

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

ROBERT SULLIVANT, SR., PLAINTIFF

V.

ROBERT SULLIVANT, JR., DEFENDANT

2022 DEC -8 P 12:06

CHANCERY CLERK

CIVIL ACTION NO. 2021-612 (W)

BY DC. RS

AFFIDAVIT IN SUPPORT OF SUMMARY JUDGMENT

LAFAYETTE COUNTY, MISSISSIPPI

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

1. I was legally granted Power of Attorney over the Plaintiff's (my Father) estate and finances on July 12th, 2017.
2. On May 5, 2021, Sullivant, SR. and Sullivant, JR. agreed to deposit the proceeds from the sale of the "farmhouse," amounting to \$230,000, into a joint account to be used for another house, after the sale of the house located in Oxford, Mississippi.
3. 50% of these funds belong exclusively to me.
4. The power of attorney was revoked by the Plaintiff unexpectedly and without notice on May 20th, 2021.
5. I was never notified of the revocation.
6. Prior to this revocation, according to the Plaintiff, Sullivant SR opened a new account and transferred \$230,000 from the joint account to his own, without informing me.
7. My Father has engaged in risky, irresponsible, and dangerous financial behavior including; over drafting accounts, thousands of dollars in mail scams, failure to pay the last 18 months of mortgage payments on his house, failure to file or pay 2020 and 2021 income tax, substantially running up credit cards that I had paid down for him, hiring a driver for no purpose, allowing one auto insurance policy to lapse and allowing another to nearly lapse, responding to phone scams and closing a bank account without addressing any auto-pays. He gave away \$75,000 of farm equipment jointly owned

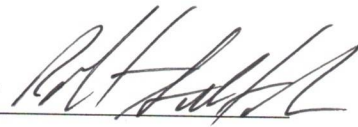
SCANNED

by me to my three cousins Calvin Vick, Sam Vick, and Josh Vick. At the time of the \$230,000 transfer, SR was in process of buying a house with Evelyn Stevens.

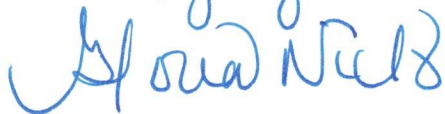
8. I took action by reversing the subject transaction as I was operating in my Father's best interest and under the assumption of power of attorney, which he revoked *after* I transferred the funds. I also took action to reverse this transaction because 50% of the funds he transferred belonged exclusively to me.
9. After reversing this transaction, I promptly placed \$50,000.00 in my father's individual TD AmeriTrade account, paid \$6,000.00 on his credit card, and moved another \$5,000.00 into the joint checking account with my father and continued to pay his mortgage and utility bills.
10. I assert that after I transferred the \$230,000 legally using my power of attorney from his Regions Bank individual account, to each of our individual TD Ameritrade accounts, that SR stated to me emphatically that he transferred the money from our joint Regions account to his own individual account because that money was not mine.
11. As such, the Plaintiff's assertion paragraph 9 of their Complaint, that I have taken my father's money "for my own personal benefit" is absolutely untrue, absurd, and insulting, and they have not provided a scintilla of evidence of this since filing their complaint.
12. Evelyn Stevens, who claims to be talking care of the plaintiff, has blocked my phone number from her and Plaintiff's phone. She has been accepting expensive gifts from my father, and is taking mutual control over some of his financial accounts. Ms. Stevens is not being paid and is not reporting any of these gifts for tax purposes. She has changed the relationship from employer-employee to something more serious. She is taking full advantage of the Plaintiff and his decapitated and diminishing mental state.
13. According to the Plaintiff's discovery responses and Complaint,, on May 19th, 2021, Plaintiff (illegally) transferred all \$230,000 from the sale of the house to his own personal account. The power of attorney was revoked the *very next day* on May 20th, 2021. I was never made aware of the revocation and even had I been, upon significant information and belief, my Father was not cognitively capable of revoking that agreement.
14. The Plaintiff has not made any attempts to prove his claims through the request of discovery or by any other method. Attorney Alford has also failed to file an Answer to the counterclaims which were filed against the Plaintiff almost exactly **12 months ago**, and he is currently refusing to turn over requested discovery or to even conference. Mr. Alford has been intentionally evasive in this matter.

15. My father's mental health is deteriorating and he is currently under the auspices of people who are clearly taking advantage of him. The Plaintiff's claims in this action are untenable and unsustainable, and there are no issues of fact that remain regarding their claims. This lawsuit was nothing more than an abuse of process and a malicious attempt to take advantage of a mentally unstable and elderly man and extract him financially. Also, this lawsuit was a preemptive attack to prevent his son from becoming his conservator and receiving protection of Section 401(2)(b)(i) of the Mississippi Guardianship and Conservatorship Act.
16. Finally, I had absolutely no notice or knowledge that the Plaintiff had revoked the power of attorney at the time I reversed the transaction. The Plaintiff has failed to offer any evidence or argument that he did in fact notify me and this failure forecloses on each and every claim stated in the Complaint.
17. Pursuant to Title 87, Ch. 3, § 87-1-113 of the Mississippi Code; this lack of any notice or knowledge of revocation makes the subject transaction of the Plaintiff's Complaint, (where I reversed the withdrawal he made), completely within my legal authority, and to prevent him from buying a house with the funds. It is unambiguous within the statute that lack of notice of revocation absolves the Attorney and is in fact "conclusive proof" of *non-revocation* and *non-termination*. This fact is also clearly stated in the Power of Attorney submitted with the Plaintiff's Complaint.
18. As a result of the foregoing, Summary Judgement in this matter against the Plaintiff and in favor of the Defendant is appropriate.

DATED: December 8, 2022.

/s/ 

Robert Sullivan Jr.

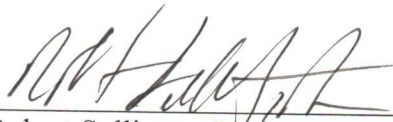
This 8th day of December 2022




CERTIFICATE OF SERVICE

I do hereby certify that on November 25, 2022 I have served by hand delivery and/or email a true and correct copy of the above and foregoing document to:

Swayze Alford
1221 Madison Avenue
Oxford, MS 38655
Attorneys for Plaintiff Robert Sullivant, Sr.



Robert Sullivant, Jr., *Pro Se*