

<p style="text-align: center;">UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA</p> <p style="text-align: center;">WEST PALM BEACH DIVISION CASE NO.: 08-81565-CIV-HURLEY/HOPKINS</p> <p>SECURITIES AND EXCHANGE) COMMISSION,)) Plaintiff,)) vs.)) CREATIVE CAPITAL) CONSORTIUM, LLC, A) CREATIVE CAPITAL CONCEPTS,) LLC, and GEORGE L.) THEODULE,)) Defendants.)</p> <hr/> <p style="text-align: center;">Deposition of GEORGE THEODULE, taken on behalf of the Receiver, Jonathan E. Perlman, Esq., pursuant to the stipulations contained herein, in accordance with the Federal Rules of Civil Procedure, before Charna S. Perloe, Certified Court Reporter and Notary Public, at 75 Fourteenth Street, 25th Floor, Atlanta, Georgia, on the 9th day of April 2009, commencing at the hour of 11:23 a.m.</p> <p style="text-align: center;">* * * D'AMICO GERSHWIN, INC. Certified Court Reporters 11475 West Road Roswell, Georgia 30075 (770) 645-6111</p>	<p style="text-align: center;">3</p> <p>1 INDEX TO EXHIBITS (Continued)</p> <p>2</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Exhibit No.</th> <th style="text-align: left;">Description</th> <th style="text-align: right;">Marked/First Identified</th> </tr> </thead> <tbody> <tr> <td>3</td> <td>8 Retainer Agreement, 3/27/08 Alexis 000038-000043</td> <td style="text-align: right;">102</td> </tr> <tr> <td>4</td> <td>9 Ledger, Alexis 000001-000025</td> <td style="text-align: right;">111</td> </tr> <tr> <td>5</td> <td>10 Operating Agreement of Dolce Regency Suites, LLC</td> <td style="text-align: right;">129</td> </tr> <tr> <td>6</td> <td>11 Guaranty, 8/29/08, 000335-000340</td> <td style="text-align: right;">154</td> </tr> <tr> <td>7</td> <td>12 Guaranty of George Theodule, 8/29/08, 000292-000299</td> <td style="text-align: right;">158</td> </tr> <tr> <td>8</td> <td>13 Membership Interest Purchase and Sale Agreement, 000005-000100</td> <td style="text-align: right;">161</td> </tr> <tr> <td>9</td> <td>14 Handwritten note, signed by George Theodule, 7/8/08, Alexis 000028</td> <td style="text-align: right;">166</td> </tr> <tr> <td>10</td> <td>15 Defendant Theodule's Accounting and Identification of Accounts</td> <td style="text-align: right;">177</td> </tr> <tr> <td>11</td> <td>16 Defendant George Theodule's Response to Order Granting Plaintiff's Application for Order to Show Cause</td> <td style="text-align: right;">178</td> </tr> <tr> <td>12</td> <td>17 Wachovia bank records</td> <td style="text-align: right;">202</td> </tr> <tr> <td>13</td> <td>18 Letter from German Cardona Soler to Mr. Theodule, 3/25/09</td> <td style="text-align: right;">212</td> </tr> <tr> <td>14</td> <td>19 Letter from George Theodule to German Cardona, 3/30/09</td> <td style="text-align: right;">212</td> </tr> <tr> <td>15</td> <td></td> <td></td> </tr> <tr> <td>16</td> <td></td> <td></td> </tr> <tr> <td>17</td> <td></td> <td></td> </tr> <tr> <td>18</td> <td></td> <td></td> </tr> <tr> <td>19</td> <td></td> <td></td> </tr> <tr> <td>20</td> <td></td> <td></td> </tr> <tr> <td>21</td> <td></td> <td></td> </tr> <tr> <td>22</td> <td></td> <td></td> </tr> <tr> <td>23</td> <td></td> <td></td> </tr> <tr> <td>24</td> <td></td> <td></td> </tr> <tr> <td>25</td> <td></td> <td></td> </tr> </tbody> </table>	Exhibit No.	Description	Marked/First Identified	3	8 Retainer Agreement, 3/27/08 Alexis 000038-000043	102	4	9 Ledger, Alexis 000001-000025	111	5	10 Operating Agreement of Dolce Regency Suites, LLC	129	6	11 Guaranty, 8/29/08, 000335-000340	154	7	12 Guaranty of George Theodule, 8/29/08, 000292-000299	158	8	13 Membership Interest Purchase and Sale Agreement, 000005-000100	161	9	14 Handwritten note, signed by George Theodule, 7/8/08, Alexis 000028	166	10	15 Defendant Theodule's Accounting and Identification of Accounts	177	11	16 Defendant George Theodule's Response to Order Granting Plaintiff's Application for Order to Show Cause	178	12	17 Wachovia bank records	202	13	18 Letter from German Cardona Soler to Mr. Theodule, 3/25/09	212	14	19 Letter from George Theodule to German Cardona, 3/30/09	212	15			16			17			18			19			20			21			22			23			24			25		
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6	<p>1 GEORGE THEODULE, 2 being first duly sworn, was examined and testified as 3 follows: 4 EXAMINATION 5 BY MS. VAN VLIET: 11:23:18 6 Q Mr. Theodule, my name is Theresa Van Vliet. 7 I'm with the law firm of Genovese, Joblove & Battista 8 in south Florida. We represent the Receiver in an 9 action pending in West Palm Beach, Florida, as you 10 know. 11:23:34 11 A couple of things before we get started. You 12 obviously know at this point that there are other 13 lawyers on the phone, and I'm going to ask everybody to 14 announce their appearances in a moment, but based on 15 the discussions that those of us on the phone and I had 11:23:49 16 when you were conferring with counsel, apparently that 17 microphone is a little sensitive. So if you would 18 speak up to the best of your ability, that would 19 probably enhance their ability to hear. 20 Everybody on the other side of the line has 11:24:05 21 put their respective phones on mute. So we shouldn't 22 be hearing any feedback from that area. 23 I've announced my appearance, and I invite 24 other counsel in the room and then on the phone to 25 announce their appearance as well. 11:24:23</p>	8	<p>1 of any other more far-reaching and broader 2 depositions into the larger facts, for 3 example, surrounding the complaint or facts 4 surrounding the entire CCC asset issue. 5 Similarly -- or on the other hand, 11:25:58 6 Mr. Weigel believes exactly the converse, 7 and there's a ton of e-mail traffic last 8 night that sets that forth. 9 But recognizing that there's just no 10 way that we're going to get through seven 11:26:12 11 hours of questioning today, we all agree 12 that that seven hours, even if Mr. Weigel's 13 position is correct, doesn't have to take 14 place in one day, so that we agreed for the 15 purposes of today to disagree on that thing, 11:26:24 16 and if we can't work it out later, then 17 we'll go seek the appropriate Court guidance 18 on it and leave it that way, but at least 19 that way we can get going today on some of 20 the things. 11:26:40 21 So that's, I hope, a succinct and 22 somewhat accurate succinct summary of the 23 positions. 24 MR. WEIGEL: This is Russ Weigel. The 25 e-mail traffic, I guess, is self- 11:26:57</p>

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<p>9</p> <p>1 explanatory, and we may want to incorporate 2 it by reference, if we agree on that. 3 But Mr. Theodule's position is that he 4 was ordered by the U.S. District Court on 5 January 30th to give his deposition, and to 11:27:12 6 quote the Court: The deposition of 7 Defendant Theodule shall be rescheduled at 8 the earliest practical time after Defendant 9 Theodule retains new counsel. 10 It's Mr. Theodule's position that this 11:27:27 11 is that deposition in compliance with the 12 Court order, there having been no prior 13 deposition prior to today and that by his 14 appearance today, we are in compliance with 15 this Court order, and that's our singular 11:27:40 16 concern. 17 We agree to disagree as to the scope of 18 this, and I understand also that Ms. 19 Van Vliet -- did I say your name right? 20 MS. VAN VLIET: You did. 11:28:01 21 MR. WEIGEL: All right. Thank you. We 22 are limiting our -- or that the probable 23 scope of today's deposition is going to be 24 solely limited to the Dolce Regency matters? 25 MS. VAN VLIET: What we're going to 11:28:14</p>	<p>11</p> <p>1 MR. WEIGEL: Okay. 2 MR. PATRICK: This is Brad Patrick. I 3 wanted to interpose at this point on behalf 4 of Dolce its request, although I don't know 5 if I actually will have any questions, that 11:29:34 6 with respect to the cleanliness of the 7 record that at the point in time when it is 8 appropriate, Dolce would reserve the right 9 to ask questions regarding Dolce of 10 Mr. Theodule and, hopefully, that we would 11:29:50 11 get to that as part of the proceedings 12 today. 13 MR. WEIGEL: That's what I was leading 14 up to in my preface there, that, you know, 15 perhaps there will be a demarcation point, 11:29:59 16 that if there is one in your plan, Ms. Van 17 Vliet, that, you know, we allow Mr. Patrick 18 to cross-examine. 19 MS. VAN VLIET: Hopefully, we'll get 20 there. 11:30:16 21 MR. WEIGEL: Okay. 22 MS. VAN VLIET: The sooner we start, 23 the sooner we'll know. 24 MR. WEIGEL: All right. 25 MS. VAN VLIET: Does anybody else have 11:30:21</p>
<p>10</p> <p>1 focus on -- and, frankly, because I don't 2 think I'll even get done with this -- is the 3 matters relating to Mr. Theodule's 4 opposition to expand the receivership to 5 Dolce Regency. So it doesn't just deal with 11:28:30 6 that. It also deals with some of the other 7 matters that were raised in his affidavit 8 and things of that nature of the other 9 assets. 10 MR. WEIGEL: Okay. Well, we'll cross 11:28:45 11 that bridge when we get to it, I suppose. 12 Are we going to reach a demarcation point 13 where you will be finishing your questioning 14 on Dolce Regency specifically and then going 15 off into other broader areas? 11:29:00 16 MS. VAN VLIET: No. I'm going to -- 17 the only thing I'm going to do, Russ, are go 18 through the Dolce Regency things today and 19 the matters that he, Mr. Theodule, has 20 listed in his most recent March, I think it 11:29:16 21 was 9th, 2009 financial statement that you 22 submitted. 23 MR. WEIGEL: The supplemental 24 accounting? 25 MS. VAN VLIET: Yes. 11:29:24</p>	<p>12</p> <p>1 any comments? Rachel? 2 MS. PAULOSE: Yeah. Thanks. I was on 3 my way to the airport when I saw the 4 beginning of the e-mail traffic among the 5 parties. So I'm just going to put the SEC's 11:30:29 6 position on the record here. 7 I was surprised to see the concerns 8 raised less than one day before Mr. 9 Theodule's deposition, a deposition that had 10 been noticed for many weeks, if not months, 11:30:41 11 and that deposition, of course, was noticed 12 even before the Court's scheduling order was 13 issued and therefore does not relate to the 14 underlying complaint. 15 Obviously, the SEC did not notice this 11:30:54 16 deposition. We understand this deposition 17 is a limited-purpose deposition noticed by 18 the Receiver related to the issues 19 underlying the Receiver's pleadings that are 20 due to the Court on April 23rd. We had been 11:31:07 21 informed that this deposition is necessary 22 at this time to obtain information relevant 23 to the motion to expand the receivership. 24 The SEC, by contrast, will be taking 25 the defendant's deposition at a later date 11:31:23</p>

<p>13</p> <p>1 and after the defendant has produced 2 discovery, and we, of course, reserve our 3 right to ask Mr. Theodule questions at a 4 deposition we notice at a future date 5 regarding the complaint. 11:31:34 6 MS. VAN VLIET: Speaking of discovery 7 and production, I also just wanted to put on 8 the record that I had, because I can't 9 frankly remember whether I copied everybody 10 on this part of it -- but I don't want there 11:31:47 11 to be any question -- the subpoena today 12 called for the production of some records. 13 I agreed with Mr. Weigel or extended in an 14 e-mail with Mr. Weigel last night the due 15 date on that. 11:32:00 16 We have yet to sit down and talk about 17 when Mr. Theodule might need some additional 18 time within the next few days or week or so 19 to produce that, but I also want to make 20 sure that that was on the record and clear 11:32:14 21 that we had agreed to forbear in terms of 22 the production for today's purposes. 23 MR. WEIGEL: Right. We agree to that 24 and also that our position that a subpoena 25 is inappropriate for a party and that, you 11:32:29</p>	<p>15</p> <p>1 MS. VAN VLIET: All right. Well, so 2 now that everybody's got their respective 3 positions and we all agree to disagree, I'm 4 going to wait for a moment because 5 Mr. Theodule's jotting something down. Then 11:33:53 6 when he's done, I'll begin the examination. 7 So, Brad and Rachel, if you could go on 8 mute, if you're not already there, that 9 would be helpful. 10 BY MS. VAN VLIET: 11:34:36 11 Q Mr. Theodule, could you state your name and 12 spell your last name for the record, please? 13 A George Louis Theodule. That is 14 T-H-E-O-D-U-L-E. 15 Q Where were born? 11:34:48 16 A Saint-Marc, Haiti. 17 Q How long have you lived in the United States? 18 A About 40 years. 19 Q Where do you currently reside? 20 A That's 40, F-O-R-T-Y. I currently reside 11:35:01 21 right now at 2108 New London Place, Snellville, 22 Georgia, 30078. 23 Q Have you ever had your deposition taken 24 before? 25 A No. 11:35:15</p>
<p>14</p> <p>1 know, Mr. Theodule is entitled to reasonable 2 notice under the Federal Rules of a document 3 request, and, you know, we didn't view this 4 as a deposition duces tecum as it had been 5 recently noticed by the Receiver. 11:32:51 6 I've never seen that -- such a notice 7 in this case prior to March 30th and had 8 understood that this deposition, although it 9 might have been one requested by the 10 Receiver in January, was in the nature of an 11:33:03 11 asset deposition, and that this particular 12 deposition was the follow-through of that, 13 and it is something that had predated the 14 Receiver's second motion to expand 15 receivership. So that's our position on 11:33:18 16 this. 17 And we've already clarified in the 18 e-mail traffic that, you know, we fully 19 expect the SEC to take the position it just 20 did, that this is not their one shot at 11:33:28 21 Mr. Theodule. So that is what it is. We 22 will probably be addressing this to the 23 Court one day, but we're going forward 24 today. We're here, and we believe we're in 25 compliance with the Court's order. 11:33:45</p>	<p>16</p> <p>1 Q I'm going to be asking you a series of 2 questions. If at any point in time you don't 3 understand my question, please let me know, and I'll 4 attempt to rephrase it. If at any point in time you 5 need to confer with your counsel, please let me know, 11:35:27 6 and as long as there's no question pending, I'm happy 7 to take a break so you can do so. 8 As I ask questions, your lawyer -- I'm sure 9 he's probably gone over this with you, but I want to 10 make sure you understand. Your lawyer may interpose 11:35:42 11 objections. Give him an opportunity, if you will, to 12 do that, and don't speak over me, and I will similarly 13 try not to speak over you, not only so that your 14 counsel can have a chance to interpose objections or 15 instruct you, for example, not to answer if there's 11:35:59 16 some applicable privilege but also so the court 17 reporter, who is taking down these proceedings, won't 18 have to try to figure out what both of us are saying if 19 we're both talking at the same time. 20 If at any point in time, for example, you need 11:36:14 21 a break to use the facilities or to get a glass of 22 water, whatever, let me know. Again, if no question is 23 pending, I'll be happy to accommodate your request. I 24 anticipate going until approximately 5:00 today. I 25 anticipate taking some very short breaks in the interim 11:36:31</p>

<p>17</p> <p>1 for nourishment if anybody needs it and things of that 2 nature. 3 A I will need it. 4 Q Okay. 5 A I am diabetic, so -- 11:36:42 6 Q I understood that. That's why I said it. 7 A Yes. 8 Q So you let me know when, you know, you need to 9 eat, and we'll deal with that then. 10 When did you move to Georgia? 11:36:54 11 A Right after our wedding, which was on 12 September 21st, 2008. 13 Q Okay. And prior to October of 2007, what did 14 you do for a living? 15 MR. WEIGEL: Objection. 11:37:19 16 A (By the Witness) No. I just said -- I'm 17 sorry. Go ahead. 18 Q Mr. Theodule, unless your counsel instructs 19 you not to answer the question based on some privilege, 20 he's going to object, but you have to answer the 11:37:31 21 question. 22 MR. WEIGEL: Well, not necessarily. 23 A (By the Witness) I'm going to follow his 24 instruction. 25 MR. WEIGEL: He's going to pause after 11:37:37</p>	<p>19</p> <p>1 for the question as having anything to do 2 with Dolce Regency. 3 MS. VAN VLIET: Relevancy is not an 4 objection and not something upon which you 5 can instruct the witness not to answer in a 11:38:56 6 deposition. You know that. I know that. 7 If you have a constitutional privilege that 8 you want to instruct your client not to 9 answer on, then do so and state what the 10 privilege is. If you don't, then I suggest 11:39:07 11 you let him answer general biographical 12 information. 13 MR. WEIGEL: Say Fifth. 14 A (By the Witness) Fifth. 15 Q By saying the "Fifth," are you invoking your 11:39:23 16 constitutional right under the Fifth Amendment to the 17 United States Constitution not to answer the question 18 of what your prior professional experience was prior to 19 October 2007? 20 A Yes. 11:39:35 21 Q What was your experience in real estate 22 investments prior to October 2007? 23 A Fifth. 24 Q By saying "Fifth," are you invoking your 25 constitutional right under the Fifth Amendment to the 11:39:51</p>
<p>18</p> <p>1 every question, as you suggested. However, 2 Counsel has a right to advise him at any 3 point, even while a question is pending, of 4 a constitutional implication of a question, 5 and Mr. Theodule will be responding to 11:37:50 6 matters that are in the affidavits today, 7 but he will not be testifying as to any 8 other substantive matters. 9 MS. VAN VLIET: What do you mean he's 10 going to be testifying what's in the 11:38:09 11 affidavit but no other substantive matters? 12 MR. WEIGEL: I'm sorry, the 13 declarations. He gave a declaration in the 14 Dolce Regency issue. Yes? 15 MS. VAN VLIET: Mr. Weigel, are you 11:38:26 16 suggesting that I can't make full inquiry 17 regarding Dolce Regency and that it's solely 18 limited to what your client wrote down? 19 MR. WEIGEL: You're asking him things 20 that, I mean, from the nature of the 11:38:38 21 question appear to be broader than or beyond 22 or even irrelevant to the Dolce Regency 23 matter. 24 MS. VAN VLIET: Well -- 25 MR. WEIGEL: I don't see a foundation 11:38:48</p>	<p>20</p> <p>1 United States Constitution against self-incrimination 2 to the question of what your experience was in real 3 estate investments prior to October 2007? 4 A Yes. 5 MR. WEIGEL: Yes. We'll stipulate that 11:40:03 6 whenever he says "Fifth," you need not say 7 the entire litany that "Fifth" means 8 asserting his Fifth Amendment right against 9 self-incrimination pursuant to the Fifth 10 Amendment of the United States Constitution. 11:40:15 11 BY MS. VAN VLIET: 12 Q What is your experience in real estate 13 ventures prior to October 2007? 14 A Fifth. 15 Q What is your understanding and experience in 11:40:28 16 the development of real estate ventures prior to 17 October of 2007? 18 A Fifth. 19 Q What is your experience in the purchase and 20 investment in stabilized assets prior to October 2007? 11:40:48 21 A Fifth. 22 Q Mr. Theodule, are you going to insert the 23 Fifth Amendment to any question that I ask you relative 24 to the time period prior to October 2007? 25 MR. WEIGEL: So long as it does not 11:41:06</p>

<p>21</p> <p>1 specifically relate to Dolce Regency, his 2 answer will be yes. 3 MS. VAN VLIET: Well, given the fact 4 that his experience in the development of 5 real estate projects clearly does relate to 11:41:16 6 Dolce Regency, since it was an undeveloped 7 real estate project, I fail to see, Counsel, 8 how you can conceivably think that it 9 doesn't relate. So that's why I have to ask 10 the question. 11:41:29 11 BY MS. VAN VLIET: 12 Q Mr. Theodule, do you intend to assert the 13 Fifth Amendment to everything that has taken place, any 14 question that I ask you relating to the time period of 15 prior to October 2007? 11:41:41 16 MR. WEIGEL: As your counsel stated. 17 A (By the Witness) As my counsel stated. 18 Q Well, since your counsel stated something 19 inconsistent, we'll have to go through every question 20 then. 11:41:52 21 What is your experience in commercial property 22 development prior to October 2007? 23 A Fifth. 24 Q Please describe the organizational structure 25 for CCC and its investment clubs. 11:42:01</p>	<p>23</p> <p>1 A A date, you mean? 2 Q Yes, sir. 3 A Is between the 7th and the 9th? 4 Q No. Would you concede for me that the date, 5 the month, May 2008, is between, falls between October 11:44:04 6 2007 and January 2009? 7 A Should. 8 Q Do you recall at your birthday party in May 9 2008 in Orlando telling Rock Sanozier -- I'm not sure 10 I'm pronouncing that correctly -- and other investors 11:44:30 11 about your plans to buy a hotel in Orlando as part of 12 your investment strategy for Creative Capital Concepts? 13 A Fifth. 14 Q What hotels or developments, other than Dolce 15 Regency, have you purchased or had you had involvement 11:44:52 16 in purchasing in Orlando, Florida? 17 MS. VAN VLIET: May the record reflect 18 that the witness is conferring with Counsel. 19 A (By the Witness) Fifth. 20 Q I'm sorry? 11:45:21 21 A Fifth. 22 MS. VAN VLIET: Let's take a break. 23 MR. WEIGEL: We're off the record? 24 MS. VAN VLIET: You might have told me 25 and saved me the time of coming up here, Mr.</p>
<p>22</p> <p>1 A Fifth. 2 Q From the period of October 2007 through 3 January 2009, please state all of your sources of 4 income. 5 A Fifth. 11:42:14 6 Q Please state the amount of your net worth 7 prior to September 2007. 8 A Fifth. 9 Q During the time period from October 2007 10 through and including January 2009, describe all of 11:42:28 11 your solicitations for real estate investments. 12 A Fifth. 13 Q Do you know an individual by the name of Rock 14 Sanozier? That's, for the court reporter, R-O-C-K, 15 last name, S-A-N-O-Z-I-E-R. 11:43:20 16 A Fifth. 17 Q Do you recall his attending your birthday 18 party in or about May 2008 in Orlando, Florida? 19 A Fifth. 20 Q Would you concede for me that May 2008 is 11:43:39 21 between the time period of October 2007 and January 22 2009? 23 A I guess it is. I mean, I don't know what to 24 say. 25 Q Answer the question. 11:43:55</p>	<p>24</p> <p>1 Weigel. 2 (A recess was taken from 11:45 to 11:50 a.m.) 3 BY MS. VAN VLIET: 4 Q Mr. Theodule, when did you begin negotiations 5 for the purchase of the Regency I and II properties in 11:50:28 6 Orlando? 7 MR. WEIGEL: Okay. 8 A (By the Witness) I don't remember the exact 9 date, and -- midyear 2008. 10 Q How did you first become aware of that 11:50:56 11 opportunity? 12 MS. VAN VLIET: Let the record reflect 13 the witness is waiting for his counsel to 14 give him instruction. 15 MR. WEIGEL: Counsel is thinking. 11:51:14 16 Excuse me, trying to. 17 MS. VAN VLIET: While Counsel is 18 thinking, let the record reflect that Ms. 19 Nancy Bergold and Ms. Carmen 20 Contreras-Martinez from the law firm of 11:51:34 21 Genovese, Joblove & Battista, also counsel 22 for the Receiver, have joined the call on -- 23 excuse me, joined the deposition on phone 24 and will also be putting their phone on 25 their end on mute. 11:51:46</p>

<p>25</p> <p>1 MR. WEIGEL: Can you repeat the 2 question? 3 MS. VAN VLIET: Read it back, please. 4 (The record was read by the court reporter.) 5 A (By the Witness) Fifth. 11:52:49 6 Q You understand that when I use the word "that 7 opportunity," I'm referring to Regency I and Regency 8 II; do you understand that? 9 MR. WEIGEL: Do you mean that for all 10 purposes following or just for this 11:53:00 11 question? 12 MS. VAN VLIET: I mean for this 13 question. 14 BY MS. VAN VLIET: 15 Q Do you understand that? 11:53:07 16 A I'm waiting for his instruction, ma'am. 17 MR. WEIGEL: Just answer that one. 18 A (By the Witness) Sure. 19 (Exhibit No. 1 was marked.) 20 BY MS. VAN VLIET: 11:53:15 21 Q Mr. Theodule, I'm handing you what I've marked 22 as Exhibit 1 -- 23 MS. VAN VLIET: Counsel, there's a copy 24 for you. 25 MR. WEIGEL: Thank you. 11:53:51</p>	<p>27</p> <p>1 understand the question? 2 A This is my declaration. 3 Q Again, my question, Mr. Theodule, was did you 4 prepare the declaration? 5 A Excuse me. 11:55:37 6 (Witness conferring with counsel.) 7 A (By the Witness) With the assistance of my 8 counsel, yes, I did prepare this. 9 Q Paragraph 1 says that you're over the age of 10 18 years old and competent to testify under oath as to 11:56:28 11 your participation in Dolce Regency Suites, LLC. Do 12 you see that? 13 A Yes. 14 Q When did your participation in Dolce Regency 15 Suites, LLC, begin? 11:56:43 16 MR. WEIGEL: Asked and answered. 17 BY MS. VAN VLIET: 18 Q Answer it again. 19 MR. WEIGEL: Once is enough. 20 BY MS. VAN VLIET: 11:56:59 21 Q When did your participation in Dolce Regency 22 Suites, LLC, begin? 23 MR. WEIGEL: Objection, asked and 24 answered. 25 MS. VAN VLIET: Are you instructing the 11:57:13</p>
<p>26</p> <p>1 MS. VAN VLIET: You're welcome. 2 BY MS. VAN VLIET: 3 Q -- which I would ask you to take a look at and 4 tell me whether or not you recognize it. 5 A I do. 11:54:02 6 Q Well, why don't you look at the entire 7 document since it's two pages and you haven't flipped 8 to the second page yet. 9 On the second page of that document, does it 10 bear your signature? 11:54:24 11 A Yes. 12 Q Okay. What's the date that you signed that 13 document? 14 A 3-16-09. 15 Q And this is a two-page document which purports 11:54:36 16 to be your declaration; is that correct? 17 MR. WEIGEL: Objection to the form of 18 the question. 19 BY MS. VAN VLIET: 20 Q You haven't been instructed not to answer, 11:54:57 21 Mr. Theodule. Please answer the question. 22 A I'm waiting for his objection. 23 MR. WEIGEL: You can answer. 24 A (By the Witness) Yes. 25 Q Did you prepare this declaration? Do you not 11:55:04</p>	<p>28</p> <p>1 witness not to answer, and if so, what's the 2 basis? 3 MR. WEIGEL: I've stated my basis. 4 MS. VAN VLIET: You haven't instructed 5 him not to answer, Counsel. If you're going 11:57:22 6 to instruct him not to answer this question, 7 then do so. An objection is not an 8 instruction not to answer. You know that as 9 well as I do. 10 MR. WEIGEL: I'm not instructing him 11:57:33 11 not to answer. I am going to object if 12 this -- if you repeatedly ask him the same 13 question, I'm going to object on the grounds 14 of badgering. 15 MS. VAN VLIET: I haven't repeatedly 11:57:43 16 asked him the same question. He hasn't 17 answered this question. 18 MR. WEIGEL: I believe he has, but I 19 will let him answer again. 20 BY MS. VAN VLIET: 11:57:52 21 Q The question, Mr. Theodule. 22 A Would you repeat the question, please? 23 Q Sure. Referring to paragraph 1 of your 24 declaration, when did you begin your participation in 25 Dolce Regency Suites, LLC? 11:58:07</p>

<p>29</p> <p>1 A Could you please describe what you mean by 2 "participation"?</p> <p>3 Q Mr. Theodule, I'm referring to your 4 declaration. Do you see paragraph 1?</p> <p>5 A Uh-huh (affirmative). 11:58:24</p> <p>6 Q Have you not just testified that you prepared 7 your declaration with the assistance of your counsel?</p> <p>8 A Yes.</p> <p>9 Q Do you know what you meant with the assistance 10 of your counsel when you used the word "participation"? 11:58:33</p> <p>11 A Yes.</p> <p>12 Q Tell me what you meant when you prepared your 13 declaration with the assistance of your counsel by the 14 word "participation."</p> <p>15 A Seeking financing. 11:58:44</p> <p>16 Q With that understanding in mind of what you 17 meant by the term "participation," when is it that you 18 began your participation in Dolce Regency Suites, LLC?</p> <p>19 A As soon as I reached an agreement from the 20 purchaser of the hotel. 11:59:10</p> <p>21 Q Okay. When was that?</p> <p>22 A I don't have the exact date. I believe that's 23 midyear.</p> <p>24 Q Midyear of what year?</p> <p>25 A 2008. 11:59:20</p>	<p>31</p> <p>1 Q Do you recall that person's name?</p> <p>2 A Yes.</p> <p>3 Q Could you please state it for the record?</p> <p>4 A Sure, Reina Leon.</p> <p>5 Q Okay. How about Gerson Corominas; was he 12:01:13 6 present?</p> <p>7 A I don't -- I'm not quite sure if he was there 8 the first time that we met.</p> <p>9 Q All right. Who else was there the first time 10 that you met Mr. Cardona besides he -- Mr. Cardona's 12:01:26 11 lawyer and the others that you've just described, Ms. 12 Leon?</p> <p>13 A I don't remember.</p> <p>14 Q Was your wife present?</p> <p>15 A I'm sorry? 12:01:43</p> <p>16 Q Was your wife present?</p> <p>17 A I wasn't married at the time. I wasn't even 18 seeing Dorothy at the time.</p> <p>19 Q Okay. I'm sorry. For the record, your 20 current wife's name is Dorothy Delisfort; is that 12:01:52 21 right?</p> <p>22 A That is correct.</p> <p>23 Q Okay. Tell me about the conversation among 24 the four of you, I gather, at that first meeting in 25 either West Palm Beach or Orlando. 12:02:09</p>
<p>30</p> <p>1 Q And who was the purchaser of the hotel that 2 you're referring to?</p> <p>3 A Mr. German Cardona.</p> <p>4 Q And when did you meet Mr. Cardona?</p> <p>5 MR. WEIGEL: Objection as to form. 11:59:41</p> <p>6 BY MS. VAN VLIET:</p> <p>7 Q Did you ever meet Mr. Cardona?</p> <p>8 MR. WEIGEL: Go ahead.</p> <p>9 A (By the Witness) Yes.</p> <p>10 Q When did you meet Mr. Cardona? 11:59:53</p> <p>11 A Around the same time, probably about a month 12 prior to this venture.</p> <p>13 Q Where did you meet Mr. Cardona?</p> <p>14 A In Florida.</p> <p>15 Q Where in Florida did you meet Mr. Cardona? 12:00:12</p> <p>16 A It's either West Palm Beach or Orlando.</p> <p>17 Q Was anyone else present when you met 18 Mr. Cardona in either West Palm Beach or Orlando?</p> <p>19 A Yes.</p> <p>20 Q Who else was present when you met Mr. Cardona 12:00:38 21 in West Palm Beach or Orlando?</p> <p>22 A His lawyer.</p> <p>23 Q Anyone else?</p> <p>24 A The person that introduced me to Mr. Cardona 25 was there. 12:00:58</p>	<p>32</p> <p>1 A It wasn't about Dolce.</p> <p>2 Q What was it about?</p> <p>3 (A discussion ensued off the record.)</p> <p>4 A (By the Witness) Fifth.</p> <p>5 Q Mr. Theodule, you mentioned a name Reina Leon 12:03:23 6 a moment ago. Could you spell that for the court 7 reporter?</p> <p>8 A To the best of my ability, I believe it is 9 R-E-I-N-A. Last name would be L-E-O-N.</p> <p>10 Q And where does Ms. Leon -- is that right? 12:03:47</p> <p>11 A (Nods head affirmatively.)</p> <p>12 Q I'm sorry, Mr. Theodule. Whatever your --</p> <p>13 A Ms. --</p> <p>14 MR. WEIGEL: Don't talk. Just let her 15 ask her question. 12:04:00</p> <p>16 BY MS. VAN VLIET:</p> <p>17 Q Whatever your responses are have to be verbal. 18 You can't just nod your head yes or no.</p> <p>19 So Ms. Leon is a female; is that correct?</p> <p>20 A That is correct, yes. I will check with him 12:04:14 21 on every question. Yes, I will.</p> <p>22 Q We're definitely not going to finish today. 23 When was the last time you spoke to Ms. Leon?</p> <p>24 MR. WEIGEL: Could you clarify your 25 question? Do you mean just when was the 12:04:47</p>

33

1 last time --

2 MS. VAN VLIET: When was the last time

3 he spoke to her.

