
 25]

1] STATE OF ARIZONA)
2] COUNTY OF MARICOPA) SS.
3] BE IT KNOWN that the foregoing deposition was taken
4] before me, DOREEN C. BORGMANN, RMR, CRR, Certified
5] Reporter, Certificate No. 50644, State of Arizona; that
6] the witness before testifying was duly sworn by me to
7] testify to the whole truth; that the questions
8] propounded to the witness and the answers of the witness
9] thereto were reduced to written form under my direction;
10] that pursuant to request, notification was provided that
11] the deposition is available for review and signature;
12] that the foregoing 84 pages constitute a true and
13] accurate transcript of all proceedings had upon the
14] taking of said deposition, all done to the best of my
15] skill and ability.

16] I FURTHER CERTIFY that I am in no way related to any
17] of the parties hereto, nor am I in any way interested in
18] the outcome hereof.

19] DATED at Phoenix, Arizona, this 24th day of April,
20] 2012.

21]

22]

23]

24]

25]

DOREEN C. BORGMANN, RMR, CRR
Certified Reporter
Certificate No. 50644

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**SECOND DUFFY DECLARATION
EXHIBIT Q**

Internal Revenue Service

1973 N Rulon White Blvd.
Ogden UT 84404

JAMES L READING
2425 EAST FOX STREET
MESA AZ 85213-5320



Department of the Treasury

Date:
October 5, 2009

Social Security Number:
[REDACTED]-8531

Form:
1040

Tax Period(s) Ending:
200812

Person to Contact:
Ms. Bingham
PC 0311 EGC 5245

Contact Telephone Number:
866-899-9083 ext 8235

Contact Hours:
7:00 am - 1:00 pm

Contact Fax Number:
Not Available

Employee Identification Number:
[REDACTED] 2641

Last Date to Respond to this Letter:
November 4, 2009

**We Have Not Received Your Federal Income Tax Return
You Need to File Your Return**

Dear Taxpayer:

Why We're Sending You This Letter

You haven't responded to the previous letter(s) we sent requesting you to send us your federal income tax return (Form 1040, 1040A, or 1040EZ) for the tax period(s) shown above. Since you have not responded, we have figured your tax and proposed penalties based on the information your employers, banks and other payers reported on Forms W-2, W-2P, 1099, etc. We explain the tax and penalties in the enclosed report.

You Need To Take One Of the Following Actions

1. If you agree with the tax and penalties shown in the report, please sign, date and return one copy of the report in the enclosed envelope. Send a payment for the entire balance due with the signed report, as we will continue to charge interest until the balance is fully paid. If you can't pay the full amount at this time, please call the contact person at the telephone number shown above to discuss how you can pay what you owe.
2. If you don't agree with the tax and penalties and want us to reconsider this matter, please provide a written statement within 30 days from the date of this letter, explaining the reason why you didn't file a return.
3. Send us a completed and signed tax return within 30 days for each period shown. Include all supporting forms and schedules. Both you and your spouse must sign any joint return. Please attach a copy of this letter to the front of your return to help us identify your case and expedite routing. Send all documents in the enclosed envelope.

Letter 1862 (Rev. 7-2008)
Catalog Number 61258E

Under the Privacy Act of 1974, we must inform you that our legal right to ask for this information is found in Internal Revenue Code sections 6001, 6011, 6012(a) and their regulations. These sections say you must file a return or statement for any tax year you are liable for, including the taxes your employer withheld.

We ask for this information, which you are required to provide to us, to carry out the United States tax laws. We may provide information to the Department of Justice for civil and criminal litigation and other federal agencies, states, cities, and the District of Columbia for use in administering their tax laws.

If you do not provide the information requested, or provide fraudulent information, we may charge you penalties, and in certain cases, you may be subject to criminal prosecution. We may also have to disallow exemptions, exclusions, credits, deductions or adjustments shown on the tax return. This could make your tax higher or delay any refund. Interest may also be charged.

We have enclosed Publication 3498-A, *The Examination Process (Examinations by Mail)*, for your information.

How to Contact Us

If you have any questions, please use the contact information shown in the heading of the letter.

Thank you for your cooperation.

Sincerely,



Maureen Green
Operations Manager, Examination

Enclosures:

Copy of this letter
Return Envelope
Examination Report (2 copies)
Publication 3498-A