

Exhibit - 9

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF TUSCOLA

STANLEY R. STASKO,

Plaintiff,

Case No. 03-22044-CH

-vs-

Hon. Patrick Joslyn

DAVID STASKO, MARIE A. BELCZAK,
GERALDINE T. HARRISON, WANDA LEE
TAYLOR, KEN KIMES, LORETTA LOVELAND,
LOZETTA LOVELAND, RICHARD WOLANSKI,
GERALDINE CROSWELL, EILEEN COUCHMAN,
and KATHLEEN FINEGOLD, and their spouses
and any other unknown heirs of Walter
and Anna Stasko, and their successors,

Defendants.

DEPOSITION OF STANLEY R. STASKO,

the plaintiff herein, on Thursday, September 9, 2004,
at 475 North State Street, Caro, Michigan, at or
about 9:30 a.m.

APPEARANCES:

For the Plaintiff:

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(989) 673-1990

For the Defendants
Couchman, Croswell,
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Kimes

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For the Defendants
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COPY

ALSO PRESENT:

KENNETH KIMES
WANDA TAYLOR
EILEEN COUCHMAN

REPORTED BY:

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Certified Electronic Recorder
Bay Area Reporting, Inc.
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(Original retained by Plaintiff's counsel).

1 Caro, Michigan 9:30 a.m.

2 Thursday, September 9, 2004

3 STANLEY R. STASKO,

4 having been first duly sworn, testified under oath as
5 follows

6 EXAMINATION

7 BY MS. MOORE:

8 Q Sir, your full name for the record?

9 A My signature is Stanley R. Stasko.

10 MS. MOORE: May the record reflect this is
11 the discovery deposition of Stanley R. Stasko being
12 taken pursuant to notice and to be used for all
13 purposes under the Michigan Court Rules and Michigan
14 Rules of Evidence.

15 Q Mr. Stasko, my name is Phoebe Moore. I'm an attorney
16 here in Caro. I represent some defendants in this
17 lawsuit that you have filed in the Tuscola County
18 Circuit Court. Mr. Stasko, have you ever had your
19 deposition taken before?

20 A Can you explain to me what a deposition is?

21 Q This is a deposition where we sit at a table in some
22 room and we have a court reporter taking down what
23 we're saying.

24 A (No response).

25 Q Have you ever been in this type of situation before?

1 A I don't think so.

2 Q Well, there's a couple rules we just need to follow.
3 One is that you use words and you're doing fine with
4 that so far. Shrugs of the shoulder, nods of the head
5 can't work. She can't take that down. She can only
6 take down the words that we say.

7 Secondly, it's hard for her to take down what
8 we're saying if two people are speaking at one time, so
9 just wait until I'm finished with the question.

10 Finally, if you don't understand my question,
11 will you ask me to rephrase it or simply tell me that
12 you don't understand it? Otherwise the record is going
13 to reflect that you understood the question and
14 answered it fully and accurately under oath. Okay?

15 A Fully and accurately?

16 Q Right. Do you understand that if you answer the
17 question the record's going to reflect that you
18 understood the question?

19 A Would you please repeat?

20 Q Sure. Let me say it in a different way. And that's
21 exactly what I want you to do; if you don't understand
22 a question, just tell me you don't understand.
23 Otherwise, if you answer it, the record's going to
24 reflect that you understood the question and you
25 answered it. Okay? That's all I'm saying.

1 A Understood it and answered it?

2 Q Right. Unless you tell me I didn't understand or
3 please repeat.

4 A Okay.

5 Q Okay. Mr. Stasko, where do you live?

6 A I live in Southfield, Michigan.

7 Q How long have you lived there?

8 A In Southfield? Since approximately 1985.

9 Q Who do you live there with?

10 A By myself.

11 Q I guess right off the top, I just want to get a
12 clarification on your family history. Your mother is
13 Sophie, right?

14 A Sophie.

15 Q Okay. And your father was Stanley as well, right?

16 A Yes.

17 Q Your father's initial, was that the same?

18 A Initial like in --

19 Q Your middle initial is R, right? Was Stanley's middle
20 initial R?

21 A My father's middle initial was W.

22 Q And Stanley W. Stasko's parents were Walter and Anna
23 Stasko, is that right?

24 A I think that's correct.

25 Q Okay. Now Walter and Anna have several children,

1 correct?

2 A Um, are you looking for like a quantity?

3 Q Just asking you, they had several children, isn't that
4 right?

5 A I think -- I think it would be my dad, my Uncle Joe --

6 Q Mr. Stasko, let me just clear one thing up. I'm trying
7 to make it easy on you, okay? I just want to make
8 sure, the answer would be yes. Then if I say how many,
9 then you could say a number. Then if I say who, then
10 you would say who those people are, okay? So if you
11 know, go ahead and say them, I don't want to interrupt
12 you, but just, you know, try to make it easy on
13 yourself. You don't have to jump to the next question,
14 okay?

15 So who were Walter and Anna's children, if
16 you know?

17 A I think Stanley, Joseph, Clara, Anna, and I'd really
18 rather try not to go beyond that.

19 Q What's that?

20 A I'd really rather not try to go beyond that.

21 Q Did they have more than the four?

22 A Um --

23 THE WITNESS: Wayne, did I give you any
24 information on uh --

25 MR. BURGESS: I'm looking right now, Stanley.

1 You can testify as to how many you can remember. If
2 you can't remember any more, just let her know and I'll
3 see what I can find.

4 THE WITNESS: I'd rather not push it after
5 what I've told.

6 Q Okay. So, Mr. Stasko, we're not going to look up every
7 answer to the question. I'm asking you today about
8 what you know, so if you don't want to push it, a fair
9 answer would be I don't know.

