

1 A. IT LOOKS AS IF IT IS.

2 MR. MOYE: THANK YOU. I HAVE NO FURTHER QUESTIONS.

3 THE COURT: MR. MORRISON?

4 MR. MORRISON: NO, YOUR HONOR.

5 THE COURT: MR. ABBOTT?

6 MR. ABBOTT: NO QUESTIONS, YOUR HONOR.

7 THE COURT: MR. ROSEN?

8 MR. ROSEN: NO QUESTIONS.

9 THE COURT: MR. AXAM?

10 MR. AXAM: NO QUESTION.

11 THE COURT: ALL RIGHT MS. WHITE, YOU MAY STEP DOWN.

12 (WHEREUPON, THE WITNESS WITHDREW FROM THE
13 WITNESS STAND.)

14 MR. MOYE: CALL DOROTHY BAILEY.

15 DOROTHY BAILEY,

16 BEING FIRST DULY SWORN, WAS EXAMINED AND TESTIFIED AS FOLLOWS:

17 THE CLERK: BE SEATED, PLEASE, AND STATE YOUR NAME
18 FOR THE RECORD.

19 THE WITNESS: DOROTHY BAILEY.

20 DIRECT EXAMINATION

21 BY MR. MOYE:

22 Q. MS. BAILEY, HOW ARE YOU EMPLOYED?

23 A. CUSTODIAN OF RECORDS FOR WACHOVIA BANK OF GEORGIA.

24 Q. AND WACHOVIA, IT HAS RECENTLY ACQUIRED A BANK HERE IN
25 ATLANTA?

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- 1 A. YES.
- 2 Q. WHAT WAS THE BANK?
- 3 A. FIRST ATLANTA BANK AND FIRST NATIONAL BANK OF ATLANTA?
- 4 Q. IS THAT THE ONLY BANK THAT WACHOVIA NOW OWNS IN ATLANTA?
- 5 A. YES.
- 6 Q. HOW LONG HAVE YOU BEEN WITH WACHOVIA?
- 7 A. SEVENTEEN YEARS.
- 8 Q. WHERE HAVE YOU BEEN ASSIGNED WITH WACHOVIA PREVIOUSLY?
- 9 A. I HAVE BEEN THE CUSTODIAN OF RECORDS FOR THE LAST TEN
- 10 YEARS.
- 11 Q. WOULD THAT BE THE CUSTODIAN OF RECORDS IN ATLANTA FOR
- 12 WACHOVIA?
- 13 A. YES.
- 14 Q. ARE YOU FAMILIAR WITH THE RECORDKEEPING SYSTEM THAT WAS
- 15 MAINTAINED AT FIRST ATLANTA?
- 16 A. YES, I AM.
- 17 Q. DID YOU EVER WORK FOR FIRST ATLANTA?
- 18 A. YES, I DID.
- 19 Q. YOU ARE A CUSTODIAN OF THOSE RECORDS?
- 20 A. YES, I AM.
- 21 Q. LET ME HAND YOU FIRST GOVERNMENT'S 45-B AND ASK YOU, MS.
- 22 BAILEY, IF THAT IS A RECORD THAT WAS PREPARED IN THE ORDINARY
- 23 COURSE OF THE BUSINESS OF FIRST ATLANTA AND MAINTAINED IN THE
- 24 ORDINARY COURSE OF BUSINESS OF WACHOVIA?
- 25 A. YES.

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1 MR. MOYE: YOUR HONOR, I TENDER GOVERNMENT'S 45-B.

