

copy: R. Kimble

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8/6/98

EXAMINATION UNDER OATH

OF

TED M. KIMBLE

The Maryland Commercial Insurance Group
Claim No. 214F507840

The **EXAMINATION UNDER OATH OF TED M. KIMBLE** was taken on the 7th day of March, 1996 at the Law Offices of Harrison, North, Cooke & Landreth, 221 Commerce Place, Greensboro, North Carolina, before Rhonda G. Houchens, Notary Public.

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ALSO PRESENT:

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T A B L E O F C O N T E N T SWITNESSEXAMINATION

TED M. KIMBLE

BY MR. BERGER

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EXHIBITDESCRIPTIONMARKED

EXHIBIT NO. 1 FINANCIAL STATEMENTS FROM WACHOVIA
EXHIBIT NO. 2 PROOF OF LOSS STATEMENT
EXHIBIT NO. 3 INVENTORY FORMS
EXHIBIT NO. 4 DEED OF TRUST FROM NATIONS BANK

REPORTER'S CERTIFICATE

126

1 PROCEEDINGS

2 (WHEREUPON,

3 **TED M. KIMBLE**

4 WAS CALLED AS A WITNESS, DULY SWORN, AND TESTIFIED AS
5 FOLLOWS:)

6 EXAMINATION 10:35 A.M.

7 BY MR. BERGER:

8 Q Could you tell us your name, please?

9 A Theodore M. Kimble.

10 Q Mr. Kimble, we met briefly off the record. My
11 name is Bruce Berger. I'm an attorney from Raleigh, and I'm
12 here to take what is called your examination under oath.
13 Sitting next to me is Marie Bartello, who is from The
14 Maryland Group up in Maryland. She came down last night and
15 is here with us today, and I know that you all have talked
16 previously on the telephone.

17 The purpose of what I'm doing today is to ask
18 you some questions about the fire loss, for which you've made
19 a claim of insurance for insurance proceeds with The Maryland
20 for the fire back in October of 1995.

21 What we are going to be doing is I'm going to
22 ask you a series of questions for which I need your verbal
23 answers because the court reporter here (indicating) is going
24 to be taking down both my questions and your answers. I know
25 you are represented today, and I'm sure that Mr. Cooke has

1 given you some of this information.

2 We need to cover a few ground rules before we
3 get started so this will all go alot smoother. I need to ask
4 you that if you don't understand any question I ask you or
5 you don't hear it or you want it repeated, or anything like
6 that, you just ask me to repeat it or to clarify it so that
7 you understand what I'm asking before you give your answer,
8 okay?

9 A Yes, sir.

10 Q Also, I am going to need from you your verbal
11 responses to each question, rather than head shakes or head
12 nods and that sort of thing, because the court reporter can't
13 take those down, and it's important that she gets down both
14 what I'm saying and what you are saying, all right?

15 A Yes, sir.

16 Q The third thing is I will ask you, if you don't
17 mind, to wait until I'm finished with my question to give
18 your answer. And, likewise, I'll try to wait until you are
19 finished with your answer before I ask the next question so
20 that she doesn't have to take down two things that are being
21 said at the same time.

22 At the end of all this when we finish today, the
23 court reporter will transcribe our discussion into a booklet
24 form where we'll be able to read the questions and the
25 answers. You will be sent a copy through your attorney, if

1 that's what he would like, and you will be asked to read
2 through that transcript and make any corrections, changes or
3 additions that you want to make and then sign a signature
4 page at the end indicating that the transcript, with any
5 changes or corrections you want to make, is accurate. That
6 tells the company and us that that is your testimony and your
7 position with regard to the questions I ask, all right?

8 A Yes, sir.

9 Q Before we get started, do you have any questions
10 for me?

11 A No, sir.

12 Q I'm going to assume that you understand what I'm
13 asking you, unless you ask me to clarify it. Is that fair
14 enough?

15 A Yes, sir.

16 Q Let me first ask you where you currently live.

17 A 6318 Liberty Road in Julian, North Carolina.

18 Q Where is Julian?

19 A South of Greensboro.

20 Q In Guilford County?

21 A Yes, sir.

22 Q With whom are you living now?

23 A My parents.

24 Q What are their names?

25 A Ronnie and Edna Kimble.

1 Q Prior to living with them, I take it that you
2 lived in the home that burned?

3 A Yes, sir.

4 Q How long had you lived at that address?

5 A Nearly two years.

6 Q Before that, where did you live?

7 A 6318 Liberty Road.

8 Q With your parents?

9 A Yes, sir.

10 Q Had you lived with your parents for some time
11 prior to moving into the home that burned?

12 A Yes, sir.

13 Q Had there been a time when you had an apartment
14 or home outside of living with your parents?

15 A Yes, sir.

16 Q When was that?

17 A At the age of nineteen and twenty.

18 Q Was that here in this area, also?

19 A Yes, sir.

20 Q Did you own that home or was it an apartment?

21 A It was a mobile home.

22 Q That you owned or that someone else did?

23 A I rented it.

24 Q Did you grow up in this area?

25 A Yes, sir.

1 Q Did you go to school here?

2 A Yes, sir.

3 Q How far did you go in school?

4 A Through the twelfth grade.

5 Q Did you graduate from the twelfth grade?

6 A Yes, sir.

7 Q Which school?

8 A Southeast Guilford Senior High.

9 Q Have you had any schooling or formal education
10 beyond high school?

11 A No, sir.

12 Q Have you taken any technical school courses or
13 vocational courses, that sort of thing?

14 A No, sir.

15 Q When did you graduate from high school?

16 A In '89.

17 Q Could you bring me up-to-date following your
18 graduation from high school employment-wise? What have you
19 done?

20 A I've worked for Lyles Building Material for
21 approximately eleven and a half years.

22 Q What type of business is that?

23 A Lumber sales.

24 Q Both builders and folks walking in off the
25 street?

1 A Yes, sir.

2 Q Where is that located?

3 A 1700 West Lee Street.

4 Q Have you been employed, other than at Lyles
5 Building Material, at any time?

6 A Yes, sir.

7 Q Could you tell me where, please?

8 A Precision Group Fabrics.

9 Q When were you employed there?

10 A I'm sorry. It's Precision Fabrics Group, PFG,
11 in that order.

12 Q And your dates of employment with PFG?

13 A I went to work for them in roughly the eighth or
14 ninth month of '95. I was employed with them until shortly
15 after the death of my wife.

16 Q Which was on October 9th, I think?

17 A On 10/9/95, right.

18 Q So you were within one or two months?

19 A Yes, sir.

20 Q What sort of work did you do with PFG?

21 A I worked in the lamination department.

22 Q Were you working at PFG at the same time you
23 were working at Lyles Building Materials?

24 A Yes.

25 Q What sort of work did you do and have you done

1 at Lyles Building Materials?

2 A Construction sales.

3 Q Do you work within the facility and sell to
4 contractors and individuals who come in to purchase lumber
5 and other related materials?

6 A Yes.

7 Q Do you also go out on site, at all, or are you
8 solely in the store?

9 A Solely in the store.

10 Q Are you involved in the buying of lumber and
11 that sort of thing from other sources to stock Lyles Building
12 Materials?

13 A Yes, sir.

14 Q And I take it you are currently employed with
15 Lyles Building Materials?

16 A Yes, sir.

17 Q Are you in the same basic job now that you had
18 previously?

19 A Yes, sir.

20 Q I may have read someplace in something I've seen
21 that at some point you purchased Lyles Building Materials?

22 A Yes, sir.

23 Q When was that, generally?

24 A March of 1994.

25 Q Are you the sole owner of Lyles Building

1 Materials now?

2 A My title is President.

3 Q Does anyone else own a share of the company?

4 A No, sir.

5 Q How many employees do you have currently?

6 A Two.

7 Q Does that include yourself?

8 A No, sir, there are three employees at Lyles

9 Building Material.

10 Q So there are two other people and you?

11 A Yes.

12 Q Who are the other two people?

13 A Mack Cote and James Ogburn, O-g-b-u-r-n.

14 Q Were both Mr. Cote and Mr. Ogburn employed back
15 at the time of the fire in October?

16 A No, sir.

17 Q Were either one of them employed there then?

18 A Yes, sir.

19 Q Which one?

20 A James Ogburn.

21 Q Did you have any other employees at the time of
22 the fire?

23 A Yes, sir.

24 Q Who were those folks?

25 A His first name is Steve. I don't know his last

1 name. I can't recall. I believe your investigator knows.

2 Q At the time of the fire, you, Steve, and James
3 Ogburn were the three employees at Lyles Building Materials?

4 A Yes, sir.

5 Q Did you have occasion, Mr. Kimble, at any point
6 between when you purchased Lyles Building Materials in March
7 of 1994 and the time of your house fire to fire or let go any
8 employees?

9 A Several.

10 Q Do you remember their names, by any chance?

11 A No, sir.

12 Q Do you have some records somewhere that could
13 give you that information if you wanted to find it?

14 A Yes, sir.

15 Q Were the employees that were let go during that
16 period of time-- Why were they let go, generally? What types
17 of things caused you to let them go?

18 A Failure to comply with company policy.

19 Q On each occasion?

20 A Yes, sir.

21 Q How many employees are we talking about who were
22 fired?

23 A I do not know.

24 Q Are we talking two, ten, five, or forty? Can
25 you give me some idea?

1 A Two to ten would cover it.

2 Q Was there any time between March of '94 and the
3 date of the fire that you had more than three employees at
4 one time?

5 A Three consisting of myself?

6 Q Yes. What is the largest number of employees
7 you had at any one time in that time frame?

8 A Approximately four.

9 Q I take it that you are not currently married?

10 A No, sir.

11 Q And you were married to Patricia Kimble?

12 A Yes, sir.

13 Q When did you all get married?

14 A 12/21/93.

15 Q Was she from this area?

16 A Yes, sir.

17 Q Was she born and raised in Guilford County?

18 A Yes, sir.

19 Q Do you know where she went to high school?

20 A Southeast Guilford Senior High.

21 Q And is her family still here?

22 A Yes, sir.

23 Q Did she have any formal training beyond high
24 school; formal training meaning educational institutions?

25 A Yes, sir.

1 Q Tell me about that.

2 A I don't know.

3 Q You don't know what it is that she did?

4 A I believe her major was accounting.

5 Q Where did she go to get that?

6 A Locally.

7 Q Was it a community college?

8 A I believe it was a community college.

9 Q Did you all know each other in high school?

10 A No, sir.

11 Q Was she ahead of you or behind you?

12 A Ahead of me.

13 Q How many years ahead of you was she?

14 A I can't recall.

15 Q Was it one, two, five, or do you have any idea?

16 A Three or four.

17 Q Where was she employed at the time of the fire,

18 if she was?

19 A Cinnamon Ridge Apartments.

20 Q What did she do for those folks?

21 A Property manager.

22 Q Had long had she been in that position?

23 A I'm not aware.

24 Q Do you know, again just a ballpark figure,

25 whether it had been months or years? Do you have any idea at

1 all?

2 A A while.

3 Q You were married in December of 1993. Was she
4 employed there when you all were married?

5 A Yes.

6 Q In the same position?

7 A Yes.

8 Q Do you know anything about her job history prior
9 to that?

10 A Yes.

11 Q Tell me what you know about that.

12 A She was employed at Cinnamon Ridge Apartments.
13 She worked for Big Star and at Mr. Steak.

14 Q In Greensboro?

15 A Yes, in Greensboro.

16 Q Did you all have any children?

17 A No, sir.

18 Q And by that I meant did you all have any
19 children together, or did either one of you have any children
20 separately?

21 A No, sir.

22 Q Had she been married before?

23 A No, sir.

24 Q Had you been married before?

25 A No, sir.

1 Q As of the time of the fire, Mr. Kimble, did
2 anyone else live with you and your wife?

3 A No, sir.

4 Q You said a moment ago that you are currently
5 living with your parents and had previously. Are either one
6 of your parents employed?

7 A Yes, sir.

8 Q Where do they work?

9 A My mother works at Travelers Insurance Company,
10 if it hasn't been bought out. And my father is a full-time
11 pastor at Monnett Road Baptist Church.

12 Q And you said your mom works at Travelers
13 Insurance Company?

14 A I believe that's what it is called.

15 Q In Greensboro?

16 A Yes.

17 Q Do you know what she does for them?

18 A Processes claims.

19 Q Do you have brothers and sisters in the area?

20 A Yes, sir.

21 Q Can you just briefly tell me their names,
22 please?

23 A One brother, Ronnie L. Kimble.

24 Q Does Ronnie live in Greensboro?

25 A No, sir.

1 Q Where does he live?

2 A Julian.

3 Q What sort of work does he do?

4 A Full-time marine corp.

5 Q Where is he stationed?

6 A At Camp Lejeune.

7 Q Was he stationed at Camp Lejeune at the time of

8 the fire?

9 A Yes, sir.

10 Q No sisters?

11 A No, sir.

12 Q How about your wife? Does she have brothers or

13 sisters in this area?

14 A Yes, sir.

15 Q Do you remember their names?

16 A Reuben Blakely.

17 Q Where does Mr. Blakely live?

18 A Guilford County Randolph line.

19 Q Do you know what sort of work he does?

20 A Yes, sir.

21 Q What sort of work does he do?

22 A U.P.S.

23 Q Did she have any other brothers and sisters?

24 A No, sir.

25 Q One other family history question: Her parents,

1 what are their names?

2 A Richard Blakely and Sheila Brown, I believe is
3 what she goes by now.

4 Q Do you see them regularly?

5 A I did.

6 Q Prior to the fire?

7 A Yes, sir.

8 Q Do they both live in Guilford County?

9 A Yes, sir.

10 Q Which town or towns?

11 A I'm sorry. Her father lives in Guilford County.
12 Her mother lives in Randolph County.

13 Q Do you know if whether either one of them are
14 employed?

15 A Yes, sir.

16 Q Tell me, if you know, what employment they have.

17 A The father, I believe, is an independent
18 electrician contractor. And her mother works for a medical
19 firm making medical-type materials in Asheboro.

20 Q You told me a moment ago, Mr. Kimble, that you
21 had worked with Lyles Building Materials for about eleven and
22 a half years. And you told me about the other job with PFG
23 or PGF, or whatever the name of that outfit was. Other than
24 those two places of employment, have you been employed
25 anywhere else since you graduated from high school?

