

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SACRAMENTO

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AL SEASTRAND AND)
LORETTA SEASTRAND,)
)
PLAINTIFFS,)
)
VS.)
)
ROBERTA BARTH AND)
DOES 1-25, INCLUSIVE,)
)
DEFENDANTS.)
)
AND RELATED CROSS-ACTION.)

CASE NO. 98AS01431

Certified Copy

DEPOSITION OF
RAYMOND DILG

JULY 13, 1998

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REPORTED BY:

MARY BARDELLINI
CSR NO. 2976

Note:

Below are excerpts from Dilg's deposition admitting that he never saw the elder Barths sign anything, let alone discuss any real estate deals with them.

Keep in mind as you read Dilg's version, Kathy Fox and her attorney Karen Guthrie kept telling investigators and judges that Fox was never involved and had no knowledge of how Seastrand put himself on title to Roberta's property.

1 Q. BECAUSE YOU ALREADY TOLD ME YOU NEVER TALKED
2 TO ROBERT OR FRANCIS, CORRECT?

3 A. RIGHT.

4 Q. SO ON THE FIRST VISIT THAT YOU HAD IN YOUR
5 DISCUSSIONS WITH KATHY FOX AND HER HUSBAND, WHAT ALL WAS
6 DISCUSSED? WHAT WAS THE SUBJECT OF THE DISCUSSION?

1 KATHY SAID: THERE SHE IS. I'M GOING TO GO
2 GET THE DEED SIGNED. SHE CAME BACK WITH A SIGNATURE. I
3 LEFT, AND THAT WAS THIS FIRST DEED.

4 Q. SO KATHY GOES BACK TO THE COTTAGE, COMES BACK
5 WITH A PURPORTED SIGNATURE FROM FRANCIS BARTH. DID
6 ROBERT BARTH SIGN THE DEED IN YOUR PRESENCE?

2 Q. BUT YOU NEVER SPOKE TO HIM ABOUT THE
3 TRANSACTION, DID YOU?

4 A. HE SAID NOTHING.

2 Q. DID YOU EVER SEE ANY DOCUMENTS FROM EITHER
3 FRANCIS, ROBERT, OR KATHY FOX DISCUSSING ANY TERMS OF
4 ANY PURPORTED SALE OF ANY INTEREST IN THE PROPERTY?

5 A. CAN YOU REPHRASE THAT?

6 Q. SURE. DID YOU EVER SEE ANY WRITTEN DOCUMENTS
7 FROM EITHER FRANCIS BARTH, ROBERT BARTH, OR KATHLEEN FOX
8 THAT DISCUSSED ANY OF THE TERMS OF THE PURCHASE OF ANY
9 INTEREST IN THE PROPERTY?

10 A. SUCH AS A DEPOSIT RECEIPT, YOU MEAN?

11 Q. SUCH AS A DEPOSIT RECEIPT, NOTES, POST-IT
12 NOTES -- ANY COMMUNICATIONS AT ALL.

13 A. I THINK WE DREW UP A DEPOSIT RECEIPT, YEAH.

NOTE: Al Seastrand admitting he had original documents in his possession. Why would the debtor have the originals if this was a legitimate transaction?

How were the creditors supposed to collect this debt? Is this why no one asked Seastrand for the money, as he claimed in his deposition? As an attorney, and Real Estate Broker, Mr. Seastrand would know the creditors must have the originals to enforce payment or this case, enforce the agreement.

1 MR. SEASTRAND: THAT'S ACTUALLY MY ORIGINAL.

2 MR. RING: AND WE'LL LET YOU RETAIN THIS IN
3 YOUR FILE. I'VE GOT A COPY OF THE FIRST PAGE.

4 (DEFENDANT'S EXHIBIT C WAS MARKED
5 FOR IDENTIFICATION.)

6 MR. RING: WE'RE MARKING A RESIDENTIAL
7 PURCHASE AGREEMENT AND DEPOSIT RECEIPT AS EXHIBIT C.
8 THIS IS AN ORIGINAL DOCUMENT FROM MR. SEASTRAND'S FILE.
9 I'M STIPULATING THAT A COPY WILL BE USED AND ATTACHED TO
10 THE DEPOSITION TRANSCRIPT SO YOU CAN RETAIN THE
11 ORIGINAL. THE COURT REPORTER WILL NOT NEED TO TAKE THE
12 ORIGINAL, BUT I'M HAVING IT MARKED BECAUSE THIS IS THE
13 DOCUMENT THAT THE WITNESS LOOKED AT.

14 Q. SO IF YOU COULD LOOK AT EXHIBIT C, DID YOU
15 PREPARE ANY OF THAT?

16 A. LOOKS LIKE MY WRITING.

17 Q. OKAY. IS THERE ANY OTHER WRITING ON THE
18 DOCUMENT THAT IS NOT YOUR HANDWRITING?

19 A. JUST THE SIGNATURES.

20 Q. AND THE DATE OF THAT DOCUMENT IS NOVEMBER 6TH
21 OF 1993; IS THAT CORRECT?

22 A. CORRECT.

23 Q. DO YOU KNOW, HOW DID THAT DOCUMENT GET
24 EXECUTED? WE'VE ESTABLISHED TWO VISITS, ONE ON NOVEMBER
25 12TH OF '93 AND THE OTHER ON DECEMBER 6TH OF '93. HOW
26 IS THAT DOCUMENT GETTING EXECUTED ON NOVEMBER 6TH OF