10 A I know that they had Stanley, Joseph, Clara, and uh --

11 Q Anna.

12 A Anna.

13 Q Mr. Stasko, what do you do for employment?

14 A I'm not employed.

15 Q Do you receive any income from any entity or
16 institution?

17 A Income? No.

18 Q Well, who pays for your house, for example?

19 A I'm living off of savings.

20 Q So were you employed at one time?

21 A Yes.

22 Q When did you stop work?

23 A I think it was approximately 2001.

24 Q Why did you stop working?

25 A My position was eliminated.

1 Q Where was that at?

2 A I used to work for MSX International doing contract
3 work for Daimler Chrysler.

4 Q So you're just living off of the savings that you
5 earned from there, right?

6 A I'm living off of savings.

7 Q Have you been diagnosed with any medical condition in
8 the last couple of years?

9 A I was on medication, approximately starting say about
10 middle of last year.

11 Q Are you off it now, or are you still on?

12 A Off.

13 Q What medication was that?

14 A The last two was Zyprexa and Zoloft.

15 Q What were those medications prescribed for? What were
16 you diagnosed that you were treating?

17 A I think the Zyprexa was for voices and I think the
18 Zoloft was for depression.

19 Q So are you still treating with some type of therapist
20 or psychiatrist for those things?

21 A No.

22 Q No? When did you stop treating?

23 A Say approximately two, three months ago.

24 Q Do you have any work restrictions or anything like that
25 as we sit here today?

MEMORY

- ① A Could you give me an example of --
- ② Q Your doctor saying, you know, because of your mental
- ③ condition it would be unsafe for you to work and we
- ④ only suggest that you work a 20-hour week, something
- ⑤ like that?
- ⑥ A I don't know of any like weight restrictions at this
- ⑦ time, but in terms of like reading documents, my
- ⑧ retention is not as good as it used to be.
- ⑨ Q So were you diagnosed with depression then at some
- ⑩ point?
- ⑪ A Could you please repeat?
- ⑫ Q Yes. Did a doctor say you're suffering from depression
- ⑬ at some point?
- ⑭ A I'd just like to say that the medicine I was taking,
- ⑮ the Zoloft, was for depression.
- ⑯ Q In any event, were you treating at some type of clinic
- ⑰ for these things or some doctor's office, and what was
- ⑱ the name of that?
- ⑲ A For a while I was seeing, uh, Dr. Lopa Rana.
- ⑳ Q Can you spell that for me?
- ㉑ A Last name is R-a-n-a.
- ㉒ Q Can I just see that card that you have? Thanks.
- ㉓ Are you still seeing her today?
- ㉔ A No.
- ㉕ Q As we sit here today have you been diagnosed with any

MEMORY

- 1 mental condition?
- 2 A Um, she was the last -- she was the last person I saw.
- 3 Q Okay. And when did you last see her?
- 4 A I think it was about two, three months ago.
- 5 Q So do you believe sitting here today that you suffer
- 6 from any type of mental condition, be it depression,
- 7 schizophrenia, I could go on and on, but do you think
- 8 you're suffering from any mental condition today?
- 9 A My memory retention is not as good as it used to be.
- 10 Q How do you know that, Mr. Stasko?
- 11 A Yesterday I was reading a book and as in reading if I
- 12 had to try to repeat it I couldn't repeat it.
- 13 Q Okay. Are you able to remember things about, for
- 14 example, your family history and the real property that
- 15 we're here to talk about today on Deford?
- 16 A I could take it like question by question itself.
- 17 Q Okay. Let's do that. So we were talking about your
- 18 family. You remembered at least four of the children
- 19 of Walter and Anna. Of course one of those children
- 20 was Stanley W. Stanley married your mother, Sophie,
- 21 right?
- 22 A My mom's name was Sophie.
- 23 Q As far as you know, with respect to the real property,
- 24 you understand the real property that you've identified
- 25 in your complaint, right?

1 A Uh, I know it's like approximately 80 acres of land.
2 Q Out in Ellington Township.
3 A It's nearby here.
4 Q Have you been there before?
5 A Yes, I have.
6 Q How many times have you been there?
7 A Probably I think at least twice.
8 Q More than five or between two and five total?
9 A Um, I know it would be less than ten and more than two.
10 Q So at some point in time your parents or at least your
11 mother deeded you the property, is that right?
12 THE WITNESS: Do you have that --
13 MR. BURGESS: Can you just answer the
14 question without looking at it? Do you remember
15 getting a deed to it?
16 A (Reviewing file). (Handing document to Ms. Moore).
17 Q Is that a yes, Mr. Stasko? Do you recall getting a
18 deed to the property?
19 A Yes.
20 Q And you've now handed me what's entitled a quit claim
21 deed that was recorded in the Tuscola County Register
22 of Deeds on February 8th of 2001.
23 What happened, Mr. Stasko, before this deed?
24 For example, I see from this deed that your mother quit
25 claimed the property to you. Did you have any

1 ownership in the property before this time?

2 A My ownership was when my mom gave it to me.

3 Q So your ownership began in 2001 -- well, let's see. In
4 2001, is that correct?

5 A May I take a look at that?

6 Q Sure.

7 A (Reviewing document). Looks like 2001.

8 Q Okay. Who owned it before you?

9 A My understanding would be my mom and my dad.

10 Q Do you know when they took ownership of it?

11 A (Reviewing file). I don't have an exact date. My
12 understanding would be, you know, when I was growing up
13 I would have understood that they were the owners of
14 the property itself.

15 Q That who was the owners?

16 A My mom and my dad.

17 Q So when you were growing up you understood that your
18 parents owned the property, is that right?

19 A Right.

20 Q Has anybody ever lived on this property?

21 A Not that I'm aware of.

22 Q So it's always been vacant land?

23 A Yeah.

24 Q In sitting here today, you don't know if Walter and
25 Anna Stasko ever gave the property to your parents?

1 A My understanding would be that my mom and my dad got
2 the land from Walter, Walter Stasko.

3 Q Okay. How do you know that?

4 A That would just be my understanding from growing up.

5 Q But you don't have any specific facts or remember
6 anything or someone didn't tell you something about,
7 you know, Walter signing a paper or Walter saying
8 Stanley, it's yours, you just assume that because it
9 was your parents' growing up; is that fair to say?