1 A No, sir.

2 Q Have you ever been arrested for anything?

3 A Yes, sir.

4 Q Would you tell me about that or those, please?

5 A I was arrested for shoplifting.

6 Q When was that?

7 A When I was eighteen or nineteen.

8 Q Do you know what happened to that charge?

9 A Yes, sir.

10 Q What was that? What occurred?

11 A (Witness does not respond.)

12 Q Did you go to court?

13 A Yes, sir.

14 Q Were you found guilty?

15 A I don't believe so. The charges were dropped.

16 Q Was that in Guilford County?

17 A Yes, sir.

18 Q Other than that charge of shoplifting, have you
19 ever been arrested for any other reason?

20 A Not that I can recall.

21 Q Have you ever been involved in a lawsuit, either
22 as a plaintiff or as a defendant?

23 A Yes, sir.

24 Q How many?

25 A Two.

1 Q Are either one of those pending now?

2 A No, sir.

3 Q Were both of those brought in Guilford County?

4 A Yes, sir.

5 Q Tell me something about each one of those, if
6 you would, please.

7 A They were auto claims.

8 Q Resulting from automobile accidents?

9 A Yes, sir.

10 Q In those cases, were you the person who was
11 sued, or were you the person who sued?

12 A Sued.

13 Q The first one of those, how long ago was that?

14 A I can't recall.

15 Q Was it in the 1990's or 1980's?

16 A I can't recall.

17 Q What happened to the first suit?

18 A Specify?

19 Q Did you settle it; did you go to court, or did
20 you drop it?

21 A Settled out of court.

22 Q Did you get some money as a result of that
23 settlement?

24 A Yes, sir.

25 Q Do you remember how much?

1 A No, sir.

2 Q I take it that you were injured in that
3 accident?

4 A Yes, sir.

5 Q Did that injury require some hospitalization?

6 A Therapy.

7 Q Do you remember the name of the other party who
8 you sued?

9 A No, sir.

10 Q Would you have been the only plaintiff?

11 A Yes, sir.

12 Q Do you remember who represented you in that
13 case?

14 A Yes, sir.

15 Q Who was that?

16 A Steve Bowden.

17 Q Now, the second suit, I understand, was also an
18 auto claim?

19 A Yes, sir.

20 Q What was the result of that lawsuit?

21 A Out of court.

22 Q Do you remember who the other party was in that
23 case?

24 A No, sir.

25 Q How long ago was that?

1 A Within the last two or three years.

2 Q Again, was that lawsuit brought in Guilford
3 County?

4 A Yes, sir.

5 Q You were the only plaintiff?

6 A I can't recall.

7 Q I take it, from what you've told me, that there
8 was an automobile accident where you were injured, and that
9 resulted in a lawsuit?

10 A Correct.

11 Q Was your wife with you in the car at the time?

12 A No, sir.

13 Q Was anyone else with you in the car at the time?

14 A Yes, sir.

15 Q Who was that?

16 A James Day.

17 Q You don't know whether he brought a lawsuit or
18 not?

19 A No, sir.

20 Q Did the result of that lawsuit end up with you
21 being paid some money?

22 A Yes, sir.

23 Q Do you remember how much that was?

24 A No, sir.

25 Q Who was your attorney in that case?

1 A Steve Bowden.

2 Q The injuries that you received, did they require
3 hospitalization of some nature?

4 A No, sir.

5 Q But I take it with regard to both claims, that
6 you were seen by a doctor or doctors for those injuries?

7 A Yes, sir.

8 Q The same doctor for both claims?

9 A Yes, sir.

10 Q Who was that?

11 A Dr. David Dye.

12 Q David?

13 A Dye.

14 Q D-y-e?

15 A Yes, sir.

16 Q What kind of doctor is Dr. Dye?

17 A Orthopedic.

18 Q Are you still seeing Dr. Dye for any reasons?

19 A No, sir.

20 Q So whatever injuries you received in those
21 accidents have resolved, I take it?

22 A Yes, sir.

23 Q Now, other than the two auto claims resulting in
24 lawsuits that you've told us about, have you been involved
25 either as a plaintiff, somebody bringing a suit, or somebody

1 who has been sued, a defendant, in any other lawsuit?

2 A Not that I'm aware of.

3 Q How about since you've owned Lyles Building
4 Materials, has Lyles Building Materials been involved as a
5 plaintiff or a defendant in any lawsuit?

6 A Not since I've owned it.

7 Q Before you owned it completely, Mr. Kimble, did
8 you have any ownership interest in the company at all?

9 A No, sir.

10 Q So you were an employee?

11 A Yes, sir.

12 Q Have you ever had reason to declare bankruptcy?

13 A No, sir.

14 Q Have you ever filed a Workers' Compensation
15 claim?

16 A No.

17 Q How about an unemployment compensation claim?

18 A No, sir.

19 Q We've been talking about prior lawsuits. I want
20 to talk for a minute about any other insurance claims that
21 you have made against others, either individually or through
22 your business, that may not have resulted in a lawsuit, okay?
23 Do you see the distinction I'm drawing?

24 A Are you talking about like lightning damage?

25 Q Right, anything like that. Before, we were

1 talking about instances where there was some dispute that
2 went to court. And now I'd like to talk to you for a minute
3 about instances where either you, personally, or your company
4 have made claims for damage to property or yourself, or
5 whatever, that has resulted in making a claim to an insurance
6 company.

7 Other than this claim that we are here about for
8 your house, have there been any times when you have made
9 insurance claims in the past?

10 A Yes.

11 Q On how many occasions did that occur?

12 A I do not know.

13 Q Can you give me an estimate of how many are we
14 talking about; again, two, five, ten or twenty?

15 A I don't know.

16 Q You have no idea at all?

17 A No, sir.

18 Q How about personal claims or claims to your
19 personal property for your automobile or car, not involving
20 your business? Prior to this claim, have you had other -
21 instances where you have made claims for that type of damage
22 or injury?

23 A I can't recall. None recent enough to remember.

24 Q For example, you said something about lightning
25 damage. You may have been using that as an example.

1 A Last year, lightning hit my security system at
2 my company. I filed a claim. It was eighteen hundred
3 dollars damage.

4 Q Okay.

5 A My tow motor caught on fire last year. The
6 electrical system shorted out and fried the turning system.
7 That was approximately eight hundred dollars damage.

8 Q And those are the types of things I'm talking
9 about. With regard to your home, the home that you owned
10 prior to this fire claim, you don't recall any similar types
11 of claims there?

12 A My wife, or me? Are you referring to my wife's
13 claims or mine?

14 Q Right now, I'm referring to you.

15 A I have none that I'm aware of. I don't recall
16 any.

17 Q How about your wife?

18 A We were robbed, and she filed a claim last year.
19 In '93, a robbery took place and she was robbed.

20 Q Tell me how that happened?

21 A Somebody broke in her house in '93 before we
22 were married. And they have arrested someone.

23 Q Was she there at the time?

24 A No, it was during the day while she was at work.

25 Q Did they take anything, as best you know?

1 A A list of things.

2 Q If I understood your earlier testimony, as a
3 result of that, she made a claim for that theft loss with an
4 insurance company?

5 A Yes, sir.

6 Q Was that claim paid?

7 A Yes, sir.

8 Q Do you know what types of things were taken?

9 A Electronic equipment and stuff like that. You
10 can file for a report.

11 Q What was the insurance company that--

12 A I'm not aware.

13 Q You don't know which insurance carrier had the
14 coverage?

15 A I wasn't married to her at the time.

16 Q You don't know which insurance company had the
17 coverage at the time?

18 A I can't recall.

19 Q Were you involved at all in the claims process?

20 A I can't remember. I was around. I knew her at
21 the time.

22 Q So what you know about the claim is that
23 somebody broke into the home that she owned at the time and
24 took some electronic equipment, and maybe some other things,
25 and she made the claim to an insurance company, and it was

1 paid?

2 A Yes, sir.

3 Q I think you also told me you believe that
4 somebody was picked up or arrested?

5 A I know.

6 Q Was that person convicted of the crime, or do
7 you know?

8 A It is to be tried. I have received a letter to
9 my wife from the district attorney in the mail yesterday.
10 They are pursuing prosecution. That is all I know.

11 Q Are you aware of any other similar types of
12 claims to your house or her house, at any point, other than
13 that theft claim and this fire claim?

14 A In '95, there was another robbery.

15 Q Tell me about that one.

16 A I believe it was in '95. These things take so
17 long. I mean, it takes four or five months just to process
18 the claim.

19 Q Were you all home on that occasion?

20 A She called me while I was at work. She said to
21 come home because the house had been robbed. She was
22 standing in the kitchen when she called me.

23 Q What was taken on that occasion?

24 A Electronic equipment. That's all I remember.

25 Q To me, that means your stereo, VCR, television,

1 and that sort of thing?

2 A Yes, sir.

3 Q Were all those things taken?

4 A I don't believe the TVs were. You can file for
5 a report.

6 Q Who was the insurance company on that occasion?

7 A I can't recall. My wife processed the claim.

8 Q Was the electronic equipment that was taken on
9 that occasion electronic equipment which had been purchased
10 with the proceeds from the first claim?

11 A Yes, sir.

12 Q Was the second claim from '95 ultimately paid?

13 A Yes, sir.

14 Q When was that paid?

15 A I do not know.

16 Q Was it paid prior to this fire?

17 A Yes, sir.

18 Q Did you or your wife go out and purchase with
19 the proceeds equipment to replace that which had been taken?

20 A The insurance company replaced most of the
21 items.

22 Q Do you know whether they caught the person or
23 persons responsible for the second burglary?

24 A Detective J.D. Church said they had, to my
25 knowledge.

1 Q Other than those two insurance claims at your
2 home and this fire claim, are there any other claims,
3 regarding the home, that you are aware of?

4 A No, sir.

5 Q Do you have an insurance agent, Mr. Kimble,
6 through whom you deal for your insurance needs?

7 A Two or three.

8 Q You have some for your business and some for
9 your home?

10 A All of the above.

11 Q Tell me about the insurance agent or agents for
12 your home that resulted in the policy we are here to talk
13 about today?

14 A I'm not familiar.

15 Q So you weren't involved in taking that policy
16 out?

17 A No, sir.

18 Q That was your wife?

19 A Yes, sir.

20 Q Do you have any idea who she dealt with?

21 A Kim something. I believe the number is 230-
22 1300. But I can't recall her last name.

23 Q Did you have anything at all to do with taking
24 out the policy of insurance for your home?

25 A No, sir.

1 Q And I take it you have a separate agent that you
2 deal with for your business?

3 A Yes, sir.

4 Q Who is that?

5 A Perdue Insurance.

6 Q How about your automobiles?

7 A Gainum's Insurance; it's with State Farm.

8 Q Do you have any other insurance agents?

9 A Harvey Apple.

10 Q What is that for?

11 A One of my life insurance policies. He's her
12 life insurance man. I say it's her life insurance, but he
13 has got life insurance on me and her and some other
14 insurance. I can't recall his name to save my life.

15 Q Was it one agent that she had that life
16 insurance through?

17 A Yes, sir. I also have health insurance from my
18 work with PHP, but I can't remember who is my rep for that.

19 Q Let's talk about the life insurance for just a
20 minute. Did you have any life insurance policies on her?

21 A Me?

22 Q In other words, did you pay the premium for any
23 life insurance policy for your wife?

24 A Could you repeat that question?

25 Q Sure. Did you have any life insurance policies

1 on the life of Patricia Kimble?

2 A No, sir, not in effect.

3 Q What do you mean by that?

4 A Just what I said. We were in the process of
5 taking out life insurance policies on both of us. It was not
6 in effect yet. It is now in effect on me.

7 Q Who was that through?

8 A Southland Life.

9 Q When had you begun the process that you just
10 mentioned?

11 A A few months prior to her death.

12 Q What had you done in conjunction with that
13 process?

14 A We had just applied for it.

15 Q What else did you need to do for the insurance
16 to go into effect?

17 A We had to take a physical.

18 Q And neither one of you had done that at the
19 time?

20 A No, sir.

21 Q Now, you said earlier, though, that she
22 apparently had life insurance policies already in effect on
23 both herself and you--

24 A Yes, sir.

25 Q -- through somebody whose name you can't recall?

1 A Right.

2 Q How many policies did she have on herself?

3 A Two.

4 Q Do you know what company those were with?

5 A Life of Georgia. One was with Life of Georgia,
6 and one was with who bought Southland Life. There were two
7 policies for twenty-five a piece.

8 Q Since her death, have both of those paid?

9 A No, sir.

10 Q Have either one of them paid?

11 A No, sir.

12 Q Do you know why not?

13 A Because they haven't caught who killed her.

14 Q Those are for twenty-five thousand dollars a
15 piece. The policy that you had made application for through
16 Southland Life was for how much?

17 A Two hundred thousand.

18 Q Two hundred thousand on her?

19 A And a hundred and seventy-five on me.

20 Q At the time of her death, did you know that the
21 Southland Life policy was not in effect?

22 A Yes, sir.

23 Q Did you contact the Southland Life folks after
24 her death with regard to the application on her?

25 A Yes, sir.

1 Q What was the nature of that contact?

2 A To let them know that she had passed away.

3 Q As I understand your earlier testimony, you
4 have, since that time, gone ahead with the physical and now
5 have the hundred and seventy-five thousand on you?

6 A Yes, sir.

7 Q I'm going to switch gears on you again, Mr.
8 Kimble, and talk about some financial matters for just a
9 moment. You got the letter, I'm assuming, setting up this
10 examination under oath and requesting various documents?

11 A Yes, sir.

12 Q And I see you have a packet of something in
13 front of you (indicating). Did you bring any documents with
14 you?

15 A My '94 financial statements. Maryland's
16 Detective Riley stated that it wouldn't be necessary to have
17 '93's, and he already has '95's. I have in front of me the
18 '94 financial statements. I have had to send off for my tax
19 returns.

20 Q And just so we're clear-- and he is right-- I
21 think either you made an inquiry to him or somebody made an
22 inquiry to him about whether you needed to bring documents
23 with you that you had already produced; is that correct?

24 A Yes, sir.

25 Q And he told you that you did not need to?

1 A Correct.

2 Q That's right, and that is why I wanted to
3 clarify what you had. As I understand from your comments,
4 you have previously produced some documents to Mr. Riley or
5 someone else with The Maryland?

6 A That's correct.

7 Q As we sit here today, you have requested from
8 the IRS or the state tax people, or whoever, copies of your
9 prior tax returns?

10 A Yes, sir.

11 Q What you have with you there (indicating) is
12 your 1993 financial--

13 A '94.

14 Q '94, I'm sorry.

15 A I was made aware that I did not need '93's due
16 to the fact that I was not married until December of '93.

17 Q Who made you aware of that?

18 A Gary Riley.

19 Q Okay. What I'd like to do is talk to you about
20 October 9, 1995 for the time frame that we're going to try to
21 establish here-- just so you know where I'm going-- trying to
22 get a financial picture as of that time.

