

CROSS-EXAMINATION

1
2 BY MR. ROBERT SULLIVANT, JR.:

3 Q. Good morning, dad. Are you doing okay?

4 So you made a statement that you decided
5 you wanted to change your will after your son, me,
6 stole your money?

7 A. We -- there was a house that belonged to
8 my wife, his mother, and we sold it. And I didn't
9 want that money intermingled with mine, so I had it
10 put in a separate account in Regions Bank with the
11 instructions that nobody was to take it out but me,
12 and somehow you managed to get it out. I don't know
13 how you did it because it was supposed to be signed
14 by me.

15 Q. Okay. So all the money that you -- so
16 where did that money -- where did you get it from to
17 put into your account?

18 A. What?

19 Q. Where did you get the money from to put
20 into your account?

21 A. It was -- the house was sold.

22 Q. Okay.

23 A. My wife's inheritance was sold.

24 Q. Okay.

25 A. Your mother's inheritance was sold.

26 Q. Correct.

27 A. You were entitled to half of it, and I
28 was. And when I put it in the bank, if you had
29 asked me for your half, I would have given it to

1 you.

2 But when you took it out and I asked you
3 for my half back, you denied giving it to me. You
4 would not give it back to me then.

5 Q. Okay. But that's when -- okay. The money
6 at that time was in our joint account?

7 A. What?

8 Q. The money was at that time in our joint
9 account?

10 A. That money that -- sold the house for?

11 Q. Yes.

12 A. Was never in a joint account.

13 Q. Okay. So when the house was sold and the
14 attorney handed me a check, do you recall what I did
15 with that check?

16 A. You gave it to me, and I deposited in the
17 bank in a special account where nobody else could
18 get it but me, and you could get it back if you
19 wanted it.

20 Q. Okay.

21 A. If you had just asked me for it, you would
22 have got it back.

23 Q. Okay. Do you recall if that check who it
24 was paid -- paid to order to?

25 A. What?

26 Q. Do you recall the check being who it was
27 paid to order to?

28 A. No, I don't recall who it was -- the
29 closing people gave me the check. I don't know who

1 signed it. I don't remember.

2 Q. Okay. So you don't recall that you and I
3 went to Regions Bank on Jackson Avenue as we came
4 back from the closing on that house?

5 A. No, I don't recall going back to Regions
6 Bank with you.

7 Q. Okay. Do you recall that I gave you a
8 piece of paper that stated when Regions Bank would
9 release those funds?

10 A. I didn't understand your question.

11 Q. Do you recall when -- if I gave you a
12 piece of paper that was from Regions Bank that had
13 the dates that it was going to release the funds of
14 that check?

15 A. I don't recall anything about that.

16 Q. Okay. So your testimony is, the closing
17 attorney gave you the check and you put it in your
18 own individual account at Regions Bank?

19 A. Put it in an account by itself.

20 Q. Okay.

21 A. Not with my other bank accounts.

22 Q. Okay. And you had told -- and you stated
23 that you told them that nobody else could take any
24 money out of that account?

25 A. There was nobody else supposed to take it
26 out.

27 Q. Okay. Do you recall going to
28 Mr. Westfaul's office, say, mid-June, 2021, and him
29 writing up a document that revoked my power of

1 attorney?

2 A. I don't remember anything about it.

3 Q. You don't, okay.

4 HONORABLE ROBERT Q. WHITWELL: Mr.
5 Sullivant, I'm being very patient here
6 with you, but the law is that a person can
7 execute a document at the time which he
8 has testamentary capacity.

9 MR. ROBERT SULLIVANT, JR.: Okay.

10 HONORABLE ROBERT Q. WHITWELL: If he,
11 in fact, didn't know whether he had a
12 joint account -- we know all about that
13 because we have been over that 100 times.

14 MR. ROBERT SULLIVANT, JR.: Right.

15 HONORABLE ROBERT Q. WHITWELL: It was
16 a joint account. It was drawn out by you
17 and later deposited to Mr. Alford's
18 account.