10 A Well, when I -- my dad had a probably around a 6th
11 grade education and my mom probably had about an 8th
12 grade education. And um (reviewing file) -- there was
13 at one time a, I think, I think this is like an
14 easement to the property itself and I think the
15 neighbor wanted to get like to get a -- like to use the
16 uh --

17 Q Mrs. Moore?

18 A Uh --

19 Q Let me see what you have, Mr. Stasko. Okay.

20 So your parents granted someone, I think it's
21 Florence Moore, an easement. Is that your response to
22 my question is that you think they owned it because
23 they granted someone an easement?

24 A My answer is that uh, I don't know of anybody that --
25 my understanding is that they owned the land and I

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don't know of anybody that ever made a claim to the land -- claim to the land itself.

Q But you're not aware of any document from Walter and Anna to your parents, true?

A Um --

THE WITNESS: Wayne, do you know of any?

MR. BURGESS: I'm not aware of any. You can show her that one, too, Stanley.

Q I've now been shown a quit claim deed. It states that Stanley Stasko and Sophie Stasko quit claim to Stanley Stasko and Sophie Stasko (sic) dated November 15th, 1969.

Well, my next question is, Mr. Stasko, do you know if -- did you know Walter and Anna Stasko?

A No.

Q How old are you today?

A Forty-three.

Q And do you know when Walter and Anna died?

A No, I do not.

Q Were they dead before you were born?

A I don't have any conscious recollection of them.

Q Do you know your aunts and uncles, Joseph, Clara, and Anna?

A I knew Uncle Joe and Auntie Clara and Auntie Anna.

Q Okay.

1 A A little bit. We -- probably Uncle Joe and Aunt --
2 Uncle Joe and Auntie Clara better than Auntie Anna.
3 Q Okay. Did they all live in this area in the Thumb when
4 you were growing up?
5 A Uh, my dad, Clara, Joseph, and Anna I would say lived
6 in the southeast part of Michigan.
7 Q As far as you know, did Walter and Anna live in this
8 area, or did they live south of here, as well?
9 A I never met them. Well, at least I don't have any
10 conscious, um --
11 Q Even if you don't remember meeting them or don't even
12 remember seeing them, do you know if they lived up here
13 and farmed this property, or did everybody basically
14 live in the Detroit area and this is just vacant land
15 that the family owned.
16 A I don't know of any time my dad worked the land.
17 Q Do you even know if your dad came to the property?
18 A I'm -- I don't want to say yes or no to that.
19 Q Did you ever come with him as a kid?
20 A No.
21 Q So what was the property for in terms of your parents'
22 eyes? Was it just an investment property up in the
23 Thumb kind of thing?
24 A They pretty much just paid the taxes and just let it
25 sit there.

1 Q Was there ever any discussion like maybe we'll put a
2 farm up there or, I don't know, maybe we'll retire up
3 there? Do you recall any of that, or it was just an
4 investment property?

5 A Well, my parents didn't have a high degree of
6 education, so I don't recall any, you know, like plans
7 or anything like that to, you know, develop the land or
8 anything like that.

9 Q Did they own any other, you know, plots of real
10 property around the state or any other state for that
11 matter?

12 A In Detroit, they have a house in Detroit.

13 Q And you, Mr. Stasko, do you -- you believe that you own
14 this property, correct?

15 A Right.

16 Q Do you own any other real property?

17 A My house in Southfield.

18 Q Okay. With respect to Walter and Anna, do you have any
19 indication that they had any type of estate planning
20 documents, or if their estate was probated and, you
21 know, that kind of thing?

22 A I didn't know, you know, I didn't know the people.

23 Q But you know, your father never said, well, your
24 grandpa willed this to me or anything like that?

25 A From my understanding when I was growing up, my

1 understanding was that my dad and my mom owned the
2 land. I never heard anything from Joseph, Clara, or
3 Anna that there was any dispute or anything about who
4 owned the land.

5 Q I understand you didn't hear anything to the negative,
6 anything contrary to your belief that they owned it,
7 but you just don't know how they obtained ownership,
8 true? Be it by will, deed, what have you?

9 A My understanding is that they just received it from um
10 --

11 Q Okay. But you don't know how they received it, right?

12 A My understanding was that they would have received it
13 from, you know, Walter.

14 Q We talked about the fact that you've been there between
15 two and ten times, Mr. Stasko. Is that since 2001?

16 A Since 2001?

17 Q When were you were quit claimed the property, or is
18 that over your lifetime, the two to ten times?

19 A That would be over my lifetime.

20 Q Okay. And during those visits, are you basically just
21 driving by to see what is actually there, or are you
22 doing anything on the property?

23 A Real short visit. Parked along the side of the road,
24 walked on the land a little bit. That's about it.

25 Q Is there some type of cabin on the property?

1 A I think if you were to go onto the property itself I
2 don't think there's anything on the land itself, but I
3 think there's a neighbor there that has like a cabin or
4 something nearby.

5 Q Are there any structures on this 80 acres then?

6 A Just trees.

7 Q Do you know if any other individual does anything on
8 this property? Does anyone else farm it or hunt on it
9 or anything like that?

10 A No.

11 Q Have you ever done anything to maintain the property?

12 A Maintain the property?

13 Q Yeah, like plant something or maybe fertilize,
14 something, maybe treat some trees, anything like that?

15 A No.

16 Q Have you ever put a sign out there, you know, to say
17 this is the property of Stanley Stasko or like a no
18 trespassing sign, anything like that?

19 A Um, no.

20 Q Have you ever done anything, Mr. Stasko, to demonstrate
21 to the public that you're the owner?

22 A I'm in the process of trying to sell the land.

23 Q But in terms of like putting anything out there, like a
24 sign or, I don't know, even putting a car out there or
25 something like that, have you done anything like that?

1 A When I was younger I think a friend of mine, I think he
2 and I went out to the land with what would have been at
3 that time would have been my parents' land itself, so
4 just basically visit the land itself.