23 I'm looking at two areas: sources of income and
24 liabilities as of that day. I realize, as we sit here today,
25 that you probably can't be a hundred percent accurate. I'm

1 not asking necessarily for dollars and cents. I'm looking
2 for what you can tell me about what income you had, what your
3 assets were, and what your liabilities were as of that day.
4 Is that fair enough?

5 A What was the date?

6 Q The day of the fire on October 9, 1995.

7 A Yes, sir.

8 Q Tell me for you, Ted Kimble, what your sources
9 of income were as of October of 1995.

10 A Lyles Building Materials and Precision Fabrics.

11 Q For Lyles Building, I understand by that time
12 that you were the owner. Did you take money out of the
13 business that you in effect were paying yourself a salary?

14 A Yes, sir.

15 Q What amount was that on either a weekly or
16 monthly basis?

17 A Fifteen hundred a month.

18 Q Was the company making a profit over and above
19 fifteen hundred a month?

20 A I'm not aware.

21 Q Did you have an accountant?

22 A Yes, sir.

23 Q Who is your accountant?

24 A Joe Gessinger with General Business Services.

25 Q Did he do the accounting work for your business?

1 A Yes, sir.

2 Q Did he do any accounting work for your personal
3 situation?

4 A No, sir.

5 Q Did anyone else do the accounting work for your
6 own personal finances?

7 A My wife.

8 Q What was the income you were making from
9 Precision at the time?

10 A I can't recall.

11 Q Do you recall from a ballpark standpoint, either
12 on a weekly or monthly basis?

13 A If I recall correctly, my W-2 was around eleven
14 hundred for what time I was there.

15 Q Is that total?

16 A Yes, sir. That's an approximation.

17 Q I understand. Let me go back for just a minute
18 to Lyles Building Materials. Was the fifteen hundred dollars
19 a month gross?

20 A Total.

21 Q Did you have any other sources of income at
22 all-- I'm talking about for you and not your wife at this
23 stage-- other than Lyles Building and Precision Fabrics in
24 October of 1995?

25 A Not that I ever saw.

1 Q Did you have any investments that were producing
2 any income at all? By investments, I mean stocks and so
3 forth.

4 A I had retirement.

5 Q All right. I take it that that was adding to
6 the retirement but you weren't producing any take-home pay?

7 A Of course, no in-hand cash.

8 Q The retirement was through the business?

9 A I believe.

10 Q Tell me what kind of account or retirement you
11 had?

12 A Aims Fund Aggressive Growth.

13 Q Is that something you had been paying into since
14 you began working at Lyles Building Materials?

15 A Somewhere along the way.

16 Q Did you have any other retirement assets, other
17 than the Aims Fund?

18 A No, sir.

19 Q Did you have any savings accounts or stocks or
20 anything that were producing income to you in October 1995?

21 A Not that I am aware.

22 Q You said earlier that you had been in two
23 previous automobile accidents resulting in settlements to
24 you. Did you have any of that money, still, as of October of
25 1995?

1 A I don't know. My wife handled the financial
2 affairs.

3 Q Did she keep records of some type?

4 A Yes, sir.

5 Q Were those in the home, I take it?

6 A Yes, sir.

7 Q Did those burn up in the fire?

8 A Burned, trashed, ruined. What was left was
9 ruined by the fire.

10 Q With water damage and that sort of thing?

11 A Yes, sir.

12 Q Did those records, even in a damaged condition,
13 still exist?

14 A No, sir.

15 Q What happened to them?

16 A They were ruined.

17 Q Okay, they were ruined. But I want to know what
18 happened to them.

19 A Trashed.

20 Q Let me ask you about your wife's income at the
21 time. You told me earlier that she was working at the
22 apartment complex. What was her income on either a monthly
23 or weekly basis for that job?

24 A I can't really recall. I believe it was
25 approximately nineteen hundred a month. I believe she made

1 twenty-eight to thirty thousand a year.

2 Q And, again, that would be gross?

3 A Total.

4 Q Other than her job at the apartment complex, did
5 she have any other sources of income?

6 A Not that I am aware of or recall.

7 Q Had you, or your wife, received any money from
8 any other sources by way of gifts, cash, or as a result of
9 selling anything?

10 A I would occasionally do odd jobs at Cinnamon
11 Ridge. But I never saw the proceeds.

12 Q Why was that?

13 A My wife would collect them.

14 Q Do you have any idea how much that would amount
15 to in any given month?

16 A I have no idea.

17 Q When you would do those odd jobs, were you paid
18 by the hour?

19 A By the job.

20 Q What do you mean by odd jobs?

21 A Anything from get the newspaper off a three-
22 story building out of the gutter to putting the shingles back
23 on.

24 Q For what period of time were you doing that type
25 of thing?

1 A Since I've known her.

2 Q Which goes back how long?

3 A I've probably done that type of work for her for
4 two or three years. I met her in roughly 1990 at the house-
5 warming party.

6 Q Did you have odd jobs, of the same type, with
7 anyone else, other than Cinnamon Ridge?

8 A Not that I recall.

9 Q Just so I understand what you're telling me
10 about that income-- As we sit here today, you can't tell us
11 how much that was or even estimate how much that was?

12 A I have no idea.

13 Q Do you know whether she kept records of that?

14 A Her company might have some kind of record. But
15 I have no idea.

16 Q Do you know whether that income was reported on
17 your tax returns?

18 A I have no idea.

19 Q Just so I have at least some idea, Mr. Kimble,
20 when you talk about odd jobs at the apartments, are you
21 talking about what you would have expected something in the
22 neighborhood of a hundred dollars a month or a thousand
23 dollars a month? Are we talking about alot of money or a
24 little money?

25 A Probably not of consequence. Some months I

1 would do something, and some months nothing would be
2 required.

3 Q Do you recall, prior to the fire, when was the
4 last time you had done anything in the nature of an odd job
5 at Cinnamon Ridge?

6 A I can't recall.

7 Q Other than the odd jobs there, your job at
8 Precision, your job at Lyles Building, and her job at
9 Cinnamon Ridge, did you, together, have any other sources of
10 income at all in October of 1995?

11 A Not that I recall.

12 Q Or had you, previously, at any point since you
13 had been married?

14 A Not that I can recall.

15 Q I am going to go off the record and take a break
16 so I can go out and feed the parking meter real quick, if you
17 don't mind.

18 (BRIEF RECESS WAS TAKEN FROM

19 11:28 A.M. TO 11:35 A.M.)

20 BY MR. BERGER:

21 Q Mr. Kimble, before we go back to what we were
22 talking about a few minutes ago, let's clear up a brief
23 discussion you and I had off the record just for
24 clarification.

25 You indicated to me that prior to the time that

1 you and your wife made application to Southland, or whatever
2 company it was, for the life insurance policies you told us
3 about, that you previously had a policy for yourself;
4 correct?

5 A Yes, sir.

6 Q And I think you said that was for a hundred
7 thousand dollars?

8 A Yes, sir, it was set up years ago.

9 Q And it was in place at the time?

10 A Yes, sir.

11 Q Through which company?

12 A Mass Mutual.

13 Q I appreciate you mentioning that and for the
14 clarification. Now, let's go on talking about the-- as of
15 October of 1995-- the assets that you and your wife had. You
16 owned the house that burned; correct?

17 A Yes, sir. ?

18 Q And you all were both on the deed?

19 A No, sir.

20 Q So the deed was to her?

21 A Yes, sir.

22 Q I take it from your earlier testimony that she
23 had purchased that house prior to you all being married?

24 A Yes, sir.

25 Q Did you own any cars at the time?

1 A Of the fire?

2 Q Yes.

3 A Yes, sir.

4 Q How many?

5 A I can't recall; maybe three or four.

6 Q Three or four automobiles?

7 A (Witness nods affirmatively.)

8 Q Do you remember what types or makes?

9 A A '95 Grand Jerokee, a '91 Subaru Legacy, a '76

10 truck, and a boat.

11 Q What year boat?

12 A A '93 Bayline.

13 Q Any other motor vehicles of any type, such as

14 motorcycles, or anything like that?

15 A Not that I recall.

16 Q Let's talk about the '95 Grand Jerokee for a

17 minute. Was that in your name or in her name?

18 A It was in ours.

19 Q So it was joint. Were you all making payments

20 on that?

21 A Yes.

22 Q Do you remember how much per month?

23 A Four ninety-eight.

24 Q And the '91 Subaru, was that paid for?

25 A Within the last year.

1 Q Was it paid for as of the time of the fire?

2 A Yes.

3 Q I take it the '76 truck was free and clear?

4 A Yes, it's the company's.

5 Q Were you making any payments on the boat?

6 A Yes, sir.

7 Q What were those payments?

8 A Approximately two fifty-eight.

9 Q Was that also in both of your names?

10 A Joint.

11 Q What were your house payments a month?

12 A Around five eighty.

13 Q Who was the mortgage with?

14 A Colonial Mortgage.

15 Q Did the five eighty include taxes and insurance?

16 Was that the total amount of your monthly payments?

17 A Yes, sir.

18 Q Did you have any other outstanding loans, either
19 for things, such as a boat or motorcycle, or just loans that
20 you were making monthly payments on?

21 A Would you repeat the question?

22 Q Sure. Other than the monthly payment you made
23 for your house and the monthly payment for the Jeep and the
24 monthly payment for the boat, all of which you were paying on
25 notes that had been previously executed, did you have any

1 other monthly payments or notes for money that had been
2 borrowed?

3 A A line one equity.

4 Q Through whom?

5 A Nations Bank.

6 Q Was that a home equity loan on your home?

7 A Yes.

8 Q What was the amount of the monthly payment? I
9 realize that it probably changed from month to month a
10 little.

11 A I don't know. All the answers I've given thus
12 far are based on what I have learned since the death of my
13 wife.

14 Q Okay. Is it fair to say, from that comment,
15 that she was the one who wrote the checks for these monthly
16 obligations?

17 A Yes, sir.

18 Q Do you know the outstanding amount of the home
19 equity line, as of the date of the fire?

20 A Approximately seventeen five.

21 Q Would that be seventeen thousand five hundred?

22 A That would be a close guess.

23 Q What had that money been used for?

24 A We purchased a time share.

25 Q Where was that?

1 A At Powatan Plantation in Williamsburg, Virginia.

2 Q Was the seventeen five used to purchase it
3 completely, or was that a down payment and you owed a monthly
4 obligation on that as well?

5 A The purchase price was approximately fourteen to
6 fifteen.

7 Q So I take it from that, you did not owe the time
8 share folks anything on a monthly basis, other than
9 indirectly through paying back your home equity line?

10 A Correct.

11 Q Other than those obligations, did you have any
12 other regular monthly payments by the way of notes and debts,
13 and that sort of thing?

14 A Not that I recall.

15 Q Did you all have a joint checking account?

16 A Yes, sir.

17 Q Did you have more than one or just one?

18 A I don't know.

19 Q Did you have one?

20 A Not that I recall.

21 Q Did you have a checking account that you could
22 get money from?

23 A We used joint accounts.

24 Q As best you recall, did you have one or more
25 than one?

1 A We had to open a checking account at Nations
2 Bank in order to get the line one equity. I believe there
3 was never no more than a hundred dollars in it, and it was
4 never used.

5 Q Where was the other joint checking account that
6 you did use?

7 A Wachovia.

8 Q Did you have a savings account with any
9 financial institution?

10 A Wachovia.

11 Q Was there a certain branch that you dealt with
12 primarily?

13 A My wife dealt with the branch at Four Seasons
14 Mall, I believe.

15 Q Other than the Nations Bank account and the
16 checking account and savings account at Wachovia, did you
17 have any other accounts at any other financial institutions
18 at all?

19 A Not that I'm aware of.

20 Q Did either one of you have any certificates of
21 deposit?

22 A What is that?

23 Q It's money that you put in a bank that is not
24 really in the savings account that pays a certain amount of
25 interest after a period of time.

1 A No, sir.

2 Q Any money in any money markets any place?

3 A Our retirement.

4 Q Other than retirement, which you told me about
5 earlier, any other investments at all?

6 A None that I recall.

7 Q Any kind of collections of coins or stamps or
8 any of those types of things that you kept outside your home?

9 A No, sir.

10 Q How about jewelry? Other than the jewelry you
11 have listed on the inventory, did you or your wife have any
12 jewelry?

13 A Where?

14 Q Anywhere.

15 A What I'm wearing.

16 Q Other than that.

17 A None that I'm aware of.

18 Q At the time of the fire, did you have any cash
19 sitting around the house to speak of?

20 A Not of any consequence.

21 Q Can you think of any other investments-- and I'm
22 using that broadly-- other than your house, your automobiles,
23 your personal belongings, the IRA or the retirement fund that
24 you told us about, and whatever money you had in your savings
25 and checking accounts? Were there any other sources of

1 investment that you and your wife had, as of the time of the
2 fire?

3 A We own a lot in Asheboro.

4 Q Was that a jointly-held lot?

5 A Yes.

6 Q When did you purchase that?

7 A Approximately in '94.

8 Q Did you owe any money on that?

9 A We paid cash.

10 Q How much was the lot?

11 A Sixty-eight hundred.

12 Q So it was an unimproved lot? In other words, it
13 had no house or anything on there?

14 A It's undeveloped.

15 Q Do you still own it?

16 A Yes, sir.

17 Q That lot doesn't produce any income for you at
18 this time?

19 A No, sir.

20 Q Any other assets or things or investments that
21 you had as of the time of the fire?

22 A No, sir, not that I recall.

23 Q The time share in Williamsburg, when did you buy
24 that?

25 A In '95.

1 Q How did you go about purchasing your business?
2 Where did you get the money to buy that?

3 A I borrowed some money from my parents. I saved
4 some money, and there was owner financing involved.

5 Q At the time of the fire, were you paying your
6 parents back on any regular interval for that amount of money
7 they had loaned you?

8 A My company, yes.

9 Q What is your obligation to your parents? How
10 much do you owe them for what they loaned you?

11 A My accountant would know. My payments to the
12 line one equity are approximately two hundred and seventy-
13 seven dollars; variation depending on the interest rate.

14 Q The line one equity, is that separate from the
15 one you told us about earlier for the time share?

16 A Yes.

17 Q So you have a separate line one equity?

18 A No, sir. I said my parents loaned me a
19 percentage of money off of their own line one equity to
20 purchase Lyles Building Materials. I put so much down with
21 what they had and half paid for Lyles Building Materials.
22 The rest was financed from the owner.

23 Q So the amount borrowed from your parents through
24 the line one equity was--

25 A In the beginning, it was eighteen thousand.

1 Q (Counsel reviews documents.) That is for--

2 A At the cost of five dollars a month for twelve
3 months. I was told to keep all receipts.

4 Q So the receipt that you just gave me is the
5 receipt that it cost you to get the information you just
6 handed me from Wachovia?

