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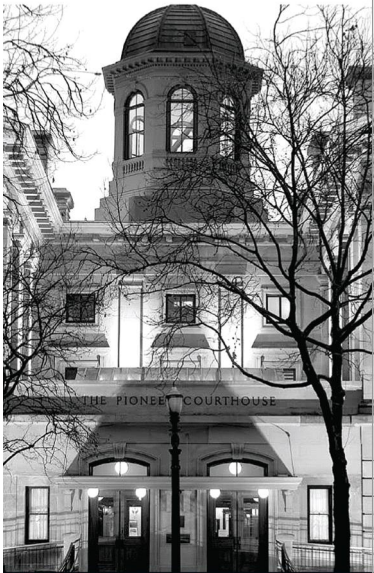
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DEPOSITION AND TRIAL



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**IN THE SUPERIOR COURT OF THE STATE
OF ARIZONA COUNTY OF MARICOPA**

PETER S. DAVIS, AS RECEIVER
OF DENSCO INVESTMENT CORPORATION,
AN ARIZONA CORPORATION,

PLAINTIFF,

VS.

CASE NO. CV2017-013832

CLARK HILL PLC, A MICHIGAN
LIMITED LIABILITY COMPANY;
DAVID G. BEAUCHAMP
AND JANE DOE BEAUCHAMP,
HUSBAND AND WIFE,

DEFENDANTS.

DEPOSITION OF

PATRICIA MILLER

**TAKEN ON
THURSDAY, APRIL 4, 2019
9:20 A.M.**

**NAEGELI DEPOSITION AND TRIAL
25 SOUTH ALTAMONT
SPOKANE, WASHINGTON 99202**

APPEARANCES**APPEARING ON BEHALF OF CLARK HILL****AND DAVID BEAUCHAMP:**

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1 DEPOSITION OF

2 PATRICIA MILLER

3 TAKEN ON

4 THURSDAY, APRIL 4, 2019

5 9:20 A.M.

6
7 PATRICIA MILLER, having been first duly sworn, was
8 examined and testified as follows:

9 EXAMINATION

10 BY MS. PATKI:

11 Q. Hi there. How are you doing today?

12 A. Good.

13 Q. I know that we met briefly just off the
14 record, but now that we are on record, can you
15 please state your full name?

16 A. Patricia Ann Miller.

17 Q. And what would you like me to call you
18 here today or how should I refer to you?

19 A. Pat.

20 Q. Pat. Well, Pat, I introduced myself
21 briefly earlier. My name is Vidula Patki. I'm an
22 attorney at the law firm of Coppersmith Brockelman
23 here in Phoenix, Arizona. We represent the
24 defendants in this lawsuit, Clark Hill and David
25 Beauchamp.

1 And next to me here is Mr. Geoffrey Sturr.
2 He's been appointed as the special counsel for the
3 receiver of DenSco.

4 Before we start, have you ever been
5 deposed before?

6 A. No.

7 Q. Okay. So I'm just going to cover some
8 basic ground rules. My hope here today is just to
9 have basically what is a conversation. We have
10 reviewed extensive documents and we believe that you
11 may have known Denny Chittick, one of the central
12 figures in this case, fairly well.

13 But with that said, given that you are
14 under oath, there are some things we need to be
15 aware of in this deposition. The first thing is
16 because we have a court reporter here, who is taking
17 down everything I say and everything you say, please
18 let me try to finish my question before you start
19 answering, and I will try to extend the same
20 courtesy to you. Sometimes we may talk over each
21 other and that's fine. But to the extent that we
22 can let each one of us finish speaking, that would
23 be very helpful to the court reporter.

24 Along those same lines, it's difficult for
25 the court reporter to take down sounds like "uh-huh"

1 or "huh-uh." And even though I can see you,
2 sometimes you may shake or nod your head in response
3 to a question. If you can try to make sure all your
4 answers are verbal, that would also be very helpful.

5 If you don't understand a question that
6 I've asked, please just let me know that my question
7 doesn't make sense. Sometimes I may not ask very
8 good questions. But if you answer a question, I'm
9 going to assume you understood it. Is that fair?

10 A. Yes.

11 Q. Okay. Great. If you need a break at all
12 during the deposition, please let me know. I see no
13 reason why we wouldn't be able to break. I usually
14 try to take a break after about an hour of
15 questioning. We're operating under some time
16 constraints here today but I think we should be able
17 to take a break every hour or so unless you just
18 want to barrel straight through. And you can let me
19 know if you would just like to do that as well.

20 You are not represented by counsel in this
21 deposition today; is that correct?

22 A. Yes.

23 Q. Okay.

24 A. That is correct.

25 Q. Thank you. You're being deposed here

1 today in a lawsuit titled Peter S. Davis v. Clark
2 Hill, which is pending in Maricopa County Superior
3 Court in Arizona.

4 Do you have any understanding as to what
5 this specific lawsuit is about?

6 A. My understanding is that it has something
7 to do with the attorney Mr. Beauchamp. I guess that
8 would be the extent of my understanding. Okay.

9 Q. Okay. Did you do anything to prepare for
10 this deposition today?

11 A. I did. When I got the papers that came by
12 Fed Express yesterday, I spent several hours looking
13 over things. I also made a call to -- I was actually
14 trying to reach Sarah Baretta, and I ended up at the
15 office of Ryan Anderson. And I did speak to him
16 briefly after I explained to the secretary what I
17 was searching for. I spoke to him briefly and spent
18 a few hours going over other depositions on the
19 website. And that is what I did to prepare.

20 Q. And what did you talk to Mr. Anderson
21 about?

22 A. I just told him I was looking for anything
23 that might be helpful because this was my first
24 deposition. And he just -- he didn't give me any
25 advice. He just said he appreciated talking to me

1 for a few moments and told me about the website, and
2 that was basically the extent of our conversation.

3 **Q. And the website you're referring to, is**
4 **that the DenSco website?**

5 A. Yes. He sent me a link and I clicked on
6 it and I believe it was DenSco GoDaddy, something
7 like that.

8 **Q. And was that the first time that you had**
9 **been on that website?**

10 A. Yes.

11 **Q. Okay. Just so I can get to know -- what I**
12 **know about you, I know from the documents that I**
13 **sent you. But now that I have you here, you live in**
14 **Coeur d'Alene; is that correct?**

15 A. Correct.

16 **Q. And how long have you lived there?**

17 A. 43 years.

18 **Q. Okay. And where did you live prior to**
19 **that?**

20 A. Dillon, Montana.

21 **Q. And what brought you to Coeur d'Alene?**

22 A. We were looking for a change in our life.
23 We decided the Montana winters were pretty rough and
24 so we searched and found Coeur d'Alene and decided
25 to move there.

1 Q. And when you moved to Coeur d'Alene were
2 you already married to Marvin?

3 A. Yes.

4 Q. Okay. So did you grow up in Dillon?

5 A. Yes.

6 Q. And can you walk me through your
7 educational background, starting from high school?

8 A. After high school I enrolled in Montana
9 State College in Bozeman, Montana, in the nursing
10 program. I completed two years, received my
11 Associate degree in nursing, passed my State boards.
12 That was the extent of my formal education.

13 Q. Okay. Now I saw in the victim impact
14 statement that you submitted in the criminal case of
15 Mr. Menaged, that you and your husband are basically
16 entrepreneurs. You have opened a number of
17 businesses over the years; is that correct?

18 A. Correct.

19 Q. Can you very briefly, a thousand-foot
20 view, tell me about your career as a business owner:
21 What kinds of businesses you've opened, where they
22 are, that kind of thing.

