



DEPOSITION

FRANCES KNEUBUHL OPELLE

HIGH COURT OF AMERICAN SAMOA

TRIAL DIVISION

1  
2  
3 ROBIN KNEUBUHL ROUSH, et al., ) L.T. No. 20-13  
4 Plaintiffs, ) C.A. No. 28-13  
5 ) (Consolidated  
6 v. ) Matters)  
7 )  
8 DOUGLAS CRANE "MIKE" )  
9 KNEUBUHL, et al., )  
10 Defendants. )  
11 FRANCES OPELLE, )  
12 Plaintiff, )  
13 v. )  
14 DOUGLAS C. "MIKE" KNEUBUHL, )  
15 et al., )  
16 Defendants. )  
17 )

VIDEOTAPED DEPOSITION OF FRANCES OPELLE

18 Taken on behalf of Plaintiff, FRANCES OPELLE, on  
19 October 16, 2014, commencing at 9:12 a.m., at the  
20 offices of Ralph Rosenberg Court Reporters, Inc.,  
21 ASB Tower, 1001 Bishop Street, Suite 2460,  
22 Honolulu, Hawaii, before Rita King, a Certified  
23 Court Reporter in the State of Hawaii.  
24  
25

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 Eckert and Kelly Kneubuhl Nadine Fuhs:

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 21  
 22 Karen Takei  
 23  
 24  
 25

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1 answers to the extent of your knowledge. You  
 2 understand that.  
 3 A. Yes.  
 4 Q. And if your answer a "yes" or a "no," you  
 5 need to vocalize your answer and not nod your head  
 6 "yes" or "no." Do you understand?  
 7 A. I understand.  
 8 Q. If you don't understand a question let me  
 9 know, and I'll re-ask it or rephrase it, the same  
 10 with Counsel Hall's questions.  
 11 A. I see.  
 12 Q. If you feel like taking a break, let us  
 13 know and we'll make sure you get your break. Okay?  
 14 A. All right.  
 15 Q. So there may be some questions that ask  
 16 about certain dates, certain time frames. If you  
 17 don't remember, you don't remember. You understand  
 18 that.  
 19 A. Yes.  
 20 Q. But you can give your best estimate of  
 21 what that time frame is.  
 22 A. I see.  
 23 Q. Do you understand?  
 24 A: Yes.  
 25 Q. I just don't want you to guess or make

1 **FRANCES OPELLE,**  
 2 a witness herein, having been first duly sworn, was  
 3 examined and testified as follows:  
 4  
 5 **EXAMINATION**  
 6 **BY MR. SUNIA:**  
 7 Q. Please state your name.  
 8 A. Frances Kneubuhl Opelle.  
 9 Q. Have you had your deposition taken  
 10 before?  
 11 A. Yes.  
 12 Q. So you understand what this proceeding is  
 13 like then.  
 14 A. Yes, I do.  
 15 Q. You understand that you've been sworn by  
 16 the court reporter this morning and that is the  
 17 equivalent of being sworn in court.  
 18 A. Yes.  
 19 Q. You also understand that the oath that  
 20 you took carries and applies the penalties of  
 21 perjury.  
 22 A. Yes.  
 23 Q. I'll be asking you some questions and  
 24 Counsel Hall will later have an opportunity to ask  
 25 you questions this morning. You'll give your

1 assumptions when you answer these questions. Okay?  
 2 A. Yes.  
 3 Q. At the end of the deposition you'll be  
 4 given an opportunity to review the transcript of  
 5 your testimony and make changes that you deem  
 6 suitable to your testimony.  
 7 Do you understand that?  
 8 A. Yes.  
 9 Q. Bear in mind that if you make changes the  
 10 attorneys, Mr. Hall and others, may make an issue  
 11 of that at trial which could question your  
 12 credibility. Do you understand that?  
 13 A. Yes, I do.  
 14 Q. After reviewing your testimony and making  
 15 any changes, then you'll be asked to sign your  
 16 testimony. Do you understand?  
 17 A. Yes.  
 18 MR. SUNIA: Anything else, Mr. Hall?  
 19 MR. HALL: No, not at this time. I'll  
 20 make my statement before I begin my examination.  
 21 Q. BY MR. SUNIA: Do you have any questions  
 22 before we proceed?  
 23 A. No, I don't.  
 24 Q. One other thing, when I ask questions or  
 25 Mr. Hall asks questions, we may pose objections to

1 the question. The objection will be noted for the  
 2 record but you will still need to answer the  
 3 question, to the extent that you have an answer to  
 4 that question. Okay?  
 5 A. Yes.  
 6 Q. Mrs. Opelle, where do you live?  
 7 A. Presently, I live here on Oahu.  
 8 Q. How long have you lived on Oahu?  
 9 A. Since 12/11.  
 10 Q. What is your age, if I may ask?  
 11 A. 81.  
 12 Q. What is your birth date?  
 13 A. July 6th, 1933.  
 14 Q. Where were you born?  
 15 A. American Samoa.  
 16 Q. Who were your parents?  
 17 A. Benjamin Franklin Kneubuhl and Adeline  
 18 Pritchard Kneubuhl.  
 19 Q. Your parents are both deceased, correct?  
 20 A. Yes.  
 21 Q. Your mother was Adeline Pritchard  
 22 Kneubuhl; is that correct?  
 23 A. Yes.  
 24 Q. How many children did your parents have?  
 25 A. Six.

1 Q. Can you name them for me.  
 2 A. There was James Pritchard Kneubuhl,  
 3 Benjamin Franklin Kneubuhl, John Alexander  
 4 Kneubuhl, Margaret -- my goodness, she's gotten so  
 5 many names, Margaret Kneubuhl, Douglas Crane  
 6 Kneubuhl, and myself.  
 7 Q. Your closest sibling in terms of age to  
 8 you would be Douglas Mike Kneubuhl.  
 9 A. Yes.  
 10 Q. Can you describe for me what kind of  
 11 relationship you had with your closest sibling,  
 12 Douglas Mike Kneubuhl.  
 13 A. Since we were the two youngest of the six  
 14 siblings, all the rest of them, the four older  
 15 siblings, were not in America Samoa very much, so  
 16 that left just Mike and me, and we had a very close  
 17 relationship. He was the apple of my eye.  
 18 Q. You and your -- counsel, may I refer to  
 19 your client as Mike?  
 20 MR. HALL: Oh, yes.  
 21 Q. BY MR. SUNIA: You and your brother,  
 22 Mike, did you attend school together in American  
 23 Samoa when you were growing up?  
 24 A. Well, not together, he went to brother's  
 25 school and I went to sister's school.

1 Q. Did the two of you complete school in  
 2 American Samoa?  
 3 A. No. Shortly after the war started, World  
 4 War II, we went to Santa Barbara to go to school  
 5 and then transferred back to the islands, Oahu, to  
 6 go to Punahou, to school.  
 7 Q. After Punahou did you and your brother  
 8 Mike live together elsewhere?  
 9 A. No, no, I went on to college in  
 10 California and Mike went to Tucson, Arizona,  
 11 university. As adults, for a few years, we sort of  
 12 drifted apart because he was busy raising a family,  
 13 and I was still in school.  
 14 Q. At the time when he, your brother Mike,  
 15 was raising a family, where were you at school?  
 16 A. I was in Punahou. And then after that I  
 17 went to college in Oakland.  
 18 Q. When you were attending college in  
 19 Oakland where was your brother Mike at that time?  
 20 A. If my memory serves me right, he was in  
 21 Newport Beach.  
 22 Q. Had he started a family at that time,  
 23 your brother Mike?  
 24 A. As far as I can remember, no. He didn't  
 25 start a family until just before he went to Samoa.

1 Q. What about you, did you start a family at  
 2 some point?  
 3 A. Yes, my two children are both adopted.  
 4 Q. Did you marry?  
 5 A. Yes.  
 6 Q. Who did you marry?  
 7 A. William Robert Opelle.  
 8 Q. The two children that you indicated were  
 9 adopted, what are their names?  
 10 A. Robert John Opelle and Marie Opelle  
 11 Borton.  
 12 Q. Where did you raise your family?  
 13 A. Mostly in California. For two years we  
 14 went to Europe to give them an education in Europe  
 15 but then mostly in California.  
 16 Q. Was there a time after college and after  
 17 starting your family that you returned to live in  
 18 American Samoa?  
 19 A. Yes, around '58.  
 20 Q. When you returned to American Samoa  
 21 around '58, where was your brother Mike?  
 22 A. He was still in California, in Newport  
 23 Beach.  
 24 Q. Had your brother Mike at that time  
 25 started a family?

1 A. Oh, yes, yes.

2 Q. After you returned to American Samoa in  
3 1958, did your brother Mike return to American  
4 Samoa?

5 A. Several years later, around the early  
6 '60s, he returned.

7 Q. What did your brother do when he returned  
8 to American Samoa in the '60s?

9 A. Well, he worked with my husband, Bob,  
10 with my dad, in BFK, Inc., and then eventually he  
11 started his own meat packing companies and duty  
12 free shops.

13 Q. Was there a time that you and your family  
14 were living in the United States while your brother  
15 Mike and his family were also living in the United  
16 States?

17 A. Yes.

18 Q. Was that before 1958?

19 A. No, no, after, in the mid-'70s.

20 Q. Would you describe your relationship, if  
21 any, with your brother Mike and his family in the  
22 '70s.

23 A. Okay. In the '70s I was living in  
24 California, in San Juan Capistrano, raising my two  
25 children, Bob had stayed over in Samoa to tie up

1 A. In '64.

2 Q. And your mother, when did she pass away?

3 A. Probably in the late '80s.

4 Q. At that period when your husband and  
5 Mike, your brother Mike were operating your  
6 father's business, were there any other of your  
7 siblings living in American Samoa?

8 A. Not for a few years. The next sibling to  
9 come down, as I remember, was Ben, and he also  
10 became active in the BFK business.

11 Q. You indicated that at some point your  
12 brother Mike left American Samoa, your husband  
13 later joined you in the United States?

14 A. In California, yes.

15 Q. Who was in charge of your father's  
16 business at that time?

17 A. When they were gone?

18 Q. Yes.

19 A. Probably Ben. I'm not sure of that, but  
20 I would think so because he remained in Samoa for  
21 many years.

22 Q. Do you have any knowledge of the change,  
23 in the transitioning from your husband and your  
24 brother Mike to Ben, the management of your  
25 father's business?

1 the loose ends of whatever businesses there were  
2 there, so Mike sort of became mainstay, knowing  
3 that I was there alone he would help us move  
4 whenever we had to move from house-to-house, he'd  
5 invite us for holiday dinners or vacations  
6 together, so it was a close relationship. He took  
7 it upon himself to help us.

8 Q. At some point, then, in the '70s your  
9 husband left American Samoa to join up with you?

10 A. He didn't come back to California until  
11 early '80s, '82, '83.

12 Q. When you left American Samoa in the '70s,  
13 was your brother Mike still in American Samoa?

14 A. No, he had returned back to California.

15 Q. Your father owned a good-sized business  
16 in American Samoa.

17 A. Yes.

18 Q. Correct?

19 A. Yes.

20 Q. In the '70s who was in charge of your  
21 father's business?

22 A. Well, in the '70s -- let's see. My  
23 husband was the chief executive officer, and then  
24 when Mike came down he joined in helping Bob.

25 Q. When did your father pass away?

1 A. Well, most of the siblings resented Mike  
2 being there, and to a certain extent they resented  
3 my husband being there, too, but particularly Mike  
4 because he came in as a know-it-all, you know, and  
5 the siblings that worked with him, like Ben, much  
6 older people with much more experience.

7 Q. How did you personally feel about your  
8 brother Mike's management of your father's business  
9 at that time?

10 A. Oh, I didn't involve myself at all, you  
11 know, he was my big brother helping dad.

12 (Exhibit Number 1 was marked for  
13 identification.)

14 Q. BY MR. SUNIA: Frances, you've been  
15 handed what's been marked as Exhibit 1 in this  
16 proceeding. Have you seen that document before?

17 A. Yes.

18 MR. SUNIA: Counsel, will you stipulate  
19 this as the amended complaint filed in --

20 MR. HALL: Yes, I will.

21 MR. SUNIA: Thank you.

22 Q. I'm going to ask you to turn to page  
23 three of that document, and I'll direct your  
24 attention to paragraphs 14 and 15, and I'll read  
25 from it. It states that plaintiff, you, and

1 defendant Mike Kneubuhl formed a close  
2 sister-brother relationship during their childhood  
3 and carried into their adult lives where plaintiff,  
4 which is you, became accustomed to relying upon  
5 Mike Kneubuhl's guidance. And paragraph 15 states  
6 that plaintiff, which is you again, considered and  
7 was encouraged by his words and conduct to believe  
8 that your brother, Mike Kneubuhl, was your  
9 fiduciary trustee and confidant with respect to the  
10 disposition and management of your real property  
11 interests.

12 Can you please describe what led you to  
13 believe in those statements.

14 A. Well, Mike was the only, for a while, the  
15 only sibling there that I could depend on, and he  
16 never contradicted me when I referred to him as my  
17 trustee and fiduciary, so I was led to believe that  
18 I could depend on him 100 percent.

19 Q. In your childhood and in your young adult  
20 lives, starting your families with your brother,  
21 did your brother Mike do or say anything to you  
22 that would have caused you to believe that you  
23 could not rely on him?

24 A. No.

25 Q. In that time period, too, did your

1 brother Mike ever fail you in anything that you had  
2 asked of him?

3 A. No.

4 (Exhibit Number 2 was marked for  
5 identification.)

6 Q. BY MR. SUNIA: Frances, you've been  
7 handed what's been marked as Exhibit 2 in this  
8 proceeding. Have you seen that document before?

9 A. No, I hadn't until just a few days ago.

10 MR. SUNIA: Counsel, will you stipulate  
11 to this as the Trust Conveyance of Adeline  
12 Pritchard?

13 MR. HALL: I will so stipulate.

14 Q. BY MR. SUNIA: Exhibit 2 is your mother's  
15 conveyance and trust.

16 A. Yes.

17 Q. Are you familiar with the trust that your  
18 mother established by this document, Exhibit 2?

19 A. Yes.

20 Q. What is your understanding of the trust  
21 that your mother set up?

22 A. Well, she had certain parcels of land,  
23 and in this document she's conveying certain  
24 parcels of land or claiming ownership of them, I  
25 should say.

1 Q. She placed it in trust for the benefit of  
2 her children; is that correct?

3 A. Yes.

4 Q. Now, what is your understanding of your  
5 benefit under this trust?

6 A. Could you rephrase that, I don't quite  
7 understand.

8 Q. How do you understand the trust that your  
9 mother set up?

10 A. Well, she had so much land that was hers,  
11 and she wanted to leave as much of it as possible  
12 to her children.

13 Q. Now, under this Exhibit 2, the trust that  
14 your mother established, you were to receive an  
15 interest in her land, is that your understanding?