5 Q And pretty much the same story for your parents?

6 A Yeah, I think my -- I don't know of any time my parents
7 put like a sign up on the land or --

8 Q Or maintained it?

9 A -- or cut down a tree or anything like that.

10 Q I mean did you even use it once a year like for camping
11 or anything like that?

12 A No.

13 Q Okay.

14 A There might have been at some time like somebody might
15 have asked like permission to go out to the land for
16 like hunting or something like that.

17 Q Okay. A relative or another individual?

18 A It might be a relative itself.

19 Q Do you know which relative?

20 A Um (reviewing file) -- I don't know if this was to a
21 particular relative, but this would have been like the
22 directions I would have given the person.

23 Q Okay. I've now been handed a document that has six
24 numbers on it and it's entitled, "Directions to Mama's
25 property"?

1 | A That would be Sophie.

2 | Q Okay. And you give the directions, and then finally no
3 | hunting on Sundays. Where did you obtain this document
4 | from, Mr. Stasko?

5 | A May I see? It looks like something that I generated.

6 | Q Looks like a fairly new document. Is that something
7 | you printed off your computer?

8 | A It looks like it's a 1999 document.

9 | Q And you don't know who that person is though that
10 | contacted you?

11 | A Besides being a family member, I'd really rather not
12 | try to specify a name.

13 | Q Do you know if they go there every year or was this
14 | just kind of a one-time thing?

15 | A I wouldn't describe it as an every year event.

16 | Q Now, you do pay some taxes on the property, is that
17 | right, Mr. Stasko?

18 | A Yes, I do.

19 | Q And other than paying the taxes, is there anything, you
20 | know, positive or I should say consciously do with this
21 | property. You've mentioned a couple times you've
22 | driven by and the fact that you're trying to sell it.
23 | Now we're going to talk about paying the taxes. That's
24 | really all you do with respect to this property is pay
25 | the taxes and visit it?

1 A Pay the taxes and visit it.

2 Q When did you start paying the taxes?

3 A When I took ownership of it.

4 Q And that's in 2001, right?

5 A May I look at this?

6 Q Sure.

7 A That would be about January of 2001 when I took

8 ownership.

9 Q Have you paid all the taxes?

10 A Um --

11 Q For example, county taxes, township taxes, all seasons,

12 that kind of thing?

13 A I think there's a bill that I have that's coming up

14 that's due and there's probably another bill, I think

15 it would probably be late this year or early next year.

16 Q But otherwise you're current on all the payments you

17 believe?

18 A Um, yes.

19 Q Have you paid them all on time?

20 A I wouldn't want to try to answer that question.

21 Q Okay. Safe to say you've never been foreclosed on or

22 had some type of deficiency notice from Tuscola County?

23 A Um, I don't know of any outstanding debts on the

24 property itself.

25 Q And prior to 2001 do you know who paid the taxes?

1 A Prior to me owning the land, my understanding would be
2 my parents Stanley Stasko and Sophie Stasko.

3 Q Now, I've received a bunch of records from your
4 attorney and they seem to be tax records that he's
5 requested from several -- from the Treasurer's office
6 and from the township up here. Do you keep records of
7 your tax payments?

8 A At home I probably have folders like this for different
9 calendar years and I would probably put the information
10 in a folder itself.

11 Q Do you have any records from when Stanley -- when your
12 parents paid the taxes?

13 A Um --

14 THE WITNESS: Wayne, did my mom give you some
15 tax information?

16 MR. BURGESS: I think your mother might, but
17 do you have any of your mom's records? That was the
18 question.

19 A I think my mom gave -- looked for like tax records and
20 like originals were given to my lawyer.

21 Q Okay. Where does your mom live today?

22 A Detroit, Michigan.

23 Q Does she live by herself?

24 A I'd rather not answer that question. My sister, Marie,
25 I think is like a part owner of a -- it might be like a

1 I condo, but I think she might live with my mom.

2 Q How is your mother's health?

3 A I haven't asked her recently.

4 Q Okay. Have you seen her recently?

5 A Today being Thursday, uh, it's not unusual for me to
6 visit her on Thursday and take her shopping.

7 Q Did you see her last Thursday?

8 A (Reviewing calendar) I see now what I have written down
9 in my planner for September the 2nd, I have a note
10 written down, "Do not visit mama", so my understanding
11 would be probably not.

12 Q Have you seen her in the last month, Mr. Stasko?

13 A Um, yes.

14 Q Is she -- does she have any mental -- does she suffer
15 from any medical condition or, you know, physical or
16 mental?

17 A She can't hear. She doesn't sign language.

18 Q She does do sign?

19 A No.

20 Q So she wouldn't be able to testify at this type of
21 deposition?

22 A If she was to come here the best thing to do would
23 probably be have somebody write out the questions and
24 hand it to her and have her take a look at it.

25 Q Does she understand things in writing that you show to

1 her?

2 A When growing up -- (reviewing file) -- if there was like
3 a question regarding the property itself, it would not
4 have been uncommon for my parents to actually like ask
5 me to like read the document and explain to them what
6 it means.

7 Q Okay.

8 A They weren't highly educated people.

9 Q Okay. Now, your attorney, Mr. Stasko, has given me an
10 offer to purchase or a copy of it. It looks like it's
11 an offer from Mr. William Zemke. Do you recall
12 receiving that offer?

13 A May I take a look at that?

14 Q Sure.

15 A (Reviewing document).

16 Q And I think he might be the broker, Zemke, and the
17 purchasers were actually Benjamin and Gale --

18 A Talfarerro?

19 Q Yes. Do you recall receiving that?

20 A Yes.

21 Q Do you recall when you received that?

22 A I'd have to take a look at the document itself.

23 Q Okay. Well, was it in the last couple years?

24 A Over six months ago.

25 Q The closing date on the offer is noted to be August

1 5th, 2003. Do you remember how soon before that date
2 you might have received this?

3 A Please repeat.

4 Q The closing date on the document is listed as August
5 5th, 2003. There's actually no other date on it. And
6 typically that's a closing that you plan out, okay, and
7 so you would get the offer to purchase a little bit
8 sooner than that, right? So I was just asking if you
9 knew how much, how many months or how many days prior
10 to August 5th, 2003 that you would have received this
11 offer.

