

IN THE PROBATE COURT OF BUTLER COUNTY, OHIO

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IN RE: :  
ESTATE OF DARRELL WAYNE : CASE NO: PE05-06-0659  
PERRY. : (Judge Rogers)  
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DEPOSITION

of DARLENE BISHOP, taken before me, Carol A. Metz,  
Registered Professional Reporter and Notary Public in and  
for the State of Ohio at Large, pursuant to agreement of  
counsel, as on Cross-Examination, at the law offices of  
Freund, Freeze & Arnold, 1800 Dayton Centre, in the City  
of Dayton, County of Montgomery, and State of Ohio, on  
Saturday, the 26th day of August, 2006, beginning at 8:30  
A.M.

1 APPEARANCES:

2 On Behalf of Bryan Perry, Olivia Perry, Justin Jones  
3 and Janet Perry-McCormick:

4 DWIGHT D. BRANNON, ESQ.

5 and

6 DAVID BRANNON, ESQ.

7 BRANNON & ASSOCIATES

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9 130 W. Second Street

10 Dayton, Ohio 45402

11 On Behalf of Darlene Bishop and Arlene Parker:

12 NEIL F. FREUND, ESQ.

13 FREUND, FREEZE & ARNOLD

14 1800 One Dayton Centre

15 One South Main Street

16 Dayton, Ohio 45402

17 On Behalf of the Estate of Darrell Wayne Perry:

18 BILL W. CUMMINS, ESQ.

19 BILL W. CUMMINS, CO., L.P.A.

20 Suite 204, 105 Court Street

21 Hamilton, Ohio 45011

22 Also Present:

23 Arlene Parker

24 Anthony VanNoy

25 - - -

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1 DARLENE BISHOP

2 a witness of lawful age, being by me first duly  
3 cautioned and sworn, testified on her oath as follows:

4 - - -

5 CROSS-EXAMINATION

6 BY MR. DWIGHT BRANNON:

7 Q Mrs. Bishop, give us your full name.

8 A Darlene Bishop.

9 Q Date of birth, please?

10 A October 21st, 1944.

11 Q Place of birth, please?

12 A Hamilton, Ohio.

13 Q Your residence, your personal residence address?

14 A 856 Mason Road, Monroe, Ohio, 45050.

15 Q Your occupation, profession or advocacy?

16 A I am a co-pastor of Solid Rock Church.

17 Q What is the business address of Solid Rock  
18 Church?

19 A 904 North Union Road, Monroe.

20 Q Have you ever given a deposition before, ma'am?

21 A Yes.

22 Q How many times have you provided or given a  
23 deposition?

24 A I believe twice, if I recall right.

25 Q Have you ever been named as a defendant in any

1 lawsuit other than this suit?

2 A I am not sure. Bill, was I a defendant in that  
3 lawsuit?

4 MR. CUMMINS: You were.

5 THE WITNESS: Okay.

6 BY MR. DWIGHT BRANNON:

7 Q Have you ever testified in a court of law?

8 A One time.

9 Q When was that?

10 A Probably 40 years ago.

11 Q What kind of case was that?

12 A It was concerning a horse.

13 Q Was that related to a horse that you owned?

14 A Yes.

15 Q And can you tell me about the 2 cases where you  
16 have given a deposition as to where, when and why, just  
17 briefly.

18 A The one about the horse, why I was giving -- can  
19 you ask me the question again.

20 Q I was asking you about the 2 most recently. You  
21 said on the horse, that you had given some testimony about  
22 the horse?

23 A Right.

24 Q Was that some dispute on the horse about the  
25 value?

1 A Yes, the case was dismissed.

2 Q Someone sued about the value of the horse?

3 A It was a stallion, and they wanted a breeding on  
4 the stallion. The case was dismissed, thrown out, of  
5 course.

6 Q How about the 2 more recent ones?

7 A It was one more recent one, that with the other  
8 one. A worker got hurt on our farm, and they sued the  
9 business.

10 Q Is that case still pending?

11 A No.

12 Q When did you give your deposition in that?

13 A It's probably been 3 years ago.

14 Q Okay. You are co-owner of the farm with your  
15 husband, Lawrence; is that correct?

16 A Yes.

17 Q And does your farm include active farming, horse  
18 breeding? What do you do on your farm, other than live  
19 there? Most of us have farms for enjoyment, rather than  
20 working farms. How would you describe yours?

21 A It's just a horse ranch.

22 Q Are you in the horse business?

23 A Yes.

24 Q How long have you been in the horse business?

25 A Ever since I have been married, 46 years, and he

1 was before that. So --

2 Q All right. How many children do you have,  
3 ma'am?

4 A 4.

5 Q Could I have their names and ages, please.

6 A Lawrence -- Jana Mitton, she is 43.

7 Q Okay.

8 A Lawrence Bishop, II, he is 40. Rene Bishop --  
9 I'm sorry, her name just got changed to Kim, K-I-M -- she  
10 is 33; and Julie Hooks, and she is 29.

11 Q Do any of your children work for you in any  
12 capacity?

13 A Yes.

14 Q Who are they, please?

15 A Rene and Julie work for the Darlene Bishop  
16 Ministry.

17 Q Is the Darlene Bishop Ministry separate from the  
18 Solid Rock Church?

19 A Yes, it is.

20 Q If you would just briefly for your -- I won't  
21 call it profession, advocacy of a minister. You are a  
22 minister at Solid Rock Church. That is one organization?

23 A Right.

24 Q You have Darlene Bishop Ministries, and describe  
25 that for me, please.

1 A I do about, between 90 and 100 speaking  
2 engagements a year.

3 Q And do you have any other organizations or  
4 businesses or advocacies that you have, advocations?

5 A I have a TV program called Sisters.

6 Q It airs where, please?

7 A All over the world, national.

8 Q What cable station?

9 A Day Star.

10 Q Day Star?

11 A Uh-huh, and Word Network, Time Warner.

12 Q Can you tell me, if you would please, the times.  
13 It's a weekly program or --

14 A Yes.

15 Q -- daily?

16 A Weekly.

17 Q When does that air?

18 A 10:30 P.M. on Sunday night and 10 A.M. Sunday  
19 morning, Sunday night at 9 o'clock.

20 Q At Solid Rock Church, are you responsible or  
21 co-responsible with your husband for delivering the  
22 message at different services?

23 A Yes.

24 Q You pretty much alternate or co-deliver?

25 A Yes.



1 Q You have certain brothers. You have some  
2 brothers and sisters, don't you, or you have had brothers  
3 and sisters?

4 A Yes.

5 Q Could you tell me the names of your brothers and  
6 sisters in descending order, starting with the youngest  
7 first, and those that are deceased, and the ages of those  
8 that are still alive, please.

9 A Okay, Guy Richard Perry is 48.

10 Q Thank you.

11 A Let's see who comes after him? Danny Corliss.

12 Q Corliss, would you spell?

13 A C-O-R-L-I-S-S. I don't know how old he would be  
14 right now. I'm sorry.

15 Q All right.

16 A He is deceased. Wayne, Darrell Wayne Perry.

17 Q All right, we know he is deceased. Go ahead,  
18 ma'am.

19 A Deceased. Then I am next, Darlene, and then my  
20 brother Delano Perry.

21 Q He is how old, please?

22 A He is 63.

23 Q I understand you have recently lost your father.  
24 Is that correct?

25 A Yes.

1 Q What was his full name, please?

2 A Oliver H. Perry.

3 Q And I understand you also unfortunately lost  
4 your mother; is that correct?

5 A Yes.

6 Q What was her name, please?

7 A Eleanor Perry.

8 Q In what year did she die?

9 A 2004.

10 (Mr. VanNoy arrived at deposition proceedings.)

11 Q All right.

12 A I have 2 sisters --

13 Q Go ahead, please.

14 A -- that are older; Patricia Ann Mullins and  
15 Louise Schmitt.

16 Q And they are both deceased?

17 A Yes. Those are half sisters, if you want to --

18 Q All right. They would be your mother's  
19 children; is that correct?

20 A My father's.

21 Q Father's children?

22 A Father's children.

23 Q Your stepmother's name, please, if she ever was  
24 your stepmother?

25 A No.

1 Q The person that was the mother of the children?

2 A She died before my father married my mother.

3 Q Briefly could I have something about your  
4 educational background.

5 A In December of my junior year, I didn't go back  
6 to school in January, because I was married in January.  
7 So I went half of my 11th year.

8 Q Married at age 16?

9 A 17.

10 Q My mom was 16.

11 Can you tell me about any additional education  
12 you have had, any formal education, other than your  
13 seminars and things of that nature.

14 A No.

15 Q Okay. When were you ordained as a minister?

16 A I have never officially been ordained.

17 Q Your religious affiliations, do they have any  
18 affiliations with any national churches or organizations,  
19 like Lutherans, Assemblies of God, Baptists, anything of  
20 that nature?

21 A No.

22 Q Independent. Just briefly tell me about when  
23 you started the ministry as your avocation or profession.  
24 I don't know how to describe it.

25 A Okay. In 1982 I spoke at a women's conference

1 at our church, and after that I just started getting  
2 requests to speak at other churches --

3 Q Would it --

4 A -- and conferences.

5 Q Excuse me. Had your husband started the  
6 ministry prior to you becoming involved?

7 A Yes.

8 Q Has he always been in the ministry since the  
9 date of your marriage?

10 A No.

11 Q When did he first become involved in the  
12 ministry?

13 A 1978.

14 Q Can you just tell me approximately the date that  
15 the Solid Rock Church was established.

16 A No, the Solid -- actually in 1978 the church was  
17 Middletown Evangelistic Center.

18 Q Okay.

19 A And then it became Solid Rock Church in 1992.  
20 We made a move from a small building to where we are now.

21 Q Who is Arlene Parker, please, Mrs. Parker  
22 sitting here today?

23 A Who is she?

24 Q Yes, please.

25 A She is Arlene Parker, my friend.

1 Q Okay. The relationship is your friend?

2 A Yes.

3 Q How long has she been your friend?

4 MS. PARKER: '85.

5 THE WITNESS: 21 years.

6 BY MR. DWIGHT BRANNON:

7 Q In order to understand some of the allegations  
8 in this case and some of the information provided to my  
9 clients, I need to know your relationship with her.

10 A That's fine.

11 Q Has she worked with you in any business  
12 capacity?

13 A She takes care of my finances for the Darlene  
14 Bishop Ministries.

15 Q She is your chief financial officer?

16 A Yes.

17 Q Your CFO. Does she do any other type of, I call  
18 it business-related or ministry-related work for you?

19 A She travels with me occasionally.

20 Q And is she married?

21 A No.

22 Q Okay. Where does she reside? I understand she  
23 resides at the ranch.

24 A Yes.

25 Q How long has she resided there at the ranch?

1 A 5 years.

2 Q Does she provide you any type of personal  
3 assistance or assistance to other members of your family?  
4 I am going to be getting into this, of course, with Wayne.

5 A Yes.

6 Q What type of things did she do for you during  
7 those 5 years?

8 A Anything that I have asked her to do.

9 Q Okay. Is she paid a salary of some type or some  
10 stipend for her work?

11 A No.

12 Q I know that you would provide her her room,  
13 board, transportation, finances or food; is that correct?

14 A Yes.

15 Q Do you provide her any other funds from any, you  
16 or any organization dealing with anything for her to live  
17 on?

18 A The church provides her with her ministry. We  
19 do a donation monthly to her ministry, because she also  
20 has a ministry. She travels as well, and --

21 Q What is her ministry called?

22 A Answering the Call. It's an outreach ministry.

23 Q Are you in any way affiliated with Answering the  
24 Call?

25 A No.

1 Q And you don't travel with her on that?

2 A No.

3 Q So she has her own sources of financial  
4 assistance from that ministry; is that correct?

5 A Yes.

6 Q Okay. To your knowledge, did Wayne Perry ever  
7 provide her any funds that she used for her own, for her  
8 own benefit?

9 A No.

10 Q Wayne Perry, describe, if you would please, your  
11 relationship to him during your childhood, differences in  
12 ages and what that was like, please.

13 A Wayne has probably always been my closest  
14 brother. Because I was older, I helped care for him when  
15 he was, you know, growing up.

16 Q All right, and let's say from the year 2000 up  
17 until say 2002, those 2 years prior to your learning of  
18 his illness, tell me a little bit about your relationship  
19 and the frequency of your relationship with your brother  
20 Wayne.

21 A Those were very busy years for both of us. We  
22 have probably seen each other a few times during those  
23 times, but just every few months, because I would go visit  
24 my mother in Tennessee. That's where he lived, and he  
25 would always be there, come home in Nashville. If he was

1 in Nashville, whatever, he would always come home to see  
2 me.

3 Q So like the rest of us with brothers and  
4 sisters, at that time in your life you are pretty much  
5 independent, doing your own --

6 A Right.

7 Q -- advocations, professions; is that right?

8 A Right.

9 Q I need to know something about your personal  
10 health history, if I could please. Have you ever been  
11 diagnosed by a medical professional with breast cancer,  
12 ma'am?

13 A No.

14 Q And to your knowledge, you have never had breast  
15 cancer?

16 MR. FREUND: Let me -- you know, my objection is  
17 really that your medical history is private. I know why  
18 you are asking the question. Give me a continuing  
19 objection, and I will continue to let you answer that  
20 question or that line of questioning so long as you feel  
21 comfortable with it, because you do have a privilege.  
22 Your medical background is privileged. We may get in an  
23 argument.

24 I am just advising my client on the record. So  
25 I think we will let this go, because I think I understand



1 why Mr. Brannon is asking the questions.

2 MR. DWIGHT BRANNON: I am not interested in  
3 getting into her whole medical health history, only those  
4 issues related in this case and written about in the book  
5 and so on.

6 MR. FREUND: Will you give me a continuing  
7 objection to that?

8 MR. DWIGHT BRANNON: Absolutely.

9 MR. FREUND: Go ahead.

10 BY MR. DWIGHT BRANNON:

11 Q To your knowledge, have you ever had breast  
12 cancer?

13 MR. FREUND: She already answered.

14 MR. DWIGHT BRANNON: No, said she wasn't  
15 diagnosed.

16 MR. FREUND: Go ahead.

17 THE WITNESS: In my own personal, yes, I believe  
18 I did.

19 BY MR. DWIGHT BRANNON:

20 Q When was that, please?

21 A 1986.

22 Q And when do you believe that that condition  
23 terminated or left you?

24 A July 21st in 1986.

25 Q And have you ever, other than what you have

1 indicated here in regards to breast cancer, have you ever  
2 suffered from any type of serious illness or disease that  
3 could have been terminal in your opinion?

4 MR. FREUND: Objection.

5 THE WITNESS: No.

6 BY MR. DWIGHT BRANNON:

7 Q Just for my knowledge and not what he said, did  
8 you have a physician and/or ob/gyn at that time of July  
9 21st, 1986?

10 A No.

11 Q To continue a little bit with Wayne. From my  
12 understanding, you were contacted by Wayne about him  
13 having cancer, is that correct, in 2002 sometime?