16 A. Yes.

17 Q. How long is that interest going to last  
18 under the trust?

19 A. Until I die.

20 Q. And what happens to your interest when  
21 you pass?

22 A. It reverts to my children.

23 Q. Now, do you know what happens to that  
24 interest when your children pass?

25 A. I believe that it goes back into the

1 trust.

2 Q. The trust that your mother set up doesn't  
3 go beyond the lives of your children, is that your  
4 understanding?

5 A. That's right, yes.

6 (Exhibit Number 3 was marked for  
7 identification.)

8 Q. BY MR. SUNIA: Frances, you've been  
9 handed what's been marked as Exhibit 3. Have you  
10 seen that document before?

11 A. Yes, I've seen it.

12 Q. What is your understanding of that  
13 document, what is it?

14 A. Well, mother is dividing up her land  
15 among her children.

16 Q. Now, can you tell us what the date is of  
17 that document?

18 A. 1990.

19 Q. I'm going to ask you to turn to page six  
20 of that document.

21 A. All right.

22 Q. Does your signature appear on that  
23 document on that page?

24 A. Yes.

25 Q. And what's the date on that page above

1 the signatures?  
 2 A. 1969.  
 3 Q. So this was a document in 1969 where your  
 4 mother made specific distribution of her property  
 5 that was in trust, in 1960, to her children. Is  
 6 that your understanding?  
 7 A. Yes.  
 8 Q. Now, how much land was assigned or  
 9 designated for you under this 1969 agreement?  
 10 A. In all, a little over ten acres.  
 11 Q. And when you say Olo, what are you  
 12 referring to?  
 13 A. The land in Taputimu.  
 14 (Exhibit Number 4 was marked for  
 15 identification.)  
 16 Q. BY MR. SUNIA: Frances, you're being  
 17 handed what's been marked as Exhibit 4 in this  
 18 matter or in this deposition.  
 19 Counsel, will you stipulate to this as  
 20 the 1992 Settlement Agreement?  
 21 MR. HALL: I'll stipulate to it.  
 22 Q. BY MR. SUNIA: This is the settlement  
 23 agreement that was entered into in 1992 by your  
 24 siblings. Are you familiar with that settlement?  
 25 A. Yes.

1 represented by a lawyer before you signed this  
 2 document?  
 3 A. Not me, no, only Mike was represented.  
 4 Q. Did anyone, a lawyer or anyone, explain  
 5 to you what this document was before you signed it?  
 6 A. Well, a week before we were to go to the  
 7 lawyer's office to sign it, Mike called and asked  
 8 me and my husband to come -- I forget whether it is  
 9 home or office -- to explain to us what this  
 10 document entailed.  
 11 Q. And what did Mike explain to you about  
 12 this document?  
 13 A. Well, because there had been so much  
 14 disagreement among Mike and the rest of the family  
 15 he didn't want any more to do with Olo, so he gave  
 16 up all his land in Olo and in replacement, in  
 17 exchange, he would agree to lands in Western Samoa.  
 18 Q. Now, when you say Mike didn't want  
 19 anything to do with Olo, what do you mean by that?  
 20 A. Well, he was given Olo, a parcel of land  
 21 in Olo, and he didn't want it, he preferred to have  
 22 the Western Samoa lands.  
 23 Q. Now, what else, if you can remember, did  
 24 Mike say about this agreement?  
 25 A. Well, that he would retain five-sixths of

1 Q. Let me ask you to turn to page 16 of that  
 2 document.  
 3 A. Okay.  
 4 Q. Are you on page 16?  
 5 A. Yes.  
 6 Q. May I see the page 16 that you're on  
 7 because this document has multiple page 16's  
 8 because of the signature page. Page 16, that  
 9 appears to be your signature.  
 10 Is that your signature on that page?  
 11 A. Yes, it is.  
 12 Q. Where did you sign that?  
 13 A. In California.  
 14 Q. Where in California did you sign that?  
 15 A. In a lawyer's office under Mike's  
 16 auspices.  
 17 Q. Do you remember the name of the lawyer's  
 18 office that you signed that agreement?  
 19 A. Larry Arnold.  
 20 Q. How did you end up in Larry Arnold's  
 21 office signing this agreement?  
 22 A. Well, Mike called and wanted my husband  
 23 and me to come immediately to Larry's office to  
 24 sign the document.  
 25 Q. Prior to signing this document, were you

1 the land in Western Samoa, and I would be given  
 2 one-sixth.  
 3 Q. What about Olo?  
 4 A. Olo, I retained my land and Mike,  
 5 nothing.  
 6 Q. When you say you retained your land, are  
 7 you referring to the land that was assigned to you  
 8 in the 1969 agreement that's been marked as Exhibit  
 9 Number 3 in this deposition?  
 10 A. Yes.  
 11 Q. So what, if any, recommendation did Mike  
 12 make to you with respect to your interest in this  
 13 1982 agreement?  
 14 A. I don't understand exactly what you're  
 15 getting at.  
 16 Q. Did Mike make a specific recommendation  
 17 to you about the 1982 agreement?  
 18 A. No.  
 19 Q. Did Mike recommend to you to sign the  
 20 1982 agreement?  
 21 A. Oh, yes, yes, it was very important to  
 22 him that I sign it.  
 23 Q. What about you, your interest in it, did  
 24 Mike say anything about your interest in the 1982  
 25 agreement?



1 A. Only that I would get one-sixth.  
 2 Q. So under this 1982 agreement your  
 3 interest in the Olo property --  
 4 A. I still retained that.  
 5 Q. You retained it.  
 6 And your interest in the Western Samoa  
 7 property, you still retained it.  
 8 A. One-sixth of it.  
 9 Q. Now, what about the rest of your  
 10 siblings, what about their interest in the lands of  
 11 Olo, in Western Samoa?  
 12 A. They didn't have any of that.  
 13 Q. So did they give their interest to Mike?  
 14 A. To Mike, yes.  
 15 Q. And Mike's Olo interest, what did he do  
 16 with it?  
 17 A. Reverted to the siblings.  
 18 Q. So that was the agreement.  
 19 A. It was an exchange.  
 20 Q. Did you have any input into the 1982  
 21 agreement before it was written?  
 22 A. No, we didn't even know it was being  
 23 written, it came as a surprise.  
 24 Q. So the first time that you saw this 1982  
 25 agreement was when you met with your brother Mike?

1 to explain to you the agreement; is that correct?  
 2 A. Yes.  
 3 Q. Did you have any knowledge then or now  
 4 why your brother Mike would give up his Olo, this  
 5 interest in Olo land, in exchange for the Western  
 6 Samoa land?  
 7 A. Well, at the time we felt that it was  
 8 because he had been having so much disagreement  
 9 with the rest of the family, that he just wanted to  
 10 be out of Olo.  
 11 Q. Did Mike say that to you, that he just  
 12 wanted to be out of Olo --  
 13 A. No.  
 14 Q. -- or is that something that you learned?  
 15 A. I learned that, yes.  
 16 Q. Where did you learn that from?  
 17 A. From the rest of the siblings.  
 18 Q. If you can remember, what, if any,  
 19 attitude did your siblings have towards Mike in his  
 20 interest in the Olo property? Let me rephrase the  
 21 question. Did your siblings, to your knowledge,  
 22 want Mike to stay on the Olo property?  
 23 A. I'm not sure what they felt about Mike  
 24 being there, it was mainly Mike's decision, that he  
 25 didn't want to be in Olo anymore.

1 Q. In the 1982 agreement everyone was  
 2 exchanging land interest, your siblings.  
 3 A. Yes.  
 4 Q. Except you.  
 5 A. Yes.  
 6 Q. Did you ask that you not be involved in  
 7 this exchange?  
 8 A. No, no.  
 9 Q. Did you have any knowledge that you're  
 10 not involved in this exchange?  
 11 A. No, I didn't.  
 12 Q. What was the first time you acquired any  
 13 knowledge that you weren't involved in this  
 14 exchange?  
 15 A. When we went to look over the document.  
 16 Q. Was that with Mike, your brother Mike?  
 17 A. Yes, my husband and me met with Mike.  
 18 Q. Who do you think got the best deal out of  
 19 the 1982 agreement out of your siblings?  
 20 A. I did.  
 21 MR. HALL: What did you say?  
 22 THE WITNESS: I did.  
 23 Q. BY MR. SUNIA: Did Mike tell you that you  
 24 got the best deal?  
 25 A. No, no.

1 Q. Now, under the 1982 agreement, you've  
 2 indicated that you received one-sixth interest in  
 3 the lands in Western Samoa.  
 4 A. Um-hum.  
 5 Q. Do you know the names of the properties  
 6 in Western Samoa?  
 7 A. Fagaiofu and Talimatau.  
 8 Q. What other properties under the 1982  
 9 agreement did you retain an interest in?  
 10 A. Well, there was Olo and then Fuamete.  
 11 Q. Where is Fuamete?  
 12 A. It's near Leone.  
 13 Q. Let's talk about Fagaiofu.  
 14 (Exhibit Number 5 was marked for  
 15 identification.)  
 16 Q. BY MR. SUNIA: Now, Frances, have you  
 17 seen that document before, Exhibit 5?  
 18 A. The first time I saw it was in the middle  
 19 of summer, this year, when you presented it to me  
 20 and asked me if I had seen it before, and I hadn't.  
 21 Q. Are you referring to the time after a  
 22 deposition of your brother Mike was taken, when you  
 23 first saw this document, is that the time you're  
 24 referring to?  
 25 A. Yes.

1 MR. SUNIA: Counsel, stipulate --  
 2 MR. HALL: Yes, I will.  
 3 Q. BY MR. SUNIA: This document purports to  
 4 be a deed dated July 1984 between you and your  
 5 brother Mike under which you conveyed him one-sixth  
 6 interest in your land in Fagaiofu.  
 7 Did you sign this document?  
 8 A. No.  
 9 Q. What makes you so sure you didn't sign  
 10 this document?  
 11 A. Well, for one thing, that's not my  
 12 signature, and being a Kneubuhl you would think I  
 13 would know how to spell Kneubuhl, and it's  
 14 incorrectly spelled here.  
 15 Q. It indicates on there that you signed it  
 16 in the presence of Debbie Sutton. Do you know who  
 17 Debbie Sutton is?  
 18 A. No.  
 19 Q. Have you ever met a person named Debbie  
 20 Sutton?  
 21 A. No.  
 22 Q. Where were you in 1984, where were you  
 23 living in 1984?  
 24 A. In California.  
 25 Q. Where in California?

1 was just a social relationship.  
 2 Q. What was Dick Higbee's profession, if  
 3 any?  
 4 A. He was an attorney.  
 5 Q. Did Dick represent you or your husband in  
 6 any matter, that you know of?  
 7 A. Not that I know of.  
 8 Q. Do you know if you owed a debt to Dick?  
 9 A. No, I don't know of any financial  
 10 transactions with Dick.  
 11 Q. Did you personally owe any money to Dick?  
 12 A. No.  
 13 Q. Did you have any debt with any attorney  
 14 that you know of?  
 15 A. Well, there was a debt with Kindall &  
 16 Anderson that was not really my debt, but that's  
 17 the only thing I know. It was actually Mike's  
 18 debt.  
 19 Q. Can you explain how that debt came about.  
 20 A. Well, Mike did not approve of the way the  
 21 BFK Trust was being handled, and he wanted an  
 22 inquiry started by Kindall & Anderson to find out  
 23 what was going on, and so he said he would be  
 24 responsible for all the financial costs of the  
 25 inquiry, but it turns out that I was listed on the

1 A. San Juan Capistrano.  
 2 Q. Now, until this year, 2014, when you  
 3 first saw this document, had your brother Mike ever  
 4 indicated to you that you signed over your share of  
 5 Fagaiofu to him?  
 6 A. No.  
 7 Q. Did you have conversations with your  
 8 brother Mike relating to your lands from 1984 to  
 9 2014?  
 10 A. The only problem I had there was that I  
 11 kept asking Mike about the status of my land, and  
 12 he would always say: Oh, I'm working on it, it's  
 13 very complicated, I'll let you know when something  
 14 happens.  
 15 Q. But he never told you that there is this  
 16 document.  
 17 A. No.  
 18 MR. HALL: Where is the page that shows  
 19 the -- excuse me, all right.  
 20 Q. BY MR. SUNIA: Does the name Dick Higbee  
 21 ring a bell to you?  
 22 A. Yes.  
 23 Q. Who is Dick Higbee, H-I-G-B-E-E?  
 24 A. Well, we met Dick Higbee through Mike and  
 25 Susie, he used to be Susie's ex-boyfriend, but it

1 document, too, on the bill.  
 2 Q. So did you pay any of that bill?  
 3 A. No, Mike eventually paid it all.  
 4 (Exhibit Number 6 was marked for  
 5 identification.)  
 6 Q. BY MR. SUNIA: Frances, you are handed  
 7 what's been marked as Exhibit 6 in this deposition.  
 8 Have you seen that document before?  
 9 A. Yes.  
 10 Q. Is that your signature on that document?  
 11 A. Yes.  
 12 Q. And what's the date on that document?  
 13 A. March 1987.  
 14 Q. What is that document?  
 15 A. Well, it's a statement from me  
 16 representing the fact that I'm not inherently  
 17 involved in this inquiry and that my brother would  
 18 pay all financial costs.  
 19 Q. Now, when you say that "inquiry," is this  
 20 the --  
 21 MR. HALL: I'm going to insert an  
 22 objection at this time. I don't believe I've seen  
 23 this document before. Is this one of the documents  
 24 that may not have been given to me prior to the  
 25 discovery cutoff date?

1 MR. SUNIA: No, this is one of the  
2 documents that I informed you that I would not  
3 include in our stipulation because it wasn't a part  
4 of our discovery.

5 MR. HALL: It's not part of your  
6 discovery production.

7 MR. SUNIA: Right.

8 MR. HALL: Then I'm going to object to  
9 the presentation of this document for purposes of  
10 the record.

11 MR. SUNIA: We'll have that noted for the  
12 record.

13 You may answer my question.

14 Q. When you're referring to "inquiry" in  
15 your response, is this document speaking to the  
16 lawyer's fee in connection with that inquiry?

17 A. Yes.

18 Q. And this is a debt to Kindall & Anderson.

19 A. Um-hum.

20 Q. Did you pay any of that debt?

21 A. No, Mike paid it all himself.

22 Q. Do you know how much it was?

23 A. No.

24 Q. Did you authorize Mike to sell any of  
25 your property to pay off any legal debt?

1 Q. -- that you earlier testified was  
2 somewhere in the neighborhood of ten acres.

3 A. Yes.

4 Q. Do you recall your brother Mike acquiring  
5 any part of your Olo land?

6 A. Yes.

7 Q. When did your brother Mike acquire part  
8 of your land at Olo?

9 A. Well, beginning in 1999 to 2000.

10 Q. Can you give us a little background how  
11 Mike came to acquire part of your Olo land.

12 A. Well, in '98 Bob's mother passed away,  
13 and previous to that she had been supporting us,  
14 paying a lot of our bills and paying for the  
15 children's school and everything, and when she  
16 passed our financial situation just made a nose  
17 dive, we didn't have any money left. So I called  
18 Mike and asked him to, that I wanted to secure a  
19 loan from him, secured by my lands in Olo. He  
20 said: No, I'm not going to do it, but why don't  
21 you sell the middle house, and that was the house  
22 in San Juan Capistrano. And I told him: No, we're  
23 keeping that for medical emergencies. In case dad  
24 or me needs home care, we have an extra building to  
25 use. So that was the end of that conversation, but

1 A. No.

2 Q. Did you suggest to Mike, your brother  
3 Mike, at any point to sell any of your land to pay  
4 any legal debt?

5 A. No.

6 MR. HALL: I'd like to ask counsel if you  
7 have any other documents which you did not produce  
8 on discovery, if you could identify those so that I  
9 can impose an objection.