23 A. We started on out in Montana. My husband
24 was in the roofing and cement business. We
25 continued in that for several years. And then our

1 first actual business that we bought was an A & W
2 Root Beer business. From that we expanded into a
3 couple of trailer courts. We built a movie theater.
4 We opened a cheese shop. That type of thing.

5 And then when we moved to Coeur d'Alene
6 we, again, built a movie theater. We built a roller
7 skating rink. We bought a low-income apartment
8 house, a HUD program apartment house. We -- okay.
9 We also purchased a building where we rented out --
10 we have a few storage, places of storage in the back
11 where we rent out to trailers or equipment-type
12 things.

13 We rent the front part of the building to
14 a gymnastic business. Skating rink, I think I said
15 that.

16 **Q. So today do you still own and operate some**
17 **of those businesses?**

18 A. Some of them we do, yes. I didn't mention
19 an airport hanger building that we bought. We rent
20 out 18 airplane hangers. We still own that. We
21 still own the gymnastics building. We still own the
22 HUD unit apartment building. We have sold the
23 theater and the skating rink.

24 **Q. I see. So you are busy?**

25 A. Yes.

1 Q. Now that I know you a little bit better,
2 let's transition to why you're here today. We have
3 reviewed a number of documents, as I noted earlier,
4 that suggest that you may have known Denny Chittick
5 better than others. So can you tell me when you
6 first met Denny Chittick or came to know about him?

7 A. When we moved to Coeur d'Alene, we started
8 attending the Methodist Church. The Chittick family
9 were members there. And so we got to know them. We
10 had children in similar ages. They went to the same
11 high school and so we got acquainted with the
12 Chittick family in that fashion.

13 Q. And how many children were in the Chittick
14 family?

15 A. Four.

16 Q. And Denny -- in the order of children,
17 Denny was what number child?

18 A. So either second or third. I'm not
19 exactly sure. I think second would be my guess, but
20 that is a guess.

21 Q. And was Denny the only boy in the family?

22 A. Yes.

23 Q. Were you -- so is it safe to say you were
24 friends with Denny's parents?

25 A. Yes.

1 Q. And Denny's parents -- I know that Denny's
2 father's name is Eldon. What is Denny's mother's
3 name?

4 A. Carlene.

5 Q. And were Denny's parents employed?

6 A. Yes. Denny's father was, I believe, a
7 clinical psychologist. And he had a family and --
8 basically family, but a counseling business in Coeur
9 d'Alene.

10 Q. Okay. Was his mother -- did his mother
11 work outside the home?

12 A. I think she helped Eldon in the office,
13 but I don't recall her having another job.

14 Q. From your observations of the family did
15 the Chittick family seem close?

16 A. Very.

17 Q. And in what way were they close?

18 A. They were just -- you could just see that
19 they interacted well with one another. It appeared
20 that the kids got along well. They were very well-
21 respected kids and family. Whenever I was around
22 them at church, or wherever, they just -- they just
23 seemed close, happy, friendly, and very real.

24 Q. And when you say very real, what do you
25 mean by that?

1 A. They didn't put on airs. They didn't
2 speak in language that might be appear lofty. They
3 were just -- they just talked about -- you know, if
4 somebody was mad or hurting, they just, you know,
5 they were open about things like that. Just what I
6 would call real.

7 Q. Right. Did Denny appear close to -- did
8 Denny have a closer relationship to one sibling or
9 another?

10 A. If so, I wasn't aware.

11 Q. Okay. Did you ever hear or observe any
12 marital strife between Carlene and Eldon?

13 A. No.

14 Q. Did you ever hear of or observe any
15 physical altercations between anyone in the Chittick
16 family other than obviously kids fighting as they
17 do?

18 A. Absolutely not.

19 Q. Okay. Do any members of the Chittick
20 family still live in Idaho?

21 A. Yes. Shawna.

22 Q. And does Shawna live in Coeur d'Alene?

23 A. Yes, as far as know.

24 Q. Do you keep in touch with Shawna?

25 A. No.

1 Q. Going back to Denny and based on what you
2 observed of him, can you tell me what he was like as
3 a child?

4 A. He was fun-loving. He liked to laugh and
5 just be friendly. He roller skated a lot at our
6 roller skating rink. He was always well-behaved but
7 still fun. Seemed to get along well with the other
8 skaters. Respectful. I would just call him really
9 a delightful young man.

10 Q. Did he have a lot of friends that you saw?

11 A. I don't know about close friends. He
12 certainly was one of the gang that skated around
13 together, but I guess I didn't know him well enough
14 to know that he might have close friends or didn't.

15 Q. So even though your children were
16 classmates of Denny's, and you went to the same
17 church, it's not as if your children were best
18 friends with Denny. Is that what I'm hearing?

19 A. That is what you are hearing.

20 Q. Okay. Now eventually Denny moved to
21 Arizona. Do you know of the circumstances that
22 caused him to move from Idaho to Arizona?

23 A. I'm not exactly positive. I think it was
24 college.

25 Q. Okay. So you don't remember the exact

1 **year that he moved to Arizona?**

2 A. No.

3 **Q. But you obviously kept in touch with him**
4 **when he moved to Arizona; is that correct?**

5 A. No, not necessarily. When he came home,
6 if we would see him we would always have warm
7 greetings for one another, but we did not keep in
8 touch with him when he was in Arizona.

9 **Q. I see. Now Denny's parents also**
10 **eventually relocated to Arizona; is that correct?**

11 A. At first it was part time, I believe but
12 eventually, yes.

13 **Q. Do you remember the year that Denny's**
14 **parents moved to Arizona?**

15 A. No.

16 **Q. Did you keep in touch with them at all**
17 **when they moved to Arizona?**

18 A. No. Only again when they were back and we
19 would see them, we would catch up a little bit. But
20 no, we did not correspond -- or no.

21 **Q. Okay. And once Denny had moved to**
22 **Arizona, roughly how frequently was he getting back**
23 **up to Idaho?**

24 A. Are you speaking of pre DenSco days or
25 post DenSco days?

1 Q. Let's do both, pre and post.

2 A. Okay. I'm not sure about the pre. I
3 wouldn't have an opinion of that. But post DenSco I
4 believe he came about twice a year.

5 Q. Okay. And did he tend to come up to Idaho
6 at the same time every year or did it vary?

7 A. It seemed like he was always up there
8 around the 4th of July and also in the winter, I
9 think during spring or Christmas break.

10 Q. Now once Denny had moved to Arizona and
11 you became -- so we saw e-mails between you and
12 Denny, and we may review some of them later. But
13 did you start communicating with Denny either by e-
14 mail or phone once you became an investor in DenSco?

15 A. Sometimes.

16 Q. Okay. So prior to you becoming an
17 investor in DenSco and once Denny had moved down to
18 Arizona, were you ever communicating with him other
19 than when he was up in Idaho?

20 A. No.

21 Q. Okay. Give me one second. Did you ever
22 meet Denny's wife Ranasha?

23 A. I did.

24 Q. And do you remember when you first met
25 her?

1 A. I think the first time I met her was when
2 Eldon and Carlene had a reception for them after
3 they were married and we were -- my husband and I
4 were invited to Eldon and Carlene's to meet them.