14 A Yes.

15 Q Help me out. Can you tell me exactly when in  
16 2002 that was?

17 A I can't -- I don't recall exactly the date.

18 Q Do you remember the season of the year?

19 A I believe that it was in September. I am not  
20 really sure. I don't recall.

21 Q Okay. Sometime in, let's say, the latter part  
22 of 2002 Wayne calls you. Is that fair?

23 A Yes.

24 Q Okay. What does he tell you?

25 A He said, "Sis, I got the results back from my

1 test, and they say I have cancer."

2 Q Did you know he was having tests?

3 A Yes.

4 Q Did he contact you prior to that about some  
5 problems he was having?

6 A He showed me -- he was at my house, and he said,  
7 "Sis, I want to show you something that is in my throat."

8 And when he opened his mouth and showed me, I  
9 looked, and I seen -- it looked like a piece of raw meat  
10 in the roof of his mouth.

11 I said, "Why haven't you been to the doctor?"

12 And he said, "Well, I'm going."

13 I said, "Wayne, that looks bad."

14 And he said, "I know it does."

15 Then the next thing I heard was the results.

16 Q All right. How long had he resided in Nashville  
17 at that point in time, as far as you know? I say  
18 Nashville. I hope it was Nashville. It was actually  
19 outside of Nashville?

20 A Yes. I am not sure how long he had lived there.  
21 He had been there many years.

22 Q Did you have any communication at any time with  
23 his physicians, oncologists, specialists, or anyone who  
24 was in the process of either diagnosing or treating him  
25 for his cancer?

1 A Doctor, I talked with Doctor Malcolm.

2 Q Doctor Malcolm is located where, please?

3 A Middletown.

4 Q I apologize to you. I knew that, but any  
5 physician in Nashville?

6 A No.

7 Q Okay. Did you know what treatment he had or was  
8 proposed to have, or anything about any plans in Nashville  
9 for any medical treatment?

10 A He had told me that the doctors had suggested to  
11 him that he should have his voice box removed and his  
12 larynx removed in order to survive.

13 Q Had there been some talk about referring him to  
14 the hospital at Vanderbilt?

15 A I don't recall.

16 Q Do you recall he told you about this? You  
17 didn't personally discuss it with the doctors, am I  
18 correct, in Nashville?

19 A Right.

20 Q Did he mention a name to you of any particular  
21 doctor, physician or other --

22 A I don't recall.

23 Q Do you know who his personal physician was, if  
24 he had one, for the years before he was diagnosed with the  
25 cancer?

1 A I don't; I don't know.

2 Q Okay. When Wayne talked to you about his  
3 cancer, can you tell me about what discussions you had and  
4 what action you took?

5 A When he told me what the doctors had said, he  
6 said, "And I told the doctor that I would rather be dead  
7 than to never be able to speak again."

8 And I said, "Wayne you need to listen to what  
9 they have to say."

10 I said, "We just want you alive."

11 And I told him, I said, "You know that we  
12 believe in healing, and God can heal you regardless."

13 I suggested that he do the surgery. Wayne is a  
14 very strong, opinionated person. Anybody that knows him  
15 knows that.

16 Q Does it run in the family?

17 A Yeah -- not really. I am very easy.

18 Q All right.

19 A But he said no, and he told me about a  
20 nutritionist that he had talked to. I disagreed with  
21 that, but --

22 Q I'm sorry. Go ahead.

23 A No.

24 Q Did he at that time tell you what his prognosis  
25 was as to survivability from his physicians there in

1 Nashville if he had his voice box removed, whether he  
2 would live or die?

3 A He said they still couldn't guarantee anything.

4 Q I understand that. Did he say they had given  
5 him any type of prognosis, other than we are not  
6 guaranteeing anything?

7 A Well, I don't recall.

8 He just said, "And that's not a guarantee that I  
9 would live."

10 Q He understood at that time that the doctors had  
11 clearly told him that in order to improve his chance of  
12 survivability, he should have it removed, the voice box.  
13 Am I correct?

14 MR. FREUND: Objection about what he understood.

15 You can answer the question, if you know.

16 BY MR. DWIGHT BRANNON:

17 Q From what he told you, what did you discern from  
18 your many years of your relationship with him then?

19 MR. FREUND: Objection.

20 THE WITNESS: Can you ask me the question again.

21 BY MR. DWIGHT BRANNON:

22 Q Sure. Did he tell you that the physicians had  
23 told him that his survivability would improve if the voice  
24 box was removed?

25 A Yes.

1 Q Do you know if they told him if it wasn't  
2 removed, that they felt he would die?

3 A I am not sure about that.

4 Q Mrs. Bishop, other than you, do you know if he  
5 consulted or talked to anyone on a very personal level  
6 about that condition when that diagnosis was made in 2002?

7 A I am not sure.

8 Q Would you describe your relationship with him as  
9 very close?

10 A Yes.

11 Q Had he relied upon you for advice and assistance  
12 before in his life?

13 A Yes.

14 Q On numerous occasions?

15 A Yes.

16 Q That's not fair. Just frequent?

17 A Yes.

18 Q What would be the frequency? I am just trying  
19 to find out.

20 A Yeah, we were very close.

21 Q Did he listen to you?

22 A When he wanted to.

23 Q Did you have any way of making him listen to you  
24 by being insistent or anything of that nature?

25 A No.

1 Q Anything about him you could utilize to get him  
2 to listen to you when he really didn't want to?

3 A No.

4 Q Whose idea was it for him to come to Ohio?

5 A His.

6 Q Tell me how that came about that he, his idea  
7 came to your attention that he wanted to come to Ohio.

8 A Well, after his diagnosis, he had just went  
9 through a divorce. He just started coming and staying  
10 with me, and then in July he asked me if he could move in  
11 with me.

12 Q That would be July of 2003?

13 A Yes.

14 Q Okay. So he started coming up and staying with  
15 you at the ranch --

16 A Yes.

17 Q -- before July, 2003? Then he said in -- while  
18 he was coming up from, let's say it was September,  
19 whatever it was in 2002 -- he had that conversation with  
20 you, which I am going to say September, which I understand  
21 is just an estimate -- until July of 2003 what was the  
22 course of his medical care and treatment to your  
23 knowledge?

24 A I don't know what he was doing in Nashville,  
25 because I was going back and forth to Nashville. I don't



1 know.

2 Q Do you know if he had any treatment during that  
3 time?

4 A No, I don't know.

5 Q Do you know if he had seen any doctors here in  
6 Ohio prior to July of 2003?

7 A I don't recall when he started going to Doctor  
8 Malcolm.

9 Q All right. I guess what I'm trying to find out,  
10 if he was seeing Malcolm, that he would make the trips up  
11 in that interim period between September and July.

12 A I don't know.

13 Q Did he attend services at church with you during  
14 that period of time?

15 A Yes.

16 Q Did you minister him, to him personally on an  
17 individual level in your home?

18 A We always talk about spiritual things, anybody  
19 that is around me.

20 Q If I was -- strike that.

21 So when he was there, you would in fact discuss  
22 spiritual things obviously?

23 A That's all I know to talk about.

24 Q To your knowledge, was he saved prior to his  
25 diagnosis with cancer?

1 MR. FREUND: You mean in her opinion?

2 MR. DWIGHT BRANNON: She would tell you she  
3 knows.

4 MR. FREUND: That's probably true. Could you  
5 just --

6 BY MR. DWIGHT BRANNON:

7 Q To your knowledge -- to your knowledge was he  
8 saved prior to that, as we understand it to be in the  
9 church?

10 MR. FREUND: I will object, but go ahead and  
11 answer.

12 THE WITNESS: Wayne had been in church prior to  
13 his diagnosis. He had been out of church for several  
14 years when he was diagnosed.

15 BY MR. DWIGHT BRANNON:

16 Q Okay. Maybe I misunderstand, but as I  
17 understand, being in church isn't the same as being saved;  
18 right?

19 A No, being in church don't mean you are saved.

20 Q Okay, and from the religious perspective as you  
21 understand it, I'm just wondering if you know -- saved  
22 being within that context -- whether or not he had been  
23 saved prior to attending church in 2003?

24 MR. FREUND: Objection.

25 Go ahead.

1 THE WITNESS: Wayne had been out of church when  
2 he was diagnosed.

3 BY MR. DWIGHT BRANNON:

4 Q So you probably don't know if he had been saved  
5 at that point in time?

6 MR. FREUND: Objection.

7 Go ahead.

8 THE WITNESS: He just wasn't living the  
9 Christian life at that point.

10 BY MR. DWIGHT BRANNON:

11 Q What we refer to as back sliding?

12 A Yeah, he was a back slider.

13 Q After 2003, did he go back to church?

14 MR. DWIGHT BRANNON: You will get used to these  
15 terms, Neil, don't worry.

16 MR. FREUND: I was just thinking. Leave this  
17 off the record.

18 MR. DWIGHT BRANNON: No, I want to hear this.

19 MR. FREUND: You seem to know a little bit about  
20 back sliding.

21 MR. DWIGHT BRANNON: I do, unfortunately.

22 BY MR. DWIGHT BRANNON:

23 Q Did he go back to church in the --

24 A Yes, he did.

25 Q Was he at any point in time after July of 2003

1 saved?

2 MR. FREUND: Objection.

3 Go ahead.

4 THE WITNESS: Yes.

5 BY MR. DWIGHT BRANNON:

6 Q Did you pray with him about that prior to his  
7 being saved, or contemporaneous with that?

8 A He just came to our church one night, came to  
9 the altar and recommitted his life to the Lord, which I'm  
10 sure you understand those terms.

11 Q I'm going to try to focus our attention now to  
12 the July, 2003, forward events, if I could please.

13 A Okay.

14 Q At any time that you were around your brother  
15 Wayne from the time he was diagnosed with the cancer until  
16 he died, did you ever understand him to have been cured of  
17 cancer?

18 A On January the 1st -- my brother hadn't eaten  
19 anything prior to this for several months. He had a  
20 feeding tube. He weighed about 80 some pounds. On  
21 January the 1st, that morning I walked into his room, and  
22 I said, "How do you feel, baby?"

23 And he said to me, "Sis, I feel like I can eat  
24 something."

25 And I said, "Well, what do you think you could

1 eat?"

2 And he said, "I want some of your biscuits and  
3 gravy, and I want you to fry me some bacon and eggs and  
4 fried potatoes."

5 And I said, "It will be on the table in 30  
6 minutes."

7 And I prepared everything that he asked me to  
8 prepare for him. His son was living with us at that time,  
9 and he helped him into the kitchen, and he sit down and  
10 ate 2 biscuits with gravy, an egg and bacon, fried  
11 potatoes.

12 All the while he was eating, he was saying,  
13 "Darlene, God has healed me," over and over, "God has  
14 healed me, Darlene, I am healed."

15 And he gained 35 pounds within just a few  
16 months. He went to the Bahamas, I believe, with me in  
17 March and went snorkeling. He bought a home, fully  
18 furnished it all by himself. Bought everything new.  
19 Built, helped build a fireplace, built a tree house, done  
20 all of his landscaping. Why wouldn't I think he was  
21 healed?

22 Q Was that January 1st, 2004?

23 A Yes.

24 Q All right. Between July of 2003 to January 1st  
25 of 2004, did he continue to see Doctor Malcolm in

1 Middletown?

2 A Yes.

3 Q To your knowledge, did he see any other  
4 physician other than Doctor Malcolm?

5 A Not to my knowledge.

6 Q Was Doctor Malcolm your referral, or did he pick  
7 Doctor Malcolm himself?

8 A He picked him himself.

9 Q Is he a member of any congregation that you  
10 minister to?

11 A No.

12 Q All right.

13 A I'm sorry, can I rephrase that? I know that he  
14 had a radiologist, because he had radiation as well and  
15 the doctor for chemotherapy or whatever. So --

16 Q That's fair. Can you describe to me between  
17 July of 2003 and January the 1st of 2004 what type of  
18 treatment he received. Medication, radiology, just  
19 consulting with the doctor, nutrition?

20 A Between where, sorry, with the dates?

21 Q July of 2003 to January, 2004, when you believed  
22 that his cancer had been cured.

23 A His cancer wasn't cured between those days.

24 Q Okay. When you expressed a belief, why wouldn't  
25 I believe he was cured on January, 2004, did I

1 misunderstand you? I'm sorry.

2 A I thought you said July to January the 1st, his  
3 treatment. He was treated during that time, okay.

4 Q And I just asked you, what is your understanding  
5 of his treatment during that time?

6 A During that time he had radiation and  
7 chemotherapy.

8 Q Did you ever personally consult with any of his  
9 physicians?

10 A No.

11 Q Can you tell me what assistance within your  
12 home -- do you want to take a break?

13 A No, I am fine.

14 Q Can you tell me what assistance within your home  
15 that you or anyone else provided to him from that July to  
16 2004 date, when he had only weighed 84 pounds. Did you  
17 have to take care of him?

18 A Yes.

19 Q Did anyone help you take care of him?

20 A Yes.

21 Q Who was that, please?

22 A Arlene.

23 Q Did Wayne know Arlene Parker prior to coming to  
24 Ohio during this 2002?

25 A Briefly.

1 Q What did Arlene Parker do for him please, if the  
2 you know?

3 A She would take him to the doctor appointments.  
4 She done a lot of his juicing, which it's what he lived on  
5 for awhile. When Wayne would have his attacks with his  
6 throat, Arlene was always there to help him, suction him  
7 out or whatever, whatever was needed. I mean, he was like  
8 a child. We took care of him like we would a child.

9 Q Did anyone else assist you with the care and  
10 treatment of him while he was in your home?

11 A His son and his son's wife.

12 Q That's Justin?

13 A Yes.

14 Q And the wife? I'm sorry, I don't recall her  
15 name.

16 A I don't either.

17 Q Did they actually live in your home to take care  
18 of him?

19 A Yes.

20 Q At some point you indicated that he had bought a  
21 home here in Ohio?

22 A Yes.

23 Q Where is that home, please?

24 A It was on Helsinger Avenue in Monroe.

25 Q You indicated he bought that himself?



1 A Yes.

2 Q Bought new furniture himself?

3 A Yes.

4 Q Built a tree house, I assume, for Christian?

5 A Uh-huh.

6 Q And furnished the house himself; is that  
7 correct?

8 A Yes.

9 Q Did you provide him any financial assistance in  
10 doing that?

11 A No.

12 Q Okay. When he left Tennessee, did he own a home  
13 in Tennessee?

14 A Yes.

15 Q And to your knowledge, when did he sell that  
16 home?

17 A I believe it was in 2004, maybe late 2003. I am  
18 not sure.

19 Q Am I correct that up until the time of his  
20 death, or as of the time of his death and at all times  
21 from 2002 to 2005 when he died, he was able to financially  
22 support himself?

23 A Yes, as far as I know.

24 Q What was your understanding about his sources of  
25 income, at least while he was with you?

1 A Royalties, he lived off his royalties.

2 Q Do you ever, or do you know what is meant by  
3 royalties or the type of royalties that he received?

4 A Not really.

5 Q Okay, join the crowd. I mean, do you know the  
6 difference between play time versus publishing and those  
7 type of royalties?

8 A No.

9 Q You don't hold yourself out as having any  
10 particular knowledge of how the song industry works or  
11 anything like that?