2 MR. ROSEN: NO OBJECTION.

3 THE COURT: LET IT IN.

4 BY MR. MOYE:

5 Q. MS. BAILEY, THE DOCUMENT ITSELF, IS THAT A CASHIER'S
6 CHECK?

7 A. YES, IT IS.

8 Q. ON WHAT DATE WAS IT PURCHASED?

9 A. MARCH 17TH, 1989.

10 Q. AND CAN YOU TELL US HOW MUCH THE CHECK IS IN?

11 A. THE CHECK IS FOR \$9,768.33.

12 Q. CAN YOU TELL US WHO THE PAYEE ON THE CHECK IS?

13 A. THE PAYEE IS ROBERT WARD, JR.

14 Q. CAN YOU TELL WHO THE PURCHASER --

15 A. I AM SORRY. IT WAS MADE OUT TO CAPITAL CADILLAC AND THE
16 REMITTER WAS ROBERT WARD, JR.

17 Q. CAN YOU TELL US, MS. BAILEY, HOW THE CHECK WAS PURCHASED?

18 A. THIS WAS A CASH PURCHASE.

19 Q. MS. BAILEY, I HAND YOU GOVERNMENT EXHIBIT 79-A, AND ASK
20 YOU IF THAT IS A RECORD THAT WAS PREPARED IN THE ORDINARY
21 COURSE OF BUSINESS OF FIRST ATLANTA AND IS NOW MAINTAINED AS
22 PART OF THE ORDINARY COURSE OF BUSINESS OF WACHOVIA BANK?

23 A. YES.

24 MR. MOYE: I TENDER GOVERNMENT'S 79-A, YOUR HONOR.

25 MR. ROSEN: NO OBJECTION.

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1 THE COURT: ANYONE OBJECT? LET IT IN.

2 BY MR. MOYE:

3 Q. MS. BAILEY, GOVERNMENT 79-A, DOES THAT CONSIST OF ONE OR
4 MORE CASHIER'S CHECKS?

5 A. IT'S THREE CASHIER'S CHECKS.

6 Q. CAN YOU TELL US FIRST ON WHICH DATE WERE THOSE CASHIER'S
7 CHECKS PURCHASED?

8 A. THE FIRST ONE WAS PURCHASED DECEMBER 11, 1990. THE SECOND
9 ONE WAS DECEMBER 13, 1990, AND THE LAST ONE IS DECEMBER 13,
10 1990.

11 Q. CAN YOU TELL US THE AMOUNT OF THE CHECKS?

12 A. ONE IS FOR \$3,000, \$4,000, AND \$3,000.

13 Q. CAN YOU TELL, MS. BAILEY, WHETHER THE CHECKS WERE
14 PURCHASED AT THE SAME BRANCH OF FIRST ATLANTA BANK?

15 A. ONE WAS PURCHASED AT SOUTH DEKALB BRANCH, ONE AT WESLEY
16 CHAPEL BRANCH, AND ONE AT LITHONIA BRANCH.

17 Q. AND, MS. BAILEY, CAN YOU TELL US WHO THE PAYEE IS ON EACH
18 OF THE CHECKS?

19 A. JACK GRACIA, ALEX GRACIA -- I'M SORRY. ALEX GRACIA, ALEX
20 GRACIA, AND ALEX GRACIA.

21 Q. AND CAN YOU TELL US WHO THE PURCHASER IS ON THOSE CHECKS
22 OR THE REMITTER?

23 A. HIGH FIVE, HIGH FIVE, HIGH FIVE.

24 Q. CAN YOU TELL US HOW THE CHECKS WERE PURCHASED?

25 A. THE FIRST ONE WAS PURCHASED WITH A CHECK ERIC L. HIGH

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1 ACCOUNT CASH FOR \$3,000, AND THE SECOND WAS PURCHASED FROM --
2 WAS A CHECK FROM THEIR ACCOUNT 17023967 FOR \$4,000. IT WAS
3 USED TO PURCHASE A CASHIER'S CHECK FOR \$4,000.

4 Q. AND THAT ACCOUNT, DO YOU KNOW WHAT THAT ACCOUNT IS?

5 A. HIGH'S REALTY.

6 Q. AND THE THIRD CHECK?

7 A. THE THIRD ONE FOR \$3,000 WAS PURCHASED WITH CASH.

8 Q. I HAND YOU GOVERNMENT EXHIBIT NO. 116-M-2, 3 AND 4, AND
9 ASK YOU IF THOSE ARE CASHIER'S CHECKS THAT WERE PREPARED AND
10 MAINTAINED IN THE ORDINARY -- OR PREPARED IN THE ORDINARY
11 COURSE OF BUSINESS OF FIRST ATLANTA AND MAINTAINED IN THE
12 ORDINARY COURSE OF BUSINESS OF WACHOVIA?

13 A. YES.

14 MR. MOYE: YOUR HONOR, I WOULD TENDER GOVERNMENT'S
15 116-M-2, 3 AND 4.

16 THE COURT: ANYBODY OBJECT?

17 LET THEM IN.

18 MR. ROSEN: NO OBJECTION, YOUR HONOR.

19 BY MR. MOYE:

20 Q. MS. BAILEY, LET ME ASK YOU TO LOOK AT GOVERNMENT EXHIBIT
21 116-M-2. CAN YOU TELL US WHEN THAT CASHIER'S CHECK WAS
22 PURCHASED?