7 A Yes, which you requested.

8 Q And that information would be a history of your
9 checking and savings statements?

10 A Yes, sir.

11 Q I appreciate your getting that. We will mark
12 that and attach it to the examination under oath. Well,
13 let's do that now. I'm going to mark jointly, Mr. Kimble,
14 with this exhibit sticker these documents which you just
15 handed me. Rather than doing each page, I'm just going to do
16 it jointly, if that's okay with you. At the end of this
17 examination, what we will do is we will have an exhibit
18 pamphlet. I'm going to give you some other stuff to look at,
19 too, in a moment, that will be separate from the examination.
20 I want to be able to refer to these so it makes some sense as
21 we go along. I'm going to call this (indicating) Exhibit No.
22 1. The court reporter will attach that separately, with
23 these other documents, in a separate binder.

24 (EXHIBIT NO. 1 WAS MARKED

25 FOR IDENTIFICATION.)

1 BY MR. BERGER:

2 Q Now, I misunderstood what you had told me
3 earlier. I thought you said you brought with you a financial
4 statement. So let me ask you this question: Have you ever
5 prepared a personal financial statement for any bank or other
6 institution?

7 A No, sir, not to my knowledge.

8 Q Do you recall when you took out the line of
9 credit or the home equity line with Nations Bank whether or
10 not you filled out a financial statement at that point?

11 A My wife took care of whatever requirements there
12 were.

13 Q Tell me, on a monthly basis-- we've talked about
14 your fixed obligations, such as your rent, your automobile
15 loans, the home equity line, and those types of things--
16 Other than that, can you tell me, as we sit here today, as of
17 October of '95, what other monthly obligations you had? I'm
18 talking about things like outstanding credit card balances,
19 utilities, and those types of things.

20 A I'm not aware. Our credit card amounts were
21 minimum. We hardly owed a dime. I don't believe we owed
22 over a thousand dollars on all our credit cards.

23 Q What types of credit cards did you have at the
24 time?

25 A How many kinds are there?

1 Q Did you have credit cards at the local
2 department stores?

3 A I don't know. It has been so long since I used
4 them. I don't use credit cards. The only thing I ever used
5 was a VISA or Mastercard, at the time of this fire last year.
6 Since then, I have been forced to live off of them due to the
7 fact that I am under financial strain.

8 Q So at the time of the fire, you had a VISA card
9 and a Mastercard?

10 A I have perfect credit. Anybody will give me
11 credit.

12 MR. COOKE: Just answer the question.

13 THE WITNESS: I don't know. I used to have a
14 Belk's and a Penny's card, but I think they have run out or
15 expired. I don't even know where they are. I may have torn
16 them up and thrown them away.

17 BY MR. BERGER:

18 Q As of the time of the fire, do you believe that
19 you had a Belk's card?

20 A If the account was still valid. I used to have
21 one, and I used to have a Penny's card and about every credit
22 card I can think of. But I never used them.

23 Q All right. Do you think you had a VISA card?

24 A I know I had a VISA.

25 Q What about a Mastercard?

1 A Yes, sir.

2 Q American Express?

3 A No, sir, never.

4 Q Discover, or whatever it's called?

5 A Not that I'm aware of.

6 Q Sears?

7 A I used to.

8 Q Do you have any idea what the utilities, water,
9 gas, electric, and those types of things ran at your house in
10 an average month?

11 A Forty dollars. We had an energy-efficient
12 house. We'd have a forty to sixty dollars power bill. We
13 had gas heat, so whatever it cost to fill the tank.

14 Q How about the phone bill?

15 A I don't know. I never saw it.

16 Q That was something your wife took care of?

17 A Exactly.

18 Q Let's go back and talk about what you know about
19 the purchase of the house for just a minute. I understand
20 that your wife bought it before you were married?

21 A Yes, sir.

22 Q Do you know anything about the financial aspects
23 of the purchase? In other words, how much she put down, and
24 those types of things.

25 A I just know who she purchased it through and

1 what she had to go through to get it.

2 Q You know that the deed is in her name,
3 apparently?

4 A As of now.

5 Q And there was a first deed of trust with
6 Colonial Mortgage, or whatever the name of the company.

7 A I have no idea. All I know is that I believe in
8 the beginning she had an FHA loan. She refinanced in '93,
9 approximately in June, at which time she took her father's
10 name off. She made the comment to me that he never helped
11 her. She just had to have his name on it to have the credit.

12 Q Had you all made any improvements to the house?

13 A I was in the process of building a two-car
14 garage. The limits were raised on the house back in the
15 summer.

16 Q By limits, do you mean the insurance limits?

17 A Yes, sir.

18 Q How far along were you in the building process?

19 A Two-thirds completed.

20 Q Were you doing the work yourself?

21 A Yes, sir.

22 Q How are you purchasing the materials?

23 A As I could pay for them.

24 Q Other than the two-car garage, any other
25 improvements similar to that that you had done on the house?

1 A Since I've been married?

2 Q Yes.

3 A Prior to getting married, I put a storage
4 building and shed behind the house, and a volleyball court,
5 gazebo, and sprinklers.

6 Q This was all before you were married?

7 A Yes, sir.

8 Q Any outstanding loans, to pay for any of that,
9 at the time of the fire?

10 A No, sir.

11 Q Had you ever listed the home for sale?

12 A No, sir.

13 Q Had you ever thought about selling it?

14 A No, sir, nothing serious.

15 Q So you had not talked to any realtors or that
16 sort of thing?

17 A No, sir.

18 Q Can you think of, Mr. Kimble, any debts that we
19 may not have talked about, as of the time of the fire?

20 A I believe they were all covered.

21 Q In other words, you believe you were current and
22 didn't have any debts, other than the loans and so forth that
23 we have discussed?

24 A Correct.

25 Q Let me talk to you now about the fire and what

1 you know about that. What time did the fire occur?

2 A Either Detective Church or Dewberry, I believe
3 Church, stated it was at approximately 6:15.

4 Q Is that p.m.?

5 A Yes, sir.

6 Q On October 9th--

7 A '95.

8 Q Right. Let's start out with the morning of that
9 day. Did you get up at the usual time?

10 A Yes, sir.

11 Q Were you at your house?

12 A Yes, sir.

13 Q Was your wife there with you?

14 A Yes, sir.

15 Q Was there anybody else in the house that day in
16 the morning?

17 A Yes, sir.

18 Q Who was that?

19 A My kid brother.

20 Q Your kid brother?

21 A My mother and my brother.

22 Q Why were they there?

23 A My mother came by before I awoke to drop the dog
24 off. My kid brother came by to borrow my truck.

25 Q While you were still there that morning?

1 A Yes, sir.

2 Q Did both of them leave before you went to work,
3 or wherever it is you went that day?

4 A Before or at the time.

5 Q Did you or your wife leave first?

6 A I did. She was still in the bed. She never got
7 up until after I was gone.

8 Q Do you remember about what time you left the
9 house?

10 A The usual time; about 7:30.

11 Q What time does she normally leave?

12 A I don't know.

13 Q So you don't know what time she needed to be at
14 work?

15 A When she felt like going between 9:00 and 10:00.

16 Q Did you go to work that day?

17 A Every day.

18 Q What day of the week was this?

19 A Monday.

20 Q You had two jobs at the time. Which job did you
21 go to?

22 A Lyles Building Materials at eight o'clock.

23 Q Did you stay at Lyles Building Materials
24 throughout the day?

25 A Yes, all day.

1 Q What time did you leave Lyles?

2 A At 5:30 or 5:35.

3 Q How far is Lyles from your home?

4 A Approximately twelve miles.

5 Q During the day while you were at Lyles, did you
6 have any communication with your wife?

7 A Several times.

8 Q Tell me about those, if you would.

9 A I believe I spoke to her that morning on the
10 phone. I saw her at lunch. And I talked to her that
11 afternoon.

12 Q Was that a normal routine to talk to her two or
13 three times during the day?

14 A Every day.

15 Q When you say you saw her for lunch, where did
16 you see her for lunch?

17 A At work.

18 Q Did she come there?

19 A Yes, she brought me lunch.

20 Q Was it your understanding that she had left home
21 that morning and gone to work?

22 A Yes, sir.

23 Q And then she came to meet you at your work from
24 her work?

25 A Yes, sir.

1 Q When you talked to her later that afternoon,
2 where was she at that time?

3 A At work.

4 Q Do you know what time that was?

5 A 3:22.

6 Q How do you know that so specifically?

7 A Because I looked at my watch.

8 Q And she was at work then; correct?

9 A Yes, sir.

10 Q What is your understanding of where she went
11 when she finished work that day?

12 A She was supposed to go home and cut the grass.

13 Q Was that a discussion you had with her
14 previously, or was that her normal routine on Monday?

15 A We were to be out of town that weekend. It
16 would be the only afternoon open for her to cut the grass.
17 She was getting off work early to cut the grass.

18 Q What time does she normally get off work?

19 A About five.

20 Q Why was it she could get off that day and not
21 other days?

22 A She had obligations in the evenings that week.
23 We were going on a marriage retreat that weekend. The grass
24 was getting high.

25 Q When you talked to her at 3:22 or when you saw

1 her at lunch, did she tell you anything unusual at all?

2 A Not that I recall.

3 Q You didn't hear from her again after 3:22?

4 A No, sir.

5 Q You said you left Lyles at 5:30?

6 A Yes, sir.

7 Q Where did you go?

8 A I went to Ms. Winters on Highpoint Road and
9 ordered a chicken biscuit and water at approximately 5:40.

10 Q Where did you go next?

11 A I met my mother in the parking lot at
12 Biscuitville at quarter till..

13 Q Quarter of six?

14 A Yes, sir. And I handed her the dog, Sassy. I
15 was puppy sitting that day. My father was out of town and
16 wasn't at home to watch the dog.

17 Q So the dog had been with you at work?

18 A Yes, sir.

19 Q So you gave your mother back the dog at about
20 quarter of six?

21 A Yes, sir.

22 Q Where did you go next?

23 A I stopped by Econo at approximately five minutes
24 till six on South Elm and Eugene and purchased a Gatorade and
25 a pack of chewing gum. At six o'clock I arrived at Precision

1 Fabrics and proceeded to beat on the door to get somebody to
2 let me in. At 6:05, I was on the floor on the job.

3 Q Tell me, Mr. Kimble, since I'm not familiar with
4 this area, Precision Fabrics, in relation to Lyles Building
5 Materials, is where?

6 A About midpoint between home and work.

7 Q All right.

8 A It's at the end of Meadowview.

9 Q So then at 6:05 you were on the job. How long
10 did you stay at Precision Fabrics?

11 A Until shortly before nine o'clock when I was
12 made aware that my house was on fire.

13 Q How did you become aware of that?

14 A Someone called and paged me.

15 Q Who was that?

16 A My brother-in-law's wife's mother. Did you
17 follow all that?

18 Q Not very well.

19 A Her brother's wife's mother. I can't recall her
20 name.

21 Q Did she just call you on the phone at work?

22 A No, she paged me. I called her, and she said to
23 get home because my house was on fire.

24 Q Did you leave Precision to go home?

25 A Immediately.

1 Q Tell me what you observed when you got there.

2 A Fire trucks everywhere.

3 Q Was the house still burning?

4 A Smoldering.

5 Q What was the status of it?

6 A Pretty much out.

7 Q Were you able to go in the house?

8 A No, sir.

9 Q Was anybody with you at the scene, other than
10 the fire people?

11 A Family members were arriving; Reuben, and my
12 brother and his wife. It happened so fast. I can't recall
13 everyone. I believe the father may have been there already.

14 Q How long did you stay at the scene?

15 A I don't know.

16 Q You can't recall?

17 A Huh-uh (no).

18 Q When did you find out that your wife had been in
19 the home?

20 A Shortly after arriving. I overheard a fireman
21 saying that there was a body in the house and that the car
22 was sitting in the driveway and my wife was being unaccounted
23 for. So I naturally assumed that it was my wife.

24 Q Did you go into the house?

25 A Never.

1 Q Did you try and they wouldn't let you? Or you
2 didn't try?

3 A I can't recall.

4 Q Did you talk to any of the fire people at the
5 scene?

6 A About?

7 Q About the fire and what had happened.

8 A I believe I talked to Alan Fields. He is a
9 fireman.

10 Q Can you tell me what Mr. Fields told you?

11 A He told me that they did all they could do, and
12 he was sorry.

13 Q Where did you go that night?

14 A To South Elm Street Baptist Church.

15 Q Did you stay there that night?

16 A I went there for an interrogation.

17 Q By whom?

18 A The Guilford County Sheriff's Department.

19 Q You gave me the name of some folks earlier of
20 who you had talked to, I think, within the--

21 A J.D. Church.

22 Q Did they ask you a bunch of questions?

23 A Yes, sir.

24 Q Did they take your statement?

25 A They took some notes.

1 Q Have you ever seen any kind of statement?

2 A No, sir.

3 Q After that, did you give any other statements to
4 the sheriff's department or the fire department, or anybody
5 else, other than the insurance company?

6 A No, sir, not that I recall.

7 Q Have those two detectives or sheriffs not talked
8 to you subsequently about the fire?

9 A They have talked to me a repeated number of
10 times to the point of harassment.

11 Q In person or on the phone?

12 A In person and on the phone.

13 Q When was the last time you had any contact with
14 anybody from the sheriff's department?

15 A Define contact?

16 Q Either they talked to you or you talked with
17 them or you met with them.

18 A I can't recall.

19 Q Would it be within the last month?

20 A Two months.

21 Q What is your understanding, Mr. Kimble, of what
22 the nature of their investigation is?

23 A Specify?

24 Q Is it ongoing? Have they closed it?

25 A It's ongoing.

1 Q Did they tell you that you were a suspect?

2 A I can't recall.

3 Q Did they ever ask you to give a polygraph?

4 A No, sir.

5 Q Other than the investigation that the sheriff's
6 department has done and the investigation that the insurance
7 company has done, are you aware of anybody else who has been
8 investigating the fire?

9 A The fire or the death?

10 Q Either.

11 A Yes, sir.

12 Q Who is that?

13 A My detective. And most recently, a detective
14 working for Sheila Blakely or Brown.

15 Q So you hired a detective to look into the
16 circumstances surrounding the fire?

17 A Yes, sir.

18 Q When did you do that?

19 A I can't recall. It was some months ago.

20 Q Who was that detective you hired?

21 A (Witness does not respond.)

22 MR. COOKE: Actually, I think we hired him.

23 MR. BERGER: Oh, okay.

24 MR. COOKE: I think my partner and I hired
25 him.

1 BY MR. BERGER:

2 Q I don't want to get into any attorney/client
3 stuff, but, is it fair to say-- and I'm kind of reading into
4 your comments-- that so far he has not provided any
5 substantive information on who may have been involved in
6 starting the fire or the death?