10 MR. SUNIA: If I use any that weren't  
11 produced in our discovery I'll share those with  
12 you, but the documents that I am using were not  
13 responsive to your discovery.

14 MR. HALL: Well, we can argue that later.

15 MR. SUNIA: We can argue that later,  
16 correct.

17 Q. Frances, do you know if Dick is still  
18 alive?

19 A. I believe he is.

20 Q. And would you know where he might be  
21 living?

22 A. Probably still in Newport Beach.

23 Q. Now, the 1982 agreement left intact your  
24 land, Olo --

25 A. Um-hum.

1 then later, maybe the next day, Mike calls me and  
2 offers that, well, out of the goodness of his heart  
3 he will buy one acre of Olo from me, and so he asks  
4 me to give him a fair land value amount, and I  
5 haven't a clue what land values are in American  
6 Samoa. So I asked him to provide a fair price, and  
7 so he said, well, 3,000 would be good. So for  
8 3,000 I sold him the first acre of land.

9 Q. Let's try and parse this out. Who is  
10 Nettie?

11 A. Nettie is Bob's mother.

12 Q. Why was Nettie supporting you and your  
13 husband?

14 A. Well, she knew we didn't have any money  
15 and Bob was the only child, and she was very close  
16 to Bob and very close to our children, and she  
17 wanted to make sure that we were well taken care  
18 of. And also she knew that, if anything, if she  
19 became ill or anything like that, we'd be right  
20 there to care for her.

21 Q. What was Nettie's source of income?

22 A. Well, her first husband created the first  
23 tire company in Los Angeles during the war, and  
24 they made a lot of money selling tires to the  
25 military. And then her second husband was a CEO

1 with Scott paper, and he in his own right was a  
 2 wealthy man.  
 3 Q. So when Nettie passed, you testified your  
 4 financial situation took a turn south.  
 5 A. Yes.  
 6 Q. Why is that?  
 7 A. Well, I wasn't working -- well, I worked  
 8 for two years at the courthouse but aside from that  
 9 I was busy taking care of my children and taking  
 10 care of the household and taking care of Bob and  
 11 his mother. And Bob applied for work but at the  
 12 time he was untrained and they deemed him too old  
 13 to hire. And so instead of taking a paying job he  
 14 started this religious company, Traditional Mass  
 15 Society, in which we both worked very hard.  
 16 Q. Do you know if your brother Mike  
 17 understood how you and your husband were surviving  
 18 financially at that time?  
 19 A. He probably did.  
 20 Q. Do you know if he knew that your  
 21 mother-in-law was basically supporting you and your  
 22 husband?  
 23 A. I think he probably suspected it because  
 24 he knew neither one of us was working.  
 25 (Exhibit Number 7 was marked for

1 correct?  
 2 A. Yes.  
 3 Q. Now, what was Mike's response to this  
 4 document, Exhibit 7?  
 5 A. Well, very negative but then a few days  
 6 later he calls and says that he would buy an acre  
 7 from me.  
 8 Q. In this document Exhibit 7, you allude to  
 9 dire financial need. Did you explain to Mike what  
 10 your financial situation was at the time?  
 11 A. Well, I explained primarily that we were  
 12 in danger of losing our house in foreclosure  
 13 because the mortgage hadn't been paid in several  
 14 months and the taxes hadn't been paid.  
 15 (Exhibit Number 8 was marked for  
 16 identification.)  
 17 Q. BY MR. SUNIA: Frances, you've been  
 18 handed what's been marked as Exhibit Number 8 to  
 19 this deposition. Have you seen that document  
 20 before?  
 21 A. Yes.  
 22 Q. What's the date on that document?  
 23 A. September 1999.  
 24 Q. What day in September?  
 25 A. 27th.

1 identification.)  
 2 Q. BY MR. SUNIA: Frances, you've been  
 3 handed what's been marked as Exhibit 7 in this  
 4 deposition. Have you seen that document before?  
 5 A. Yes.  
 6 Q. What's the date on that document?  
 7 A. September 1999.  
 8 MR. SUNIA: This was produced in  
 9 discovery, counsel.  
 10 MR. HALL: I didn't object.  
 11 Q. BY MR. SUNIA: What was that document?  
 12 A. Well, it's a document explaining to Mike  
 13 why we don't want to sell the middle house and that  
 14 I would prefer a loan secured by my land in Western  
 15 Samoa.  
 16 Q. Now, you earlier testified that your  
 17 brother Mike suggested that you sell your middle  
 18 house.  
 19 A. Yes.  
 20 Q. And this document appears to be a letter  
 21 from you to Mike explaining why you don't want to  
 22 sell the house.  
 23 A. Yes.  
 24 Q. In this document also you explain that  
 25 you're looking for a loan, 5,000 or 3,000; is that

1 Q. I'll ask you to have a look back on  
 2 Exhibit 7, it's right before you. What's the date  
 3 on that document?  
 4 A. September 25th.  
 5 Q. Now, back to Exhibit Number 8, what is  
 6 that document?  
 7 A. Well, this is where he accepts to buy one  
 8 acre in Olo, and he wants me to quote him a price  
 9 of one acre.  
 10 Q. When you say "he," who are you referring  
 11 to?  
 12 A. Mike.  
 13 Q. Now, in Exhibit 8 he's asking you for a  
 14 price, did you give him a price?  
 15 A. No, because I had no idea what land  
 16 values were so I asked him to give me a price.  
 17 Q. And did he give you a price?  
 18 A. Yes, he quoted me 3,000 for an acre.  
 19 Q. You then sold your brother Mike an acre  
 20 of Olo for \$3,000.  
 21 A. Yes.  
 22 (Exhibit Number 9 was marked for  
 23 identification.)  
 24 Q. BY MR. SUNIA: Now, Frances, you are  
 25 being handed what's been marked as Exhibit Number 9

1 to your deposition. Have you seen that document  
 2 before?  
 3 A. Yes.  
 4 Q. What's the date on that document?  
 5 A. September 27, 1999.  
 6 Q. Now, what is that document?  
 7 A. Well, it's confirming that I will sell  
 8 Mike one acre for 3,000.  
 9 Q. Now, is that the only parcel of land that  
 10 Mike acquired from you at Olo?  
 11 A. No, the following month I called him  
 12 again for a loan secured by my land in Olo, and  
 13 again he offered to buy a second acre for 3,000.  
 14 Q. And do you recall when that was that your  
 15 brother Mike wanted to buy another acre?  
 16 A. Probably early 2000. 1999 or early 2000.  
 17 (Exhibit Number 10 was marked for  
 18 identification.)  
 19 Q. BY MR. SUNIA: Now, you're being handed  
 20 what's been marked as Exhibit Number 10. Have you  
 21 seen that document before?  
 22 A. Yes.  
 23 Q. What's the date on that document?  
 24 A. February 11th, 2000.  
 25 Q. Now, what is that document?

1 A. It's confirming the sale of the second  
 2 acre, in Olo.  
 3 Q. And whose signature is on that document?  
 4 A. Mike's.  
 5 Q. And this confirmation is addressed to  
 6 you; is that correct?  
 7 A. Yes.  
 8 (Exhibit Number 11 was marked for  
 9 identification.)  
 10 Q. BY MR. SUNIA: Frances, you've been  
 11 handed what's been marked as Exhibit Number 11 in  
 12 this deposition. Have you seen that document  
 13 before?  
 14 A. Yes.  
 15 Q. What is that document?  
 16 A. It's a warranty deed concerning the two  
 17 acres that I sold to Mike in Olo.  
 18 Q. What's the date on that deed?  
 19 A. July 26th, 2000.  
 20 Q. If you'll turn to the last page of that  
 21 document, is that your signature on that page?  
 22 A. Yes.  
 23 Q. And where did you sign this document?  
 24 A. In California.  
 25 Q. Do you know where exactly in California

1 you signed this document?  
 2 A. That I don't remember, probably in Mike's  
 3 office.  
 4 Q. How did you get to sign this document?  
 5 A. Mike called and asked me and Bob to come  
 6 over to sign this document.  
 7 Q. And this document reflects the sale of  
 8 two acres of Olo land --  
 9 A. Yes.  
 10 Q. -- by you to Mike for \$6,000.  
 11 A. Yes.  
 12 Q. Now, if you'll look on the top border of  
 13 that document, what is printed on the top margin?  
 14 A. Well, it says July 24, 2000, Monday,  
 15 4:37 p.m., Roy Hall & Associates.  
 16 Q. Is there a fax number?  
 17 A. Yes, fax number 684 6881821.  
 18 Q. Was Mr. Hall preparing this deed for you?  
 19 A. Not for me, for Mike.  
 20 Q. Did you ask your brother Mike to have  
 21 this deed prepared?  
 22 A. No.  
 23 Q. Now, this deed, this Exhibit 11, it  
 24 contains a legal description. Do you understand  
 25 what a legal description is on a deed?

1 A. No.  
 2 Q. Have you ever seen a land survey before  
 3 of any land?  
 4 A. No, no, I haven't.  
 5 Q. So you're not familiar with legal  
 6 descriptions of land?  
 7 A. No, no, I'm not.  
 8 Q. Did you authorize your brother Mike or  
 9 anyone else for that matter to survey any portion  
 10 of your land in Olo?  
 11 A. No, I never authorized surveys.  
 12 Q. The two acres that you transferred to  
 13 your brother Mike, for 6,000, did you ever go to,  
 14 physically go to Olo land and point out the  
 15 boundaries of what you were --  
 16 A. No.  
 17 Q. -- purportedly selling to Mike?  
 18 A. No, no, I didn't.  
 19 Q. I'm going to ask you to try and hold your  
 20 responses until I finish my question so that it  
 21 doesn't appear broken.  
 22 So your response is you did not  
 23 physically go to Olo and point out the boundaries  
 24 of the land that's contained in Exhibit 11.  
 25 A. No, I didn't.

1 Q. Do you know if your brother Mike  
2 physically went down to American Samoa to point out  
3 the boundaries for this land?

4 A. I'm not sure. I've heard that he had  
5 surveys made, but I'm not definite on that.

6 Q. Do you know whether the land that's  
7 contained in Exhibit 11 is even part of your 10.15  
8 acres at Olo?

9 A. Oh, it is. In the original survey, which  
10 I have not seen, but all the parcels of land were  
11 surveyed.

12 Q. But you did not physically see a surveyor  
13 survey your land.

14 A. No.

15 Q. That was conveyed to Mike.

16 A. No.

17 Q. Now, subsequent to this, do you know what  
18 Mike has done with the two acres that he acquired  
19 from you?

20 A. He quitclaimed it to his two daughters,  
21 Carrie Sue and Kelly.

22 Q. Carrie Sue and who?

23 A. Kelly.

24 Q. What's Kelly's last name?

25 A. Who?

1 Q. Do you know Kelly's last name?

2 A. Is it Fults? F-U-L-T-S.

3 Q. When you made this conveyance to Mike,  
4 this two acres, did Mike ever tell you that he was  
5 planning to transfer the land to his daughters?

6 A. No, he never told me of any plans that he  
7 had.

8 Q. When did you first find out that the land  
9 had actually been transferred to Mike's two  
10 daughters?

11 A. Well, Mike presented a quitclaim deed,  
12 and he was very anxious that I come right down and  
13 sign it.

14 Q. What exactly did he say when?

15 A. Well, he said it was very urgent and very  
16 important that I sign it.

17 (Exhibit Number 12 was marked for  
18 identification.)

19 Q. BY MR. SUNIA: You're being handed  
20 Exhibit 12 to this deposition, Frances. Have you  
21 seen that document before?

22 A. No. Well, wait. Yes, I have.

23 Q. And what is that document?

24 A. Well, on the top it says Quickclaim Deed.  
25 It's actually a quitclaim.

1 Q. And what's the date of that document?

2 A. March 12th, 2001.

3 Q. Now, what is that document about?

4 A. Well, it refers to Mike transferring the  
5 two acres to his two daughters.

6 Q. And these were the two acres that Mike  
7 acquired from you, correct?

8 A. Yes.

9 Q. Now, is your signature on that document?

10 A. Yes.

11 Q. And do you remember where you signed that  
12 document?

13 A. At Mike's office. Either his office or  
14 home, I can't remember exactly.

15 Q. And, again, can you please repeat what he  
16 said to you when he notified you of this document.

17 A. That it was very important that we come  
18 immediately to sign.

19 Q. When you sold the two acres to Mike for  
20 6,000, did you ask the trustee of your mother's  
21 trust for approval of that sale?

22 A. No.

23 Q. Did you ask any of the beneficiaries of  
24 your mother's trust for approval of that sale?

25 A. No.

1 MR. SUNIA: We're going to take a break  
2 right here, is a good time, the videographer needs  
3 to change the tape.

4 (The deposition was at recess.)

5 Q. BY MR. SUNIA: Now, Frances, was Mike and  
6 his daughters, is that the only portion of the Olo  
7 land that was acquired by others?

8 A. To the daughters, yes. I did sell Mark  
9 three acres.

10 Q. Who is Mark?

11 A. Mark is Mike's son.

12 Q. And where does Mark live?

13 A. He lives in Samoa, in Olo.

14 Q. How did you end up selling Mark three  
15 acres?

16 A. Well, Mark came to me and asked to buy  
17 land in Olo, and I didn't want to sell any more of  
18 my land so I told Mark that. So Mark turned  
19 around, and knowing that his brother, Doug, had a  
20 business relationship with my husband, Doug went to  
21 Bob and asked him if they could buy three acres.  
22 And Bob, knowing that we were in dire financial  
23 straits, came to me and said we have to sell the  
24 three acres to get some money.

25 Q. How much did you sell the three acres of

1 Olo to Mark for?  
 2 A. 5,000.  
 3 Q. Who came up with the price of 5,000 an  
 4 acre?  
 5 A. Mark did.  
 6 (Exhibit Number 13 was marked for  
 7 identification.)  
 8 Q. BY MR. SUNIA: Frances, you've been  
 9 handed what's been marked as Exhibit 13 of your  
 10 deposition. Have you seen that document before?  
 11 A. Yes.  
 12 Q. What is that document?  
 13 A. It's a confirmation of the sale to Mark  
 14 for three acres.  
 15 Q. For how much?  
 16 A. 15,000.  
 17 Q. Now, there is a second page to that  
 18 exhibit. What is that second page?  
 19 A. It's the bill of sale for those three  
 20 acres.  
 21 Q. Now, the bill of sale indicates -- what  
 22 are the payment terms?  
 23 A. They would make an initial payment of  
 24 10,000, and then later pay the remaining 5,000.  
 25 Q. Did you receive the 15,000?

