

STAN GAUTHIER TESTIMONY - SUE BELL ATTORNEY

02-05045
DKT 128

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1 Q. Did you discuss with her whether or not she could do
2 something like that, given the fact that we have conflicts, we
3 have an uncertainty about whether or not a court might review
4 this subsequently? Did you talk to her about maybe perhaps
5 filing a declaratory judgment action?

6 A. We discussed that.

7 Q. And, what was her decision communicated to you as to
8 whether or not she wanted to do that? Did she want to do that?

9 A. She didn't want to do that, and that was on my advice. I
10 didn't think it was necessary.

11 Q. I understand. Did you consider whether or not a summary
12 proceeding might be initiated to ask a court as to whether or
13 not what Ms. Bell was doing at the time was proper?

14 A. That was given some consideration.

15 Q. And, apparently that decision was rejected?

16 A. It was never made a decision to actually do that. It was
17 my decision that it didn't need to be done.

18 Q. Now, prior to this transaction, had you not been involved
19 in an application for a loan by Ms. Bell, on behalf of the
20 Trust, with Vermilion Bank and Trust?

21 A. Other than knowing that there was an application for a
22 loan, I didn't have anything to do with that.

23 Q. Well, do you recall talking to Mr. Herpin about the loan
24 application?

25 A. I may have talked to Mike Herpin one day. I don't recall.

EXHIBIT

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1 through, you know, essentially a number of questions, and in
2 Paragraph 3 he talks about the Trust, what the Trust says, and
3 he has a question, at least in his mind, as to does the
4 provision in the Trust mean that the other beneficiaries do not
5 have an action against Sue Bell; she exceeded her authority in
6 the dation and Act of Exchange.

7 And, at the very end, he says, "At the very least,
8 ratification should be obtained from all beneficiaries of the
9 Trust, consenting to the contracts."

10 Do you remember discussing any questions with Mr. Herpin
11 as to his evaluation of this transaction with the Bank of
12 Vermilion?

13 A. No.

14 Q. So, if Mr. Herpin testifies that he recalls suggesting to
15 you directly that Ms. Bell get the ratification of the
16 beneficiaries to this transaction, you would just not recall
17 that or would you deny that testimony?

18 A. I don't recall that at all.

19 Q. All right. Well, did you ever consider similar to what
20 Mr. Herpin apparently considered in connection with the --
21 let's start with the loan that apparently was being applied for
22 by Ms. Bell on behalf of the Trust for \$205,000, to get the
23 beneficiaries in on the discussion?

24 A. Why would I want to get the beneficiaries in on the
25 discussion?

EXHIBIT

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1 Q. And, why did you do that? Why did you give her that
2 particular acreage, as opposed to any other acreage?

3 A. To keep the property as contiguous as I could for Ms. Bell
4 and for the beneficiaries, so we wouldn't have pieces here and
5 pieces there.

6 Q. No. In your deposition, didn't you tell me you did it
7 that way so you didn't devalue the home and one acre that
8 Ms. Bell received?

9 A. Sure. That's one of the reasons, too.

10 Q. Well, the beneficiaries had no interest in the home and
11 one acre, did they?

12 A. No.

13 Q. So, to the extent you partitioned the land the way you
14 did, you did it for the benefit of Ms. Bell, rather than the
15 beneficiaries.

16 A. I also kept the 103.5 acres separate, so that they'd have
17 one contiguous piece of property.

18 Q. Where did you see authority in the code to do a partition
19 of property owned in undivision, without the consent of the
20 beneficiaries?

21 A. I don't need the consent of the beneficiaries to do
22 anything in here on the Trust.

23 Q. Show me where, in the Trust document, it says you can
24 partition --

25 A. I didn't partition. I terminated it.

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