

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

**ROBERT SULLIVANT, SR**  
**PLAINTIFF**

**VS.**  
**ROBERT SULLIVANT, JR**  
**DEFENDANT**

2022 DEC 12 PM 1:29

CAUSE NO.:2021:612(W)

---

**AFFIDAVIT IN SUPPORT DEFENDANT'S EMERGENCY EX-PARTE MOTION FOR  
TEMPORARY ORDER RESTRAINING AND PRELIMINARY INJUNCTION FREEZING  
ACCOUNTS**

---

**STATE OF MISSISSIPPI, COUNTY OF LAFAYETTE.**

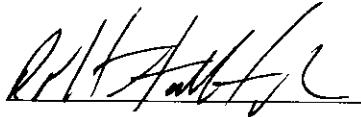
The Defendant ROBERT SULLIVANT JR, *Pro Se* being duly sworn, deposed and states:

1. I am a retired CPA. I was licensed in Mississippi & Tennessee. I served as a CPA for over 25 years. I consider myself an expert in analyzing and comprehending bank statements.
2. On or about February 9<sup>th</sup>, Sr & Jr closed on a land sale of approximately 350 acres. The land was jointly owned by Jr & Sr.
3. The firm of Mitchell & McNutt (Oxford) had been engaged by the buyer to prepare and execute the closing of the land sale.
4. One of the terms for me to agree to closing on the sale was that proceeds would not be at risk of loss from Sr's risky financial behavior.
5. Swayze Alford and Brad Golman (my counsel at the time) negotiated that Sr's proceeds would be transferred from Mitchell and McNutt to Swayze Alford's client trust account. (*See Ex. B pg 3-5.*)
6. Upon deposing Evelyn Stevens on November 15<sup>th</sup>, 2022. She testified that she and Sr had two joint accounts at FNB Oxford.
7. I subpoenaed FNB Oxford regarding the two accounts for monthly statements and signature cards. (*See Ex. E, pg 18.*)
8. On Friday December 9<sup>th</sup>, 2022 at about 3PM, I received an email from FNB Oxford containing documents I had subpoenaed. (*See Ex. F,G,H & I, pg 22-96.*)
9. Upon reviewing the statements I noticed there was over \$400,000 in these accounts.

10. Upon closer inspection I noted that the initial deposit of \$438,430.35 was made on February 11<sup>th</sup>, 2022, and that the deposit was a check from Mitchell & McNutt.
11. Upon filing the subpoena, I agreed to send Swayze Alford all documents that I received.
12. Moments after receiving the FNB documents, and recognizing that the land sale proceeds had been deposited into Sr's FNB account, I sent an email with the bank documents attached, and inquiring of Swayze Alford if the initial deposit in the FNB account was from the land proceeds. Also, I noted to him that was a violation of paragraph 7 of the February 8<sup>th</sup> Agreed Order. See Ex. K, pg 97.).
13. Mr. Alford has not responded to the email.
14. Of the two FNB Oxford accounts the first one was opened on February 11<sup>th</sup>, 2022. (See Ex. G, pg 24.) The second one was opened on February 23<sup>rd</sup>, 2022. (See Ex. G, pg. 25.) Elvelyn Harwell Steven's name was added to the accounts on February 23, 2022. (See Ex. G, pg 26-27.)
15. On February 29, 2022 \$188,384.04 was transferred from FNB Oxford account numbered 10822583 to account 10822831. (See Ex, H pg 28 & Ex. I pg 49.)
16. The ending balances as of November 30<sup>th</sup>, 2022 of accounts numbered 10822583 & 10822831 respectively are \$251,294.44 & \$129,810.71. The total of both accounts' ending balances \$381,105.15. (See Ex J., pg 96.)
17. There have not been any other deposits made since initial deposit of \$483,430.35 on February 9<sup>th</sup>, 2022. Interest in the amount of \$1,294.44 (thru November 30<sup>th</sup>, 2022) was earned on account 10822583. (See Ex. J, pg 96.) There was no interest earned from account 10822831.
18. Therefore, subtracting the ending balance at November 30, 2022 from the beginning balance at February 9<sup>th</sup>, 2022, and adding back the interest earned of \$1,294.44 will result in the amount of \$58,619.64.(See Ex.J, pg 96.) This amount of client's funds in Swayze Alford's trust is unaccounted for and lost.
19. It is my assumption that disbursements have been made from both accounts since November 30<sup>th</sup>. The amount considered lost will increase past November 30<sup>th</sup>, 2022.
20. It is my understanding and belief that risk of further loss of Plaintiff's assets in Swayze Alford's trust is significant and imminent.

**PURSUANT TO RULE 65(b), I, ROBERT SULLIVANT JR,** hereby certify that Attorney for Plaintiff was sent a true and correct copy of this Motion and Affidavit, and all documents affixed hereto, on December 12th, 2021, via electronic mail of record. Plaintiff further certifies the following:

1. This is a Motion for Emergency Relief and time is of the essence. As such, Defendant has not otherwise conferred with the Plaintiff besides the email described above.
2. Attorney for Plaintiff and his malfeasance in maintaining Plaintiff's funds is what precipitated and necessitated this Motion.
3. The Plaintiff is recklessly spending money that is supposed to be in trust account held by Attorney Alford. Emergency Relief and lack of notice to Mr. Alford is justified at this time.

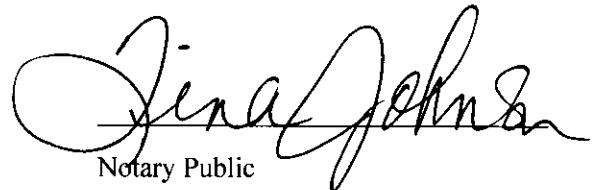
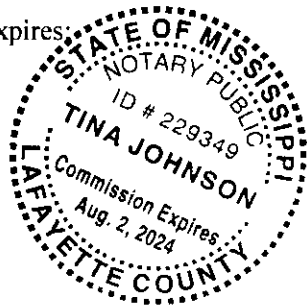


Robert Sullivant Jr., *Pro Se*

Defendant

Sworn to and subscribed before me this the <sup>12<sup>th</sup></sup> ~~25<sup>th</sup>~~ day of <sup>December</sup> ~~November~~ 2022.

My Commission Expires:



Notary Public