19 But the point is, is he can -- the
20 question is, is he capable of executing a
21 will now?

22 They're asking can he sign a will
23 today?

24 MR. ROBERT SULLIVANT, JR.: Yes, sir.

25 HONORABLE ROBERT Q. WHITWELL: And
26 Mr. Perkins has testified that he can,
27 that he has testamentary capacity.

28 So I don't know what effect -- what
29 he did in '21 about the bank account and

1 revoking the power of attorney and all of
2 that and all of y'all's controversy
3 between you, I don't know what that has to
4 be with this.

5 But I'm being very liberal with
6 you --

7 MR. ROBERT SULLIVANT, JR.: Okay.

8 HONORABLE ROBERT Q. WHITWELL: -- but
9 let's move on.

10 MR. ROBERT SULLIVANT, JR.: The basis
11 for this questioning is that Dr. Perkins
12 stated that if his reasoning was outside
13 of reality, and I believe that my
14 questions will prove that.

15 So I think I'm entitled to state that
16 or prove that Dr. Perkins's conclusions
17 were incorrect.

18 HONORABLE ROBERT Q. WHITWELL: All
19 right. Well, I don't recall that
20 testimony, but it's your case. You
21 represent yourself. Do the best you can
22 to make it.

23 MR. ROBERT SULLIVANT, JR.: Okay.
24 Appreciate that, Your Honor.

25 THE WITNESS: I don't understand how
26 they got it out of there.

27 BY MR. ROBERT SULLIVANT, JR.:

28 Q. Okay. How they got it out? So you don't
29 understand how they got it out?

1 A. Well, somebody in Regions Bank gave it out
2 that they should not have.

3 Q. Okay. Do you recall you signing or
4 executing a power of attorney for me, say, in 2017?

5 A. Do you recall that I had canceled that
6 power of attorney about six weeks before.

7 Q. Before when?

8 A. What?

9 Q. Before? No, I'm not --

10 A. Yes.

11 Q. Before -- six weeks before when?

12 A. I canceled that power of attorney before
13 that money was put in Regions Bank.

14 Q. Okay. So you're stating you canceled it
15 before the money was deposited into Regions Bank?

16 A. What?

17 Q. You're stating that you canceled the power
18 of attorney before you deposited the money into the
19 bank?

20 A. Yes.

21 Q. Good enough. Do you recall when you --
22 okay.

23 HONORABLE ROBERT Q. WHITWELL: And he
24 gave notice to the bank, but he didn't
25 give notice to you.

26 Is that correct, Mr. Sullivant?

27 MR. ROBERT SULLIVANT, JR.: From my
28 understanding, he gave -- I have no actual
29 knowledge that he did give it to Regions

1 Bank. I do not have that knowledge
2 myself.

3 I just know that he states -- he has
4 stated before that he gave it to the
5 Regions in Batesville.

6 HONORABLE ROBERT Q. WHITWELL: I
7 thought that came out in our last hearing
8 somewhere.

9 MR. ROBERT SULLIVANT, JR.: It did,
10 but that's just what he stated. I'm going
11 on what he stated. I have no actual
12 knowledge that he --

13 HONORABLE ROBERT Q. WHITWELL: All
14 right. Go ahead.

15 BY MR. ROBERT SULLIVANT, JR.:

16 Q. When is the last time you attended the
17 Independence Presbyterian Church?

18 A. What?

19 Q. When is the last time you attended the
20 Independence Presbyterian Church?

21 A. Some time a little bit earlier this fall I
22 went to a meeting up there.

23 Q. So have you been to a service there?

24 A. What? Yeah.

25 MR. SWAYZE ALFORD: Your Honor,
26 again, I mean, who he decides to leave it
27 to at this point, I mean I don't know how
28 cross-examination about that gets us
29 anywhere.