# FILED

#### 02/14/2024

Bowen Greenwood CLERK OF THE SUPREME COURT STATE OF MONTANA

Case Number: DA 23-0469

## IN THE SUPREME COURT OF THE STATE OF MONTANA CASE NO. DA 23-0469

## IN THE MARRIAGE OF

## **BRADLEY JOHN STRECKER,**

Appellant/Respondent,

and

## LISA MARIE STRECKER,

Appellee/Petitioner.

## **AFFIDAVIT OF LISA STRECKER**

On Appeal from the Montana Thirteenth Judicial District Court, Yellowstone County, Docket No. DR 21-506, the Honorable Ashley A. Harada, Presiding

## **APPEARANCES:**

Kevin T. Sweeney 1601 Lewis Avenue, Suite 109 Billings, MT 59102 Telephone: (406) 256-8060 <u>kevintsweeney@hotmail.com</u> Attorney for Appellant/Respondent, Bradley John Strecker Casey Heitz Michael L. Dunphy Parker, Heitz & Cosgrove, PLLC 401 N. 31st Street, Suite 1600 PO Box 7212 Billings, MT 59103 Telephone: (406) 245-9991 caseyheitz@parker-law.com mdunphy@parker-law.com Attorney for Appellee/Petitioner, Lisa Marie Strecker

## STATE OF MONTANA ) : ss. County of Yellowstone )

The Affiant, after first being duly sworn upon her oath deposes and states as follows:

- My name is Lisa Strecker and I am the Petitioner/Appellee concerning the above-referenced matter. I provide this affidavit pursuant to Rule 22(2)(b)(ii), M.R.App.
- The District Court, in its Findings of Fact, Conclusions of Law and Decree, awarded me the real property identified in Exhibit 1 (Hoskins Property) and all of the marital real property interests in the W & S Partnership which is identified in Exhibit 2.
- The Court also awarded me the Mary Street property which I currently possess.
- The real property known as the Hoskins property identified in Exhibit
   1 is farm/ranch property which is currently being occupied by the Respondent/Appellant, Brad Strecker.
- I fear that Brad will damage the Hoskins property. Specifically, the house; outbuildings; and farm and grazing land.
- 6. To the extent this Court affirms the District Court, I need to make

planting decisions concerning this real property and I also need to ensure that Brad will not damage the property.

- 7. Brad, in the past, has improperly taken all income from the property which I fear he is still doing. As recent as February 7, 2024, the District Court ordered Brad to deposit money with the District Court.
- I am 62 years old and am completely reliant upon all assets awarded to me in this dissolution proceeding.
- 9. I need to make sure that my property interests are adequately protected and the only way I can do so is to be in possession of the real property or have an adequate, reliable bond in place. As indicated in the District Court's Findings and as indicated in Appellee's requested relief, the value of the Hoskins property awarded to me and where Brad currently resides is at least \$3 million.
- I am in not in a position to allow Brad to unlawfully possess and profit from the real property set over to me.
- 11. I do not trust the previously proffered surety provided by Brad.
- Betty Strecker is Brad's mother. It appears that Betty Strecker no longer lives at 4345 Powmer Road but instead is residing in an assisted facility.
   Based upon Betty's testimony at the District Court trial (see, Exhibit 3),

I believe a question exists as to whether she has the mental competency to enter such an agreement.

- 13. Mike McGrew has not identified any assets that he has nor has he provided me any proof of his financial condition. At trial, Brad testified that Mr. McGrew was thousands of dollars in arrears on his rent for the home where he resided which is located on the Powmer property and that Mr. McGrew was going through a tough time (divorce, alcoholism, and has issues). *See,* Exhibit 4.
- 14. I do not waive the bond requirements.
- Accordingly, I respectfully request that the Court deny Appellant's requested relief.
- //

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Affiant sayeth further naught.

DATED this 14th day of February, 2024.