1 A. Yes.  
 2 (Exhibit Number 14 was marked for  
 3 identification.)  
 4 Q. BY MR. SUNIA: Frances, you've been  
 5 handed what's been marked as Exhibit 14 of your  
 6 deposition. Now, have you seen that document  
 7 before?  
 8 A. No.  
 9 Q. If you'll turn to the second page of that  
 10 document, do you see a signature that appears like  
 11 yours?  
 12 A. Yes.  
 13 Q. Is that your signature?  
 14 A. Yes.  
 15 Q. Now, where does it say that you signed  
 16 it?  
 17 A. What?  
 18 Q. Where did you sign this document?  
 19 A. In California.  
 20 Q. Now, if you'll turn to the first page of  
 21 that document, could you briefly describe what it  
 22 is.  
 23 A. Well, it's the payment of the three acres  
 24 that I sold to Mark.  
 25 Q. Now, on the top of that document, what's

1 the title of the document?  
 2 A. Quitclaim.  
 3 Q. And this is a quitclaim between you and  
 4 Mark Kneubuhl.  
 5 A. Yes.  
 6 Q. For the sale of land at \$15,000,  
 7 three acres of land.  
 8 A. Um-hum.  
 9 Q. Does this refresh your recollection as to  
 10 what this document is?  
 11 A. Yes.  
 12 Q. Did you authorize Mark to survey any  
 13 portion of your land at Olo --  
 14 A. No.  
 15 Q. -- as reflected on this quitclaim?  
 16 A. No.  
 17 Q. Now, are you aware that Mark conveyed an  
 18 acre of these three acres of your land to Douglas  
 19 Junior?  
 20 A. Yes.  
 21 Q. Who is Douglas Junior?  
 22 A. Mike's son.  
 23 Q. Did you and Douglas Junior have any  
 24 direct communication about the acquisition of any  
 25 portion of your land?

1 A. No.  
 2 Q. So Douglas Junior never telephoned you or  
 3 wrote you?  
 4 A. No, it was all initiated through Mark.  
 5 Q. Now, you earlier testified that you  
 6 believe Douglas Junior contacted your husband about  
 7 this sale of land to Mark, correct?  
 8 A. Yes.  
 9 Q. How did you know that Douglas Junior  
 10 contacted your husband? Well, let me strike that.  
 11 What formed that belief of yours that Douglas  
 12 Junior may have contacted your husband?  
 13 A. Well, because on a fax Douglas Kneubuhl  
 14 Junior's fax number and company name were on the  
 15 top of the document.  
 16 Q. What document are you referring to?  
 17 A. It's right on the top.  
 18 Q. Did you see a document before today that  
 19 had something --  
 20 A. Yes, it had D.C. Kneubuhl, and at first  
 21 we thought it was Mike's fax, but upon further  
 22 checking it turned out to be Dougie's company  
 23 business.  
 24 (Exhibit Number 15 was marked for  
 25 identification.)

1 Q. BY MR. SUNIA: Frances, you're being  
 2 handed what's been marked as Exhibit 15 to this  
 3 deposition. Have you seen that document before?  
 4 A. No.  
 5 MR. SUNIA: Counsel, will you stipulate  
 6 to this document?  
 7 MR. HALL: I guess I will.  
 8 Q. BY MR. SUNIA: This is a Quitclaim Deed  
 9 between Mark Kneubuhl and Douglas Kneubuhl Junior  
 10 for an acre of land at the price of \$5,000. But  
 11 you've not seen this document before.  
 12 A. No.  
 13 Q. You are aware, though, that Mark Kneubuhl  
 14 did convey one acre of the three acres he got from  
 15 you to his brother Douglas Junior.  
 16 A. Yes.  
 17 Q. Did Mark ever tell you that he was joined  
 18 by his brother Douglas in buying these three acres?  
 19 A. No. The first I ever knew of it was when  
 20 he tried to sell this one acre, last year, maybe,  
 21 or two years ago.  
 22 Q. When you say "he tried to sell," who are  
 23 you referring to?  
 24 A. Doug. He had a buyer, and he was trying  
 25 to sell his one acre.

1 Q. Do you know how much Doug Junior was  
 2 trying to sell his one acre for?  
 3 A. No.  
 4 Q. Are you aware of any other attempts by  
 5 your brother Mike's four children, any attempts to  
 6 sell any part of the land they got from you?  
 7 A. Well, Carrie Sue and Kelly tried to sell  
 8 their land.  
 9 Q. Do you know how much they tried to sell  
 10 it for?  
 11 A. No.  
 12 Q. Have you seen any announcements or  
 13 notices of attempt to sell any part of your land,  
 14 Olo?  
 15 A. I haven't seen the notices myself, but  
 16 I've heard of them.  
 17 Q. And from what you've heard, did you hear  
 18 what price they were --  
 19 A. In the vicinity of a hundred thousand.  
 20 Q. For an acre?  
 21 A. Yes.  
 22 Q. Are you familiar with the term forfeiture  
 23 clause?  
 24 A. No.  
 25 Q. Are you aware of the, under the 1982

1 agreement of a provision whereby one of you could  
 2 forfeit your interest in his or her land?  
 3 A. No.  
 4 Q. In your conversations with your brother  
 5 Mike, was the term forfeiture clause ever mentioned  
 6 by him to you?  
 7 A. No.  
 8 Q. What was your brother Mike's relationship  
 9 like with your husband Bob?  
 10 A. Well, it wasn't particularly close but  
 11 they did work together, and my husband Bob was very  
 12 respectful towards everybody, he wouldn't be  
 13 arrogant or attack them or anything like that.  
 14 Q. Your brother Mike, do you know how he  
 15 felt about your marriage to Bob?  
 16 A. Well, I think my whole family, with the  
 17 exception of my parents, didn't like Bob. Mother  
 18 and dad loved him as their own, you know, but the  
 19 rest of the family were all jealous and  
 20 antagonistic towards him.  
 21 Q. Did your brother Mike ever suggest that  
 22 you stop marrying your husband?  
 23 A. Well, it started with Susie, Susie is the  
 24 one that initiated the idea that I should leave Bob  
 25 and that they would take care of me.

1 Q. When did that idea, that suggestion,  
 2 first come up?  
 3 A. In the early 2000s.  
 4 Q. Was this around the time of the land  
 5 sales by you to Mike?  
 6 A. Afterwards.  
 7 Q. But it was certainly after your  
 8 mother-in-law passed, correct?  
 9 A. Yes.  
 10 Q. You're a preacher; is that correct?  
 11 A. My mother was a preacher.  
 12 Q. Do the Pritchards have land known as  
 13 Fuamete?  
 14 A. Yes.  
 15 Q. Where is Fuamete land situated?  
 16 A. It's there by Leone.  
 17 Q. Now, under the 1982 agreement, what was  
 18 to happen to Fuamete?  
 19 A. Well, I retained my land in Fuamete.  
 20 Q. And your brother Mike?  
 21 A. Mike lost his.  
 22 Q. What happened to Mike's?  
 23 A. He didn't retain his land in Fuamete, as  
 24 I understood.  
 25 Q. Now, did you ever receive any money from



1 Fuamete?  
 2 A. Yes.  
 3 Q. How did you receive money from Fuamete?  
 4 A. In a check.  
 5 Q. Who sent you money in connection with  
 6 Fuamete?  
 7 A. Mark.  
 8 Q. Mark.  
 9 A. Um-hum.  
 10 Q. How is it that Mark sent you money for  
 11 Fuamete?  
 12 A. Well, he was managing the land in Fuamete  
 13 for all of us.  
 14 Q. When you say "all of us," who do you  
 15 mean?  
 16 A. Well, the Kneubuhls.  
 17 Q. And where did Mark get the money?  
 18 A. (No audible response.)  
 19 Q. Where did Mark get the money?  
 20 A. From the sale of property in Fuamete.  
 21 (Exhibit Number 16 was marked for  
 22 identification.)  
 23 Q. BY MR. SUNIA: Frances, you're being  
 24 handed what's been marked as Exhibit 16 of your  
 25 deposition. Have you seen that document before?

1 land in Fuamete.  
 2 Q. Did you consider him to be your  
 3 representative on Fuamete?  
 4 A. No.  
 5 Q. Did you consider him to be your agent on  
 6 Fuamete?  
 7 A. No.  
 8 Q. But you considered him to be your nephew  
 9 who is on Fuamete.  
 10 A. Yes.  
 11 Q. Now, Talimatau is another of your  
 12 mother's property in Western Samoa that you had an  
 13 interest in, correct?  
 14 A. Yes.  
 15 Q. Who, as far as you're concerned, who was  
 16 looking out after that land?  
 17 A. Mike was.  
 18 Q. And what made you believe that your  
 19 brother Mike was looking after that land,  
 20 Talimatau?  
 21 A. Well, after the '82 agreement, it was  
 22 stipulated that he would retain five-sixths  
 23 interest in the Western Samoan lands, and I would  
 24 maintain one-sixth, so I assumed that he would be  
 25 managing the maintenance and the sale of those

1 A. Yes.  
 2 Q. What is that document?  
 3 A. It's the sale of land to this couple in  
 4 Fuamete.  
 5 Q. If you'll turn to the second page of that  
 6 document, what's the date?  
 7 A. 12th of July 2002.  
 8 Q. What are the signatures on that page?  
 9 A. Douglas Crane Kneubuhl and Frances K.  
 10 Opelle.  
 11 Q. So if you turn back to the first page,  
 12 this is a document where it's a warranty deed  
 13 signed by you and your brother Mike conveying a  
 14 portion of Fuamete land to a couple; is that  
 15 correct?  
 16 A. Yes.  
 17 Q. So that means your brother Mike owned an  
 18 interest in Fuamete, as did you, correct?  
 19 A. Yes.  
 20 Q. Now, is that the sale where Mark, then,  
 21 forwarded you money from Fuamete?  
 22 A. Yes.  
 23 Q. With respect to your interest on Fuamete,  
 24 how did you consider Mark's role to be?  
 25 A. Well, he was managing the sale in the

1 lands.  
 2 Q. Now, this was an assumption you made  
 3 after Mike explained to you the details of the 1982  
 4 agreement?  
 5 A. Yes.  
 6 Q. What do you know has happened to your  
 7 land, your interest in Talimatau?  
 8 A. I understand it's been sold.  
 9 Q. How did you form that understanding?  
 10 A. Through the estate.  
 11 Q. Did your brother Mike ever consult you or  
 12 notify you that any portion of your land,  
 13 Talimatau, was being sold?  
 14 A. No, he never discussed the Western Samoa  
 15 lands with me, except to say that he was working on  
 16 it and it's very complicated.  
 17 Q. Before we get too far into Talimatau, let  
 18 me ask this about Fuamete. Is there any litigation  
 19 involving Fuamete that you're aware of that's  
 20 pending at this present time?  
 21 A. I believe so, yes. It's been in  
 22 litigation for years.  
 23 Q. Are you represented in that litigation?  
 24 A. No.  
 25 Q. How do you know that there's pending

1 litigation?  
 2 A. Well, I keep asking and the last time we  
 3 were in Samoa, Kishon told me that it was still in  
 4 litigation.  
 5 Q. And who is Kishon?  
 6 A. Kishon is a lady that is representing the  
 7 Kneubuhl faction, I believe, in the case.  
 8 Q. Do you know Kishon's last name?  
 9 A. No.  
 10 Q. When was the last time you were down in  
 11 American Samoa?  
 12 A. 2006.  
 13 (Exhibit Number 17 was marked for  
 14 identification.)  
 15 Q. BY MR. SUNIA: Frances, you've been  
 16 handed what's been marked as Exhibit 17 of your  
 17 deposition. Have you seen that document before?  
 18 A. No.  
 19 Q. What's the date of that document?  
 20 A. April 2005.  
 21 Q. And who is the document addressed to?  
 22 A. To Mike.  
 23 Q. What's that document saying?  
 24 A. It's questioning the fact that Mike is  
 25 making me pay for the expenses on Talimatau.

1 Q. Now, I'll ask you to look at the second  
 2 paragraph of that document. What is the second  
 3 paragraph referring to?  
 4 A. Well, he's going through the financial  
 5 costs of selling Talimatau and stating that it  
 6 might take as long as ten years to clear everything  
 7 up.  
 8 Q. Did you prepare this document?  
 9 A. No.  
 10 (Exhibit Number 18 was marked for  
 11 identification.)  
 12 Q. BY MR. SUNIA: You've been handed what's  
 13 been marked as Exhibit 18, Frances. If you'll turn  
 14 to the second page. Do you recognize the signature  
 15 on that page?  
 16 A. Yes.  
 17 Q. Whose signature is that?  
 18 A. That's my brother Mike.  
 19 Q. Have you seen that document before?  
 20 A. No.  
 21 Q. Who is the document addressed to?  
 22 A. To me.  
 23 Q. Can you quickly look at it and see if  
 24 it's going to refresh your recollection.  
 25 A. Okay.

1 Q. What is that document?  
 2 A. Well, it's explaining that he's willing  
 3 to advance me 20,000.  
 4 Q. Who is explaining this?  
 5 A. Mike.  
 6 Q. Where is Mike advancing you 20,000 from?  
 7 A. From Talimatau.  
 8 Q. Did you receive 20,000 from Mike?  
 9 A. Yes.  
 10 Q. For Talimatau.  
 11 A. Um-hum.  
 12 Q. Is there anywhere on that document where  
 13 your brother Mike explains how much of Talimatau  
 14 was sold?  
 15 A. No.  
 16 Q. On Exhibit 17 that's in front of you,  
 17 there's a reference to a sale for 250,000; is that  
 18 correct?  
 19 A. Um-hum.  
 20 Q. The sale of Talimatau, correct?  
 21 A. That's right.  
 22 Q. So of that amount you were to receive how  
 23 much?  
 24 A. 20,000.  
 25 Q. I'll ask you to look at the third

1 paragraph -- I'm sorry, the second paragraph of  
 2 Exhibit 17 where it states that one-sixth of the  
 3 sale due to you would be 31,666. Do you see that?  
 4 A. Yes.  
 5 Q. Now, of that amount you received 20,  
 6 correct?  
 7 A. Yes.  
 8 Q. Do you know whatever happened to the  
 9 balance of your share from Talimatau's sale?  
 10 A. I believe that he sent it to my sister  
 11 Marge.  
 12 Q. When you say "he" you're talking --  
 13 A. Mike.  
 14 Q. Mike.  
 15 Did you authorize him to send the balance  
 16 of your share from Talimatau to Marge?  
 17 A. No.  
 18 Q. Do you know why he sent the balance of  
 19 your share to Marge?  
 20 A. Well, to repay Marge for an overpayment  
 21 that she made to me on the sale of the warehouse.  
 22 Q. Did you tell Marge that you would be  
 23 paying with a share of --  
 24 A. No.  
 25 Q. Did you assign to Marge your share of

1 Talimatau for payment of whatever the overpayment  
 2 was?  
 3 A. No.  
 4 Q. So that act of sending the balance of  
 5 your share from Talimatau was done entirely and  
 6 unilaterally by your brother Mike?  
 7 A. Yes.  
 8 (Exhibit Number 19 was marked for  
 9 identification.)  
 10 Q. BY MR. SUNIA: Frances, you've been  
 11 handed what's been marked as Exhibit 19 of your  
 12 deposition. What's the date on that document?  
 13 A. May 5th, 2005.  
 14 MR. HALL: What's the date?  
 15 THE WITNESS: May 5th, 2005.  
 16 See.  
 17 MR. HALL: Yeah, she's right, you're  
 18 wrong.  
 19 Q. BY MR. SUNIA: All right, May 5th, 2005.  
 20 A. Yes.  
 21 Q. Who is the document addressed to?  
 22 A. To me.  
 23 Q. If you turn to the second page, who is  
 24 the document from?  
 25 A. From Mike.

