

NO. 1293

BOB MARSHALL DENISON
Plaintiff,

V.

JOHN WAYNE DENISON, AS
INDEPENDENT EXECUTOR OF
ESTATE OF IDA BALDWIN
DENISON, DECEASED
Defendant.

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IN THE COUNTY COURT

OF

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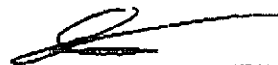
§ STONEWALL COUNTY, TEXAS

**DEFENDANT'S RESPONSE TO
PLAINTIFF'S REQUEST FOR DISCLOSURE**

TO: BOB MARSHALL DENISON, Plaintiff, by and through Plaintiff's attorney of record,
Suzie D. Shay

Pursuant to Rule 194.3 of the Texas Rules of Civil Procedure, Defendant, JOHN WAYNE
DENISON, as Independent Executor of ESTATE OF IDA BALDWIN DENISON, DECEASED,
by and through ISAAC M. CASTRO, Defendant's attorney of record, serves the attached responses
to Plaintiff, BOB MARSHALL DENISON's Request for Disclosure.

Respectfully submitted,


ISAAC M. CASTRO

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Hamlin, Texas 79520
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Attorney for Defendant

JOHN WAYNE DENISON, as Independent Executor
of ESTATE OF IDA BALDWIN DENISON,
DECEASED

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CERTIFICATE OF SERVICE

I certify that on **September 22, 2000** a true and correct copy of Defendant's Response to Request for Disclosure was served by facsimile transmission on Suzie D. Shay at 806/763-7536.



ISAAC M. CASTRO

RESPONSES

Request 1: R.194.2(c). State the legal theories and, in general, the factual bases for your claims or defenses.

Response:

Defendant has not failed to make an accounting as required by law. Unless request is made pursuant to Texas Probate Code, an independent executor is not required to file an accounting. Also, unless request is made pursuant to the Texas Probate Code, a trustee is not required to deliver to a beneficiary an accounting. At no time has any person made a proper request that Defendant furnish an accounting. Defendant is not required to obtain approval of the Court prior to borrowing money, creating a lien against property of the Estate and/or Trust, or extending a lien against property of the Estate and/or Trust. Defendant has not used and is not using Estate and Trust property solely for his personal use. Prior to the death of Ida Baldwin Denison, Independent Executor was the operator and manager of the ranching operations and oil and gas lease interests of the Estate and Trust. Defendant was compensated as an employee for his efforts. Defendant had the authorized use of a residence, vehicles, and other property. After the death of Ida Baldwin Denison, Defendant continued to reside, and continues to reside in a residence and continues to use the vehicles in the management of the property and business of the Estate. Defendant continued to manage and operate, and continues to manage and operate the ranching operations and oil and gas interests of the Estate and Trust. Defendant continues to be compensated as an employee, in the same manner as he was compensated prior to the death of Ida Baldwin Denison. Defendant has neither misapplied nor embezzled, nor is he about to misapply or embezzle, all or any part of the property of the Estate. Defendant has managed the Estate and Trust under the guidance and advice of his attorneys, Isaac M. Castro and Jeffrey S. Davis, and his certified public accountant, Edgar A. Phillips. Defendant has acted prudently in his management of the Estate and Trust, has not breached any fiduciary duties, has mismanaged neither the Estate nor Trust, nor has he misappropriated any property of either the Estate or Trust. Defendant has had the real property in the Estate, including the Trust, covered under a special use valuation as authorized by the Internal Revenue Service in order to minimize the amount of estate tax owed. All income derived from the ranching operations and oil and gas interests are necessary to maintain the property in the Estate and Trust. Due to the drought in West Texas and, until recent months, low oil prices, the Estate and Trust are presently only able to produce enough income to maintain itself. The Estate is unable to produce sufficient income to pay all of the debts of the Estate, including attorney's fees and court costs incurred by both the Estate and Independent Executor. Defendant has neither willfully failed to perform a legal duty, intentionally committed a wrongful act, nor breached a fiduciary duty that resulted in actual harm to a beneficiary's interest. Defendant is not required to provide any notice pursuant to TEX. PROBATE CODE §128A.

Request 2: R.194.2(e). State the name, address, and telephone number of persons having knowledge of relevant facts, and state each person's connection with the case.

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