12 A My memory's not that good.

13 Q Fair to say you received it sometime in 2003?

14 A I would want to take a look at the document itself.

15 Q (Handing document).

16 A (Reviewing document). Probably 2003.

17 Q How did this come about, Mr. Stasko? Can you just
18 explain to me kind of what happened? Did you receive
19 in the mail? Did somebody call you up? Did you get it
20 from your attorney? How did you get ahold of this
21 offer?

22 A I think what happened is they were people that lived,
23 like neighbors to the land itself.

24 Q Okay.

25 A And, uh, my understanding is they had an interest in

1 buying the land itself, and uh, somehow I obtained
2 their number. It might have been like I got some
3 information on like from them about like from a real
4 estate person that would generate that document. So it
5 just started with I knew that they had an interest in
6 buying the land itself, or part of the land itself.

7 Q And you're not exactly sure how you got that initial
8 information?

9 A Well -- (reviewing file).

10 Q Do you want to show me that?

11 A It's a document regarding --

12 Q You're showing me a document that's entitled Benjamin
13 Talfarerro and looks like directions off the internet
14 on how to get to his place, yes?

15 A I think that would be the internet.

16 Q And at the bottom it says, "Ben interested in buying 40
17 acres or 80 acres. Check title and then talk to David
18 Stasko on 7-12-2003". Then you note underneath that,
19 "David will pay off an existing loan on approximately
20 October 20, 2003, and David will apply for an
21 approximate \$70,000 loan. If he qualifies, David will
22 buy 40 acres. If he does not qualify then he'll sell
23 the second 40 acres to probably his parents, Mr. and
24 Mrs. Talfarerro". Okay.

25 Who is David Stasko?

1 | A | My brother.

2 | Q | So was he offering to buy the property at the same
3 | time?

4 | A | I think it would be fair to say that he has or had an
5 | interest in buying some of the land.

6 | Q | Did you have the property listed at the time in 2003?

7 | A | Um, my understanding would be that I didn't need to get
8 | it listed because like during one of my previous visits
9 | to the land itself, this person probably lives nearby
10 | the land and I probably visited them and in the course
11 | of the visit itself I would have found out that they
12 | had an interest in buying the land.

13 | Q | So since 2001 you're kind of been outwardly approaching
14 | people saying do you have any interest in this
15 | property?

16 | A | Oh, probably the people that I approached was
17 | Talfarerro and my brother.

18 | Q | Okay. So it wasn't exactly an aggressive marketing
19 | campaign, but you approached a couple people and said
20 | you might be interested in selling, that kind of thing?

21 | A | I knew somebody that was interested in buying. I think
22 | this person, since I knew that they were interested in
23 | buying the land itself, they probably would have bought
24 | like all the land if I wanted to sell all of it to
25 | them. So it wasn't something like I needed to look for

1 a potential buyer. I knew of somebody that already had
2 interest in buying the land itself.

3 Q Okay. So, in any event, you get this written offer
4 from them finally after some discussions, is that fair
5 to say?

6 A It probably -- it was probably a combination of working
7 with Benjamin Talfarerro and myself, Benjamin
8 Talfarerro and William Zemke that -- I don't know how
9 to say -- that that document was generated itself.

10 Q And you're referring to the offer to purchase. The
11 offer to purchase is for 40 acres of the land and did
12 you discuss the terms of it before it was drafted? For
13 example, did you come up with a price and the fact that
14 it would be half of the acreage prior to Mr. Zemke
15 drafting this?

16 A Yeah, I knew it was going to be 40 acres, and I knew
17 the price itself.

18 Q So what happens after you receive the offer to
19 purchase, Mr. Stasko?

20 A My understanding is that in the course of -- is that
21 called a title search? There was found to be like a
22 break in the chain of ownership itself of how the land
23 transitioned from Walter to Stanley and Sophie.

24 Q Okay. And who obtained that title search? Did you, or
25 Mr. Zemke, or the Talfarerro?

① A I think that would be either -- I think that might -- I
② think that might have been, might have been Zemke.
3 Q And that's when you found the break in the chain,
4 right?
5 A Was at the time of trying to sell the land itself.
6 Q When you got the title work?
7 A In the process of trying to sell the land.
8 Q And is that what caused the filing of this lawsuit?
9 A Prior to the selling of this land I know of nobody
10 making a claim on the land itself.
⑪ Q But after you found out about the break in the chain,
⑫ is that when you went to see your lawyer?
⑬ A That's when the process --
14 Q Okay. Whatever came of this offer to purchase?
15 A It's just been sitting pending.
16 Q Okay. Did they give you the \$1,000 earnest money
17 deposit?
18 A I've already received the money.
19 Q Have you given it back?
20 A No.
21 Q So in your mind this is still pending?
22 A Still pending.
23 Q And if you were to obtain title through the Circuit
24 Court action you would follow through with this
25 contract, is that right?

1 A That's correct.

2 Q Have you ever had the property appraised, Mr. Stasko?

3 A It would just be based on the, you know, yearly
4 assessment itself.

5 Q So you haven't had it appraised?

6 A I don't know of it being appraised.

7 Q Can I see that document again? At this point, Mr.
8 Stasko, I'm going to ask you to review all the
9 documents that you brought with you today. I've
10 noticed this deposition to be a duces tecum basis which
11 means that I've asked you to bring several documents.
12 Can I see what you have? You can just leave it right
13 there.

14 MR. BURGESS: You may have to explain what
15 these two are. She can ask you about those in a
16 minute.

17 MS. MOORE: As opposed to marking this, I'm
18 just going to ask for a copy.

19 MR. BURGESS: You should have seen these
20 already?

21 MS. MOORE: Yes.

22 (Off the record at 10:57 a.m.)

23 (On the record at 11:00 a.m.)

24 BY MS. MOORE: (Continuing):

25 Q Mr. Stasko, thank you for showing me those documents.

1 I've reviewed them now and I'm going to make a couple
2 copies. There's a couple documents I have questions
3 about.

4 Here's a handwritten document that lists the
5 address, it lists the legal description, the Ellington
6 Township Treasurer, as well as the Assessor. What did
7 you write those down for?