Marin Atsuch

Lisa Marie Strecker

SUBSCRIBED AND SWORN TO before me this <u>HH</u> day of February, 2024, by Lisa Marie Strecker.



Signature of Notary Public

## **CERTIFICATE OF SERVICE**

I hereby certify that I have filed a true and accurate copy of the foregoing Affidavit of Lisa Strecker with the Clerk of the Montana Supreme Court and that I have served true and accurate copies of the foregoing upon each attorney of record in the above-referenced District Court action as follows:

Kevin T. Sweeney 1601 Lewis Avenue, Suite 109 Billings, MT 59102 <u>kevintsweeeney@hotmail.com</u>

DATED this MAA day of February, 2024.

For PARKER, HEITZ & COSGROVE, PLLC

	Ay w/ SFR	Section 33, Twp. 2N, Rge. 27E, M.P.M. 4012 Hoskins RD 59105
	012 D07814	Frac S2 and Frac SENE (less FR C/S 1424), consisting of 185.37 acres, more or less
1	vac Ag	Section 32, Twp. 2N, Rge. 27E, M.P.M.
- Hos	012 D07805	Frac SESE S of ditch, consisting of approximately 2.46 acres, more or less 1134-32-4-07-01-0000
	vac Aq	Section 4, Twp. 1N, Rge. 27E, M.P.M.
	012	Lot 1, 2 & 4, consisting of 108.54 acres, more or less 1034-04-2-06-01-0000
		Section 14, Twp. 1N, Rge. 26E 922 Mary 27 59100
Mary	SFR- Lot	Lot 13, Block 1, Crist Acres Amended,
	200.E *	consisting of .21 acres more or less 1033-14-2-14-73-0000
	C60243A	

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EXHIBIT tabbies"

# WES Partnership Property; Stillwater County, MT

## Parcels:

320 Acres - Legal Description: S11, T02 N, R22 E, W2
160 Acres - Legal Description: S10, T02 N, R22 E, N2NE, SENE, NESE
640.040 Acres - Legal Description: S03, T02 N, R22 E, ALL
80 Acres - Legal Description: S02, T02 N, R22 E, W2SW
640 Acres - Legal Description: S35, T03 N, R22 E, ALL
40 Acres - Legal Description: S34, T03 N, R22 E, NENE





#### MONTANA THIRTEENTH JUDICIAL DISTRICT COURT YELLOWSTONE COUNTY

IN RE THE MARRIAGE OF:

LISA MARIE STRECKER, Cause No. DR 21-0506

Petitioner,

and

BRADLEY JOHN STRECKER,

Respondent.

TRANSCRIPT OF PROCEEDINGS

VOLUME II

(Pages 170 to 393)

Taken at Yellowstone County Courthouse 217 N. 27th Street Billings, Montana March 13, 2023

Before the HONORABLE ASHLEY HARADA, Judge Presiding

APPEARANCES:

For the Petitioner:

CASEY HEITZ PARKER, HEITZ & COSGROVE, PLLC Attorneys at Law PO Box 7212 Billings, Montana 59103

For the Respondent:

KEVIN T. SWEENEY SWEENEY LAW FIRM Attorney at Law 1601 Lewis Avenue, Suite 109 Billings, Montana 59102



-170-

#### CONTENTS

## 

#### INDEX TO PETITIONER'S WITNESSES

#### INDEX TO RESPONDENT'S WITNESSES

#### STRECKER, BETTY

Direct Examination by Mr. Sweeney Cross-Examination by Mr. Heitz Redirect Examination by Mr. Sweeney Recross-Examination by Mr. Heitz	248 252 254 255
STRECKER, LISA Direct Examination by Mr. Sweeney Cross-Examination by Mr. Heitz	262 266
STRECKER, BRAD Direct Examination by Mr. Sweeney	273
SCHMITZ, REBECCA Direct Examination by Mr. Sweeney Cross-Examination by Mr. Heitz	313 331