7 A Correct.

8 Q Would that be fair?

9 A Yes, sir.

10 Q Now, the other detective that somebody else
11 hired, do you know when that person was hired?

12 A Repeat the question?

13 Q You mentioned that someone else had hired a
14 detective, also.

15 A Within the last couple of days.

16 Q Do you know who that person is, the detective
17 that was hired?

18 A I can't recall his name. It may be McCally,
19 possibly.

20 Q Mr. Kimble, do you know anything at all about
21 how the fire started?

22 A None other than what I've been told.

23 Q By whom?

24 A The police department.

25 Q What did they tell you?

1 A That a flammable was used.

2 Q As we sit here today, do you have any knowledge
3 at all as to who may have started the fire or been involved
4 with the starting of the fire?

5 A No, sir.

6 Q Do you have any suspicions, hunches, or anything
7 along those lines?

8 A No, sir.

9 Q I know it may be a little bit difficult to talk
10 about, but I'm going to talk about the death, also, for just
11 a minute. Do you have any knowledge about who was involved
12 with that?

13 A No, sir.

14 Q As best you know, did your wife have any enemies
15 or anybody mad at her, or those types of things?

16 A From time to time, several.

17 Q Tell me about those, if you would.

18 A She was a property manager at Cinnamon Ridge
19 Apartments. She had numerous verbal threats.

20 Q During the time you all were married, for
21 example?

22 A During and before.

23 Q Do you know the identity of any of the folks
24 that threatened her?

25 A Some.

1 Q Have you given the names of those people to the
2 police?

3 A To the best of my ability.

4 Q The nature of those threats were what?

5 A Bodily harm.

6 Q For what purpose? Was it for kicking people out
7 of their apartments?

8 A Yes, sir.

9 Q Do you know, prior to the fire, when the most
10 recent threat to her was?

11 A Possibly.

12 Q Tell me, as best you know.

13 A I believe it was a woman by the name of Sandra--
14 the last name I can't recall-- verbally threatened her, from
15 what I understand or have heard.

16 Q About how long was that prior to the fire?

17 A I'm not aware.

18 Q Was it within days or weeks?

19 A Within months. I can't count the number of
20 times she came home upset from being cussed out or threatened
21 by somebody.

22 Q Had anyone, to your knowledge, taken any action
23 to carry out a threat; in other words, done anything to her
24 or her car or her property, other than just making the
25 threats?

1 A Not that I recall.

2 Q Let me turn it around and ask you whether you
3 had anybody that was upset with you, that you are aware of,
4 as of the time of the fire?

5 A Possibly an ex-employee.

6 Q Are you thinking about somebody specifically?

7 A Yes, sir.

8 Q Who was that, and what was the nature of that
9 problem?

10 A He went by the name of Dink. If I recall
11 correctly, I gave the name to the police and possibly Gary
12 Riley, but I can't recall. He quit. It was my belief that
13 he was on drugs. He quit violently.

14 Q Meaning what?

15 A Meaning that he assaulted my father. He threw a
16 jar at him. No legal action was ever taken. He walked off
17 the job.

18 Q About how long ago?

19 A Shortly before the death of my wife.

20 Q Within days or weeks?

21 A A month. I can't recall exactly.

22 Q How long had Dink worked with you?

23 A Not long.

24 Q Other than that incident, had you ever had a
25 problem with him before?

1 A Attitude problems. He snapped at my wife.

2 Q Had Dink ever made any threats against you or to
3 you?

4 A About my wife.

5 Q What did he say?

6 A My mother said that he made a comment that he
7 could not stand her and possibly to a further extent. You
8 would have to pursue that with her. It is based on hearsay.

9 Q Other than Dink, you had told me earlier that
10 there were some other folks, none who you could specify, that
11 had been fired by you during the time that you owned the
12 business?

13 A Yes, sir, fired or quit.

14 Q With regard to any of those folks, was there
15 anybody else who threatened you in any way or quit under
16 circumstances where you believe they would have been hostile
17 to you?

18 A No, sir.

19 Q Other than the people you've told us about, Dink
20 and those people who may have threatened your wife at work,
21 is there anybody else who you think may have had some reason
22 or motive to get back at you or your wife?

23 A No, sir.

24 Q Did you ever have any problems with any
25 neighbors?

1 A Don't know any of them.

2 Q Did you and your wife have any marital problems?

3 A No, sir.

4 Q Did you all have any burglar alarms or smoke
5 detectors at your house?

6 A Yes, sir.

7 Q Were they all working?

8 A No, sir.

9 Q Why not?

10 A I bought or purchased a keyless security system
11 when HQ went out of business, and it was defective. There
12 were too many problems with it. It wouldn't arm at times and
13 couldn't get it to disarm at other times. So my wife got
14 tired of it and put it in the closet.

15 Q How long ago had you bought that?

16 A I can't recall.

17 Q I understand from something I've seen, Mr.
18 Kimble, that you at one point offered a reward?

19 A Yes, sir.

20 Q Did you ever get any information from anyone in
21 response to that offer?

22 A No, sir, not that I've been made aware.

23 Q Other than the threats you've already told us
24 about, had anyone ever come to your home and threatened you
25 or done any type of property damage to your home, such as

1 breaking a window, or that type of thing?

2 A Not that I recall.

3 Q I don't mean to insult either you or your wife
4 by this next question. Were either one of you involved in
5 any kind of illegal activities, such as drugs or that sort of
6 thing?

7 A No, sir.

8 Q I'm going to switch gears on you now-- I'm sure
9 you're happy to hear this-- and go into the final phase of
10 this. What I'd like to talk to you now about is the loss
11 itself to the home, okay?

12 We'll talk about it in two phases. Phase one,
13 the building itself, and as I understand it, the company has
14 hired somebody to come in and clean up and do work and
15 restoration and that sort of thing; correct?

16 A Yes, sir.

17 Q Other than what they have done concerning that,
18 do you know anything about the figures and what has been
19 damaged and how much, etcetera?

20 A Do you mean the appraisal?

21 Q Right.

22 A The appraisal that the insurance company
23 provided is all I have.

24 Q Do you have any quarrel with or dispute with
25 that appraisal, as best you know?

1 A It is satisfactory--

2 Q Okay.

3 A -- other than replacement of a window in the
4 house.

5 Q Tell me about that. What do you mean by that?

6 A There is only one window they didn't figure
7 replacing in the house. The builder told me it could not be
8 cleaned. The estimate of a four hundred dollar window for
9 replacement was figured at forty dollars for cleaning it.
10 The plastic molding on the window actually shrank and started
11 to melt in the fire. The builder figured cleaning it instead
12 of replacing it.

13 Q So the thing you're concerned about is that you
14 think the window needs to be replaced rather than cleaned?

15 A Exactly.

16 Q Which window is that?

17 A The garden window in the kitchen. It is the
18 only one they didn't figure replacing.

19 Q If you don't mind, let's go off the record for a
20 minute.

21 A Yeah, let's take a break.

22 (BRIEF RECESS WAS TAKEN FROM

23 12:25 P.M. TO 12:35 P.M.)

24 BY MR. BERGER:

25 Q We're back on the record, Mr. Kimble. Since

1 your home burned in October, have you been living with your
2 parents?

3 A Yes, sir.

4 Q Have you lived anyplace else, other than with
5 them?

6 A No, sir.

7 Q I understand that part of your claim here is for
8 alternative living expenses during that period of time?

9 A Yes, sir.

10 Q Have you kept records for all expenses that you
11 incurred?

12 A Define.

13 Q Like for example, today you gave me this receipt
14 for these documents you obtained from the banks. Have you
15 kept receipts for anything that you have had to purchase or
16 any expenses you've incurred since your home burned?

17 A Some.

18 Q For those that you've kept receipts and records
19 for--

20 A I have submitted.

21 Q Are there any that you have that you haven't
22 submitted to the company?

23 A None that I wasn't willing to pay for myself.

24 Q Is it fair to say that with regard to the other
25 living expenses that you've had since you've been out of your

1 home and those that you want reimbursement for you have
2 submitted to the company?

3 A Exactly.

4 Q Now, at one point, did you tell the company that
5 you were going to rent someplace, rather than live with your
6 parents?

7 A Repeat the question?

8 Q At some point-- and I don't know when it was--
9 between October and today, did you tell the company that you
10 were going to rent an apartment or a house or someplace to
11 live?

12 A Yes, sir.

13 Q Tell me how that came about.

14 A I wanted independence from my parents. I wanted
15 my own place.

16 Q How did you go about finding your own place?

17 A I asked a realtor in my church about renting a
18 furnished house and if it would be legal for me to rent my
19 parents' house.

20 Q Did you have a specific house in mind that you
21 were going to rent, other than your parents' house?

22 A I can't recall.

23 Q At some point did you tell the company that you
24 wanted to rent a house at 6319 Liberty Road for twelve
25 hundred dollars a month?

1 A 6318 Liberty Road.

2 Q Was that a house that you had found or that the
3 realtor had found?

4 A It was my parents' house.

5 Q Did you provide the company a lease or proposed
6 lease for that property?

7 A No, sir.

8 Q Did you ask the realtor to do that?

9 A I can't recall.

10 Q Tell me, again, the name of the realtor.

11 A Jennifer Hall is the realtor in whom I spoke to.

12 Q Other than speaking to her, have you had any
13 other dealings with her about alternative living
14 arrangements?

15 A Repeat that again.

16 Q Other than just talking to her and asking her
17 some questions, which you told me earlier what those were,
18 have you had any other dealings with her about alternative
19 living arrangements between the time of the fire and today?

20 A Not prior to the fire.

21 Q No, between the time of the fire and today.

22 A I have spoke to her about renting my parents'
23 house.

24 Q Are you talking about one occasion or multiple
25 occasions?

1 A I spoke to her a couple of times at church, but
2 never a formal visit.

3 Q Did she undertake to do anything for you other
4 than just talking to you about the possibility of renting
5 your parents' house?

6 A Yes, sir, she said that it was legal and she had
7 done it for other clients. She would rent their children
8 their parents' house.

9 Q What follow-up, if any, did you do with her
10 concerning that?

11 A I asked her-- I'm trying to recall. It has been
12 some months ago.

13 Q Just tell me as best you can recall.

14 A To the best of my ability, she stated her rate,
15 personally, if she handled it, or she could handle it through
16 her company. She was responsible or able to handle the
17 transaction of a rental agreement where Maryland would rent
18 my parents' house through her for me, and she would in return
19 pay my parents for me to live at their residence while they
20 lived somewhere else.

21 Q Was that something that you discussed with your
22 parents?

23 A Yes, sir.

24 Q They were willing to do that?

25 A Yes, sir.

1 Q Where were they going to go?

2 A To Ronnie my brother's place of residence.

3 Q Was somebody living there, or was it vacant?

4 A It was vacant five to six days a week, for the
5 most part, if not entirely because he is in the Marine Corps.
6 His wife doesn't like to live alone, so she stays at her
7 parents'. My younger brother would stay with her at her
8 parents when he did come in on the weekends, at the length of
9 time in which I would be renting their residence.

10 Q Whatever happened with all that?

11 A Jennifer Hall comes to me and says that she is
12 leery of the idea. I told her that she said it was legal.
13 She said that it doesn't sound good. She proceeds to state
14 to me that she just thought it best to steer clear of the
15 situation. And I said that would be fine.

16 Then I contacted Ms. Marie Bartello to review my
17 options. She stated that one of my options was to stay at
18 home for fifty dollars a day, which had been earlier agreed.
19 So I said that would be fine and did not pursue it further.

20 Q Just so I understand, the nature of the -
21 agreement with Ms. Hall would have been had this rental
22 situation taken place, there would have been a contract or
23 lease agreement drawn up--

24 A Between her and my parents.

25 Q -- her and your parents. And The Maryland would

1 have paid her, and she would have in turn drawn a lease
2 agreement with Maryland. They would have paid her, and she
3 would have paid my parents.

4 Q Did you get to the point of asking how much are
5 we going to pay you a day, or anything like that, with your
6 parents?

7 A As far as it went was between-- I spoke to my
8 father a few times about it. I figured it up. The Maryland
9 is paying me fifteen hundred a month to stay at home. It
10 would have saved them money and given me the privacy I wanted
11 for me to have rented my parents' house. They could have, in
12 turn, paid them the twelve hundred dollars. I would have had
13 my own place with my own garage for me to park my new Jeep
14 in. I was living at home, a comparable living condition.

15 My understanding made aware to me, the market
16 value was fifteen hundred. But to save the company some
17 money, I felt that twelve hundred was below market value and
18 was a fair amount.

19 Q Did you have that discussion with your parents
20 about it? They were the ones who would be getting twelve -
21 hundred dollars?

22 A Exactly. My father agreed that he would be
23 willing to move into my brother's residence for the time in
24 which the repairs would take on my house, which was made
25 aware to me of three to four months. Now, it has been five

1 months since the claim.

2 Q Tell me, again, where your brother lives?

3 A He lives on Monnett Road.

4 Q In Julian?

5 A Yes.

6 Q How far from your house?

7 A My place of residence or my house?

8 Q Your house.

9 A I live in Pleasant Garden. I would estimate
10 about ten or more miles.

11 Q Is it ten or more further away from where you
12 work?

13 A I'm not following you. Do you mean from my
14 house or from my work?

15 Q From your work. In other words, Mr. Kimble, I'm
16 just trying to figure this out and not knowing where
17 everybody lives and so forth. Why didn't you just go and
18 live in your brother's house, if that was empty, and use that
19 as your alternative place to live?

20 A It didn't have a garage, and it was a mobile -
21 home. I wanted a three-bedroom, two-car garage house, as I
22 lived in. It was furnished and was more compatible to what I
23 had. I am entitled, under the policy, to have a comfortable
24 dwelling. Would that not be comfortable compared to a mobile
25 home? Yes or no?

1 MR. COOKE: He'll ask the questions and you
2 answer them.

3 MR. BERGER: That's right. I'll ask the
4 questions.

5 BY MR. BERGER:

6 Q After Jennifer Hall told you that, did you not
7 pursue that any further?

8 A I did not.

9 Q What payments, if any, has The Maryland made to
10 you for the alternate living arrangements during this period?
11 Do you know?

12 A Zero.

13 Q They haven't paid you anything?

14 A No, sir.

15 Q Did they give you any advances?

16 A They've given me two advances. One said
17 "replacement." On the other document, it stated in legal
18 technicality "expenses/living." It was not specified or
19 clear as to the dwelling expenses.