4 A (By the Witness) Fifth.

5 Q When was the last time you saw Ms. Leon? 12:05:07

6 A Fifth.

7 Q Where does Ms. Leon live?

8 (Witness conferring with counsel.)

9 BY MS. VAN VLIET:

10 Q Let me just -- Mr. Theodule, let me -- 12:05:34

11 MR. WEIGEL: You can answer it.

12 BY MS. VAN VLIET:

13 Q Let me just state for the record that I at

14 least can hear you when you're whispering with your

15 counsel. 12:05:47

16 A Okay.

17 Q So I tell you that as a courtesy. Go ahead.

18 MR. WEIGEL: Did you pick up his

19 answer?

20 A (By the Witness) Ms. Leon lives somewhere in 12:06:05

21 Florida. I do not have her address.

22 Q Do you know what city she lives in?

23 A I don't know the city.

24 Q Do you know whether she lives in south Florida

25 or northern Florida? 12:06:17

34

1 A I don't even know where south Florida is or

2 northern Florida.

3 Q Okay. Does she live south of Orlando?

4 A What direction is south of Orlando?

5 Q I beg your pardon? 12:06:31

6 A What direction is south of Orlando? What

7 direction is that? I mean, what city is in that

8 direction? I don't know.

9 Q You don't know north, south, east and west?

10 Is that what you're telling me? 12:06:45

11 A I know north, south, east and west, but you

12 said of Orlando.

13 Q Okay. If Orlando is at a particular place and

14 a location -- take your pick --

15 A Yes. 12:06:58

16 Q -- do you know what direction is south of

17 Orlando?

18 A If I'm standing in Orlando right now and you

19 ask me which way is south, I would be able to point to

20 you the direction of south. Yes. I would know the 12:07:10

21 direction of south if I was standing in Orlando, yes.

22 Q Okay. Does Ms. Leon live in that direction

23 that you would be pointing to when you were pointing

24 south?

25 A How would I know? I told you I don't know 12:07:21

35

1 where she lives. How would I know the direction?

2 Q Do you know her phone number?

3 MR. WEIGEL: Just answer the question.

4 A (By the Witness) I could get it. I don't

5 know it right now on me. 12:07:48

6 Q Okay. Could you get it at our first break?

7 A No. That would not be possible.

8 Q When can you get it?

9 A Tonight, when I get home.

10 Q Okay. Could you give it to your wife and have 12:08:01

11 her bring it tomorrow?

12 A I'll do the best of my ability. I'll take a

13 note of it and do the best of my ability to comply with

14 your request.

15 Q You've testified that you can get the 12:08:14

16 telephone number tonight. If you can't give it to your

17 wife, can you call your counsel with it so he can call

18 me tomorrow with it?

19 MR. WEIGEL: If we can get it, we'll

20 provide it. 12:08:24

21 MS. VAN VLIET: Now, may the record

22 reflect the witness is writing a note. So

23 I'm waiting until he's finished.

24 THE WITNESS: It's to remind myself to

25 get the phone number for you. 12:08:43

36

1 MS. VAN VLIET: There's no question

2 pending, sir.

3 BY MS. VAN VLIET:

4 Q Paragraph 1 of your declaration, return to

5 that, what is Dolce Regency Suites, LLC? 12:08:49

6 A A corporation.

7 Q Okay. And what is your relation to that

8 corporation?

9 (Witness conferring with counsel.)

10 MR. WEIGEL: Answer it. 12:09:04

11 A (By the Witness) I'm a member.

12 Q You're a member of it?

13 A Yes.

14 Q Who incorporated it?

15 MR. WEIGEL: If you know. 12:09:24

16 A (By the Witness) My lawyer at the time is

17 Gabrielle Alexis.

18 Q Did Ms. Alexis incorporate Dolce Regency

19 Suites, LLC, at your direction?

20 A I don't really think that it was at my 12:09:42

21 direction. It was more of her idea to protect us both,

22 you know, to make sure that the agreements that we had

23 was done appropriately.

24 Q Okay. You said it was her idea, Ms. Alexis's,

25 correct? Is that who you mean when you're saying 12:10:35

<p>37</p> <p>1 "her"?</p> <p>2 A Yeah.</p> <p>3 Q Okay.</p> <p>4 A To the best of my ability, to the best of my</p> <p>5 recollection, it was, you know -- I didn't specifically 12:10:42</p> <p>6 say, hey, you go do this, because I don't know how to</p> <p>7 set up corporations.</p> <p>8 Q Okay. And you said it was her idea to protect</p> <p>9 you both. Do you recall that answer a few moments ago?</p> <p>10 A To protect our agreement, I said. 12:10:59</p> <p>11 MS. VAN VLIET: Madame Court Reporter,</p> <p>12 please go back and read his answer.</p> <p>13 (The record was read by the court reporter.)</p> <p>14 BY MS. VAN VLIET:</p> <p>15 Q Having just heard the court reporter read back 12:11:25</p> <p>16 your answer, when you say protect you both, what did</p> <p>17 you need protection from?</p> <p>18 A Our agreement as stated.</p> <p>19 Q You needed to be protected from your own</p> <p>20 agreement? 12:11:42</p> <p>21 A Yes.</p> <p>22 MR. WEIGEL: The question calls for a</p> <p>23 legal conclusion. I object to it.</p> <p>24 BY MS. VAN VLIET:</p> <p>25 Q What were your concerns with regard to your 12:11:56</p>	<p>39</p> <p>1 BY MS. VAN VLIET:</p> <p>2 Q I've handed you what I've marked as Exhibit</p> <p>3 No. 2 for this deposition, which consists of -- it's a</p> <p>4 composite exhibit consisting of three documents. Do</p> <p>5 you have that? 12:14:38</p> <p>6 A Yes.</p> <p>7 Q Could you please take a moment and review it</p> <p>8 or review them, I should say?</p> <p>9 MR. WEIGEL: Does Mr. Patrick have</p> <p>10 these exhibits, too, or not? 12:14:54</p> <p>11 MR. PATRICK: I do not have any</p> <p>12 exhibits in front of me. But we discussed</p> <p>13 it a little before we got started. If you</p> <p>14 could identify it directly, I would</p> <p>15 appreciate it. Thank you. 12:15:03</p> <p>16 MS. VAN VLIET: I will, as soon as he's</p> <p>17 finished reviewing.</p> <p>18 A (By the Witness) I looked at them.</p> <p>19 Q Okay. The first of the three documents</p> <p>20 contained in Exhibit No. 2 is a Florida Department of 12:15:30</p> <p>21 State, Division of Corporations printout on Florida</p> <p>22 limited liability company Dolce Regency Suites, LLC; is</p> <p>23 that correct?</p> <p>24 A That is correct.</p> <p>25 Q And it was filed on May 29th, 2008; is that 12:15:47</p>
<p>38</p> <p>1 agreement that you needed protection from?</p> <p>2 A Can you please repeat the question again?</p> <p>3 MS. VAN VLIET: Madame Court Reporter,</p> <p>4 please read it back.</p> <p>5 (The record was read by the court reporter.) 12:13:12</p> <p>6 A (By the Witness) It is simply a protection to</p> <p>7 make sure that I was protecting for any work that I</p> <p>8 would do concerning securing financing for the hotel,</p> <p>9 wanted to make sure that, you know, if I did secure</p> <p>10 financing that we had something to protect me in order 12:13:25</p> <p>11 for me to receive any part of the agreement that we had</p> <p>12 set forth.</p> <p>13 Q Okay. And did Ms. Alexis draw up some</p> <p>14 agreement for you to protect yourself, as you just</p> <p>15 described? 12:13:58</p> <p>16 (Witness conferring with counsel.)</p> <p>17 A (By the Witness) I think so, but I'm not</p> <p>18 sure.</p> <p>19 Q Okay.</p> <p>20 (Exhibit No. 2 was marked.) 12:14:26</p> <p>21 BY MS. VAN VLIET:</p> <p>22 Q Now, I've handed you --</p> <p>23 MS. VAN VLIET: Actually, there's a</p> <p>24 copy for you.</p> <p>25 MR. WEIGEL: Thank you.</p>	<p>40</p> <p>1 correct?</p> <p>2 MR. WEIGEL: Objection to the form.</p> <p>3 BY MS. VAN VLIET:</p> <p>4 Q Do you see that under "Filing Information,"</p> <p>5 Mr. Theodule? 12:16:02</p> <p>6 MR. WEIGEL: Excuse me. Are you asking</p> <p>7 him about the summary information on the</p> <p>8 first page of the exhibit, or are you asking</p> <p>9 him about when the --</p> <p>10 MS. VAN VLIET: I'm asking on the 12:16:10</p> <p>11 summary information on the document that we</p> <p>12 just identified, what's the date it</p> <p>13 indicates that it was filed.</p> <p>14 MR. WEIGEL: That what was filed? I'm</p> <p>15 sorry. 12:16:20</p> <p>16 BY MS. VAN VLIET:</p> <p>17 Q Here. Let me refer you to it. Do you see</p> <p>18 where it says "Date Filed"? Is that the date on it, so</p> <p>19 that Mr. Reynolds can identify the document for</p> <p>20 himself? 12:16:32</p> <p>21 MR. WEIGEL: I object as to form. The</p> <p>22 document speaks for itself.</p> <p>23 BY MS. VAN VLIET:</p> <p>24 Q Answer the question.</p> <p>25 A The document speaks for itself. 12:16:42</p>

<p>41</p> <p>1 Q Do you see where it says "Date Filed"?</p> <p>2 A On which of the three forms?</p> <p>3 Q The only form we've identified yet.</p> <p>4 A Let the court state for the record that she's</p> <p>5 talking about Florida Department of State of Divisions 12:17:05</p> <p>6 of Corporations and --</p> <p>7 MS. VAN VLIET: Move to strike.</p> <p>8 BY MS. VAN VLIET:</p> <p>9 Q Mr. Theodule --</p> <p>10 A Yeah. I see it. 12:17:14</p> <p>11 Q You are the registered agent for that</p> <p>12 corporation, Dolce Regency Suites, LLC; are you not?</p> <p>13 A Yes.</p> <p>14 Q And the address that is provided for you as</p> <p>15 registered agent is an address in Lake Worth; is that 12:17:31</p> <p>16 correct?</p> <p>17 A Yes.</p> <p>18 Q That's not your residence address, is it?</p> <p>19 Strike that question.</p> <p>20 That was not your residence address at the 12:17:44</p> <p>21 time, was it?</p> <p>22 A No.</p> <p>23 Q What else was located at that address, 8461</p> <p>24 Lake Worth Road, Suite 127, Lake Worth, Florida, 33467?</p> <p>25 A Fifth. 12:18:03</p>	<p>43</p> <p>1 LLC?</p> <p>2 A I believe that's Mr. Cardona's or his</p> <p>3 lawyer's.</p> <p>4 Q What's his lawyer's name, by the way? You</p> <p>5 didn't -- I neglected to ask you what his name was 12:20:05</p> <p>6 before.</p> <p>7 A I don't have his name, to my knowledge.</p> <p>8 Q Okay. Let me see if I can refresh your</p> <p>9 recollection.</p> <p>10 A Thank you. 12:20:23</p> <p>11 (Exhibit No. 3 was marked.)</p> <p>12 BY MS. VAN VLIET:</p> <p>13 Q I'm also handing you a three-page -- I beg</p> <p>14 your pardon, three documents which I've marked as No.</p> <p>15 3. For the record, it's the Sunbiz printout on Pacific 12:20:41</p> <p>16 Atlantic Investments.</p> <p>17 Turning your attention to that section of the</p> <p>18 first page of the composite exhibit where it says</p> <p>19 "Manager/Member Detail," do you see that?</p> <p>20 A Yes. 12:20:58</p> <p>21 Q The second name that's listed in that section</p> <p>22 is Juan Antonio Falcon Blasco. Do you see that?</p> <p>23 A Yes.</p> <p>24 Q Are you familiar with that name?</p> <p>25 A Yes. 12:21:12</p>
<p>42</p> <p>1 Q Was Creative Capital Concepts and/or any of</p> <p>2 its investment clubs located at that location?</p> <p>3 A Fifth.</p> <p>4 Q You are listed as a -- strike that. Do you</p> <p>5 see underneath there where it says "Manager/Member 12:18:42</p> <p>6 Detail" on the document? Do you see that?</p> <p>7 A Yes.</p> <p>8 Q All right. You're listed as -- it says</p> <p>9 "MGRM." Do you know what that signifies?</p> <p>10 A No. 12:18:57</p> <p>11 Q Nonetheless, your name is under it; is that</p> <p>12 correct?</p> <p>13 A That is correct.</p> <p>14 Q And that same address of 8461 Lake Worth Road,</p> <p>15 No. 127, Lake Worth, Florida, 33467, do you see that? 12:19:08</p> <p>16 A Yes.</p> <p>17 Q Would you similarly take the Fifth to</p> <p>18 identifying what other businesses were located at that</p> <p>19 address?</p> <p>20 A Yes. 12:19:20</p> <p>21 Q Underneath that, there is a listing for a</p> <p>22 manager, Pacific Atlantic Investments, LLC. Do you see</p> <p>23 that?</p> <p>24 A Yes.</p> <p>25 Q Whose company is Pacific Atlantic Investments, 12:19:34</p>	<p>44</p> <p>1 Q Who is Juan Antonio Falcon Blasco?</p> <p>2 A His lawyer, Mr. Cardona's lawyer.</p> <p>3 Q Okay. Is that the same lawyer that was</p> <p>4 present at this meeting that you've previously</p> <p>5 described took place either in Orlando or West Palm 12:21:22</p> <p>6 Beach with Mr. Cardona, Ms. Leon --</p> <p>7 A Yes.</p> <p>8 Q -- and yourself?</p> <p>9 A Thank you for the reminder.</p> <p>10 Q What was the purpose of the formation of Dolce 12:21:39</p> <p>11 Regency, LLC?</p> <p>12 A As stated before, it's to make sure that we</p> <p>13 were protected as per our agreement.</p> <p>14 Q When you say "we were protected," who do you</p> <p>15 mean by we? 12:22:12</p> <p>16 A The owner and I.</p> <p>17 Q Who is the owner?</p> <p>18 A German Cardona.</p> <p>19 Q When you say "the owner," the owner of what?</p> <p>20 A The hotel that we're talking about. 12:22:22</p> <p>21 Q What hotel?</p> <p>22 A Dolce Regency Suites.</p> <p>23 Q Are you referring to Regency I and Regency II?</p> <p>24 A There's only one that I know of.</p> <p>25 Q Really? You're not familiar with a building 12:22:43</p>

<p>45</p> <p>1 Regency II?</p> <p>2 MR. WEIGEL: Answer.</p> <p>3 A (By the Witness) Yes.</p> <p>4 Q Okay. Now, is it your testimony that at no</p> <p>5 time in connection with the purchase or agreements to 12:23:33</p> <p>6 purchase Regency I and Regency II, at no point in time</p> <p>7 did you put any money, capital, at risk to support the</p> <p>8 project?</p> <p>9 A Absolutely 100 percent no doubt about it.</p> <p>10 Q No doubt about it that you did not put any 12:23:53</p> <p>11 money or capital at risk?</p> <p>12 A Absolutely 100 percent I did not put a penny</p> <p>13 in that venture.</p> <p>14 Q Do you understand the term "at risk"?</p> <p>15 A No. What do you mean? 12:24:12</p> <p>16 Q Do you understand that if you pledge money or</p> <p>17 if you obtain financing, your personal assets are at</p> <p>18 risk?</p> <p>19 A I did not pledge any money. I tried to obtain</p> <p>20 financing. 12:24:33</p> <p>21 Q You did not pledge any money; is that correct?</p> <p>22 A No money, not a penny.</p> <p>23 Q You did not guaranty any payments?</p> <p>24 A What do you mean by "guaranty payments"?</p> <p>25 Q Do you understand what the word "guaranty" 12:24:44</p>	<p>47</p> <p>1 understand?</p> <p>2 A I understand "any."</p> <p>3 Q What is it about the word "of" that you don't</p> <p>4 understand?</p> <p>5 A I understand "of." 12:25:53</p> <p>6 Q What is it about the words "Dolce Regency"</p> <p>7 that you don't understand?</p> <p>8 A I understand what that is.</p> <p>9 Q Okay. The question then is did you guaranty</p> <p>10 any payments in connection with Dolce Regency? 12:26:06</p> <p>11 A To whom?</p> <p>12 Q Mr. Theodule, the question is did you guaranty</p> <p>13 any payments in connection with Dolce Regency?</p> <p>14 A No.</p> <p>15 Q You've testified that during your first 12:26:31</p> <p>16 meeting with German Cardona in Orlando or West Palm</p> <p>17 Beach that you did not discuss Dolce Regency; do you</p> <p>18 recall that testimony?</p> <p>19 A I'm sorry. I'm still trying to recall your</p> <p>20 last question. I'm trying to think, you know -- no. 12:27:12</p> <p>21 Q The question is do you recall testifying a few</p> <p>22 moments ago that at your initial meeting in Orlando or</p> <p>23 West Palm Beach with German Cardona that you did not</p> <p>24 discuss Dolce Regency? Do you recall that testimony?</p> <p>25 A Yes. 12:27:29</p>
<p>46</p> <p>1 means?</p> <p>2 A Yes. Guaranty payments to who?</p> <p>3 Q Did you guaranty any payments with regard to</p> <p>4 Dolce Regency, any? Let's just start with did you do</p> <p>5 it first. Then we'll get to who. 12:24:56</p> <p>6 A I mean, to say "guaranty payments," I mean, to</p> <p>7 who? Gas station attendant, a shoe shine boy? What do</p> <p>8 you mean? I need a specific question to a specific</p> <p>9 individual or a specific corporation for a specific</p> <p>10 purpose, and I'll be glad to answer it for you. 12:25:09</p> <p>11 Q Mr. Theodule --</p> <p>12 A Yes.</p> <p>13 Q -- you don't get to dictate how I ask the</p> <p>14 question.</p> <p>15 A Okay. 12:25:18</p> <p>16 Q Question number one is did you guaranty any</p> <p>17 payments with regard to Dolce Regency?</p> <p>18 A I will answer it when I get clarity.</p> <p>19 Q What is it about the word "guaranty" that you</p> <p>20 don't understand? 12:25:36</p> <p>21 A I understand what "guaranty" means.</p> <p>22 Q What is it about the word "payment" that you</p> <p>23 don't understand?</p> <p>24 A I understand "payment."</p> <p>25 Q What is it about the word "any" that you don't 12:25:43</p>	<p>48</p> <p>1 Q When was the next time you met German Cardona</p> <p>2 or spoke with him?</p> <p>3 A I don't know, maybe a month later. I don't</p> <p>4 know the exact date, but, you know, possibly a month</p> <p>5 later. 12:27:53</p> <p>6 Q Okay.</p> <p>7 A Maybe two. I don't know.</p> <p>8 Q Now, when you spoke to Mr. Cardona between a</p> <p>9 month or two approximately after that initial meeting,</p> <p>10 was that discussion telephonic or in person? 12:28:18</p> <p>11 A Telephonic.</p> <p>12 Q Was anyone else on the line during the</p> <p>13 conversation, to your knowledge?</p> <p>14 A I don't remember, possibly.</p> <p>15 Q Who possibly might have also been on line? 12:28:37</p> <p>16 A Possibly Reina.</p> <p>17 Q And by "Reina," you're referring to Reina</p> <p>18 Leon, the same individual who introduced you to</p> <p>19 Mr. Cardona?</p> <p>20 A Yes. 12:28:51</p> <p>21 Q What does Ms. Leon do for a living?</p> <p>22 A I don't know.</p> <p>23 Q What did she do at that time?</p> <p>24 A I don't know. I never asked her.</p> <p>25 Q How long had you known Ms. Leon at that point 12:29:04</p>

<p>49</p> <p>1 in time when she introduced you to Mr. Cardona?</p> <p>2 A A few weeks.</p> <p>3 Q How did you meet her?</p> <p>4 A We were in the same location.</p> <p>5 Q Where? 12:29:18</p> <p>6 A In Orlando.</p> <p>7 Q Anything more specific, or you were just in</p> <p>8 the same city and you happened to meet, bump into each</p> <p>9 other?</p> <p>10 A It was like a bunch of people, and I met a lot 12:29:31</p> <p>11 of people, and she was one of the people that I met,</p> <p>12 yeah. It was like this, you know, in a meeting, you</p> <p>13 know.</p> <p>14 Q Was it a business meeting?</p> <p>15 A Yeah. I think so. 12:29:46</p> <p>16 Q Okay. What kind of a business was it?</p> <p>17 A I don't remember.</p> <p>18 Q Was it your business?</p> <p>19 A I don't remember.</p> <p>20 Q How many other people were there? 12:29:53</p> <p>21 A About a lot.</p> <p>22 Q Okay. What went on at this business meeting?</p> <p>23 A Talking.</p> <p>24 Q Talking about what?</p> <p>25 A I don't remember. 12:30:06</p>	<p>50</p> <p>1 Q Was it talking about investments?</p> <p>2 A I don't remember the subjects.</p> <p>3 Q Were you doing any talking?</p> <p>4 A Sometimes.</p> <p>5 Q Were you soliciting investments? 12:30:16</p> <p>6 A No.</p> <p>7 Q Was Gerson Corominas there?</p> <p>8 A I don't think so.</p> <p>9 Q At that point in time, had you met your wife,</p> <p>10 Dorothy? I believe you said you hadn't started dating 12:30:27</p> <p>11 her. Had you physically met her, though?</p> <p>12 A We met back in December.</p> <p>13 Q Okay. So you met Ms. Leon before or after</p> <p>14 December?</p> <p>15 A Are you confusing with Dorothy and Leon? 12:30:42</p> <p>16 First you're talking about my wife. Now you're talking</p> <p>17 about Ms. Leon. Are you confusing the two or --</p> <p>18 Q No.</p> <p>19 A Oh, okay.</p> <p>20 Q I'm trying to find out whether or not Dorothy 12:30:54</p> <p>21 Delisfort was at this same business meeting that you</p> <p>22 just referred to.</p> <p>23 A Ms. Delisfort was not even in the picture. I</p> <p>24 was going with a different woman at the time.</p> <p>25 Q Okay. Well, you said there were a lot of 12:31:05</p>	<p>51</p> <p>1 people at the meeting.</p> <p>2 A Yes. Ms. Delisfort lives in Georgia. I was</p> <p>3 in Orlando.</p> <p>4 Q Well, certainly, Ms. Delisfort has been to</p> <p>5 Orlando before, hasn't she? 12:31:16</p> <p>6 A A lot of people have been to Orlando.</p> <p>7 Q Exactly. And there were a lot of people at</p> <p>8 this meeting, weren't there?</p> <p>9 A A lot of people.</p> <p>10 Q Was Ms. Delisfort there? 12:31:21</p> <p>11 A No.</p> <p>12 Q Who introduced you to Ms. Leon?</p> <p>13 A She was at the meeting.</p> <p>14 Q I understand that she was at the meeting. My</p> <p>15 question to you is who introduced you to her? 12:31:35</p> <p>16 MR. WEIGEL: Object to the form.</p> <p>17 A (By the Witness) She introduced herself.</p> <p>18 Q Okay. What did she say to you when she came</p> <p>19 up and introduced herself to you?</p> <p>20 A I don't remember the exact conversation word 12:31:45</p> <p>21 for word. We met at the meeting.</p> <p>22 Q Give me your best recollection of what the</p> <p>23 conversation was.</p> <p>24 A Mr. Theodule, my name is Reina Leon, it is a</p> <p>25 pleasure to meet you; pleasure to meet you, Ms. Leon, 12:32:01</p>	<p>52</p> <p>1 something like that.</p> <p>2 Q And how did it come to pass that in the</p> <p>3 approximately two weeks, I believe you said, after that</p> <p>4 she introduced you to German Cardona? 12:32:18</p> <p>5 A We started talking.</p> <p>6 Q When you say "we started talking," you're</p> <p>7 referring to you and Ms. Leon?</p> <p>8 A Yes.</p> <p>9 Q What did you start talking about?</p> <p>10 A A lot of things. 12:32:25</p> <p>11 Q Tell me.</p> <p>12 A Different opportunities.</p> <p>13 Q What kind of opportunities?</p> <p>14 A Real estate.</p> <p>15 Q What kind of real estate? Residential or 12:32:43</p> <p>16 commercial?</p> <p>17 A Either one.</p> <p>18 Q Were there any hotel properties in Orlando</p> <p>19 discussed?</p> <p>20 MR. PATRICK: Excuse the interruption. 12:32:55</p> <p>21 This is Mr. Patrick.</p> <p>22 Mr. Theodule, would you be so kind as</p> <p>23 to speak up a little bit? I'm having</p> <p>24 trouble hearing you at some times. Thank</p> <p>25 you.</p>
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<p>53</p> <p>1 THE WITNESS: I'm going to pull the 2 phone a little bit closer to me. I don't 3 know if this helps at all since I did that 4 movement. 5 MR. PATRICK: Much better. Thank you. 6 (Buddy Parker, Esq., joined the 7 deposition proceedings briefly.) 8 MS. VAN VLIET: May the record reflect 9 Mr. Parker has entered the room. 10 BY MS. VAN VLIET: 12:33:16 11 Q Do you recall the last question, Mr. Theodule? 12 A Could you please repeat the last question for 13 me? 14 (The record was read by the court reporter.) 15 A (By the Witness) No hotel properties at that 12:33:35 16 time. 17 Q At any point in time, did you discuss hotel 18 properties with Ms. Leon in Orlando? 19 A Yes. 20 Q Were those hotel properties other than the 12:33:48 21 Regency I and II properties? 22 A Fifth. 23 Q Did you discuss the Dolce Regency properties 24 with Ms. Leon -- I'm sorry. I said the Dolce Regency 25 properties. I mean Regency I and II. I apologize. 12:34:08</p>	<p>55</p> <p>1 and waived the Fifth based on his prior 2 answer. 3 BY MS. VAN VLIET: 4 Q How many other ventures did you enter into 5 with Mr. Cardona? 12:35:59 6 A Fifth. 7 Q Among the ventures that you entered into with 8 Mr. Cardona were ventures relating to Crowne Gold; is 9 that correct? 10 (Witness conferring with counsel.) 12:36:52 11 A (By the Witness) Yes. 12 Q And tell me about the ventures that you 13 entered into with Mr. Cardona regarding Crowne Gold. 14 (Witness conferring with counsel.) 15 A (By the Witness) I believe that Crowne Gold 12:37:14 16 was the source of his funds that he wired to Ms. Alexis 17 for the purchase of Dolce. 18 Q Is that the only involvement that you've ever 19 had with Crowne Gold? 20 A I don't know. I don't know where the source 12:37:39 21 of his funds are from. So I could not be specific. 22 Q Okay. My question to you was: Was that the 23 only involvement that you, George Theodule, has ever 24 had with Crowne Gold? 25 A Could you please describe what Crowne Gold is? 12:37:55</p>
<p>54</p> <p>1 MR. WEIGEL: Can you say your question? 2 MS. VAN VLIET: Sure. 3 BY MS. VAN VLIET: 4 Q You took the Fifth as to the previous 5 question, which was more broad. My follow-up question 12:34:18 6 is: Did you discuss Regency I and II with Ms. Leon? 7 A Not that I recall. 8 Q Okay. How is it that she came to introduce 9 you to German Cardona then? 10 A She referred her as a potential investor with 12:34:38 11 me. 12 Q She referred her as -- 13 A She referred him. I'm sorry. I apologize. 14 Q Okay. 15 A Reina referred German to me as a potential 12:35:20 16 investor. 17 Q In what? 18 A Ventures that I was looking into. 19 Q What ventures were you looking into at that 20 time? 12:35:31 21 A Oh, my God, a lot. 22 Q I've got plenty of time. Go ahead and start. 23 A Fifth. 24 MS. VAN VLIET: Well, for the record, 25 Receiver submits that he's opened the door 12:35:46</p>	<p>56</p> <p>1 Is that a bank or a corporation? What is Crowne Gold? 2 Could you be a little bit more specific? If that's a 3 bank, then I could be a little bit more specific in my 4 answer. I'm not sure. 5 Q Okay. It's the same Crowne Gold that we were 12:38:10 6 referring to when you answered the question about 7 Mr. Cardona's money three questions ago, same Crowne 8 Gold, your understanding three questions ago, same 9 Crowne Gold. 10 A I'm not sure. 12:38:26 11 Q Okay. Do you recall receiving individually 12 and with Creative Capital Concepts a total of 13 \$12,000,000 in transfers from Crowne Gold? Does that 14 ring a bell? 15 A No. 12:38:41 16 Q Well, let's see if we can refresh your 17 recollection. 18 A Thank you. 19 Q By the way, do you need to take a break for 20 food? You're going to let me know, right? 12:38:54 21 A I'll let you know. 22 Q Okey-doke. 23 (Exhibit No. 4 was marked.) 24 BY MS. VAN VLIET: 25 Q Mr. Theodule, I'm handing you what I've marked 12:40:08</p>

<p>57</p> <p>1 as Exhibit No. 4 for purposes of this deposition. 2 MS. VAN VLIET: A copy to Counsel. 3 MR. WEIGEL: Thank you. 4 MS. VAN VLIET: And for the record, 5 Exhibit 4 is a series of bank statements 12:40:41 6 from a variety of accounts, and I'll 7 identify the accounts as we're going through 8 the relevant entries for Mr. Patrick and Ms. 9 Paulose rather than go through each and 10 every one right now. 12:41:06 11 BY MS. VAN VLIET: 12 Q Tell me when you've had a chance to review 13 that, Mr. Theodule. 14 A Okay. 15 MS. VAN VLIET: For the record, there 12:42:51 16 seems to be a telephone ringing. That's not 17 either of you, correct? 18 MR. WEIGEL: No. 19 MS. VAN VLIET: Brad, are you still on? 20 MR. PATRICK: Yes. That wasn't us. 12:43:03 21 MS. VAN VLIET: Rachel? 22 MS. PAULOSE: I'm still here. 23 MS. VAN VLIET: Okay. 24 BY MS. VAN VLIET: 25 Q Mr. Theodule, turning your attention to the 12:43:14</p>	<p>59</p> <p>1 read his answer, please? 2 A (By the Witness) You said did I receive 3 \$12,000,000 from Crowne Gold. 4 Q Well, we're going to start at the beginning 5 and add our way through. 12:44:36 6 A Very good. 7 Q So do you remember this \$1,000,000? 8 A Fifth. 9 Q Who did this transfer from Wells Fargo Bank, 10 Crowne Gold come from, the first one, \$500,000.33? 12:44:54 11 MR. WEIGEL: The document speaks for 12 itself. 13 BY MS. VAN VLIET: 14 Q Answer the question. 15 A The document speaks for itself. Fifth. 12:45:06 16 Q Mr. Cardona sent this money to you, didn't he? 17 A Fifth. 18 Q Turning to the next receipt of \$500,000, same 19 page, do you know whose account at Crowne Gold that 20 money emanated from? 12:45:28 21 A Fifth. 22 Q Mr. Cardona sent you that money, didn't he? 23 A Fifth. 24 Q As a matter of fact, these two were not your 25 first transfers from Crowne Gold, were they? 12:45:46</p>
<p>58</p> <p>1 fifth page, which should bear at the top a Wachovia 2 logo, do you see that, "Business cash manager 3 checking" -- 4 A Yes. 5 Q -- up at the top? 12:43:40 6 A Yes. 7 Q Do you see where it says, "Deposits and other 8 credits continued"? Do you see that -- 9 A Yes. 10 Q -- where it starts to lists them? 12:43:47 11 A Yes. 12 Q The first two entries dated April 23rd, do you 13 see those? 14 A Yes. 15 Q Those were transfers totaling approximately 12:43:55 16 \$1,000,000, a little over \$1,000,000 from Crowne Gold 17 into this account; is that correct? 18 MR. WEIGEL: The document speaks for 19 itself. 20 BY MS. VAN VLIET: 12:44:16 21 Q Well, you testified you didn't remember 22 receiving any transfers from Crowne Gold. Do you 23 recall that testimony a few moments ago? 24 A No. I didn't say that. 25 MS. VAN VLIET: Would you go back and 12:44:28</p>	<p>60</p> <p>1 A Fifth. 2 Q Give me a moment, and I'll find these other 3 bank records for you, perhaps try to do it a little -- 4 I think I need to go to another set of documents, but 5 just hold on for a second. This is more than one set 12:46:45 6 of records. 7 By the way, am I correct that you made regular 8 withdrawals from these accounts as referenced by your 9 signature on withdrawal tickets and checks in Exhibit 10 No. 4? 12:47:06 11 A Fifth. 12 Q Turning to the second page of the exhibit. 13 MR. WEIGEL: Of Exhibit 4? 14 BY MS. VAN VLIET: 15 Q Do you see that? Yes, Exhibit 4. Do you see 12:47:17 16 that? Do you see the date stamp on the withdrawal 17 ticket of October 1st, looks like, '08? Would you 18 agree with me it's '08? It can't be '09, right? 19 MR. WEIGEL: The document speaks for 20 itself, but it looks illegible to us, to me, 12:47:41 21 anyway. 22 BY MS. VAN VLIET: 23 Q Okay. Well, how about look up at the top 24 left-hand date number, October 1st, '08. On October 25 1st of '08, did you make a withdrawal, a counter 12:47:56</p>