23 A. AUGUST 23RD, 1989.

24 Q. CAN YOU TELL US THE AMOUNT OF THE CASHIER'S CHECK?

25 A. \$10,000.

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- 1 Q. CAN YOU TELL US WHO THE PAYEE ON THE CASHIER'S CHECK WAS?
- 2 A. VIRGINIA C. HIGH.
- 3 Q. AND WHO WAS PURCHASER OR REMITTER?
- 4 A. ERIC L. HIGH.
- 5 Q. CAN YOU TELL US HOW THE CHECK WAS PURCHASED?
- 6 A. IT WAS PURCHASED FROM THE ACCOUNT OF ERIC L. HIGH FOR
- 7 \$10,000, WRITTEN OUT TO CASH TO PURCHASE A CASHIER'S CHECK.
- 8 Q. ALL RIGHT. GOVERNMENT EXHIBIT 116-M-3, WOULD YOU LOOK AT
- 9 THAT, PLEASE, MA'AM. CAN YOU TELL US WHEN THAT CHECK WAS
- 10 PURCHASED?
- 11 A. THIS CHECK WAS PURCHASED SEPTEMBER 11TH, 1989.
- 12 Q. WHAT WAS THE AMOUNT OF THE CHECK?
- 13 A. \$7,850.
- 14 Q. WHO WAS THE PAYEE ON THE CHECK?
- 15 A. ROBERT -- ATTORNEY ROBERT BURROUGHS.
- 16 Q. AND WHO WAS THE PURCHASER OR REMITTER OF THE CHECK?
- 17 A. VIRGINIA C. HIGH.
- 18 Q. NOW, CAN YOU TELL US HOW THE CHECK WAS PURCHASED?
- 19 A. THIS CHECK WAS PURCHASED WITH CASH.
- 20 Q. AND FINALLY GOVERNMENT EXHIBIT 116-M-4, CAN YOU TELL US
- 21 THE DATE THAT CHECK WAS PURCHASED?
- 22 A. ON JANUARY 8, 1990.
- 23 Q. AND THE AMOUNT OF THE CHECK WAS WHAT?
- 24 A. \$8,000.
- 25 Q. WHO WAS THE PAYEE ON THE CHECK?

- 1 A. ATTORNEY ROBERT BURROUGHS.
- 2 Q. AND WHO WAS THE PURCHASER OR REMITTER ON THE CHECK?
- 3 A. VIRGINIA C. HIGH.
- 4 Q. HOW WAS THE CHECK PURCHASED?
- 5 A. IT WAS PURCHASED WITH CASH.
- 6 Q. I HAND YOU GOVERNMENT EXHIBIT NUMBERS 128-A-1 AND A-2, AND
- 7 ASK YOU, MA'AM, IF THOSE ARE CASHIER'S CHECKS THAT WERE
- 8 PREPARED IN THE ORDINARY COURSE OF BUSINESS OF FIRST ATLANTA
- 9 AND MAINTAINED IN THE ORDINARY COURSE OF BUSINESS OF WACHOVIA?
- 10 A. YES.
- 11 MR. MOYE: I TENDER 128-A-1 AND 2.
- 12 MR. ROSEN: NO OBJECTION.
- 13 THE COURT: LET THEM IN.
- 14 BY MR. MOYE:
- 15 Q. LOOKING FIRST AT GOVERNMENT EXHIBIT 128-A-1, WHAT WAS THE
- 16 DATE OF THAT CHECK?
- 17 A. OCTOBER 3RD, 1990.
- 18 Q. AND AMOUNT OF THE CHECK?
- 19 A. \$5,000.
- 20 Q. AND THE PURCHASER OR REMITTER ON THE CHECK?
- 21 A. EUGENE MARSH.
- 22 Q. AND PAYEE ON THE CHECK?
- 23 A. VIRGINIA C. HIGH.
- 24 Q. CAN YOU TELL US HOW THE CHECK WAS PURCHASED?
- 25 A. IT WAS PURCHASED WITH CASH.

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1 Q. IF YOU LOOK AT GOVERNMENT'S 128-A-2, WHAT WAS THE DATE OF
2 THAT CHECK?