5 **Q. I see. This was in Idaho?**

6 A. Yes.

7 **Q. Okay. Do you remember the year that Denny**
8 **and Ranasha were married?**

9 A. No.

10 **Q. What were your initial impressions of**
11 **Ranasha?**

12 A. I thought she seemed sweet, kind, quiet
13 perhaps. That would be my answer.

14 **Q. Okay. And based on your observations, did**
15 **you come to develop any impression of the**
16 **relationship between Denny and Ranasha?**

17 A. No, not at that time. It was a large
18 group of people and people were just talking and
19 milling around and I didn't observe anything
20 unusual.

21 **Q. Okay. Subsequent to that reception did**
22 **you ever interact with Ranasha?**

23 A. Alone, no.

24 **Q. But did you see Ranasha when Denny would**
25 **go back up to Idaho?**

1 A. Most of the time -- I think she was with
2 him a couple of times that I recall.

3 Q. And is there anything about their
4 interaction in those subsequent meetings with them
5 that made an impression on you about their
6 relationship?

7 A. No.

8 Q. Okay. Do you know if Ranasha was ever
9 involved in DenSco's operations?

10 A. I wasn't aware of it if she was.

11 Q. And you are aware that Denny and Ranasha
12 divorced ultimately; is that correct?

13 A. Yes.

14 [REDACTED]
15 [REDACTED]
16 [REDACTED] [REDACTED]
17 Q. If I told you it was 2012, would you have
18 any reason to doubt that?

19 A. No. I would have guessed later but that
20 was only a guess.

1	[REDACTED]
2	[REDACTED]
3	[REDACTED]
4	[REDACTED]
5	[REDACTED]
6	[REDACTED]
7	[REDACTED]
8	[REDACTED]
9	[REDACTED]
10	[REDACTED]
11	[REDACTED]
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[REDACTED]

[REDACTED]

Q. And you had mentioned earlier that you met
Denny through the Methodist church. Was the
Chittick family religious?

A. They attended church often. Their kids
were involved in youth groups. If that's a
definition of religion, I guess so.

Q. Okay. And do you know if Denny continued
to attend church when he became an adult?

A. I don't know other than he told me that he
took his boys to church.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED],
20 [REDACTED]

21 Q. Right. Okay. This e-mail exchange occurs
22 in the fall of 2012. Do you remember when you next
23 saw Denny after this e-mail exchange?

24 A. No, but I -- no. You don't want me to
25 guess. No, I don't remember.

1 Q. Well, if you can -- I don't want you to
2 give me a pure guess, but if you have some idea in
3 terms of months or you can provide some estimation,
4 that's fine.

5 A. My guess would be that it would be the
6 following July when he was up there, and we had a
7 general meeting of all the investors. I would guess
8 that I saw him then. We attended most of those.

9 [REDACTED]
10 [REDACTED]
11 [REDACTED]

12 [REDACTED]
13 Q. Okay. Subsequent to that general meeting
14 with other DenSco investors, did you ever speak to
15 Denny about either his divorce or how he was doing?

16 A. I don't recall that I did.

17 Q. Okay. Subsequent to this e-mail exchange
18 did you observe any changes in the demeanor of Denny
19 Chittick?

20 A. No.

21 Q. Okay. Did you ever speak with anyone who
22 had -- who had noticed a change in the demeanor of
23 Denny Chittick?

24 A. No.

25 Q. Did anyone ever tell you that they had

1 spoken to Denny about his divorce?

2 A. No.

3 Q. Based on your observations, who do you
4 believe Denny would have confided in regarding his
5 divorce, other than his family?

6 A. I would not know that.

7 Q. Did you ever meet Denny's children?

8 A. I did.

9 Q. How many times would you say you met his
10 children?

11 A. Probably three.

12 Q. And did Denny appear to be an involved
13 father?

14 A. Very much.

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 Q. Okay. Now switching gears a little bit,
23 when did you first learn of Denny's suicide?

24 A. I'm not exactly sure. It was -- I believe
25 the day after it happened.

1 Q. And how did you learn of it?

2 A. I'm not exactly sure. It might have been
3 an e-mail.

4 Q. Okay. But you don't remember who the e-
5 mail would have been from?

6 A. I saw one in my notes that came out from
7 the Chittick family and I'm not sure if that was the
8 first one or not.

9 Q. What was your reaction to the news?

10 A. Shock, pain.

11 Q. And prior to his suicide did Denny ever
12 discuss with you, other than in the e-mail exchange
13 about the divorce with Ranasha, did he ever discuss
14 with you any concerns or stresses in his life?

15 A. No.

16 Q. Do you know if Denny was seeing any sort
17 of psychologist or therapist prior to his suicide?

18 A. I don't know that.

19 Q. We have some e-mails that I sent to you --
20 let me find them. The number is CH-REC-CHI-0121761.
21 And the date at the top is 7/25/2016.

22 So this e-mail exchange was just prior to
23 Denny's suicide. We believe that Denny died on July
24 28th of 2016. And do you see in this e-mail you're
25 asking him about monies relating to an account that

1 you have for Radhika, who I understand is one of
2 your daughters.

3 Can you tell me -- and I believe your
4 initial request to him is at the very end of the e-
5 mail train on Monday, July 25, 8:55. Can you tell
6 me what it is you are asking Denny to do?

7 A. I was asking him to change the account
8 that he normally sends the money to. I had changed
9 the account and he was not aware of it. So I was
10 letting him know not to put the money in the account
11 that he usually did but to put it into the new
12 account that we had set up.

13 Q. Okay. And other than this e-mail exchange
14 did you speak with Denny by phone in the week
15 preceding his death?

16 A. No.

17 Q. Okay. And is there anything in this e-
18 mail exchange that you have with Denny that seems
19 odd or out of character for him?

20 A. No. He was willing to accommodate
21 whatever I asked and which was what he was doing.

22 Q. Okay. Have you spoken with anyone in the
23 Chittick family about Denny's death since he died?

24 A. No.

25 Q. I'd like to switch gears one more time and

1 talk about how you became involved in DenSco. Do
2 you remember when you first began investing in
3 DenSco?

4 A. Are you asking for the date?

5 Q. The year.

6 A. I am not a hundred-percent sure but I
7 think it was around 2010.

8 Q. Okay. From the documents I've seen, and
9 I'm specifically referring to -- I sent you a fairly
10 fat document where the first page is CH-REC-DEP-
11 0015590. This is a -- what appears to be a journal
12 that Denny Chittick kept. And if you -- and it's
13 obviously organized by date. And if you look at the
14 date 7/26, which is in the middle, and at the bottom
15 of the specific page is 0015617.

16 A. Yes. Yes, I have it.

17 Q. Under 7/26 he writes "I had talked to Marv
18 Miller over the weekend. He said he was planning to
19 invest and after nearly nine years from the first
20 time I talked to him, he invested 200k."

21 So you had clearly been considering
22 investing in DenSco for quite some time. What was
23 it that caused you to finally invest in 2010?

24 A. We finally had some extra money that we
25 were looking for a place to get a return on.

1 Q. And is there anything that Denny told you,
2 either on July 26th, or in the year prior, that gave
3 you comfort with investing in DenSco finally?

4 A. There was nothing different. We felt
5 comfortable from the time we first heard about it.
6 We just didn't have the extra cash or we were busy
7 investing in other businesses, et cetera. We
8 finally had some extra cash was really the reason.

9 Q. I see. And what was it about either
10 DenSco -- or let me rephrase that. Why were you
11 comfortable with the idea of investing in DenSco
12 from the first time you heard it nine years earlier?

13 A. Because of the Chittick family and Denny,
14 his stability and apparently success in the
15 financial industry. We felt that he would be a good
16 risk.