<p>61</p> <p>1 withdrawal of \$100,000 from the Creative Capital 2 account at SunTrust? 3 A Fifth. 4 Q Two pages in, there's another withdrawal 5 ticket dated November 19th. I beg your pardon. It is 12:48:18 6 more than two pages in. 7 MR. WEIGEL: Two pages in from the 8 front or after this page? 9 MS. VAN VLIET: After this. 10 BY MS. VAN VLIET: 12:48:27 11 Q On November 19th, 2008, did you make a 12 \$130,000 cash withdrawal from the CCC SunTrust account? 13 A Fifth. 14 Q We've already discussed the next page, which 15 reflects the Crowne Gold transfers. Turn to the page 12:48:50 16 after that. There is a cash -- a check, rather, 17 written out to cash in the sum of \$42,500. On that 18 page, there's also a signature. Do you recognize that 19 signature? 20 A Fifth. 12:49:07 21 Q Is that your signature? 22 A Fifth. 23 Q Did you withdraw and cash a check of \$42,500 24 on April 1st, 2008, out of the Wachovia Creative 25 Capital account? 12:49:36</p>	<p>63</p> <p>1 to me, unless -- there was a \$42,000 check. 2 Then the next page I have is a \$10,000 3 check. 4 MR. WEIGEL: Okay. 5 MS. VAN VLIET: The 200,000 is the one 12:50:47 6 after that, okay? 7 MR. WEIGEL: Right. 8 MS. VAN VLIET: We all got it? 9 MR. WEIGEL: Got it. Thank you. 10 BY MS. VAN VLIET: 12:50:55 11 Q Do you recognize -- do you see a signature on 12 that check? 13 A Yeah. 14 Q Do you recognize that signature? 15 A Fifth. 12:51:03 16 Q Is that your signature? 17 A Fifth. 18 Q Did you withdraw -- cash a check in the amount 19 of \$10,000 on April 8th, 2008, out of the CCC account 20 at Wachovia? 12:51:21 21 A Fifth. 22 Q What did you do with the \$10,000 that you 23 received after you cashed that check on April 8th at 24 Wachovia? 25 MR. WEIGEL: Objection, assumes facts 12:51:28</p>
<p>62</p> <p>1 A Fifth. 2 Q What did you do with the \$100,000 that you 3 withdrew from SunTrust in cash on October 1st, 2008? 4 MR. WEIGEL: Objection, assumes facts 5 not in evidence, objection as to form. 12:49:52 6 A (By the Witness) Fifth. 7 Q What did you do with the \$130,000 of cash that 8 you withdrew from the SunTrust Creative Capital account 9 on November 19th, 2008? 10 MR. WEIGEL: Same objections. 12:50:05 11 A (By the Witness) Fifth. 12 Q What did you do with the \$42,500 that you 13 received after cashing this check at Wachovia Bank on 14 April 1st, 2008? 15 MR. WEIGEL: Same objections. 12:50:19 16 A (By the Witness) Fifth. 17 Q Turning your attention to the next page. Do 18 you see a -- 19 MR. WEIGEL: I'm sorry. Which page are 20 we on now? 12:50:29 21 MS. VAN VLIET: Turn the page from the 22 next check. Turn the page. 23 MR. WEIGEL: Is this the one for 24 200,000? 25 MS. VAN VLIET: No, 10,000, looks like 12:50:36</p>	<p>64</p> <p>1 not in evidence. 2 BY MS. VAN VLIET: 3 Q Answer the question. 4 A Fifth. 5 Q Turn to the next page. There's a check in 12:51:34 6 the amount -- made out to cash on April 21st, 2008, in 7 the amount of \$200,000. Do you see that? Are you on 8 that page? 9 A On that page. 10 Q Okay. Do you see the signature there? 12:51:47 11 A I see it. 12 Q Do you recognize that signature? 13 A Fifth. 14 Q Whose signature is that? 15 A Fifth. 12:51:55 16 Q What did you do with the \$200,000 that you 17 received after you cashed this check from Creative 18 Capital Consortium, LLC, on April 21, 2008? 19 MR. WEIGEL: Objection, assumes facts 20 not in evidence. 12:52:08 21 A (By the Witness) Fifth. 22 Q The next page is a Wachovia Bank statement. 23 The page following that is a withdrawal slip. Do you 24 see that? 25 A Yes. 12:52:28</p>

65		67	
1	Q Do you have that?	1	Q Do you see the signature on that page next to
2	A Yes.	2	the X?
3	Q It's a withdrawal slip on the Wachovia --	3	A I see it.
4	MS. VAN VLIET: Do you have it,	4	Q Whose signature is that?
5	Mr. Weigel? I want to make sure everyone is 12:52:35	5	A Fifth. 12:54:28
6	on the same page because, unfortunately -- I	6	Q That's your signature, isn't it?
7	apologize -- these aren't Bates stamped.	7	A Fifth.
8	MR. WEIGEL: It is the following page,	8	Q What did you do with the \$300 that you
9	right?	9	withdrew from the WaMu CCC account on that date?
10	MS. VAN VLIET: Yes. 12:52:46	10	MR. WEIGEL: Objection, assumes facts 12:54:38
11	MR. WEIGEL: Following the check for	11	not in evidence.
12	200,000?	12	A (By the Witness) Fifth.
13	MS. VAN VLIET: No. The page following	13	Q Turn to the two pages hence. There's another
14	the check for 200,000, as I said, is a page	14	WaMu withdrawal ticket. Do you see that? It's dated
15	of the Wachovia Bank statement. Should be 12:52:55	15	December -- it's either December 21st or 31st of '07. 12:55:02
16	the next page. Turn to the next --	16	Do you see that?
17	MR. WEIGEL: To the withdrawal slip?	17	A Yes.
18	MS. VAN VLIET: Correct.	18	Q Under the name -- under that date, there's the
19	MR. WEIGEL: Okay. Got you.	19	name printed "George Theodule." Do you see that?
20	BY MS. VAN VLIET: 12:53:02	20	A Yes. 12:55:13
21	Q Okay. Withdrawal slip on the Wachovia	21	Q Next to the X, there is a signature. Whose
22	Creative Capital Concepts account dated May 15th, 2008,	22	signature is that?
23	a withdrawal of \$45,000. Do you see that?	23	A Fifth.
24	A I see it.	24	Q Is that your signature?
25	Q Did you make that withdrawal? 12:53:18	25	A Fifth. 12:55:22
66		68	
1	A Fifth.	1	Q Did you withdraw \$7500 from the CCC WaMu
2	Q Do you see a set of initials or authorized	2	account on or about 12-21-07?
3	signature right after the name "George Theodule"? Do	3	A Fifth.
4	you see that?	4	Q You know what? It's 12-31-07. There's a
5	A Yes. 12:53:34	5	typewritten -- 12:55:40
6	Q Do you recognize that authorized signature?	6	A Fifth.
7	A Fifth.	7	Q -- advance from --
8	Q Is that your signature?	8	MR. WEIGEL: Wait for her to finish the
9	A Fifth.	9	question.
10	Q What did you do with the \$45,000 that you 12:53:42	10	MS. VAN VLIET: I'm not making a 12:55:48
11	withdrew on May 15th, 2008?	11	question. I'm making an observation for the
12	MR. WEIGEL: Objection, assumes facts	12	record and for the people on the phone that
13	not in evidence.	13	it's 12-31-07.
14	A (By the Witness) Fifth.	14	BY MS. VAN VLIET:
15	Q The next page of the exhibit is a statement, a 12:53:49	15	Q What did you do with the \$7500 that you 12:55:55
16	page of a statement from WaMu, Washington Mutual. Skip	16	withdrew from the CCC account on 12-31-07?
17	that page, turn to the following one. Do you have that	17	MR. WEIGEL: Objection, assumes facts
18	page, Mr. Theodule? Are you there?	18	not in evidence.
19	A (Indicating).	19	A (By the Witness) Fifth.
20	Q I can't read upside down nor can I -- are you 12:54:07	20	Q By the way, have you ever eaten at Curly's 12:56:04
21	on the page after the WaMu statement page, sir,	21	Caribbean Flava West in West Palm Beach?
22	dated --	22	A Fifth.
23	A Is that the one with the \$300 cash?	23	Q Did you used to take your dry cleaning to the
24	Q Yes, sir.	24	Kim's Dry Cleaning in West Palm?
25	A Okay. 12:54:20	25	A Fifth. 12:56:29

<p>69</p> <p>1 Q Did you used to shop for clothes at the Men's 2 Warehouse in Royal Palm Beach, Florida? 3 A Fifth. 4 Q Did you used to pay your Vonage account out of 5 the CCC WaMu account? 12:56:45 6 A Fifth. 7 Q Turning to the next WaMu withdrawal on, 8 appears to be 1-4-08, do you have that page, \$400? 9 A Yes. 10 Q Do you see the signature on that page? 12:56:56 11 A Yes, I do. 12 Q Do you recognize that signature? 13 A Fifth. 14 Q It's your signature, isn't it? 15 A Fifth. 12:57:03 16 Q Next page, do you see the signature on that 17 WaMu withdrawal for \$4800? 18 A I do. 19 Q Is that your signature? 20 A Fifth. 12:57:14 21 Q Do you recognize that signature if it's not 22 yours? 23 A Fifth. 24 Q What did you do with that \$4800 that you 25 withdrew on that day? 12:57:23</p>	<p>71</p> <p>1 A Fifth. 2 Q Is that signature your signature? 3 A Fifth. 4 Q What did you do with the \$1800 that you 5 withdrew from the CCC WaMu account on January 30th, 12:58:34 6 2008? 7 MR. WEIGEL: Well, that question 8 assumes facts not in evidence. 9 A (By the Witness) Fifth. 10 Q Did you withdraw \$1800 from the WaMu account 12:58:53 11 on January 30th, 2008? 12 A Fifth. 13 Q Did you direct anybody to do it on your 14 behalf? 15 A Fifth. 12:59:12 16 Q Did you authorize anybody to sign your name on 17 this date or any other of the dates that we've 18 discussed? 19 A Fifth. 20 Q By the way, at that point in time, you had not 12:59:20 21 yet -- had you or had you not met your wife, January 22 30th, 2008? 23 A I told you I met her in December, end of 24 December. 25 Q Yes. Well, there's a December in every year, 12:59:39</p>
<p>70</p> <p>1 MR. WEIGEL: Objection, assumes facts 2 not in evidence. 3 A (By the Witness) Fifth. 4 Q Mr. Theodule, would you be willing to submit 5 handwriting exemplars to the Receiver? You might want 12:57:40 6 to -- 7 MR. WEIGEL: We don't know yet. We'll 8 discuss that at a later date. 9 BY MS. VAN VLIET: 10 Q Well, then you can expect to receive a 12:57:55 11 subpoena for them. I'm sure your counsel will educate 12 you as to whether you have a Fifth Amendment on that 13 score. 14 Turning to the next withdrawal form, do you 15 see the signature on that page? 12:58:09 16 MR. PATRICK: I'm sorry. Are we still 17 on the WaMu? 18 MS. VAN VLIET: Yeah, 1-30-08. 19 MR. PATRICK: Thank you. 20 MS. VAN VLIET: Sure. 12:58:20 21 BY MS. VAN VLIET: 22 Q Do you see the signature on that page, 23 Mr. Theodule? 24 A Yes. I do see the signature on that page. 25 Q Do you recognize that signature? 12:58:26</p>	<p>72</p> <p>1 sir. 2 A Yes. I met Dorothy in December, end of 3 December of 2007. 4 Q Thank you. 5 A You're welcome. 12:59:53 6 Q 1-14-08, WaMu withdrawal, \$5,000, do you have 7 that page? 8 A Yes. I have that page. 9 Q Do you see the signature on that page? 10 A I do see a signature. 01:00:08 11 Q Is that your signature? 12 A Fifth. 13 Q Do you recognize that signature? 14 A Fifth. 15 Q Did you direct anybody to sign that signature 01:00:14 16 for you if it is not yours? 17 A Fifth. 18 Q Were there any other authorized signatories on 19 this account? 20 A Fifth. 01:00:23 21 Q You see the WaMu withdrawal slip for January 22 24th, 2008? 23 A Yes. 24 MR. WEIGEL: Two pages back? 25 MS. VAN VLIET: Uh-huh (affirmative). 01:00:44</p>

<p>73</p> <p>1 BY MS. VAN VLIET:</p> <p>2 Q By the way, do you still have your Florida</p> <p>3 driver's license?</p> <p>4 A Fifth.</p> <p>5 Q Is your Florida driver's license 01:01:07</p> <p>6 1340-310-85-390-0?</p> <p>7 A Fifth.</p> <p>8 MR. WEIGEL: Objection, assumes facts</p> <p>9 not in evidence.</p> <p>10 BY MS. VAN VLIET: 01:01:20</p> <p>11 Q Does it expire on October 12 -- October 2012?</p> <p>12 A Fifth.</p> <p>13 Q Do you see the signature on that page?</p> <p>14 A Yes.</p> <p>15 Q How many times when you went into WaMu to 01:01:38</p> <p>16 withdraw cash did they ask for your driver's license</p> <p>17 for identification?</p> <p>18 MR. WEIGEL: Objection, assumes facts</p> <p>19 not in evidence.</p> <p>20 BY MS. VAN VLIET: 01:01:47</p> <p>21 Q You can answer the question.</p> <p>22 A Fifth.</p> <p>23 Q Was this one of the withdrawals that you made</p> <p>24 from Krissy McKeon?</p> <p>25 A Fifth. 01:01:54</p>	<p>75</p> <p>1 Q What did you do with the \$560 of cash you</p> <p>2 withdrew that day?</p> <p>3 MR. WEIGEL: Objection, assumes facts</p> <p>4 not in evidence.</p> <p>5 BY MS. VAN VLIET: 01:02:37</p> <p>6 Q You need to answer.</p> <p>7 A Fifth.</p> <p>8 Q Similarly, two pages in, do you see February</p> <p>9 22nd, 2008, do you see the signature on that page?</p> <p>10 A Yes. 01:02:54</p> <p>11 Q Do you recognize it?</p> <p>12 A Fifth.</p> <p>13 Q That's your signature, isn't it?</p> <p>14 A Fifth.</p> <p>15 Q Turn to the next page, a withdrawal of 01:03:02</p> <p>16 \$300,000. Do you see the signature on that page?</p> <p>17 A Yes.</p> <p>18 Q Do you recognize the signature?</p> <p>19 A Fifth.</p> <p>20 Q It's your signature, isn't it? 01:03:20</p> <p>21 A Fifth.</p> <p>22 Q What did you do with the \$300,000 that you</p> <p>23 withdrew out of CCC's Creative Capital account that</p> <p>24 day?</p> <p>25 MR. WEIGEL: Objection, assumes facts 01:03:31</p>
<p>74</p> <p>1 Q Do you know Krissy McKeon?</p> <p>2 A Fifth.</p> <p>3 Q How many times did you deliver bags of cash to</p> <p>4 Krissy McKeon?</p> <p>5 A Fifth. 01:02:03</p> <p>6 MR. WEIGEL: Objection, assumes facts</p> <p>7 not in evidence.</p> <p>8 BY MS. VAN VLIET:</p> <p>9 Q What did you do with the \$10,000 that you</p> <p>10 withdrew from WaMu CCC account that day -- 01:02:07</p> <p>11 MR. WEIGEL: Objection, assumes --</p> <p>12 BY MS. VAN VLIET:</p> <p>13 Q -- January 24th, 2008?</p> <p>14 MR. WEIGEL: Sorry.</p> <p>15 MS. VAN VLIET: That's okay. 01:02:15</p> <p>16 MR. WEIGEL: Objection, assumes facts</p> <p>17 not in evidence.</p> <p>18 A (By the Witness) Fifth.</p> <p>19 Q Turning to the next page, January 30th, 2008,</p> <p>20 do you see that? 01:02:21</p> <p>21 A Yes.</p> <p>22 Q Do you see the signature on that page?</p> <p>23 A Yes.</p> <p>24 Q Is that your signature?</p> <p>25 A Fifth. 01:02:28</p>	<p>76</p> <p>1 not in evidence.</p> <p>2 A (By the Witness) Fifth.</p> <p>3 Q I would like you to take a look through the</p> <p>4 rest of the withdrawal slips in this exhibit and tell</p> <p>5 me whether or not you recognize the signatures on each 01:03:41</p> <p>6 of those pages. I should say whether you see the</p> <p>7 signatures on each of those pages. I apologize.</p> <p>8 MR. WEIGEL: You can answer her</p> <p>9 question.</p> <p>10 A (By the Witness) Yeah. I see them. 01:04:11</p> <p>11 Q Okay. As to each of them, would your</p> <p>12 testimony be the same in response to a question of</p> <p>13 whether you recognize each of those signatures?</p> <p>14 A Fifth.</p> <p>15 Q As to each of those signatures, would your 01:04:20</p> <p>16 testimony be the same as to the question of whether</p> <p>17 they are your signature?</p> <p>18 A Fifth.</p> <p>19 Q As to those signatures, would your testimony</p> <p>20 be the same to my question of what you did with the 01:04:34</p> <p>21 respective amounts of money that were withdrawn from</p> <p>22 the accounts on those respective dates? And give your</p> <p>23 counsel a moment to object.</p> <p>24 MR. WEIGEL: The objection would be the</p> <p>25 same objection that the question is -- as to 01:04:46</p>

<p>77</p> <p>1 each document, assumes facts not in 2 evidence. 3 MS. VAN VLIET: Now, I am going to need 4 an exhibit sticker from the court reporter. 5 So if we can just go off the record for a 01:05:03 6 second so I can get that from her, please. 7 (A recess was taken from 1:05 to 1:22 p.m.) 8 (Exhibit No. 5 was marked.) 9 MS. VAN VLIET: Back on the record. 10 Time is 1:22 p.m. 01:22:04 11 BY MS. VAN VLIET: 12 Q Mr. Theodule, I've placed in front of you and 13 given a copy to Counsel what I've marked as Exhibit No. 14 5. Do you have that? 15 A Yes. 01:22:17 16 Q Turning your attention to the first page, do 17 you see two entries that are circled on that page? 18 A Yes. 19 Q Okay. 20 MS. VAN VLIET: And this is, for the 01:22:29 21 record, an excerpt from the Wachovia 22 Creative Capital Consortium, LLC, bank 23 account ending in 4141 for the period of 24 April 1st, 2008, through April 30, 2008. 25 BY MS. VAN VLIET:</p>	<p>79</p> <p>1 A Fifth. 2 Q Turning your attention to the transfer of 3 \$300,000 eight days later on April 10th, do you see 4 that on the page? 5 A Yes. 01:24:19 6 MR. WEIGEL: Is that the one that's 7 circled? 8 MS. VAN VLIET: Uh-huh (affirmative). 9 I'm sorry. Yes. 10 MR. WEIGEL: Yes. 01:24:24 11 MS. VAN VLIET: "Uh-huh" doesn't cut 12 it. I apologize. 13 BY MS. VAN VLIET: 14 Q From whose account at Crowne Gold did that 15 \$300,000 come from? 01:24:37 16 A Fifth. 17 Q Did you ever discuss this \$300,000 transfer 18 with German Cardona? 19 A Fifth. 20 Q Did you ever discuss this \$300,000 transfer 01:24:45 21 with anybody acting on German Cardona's behalf? 22 A Fifth. 23 Q At the time of these two transfers, had you 24 already begun discussing with German Cardona the 25 Regency I and Regency II purchase? 01:24:57</p>
<p>78</p> <p>1 Q The first entry on April 2nd in the amount of 2 \$700,000 is a wire transfer in from Crowne Gold. Do 3 you see that? Do you see what I'm referring you to on 4 the page? 5 A Yes. 01:23:02 6 Q Okay. From whose account at Crowne Gold did 7 that \$700,000 -- was that \$700,000 transferred? 8 MR. WEIGEL: Objection as to form, 9 assumes facts not in evidence. 10 BY MS. VAN VLIET: 01:23:26 11 Q Answer the question. 12 A Fifth. 13 Q Was that money transferred to you from German 14 Cardona? 15 A Fifth. 01:23:38 16 Q Was that money transferred to you at the 17 direction of German Cardona? 18 A Fifth. 19 Q Did you and German Cardona or any of -- strike 20 that. Did you and German Cardona ever discuss the 01:23:50 21 \$700,000 transfer into the CCC Wachovia account? 22 A Fifth. 23 Q Did you and anyone acting on behalf of German 24 Cardona ever discuss the \$700,000 transfer into the 25 Wachovia CCC account? 01:24:07</p>	<p>80</p> <p>1 MR. WEIGEL: So that he can give you an 2 answer, Counsel, can you ask the date or ask 3 the date -- ask about the date without 4 reference to CCC? 5 BY MS. VAN VLIET: 6 Q As of April 2nd and April 10th, 2008, had you 7 begun to discuss the purchase of Dolce Regency with 8 German Cardona? 9 A Not to the best of my knowledge. 10 Q As of April 2nd and April 10th, 2008, had you 01:25:46 11 discussed investment in any real estate ventures with 12 German Cardona? 13 A Not to the best of my knowledge. 14 Q As of those same dates, April 2nd and April 15 10th, had you discussed investments of any funds into 01:26:03 16 German Cardona's Forex businesses? 17 A Fifth. 18 Q Are you familiar with the term "Ponzi scheme"? 19 A I've been recently instructed of what it is. 20 Q What is your understanding of what a Ponzi 01:26:27 21 scheme is? 22 A Having -- 23 THE WITNESS: Do you want me to answer? 24 A (By the Witness) Having devised a scheme to 25 defraud investors of money with other investors' money. 01:26:48</p>

<p style="text-align: center;">81</p> <p>1 Q With that understanding in mind, do you know 2 whether German Cardona was running a Ponzi scheme out 3 of his Forex business? 4 A No. 5 Q Have you ever heard of Evolution Group 01:27:05 6 Marketing? 7 MS. VAN VLIET: May the record reflect 8 the witness is conferring with his counsel. 9 For the record, the question was posed 10 at approximately 1:26 p.m. 01:28:39 11 A (By the Witness) Fifth. 12 Q Do you know whether German Cardona is 13 operating a Ponzi scheme, as you understand it? 14 A No. 15 Q Sorry? 01:29:08 16 A No. 17 Q You don't know or he isn't? 18 A I don't know. So I cannot answer that he is. 19 Q Okay. What's your understanding of what 20 German Cardona's business is? 01:29:19 21 A I don't know. 22 Q You invested in real estate with him; did you 23 not? 24 A No. 25 Q You participated in a real estate investment 01:29:28</p>	<p style="text-align: center;">83</p> <p>1 MR. WEIGEL: Objection, assumes facts 2 not in evidence. That's like a 3 beating-your-wife question. I mean, he 4 can't answer that. I instruct him not to 5 answer. 01:31:45 6 MS. VAN VLIET: On what grounds? 7 Fifth? 8 MR. WEIGEL: Argumentative. 9 MS. VAN VLIET: That's not a basis for 10 instructing a witness not to answer. 01:31:52 11 BY MS. VAN VLIET: 12 Q Did you care whether it was legal or illegal 13 money? Did you care? 14 (Witness conferring with counsel.) 15 A (By the Witness) If his source of funds were 01:32:10 16 illegal, yes, but I didn't know. 17 Q Because you didn't bother to check, correct? 18 Is that what you're saying? 19 (Witness conferring with counsel.) 20 A (By the Witness) I didn't check. 01:33:18 21 MS. VAN VLIET: Just for the record, I 22 note that the witness is writing you 23 questions and he's flipping over his pages. 24 You might want to have him either move it or 25 rip the pages off because it's kind of -- he 01:33:31</p>
<p style="text-align: center;">82</p> <p>1 transaction with him or his business; did you not? 2 (Witness conferring with counsel.) 3 MS. VAN VLIET: May the record reflect 4 that -- 5 A (By the Witness) My participation is to get 01:29:50 6 financing for Dolce Regency. That's the only real 7 estate investment that I have with Mr. Cardona. 8 Q What other -- well, strike that. In Dolce 9 Regency I and II, Dolce Regency is real estate, 10 correct? 01:30:13 11 A Yes. 12 Q What due diligence did you do on Mr. Cardona 13 and the source of his funds? 14 MR. WEIGEL: Objection as to form, lack 15 of foundation, assumes facts not in 01:30:25 16 evidence. 17 BY MS. VAN VLIET: 18 Q Do you understand the term "due diligence"? 19 A Yes. 20 Q Okay. Did you do any due diligence on the 01:30:39 21 source of Mr. Cardona's funds that you allege were the 22 only funds to support this real estate transaction? 23 A No. 24 Q Did you simply not care whether his money was 25 from illegal sources? 01:31:09</p>	<p style="text-align: center;">84</p> <p>1 writes rather largely, and it's sitting 2 right in my face. So -- 3 MR. WEIGEL: Thank you. 4 MS. VAN VLIET: -- if I'm looking at 5 him, I am -- I can't help but be looking at 01:33:42 6 what he's writing to you. 7 MR. WEIGEL: Thank you. 8 MS. VAN VLIET: You're welcome. 9 THE WITNESS: Thank you, Ms. Van Vliet. 10 MS. VAN VLIET: You're welcome, 01:33:56 11 Mr. Theodule. 12 BY MS. VAN VLIET: 13 Q Did you not bother to check because you were 14 laundering Mr. Cardona's money and he in turn was 15 laundering yours? 01:34:19 16 MR. WEIGEL: Objection, argumentative, 17 assumes facts not in evidence. 18 A (By the Witness) Fifth. 19 Q Turning to the second page of Exhibit 5, for 20 the record, it's the same Wachovia Bank account, same 01:34:39 21 statement period, that is, the statement period ending 22 4-30-2008. Mr. Theodule, do you see the first circled 23 entry on that page dated 4-23? 24 A Yes. 25 Q Do you see the one directly below it, 4-23 -- 01:34:57</p>

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1	A Yes.	1	A Fifth.
2	Q -- also circled?	2	Q Was that \$1,000,000 transferred to you by
3	A Yes.	3	German Cardona?
4	Q Will you accept my representation that those	4	A Fifth.
5	are the same two \$500,000 transfers from Crowne Gold 01:35:07	5	Q Was that \$1,000,000 transferred to you at 01:38:50
6	that we just discussed a moment ago in Exhibit 4, I	6	German Cardona's instruction?
7	believe? Will you accept my -- it's the same	7	A Fifth.
8	500,000 -- it's the same \$1,000,000. I just don't want	8	Q Directing your attention to the next page,
9	to --	9	this is a wire transfer record, transaction detail
10	A Why do you need my acceptance for that? 01:35:32	10	report to you for Creative Capital Concepts. It was 01:39:29
11	Q Well, because I can either match them up with	11	originated by Crowne Gold, Inc., account number on
12	the pages so that when someone is reading this record	12	December 8th -- no, I beg your pardon -- on June 8th --
13	they don't think there was a total of \$13,000,000 of	13	shoot, June 27th, '08. Do you have that page?
14	transfers, or you can accept my representation that	14	A Yes.
15	they are the same thing without having to go through 01:35:47	15	Q Do you see up at the top right hand of the 01:40:02
16	that so that when we add them up at the end it will	16	page the letters TRN hyphen? Do you see them? I think
17	come to the accurate amount of transfers of	17	I might have highlighted it on your copy. I'm not
18	\$12,000,000. But if you want --	18	sure. Do you see where I'm referring to?
19	MR. WEIGEL: I don't recall, Counsel,	19	A Yes, yes.
20	what other information was on Exhibit 4 that 01:35:58	20	Q Just for the record, so we all know what we're 01:40:24
21	you're referring to.	21	talking about, the last four digits in that transaction
22	MS. VAN VLIET: It's the two transfers	22	number are 8423; is that correct?
23	that we went through regarding --	23	A Yes.
24	BY MS. VAN VLIET:	24	Q This wire transfer to you and CCC was in the
25	Q I refer you to the fifth page of Exhibit 4, 01:36:47	25	amount of \$2,000,000; is that right? 01:40:43
86		88	
1	which we just went over in some detail before the	1	A Fifth.
2	break, the two transfers on April 23rd, 2008. Why	2	Q Whose account at Crowne Gold did this wire
3	don't you compare them, Mr. Theodule, so we're sure	3	transfer originate from?
4	that there wasn't \$13,000,000 worth of transfers	4	A Fifth.
5	instead of 12. 01:37:05	5	Q Was this money sent into CCC and to you at the 01:40:55
6	MR. WEIGEL: So you're asking just to	6	direction of German Cardona?
7	recognize this is the same document, in	7	A Fifth.
8	other words?	8	Q Did you ever discuss this wire transfer with
9	MS. VAN VLIET: I'm asking him to	9	German Cardona?
10	recognize that it's the same document. 01:37:27	10	A Fifth. 01:41:07
11	MR. WEIGEL: Okay. If that's the	11	Q Similarly, did you discuss the wire transfer
12	question, then we understand.	12	that took place on June 17th for \$1,000,000 that we
13	BY MS. VAN VLIET:	13	just discussed in the page before with Mr. Cardona?
14	Q Okay. So then turning to the next page in	14	A Fifth.
15	Exhibit 5, this is again a page, an excerpt from the 01:37:36	15	Q Did you discuss either of these wire transfers 01:41:19
16	Wachovia CCC account ending in 4141. This is for the	16	for \$1,000,000 or \$2,000,000 with anyone associated
17	period of June -- ending June 30, 2008. Do you see	17	with Mr. Cardona?
18	the -- for the record, do you see the circled entry	18	A Fifth.
19	dated June 17th on that page?	19	Q Turning your attention to the next page,
20	A Yes. 01:38:10	20	again, a transaction detail report, transaction number 01:41:45
21	Q Directing your attention to that entry, which	21	ending in 8428, do you see that?
22	is for a transfer into the CCC account for	22	A Yes.
23	\$1,000,000.33 from Wells Fargo Bank, Crowne Gold, Inc.,	23	Q Do you see where the transaction number is?
24	can you tell me whose account at Crowne Gold that	24	A Yes.
25	\$1,000,000 transfer to CCC emanated from? 01:38:37	25	Q In the amount of \$2,000,000, also sent on June 01:41:56