3 A. OCTOBER 5TH, 1990.

4 Q. AND THE AMOUNT OF THE CHECK WAS WHAT?

5 A. \$5,500.

6 Q. AND THE PURCHASER OR REMITTER ON THE CHECK?

7 A. VIRGINIA C. HIGH.

8 Q. AND PAYEE ON THE CHECK?

9 A. ATTORNEY FISHMAN AND WOLFE.

10 Q. HOW WAS THE CHECK PURCHASED?

11 A. IT WAS PURCHASED WITH CASH.

12 Q. I HAND YOU, MS. BAILEY, GOVERNMENT EXHIBIT NO. 121-B-2, 3
13 AND 4, AND ASK YOU, MA'AM, IF THOSE ARE CASHIER'S CHECKS THAT
14 WERE PREPARED IN THE ORDINARY COURSE OF THE BUSINESS OF FIRST
15 ATLANTA AND NOW MAINTAINED AS PART OF THE ORDINARY COURSE OF
16 BUSINESS OF WACHOVIA?

17 A. YES.

18 MR. MOYE: YOUR HONOR, I TENDER GOVERNMENT EXHIBIT
19 121-B-2, 3 AND 4.

20 THE COURT: ANY OBJECTION?

21 LET THEM IN.

22 BY MR. MOYE:

23 Q. MS. BAILEY, LOOKING AT GOVERNMENT EXHIBIT 121-B-2, CAN YOU
24 TELL ME THE DATE ON WHICH THE CHECK WAS PURCHASED?

25 A. JUNE 19, 1990.

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1 Q. AND THE AMOUNT OF THE CHECK IS WHAT?

2 A. \$8,500.

3 Q. AND THE PURCHASER OR REMITTER ON THE CHECK WAS WHO?

4 A. VIRGINIA C. HIGH.

5 Q. AND PAYEE ON THE CHECK?

6 A. ATTORNEY MILTON McDONALD.

7 Q. CAN YOU TELL US HOW THE CHECK WAS PURCHASED?

8 A. PURCHASED WITH CASH.

9 Q. GOVERNMENT EXHIBIT 121-B-3, IF YOU WOULD LOOK AT THAT AND
10 TELL US THE DATE OF THE CHECK?

11 A. JUNE 10, 1990.

12 Q. THE AMOUNT OF THE CHECK?

13 A. \$5,000.

14 Q. AND THE PAYEE ON THE CHECK?

15 A. VIRGINIA HIGH.

16 Q. AND THE REMITTER OR THE PURCHASER?

17 A. HENRY JAMES.

18 Q. HOW WAS THE CHECK PURCHASED?

19 A. PURCHASED WITH CASH.

20 MR. MOYE: MAY I SEE THE CHECK, PLEASE MA'AM, JUST A
21 MOMENT?

22 BY MR. MOYE:

23 Q. LET ME ASK, MS. BAILEY, THE SECOND DOCUMENT THAT IS PART
24 OF GOVERNMENT EXHIBIT 121-B-3, DOES IT SHOW A CASH REGISTER
25 STAMP ON THE DOCUMENT?