17 Q. And when you say his apparent success in
18 the financial industry, can you elaborate on that a
19 little more? What do you mean by that?

20 A. Well, our understanding in speaking with
21 Eldon and Denny, knowing that he had -- he had been
22 very successful in what he had been doing, and we
23 were aware of that, and we felt that he knew money
24 and he would be a good investment.

25 Q. How would you have described Denny to a

1 **stranger as an adult?**

2 A. We would have said -- and we did say on
3 several occasions as we explained our investments,
4 we invested with a young man who seems to be very
5 smart, very stable, very honest, very family
6 committed. We have known him for a long time.
7 We've never seen anything that would frighten us
8 away. Just a great young man.

9 **Q. Okay. And prior to investing in DenSco**
10 **did you understand what DenSco did?**

11 A. Not a hundred percent for sure but a
12 general awareness of what he did.

13 **Q. And can you explain to me what your**
14 **understanding was of the kind of business DenSco was**
15 **engaged in?**

16 A. Probably not as well as my husband could,
17 but I understood that he took money -- he -- from
18 people. And then loaned it out to people who were
19 maybe, I would say, flipping houses. He paid 12
20 percent to those that invested with him and charged
21 18 percent to those who borrowed from him. He kept
22 the 6 percent, and that's the way he made his money.
23 It was an Arizona-based business. I guess that's
24 the way I would answer that.

25 **Q. Okay. So you knew when you gave DenSco**

1 your money, Denny was going to turn around and lend
2 that money to third parties?

3 A. Yes.

4 Q. Did you understand how Denny protected
5 your money in the loans that he made to others?

6 A. We read through everything that he sent
7 us. As far as me understanding totally, probably
8 not. But what was the second part of your question?

9 Q. I think my question was did you understand
10 how Denny protected the money -- your money that you
11 invested in DenSco that he then lent out to third
12 parties?

13 A. No, I didn't have a good understanding of
14 that.

15 Q. So if I were to tell you in his POM he
16 said that the money that he loaned to flippers would
17 be secured in a first position deed of trust, does
18 that sound familiar to you at all?

19 A. Yes, it does.

20 MR. STURR: Object to the form of the
21 question.

22 MS. PATKI: You might hear Geoff here
23 object. Just let him get his objection on the
24 record and then you can go ahead and answer.

25 Q. Okay. I'd like to refer to a document

1 with the number CH-REC-CHI-0085716. The date is
2 September 6, 2011. In this e-mail you write "Denny
3 and Ranasha. Thanks so much for the great dinner
4 last weekend in Coeur d'Alene. We enjoyed the food,
5 company, seeing other investors, your parents, and
6 most of all the stories of you, Denny, and how you
7 got to where you are. We were glad to be included
8 and feel more and more comfortable with where our
9 money, be it ever so humble, is."

10 Now this e-mail was written about a year
11 after you first invested in DenSco. Do you
12 remember, as you sit here today, what it was about
13 that dinner or what Denny -- strike that.

14 Do you remember, as you sit here today,
15 why you wrote that you feel more and more
16 comfortable with where our money is?

17 A. I remember feeling a part of a good group
18 of people that not only did we feel comfortable with
19 Denny but others did also. Just comfortable that he
20 seemed appreciative of those of us who were
21 invested. Just that all was well.

22 Q. That all was well. Okay. Did Denny ever
23 discuss with you throughout your investment
24 relationship in DenSco, did he ever discuss with you
25 any problems with DenSco?

1 A. No.

2 Q. Did he ever discuss with you any problems
3 with any loans that he had made on behalf of DenSco?

4 A. No.

5 Q. Did you ever ask him for updates on how
6 DenSco was doing?

7 A. I don't recall that.

8 Q. In this e-mail when you say "Thanks so
9 much for the great dinner last week. We enjoyed the
10 food, company, seeing other investors," is it safe
11 to say that you were referring to one of the annual
12 investor meetings that Denny had for DenSco
13 investors?

14 A. Yes.

15 Q. And did he have an investor meeting for
16 DenSco investors in Idaho?

17 A. Yes.

18 Q. And did he do this every year?

19 A. Yes.

20 Q. How many investors, if you know, did Denny
21 have in Idaho?

22 A. I don't know the exact number.

23 Q. And how many of these investor dinners
24 would you say you attended total?

25 A. Maybe six.

1 Q. Okay. And roughly how many investors
2 would be at these dinners?

3 A. Maybe 10 to 12.

4 Q. Did you know all of the investors who went
5 to these dinners?

6 A. Only as we got acquainted at the dinners.

7 Q. So you didn't know any of the other DenSco
8 investors outside of -- outside of DenSco?

9 A. Correct.

10 Q. Okay. Did you come to be friends with any
11 of the other investors?

12 A. Only as we met at the dinners.

13 Q. Do you stay in touch with any of the
14 investors in DenSco?

15 A. Not at this time.

16 Q. Did you ever attend any investor dinners
17 in -- that were held in Arizona?

18 A. Yes.

19 Q. How many?

20 A. One.

21 Q. And did you know any of the investors at
22 the Arizona dinner?

23 A. No.

24 Q. At these investor dinners did Denny
25 discuss DenSco business with the investors?

1 A. He sometimes would give us a brief, what
2 would you call it? Just a brief update perhaps,
3 very general, encouraging.

4 Q. I would like to walk through some of these
5 investments you made in DenSco. Now I understand
6 that you made several investments in DenSco at
7 different times. But what I'd like to do is I'd
8 like to look at an investment that you made of
9 \$200,000.

10 So if you can look at the document with
11 the numbers CH-EstateSDT-0070751, and another
12 document with the numbers CH-REC-CHI-0148033.

13 You'll see that these are Subscription
14 Agreements that at least, when I review them, they
15 appear to relate to the same investment. If you
16 look at the document numbered 70751, the date of
17 that is July 26, 2014; and if you look at the
18 document numbered 0148033, that's dated exactly two
19 years later. And they both relate to an investment
20 of \$200,000.

21 Now when you signed this subscription
22 agreement on July 26, 2014, did you -- there was
23 presumably an obligation note that accompanied the
24 subscription agreement. I apologize, I haven't been
25 able to find it.

1 But is it your understanding that the
2 general obligation notes you signed were for two-
3 year terms?

4 A. Yes.

5 Q. Okay. So this 200,000-dollar investment
6 matured two years later; is that correct?

7 A. Yes.

8 Q. And so then exactly two years later, you
9 signed another subscription agreement. So you roll
10 over that 200,000-dollar investment; is that
11 correct?

12 A. Yes.

13 Q. Okay. When it came time to execute this
14 July 26, 2016, subscription agreement, and sign all
15 the new documents, was that a process that Denny
16 initiated?

17 A. Yes.

18 Q. Okay. So can you tell me what would
19 happen when it would come time to sign these new
20 investment documents?

21 A. He would send out papers to be signed to
22 reinvest and we would check them over, sign them,
23 and send them back.

24 Q. And when you say he would send out papers,
25 do you mean he would send out this subscription

1 agreement?

2 A. Yes.

3 Q. Did he ever send out anything else other
4 than the subscription agreement or general
5 obligation note?

6 A. At this time or?

7 Q. Yes.

8 A. No. It was just this, that I recall.

9 Q. Okay. So if you look at the July 26,
10 2016, subscription agreement, you'll see that the
11 first line of that document says "The undersigned
12 investor has received and reviewed the confidential
13 private offer memorandum dated July 1, 2009."