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1 27th, 2008. Do you see that?
 2 A Yes.
 3 Q Also sent to your attention, the beneficiary
 4 of Creative Capital Consortium -- do you see that --
 5 bottom right hand, orig to beneficial info -- do you 01:42:22
 6 see that -- bottom right hand, Mr. Theodule?
 7 A I'm waiting for instructions.
 8 MR. WEIGEL: Do you see it?
 9 BY MS. VAN VLIET:
 10 Q Do you see it? 01:42:33
 11 A Yes.
 12 Q The origin of the wire transfer was from a
 13 Crowne Gold account. Do you see that on the bottom
 14 left hand?
 15 MR. WEIGEL: The document speaks for 01:42:46
 16 itself.
 17 MS. VAN VLIET: Well, since he appears
 18 to have some trouble seeing things and has
 19 to wait for you to tell him whether he sees
 20 it or not -- 01:42:56
 21 BY MS. VAN VLIET:
 22 Q I would like to know whether or not you can
 23 see it and read it and understand it.
 24 A As soon as he instructs me, I will tell you.
 25 MS. VAN VLIET: Well, for the record, 01:43:05

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1 I'm going to object to Mr. Theodule having
 2 to consult with Counsel and getting
 3 instruction on answering something about
 4 whether he sees something on a document.
 5 That is improper instruction. 01:43:14
 6 BY MS. VAN VLIET:
 7 Q I need your testimony, Mr. Theodule, to the
 8 extent that you can give it and you're not instructed
 9 not to answer it, not your lawyer's. So I can't see
 10 whether -- that there's been any instruction for you 01:43:26
 11 not to answer and invoke the Fifth Amendment on whether
 12 you see something on a piece of paper in front of you
 13 right now.
 14 MR. WEIGEL: Just for the record, both
 15 you -- well, certainly on the record, 01:43:35
 16 Counsel, you asked him to please wait for
 17 before answering a question and let his
 18 counsel have time to object or not. He's
 19 following your instruction. He's never done
 20 this before, and, you know, so he's 01:43:48
 21 perfectly allowed to answer a question
 22 whether he sees something, and he's not
 23 being instructed not to answer your
 24 question. So in all fairness --
 25 MS. VAN VLIET: Well, in all fairness, 01:44:02

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1 the record should also reflect that on a few
 2 of these, you've said go ahead and say yes,
 3 not answer the question. You've given the
 4 answer, and I've let it slide thus far, but
 5 I'm not going to do it anymore. 01:44:16
 6 BY MS. VAN VLIET:
 7 Q I have absolutely no objection if he tells you
 8 don't answer the question or answer the question,
 9 instructs you not to answer or instructs you to answer,
 10 but when Counsel -- Counsel can't give you the answer. 01:44:25
 11 He can't tell you answer yes, answer no, answer blue,
 12 answer green.
 13 Do you see the reference to Crowne Gold on the
 14 bottom of this exhibit, bottom left?
 15 A First of all, Ms. Van Vliet, I would like to 01:44:44
 16 apologize for your frustration. You know, I'm
 17 following instruction. As every single question that
 18 you ask me, I refer to my counsel before I answer you.
 19 That is why I have the delay. I apologize if that
 20 frustrates you. 01:44:59
 21 MS. VAN VLIET: Move to strike.
 22 BY MS. VAN VLIET:
 23 Q Do you see the reference on the bottom left of
 24 the document?
 25 MR. WEIGEL: Bottom left or bottom 01:45:05

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1 right?
 2 BY MS. VAN VLIET:
 3 Q Bottom left, Crowne Gold. Bottom right is
 4 Creative Capital.
 5 A I see something circled. Is that what you're 01:45:15
 6 referring to?
 7 Q Yes. Read it out loud for the record, please,
 8 so I'm sure that you see it.
 9 A It's kind of blurry.
 10 Q Would you like to borrow my glasses? 01:45:27
 11 A I don't know. I don't know if you have the
 12 same prescription as I do.
 13 Q They're cheaters. They're Costco cheaters. I
 14 don't know what number they are.
 15 A Yeah. I don't know if -- I'll do the best I 01:45:36
 16 can. The copy is kind of blurred.
 17 Q Okay.
 18 A "Rig," and then there's some numbers behind it
 19 that are not too clear. Then there's a -- something
 20 that's "R-O-W-N" and then "G-O-L-D, comma," and then 01:45:48
 21 something that looks like "Inc.," and then in the next
 22 space is "U-T-B-O-U-N-D," space, "A-C-C-O-U-N-T." The
 23 next space is a number that's not clear again and then
 24 "455" and then an "S" and then "South," S-O-U-T-H, and
 25 then "E-N-D" and then space "R-D." 01:46:15

<p>93</p> <p>1 The next space is "R-E-G-O-N C-I-T-Y O-R" and 2 then some numbers, "9705-9759." The next line, "E-F," 3 space "M-U-N," then looks like two dots and then five 4 zeros and then some numbers that are not clear. 5 Q Okay. Now, with the exception of the fact 01:46:45 6 that you missed the E in R-O-W-N-E Gold, Inc., take a 7 look at the page before it where you can clearly read: 8 Crowne Gold, Inc., Outbound Account, 20455 South South 9 End Road, Oregon City, Oregon, a ZIP code 97045-9759, 10 reference number. Do you see that? 01:47:10 11 A That one is very clear. 12 Q Okay. Do you see above that where it says, 13 Origin number, 77859038288? 14 A Yes. I see that. 15 Q Okay. Turn to the one that you don't think is 01:47:22 16 so clear. Do you see where it says "R-I-G," which 17 would be the last three letters in O-R-I-G on the page 18 before? Do you see that? 19 A You want me to make that assumption that it's 20 the same thing? 01:47:38 21 Q No. I'm asking you if you see where it says 22 "R-I-G"? 23 A I read it off to you already. 24 Q Okay. Turn your attention to that. Do you 25 see where it says "slash 7859038288," because you 01:47:48</p>	<p>95</p> <p>1 Alexis, your lawyer, as you testified before, 2 transferred -- was transferred \$11,000,000 -- received 3 \$11,000,000 into her account allegedly from German 4 Cardona for payment of Regency I and Regency II, didn't 5 she? 01:49:40 6 MR. WEIGEL: Objection, assumes facts 7 not in evidence. 8 A (By the Witness) Fifth. 9 Q Well, you've testified previously about the 10 \$11,000,000 that supposedly came from German Cardona to 01:49:46 11 pay for Regency I and II. Do you recall that testimony 12 today? Are you now asserting the Fifth? 13 (Witness conferring with counsel.) 14 A (By the Witness) Fifth. 15 MS. VAN VLIET: Madame Reporter, mark 01:50:19 16 that question, and let's go off the record 17 for a moment. Time is 1:50 p.m. 18 (A discussion ensued off the record.) 19 BY MS. VAN VLIET: 20 Q These transfers were two days -- excuse me, 01:51:21 21 three days after Gabrielle Alexis had received, as you 22 testified earlier, \$11,000,000 into her account 23 allegedly from German Cardona for purchase of the Dolce 24 Regency properties; is that correct? 25 (Witness conferring with counsel.) 01:51:43</p>
<p>94</p> <p>1 didn't read the number? 2 A Right. This is not as clear as yours 3 probably, but yeah. 4 Q Okay. The numbers are the same on the two 5 pages, aren't they? 01:48:07 6 A If you read the same numbers, yes, they're 7 clear there. 8 Q Okay. So on that same day, June 27th, 2008, 9 when you received another \$2,000,000 from Crowne Gold 10 account to Creative Capital, can you tell me whose 01:48:26 11 account at Crowne Gold that money emanated from? 12 A Fifth. 13 Q Did you ever discuss this \$2,000,000 transfer 14 on June 27th, 2008, that is, transaction number 8428, 15 with German Cardona? 01:48:46 16 A Fifth. 17 Q Did you ever discuss this transfer, that is, 18 transfer number 8428, with anyone associated with 19 German Cardona? 20 A Fifth. 01:48:55 21 Q This money was transferred to you from German 22 Cardona, wasn't it? 23 A Fifth. 24 Q As a matter of fact, three days prior to these 25 two transfers, that is, on June 24th, 2008, Gabrielle 01:49:17</p>	<p>96</p> <p>1 MR. WEIGEL: Okay. Explain to her your 2 confusion. 3 A (By the Witness) Can you please give me the 4 reference to where that statement was made by me so I 5 can better have memory of what we're discussing? Is 01:51:58 6 that possible? 7 Q No. 8 A Then, you know, I'm kind of confused. I need 9 that reference back again so I can be clear and 10 specific to what I'm answering. I don't want to be 01:52:09 11 trapped into anything. I want to make sure that I 12 answer it accordingly. 13 Q Did Gabrielle Alexis receive, to the best of 14 your knowledge, \$11,000,000 into her trust account on 15 or about June 24th, 2008? 01:52:25 16 MR. PATRICK: Objection, assumes facts 17 not in evidence, object to the form. 18 BY MS. VAN VLIET: 19 Q Answer the question. 20 A He objected. 01:52:33 21 MR. WEIGEL: It's okay. It's okay. 22 BY MS. VAN VLIET: 23 Q Answer the question. I didn't hear you. I'm 24 sorry. 25 (Witness conferring with counsel.)</p>

<p>97</p> <p>1 A (By the Witness) Yes.</p> <p>2 Q Okay. Was that money allegedly from German</p> <p>3 Cardona, according to your testimony?</p> <p>4 A Yes.</p> <p>5 Q Was the purpose of that \$11,000,000, according 01:52:54</p> <p>6 to your testimony, to purchase Regency I and Regency</p> <p>7 II?</p> <p>8 MR. PATRICK: Objection to form.</p> <p>9 A (By the Witness) Yes.</p> <p>10 Q Did that transfer happen approximately three 01:53:11</p> <p>11 days prior to the \$4,000,000 worth of transfers from</p> <p>12 Crowne Gold into the Creative Capital accounts and for</p> <p>13 the benefit of Creative Capital that we have just</p> <p>14 discussed and gone over in Exhibit No. 5?</p> <p>15 A I'm not sure of the date. 01:53:42</p> <p>16 Q Okay. We'll get back to that when we go</p> <p>17 through her records then.</p> <p>18 Turning your attention to the next page in</p> <p>19 Exhibit 5, it is a transaction detail report,</p> <p>20 transaction number 9325. Do you see that? 01:54:00</p> <p>21 A Yes.</p> <p>22 Q It is a transfer of \$5,000,000 to you from a</p> <p>23 Crowne Gold account, same account number, same origin</p> <p>24 number at Wells Fargo Bank, 7859038288. Do you see</p> <p>25 that? 01:54:24</p>	<p>99</p> <p>1 these transactions from Crowne Gold in Exhibit 5 and</p> <p>2 add them up and tell me whether or not they equal</p> <p>3 \$12,000,000.</p> <p>4 A Okay.</p> <p>5 Q I would represent to you that they do, but I 01:56:14</p> <p>6 certainly want you to be -- approximately \$12,000,000.</p> <p>7 It's probably a dollar or two over.</p> <p>8 MR. WEIGEL: I think he could answer</p> <p>9 the question if you took out the words "to</p> <p>10 you" out of your question. That assumes 01:56:49</p> <p>11 facts not in evidence, and it's going to</p> <p>12 draw constitutional implication.</p> <p>13 BY MS. VAN VLIET:</p> <p>14 Q Each of these circled items on the either</p> <p>15 Creative Capital accounts or the instructions that 01:57:05</p> <p>16 are -- detail reports, rather, that have your name and</p> <p>17 Creative Capital on them, do they add up to \$12,000,000</p> <p>18 and change?</p> <p>19 MR. WEIGEL: Answer.</p> <p>20 A (By the Witness) It adds up to 12,000,000. 01:57:22</p> <p>21 Q Okay. Having now had your recollection</p> <p>22 refreshed, do you now recall receiving into CCC</p> <p>23 accounts or your accounts \$12,000,000 from Crowne Gold,</p> <p>24 which is where all this started?</p> <p>25 MR. PATRICK: Objection to form. 01:57:43</p>
<p>98</p> <p>1 A I see it.</p> <p>2 Q This transfer happened on June 24th, 2008,</p> <p>3 according to the document in front of you. Do you see</p> <p>4 that? Do you see where it says send, SND date up at</p> <p>5 the top, kind of left hand above the circled amount 01:54:53</p> <p>6 5,000,000, SND date?</p> <p>7 A There's a 080624 there.</p> <p>8 Q June 24th, 2008; is that right?</p> <p>9 A If that's what that number represents.</p> <p>10 Q Okay. Whose account at Crowne Gold did you 01:55:06</p> <p>11 receive this money from?</p> <p>12 A Fifth.</p> <p>13 Q Did German Cardona send you this or transfer</p> <p>14 this \$5,000,000 to you?</p> <p>15 A Fifth. 01:55:26</p> <p>16 Q Did anyone acting under German Cardona's</p> <p>17 direction or control send this \$5,000,000 to you?</p> <p>18 A Fifth.</p> <p>19 Q Did you discuss this \$5,000,000 transfer with</p> <p>20 German Cardona? 01:55:42</p> <p>21 A Fifth.</p> <p>22 Q Did you discuss this \$5,000,000 transfer to</p> <p>23 you with anyone acting on German Cardona's behalf?</p> <p>24 A Fifth.</p> <p>25 Q Now, I would like you to go through all of 01:55:53</p>	<p>100</p> <p>1 A (By the Witness) Fifth.</p> <p>2 Q You don't recall it?</p> <p>3 A Didn't say that.</p> <p>4 Q You're taking the Fifth to the question of</p> <p>5 whether you recall receiving it? I just want to be 01:57:52</p> <p>6 clear on what you're taking the Fifth to.</p> <p>7 MR. WEIGEL: He's taking a Fifth as to</p> <p>8 any implication of himself by your question.</p> <p>9 If the question is rephrased, possibly he</p> <p>10 could answer it. 01:58:07</p> <p>11 BY MS. VAN VLIET:</p> <p>12 Q Were you the sole -- one of the signatories on</p> <p>13 Creative Capital's accounts?</p> <p>14 A Fifth.</p> <p>15 Q Were you using Creative Capital accounts, 01:58:15</p> <p>16 including the Wachovia account ending in 4141 as your</p> <p>17 personal piggy bank?</p> <p>18 A Fifth.</p> <p>19 Q Did you receive into those accounts and others</p> <p>20 or into this account the sum of \$12,000,000 from German 01:58:32</p> <p>21 Cardona through Crowne Gold?</p> <p>22 A Fifth.</p> <p>23 Q Did you receive into those accounts of</p> <p>24 Creative Capital and others \$12,000,000 from someone</p> <p>25 else at Crowne Gold -- through Crowne Gold? Excuse me. 01:58:47</p>

<p style="text-align: center;">101</p> <p>1 A Fifth.</p> <p>2 Q If not from German Cardona or somebody at his</p> <p>3 direction and control, who is it that wired you this</p> <p>4 money?</p> <p>5 A Fifth. 01:58:58</p> <p>6 Q If German Cardona wired it to you, isn't it</p> <p>7 true that you paid him back in kind or in real estate</p> <p>8 investments?</p> <p>9 MR. WEIGEL: Objection as to form,</p> <p>10 assumes facts not in evidence. 01:59:18</p> <p>11 A (By the Witness) Fifth.</p> <p>12 Q Do you know what the definition of money</p> <p>13 laundering is?</p> <p>14 A Fifth.</p> <p>15 Q Do you understand that it is illegal, among 01:59:28</p> <p>16 other things, to engage in a financial transaction</p> <p>17 designed to conceal the nature and the ownership, true</p> <p>18 ownership of money --</p> <p>19 A Fifth.</p> <p>20 Q -- where that money has been generated from an 01:59:41</p> <p>21 illegal activity?</p> <p>22 A Fifth.</p> <p>23 Q Do you understand that operating a Ponzi</p> <p>24 scheme is an illegal activity?</p> <p>25 A Fifth. 01:59:54</p>	<p style="text-align: center;">103</p> <p>1 A (By the Witness) I see them.</p> <p>2 Q Turning to the signature affixed under "Law</p> <p>3 Offices of Gabrielle Alexis, P.A.," do you recognize</p> <p>4 that signature?</p> <p>5 A Fifth. 02:02:13</p> <p>6 Q Is that the signature of your lawyer that</p> <p>7 you've testified about today, Ms. Gabrielle Alexis?</p> <p>8 A Fifth.</p> <p>9 Q Do you see directly to the left of that where</p> <p>10 it's typewritten "Creative Capital Consortium"? 02:02:29</p> <p>11 A I see it.</p> <p>12 Q Do you see the signature directly below that?</p> <p>13 A I see it.</p> <p>14 Q Do you recognize that signature?</p> <p>15 A Fifth. 02:02:41</p> <p>16 Q Is that your signature?</p> <p>17 A Fifth.</p> <p>18 Q And I'm referring to the signature right above</p> <p>19 the printed word "George Theodule, CEO."</p> <p>20 MR. WEIGEL: Is that a question? 02:02:52</p> <p>21 BY MS. VAN VLIET:</p> <p>22 Q I want to make sure you're referring to the</p> <p>23 right one. Is that your signature?</p> <p>24 A Fifth.</p> <p>25 Q Turning your attention to the last page of the 02:02:59</p>
<p style="text-align: center;">102</p> <p>1 Q I'm going to skip ahead for a moment on</p> <p>2 exhibit numbers since I need to show you some out of</p> <p>3 order to lay a foundation. I apologize.</p> <p>4 (Exhibit No. 8 was marked.)</p> <p>5 BY MS. VAN VLIET: 02:00:44</p> <p>6 Q I'm handing you what I've marked as Exhibit</p> <p>7 No. 8, also handing a copy to Counsel. It's a</p> <p>8 composite exhibit with two documents.</p> <p>9 MS. VAN VLIET: There you go.</p> <p>10 MR. WEIGEL: Thanks. 02:00:59</p> <p>11 MS. VAN VLIET: For the record, it is</p> <p>12 entitled Retainer Agreement dated March</p> <p>13 27th, 2008, and an Amendment to Retainer</p> <p>14 Agreement -- sorry, hold on -- dated May 2,</p> <p>15 2008, Bates numbered Alexis 00038 through 02:01:18</p> <p>16 43.</p> <p>17 BY MS. VAN VLIET:</p> <p>18 Q Do you recognize these documents,</p> <p>19 Mr. Theodule?</p> <p>20 A Fifth. 02:01:36</p> <p>21 Q Do you see the signature that's on page 00041,</p> <p>22 signatures, I should say?</p> <p>23 MR. WEIGEL: Did you see them?</p> <p>24 MS. VAN VLIET: Yes. I'm asking</p> <p>25 whether he sees them. 02:01:57</p>	<p style="text-align: center;">104</p> <p>1 exhibit, do you see those two signatures?</p> <p>2 A Yes.</p> <p>3 Q Turning your attention to the signature above</p> <p>4 the printed word "George Theodule," is that your</p> <p>5 signature? 02:03:15</p> <p>6 A Fifth.</p> <p>7 Q The signature directly to the right of it, is</p> <p>8 that Ms. Alexis's signature?</p> <p>9 A Fifth.</p> <p>10 Q You've testified previously today that 02:03:25</p> <p>11 Gabrielle Alexis was your attorney. Did you enter into</p> <p>12 a retainer agreement for her professional services?</p> <p>13 MR. WEIGEL: Are you asking him in</p> <p>14 terms of this agreement --</p> <p>15 MS. VAN VLIET: No. I'm asking in -- 02:03:37</p> <p>16 MR. WEIGEL: -- or in general?</p> <p>17 MS. VAN VLIET: I'm asking him in</p> <p>18 general.</p> <p>19 BY MS. VAN VLIET:</p> <p>20 Q Did you enter into a retainer agreement for 02:03:42</p> <p>21 her professional services? You said she was your</p> <p>22 attorney.</p> <p>23 MR. WEIGEL: Him individually?</p> <p>24 MS. VAN VLIET: I am asking him if he</p> <p>25 individual, because he said earlier that she 02:03:50</p>

<p>105</p> <p>1 was his attorney. 2 BY MS. VAN VLIET: 3 Q Did you enter into a personal retainer 4 agreement with her? 5 (Witness conferring with counsel.) 02:04:08 6 MR. WEIGEL: This is going to be 7 unclear. Let me take a break with him. 8 MS. VAN VLIET: Okay. I mean, just so 9 you know, what she's told us is that there 10 is only one, that this is it, that she never 02:04:38 11 represented him personally. But he 12 testified earlier differently. So that's 13 what I'm trying to clear up. 14 MR. WEIGEL: Right. I don't know what 15 she testified to, but that's -- 02:04:50 16 MS. VAN VLIET: I'm representing to you 17 what she testified to or stated. I 18 shouldn't say testified. 19 (A recess was taken from 2:05 to 2:07 p.m.) 20 MR. WEIGEL: Can you repeat the 02:07:27 21 question? 22 MS. VAN VLIET: Madame Reporter, please 23 read back the question. 24 (The record was read by the court reporter.) 25 A (By the Witness) This is the only retainer 02:08:31</p>	<p>107</p> <p>1 MR. PATRICK: I'm still here. I don't 2 know who else -- 3 MS. VAN VLIET: Rachel, are you still 4 there? 5 MS. PAULOSE: I'm still here. 02:09:54 6 MS. VAN VLIET: I just wanted to make 7 sure the record is clear who is in and out. 8 THE WITNESS: There's two more that are 9 supposed to be on there, right, Carmen and 10 somebody else? 02:10:06 11 MS. VAN VLIET: Nancy and Carmen, 12 they're with the same law firm I am. So I'm 13 still representing the Receiver. So whether 14 they go in or out, it doesn't make any 15 difference because the Receiver is still 02:10:15 16 represented. 17 THE WITNESS: Okay. 18 A (By the Witness) So to clarify, I don't have 19 a written agreement with her, retainer agreement for 20 personal. You know what I mean? I want to make sure 02:10:24 21 that you understand. 22 Q Mr. Theodule, that's not my question. 23 A Okay. 24 Q My question is based on the fact you just 25 acknowledged that Exhibit No. 8 is the only retainer 02:10:34</p>
<p>106</p> <p>1 agreement that I have. I have a personal relationship 2 with her in the sense that she represents CCC, my 3 corporation, and therefore, you know, we did not have a 4 separate personal retainer, as you're requesting. 5 Q Okay. And when you say -- you made a 02:08:50 6 reference to this is the only agreement. You're 7 referring to what exhibit number? You held one up. 8 A Exhibit No. 8 as the retainer agreement. 9 Q Thank you. Okay. 10 A To the best of my knowledge, I don't have a 02:09:04 11 personal, okay. 12 Q Okay. Great. So are those your signatures on 13 this? Did you execute this retainer agreement? 14 MR. WEIGEL: That was asked and 15 answered. 16 MS. VAN VLIET: Well, I'm wondering if 17 he's now rethought his invocation of the 18 Fifth to his signature on a document that he 19 just held up and said that was the only 20 agreement that he executed. 02:09:36 21 BY MS. VAN VLIET: 22 Q So I'm asking you if that's your signature. 23 MS. VAN VLIET: Hold on a minute. Did 24 somebody else just come on the line or go 25 off? Brad, are you still here? 02:09:45</p>	<p>108</p> <p>1 agreement you executed on behalf of -- I believe you 2 also said CCC with Ms. Alexis, are you now willing to 3 acknowledge that it is your signature on page Bates 4 stamped Alexis 000041 and 000043? 5 MR. WEIGEL: I think he's trying to 02:10:58 6 clarify for you the confusion, and the 7 question is still reiterating the confused 8 statement. I think if you let him explain 9 that, as he tried to do a minute ago, I 10 think -- 02:11:13 11 MS. VAN VLIET: Madame Reporter, go 12 back and read his answer when he lifted up 13 the Exhibit No. 8 in response to the 14 question immediately after the break. 15 (The record was read by the court reporter.) 02:12:00 16 BY MS. VAN VLIET: 17 Q If that is not your signature, who did you 18 authorize to enter into this retainer agreement on 19 CCC's behalf and sign above your name? 20 A Fifth. 02:12:10 21 Q How long has Gabrielle Alexis -- strike that. 22 Did Gabrielle Alexis represent CCC prior to March 27th, 23 2008? 24 A Fifth. 25 Q You just testified about having a retainer 02:12:34</p>

<p>109</p> <p>1 agreement between Alexis and CCC. When did that 2 relationship start?</p> <p>3 A Okay. A corporate -- could you please repeat 4 the question so I can make sure I have the right answer 5 for you? 02:13:43</p> <p>6 Q You testified before that you -- that CCC has 7 a retainer agreement with Gabrielle Alexis. Do you 8 recall that testimony?</p> <p>9 A Yes.</p> <p>10 Q When did that professional relationship start? 02:13:54</p> <p>11 A Fifth.</p> <p>12 Q Let me get this straight. You're not invoking 13 the Fifth to -- I want to make sure I understand this. 14 You're not invoking the Fifth to the fact that CCC has 15 a professional relationship with Gabrielle Alexis. 02:14:39 16 You're just invoking the Fifth as to when it started?</p> <p>17 MR. WEIGEL: No. He has tried to 18 articulate for you, has said the Fifth as to 19 CCC. He tried to clarify, and that was in 20 reference to a written document. He's 02:15:00 21 trying to clarify for you that there were 22 personal services with her where there's no 23 written agreement.</p> <p>24 MS. VAN VLIET: I'm not asking him 25 about that. 02:15:13</p>	<p>111</p> <p>1 (Exhibit No. 9 was marked.)</p> <p>2 BY MS. VAN VLIET:</p> <p>3 Q Directing your attention to Exhibit 9, which, 4 for the record, are Bates stamped Alexis 000001 through 5 and including 000025, do you see the initial entry on 02:17:21 6 the first page of Exhibit 9, Mr. Theodule? Do you see 7 it?</p> <p>8 A Yes.</p> <p>9 Q It reflects a wire transfer into an account, 10 received from Crowne Gold in the amount of \$11,000,000. 02:17:53 11 Do you see that?</p> <p>12 A Yes.</p> <p>13 Q The date of that wire transfer purports to be 14 from Alexis 000001, June 23rd, 2008. Directing your 15 attention to page 3 of that exhibit, page 3, 02:18:13 16 Mr. Theodule --</p> <p>17 MS. VAN VLIET: For the record, for 18 those on the phone, page 3 is a copy of the 19 Interest on Lawyer's Trust Account in the 20 name of Law Offices of Gabrielle Alexis, 02:18:35 21 P.A., for the period June 16, 2008, through 22 June 30, 2008, account ending 2027.</p> <p>23 BY MS. VAN VLIET:</p> <p>24 Q Looking under the section Deposits and 25 Other -- 02:18:50</p>
<p>110</p> <p>1 MR. WEIGEL: Okay. Then anything as to 2 the corporation, he's taking the Fifth.</p> <p>3 BY MS. VAN VLIET:</p> <p>4 Q You testified that CCC, the corporation, had a 5 retainer agreement with Gabrielle Alexis. You just 02:15:22 6 testified about that?</p> <p>7 A I'm sorry, Ms. Van Vliet. Are you frustrated, 8 because you seem to be raising your voice at me?</p> <p>9 MS. VAN VLIET: Move to strike.</p> <p>10 BY MS. VAN VLIET: 02:15:35</p> <p>11 Q You just testified about the fact that CCC, 12 the corporation, had a retainer agreement with 13 Gabrielle Alexis. Based on that testimony you just 14 made, I am asking you when did that relationship start? 15 You've already testified about it. 02:15:51</p> <p>16 A Fifth.</p> <p>17 MS. VAN VLIET: Note for the record the 18 Receiver's objection to the grossly improper 19 and continuing assertion of constitutional 20 rights as a mere subterfuge not to answer 02:16:10 21 the questions.</p> <p>22 MR. WEIGEL: And note for the record 23 our position it's an inadvertent waiver of 24 the Fifth and unintentional.</p> <p>25 (Witness conferring with counsel.) 02:16:38</p>	<p>112</p> <p>1 MR. PATRICK: Alexis page 00001?</p> <p>2 MS. VAN VLIET: It's page 000003, is 3 the page number I'm on right now.</p> <p>4 MR. PATRICK: Have you asked any 5 questions about page 1? 02:19:00</p> <p>6 MS. VAN VLIET: Yes, the first entry, 7 which is her summary that she provided to us 8 of her trust account, and the first entry is 9 \$11,000,000 on June 23rd.</p> <p>10 MR. PATRICK: I just wanted the record 02:19:12 11 to be clear that you were referring to her 12 summary as page 1 and not page 3 as the 13 actual account, correct? I'm waiting for my 14 computer to pull it up just to make sure.</p> <p>15 MS. VAN VLIET: Yes, it is. 02:19:22</p> <p>16 MR. PATRICK: That's my best 17 recollection.</p> <p>18 MS. VAN VLIET: Yes, it is.</p> <p>19 MR. PATRICK: Okay. Thanks.</p> <p>20 MS. VAN VLIET: Sure. 02:19:26</p> <p>21 BY MS. VAN VLIET:</p> <p>22 Q Turning your attention to the portion on Bates 23 stamped 000003, Deposits and Other Credits, do you see 24 that section of the page, sir?</p> <p>25 A Yes. 02:19:34</p>

<p>113</p> <p>1 Q There is a wire transfer advice into Ms. 2 Alexis's account in the amount of \$11,000,000 received 3 from Crowne Gold originators. Do you see that, sir? 4 A Yes. 5 Q You previously testified today about your 02:19:54 6 allegation that German Cardona transferred \$11,000,000 7 into Ms. Alexis's account -- yeah, into Ms. Alexis's 8 account. Do you recall that testimony? 9 A Yes. 10 Q Is this the \$11,000,000 you're referring to? 02:20:11 11 MR. WEIGEL: Answer if you can. 12 A (By the Witness) I mean, I'm assuming that it 13 is because I wasn't there when the transfer was done. 14 Q Did Ms. Alexis ever inform you that she had 15 received \$11,000,000 from Crowne Gold? 02:20:33 16 MR. WEIGEL: That's attorney-client 17 privileged. 18 MR. PATRICK: Excuse me. Yes, that is 19 attorney-client privileged. I'm going to 20 instruct him not to answer. 02:20:46 21 MS. VAN VLIET: Yeah, except for the 22 fact that the Receiver is now CCC, and 23 that's the only person, according to the 24 witness's testimony, that has a retainer 25 agreement with her. So I'm the only 02:20:57</p>	<p>115</p> <p>1 A That's correct. 2 Q And if Ms. Alexis testified that there was no 3 such personal representation -- excuse me. If Ms. 4 Alexis stated that there was no personal 5 representational relationship, she would be incorrect 02:21:53 6 or lying? 7 MR. PATRICK: Objection, form. 8 THE WITNESS: I mean, I can answer it 9 if you want me to. 10 MR. WEIGEL: Answer if you can. 02:22:07 11 A (By the Witness) Okay. It depends on how she 12 interprets it. I mean, I have examples of personal 13 things that she has done. 14 Q Give me some. 15 MR. WEIGEL: Well, beyond the scope 02:22:24 16 of -- 17 MS. VAN VLIET: Not if you're going to 18 instruct him not to answer questions based 19 on attorney-client relationship it's not. I 20 have a right to delve into whether there is 02:22:35 21 a bona fide personal attorney-client 22 relationship if you're going to instruct him 23 not to answer on that ground as opposed to 24 CCC. 25 MR. WEIGEL: We're not talking about 02:22:47</p>
<p>114</p> <p>1 person -- my client is the only person that 2 has the privilege. 3 MR. WEIGEL: No. He's tried to explain 4 that -- 5 MR. PATRICK: Actually, I take major 02:21:05 6 exception to that. We believe your legal 7 conclusion is wrong and continue to state 8 that objection. 9 BY MS. VAN VLIET: 10 Q Did you have a personal relationship -- 02:21:13 11 representational relationship with Gabrielle Alexis? 12 Was she your personal attorney? 13 A I've already expressed to that. I think I 14 told you that. 15 Q No, you didn't. 02:21:28 16 A I did. Did you want to go back to this 17 phrase? 18 Q Well, tell me again. 19 MR. WEIGEL: No. Let's get it out 20 clean one time -- 02:21:35 21 A (By the Witness) Yes. 22 MR. WEIGEL: -- and then move on. 23 A (By the Witness) Yes. 24 Q You never executed any documents to that 25 effect; is that correct? 02:21:40</p>	<p>116</p> <p>1 attorney-client privilege right now, as I 2 understand the question. 3 MS. VAN VLIET: No. He asserted -- you 4 instructed him not to answer a question that 5 I asked about whether Gabrielle Alexis told 02:22:55 6 him that the \$11,000,000 had come in. You 7 instructed him not to answer on 8 attorney-client privilege. 9 MR. WEIGEL: That's attorney-client 10 privilege. Right. 02:23:05 11 MS. VAN VLIET: I'm submitting that it 12 is not CCC's attorney-client privilege. 13 He's saying that it's his personal 14 attorney-client privilege. I have a 15 good-faith basis to believe based on 02:23:14 16 interviews with Gabrielle Alexis that there 17 is no personal attorney-client relationship. 18 He's just said that he had -- 19 MR. PATRICK: This is Brad. You do not 20 have record evidence to support that -- 02:23:33 21 MS. VAN VLIET: Brad, I'm not done 22 explaining my position. So as soon as I'm 23 done, you can go ahead. 24 I have a right, if you're going to 25 instruct him based on the attorney-client 02:23:46</p>