1 Q. Now, have you seen this document before?  
 2 A. No.  
 3 Q. Now, this was part of our discovery. Do  
 4 you stipulate to this document?  
 5 MR. HALL: Yes.  
 6 Q. BY MR. SUNIA: In this document your  
 7 brother Mike is explaining the sale of Fuamete and  
 8 the sale of Talimatau.  
 9 A. Um-hum.  
 10 Q. Is that correct?  
 11 A. Yes.  
 12 Q. Is there anywhere on this document that  
 13 your brother Mike discusses Fagaiofu?  
 14 A. No.  
 15 Q. Now, I'd ask you to have a look at the  
 16 first paragraph of that Exhibit 19. Have you read  
 17 that?  
 18 A. Yes.  
 19 Q. There is this statement made by Mike:  
 20 Where did you get the idea that this is trust land?  
 21 Also, this was not land in trust and I am not the  
 22 trustee.  
 23 Has Mike ever, prior to this  
 24 correspondence of Exhibit 19, has Mike ever denied  
 25 the role of trustee for you?

1 A. No, this is the first time.  
 2 Q. Had you addressed him before this time as  
 3 your trustee?  
 4 A. Yes.  
 5 Q. Did he ever deny it --  
 6 A. No.  
 7 Q. -- up until May 5th, 2005?  
 8 A. No.  
 9 (Exhibit Number 20 was marked for  
 10 identification.)  
 11 Q. BY MR. SUNIA: Frances, you've been  
 12 handed what's been marked as Exhibit 20 of your  
 13 deposition. What's the date on that document?  
 14 A. May 20th, 2005.  
 15 Q. And who is the document addressed to?  
 16 A. To me.  
 17 Q. Turning to the second page, whose  
 18 signature is on the second page?  
 19 A. That's Mike.  
 20 Q. While you're on the second page, would  
 21 you review paragraph six.  
 22 A. All right.  
 23 Q. What is Mike saying in that paragraph?  
 24 A. Well, he's saying that he's not the  
 25 trustee of Fuamete or Talimatau.

1 Q. Well, what else is he saying in that  
 2 paragraph?  
 3 A. Well, he's saying that I owe my sister  
 4 this money for the sale of the overpayment of the  
 5 Satala warehouse, and that he's already sent her  
 6 the money, and he doesn't think it's right for him  
 7 to contact her to ask for the money back.  
 8 Q. And this is a reference to the portion of  
 9 your, the balance of your money from Talimatau --  
 10 A. Yes.  
 11 Q. -- that he sent to Marge.  
 12 A. Yes.  
 13 Q. Marge is who?  
 14 A. My sister.  
 15 Q. What was your relationship with your  
 16 brother Mike like around this time of May of 2005?  
 17 A. Not good. We had grown very distant and  
 18 had several arguments with Susie and Mike, so it  
 19 wasn't a good relationship at all.  
 20 Q. Did you and your brother ever discuss  
 21 your land Olo that he transferred to his daughters?  
 22 A. No.  
 23 Q. Did you ever take a position as to the  
 24 transfer of your lands by your brother Mike to his  
 25 daughters?

1 A. No.  
 2 Q. Now, from the Fuamete sale how much do  
 3 you recall receiving from Mark?  
 4 A. I don't recall the exact amount.  
 5 Q. To this day, do you know how much the  
 6 land is for Fuamete?  
 7 A. No.  
 8 Q. Do you know the size of Fuamete?  
 9 A. No.  
 10 Q. What about Talimatau, do you know the  
 11 size of Talimatau?  
 12 A. 250 acres, is it?  
 13 Q. I don't know. I'm asking you.  
 14 A. I'm not sure.  
 15 Q. What about Fagaiofu?  
 16 A. I'm not sure of the acreage there either.  
 17 Q. Has Mike ever said to you recently about  
 18 what is happening to Fagaiofu?  
 19 A. No.  
 20 Q. Did you learn anything from anyone  
 21 recently about what has happened to Fagaiofu?  
 22 A. No.  
 23 Q. Now, in the course of depositions and the  
 24 discoveries that we've been doing in this matter,  
 25 your brother has testified that Fagaiofu has sold.

1 Has Mike ever shared with you that he has sold  
 2 Fagaiofu?  
 3 A. No.  
 4 Q. What is it that you are trying to  
 5 accomplish with this action that you have brought  
 6 against your brother?  
 7 A. Well, I would like to get back what is  
 8 rightfully mine that I inherited from my mother,  
 9 either that or I can pay them what they paid me or  
 10 they can pay the current land value and buy the  
 11 land.  
 12 Q. And when you say "they," who are you  
 13 referring to?  
 14 A. Mike's family and Mark, and later on I've  
 15 been leasing to the Moran's, they would be included  
 16 in such a plan.  
 17 Q. In 1999, 2000 when you went through the  
 18 transfer to Mike and to Mark, did you consider any  
 19 protocols of the trust that you should have  
 20 followed?  
 21 A. Well, I knew that I should have sent out  
 22 a first right of refusal, but I didn't do it  
 23 because I trusted that Mike was my trustee, and I  
 24 needed the money quickly.  
 25 Q. What was the most urgent financial

1 problem that you were facing in that 1999-2000 time  
 2 frame?  
 3 A. Well, the loss of our home.  
 4 Q. What has changed your mind now, today?  
 5 A. I don't understand the question.  
 6 Q. You brought this action to recover your  
 7 land, right?  
 8 A. Yes.  
 9 Q. What has changed your mind?  
 10 A. Well, there's been so unpleasantness in  
 11 connection with the family lands, I want all this  
 12 settled before I pass so that my children don't  
 13 have to be troubled with it.  
 14 Q. You brought an action against your  
 15 siblings in 2004. Do you recall that?  
 16 A. No, no, I don't. 2006, I recall.  
 17 Q. So the 2006-case. Do you recall what the  
 18 outcome was of that case?  
 19 A. Well, vaguely. I recall that I was  
 20 allowed to keep my land.  
 21 Q. And in that case the court also advised  
 22 you and your siblings of how to dispose of your  
 23 interest in the land, right?  
 24 A. Yes.  
 25 Q. That decision came after your sales to

1 Mike and his children, correct?  
 2 A. Yes.  
 3 Q. And the manner in which you sell your  
 4 interest, the court described in 2006, they weren't  
 5 followed when you sold your land to Mike and his  
 6 children, right?  
 7 A. No. There was no first right of refusal  
 8 spelled out.  
 9 Q. At the time.  
 10 A. Yes.  
 11 Q. There was no first right of refusal at  
 12 the time of those.  
 13 A. Yes.  
 14 Q. In 2000 and 1999, correct?  
 15 In the year 1999 and 2000 --  
 16 A. Oh, I see what you mean.  
 17 Q. -- there hadn't been a decision on the  
 18 first right of refusal, correct?  
 19 A. Yes, that's right.  
 20 Q. Now, so this is clear: What is it that  
 21 you would like to see happen to your land in Olo?  
 22 A. I would like to get it back.  
 23 Q. And what about the money that the people  
 24 paid you, Mike and his children paid you for it?  
 25 A. Well, I'm perfectly willing to pay it

1 back.  
 2 Q. And what about Talimatau and Fuamete,  
 3 what would you like to see happen to your interest  
 4 in those lands?  
 5 A. Well, since they've already been sold and  
 6 it's in a different government, probably the  
 7 easiest thing would be to get some financial  
 8 remuneration.  
 9 MR. SUNIA: I have nothing further at  
 10 this time.  
 11 It's your witness, counsel.  
 12 MR. HALL: Before I start, would you like  
 13 to take a break?  
 14 THE WITNESS: No, I'm fine. Thank you.  
 15 (The deposition was at recess.)  
 16

EXAMINATION

17  
 18 BY MR. HALL:  
 19 Q. Frances, as I said earlier, I represent  
 20 Mike Kneubuhl, Carrie Eckert, Kelly Fults and  
 21 Douglas Kneubuhl, Junior, and not Mark Kneubuhl.  
 22 So when I refer to these persons, I'll do  
 23 it as your counsel has done, I'll refer to Mike  
 24 Kneubuhl as Mike; Mark Kneubuhl as Mark; Doug  
 25 Kneubuhl as Doug; Carrie Eckert as Carrie; and

1 Kelly Fults as Kelly; and I also may refer to Robin  
 2 Roush, who is also known as Robin Kneubuhl, as  
 3 Robin; and for yourself as Frances.  
 4 Is that all right with you?  
 5 A. Yes.  
 6 Q. I've been informed by your counsel that  
 7 you recently had eye surgery?  
 8 A. Yes.  
 9 Q. And that you may have other health  
 10 concerns today. I know it's been over three hours,  
 11 if you need to take a break while I'm asking you  
 12 questions or if any questions should prompt you to  
 13 want to talk to your lawyer, just let me know,  
 14 we'll take a break. If I'm in the middle of a  
 15 question, if you could answer that question, and  
 16 you can have as long as you want, and then after  
 17 you're ready we'll start the deposition again.  
 18 A. All right.  
 19 Q. I've also been informed by your attorney,  
 20 Fiti Sunia, that the purpose of this deposition is  
 21 to preserve your testimony for trial because you  
 22 will not be able to travel to American Samoa for  
 23 the trial, that is presently scheduled for  
 24 February 17th to the 19th, 2015; is that correct?  
 25 A. Well, no, it isn't correct because I do

1 plan on flying to Samoa for the trial.  
 2 Q. All right. Well, thank you for that.  
 3 A. God willing.  
 4 Q. I'd like to get some preliminary  
 5 information that's sort of asking questions that  
 6 may have been asked by your counsel, I'd just like  
 7 to get a few more details for today's deposition.  
 8 You said you went to college in, I  
 9 believe, California. What university was that?  
 10 A. Mills College, in Oakland.  
 11 Q. Did you get a degree?  
 12 A. Yes, a bachelor of arts.  
 13 Q. What employment history? I know you  
 14 mentioned that you worked in a courthouse.  
 15 A. Well, I worked in the courthouse, in  
 16 Laguna Niguel, for two years as a clerk.  
 17 Q. And do you have any other employment  
 18 other than that?  
 19 A. No.  
 20 Q. And the home in Capistrano, I heard you  
 21 mentioned something about a middle home, does that  
 22 mean that you owned three homes there?  
 23 A. Well, my son owned the one home and --  
 24 Q. And your son's name?  
 25 A. Robert John. And the middle home was

1 Nettie's home, and then we have the other home.  
 2 And when Nettie passed away, we took over the  
 3 middle house.  
 4 Q. For the purposes of this deposition it's  
 5 been put on the record that the two cases, Robin  
 6 Roush, aka Robin Kneubuhl, and Frances Opelle and  
 7 Ben Kneubuhl versus Mike, Carrie, Kelly and Doug,  
 8 these cases have been consolidated for the purpose  
 9 of our case.  
 10 You understand that.  
 11 A. Yes.  
 12 Q. Now, I'd like to ask you, I know it's  
 13 been answered in your direct examination: What is  
 14 your family relationship with the plaintiffs, Robin  
 15 and Ben?  
 16 A. Well, I'll start with Ben. Since he was  
 17 so much older than I and was away for many, many  
 18 years before he went back to Pago, I never really  
 19 knew him very well, as a brother. And because of  
 20 the altercations with Mike and my husband, for some  
 21 reason Ben wouldn't speak to me for years and years  
 22 and years.  
 23 Q. I'm sorry about that.  
 24 A. But just this last year we spoke again,  
 25 so.

1 Q. That's good.  
 2 When Ben returned to American Samoa and  
 3 worked for the BFK Kneubuhl companies, he also  
 4 worked closely with your husband Bob Opelle.  
 5 A. Yes.  
 6 Q. And what is your relationship with Robin?  
 7 A. She's my niece.  
 8 Q. And her father is -- this is just for the  
 9 record.  
 10 A. My brother, John.  
 11 Q. And your relationship with Mike Kneubuhl,  
 12 he's, as you testified, your older brother; is that  
 13 right?  
 14 A. Yes.  
 15 Q. Do you know how old Mike Kneubuhl is?  
 16 A. He's four years older than I am so that  
 17 would make him, what, 85, 86.  
 18 Q. And you also know that he is a cancer  
 19 patient, you know that.  
 20 A. Yes.  
 21 Q. And Carrie, Kelly and Doug, could you  
 22 tell me who they are.  
 23 A. Well, they're all my nieces and nephews.  
 24 Q. Now, you said you lived in American  
 25 Samoa. Can you give us the best, the best you can

1 there's also reference to a Coke House in Olo, what  
 2 is that?  
 3 A. Well, it's a house that was built for the  
 4 benefit of the manager of the Coke plant, and it's  
 5 on my property, and we just called it the Coke  
 6 House.  
 7 Q. And that's called Coke House because of  
 8 Coca-Cola. One of the companies that B.F. Kneubuhl  
 9 operated was the Coca-Cola plant; is that correct?  
 10 A. My husband.  
 11 Q. Oh, your husband.  
 12 And your husband's position, was that  
 13 separate from the B.F. Kneubuhl?  
 14 A. Yes.  
 15 Q. What is your position your husband Bob  
 16 held with the BFK companies?  
 17 A. Well, he worked very closely with my dad  
 18 as chief executive officer, I guess, until my  
 19 brother Mike and brother Ben came, and then the  
 20 three of them worked together.  
 21 Q. I've marked my documents in more  
 22 chronological order. Even though some of these  
 23 documents are the same that your counsel had marked  
 24 for his examination, I'm going to -- do you guys  
 25 have a stapler?