12 A None.

13 Q Okay. While -- I'm sorry.

14 Approximately when did he move into his home on  
15 Helsingers?

16 A It was probably the spring of 2004.

17 Q All right. Was he able to completely care for  
18 himself during that period of time, to your knowledge?

19 A Oh, yes.

20 Q No caretakers?

21 A Totally, totally has done everything by himself.

22 Q Continued to attend church during this time?

23 A Yes.

24 Q Did he see a physician or any doctors, to your  
25 knowledge, between January and the spring of 2004?

1 A He went and was checked by Doctor Malcolm  
2 periodically. He done his checkups.

3 Q Did he ever tell you what Doctor Malcolm had to  
4 say about him?

5 A When he went back after January, he said,  
6 "Doctor Malcolm said" -- these were his words -- "I have  
7 seen my first miracle."

8 Q Okay. Any other reports that you had from him  
9 about his care and treatment from that time on?

10 A He would always tell me, "All my reports came  
11 back good."

12 Q Was there a time in 2004 when he seemed to take  
13 a turn for the worse?

14 A Not in 2004, no.

15 Q Okay. So describe for me how he was during the  
16 entire year of 2004. Let's go up to Christmas of 2004.  
17 Did he spend Christmas with you?

18 A Yes.

19 Q Okay. You remember that Christmas, I'm sure;  
20 right?

21 A Not really. I just know. I mean, I can't  
22 remember events or whatever so much, but Wayne was  
23 wonderful up until that time.

24 He said, "This is the greatest year of my life."

25 Q What did he do with his time?

1 A I don't know. I didn't -- you know, he was just  
2 kind of doing a lot of stuff with his house and working a  
3 lot, spending a lot of time with Christian, and he was  
4 living life to its fullest, believe me. He just was  
5 having a good time.

6 Q Did you check in on him?

7 A Yeah.

8 Q Minister to him?

9 A No, not really; just at church, when I would  
10 minister to everyone else.

11 Q Did your husband take any active role in his  
12 care or treatment at any time?

13 A No.

14 Q When can you recall that he seemed to take a  
15 turn for the worse?

16 A I don't exactly know the month, but it was  
17 probably in the early spring that he told me that he had  
18 found a nodule, and he had went to Doctor Malcolm about  
19 it, and Doctor Malcolm said that he thought the cancer had  
20 came back.

21 And he said, "I am not going to fight this  
22 time."

23 Q Did you have any advice for him?

24 MR. FREUND: Object.

25 Go ahead.

1 THE WITNESS: No, because I know Wayne is a  
2 strong, opinionated person that you don't -- when he makes  
3 up his mind to do something, you don't change it.

4 I said, "Well" -- he said, "Darlene, I am ready  
5 to go to heaven. I am tired of fighting."

6 That was the conclusion.

7 Q Did he ever move back into your house from his  
8 own house, or did he stay at his own?

9 A He stayed at his own house.

10 Q Did anyone provide any assistance or care for  
11 him there from the spring of 2005 until he died?

12 A Yes.

13 Q Who was that, please?

14 A He hired a girl by the name of Emily Wood. This  
15 was only like the last month that he needed any care.

16 Q Okay. Did he make contact with his children  
17 during this time?

18 A I don't know. I mean, they were there. I mean,  
19 they would come, but I don't know if he contacted them or  
20 they just came.

21 Q Okay. So it was spring of 2005 when you knew  
22 your brother was going to die?

23 A Yes.

24 Q Okay. Did he -- when did he go into the  
25 hospital prior to his death? Do you remember?

1           A       It was probably 2 weeks before. I had came off  
2 of a road trip, and I went to his house. He was there  
3 with Emily Wood, and I asked her how long it had been  
4 since he had eaten anything, because I had seen he had  
5 lost more weight while I was gone.

6                    She said, "I can't get him to eat."

7                    There was several cans of Ensure on the table.

8                    And I said, "Wayne, you can't lay here. If you  
9 are not going to eat, you have to go to the hospital so  
10 they can give you some form of nourishment."

11                   He said, "I'm not going, Sis."

12                   And I said, "I am not going to let you lay here  
13 and starve to death."

14                   So I called 911.

15           Q       I have heard some names, and I'm just going to  
16 ask you about what care and treatment or contact they had  
17 with Wayne --

18           A       Okay.

19           Q       -- here in Ohio. Who is Gail McHugh?

20           A       She was a friend of Wayne and Janet when he was  
21 married to Janet. She was their friend -- she was their  
22 friend.

23           Q       During the 2002-to-2005 time period while he is  
24 either at your own home or his home, can you tell us how  
25 frequently she visited or saw Wayne?

1 A I only know of her being there one time.

2 Q Janet, his former wife, how many times did she  
3 come into your home or his home, to your knowledge, to  
4 visit with Wayne?

5 A She might have been there 2 or 3 times, to my  
6 knowledge.

7 Q Gail Winkler, who is that? Do you know?

8 MR. FREUND: You can --

9 THE WITNESS: Is that Bryan's mother?

10 BY MR. DWIGHT BRANNON:

11 Q I'm going to say Gail Winkler Campbell, also  
12 known as.

13 MR. DAVID BRANNON: No, that's --

14 BY MR. DWIGHT BRANNON:

15 Q Sorry -- yes, Bryan's mother. Do you know  
16 Bryan's mother?

17 A Yes.

18 Q Her name is Gail? I am having the wrong last  
19 name?

20 A Yes, I don't know the last name.

21 Q Did she come to care or treat or have contact?

22 A No.

23 Q Diane Campbell also --

24 A Let me rephrase that. She might have come and  
25 sit with him for awhile, but I mean, she didn't treat

1 anything.

2 Q I'm sorry, she can't treat. You say might have.  
3 Do you know whether or not she did come and sit with him?

4 A I think she might have, because Wayne told me,  
5 "Don't ever have her come back here again."

6 I remember that.

7 Q Was that in your home?

8 A Yes.

9 Q Okay. Did he tell you why?

10 A He just didn't like her.

11 Q How long did she stay?

12 A I don't know. I am not sure.

13 Q Diane Campbell, also known as Diane Croucher,  
14 who is she?

15 A She is a friend of our family.

16 Q What did she do?

17 A Well, she would stay with Wayne different  
18 periods of time.

19 Q Help him around the house, cook for him?

20 A Yes.

21 Q How was she paid?

22 A She wasn't paid, is a friend of our family's.

23 Q Do you know the frequency of her contact with  
24 him during those 3 years?

25 A Not really. She was there pretty often when he



1 was very ill.

2 Q Okay. Did Wayne like her?

3 A He liked her.

4 Q Okay. Did she stay 24 hours, or would she come  
5 and go?

6 A Just come and go.

7 Q Cheryl Smith, who is Cheryl Smith?

8 A That's my niece.

9 Q From which sister?

10 A Louise.

11 Q All right. What contact did Cheryl have with  
12 Wayne during those last years?

13 A She was my housekeeper, but again, he didn't  
14 like her, and he wouldn't allow her in his room.

15 Q And can you tell me if she provided any care and  
16 treatment to him?

17 A Like I said, he didn't like her. He didn't want  
18 her around him.

19 Q Who took care of his room or cleaned his room if  
20 she couldn't go in?

21 A Well, she would do that, but he could usually  
22 leave when she would do that. I mean, it wasn't like he  
23 wouldn't talk to her, but he would just say, "Keep her  
24 away from me."

25 Q Okay. Has she continued to do any housekeeping

1 for you?

2 A No.

3 Q When did she quit doing that?

4 A I am not sure. It's been a couple years ago,  
5 probably 2000.

6 Q Why did she quit doing that? She left, or did  
7 you ask her to leave, or how did that work?

8 A She wasn't really doing her work right, and so I  
9 just let her go.

10 Q At the time Wayne was in the hospital during his  
11 last illness, were you aware that Bryan Perry had the  
12 living will, power of the living will, the power to  
13 terminate his life upon doctor's recommendations?

14 MR. FREUND: Objection to form.

15 BY MR. DWIGHT BRANNON:

16 Q Strike that, I will go back.

17 Can you tell me if you knew of any living will?

18 A Yes.

19 Q To your knowledge, when would that living will  
20 have been executed?

21 A While Wayne was in the hospital the last time.

22 Q Did he name Bryan as the administrator of the  
23 last will, living will? Not last will, living will.

24 A Yes.

25 Q Okay. Was that done with your knowledge?

1 A No.

2 Q Had you sought or talked with him about  
3 providing you with the power under the living will?

4 A No.

5 Q Living will was never discussed; right?

6 A No.

7 Q Do you personally have any aversion against  
8 living wills or the idea of a living will?

9 MR. FREUND: Objection. Can you just rephrase  
10 it? I think I know what you mean. I am not sure.

11 If you understand what he means --

12 MR. DWIGHT BRANNON: That's about the best I can  
13 do.

14 BY MR. DWIGHT BRANNON:

15 Q Is there any reason you would tell your brother,  
16 let's have a living will?

17 A No, I believe in living wills.

18 Q Okay. Was there a decision made to terminate  
19 Wayne's life because of his condition?

20 MR. FREUND: Objection.

21 BY MR. DWIGHT BRANNON:

22 Q Strike that.

23 Was there a decision, to your knowledge, made  
24 that he would be taken off life support at some point in  
25 time before he died?

1 A Say that one more time.

2 Q Okay. As Wayne was approaching his death, he  
3 was on life support. Am I correct?

4 A I really don't -- I think he was on oxygen and,  
5 you know, that left me. I don't know.

6 Q All right. Did you have any disagreement with  
7 any decisions made by Bryan concerning termination of life  
8 support prior to his death?

9 A The only thing that I objected was when he  
10 wanted to take his nourishment away from him and just let  
11 him starve to death.

12 Q Tell me what happened in your understanding of  
13 that, because this has been something he has indicated to  
14 us occurred, and his version has been one way. I want to  
15 hear yours.

16 MR. FREUND: Objection as to form of the  
17 question.

18 You can answer.

19 THE WITNESS: I just asked him, I said, "Bryan,  
20 please, please don't take his nourishment away from him."

21 We just begged him not to do it.

22 And he said, "Yes, I'm going to."

23 So that was the objection.

24 BY MR. DWIGHT BRANNON:

25 Q Did you go to any personnel at the hospital to

1 have that nourishment recontinued, or to continue whatever  
2 it was you disagreed with?

3 A I asked the nurses if we could. I really don't  
4 recall if they did the last few days put it back or not.  
5 I don't think they did, but Bryan told the hospital that  
6 he would sue them if they put his nourishment back in.

7 Q What was your understanding of the nourishment?  
8 Just his food?

9 A Uh-huh.

10 Q Was he on a ventilator at that time there was a  
11 disagreement?

12 A I am not sure.

13 Q Was he conscious at that time?

14 A Yes, he was.

15 Q When is the last time that you were aware that  
16 your brother was conscious of your presence there at the  
17 hospital before his death; how many days before, or what  
18 period?

19 A Last time I seen him he was conscious of my  
20 presence, because I would ask him questions, and his yes  
21 was blink one time, his no was blink twice. He was  
22 answering my questions, talking to me with his eyes.

23 Q Do you know how many days before his actual  
24 death on the 15th of May that that was?

25 A Probably the 13th.

1 Q And you said that was the last time you were  
2 there with him?

3 A I am not sure -- I am not sure. I think I was  
4 there the day, the day before. His son Justin was there  
5 the morning of his death.

6 Q Prior to Wayne Perry's death, did you loan him  
7 any money?

8 A Yes.

9 Q Can you tell me how much you loaned him?

10 A 20 thousand dollars.

11 Q Was that in cash or by check?

12 A Cash.

13 Q Can you tell me the date that you loaned him  
14 that money?

15 A No.

16 Q Can you tell me the approximate date you loaned  
17 him that money?

18 A I believe it was in 2000, was the only thing  
19 that I can remember, recall.

20 Q Prior to his illness?

21 A Yes.

22 Q Okay. What was that for, if you know?

23 A I don't recall. Wayne was always buying  
24 something, doing something.

25 Q And from what source did you get the 20 thousand

1 dollars cash?

2 A Out of my husband's business.

3 Q What do they call that business?

4 A The L B Ranch.

5 Q And was that obtained by using a check or  
6 because of cash on hand in the safe? Where did you go get  
7 20 thousand dollars?

8 A My husband was buying a lot of horses from  
9 Canada at that time, and we had cash on hand, because we  
10 were getting ready to buy some horses from Canada.

11 Q Did he know --

12 A And Wayne asked me for cash, so I gave it to  
13 him.

14 Q Did your husband know you --

15 A Yes.

16 Q Okay. Did Wayne ever repay that to you?

17 A No.

18 Q Did you ever ask him to repay it to you?

19 A Yes.

20 Q And what were the terms and conditions that you  
21 gave it to him? Any interest, that type of thing, or  
22 would he pay it back?

23 A He gave me gold. When I gave him the 20  
24 thousand cash, he gave me gold coins.

25 He said, "The value of these are 20 thousand

1 dollars. If anything happens to me, these are yours."

2 Q All right. We'd call that collateral, wouldn't  
3 we?

4 A That's my collateral.

5 Q Did you store that at your home then?

6 A Yes.

7 Q Still have it?

8 A No.

9 Q Did you eventually liquidate or sell those  
10 coins?

11 A I gave them into possession of Bill Cummins.

12 Q When did you do that?

13 MR. FREUND: Just give the best you can recall  
14 when you gave those coins to Bill Cummins.

15 THE WITNESS: Probably in June.

16 MR. FREUND: Of what year?

17 THE WITNESS: Of 2005.

18 BY MR. DWIGHT BRANNON:

19 Q Did you ever make a list of what coins you had?

20 A No.

21 Q How were they packaged, carried or conveyed?

22 A They were in little canisters.

23 Q Did you have Mr. Cummins pick those up, or did  
24 you take it to his office, or did someone take it for you?

25 A He picked them up at my home.



1 Q Okay. Have you made a claim in the estate for  
2 the repayment of your 20 thousand dollars, to your  
3 knowledge? I am just asking you.

4 A I don't know if we have made a claim for that or  
5 not.

6 Q Did Lawrence Bishop ever loan any money to  
7 Wayne?

8 A Yes, he did.

9 Q Can you tell me when that was?

10 A At the same time. What is his is mine.

11 Q I understand that. Other than the 20 thousand  
12 dollars?

13 A No.

14 Q Did you ever loan him any money other than that  
15 20 thousand dollars?

16 A No.

17 Q And your recently deceased father, did he ever  
18 loan him any money?

19 A Yes.

20 Q What was the amount of that money?

21 A 20 thousand.

22 Q Can you tell me when that occurred, please.

23 A No, I don't know.

24 Q Was that during 2002 to 2005, to your knowledge?

25 A No.

1 Q How are you aware that your father had loaned  
2 him 20 thousand dollars?

3 A My mother and father just told me they loaned  
4 Wayne 20 thousand dollars.

5 Q Okay, and I hate to do it this way, but your  
6 mother would have told you that how long before she died?

7 A I don't know. I was in Tennessee, and they just  
8 told me that I think Wayne was building a barn, is what it  
9 was for, and they had loaned him 20 thousand dollars.