14 When you signed this subscription
15 agreement, did you actually review the POM prior to
16 signing this agreement?

17 MR. STURR: Object to form and foundation.

18 MS. PATKI: You can go ahead and answer.

19 THE WITNESS: I don't recall that we did.

20 BY MS. PATKI:

21 Q. Do you recall ever reviewing the -- let me
22 strike that. Do you recall ever receiving a
23 document called the Confidential Private Offering
24 Memorandum?

25 A. I do. I just came across that in my file

1 and I noticed that I had highlighted a lot of the --
2 what I thought was important information in it.

3 Q. Do you recall when you first reviewed that
4 document?

5 A. I do not.

6 Q. Or the first time you saw that document, I
7 should say?

8 A. I do not recall the date on that.

9 Q. Okay. Do you recall if you ever reviewed
10 the confidential private offering memorandum -- or
11 strike that?

12 Do you remember how many times you may
13 have reviewed the confidential private offering
14 memorandum?

15 A. I don't recall.

16 Q. After you invested with DenSco do you ever
17 recall going back to look at the confidential
18 private offering memorandum for any reason?

19 A. No.

20 Q. We've been going for about an hour. Would
21 you like to take a break or do you just want to keep
22 going?

23 THE WITNESS: A quick break.

24 MS. PATKI: Okay. Great. So I have it's
25 10:13. Did you want to get back on the record at

1 10:20?

2 THE WITNESS: Yes.

3 MS. PATKI: Okay. Great.

4 (Break in proceedings.)

5 BY MS. PATKI:

6 Q. Going back to the confidential private
7 offer memorandum we were discussing earlier, do you
8 know how frequently you were supposed to receive,
9 let's call it the POM for short, do you know how
10 frequently you were supposed to receive a POM as an
11 investor?

12 A. No.

13 Q. Do you ever recall receiving more than one
14 POM?

15 A. No. I don't recall.

16 Q. Right. Was there anything about the POM,
17 either from the first time you reviewed it or at any
18 point, that you recall thinking was significant in
19 your decision to invest with DenSco?

20 A. I thought it was very thorough and that
21 there was some protections in place.

22 Q. Do you remember what protections were in
23 place?

24 A. One of the ones that I recall was that not
25 more than a million dollars would be loaned to a

1 certain person, and I believe it was a 70-percent
2 amount would be loaned on a property. Those are two
3 that I vaguely remember.

4 Q. And were both of those points, that more
5 than a million dollars would not be invested to a
6 single person and the money loaned on a property
7 wouldn't exceed 70 percent, what we call the loan-
8 to-value ratio, were both of those important to you
9 in insuring that your money was protected?

10 A. I would say yes, and comforting.

11 Q. Comforting. Okay. So if you had learned,
12 let's say in 2014, that Denny was making loans in
13 direct violation of both of those assertions, do you
14 think you would have continued to invest in DenSco?

15 A. No.

16 Q. Okay. When you first invested in DenSco,
17 and you talked about the type of industry DenSco was
18 involved in, which was making loans to flippers, did
19 you understand that that was an inherently risky
20 industry?

21 A. I would say somewhat risky.

22 Q. Why do you say somewhat risky?

23 A. Because it's, to me, not as solid as maybe
24 other types of investments.

25 Q. But you understand there was some risk

1 with your investment?

2 A. Yes.

3 Q. And did it concern you at all that DenSco
4 was essentially a one-man operation that was owned
5 and operated solely by Denny Chittick?

6 A. No, not concerned.

7 Q. And why were you not concerned?

8 A. Because of our trust in Denny.

9 Q. Okay. Do you recall on the various
10 investments you made, how frequently you received an
11 interest payment? Did you take it monthly?
12 Quarterly?

13 A. On most of them we took quarterly. On one
14 of them we took monthly.

15 Q. Okay. I would like to refer to a
16 document. There is a sticker at the top of the
17 document. If you kept the documents in order of how
18 I gave them to you, it should be toward the back.
19 There is a sticker at the bottom of the document
20 that says "Bunger," Exhibit number 605.

21 A. Yes. We have that.

22 Q. So this is an e-mail dated April 23rd,
23 2014. You will see it's from Denny Chittick and you
24 are a recipient of this e-mail. If you are looking
25 for your specific e-mail, you are four lines down.

1 And we see in this e-mail that Denny is
2 basically saying that you -- your payment will be
3 late. Is this the only time that you recall that
4 you did not receive a payment from DenSco on time?

5 A. This is the only time. Every other
6 payment came never late, never a day late.

7 Q. So was there ever -- so was there anything
8 about this e-mail that gave you pause or concern
9 about DenSco?

10 A. No. I just thought it was a bank problem
11 and that he would get it straightened out, which he
12 did.

13 Q. Okay. Do you recall any other investors
14 being concerned about this late payment?

15 A. No.

16 Q. Did you ask Denny for any further details
17 about what happened with Bank of America and why the
18 payment was late?

19 A. No.

20 Q. Okay. Did Denny ever solicit your help or
21 advice with regards to DenSco matters?

22 A. No.

23 Q. Okay. So I'd like to refer to a document
24 -- and again, if you kept them in order, it was
25 towards the front of that stack, the document

1 CH-EstateSDT-0025542.

2 There is also a sticker on this exhibit.
3 It's Exhibit 782.

4 A. Yes, I have it.

5 Q. Prior to me sending you this document a
6 couple of days ago, had you ever seen this document?

7 A. Yes.

8 Q. Okay. And when did you first see this
9 document?

10 A. I couldn't really tell you. It came
11 sometime after Denny's death, and I couldn't tell
12 you when.

13 Q. Okay. When you first read this letter,
14 and this appears to be a letter written by Denny to
15 the investors though he appears to have not sent it
16 out, do you remember what your reaction as to
17 reading this?

18 A. I was happy to know more about the
19 situation. I think this explained some of the --
20 what went on, some of why he got into this mess.
21 Not totally but some.

22 Q. Okay. I'd like to go through certain
23 parts of this letter, and I'm going to do my best to
24 try and direct you to exactly where. And I'll give
25 you time to get there. It's all on this first page.

1 So if you go up 20 lines from the bottom
2 of the page.

3 A. Okay.

4 Q. Do you see the sentence that starts "Going
5 into 2013."

6 A. Yes.

7 Q. So I apologize, I'm going to read for a
8 little bit before asking you the question. So he
9 says:

10 "Going into 2013, I was starting to get
11 larger idle cash positions on a regular basis.
12 Scott Menaged," and then gives contact information,
13 "a long-time borrower, he was probably one of my
14 largest borrowers by dollars over the years. He
15 also ran a bidding company and sent me many
16 borrowers over the years. He at the time had a few
17 million of loans with me on his rentals and was
18 still doing flips on a regular basis. "Scott
19 contacted me and asked if I would be interested in
20 funding a bank of rentals to which a hedge fund
21 friend of his out of New York would buy once it
22 reached 7 to 10 million. He would put down 15 to 20
23 percent, fix them up and rent them. And then when
24 acquired the total dollar amount, he would sell out
25 to this guy. That amount of money would take me

1 over the 10 to 15 percent threshold to any one
2 borrower."

3 Now he says, "Again, I talked to a few of
4 you investors and got a positive response based on
5 his track record, the down payment, et cetera, the
6 comfort level was there."

7 Do you recall Denny ever talking to you
8 about this plan that he describes with Scott
9 Menaged?

10 A. No.

11 Q. And then if you go down a couple more
12 lines, sentence that starts: "A majority of the
13 time my repeat borrowers are buying through bidding
14 companies that I have relationships with. For
15 efficiency sake, I would normally wire the funds I'm
16 lending to the bidding company. They would get the
17 cashier's check and give it to the trustee."

