

REPORTER'S RECORD
VOLUME 1
TRIAL COURT CAUSE NO. 4222-A

IN THE ESTATE OF
IDA BALDWIN DENISON
DECEASED

* IN THE DISTRICT COURT
*
* STONEWALL COUNTY, TEXAS
*
* 39TH JUDICIAL DISTRICT

* * * * *

HEARING

* * * * *

On the 18th day of December 2002, the following
proceedings came on to be heard in the above-entitled and
numbered cause before the Honorable Ira Royal Hart, Judge
presiding, held at the Stonewall County Courthouse, Aspermont,
Stonewall County, Texas.

Proceedings reported by stenographic method.

ORIGINAL

1 shake your head. You have got to speak up if you want to get
2 in the record. Proceed.

3 JOHN WAYNE DENISON, having been first duly
4 sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MR. SELF:

7 Q. Would you state your full name for the record,
8 please, sir?

9 A. John Wayne Denison.

10 Q. Mr. Denison, are you, in fact, the executor of your
11 mother's estate? Have you been appointed the executor of that
12 estate?

13 A. That is correct.

14 Q. When were you appointed executor of that estate?

15 A. I believe it was August -- in August. If this is
16 correct, August of '97.

17 THE COURT: I don't know if that is on or not.
18 It is not on.

19 MR. CASTRO: Would you like for me to turn it
20 on?

21 THE COURT: No, not if everybody can hear all
22 right. Okay.

23 Q. (By Mr. Self) In August of '97 is that, you believe,
24 your testimony?

25 A. Yes, sir, I believe -- if that is correct, I believe

1 THE COURT: Overruled.

2 A. Over that period of time, the house being over 100
3 years old, I am sure it has changed.

4 Q. (By Mr. Self) Okay. Now, as to life insurance
5 policies, have -- well, hang on. Have you ever had any
6 contact with Haskell County Farm Bureau regarding a life
7 insurance policy on your mother?

8 A. After -- after speaking to my attorney a few days
9 ago, after -- I did recall that after my mom and dad had
10 passed away, I did have contact with Kenny Tanner that worked
11 with Farm Bureau. At the time, Mr. -- my attorney asked me, I
12 didn't know whether he was referring to my mom or my dad's
13 policy either -- which policy it was, but, yes, I did have
14 contact at that time, but, of course, I lost my mom and dad 62
15 days apart. I had to be removed by my wife from here for
16 nearly two months, and I did not recall that policy being
17 there at that -- at that time.

18 MR. SELF: Can I approach, Your Honor?

19 THE COURT: You may.

20 (Movant's Exhibit No. 4 was marked for
21 identification.

22 Q. (By Mr. Self) I will hand you what we have marked as
23 Movant's No. 4. Do you recognize this at all? I submit to
24 you it is a copy and not the original.

25 A. Yes, sir, there is so many accounting documents and

1 is a copper line that goes under the concrete is what I was
2 told. The copper line runs under the concrete over into
3 another bathroom.

4 That line had busted -- was -- had busted, and
5 you could hear the water running, and so what we did is we had
6 to -- we had to cut that line off. We just had to plug that
7 line. Otherwise water, it was just going to -- it was just
8 going to leak out and, you know, they are just old lines.

9 Q. When did that happen?

10 A. I am not sure of the date.

11 Q. Was it between your mom and dad's death and the date
12 you vacated the courthouse?

13 A. I am sorry?

14 Q. Was that problem that you just mentioned was that --
15 did that occur between the date of your mother and father's
16 death and the date you vacated the courthouse?

17 A. Yes. Yes, it did. We were -- we were living there
18 at the time --

19 Q. Okay. Anything else that you --

20 A. -- when that copper line was -- would break.

21 Q. Okay. Anything else that you can think of?

22 A. Not to my knowledge. There is just -- there is just
23 little things that happened, you know, but a lot of things
24 that would happen, we repaired ourselves. We did ourselves.
25 I mean, my wife and I actually ate peanut butter and crackers

1 for months because of -- well, Bob he can smile, but my wife
2 went from a 7 to a 0 and she has been in the hospital. I had
3 a heart attack.

4 MR. SELF: Your Honor, I am sorry. I need to
5 object that it is nonresponsive testimony.

6 THE COURT: Let's proceed by question and
7 answer. Any more questions?

8 THE WITNESS: I apologize.

9 THE COURT: Any questions?

10 Q. (By Mr. Zachary) All of these things that we just
11 talked about, they occurred between the date of -- the date of
12 your mother and father's death and the time you vacated the
13 courthouse. Is that right?

14 A. There were little things that happened.

15 Q. I am still talking about the things you have
16 previously testified to, the problems we have talked about
17 that you --

18 A. Yeah, the little things that happened, pulling off
19 the screen and stuff like that.

20 Q. Any other big problems? I mean, I am not trying to
21 get into just the little things, but any other -- any other
22 major problems?

23 A. The septic tank was a big problem. That was -- that
24 was a major problem.

25 Q. But any besides that and the other things you have