20 Q How much were the two payments?

21 A One time it was a thousand dollars, and the
22 other was five thousand dollars.

23 Q What have you used those for?

24 A I purchased linens and things of that nature,
25 due to the fact that at the time, I was planning to have my

1 own place.

2 Q How about clothes, for example?

3 A I bought linens, clothes, shoes, coats, survival
4 things.

5 Q Have you kept the receipts for all that?

6 A They have been submitted.

7 Q That is probably something we will go over in
8 just a minute. You submitted a Proof of Loss to the company,
9 which I will mark as Exhibit No. 2.

10 (EXHIBIT NO. 2 WAS MARKED
11 FOR IDENTIFICATION.)

12 BY MR. BERGER:

13 Q With that Proof of Loss, there was a letter
14 attached written by you; correct?

15 A Yes, sir.

16 Q I'll just hand you Exhibit No. 2, which consists
17 of the proof and a two-page letter and ask you whether that,
18 in fact, is the proof and the letter. (Counsel hands exhibit
19 to witness.)

20 A (Witness examines exhibit.) Yes, sir.

21 Q You have explained in the letter, Mr. Kimble,
22 how you came up with the figures on the front page of the
23 proof?

24 A To the best of my ability.

25 Q Do you have any additional explanation or other

1 explanation, other than what you've set forth in the letter?

2 A None that I can think of.

3 Q You also have submitted an inventory or
4 inventories, which I am going to jointly mark as Exhibit No.
5 3 and we are going to talk about this. But what I'd like to
6 draw your attention to is this: You will notice in the
7 bottom right-hand corner, I have numbered consecutively in
8 little red numbers pages one through 108 just so you and I
9 can be talking about the same page and the record will be
10 clear.

11 A Yes, sir.

12 Q So when I talk about a page number or if you
13 need to refer to a page number, let's look at the little red
14 numbers in the bottom right-hand corner (indicating).

15 Now, we'll mark the inventory, jointly, as
16 Exhibit No. 3. We will go by that and then the various pages
17 of that exhibit.

18 (EXHIBIT NO. 3 WAS MARKED

19 FOR IDENTIFICATION.)

20 (COUNSEL HANDS EXHIBIT TO

21 WITNESS.)

22 BY MR. BERGER:

23 Q I have a couple of questions about your letter,
24 if you don't mind. Look in the second paragraph, if you
25 would, towards the bottom. The sentence on the fourth line

1 up before the parenthesis, you said, "I did not attempt to
2 list what was actually paid for these items. We will talk
3 about that in a little more specifics in just a minute. What
4 is the figure that you tried to use on the inventory where
5 you list a figure?

6 A (Witness examines exhibit.) What it cost to
7 replace.

8 Q Based on the research you did at department
9 stores and that sort of thing?

10 A Yes, sir.

11 Q Then you say in the last sentence of that
12 paragraph-- and this letter was to Ms. Bartello-- you say, as
13 I understand, by your instructions this was the way I was
14 supposed to proceed. What instructions did she, or anyone
15 else from The Maryland, give you with regard to filling out
16 the proof or the inventory forms?

17 A Gary Fields, sub adjuster, tried to explain
18 numerous times to me the proper procedure for filling out the
19 forms. And based on what I understood from him, I did that
20 to the best of my ability. Or, rather, I and my mother.

21 Q You mean you and your mother?

22 A Yes, my mother did most of this paperwork, I
23 must say. She helped me research and write it out legibly.

24 Q And I can appreciate that. Tell me, as best you
25 can, what your understanding of what the sub adjuster, as you

1 called him, told you about how to fill out these forms.

2 A He said to write down what it was, a model
3 number or stock number, approximate date of how old it was,
4 and what the item cost. He also said not to write anything
5 in actual cash value. That would be what I would be paid
6 depreciated, according to the amount, a date purchased for
7 that particular item at the time. Within six months, if I
8 replace it, I would be reimbursed the full amount.

9 Q Did that adjuster give you any additional
10 information or any other information, other than what you've
11 just told us, about how to fill out the proof or the
12 inventory forms?

13 A None that I can recall.

14 Q Did Ms. Bartello, or any other adjuster or
15 anybody else from The Maryland, otherwise participate in any
16 way in the filling out of these forms?

17 A None that I recall.

18 Q Explain to me the process that you and your
19 mother went through to come up with the inventory, if you
20 would, please.

21 A She, myself and a list of others, which I've
22 submitted to the insurance company, inventoried everything
23 that was left unburned but yet charred and sooted in the
24 house from one side of the room to the other, and from one
25 end of the house to the other.

1 Q So is it fair to say that where actual numbers
2 are given on the left-hand side of these inventory forms
3 where it says "Quantity," that is to indicate an actual
4 counting that you did of those items?

5 A Accurately.

6 Q Where are all these items of property now?

7 A The contractor in which the insurance company
8 asked to remove would know. They are most likely in the
9 landfill, due to the fact that I have received a bill from
10 them stating so.

11 Q When did you do physical counting of what was
12 there?

13 A Sometime after the fire.

14 Q I'm sure that is right.

15 A Within a month, I would say.

16 Q When is the last time you saw any of those
17 contents after you did the counting?

18 A These items listed (indicating)?

19 Q Yes.

20 A I tried not to set foot back in the house. I
21 don't remember.

22 Q How long a period of time did it take you to
23 actually go in and go through the stuff and count it?

24 A A couple of days.

25 Q Did you and your mother and any others that

1 helped you have working papers that you used as you were
2 doing the counting from which you made the inventory?

3 A Do you mean the actual sheets in which it was
4 transferred to these (indicating)?

5 Q Yes, sir.

6 A Yes, in fact, I am quite sure that I submitted
7 copies of even those to the insurance company.

8 Q Before the fire, had you ever done any kind of
9 inventory of your personal belongings, taken any pictures or
10 videos, or that type of thing?

11 A Some years ago while playing with a video camera
12 I walked through the house filming things. But I never
13 actually documented the exact amount of pieces of this and
14 things like that.

15 Q That video tape that you made--

16 A I have no idea.

17 Q The question I was going to ask was: Where is
18 it? And your answer would be that you don't have any idea?

19 A Clue-less.

20 Q So you didn't have a safe deposit box or a lock
21 box or a safe?

22 A I believe it was possibly prior to being
23 married.

24 Q Was it this house that you walked through or
25 some other house?

1 A Yes, sir.

2 Q As you and your mother and the others were going
3 through the items, did you take any pictures or videos?

4 A No, sir. Gary Fields stated that he took all
5 the pictures necessary. Some things were removed from the
6 attic, such as a Christmas tree and things of that nature,
7 which possibly he might not have taken pictures of.

8 Q Were any of the items in the house salvageable,
9 from your standpoint, as you were going through them?

10 A Some things were salvaged.

11 Q Are those included on these inventory forms?

12 A Yes, sir. Gary Fields stated that anything I
13 wanted, after he evaluated that they were a total loss, I
14 could have. I, in great efforts, salvaged some of the china.

15 Q Was there anything else you were able to
16 salvage, other than the china?

17 A Some of the video movies. I saved some only by
18 throwing the cases away that they came in and finding that
19 some of them were melted after trying to play them. But some
20 were, in all honesty, nothing of great extent.

21 Q Have you been able to salvage any clothes?

22 A None at all. They were melted and sooted.

23 Q As best you are able to tell, Mr. Kimble the
24 inventory that you submitted to the company is it an accurate
25 and true inventory of what was in your house and what you're

1 making the claim for?

2 A Yes, sir.

3 Q Let me ask you a couple more global questions
4 about the inventory, and then I'm going to ask you some
5 specifics about it. Do you have documents, such as sales
6 receipts, warranty forms, instruction manuals, and things of
7 that nature, to back up any of the inventory items that you
8 claim?

9 A None that I'm aware of.

10 Q Were those things that you generally kept?

11 A No, sir.

12 Q Looking at the first page, as an example, on the
13 inventory items in the third column where it says
14 "Manufacturer, Brand Names, and Serial/Model Number," some
15 places are filled in and some are not. The number that you
16 have filled in there, what does that represent?

17 A I was told I had to put something there. When
18 we went out and did the research, we found a number next to
19 the price. It was possibly a model number or department
20 number where to find that item. So we put it down.

21 Q Just so I'm clear, let's look at the first item,
22 for just a minute, on page one that has fifty-seven dresses
23 with the number 608709. It is your testimony that 608709 was
24 the number on some dress item that you found in some store
25 somewhere?

1 A Not just somewhere, Belk's at Four Seasons Mall.

2 Q So that represents a--

3 A A model or possibly a department number.

4 Q A serial number or whatever?

5 A Exactly.

6 Q Who actually went to Belk's at Four Seasons Mall
7 to come up with that number?

8 A Edna Kimble and Ted Kimble did.

9 Q What you just described to me would be true for
10 each item on which there is a serial or model number listed?

11 A Yes, sir.

12 Q You have listed here (indicating) under Item No.
13 1, "57 dresses, Item No. 608709, Date of Purchase 1-4 years."
14 How did you make the determination on any of these items as
15 to when they were purchased?

16 A Based on the fact that it was older than I knew
17 her. I don't know what the average life of a dress is.

18 Q That's what I'm trying to get at. Of those 57
19 dresses, do you know how many were purchased within the last
20 year or since you've been married or in four years?

21 A I haven't tried on any lately.

22 Q I'm not asking you how many you bought. I'm
23 asking you do you know how many of those dresses were
24 purchased--

25 A I have no idea.

1 Q When you say that the replacement cost is a
2 hundred and thirty dollars, how did you come up with that
3 figure, as opposed to some other figure?

4 A Because dresses vary anywhere from a hundred
5 dollars to two hundred dollars. I felt that was in the
6 ballpark. I didn't want to write down a three hundred dollar
7 dress and try and exploit the insurance company. So I felt
8 it was on the average. Based on what Gary Fields explained
9 to me, I tried to go down the middle.

10 Q Tell me what Gary Fields told you about that.

11 A He stated that-- When I asked him, I gave him
12 the example of towels for ten dollars and towels for thirty
13 dollars. So if I list a twenty dollar towel, is that not
14 accurate? And he said, yes. So that was what I tried to do,
15 in all fairness.

16 Q In physically going through and making this
17 inventory, if I understand what you told me earlier, you or
18 your mother or somebody counted 57 dresses?

19 A Yes, sir. My mother and friends of hers
20 actually went through my wife's closet and counted them.

21 Q Did any of you write down any make, manufacturer
22 or label on any dress?

23 A I believe she possibly listed some of the brands
24 that she was familiar with.

25 Q Were the labels not readable in some of the

1 dresses?

2 A Most of her clothes were melted together. The
3 fire had just all but-- You couldn't even see in her closet
4 because it was so black. We had to drag the clothes out and
5 throw them in the middle of the floor and try to peel them
6 apart.

7 Q When you did that, were you able to read labels?

8 A I didn't inventory them, so I'm not aware.

9 Q During the time that you and your wife were
10 married, where did she shop for her clothes?

11 A We went to Belk's and to the mall.

12 Q To Four Seasons Mall?

13 A Yes. I didn't go shopping for clothes that
14 often. Most of the time she went.

15 Q When she went, as best you know, if you knew
16 where she went, would she go to the mall and shop at Belk's
17 and other department stores in the mall?

18 A Yes, sir, as far as I know. I can't honestly
19 say. I can't remember where she did most of her shopping.
20 We were average people. We looked for bargains just like
21 everybody else. That dress may cost a hundred and thirty
22 dollars to replace, but my wife was very conservative, and so
23 am I. You just don't go spend necessarily four hundred
24 dollars for a suit, but you will buy it when it is on sale.

25 Q When she would go shopping to buy clothes at

1 Belk's, do you know whether she paid for it with a credit
2 card, cash, check, or how?

3 A Cash or check. I have no idea. We did not use
4 credit cards.

5 Q Other than the local stores, do you know whether
6 your wife went other places, such as Winston, High Point,
7 Raleigh, and wherever else people go from here to go
8 shopping?

9 A I don't recall.

10 Q Did she travel much outside of this area?

11 A I don't remember.

12 Q In looking at some of these other items, Mr.
13 Kimble, for example, the third item on there says "92 t's."
14 Is that what that says?

15 A Yes, sir.

16 Q What are "t's"? Are they tee-shirts?

17 A Like blouses, I believe.

18 Q And you all counted ninety-two of those?

19 A Believe it or not. It was not me. My mother
20 and her friends, who are responsible adults outside of this -
21 family, helped inventory these items. They will testify that
22 these numbers are correct. My wife never threw anything
23 away; never.

24 Q How many bedrooms did you all have in your
25 house?

1 A Three.

2 Q Where was her stuff kept?

3 A In a long walk-in closet.

4 Q In your bedroom?

5 A In the master bedroom.

6 Q Going doing further (indicating), you list "56
7 blue jeans and 14 dress jeans." Just so I'm clear, again,
8 your testimony is that somebody counted 70 pairs of jeans in
9 that house?

10 A Yes, sir.

11 Q Where were those kept?

12 A I'm not sure if this is hers and mine.

13 Q Actually, you have a separate list of your own
14 stuff, which we'll cover later.

15 A Apparently, it was in her room. There, again,
16 other adults counted these items as though you could have
17 gone in there and inventoried it. Do you follow my point? I
18 know the numbers seem high, but it is not a number I pulled
19 out of my head or added to. I had other responsible adults,
20 in which I sent copies in their writing, where they listed
21 those items and actually counted those items. I and some
22 other friends were in here inventorying my things. I had
23 other adults of older women over in these other rooms
24 inventorying those things.

25 Q What did you do, if anything, Mr. Kimble, to

1 assure yourself that the numbers listed on these inventory
2 forms are accurate?

3 A Piece by piece from one side of the room to the
4 other.

5 Q I apologize. I didn't make my question clear.
6 I understand what you're telling me, if I understand it
7 correctly, is that you didn't actually count the 72 pairs of
8 blue jeans, for example? Somebody else counted those;
9 correct?

10 A Yes, sir.

11 Q What you are saying is that you are relying upon
12 their counting when you put these numbers on here?

13 A Yes, sir.

14 Q With regard to the 56 pairs of blue jeans, what
15 you and your mother or somebody did was to go to Belk's in
16 Four Seasons Mall and found a pair of blue jeans that you
17 felt were comparable; correct--

18 A Yes, sir.

19 Q -- and wrote down that serial number, which
20 apparently is 6172 and whatever price was on those jeans?

21 A Yes, sir.

22 Q You and your wife were married in '93?

23 A The end of '93.

24 Q Did she buy alot of clothes in '94 and '95?

25 A I don't know. We bought clothes all the time.

1 Most of my clothes, I would dare say, were very old. I go
2 through jeans pretty quick. I wear them to work in, and I do
3 construction work.