18 Then he says: "Sometimes I would even
19 wire the full amount and my borrower would bring me
20 their down payment check and building fee because
21 they lived here in the East Valley versus running
22 across town."

23 Then he says: "I've operated this way
24 ever since I was given the ability to wire online in
25 2003. Many of you knew this and I told you this is

1 how I operated."

2 Did Denny tell you that, as he described
3 it here, that that was how he was sometimes making
4 loans?

5 A. No.

6 Q. Okay. Based on the fact that you provided
7 a victim statement in the trial of Scott Menaged,
8 you obviously know who he is. What is your -- and
9 in your victim impact statement you write in the
10 document number here is CH-REC-DEP-008427, you write
11 in the paragraph starting with the word
12 "Emotionally. The shock of realizing what happened
13 to DenSco, realizing the fraud committed, of being
14 lied to and stolen from, has been very emotionally
15 hard for all our family to realize."

16 What is your understanding of how Scott
17 Menaged defrauded DenSco?

18 A. By lying to him, by I guess double dipping
19 on the houses, I would call it; not paying him when
20 he said, what he said, having illegal transactions
21 in Scott's portfolio.

22 Q. And when you say "him," are you referring
23 to Denny Chittick? So when you say he lied to him?

24 A. Yes. Yes. Denny Chittick.

25 Q. Okay. Did you ever meet Mr. Menaged?

1 A. No.

2 Q. Did Denny ever mention Mr. Menaged to you
3 while he was alive?

4 A. No.

5 Q. Did you ever see any record prior to Mr.
6 Chittick's death of how much money Denny had loaned
7 to Mr. Menaged?

8 A. No.

9 Q. Do you know if any other investor of
10 DenSco ever met Mr. Menaged?

11 A. I'm not aware of it.

12 Q. Okay. After Denny's death do you recall
13 receiving e-mails from an attorney name David
14 Beauchamp?

15 A. I do not recall it.

16 Q. Okay. You do not recall it. But if you
17 reviewed the stack of documents I sent you, I'm
18 assuming you saw that there are some e-mails from
19 David Beauchamp in that stack?

20 A. I didn't get through everything. I tried
21 to pick what was important, and I didn't -- I do not
22 recall that.

23 Q. Okay. So as you sit here today, you don't
24 recall how many e-mails David Beauchamp might have
25 sent to you after Denny's death?

1 A. That is correct. I don't.

2 Q. And you don't recall what the e-mails may
3 have said?

4 A. No.

5 Q. Do you have any sort of impression of
6 David Beauchamp at all?

7 A. From a personal knowledge, no.

8 Q. What about outside of personal knowledge?

9 A. Well, I'm hearing there may have been some
10 fraudulent activity but that's only what I'm picking
11 up.

12 Q. And where did you pick up that he may have
13 been engaged in fraudulent activity?

14 A. Probably from e-mails. I don't really
15 recall.

16 Q. Okay. How frequently do you communicate
17 with the receiver about this case?

18 A. Only when he sends something out to me --
19 to us.

20 Q. And how frequently does he send something
21 out?

22 A. Infrequently.

23 Q. And when you say infrequently, are we
24 talking a couple times a year, a couple times a
25 month?

1 A. Of the two of those, I would choose a
2 couple of times a year.

3 Q. And how closely are you tracking
4 developments in this specific case relating to
5 DenSco?

6 A. I read everything that is sent to me but
7 I'm not investigating anything on my own.

8 Q. Did the receiver consult with the
9 investors of DenSco on next steps regarding this
10 case?

11 A. Not that I'm aware of.

12 Q. Okay. And other than this present
13 lawsuit, do you know if the investors, through the
14 receiver, are attempting to recover damages from any
15 other party other than David Beauchamp and Clark
16 Hill?

17 A. I'm not aware of it.

18 Q. Going back to Mr. Chittick, is it safe to
19 say that prior to his death you found him to be
20 honest and trustworthy?

21 A. Yes.

22 Q. Since his death has your impression of
23 Denny changed at all?

24 A. I would say I think he is honest and
25 trustworthy. I think he got into some kind of a

1 mess over his head that caused him to act otherwise.

2 Q. Do you think that Denny was honest with
3 you as an investor of DenSco?

4 A. I'd have to answer that no.

5 Q. And why would you say no?

6 A. Because there were things going on that he
7 knew about that he hadn't told me or probably most
8 of the others that he probably should have, but I
9 understand his fear and concern.

10 MS. PATKI: Those are all the questions I
11 have.

12 MR. STURR: Miss Meller, I have a few more
13 questions for you. I'm Geoffrey Sturr. I represent
14 the receiver in this case.

15 THE WITNESS: Okay.

16 EXAMINATION

17 BY MR. STURR:

18 Q. I would like to just make sure we have a
19 clear understanding of the investment that you and
20 your husband made in DenSco. So if I could just
21 quickly review those and make sure I'm understanding
22 them.

23 You testified earlier that in 2010 you and
24 your husband invested \$200,000; is that correct?

25 A. I believe so.

1 Q. And that is money that you and your
2 husband have worked very hard to earn and obtain
3 through all the businesses that you were operating;
4 is that correct?

5 A. Correct.

6 Q. And at that time you invested the \$200
7 000, I think you testified earlier you had to wait
8 until you had money to put into DenSco to make that
9 investment; is that correct?

10 A. Correct.

11 Q. What was the purpose of the investment?
12 What was that money set aside for, if anything?

13 A. To earn quarterly income and to provide
14 for retirement.

15 Q. Okay. And you received that -- you and
16 your husband reviewed everything you received from
17 Mr. Chittick before making the investment; is that
18 correct?

19 A. Yes.

20 Q. I'd like you to -- now that investment at
21 \$200,000, as you testified earlier, that rolled over
22 essentially every two years, correct?

23 A. Yes, that's correct.

24 Q. So in 2012, 2014 and then possibly in
25 2016, you would have been renewing that 200,000-

1 dollar investment, right?

2 A. Yes.

3 Q. I'd like you to take a look at -- there's
4 a document that Miss Vidula sent you. It's towards
5 the end of the -- about three-quarters of the way
6 through the stack. It's marked Bunger, B-u-n-g-e-r,
7 557, and it's a big, thick document. It says
8 Confidential Private Offering Memorandum.

9 Do you have that, Miss Miller?

10 A. Yes.

11 Q. Can you tell us -- do you recall receiving
12 this document like this?

13 A. I don't recall it.

14 Q. Why don't we just set that aside for a
15 minute, Miss Miller. I have another question for
16 you.

17 The very next document in the stack, if
18 your daughter can hand you that, is an e-mail from
19 Denny Chittick to various individuals, dated July
20 19, 2011. Do you have that? In the lower right
21 corner is DIC0003934. It's an e-mail dated July 19,
22 2011.

23 A. We're looking.

24 Q. Okay. There is no court reporter stamp at
25 the top. There's a handwritten note at the upper

1 right corner that says "DenSco/POM," page 1 of 2.

2 THE WITNESS: Okay. We have it now.

3 MR. STURR: Jodi, would you please mark
4 that exhibit?

5 (Exhibit 858 marked for identification.)

6 BY MR. STURR:

7 Q. Miss Miller, would you take a minute and
8 just look at Exhibit 858? Just read through it for
9 us, please.

10 A. Okay. I have glanced at it.

11 Q. Okay. Can you tell us, if you look at the
12 individuals who received it at the very top with the
13 e-mail addresses, do you see your e-mail address or
14 your husband's e-mail address?