1 recall, that you actually lived in American Samoa.  
 2 A. We went down to American Samoa in '58,  
 3 and I stayed there until '76, when I went to Europe  
 4 with the two children for two years, and when we  
 5 came back from Europe we went to California to  
 6 live, we didn't go back to Samoa.  
 7 Q. Now, we heard mentioned land Olo. Did  
 8 you live the land named Olo?  
 9 A. Not permanently. During the war dad  
 10 didn't want us in town for fear of being bombed or  
 11 shelled, so over the weekends we would go live in  
 12 Olo.  
 13 Q. And while you lived in American Samoa,  
 14 say when you first came back, in 1956. When did  
 15 you return to American Samoa?  
 16 A. 1958.  
 17 Q. Oh, excuse me, 1958. Did you ever build  
 18 a home in the Bay area?  
 19 A. Yes, in Maloloa.  
 20 Q. In Maloloa, yes. I've been to your  
 21 lovely home in those days.  
 22 How long did you live in Maloloa?  
 23 A. From '58 to about -- 15, 20 years.  
 24 Q. In some of the documents, it hasn't  
 25 really been brought up during your examination,

1 Let's go off the record while I get a  
 2 stapler.  
 3 (The deposition was at recess.)  
 4 Q. BY MR. HALL: This is Roy J.D. Hall,  
 5 Junior, I'm going to continue with my portion of  
 6 the deposition.  
 7 At this time I'd like to mark my first  
 8 document, this will be Defendant's Exhibit 1.  
 9 (Defendant's Exhibit Number 1 was marked  
 10 for identification.)  
 11 Q. BY MR. HALL: Frances, this is another  
 12 copy of the Lena P. Kneubuhl, and I'm just going to  
 13 ask you questions, and hopefully I won't repeat  
 14 some of the questions. Do you recognize that  
 15 document as the Lena P. Kneubuhl Trust?  
 16 A. Yes.  
 17 Q. There are properties listed in that  
 18 trust, I believe there's 12 properties; is that  
 19 correct?  
 20 A. Yes.  
 21 Q. Now, there's one property in there that I  
 22 wanted to draw your attention to, it's called Aso  
 23 Toelau, I believe it's number eight.  
 24 A. Number eight, yes.  
 25 Q. Do you have property that also carries

1 that name?  
 2 A. Do I have property?  
 3 Q. Yes.  
 4 A. Well, it's in included in this Aso  
 5 Toelau.  
 6 Q. Now, is Aso Toelau also referred to in  
 7 general as Olo?  
 8 A. Yes.  
 9 Q. It's Olo properties.  
 10 Now, in regards to the trust  
 11 beneficiaries who, as you testified, are your  
 12 brothers and sister, can you tell me who are the  
 13 surviving beneficiaries of that trust?  
 14 A. Let me see, Janet Kneubuhl.  
 15 Q. Your surviving brothers and sisters.  
 16 A. The children.  
 17 Q. No, your brothers and sisters.  
 18 A. Benjamin Franklin Kneubuhl and Mike  
 19 Kneubuhl.  
 20 Q. And yourself?  
 21 A. And myself.  
 22 Q. And who is now deceased?  
 23 A. James Pritchard Kneubuhl, Margaret  
 24 Landrigan and John Kneubuhl.  
 25 Q. Do you know what an equitable interest is

1 held by the August 15th, 1960, trust and such  
 2 interest shall be divided equally among the other  
 3 beneficiaries of that trust."  
 4 Q. And can you tell me, what is your  
 5 understanding of that statement?  
 6 A. Well, that if an individual disapproves  
 7 of any judicial findings connected with this  
 8 property, he or she would forfeit all their rights  
 9 to that property.  
 10 Q. And that is your understanding.  
 11 A. Yes.  
 12 Q. You have filed other lawsuits before the  
 13 lawsuits filed in 2014, you filed other lawsuits in  
 14 the past; is that correct?  
 15 A. No.  
 16 Q. I was under the understanding that in  
 17 2006, I believe it was --  
 18 A. 2006, yes.  
 19 Q. In 2006 you did file another lawsuit.  
 20 A. Yes.  
 21 Q. And who was that lawsuit against, if you  
 22 remember?  
 23 A. It was against the other beneficiaries of  
 24 the trust.  
 25 Q. All your other brothers and sisters?

1 in real property or land listed in the Lena P.  
 2 Kneubuhl Trust that's been given to you?  
 3 A. No, I don't.  
 4 Q. Do you know what a beneficiary interest  
 5 is in the property?  
 6 A. No.  
 7 Q. Do you know, in your opinion, the  
 8 difference between a equitable interest beneficiary  
 9 trust and a legal title interest?  
 10 A. No.  
 11 Q. Now, I wish to have marked as my next  
 12 exhibit, Exhibit Number 2, which is the settlement  
 13 agreement.  
 14 (Defendant's Exhibit Number 2 was marked  
 15 for identification.)  
 16 Q. BY MR. HALL: Now, if you can go to page  
 17 13 and 14 of Exhibit Number 2. Can you read for  
 18 the record right at the bottom where it gives: "If  
 19 any individual party takes or," and continue with  
 20 that paragraph, on page 14. If you could read it  
 21 out loud.  
 22 A. "If any individual party takes or causes  
 23 to be taken any contrary position in any judicial  
 24 proceeding, he or she shall immediately forfeit all  
 25 right, title and interest to any and all assets

1 A. Yes.  
 2 Q. Would it be your opinion that does this  
 3 forfeiture clause apply to what you did?  
 4 MR. SUNIA: Objection.  
 5 THE WITNESS: No, I don't think so.  
 6 Q. BY MR. HALL: And in regards to the two  
 7 cases that you filed recently, is it your opinion  
 8 that the forfeiture clause applies?  
 9 MR. SUNIA: Objection.  
 10 THE WITNESS: No.  
 11 Q. BY MR. HALL: And I just want to confirm  
 12 that you did sign this settlement agreement.  
 13 A. Yes.  
 14 Q. And your husband, Bob Opelle, also  
 15 signed; is that correct? If you could look on page  
 16 16. There's many page 16's but there's one page  
 17 with a signature for you and W. Robert Opelle.  
 18 A. Yes.  
 19 Q. And there's handwritten 8-19, is that the  
 20 page you're looking at?  
 21 A. Yes.  
 22 Q. And that's your signature. And do you  
 23 also recognize William Robert Opelle's signature?  
 24 A. Yes.  
 25 Q. For what reason did your husband sign,

1 was he a beneficiary?  
 2 A. No, he wasn't a beneficiary.  
 3 Q. Do you know the reason that he signed,  
 4 besides that his name was on the paper?  
 5 A. Well, he was probably asked to sign it.  
 6 Q. But you don't know what position he had  
 7 as a trustee or a --  
 8 A. No.  
 9 Q. Okay, I'm going to mark my next exhibit  
 10 in line. I'm just going to see if you've seen this  
 11 document.  
 12 (Defendant's Exhibit Number 3 was marked  
 13 for identification.)  
 14 Q. BY MR. SUNIA: Frances, could you take a  
 15 look at this document which I've marked as Exhibit  
 16 Number 3, which is an email from Robin Roush, dated  
 17 September 28, 2012, and it's addressed: Dear  
 18 cousins.  
 19 Could you please read that forfeiture  
 20 clause, and tell me if you've ever seen this  
 21 document before.  
 22 A. No, I've not seen this before.  
 23 Q. Now, I'll have this marked as my next  
 24 exhibit in order.  
 25 (Defendant's Exhibit Number 4 was marked

1 for identification.)  
 2 Q. BY MR. HALL: Now, Frances, this is a  
 3 letter dated March 11, 1987, and it starts: To  
 4 whom it may concern. Can you tell me at the  
 5 bottom, is that your signature?  
 6 A. Yes.  
 7 Q. Do you remember writing this letter?  
 8 A. My husband wrote it for me, but I signed  
 9 it.  
 10 Q. So you acknowledge that this is your  
 11 letter.  
 12 A. Yes.  
 13 (Defendant's Exhibit Number 5 was marked  
 14 for identification.)  
 15 Q. BY MR. HALL: I'm going to mark this as  
 16 my Exhibit Number 5, if you could take a look at  
 17 that.  
 18 MR. SUNIA: This one?  
 19 MR. HALL: Yes, it's a letter addressed  
 20 to Mike from Frances Opelle, dated September 25,  
 21 1999, but it's not signed.  
 22 Q. Do you remember this letter?  
 23 A. Yes.  
 24 Q. And you did sign a letter.  
 25 A. I must have. I don't remember exactly

1 signing it, but I'm sure I must have.  
 2 Q. And can you tell me what was that letter  
 3 for, what is it about, what is your concerns?  
 4 A. Well, it had to do with my asking my  
 5 brother Mike to secure a loan for me based on my  
 6 land in Western Samoa, and he suggested, other than  
 7 doing that, to sell our little house. In effect, I  
 8 was trying to get some additional financial help  
 9 because we were in such dire need.  
 10 Q. Okay, I'm going to have this marked as my  
 11 next exhibit, Number 6.  
 12 (Defendant's Exhibit Number 6 was marked  
 13 for identification.)  
 14 Q. BY MR. HALL: Can you please tell me if  
 15 you recognize that letter.  
 16 A. Yes.  
 17 Q. And that is a letter that you received  
 18 from Mike Kriebuhl?  
 19 A. Yes.  
 20 Q. I'll mark the next document as Exhibit 7.  
 21 (Defendant's Exhibit Number 7 was marked  
 22 for identification.)  
 23 Q. BY MR. HALL: Now, please excuse me if  
 24 some of those documents you've already seen.  
 25 Can you tell me, this is a letter to

1 Mike, dated September 27, 1999. Is that your  
 2 signature on the letter?  
 3 A. Yes.  
 4 Q. I'm going to have this next document  
 5 marked as my Exhibit 8.  
 6 (Exhibit Number 8 was marked for  
 7 identification.)  
 8 Q. BY MR. HALL: And can you tell me, do you  
 9 recognize this document, it's titled Receipt, dated  
 10 September 27, 1999?  
 11 A. Yes.  
 12 Q. And is your signature on the document?  
 13 A. Yes.  
 14 Q. Are there any other signatures there?  
 15 A. The signature of Carmen Picon.  
 16 Q. And what is this document, can you tell  
 17 us?  
 18 A. It's a confirmed receipt of the funds for  
 19 one acre.  
 20 Q. Is this the first acre that was sold to  
 21 Mike?  
 22 A. Yes.  
 23 Q. And do you know who Carmen Picon is?  
 24 A. She's a cousin, and at the time she was  
 25 Mike's secretary.



1 (Defendant's Exhibit Number 9 was marked  
 2 for identification.)  
 3 Q. BY MR. HALL: I'm going to mark another  
 4 document here as my Exhibit Number 9, and if you  
 5 could tell me what that is, it's dated  
 6 February 11th, 2000. And is your signature on that  
 7 document?  
 8 A. Yes.  
 9 Q. And is there another signature as a  
 10 witness?  
 11 A. Carmen Picon's.  
 12 Q. And the date of the document?  
 13 A. February 11th, 2000.  
 14 Q. And can you tell us what is this  
 15 document, if you know?  
 16 A. It's a confirmation of the receipt of  
 17 funds for the sale of land to Mike Kneubuhl.  
 18 Q. And is this for the second acre that you  
 19 sold to Mike?  
 20 A. Yes.  
 21 Q. I'll mark this next document as my  
 22 Exhibit Number 10.  
 23 (Defendant's Exhibit Number 10 was marked  
 24 for identification.)  
 25 Q. BY MR. HALL: This is a letter dated

1 for identification.)  
 2 Q. BY MR. HALL: This is a document to  
 3 Frances Opelle, dated May 2nd, 2000, from Mark  
 4 Kneubuhl, entitled Promissory Note. Can you tell  
 5 us what this is.  
 6 A. It's their confirmation of the sale of  
 7 three acres of land in Olo to Mark Kneubuhl.  
 8 Q. For the amount of?  
 9 A. Each acre, 5,000, so the total would be  
 10 15,000.  
 11 Q. And did you receive any cash payment or  
 12 payment in regards to this promissory note?  
 13 A. Yes.  
 14 Q. And how much was that?  
 15 A. The first initial amount was 10,000, and  
 16 then at a later date I received 5,000.  
 17 Q. And this is just a promissory note signed  
 18 by Mark for that.  
 19 A. Yes.  
 20 Q. I'm going to mark the next document as  
 21 number 13.  
 22 (Defendant's Exhibit Number 13 was marked  
 23 for identification.)  
 24 Q. BY MR. HALL: This is a letter dated  
 25 May 3rd, 2000, from you, Frances Opelle, to Mark

1 February 11, 2000, it's to you and it's signed by  
 2 Mike. Do you recognize this document?  
 3 A. Yes.  
 4 Q. And what is this document?  
 5 A. It's a confirmation of the sale of two  
 6 acres in Olo to Mike.  
 7 Q. And it's a letter from Mike to you; is  
 8 that correct?  
 9 A. Yes.  
 10 Q. Dated February 11th, 2000.  
 11 A. Yes.  
 12 Q. I'm going to mark this next document as  
 13 Number 11.  
 14 (Defendant's Exhibit Number 11 was marked  
 15 for identification.)  
 16 Q. BY MR. HALL: Now, this is kind of a bad  
 17 copy, but I believe it's to Mark Kneubuhl, it's  
 18 from you, and it's dated March 20th, 2000. Can you  
 19 tell me what this is.  
 20 A. Well, Mark had been after me to buy some  
 21 land from me, and this is my explanation that I  
 22 don't want to sell anymore land in Olo.  
 23 Q. Okay, let's go to our next document,  
 24 Exhibit Number 12.  
 25 (Defendant's Exhibit Number 12 was marked

1 Kneubuhl. Can you tell me what this is.  
 2 A. It has to deal with the payment for those  
 3 acres.  
 4 Q. And I see there was instructions for a  
 5 direct bank wire transfer?  
 6 A. Yes.  
 7 Q. For what amount that's stated in that  
 8 document?  
 9 A. 10,000.  
 10 Q. Just look at it, you don't have to read  
 11 it, but is that your address there at San Juan  
 12 Capistrano?  
 13 A. Yes.  
 14 Q. I'll mark my next one as 14.  
 15 (Defendant's Exhibit Number 14 was marked  
 16 for identification.)  
 17 Q. BY MR. HALL: This is a document to Via  
 18 Kneubuhl, I don't see a date on it, but it's from  
 19 you, Frances Opelle. Oh, here's the date,  
 20 March 10, 2000.  
 21 A. No, May 10th.  
 22 Q. Oh, excuse me, May 10, 2000. Thank you.  
 23 Can you tell me what this is.  
 24 A. It's probably asking for a collection of  
 25 late rent payment.

1 need to sell and therefore might have to sell to an  
2 outsider. That was my only reason. I hope this  
3 finds you well, and if you are curious about what I  
4 am up to please write to me directly or call or  
5 email. I would love to hear from you."