1	BETTY STRECKER,
2	having been called for examination by counsel for the
3	Respondent, having been first duly sworn to testify to
4	the truth, the whole truth, and nothing but the truth,
5	testified on her oath as follows:
6	DIRECT EXAMINATION
7	BY MR. SWEENEY:
8	Q. Ms. Strecker, good afternoon.
9	A. Hi.
10	Q. As you may know, I'm Kevin Sweeney, and
11	I'm here today helping Brad in this divorce case,
12	and you've been called to testify as a witness.
13	Tell me your relationship to Brad.
14	A. I'm his mother.
15	Q. How old are you?
16	A. Ninety-two, in four months I will be
17	ninety-three.
18	Q. When?
19	A. Four months.
20	Q. Where do you reside?
21	A. 4345 Powmer Road.
22	Q. In Huntley?
23	A. In Shepherd, Montana.
24	Q. Shepherd, Montana, thank you. Are you a
25	widow?

1	A. Yes.
2	Q. Who is your deceased husband?
3	A. Pardon?
4	Q. Who is your deceased husband?
5	A. Ray Strecker John Ray Strecker.
6	Q. Betty, there has been suggested in a
7	proposed Exhibit K, Your Honor that this document
8	is something that you've prepared; do you recognize
9	your stamp at the bottom of that document, Betty?
10	A. Yes, I do.
11	Q. Did you and I meet in my office last
12	Thursday afternoon and go through this document in
13	detail?
14	A. Yes.
15	Q. Have you had an opportunity to review this
16	document?
17	A. Yes.
18	Q. Did I give you a copy of it, indeed a copy
19	of it blown up so it was easier for you to read with
20	or without glasses?
21	A. Yes.
22	Q. Is all of the information that is set
23	forth in proposed Exhibit K your statements to the
24	Court?
25	A. Pardon?

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1	Q. Is the information set forth in that
2	document in your hands your statements to the Court,
3	your honest statements to the Court?
4	A. I'm sorry, I did not understand you.
5	Q. Okay. I will say it again.
6	A. Okay,
7	Q. Do you see Exhibit K, the document in your
8	hand the material in your hands, Betty?
9	A. Yeah.
10	Q. Did you prepare that?
11	A. Yes.
12	Q. And is all the information in that
13	document true and accurate, correct information that
14	you wanted to get to the court?
15	A. Yes.
16	MR. SWEENEY: Your Honor, I move the
17	introduction of K.
18	MR. HEITZ: I object, but I know we've
19	been allowing statements, I will need to
20	cross-examine on this one, Your Honor.
21	THE COURT: Understood. K is admitted.
22	BY MR. SWEENEY:
23	Q. Ms. Strecker, how many children do you
24	have?
25	A. Two.

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1	Q. Brad, and who?
2	A. My daughter, Barbara Ann.
3	$\mathbb{Q}$ . Is it fair to say, Betty, that this plan
4	that you and your husband, John Ray Strecker, put
5	into place for transferring property was part of
6	your plan you and your husband for your estate
7	planning?
8	A. Could you repeat that
9	Q. Certainly.
10	A a little louder?
11	Q. I'm sorry, what I will do is I will use
12	the microphone system. Betty, when you and you're
13	husband decided to transfer property to your son and
14	his wife, Lisa, was this part of your plan for
15	passing wealth you and your husband after
16	you're dead?
17	A. Yes.
18	Q. And you've made similar arrangements with
19	your daughter and been generous to her, too?
20	A. Well, I would assume, yes.
21	Q. It's been mentioned that when you and your
22	husband entered into this transaction to sell the
23	Hoskins and Powmer properties to your son and to his
24	wife that you had in your possession an evaluation
25	of the property done by a gentleman named Bob Drake;