1 A. YES, IT DOES.

2 Q. WHAT IS THE SECOND DOCUMENT?

3 A. THIS IS A COPY OF THE CASHIER'S CHECK THAT THE BANK KEEPS.

4 Q. WHAT IS THE SECOND DOCUMENT, IS THAT A CREDIT DOCUMENT OR
5 CREDIT RECORD?

6 A. YES, IT IS.

7 Q. WHEN WOULD THAT DOCUMENT BE GENERATED?

8 A. THE SAME TIME AS THE CASHIER'S CHECK.

9 Q. WHAT KIND OF TRANSACTION WOULD IT REFLECT?

10 A. IT WOULD REFLECT A TRANSACTION OF THE CASHIER'S CHECK.

11 Q. WOULD THAT SHOW WHAT WAS USED TO PURCHASE THE CASHIER'S
12 CHECK?

13 A. YES, IT DOES.

14 Q. DOES IT SHOW SOME KIND OF CASHIER REGISTER IMPRINT ON THE
15 FRONT?

16 A. YES.

17 Q. WHAT IS THE DATE OF THE CASH REGISTER IMPRINT?

18 A. JUNE 19TH -- JUNE 1990. I CAN'T SEE THAT TOO WELL.

19 MR. MOYE: THANK YOU, MA'AM.

20 BY MR. MOYE:

21 Q. MS. BAILEY, WOULD YOU LOOK AT GOVERNMENT 121-B-4.

22 A. YES.

23 Q. THAT CASHIER'S CHECK WAS PURCHASED ON WHAT DATE?

24 A. JUNE 18, 1990.

25 Q. IN WHAT AMOUNT WAS THAT CASHIER'S CHECK?

1 A. IT WAS FOR \$8,000.

2 Q. WHO WAS THE PAYEE ON THE CHECK?

3 A. THE PAYEE WAS CHARLES HOFFMAN.

4 Q. WHO WAS THE PURCHASER?

5 A. I'M SORRY, THE PAYEE IS VIRGINIA C. HIGH, THE PURCHASER IS
6 CHARLES HOFFMAN.

7 Q. HOW WAS IT PURCHASED?

8 A. IT WAS PURCHASED WITH CASH.

9 Q. I HAND YOU 109-H-2, 3, 4, 5, 6, AND 7, AND ASK YOU, MA'AM,
10 IF THESE ARE RECORDS OF FIRST ATLANTA BANK THAT WERE PREPARED
11 IN THE ORDINARY COURSE OF THE BUSINESS OF FIRST ATLANTA AND NOW
12 MAINTAINED AS PART OF THE ORDINARY COURSE OF BUSINESS OF
13 WACHOVIA?

14 A. YES.

15 MR. MOYE: YOUR HONOR, I TENDER 109-H-2, THROUGH 7, I
16 BELIEVE IT IS.

17 THE COURT: ANYBODY OBJECT?

18 LET IT IN.

19 BY MR. MOYE:

20 Q. MS. BAILEY, ARE THOSE ALL CASHIER'S CHECKS?

21 A. NO.

22 Q. LET'S START WITH GOVERNMENT 109-H-2. WHAT IS THAT
23 DOCUMENT?

24 A. THIS IS A COPY OF THE CASHIER'S CHECK, A CREDIT, AND A COPY
25 OF A CASH-IN TICKET.

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- 1 Q. CAN YOU TELL US THE DATE OF THE CASHIER'S CHECK?
- 2 A. AUGUST 5TH, 1989.
- 3 Q. WHAT WAS AMOUNT OF THE CHECK?
- 4 A. \$5,000.
- 5 Q. AND WHO WAS THE PURCHASER OF THE CHECK?
- 6 A. V. PETTY.
- 7 Q. WHO WAS THE PAYEE?
- 8 A. HIGH REALTY.
- 9 Q. HOW WAS IT PURCHASED?
- 10 A. PURCHASED WITH CASH.
- 11 Q. GOVERNMENT EXHIBIT 109-H-3, IS WHAT?
- 12 A. THIS IS A COPY OF A STATEMENT.
- 13 Q. WHAT DOES THE STATEMENT REFLECT?
- 14 A. IT REFLECTS DEPOSITS AND WITHDRAWALS ON THE ACCOUNT.
- 15 Q. WHAT ACCOUNT WAS THAT?
- 16 A. ACCOUNT NUMBER 17531210, HIGH'S REALTY ESCROW ACCOUNT II.
- 17 Q. FOR WHAT PERIOD OF TIME DOES THAT DOCUMENT REFLECT
- 18 ACTIVITY IN THAT ACCOUNT?
- 19 A. AUGUST 1ST, 1989 TO AUGUST 31ST, 1989.
- 20 Q. GOVERNMENT EXHIBIT NO. 109-H-4 IS WHAT DOCUMENT?
- 21 A. THIS IS A COPY OF A DEPOSIT WITH THE ITEMS.
- 22 Q. A DEPOSIT TO WHAT ACCOUNT?
- 23 A. DEPOSITED TO HIGH REALTY ESCROW ACCOUNT 17531210.
- 24 Q. IS THAT THE SAME ACCOUNT FOR WHICH YOU HAVE THE STATEMENT
- 25 THAT IS GOVERNMENT'S 109-H-3?