<p>117</p> <p>1 privilege on a personal basis, to explore 2 the validity of that relationship. If 3 you're instructing him based on a notion of 4 attorney-client privilege based on CCC's 5 privilege with Ms. Alexis, then say so. 02:24:01 6 MR. WEIGEL: No, I'm not. 7 MS. VAN VLIET: No, you're not -- 8 you're instructing him on a personal basis? 9 MR. WEIGEL: Correct, correct. 10 MS. VAN VLIET: Okay. 02:24:11 11 BY MS. VAN VLIET: 12 Q You just testified then, Mr. Theodule, that 13 you have numerous examples of personal things that Ms. 14 Alexis did for you. Do you recall that testimony? 15 A Yes. 02:24:22 16 Q I'm assuming when you said that that you mean 17 personal things that she did for you as a lawyer; is 18 that right? 19 A Yes. 20 Q Okay. Please tell me what those are. 02:24:30 21 A As long as that's okay with the two 22 representations that are here objecting it, I'll 23 explain it. 24 MR. WEIGEL: I will -- consistent with 25 his Fifth Amendment privilege, he can talk 02:24:45</p>	<p>119</p> <p>1 Q It's now 3:06 p.m. When we broke for lunch, 2 Mr. Theodule, you and your counsel were conferring 3 about whether to answer a question that would serve as 4 the basis for our exploration of the validity of an 5 invocation of a personal attorney-client privilege with 03:06:55 6 Ms. Alexis. Have you had sufficient chance to confer? 7 Do you need more time? 8 MR. WEIGEL: Yes. 9 MS. VAN VLIET: Okay. Are you going to 10 instruct him not to answer? I mean, do you 03:07:08 11 want me to have the pending question read 12 back? 13 MR. WEIGEL: He can answer it. 14 BY MS. VAN VLIET: 15 Q Please tell me what those personal 03:07:13 16 circumstances or work that Ms. Alexis did for you 17 personally as an attorney that you believe? 18 A We have several, but I'm only going to give 19 you three instances. 20 Q You can only recall three instances? 03:07:30 21 A I'm only going to give three. I'm not going 22 to, you know, be all day providing that kind of 23 information. Three should be sufficient, right? 24 Q Mr. Theodule, I'm sorry. You might want to 25 confer with your counsel on this. It's not your 03:07:45</p>
<p>118</p> <p>1 about any transaction -- I guess there's 2 only one -- that pertains to Royal Dolce. 3 He can speak about that. 4 MS. VAN VLIET: Do you need a minute? 5 MR. WEIGEL: Yeah. 02:26:07 6 MS. VAN VLIET: What time is it? It's 7 2:30. Why don't we take a half-hour break 8 for lunch and so that Mr. Weigel has a 9 chance to get rid of the furrow on his brow 10 and has a chance to ponder through what it 02:26:27 11 is he's pondering through. For the record, 12 he and his client are in consultation. 13 Okay. So break for 30 minutes. 14 MR. PATRICK: When did you want to get 15 back together then? 02:26:43 16 MS. VAN VLIET: It's 2:30. 3:00. 17 MR. PATRICK: So we will be back on at 18 3:00? 19 MS. VAN VLIET: Yes. 20 MR. PATRICK: Okay. I will drop off 02:26:55 21 the call at this point and will catch you 22 back at 3:00. 23 (The luncheon recess was taken from 2:27 to 24 3:06 p.m.) 25 BY MS. VAN VLIET: 03:06:37</p>	<p>120</p> <p>1 position nor do you have the authority or are you able 2 to limit the amount of questions I ask on an area in 3 which you are not asserting a privilege, whether 4 constitutional or attorney-client. 5 A Okay. 03:08:03 6 Q So you've said that there are lots. Please 7 start describing them for me. 8 A All right. The first one that I can remember 9 is my former wife died on April 15th of 2007, and I 03:08:30 10 explained to her the nature of my wife's death and the 11 medication they gave her that caused her to commit 12 suicide, and she felt that that had a strong potential 13 for representation. So my -- she's pursuing that, 14 researching it and going to counsel me on that. Okay. 15 Second one is -- 03:08:54 16 Q I'm sorry. Let me interrupt you for a moment. 17 A Yes. 18 Q First of all, I am sorry for your loss. Where 19 did your wife pass away, what state? 20 A Florida. 03:09:05 21 Q And this was in April of 2007? 22 A Yes. 23 Q Do you know what the statute of limitations is 24 on a wrongful-death action? 25 A No, I don't. 03:09:17</p>

<p style="text-align: center;">121</p> <p>1 Q Okay. And when you said that she felt it had 2 a strong potential for representation, are you 3 referring -- when you say "she," are you referring to 4 Ms. Alexis? 5 A Yes. 03:09:27 6 Q Okay. Go ahead. What's the second one? 7 A She represented me when I was being evicted 8 out of our property in Florida. 9 Q And when was that? 10 A Somewhere between, I'm going to estimate, 03:09:41 11 between April and July. I don't remember the exact 12 month or date. 13 Q Of what year? 14 A 2008. 15 Q And what property are we speaking of? 03:10:01 16 A It is -- boy, I'll try to remember the 17 address. It is in Wellington. Boy. You don't have 18 any of my former addresses on any documents? It's in 19 Wellington. That's all I can tell you for now, but I 20 can -- 03:10:35 21 (Cell phone interruption.) 22 A (By the Witness) Let me just turn this off. 23 Q Do you need to return that call? 24 A No. I'm fine. Hamblin, Hamblin Way. 25 MR. WEIGEL: We can get the address. 03:11:05</p>	<p style="text-align: center;">123</p> <p>1 MR. WEIGEL: Well -- 2 A (By the Witness) It's just parking violation. 3 Q Okay. And what court was this eviction 4 supposedly heard in? 5 A I don't -- you would have to ask her. She 03:12:06 6 went to court for me. 7 Q Okay. And who was the house titled in? 8 A It was titled under my name. 9 Q And what was the source of funds by which you 10 purchased that residence? 03:12:25 11 A I didn't purchase the residence. 12 Q You said that the house was titled in your 13 name; is that right? 14 A I meant the lease agreement. 15 Q Okay. Do you understand the difference 03:12:34 16 between a lease and a title? 17 A I thought you meant who was the responsible 18 party for the home at the time. 19 Q Okay. My question is do you understand the 20 difference between a lease and a title? 03:12:50 21 A You have given me clarification with that 22 inference. 23 Q Okay. Before I asked you the question do you 24 understand the difference between a lease and a title, 25 did you not understand that fundamental real estate 03:13:05</p>
<p style="text-align: center;">122</p> <p>1 BY MS. VAN VLIET: 2 Q Okay. That was a foreclosure proceeding on 3 your personal residence? 4 A No. It was an eviction. 5 Q I'm sorry. I beg your pardon. Eviction? 03:11:11 6 A Yes. 7 Q Okay. 8 A She went to court and represented me on that. 9 Q Who was it that was evicting you? 10 A The homeowners association. 03:11:20 11 Q The homeowners association was evicting you? 12 A Yeah, from the -- yeah. 13 Q From the -- let the record reflect the witness 14 is going in a circle. 15 A From the community. 03:11:33 16 Q From the community. They're evicting you from 17 the community? 18 A Yes. 19 Q So I gather it was not an eviction from your 20 residence? 03:11:40 21 A Yes. 22 Q Okay. What basis was the homeowners community 23 allegedly evicting you from your residence? 24 THE WITNESS: Do you want me to 25 explain? 03:11:54</p>	<p style="text-align: center;">124</p> <p>1 concept? 2 A At the point that you initially asked it, I 3 didn't understand it to be that way. 4 Q Okay. So you leased a residence in 5 Wellington; is that correct? 03:13:15 6 A Yes. 7 Q From whom did you lease it? 8 A I don't remember her name at this point, but 9 I'm sure I have it in my possession somewhere among all 10 the papers that I have. 03:13:25 11 Q Okay. And the money that you paid this lease 12 with -- I presume you made lease payments; is that 13 right? 14 A Yes. 15 Q Okay. And where did you get the income to 03:13:37 16 make those lease payments? 17 A Well, I'm going to plead the Fifth on that 18 one. 19 Q Is it correct that the only income that you 20 had during that entire period was the money that you 03:13:50 21 were getting from CCC and the investment clubs? 22 A Plead the Fifth on that one as well. 23 Q That was your only source of income and 24 therefore the only manner and the person and the entity 25 that was, in fact, paying the lease on that residence, 03:14:02</p>

<p>125</p> <p>1 correct?</p> <p>2 A Fifth on that.</p> <p>3 Q All right. Tell me what other alleged</p> <p>4 personal representations Ms. Alexis had to you. That's</p> <p>5 two. 03:14:15</p> <p>6 A The third one, I believe, is concerning Dolce.</p> <p>7 She did represent me with all the Dolce transactions.</p> <p>8 Q Okay. And you're saying that that's a</p> <p>9 personal representation; is that right?</p> <p>10 A That is correct. 03:14:26</p> <p>11 Q Okay. How much did you personally, George</p> <p>12 Theodule, pay Ms. Alexis for these personal</p> <p>13 representations of you?</p> <p>14 MR. PATRICK: Objection as to form.</p> <p>15 Could you limit that? 03:14:49</p> <p>16 MS. VAN VLIET: No.</p> <p>17 BY MS. VAN VLIET:</p> <p>18 Q Go ahead.</p> <p>19 MR. PATRICK: Well, I'm going to</p> <p>20 instruct him not to answer. 03:14:58</p> <p>21 MS. VAN VLIET: You don't have the</p> <p>22 right to instruct him not to answer. You're</p> <p>23 not his lawyer. If his lawyer wants to,</p> <p>24 that's fine, and he can state a basis.</p> <p>25 A (By the Witness) I say the Fifth. 03:15:08</p>	<p>127</p> <p>1 representations?</p> <p>2 A Again, as I previously stated and tried to</p> <p>3 clarify to you is that our relationship was not always</p> <p>4 all business, and so therefore that was a personal</p> <p>5 thing, and she did not get paid for those things. She 03:19:19</p> <p>6 did them for me as a personal service.</p> <p>7 Q Did she also do them for you as a personal</p> <p>8 service because your corporation, Creative Capital,</p> <p>9 always paid her retainer of \$10,000 a month?</p> <p>10 A I plead the Fifth on that. 03:19:39</p> <p>11 Q Turning to Exhibit 9. That's the Gabrielle</p> <p>12 Alexis, should start with her summary on the top.</p> <p>13 MR. WEIGEL: Right, got it.</p> <p>14 MS. VAN VLIET: Got that?</p> <p>15 MR. WEIGEL: Yes. 03:19:52</p> <p>16 BY MS. VAN VLIET:</p> <p>17 Q Do you have that, Mr. Theodule?</p> <p>18 A Yes.</p> <p>19 Q The first entry, as we know from the summary,</p> <p>20 is the \$11,000 [sic] transfer in on January -- excuse 03:19:57</p> <p>21 me, June 23rd from Crowne Gold. We discussed that</p> <p>22 earlier. The page that's marked 000005 -- have that --</p> <p>23 A Got it.</p> <p>24 Q -- has another \$3,000,000 transfer into Ms.</p> <p>25 Alexis's trust account from you. Do you see that? 03:20:42</p>
<p>126</p> <p>1 Q Well, I would like you to turn your attention</p> <p>2 to Exhibit 9.</p> <p>3 MR. WEIGEL: Let me clarify this. I</p> <p>4 don't think he understands this.</p> <p>5 MS. VAN VLIET: Okay. May the record 03:15:21</p> <p>6 reflect it's 3:15. We're taking another</p> <p>7 break so that Mr. Theodule can consult with</p> <p>8 his counsel.</p> <p>9 THE WITNESS: Excuse me.</p> <p>10 (A recess was taken from 3:15 to 3:17 p.m.) 03:15:33</p> <p>11 MR. WEIGEL: Are we on?</p> <p>12 MS. VAN VLIET: May the record reflect</p> <p>13 that it's 3:18. Mr. Theodule and his</p> <p>14 counsel have returned to the room.</p> <p>15 MR. WEIGEL: We'll wait until you 03:18:04</p> <p>16 finish eating. When you do, can you reask</p> <p>17 the question?</p> <p>18 MS. VAN VLIET: Would you read back the</p> <p>19 question, please?</p> <p>20 (The record was read by the court reporter.) 03:18:54</p> <p>21 BY MS. VAN VLIET:</p> <p>22 Q The pending question then is how much did you</p> <p>23 personally, George Theodule, pay Gabrielle Alexis for</p> <p>24 her personal representation of you as you just</p> <p>25 described them, these three alleged personal 03:19:03</p>	<p>128</p> <p>1 A Yes.</p> <p>2 Q Why did you transfer that money to her?</p> <p>3 (Witness conferring with counsel.)</p> <p>4 A (By the Witness) Fifth.</p> <p>5 Q This was money that you drew from Creative 03:21:16</p> <p>6 Capital, was it not, this \$3,000,000?</p> <p>7 A Fifth.</p> <p>8 Q Was this money intended for your trading in</p> <p>9 the joint OptionsXpress account in the name of you and</p> <p>10 Ms. Alexis? 03:21:33</p> <p>11 A Fifth.</p> <p>12 Q Turning to page 000009, do you have that,</p> <p>13 Mr. Theodule?</p> <p>14 A That page, I'm going to it right now. Yes.</p> <p>15 Q Do you see the withdrawal on 8-13 -- 03:22:11</p> <p>16 A Yes.</p> <p>17 Q -- in the amount of \$7,000,000 to Dean, Mead,</p> <p>18 Egerton, Bloodworth?</p> <p>19 A Yes.</p> <p>20 Q Membership purchase of Regency I; do you see 03:22:26</p> <p>21 that?</p> <p>22 A Okay.</p> <p>23 Q When did you instruct Ms. Alexis to make that</p> <p>24 transfer?</p> <p>25 MR. WEIGEL: Objection as to form. 03:22:46</p>

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1 (Witness conferring with counsel.)
 2 A (By the Witness) Could you please repeat the
 3 question so I can make sure I specify?
 4 Q When did you tell Ms. Alexis to make that
 5 transfer? 03:23:38
 6 A I never verbally gave her an instruction to
 7 make that transfer, but when the hotel was purchased by
 8 Cardona, we all knew where the money was coming from,
 9 and that money came from her account from the money
 10 that she received from him. 03:24:00
 11 Q Did you ever provide Ms. Alexis an
 12 instruction, either verbal or otherwise, to transfer
 13 the \$7,000,000 to Dean Mead?
 14 A No.
 15 (Exhibit No. 10 was marked.) 03:24:29
 16 BY MS. VAN VLIET:
 17 Q I'm turning your attention to Exhibit 10, the
 18 operating agreement, for the record.
 19 You signed at some point in time an operating
 20 agreement between -- on behalf of Dolce Regency Suites, 03:24:49
 21 LLC, and Pacific Atlantic Investments; is that right?
 22 A Yes.
 23 Q Okay. And in that operating agreement, you
 24 were the -- as a matter of fact, you attached a signed
 25 copy of the operating agreement or maybe it was 03:25:08

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1 Mr. Reynolds attached a signed copy of the operating
 2 agreement to the papers in opposition to the Receiver's
 3 motion to expand the receivership.
 4 You -- I think they sent me the unsigned copy.
 5 This is the one we got from the files. I'll substitute 03:25:30
 6 in a signed copy as soon as I can make some physical
 7 copies.
 8 You signed on behalf of Dolce Regency, LLC; is
 9 that correct?
 10 A Yes. 03:26:04
 11 MR. WEIGEL: For clarification, do you
 12 mean Dolce Regency Suites, LLC?
 13 MS. VAN VLIET: Yes. I'm so sorry.
 14 MR. WEIGEL: Thank you.
 15 MS. VAN VLIET: I apologize. Thank 03:26:11
 16 you.
 17 BY MS. VAN VLIET:
 18 Q Just give me a moment, because I'm actually
 19 going to pull out the signed copy for you.
 20 MR. WEIGEL: Well, this is signed. 03:26:28
 21 MS. VAN VLIET: Huh?
 22 THE WITNESS: Do you want to use this
 23 one?
 24 MS. VAN VLIET: Did I give you the
 25 signed one? 03:26:35

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1 THE WITNESS: Yeah.
 2 MS. VAN VLIET: Okay. Well, my copy --
 3 it's the same thing. I don't need it,
 4 Mr. Theodule. Thank you.
 5 THE WITNESS: You're welcome. 03:26:41
 6 BY MS. VAN VLIET:
 7 Q Now, in the operating agreement, what is your
 8 stated role?
 9 A This is --
 10 MR. WEIGEL: Objection. The document 03:26:55
 11 speaks for itself.
 12 BY MS. VAN VLIET:
 13 Q What was your understanding of what your role
 14 was? Let me help you. Turn to page 14.
 15 A Okay. 03:27:06
 16 Q Read paragraph 6.1-A, and then when you're
 17 done with that, let me know so I can refer you to
 18 another section.
 19 A Okay.
 20 Q Are you done with that? Turn to page 5. Up 03:27:53
 21 at the top of the page, it says, "Manager means George
 22 Theodule or his successor." Do you see that?
 23 A Yes.
 24 Q Are you the George Theodule that is being
 25 referred to there? 03:28:14

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1 A Yeah.
 2 Q Okay. So you were the manager of the LLC; is
 3 that right? Is that correct?
 4 A Yes.
 5 Q And therefore in conjunction with the document 03:28:35
 6 that you signed, you had the day-to-day operational
 7 responsibility for the company; is that correct?
 8 MR. WEIGEL: Calls for a legal
 9 conclusion.
 10 BY MS. VAN VLIET: 03:28:56
 11 Q You signed the document, sir. What was your
 12 understanding?
 13 A I don't fully understand the full package. So
 14 if you're asking me to understand this entire thing, I
 15 don't, to tell you the truth. 03:29:12
 16 Q Okay. So you signed this legal document
 17 without understanding what it meant; is that what
 18 you're telling me?
 19 A I mean, not every single clause in here. Yes,
 20 that's what I'm telling you. 03:29:24
 21 Q Okay. As a matter of fact, let's make sure
 22 that it's your signature on page 30. Do you recognize
 23 that signature above your name?
 24 A Yes. I recognize the signature.
 25 Q Is that your signature? 03:29:39

<p>133</p> <p>1 A That is my signature.</p> <p>2 Q Okay. Did you read this document before you</p> <p>3 signed it?</p> <p>4 A Not fully detailed as, you know, I would like</p> <p>5 to have, you know, time to do right now. 03:29:56</p> <p>6 Q Did you go over it with your attorney, Ms.</p> <p>7 Alexis, before you signed it?</p> <p>8 A She gave me a brief description of the purpose</p> <p>9 of the document.</p> <p>10 Q What did she tell you? 03:30:09</p> <p>11 MR. WEIGEL: Objection, attorney-client</p> <p>12 privilege. That's it.</p> <p>13 MS. VAN VLIET: For the record, the</p> <p>14 Receiver will take exception to that</p> <p>15 instruction, even though you didn't instruct 03:30:24</p> <p>16 the witness not to answer. I'm assuming</p> <p>17 that that's an instruction not just an</p> <p>18 objection as having an insufficient basis</p> <p>19 for any personal relationship --</p> <p>20 representational relationship. Excuse me. 03:30:37</p> <p>21 MR. PATRICK: I'm sorry. Madame</p> <p>22 Reporter, could you please read back the</p> <p>23 statement that Counsel just made? I</p> <p>24 couldn't hear it. Thank you.</p> <p>25 (The record was read by the court reporter.) 03:31:12</p>	<p>135</p> <p>1 00009, the transfer on 8-13, \$7,000,000, you said</p> <p>2 before that you assumed that that \$7,000,000 was for</p> <p>3 Regency I. In fact, you knew that that \$7,000,000</p> <p>4 transfer was for Regency I; isn't that right?</p> <p>5 MR. WEIGEL: Objection, speculative. 03:33:01</p> <p>6 BY MS. VAN VLIET:</p> <p>7 Q Answer.</p> <p>8 A Fifth.</p> <p>9 MR. WEIGEL: No.</p> <p>10 THE WITNESS: I mean -- 03:33:11</p> <p>11 BY MS. VAN VLIET:</p> <p>12 Q Are you claiming the Fifth on something</p> <p>13 related to Dolce Regency, sir?</p> <p>14 A All I'm saying is if he objects, I have to get</p> <p>15 clarification. I mean, you know, the \$7,000,000 came 03:33:22</p> <p>16 from Cardona.</p> <p>17 Q That's not what I'm asking you.</p> <p>18 A Okay.</p> <p>19 Q The \$7,000,000 isn't coming into anybody's</p> <p>20 account. It's going out. 03:33:32</p> <p>21 A Okay.</p> <p>22 Q Do you get that from the record? It's a</p> <p>23 withdrawal.</p> <p>24 A Okay.</p> <p>25 Q All right. Was that \$7,000,000 for the 03:33:37</p>
<p>134</p> <p>1 BY MS. VAN VLIET:</p> <p>2 Q The document that you signed and entered into</p> <p>3 on behalf of Dolce Regency Suites, LLC, has you being</p> <p>4 the managing -- the manager and a member of that</p> <p>5 organization -- excuse me, under this agreement. Do 03:31:30</p> <p>6 you understand that?</p> <p>7 A Yes. I was a member.</p> <p>8 Q You were also the manager, correct?</p> <p>9 A I was a manager.</p> <p>10 Q Now, it's my understanding, turning to page 03:31:40</p> <p>11 10, section 4.1A, that Pacific Atlantic Investments was</p> <p>12 to contribute to the capital of the company</p> <p>13 \$11,000,000; is that correct?</p> <p>14 MR. WEIGEL: The document speaks for</p> <p>15 itself. 03:32:10</p> <p>16 BY MS. VAN VLIET:</p> <p>17 Q Is that your understanding? Go ahead and</p> <p>18 answer.</p> <p>19 MR. WEIGEL: You can answer that.</p> <p>20 A (By the Witness) That's what it says. 03:32:15</p> <p>21 Q Okay. And was it your understanding that</p> <p>22 \$7,000,000 of that \$11,000,000 was to be directed</p> <p>23 towards the purchase of Regency I?</p> <p>24 A That is correct.</p> <p>25 Q Okay. Then turning back to Exhibit 9, page 03:32:32</p>	<p>136</p> <p>1 purchase of Regency I?</p> <p>2 A Yes.</p> <p>3 Q You were supposed to obtain financing; is that</p> <p>4 correct?</p> <p>5 A Yes. 03:33:50</p> <p>6 Q At the point in time that you obtained</p> <p>7 financing for Regency I, you were immediately to be</p> <p>8 paying back Mr. Cardona or -- I'm sorry, Pacific</p> <p>9 Atlantic its \$7,000,000; is that correct?</p> <p>10 A We have a different understanding. 03:34:04</p> <p>11 Q Okay.</p> <p>12 A Where did you get that from?</p> <p>13 Q Why don't you turn to section 4.1, subsection</p> <p>14 A that you just read of the operating agreement that</p> <p>15 you signed. Read through paragraph A again. 03:34:29</p> <p>16 A Okay. Is this -- what exhibit? Exhibit 10</p> <p>17 you're saying?</p> <p>18 MR. WEIGEL: No.</p> <p>19 BY MS. VAN VLIET:</p> <p>20 Q It's the operating agreement. 03:34:45</p> <p>21 A Okay, yeah, 10. Okay. Here's 4, page 4.</p> <p>22 Q Operating agreement, Exhibit 10, page 10,</p> <p>23 paragraph 4.1, subparen. A.</p> <p>24 A Yes.</p> <p>25 Q Yes, I'm correct that the \$7,000,000 was to be 03:35:09</p>

<p>137</p> <p>1 immediately repaid to Pacific Atlantic upon your 2 obtaining financing for Regency I; is that right? 3 A That's what it says in section A. 4 Q Was that your understanding of what was to 5 happen as a manager and a member of this operating 03:35:28 6 agreement? 7 A That's close enough. I thought I and II were 8 kind of intertwined, but it's not. So that's fine. 9 Q And you were supposed to obtain financing 10 personally in your own name? 03:35:43 11 A There was no specific definition of how I 12 obtained financing. The purpose was to obtain 13 financing, okay, for Dolce Regency Suites. 14 Q Okay. And you had, I assume, before entering 15 into this some concept or plan of how you were going to 03:36:08 16 obtain that financing; did you not? 17 A That was brought to our light when we were 18 going into the plan, yes. 19 Q So you -- 20 A We had -- the person that introduced us to the 03:36:25 21 opportunity was the financier for the opportunity. 22 Q Who was that? 23 A Dan Lavan. 24 Q Okay. And Dan Lavan was going to finance 25 this -- 03:36:38</p>	<p>139</p> <p>1 Q What was the first amount he tried with? 2 A Anywhere from 40 to 70,000,000 is my estimate. 3 Q Well, I don't want you to estimate. Let's go 4 back to the conversations that you had with Mr. Lavan. 5 A Uh-huh (affirmative). 03:38:14 6 Q What was the first time you had a conversation 7 with Mr. Lavan about financing Regency I? 8 A The first day that we met. 9 Q When was that? 10 A The first day I looked at the property. 03:38:23 11 Q When was that? 12 A Somewhere in -- I will have to say somewhere 13 between -- the date is -- I would say the first six 14 months in 2008. I don't know the exact date that I met 15 him. I didn't write it down. 03:38:56 16 Q Well, is it before or after your birthday in 17 May? 18 A My birthday is not in May. 19 Q When is your birthday? 20 A December. 03:39:04 21 Q Okay. Was it before or after Memorial Day? 22 A When is Memorial Day? 23 Q Memorial Day is in May. 24 A I don't remember. I really don't remember the 25 exact day. I don't. Sorry. 03:39:17</p>
<p>138</p> <p>1 A Yes. 2 Q And why then did you need German Cardona? 3 A He's financing the balance. 4 Q Okay. Tell me how much Dan Lavan -- how do 5 you pronounce it? Is it Lavan? 03:36:56 6 A Yes. 7 Q How do you spell that for the court reporter? 8 A L-A-V-A-N. 9 Q How much was Mr. Lavan going to put into this? 10 A He was going to find a source to lend us the 03:37:07 11 money to finalize the construction. 12 Q Okay. I'm sorry. A few moments ago, I 13 thought I heard you say -- and I must be wrong -- that 14 Mr. Lavan was going to be the source of the financing. 15 A Right. It's coming from him. It's coming 03:37:25 16 from his connections, his resources. 17 Q Okay. How much was he going -- 18 A Not him, not him personally as in his pocket, 19 him having the lenders, okay, because that's what he 20 does. 03:37:40 21 Q Are you finished? 22 A (Nods head affirmatively.) 23 Q How much was Mr. Lavan going to finance for 24 Regency I? 25 A He tried several times with different amounts. 03:37:51</p>	<p>140</p> <p>1 Q What was your conversation with Mr. Lavan at 2 that time? 3 A They showed us the property. 4 Q Who is they? 5 A Mr. Lavan and the other two owners that was 03:39:36 6 present in the mobile home that was parked in front of 7 the -- 8 Q What were these other two owners' names? 9 A Dan Harper and Carlos Bonilla. 10 Q Okay. And they owned the -- 03:39:55 11 A They're co-owners of -- at that time, it was 12 not called Dolce. 13 Q Of the hotels, of Regency I and II; is that 14 right? 15 A Yes. 03:40:10 16 Q Okay. When you say "they," you're referring 17 to Mr. Harper and Mr. Bonilla, correct? 18 A Yes. 19 Q How did Mr. Lavan know them? 20 A When I came into the mobile home, the three of 03:40:17 21 them were there together. So I thought that they 22 already had established relationship for a long time. 23 Q How did you happen upon this meeting? 24 A I was introduced to Mr. Lavan by a friend of 25 mine who was in real estate. She knew Dan Lavan for 03:40:32</p>

<p>141</p> <p>1 several years and spoke to me about the opportunity and 2 said, you should look into this. I looked into it, and 3 financially I knew that I was not prepared to undertake 4 such a task, and I knew the person that had the 5 capacity to do so. 03:40:53 6 Q Okay. Let's back up. Who was it that 7 introduced you to Dan Lavan, this friend of yours? 8 A I'm trying to remember her name. Please 9 forgive me for not remembering her name right now. 10 It's going to come to me as we talk because I'm seeing 03:41:10 11 her face. It's going to come to me, but it's just not 12 there right now. 13 MR. WEIGEL: Well, if we figure it out 14 later -- 15 A (By the Witness) Yeah. Without a name, we 03:41:18 16 can continue. She's in real estate. Pat. Her name is 17 Pat, Pat Golden. 18 Q Pat Golden? 19 A Patricia Golden. There we go. 20 Q Okay. Where does Ms. Golden live, what state? 03:41:31 21 A Florida. 22 Q Okay. Does she live in the Orlando area? 23 A Yes. 24 Q When Ms. Golden introduced you to this 25 opportunity, had you known Dan Lavan before that? 03:41:42</p>	<p>143</p> <p>1 Q Okay. And the deal was to be for what? 2 A To purchase Regency I and II and -- 3 Q What was the stage of -- sorry. 4 A Go ahead. 5 Q No. Were you not done with your answer? 03:43:08 6 A No, no. That's fine. 7 Q In exchange for the \$11,000,000, you were to 8 get the ground and the uncompleted buildings; is that 9 right? 10 MR. PATRICK: Objection to form. 03:43:22 11 You can answer. 12 A (By the Witness) I mean, for the 11,000,000, 13 we, you know -- I can't say I got, okay. What I can 14 say is when I was presented the opportunity, when I 15 realized that I couldn't get it, I made a phone call, 03:43:43 16 and I contacted the person that I knew that had the 17 financial capacity to make such an investment. 18 Q All right. Let's back up, because you're 19 describing for me a meeting where Mr. Lavan is 20 present -- 03:43:59 21 A Yes. 22 Q -- Mr. Harper is present, Mr. Bonilla is 23 present; is that right? 24 A Yes. 25 Q And at the conclusion of that meeting, 03:44:03</p>
<p>142</p> <p>1 A No. 2 Q As I understand it, you were going to borrow 3 from or obtain financing, rather, from Dan Lavan's 4 sources anywhere -- an amount of money anywhere 5 starting around \$40,000,000; is that right? 03:42:01 6 A Not at this specific time. 7 Q Okay. How much were you talking about at that 8 specific time? 9 A We weren't talking about anything at that 10 specific time because we hadn't figured out what we 03:42:09 11 needed at that specific time. What we talked about was 12 an opportunity that was there. 13 Q And what did Mr. Bonilla and Mr. Harper offer 14 you in terms of an opportunity? 15 A They showed us how beneficial it would be to, 03:42:23 16 you know, go into this venture, and I looked into it. 17 I did not disclose to them that at that time based on 18 the information that I gathered that I did not have 19 enough financial capacity for me to do it for myself. 20 Q How much did they want for this opportunity? 03:42:42 21 A Well, by the time we finished talking -- 22 Q No, no, no. At that time? 23 A Yes. By the time we finished talking, they 24 exposed to me that they can do the deal with about 25 \$11,000,000. 03:42:58</p>	<p>144</p> <p>1 according to your testimony, they tell you that they 2 can offer you Regency I and II for \$11,000,000; is that 3 correct? 4 A Yes. 5 Q What was your understanding of what you were 03:44:12 6 going to be getting for that \$11,000,000 since you 7 hadn't disclosed to them at that point in time that you 8 couldn't afford it? 9 A They said Regency I and II. 10 Q Okay. Well, what was your understanding of 03:44:23 11 what you were going to get in the package for this 12 \$11,000,000? 13 A Regency I and II. 14 Q Okay. Were you going to get the title to 15 Regency I and II, or were you just going to lease it? 03:44:33 16 A No. This is a purchase. 17 Q Okay. And were you going to purchase it in a 18 developed state or in its existing state? 19 A At its existing state. 20 Q Okay. And what was its existing state? 03:44:47 21 A It had about three or four floors completed. 22 I believe it was three. 23 Q It had three or four floors completed on which 24 building -- 25 A Yes. 03:44:59</p>