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Page 252

1 are you familiar with that evaluation? 2 Yes. Α. 3 0. If I show that evaluation document to you, 4 would you recognize it? 5 A. I don't think so. 6 Q. Okay. 7 MR. SWEENEY: Your Honor, I have no other 8 questions for Ms. Strecker. 9 THE COURT: Thank you. Mr. Heitz? 10 MR. HEITZ: Thank you, Your Honor. 11 CROSS-EXAMINATION 12 BY MR. HEITZ: 13 Q. Hi, Betty. My name is Casey Heitz. How 14 are you? 15 Fine. A . 16 Q. So you are going to be how old; 93? 17 Α. Ninety-three in four months. 18 All right. So do you require any Q. 19 assistance at your house now? 20 Did I have what? Α. 21 Q. Do you require any additional assistance 22 at your house in order to live there? 23 Α. Just to go get groceries and do 24 appointments, the rest I do -- I do my own cooking, 25 my own cleaning, I raise a very small garden, but

1	it's big enough for an old lady.
2	Q. Very good. Did Lisa, when she was out
3	there, did she used to garden on the place that she
4	resided?
5	A. Very, very little.
6	Q. Okay. Do you remember canning food with
7	Lisa?
8	A. Any what?
9	Q. Do you remember canning food from the
10	garden with Lisa?
11	A. Maybe when they were first married, but
12	not very much.
13	Q. Do you have any memory issues?
14	A. Pardon?
15	Q. Do you have any memory issues?
16	A. Yes, I do. At 90-some, yes, you would.
17	Q. I'm 52, and I question my memory sometimes
18	so I hear you, you're doing well, but you will
19	acknowledge you have some memory issues?
20	A. Yes.
21	Q. Now, Exhibit K, you didn't type that up,
22	did you?
23	A. What was Exhibit K?
24	Q. Exhibit K do you remember testifying
25	about Exhibit K a few minutes ago?

1	A. No.
2	Q. You don't? Okay. So is it fair to say
3	your prior testimony maybe you don't recall that
4	prior testimony?
5	A. I don't know what you are referring to.
6	THE COURT: Stop, sir.
7	MR. STRECKER: I'm sorry.
8	BY MR. HEITZ:
9	Q. Do you remember testifying about a
10	document titled Exhibit K?
11	A. Do I remember testifying about what?
12	Q. A document that was provided to you
13	identified as Exhibit K.
14	A. No.
15	MR. HEITZ: No further questions, Your
16	Honor.
17	THE COURT: Mr. Sweeney?
18	REDIRECT EXAMINATION
19	BY MR. SWEENEY:
20	Q. Ms. Strecker, the document you have in
21	your possession, the document that you have in your
22	hands
23	A. Yes.
24	Q that is Exhibit K.
25	A. Well, I remember this, yes.

1	Q. And did you help prepare that document?
2	A. Yes.
3	Q. And did you and I go over that document
4	line by line in my office last Thursday afternoon?
5	A, Yes.
6	Q. Did you confirm to me that, yes, indeed
7	this document is all true and correct information
8	for the Judge?
9	A. Yes.
10	MR. HEITZ: I have a few more questions
11	now, Your Honor.
12	THE COURT: Go ahead.
13	RECROSS-EXAMINATION
14	BY MR. HEITZ:
15	Q. So are we on the same page as to what
16	Exhibit K is?
17	A. On the same page what?
18	Q. What is Exhibit K?
19	A. What?
20	Q. The document in your hand
21	A. Yes.
22	Q that's Exhibit K it's been
23	identified for the record, and we have to refer to
24	it by its designation for the court record and for
25	the court reporter, so what is that thing in your

1	hand?
2	A. What is what in my hand?
3	Q. Yeah, can you identify what it is?
4	A. I don't understand you.
5	Q. Okay. Well, you're holding something in
6	your right hand; correct?
7	A. Yes.
8	Q. What is it?
9	A. It's a statement or document that we put
10	together.
11	Q. Did you type it?
12	A. No, I did not.
13	Q. Okay. When did you put it together?
14	A. Pardon?
15	Q. When did you put it together?
16	A. Well, I assume at his office.
17	Q. Do you remember the date that you put it
18	together?
19	A. No. Would you remember it?
20	Q. I might.
21	A. Yeah, well, I might, too, if I
22	Q. Do you have any idea when you put it
23	together, like a year or a month?
24	A. No, I don't. And if you can remember it,
25	you've got a good memory.