4 Q Well, I'm really talking about her right now.

5 A As far as her, I didn't keep up with what she
6 bought. She went shopping. I worked fifty to sixty hours a
7 week. I work in the yard and the garage, while she may go
8 shopping. When she would come home she might say, "Look
9 honey, a new dress." I would say, "Great, dear. It looks
10 wonderful on you." And that was the extent of her shopping
11 that I paid attention to. She knew what we could and
12 couldn't afford.

13 Q You listed under "Date of Purchase, 1-3 years."
14 Do you see that?

15 A (Witness examines exhibit.)

16 Q My question to you is: Is it your belief that
17 in the one to three years prior to the time of the fire that
18 your wife purchased 56 pairs of blue jeans?

19 A I couldn't imagine being able to afford all of
20 these clothes in the one to three years. I tried to
21 accurately estimate on these things. This (indicating) is
22 one of a hundred and some pages. I tried, to the best of my
23 ability, to estimate. How long can you wear them, as far as
24 a purchase date? I have no idea. I don't know what to say.
25 I can't accurately say. I know half the stuff was older than

1 we were married. We were married not quite two years. So I
2 have no idea. You're asking me to guess when she bought
3 something before I even married her.

4 Q No, sir, actually, what I'm asking you is
5 whether you believe that the comment you have under here
6 under the date of purchase is accurate.

7 A Just looking at it, I wouldn't say that all 56
8 pair were bought in one to three years. I would say,
9 probably a third to half of those were purchased within the
10 last three years.

11 Q Just so you and I understand each other, you
12 have kind of hit the nail on the head of what struck me when
13 I read this. Looking at your income and your wife's income,
14 the figures you gave me earlier, and your obligations, I am a
15 little hard pressed to figure how you could afford seventy
16 pairs of blue jeans in the last few years. That is what I
17 would really like for you to explain for me.

18 Just so we are clear and I am fair to you-- I
19 know this is one page out of a hundred and eight pages-- if
20 you go through the pages of your wife's inventory and your
21 own clothes, I have the same question that I asked you
22 earlier. Are there sources of income out there that we
23 haven't talked about that can explain clothes purchases of
24 this amount in the last couple of years?

25 A I understand what you are saying. I was told

1 that I had to put a date down, and what do I put? Well, I
2 think it's twenty years old. I have no way of logically
3 knowing how old this is. I wasn't there when she bought it.
4 I could more accurately estimate how old my clothes are
5 versus hers, especially, since I didn't inventory her
6 clothes. But just having, in the past, folded clothes and
7 helped her around the house, I noticed that the girl never
8 threw anything away. So to say that she had 57 pairs of
9 jeans in the last three years would be guessing. I mean, I
10 was told I had to put a date there.

11 Now, I know that some of her clothes were pretty
12 old. They had to be. Like you said, nobody could afford
13 this many clothes. I don't know where all of them came from.
14 But to make a long story short, I don't know how old those
15 clothes are or a purchase date. I was told that I had to put
16 something in that blank, and that's exactly what I did.

17 Q That's fair, and I understand. I've never met
18 you, or never met your wife, or never seen your house or your
19 stuff. To be honest with you, when I look at this-- I mean,
20 I'm married, too, and have a bunch of kids-- seventy pairs of
21 blue jeans seems like alot to me, especially, when they are
22 purchased in one to three years. Do you understand what I
23 mean?

24 A I'm not arguing. I was told I had to put a
25 number there. I took a stab at it. As many weeks worth of

1 work that you're looking at, it is almost impossible or
2 unjust to ask somebody to do this and be accurate.

3 Q I've told you what my question is about this,
4 and I'm not quarreling with you. I'm just trying to find out
5 your explanation. All we are here today to find out is your
6 best explanation, and that's all we need, okay? Nobody is
7 quarreling with you on how you did it, but those are the
8 questions I'm trying to clear up.

9 So is it fair to say that with regard to all
10 your wife's clothes, and actually with regard to each piece
11 of stuff in here-- and we'll talk about your own clothes in
12 just a second-- what you have just described would be true
13 about how you went about doing this and how you came up with
14 the age and amounts and prices?

15 A On my clothes?

16 Q On everything in this inventory (indicating).

17 A I would say that most other things are more
18 accurate than her clothes.

19 Q Let's go on and talk about some of those things.
20 Look at page thirteen, if you would. There is a set of
21 documents there that are pages thirteen through twenty-one.
22 Do you see that?

23 A (Witness examines exhibit.) Yes, sir.

24 Q That looks to me like the group of sheets and
25 towels and linens as you, I think, described earlier that you

1 have actually replaced.

2 A Yes, sir.

3 Q Just so I understand what these documents are,
4 the receipts attached to the back of the inventory on pages
5 seventeen through twenty-one would be where you went out and
6 purchased the towels and linens and so forth?

7 A Yes, sir.

8 Q And it's your testimony that all of these
9 sheets, towels, comforters, and so forth were in the house at
10 the time of the fire?

11 A Yes, sir.

12 Q And they were destroyed?

13 A Yes, sir.

14 Q You determined the amounts, for example, about
15 halfway down the first page on page thirteen where it says
16 "18 bath towels," you determined that by a physical count, as
17 you did with the clothes?

18 A Yes, sir.

19 Q Mr. Kimble, did you, when you went out to
20 purchase the items at wherever they were from Belk's--

21 A Belk's, Penny's.

22 Q -- did you make an attempt to purchase similar
23 items to those that you had?

24 A Yes, sir.

25 Q And the number of these items, specifically, on

1 pages fourteen through sixteen were purchased in the last six
2 months to two years?

3 A Well, I had six wedding showers. To make a long
4 story short, that is where alot of my china came from. These
5 linens and things, as far as the dates, I felt was
6 irrelevant. But I was told I had to put something there. In
7 my understanding, Gary Fields said that I would be reimbursed
8 the total amount or the value of these items. So what did it
9 matter what the dates were listed if they were five years
10 old. I would be compensated. I had replacement insurance.

11 Q You may be answering something, though, that I'm
12 not asking. My question with regard to the linens, towels,
13 and that sort of thing, which were purchased over the last
14 six months to two years, is did you purchase any of those?

15 A I just guesstimated on the dates. I don't
16 recall having bought any, other than, possibly, some sheets.
17 I know that for Christmas that we had gotten some new flannel
18 sheets. We had a brand new comforter set complete.

19 Q Where were the sheets and comforter purchased
20 from?

21 A Penny's.

22 Q With cash or credit card?

23 A However she bought it.

24 Q So that was something that she did?

25 A Yes.

1 Q Let's talk about your clothes.

2 A Do you follow my point on the dates? You know,
3 I tried to write down the dates. We got several things from
4 the showers. I replaced the items. I started not to even
5 write a date, but I was told that I had to write a date.

6 Q I understand. To sum up-- with regard to how
7 many things that were in there-- how many sheets; how many
8 towels; how many comforters?

9 A We counted those.

10 Q So the numbers on here are based on the actual
11 count?

12 A Yes, sir.

13 Q Beginning on page twenty-two, I think, let's
14 look at your clothes for just a minute. If you look, Mr.
15 Kimble, at the middle column where it says, "Date of
16 Purchase," on both those pages. It says one to two years on
17 both of those pages. Do you see that?

18 A Where?

19 Q On page twenty-two--

20 A Yes, sir.

21 Q -- in the middle column where it says, "Date of
22 Purchase"--

23 A Yes, sir.

24 Q It says one to two years. Am I reading that
25 correctly?

1 A Yes, sir, I would guess that most of these are
2 within one to two years.

3 Q For example, the first line says, "84 tee
4 shirts." Is it your belief that you bought 84 tee shirts in
5 the last one to two years?

6 A Roughly or approximately. That would be pretty
7 accurate for the most of them, I would say.

8 Q When you bought those tee shirts, where would
9 you buy them?

10 A At the bookstores. I like Christian tee shirts.
11 At one time, my father printed tee shirts, but he doesn't
12 anymore. To replace them, it would cost me twenty-four
13 dollars a shirt at the Baptist Bookstore for those tee
14 shirts.

15 Q Was your father printing tee shirts in the one
16 to two years prior to the fire?

17 A Yes, sir.

18 Q About a third of the way down, you have "33
19 dress shirts."

20 A Yes, sir.

21 Q Is it your belief that you bought 33 dress
22 shirts in the past one to two years?

23 A One to two or one to three. I wear my clothes
24 out. I do hard work.

25 Q Is the average price for the dress shirts that

1 you buy at seventy-nine dollars, as you listed over there
2 under "Replacement Cost"?

3 A They vary.

4 Q Pardon me?

5 A They vary. I mean, I might buy a shirt that
6 cost fifty dollars, and I might buy one that cost more like
7 around seventy-nine dollars. It depends. Most of the time
8 I'll buy a shirt when it's on sale.

9 Q Where did you normally buy your dress shirts?

10 A You can buy them in Belk's. A lot of times, they
11 will run sales at the end of the seasons.

12 Q Is that where you bought most of those?

13 A I buy my clothes a lot of different places. I
14 buy them at American Eagle. I buy some at Penny's, but not
15 very often. I buy a lot at Belk's and some at Eddie Bower. I
16 was told to put an example down, so I did. That's why I
17 attached a letter to this (indicating).

18 Q The same would be true for all of your own items
19 of clothing, which are listed on pages twenty-two and twenty-
20 three?

21 A What are you asking me about these items?

22 Q That the number in the left-hand column
23 represent the actual quantity--

24 A They are the numbers.

25 Q -- that you counted in the house?

1 A Yes, sir.

2 Q And that they were all purchased within the last
3 one to two years?

4 A A guesstimation.

5 Q Let's take a look, if you would, at pages
6 twenty-four through twenty-eight. If I understand this, Mr.
7 Kimble, these are the things you have actually replaced?

8 A (Witness examines documents.) Yes, sir, they
9 are.

10 Q Is there any overlap between the items listed on
11 pages twenty-four and twenty-five? For example, where you
12 purchased shirts, jackets, shoes, and that sort of thing and
13 the items listed on pages twenty-two and twenty-three?

14 A I'm sorry. Would you say that again? Oh, yes,
15 sir. These items would be deducted from these items
16 (indicating).

17 Q Throughout the inventory where you have listed
18 items which were destroyed, and then you list other items and
19 attach receipts where you have purchased items, is it fair to
20 say that those that you've purchased should be deducted from
21 those that you have listed?

22 A Yes.

23 Q Do you know the makes of any of the furniture
24 that was in your house?

25 A No, sir.

1 Q When you went back in the house after the fire
2 and did the inventory, did you write down the makes of any of
3 that furniture?

4 A No, sir, not that I recall. I just took a
5 mental note if it was solid wood or not.

6 Q Did someone tell you not to write down what make
7 it was?

8 A No, sir, no one told me to write the make down,
9 either.

10 Q In a number of places-- Look, for example, on
11 page forty-- you have various children's things, such as
12 crayons, coloring books, Disney sing-a-long tapes, and that
13 type of thing-- did you all have kids in the house?

14 A We had purchased Christmas items on sale to be
15 given at Christmas.

16 Q And those were kept where, in the attic?

17 A Actually, they were boxed up in one of the spare
18 bedrooms. They were brand-new items that had never been
19 opened.

20 Q You told me earlier about keeping the dog for
21 your mother that day. Did you all have a dog yourself?

22 A Yes, sir.

23 Q Had you bought the dog fairly--

24 A No, sir.

25 MR. COOKE: Let him finish the question and

1 then you can answer it.

2 THE WITNESS: I'm sorry.

3 BY MR. BERGER:

4 Q Did you get the dog fairly soon prior to the
5 fire?

6 A Yes, sir.

7 Q Did someone give it to you?

8 A I guess you could say that. It was a stray we
9 picked up.

10 Q Look at page fifty-four, if you would, Mr.
11 Kimble.

12 A (Witness examines documents.)

13 Q This (indicating) appears to be some of your
14 wife's jewelry. Is that what that is?

15 A Yes, sir.

16 Q Did you ever have any of that jewelry appraised?

17 A No, sir.

18 Q I notice on there that there is not an
19 indication as to when that was purchased. Were these things
20 that were purchased before or after you were married?

21 A (Witness reviews documents.) I'm sorry. I
22 forgot to fill that (indicating) in. I bought her the
23 earrings and the bracelet. The earrings were purchased
24 during the marriage and the bracelet, as well. The necklace
25 I gave her previously. I purchased it a long time ago. She

1 gave me the one I wear for a wedding present. There was more
2 jewelry than that. But due to the fact that there was only a
3 thousand dollars worth of jewelry that would be covered, I
4 didn't see any reason to list the rest.

5 Q Turn with me, if you would, to page sixty-one.

6 A (Witness reviews documents.)

7 Q I have a photocopy of this and have given it to
8 you in the same manner in which I received it, which has a
9 business card in the middle of this thing (indicating).

10 A Yes, it does.

11 Q Tell me what these two pages (indicating)
12 represent.

13 A Electronics in the house, or items which could
14 be purchased at Circuit City. This was the salesman
15 (indicating) who waited on me.

16 Q So the salesman who waited on you, meaning that
17 when you went in to--

18 A Get an estimate of a replacement. This
19 (indicating) is what he helped me with. These were the items
20 which were in my house, to the best of my ability.

21 Q Look at page sixty-two, if you would, the second
22 page. There are a number of what appear to me to be stereo
23 components. And you say they are four months old?

24 A (Witness reviews documents.) Yes, sir, they
25 were replaced by the insurance company due to the last robbery.

1 Q So the "ONK, JBL" and the Panasonic stuff there
2 that says it is four months old, those were--

3 A Brand new.

4 Q -- new and paid with from the proceeds of the
5 last insurance claim?

6 A The insurance company handled it.

7 Q Do you need to take a break?

8 A I just got paged, so I really need to take a
9 break.

10 Q Okay, go ahead.

11 (BRIEF RECESS WAS TAKEN FROM
12 1:30 P.M. TO 1:35 P.M.)

13 BY MR. BERGER:

14 Q Mr. Kimble, turn with me, if you would, to pages
15 seventy-five through seventy-seven.

16 A (Witness reviews documents.)

17 Q These (indicating) appear to be kitchen-type
18 items, and that sort of thing.

19 A Yes, sir.

20 Q First of all, the comment at the top left-hand
21 corner that says, "See pg. 47 for warranty." What is that
22 talking about? Do you know?

23 A I'd have to look back on page forty-seven.

24 Q Well, to be fair to you, I'm the one that
25 numbered the pages in the bottom right-hand corner. I don't

1 know, otherwise, how they may be numbered.