15 A. Yes, I do.

16 Q. Actually, I see it's addressed to Marv Pat
17 Miller. Do you see that?

18 A. Yes, I do see that.

19 Q. This is an e-mail that was apparently sent
20 to you. Who receives the e-mails at Marv Pat Miller.
21 You or your husband or both?

22 A. I do.

23 Q. Okay. Seeing this document today, does
24 that refresh your memory in any way that you
25 received an e-mail from Denny, July 19, 2011, and

1 attached to which was a Private Offering Memorandum?

2 A. I don't recall it but I obviously received
3 it if my name is on it.

4 Q. If you read -- if you look down. I'm
5 sorry, I don't mean to interrupt you.

6 A. However, that's not my e-mail address but
7 I see it's not anybody's e-mail address.

8 Q. I'm sorry. What do you mean by that?

9 A. Well, Marv Pat Miller is not my e-mail
10 address.

11 Q. Oh, I understand, but this could have been
12 how Denny described you in his address book.

13 A. Okay. Got it.

14 Q. The e-mail in the third paragraph, are you
15 with me?

16 A. Yes.

17 Q. It says "I update this memorandum every
18 two years. I work with David Beauchamp (securities
19 attorney) to review all statutes" -- that's a typo;
20 it says statues -- "and laws in Arizona as it
21 pertains to my business and all the states that I
22 have investors in. This is to ensure that I'm
23 filing all the forms and following all the rules
24 that legislators like to change from time to time."

25 My question for you is, did you remember

1 when you read this, knowing or learning that David -
2 - that Denny was relying on an attorney to help
3 advise him on DenSco matters?

4 A. I don't recall reading this so I just
5 really don't recall it.

6 Q. Okay. Do you have any memory though, Miss
7 Miller, of learning that -- that DenSco or Denny
8 were relying on a lawyer or lawyers to help provide
9 legal advice to the company?

10 A. Yes, I do remember that.

11 Q. What do you remember?

12 A. Just that Denny mentioned something about
13 his lawyer, and I remember thinking oh, of course he
14 would need a lawyer. But that really was my only
15 thought, just that there was a lawyer involved.

16 Q. Now I know you don't remember this e-mail,
17 but Denny wrote that he consulted with a lawyer to
18 quote, ensure, that I'm filing all the forms and
19 following all the rules.

20 You see that?

21 A. Yes.

22 Q. Do you have -- based on your experience
23 with Denny, watching him grow up and working with
24 him in this business, do you have an opinion about
25 whether Denny would have followed the rules and

1 complied with the law if he was told what those
2 rules and what the law said?

3 MS. PATKI: Objection. Form.

4 BY MR. STURR:

5 Q. Let me ask the question another way.
6 Based on your experience with Denny, do you have an
7 opinion as to whether he is someone who would follow
8 the law or break the law?

9 A. All I can say is I would hope he would
10 follow the law. I would think he would follow the
11 law but I don't know if he did.

12 Q. Okay. I know you can't know that for
13 certain. I'm just asking for your opinion.

14 A. Right.

15 Q. Based on knowing him growing up, is it
16 your opinion that if he was told what the law
17 required, that he would follow the law?

18 A. I would think he would follow the law
19 because he's seeking legal advice. I would think he
20 would follow it.

21 Q. Okay. Now if I could ask you to go back
22 to the Private Offering Memorandum, the Bunger
23 Exhibit 557.

24 Now I know you don't recall receiving this
25 document but it's the big thick one. You testified

1 earlier that you -- before this deposition, you
2 reviewed the private offering memorandum in your
3 file and you found a lot of, I think highlighting,
4 of what you thought was important.

5 When did you do that? Just before coming
6 here today?

7 A. No. I found it in my file. I would guess
8 I had done it when I received it.

9 Q. Okay. So when did you look back at your
10 file to find that copy?

11 A. This morning.

12 Q. Okay. And do you remember anything in
13 particular that you highlighted?

14 A. I did highlight the -- not more than a
15 million dollars would be -- I think I'm saying that
16 right. Not more than a million dollars would be
17 invested with one person. And as I mentioned
18 earlier, that the ratio would be 70 percent, not
19 more than 70 percent invested in a property. Those
20 are the two that stand out to me.

21 Q. Okay. But your memory is you would have
22 underlined or highlighted it about the time that you
23 received that document?

24 A. Yes.

25 Q. Is that right?

1 A. Yes.

2 Q. Okay. Why did you do that? Is that your
3 practice to highlight and underline things?

4 A. Yes.

5 Q. Okay. Did you discuss -- and I don't want
6 to intrude at all in your discussions with your
7 husband, but I'm just in general did you discuss
8 with your husband your decision to invest in DenSco?

9 A. Yes.

10 Q. Okay. Do you know whether your husband
11 reviewed the Private Offering Memorandum?

12 A. I believe he did.

13 Q. Okay. Now I want to go forward. So we
14 have talked about your first investment of \$200,000
15 that was in 2010, and you were rolling it over. So
16 in 2012 when you did your first roll over, do you
17 recall looking at this document, Exhibit 557, the
18 Private Offering Memorandum, before deciding to roll
19 over?

20 A. I do not recall that.

21 Q. Okay. Let me take you forward to 2013
22 now. Now I understand from some documents that I've
23 received that in 2013 you sold the skate park; is
24 that right?

25 A. Probably, yes.

1 Q. And you had -- with the proceeds of that
2 sale, you had additional money to invest in DenSco;
3 is that right? Do you remember that?

4 A. Yes.

5 Q. And the notes that I have in my file show
6 that it was in about September of 2013 that you
7 communicated with Denny about investing
8 approximately a million dollars into DenSco from the
9 sale of the skate park. Am I correct on that?

10 A. Correct.

11 Q. Now do you have a memory at all of how you
12 decided to make that investment and whether you had
13 any discussions with Denny about making that
14 investment?

15 A. I don't recall. It wouldn't have been me
16 that would have done that. It would have been my
17 husband. And I just recall we had made that
18 decision that was a good place to put this money, a
19 good return, and that's what we chose to do.

20 Q. And that's -- and again, I don't want to -
21 - I only want to ask you what you know and I don't
22 want you to tell me what your husband knows. But
23 your memory, if I'm clear, is in about September of
24 2013, you had a large amount of money from the sale
25 of the skate park that you wanted to invest and you

1 decided to invest in DenSco, correct?

2 A. True. Right.

3 Q. And my notes reflect that you had \$900,000
4 that you invested through your trust, another
5 hundred thousand dollars through a -- is there an
6 LLC that you and your husband own that you invested
7 through?

8 A. No. I think it was called LFLLC.

9 Q. That's the Lord's fund; is that right?

10 A. Yes.

11 Q. What is the Lord's fund, Miss Miller?

12 A. Well, when we sold and we had the million
13 dollars, we wanted to give 10 percent to the Lord as
14 a tithe. So we set up a separate account so that we
15 wouldn't intermingle them. And when we got the
16 return from the LLC, we would invest that in charity
17 work.

18 Q. So the hundred-thousand-dollar investment
19 by LF, the Lord's fund, was basically your gift or
20 your charitable vehicle to make charitable donations
21 in the future; is that right?

22 A. That's correct.

23 Q. Now in September of '13, and I think
24 you've already answered this question, but if you
25 had been informed and received a document that told

1 you that Denny was not complying with the terms of
2 that POM that you reviewed, the Private Offering
3 Memorandum that you reviewed, would you have made
4 those investments of September of 2013?