6 Q. Does that help you refresh your  
7 recollection as to whether or not you received this  
8 letter?

9 A. No, I never received it.

10 Q. Do you recall Robin ever asking you to  
11 buy land?

12 A. No, not until just recently did I become  
13 aware that she was interested.

14 Q. When did that happen?

15 A. Oh, last summer.

16 Q. Of 2013.

17 A. Yes.

18 Q. But this letter doesn't ring any bells  
19 for you.

20 A. No.

21 Q. I'm going to mark this next document as  
22 Exhibit Number 19, it's two pages.

23 (Defendant's Exhibit Number 19 was marked  
24 for identification.)

25 Q. BY MR. HALL: Just take a look at it and

1 Q. And the notary page says that you signed  
2 this in California.

3 A. Yes.

4 Q. The next document is Number 20. This  
5 also consists of two pages, if you could take a  
6 look at that.

7 (Defendant's Exhibit Number 20 was marked  
8 for identification.)

9 Q. BY MR. HALL: Now, this is another letter  
10 from Gillian Robin Roush, dated August 5th, 2003,  
11 and it's a letter addressed to: Dear Robert John  
12 and Frances. On the second page it's signed  
13 "Robin."

14 Do you recognize Robin's signature?

15 A. Yes.

16 Q. Do you remember receiving this letter?

17 A. No.

18 Q. On the second page Robin talks about it  
19 would seem fairly unrealistic to expect one family  
20 member to pay more than that, referring to the  
21 previous line of \$5,000 apiece for an acre, or  
22 maybe it would not. It is not for me to decide  
23 what is fair when you have these difficult  
24 considerations to think about.

25 Was this Robin discussing about

1 see if you recognize it. It is a -- and I like  
2 this one -- it's a quickclaim deed. I assume you  
3 did not prepare this document.

4 A. No.

5 Q. Do you recall seeing this document, it's  
6 dated March 12, 2001, between Mike Kneubuhl,  
7 Frances Opelle, as grantors, and the grantees are  
8 Carrie and Kelly.

9 A. Yes.

10 Q. Is that your signature on the bottom in  
11 the middle, the signature area?

12 A. Yes.

13 Q. And do you know who's signed beneath that  
14 as grantees?

15 A. Yes.

16 Q. Who are they?

17 A. Mike's two daughters.

18 Q. Carrie and Kelly.

19 A. Carrie and Kelly.

20 Q. And from the note there, the date, can  
21 you confirm it, Carrie and Kelly signed on  
22 March 20th, 2002.

23 A. Yes.

24 Q. And it's two pages.

25 A. Um-hum.

1 purchasing land from you?

2 A. No, it was just a general discussion on  
3 selling land.

4 Q. Excuse me, what were you doing?

5 A. It was just a general discussion on the  
6 issue of selling land in Olo.

7 Q. Let's go to the next document. Mark this  
8 as my Exhibit Number 21. This is two pages.

9 (Defendant's Exhibit Number 21 was marked  
10 for identification.)

11 Q. BY MR. HALL: This is a document entitled  
12 Promissory Note, and it's from Mark Kneubuhl and  
13 it's dated August 2002, and it involves Fuala'au  
14 Tago-Lancaster and David Michael Lancaster,  
15 purchasing or paying to the order of Mark Kneubuhl.

16 Do you recognize this document?

17 A. Yes.

18 Q. And on the bottom there, is that your  
19 signature?

20 A. Yes.

21 Q. So you remember signing this.

22 A. Yes.

23 Q. And on the second page you signed this in  
24 California.

25 A. Yes.

1 Q. That's the notary statement, declaration.  
 2 A. Yes.  
 3 Q. We'll mark the next document that  
 4 consists of five pages, these are survey drawings.  
 5 (Defendant's Exhibit Number 22 was marked  
 6 for identification.)  
 7 Q. BY MR. HALL: If you could look at this  
 8 document, it's five pages, and there are five  
 9 survey drawings. Can you tell me on the first  
 10 drawing, do you recognize that?  
 11 A. No.  
 12 Q. Now, the second page. Do you recognize  
 13 that document?  
 14 A. No.  
 15 Q. On the third page, do you recognize that  
 16 document?  
 17 A. No.  
 18 Q. Now, on the fourth page, do you recognize  
 19 that document?  
 20 A. No.  
 21 Q. On the last page, do you recognize that  
 22 drawing?  
 23 A. No.  
 24 Q. Now, on that last page, in that drawing  
 25 there is a Plot A, 10.15 acres. Do you recognize

1 that as your land in Olo, 10.15 acres?  
 2 A. Yes, that's right.  
 3 Q. Okay, I'm going to mark this next  
 4 document as my Exhibit Number 23.  
 5 (Defendant's Exhibit Number 23 was marked  
 6 for identification.)  
 7 Q. BY MR. HALL: Now, this is a letter from  
 8 Gillian Robin Kneubuhl Roush, and it's dated  
 9 August 31, 2003, and it's to Frances and Robert  
 10 John. Do you recognize Robin's signature on the  
 11 bottom?  
 12 A. Yes.  
 13 Q. Can you please read the letter, it's not  
 14 very long.  
 15 A. "Dear Frances and Robert John. I am  
 16 writing after considerable thought about purchasing  
 17 Olo acreage. We need clarification of all of the  
 18 issues that I earlier raised in my previous two  
 19 letters since I am unwilling to begin any process  
 20 which will result in litigation and legal fees.  
 21 Most important to me are the family relationships  
 22 and nothing is worth putting those in further  
 23 jeopardy. If you would consider selling the two  
 24 acres and include the falling down Coke House to me  
 25 for 20,000 total, then I would be agreeable since I

1 would be in the same ballpark as my cousins, this  
 2 is actually more generous, who purchased acres  
 3 earlier from you. I continue to believe that there  
 4 is no fair market value for land that is in trust  
 5 and that no beneficiary can act independently as an  
 6 owner of Olo acres. I realize you want to make a  
 7 large sum of money, but in fairness to everyone I  
 8 can only offer what the others paid. Let me know  
 9 what you think. There is no rush. Very truly  
 10 yours, Robin.  
 11 Q. Do you remember receiving this letter?  
 12 A. No.  
 13 Q. Was there any discussions with Robin at  
 14 any time to purchase land and the Coke House?  
 15 A. No.  
 16 Q. I wish to mark my next exhibit as Number  
 17 24.  
 18 (Defendant's Exhibit Number 24 was marked  
 19 for identification.)  
 20 Q. BY MR. HALL: This is a letter dated  
 21 May 5th, 2005, to Mike, and I believe it's from  
 22 you. Do you recognize this letter?  
 23 A. Yes.  
 24 Q. And can you tell me what this letter is.  
 25 A. Well, it's an acknowledgment of a \$20,000

1 check from Mike as a partial payment of the sale of  
 2 Talimatau.  
 3 Q. And did you receive that money?  
 4 A. Yes.  
 5 Q. Mark my next Exhibit Number 25, it's a  
 6 letter dated May 5th, 2005, to Frances, yourself,  
 7 and from Mike.  
 8 (Defendant's Exhibit Number 25 was marked  
 9 for identification.)  
 10 Q. BY MR. HALL: Do you recognize that  
 11 letter?  
 12 A. Yes.  
 13 Q. And did you receive it?  
 14 A. No, I never received this.  
 15 Q. I'll mark the next document as Number 26.  
 16 (Defendant's Exhibit Number 26 was marked  
 17 for identification.)  
 18 Q. BY MR. HALL: This is a document dated  
 19 May 6th, 2005, to Frances, and at the bottom it  
 20 says: Sincerely, Marge. Can you take a look at  
 21 this and tell me if you remember seeing this letter  
 22 from Marge.  
 23 A. Yes, I did.  
 24 Q. And Marge is?  
 25 A. My sister.

1 Q. Marge Landrigan?  
 2 A. Yes.  
 3 Q. Can you tell us what that letter is.  
 4 A. Well, it's an evaluation of my lease that  
 5 were paid to me, having to do with the sale of the  
 6 Satala warehouse.  
 7 Q. And did you have any problems with that  
 8 report?  
 9 A. No.  
 10 Q. All right, I'm going to mark my next  
 11 document as Number 27.  
 12 (Defendant's Exhibit Number 27 was marked  
 13 for identification.)  
 14 Q. BY MR. HALL: This is a letter dated  
 15 May 7th, 2005, to Mike, and it's unsigned.  
 16 Do you recognize this letter?  
 17 A. Yes.  
 18 Q. Did you write this letter?  
 19 A. Yes.  
 20 Q. I notice that there is something, in the  
 21 middle paragraph there's an X through it. Do you  
 22 know the reason that X is there?  
 23 A. No, I don't.  
 24 Q. Do you recall putting that X there?  
 25 A. No.

1 Q. And there's also an insert on the first  
 2 sentence, I believe it's handwritten, "you for,"  
 3 thank you for your letter. Is that your  
 4 handwriting?  
 5 A. Yes.  
 6 Q. But the strike-out is not yours --  
 7 A. No.  
 8 Q. -- that you can remember.  
 9 A. No.  
 10 Q. The next exhibit is Number 28.  
 11 (Defendant's Exhibit Number 28 was marked  
 12 for identification.)  
 13 Q. BY MR. HALL: Do you recognize that  
 14 document?  
 15 A. Yes.  
 16 Q. And what is that?  
 17 A. It's the final accounting on the  
 18 warehouse sale of BFK.  
 19 Q. And who is it from?  
 20 A. From my sister, Marge.  
 21 Q. And it's dated May 12, 2005.  
 22 A. Yes.  
 23 Q. And did you have any problems with this  
 24 letter?  
 25 A. No.

1 Q. Mark this next document as Exhibit Number  
 2 29.  
 3 (Defendant's Exhibit Number 29 was marked  
 4 for identification.)  
 5 Q. BY MR. HALL: This is a letter dated  
 6 May 16, 2005, it's to Marge from Mike, cc Frances  
 7 Opelle. Do you recognize this letter? Do you  
 8 remember this letter?  
 9 A. No.  
 10 Q. Can you just read the letter and tell us  
 11 what you believe it is about.  
 12 A. "Dear Marge. Enclosed please find my  
 13 check for 6,918 which covers the overpayment  
 14 Frances received from you for the settlement of the  
 15 Satala sale. In a conversation with Frances  
 16 yesterday, she has agreed that I send you the above  
 17 amount and deduct it from proceeds of the monies I  
 18 have in reserve for her from the sale of Talimatau  
 19 and Fuamete. I hope this will help in better  
 20 relations between you and Frances and the rest of  
 21 the family. Love, Mike."  
 22 Q. And did you receive any communication  
 23 from Marge acknowledging receipt of the check for  
 24 \$6,918?  
 25 A. Yes.

1 Q. Did you ever object to Marge about that  
 2 check being sent to her by Mike?  
 3 A. No, I didn't.  
 4 Q. I'm going to mark this next document as  
 5 my document Number 30, it's a letter dated May 20,  
 6 2005, and it's to Frances from Mike.  
 7 (Defendant's Exhibit Number 30 was marked  
 8 for identification.)  
 9 Q. BY MR. HALL: Do you recognize this  
 10 letter?  
 11 A. Yes.  
 12 Q. Did you ever respond to this letter?  
 13 A. No.  
 14 Q. Okay, I'm going to mark the next document  
 15 as Exhibit Number 31.  
 16 (Defendant's Exhibit Number 31 was marked  
 17 for identification.)  
 18 Q. BY MR. HALL: This is a letter dated  
 19 December 20, 2006, to Frances from Gillian Robin  
 20 Kneubuhl Roush.  
 21 Can you tell me, do you remember  
 22 receiving this letter?  
 23 A. No.  
 24 Q. There's some mention of a person by the  
 25 name of Wally, "Wally's offer is very generous."

1 Who is Wally, if you know?  
 2 A. They were tenants in Coke House, Wally  
 3 Jennings.  
 4 Q. And did he offer to buy the Coke House?  
 5 A. No, no, they were just renting.  
 6 Q. So let me ask you again: After looking  
 7 at this letter, do you recall or recollect ever  
 8 receiving this letter from Robin?  
 9 A. No, I don't.  
 10 Q. I'm going to mark my next document,  
 11 Number 32.  
 12 (Defendant's Exhibit Number 32 was marked  
 13 for identification.)  
 14 Q. BY MR. HALL: This is a letter dated  
 15 February 17, 2012, it's to a Mr. Vargas and  
 16 Mr. Langkilde, and it's from Robert John Opelle.  
 17 Do you recall seeing this letter?  
 18 A. No, I haven't seen it.  
 19 Q. The first sentence says: "Please be  
 20 advised I have a power of attorney for my mom,  
 21 Frances Opelle, including her interests as a  
 22 beneficiary of the Kneubuhl trust."  
 23 Robert John Opelle is your son.  
 24 A. Yes.  
 25 Q. Did you give your son Robert John Opelle

1 Q. BY MR. HALL: Your attorney already  
 2 showed you a copy of this but I just want to have  
 3 it since I'm doing everything in chronological  
 4 order. This is the amended complaint filed in L.T.  
 5 Number 20-13, and it shows the Plaintiff, Frances  
 6 Opelle.  
 7 You are the plaintiff in that action.  
 8 A. Yes.  
 9 Q. I'm going to mark my next exhibit as  
 10 Number 35.  
 11 (Defendant's Exhibit Number 35 was marked  
 12 for identification.)  
 13 Q. BY MR. HALL: This is a partial  
 14 transcript of the deposition of Robin Alexander  
 15 Kneubuhl, also known as Robin Roush.  
 16 If you could look on what's marked in the  
 17 transcript as page 70, starting at line 16.  
 18 A. Okay.  
 19 Q. That's exactly the first word. If you  
 20 could read that sentence.  
 21 A. "Let me ask you this: Since your father  
 22 has passed away, you passed away, what does your  
 23 estate receive from your father?  
 24 Nothing.  
 25 And what about your children, what do

1 a power of attorney?  
 2 A. Yes.  
 3 Q. Do you have a copy of that power of  
 4 attorney?  
 5 A. Not with me.  
 6 Q. If I could ask your attorney to provide  
 7 me with a copy of that power of attorney, I'd  
 8 really appreciate it.  
 9 Counsel is nodding his head "yes."  
 10 MR. SUNIA: Yes.  
 11 MR. HALL: Enthusiastically, yes.  
 12 (Defendant's Exhibit Number 33 was marked  
 13 for identification.)  
 14 Q. BY MR. HALL: I just want to have you  
 15 identify that you are a plaintiff in this matter.  
 16 This is the complaint which was filed in civil  
 17 action number 28-13, and the list of the plaintiffs  
 18 are Robin Kneubuhl Roush, Frances K. Opelle and  
 19 Benjamin Kneubuhl, Junior.  
 20 You are the Frances Kneubuhl named as the  
 21 plaintiff; is that correct?  
 22 A. Yes.  
 23 Q. Let me mark it Exhibit Number 34.  
 24 (Defendant's Exhibit Number 34 was marked  
 25 for identification.)