10 Q Were you ever told whether or not he paid that  
11 money back?

12 A Yes.

13 Q When were you told that?

14 A When Wayne was sick, my mother and dad mentioned  
15 it to me, that he still owed them the 20 thousand dollars.

16 Q Has any claim been made by their estates for  
17 this money, to your knowledge?

18 A No.

19 Q Are you the administrator of the estate of your  
20 father?

21 A No.

22 Q Okay. Do you know who is?

23 A I am the power of attorney. You mean for their  
24 will?

25 Q I'm sorry. Assuming was there a will for your

1 father --

2 A No.

3 Q No will. You have a power of attorney; is that  
4 correct?

5 A For my parents, yes.

6 Q And I assume those obviously terminated upon  
7 their death; is that correct?

8 A Yes.

9 Q No estate was ever opened for your mother?

10 A No.

11 Q And do you have any intent, you or the family of  
12 your father, to open the estate for him? Is there a need?

13 A We haven't decided, made a decision on that yet.  
14 I haven't even thought about it. I haven't had time to  
15 think about that.

16 Q All right. Did you take care of your dad in his  
17 last --

18 A Yes.

19 Q How long did you have to care for him?

20 A 3 years.

21 Q Did he also reside with you in the home?

22 A No.

23 Q To your knowledge, when Wayne Perry died, did he  
24 owe any money to anyone else by way of a loan? I'm not  
25 talking about Janet's claims.

1 A Not to my knowledge.

2 Q Okay. Other than the -- well, have you received  
3 notice of any claims, other than Janet's claims and those  
4 of the children, concerning Wayne Perry's estate?

5 A No.

6 Q While Wayne -- when Wayne Perry came to Ohio,  
7 there was some indication that he assigned the collection  
8 of his royalties to Arlene Parker. Are you aware of that?

9 A Yes.

10 Q Did you participate in that or have knowledge of  
11 that directly?

12 A Had no knowledge whatsoever.

13 Q When did you become aware that Arlene Parker had  
14 been assigned the right to collect Wayne's royalties from  
15 his records, publications and play time, so on?

16 A When Arlene had mentioned to Wayne that  
17 something about her taxes, that was my first knowledge.

18 Q Do you remember when that was?

19 A No.

20 Q Was that while he was in his recovery period, or  
21 while he was then again going down terminally?

22 A He was fine, yeah.

23 Q Okay.

24 A Was fine.

25 Q Was it your understanding that Arlene had been

1 subject to taxation for some of Wayne's royalties?

2 A Yes.

3 Q She wanted reimbursed for that; is that correct?

4 A Yes.

5 Q Up to that point in time, did you know that  
6 Arlene was actually receiving the royalties?

7 A No, I didn't. I didn't know that.

8 Q If you don't mind, I want to take a little short  
9 break here.

10 MR. FREUND: That's fine.

11 (A brief recess was taken.)

12 BY MR. DWIGHT BRANNON:

13 Q What was your understanding about Wayne's  
14 responsibility for child support payments to Janet for  
15 Christian while he was here in Ohio before he died?

16 A I don't know what his responsibilities were. I  
17 mean, I know he paid child support. I don't know the  
18 amount or anything exactly.

19 Q It was sometime after you became appointed the  
20 executrix of the estate, you became aware of a claim that  
21 she had arising from support for Christian in a divorce  
22 that Wayne had had from her; correct?

23 A Yes.

24 Q What is your -- how did you become aware of  
25 that?

1 A I believe Bill made me aware of this.

2 Q The amount of money that Wayne was responsible  
3 for for the divorce, do you know, 40 thousand? Is what I  
4 understand?

5 MR. FREUND: You mean for child support?

6 BY MR. DWIGHT BRANNON:

7 Q No, for the divorce.

8 A How much he gave her?

9 Q To your knowledge, was there a claim for 40  
10 thousand dollars?

11 A Yes, there was.

12 Q And that was for Janet directly; correct?

13 A Yes.

14 Q Then there was a claim for 90 thousand dollars  
15 for insurance that was supposed to be held to secure the  
16 child support payments; correct?

17 MR. FREUND: Objection.

18 Go ahead, you can answer.

19 THE WITNESS: It was 80 some thousand, I  
20 believe.

21 BY MR. DWIGHT BRANNON:

22 Q All right.

23 A Wasn't it, Bill?

24 MR. FREUND: Just really, Darlene, I know you  
25 don't know the real rules of this.

1 THE WITNESS: Okay, evidently.

2 MR. FREUND: You are supposed to just testify  
3 what you know.

4 THE WITNESS: Yes or no.

5 MR. FREUND: No, just testify as to what you  
6 know. If later on they want to take Bill's deposition,  
7 then they can do that, because I think he will probably be  
8 a witness. So just testify what you know.

9 THE WITNESS: Okay.

10 MR. FREUND: As best as you can without Bill's  
11 help.

12 BY MR. DWIGHT BRANNON:

13 Q Do you remember?

14 A I don't know the exact amount.

15 Q All right. Let me show it to you this way,  
16 (indicating).

17 MR. FREUND: All right. The witness is being  
18 shown Exhibit 15 to the first amended complaint.

19 MR. DWIGHT BRANNON: Correct, if you would hand  
20 that to her, please.

21 THE WITNESS: I have to take my contacts out to  
22 read anything. Most people have to put them in. I have  
23 to take them out.

24 BY MR. DWIGHT BRANNON:

25 Q Do you have a pair of spare reading glasses?

1 A That makes you look old. I don't ever do that.  
2 I refuse to wear reading glasses.

3 Q I have just been told --

4 MS. PARKER: No offense to these old people in  
5 the room.

6 MR. FREUND: While Darlene is reading it, it's  
7 an October, 13, 2004, letter from Doctor Malcolm.

8 Actually it's not a letter. It's a To Whom It May  
9 Concern. Then there is some printing on the letter.

10 BY MR. DWIGHT BRANNON:

11 Q Have you read that, ma'am?

12 A Yes.

13 Q Prior to filing of this particular complaint,  
14 had you ever read that letter before?

15 A Uh-huh, I think Janet showed it to me.

16 Q When is the first time Janet showed it to you?

17 A Probably after his death. I am not sure.

18 Q The date that is on the letter, I believe you  
19 said was October 13th?

20 MR. FREUND: 13th.

21 BY MR. DWIGHT BRANNON:

22 Q That's what I thought, 2004. Were you aware of  
23 any information that is contained in that letter  
24 concerning Wayne's condition, health condition at that  
25 time, about that time?



1 A October 13th, 2004, I'm trying to think. Just a  
2 minute, give me a minute to think about this, because --

3 Q Take your time.

4 A 2004. I know I didn't know about it in October  
5 of 2004.

6 Q Okay.

7 A I don't know when he gave this letter to Janet,  
8 but I didn't know about it then.

9 Q Okay. Is that his printing on that letter?

10 A Yes, it is.

11 Q Printing or writing, okay.

12 A I mean, when he got that letter, when he wrote  
13 this to Janet, I don't know when that was. So --

14 Q Did you ever talk to Doctor Malcolm about this  
15 letter?

16 A No.

17 Q Did you ever talk to Doctor Malcolm after  
18 October 13th, 2004?

19 A Yes, I talked to him in the hospital.

20 Q And did Doctor Malcolm indicate that Wayne had  
21 been diagnosed as terminal?

22 A He told me, said, "You know your brother is  
23 dying, don't you?"

24 And I said, "Yes."

25 Q Did he tell you at any time that he had any

1 period of time where he thought he would, I will call it  
2 survive?

3 A I never spoke with Doctor Malcolm about it.

4 Q Before that time in the hospital, had you ever  
5 spoken with Doctor Malcolm about your brother's condition  
6 while he was administering treatment outside of the  
7 hospital?

8 A I might have called -- I meant to call him. I  
9 might have. I don't know if I got ahold of him or not. I  
10 called his office one time when Wayne was getting ready to  
11 take another bout of chemotherapy to ask him about it, and  
12 I don't know if I ever talked to him at that time or not.  
13 I don't think I got ahold of him.

14 Q There is a trust agreement that's attached as  
15 Exhibit 1 to the complaint, which I believe you are  
16 familiar with. Am I correct? We have a separate copy of  
17 that.

18 MR. DAVID BRANNON: We can mark this now.

19 MR. DWIGHT BRANNON: Exhibit 1. Thank you, son.  
20 (Marked Plaintiff's Exhibit 1.)

21 MR. FREUND: Deposition Exhibit 1.

22 THE WITNESS: Do you want me to read all this?

23 BY MR. DWIGHT BRANNON:

24 Q No, I am just asking if you are familiar with  
25 it.

1 A Yes.

2 Q You have seen that before, haven't you?

3 A Yes.

4 Q And you are aware that you are named as the  
5 trustee in that trust agreement; correct?

6 A Yes.

7 Q Have you previously read that entire agreement?

8 A Well, unless I read the whole thing, I can't say  
9 yes, but I mean, I think I have read all of this, unless  
10 it's something that I haven't seen.

11 Q Okay. Did you understand it?

12 A Did I understand it? Not totally, but I read  
13 it.

14 Q Okay. Were you present when that was executed  
15 by your brother Wayne?

16 A You mean when he wrote out this will?

17 Q When he signed it. I'm sorry. When I said  
18 executed, when he signed it.

19 A No.

20 Q And can you tell me what your understanding was  
21 of why that was drawn up? Do you know why Wayne set up  
22 this trust?

23 MR. FREUND: Objection.

24 You can answer.

25 THE WITNESS: The reason anybody else sets up a

1 trust, I guess. They want their will executed when they  
2 die.

3 BY MR. DWIGHT BRANNON:

4 Q All right, and I don't expect you to be any  
5 expert on the legal ramifications or so on, but did he  
6 discuss with you what he wanted you to do about a trust?

7 A He told me he had everything -- he said, "I have  
8 everything, every wish that I have," he said, "I have it  
9 in that trust. All I'm asking you to do is to follow  
10 through with it."

11 Q And you know that was prepared, or at least  
12 allegedly prepared by Mr. Cummins; is that correct?

13 A Yes.

14 Q He is your personal attorney?

15 A Yes.

16 Q And did you refer Wayne to him?

17 A No.

18 Q Did Wayne ask you for a referral?

19 A No.

20 Q Okay. Has Wayne used Mr. Cummins as his  
21 personal attorney before, to your knowledge?

22 A Not to my knowledge.

23 Q Okay. Did you know he was even doing the trust  
24 agreement before it was done?

25 A I am not sure about that. I don't know if I had

1 knowledge of that or not.

2 Q Did you discuss it with him before the 16th of  
3 September, as best you recall?

4 A I can't recall.

5 MR. FREUND: Excuse me. Other than what she  
6 just related to you?

7 MR. DWIGHT BRANNON: Yes.

8 THE WITNESS: I don't recall.

9 BY MR. DWIGHT BRANNON:

10 Q Do you recall ever receiving a copy from him or  
11 Mr. Cummins or anyone else during 2003?

12 A No.

13 Q Can you recall the first time you actually  
14 physically saw the document that we have marked as Exhibit  
15 1 or purportedly was a trust agreement?

16 A I don't know exactly the first time I seen it,  
17 no.

18 Q Do you know if it would be -- know the year? I  
19 know you wouldn't know the exact date, but would you know  
20 the year you first would have seen that?

21 A I know that I seen it in 2005.

22 Q You cannot recall seeing it before that?

23 A I don't recall.

24 Q All right. Did Wayne ever tell you that the  
25 purpose of the trust was to provide assets to his 4 living

1 children?

2 A I don't recall us ever discussing the  
3 particulars of the trust.

4 Q Did he ever discuss who his intended  
5 beneficiaries were of the trust?

6 MR. FREUND: Objection.

7 BY MR. DWIGHT BRANNON:

8 Q Beneficiaries being the people he wanted to get  
9 his property through the trust. The trust is set up to  
10 dispose of assets or property. Did he ever tell you that?

11 MR. FREUND: Objection.

12 MR. DWIGHT BRANNON: To my legal explanation, or  
13 all of it?

14 MR. FREUND: I am just objecting to form of the  
15 question.

16 But if you understand the question, go ahead and  
17 answer. I think the question was did he ever tell you  
18 that, what he wanted to see happen.

19 BY MR. DWIGHT BRANNON:

20 Q That's okay, that's fair. What did he tell you  
21 he wanted to see happen?

22 A He did.

23 Q What did he tell you he wanted to see happen?

24 A That he just was going to allot to each child so  
25 much per month. I didn't know exactly the particulars of

1 it, just --

2 Q Was it your understanding that the payments  
3 would be just per month for their lives?

4 MR. FREUND: Objection.

5 BY MR. DWIGHT BRANNON:

6 Q Or do you know?

7 A I'm not sure.

8 Q In other words, I am asking: Did he ever say  
9 after a period of time or payment per month that --

10 A No, he didn't say.

11 Q -- there would be a payout of assets to them?

12 MR. FREUND: Objection.

13 THE WITNESS: No.

14 BY MR. DWIGHT BRANNON:

15 Q What did he tell you, if anything, about the  
16 assets he had available to fund, that is, to put into the  
17 trust?

18 A Nothing.

19 Q Did he tell you what he put into the trust the  
20 day or at any time before he died?

21 A No.

22 Q Are you aware of anything going into the trust  
23 before he died?

24 A No.

25 Q Since you have reviewed the trust, and as the

1 trustee of the trust, are you aware of anything being  
2 placed into the trust by way of assets, funds, property or  
3 anything else?

4 A Yes.

5 Q What was placed into the trust before he died?

6 A Nothing before he died.

7 Q Okay. You are aware that nothing was placed in  
8 there before he died; correct?

9 A Not to my knowledge. I don't know, not to my  
10 knowledge.

11 Q That's good enough. Did Wayne at some point in  
12 time while he was here in Ohio say that he wanted you to  
13 serve as the trustee of the trust?

14 A Yes.

15 Q Did you know what that meant?

16 A Yes.

17 Q What did that mean to you at the time?

18 A Well, that meant that I was going to be held,  
19 you know, I was going to be, you know, liable for his  
20 distributing things that he had left.

21 Q Okay. Did he also ask you to be the executrix,  
22 administrator of his will?

23 A Yes.

24 Q Did you agree to do that?

25 A Yes.



1 Q Did he ever show you a copy of the will that was  
2 done?

3 A No.

4 Q When is the first time -- I'll show you a copy  
5 of it attached to the complaint. We will make a copy of  
6 that. Attached to the amended complaint that Mr. Freund  
7 referenced previously as Exhibit 5 is a last will and  
8 testament of Darrell Wayne Perry. Just to have you look  
9 at it, (indicating).

10 A To my knowledge, I didn't see this till after  
11 his death.

12 Q All right, and have you reviewed it since then,  
13 actually read it, or did you just see it?

14 A Just briefed over it.

15 Q Okay. What you did is after his death, you gave  
16 the trust or will to Mr. Cummins and told him to take care  
17 of it; right?

18 A Right.

19 Q Okay. Now, did he tell you what he wanted to do  
20 with his will when he asked you to be the executrix, who  
21 he wanted the intended beneficiaries to be?

22 MR. FREUND: Objection.

23 Go ahead.

24 THE WITNESS: He just reinstated to me many  
25 times how he wanted to take care of Christian and to make

1 sure that he was taken care of.