2 A (Witness reviews document.) Okay. I see what
3 you're saying. I was thinking that it may have been a page
4 out of a catalog or something. I don't know. There is no
5 telling. I have seen so many of these things (indicating),
6 and I've looked at these for two to three months.

7 Q On these three pages (indicating), the date of
8 purchase for all of those items is listed at one year.

9 A I possibly put one year due to the fact that I
10 plan to replace all of these items.

11 Q But my question to you is: Is it your
12 recollection that within the year or so prior to the fire,
13 that you all bought the items listed on pages seventy-five
14 through seventy-seven?

15 A This is tupperware. My wife gave tupperware
16 parties occasionally. So, yes, most of these items were
17 within a year old. I understand it now. It has just come to
18 me that she gave a few tupperware parties that I can recall.
19 You will note that most of these (indicating) are just one
20 item.

21 Q There have been some of the pages that we've
22 gone over, I think early on, where there were some names and
23 phone numbers written at the top. Would that be-- Well, an
24 example would be like on page forty-one where it says, "John
25 A. Murray, 855-3242."

1 A What were the items listed there?

2 Q My question was going to be that to the extent
3 that there are names and phone numbers, are those the people
4 who helped you?

5 A Yes, at the departments. They helped me list
6 these items. Sometimes, when possible, I would get an
7 employee's name and number that the insurance company could
8 possibly contact them to ask them if they sold these items at
9 their store. So it was to help them.

10 Q Do you list on these pages, or someplace else,
11 the names of folks who actually did the counting of these
12 items?

13 A If I remember correctly, I submitted that
14 information to the insurance so that they would be
15 compensated for their labor. I was told by Mr. Fields that
16 they would be compensated for their time.

17 Q If you did not, in fact, submit those names,
18 would you still have those work sheets?

19 A Have, get, or give.

20 Q I think--

21 MR. COOKE: Could you answer that clearer for
22 the record? I didn't understand your answer. He
23 (indicating) may have.

24 THE WITNESS: Yes, sir, I believe I have. And
25 if not, I will.

1 MR. BERGER: I thought that was what he was
2 saying.

3 MR. COOKE: I figure that was what he meant.
4 But I thought that for the sake of clarity, I'd ask him.

5 BY MR. BERGER:

6 Q If you would, look at page 101. It looks like
7 you were talking about-- Were these trees and stuff inside
8 the house?

9 A (Witness reviews documents.) Yes, sir.

10 Q It says to "see notes." Do you know what notes
11 you are talking about? Do you know?

12 A I'd have to ask my mother. All I know, we had a
13 couple of nice trees that were a good size in the house.

14 Q Is all this (indicating) in your mother's
15 handwriting? Is that whose writing all this (indicating) is?

16 A Yes, sir.

17 Q On page 103-- this may get back to what you were
18 telling me a minute ago. Will you turn to that page for a
19 second?

20 A (Witness reviews documents.)

21 Q Do you see on the bottom of that page where you
22 listed some folks names?

23 A All right. Those are the people. That last
24 "Scott" is supposed to be Scott Murray.

25 Q M-u-r-r-a-y?

1 A I believe so.

2 Q "Edna Kimble" is your mother?

3 A Yes, sir.

4 Q "Kathy Blankenship" is whom?

5 A She was employed to help us.

6 Q I mean is she a family or friend?

7 A A friend of hers from work.

8 Q A friend of your mother's?

9 A Yes.

10 Q "Scott Tidwell," who is he?

11 A A friend of mine from church. So is Scott

12 Murray.

13 Q Where do the two Scotts live?

14 A In Greensboro; Scott Murray lives off Liberty

15 Road, and the other Scott lives on Adams Farm.

16 Q On the next page is listed "Wanda Warner" on

17 page 104.

18 A (Witness reviews document.) Yes, sir.

19 Q Who is Wanda Warner?

20 A A friend of my mother's.

21 Q And, again, Mr. Kimble, the receipts that are on

22 pages 105 through 108 are receipts for things which you have

23 purchased?

24 A Yes, gas and things to proceed. I mean, I had

25 to have gas to run the generator. I didn't bill for the

1 generator. Scott Murray loaned it to me, so I didn't have to
2 rent one. We had no lights. Everything was so black that
3 you couldn't see. So I had lights that I didn't have to
4 rent, and I borrowed the generator. But I had to purchase
5 some gas, gloves, gas can, and a few items like that.

6 Q Were you able to tell when you went in and did
7 this physical inventory, whether anything had been stolen
8 from your house?

9 A Yes, sir.

10 Q What had been stolen?

11 A Jewelry.

12 Q The jewelry that you listed in here?

13 A Yes, sir, some of it is gone and some not
14 listed. Like I said, there was a thousand dollars limit.
15 Did I answer your question?

16 Q Yes. So other than jewelry, is there anything
17 else that you were able to tell had been stolen, as opposed
18 to destroyed in the fire?

19 A It looked like some of my movies and CDs had
20 been tampered with. My tool box had been moved. And I'm -
21 talking about a three hundred pound tool box. It had been
22 dragged across the floor, but it wasn't stolen. It was hard to
23 detect, due to the fact that the back two bedrooms of the
24 house had been trashed.

25 Q What do you mean by that?

1 A Drawers were emptied, and it looked like it had
2 been ransacked.

3 Q As best you know, all the stereo equipment was
4 still there; televisions, and that type of thing?

5 A Yes, sir.

6 Q Between the time that you left to go to work in
7 the morning that day and the time that you returned home
8 after you were called and told your house was on fire, did
9 you go back to your house at all that day?

10 A Never.

11 Q Other than your wife, are you aware of anybody
12 else being there that day?

13 A Yes, sir.

14 Q Who else was there that day?

15 A My younger brother returned my truck earlier
16 that day.

17 Q Do you know when that was?

18 A Around 1:00 or 1:30.

19 Q Did he just drop it off and leave?

20 A Yes, sir.

21 Q And this brother is in the Marine Corps?

22 A Yes, sir.

23 Q Final couple of questions. As I understand your
24 testimony, you have spoken with Marie Bartello. You have
25 also spoken with Gary Riley, I think you said his name was,

1 and then somebody else with The Maryland?

2 A Yes, Gary Fields.

3 Q Is there anybody else with The Maryland with
4 whom you have spoken to since you first got in contact with
5 them?

6 A I talked to Kim somebody at the office to find
7 out who the insured's company was and to find out who to
8 report the claim to.

9 Q You called her at what office; the agent's
10 office?

11 A Yes, the independent agent and whoever wrote the
12 policy.

13 Q I realize that Ms. Bartello is sitting here
14 (indicating) next to me. What I'm fixing to ask you may hurt
15 her feelings if you answer it in a certain way, but I'm going
16 to ask you nonetheless. Has anybody from The Maryland been
17 ugly to you, or rude to you, or refused to talk to you, or
18 not returned telephone calls and those types of things?

19 A No, sir.

20 Q From your standpoint as you view it, has the
21 company been cooperative with you?

22 A Slow.

23 Q Slow meaning what?

24 A Slow to process this claim.

25 Q Has anyone from the company told you that they

1 would do something that they haven't done?

2 A Not that I recall.

3 Q Other than the slowness in processing the claim,
4 do you have any complaints about anything that The Maryland
5 has done, with regard to this claim, up to this point?

6 A Other than being slow, no.

7 Q Mr. Kimble, since we've been here today, we've
8 covered alot of subjects and talked about alot of things. I
9 appreciate your time. Is there anything else that you'd like
10 to say that I haven't asked you about that you feel like we
11 need to clarify or that you wanted to add? Just for
12 completeness, I'm asking if there is anything else you'd like
13 to say that I haven't asked you?

14 A Not that I can recall.

15 Q From the outset-- Let me tell you again, just so
16 you know where we are going-- and, again, I appreciate your
17 time today. I know that it is difficult to go back through
18 some of this. I know that you spent alot of time on the
19 inventory.

20 The court reporter will type out or transcribe
21 our discussion. She will send that to your attorney; that
22 being a booklet with our discussion in it. It will have
23 what's called an Errata Sheet, E-r-r-a-t-a, a sheet where you
24 can go through the questions and answers and make any changes
25 or corrections or whatever that you need to do to make our

1 discussion accurate.

2 There will also be a signature page, which
3 basically says that after you have read through the
4 transcript and made any corrections you need to make, that
5 when you sign it that says that this transcript is accurate
6 and true as best you know. And that is, in effect, what you
7 are swearing to as the truth with regard to our discussion.

8 I would ask you-- You can keep the transcript.
9 That is something that you can keep. But you are going to
10 need to send back the Errata Sheet and the Signature Page to
11 me when you finish with it. There will be a cover letter
12 that explains that.

13 The company will then take that information and
14 evaluate the claim based upon the examination under oath and
15 all the other information, the inventory and the Proof of
16 Loss, etcetera, and give you a decision then on your claim.

17 It is important that when you get the transcript
18 that you read through it and sign it and make any changes you
19 want to, because they won't make any decisions until that
20 comes back to them. Is that fair enough?

21 A Yes, sir.

22 Q If you have no questions or nothing further, we
23 will end this, and I appreciate your time.

24 MR. COOKE: One last thing while we are still
25 on the record. He, in addition to the documents provided

1 earlier, did bring you a copy of the line one deed of trust
2 with Nations Bank. I just wanted to give that to you on the
3 record. (Counsel hands document to Mr. Berger.)

4 MR. BERGER: Thank you. Why don't I mark that
5 as Exhibit No. 4, which I'll do right now.

6 (EXHIBIT NO. 4 WAS MARKED
7 FOR IDENTIFICATION.)

8 THE WITNESS: Well, I do have a couple of things
9 to say.

10 MR. BERGER: Okay, let me close this for
11 clarification and then you can say whatever you like. So
12 Exhibit No. 1, then, will be these documents you have
13 produced from the bank. Exhibit No. 2 is the Proof of Loss.
14 Exhibit No. 3, jointly, are the Inventory forms, which we
15 have gone through. And Exhibit No. 4 is the deed of trust
16 which you brought from Nations Bank.

17 MR. COOKE: I think we have ordered the '94
18 tax returns.

19 THE WITNESS: That is what I was going to refer
20 to. I have ordered '94, and I have the '95's that I can get
21 to you. As far as the other papers that you asked for, they
22 either weren't available or I haven't been able to get. As
23 far as the actual deed of trust on the house, I am in the
24 process of pursuing.

25 MR. BERGER: I appreciate that, and I probably

1 ought to modify what I told you then. It is likely that the
2 company will not make a decision until it gets those
3 documents, too. And I know you have started that process, so
4 whatever you can do to get the documents will help.

5 THE WITNESS: My question is to what extent
6 those papers are needed? Some are not accessible or I can't
7 provide.

8 BY MR. BERGER:

9 Q Do you happen to have that list in front of you?

10 A No, sir.

11 Q I think I do. (Counsel looks for documents.) I
12 will tell you that tax returns are important.

13 MR. COOKE: I don't think that is a problem.
14 We are just waiting on the IRS. They are probably busy with
15 other things right now and will cough them up sooner or
16 later.

17 THE WITNESS: So it is okay with you to produce
18 just '94 and '95?

19 MR. BERGER: Yes, sir.

20 BY MR. BERGER:

21 Q Let's go through these, and I'm glad you brought
22 this up, Mr. Kimble. I understand from your earlier
23 testimony and from your attorney's question yesterday that
24 you don't have the insurance policy or any other documents
25 related to the insurance?

1 A I have a sheet specifying the limits, such as
2 house value, living expenses, dwelling.

3 MR. COOKE: You don't have the policy?

4 THE WITNESS: Not the actual policy, no.

5 MR. COOKE: Okay.

6 BY MR. BERGER:

7 Q You have given me all the documents that you
8 have or have given the company all the documents you have
9 supporting your claim. By that, I mean, any receipts or
10 those types of things to support what is in your inventory.
11 Is that fair?

12 A Yes, sir, what I've been given access to.

13 Q And you have ordered and have given us as
14 Exhibit No. 1 the checking and banking information that we
15 had asked for.

16 A For the years '94 and '95.

17 Q It take it from your earlier testimony that you
18 did not fill out any personal financial statements, or you
19 don't recall doing that?

20 A Correct.

21 Q And you are waiting on the tax returns?

22 A Yes, for '94. I have '95's.

23 Q Right, you are waiting for the ones for '94.
24 And you didn't order them for '93?

25 A I was told by Gary Riley that I didn't have to

1 have them.

2 Q I understand. I'm just trying to make it clear
3 on what we have and what we need.

4 A I wanted you to specify what I had to have so I
5 will know and try to get these things.

6 Q Right. As I understand it what is outstanding,
7 meaning what we don't have right now, would be the one tax
8 return, which you have already ordered, and that would be it;
9 correct?

10 A Correct.

11 MR. COOKE: We will get that to you as quick
12 as we can.

13 MR. BERGER: Okay, I understand. Thank you.

14 MR. COOKE: All right. Thank you.

15 (PROCEEDINGS ADJOURNED AT 1:55 P.M.)

C E R T I F I C A T E

STATE OF NORTH CAROLINA

COUNTY OF WAKE

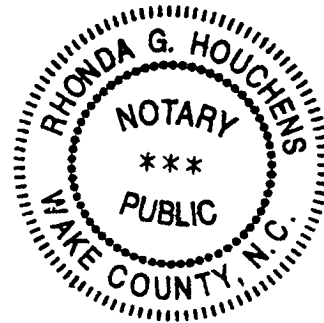
I, RHONDA G. HOUCHENS, NOTARY PUBLIC, DO HEREBY CERTIFY THAT THE FOREGOING IS, TO THE BEST OF MY SKILL AND ABILITY, A TRUE AND ACCURATE TRANSCRIPT OF TESTIMONY TAKEN DURING THE EXAMINATION UNDER OATH OF **TED M. KIMBLE**.

GIVEN UNDER MY HAND THIS 19TH DAY OF MARCH, 1996.

Rhonda G. Houchens

RHONDA G. HOUCHENS
NOTARY PUBLIC FOR THE
STATE OF NORTH CAROLINA

MY COMMISSION EXPIRES
MAY 17, 2000



S I G N A T U R E

I HAVE READ THE FOREGOING 126 PAGES
WHICH CONTAIN A CORRECT TRANSCRIPT OF
THE ANSWERS MADE BY ME TO THE QUESTIONS
THEREIN RECORDED.

SIGNATURE IS SUBJECT TO CORRECTIONS ON
ATTACHED ERRATA SHEET, IF ANY.

(SIGNATURE OF TED M. KIMBLE)

STATE OF _____

COUNTY OF _____

SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ DAY
OF _____, 19_____.

MY COMMISSION EXPIRES

NOTARY PUBLIC