1 they inherit?  
 2 Nothing.  
 3 What happens" --  
 4 Q. You can end there.  
 5 Now, that statement by Robin in her  
 6 deposition, do you agree with that statement?  
 7 MR. SUNIA: I don't think she has the  
 8 context of what that statement.  
 9 MR. HALL: Well, it's pretty clear. Let  
 10 me put it this way --  
 11 THE WITNESS: My understanding is that  
 12 say I pass away, my land reverts to my children,  
 13 and if they pass away, the land reverts back to the  
 14 trust.  
 15 Q. BY MR. HALL: If you know, what does the  
 16 trust or the trustee do with the land after that?  
 17 MR. SUNIA: Objection, speculative.  
 18 Q. BY MR. HALL: If you know.  
 19 A. I don't know.  
 20 Q. So you're saying that when you pass, and  
 21 that won't be soon --  
 22 A. I hope not.  
 23 Q. -- your children would inherit the land.  
 24 A. Um-hum.  
 25 Q. Do you have your children any Samoan

1 blood?  
 2 A. No.  
 3 Q. And so what would be their, if you know,  
 4 how would they be able to own or to possess the  
 5 land, in what capacity, if you know?  
 6 A. Well, I assume because it's trust land.  
 7 Q. Will they be able to sell the land?  
 8 A. No, unless they sell to a person with  
 9 enough Samoan blood.  
 10 Q. And that's your opinion.  
 11 A. Yes.  
 12 Q. I'm going to mark this next document.  
 13 I'm going to show you this document, I don't have a  
 14 date on it, but I'm going to ask you if you've ever  
 15 seen this document. Can you read that document.  
 16 MR. SUNIA: She hasn't answered the other  
 17 question.  
 18 (Defendant's Exhibit Number 36 was marked  
 19 for identification.)  
 20 Q. BY MR. HALL: Oh. Have you ever seen  
 21 that document? Excuse me.  
 22 A. No.  
 23 Q. It appears to be an undated email to  
 24 Marge and Keith, first name Robin. Can you read  
 25 that: Dear Marge and Keith.

1 A. My son.  
 2 Q. And who is referred to as slimeball  
 3 friend Alailima?  
 4 A. Well, he was our attorney at that time.  
 5 Q. There was something about suing everyone  
 6 to get their land back. Do you know what that's  
 7 about?  
 8 A. No.  
 9 Q. This is not chronological, but let me  
 10 just ask you, I'm going to show you what's been  
 11 marked as Exhibit Number 38, your attorney has  
 12 already attached that as one of his exhibits. I  
 13 just want to confirm that.  
 14 (Defendant's Exhibit Number 38 was marked  
 15 for identification.)  
 16 Q. BY MR. HALL: What is that?  
 17 A. It's a deed.  
 18 Q. Who is the grantor?  
 19 A. I am.  
 20 Q. And who is the grantee?  
 21 A. Douglas Crane Kneubuhl.  
 22 Q. And can you tell me by looking at the  
 23 document, what does it transfer?  
 24 A. One-sixth share and interest of land, and  
 25 I'm assuming he's referring to the Western Samoa

1 A. "Dear Marge and Keith, not to butt into  
 2 your business but you need to immediately email  
 3 David Vargas and tell him to file a lien, I can't  
 4 spell that, in the land records on Frances Olo  
 5 interests for the outstanding judgment in what was  
 6 it? \$60,000? In your prior suit." For 60,000 in  
 7 your prior suit.  
 8 Q. Did Robin ever tell you that she had  
 9 advised Marge and Keith to file a lien on you?  
 10 A. No.  
 11 Q. My next exhibit, hopefully it will be my  
 12 last one, 37.  
 13 (Defendant's Exhibit Number 37 was marked  
 14 for identification.)  
 15 Q. BY MR. HALL: Can you tell me if you've  
 16 ever seen that document, it starts off: Hello Jim,  
 17 Leslie, Sandbats Marge and Keith, and it's signed  
 18 by, on the second page, "Robin," appears to be an  
 19 email. Let me just read something to you.  
 20 Have you seen this before?  
 21 A. No.  
 22 Q. Let me read to you number two. It says:  
 23 Robert John and his slimeball friend Alailima are  
 24 apparently suing everyone to get their land back."  
 25 Robert John, is that your --

1 land.  
 2 Q. Do you know which one, is it Fagaiofu?  
 3 A. Fagaiofu.  
 4 Q. And again I want to ask you, on your  
 5 signature on the bottom there, is that your  
 6 signature?  
 7 A. Yes.  
 8 Q. Thank you very much.  
 9 Excuse me while I just go back to my  
 10 notes.  
 11 In regards to the land in Fuamete, you do  
 12 know that there has been litigation on that  
 13 property for many years; is that correct?  
 14 A. Yes.  
 15 Q. Did you ever offer to help Mike pay for  
 16 any costs of survey fees and other legal costs?  
 17 A. No.  
 18 Q. In regards to Talimatau and the Fagaiofu  
 19 property, did you offer to contribute to pay for  
 20 any costs for surveys, legal opinions and other  
 21 costs, litigation costs?  
 22 A. No, I wasn't able to.  
 23 Q. And did you know that Kelly and Carrie  
 24 wanted to sell an acre of land in Olo to the Ututoa  
 25 family for \$100,000?

1 A. Yes.  
 2 Q. Did you object to that sale?  
 3 A. No. Oh, yes, I did.  
 4 Q. Oh, you did object.  
 5 A. Um-hum.  
 6 Q. Did you object in writing or did you tell  
 7 anyone, if you remember?  
 8 A. No, I didn't tell anybody, I just didn't  
 9 approve of it.  
 10 Q. Did you know that the sale was canceled  
 11 because of your lawsuit and Robin's lawsuit?  
 12 A. Yes.  
 13 Q. Do you have any document that names Mike  
 14 as the trustee, agent or confident or fiduciary,  
 15 signed by Mike?  
 16 A. No.  
 17 Q. Do you have any document that names Mark  
 18 as the trustee, agent or fiduciary for yourself, as  
 19 Frances Kneubuhl or Frances Opelle?  
 20 A. No.  
 21 Q. Have you ever offered to reimburse or  
 22 refund the money that you received from Mike and  
 23 Mark and Doug for the purchase of your Olo land?  
 24 A. No.  
 25 Q. I'd like to ask you again: Did you ever

1 offer to sell or give or trade any of your land in  
 2 Olo to Robin?  
 3 A. No, I never offered it.  
 4 Q. And in regards to Robin offering to buy  
 5 any of your Olo land, do you remember any of that?  
 6 A. No.  
 7 Q. Going back to, you said the last summer  
 8 of 2013, that you did talk to Robin about buying  
 9 land or selling land?  
 10 A. No, I didn't talk to her directly -- oh,  
 11 wait, wait, summer of 2013.  
 12 Q. Last summer.  
 13 A. Yes, we did.  
 14 Q. And what did you talk about?  
 15 A. Well, that she was interested in possibly  
 16 buying some land in Olo.  
 17 Q. From you.  
 18 A. Yes.  
 19 Q. I don't know if I asked you, is this land  
 20 that included the Coke House?  
 21 A. Yes.  
 22 Q. Was there any land separate from the Coke  
 23 House that she was interested in?  
 24 A. No, not that I remember.  
 25 Q. I have a few questions on your testimony.

1 When you were living in California and you said  
 2 that Mike called you and Bob to come to your office  
 3 to sign documents, did you ever tell Mike that you  
 4 and Bob wanted to get your own attorney to review  
 5 these documents?  
 6 A. No.  
 7 Q. And this notary, Debbie Sutton, I'm going  
 8 to ask you: Do you remember that she is a notary  
 9 on Balboa Island?  
 10 MR. SUNIA: I'm going to object.  
 11 THE WITNESS: No.  
 12 Q. BY MR. HALL: Before you sold the land to  
 13 Mark Kneubuhl, did you ever tell Mark that you  
 14 would rather just make a loan from him and secure  
 15 the land?  
 16 A. No.  
 17 MR. HALL: I have nothing further, no  
 18 questions at this time, but your counsel, Fiti  
 19 Sunia, may ask you some questions, and if it raises  
 20 any points I shall ask more questions, but I want  
 21 to thank you for the time that you've taken to come  
 22 to our deposition.  
 23 THE WITNESS: Thank you.  
 24  
 25

1 FURTHER EXAMINATION  
 2 BY MR. SUNIA:  
 3 Q. Frances, have a look at, again, the  
 4 document that's marked Exhibit 38.  
 5 A. What number?  
 6 Q. 38.  
 7 A. 30?  
 8 Q. Eight. Right on the top there.  
 9 You testified earlier that you never  
 10 transferred any portion of your Fagaifou land to  
 11 your brother Mike, correct?  
 12 A. No, never did.  
 13 Q. The document that's before you, you also  
 14 testified was it purports to transfer your interest  
 15 in Fagaifou to your brother Mike; is that correct?  
 16 A. Yes.  
 17 Q. There is a name on there, Debbie  
 18 Sutton --  
 19 A. Yes.  
 20 Q. -- that you testified you don't know who  
 21 that person is.  
 22 A. No.  
 23 Q. So I want to clarify this because I think  
 24 you may have been confused by Counsel Hall's  
 25 question. Is that your signature, did you sign

1 that --  
 2 MR. HALL: I'm going to object here, the  
 3 question was asked and answered and she just said  
 4 "yes."  
 5 THE WITNESS: This is my signature.  
 6 Q. BY MR. SUNIA: Is that your signature?  
 7 MR. HALL: She said "yes." The question  
 8 has been asked and answered.  
 9 Q. BY MR. SUNIA: Well, let me ask you this:  
 10 Did you sign any document transferring your  
 11 interest in Fagaiofu to your brother Mike?  
 12 A. No.  
 13 Q. Is the name Kneubuhl spelled correctly on  
 14 that document?  
 15 A. No, it isn't.  
 16 Q. You know how to spell Kneubuhl, correct?  
 17 A. Yes. This actually, looking at it, is  
 18 not my signature.  
 19 Q. There's the power of attorney, and I'm  
 20 going to ask to have this marked as the next  
 21 exhibit.  
 22 (Exhibit Number 21 was marked for  
 23 identification.)  
 24 Q. BY MR. SUNIA: Now, Frances, you've been  
 25 handed a document that's been marked as Exhibit 21.

1 Do you see that document?  
 2 A. Yes.  
 3 Q. What is that document?  
 4 A. It's a power of attorney to my two  
 5 children.  
 6 Q. Is your signature on that document?  
 7 A. Yes.  
 8 Q. And the power of attorney -- your two  
 9 children that are named, who are they?  
 10 A. Maria Opelle and Robert John Opelle.  
 11 Q. Now, you earlier testified that you  
 12 granted your son Robert Opelle power of attorney.  
 13 Is this the document granting your son that power?  
 14 A. I believe there's an earlier one. What's  
 15 the date on this? No, this is the document, yes.  
 16 Q. What's the date of that document?  
 17 A. 2003.  
 18 Q. During the period of time that you sold  
 19 land to Mark and Douglas Junior, were you through  
 20 your financial troubles?  
 21 A. No, we were still in financial distress.  
 22 Q. Why didn't you ask your brother Mike for  
 23 independent legal counsel? Why didn't you ask your  
 24 brother Mike that you get your own attorney?  
 25 A. Well, at the time I just thought that we

1 were together as family, Mike and I, and that I  
 2 could use his attorney.  
 3 Q. Did you have any reason to believe that  
 4 your brother Mike, at the time, would not look out  
 5 for your best interest?  
 6 A. No.  
 7 Q. Did you trust your brother Mike at that  
 8 time, that he and/or his attorneys would be looking  
 9 out for your best interest?  
 10 A. Yes.  
 11 Q. You were asked by Counsel Hall about a  
 12 provision in the 1982 agreement that could result  
 13 in the forfeiture of your interest.  
 14 Are you an attorney?  
 15 A. No.  
 16 Q. Do you have any legal training other than  
 17 being a clerk at the courthouse?  
 18 A. No.  
 19 Q. So the document, the provision that you  
 20 read, who prepared that provision, to your  
 21 knowledge?  
 22 A. You mean the power of attorney?  
 23 Q. No, the 1982 agreement.  
 24 A. Oh, 1982, probably Mike's attorney.  
 25 Q. So you would not know, based on your

1 training, what exactly that provision means, right?  
 2 A. No.  
 3 MR. SUNIA: I have no other questions at  
 4 this time.  
 5 MR. HALL: I have none.  
 6 MR. SUNIA: Thank you very much.  
 7 Now, Frances, the reporter will complete  
 8 the transcript and will have it sent to you for  
 9 review and your signature. Remember, at the  
 10 beginning I explained to you that you'll have an  
 11 opportunity to make changes, if you wish.  
 12 THE WITNESS: Okay.  
 13 MR. SUNIA: And then will you be sending  
 14 that transcript directly to Frances?  
 15 THE COURT REPORTER: We can do that.  
 16 MR. SUNIA: So we'll need your address  
 17 where she can send it. And she'll send you  
 18 instructions, along with the transcript, and then  
 19 just please complete your review, follow the  
 20 instructions and we're good.  
 21 MR. HALL: Yes, I need a copy.  
 22 MR. SUNIA: And we'll need copies.  
 23 (The deposition concluded at 1:58 p.m.)  
 24  
 25



SIGNATURE OF THE WITNESS

I, FRANCES OPELLE, the witness in the above deposition, do hereby certify that I have read the foregoing deposition, taken on October 16, 2014, and that the said deposition is a true and correct record of my testimony, with such corrections and changes, if necessary, attached.

FRANCES OPELLE Date

Case: Roush vs. Kneubuhl  
Case No: L.T. No. 20-13  
C.A. No. 28-13  
Dated: 10-16-14  
Taken by: Rita King

STATE OF HAWAII )  
) ss.

COUNTY OF HONOLULU )

BE IT KNOWN that the foregoing deposition was taken before me, RITA KING, a Certified Shorthand Reporter for the State of Hawaii; that the witness before testifying was duly sworn by me to testify to the whole truth; that the questions propounded to the witness and the answers of the witness thereto were taken down by me in shorthand and thereafter reduced to print by computer-aided transcription under my direction; that the witness elected to read and sign; that the foregoing pages are a full, true and accurate transcript of all proceedings and testimony had and adduced upon the taking of said deposition, all done to the best of my skill and ability.

I FURTHER CERTIFY that I am in no way related to nor employed by any of the parties hereto nor am I in any way interested in the outcome hereof.

DATED at Honolulu, Hawaii, this 16th day of October, 2014.

RITA KING, RPR, CSR No. 373

SIGNATURE OF THE WITNESS

1  
 2 I, FRANCES OPELLE, the witness in the above  
 3 deposition, do hereby certify that I have read the  
 4 foregoing deposition, taken on October 16, 2014,  
 5 and that the said deposition is a true and correct  
 6 record of my testimony, with such corrections and  
 7 changes, if necessary, attached.

8  
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 11 FRANCES OPELLE Date

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 23 Case: Roush vs. Kneubuhl  
 24 Case No: L.T. No. 20-13  
 C.A. No. 28-13  
 25 Dated: 10-16-14  
 Taken by: Rita King