2 BY MR. DWIGHT BRANNON:

3 Q Did he ever express any interest in taking care  
4 of his other 3 children to you?

5 MR. FREUND: Objection.

6 Go ahead.

7 THE WITNESS: Only in the trust, to give them a  
8 certain amount each month.

9 BY MR. DWIGHT BRANNON:

10 Q To your knowledge as trustee or executrix, the  
11 trustee of the trust, administrator of the estate as  
12 executrix, have any of the children received that monthly  
13 payment, any of the 3 adult children, not including  
14 Christian?

15 A Not to my knowledge.

16 Q When Wayne asked you to be the administrator or  
17 the administratrix or executrix of his will, did he tell  
18 you what property he owned or assets he had?

19 A No, he never went over a list with me.

20 Q Prior to his death, did you know what assets he  
21 had? I'll say assets, that includes property tangible,  
22 intangible, anything.

23 A I knew about his house.

24 Q Yes, ma'am.

25 A And his car.

1 Q What kind of car did he have prior to the  
2 Navigator?

3 A A Lincoln.

4 Q Town Car?

5 A Uh-huh.

6 Q Do you know when he sold that and bought the  
7 Navigator?

8 A No, I am not sure. He sold the Lincoln to his  
9 son Justin.

10 Q Did he ever speak to you about his, I call them  
11 all his rights to his songs and payments for his songs and  
12 royalties, about that asset?

13 A No.

14 Q Okay. Did he ever provide to you any estimate  
15 or opinion as to the value of his -- all inclusive -- I  
16 call it royalties from his song writing?

17 A No.

18 Q Have you ascertained at any time before or after  
19 his death in your capacity as a trustee, in your capacity  
20 as an executrix, or just as an individual the value of  
21 those royalties?

22 A Say that one more time. I'm sorry.

23 Q Sure. Do you know what those royalties are  
24 worth?

25 A It's different every year, he told me. He said

1 it's different every year.

2 Q Have you --

3 A There is no set amount.

4 Q Have you ever had any opinion personally as to  
5 the value of the assets?

6 MR. FREUND: Objection. You don't have to  
7 answer -- strike what I just said. I object. You can  
8 answer that over my objection.

9 THE WITNESS: Just in the past year we have  
10 received his royalty checks, and so I have knowledge of  
11 what the last year of his royalties have been.

12 BY MR. DWIGHT BRANNON:

13 Q What is that amount, ma'am?

14 A I don't know exactly. It's probably around 20  
15 thousand, somewhere in that neighborhood.

16 Q Okay. Do you personally have an opinion as to  
17 the present value of all his future royalties that may  
18 be --

19 A I have no idea.

20 MR. FREUND: Objection.

21 BY MR. DWIGHT BRANNON:

22 Q Have you, to your knowledge, retained anyone to  
23 ascertain or to find out what that amount would be, what  
24 the value is?

25 A I don't think that would be possible.

1 Q Okay. Have you talked to anyone yourself or  
2 through your representatives or in any way to attempt to  
3 ascertain a value, a present-day value of those royalties?

4 A That's not possible, I don't think. I mean,  
5 it's like trying to control the stock market. You can't,  
6 can't tell, for one, how many people are going to play  
7 What Part Of No Don't You Understand next year. How would  
8 you estimate that?

9 Q Did you ever become aware that Wayne had certain  
10 songs that he had written or partially written that he  
11 maintained as his personal property?

12 MR. FREUND: Objection as to form.

13 Go ahead.

14 THE WITNESS: Wayne wrote on everything. I  
15 mean, he would get, come running in there, "Hey, Sis, what  
16 do you think about this?"

17 And it would be written on a shoebox lid. I  
18 mean, there was stuff, you know -- then he would just  
19 throw it in the garbage. That was his life. That's all  
20 he thought about. Everything you could see has something  
21 written on it.

22 BY MR. DWIGHT BRANNON:

23 Q Did he keep anything he didn't throw away? Did  
24 he have a yellow pad, something like that?

25 A Oh, yeah, there was boxes of that stuff.

1 Q How many boxes of that stuff?

2 A I don't know.

3 Q Did he always keep it with him?

4 A Oh, no.

5 Q Where did he keep that stuff?

6 A I don't know, a storage unit I think had some  
7 stuff in it. His sons are the ones that had access to  
8 that. They got all of it.

9 Q Which storage unit is that, please?

10 A I'm not sure. I was never there.

11 Q I'm sorry. I'm going to regress here, go back a  
12 little bit. I didn't ask you. Were you present when  
13 Wayne executed his will, signed his will?

14 A I think I was. I am not sure.

15 MR. FREUND: Can I see just a second?

16 THE WITNESS: I am not sure if I was or not. I  
17 signed a few things for him. I don't know. I think I was  
18 when --

19 (An off-the-record discussion was had.)

20 THE WITNESS: I wasn't, no.

21 MR. DWIGHT BRANNON: Did you get her answer, no?

22 COURT REPORTER: Yes.

23 (Marked Plaintiff's Exhibit 2.)

24 MR. FREUND: What's the exhibit number, Dwight?

25 MR. DWIGHT BRANNON: It's going to be 2.

1 THE WITNESS: Do you want to explain this to me?

2 MR. FREUND: No, I can't do that, but it's  
3 entitled Change of Beneficiary And/Or Settlement  
4 Specifications.

5 So go ahead.

6 BY MR. DWIGHT BRANNON:

7 Q Have you ever seen that document before, that  
8 exhibit?

9 A I don't know. I mean, I am not sure. Can't  
10 recall.

11 Q Do you know, at any time were you aware that  
12 Wayne had changed the beneficiary of his life insurance  
13 policy with State Farm?

14 A Oh, no.

15 Q Were you ever aware that he had changed a life  
16 insurance policy -- well, strike that.

17 Did you know how much life insurance he had  
18 before he died?

19 A No, had no idea.

20 Q Did you ever find out?

21 A After he -- after Janet, his wife, ex-wife told  
22 me that he had an insurance policy, that was the first  
23 knowledge that I had of an insurance policy.

24 Q You say that's after his death?

25 A After.

1 Q How much was that, if you know?

2 A 261 thousand.

3 Q Okay, and did Wayne ever tell you that he was  
4 going to change his life insurance policy to --

5 A I had no knowledge.

6 Q -- go to the trust?

7 A I had no knowledge of an insurance policy.

8 Q Okay. So Janet told you about the insurance  
9 policy?

10 A Yes.

11 Q That caused you to check on it?

12 A She told me who it was with, uh-huh.

13 Q In fact, did you find out who the beneficiary  
14 was on that State Farm policy?

15 A Yes.

16 Q Who was it?

17 A Me.

18 Q All right. Were you aware of any prior legal  
19 documents in divorce court that made Janet Perry a  
20 beneficiary of that policy?

21 A No.

22 Q Okay. Were you -- do you know whether or not  
23 Wayne had intended to fund the trust with it, the payment  
24 of the life insurance?

25 MR. FREUND: Objection.



1 Go ahead.

2 THE WITNESS: I knew nothing about the insurance  
3 policy.

4 BY MR. DWIGHT BRANNON:

5 Q When you found out about the insurance policy,  
6 who did you determine was the beneficiary of the insurance  
7 policy?

8 MR. FREUND: Objection.

9 Go ahead.

10 THE WITNESS: I didn't determine that.

11 BY MR. DWIGHT BRANNON:

12 Q Did you ever find out you were the beneficiary  
13 of the insurance policy?

14 A Yes.

15 Q Did you make application for the insurance  
16 policy, send them a letter with a death certificate and  
17 say pay me?

18 A Yes.

19 Q Did you receive a check from the insurance  
20 company?

21 A Yes.

22 Q Was that check made payable to you, or to you as  
23 a trustee, or how was it made payable?

24 A It was made to Darlene Bishop.

25 Q When did you receive that check?

1 A I am not sure. Sometime probably in July maybe  
2 or August, not sure.

3 Q Of 2005, correct?

4 A Yes.

5 Q And when you received that check, what did you  
6 do with that check?

7 A I deposited it in my account.

8 Q Which account did you deposit it in?

9 A I made a separate account for it.

10 Q Can you tell me what that account name is?

11 A Darlene Bishop.

12 Q And where is that account at, please?

13 A First National Bank.

14 Q In Middletown?

15 A Yes.

16 Q Or where? Middletown First National Bank? Had  
17 you done any banking there before?

18 A Yes.

19 Q Okay. How was -- you said it was an account  
20 deposited in the name of Darlene Bishop. That's all it  
21 said on it; correct?

22 A Yes -- no, it had some bank --

23 Q Sorry. Your contract, your personal account  
24 that you established, a personal account.

25 A Oh, yes, Darlene Bishop.

1 Q It wasn't what we call a fiduciary or trust  
2 account?

3 A No.

4 Q Okay. Who had signature authority on that  
5 account?

6 A Me.

7 Q Did Mr. Bishop have signature authority on that?

8 A I don't -- I don't recall if I put his name on  
9 there or not.

10 Q Did you indicate any person who would be paid,  
11 who jointly, jointly had access to those accounts or would  
12 be paid on your death from those accounts?

13 A I made no provision.

14 Q Does that account still exist?

15 A No.

16 Q And when did you close that account?

17 A Probably 2 weeks ago.

18 Q And did you close the account by withdrawing all  
19 the remaining balance as well, close it and take out the  
20 money?

21 A Yes.

22 Q What was the balance in that account when you  
23 closed it?

24 A I'm not sure.

25 Q Do you have an estimate of the amount?

1 A No.

2 Q Did you get a check from the bank to close out  
3 the account?

4 A No, I just put it into another account.

5 Q Okay. You transferred the money to another  
6 account. To what account did you transfer it?

7 A Into my other account.

8 Q Okay. Your other account being titled what?

9 A Lawrence and Darlene Bishop.

10 Q All right. You say that was done about 4 or 5  
11 weeks ago?

12 A Uh-huh.

13 Q So --

14 A Uh-huh.

15 Q So if we checked, you would know how much was  
16 transferred?

17 A Probably.

18 Q That account is also at Middletown First  
19 National?

20 A Uh-huh.

21 Q All right. That's a personal account? It's not  
22 a business account; correct?

23 A Right.

24 Q All right. Prior to making --

25 A I put it into the business account -- I mean,

1 into the personal account, yes. Our personal and our  
2 business are the same.

3 Q Okay. I'm sorry, I don't understand.

4 A Okay.

5 Q You operate your business, you put -- okay,  
6 that's easy. You have one account; right?

7 A Right.

8 Q And you run your business out of that account?

9 A Uh-huh.

10 Q And you also run your, pay for your personal  
11 items out of that account?

12 A Right.

13 Q Mrs. Parker has to worry about how to account  
14 for that; right?

15 A No, that's not her.

16 Q That's not her account? That's different?

17 A Yes.

18 Q Do you have any person in charge of your  
19 business other than the 2 of you?

20 A No. I have an accountant.

21 Q Who is that please?

22 A Karen -- goodness -- Halsey.

23 Q On that account just you and Lawrence have  
24 signature authority?

25 A Uh-huh.

1 Q All right. Prior to transferring the money from  
2 that account, can you tell me how much money you had  
3 withdrawn from the original 261 thousand dollars  
4 deposited?

5 A I put 40 thousand I gave to the Solid Rock  
6 Church for my brother's request. He said I want  
7 everything that comes out of my estate, tithes and  
8 offerings to be paid on it. So I did that the first  
9 thing. Then we wrote a check for 90 thousand to Janet. I  
10 wrote a check for 20 thousand for my father's -- I did  
11 that in increments though. I don't know how that was  
12 done.

13 Q You wrote them yourself and signed them  
14 yourself?

15 A To pay back my father, I put it in my father's  
16 account, uh-huh. Then --

17 Q You said you did different checks. Was it 5  
18 thousand, four 5 thousand dollar checks?

19 A Yes.

20 Q All right. That was deposited directly into his  
21 account?

22 A Yes.

23 Q His account is located where?

24 A Same place.

25 Q How is that account titled?

1 A Oliver Perry and Darlene Bishop.

2 Q Is it a joint account?

3 A Yes.

4 Q Is that account still in existence?

5 A Yes.

6 Q Do you know what the balance is in that account  
7 now?

8 A About probably -- his funeral expenses are not  
9 in there yet. So, I don't know, it's probably around 20  
10 thousand.

11 Q All right, go back. You have told me about the  
12 transfer and writing 20 thousand to your father and 40  
13 thousand to the Solid Rock Church.

14 A Uh-huh.

15 Q What other assets or checks were written out of  
16 it or withdrawals were made?

17 A I built my daughter's home, and I borrowed some  
18 out of that account to finish the house.

19 Q How much did you borrow out of the account?

20 A I think 1 hundred thousand out of that account.

21 Q Okay. Any other withdrawals made from that  
22 account?

23 A No.

24 Q Why did you pay Janet 90 thousand dollars out of  
25 that account?

1 A At the advice of Bill Cummins.

2 MR. FREUND: Theoretically that's privileged,  
3 but I suspect that --

4 MR. DWIGHT BRANNON: We'll get into it.

5 MR. FREUND: -- we will get into those issues  
6 because of the estate. So if you know any more, other  
7 than you did it at the advice of your counsel, you can  
8 tell him. If that's why you did it, that's fine too.

9 THE WITNESS: That's why I did it.

10 BY MR. DWIGHT BRANNON:

11 Q Did you have any expectations of receiving any  
12 money back for that, being reimbursed for that?

13 A I did it, because I knew that my brother would  
14 want to pay his child support, and that's the reason I did  
15 it.

16 Q You did it as a personal decision?

17 A Yes.

18 Q In effect, you gave her 90 thousand dollars, is  
19 what you did to satisfy that; is that correct?

20 MR. FREUND: I object. If you can answer the  
21 question, you can answer it over my objection.

22 THE WITNESS: I did it at the advice of Bill  
23 Cummins and my decision, because that's what I felt like  
24 that I should do personally and at his advice.

25 BY MR. DWIGHT BRANNON:



1 Q You have made no claim against the estate of  
2 Darrell Wayne Perry for repayment of that 90 thousand  
3 dollars to you, have you?

4 A No.

5 Q And you don't intend to?

6 A No, I gave that to his son.

7 Q Any other withdrawals or checks written on it or  
8 anything like that?

9 A Not to my knowledge. I am not sure.

10 Q When you received the funds from State Farm  
11 insurance, the check for 261 thousand some odd dollars,  
12 did you believe that he intended that money to go to you?

13 MR. FREUND: Objection.

14 You can answer over my objection.

15 THE WITNESS: I wasn't sure why that Wayne left  
16 it to me. All I know is that he continually told me,  
17 because I knew that it would come to this with those  
18 children, because I know those kids.

19 And he just continued to say to me, "Sis, I have  
20 got you covered. If that does happen, if they ever do, I  
21 have got you covered, got you taken care of."

22 I didn't know how he had me taken care of. When  
23 I seen the insurance policy, I figured this is what he was  
24 talking about, because he never told me what he intended  
25 to give me or do for me or how he would have me covered.

1 At that point when I told him that he did not want to do  
2 this, but I -- but I, I told, told the children, you know,  
3 when they wanted, you know, to come in, "I will do with  
4 this what I feel that your father wanted me to do with it.  
5 That's what I'm going to do."