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<p>145</p> <p>1 Q -- Regency I or Regency II?</p> <p>2 A Regency I. Regency II was nothing but just a</p> <p>3 dirt area.</p> <p>4 Q Okay. And did you discuss at that point in</p> <p>5 time with Mr. Harper and Mr. Bonilla and/or Mr. Lavan 03:45:08</p> <p>6 how much money it would cost to complete the</p> <p>7 construction of these two properties?</p> <p>8 A They had to work that out. They had to do the</p> <p>9 calculation. They had to call the builder. There was</p> <p>10 a lot of work that needed to be done in order to obtain 03:45:24</p> <p>11 that kind of information.</p> <p>12 Q Is the answer to my question yes or no that</p> <p>13 you discussed at that point in time? Did they give you</p> <p>14 a number of how much the estimated construction</p> <p>15 completion costs would be? 03:45:38</p> <p>16 A I don't think they had an accurate number.</p> <p>17 Q Did they have any number?</p> <p>18 A What I remember Dan saying is that I would be</p> <p>19 able to get the financing in order to complete the</p> <p>20 construction of this project. 03:45:49</p> <p>21 Q When Dan told you you would be able to get the</p> <p>22 financing to complete the construction, was he talking</p> <p>23 about you, George Theodule, personally, to the best of</p> <p>24 your understanding?</p> <p>25 A That was I as in Dan Lavan getting, not George 03:46:01</p>	<p>147</p> <p>1 Q Do you remember that that's the reason why you</p> <p>2 then attempted to secure financing in your wife's name</p> <p>3 as a front straw person?</p> <p>4 A No. I never attempted in my name.</p> <p>5 MR. WEIGEL: Objection as to the form 03:47:30</p> <p>6 and characterization.</p> <p>7 A (By the Witness) You're not going to --</p> <p>8 Q Did you --</p> <p>9 A Oh, I'm sorry.</p> <p>10 Q Did you attempt to get financing for Dolce 03:47:39</p> <p>11 Regency so that you could repay back Mr. -- Pacific</p> <p>12 Atlantic immediately in your wife's name?</p> <p>13 MR. WEIGEL: Which wife?</p> <p>14 BY MS. VAN VLIET:</p> <p>15 Q Well, since your former wife was deceased at 03:47:59</p> <p>16 the time, I'm assuming that you wouldn't have put in an</p> <p>17 application in the name of a deceased human being.</p> <p>18 A Thank you for the consideration.</p> <p>19 Q So your current wife.</p> <p>20 A We did try to get financing under her name. 03:48:15</p> <p>21 Q Okay. And with whom did you attempt to get</p> <p>22 financing under Ms. Delisfort's name?</p> <p>23 A I believe what we tried is we put her on the</p> <p>24 corporation and tried to get the corporation financed</p> <p>25 with her securing the capacity of the corporation, is 03:48:34</p>
<p>146</p> <p>1 getting.</p> <p>2 Q Okay. And Dan Lavan, how much did he tell you</p> <p>3 he was going to attempt to get to complete the</p> <p>4 construction?</p> <p>5 A They had to work the numbers, but he felt that 03:46:17</p> <p>6 with an \$11,000,000 investment, there would be enough</p> <p>7 equity in the project for a bank to find it attractive</p> <p>8 enough to get the balance financed.</p> <p>9 Q I gather you were never able to secure</p> <p>10 financing through Mr. Lavan's bank sources; is that 03:46:35</p> <p>11 correct?</p> <p>12 A That is correct.</p> <p>13 Q And he was not the only source of your</p> <p>14 attempts to find financing, was he?</p> <p>15 A No. 03:46:50</p> <p>16 Q You attempted to find financing on your own --</p> <p>17 is that correct -- in your own name; is that correct?</p> <p>18 A We tried different ways.</p> <p>19 Q Was one of those different ways that you tried</p> <p>20 to find financing in your own name? 03:47:07</p> <p>21 A Not that I remember.</p> <p>22 Q Do you remember being turned down for</p> <p>23 financing in your own name because of your allegedly</p> <p>24 bad credit?</p> <p>25 A No. 03:47:17</p>	<p>148</p> <p>1 the way that we did it.</p> <p>2 Q By the way, when you say "securing," what do</p> <p>3 you mean?</p> <p>4 A A corporation or -- if you try to finance,</p> <p>5 they're going to look at, okay, who within the 03:48:49</p> <p>6 corporation would have the capacity or the</p> <p>7 creditworthiness to do the financing, and so --</p> <p>8 Q You mean the financial creditworthiness?</p> <p>9 A Yes. And so that's why we put her name under</p> <p>10 the corporation and tried to get the corporation 03:49:07</p> <p>11 financed with her credit score, you know, so that, you</p> <p>12 know, we would try to get it financed as we committed</p> <p>13 to do for Mr. Cardona.</p> <p>14 Q And was that because your credit score was</p> <p>15 insufficient to do that? 03:49:19</p> <p>16 A Yeah. I knew that, but I never tried it in my</p> <p>17 name, like you said.</p> <p>18 Q Did you actually submit a application for</p> <p>19 financing under any corporations with your wife --</p> <p>20 under your wife's name? 03:49:34</p> <p>21 A Not myself personally. It was the people</p> <p>22 involved in doing the loan. They did it. However they</p> <p>23 did it I couldn't tell you because I was, you know, not</p> <p>24 around a lot of times, but they were the ones trying,</p> <p>25 and they recommended for us to do it this way. This 03:49:54</p>

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1 would be the best way.
 2 Q Who are these "they" people that you're
 3 talking about?
 4 A Well, we had several people try. We had Dan
 5 Lavan. We had -- I can't remember his name right now. 03:50:03
 6 It will come to me in a minute. Let's see. Oh, boy,
 7 what's his name? Actually hired someone else to secure
 8 the financing, tall guy. Let's see. We had -- oh, I
 9 can't remember his name. It will come to me. It will
 10 come to me. 03:50:34
 11 Q Did Gabrielle Alexis have anything to do with
 12 this?
 13 A Gabrielle tried to assist us by forming
 14 corporations to try to do the financing in her own way.
 15 We tried different ways to make this work. 03:50:46
 16 Q And what was the corporation that your wife's
 17 name was going to secure in the attempt to find
 18 financing?
 19 A At one point, I know Gabrielle had four or
 20 five different corporations. I don't remember which 03:51:04
 21 ones she ended up using for the attempt or what the
 22 other people ended up using for their attempt, to be up
 23 front with you. But we had several corporations that
 24 she had established for us to try to secure financing
 25 for Dolce. 03:51:20

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1 Q Okay. What were those corporations,
 2 regardless of which one was actually used? Which ones
 3 were formed for that purpose?
 4 A You had submitted a list with a lot of
 5 corporations. If you give me that list, I can say this 03:51:32
 6 one, this one, this one. I don't memorize all the
 7 names.
 8 Q Would they have been listed in your
 9 accounting?
 10 A Yeah. 03:51:38
 11 Q Okay. Well, we'll go through that in a minute
 12 then.
 13 A Okay.
 14 Q You say that your wife was going to secure any
 15 indebtedness of whatever corporation was used in the 03:51:48
 16 finance application?
 17 A I didn't put it that way.
 18 Q Didn't you say earlier that your wife was
 19 going to secure the debt of a corporation in her name?
 20 A The word "debt" never came up. 03:52:07
 21 Q Well, okay. If you obtained financing --
 22 A Okay.
 23 Q -- would you agree that you have a debt to pay
 24 the financing back?
 25 A Yes. 03:52:19

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1 Q Okay. And what's the purpose of securing the
 2 financing in your name?
 3 A What is the purpose of securing financing?
 4 Q Uh-huh (affirmative). Yes. Excuse me.
 5 A So that we can complete the construction. 03:52:36
 6 Q Okay. And if you're securing financing, if
 7 you're putting your name on the line and your credit
 8 worthiness on the line to secure financing, what are
 9 you securing?
 10 A It is done through the corporation. 03:52:48
 11 Q Are you securing the payment of the debt that
 12 is owed by the corporation?
 13 A I don't know if that's what -- I don't know
 14 how it works. You would have to ask the lending -- the
 15 people that were doing the lending that information. 03:53:02
 16 As far as I'm concerned, they say the corporation is
 17 going to do the financing, the corporation needs a
 18 solid officer that has good credit in order to make
 19 this work. That's all that they told us.
 20 Q Okay. 03:53:19
 21 A So I don't know if that debt falls on the
 22 individual or does it stay under the corporation.
 23 Q Okay. Have you ever executed a guaranty of
 24 payment?
 25 A For? 03:53:39

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1 Q Have you ever executed a guaranty of payment?
 2 A That needs to be a little bit more clearer.
 3 Are we talking about Dolce still, or are you in another
 4 world here? I need to know where you are so my lawyer
 5 can give me proper counseling. 03:54:05
 6 Q Have you, George Theodule, ever executed a
 7 guaranty of payment? Yes or no. If it's yes, then
 8 we'll get into what. If it's no, then we'll proceed
 9 accordingly, or it may be the Fifth.
 10 (Witness conferring with counsel.) 03:54:28
 11 A (By the Witness) Fifth.
 12 Q You testified earlier that you absolutely had
 13 never put any money at risk in relation to the purchase
 14 of the Regency Suites. Do you recall that testimony
 15 this morning? 03:55:09
 16 A Yes.
 17 Q What is Regency Suites I, LLC?
 18 A Regency Suites I, LLC. I don't know -- is
 19 that how you're referring to Dolce? Is that --
 20 Q I don't answer questions, sir. I ask them. 03:55:30
 21 What is Regency Suites I, LLC?
 22 A Have to be Dolce.
 23 Q By the way, what's your social security
 24 number?
 25 A 361-60-1582. 03:55:41

<p>153</p> <p>1 Q On August 29th, 2008, did you, George</p> <p>2 Theodule, enter and make a personal guaranty for the</p> <p>3 payment of \$2,180,000 in connection with a loan made to</p> <p>4 Regency Suites I, LLC?</p> <p>5 A I made a loan application, you say? 03:56:22</p> <p>6 Q Want me to repeat the question?</p> <p>7 A Yeah, please.</p> <p>8 Q On August 29th, 2008, did you, George</p> <p>9 Theodule, guaranty a loan, payment of a loan, in the</p> <p>10 amount of \$2,180,000, which loan was made by Regency 03:56:48</p> <p>11 Realty Group to Regency Suites I, LLC?</p> <p>12 A What is Regency Realty Group?</p> <p>13 Q Do you need me to repeat the question?</p> <p>14 A No. But you're calling out some names that I</p> <p>15 don't know who they are or this transaction that you're 03:57:13</p> <p>16 talking about. Can I look at the document so I can,</p> <p>17 you know, recollect?</p> <p>18 Q Is it your testimony that you don't recall</p> <p>19 signing a guaranty on August 29th, 2008 --</p> <p>20 A I don't recall. 03:57:28</p> <p>21 Q -- personally?</p> <p>22 A Can I see the document so I can give you a</p> <p>23 better --</p> <p>24 Q Handing you Exhibit No. 10.</p> <p>25 A You had 10 already. 03:57:37</p>	<p>155</p> <p>1 ask the questions. You answer.</p> <p>2 Turn your attention to page 000340.</p> <p>3 A All right. Let's go to 340.</p> <p>4 Q The last page of the document. Is that your</p> <p>5 signature? 04:00:40</p> <p>6 A I don't know.</p> <p>7 Q You don't know whether that's your signature?</p> <p>8 A That is correct, and I know for sure that</p> <p>9 that's not my handwriting. But I don't know --</p> <p>10 Q It's not your printing; I'm not asking you 04:00:47</p> <p>11 that. Is that your signature above that name?</p> <p>12 A I don't know. Again, I don't recall the</p> <p>13 document. So if you want me to tell you yes to a</p> <p>14 document I don't remember, I can't do that.</p> <p>15 Q That's okay. We'll -- 04:00:59</p> <p>16 A But if you help me understand this document --</p> <p>17 maybe it was part of the closing that was done -- I</p> <p>18 could say, okay, I understand this document, yes, now I</p> <p>19 remember that someone handed me something to sign.</p> <p>20 There was a lot of things that was, you know, 04:01:13</p> <p>21 presented to me to sign during the closing that I</p> <p>22 really, you know, just went on the recommendation of my</p> <p>23 lawyer. So if this was one of them, I would have</p> <p>24 signed it, not looked at it. So if this was part of</p> <p>25 the closing, then I just need to know so that I can 04:01:22</p>
<p>154</p> <p>1 Q It's 11. Sorry. Thank you.</p> <p>2 (Exhibit No. 11 was marked.)</p> <p>3 MS. VAN VLIET: Here you go.</p> <p>4 By the way, for the record, it's a</p> <p>5 guaranty executed by George Theodule with 03:59:04</p> <p>6 the social security number Mr. Theodule just</p> <p>7 provided, August 29th, 2008, guarantying --</p> <p>8 George Theodule is the guarantor, Regency</p> <p>9 Realty Group, Inc., is the lender. Loan was</p> <p>10 made to Regency Suites I, LLC, in the amount 03:59:26</p> <p>11 of 2.180. It's from the Dean Mead</p> <p>12 production Bates stamped 000335 through</p> <p>13 000340.</p> <p>14 A (By the Witness) I don't -- is this part of</p> <p>15 the closing that was done? I don't remember this 03:59:57</p> <p>16 document. Maybe somebody can shed some light as far as</p> <p>17 what I'm looking at, but, you know, I never applied for</p> <p>18 any loan nor received any loan of that amount. So I</p> <p>19 need a little bit more light than what I'm seeing. I</p> <p>20 don't know if this was something -- 04:00:17</p> <p>21 Q Okay. Well, let's start with Bates stamped</p> <p>22 page 000340.</p> <p>23 A What is the purpose of this document? Do you</p> <p>24 know what it was for?</p> <p>25 Q You don't ask the questions, Mr. Theodule. I 04:00:28</p>	<p>156</p> <p>1 say, okay, then I need to consult with Gabrielle so</p> <p>2 that she can tell me was this one of the documents that</p> <p>3 she handed me to sign, and then we can go on, but I</p> <p>4 can't give you a definite answer to something that I'm</p> <p>5 not sure about. 04:01:36</p> <p>6 Q Are you finished?</p> <p>7 A Right now looking at this document, I don't</p> <p>8 remember this document.</p> <p>9 Q Okay.</p> <p>10 A Nor did I even receive that money or apply for 04:01:43</p> <p>11 that money.</p> <p>12 Q Are you done?</p> <p>13 A Yes.</p> <p>14 Q Okay. Do you know what a guaranty is?</p> <p>15 A Yes. 04:01:54</p> <p>16 Q Okay. Did you ever guaranty the punctual</p> <p>17 payment of the principal amount, the loan, to Regency</p> <p>18 Suites I, LLC, in the amount of \$2,180,000?</p> <p>19 MR. WEIGEL: Asked and answered.</p> <p>20 MS. VAN VLIET: No. He said he didn't 04:02:20</p> <p>21 remember. So now I'm asking him again.</p> <p>22 MR. WEIGEL: Well, that's asked and</p> <p>23 answered.</p> <p>24 BY MS. VAN VLIET:</p> <p>25 Q Answer it. 04:02:26</p>

<p>157</p> <p>1 A It's the same thing. I just answered you just 2 a few seconds ago.</p> <p>3 Q So it's your testimony that you do not recall 4 whether you ever guarantied a payment of -- I just want 5 to be really sure about this -- \$2,180,000 loan on 04:02:37 6 August 29th?</p> <p>7 A Let me repeat myself once again.</p> <p>8 Q Is that right?</p> <p>9 A I'm going to repeat it for you very clearly.</p> <p>10 This document looks foreign to me. It might have been 04:02:49 11 part of the closing. If it was, okay, then I probably 12 signed it and don't remember signing it, okay.</p> <p>13 I know that I never received this \$2,000,000, 14 nor did I ever apply for \$2,000,000, okay, and I know 15 that I never guarantied 2,000,000 that I didn't have, 04:03:05 16 and so if I signed this document, it was part of the 17 closing, and when we were at the closing, it was, 18 George, here, here, here, here, you know, and so if 19 that was one of them -- so I cannot answer that for you 20 more specific than that. 04:03:24</p> <p>21 Q Are you done?</p> <p>22 A (Nods head affirmatively.)</p> <p>23 Q Are you in the habit of signing -- would you 24 be in the habit of signing guaranties for 25 multimillion-dollar amounts without reading them? 04:03:32</p>	<p>159</p> <p>1 George Theodule, also on August 29th, 2008, 2 guarantying the payment of a loan of 3 \$7,754,759.40 to Dolce Regency Suites, LLC, 4 and Regency Suites I, LLC.</p> <p>5 A (By the Witness) Okay. So these are 04:04:58 6 documents that are consistent with the closing of 7 Dolce, is what you're not disclosing to me, which would 8 make this answer very clear, right?</p> <p>9 Q Once again, Mr. Theodule, I don't answer 10 questions in these sessions. I ask them. 04:05:10</p> <p>11 A Okay.</p> <p>12 Q Do you recall on August 29th, 2008, entering 13 into this guaranty for a principal sum of 14 \$7,754,759.40?</p> <p>15 A At the closing, we brought two letter of 04:05:26 16 approvals to the table to secure the financing, okay, 17 and again, I believe this is why this was generated, 18 and so these are documents that was presented at the 19 closing, and so if so, yes, they would be my signature. 20 If they're not part of the closing, then no, they're 04:05:51 21 not part of my signature.</p> <p>22 Q Turn your attention to page 7, Bates stamped 23 000298. Is that your signature?</p> <p>24 A That would be my signature.</p> <p>25 Q Is that your social security number where it 04:06:10</p>
<p>158</p> <p>1 A Again -- 2 MR. WEIGEL: Objection, argumentative.</p> <p>3 A (By the Witness) Usually, my lawyer would 4 review them, and if she says it's okay, go ahead and 5 sign, I would sign. 04:03:40</p> <p>6 Q And were you that dependent on your lawyer 7 that you would not inquire as to whether she was 8 committing you to the payment of multimillions of 9 dollars?</p> <p>10 A No. I trust her, and I know that she would 04:03:51 11 not do that.</p> <p>12 Q Okay. So if she did do that without you 13 knowing that you were signing for the guaranty of 14 multimillions of dollars, then --</p> <p>15 A I would be shocked. 04:04:05</p> <p>16 Q Okay.</p> <p>17 A And as far as I know Gabrielle, she would not 18 do that. 19 (Exhibit No. 12 was marked.)</p> <p>20 BY MS. VAN VLIET: 04:04:14</p> <p>21 Q Let's look at Exhibit 12.</p> <p>22 MS. VAN VLIET: For the record, out of 23 the Dean Mead files, Exhibit 000292 -- I'm 24 sorry, Bates stamped 000292 through 299, 25 which, for the record, is a guaranty of 04:04:28</p>	<p>160</p> <p>1 says "U.S. Taxpayer Identification Number"? 2 A Let's go check and see.</p> <p>3 Q It's on page 7, sorry.</p> <p>4 A Yes, yes. Not my handwriting.</p> <p>5 Q I recognize that the printing with the social 04:06:26 6 security number is not your handwriting. What I'm 7 asking you is is that your social security number. 8 (Witness conferring with counsel.)</p> <p>9 A (By the Witness) I'm sorry?</p> <p>10 Q Is that your social security number? 04:07:08</p> <p>11 A I already confirmed that.</p> <p>12 Q Okay. It's true, is it not, that you entered 13 into two personal guaranties of the payments as 14 reflected in -- of the loans reflected in Exhibit 11 15 and 12 on the date of the closing for the Regency I 04:07:28 16 property; is that right?</p> <p>17 A Those are documents that are part of the 18 closing, yes. I did sign them.</p> <p>19 Q And you understand, do you not, that by 20 signing those, you put yourself personally on the line 04:07:42 21 for the amounts in each of the respective documents; is 22 that right?</p> <p>23 A No. I didn't -- I didn't understand it to be 24 that way.</p> <p>25 Q Would you like to change your testimony with 04:07:51</p>

<p>161</p> <p>1 regard to whether or not you ever personally put at 2 risk any money in connection with the Dolce Regency 3 transaction from earlier this morning? 4 A Again, based on my understanding until now, it 5 still stands that I did not personally put any money 04:08:07 6 because it wasn't until you just showed me this or you 7 telling me -- and I'm going by your word -- that these 8 make me personally responsible for something. 9 Q Oh, don't go by my word. 10 MS. VAN VLIET: Let's take a break. 04:08:22 11 Counsel, please consult with your client, if 12 you need to. 13 We're off the record. What time is it? 14 THE REPORTER: 4:08. 15 MS. VAN VLIET: Let's take a break for 04:08:42 16 ten minutes. 17 (A recess was taken from 4:08 to 4:15 p.m.) 18 BY MS. VAN VLIET: 19 Q When was the purchase and sale agreement that 20 you've discussed here signed; do you recall? 04:15:51 21 A Of Dolce? 22 Q Yes, sir. I'm sorry. Regency I. 23 A I don't recall. I see some dates on these 24 documents. So I -- 25 (Exhibit No. 13 was marked.) 04:16:10</p>	<p>163</p> <p>1 Q It is a 95-page document, obviously. So I'm 2 not going to go through every portion of it, but don't 3 put it down. I am going to go through some. Turn to 4 page 000023 and 000024. Do you have those? 5 A Yes. 04:18:26 6 Q Okay. Paragraph 17, which is entitled 7 Miscellaneous, gives addresses for various notices as 8 to sellers, counsel, et cetera. The portion I would 9 like to direct your attention to is on page 24 where it 10 says, "As to purchaser, any notices are to be given to 04:18:45 11 Dolce Regency Suites, LLC"; is that right? 12 A Okay. 13 Q Do you see that? 14 A Yes. 15 Q Okay. And was there anything -- this is a 04:18:56 16 different suite number from, as I recall, from the one 17 that's on the Sunbiz printout -- 18 A Yes. 19 Q -- which is Exhibit 2, for the record. This 20 says Suite Number 128. The Sunbiz printout, Exhibit 2, 04:19:16 21 says Suite Number 127. When did you move Dolce Regency 22 Suites, LLC's offices to Suite 128? 23 MR. WEIGEL: Objection, assumes facts 24 not in evidence. 25 BY MS. VAN VLIET: 04:19:37</p>
<p>162</p> <p>1 BY MS. VAN VLIET: 2 Q Let me hand you what's been marked as Exhibit 3 13. Pardon my reach. 4 A Okay. 5 Q Actually, could you switch those two, because 04:16:15 6 the staple on that one is better. So I would rather 7 have that one be the original so I can give to the 8 court reporter, no offense. 9 MS. VAN VLIET: For the record, 13 is 10 the Membership Interest Purchase and Sale 04:16:33 11 Agreement dated August 29, Bates stamped 12 from the Dean Mead production 000005 through 13 000100. 14 BY MS. VAN VLIET: 15 Q Mr. Theodule, turning your attention to page 04:16:58 16 000093 -- obviously, it's almost at the end. It's 17 seven pages from the end. Let me know when you're at 18 that page, if you would. 19 A Yeah. 20 Q Okay. Let me represent to you that this is an 04:17:37 21 exhibit to the document. I just want to know whether 22 or not you recognize your signature on that page. 23 A Yes. 24 Q I'm sorry? 25 A Yes. 04:17:49</p>	<p>164</p> <p>1 Q He hasn't instructed you not to answer. So 2 you can answer. 3 A Both offices were occupied. 4 Q Were they occupied by CCC and other investment 5 clubs as well? 04:19:50 6 A Fifth. 7 Q Turn to page 000028. Do you see up at the top 8 where it says "Purchaser," and then there's a signature 9 above your typewritten name? 10 A Uh-huh (affirmative). 04:20:06 11 Q Is that your signature? 12 A Yes. 13 Q Turning your attention back to Exhibit 10, 14 which is the operating agreement. As part and parcel 15 of this operating agreement, as we've already 04:21:09 16 discussed, after the \$7,000,000 financing was obtained 17 for the \$7,000,000 for Regency I, you were to 18 immediately pay back Pacific Atlantic. Do you recall 19 that discussion and testimony earlier? 20 A Yes. 04:21:26 21 Q Similarly, with regard to -- I'm on page 10 of 22 Exhibit 10. Similarly, there was to be a payment of 23 \$4,000,000 for Regency II, correct? 24 A Okay. 25 Q And you were also to return the \$4,000,000 to 04:21:54</p>

<p>165</p> <p>1 Pacific Atlantic upon obtaining financing for the 2 complete construction of Regency II; is that correct? 3 A Right. 4 Q You never, as I understand it, obtained 5 financing for Regency I; is that correct? 04:22:16 6 A Correct. 7 Q At or about the same time you -- Ms. Alexis 8 made the payment of \$7,000,000 to Dean Mead, as we 9 previously discussed, you obtained several million 10 dollars into the Creative Capital accounts, correct? 04:22:42 11 A Fifth. 12 Q Is it your testimony that none of that money 13 was to be back-channeled to Pacific Atlantic or Cardona 14 in repayment of the obligations under these agreements? 15 A Fifth. 04:23:04 16 MR. WEIGEL: Objection as to form. 17 BY MS. VAN VLIET: 18 Q I'm sorry. I didn't hear you. 19 A Fifth. 20 Q Why did you authorize Gabrielle Alexis to 04:23:09 21 transfer approximately 2.5 million dollars to you of 22 the remaining money that Cardona had transferred into 23 her trust account? 24 A Fifth. 25 Q Did Cardona authorize you to do that? 04:23:35</p>	<p>167</p> <p>1 A (By the Witness) Fifth. 2 Q Is it your testimony that this money was not 3 the remaining money from the \$11,000,000 that was 4 transferred into Ms. Alexis's account? Is that your 5 testimony? 04:27:10 6 A Fifth. 7 Q Is it your testimony that you did not transfer 8 the remaining \$4,000,000 that was supposed to be used 9 for the purchase of Regency II into your own 10 OptionsXpress trading account in the name of Gabrielle 04:27:31 11 Alexis and George Theodule? 12 A Fifth. 13 Q Did German Cardona authorize you to do that -- 14 A Fifth. 15 Q -- or did you simply steal the money from him? 04:27:42 16 MR. WEIGEL: Objection, argumentative. 17 A (By the Witness) Fifth. 18 Q If this money was not, in fact, from the 19 \$11,000,000, was it from the \$3,000,000 that you 20 diverted into Ms. Alexis's account from Creative 04:27:59 21 Capital? 22 MR. WEIGEL: Objection, argumentative. 23 A (By the Witness) Fifth. 24 BY MS. VAN VLIET: 25 Q If not from Mr. Cardona or Pacific Atlantic or 04:28:08</p>
<p>166</p> <p>1 A Fifth. 2 MR. WEIGEL: It also assumes facts not 3 in evidence. 4 BY MS. VAN VLIET: 5 Q All right. Let me get you to identify his 04:23:51 6 handwriting on his written instructions to her. You 7 know what? I think it's in the one we already have. 8 MS. VAN VLIET: I only have one copy of 9 this. I'll have to make copies for you 10 afterwards. 04:26:02 11 (Exhibit No. 14 was marked.) 12 BY MS. VAN VLIET: 13 Q Mr. Theodule, I'm handing you what's been 14 marked as Exhibit 14, which, for the record, is a 15 handwritten document bearing Bates stamped Alexis 04:26:10 16 000028 with a facsimile tab line from Washington Mutual 17 at 1:21:59 p.m. on July 8, 2008, with handwriting on 18 it. Take a look at that, please, and tell me when 19 you're done reviewing it. 20 A I'm done. 04:26:43 21 Q Do you recognize the signature on that 22 document? 23 A Yes. 24 Q Is it your signature? 25 (Witness conferring with counsel.) 04:26:58</p>	<p>168</p> <p>1 Creative Capital, where did you get the \$4,000,000 that 2 you transferred into and gave her authorization to 3 transfer out? 4 A Fifth. 5 Q Similarly, on page 00 -- I'm sorry, this is 04:28:24 6 Exhibit 9, Ms. Alexis's account -- 000009, on August 7 21st, there is a transfer of \$50,000 to you -- I mean, 8 to Ms. Alexis per your authorization. Do you see that? 9 A What page? 10 Q 9. 04:28:57 11 A I have 9 right here. Is that the same one you 12 have? 13 Q 000 -- 14 A Okay. 15 Q Do you see the \$7,000,000 transfer? It's the 04:29:05 16 one right below it. Do you see that? 17 A The one we discussed earlier? 18 Q We didn't discuss the \$50,000 earlier. 19 A Oh, no. I'm talking about the 7,000,000. 20 Q Correct. 04:29:16 21 A Yes. 22 Q That, in fact, was the payment of Ms. Alexis's 23 \$10,000 per month retainer; was it not? 24 A Fifth. 25 Q Turning your attention to page 000014, there 04:29:24</p>

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1 is also -- I'm sorry. Do you have that page?
 2 A Got it.
 3 Q There is a transfer from Ms. Alexis's trust
 4 account on September 11th, '08, of \$2,417,000 to
 5 OptionsXpress to your joint account. Do you see that? 04:30:12
 6 A I see it.
 7 Q What is the source of that \$2,000,000?
 8 A Fifth.
 9 Q Why was the remaining \$4,000,000 that was
 10 deposited into Ms. Alexis's account allegedly from 04:30:35
 11 Pacific Atlantic not used to purchase Regency II?
 12 A Fifth.
 13 Q I'm sorry? You're taking the Fifth on a
 14 Regency question?
 15 MR. WEIGEL: You said "not used." 04:30:54
 16 BY MS. VAN VLIET:
 17 Q It's your testimony that she transferred out
 18 the remaining \$4,000,000 to purchase Dolce Regency II?
 19 Is that your testimony?
 20 A You heard that from me? 04:31:07
 21 Q Well, my question to you is why was the
 22 remaining \$4,000,000 from the 11, why was it not
 23 transferred and used to purchase Regency II.
 24 A Okay.
 25 Q Well, you just invoked the Fifth. So what I'm 04:31:21

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1 asking is are you, in fact, invoking the Fifth on a
 2 matter relating to Dolce Regency, in this case Regency
 3 II?
 4 THE WITNESS: Is that what we're doing,
 5 or do you want me to explain it? 04:31:40
 6 MR. WEIGEL: Well, explain it to me
 7 first.
 8 THE WITNESS: Okay.
 9 (Witness conferring with counsel.)
 10 MR. WEIGEL: Go ahead. Next question. 04:34:11
 11 MS. VAN VLIET: Well, is he going to
 12 answer the one that's pending, or is he
 13 going to invoke the Fifth?
 14 MR. WEIGEL: He answered.
 15 MS. VAN VLIET: Well, actually, no, he 04:34:20
 16 didn't. He invoked the Fifth.
 17 MR. WEIGEL: That's right.
 18 BY MS. VAN VLIET:
 19 Q So for the record, you are invoking the Fifth
 20 Amendment with regard to a question having to do with 04:34:26
 21 Dolce Regency and the purchase of Regency II; is that
 22 correct? I need that to be absolutely clear that
 23 you're invoking the Fifth on the Regency II question.
 24 MR. WEIGEL: That's correct.
 25 MS. VAN VLIET: Okay. 04:34:40