8 First of all, is that your handwriting?

9 A Looks like my handwriting.

10 Q Did you write those down to contact them about the
11 value, is that it?

12 A At this time I don't know. This is information over
13 here. I don't have a good understanding at this time
14 why I specifically wrote down this information.

15 Q And then on this document it says at the top, Susan
16 Jensen, Treasurer, and it seems to be directions to her
17 home or somebody's home in Millington. Did you
18 actually meet with Susan Jensen?

19 A Physically meet her, I don't recall.

20 Q Mr. Stasko, I'm now showing you something that's
21 entitled, "Land, home, and room and board". Looks like
22 it's a computer-generated document. Do you know what
23 that is for?

24 A Um, when selling the land itself I think this is in
25 preparation for like a possible tax payment itself. I

1 see a person's name here, Lynn Eickbrecht (ph), she
2 prepares my taxes for me.

3 Q So that was a personal assessment of sorts?

4 A It was like -- when like when selling the land itself,
5 how did they determine like in the beginning the
6 process how much taxes that you're going to have to pay
7 on the sale of the land itself.

8 Q Okay. Then I see a handwritten letter. It came out of
9 an envelope dated January of 1989. It seems to be a
10 letter from Stanley Stasko and Sophie Stasko. I'm
11 going to show that to you, Mr. Stasko. Do you
12 recognize that document?

13 A (Reviewing document).

14 Q Are you familiar with that document, Mr. Stasko?

15 A Uh, readily familiar with it, no. I would say no.

16 Q Is it fair to say that your mom didn't know either
17 that, you know, how she got the property?

18 A I think she would have had an understanding that it
19 came from Walter.

20 Q But not knowing how it came, correct?

21 A Um, not knowing how. I think she would have had an
22 understanding that Walter Stasko gave the land to my
23 dad and my mom. She would have that understanding.

24 Q What are these folders, three-ring binders, there's two
25 white ones?

1 A One is the last will and testament of Joseph Stasko and
2 the last will and testament of Clara Stasko, itself.

3 Q How do you believe those are relevant to this lawsuit?

4 A To this particular lawsuit itself, may I take a look at
5 that, please?

6 Q Sure.

7 A My understanding is that I was the actual personal
8 representative for both of these last will and
9 testaments itself.

10 Q So for your aunt and your uncle you were the personal
11 representative?

12 A Yes. And in the course of being the personal
13 representative for their last will and testament, I did
14 not find any information indicating that they had an
15 ownership in the land itself.

16 Q Did you actually probate both estates?

17 A Um --

18 Q Do you know what that means?

19 A Could you explain it to me?

20 Q Did you file paperwork in the probate court where they
21 died and, you know, adjusted their estate, collected
22 the debts, disbursed any of the assets to the
23 beneficiaries, their kids, that kind of thing?

24 A I would -- yes, I would have been involved in like if
25 there was more than one account of gathering the monies

1 that were from accounts themselves and putting it into
2 like a common account, paying any last bills on the
3 estate itself.

4 Q Did you actually commence any probate proceedings in
5 this matter, do you recall doing that?

6 A What do you mean by that?

7 Q Filing a document in court that says, you know, I'd
8 like to probate the estate of Joseph Stasko and I'd
9 like the court to authorize me, as the personal
10 representative, to do that.

11 A Probably hired a lawyer.

12 Q Did you hire the same lawyer for both your aunt and
13 your uncle?

14 A I think the answer to that is no, I don't think they
15 were the same.

16 Q And then the lawyer did whatever was appropriate, is
17 that your position?

18 A They took the appropriate action. I would say that I
19 took care of the items like filing any like final taxes
20 or stuff like that.

21 Q And the real property that we're talking about today
22 never came up in either one of those estates?

23 A In those two estates, I don't know of any claim on the
24 property that we're uh . . .

25 Q So have you given -- you mentioned that your mother

1 gave your attorney some documents about paying taxes.
2 Have you given your attorney all the documents you have
3 relevant to paying the taxes?

4 A I don't have a good memory. I would say that I would
5 have probably made a fair effort to give him the
6 documents themselves.

7 Q Okay. Who is Lottie Zwaleski (ph)?

8 A That sounds like my Aunt Lottie. That would be my
9 mother's sister.

10 Q So that's from your mother's side?

11 A Yes.

12 Q You have listed her as a witness on your witness list.
13 What information would she give to this lawsuit, if
14 any?

15 A I would suggest like asking her if there was ever a
16 time like when the land was up for sale or there was
17 some interest on Walter's part to sell the land. And
18 that prior to selling the land like there was some sort
19 of transition to the land going over to my dad itself,
20 so she might have some sort of understanding of that
21 nature.

22 Q So information pertaining to the transfer from Walter
23 and Anna to your parents?

24 A Yeah. She just might have like a general
25 understanding. She might not have seen any legal

1 documents.

2 Q What's her address?

3 A I'd have to see if I had it at home.

4 Q Well, can you come up with it from either you or your
5 mom?

6 A I should be able to come up with it.

7 Q Where does she live without saying her address? Is she
8 downstate, as well?

9 A Like the, like the -- I think it's like Dearborn,
10 Dearborn Heights area.

11 Q Okay.

12 MS. MOORE: That's all the questions I have.
13 Actually I'm just going to ask for a short break,
14 Duane.

15 MR. THOMAS: I have a few questions, but I
16 won't take too long.

17 (Off the record at 11:15 a.m.)

18 (On the record at 11:18 a.m.)

19 BY MS. MOORE (Continuing):

20 Q Just a couple more, Mr. Stasko. What is your -- did
21 you obtain a college degree then?

22 A I have three degrees.

23 Q What are those?

24 A Electrical engineering degree from Lawrence
25 Technological University. A bachelor's of philosophy

1 degree from Sacred Heart Seminary. And a master's
2 degree in information management and communications
3 from Walsh College in Troy, Michigan.