1	Q. Take a look at Exhibit K that's in front
2	The second of the second of the the second of the second o
	of you, you're holding it in your hand.
3	A. What did you say?
4	Q. Could you look at the document that you
5	are holding in your right hand?
6	A. Did I look at it?
7	Q. Could you look at it now?
8	A. Yeah, but I can't read it, it's too small
9	of print.
10	Q. Did you sign it?
11	A. Yes.
12	Q. Is that your signature on the left?
13	A. Yes.
14	Q. But you just don't remember when that
15	occurred?
16	A. No.
17	THE COURT: Would it help if she was
18	wearing her glasses?
19	THE WITNESS: No, it wouldn't. I can't
20	read it, the print is just too small. They blew it
21	up last week so I could read it, but this here is
22	way too small.
23	BY MR. HEITZ:
24	Q. So is it fair to say you don't know
25	whether the items that are contained in Exhibit K

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1	are true and accurate because you can't read it?
2	A. Well, I assume that you aren't giving me
3	something false.
4	Q. I didn't give it to you,
5	A. So whoever did.
б	Q. But just for the record just so it's
7	clear, you're not in a position today to read
8	${\tt E}{f x}$ hibit K and determine whether those are truthful
9	statements; correct?
10	A. Correct.
11	Q. And you don't remember when this document
12	was prepared?
13	MR. SWEENEY: Your Honor, this has been
14	asked and answered now three times.
15	THE COURT: Gc ahead, Mr. Heitz. We know
1б	she doesn't know when; she did say, "We put it
17	together."
18	BY MR. HEITZ:
19	Q. Who is "we"?
20	A. What did she say?
21	Q. My question is who is "we" that put it
22	together?
23	A. Who is what?
24	Q. You've identified a person when
25	referring to the exhibit that's in your hand, you

said, "We put it together", who is the "we" that put 1 it together? 2 3 Α. Well, I assume him and my son. But you didn't participate in that? 4 0. Well, sure, I did, I signed it. 5 Α. Okay. But you think Kevin and Brad put it 6 Q. 7 together? With me there. 8 A . Okay. Do you dispute that Brad and Lisa 9 Q. bought the Powmer property and the Hoskins property 10 from you and your husband? 11 What did you say? You fade out on the 12 Α. 13 end. Sorry, I will try this: Do you agree that 14 0. Brad and Lisa bought the Powmer property and the 15 Hoskins property from you and your husband? 16 17 Α. Yes. And when they did that, everything was 18 0. 19 done with your approval and your husband's approval; correct? 20 21 A. Yes. 22 And that's been paid for; correct? Q. 23 Α. And what? And it's been paid for; correct? 24 Q. 25 A. It was paid for, did you say?

1	Q.	Yeah, did they pay for it?
2	A.	Could you repeat the whole statement?
3	Q.	Sure. You're not the only one that tells
4	me I talk	too fast.
5	А.	Well, then do it.
6	Q.	I'll try. Do you agree that Brad and Lisa
7	paid you	and your husband for the Powmer property
8	and the H	oskins property?
9	A.	Yes.
10	Q.	So you got that money?
11	Α.	Yes.
12	Q.	All right. We are good. Now, there was
13	some quest	tions about estate planning from Kevin
14	А.	Start over.
15	Q.	Earlier you testified about some estate
16	planning;	do you remember that testimony today?
17	A.	Yes.
18	Q.	Who was your estate consultant?
19	A.	Pardon?
20	Q.	Did you have a tax attorney or an
21	accountant	t consulting you?
22	Α.	A tax accountant or an attorney?
23	Q.	Yes. Did they provide tax advice to you?
24	Α.	Tax attorney would you repeat it?
25	Q.	Sure. How about this: Who did you