6 Q What did you feel the father wanted you to do  
7 with it?

8 MR. FREUND: Objection.

9 Go ahead.

10 THE WITNESS: Give Christian the money that  
11 would support him the way that he was supposed to be  
12 supported.

13 BY MR. DWIGHT BRANNON:

14 Q Did you believe that the father -- did you feel,  
15 as you say, you felt that the father didn't want to give  
16 the other 3 children, the adult children anything?

17 MR. FREUND: Objection.

18 Go ahead.

19 THE WITNESS: Nothing out of that. I'm sure of  
20 that.

21 BY MR. DWIGHT BRANNON:

22 Q You are sure he wanted them to have nothing out  
23 of the insurance policy?

24 MR. FREUND: Objection.

25 THE WITNESS: Yes.

1 BY MR. DWIGHT BRANNON:

2 Q Did you ever tell the children or anyone, anyone  
3 that you were going to give them \$62,500, the adult  
4 children or all the children, including --

5 A I never used that figure.

6 Q Did you ever say you were going to give any  
7 insurance money to these other 3 children, the adult  
8 children, ever?

9 A I don't know. I am not aware of that.

10 Q Well, let's think back. Did you have  
11 conversations with any of the children about the estate or  
12 the death?

13 A We were on such bad terms after the death of  
14 their father that we really didn't discuss, you know. I  
15 would -- I told them, you know, when they discussed this  
16 money, I would just say, "Well, it depends," and it did  
17 depend. I knew it would come to this. So --

18 Q Did you ever tell them you would give them a  
19 portion of the insurance money, any one of them or all of  
20 them?

21 A I know that I suggested to Janet that I knew  
22 that Wayne, know that Wayne wanted that for Christian to  
23 be taken care of, and that's the reason I gave her that  
24 money.

25 Q Did she have to get a lawyer to get that money?

1 A I am not aware.

2 MR. FREUND: Let me object to the question.

3 BY MR. DWIGHT BRANNON:

4 Q Do you know if she got a lawyer as a result of  
5 that?

6 A I'm sure she did.

7 Q Do you know if she had to make any formal claims  
8 or complaints against the estate or anyone else for that  
9 money?

10 MR. FREUND: Objection.

11 Go ahead.

12 THE WITNESS: I don't know if she made a  
13 complaint against it. I don't know how the legal term  
14 was.

15 BY MR. DWIGHT BRANNON:

16 Q Again, I'm going to ask you if you recall any  
17 phone conversations, any written documents, any oral  
18 discussions with anyone where you indicated that this  
19 insurance money would go to all of the children?

20 MR. FREUND: Objection, asked and answered.

21 Answer it again.

22 BY MR. DWIGHT BRANNON:

23 Q I just want to be sure.

24 A I didn't say that it would go to all the  
25 children, no.

1 Q You never mentioned a specific figure divided up  
2 to give to each one of them, only to Christian?

3 MR. FREUND: Objection.

4 THE WITNESS: No.

5 BY MR. DWIGHT BRANNON:

6 Q Did you ever attempt to reconcile the trust  
7 agreement funding with the receipt of the insurance?

8 A No.

9 Q In other words, did you ever correlate the 2?

10 A No.

11 Q The date on this, Exhibit 2, is May 14th, '03.  
12 As we have already discussed, at least the date on the  
13 trust agreement and the will is -- I'll have to look and  
14 see, because I forget -- September 16th, '03. Did anyone  
15 ever indicate to you that somehow the insurance proceeds  
16 were related to the trust or the will?

17 A Did anyone --

18 Q Anyone indicate to you that Wayne -- anyone else  
19 indicate to you that the insurance proceeds --

20 A No, I didn't know about the insurance.

21 Q You also indicated something in your previous  
22 answer about you know these children. And what do you  
23 mean, you know them? What did you mean by that?

24 A I knew that when Wayne told me that they were  
25 not part of his will, I knew that they would come after

1 me.

2 Q So Wayne expressed to you that he had not made  
3 the children any part of his will?

4 A Yes.

5 Q Did you ever understand prior to his death that  
6 his will some way simply was used to take all the assets  
7 and fund the trust?

8 MR. FREUND: Objection, that's really a legal  
9 question.

10 BY MR. DWIGHT BRANNON:

11 Q Did you understand that?

12 A No, I didn't.

13 Q You did understand from the trust he meant to  
14 benefit all of his children, didn't you?

15 A In the trust, yes.

16 Q So you understood from Wayne -- well, from  
17 talking to Wayne, it was clear to you that he considered  
18 the will and the trust separately?

19 MR. FREUND: Objection.

20 THE WITNESS: I understood that he was leaving  
21 more for Christian than he was for his other children.

22 BY MR. DWIGHT BRANNON:

23 Q The question was: Did you from him talking  
24 about it, did you think the trust was a separate means of  
25 conveying assets to his children than the will?

1 MR. FREUND: Objection.

2 BY MR. DWIGHT BRANNON:

3 Q That you have got 2 different means of doing  
4 that?

5 MR. FREUND: Objection.

6 BY MR. DWIGHT BRANNON:

7 Q If you know.

8 A I am not sure.

9 Q Did you ever discuss Wayne's estate and his  
10 preparation of the estate prior to his death with  
11 Mr. Cummins?

12 A No.

13 Q So prior to him becoming the attorney for the  
14 estate in this case, you had no discussion with him about  
15 Wayne's disposition of his property or estate through a  
16 trust, will, or any other way?

17 A Not to my knowledge.

18 Q Okay. So any discussions he would have had,  
19 Wayne would have had with Mr. Cummins would have been with  
20 Mr. Cummins as Wayne's attorney?

21 A Right.

22 Q Do you know how Mr. Cummins was paid for the  
23 preparation of these?

24 A I have no idea.

25 Q Tell me what you know about a hook book. I want

1 to know that myself.

2 A Okay.

3 Q Do you know anything about a hook book?

4 A No, and nobody to my knowledge has ever heard of  
5 anything like a hook book. If it was a hook book, nobody  
6 in the music industry that I have asked prior to this has  
7 ever heard of any terminology used as a hook book.

8 Q Okay. Have you ever heard of anything about a  
9 catchy phrasy book, where song writers will think about a  
10 phrase, a term, or something that he will write down and  
11 she will write down, and later use as a theme for a song?  
12 Like Mr. Freund does for trial work, he might write down a  
13 theme or something, use it later.

14 MR. FREUND: I just write notes about my  
15 opponents.

16 MR. DWIGHT BRANNON: He writes themes and stuff,  
17 usually pretty sour. He went that country western route.  
18 Anyway --

19 MR. FREUND: What was the question?

20 MR. DWIGHT BRANNON: That was the comment about,  
21 you talked about your ability. He is from a dairy farm in  
22 Illinois.

23 MR. FREUND: I am, and I also --

24 THE WITNESS: Can write about cows and pigs.

25 MR. FREUND: But I do play an instrument now



1 too.

2 THE WITNESS: Do you sing?

3 MR. FREUND: I try.

4 BY MR. DWIGHT BRANNON:

5 Q Invite him down to the church, have him sing and  
6 play for the congregation.

7 A Yeah.

8 Q After Wayne's death, did you have occasion to  
9 collect gold coins at his house or other places, other  
10 than the ones you indicated you had taken to Mr. Cummins'  
11 office?

12 A Yes.

13 Q Tell me about when that was done and what  
14 happened.

15 A When Wayne was in the hospital, he had told me  
16 that he had a bucket of coins in his closet and for me to  
17 get those. So I did that.

18 Q I'm sorry?

19 A I had a weird brother.

20 Q So you went to the closet?

21 MR. FREUND: Don't forget, everything you say is  
22 on the record.

23 BY MR. DWIGHT BRANNON:

24 Q That's all right.

25 A Okay, laugh, laugh, laugh.

1 Q Bucket in his closet of gold coins. So you went  
2 to his house, and there was physically a bucket of gold  
3 coins there; right?

4 A Silver.

5 Q There were no gold coins at his house?

6 A There might have been 2 or 3 gold coins in that  
7 bucket. I am not sure.

8 Q Okay. Any other coins there, silver or gold or  
9 any other?

10 A No, we took them in the bucket.

11 Q You said Mr. Cummins was with you there?

12 A No.

13 Q Who was there with you? I'm sorry.

14 A I don't even recall who carried those out. I  
15 don't recall who helped me carry those. I mean, I  
16 couldn't have possibly carried them. So I had to have  
17 someone, but I don't recall who it was.

18 Q But it was one bucket?

19 A One 5-gallon bucket.

20 Q A water bucket?

21 A It was a water bucket.

22 Q Didn't have a dipper in it though, did it?

23 A Huh-uh.

24 MR. DWIGHT BRANNON: Okay, you don't know about  
25 those things.

1 MR. FREUND: No.

2 THE WITNESS: He was on a farm.

3 MR. DWIGHT BRANNON: He was a modern farmer.

4 MR. FREUND: I am familiar with a 5-gallon  
5 bucket, but not filled with gold bullion or silver  
6 bullion. We didn't have that back on the farm. We  
7 usually had our buckets full of manure.

8 BY MR. DWIGHT BRANNON:

9 Q What did you do with those silver coins,  
10 Miss Bishop?

11 A I took them to my house.

12 Q And then what did you do with them?

13 A Then I called Bill Cummins, and he came to my  
14 house and took the gold, or took the silver -- I'm  
15 sorry -- silver coins.

16 Q Okay. Did you ever itemize them?

17 A And the gold.

18 Q Excuse me?

19 A And the gold from my house.

20 Q Is that when you gave him the canisters of gold?

21 A Yes.

22 Q So at the time you gave Mr. Cummins both the  
23 silver coins, and if there were these gold coins, or  
24 whatever?

25 A My collateral.

1 Q And your collateral?

2 A Yes.

3 Q What did you give him your collateral for?

4 A Because Wayne told me to sell the coins and get  
5 my money, and at the advice of my attorney, I gave them to  
6 him.

7 Q Now, are all of these coins, as I understand it,  
8 silver and gold, or the value of the silver and gold  
9 appraised value listed in the estate as assets, if you  
10 know?

11 A I am not sure about that. I know the silver  
12 was.

13 Q What do you know about the appraisal of these  
14 coins? Let me ask you this about the appraisal. Was that  
15 done by a church member, Solid Rock Church member?

16 A No.

17 Q Okay. Who did the -- were you with Mr. Cummins  
18 or anyone else when they got the appraisal of the coins?

19 A No.

20 Q Do you know anything about how they were  
21 appraised?

22 A 2 different appraisals.

23 Q Did you get permission for them to be sold?

24 A Yes.

25 Q What, as the administrator or executrix of this

1 trust, what were your instructions concerning the  
2 placement of the funds generated from the sale of these  
3 coins?

4 A I left that up to my attorney.

5 Q Okay. Did you make any claim on the estate  
6 for -- I will have to read this. I can't give it to you  
7 to read at the same time.

8 MR. FREUND: If you want to read it --

9 MR. DWIGHT BRANNON: Take a look.

10 MR. FREUND: I just want to look at it.

11 MR. DWIGHT BRANNON: Hold on just a second. I  
12 need it. Apologize. You have got one, and we have got  
13 one, I'm sorry. Let's just mark that as 3. That might be  
14 the easiest way to do it. We'll refer to that again.  
15 Mark that as 3, and give Mr. Freund a copy.

16 (Marked Plaintiff's Exhibit 3.)

17 BY MR. DWIGHT BRANNON:

18 Q So you are in agreement these coins were to be  
19 deposited into the estate as an asset; correct? It shows  
20 on the accounting you have no objections?

21 A Yes.

22 Q Okay. While we are on the estate document  
23 there, it shows personal property auctioned. What does  
24 that mean, please?

25 A We had an auction for Wayne's personal property

1 to disperse his furnishings in his house.

2 Q Who was the auctioneer on that, if you know?

3 A I don't recall. I know, but I can't recall.

4 Q Did they auction off any of his awards, special  
5 suits for the CMA or the CMT programs, or any of that  
6 stuff, to your knowledge?

7 A No.

8 Q Just auctioned off his furniture; is that  
9 correct?

10 A Yes.

11 Q That was paid for, to your knowledge, or did you  
12 have to pay something off on it?

13 A He paid for all his furniture.

14 Q Did he ever tell you how much he paid for it?

15 A No, Wayne was very private.

16 Q Okay. Mrs. Bishop, at some time before the  
17 auction these children are telling me there is a big  
18 dispute over them getting some of his personal items. I  
19 understand Bryan got a guitar, and I don't know about  
20 anything else, but was there any discussion about them  
21 receiving items instead of selling these items at auction?

22 MR. FREUND: Objection.

23 Go ahead.

24 THE WITNESS: There was no dispute. In fact, I  
25 allowed each of them to come into the house and take

1 everything they wanted to take personally of their  
2 father's. Justin took a pickup load with racks, with  
3 4-foot racks on the sides stacked over the top and the cab  
4 full of his dad's personal stuff. They told me the  
5 personal things they wanted from their father, guitars,  
6 pianos, whatever it was.

7 I told them, "Go get anything that your father  
8 promised you, take any of his personal things that you  
9 want."

10 Janet came in, got several of his awards.  
11 Christian took his shoes, some of his clothes, took all of  
12 his jewelry. He had a box of jewelry. Christian took all  
13 of the jewelry.

14 So I just let the kids come in and take  
15 everything personally that they wanted, and they did that.

16 Q So when you did the auction, you were satisfied  
17 that they had received everything that they wanted?

18 A Everything that they wanted. They had access to  
19 take it.

20 Q You mentioned something about a store and lock.  
21 Who had access -- where was that store and lock?

22 A I am not sure. I was never there. The only  
23 person that I know that was in the store and lock was  
24 Bryan and his mother. My brother went to the store and  
25 lock, and they were already in there rummaging through

1 everything.

2 Q All right. Can you tell me if any money,  
3 anything was given -- not money -- any items were given to  
4 charity?

5 A To charity?

6 Q Yes, where you would give it to Goodwill or to  
7 needy people.

8 A No.

9 Q Or not just to an organization, but just give it  
10 out.

11 A No, not to my knowledge.

12 Q Was anything donated to the church, other than  
13 the tithing that you talked about, the cash?

14 A No. Wayne when he was living donated CDs off of  
15 his thing, a few of those -- I don't know how many, but he  
16 gave them. His request was that all the assets from those  
17 CDs would go to the Unwed Mothers Home, but we never  
18 touched anything after he died.

19 Q All right. Justin, Bryan and Nikki claim you  
20 kicked them out of his house. Is there any truth to that?

21 MR. FREUND: Objection.

22 Go ahead.

23 THE WITNESS: They never lived there. Kicked  
24 them out?

25 BY MR. DWIGHT BRANNON:



1 Q That they came over to get things or inspect the  
2 premises, and you told them to get out. At any time.

3 A Maybe after they sued me or something. I  
4 can't -- no, I don't recall ever kicking those kids out.  
5 I don't know where that came from.

6 Q Did your brother always carry, or did he carry a  
7 large bundle of cash with him?

8 A Never that I knew of.

9 Q At the time of his last illness from March  
10 through the time he was dead at the hospital, did he have  
11 7 to 10 thousand dollars in cash?

