

FILED
STATE OF MISSISSIPPI
LAFAYETTE COUNTY
IN THE CHANCERY COURT OF LAFAYETTE COUNTY, MISSISSIPPI

2023 APR 20 AM 9:56

ROBERT SULLIVANT, SR
PLAINTIFF

CHANCERY CLERK

VS.

BY DC TS

CAUSE NO.:2021:612(W)

ROBERT SULLIVANT, JR
DEFENDANT

**AFFIDAVIT OF ROBERT SULLIVANT JR IN SUPPORT OF HIS MOTION TO
DISQUALIFY ATTORNEY SWAYZE ALFORD AS COUNSEL FOR PLAINTIFF**

LAFAYETTE COUNTY, MISSISSIPPI

I, ROBERT SULLIVANT JR, attest that I am the Defendant in the above-referenced matter, and that in regard to such matter, I hereby declare the following under penalty of perjury:

1. An agreement in this matter related to certain funds held by the parties was stipulated to and ordered by the Court on February 8th, 2022.
2. Within this order, were instructions for Plaintiff's attorney, Swayze Alford, to hold the funds from the land sale in trust and to preserve the Plaintiff's TD AmeriTrade account.
3. I subpoenaed FNB Bank for information and accounting related to the funds from the land sale, and from the Plaintiff's account. On December 9th, 2022, I received the subpoenaed documents. These documents indicate that the funds from the land sale never went into trust but were rather distributed directly to the Plaintiff and that Evelyn Stevens' name was on the account.
4. In his diminished mental capacity, the Plaintiff has been spending this money recklessly, including the purchase of a truck costing over \$41,000 for Evelyn Stevens. Ms. Stevens is also an authorized user on this account and has equal access to the funds.
5. Mr. Alford was aware of the truck purchase and all of the other spending and hid it from me and the court. He was aware that the plaintiff has access to these funds, and that he (Mr. Alford) was violating a court order by allowing such. With this information he did nothing

except continue to allow the Plaintiff to frivolously spend money and allow Ms. Stevens access to it as well.

6. Mr. Alford has agreed on multiple occasions to turn over the sales documents related to the truck purchase, beginning over 6 months ago, and reneged on this agreement each and every time.

7. Mr. Alford entered into a verbal agreement with prior counsel for Defendant, Mitchell Driskell the day before a Motion to Compel the documents was to be heard, the parties entered into an oral agreement for Mr. Alford to produce them. The hearing was then removed, and Mr. Alford then went back to his position of refusing to turn over the documents.

8. I believe that the purchase of the truck for Ms. Stevens was a result of undue influence and criminal elder abuse. If this turns out to be proven, then Mr. Alford is guilty violating court rules for the purpose concealing and withholding evidence of crime.

9. Mr. Alford claims in an email dated December 12th, 2022, that he violated the court order and the agreement between the parties so that the Plaintiff could “earn some interest on the funds.” He also admits his error and apologizes.

10. The relationship between Mr. Alford and Ms. Stevens is highly suspicious in this matter. Particularly at deposition, Ms. Stevens and Mr. Alford arrived together, were huddled during breaks, and Ms. Stevens constantly looked to Mr. Alford for guidance answering questions, often nodding at her to indeed answer the question. He also instructed her not to answer certain questions that would disclose her relationship to Mr. Alford and reveal her responsibility in initiating this matter on behalf of the Plaintiff.

11. On March 29th, 2023, defendant filed a complaint against Mr. Alford with the Mississippi Bar Association related to many of the allegations made herein.

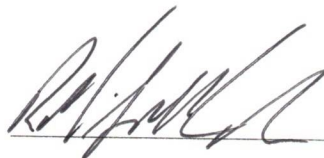
12. On April 11th, 2023, the Bar Association accepted the complaint, assigned to it Docket No. 22-303-4, and gave Mr. Alford until May 11th, 2023, to respond.

13. Mr. Alford has acted irresponsibly and inappropriately with the parties’ joint funds, funds, coached a witness at deposition and ordered the witness not to answer significant questions, has reneged on multiple promises related to discovery and disclosure, and has allowed a third-party access to over \$400,000 of his client’s assets that should have been protected by a court order.

14. It is my opinion that evidence all ready presented in this matter should be convincing to a reasonable person that Mr. Alford should have known that the Plaintiff was in need of a conservatorship. Mr. Alford should have known that Evelyn Stevens was exerting undue influence and committing Criminal Felony Elder Abuse. Mr. Alford should have known that the Plaintiff had no evidence of the allegations that Ms. Stevens convinced his client that I committed. Mr. Alford should have known from the Plaintiff's own admission that moving the joint funds to a safe place was my duty, and not in violation of any part of the Mississippi Code.

WHEREFORE, for the foregoing reasons and for those reasons further argued in the attached Motion, disqualification of Attorney Alford from representing the Plaintiff in this matter is warranted.

Dated: April 20th, 2023



Robert Sullivant Jr.

Sworn to and subscribed before me this the 20th day of ~~January~~ ^{April} 2023.

My Commission Expires:



Notary Public