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1	consult with respect to the tax planning you
2	testified to earlier?
3	A. Kelly Donovan or Bob Drake.
4	Q. Who is Bob Drake?
5	A. He was a real estate man. He has passed
6	away.
7	Q. He didn't provide any tax advice to you,
8	did he?
9	A. What?
10	Q. He did not provide any tax or estate
11	planning advice to you, did he?
12	A. No.
13	Q. Now, in Exhibit K, you say that it was
14	decided that some transfers were going to be made to
15	your son that document that you're holding in
16	your hand, you realize those transfers were made to
17	both Brad and Lisa; correct?
18	A. Yes.
19	Q. And you signed off on that; correct?
20	A. Yes.
21	MR. HEITZ: That's all I have, Your Honor.
22	MR. SWEENEY: No further direct
23	examination, Your Honor. May this witness be
24	excused?
25	THE COURT: Definitely. Thank you.

#### MONTANA THIRTEENTH JUDICIAL DISTRICT COURT YELLOWSTONE COUNTY

IN RE THE MARRIAGE OF:

LISA MARIE STRECKER, Cause No. DR 21-0506

Petitioner,

and

BRADLEY JOHN STRECKER,

Respondent.

TRANSCRIPT OF PROCEEDINGS

VOLUME III

(Pages 394 to 594)

Taken at Yellowstone County Courthouse 217 N. 27th Street Billings, Montana March 14, 2023

Billings, Montana 59102

Before the HONORABLE ASHLEY HARADA, Judge Presiding

APPEARANCES:

For	the	Petitioner:	CASEY HEITZ PARKER, HEITZ & COSGROVE, PLLC Attorneys at Law PO Box 7212 Billings, Montana 59103
For	the	Respondent:	KEVIN T. SWEENEY SWEENEY LAW FIRM Attorney at Law 1601 Lewis Avenue, Suite 109

EXHIBIT

-394-

-395-

		CONTENTS		
				Page
Reporter's Cert	ificate			594
	INDEX TO PE	TITIONER'	S WITNESSES	
SCHMITZ, REBECC Continued Cross Redirect Examin Recross-Examina	-Examination ation by Mr	. Sweeney		440
	INDEX TO FE	TITIONER'	S EXHIBITS	
EXHIB	IT NO.	OFFERED	ADMITTED	
	9	485 544	485 544	
	INDEX TO RE	SPONDENT'	S WITNESSES	
STRECKER, BRADL Continued Direc Cross-Examinati	t Examinatio			
	INDEX TO RE	SPONDENT'	S EXHIBITS	
EX	HIBIT	OFFERED	ADMITTED	
	C M R S	485 452 442 458	485 452 442 458	

1	THE WITNESS: Yes.	
2	THE COURT: And then you had to give him	
3	the money?	
4	THE WITNESS: There you go. Thank you.	
5	THE COURT: What was the name of the	
6	people?	
7	THE WITNESS: Schroeder Michael.	
8	BY MR. SWEENEY:	
9	Q. Those are the people that have been	
10	leasing your property?	
11	A. Again, yes, it's very confusing, but they	
12	are the people that lease our farm, but now they	
13	also operate a feedlot so hence I do this haying on	
14	the side, and they purchase the hay not all of	
15	it.	
16	Q. With relation to the inquiry by Mr. Heitz	
17	with regard to rental income from a tenant on the	
18	Powmer property	
19	A. Yes.	
20	Q do you recall that testimony,	
21	Mr. Strecker?	
22	A. Yes.	
23	Q. Is that who is that tenant?	
24	A. I think it's Mike McGraw, we are	
25	referencing.	