5 MS. PATKI: Objection. Form.

6 THE WITNESS: Absolutely not.

7 BY MR. STURR:

8 Q. Would it have been important to you to
9 know that DenSco was involved in a lawsuit that was
10 filed in June of 2013 involving its dealings with
11 Scott Menaged and a double-encumbered property.
12 Would that have been important to know?

13 A. Absolutely.

14 Q. And if you had known that fact, do you
15 think you would have made the investment in
16 September of 2013?

17 MR. PATKI: Objection. Form.

18 THE WITNESS: Absolutely not.

19 BY MR. STURR:

20 Q. Now, as I understand it, in addition to
21 making that -- the million-dollar investment in
22 September, what is effectively a million dollars in
23 September of 2013, you and your husband made
24 additional investments in January 2014. Do you
25 recall that?

1 A. I'd have to look at the records.

2 Q. Okay. The records I have show that you
3 made a couple of investments in January of 2014 that
4 I think total about \$200,000. And if you don't have
5 a clear memory of it, that's fine. I just wanted to
6 make sure we have a clear record of your investment
7 history.

8 The last document -- let me see if I can
9 help refresh your memory. The last document in the
10 stack that Miss Vidula sent you, it's got a number
11 at the bottom that has the numbers 0002656.

12 A. Yes, I have it.

13 MR. STURR: Jodi, could we mark this?

14 (Exhibit 859 marked for identification)

15 BY MR. STURR:

16 Q. Miss Miller, could you take a quick look
17 at this and can you confirm for me that this
18 document contains the proof of claim that you and
19 your husband submitted to the receiver?

20 A. It looks complete.

21 Q. Okay. And if you go to the second page,
22 there's a June 2016 statement from DenSco. Do you
23 see that?

24 A. Yes.

25 Q. Okay. On the left side there's a column

1 says Investment History. Do you see that?

2 A. Yes.

3 Q. And then you'll see there is -- and this
4 is a statement for you and your husband and your
5 trust, correct?

6 A. Yes.

7 Q. On the left-hand column you'll see there
8 was a 900,000-thousand dollar investment made on
9 September 9, 2013. Correct?

10 A. Yes.

11 Q. And then there are two investments that
12 were made on January 15, 2014. Correct?

13 A. Yes.

14 Q. And those two investments total \$300,000;
15 is that right?

16 A. Yes.

17 Q. If you had been -- you and your husband
18 had been told in January 2014 that Mr. Chittick and
19 his lawyer were negotiating with Scott Menaged on
20 the terms of something called a forbearance
21 agreement to cover double encumbering of DenSco
22 loans, would you have made these investments of
23 2014?

24 MS. PATKI: Objection. Form.

25 THE WITNESS: Absolutely not.

1 BY MR. STURR:

2 Q. Would you have expected, as an investor in
3 DenSco, to be told about something like a
4 forbearance agreement in which DenSco was forbearing
5 Scott Menaged for loans he had made, he had borrowed
6 from DenSco?

7 MR. PATKI: Objection. Form.

8 THE WITNESS: I would have only hoped so.

9 BY MR. STURR:

10 Q. Based on your -- I think you were asked by
11 Miss Vidula for your opinion of Denny Chittick and
12 whether it changed after he committed suicide. If
13 my notes are accurate, you thought that he hadn't
14 been honest with you as an investor because he
15 hadn't disclosed information, but you thought that
16 he'd gotten in over his head or was in a problem and
17 did that out of fear. Did I understand you
18 correctly?

19 A. I did say that.

20 Q. Okay. Is it your belief, or your thought,
21 that if someone had advised Denny what he should
22 have done and what he should have told his
23 investors, that he would have done so?

24 MR. PATKI: Objection. Form.

25 BY MR. STURR:

1 Q. You may not have any basis for that, but
2 I'm just trying to put myself in your shoes, and I
3 know you knew him so I'm just asking if you have any
4 opinion at all about where he went astray and why?

5 A. I think that's the 64-dollar question,
6 where did he go astray and why. In my mind, I do
7 not know. I do not know.

8 Q. Well, I know this is a difficult and
9 awkward conversation to have, and I thank you for
10 your time this morning, Miss Miller.

11 A. Thank you.

12 MS. PATKI: Okay. I think with that, we
13 have concluded the deposition.

14 Miss Miller, you have the option of
15 reviewing the deposition transcript to review for
16 accuracy if you have any sort of concerns, or you
17 can waive that and you can say I'm okay with the
18 deposition transcript as is. Would you like the
19 option to review the transcript?

20 A. Yes.

21 MS. PATKI: Okay. Great. So then we will
22 arrange to have that sent to you in the next couple
23 of days. And if you can just review it. And you'll
24 see there'll be a sheet that goes along with that,
25 that notes if you see any errors or if there are any

1 answers you need to clarify, you can fill it out in
2 the sheet. And you can, of course, contact us. And
3 I mean we can't advise you, but if you have
4 technical questions we can help you figure out how
5 to fill out that sheet.

6 **THE WITNESS:** Okay.

7 **(Deposition adjourned.)**

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CERTIFICATE

I, Jodi Hale, do hereby certify that I reported all proceedings adduced in the foregoing matter and that the foregoing transcript pages constitutes a full, true and accurate record of said proceedings to the best of my ability.

I further certify that I am neither related to counsel or any party to the proceedings nor have any interest in the outcome of the proceedings.

IN WITNESS HEREOF, I have hereunto set my hand this 15th day of April, 2019.

A handwritten signature in black ink that reads "Jodi Hale". The signature is written in a cursive, flowing style. The first name "Jodi" is written with a large, looped capital "J". The last name "Hale" is written in a similar cursive style. The signature is positioned above a horizontal line.

Jodi Hale

1 Date: April 18, 2019 Assignment #: 29716-2

2 Deponent: Patricia Miller

3 Case: Davis vs. Hill & Beauchamp

4

5 **DEPONENT:** It has been requested that you read and sign
6 your transcript. This transcript is to be read only by
7 you. Please make any corrections necessary on the
8 Correction Sheet ONLY. You are to sign the Correction
9 Sheet where indicated.

10

11 After signing the Correction Sheet, do the following:

12 1.The ORIGINAL executed Correction Sheet needs to be
13 returned to our corporation.

14 2.Forward a COPY of the executed Correction Sheet
15 directly to the attorney(s) listed below.

16 (The address(es) can be found on the Appearance Page
17 of your deposition.)

18 3.Retain a copy for your records.

19

20

21

22

23 CC: Naegeli Deposition & Trial

24 Vidula Patki, Esquire

25

CORRECTION SHEET

Deposition of: Patricia Miller Date: 04/04/19

Regarding: Davis vs. Hill & Beauchamp

Reporter: Hale

Please make all corrections, changes or clarifications to your testimony on this sheet, showing page and line number. If there are no changes, write "none" across the page. Sign this sheet on the line provided.

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Signature _____

Patricia Miller

1 DECLARATION

2 Deposition of: Patricia Miller Date: 04/04/19

3 Regarding: Davis vs. Hill & Beauchamp

4 Reporter: Hale

5 _____

6
7 I declare under penalty of perjury the following to
8 be true:9
10 I have read my deposition and the same is true and
11 accurate save and except for any corrections as made
12 by me on the Correction Page herein.13
14 Signed at _____, _____

15 on the _____ day of _____, 2019.

16
17
18
19
20
21
22
23
24 Signature _____

25 Patricia Miller

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