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- 1 A. YES, IT IS.
- 2 Q. AND THE DEPOSIT IS DATED WHAT?
- 3 A. I CAN'T READ THIS DEPOSIT.
- 4 Q. CAN YOU --
- 5 A. IT'S AUGUST, BUT I CAN'T --
- 6 Q. CAN YOU BY LOOKING AT THE STATEMENT, CAN YOU TELL US ON
- 7 WHICH DATE THE DEPOSIT WAS MADE?
- 8 A. AUGUST 8, 1989.
- 9 Q. AND WHAT WAS THE AMOUNT OF THE DEPOSIT?
- 10 A. THE AMOUNT OF DEPOSIT WAS FOR \$25,000.
- 11 Q. WHAT IS 109-H-5?
- 12 A. THIS IS A COPY OF A DEPOSIT.
- 13 Q. CAN YOU TELL US ON WHAT DATE THAT DEPOSIT WAS MADE?
- 14 A. AUGUST 7, 1989.
- 15 Q. AND CAN YOU TELL US WHAT WAS THE AMOUNT OF THAT DEPOSIT?
- 16 A. \$76,000.
- 17 Q. WHAT WAS THE FORM, WHAT WERE THE ITEMS THAT WERE
- 18 DEPOSITED, CAN YOU TELL US?
- 19 A. THERE WAS CASH AND CHECKS.
- 20 Q. LOOK AT GOVERNMENT 109-H-6 AND TELL US WHAT THAT DOCUMENT
- 21 IS?
- 22 A. THIS IS A COPY OF A DEPOSIT.
- 23 Q. WHAT IS THE DATE OF THE DEPOSIT?
- 24 A. AUGUST 11, 1989.
- 25 Q. TO WHAT ACCOUNT IS THAT DEPOSIT PLACED?

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1 A. TO HIGH'S REALTY, THE ESCROW ACCOUNT, ACCOUNT NUMBER
2 17531210.

3 Q. IS THAT THE SAME ACCOUNT REFERRED TO IN THE PREVIOUS THREE
4 EXHIBITS?

5 A. YES.

6 Q. THE AMOUNT OF THE DEPOSIT IS WHAT?

7 A. \$7,000.

8 Q. WHAT FORM WAS THAT DEPOSIT?

9 A. CASH.

10 Q. MS. BAILEY, WOULD YOU LOOK AT 109-H-7, AND TELL US WHAT
11 THAT DOCUMENT IS?

12 A. COPY OF TWO CASHIER'S CHECKS AND A COPY OF THE CHECK.

13 Q. ALL RIGHT. THE TWO CASHIER'S CHECKS, CAN YOU TELL US THE
14 DATE ON WHICH THOSE CHECKS WERE ISSUED?

15 A. AUGUST 11TH, 1989 ON BOTH OF THE CHECKS.

16 Q. CAN YOU TELL US WHETHER THE CHECKS WERE ISSUED AT THE SAME
17 BRANCH OF FIRST ATLANTA?

18 A. YES, THEY WERE.

19 Q. AND WHAT WAS THE AMOUNT OF THE TWO CHECKS?

20 A. ONE WAS FOR \$100,000 AND ONE FOR \$8,000.

21 Q. CAN YOU TELL US, MS. BAILEY, YOU INDICATED A CHECK AS
22 WELL, WHAT WAS THE DATE OF THE CHECK?

23 A. DATE OF THE CHECK IS AUGUST 9, 1989.

24 Q. NOW, THE TWO CASHIER'S CHECKS, WHO WERE THE PAYEES ON THE
25 CASHIER'S CHECKS?

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- 1 A. JOE WILLIAMS AND ANNIE GRASSETTA.
- 2 Q. CAN YOU SPELL IT?
- 3 A. IT LOOKS LIKE G-R-A-S-E-T-T-A. IT IS KIND OF BLURRED.
- 4 Q. THE ONE MADE PAYABLE TO JOE WILLIAMS, WHAT IS THAT IN THE
- 5 AMOUNT OF?
- 6 A. \$100,000.
- 7 Q. CAN YOU TELL US HOW THOSE TWO CASHIER'S CHECK WERE
- 8 PURCHASED?
- 9 A. THEY WERE PURCHASED FROM HIGH REALTY'S ESCROW ACCOUNT,
- 10 17531210.
- 11 Q. IS THAT THE SAME ACCOUNT THAT THE PREVIOUS DOCUMENTS
- 12 REFERRED?
- 13 A. YES.
- 14 Q. YOU INDICATED THERE WAS ONE CHECK THAT WAS NOT A CASHIER'S
- 15 CHECK. IS THAT A PERSONAL CHECK?
- 16 A. ON THE CORPORATE ACCOUNT. IT'S A CORPORATE ACCOUNT CHECK.
- 17 Q. WHICH CORPORATE ACCOUNT?
- 18 A. HIGH REALTY ESCROW ACCOUNT.
- 19 Q. HOW MUCH IS THAT CHECK FOR?
- 20 A. \$108,000.
- 21 Q. I HAND YOU, MS. BAILEY, GOVERNMENT EXHIBIT 105-C-1 AND
- 22 C-2, AND ASK YOU, MA'AM, WHAT THOSE DOCUMENTS ARE?
- 23 A. THESE ARE COPIES OF CASHIER'S CHECKS.
- 24 Q. WERE THOSE CHECKS PREPARED AND MAINTAINED IN THE ORDINARY
- 25 COURSE OF THE BUSINESS OF WACHOVIA OR ITS PREDECESSOR FIRST