4 Q You're just simply not working at this time, you're not
5 off on disability or anything of that nature?

6 A Not collecting any unemployment at this time.

7 Q Collecting any disability?

8 A No.

9 Q Your parents, they didn't have driver's licenses, is
10 that right?

11 A All the years that I knew my dad and my mom, I never
12 known them of driving. I'm not saying that my dad
13 never drove, but at least my recollection he never
14 drove.

15 Q Who drove them around?

16 A Well, when the kids were younger, if we didn't get a
17 ride from like a relative or a friend, we had to walk.
18 It wasn't until my brother David actually got a car
19 when the family actually drove.

20 Q Do you remember your Aunt Anna driving them around?

21 A I remember my Aunt Anna, but in terms specifically of
22 taking them anywhere, um, I know that I've been by my
23 Aunt Anna's house, I know that I was there at least on
24 one occasion. But as to how they specifically got
25 there, I'd rather not say one way or the other.

- ① Q And are you on any medication today, Mr. Stasko?
- ② A No.
- ③ Q Didn't take anything when you got up this morning?
- ④ A No medication.

5 MS. MOORE: Nothing further.

6 EXAMINATION

7 BY MR. THOMAS

- 8 Q Mr. Stasko, my name is Perry Thomas. I'm the attorney
9 for Loretta and Lozetta Loveland in this matter. I
10 just have a very few short questions for you.

- ⑪ Earlier, when Ms. Moore asked you some
⑫ questions about your father's brothers and sisters, do
⑬ you remember that?

- ⑭ A If I had to repeat this conversation, I --

- 15 Q Do you recall that your father had a sister named Mary
16 Kimes? Does that name ring a bell to you?

- 17 A Yes, the name -- I've heard of the name itself. When I
18 was growing up it would not have been a name I would
19 have been familiar with.

- 20 Q Have you ever met Mary Kimes to your recollection?

- 21 A I don't think so.

- 22 Q Let's talk about the land for a minute. You said the
23 land is vacant land, is that correct?

- 24 A Trees on it.

- 25 Q Is it all trees? Or is part of it open land?

1 A I've only walked a narrow portion of the land itself.

2 Q Can you tell me how much of the land is wooded and how
3 much is not wooded on a percentage basis, or do you
4 know?

5 A From general looks itself, it looks like it's a wooded
6 land itself.

7 Q To your knowledge has the land ever been farmed?

8 A Not that I'm aware of.

9 Q And since you got it by that quit claim deed it hasn't
10 been farmed to your knowledge, is that right?

11 A I have not worked the land.

12 Q To your knowledge has anybody ever paid any rent to use
13 the land?

14 A I think there might have been at one time an interest
15 in the land itself for like it might have been mineral
16 rights or something like that.

17 Q How long ago was that, if you remember?

18 A That might -- I would rather not give a specific date,
19 but it would have been probably at least -- probably at
20 least ten years ago.

21 Q Do you recall any money ever being paid pursuant to
22 that mineral lease or anything like that?

23 A I know money's being paid for the land for the --
24 (reviewing file) it was for this for the easement
25 itself.

1 Q Is that the easement that you showed to Ms. Moore
2 earlier today?

3 A It would be this document.

4 Q Can I see that, please? This was the easement in 1985
5 that your mother and father gave to Florence Moore, is
6 that correct?

7 A I'd have to look at that to be sure. Yeah, that would
8 be '85.

9 Q And you recall your parents receiving some money for
10 that easement?

11 A Well, the monies for this itself would have been like
12 when they hired the lawyer itself who represented them.
13 That money probably helped pay some or all of the
14 lawyer fee itself.

15 Q Do you recall other than this easement document that
16 you're looking at right now, do you recall any other
17 monies that your parents may have received in
18 connection with the property, like for instance, such
19 things as maybe rent for farming it or mineral rights
20 or some kind of rent for that? Anything else other
21 than what you're talking about here?

22 A I personally don't know of any monies that my parents
23 receiving regarding the land, like somebody paying
24 somebody some monies for part of the land.

25 Q And I believe your earlier testimony was that you

1 reviewed a lot of documents for your parents and
2 explained things to them, is that correct? Because of
3 their limited education.
4 A Based on their limited education. If they received
5 something in the mail that needed explanation, it would
6 not have been uncommon like for them to ask me to
7 explain it to them. But at that time I probably would
8 have had a better memory.
9 Q When did you -- at what age did you begin to start
10 explaining documents that your parents received in the
11 mail to them? Before you got out of college; or after
12 you got out of college?
13 A That's hard to answer, because it could have been
14 almost anything. It could have been a simple thing
15 like an insurance statement or something like that. So
16 that's really a hard question.
17 Q Fair enough. You testified earlier about the fact that
18 your parents never, to your recollection, did anything
19 to the property. And I want to ask you some specific
20 questions about that. Did they ever post a sign on the
21 property to your knowledge?
22 A Not that I'm aware of.
23 Q Did they ever cut any trees off the property to your
24 knowledge?
25 A Not that I'm aware of.

1 Q To your knowledge has anyone ever cut trees off the
2 property, either for personal use or for commercial use
3 to cut timber off the property?
4 A Not that I'm aware of.
5 Q Did they ever dump garbage on the property?
6 A Not that I'm aware of.
7 Q Ever clear a road out on the property?
8 A There is a road on the property, but ever since like
9 the first time I was there the road was already in
10 existence itself.
11 Q Have you ever done any maintenance to that road,
12 cleared it off, cut the brush, anything like that?
13 A No.
14 Q To your knowledge did your parents ever do anything to
15 the road, clear the brush?
16 A No.
17 Q So the road has just always been there as long as you
18 remember?
19 A As long as my memory serves me. That land just pretty
20 much sits there, except for like directions like for
21 wanting to like hunt on the land itself.
22 Q I wanted to ask you about that. You said you recall
23 one of your relatives getting permission to hunt on it.
24 Did they pay any money for the right to hunt?
25 A No.