1	Q. And is Mr. McGraw current in making his
2	rent payments?
3	A. No, no, I'm sorry, no.
4	Q. Is he thousands of dollars behind?
5	A. Yes.
6	THE COURT: Why don't you kick him out?
7	THE WITNESS: His dad came to me I was
8	more friends with his dad well, I was I am a
9	friend of his dad's, and he came to me when he found
10	out that the little house that we used to utilize on
11	the trust farm for hired help was vacant, and he was
12	going through a tough time with a divorce,
13	alcoholism
14	BY MR. SWEENEY:
15	Q. And you extended a helping hand at the
16	time?
17	A. Yes, I did.
18	Q. Because he was the son of a friend of
19	yours?
20	A. Yes. And he's actually a nice guy, he
21	just has some issues.
22	Q. When this gentleman paid rent, did you
23	report that to Janelle at Eide Bailey?
24	A. Yes, it should be in the well, I think
25	there's I don't remember how it's categorized,

1	but it's in there.
2	Q. As rental income?
3	A. There you go, yeah.
4	Q. And that's why there's a number in excess
5	of the Schroeder Michael number?
6	A. Yeah, it's going to be a number game, I'm
7	sure.
8	Q. In your view, Mr. Strecker, did you give
9	Ms. Schmitz information and access to all the
10	records that she would need in order to do an
11	assessment of the joint income you received from the
12	farm in 2022?
13	A. Yes. When that first got started, it was
14	phone calls can you bring me this, can you bring
15	me that and I was too busy, I said we've got to
16	find an alternate thing, I gave her I guess it's
17	considered online, is that what you do she had
18	access to every account that I had without and
19	there was a password so I take it that's online, she
20	had access to every account I have, help yourself.
21	Q. I think I've heard, "Look, but don't
22	touch", kind of information and access to all of the
23	accounts?
24	A. Yes, and I was actually I should be a
25	little bit more up to speed on technology, but I was

-170-

#### CONTENTS

Reporter's Certificate	93
------------------------	----

#### INDEX TO PETITIONER'S WITNESSES

STRECKER,	LISA			
Continued	Direct Exa	mination by Mr. He	eitz	172
Cross-Exa	nination by	Mr. Sweeney		203
Redirect H	Examination	by Mr. Heitz		233

#### INDEX TO RESPONDENT'S WITNESSES

STRECKER, BETTY Direct Examination by Mr. Sweeney Cross-Examination by Mr. Heitz Redirect Examination by Mr. Sweeney Recross-Examination by Mr. Heitz	248 252 254 255
STRECKER, LISA Direct Examination by Mr. Sweeney Cross-Examination by Mr. Heitz	262 266
STRECKER, BRAD Direct Examination by Mr. Sweeney	273
SCHMITZ, REBECCA Direct Examination by Mr. Sweeney Cross-Examination by Mr. Heitz	313 331

1	Q. You think the check may have only been
2	around 90,000; right?
3	A. I hate to commit to that number because I
4	don't know off the top of my head.
5	Q. Very good.
6	A. I will tell you what it is, it is what it
7	is.
8	Q. And you don't know?
9	A. No.
10	Q. Very good. Why didn't you disclose to
11	Lisa that you obtained a PPP loan in the amount of
12	\$28,083?
13	A. Because with what's going on with this, we
14	really weren't talking anymore, and I didn't from
15	a business standpoint, it was presented to me
16	Q. That's fine.
17	A. Okay. And I did it.
18	Q. Okay. And the only reason you didn't
19	disclose it to Lisa is because you weren't talking?
20	A. Yeah, pretty much.
21	Q. How long has Mike McGraw been in the house
22	next to your mother's house on Powmer?
23	A. Two oh, no, I'm terrible with time,
24	she's been gone two oh, she was moving in when
25	she was moving out, he was moving in '20.