12 A No.

13 Q Did you actually look -- do you know how much  
14 money he did have there at the hospital?

15 A Wayne didn't have no money at the hospital.

16 Q Did he have any at home?

17 A Not to my knowledge.

18 Q Did you ever see him have any money on his  
19 bedside table?

20 A Never. The only person that had access to that  
21 was Bryan.

22 Q Did you ever know of the existence of any tapes?  
23 I have been told there are tapes of some of his personal  
24 thoughts, 8 tapes of some of his personal thoughts and  
25 songs. Did you ever see any of those?

1 A In the bottom of his closet there was lots of  
2 tapes. Justin took most of, took all of them.

3 Q He took all of them?

4 A He took all of them except for one box. I think  
5 my brother, it was just like little cassette tapes or  
6 something.

7 Q Your brother Dale, you are talking about?

8 A Yes.

9 Q Does Dale have a Circle 3 catalog that belonged  
10 to Wayne?

11 A Nobody ever seen that.

12 Q You don't even know what I am talking about?

13 A I don't know what they are talking about, no,  
14 and Dale doesn't neither. We wouldn't know what to do  
15 with it if we had it.

16 Q What happened to silverware handed down from the  
17 family?

18 A The what?

19 Q Silverware. Do you know?

20 A I have no idea what they are talking about.

21 Q Microphones?

22 A Justin --

23 Q A G keys --

24 A Justin took all of the music out of the house,  
25 everything; computers, cameras, everything that had to do

1 with music, all the cords, piano, everything.

2 Q Cordless microphones?

3 A He took all of those.

4 Q Switchboard for lighting?

5 A He took that.

6 Q What is an Adat machine, A-D-A-T, Sony machine;  
7 do you know?

8 A I have no idea. All I know, Justin come in  
9 there and wiped out everything that had to do with music.

10 Q Did Wayne have any jewelry at the time of his  
11 death?

12 A Yes.

13 Q What kind of jewelry did he have?

14 A Just a couple little rings, maybe a gold chain  
15 or something. I gave it all to Christian, the whole box.  
16 It was a small box, but I gave the box to Christian.

17 Q Excuse me a moment.

18 Were there any bills, other than the medical  
19 bills we see in the estate for Wayne, that were due or  
20 owing or that you paid? We see some medical bills here  
21 that Mr. Cummins has prepared and put here?

22 A Well, of course, his electric, electricity,  
23 his --

24 Q Apologize, I didn't mean to cut you off, but  
25 medical bills. Any medical bills that you know of, other

1 than what is listed in the estate? You may look at that  
2 if you need to look at something.

3 A I don't -- not that I know of. Every bill that  
4 came to me, I gave to Bill.

5 Q Did you ever talk to Janet about a thousand  
6 dollar bill from Tractor Supply?

7 A Of what?

8 Q Tractor Supply.

9 A Thousand dollar bill, oh, I think what she was  
10 talking about was a bill -- it wasn't Tractor Supply. It  
11 was a bill, and we paid that. It was something like an  
12 implement company, something that Wayne owed, and I asked  
13 her about that, if he owed that. We paid that though.  
14 That was just an estimate. It was like 7, 8, 9 hundred  
15 dollars or something.

16 Q I saw a check -- if you will pull it out --  
17 written on August 1st, 2005, from you to Lawrence Bishop.  
18 Are you aware of that check?

19 A Yes.

20 Q Did you write that check?

21 A Yes.

22 Q And did you give that check to your husband?

23 A I deposited it into our account.

24 (Marked Plaintiff's Exhibit 4.)

25 Q That's the second check in that list of 3 that

1 we gave you as Exhibit 4. Do you see that?

2 A I see that, uh-huh.

3 Q Mrs. Bishop, the signature Lawrence Bishop, is  
4 that your writing, or is that Mr. Bishop's writing,  
5 signature?

6 A No, that's my writing.

7 Q Your writing?

8 A Uh-huh.

9 Q You probably sign your husband's name a hundred  
10 times a day, don't you?

11 A Probably, but that's my name at the bottom.

12 Q Did you tell him you had taken this check for  
13 him?

14 A Yes.

15 Q He knew about it?

16 A He knows about it. He forgets everything, but  
17 he knew about it, and I put on there to repay loan.

18 Q Tell me why -- first of all, that's Darrell  
19 Wayne Perry's account on First Financial Bank. When did  
20 this account get opened, if you know?

21 A I don't know, I think it was already his. He  
22 had that account when he was living.

23 Q All right, and did you have signature authority  
24 on that account?

25 A Yes.

1 Q When did you first obtain signature authority on  
2 that account?

3 A When he opened it.

4 Q Okay. Did you transfer the money out of the  
5 account when he died to an estate account?

6 A No.

7 Q You just continued to operate out of that  
8 account?

9 A Uh-huh.

10 Q All right. What would you pay out of that  
11 account?

12 A I just paid his bills.

13 Q Okay. This 23 thousand dollars represented the  
14 repayment of the loan of what?

15 A 20.

16 MR. FREUND: 20.

17 MR. DWIGHT BRANNON: What, did I say that?

18 MR. DAVID BRANNON: Sure.

19 BY MR. DWIGHT BRANNON:

20 Q I erred, sorry, 23, I erred. What was this for?

21 A Repaying my husband for a loan that he had  
22 borrowed.

23 Q That 2 thousand loan?

24 A The 20 thousand that he borrowed from my  
25 husband's account, I repaid.

1 Q Is this the same 20 thousand in cash that you  
2 had gotten out of --

3 A Yes.

4 Q -- at home and given him?

5 A Yes.

6 Q Okay. Do you know how much money was in the  
7 account on August 1st of '05 when you wrote that check?

8 A No.

9 Q Is that checking account still in existence?

10 A No.

11 Q When was that checking account closed?

12 A I am not sure.

13 Q Do you write checks now out of an estate  
14 account, account established at New Lebanon Bank, or  
15 Lebanon Bank for estate purposes?

16 A No.

17 Q Okay. There is a check above it, Blessings by  
18 the Basket. I assume that's part of the funeral bill?

19 A That was Justin's aunt that told me that she was  
20 going to make up Wayne a casket.

21 Q Who signed that?

22 A Probably one of our secretaries. Darrell Wayne  
23 Perry -- Arlene paid this. This is her writing.

24 Q So she signed Darrell Wayne Perry and underneath  
25 of it her name?

1 A Uh-huh.

2 Q So that's her writing, Arlene's?

3 A Right, I probably asked her to pay that.

4 Q The third one on that sheet that is contained,  
5 the third check, Darlene Bishop, is that your writing too?

6 A Yes, that's my secretary's writing actually.  
7 They -- that was for his, probably a water bill. City of  
8 Monroe, that was his water bill.

9 Q So Arlene signed that check also?

10 A No, our personal secretary. Arlene is not my  
11 secretary.

12 Q All right. Who signed that?

13 A Our secretary.

14 Q What is her name?

15 A That looks like Megan's writing probably. We  
16 have several.

17 Q Megan's last name, please?

18 A Wunderly.

19 Q And the other secretaries at the time, please?

20 A Well, that's the only one I had at the house.

21 Q Which ones had authority to sign your name,  
22 Mrs. Bishop?

23 A Megan.

24 Q Does she still have authority to sign your name?

25 A No, she is in Brazil.



1 Q Are you accustomed to giving your secretaries  
2 authority to sign your name?

3 A Yes.

4 Q Okay. When are you aware that the Lebanon  
5 Citizen National Bank estate account was opened, if you  
6 are?

7 A I am aware, but I am not sure when.

8 Q I may have asked you in a general way, but do  
9 you know the difference between Zomba and all these  
10 different royalty companies as far as their source or  
11 anything like that?

12 A I have no idea.

13 Q ASCAP, BMI, BMG, Zomba?

14 A Just different companies, I imagine.

15 Q Do you know what a cut is, C-U-T, in the music  
16 business?

17 A Cut?

18 Q Cut, where they cut a record.

19 A They cut a record? I guess that's when they  
20 record a song, isn't it?

21 Q When the song is picked up by another artist,  
22 like Wayne would record one or someone would sing it for  
23 him, his song, it's picked up by an artist?

24 A Are you telling me?

25 Q No, I am just asking.

1 A I don't know, just whenever somebody would  
2 record one of his songs.

3 Q So you know of no cut being made since Wayne  
4 died?

5 A Of Wayne's songs?

6 Q Yes, if anybody has picked them up recently.

7 A His children would know that. They have access  
8 to that. I have no access to that. Bryan and Justin are  
9 trying, they tell me, to get songs recorded by different  
10 artists, but I have no knowledge of that.

11 Q Okay. Do they report that to you and let you  
12 know?

13 A No.

14 Q Mr. Freund would like to know if we could get a  
15 cut of him.

16 A I'd say we could probably sell a few copies.

17 Q Probably to his wife, that's it.

18 MR. FREUND: I think all the firm members would  
19 buy one, too.

20 BY MR. DWIGHT BRANNON:

21 Q Is there anyone currently, other than Justin and  
22 Bryan, in the music industry helping to publish or have  
23 recorded his songs, which I refer to as a catalog, to your  
24 knowledge?

25 A Not to my knowledge.

1 Q Now, there are people in your family that are  
2 musically inclined in the industry, aren't there?

3 A Sure, our whole family.

4 Q Your husband has recorded songs, has he not?

5 A Yes.

6 Q Have you?

7 A Yes.

8 Q You hesitated there.

9 A It's been a long time.

10 Q Were you a singer?

11 A It's been a long time.

12 Q You also have a son who has been published or  
13 been recorded and sold widely, haven't you?

14 A Yes.

15 Q And what is that son's name?

16 A Lawrence Bishop, II.

17 Q I am going to refer to him as Lawrence, if I  
18 could please. If I talk about Lawrence, now I'm talking  
19 about the son.

20 A Yes.

21 Q Did he have some songs he wrote with Wayne?

22 A Yes, he did.

23 Q Were there 4 of them?

24 A Not sure.

25 Q Did he have one million seller he helped write

1 with Wayne?

2 A I don't know.

3 Q Doesn't have a million seller out there?

4 A No.

5 Q You have got to remember, sometimes my  
6 information is not correct. That's why I ask you these  
7 questions.

8 A I wish it was. That would be good.

9 Q Well, have these songs been recorded -- has your  
10 son sold some songs?

11 A My son recorded.

12 Q I will find the name here in a few minutes.

13 A A few songs that him and Wayne wrote together,  
14 yes, they have been recorded, but they are not distributed  
15 nationally. We sell them at church.

16 Q So it's not likely the church members number a  
17 million, right?

18 A Well, his theory is he has a million cellar, a  
19 million of them in his cellar.

20 Q That's good -- that's good. Let's mark this as  
21 5, and I will find out about 2 shades of blue. Give that  
22 to Mr. Freund.

23 (Marked Plaintiff's Exhibit 5.)

24 Q Handing you Exhibit 5, that says DBM Catalog,  
25 Darlene Bishop Ministries.

1 A Uh-huh.

2 Q That is D B Ministries catalog?

3 A Uh-huh.

4 Q I see third row, first CD -- I assume it's a  
5 CD -- Two Shades of Blue, 15 dollars?

6 A Uh-huh.

7 Q Is that the CD that has Wayne and your son  
8 Lawrence's songs on it?

9 A Yes.

10 Q How many of those have you sold?

11 A I have no idea.

12 Q How would you find out?

13 A I could probably find out how many that he has,  
14 you know, how many is ordered and how many is left if we  
15 went into the inventory.

16 Q Would you provide that information to Mr.  
17 Freund, please?

18 A Okay, I know he ordered 25 hundred. I don't  
19 know how many we have left, but that was his order of  
20 that, 25 hundred.

21 Q 25 is all that was cut; right?

22 A 25 hundred, yes.

23 Q Okay, all right. How does that work? Who gets  
24 the royalty of that if it's sold through the church? Do  
25 you know?

1 A You know, I mean, in the Christian -- you know,  
2 I don't know if you want to know this or not, but people  
3 record everybody's songs. People don't, unless somebody  
4 demands that you give them royalties, it's just --

5 Q These songs don't have a license or --

6 A No.

7 Q Okay. Has Wayne, or did Wayne during his  
8 lifetime or the estate since then assign any license or  
9 royalties to the church, the ministry, or any other  
10 organization which you are affiliated?

11 A No, never, ever.

12 Q Did you ever accuse Bryan of killing Wayne?

13 MR. FREUND: I have to object to that.

14 Go ahead and answer.

15 MR. DWIGHT BRANNON: Why do you have to object  
16 to it?

17 MR. FREUND: Well, it could be incriminating,  
18 couldn't it?

19 MR. DWIGHT BRANNON: Do you want to take the  
20 5th?

21 MR. FREUND: No, I told --

22 MR. DWIGHT BRANNON: Thought you had the fifth  
23 last night.

24 MR. FREUND: I told the witness to answer.

25 BY MR. DWIGHT BRANNON:

1 Q Okay, go ahead.

2 MR. FREUND: You may answer.

3 THE WITNESS: In my sorrow right after Wayne  
4 passed, I might have said something to that out of the  
5 sorrow that I was suffering.

6 BY MR. DWIGHT BRANNON:

7 Q All right.

8 A But I didn't mean it literally.

9 Q I'm going to go back to the time prior to  
10 Wayne's death, if I might please, if I can find the  
11 paperwork. Excuse me. I thought I remembered where it  
12 was, and I don't.

13 (Marked Plaintiff's Exhibit 6.)

14 Q Prior to the filing of this suit, have you ever  
15 seen Exhibit 6? I'm sorry, you don't have it in front of  
16 you.

17 A No, I haven't ever seen this, not to my  
18 knowledge, but I don't know if I have ever seen this.

19 Q You have no knowledge from discussion with  
20 Mrs. Parker as to why this assignment was made; is that  
21 correct?

22 A We discussed it after the fact of the taxes  
23 deal. We discussed this.

24 Q Did you ever tell her to discontinue receiving  
25 the royalties for Wayne?

1 A No, she -- never.

2 Q Other than a professional financial  
3 relationship, did Wayne have any other personal  
4 relationship with Arlene, with your knowledge?

5 A No.

6 Q Okay.

7 (Marked Plaintiff's Exhibit of 7.)

8 A What was this about?

9 MR. FREUND: I don't know, let him ask. He will  
10 ask you some questions.

11 BY MR. DWIGHT BRANNON:

12 Q Looking at Exhibit 7 --

13 A Okay.

14 Q -- is that your signature?

15 A Uh-huh.

16 Q And you signed that on behalf of Darlene Bishop  
17 on behalf of the estate of Darrell Wayne Perry; is that  
18 correct?

19 A I guess I did. I don't know exactly what this  
20 is.

21 Q It's dated October 31st, 2005, notarized by  
22 Mr. Cummins, who is your attorney at the time?

23 A Okay.

24 Q It indicates you were a trustee; is that  
25 correct?



1 A Yes.

2 Q Was it your understanding -- I don't care about  
3 mine. Was it your understanding you were directing the  
4 payment of, quote, royalties on a publishing agreement and  
5 so forth to the Darrell Wayne Perry family trust?

6 A Yes.

7 Q And is the Darrell Wayne family trust, that  
8 trust that we have marked as Exhibit 1, to your knowledge,  
9 (indicating), the only trust you know about?