1 Q This was just allowing them to hunt on the property?

2 A Just permission.

3 Q I want you to look at a document that you produced to
4 Ms. Moore. The front page of the document appears to
5 be handwritten by either your mother or your father.
6 The question I want to ask you is do you recognize that
7 handwriting?

8 A (Reviewing document). It looks like it's signed by two
9 people. Looks like it's signed by my dad and my mom.
10 If I would have had to guess I would guess my mom's
11 signature. My dad probably had a lower education level
12 than my mom and, therefore, I don't think that he would
13 have written a document like this.

14 Q Well, first of all, do you recognize the signatures?

15 A It's my dad and my mom.

16 Q Is that, in fact, your mother's signature to the best
17 of your knowledge? Is it like her handwriting?

18 A Yes.

19 Q Is that, in fact, your dad's signature to the best of
20 your knowledge?

21 A (Reviewing document). I'm trying to recall how clean
22 of a signature my dad had.

23 Q You're just not sure?

24 A Um (long pause), I think um, (long pause), I would say
25 that there's some uncertainty, but I can't say -- I

1 can't say it's not his signature itself.

2 Q But the main body of the note, you think that's your
3 mother's writing?

4 A Yes.

5 Q If you'll flip that page over, please. There
6 apparently is a response from somebody at some county
7 office. Do you see that in the middle of the page?

8 A In the black ink itself?

9 Q Yes, sir.

10 A Okay.

11 Q And then there's some writing below the black ink in a
12 different kind of color ink in a different handwriting.
13 Do you see that, just a few words?

14 A I see like, "Walter Stasko 1967 died, land inherited".

15 Q Yes. Do you see that writing down there?

16 A Yes, I do.

17 Q Do you know whose writing that is?

18 A That looks like my writing.

19 Q So that's your -- you think that's your writing?

20 A Yes.

21 Q Do you recall anything about this document as we sit
22 here today?

23 A (Long pause; reviewing document). No, I can't recall.

24 Q You don't recall, for instance, why you would have
25 written that at the bottom of that piece of paper?

1 A At this time I don't -- it's not clear to me.

2 Q You don't recall if anybody would have told you that?

3 A What? This information over here (indicating)?

4 Q Yes, sir. Just the information at the bottom of the

5 page that's in your handwriting.

6 A No. Why I specifically wrote that information, I just

7 can't recall at this time.

8 MR. THOMAS: Let's mark this as an exhibit.

9 (Exhibit 1 marked for identification).

10 Q Just for the record, sir, we've marked this as Exhibit

11 1 and the writing on the front of Exhibit 1 in the blue

12 ink, you believe is your mother's writing, is that

13 correct?

14 A Yes.

15 Q And you believe that's your mother's signature at the

16 bottom, is that correct?

17 A Yes, correct.

18 Q And you're not quite sure whether that's your father's

19 signature or not.

20 A Correct.

21 Q But it appears to be.

22 A Right.

23 Q And on the back of that page there's a note in black

24 ink back from somebody at apparently some kind of

25 county office, is that correct?

1 | A | Yeah, I don't know who would have wrote that.

2 | Q | I understand that. Then there's just two lines of
3 | printed information at the very bottom of the page and
4 | you believe that's your handwriting?

5 | A | That's correct.

6 | Q | And, in fact, you're certain that's in your
7 | handwriting?

8 | A | That's my handwriting.

9 | MR. THOMAS: I don't have any further
10 | questions.

11 | MR. BURGESS: I don't have any questions.
12 | (Off the record at 11:35 a.m.)
13 | (On the record at 11:38 a.m.)

14 | RE-EXAMINATION

15 | BY MS. MOORE:

16 | Q | Mr. Stasko, I just have one more question for you.
17 | Do you know if Walter and Anna owned any
18 | other real property?

19 | A | At one time there was a house on Edward and
20 | approximately the time of the estate of Joseph Stasko I
21 | would have had that house demolished.

22 | Q | Okay.

23 | A | So, in the City of Detroit on Edward.

24 | Q | Did they own real property anywhere else, any other
25 | vacant land in the State of Michigan or any other

1 state?

2 A (Long pause; reviewing white folder). There might have
3 been some land that my Aunt Clara and/or Uncle Joe
4 might have received from Walter.

5 Q What property was that?

6 A (Reviewing white folder).

7 MR. BURGESS: Just leave it in there. That's
8 fine.

9 Q (Reviewing white folder). Looks like there was some
10 property in 19 -- well, that Clara sold in 1994 on Wolf
11 -- in Wolf Lake, is that right? Okay.

12 COURT REPORTER: I'm sorry, did you have an
13 answer. I didn't hear a response.

14 MR. BURGESS: (Shakes head).

15 A There might be some property that Clara and/or Joseph
16 Stasko received from Walter.

17 Q Other than the property that Joseph or Clara may have
18 received that you're recalling from probating -- or
19 from being involved in their estates, do you recall any
20 other real property that they may have owned?

21 A Walter and Aunt Anna?

22 Q Yes.

23 A I wasn't as close to Anna, Anna being my dad's sister,
24 just because they -- our family didn't have a car, so
25 they weren't as close in physical proximity; therefore,

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if they had received -- if Anna received some property
somewhere along the line I just can't recall at this
time.

MS. MOORE: Thanks. That's all I have.

MR. THOMAS: I don't have any further
questions.

MR. BURGESS: I don't have any questions.

(Deposition concluded at 11:46 a.m.)

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STATE OF MICHIGAN)
) SS
COUNTY OF SAGINAW)

I, Lori L. Brady, CER-6925, and Notary Public, Saginaw County, acting in Tuscola County, State of Michigan, hereby certify that I recorded the examination of STANLEY R. STASKO. Before taking of said deposition, the said deponent was duly sworn to tell the truth, the whole truth, and nothing but the truth; and that the foregoing deposition is a true and correct transcript of said deponent.

I further certify that I am not a relative, employee, attorney, or counsel of any of the parties; a relative or employee of such attorney or counsel; and am not financially interested in the transaction.

I further certify that no request was made that the foregoing 48-page deposition be submitted to the said deponent for examination and correction by deponent or that deponent sign the same.

9-22-04
Date

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