1	Q. How much rent has he paid?
2	A. Supposed to pay or does pay?
3	Q. Has paid.
4	A. Has paid? Oh, he's so far behind, his
5	rent is 600 a month, plus utilities.
6	Q. Did he pay all of his rent in 2020?
7	A. No.
8	Q. Did you report that did he pay any of
9	it in 2020?
10	A. Yeah, he paid some.
11	Q. Did you report it?
12	A. Yeah, it should be in the taxes under
13	with Janelle miscellaneous I don't know what
14	category she put it in.
15	Q. Would you take a look at Exhibit Q?
16	A. What?
17	Q. I will hand you what's been marked as
18	Exhibit Q, would you lock at Exhibit Q?
19	A. 2?
20	Q. Q.
21	A. I don't have Q.
22	Q. It's the taxes, I believe it should be up
23	there, Brad.
24	THE COURT: I'm sorry, I have it.
25	the mail that

1	BY MR. HEITZ:
2	Q. Is Exhibit Q the 2020 taxes?
3	A. 2021.
4	Q. How about 2020, wasn't that admitted?
5	MR. SWEENEY: Yes, that's R.
6	BY MR. HEITZ:
7	Q. I would like you to take a look at Exhibit
8	R, please, that's your 2020 taxes; are you familiar
9	with your tax return to show whether or not any
10	income was reported from Mr. McGraw?
11	A. No.
12	Q. Okay. I don't know that I am either
13	because I see a bunch of income, but I don't know
14	how it's allocated. When did he stop paying rent?
15	A. Oh, he's a typical renter, did it one
16	month, skipped two, get a month, no different than
17	anybody else
18	THE COURT: That is not fair.
19	THE WITNESS: That's not true, that's not
20	true, I shouldn't have said that about him.
21	BY MR. HEITZ:
22	Q. When did he stop paying rent?
23	A. When did he stop?
24	Q. Yeah.
25	A. He didn't completely stop, he has to take

1	a month off here and there.
2	Q. Is it fair to say that he's supposed to
3	pay \$12,000 total for the years 2021 and 2022? Is
4	it 500 a month?
5	A. Yes.
6	THE COURT: That is not what you just
7	said.
8	THE WITNESS: No, 600 a month 600, plus
9	utilities.
10	BY MR. HEITZ:
11	Q. So he pays 600, plus utilities, and are
12	you the one responsible for collecting that?
13	A. Yes.
14	Q. And as you sit here today, can you
15	identify how much he is in arrears?
16	A. Five months.
17	Q. So January, February and March of this
18	year, roughly, and then the two prior months in
19	2022?
20	A. Without knowing offhand, he's five months
21	behind is it from two months last year and three
22	months this year are they added together,
23	combined he's five months behind.
24	Q. So that amounts to 3,000; is he paying
25	utilities?
- 1	

1	A. Yes.
2	Q. So he's timely paying utilities, just not
3	the \$600 per month amount?
4	A. No.
5	Q. So there's a \$3,000 account receivable?
б	A. At least, yes.
7	Q. Will you turn to Page 15, there's "Billy
8	Michael additional payments regarding hay and
9	machinery use".
10	A. What page?
11	Q. It's at Page 3 of Paragraph 5D?
12	A. Okay.
13	Q. Do you agree that Billy Michael paid
14	\$5,445.12 on August 24, 2021?
15	A. The date seems odd because we usually
16	settled and the other two are December, I don't
17	know why that would be in the month of 8.
18	Q. Okay. That could be a typo, but that
19	amount is accurate; correct?
20	A. What did Billy pay me that much money in
21	August for?
22	Q. Well, what additional items did you
23	provide to Billy other than just the lease of the
24	two places?
25	A. Sugar beet hauling.

r

## **CERTIFICATE OF SERVICE**

I, Casey J. Heitz, hereby certify that I have served true and accurate copies of the foregoing Affidavit - Other to the following on 02-14-2024:

Kevin T. Sweeney (Attorney) 1601 Lewis Avenue, Suite 109 Billings MT 59102 Representing: Bradley John Strecker Service Method: eService

> Electronically signed by P Eileen Ziler on behalf of Casey J. Heitz Dated: 02-14-2024