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1 ATLANTA?

2 A. YES.

3 MR. MOYE: I TENDER THE DOCUMENTS, YOUR HONOR.

4 THE COURT: ANY OBJECTION?

5 LET THEM IN.

6 BY MR. MOYE:

7 Q. MS. BAILEY 105-C-2, IS THAT A CASHIER'S CHECK?

8 A. YES, IT IS.

9 Q. ON WHAT DATE WAS THAT ISSUED?

10 A. JUNE 21ST, 1989.

11 Q. IN WHAT AMOUNT WAS IT ISSUED?

12 A. \$15,000.

13 Q. WHO WAS THE PURCHASER OF THE CHECK?

14 A. HIGH'S REALTY.

15 Q. WHO WAS THE PAYEE ON THE CHECK?

16 A. ATTORNEY ST. ELLIS AND SIMS JINKS.

17 Q. COULD THAT BE S.T. ELLIS?

18 A. S.T. ELLIS, YES.

19 Q. AND GOVERNMENT EXHIBIT -- CAN YOU TELL HOW THAT WAS
20 PURCHASED?

21 A. THIS ONE I CAN'T.

22 Q. LOOK AT GOVERNMENT EXHIBIT 105-C-3, IS THAT ALSO A
23 CASHIER'S CHECK?

24 A. YES, IT IS.

25 Q. WHAT IS ITS DATE?

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1 A. THE DATE IS JUNE 21ST, 1989.

2 Q. WHAT IS THE AMOUNT OF THE CHECK?

3 A. \$5,000.

4 Q. AND WHO WAS THE PURCHASER?

5 A. TOMORRO NELSON.

6 Q. WHO WAS PAYEE ON THE CHECK?

7 A. HIGH REALTY.

8 Q. HOW WAS THE CHECK PURCHASED?

9 A. I CAN'T TELL ON THIS ONE EITHER.

10 MR. MOYE: MR. POPE SAYS I REFERRED TO 3. [TENDER 1
11 AND 2, AND I APOLOGIZE.

12 THE COURT: ALL RIGHT.

13 BY MR. MOYE:

14 Q. MS. BAILEY I HAND YOU GOVERNMENT EXHIBIT 196, AND ASK YOU,
15 MA'AM, WHAT THAT DOCUMENT IS?

16 A. THIS IS A COPY OF A STATEMENT AND TWO DEPOSITS.

17 Q. THE STATEMENT IS ON WHAT ACCOUNT?

18 A. HIGH'S REALTY, INC.

19 Q. IS THAT STATEMENT PREPARED AND MAINTAINED IN THE ORDINARY
20 COURSE OF BUSINESS OF -- PREPARED BY FIRST ATLANTA AND
21 MAINTAINED BY WACHOVIA?

22 A. YES.

23 MR. MOYE: I TENDER GOVERNMENT'S 196, YOUR HONOR.

24 THE COURT: ANY OBJECTION?

25 LET IT IN.

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1 MR. MOYE: MAY I HAVE JUST A MOMENT, YOUR HONOR?