10 A Yeah.

11 Q So it would be, correct?

12 A Uh-huh.

13 Q How many dollars were collected as a result of  
14 this letter from Zomba and deposited in the family trust?

15 A All of them.

16 Q Where is that account located, please?

17 A I'm not sure.

18 Q Okay. Is there a separate account for the  
19 family trust?

20 A Yes.

21 Q Do you know when that estate -- I'm sorry --  
22 when that trust account for deposit was established?

23 A I am not sure about the date.

24 (Marked Plaintiff's Exhibit 8, 9 and 10.)

25 Q We have marked as Exhibits 8, 9 and 10 certain

1 statements that we have obtained, and I'm just going to  
2 ask you. Have you ever seen any of those statements  
3 before today, or something similar to it, representing  
4 statements from Zomba?

5 A I gave all of this to Bill. So I didn't --  
6 because I understand this about as much as you do the  
7 horse business. So I just --

8 Q Just why do you assume I don't know about the  
9 horse business? Just what do you assume I don't know  
10 about horses?

11 A Well, maybe you do know more, but I know nothing  
12 about -- I take care of none of this stuff. So I mean,  
13 that's the reason I have a counselor. He counsels me.

14 Q So these statements came to you, these receipts,  
15 these documents came to you, and you turned them over to  
16 your attorney; is that correct?

17 A Yes.

18 Q Do you know where they were deposited?

19 A No.

20 Q Do you know if they were deposited?

21 A Well, I'm sure they were, but --

22 Q Because I am looking at --

23 MR. FREUND: Well, do you know? That's the  
24 question. I mean, do you really know, or are you just  
25 assuming that they were?

1 THE WITNESS: I am assuming they were deposited,  
2 yeah.

3 MR. FREUND: Make sure. If you know, that's  
4 fine. If you don't know, you don't know.

5 THE WITNESS: Okay, I don't know.

6 MR. FREUND: But I don't want you to speculate.

7 BY MR. DWIGHT BRANNON:

8 Q So where is the account for the Wayne Perry  
9 family trust located today?

10 A The Lebanon, Lebanon -- I don't know what it's  
11 called, Lebanon something, Lebanon, Ohio.

12 Q Lebanon Citizens Bank?

13 A Yes, I think that's it.

14 Q Was this money that was received, or purportedly  
15 received in 2005, deposited into accounts in 2005 before  
16 the -- in 2005? In other words, when it was received, did  
17 you deposit it in a family trust account?

18 A I gave them to Bill.

19 MR. FREUND: Let me object. He is using the  
20 word received. Did you receive these funds? That's the  
21 question.

22 BY MR. DWIGHT BRANNON:

23 Q Did you get some checks as a result of these?

24 A I got checks in the mail. I would give them  
25 automatically to Bill.

1 MR. FREUND: But he is talking specifically  
2 about these now. That's the whole point.

3 BY MR. DWIGHT BRANNON:

4 Q Have you ever seen checks in these amounts?

5 MR. FREUND: Do you know you actually got these?  
6 That's what we are talking about.

7 MR. DWIGHT BRANNON: Not absolutely, but does  
8 she know she got them?

9 THE WITNESS: Which checks are you talking  
10 about, the 2?

11 BY MR. DWIGHT BRANNON:

12 Q Checks amounting to 29 thousand. They didn't  
13 come in in 29 thousand dollar increments?

14 A I didn't add them up, because they would come in  
15 one 1 month, one 2 months later, one 3 months. I have no  
16 idea of knowing the total amount.

17 Q You would simply take them?

18 A And give them to Bill.

19 Q You did receive those during '05; correct?

20 A Yes, I received some during '05.

21 Q And do any of these funds that you received in  
22 the form of checks that you gave to Bill appear as assets  
23 of the estate itself, the estate?

24 MR. FREUND: Let me object to that. What I  
25 think Mr. Brannon is attempting to establish is whether

1 you have specific recollection of receiving the funds that  
2 are indicated on these exhibits 8, 9 and 10. That's the  
3 question, I think.

4 MR. DWIGHT BRANNON: She has answered that  
5 question, I believe.

6 MR. FREUND: I don't know if she has or not.  
7 That's what I'm trying to figure out myself.

8 BY MR. DWIGHT BRANNON:

9 Q You already testified you got checks monthly;  
10 right?

11 A Well, no, not monthly. Sometimes it would be 3  
12 months, sometimes 4. Different, no schedule.

13 Q What's the largest one you recall receiving?

14 A I think one for like 16 thousand or something  
15 like that, something in that area, but I am not sure about  
16 that either. I just know that when I get a check -- the  
17 last one I got, I didn't even look at it. I just gave it  
18 to Bill.

19 Q Okay. Go back to Exhibit 3.

20 MR. FREUND: What was that?

21 MR. DWIGHT BRANNON: Exhibit 3, the accounting.

22 MR. FREUND: We gave that back. That's probably  
23 there.

24 BY MR. DWIGHT BRANNON:

25 Q Page 2.

1 A Okay.

2 Q I see 2 trust accounts at Lebanon Citizens  
3 National Bank, one for 7,082 and one for 2,312.19. Do you  
4 know if one of those accounts represents receipt of  
5 royalty payments for the family trust, ma'am?

6 A The only, only checks that I received was  
7 royalty checks.

8 Q Did you deposit any checks from any other source  
9 for the estate, like --

10 A The auction.

11 Q The auction, okay.

12 A Okay.

13 Q What else?

14 A The house.

15 Q The house.

16 A That's the only thing that we have sold, the  
17 auction and the house, I am aware of.

18 Q Okay. What are we on now?

19 COURT REPORTER: 11.

20 BY MR. DWIGHT BRANNON:

21 Q 11, handing you what we have marked as Exhibit  
22 11. Put the yellow sticker on it.

23 A All right.

24 (Marked Plaintiff's Exhibit 11.)

25 A Yeah, there is that one for 16, BMG.

1 MR. FREUND: Are you going to be awhile, Dwight?

2 MR. DWIGHT BRANNON: Not much longer. I  
3 wouldn't mind a short break.

4 MR. FREUND: Let's take a short one.

5 MR. DWIGHT BRANNON: Have her look at these  
6 while she is doing that.

7 Go ahead and mark this as 12, so she can look at  
8 it or take a break, whatever you want to do.

9 (Marked Plaintiff's Exhibit 12.)

10 (A brief recess was taken.)

11 BY MR. DWIGHT BRANNON:

12 Q All right, looking at what I had handed you as  
13 Exhibit -- I gave you 11 first, and then gave you 12 to  
14 back it up -- 11.

15 A Okay.

16 Q That is a recapitulation that we have attempted  
17 to have done --

18 A Okay.

19 Q -- from payments from BMG, BMI, the ASCAP thing.  
20 Do you have any way or any knowledge as to whether that  
21 would be accurate in the amount of money?

22 MR. FREUND: Objection.

23 THE WITNESS: No, I don't.

24 BY MR. DWIGHT BRANNON:

25 Q Looking at Exhibit 12, that is what we

1 understood to be the royalties to be paid into the account  
2 of the estate. Do you have any knowledge as to whether  
3 that is accurate or not?

4 A No.

5 Q Okay.

6 (An off-the-record discussion was held.)

7 (Marked Plaintiff's Exhibits 13 and 14.)

8 BY MR. DWIGHT BRANNON:

9 Q 13 and 14, one is a deposit slip, I believe?

10 A Okay.

11 Q The other are the assets deposited.

12 A Uh-huh.

13 Q Can you tell me -- there appear to be certified  
14 checks or bank checks, as they call it. Am I correct?

15 A There is only one check on here. This is a  
16 deposit.

17 Q I'm sorry. Take a look at the other sheet, if  
18 you would, ma'am.

19 A Where is that? Do I know what these are for?

20 Q There is an 8 thousand dollar check deposited,  
21 an official check from, just deposited into the Wayne  
22 Perry estate on January 24th, 2006.

23 MR. FREUND: Referring to Exhibit 13.

24 BY MR. DWIGHT BRANNON:

25 Q Yes, 13. Where did that 8 thousand dollars come



1 from? What did it represent?

2 A I don't know if that represented the auction.  
3 That's the only thing that I can think that.

4 MR. FREUND: I don't want to you speculate,  
5 don't.

6 THE WITNESS: I don't know.

7 BY MR. DWIGHT BRANNON:

8 Q You don't know?

9 A I don't know.

10 Q Who is Monica? What is the name on that check,  
11 a bank official?

12 A I don't know.

13 Q Did you obtain that check? In other words, did  
14 you go to the bank to get it?

15 A Not to my knowledge.

16 Q Do you know where, what source was used, that 8  
17 thousand dollars plus whatever the fee was that was used  
18 to generate that check?

19 A I don't know.

20 Q On February 1st we show \$1,188.37 on an official  
21 check. Do you know where that came from?

22 A No.

23 Q On the back of those checks it indicates that it  
24 was for deposit in the estate of Darrell Wayne Perry,  
25 account number 971443. Do you know what, where -- is that

1 the Lebanon Citizens National Bank also?

2 A I am not sure.

3 Q Okay, because I am looking at the estate  
4 accounting, and it shows a trust account number 971469,  
5 but I don't see a 971443 on these. If you would look at  
6 it please, page 2.

7 A Page 2?

8 Q Yes, ma'am. Any trust accounts? I see 971469.

9 A Uh-huh.

10 Q It also shows that in that account a check was  
11 deposited for \$7,082.87 on the accounting. Do you know  
12 what that check represented?

13 A No.

14 Q It shows \$2,312.19 also deposited. Do you know  
15 what that represented?

16 A No.

17 Q Shows a miscellaneous deposit of \$641.32. Do  
18 you know what that represents?

19 A No.

20 Q Shows a miscellaneous credit of \$694. Do you  
21 know what that represents?

22 A Credit? Okay, no.

23 Q As far as estimating the value of the estate  
24 when the initial accounting was filed, and this is the  
25 final accounting, did you have anything to do with that,

1 or did you leave that totally to your attorney?

2 A My attorney.

3 Q All right.

4 (Marked Plaintiff's Exhibit 15.)

5 Q Are you familiar with any deposit made on behalf  
6 of Wayne or by Wayne in the amount of \$16,897 on October  
7 5th, '04?

8 A I knew nothing about Wayne's business.

9 Q Okay. Do you know of any funds in the form of  
10 checks, assets, accounts, safety deposit box, personal  
11 property, or anything else, other than these royalties,  
12 that currently exist that are not accounted for on the  
13 final distribution that was provided?

14 A We have a Navigator truck.

15 Q Do you drive that Navigator?

16 A Never.

17 Q And what is -- the Navigator now is sitting  
18 where?

19 A On the parking lot of our church with a For Sale  
20 sign in it, which it has been there for months.

21 Q What are you asking for it?

22 A Well, we have advertised it for the last, for  
23 several months. We started out with like 22 thousand, and  
24 then we brought it down to 19, and we still have no  
25 buyers.

1 Q Do you have an idea -- what is owed on it? Has  
2 it been paid off?

3 A We paid it off.

4 Q What was the payoff on it? Do you recall?

5 A I believe close to 20 thousand.

6 Q When was that paid off?

7 A I am not sure.

8 Q Were the funds out of the estate used to pay it  
9 off?

10 A I am not sure.

11 Q Did you write the check to pay it off?

12 A I am not sure, I am not.

13 Q My client is telling me that you and your family  
14 drive that vehicle all the time. Have you ever driven it?

15 A Your client says whatever he wants to say.  
16 There is no truth to 99 percent of what he will tell you.

17 Q 99 percent?

18 A Yes.

19 Q How about the Navigator?

20 MR. FREUND: Excuse me. How about answering his  
21 question. What was the question?

22 BY MR. DWIGHT BRANNON:

23 Q Question was --

24 A That I drive the Navigator all the time.

25 Q Anybody in your family?

1 A No.

2 MR. FREUND: See how easy that would have been?

3 THE WITNESS: When they start talking about my  
4 kids.

5 BY MR. DWIGHT BRANNON:

6 Q When do you intend to issue any checks to the  
7 children out of the family trust?

8 MR. FREUND: Objection.

9 You can answer.

10 THE WITNESS: Ask the question again, I'm sorry.

11 BY MR. DWIGHT BRANNON:

12 Q When do you anticipate issuing any checks to the  
13 children out of the family trust?

14 A When everything is finalized.

15 Q When do you anticipate paying anything to the  
16 children out of the estate?

17 A I don't.

18 MR. FREUND: Objection.

19 BY MR. DWIGHT BRANNON:

20 Q Where do you anticipate the money will go from  
21 the estate?

22 A Wherever the will said for it to go.

23 Q You don't know where that is?

24 A I think I do, but I am not going to speculate.

25 MR. FREUND: Finally.

1 BY MR. DWIGHT BRANNON:

2 Q Do you think it's going to the family trust?

3 A I am not going to speculate.

4 Q You don't believe it's going to the family  
5 trust?

6 A You said that.

7 Q You are not going to answer my question?

8 A No.

9 MR. FREUND: If you know, you can answer. If  
10 you don't know --

11 THE WITNESS: It's not going to the trust, no.

12 BY MR. DWIGHT BRANNON:

13 Q What are the alternative sources where it can  
14 go, the estate?

15 A I didn't understand your question, sorry. You  
16 have to back that up. I didn't understand.

17 Q The estate assets is where you anticipate they  
18 would be paid to?

19 A Wherever my attorney directs them.

20 Q The debtor claim against the estate of 117  
21 thousand dollars, that has been paid, has it not?

22 A Yes.

23 Q That was the mortgage on the house; is that  
24 correct?

25 A Uh-huh.

1 Q So obviously the house doesn't have an asset of  
2 158 thousand any longer? You just had the equity out of  
3 the house; is that correct?

4 A Right.

5 Q Do you remember how much that equity was?

6 A No.

7 Q Other than accounts, financial accounts at  
8 Lebanon Citizens National Bank, to your knowledge there  
9 currently exist no other accounts at any other bank  
10 dealing with a family trust, Wayne Perry estate, or  
11 anything related to it; correct?

12 A Yes.

13 Q Mrs. Bishop, thank you for your patience. I am  
14 through asking you questions.

15 MR. FREUND: Witness will read and sign.

16 (Deposition concluded 11:20 A.M.)

17 - - -

18  
19  
20 \_\_\_\_\_  
DARLENE BISHOP

21 CAM  
22  
23  
24  
25

1 STATE OF OHIO :  
2 COUNTY OF MONTGOMERY : ss C-E-R-T-I-F-I-C-A-T-E

3 I, Carol A. Metz, Registered Professional  
4 Reporter and Notary Public in and for the State of Ohio at  
5 Large, duly commissioned and qualified;

6 DO HEREBY CERTIFY that the above named DARLENE  
7 BISHOP, was by me first sworn to testify to the truth, the  
8 whole truth, and nothing but the truth; that her testimony  
9 was recorded by me in stenotype and thereafter reduced to  
10 typewriting; and was taken at the time and place  
11 hereinabove set forth, by agreement of counsel as stated.

12 I FURTHER CERTIFY that I am not a relative or  
13 attorney of either party, nor in any manner interested in  
14 the event of the action.

15 IN WITNESS WHEREOF I have hereunto set my hand  
16 and affixed my seal of office on the 2nd day of September,  
17 2006.

18  
19  
20  
21 CAROL A. METZ, RPR  
22 NOTARY PUBLIC, STATE OF OHIO  
23 My Commission Expires 10-31-2007  
24 - - -  
25