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1 BY MS. VAN VLIET:
 2 Q Turning your attention to page 18 of the
 3 document, which is the operating agreement, Exhibit 10.
 4 Section 8.1 of that agreement is where it indicates
 5 that in terms of net cash flow, you and German Cardona 04:35:06
 6 were to split any net cash flow 50/50, correct? Is
 7 that your understanding?
 8 A That's what it says right there.
 9 MR. WEIGEL: She's asking you if that's
 10 your understanding. 04:35:23
 11 A (By the Witness) Yes. That's what it says.
 12 Q I'm not asking you what it says. I'm asking
 13 you what your understanding is.
 14 A Yes.
 15 Q Okay. Now, in return for that, you, as I 04:35:31
 16 understand it, were to obtain the financing and you
 17 provided two personal guaranties; is that correct?
 18 A No.
 19 Q Well, we discussed the personal guaranties
 20 earlier, and you acknowledged that they were your 04:35:50
 21 signatures. Are you saying they weren't your
 22 signatures now?
 23 A No. You're combining the two as if it was
 24 part of the agreement. I accepted the fact that during
 25 the closing, these two documents were presented to me 04:36:00

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1 that I -- now that you have told me where they came
 2 from, and I said I signed them when my lawyer
 3 recommended that I sign them.
 4 Q Okay. For the record, I didn't tell you
 5 anything. 04:36:13
 6 A There was not such an agreement as you're
 7 stating right now trying to combine the two. Let's
 8 make sure that we keep the two separate. The only
 9 agreement that we had was if I perform my duties as to
 10 obtain the financing for the hotel. For that, I would 04:36:24
 11 benefit. If I did not do such a thing, I had nothing
 12 coming.
 13 Q Okay. So it's my understanding then that you
 14 signed two personal guaranties upwards of \$9,000,000
 15 out of the goodness of your heart? 04:36:39
 16 A No.
 17 MR. WEIGEL: Objection.
 18 BY MS. VAN VLIET:
 19 Q Why did you sign them then?
 20 MR. WEIGEL: Asked and answered. 04:36:46
 21 A (By the Witness) I already answered it.
 22 Q You didn't know what you were signing?
 23 A Already answered it.
 24 Q Are you telling me that you didn't know what
 25 you were signing? 04:36:52

<p>173</p> <p>1 A I already answered it.</p> <p>2 Q No. You didn't answer that question.</p> <p>3 MR. WEIGEL: He did.</p> <p>4 BY MS. VAN VLIET:</p> <p>5 Q No, you didn't. 04:36:59</p> <p>6 MR. WEIGEL: He did.</p> <p>7 BY MS. VAN VLIET:</p> <p>8 Q No, you didn't. You've testified that you</p> <p>9 talked to your client about it. Your lawyer instructed</p> <p>10 you, as we've already discussed, not to answer it on 04:37:10</p> <p>11 what we submit is a meritless assertion of</p> <p>12 attorney-client privilege.</p> <p>13 What I'm asking you is whether you knew what</p> <p>14 you were signing, not what somebody told you. Did you</p> <p>15 know what you were signing? 04:37:27</p> <p>16 A I answered this so clearly that you wanted me</p> <p>17 to comment, said are you in the habit of signing things</p> <p>18 without understanding what you signed. Did you not say</p> <p>19 that?</p> <p>20 MR. WEIGEL: We've already been over 04:37:39</p> <p>21 this. We're getting into an argument.</p> <p>22 Counsel --</p> <p>23 BY MS. VAN VLIET:</p> <p>24 Q Did you know what you were signing?</p> <p>25 MR. WEIGEL: Counsel, can you -- 04:37:45</p>	<p>175</p> <p>1 A No.</p> <p>2 Q And what were the preapprovals for?</p> <p>3 A For the construction.</p> <p>4 Q I thought you testified earlier that Mr. Lavan</p> <p>5 couldn't come up with any financing for the 04:38:58</p> <p>6 construction.</p> <p>7 A Exactly. The documents turned out to be</p> <p>8 bogus. They turned out to be false documents.</p> <p>9 Q Okay. And how much did Mr. Lavan promise you</p> <p>10 in false -- 04:39:14</p> <p>11 MS. VAN VLIET: There's nothing written</p> <p>12 on that side.</p> <p>13 MR. WEIGEL: Okay. It's a habit.</p> <p>14 BY MS. VAN VLIET:</p> <p>15 Q -- in false documents on loans? 04:39:20</p> <p>16 A I'm sorry?</p> <p>17 Q How much were those two preapproval letters</p> <p>18 for?</p> <p>19 A In the range of 40 to \$60,000,000.</p> <p>20 Q And were they from Dan Lavan personally, or 04:39:28</p> <p>21 were they from Dan Lavan's sources?</p> <p>22 A Sources.</p> <p>23 Q Were those sources institutional sources or</p> <p>24 other individuals?</p> <p>25 A So-called institutional sources. 04:39:37</p>
<p>174</p> <p>1 A (By the Witness) I answered it, and you made</p> <p>2 a comment to that.</p> <p>3 MR. WEIGEL: That's enough.</p> <p>4 BY MS. VAN VLIET:</p> <p>5 Q Mr. Theodule, I believe that you testified 04:37:58</p> <p>6 before -- and I could be wrong -- that you brought two</p> <p>7 preapproval letters to closing on August 29th. Do you</p> <p>8 recall that testimony today?</p> <p>9 A They were submitted to my lawyer, and she</p> <p>10 submitted them to the closing crew upon that date that 04:38:12</p> <p>11 we did the closing.</p> <p>12 Q Okay. And who were those preapproval letters</p> <p>13 from?</p> <p>14 A Dan Lavan.</p> <p>15 Q And so Dean Mead would have copies of those? 04:38:27</p> <p>16 A I'm sure she should, yes.</p> <p>17 Q Okay. You said "she should." Dean Mead is a</p> <p>18 law firm.</p> <p>19 A I'm sure he should, yes.</p> <p>20 Q Okay. Would Ms. Alexis -- 04:38:40</p> <p>21 MR. WEIGEL: One more try.</p> <p>22 BY MS. VAN VLIET:</p> <p>23 Q Would Ms. Alexis have copies of those?</p> <p>24 A I'm sure she should, yes.</p> <p>25 Q Did you obtain them personally? 04:38:48</p>	<p>176</p> <p>1 Q And what were these so-called institutions; do</p> <p>2 you recall?</p> <p>3 A I don't. But they were submitted to both</p> <p>4 legal entities involved in the closing.</p> <p>5 Q Okay. That was your responsibility to obtain 04:39:48</p> <p>6 all of those sources of funding; is that right?</p> <p>7 A That was my responsibility to work with, yes,</p> <p>8 yes. I'll take account of that, yes.</p> <p>9 Q Okay. And what diligence, what due diligence</p> <p>10 did you do on these sources of funding that Dan Lavan 04:40:04</p> <p>11 was putting forward before going to closing?</p> <p>12 A I submitted to my legal representation for her</p> <p>13 to verify, which she did -- she did do the due</p> <p>14 diligence. So, you know, she did do it.</p> <p>15 Q Ms. Alexis did do the due diligence? 04:40:21</p> <p>16 A Yes.</p> <p>17 Q She told you that?</p> <p>18 A Yeah, yes.</p> <p>19 Q Okay. And she told you, I gather, that she</p> <p>20 was satisfied with it? 04:40:29</p> <p>21 MR. WEIGEL: Let's not talk about</p> <p>22 attorney-client privilege matters, okay,</p> <p>23 communications between the two.</p> <p>24 MS. VAN VLIET: Well, he's already</p> <p>25 talked about it. 04:40:37</p>

<p style="text-align: center;">177</p> <p>1 A (By the Witness) No.</p> <p>2 Q Did you speak to Mr. Lavan about who his</p> <p>3 sources were?</p> <p>4 A I asked him if he had the approvals. I didn't</p> <p>5 ask him for the names when he gave the information. I 04:40:55</p> <p>6 asked him to submit the information to Gabrielle for</p> <p>7 the due diligence.</p> <p>8 Q And --</p> <p>9 A And that was done before the closing.</p> <p>10 Q How soon before the closing? 04:41:08</p> <p>11 A Several days prior, I'm sure.</p> <p>12 (Exhibit No. 15 was marked.)</p> <p>13 BY MS. VAN VLIET:</p> <p>14 Q I'm handing you what's been marked as 15,</p> <p>15 which is a copy of your initial accounting and 04:41:49</p> <p>16 identification of accounts. You've seen this document</p> <p>17 before, haven't you?</p> <p>18 A Yes.</p> <p>19 Q On the second page of that document, is that</p> <p>20 your signature? 04:42:20</p> <p>21 A Yes.</p> <p>22 Q Did you review all of the items contained in</p> <p>23 the attachments at the time and particularly Exhibit C</p> <p>24 at the time you signed them -- signed it, I should say?</p> <p>25 I apologize. 04:42:38</p>	<p style="text-align: center;">179</p> <p>1 version of this? I honestly don't remember.</p> <p>2 MR. WEIGEL: I sent it simultaneously.</p> <p>3 MS. VAN VLIET: Okay. I just don't</p> <p>4 have it. That's why I was asking.</p> <p>5 BY MS. VAN VLIET: 04:44:44</p> <p>6 Q Because this is the electronic filing, not</p> <p>7 that there's anything wrong with it, but it's the</p> <p>8 electronic filing. So it doesn't actually bear your</p> <p>9 signature, correct?</p> <p>10 A Uh-huh (affirmative). 04:44:52</p> <p>11 Q So paragraph 3 where it says to the best of</p> <p>12 your knowledge, all bank, brokerage, intangible assets,</p> <p>13 et cetera, everywhere in the world have now been</p> <p>14 disclosed to the Receiver, is that right?</p> <p>15 A At the time, to the best of my knowledge, 04:45:02</p> <p>16 yeah.</p> <p>17 Q Okay. Well, the time that this was executed</p> <p>18 was March 9, 2009; is that right?</p> <p>19 A Yes.</p> <p>20 Q You said at the time to the best of your 04:45:12</p> <p>21 knowledge. Have you thought of or discovered other</p> <p>22 bank, brokerage or intangible property of any kind</p> <p>23 subject to control or which you have a beneficial</p> <p>24 interest anywhere and everywhere in the world since</p> <p>25 that time? 04:45:28</p>
<p style="text-align: center;">178</p> <p>1 A Yes.</p> <p>2 Q Okay.</p> <p>3 (Exhibit No. 16 was marked.)</p> <p>4 BY MS. VAN VLIET:</p> <p>5 Q Turning your attention then to Exhibit 16, 04:42:51</p> <p>6 which is your amended -- I'm sorry, which is your</p> <p>7 response to an order to show cause which attaches a</p> <p>8 second accounting. It's the first exhibit to the</p> <p>9 document that's on here. Unfortunately, they're not</p> <p>10 Bates stamped because it's a PACER document. So if you 04:43:23</p> <p>11 want to --</p> <p>12 MR. WEIGEL: Are you referring to</p> <p>13 Exhibit C?</p> <p>14 MS. VAN VLIET: Yeah.</p> <p>15 A (By the Witness) Okay. 04:43:43</p> <p>16 Q Now, immediately after Exhibit C, there is a</p> <p>17 declaration -- what purports to be your declaration.</p> <p>18 Do you see that?</p> <p>19 A Okay.</p> <p>20 Q Did you, in fact, read this declaration before 04:44:05</p> <p>21 it was filed?</p> <p>22 A The one on page 1 of 1?</p> <p>23 Q Yes, sir.</p> <p>24 A Yes.</p> <p>25 Q Okay. And have you since executed a signed 04:44:30</p>	<p style="text-align: center;">180</p> <p>1 THE WITNESS: I think we ought to</p> <p>2 discuss some things, yes, or, you know, I --</p> <p>3 A (By the Witness) I don't know. I have to</p> <p>4 discuss that with my counsel in order for me to figure</p> <p>5 out where we are. 04:45:45</p> <p>6 Q Well, counsel -- I mean, well, why don't you</p> <p>7 do that then, because if there are more assets that you</p> <p>8 know of that you have not yet disclosed, then we'll go</p> <p>9 before the Court rather quickly on that.</p> <p>10 MR. WEIGEL: We're not aware of any. 04:45:59</p> <p>11 MS. VAN VLIET: Let's take a</p> <p>12 five-minute break.</p> <p>13 MR. WEIGEL: We don't need a break.</p> <p>14 It's up to you.</p> <p>15 MS. VAN VLIET: All right. 04:46:06</p> <p>16 BY MS. VAN VLIET:</p> <p>17 Q Mr. Theodule, are there any other assets which</p> <p>18 you have not disclosed?</p> <p>19 A I -- not that I recollect at this point.</p> <p>20 Q Okay. Let's talk about some of these then. 04:46:17</p> <p>21 Putting aside the changes in the two things, the two</p> <p>22 exhibits for a moment --</p> <p>23 THE WITNESS: Are we discussing this</p> <p>24 today or just Dolce?</p> <p>25 MR. WEIGEL: We're good. 04:46:35</p>

<p style="text-align: center;">181</p> <p>1 BY MS. VAN VLIET: 2 Q I would like to ask you to review the four 3 pages of your March 9th, supplement. You testified 4 earlier that you couldn't recall the names of all of 5 the corporations that Ms. Alexis had instituted for 04:46:59 6 possible use by your wife to obtain financing in a 7 corporate name. Do you recall that testimony? 8 A Uh-huh (affirmative). 9 Q And I believe you said that reviewing this 10 might refresh your recollection as to the names of 04:47:13 11 those corporations. So if you could do that right now 12 and let me know which ones might tickle your memory. 13 A Do you have a list of the corporations? Do 14 you have them somewhere here? 15 Q Mr. Theodule, just review your Exhibit C and 04:47:31 16 tell me whether or not it refreshes your recollection 17 as to the names of any of the corporations under which 18 you were going to attempt to obtain financing allegedly 19 for the Regency I and Regency II. 20 A They wouldn't be in Exhibit C. They wouldn't 04:47:56 21 be under here. 22 Q Mr. Theodule, you were the one who said it 23 might refresh your recollection earlier. I'm just 24 asking you to look through it and -- 25 A No. That's not what I -- 04:48:06</p>	<p style="text-align: center;">183</p> <p>1 recall that testimony, or do you need me to have her go 2 back and pull it up? 3 A Yes, please. 4 MS. VAN VLIET: Okay. 5 Search for Corominas. It only happened 04:49:48 6 one time. You know because you had me spell 7 it at the break. 8 (The record was read by the court reporter.) 9 A (By the Witness) Her question, let's go back 10 to her question that she just asked because, again, my 04:50:29 11 answer was I was not quite sure, not to the definite 12 statement that you just made. 13 Q Did Mr. Corominas ever attend a meeting with 14 you with Mr. Cardona? 15 A Yes. 04:50:44 16 Q When? 17 A I don't remember the date. 18 Q I guess you were sure then, huh? 19 A No. 20 MR. WEIGEL: Objection, argumentative. 04:50:49 21 A (By the Witness) You asked about the first 22 time. 23 Q What was the subject of your meeting with 24 Mr. Cardona when Mr. Corominas was present? 25 A Dolce. 04:50:59</p>
<p style="text-align: center;">182</p> <p>1 Q -- if you've had a -- Mr. Theodule, please 2 don't talk over me because she can't take it down. If 3 you've had a chance to review it and it doesn't refresh 4 your recollection, that's fine. Just tell me that you 5 reviewed the four pages and it doesn't refresh your 04:48:16 6 recollection. 7 A That's not the pages that I was talking about. 8 You have a list of all these corporations that belongs 9 to me that you claim. That's the list I'm talking 10 about, the list that was originally filed with your 04:48:31 11 original claim. You had about 102 different things you 12 said belonged to me, and in there was a lot of 13 corporations, and some of those names I would remember 14 for that purpose, not this document. 15 Q Okay. Well, since we're clearly not going to 04:48:51 16 finish today, we'll go over that the next time. 17 Do you recall earlier testifying about an 18 individual named Gerson Corominas? 19 A I did not testify about him. 20 Q Do you recall testifying this morning about 04:49:19 21 the fact that Mr. Corominas was not present during your 22 first meeting with German Cardona and Ms. Leon in or 23 about May 2008 -- I'm sorry, in or about mid 2008 which 24 took place either in Orlando or West Palm Beach but 25 that he was present at subsequent meetings. Do you 04:49:38</p>	<p style="text-align: center;">184</p> <p>1 Q What was Mr. Gerson Coriminus's role in Dolce 2 Regency? 3 A Friend. 4 Q Of whom? 5 A Me. 04:51:13 6 Q How did you meet Mr. Corominas? 7 A In the meeting. 8 Q Was it the meeting of the investment club that 9 he eventually became president of in Orlando? 10 A Fifth. 04:51:28 11 Q How long did you know Mr. Corominas prior to 12 that investment club starting? 13 MR. WEIGEL: Objection as to form, 14 assumes facts not in evidence. 15 BY MS. VAN VLIET: 04:51:40 16 Q Go ahead. 17 A Fifth. 18 Q Now, you've indicated in Exhibit C that the 19 2004 Mercedes Benz S600 which is currently titled in 20 the name of Gerson Corominas but you have the signed 04:51:55 21 title was purchased in approximately March of 2008. Do 22 you see that? It's the very first listing under your 23 assets. 24 A Okay. What about it? 25 Q Do you see where it says it was purchased in 04:52:11</p>

<p>185</p> <p>1 March 2008?</p> <p>2 A Approximately.</p> <p>3 Q By whom? Does that mean when you purchased</p> <p>4 it?</p> <p>5 A Yes. 04:52:24</p> <p>6 Q Okay. You say it's currently titled in the</p> <p>7 name of Gerson Corominas; is that right?</p> <p>8 A Yes.</p> <p>9 Q Is it still titled in the name of Gerson</p> <p>10 Corominas? 04:52:31</p> <p>11 A As far as I know.</p> <p>12 Q Well, you say that you have the title.</p> <p>13 A Yeah.</p> <p>14 Q So you would know presumably; is that right?</p> <p>15 A He might have done a duplicate title. 04:52:40</p> <p>16 Q Is the signed original title that you have</p> <p>17 still titled in the name of Gerson Corominas?</p> <p>18 A The original one that I have is under Gerson,</p> <p>19 yes.</p> <p>20 Q Okay. And who has possession of the car? 04:52:52</p> <p>21 A I do.</p> <p>22 Q And how much did Mr. Corominas pay you for the</p> <p>23 car?</p> <p>24 A He didn't. He purchased it. Then he returned</p> <p>25 it because he purchased one like it. 04:53:06</p>	<p>187</p> <p>1 it's up to 183,700. I recognize that some of it's also</p> <p>2 listed as stolen. But was that just a typo in your</p> <p>3 first one, or is it a typo in the second one?</p> <p>4 A No. It was a typo in the first one.</p> <p>5 Q Okay. And you talk about, in your second 04:54:35</p> <p>6 March 9th one, several items being stolen, a Rolex</p> <p>7 watch, a diamond ring, gold necklace and a gold</p> <p>8 bracelet; is that right?</p> <p>9 A Uh-huh (affirmative), among other things.</p> <p>10 Q You have to answer yes or no for the record. 04:54:50</p> <p>11 She can't --</p> <p>12 A Yes, among other things.</p> <p>13 Q Which leads me to my next question. I mean,</p> <p>14 I'm assuming that the Rolex watch, while lovely, I'm</p> <p>15 sure, the diamond ring, the gold necklace and gold 04:55:02</p> <p>16 bracelet are not valued at \$183,000 collectively; is</p> <p>17 that right? What else? What other jewelry --</p> <p>18 A That is.</p> <p>19 Q That's it? That was all the jewelry that adds</p> <p>20 up to 183,000; is that right? 04:55:15</p> <p>21 A Again, you're talking about my part. Again, a</p> <p>22 lot of things were stolen belonged to Dorothy. So</p> <p>23 we're just talking about my part.</p> <p>24 Q Well, you've listed \$183,000 under your</p> <p>25 assets, not Dorothy's. 04:55:30</p>
<p>186</p> <p>1 Q And did you refund his money to him?</p> <p>2 A He never gave me the money in the first place.</p> <p>3 Q So he didn't purchase it from you?</p> <p>4 A What happened was he borrowed it. He fell in</p> <p>5 love with it. He said he wanted to buy it, and the 04:53:21</p> <p>6 week he was going to buy it, it had a mechanical</p> <p>7 problem. He took it to the Mercedes Benz dealership</p> <p>8 and saw one exactly like it, fell in love with it and</p> <p>9 bought it and returned me the one that he originally</p> <p>10 was going to purchase. So there was never any money 04:53:36</p> <p>11 transferred, and he had transferred the title because</p> <p>12 he was going to purchase it until he found out that</p> <p>13 there was a mechanical problem.</p> <p>14 Q Well, you say that he transferred the title.</p> <p>15 Actually, you would have transferred the title to him, 04:53:47</p> <p>16 correct?</p> <p>17 A Well, I signed it over. He went to DMV and</p> <p>18 did the transaction is what I meant.</p> <p>19 Q Okay. So am I correct that you signed over</p> <p>20 title to this car, this Mercedes, to Corominas before 04:53:57</p> <p>21 you received any payment for it; is that right?</p> <p>22 A That is correct.</p> <p>23 Q Okay. I believe in your first accounting you</p> <p>24 mentioned that you had approximately \$3700 worth of</p> <p>25 jewelry in Loganville, and in your second accounting, 04:54:18</p>	<p>188</p> <p>1 A Exactly.</p> <p>2 Q So what are the other \$183,000 worth of</p> <p>3 jewelry that are your assets that are listed on your</p> <p>4 schedule that you've claimed is accurate?</p> <p>5 A That's what I'm telling you. If you go by 04:55:40</p> <p>6 what I have in here, I can provide you receipts from</p> <p>7 the stores that these things were purchased to total up</p> <p>8 to that amount at least.</p> <p>9 Q Okay. Now --</p> <p>10 A That's without Dorothy's. 04:55:55</p> <p>11 Q I understand. Now, I presume you bought your</p> <p>12 wife jewelry; is that correct?</p> <p>13 A Of course.</p> <p>14 Q And that's among the jewelry that was stolen,</p> <p>15 allegedly stolen in January 2009, correct? 04:56:09</p> <p>16 A And she had a bunch before I came along.</p> <p>17 Q And approximately how much would you say, more</p> <p>18 or less, you spent on jewelry for your wife since the</p> <p>19 time you began buying her jewelry?</p> <p>20 A Okay. Let me -- 04:56:27</p> <p>21 (Witness conferring with counsel.)</p> <p>22 MR. WEIGEL: We're going to take a</p> <p>23 one-minute break here.</p> <p>24 MS. VAN VLIET: Okay.</p> <p>25 (A recess was taken from 4:56 to 5:08 p.m.) 04:56:55</p>

<p>189</p> <p>1 MS. VAN VLIET: Let the record reflect 2 it's 5:08. We're back on the record. For 3 the record, I'm withdrawing the question 4 about the jewelry. 5 BY MS. VAN VLIET: 05:08:47 6 Q The March 9th filing accounting makes 7 reference to a house in Jupiter -- and we're on page 2 8 of 4, okay -- as well as an entry for Unity 9 Entertainment, \$300,000 for earnest money for two 10 houses in Jupiter -- excuse me, two houses in 05:09:18 11 Loganville, Georgia, and approximately six cars located 12 on Theodule property in Jupiter, Florida, approximately 13 \$500,000. Do you see that entry? 14 A I know that entry, yes. 15 Q Okay. Could you please refer to the exhibit? 05:09:32 16 MR. WEIGEL: Page 2 of 4, right? 17 MS. VAN VLIET: Yes. The Jupiter 18 property is referenced -- do you mind if I 19 just reach over so I can show you? It would 20 be easier. 05:09:48 21 MR. WEIGEL: Yes. 22 MS. VAN VLIET: Here is the Jupiter 23 property. Here is Unity Entertainment -- 24 MR. WEIGEL: Right. 25 MS. VAN VLIET: -- which refers to -- 05:09:55</p>	<p>191</p> <p>1 MS. VAN VLIET: Correct. I'm talking 2 about the -- 3 BY MS. VAN VLIET: 4 Q Do you have that exhibit? 5 MR. WEIGEL: Look at mine. 05:10:55 6 MS. VAN VLIET: I see he's searching. 7 A (By the Witness) I'm looking for 14. Is this 8 14? Okay. Yeah. See, we have kind of a translation 9 problem, and so we'll try to resolve it as best as we 10 can. We can shed some light for you right now if you 05:11:12 11 wish. 12 Q Well, what I would like for you to do is tell 13 me where the cars that were purchased for you with CCC 14 money by Steve Maxwell are that were stored in Georgia. 15 I would like to know where those are at this moment. 05:11:27 16 A They're in Georgia. 17 Q Where? 18 A In Snellville. 19 Q Where? 20 A You want the address? 05:11:32 21 Q Yes, sir. 22 A Okay. We'll give it to you. 23 Q Who has the titles to those cars? 24 A Mr. Weigel. 25 MR. WEIGEL: Do I have them all? 05:11:47</p>
<p>190</p> <p>1 MR. WEIGEL: Oh, okay, okay. 2 MS. VAN VLIET: Okay? Got it? 3 MR. WEIGEL: Got it. Thank you. 4 MS. VAN VLIET: Sure. 5 BY MS. VAN VLIET: 05:09:58 6 Q The reference to the six cars in Jupiter, 7 Florida, the Theodule property in Jupiter, Florida, is 8 that the same property that you're referring to up at 9 the top of that page, the house in Jupiter, Florida? 10 A That is the same house, yes. 05:10:10 11 Q Okay. And these are both entries under assets 12 of Creative Capital; is that right? You can look at 13 page 1 of 4 to see the heading. 14 A Yes. 15 Q Okay. Are these the only cars that have been 05:10:22 16 purchased with Creative Capital money? 17 A No. 18 MR. WEIGEL: We have an issue with the 19 quantity. We're not sure about that. What 20 we provided here is the six we're sure of. 05:10:38 21 BY MS. VAN VLIET: 22 Q Okay. And the six that you're sure of were 23 all in Jupiter; is that right? 24 MR. WEIGEL: Aside from the other ones 25 identified on the list. 05:10:48</p>	<p>192</p> <p>1 THE WITNESS: Yeah. 2 BY MS. VAN VLIET: 3 Q Mr. Weigel has the titles to cars owned by 4 CCC. When did you give them to him? 5 MR. WEIGEL: No. I have possession of 05:11:56 6 some titles. 7 MS. VAN VLIET: Well, I know you don't 8 have possession of the titles of the cars in 9 Jupiter, because I have those. 10 MR. WEIGEL: Okay. 05:12:03 11 A (By the Witness) Okay. 12 Q When did you last talk to Mr. Maxwell? 13 A Several weeks ago. 14 Q Was your wife present at the time? 15 A I believe so. 05:12:11 16 Q Is that at the point in time when you asked 17 him to give you the signed titles to the cars that were 18 in Jupiter? 19 A I didn't ask him such a thing. 20 Q At that point in time, did you also tell him 05:12:22 21 that you wanted them because you were already giving 22 them to the Receiver? 23 A I'm returning them to my -- I said that I'm 24 turning in the titles that I have to the Receiver, yes. 25 I did. 05:12:40</p>

<p>193</p> <p>1 Q And did you also tell him not to call you on 2 your cell phone because you were afraid to talk on it? 3 A Of course. 4 Q On March 19th, 2008, you transferred \$9700 to 5 Steve Maxwell from Creative Capital. That was for the 05:12:55 6 purchase of an '85 Monte Carlo SS. Do you recall that? 7 A Yes. 8 MR. WEIGEL: Wait a second. Wait a 9 second. I'm sorry. What's the date? 10 MS. VAN VLIET: March 19th, 2008. 05:13:06 11 MR. WEIGEL: Okay. Well, I -- I don't 12 want to get into -- I mean, if there's an 13 explanation that you need from one of these 14 itemizations, we can go through that. I 15 have a question -- 05:13:22 16 MS. VAN VLIET: Well, I want to know 17 why only six cars have been listed on this 18 when he's just said that he believes that 19 others may have been purchased, and I 20 already know, based on other investigation, 05:13:33 21 that the rest of them have been purchased 22 with CC money because I transferred it, and 23 we've given him plenty of opportunity to 24 come clean with what he's got. I would also 25 like to know about the transfers of those 05:13:43</p>	<p>195</p> <p>1 given a long time ago, but was purchased. So therefore 2 if you have records of what was purchased, you're going 3 to say, okay, all these things were purchased. 4 Now, if you ask me what are my assets right 5 now or what assets do you possess, I'm going to report 05:15:14 6 this because this is what we have possession of, okay. 7 So what I'm trying to do right now is to try to ask 8 them, hey, okay, they're going to try to claim and come 9 after these cars, and so I may need these back if you 10 still have them. 05:15:29 11 Q Okay. 12 A So do you understand the confusion of what I'm 13 saying? 14 Q I understand what you're saying. There's no 15 confusion. 05:15:36 16 A Okay. 17 Q How about the six cars that were on the 18 property on January -- what was the date of that 19 robbery -- January 22nd, 2009? How about the six cars 20 that were on the property then that Maxwell purchased 05:15:51 21 for you, including the old Ford roadster that's not 22 street legal that the next day that you then had either 23 a Haitian or Jamaican move to a wrecker service? How 24 about those? 25 A To a what service? 05:16:04</p>
<p>194</p> <p>1 things to his cousin Yves and the other ones 2 to his son Julius, for example. 3 A (By the Witness) Uh-huh (affirmative). Well, 4 as stated, all those have been clearly specified when 5 we got resolution to those things, you know, to 05:13:57 6 Counsel, and so I submitted them for us to try to get 7 some clarifications how we can, you know, resolve them 8 with you. 9 Q Okay. So you're telling -- 10 A Here's the thing. Let me just try to give you 05:14:10 11 some light, okay. You asked me for the assets that I 12 possessed. That's what I reported. Now, what you're 13 asking about right now are assets that were purchased, 14 okay, and at the time that CCC was in effect. So all 15 these things that you're talking about, right, were 05:14:28 16 purchased when CCC was in effect. 17 And so when I clarified that with Mr. Weigel, 18 I said, Mr. Weigel, these are things that I have that 19 belong to me, these are things that I purchased during 20 the time and I gave to my cousin and I gave one to my 05:14:43 21 son for his birthday a long time ago. 22 And so therefore when you're talking about, 23 you know -- it's not like, you know, there's an intent 24 to hide it. It's just that these things are probably 25 titled under somebody else's name a long time ago, was 05:15:00</p>	<p>196</p> <p>1 Q A wrecker service. 2 A What's a wrecker service? 3 Q I don't know. That's what you told Steve 4 Maxwell. 5 A No. 05:16:10 6 Q All right. Where are they? 7 A Well, when we moved, when we got evicted, 8 okay, the cars that we still had possession, it's not 9 six cars. It's only three cars. 10 Q Where are they? 05:16:20 11 A They're in Snellville, just like I told you. 12 Q Where? 13 A I told you I would provide you the address 14 about a few minutes ago when we first started talking. 15 Q Okay. 05:16:27 16 A It's still the same story. 17 Q Those were purchased with CCC money; is that 18 correct? 19 A Those were purchased with the funds that we're 20 talking about. 05:16:34 21 Q And you had those in your possession and on 22 your property in January when the robbery was reported; 23 isn't that correct? 24 A Some of them. 25 Q As a matter of fact, the -- as your bad luck 05:16:44</p>