2 THE COURT: ALL RIGHT.

3 BY MR. MOYE:

4 Q. WHAT IS THE DATE OR STATEMENT, MS. BAILEY?

5 A. MAY 1ST, 1991 THROUGH MAY 31ST OF '91.

6 Q. AND THE ATTACHMENTS, ARE THOSE SPECIFIC DEPOSIT ITEMS?

7 A. YES, THEY ARE.

8 Q. AND WHAT ARE THE DATES OF THE DEPOSITS?

9 A. MAY 28TH, 1991 AND MAY 30, 1991.

10 Q. WHAT IS THE AMOUNT OF THE TWO DEPOSITS?

11 A. \$31,000 AND \$26,000.

12 Q. LET ME BACK UP, MS. BAILEY, AND ASK YOU ABOUT ONE MORE
13 DOCUMENT. GOVERNMENT'S 105-C-3, WHAT IS THAT DOCUMENT?

14 A. THIS IS A COPY OF A STATEMENT AND A COPY OF A CASHIER'S
15 CHECK AND A COUNTER CHECK.

16 Q. AND THE DOCUMENT ITSELF, WAS THAT PREPARED IN THE ORDINARY
17 COURSE OF BUSINESS OF FIRST ATLANTA?

18 A. YES.

19 Q. AND IS IT MAINTAINED AS PART OF THE ORDINARY COURSE OF
20 BUSINESS OF WACHOVIA?

21 A. YES, IT IS.

22 MR. MOYE: YOUR HONOR, I TENDER THE DOCUMENT.

23 THE COURT: ANY OBJECTION?

24 LET IT IN.

25 BY MR. MOYE:

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1 Q. AND WHAT ARE THE DOCUMENTS?

2 A. A COPY OF A STATEMENT AND A COPY OF A CHECK, CASHIER'S
3 CHECK.

4 Q. IS IT A SINGLE CASHIER'S CHECK?

5 A. YES, IT IS.

6 Q. AND THE CASHIER'S CHECK IS IN WHAT AMOUNT?

7 A. \$15,000.

8 Q. AND TO WHOM IS THE CASHIER'S CHECK MADE PAYABLE?

9 A. ATTORNEY S.T. ELLIS AND SIMS JINKS.

10 Q. CAN YOU TELL HOW THAT CHECK WAS PURCHASED BY LOOKING AT
11 THE DOCUMENTS?

12 A. IT WAS PURCHASED WITH A CHECK.

13 Q. WHAT KIND OF CHECK?

14 A. A COUNTER CHECK.

15 Q. ON WHICH ACCOUNT?

16 A. 17 -- I CAN'T READ IT. 17531210.

17 Q. WHOSE ACCOUNT IS THAT?

18 A. HIGH REALTY ACCOUNT.

19 Q. AND 105-C-4, WHAT IS THIS DOCUMENT, PLEASE, MA'AM?

20 A. THIS IS A COPY OF A STATEMENT AND A DEPOSIT.

21 Q. THE STATEMENT IS ON WHAT ACCOUNT?

22 A. THE STATEMENT IS ON ACCOUNT NUMBER 17531210.

23 Q. IS THAT THE HIGH REALTY ACCOUNT?

24 A. YES.

25 Q. IS THE DOCUMENT PREPARED AND MAINTAINED IN THE ORDINARY

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1 COURSE OF BUSINESS OF THE BANK?

2 A. YES.

3 MR. MOYE: I TENDER THE DOCUMENT, YOUR HONOR.

4 THE COURT: ANY OBJECTION?

5 LET IT IN.

6 BY MR. MOYE:

7 Q. IS THERE A CHECK ATTACHED?

8 A. TWO CASHIER'S CHECKS.

9 Q. THOSE TWO CASHIER'S CHECKS ARE IN WHAT AMOUNT?

10 A. \$7,500 EACH.

11 Q. TO WHOM WERE THEY MADE PAYABLE?

12 A. THEY WERE MADE PAYABLE TO WINDELL -- HIGH'S REALTY.

13 Q. WHO WAS THE PURCHASER?

14 A. WENDELL SMITH.

15 Q. HOW WERE THE CHECKS PURCHASED?

16 A. I DON'T KNOW BECAUSE THESE CHECKS ARE FROM BANK SOUTH.

17 Q. CAN YOU TELL BY LOOKING AT 105-C-4, THE STATEMENT, WHETHER

18 THOSE CHECKS WERE DEPOSITED INTO HIGH REALTY ACCOUNT?

19 A. YES, THEY WERE.

20 MR. MOYE: THANK YOU, MS. BAILEY.

21 YOUR HONOR, I HAVE NO FURTHER QUESTIONS OF MS.

22 BAILEY.

23 THE COURT: I THINK WE WILL GO TO LUNCH BEFORE YOU
24 ASK QUESTIONS, IF YOU INTEND TO ASK SOME.

25 MR. AXAM: I AM NOT GOING TO ASK ANY QUESTIONS.