<p>197</p> <p>1 would have it, the officer who took the report happens 2 to be a car nut and remembers them in great detail. 3 Can you explain to me why you have never disclosed 4 those assets to the Court and the Receiver? 5 A If your officer was such a car nut, he would 05:17:01 6 know that those cars were sitting in a parking garage 7 in the second house that we never lived in, and we 8 never went there for an inspection during the robbery 9 because that house never got robbed. 10 What he saw was Benzes and Hummer and cars and 05:17:16 11 Camaros and cars that we have right now that we use in 12 the family household, okay. I only had one collector 13 car that he can identify. The rest he would not be 14 able to identify at that location. 15 Q A 1932 Ford street roadster, I believe yellow 05:17:31 16 in color? 17 A Yes. 18 Q A 1967 GTO, I believe, black in color, 19 correct? 20 A Incorrect. 05:17:44 21 Q A 1965 Impalla SS, white and black? 22 A Incorrect. 23 Q Okay. The '69 Chevelle, was that there or is 24 that in Fort Pierce at the -- 25 A Neither one. 05:18:00</p>	<p>199</p> <p>1 A He has that, too. 2 Q Okay. '57 Bel Air, where is that? 3 A That we have. 4 Q Where? This garage in Snellville? 5 A Yes. 05:19:05 6 Q The '85 Monte Carlo SS is with cousin in 7 Chicago, correct? 8 A Yes. 9 Q How about the '68 Camaro RS? 10 A I don't have a '68 Camaro RS. 05:19:20 11 Q How about the '68 Camaro RS that you gave to 12 your son Julius that's orange in color? 13 A Okay. There's a '69 Camaro SS that I gave to 14 my son. It's in California. 15 Q Where in California? 05:19:34 16 A I don't know where he lives. 17 Q You don't know where your son lives? 18 A Believe it or not. 19 Q How about the gun safe that Maxwell purchased 20 for you? 05:19:43 21 A I have the safe. 22 Q Where is that? 23 A In the garage. 24 Q In what residence? 25 A Snellville. 05:19:49</p>
<p>198</p> <p>1 Q Where is the '69 Chevelle? 2 A Being built. 3 Q Being built where? 4 A Wherever the gentleman has his shop. You'd 5 have to ask Mr. Maxwell. 05:18:09 6 Q Okay. And -- 7 A Two of the cars that you described were in a 8 different location. We had two houses in Conyers. 9 Q I understand. 10 A And so how in the world can he describe to me 05:18:19 11 what kind of car that we had in a different location? 12 Q Again, I don't answer the questions. I ask 13 them. 14 A Okay. 15 Q '32 Ford street roadster, was it at that other 05:18:30 16 location? 17 A No. That was the one that was at that 18 location. 19 Q Okay. '67 GTO, black? 20 A That's in Chicago. 05:18:39 21 Q With whom? 22 A My cousin. 23 Q Cousin whom? 24 A Yves. 25 Q Are you sure that's not an '85 Monte Carlo SS? 05:18:45</p>	<p>200</p> <p>1 Q Okay. What's in the safe? 2 A Tools. 3 Q How about the -- 4 A Wires, electronic stuff. 5 Q Okay. And why do you have all that in a gun 05:19:58 6 safe, tools? 7 A Storage. 8 Q Okay. And how much money did you pay for 9 storage for your tools? About \$1500? 10 A Pay for storage for my tools? I don't 05:20:11 11 understand. 12 Q Your gun safe that you use to store your 13 tools, you paid about 1500 bucks for that? 14 A I didn't say I used to store my tools. My 15 tools are still in them, wires and things for cable 05:20:21 16 connections for TV and stereo and stereo stuff, yes. 17 They're still in the safe right now as we speak. 18 Q And you paid approximately \$1500 for that gun 19 safe from CCC money? 20 A That's your assumption. 05:20:33 21 Q Did you ever get an accounting from Steve 22 Maxwell from the various expenses that he made on your 23 behalf from the CCC money that you wired him? 24 A I don't know about that statement that I did 25 from the CCC money. 05:20:53</p>

201	203
1 Q Did you wire Mr. --	1 Q And you purchased a series of guns through
2 A If you could omit those accusations and	2 him; isn't that right?
3 implications, I can answer them for you.	3 A Yes, yes.
4 Q Okay. Did you wire Mr. Maxwell -- did CCC	4 Q Okay. Hence the reason you purchased the gun
5 wire Mr. Maxwell \$1500 on May 14, 2008? 05:21:02	5 safe, correct? 05:24:56
6 A CCC did not wire anything.	6 A Well, I want to make sure that my son did not
7 Q By the way, Maxwell transferred \$15,000 to you	7 just leave them around. So, yes.
8 for the house in Jupiter, right, and then was paying	8 Q Okay. Turn to the next page. Do you recall
9 rent, about \$500 a month?	9 this -- again, a CCC account 4141. Do you recall this
10 A That's incorrect. Maxwell purchased the house 05:22:33	10 \$132,000 transfer to Mr. Maxwell on May 16? 05:25:18
11 and gave me a \$15,000 deposit, and I then asked	11 A That's probably part of the accounting that we
12 Gabrielle to go ahead and draw up the contract to	12 turned in for the total amount of money for the cars
13 solidify the deal.	13 purchased.
14 Q And when Steve Maxwell made that check payable	14 Q Well, you've indicated that there's six
15 to you personally, given the fact that you've listed 05:22:53	15 cars -- 05:25:34
16 the Jupiter house as a CCC asset, what did you do with	16 A No.
17 that \$15,000?	17 Q -- that are worth about, on the Jupiter
18 A I invested it.	18 property on your accounting --
19 Q In what?	19 A Uh-huh (affirmative).
20 A Stocks. 05:23:06	20 Q -- that were worth approximately \$500,000, 05:25:42
21 Q Where?	21 according to that.
22 A OptionsXpress.	22 A Right.
23 Q In what account?	23 Q In fact, there was the purchase of the Monte
24 A I don't know. I'd have to trace it.	24 Carlo, which you already testified about --
25 Q That's okay. We'll do that for you. 05:23:13	25 A Uh-huh (affirmative). 05:25:51
202	204
1 (Exhibit No. 17 was marked.)	1 Q -- a '67 Ford Fairlane, which is in Jupiter, a
2 BY MS. VAN VLIET:	2 '66 Mustang convertible, which is in Jupiter, a '72
3 Q Turn your attention to -- they're not Bates	3 Dodge Challenger, purple in color, which is in Jupiter,
4 numbered, and I apologize, but the cash-managed	4 a '67 GTO that's red, a '65 GTO that's black -- I may
5 Wachovia business cash account, Creative Capital 05:23:32	5 have the colors on those reversed -- both of those are 05:26:11
6 account ending in 4141.	6 in Jupiter -- the '68 -- your '69 Camaro that is with
7 MS. VAN VLIET: If you will give it to	7 your son Julius someplace in California, a '32 Ford
8 me, I'll get the page for you, and then you	8 street rod which is not street legal, which apparently
9 can show it to him.	9 is in some garage in Snellville, a '67 GTO, which your
10 BY MS. VAN VLIET: 05:23:48	10 cousin Yves has in Chicago, a '65 Impalla, a '69 05:26:29
11 Q Do you see the entry that's boxed out on May	11 Chevelle, which is the one that's under construction or
12 14th --	12 under --
13 A Uh-huh (affirmative).	13 A Right.
14 Q -- 4141 being the CCC account for \$1500 to	14 Q -- being built. So that's significantly more
15 Stephen Maxwell? 05:24:05	15 than six cars. Did you just forget -- 05:26:43
16 A Uh-huh (affirmative).	16 A No. I clarified all those to you before you
17 Q Okay. Returning to my question a moment ago,	17 even went to exposing all these things. I clarified
18 the transfer of the \$1500 to Stephen Maxwell on May	18 every single one of them to you. I told you Yves had
19 14th, 2008, what was that for?	19 two in Chicago. My son had one, and I had three in
20 A That was a partial withdrawal from his 05:24:16	20 Georgia, and those were not part of what was in 05:26:56
21 investment.	21 Florida, and I told you why that we didn't specify
22 Q Are you sure it wasn't for the purchase of	22 them, because I don't have them as my asset. So that
23 guns?	23 is why we didn't specify them on the paper, and I told
24 A It might have been. It might have been. I	24 you that before you brought that to me.
25 know that he had some withdrawals also. 05:24:35	25 Q So can you explain to me why you specified 05:27:09

<p style="text-align: center;">205</p> <p>1 these six cars that were located in Jupiter as CCC 2 assets but you somehow found some distinction for the 3 ones that you had hidden away up here? 4 MR. WEIGEL: Objection. 5 A (By the Witness) Because we had them up here. 05:27:22 6 Q Sorry? I didn't hear you. 7 A Go ahead. 8 Q He objected. He didn't instruct you not to 9 answer. You can answer. 10 A I was waiting for his objection. 05:27:31 11 Q I believe his objection is done. 12 MS. VAN VLIET: Are you done with your 13 objection? 14 MR. WEIGEL: My mouth is closed. 15 BY MS. VAN VLIET: 05:27:39 16 Q I believe his objection is done. You can go 17 ahead and answer. 18 A Okay. We didn't have them in the possession 19 of where we have them now. Where we have them now, we 20 turned in all those cars to Mr. Weigel and the titles. 05:27:48 21 Q When did you give the cars and the titles to 22 Mr. Weigel? 23 THE WITNESS: About what? How many 24 weeks ago? 25 MR. WEIGEL: Well, let me just clarify. 05:27:56</p>	<p style="text-align: center;">207</p> <p>1 these are corporate property. That's the 2 question. I haven't resolved that issue as 3 to each of these items that we're now 4 talking about. When I figure that out and 5 make a determination about whether or not 05:29:06 6 this should be amended, we'll do so at that 7 time. 8 MS. VAN VLIET: Well -- 9 A (By the Witness) The question is are we 10 hiding them, no, because they were already turned in. 05:29:14 11 So your implication is -- that I was trying to hide 12 them is not going to stand because I had already turned 13 them in. 14 Q Mr. Theodule, there's no question pending. 15 A Okay, very good. 05:29:25 16 Q And there's no implication that you were 17 trying to hide them. 18 A Okay. They were turned in to the proper 19 counsel. 20 Q One more question, one more series of 05:29:35 21 questions. Who is Tim Holly? 22 A Who? 23 Q Tim Holly. 24 A Never heard that name. 25 Q Well, how about Red Alert Group, Incorporated? 05:29:51</p>
<p style="text-align: center;">206</p> <p>1 I don't have any cars. 2 A (By the Witness) No, not the cars, the 3 titles. 4 Q The car titles. I'm sorry. 5 MR. WEIGEL: We're waiting for a full 05:28:04 6 collection of them, which I intended to 7 transfer all at once to the Receiver. 8 BY MS. VAN VLIET: 9 Q And so for three weeks, you've known that your 10 statement to the Receiver and the Court was inaccurate 05:28:19 11 in terms of the amount of cars; is that right? 12 A No. 13 MR. WEIGEL: Objection. No. We 14 haven't -- 15 A (By the Witness) I turned them in to 05:28:29 16 Mr. Weigel, and he is waiting for certain things in 17 order for him to do what he needs to do. But he's 18 known about them, and I turned them in to the proper 19 authorities when I found out what I was supposed to do, 20 how I was supposed to do it. 05:28:42 21 Q Okay. Well, what in the temporary restraining 22 order and the other orders that were issued in December 23 of 2008 requiring you to turn over CCC assets were you 24 unclear on? 25 MR. WEIGEL: Because we don't know that 05:28:55</p>	<p style="text-align: center;">208</p> <p>1 A Never heard of that name. 2 Q Really. Do you recall meeting with Mr. Holly 3 on January 9th, 2009, with your wife, Dorothy, and 4 offering to sell him Dolce Regency for \$25,000,000? 5 A Holly, Red Alert Group, offering -- let me 05:30:10 6 see. There was a heavysset gentleman that I met through 7 Dan Lavan that offered to loan us money, not us 8 offering him anything, because I don't even know where 9 he came from. Dan Lavan brought him to us, so make 10 sure that we get the statement correct. He came to us. 05:30:47 11 We didn't go to him. 12 Q And when did this meeting happen? 13 A I don't know. I don't -- 14 Q Is it after the first of the year? 15 A Yeah, it was. 05:30:57 16 Q So it was after the Court entered its order, 17 correct? 18 A Yeah. 19 Q Directing you not to transfer any of CCC's 20 assets or any of your own personal assets; is that 05:31:06 21 right? 22 A We didn't. We didn't do anything. We 23 couldn't. 24 Q Okay. And you attempted to have or you did 25 have two meetings with this individual; is that right? 05:31:14</p>

<p>209</p> <p>1 A We had two meetings. He was counseling us on 2 what to do, not any purchase transactions, no. 3 Q And, in fact, you offered to sell him, on 4 behalf of your wife, Dorothy, Dolce Regency for 5 \$25,000,000, and the only reason it didn't happen was 05:31:30 6 because Ms. Alexis failed to show up twice with the 7 documentation? 8 A Sorry. That didn't even make sense what you 9 just said. 10 Q So if Ms. Alexis and Mr. Holly -- 05:31:40 11 MR. WEIGEL: Wait, wait, wait. 12 A (By the Witness) That doesn't make sense, 13 ma'am. That doesn't make sense. Think about it. 14 Q So if Ms. Alexis and Mr. Holly both stated 15 that, they would be lying; is that right? 05:31:48 16 A Ms. Alexis -- yes. 17 MR. WEIGEL: Objection. 18 BY MS. VAN VLIET: 19 Q Okay. 20 A The answer is that is a total, total false lie 05:32:02 21 to that statement, and I will disagree with that 100 22 percent, and there is no way in the world that you're 23 going to say -- it's not even possible that you can 24 sell Dolce for something that doesn't belong to you. 25 How am I going to sell it? It doesn't belong to me. 05:32:21</p>	<p>211</p> <p>1 MR. WEIGEL: No. 2 MR. PATRICK: Okay. 3 MS. VAN VLIET: We'll take a break. 4 I'll go wait out -- 5 MR. PATRICK: It's two pieces of paper. 05:33:14 6 MS. VAN VLIET: I'll go wait by the 7 reception desk. I'm not -- I haven't 8 concluded my examination under this. Quite 9 frankly, I need to go back through the time 10 stamp and figure out how much time I've 05:33:28 11 used. Again, we agree to disagree on that. 12 But as a courtesy to Mr. Reynolds, I'm just 13 letting him break in here. 14 MR. WEIGEL: You mean, Mr. Patrick? 15 MS. VAN VLIET: I'm sorry. I keep 05:33:36 16 saying Mr. Reynolds. Yeah, Mr. Patrick to 17 break in here. 18 MR. WEIGEL: I think it's appropriate. 19 MS. VAN VLIET: I just want to make it 20 clear for the record that I have not 05:33:46 21 concluded, but I don't want to -- I haven't 22 necessarily concluded on Dolce. I just 23 don't want to rain on his immediate parade. 24 So let's take a break. It's 5:34 now. 25 Let's take a break. We'll go stand by the 05:34:00</p>
<p>210</p> <p>1 How would I try to sell it? 2 MS. VAN VLIET: I think we'll recess 3 for the day. We'll continue another day. 4 I know that you have -- Mr. Reynolds, 5 excuse me, has some childcare issues. 05:32:31 6 MR. PATRICK: I have a problem if we're 7 recessing. Are we recessing right now? 8 MS. VAN VLIET: Yes, we are. The 9 witness has indicated he's -- 10 MR. PATRICK: I have a problem with 05:32:40 11 that considering I was anticipating having 12 at least two minutes to ask a question and 13 put two pieces of paper in front of the 14 witness. 15 MS. VAN VLIET: I mean, it's fine with 05:32:48 16 me. 17 THE WITNESS: I'm fine. 18 MS. VAN VLIET: The witness had 19 indicated earlier a desire to call it a day. 20 Where are your -- have your documents been 05:32:55 21 faxed here? 22 MR. PATRICK: I'll have them faxed in 23 one minute. It's just two pieces of paper. 24 Mr. Weigel, do you have a problem with 25 that? 05:33:09</p>	<p>212</p> <p>1 front desk, and when your fax gets here, 2 we'll reconvene, which I assume will be in a 3 matter of minutes. 4 MR. PATRICK: Matter of a couple of 5 minutes. My paralegal is hitting the fax 05:34:14 6 number right now. Thanks. 7 MS. VAN VLIET: Sure. 8 (A recess was taken from 5:34 to 5:39 p.m.) 9 (Exhibit Nos. 18-19 were marked.) 10 MS. VAN VLIET: We're back on the 05:40:00 11 record, and the witness has the exhibits. 12 MR. PATRICK: Thank you. 13 MS. VAN VLIET: You're welcome. 14 EXAMINATION 15 BY MR. PATRICK: 05:40:05 16 Q Mr. Theodule, this is Brad Patrick on behalf 17 of Dolce Regency Suites, LLC. 18 I have instructed the court reporter and 19 Counsel to show you a document that's been marked as 20 Exhibit 18. Do you have that exhibit in front of you? 05:40:14 21 A Yes. 22 Q Could you please tell us what Exhibit 18 is? 23 A Exhibit 18 is a letter requesting my immediate 24 resignation as managing member of Dolce Regency Suites, 25 LLC. 05:40:35</p>

<p>213</p> <p>1 Q Did you receive this letter on or about March 2 25th, 2009?</p> <p>3 A Yes.</p> <p>4 Q Was there any additional communication or 5 correspondence about this letter that you had with 05:40:50 6 German Cardona Soler?</p> <p>7 A No.</p> <p>8 Q Turning your attention to Exhibit 19, could 9 you identify that exhibit, please?</p> <p>10 A Yes. That is my response to his request. 05:41:06</p> <p>11 Q Without reading it in its entirety, what was 12 the substance of Exhibit 19? What were you doing?</p> <p>13 A It was my resignation as managing member of 14 Dolce Regency Suites.</p> <p>15 Q Was it also your intent to resign as both a 05:41:26 16 managing member and as a member in Regency Suites?</p> <p>17 A That's specified in there as both a managing 18 member and member, yes.</p> <p>19 Q Okay. Earlier today at the beginning of the 20 deposition, in response to a question about Dolce 05:41:39 21 Regency Suites, LLC, you said that you were a member. 22 Did you understand that to be with respect to a 23 specific time frame?</p> <p>24 A Well, yeah. That was talking about the past, 25 and later on in the deposition, I did mention at one 05:41:56</p>	<p>215</p> <p>1 MR. PATRICK: That's all I have for 2 now. Thank you.</p> <p>3 MS. VAN VLIET: I'm going to go ahead 4 and follow up on these exhibits and the 5 other questions on Dolce Regency on our next 05:43:24 6 meeting because it's way past the time I 7 told the court reporter we were going to be 8 done.</p> <p>9 MR. PATRICK: Are we still on the 10 record? 05:43:37</p> <p>11 MS. VAN VLIET: We're still on the 12 record.</p> <p>13 MR. PATRICK: I wanted to make clear 14 that my intention in bringing these 15 documents in was to make sure that we have 05:43:43 16 sufficiently preserved for purposes of your 17 filing on April 23rd, 2009, in response to 18 the opposition that the present question of 19 the ownership interest of Mr. Theodule 20 individually in Dolce Regency Suites, LLC, 05:43:58 21 as it was and as it presently is or has 22 ceased to be is squarely before the Court.</p> <p>23 MS. VAN VLIET: I understand that. 24 Well, actually, do let me ask one follow-up 25 question in regard to the exhibits. 05:44:12</p>
<p>214</p> <p>1 point when she brought the member, I said "was," you 2 know, because she was bringing up to a current subject, 3 and I said "was" at that point.</p> <p>4 Q Well, just to be crystal clear for the record, 5 am I correct that your testimony today as part of this 05:42:12 6 deposition with respect to the issues surrounding the 7 expansion of the receivership to include Dolce Regency 8 Suites, LLC, is that, as we sit here today, as 9 reflected in the correspondence that we've just looked 10 at, Exhibit 18 and 19, that you presently hold no 05:42:29 11 interest whatsoever in Dolce Regency Suites, LLC?</p> <p>12 MS. VAN VLIET: Objection, calls for a 13 legal conclusion. The witness is unable to 14 answer -- not qualified to answer.</p> <p>15 A (By the Witness) That is correct. I hold no 05:42:42 16 interest whatsoever.</p> <p>17 Q Were you given any inducement or was any 18 promise made to you in any way with respect to your 19 resignation of any interest in Dolce Regency Suites, 20 LLC? 05:42:59</p> <p>21 A None.</p> <p>22 Q Is the entirety of the exchange between you 23 and Cardona captured in the correspondence labeled 24 Exhibits 18 and 19?</p> <p>25 A Yes. 05:43:15</p>	<p>216</p> <p>1 FURTHER EXAMINATION</p> <p>2 BY MS. VAN VLIET:</p> <p>3 Q You recall the two personal guaranties that 4 you signed at the time of closing, Mr. Theodule? Do 5 you recall those? 05:44:24</p> <p>6 A Yeah. The documents that you brought up to me 7 earlier, that was part of the closing.</p> <p>8 Q Exactly. When you resigned from Dolce Regency 9 on or about March 30th, I think it is -- hold on just a 10 second -- 05:44:35</p> <p>11 A Yes.</p> <p>12 Q -- March 30th, 2009, either at any time prior 13 to that or since then have you been released from those 14 personal guaranties that you signed?</p> <p>15 A If that's necessary, whoever drew up those 05:44:44 16 documents would do what's necessary, and I would go 17 ahead and comply by doing my part. Again, I'm not sure 18 of what it's supposed to do, just as I wasn't sure when 19 I signed them.</p> <p>20 Q To your knowledge, have you been -- different 05:44:59 21 question. Listen to the question. To your knowledge, 22 have you been released from the personal guaranties 23 that we talked about earlier?</p> <p>24 A Am I supposed to be released? If so, no. I 25 don't know, to my knowledge. Maybe I can ask 05:45:12</p>

<p style="text-align: center;">217</p> <p>1 Mr. Patrick that question, if you don't mind, because 2 am I supposed to be? 3 Q Mr. Theodule, you can't ask questions during 4 this. 5 A Well, how am I supposed -- I don't understand 05:45:27 6 it. 7 Q Well, if you don't know the answer, then say 8 you don't know. 9 A I don't know the answer. 10 Q Okay. In your letter of March 30th, 2009, to 05:45:32 11 Mr. Cardona, you note that "Your funds," which I 12 presume refers to Mr. Cardona, "have been assigned with 13 the proper legal team since day one." Are you 14 referring to Ms. Alexis in that as the proper legal 15 team? 05:45:52 16 A I don't know the steps that she took after she 17 received the funds when we closed the escrow. Did that 18 money get transferred to Mr. Bozarth or whoever it goes 19 to? I don't know the steps. 20 That's why I just put to the legal team, 05:46:03 21 because I don't know if it sits in her account or does 22 it go sit in Mr. Bozarth's account or goes to 23 Mr. Patrick. I don't know. So therefore I put the 24 legal team. That way he knows that it is being handled 25 under escrow by someone. 05:46:16</p>	<p style="text-align: center;">219</p> <p>1 Thank you. 2 THE REPORTER: I need the orders on the 3 record, please. 4 MS. VAN VLIET: Rachel, do you want to 5 order the transcript? 05:47:35 6 MS. PAULOSE: Yes. 7 MS. VAN VLIET: Brad, do you want to 8 order the transcript? 9 MR. PATRICK: Yes. 10 THE REPORTER: Can you just specify 11 what format? 12 MR. PATRICK: E-tran or mini or 13 whatever you do. 14 MS. VAN VLIET: Rachel, what format? 15 MS. PAULOSE: Mini, please. 05:47:58 16 THE REPORTER: Okay. Thanks. 17 MS. VAN VLIET: We're going off the 18 record. 19 Anybody else got anything? 20 We're going off the record. 05:48:10 21 (Deposition suspended at 5:48 p.m.) 22 23 24 25</p>
<p style="text-align: center;">218</p> <p>1 Q Okay. So when you say, "Your funds have been 2 assigned to the proper legal team since day one. They 3 can properly assist all of your needs concerning this 4 project for the future," you're not referring to 5 anybody in particular? You're just referring to sort 05:46:28 6 of all lawyers who may have touched this thing; is that 7 right? 8 A Right. I got to make sure, because I don't 9 know who or where the funds are sitting. 10 MS. VAN VLIET: We'll recess for the 05:46:40 11 day. We'll set a different continuation 12 date. 13 MS. PAULOSE: Mr. Patrick? 14 MR. PATRICK: Yes, ma'am. 15 MS. PAULOSE: Mr. Patrick, this is 05:46:48 16 Rachel Paulose from the SEC. Would you 17 please fax or e-mail me those documents you 18 labeled Exhibit 18 or 19? 19 MR. PATRICK: Yes. I will send a PDF 20 of those documents to you and all the folks 05:46:59 21 from the e-mail exchange last night just for 22 clarity. 23 MS. PAULOSE: Would you do that 24 tonight, please? 25 MR. PATRICK: Next couple of minutes. 05:47:06</p>	<p style="text-align: center;">220</p> <p style="text-align: center;">CERTIFICATION OF QUESTION</p> <p>1 2 3 STATE OF GEORGIA: 4 COUNTY OF FULTON: 5 6 In the foregoing transcript, the 7 following question was requested to be 8 certified by counsel for the Receiver: 9 10 At Page 95, Line 9: "Well, you've 11 testified previously about the \$11,000,000 12 that supposedly came from German Cardona to 13 pay for Regency I and II. Do you recall 14 that testimony today? Are you now asserting 15 the Fifth." 16 17 18 19 20 21 22 23 _____ 24 CHARNA S. PERLOE, CCR-A-457. 25</p>

<p style="text-align: center;">221</p> <p>1 C E R T I F I C A T E 2 I hereby certify that the foregoing 3 transcript was reported, as stated in the 4 caption; that the witness was duly sworn and 5 elected to reserve signature in this matter; 6 that the colloquies, questions and answers 7 were reduced to typewriting under my 8 direction; and that the foregoing pages 1 9 through page 219 represent a true, correct, 10 and complete record of the evidence given. 11 The above certification is expressly 12 withdrawn and denied upon the disassembly or 13 photocopying of the foregoing transcript, 14 unless said disassembly or photocopying is 15 done under the auspices of D'Amico Gershwin, 16 Inc., and the signature and original seal is 17 attached thereto. 18 Pursuant to Article 10B of the Rules 19 and Regulations of the Board of Court 20 Reporting of the Judicial Council of 21 Georgia, I make the following disclosure: 22 That I am a Georgia Certified Court 23 Reporter, here as an independent contractor 24 for D'Amico Gershwin, Inc.; that I was 25 contacted by the offices of D'Amico Gershwin, Inc., to provide court reporting services for this deposition; that I will not be taking this deposition under any contract prohibited by Georgia law; and that I am not disqualified as a reporter for a relationship of interest under the provisions of O.C.G.A. 9-11-28(c). This, the 19th day of April, 2009.</p> <p style="text-align: center;">_____ CHARNA S. PERLOE Certified Court Reporter A-457.</p>	<p style="text-align: center;">223</p> <p>1 Page ___ Line ___ should read: _____ 2 _____ 3 Reason: _____ 4 _____ 5 Page ___ Line ___ should read: _____ 6 _____ 7 Reason: _____ 8 _____ 9 Page ___ Line ___ should read: _____ 10 _____ 11 Reason: _____ 12 _____ 13 Page ___ Line ___ should read: _____ 14 _____ 15 Reason: _____ 16 _____ 17 Page ___ Line ___ should read: _____ 18 _____ 19 Reason: _____ 20 _____ 21 Page ___ Line ___ should read: _____ 22 _____ 23 Reason: _____ 24 _____ 25 _____</p>
<p style="text-align: center;">222</p> <p>1 E R R A T A S H E E T 2 Pursuant to Rule 30(e) of the Federal Rules of 3 Civil Procedure and/or OCGA 9-11(30)(e), any changes in 4 form or substance which you desire to make to your 5 deposition testimony shall be entered upon the 6 deposition with a statement of the reasons given for 7 making them. 8 To assist you in making any such corrections, 9 please use the form below. If supplemental or 10 additional pages are necessary, please furnish same and 11 attach them to this errata sheet. 12 - - - 13 I, the undersigned, GEORGE THEODULE, do hereby 14 certify that I have read the foregoing deposition and 15 that said transcript is true and accurate, with the 16 exception of the following changes noted below, if any:</p> <p>17 Page ___ Line ___ should read: _____ 18 _____ 19 Reason: _____ 20 _____ 21 Page ___ Line ___ should read: _____ 22 _____ 23 Reason: _____ 24 _____ 25 Page ___ Line ___ should read: _____ 26 _____ 27 Reason: _____ 28 _____ 29 Page ___ Line ___ should read: _____ 30 _____ 31 Reason: _____ 32 _____</p>	<p style="text-align: center;">224</p> <p>1 Page ___ Line ___ should read: _____ 2 _____ 3 Reason: _____ 4 _____ 5 Page ___ Line ___ should read: _____ 6 _____ 7 Reason: _____ 8 _____ 9 Page ___ Line ___ should read: _____ 10 _____ 11 Reason: _____ 12 _____ 13 Page ___ Line ___ should read: _____ 14 _____ 15 Reason: _____ 16 _____ 17 Page ___ Line ___ should read: _____ 18 _____ 19 Reason: _____ 20 _____ 21 _____ 22 _____ 23 _____ 24 _____ 25 _____</p> <p style="text-align: center;">_____ GEORGE THEODULE, Sworn to and subscribed before me, _____, Notary Public.</p> <p>This ___ day of _____ 2009. My commission expires: _____</p>

<p>A</p> <p>ability 6:18,19 32:8 35:12,13 37:4</p> <p>able 34:19 120:1 145:19,21 146:9 197:14</p> <p>absolutely 45:9,12 91:7 152:12 170:22</p> <p>accept 85:4,7,14</p> <p>acceptance 85:10</p> <p>accepted 171:24</p> <p>accommodate 16:23</p> <p>account 58:17 59:19 61:2,12,25 62:8 63:19 65:22 67:9 68:2,16 69:4,5 71:5 71:10 72:19 74:10 75:23 77:23 78:6 78:21,25 79:14 84:20 86:16,22,24 87:11 88:2 89:13 93:8 94:10,11 95:3,22 96:14 97:23 97:23 98:10 100:16,20 111:9,19,22 112:8,13 113:2,7,8</p>	<p>127:25 128:9 129:9 135:20 165:23 167:4,10,20 168:6 169:4 169:5,10 176:8 201:23 202:5,6,14 203:9 217:21,22</p> <p>accounting 3:13 10:24 150:9 177:15 178:8 186:23,25 189:6 200:21 203:11,18</p> <p>accounts 2:21 3:14 57:6,7 60:8 76:22 97:12 99:15,23,23 100:13,15 100:19,23 165:10 177:16</p> <p>accurate 8:22 85:17 145:16 188:4 222:9</p> <p>accusations 201:2</p> <p>acknowledge 108:3</p> <p>acknowledged 107:25 171:20</p> <p>acting 78:23 79:21 98:16,23</p> <p>action</p>	<p>6:9 120:24</p> <p>activity 101:21,24</p> <p>actual 112:13</p> <p>add 59:5 85:16 99:2,17</p> <p>additional 13:17 213:4 222:6</p> <p>address 33:21 41:14 41:15,18,20 41:23 42:14 42:19 121:17,25 191:20 196:13</p> <p>addresses 121:18 163:7</p> <p>addressing 14:22</p> <p>adds 99:20 187:19</p> <p>advance 68:7</p> <p>adversarial 7:24</p> <p>advice 113:1</p> <p>advise 18:2</p> <p>affidavit 10:7 18:11</p> <p>affidavits 18:6</p> <p>affirmative 29:5 72:25 79:8 139:5 151:4 164:10 179:10 181:8 187:9 194:3</p>	<p>202:13,16 203:19,25</p> <p>affirmati... 32:11 138:22 157:22</p> <p>affixed 103:2</p> <p>afford 144:8</p> <p>afraid 193:2</p> <p>age 27:9</p> <p>agent 41:11,15</p> <p>ago 32:6 37:9 47:22 56:7 56:8 58:23 85:6 108:9 138:12 157:2 192:13 194:21,25 195:1 196:14 202:17 205:24</p> <p>agree 7:19 8:11 9:2,17 13:23 15:3 60:18 150:23 211:11</p> <p>agreed 8:14 13:13 13:21</p> <p>agreement 3:4,6,11 29:19 37:10 37:18,20 38:1,11,14 44:13 102:12,14</p>	<p>104:12,14 104:20 105:4 106:1 106:6,8,13 106:20 107:19,19 108:1,18 109:1,7,23 110:5,12 113:25 123:14 129:18,20 129:23,25 130:2 131:7 134:5 136:14,20 136:22 137:6 161:19 162:11 164:14,15 171:3,4,24 172:6,9</p> <p>agreements 36:22 45:5 165:14</p> <p>ahead 17:17 30:8 33:17 54:22 91:2 102:1 116:23 121:6 125:18 134:17 143:4 158:4 170:10 184:16 201:12 205:7,17 215:3 216:17</p> <p>Air 199:2</p> <p>airport 12:3</p> <p>Alert</p>
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