

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

---oOo---

TONY and DONNA WOOD and TED AND
CHERI ALLEGRA,

Plaintiffs,

vs.

Case No. SCV 16896

HIDDEN LAKES ESTATES HOMEOWNERS
ASSOCIATION, et. al.,

Defendants.

_____ /

---oOo---

VOLUME II

Deposition of

TONY WOOD

Tuesday, September 13, 2005, 10:00 a.m.

---oOo---

Reported by:
TOBIE STERLING
CSR No. 4019

CERTIFIED COPY

HLE EXHIBIT 55

---oOo---
STERLING & ASSOCIATES
(530) 888-8822

1 Q. Okay.

2 A. At that point we had discovered there was a
3 problem.

4 Q. Okay. You answered the question. Thanks.

5 A. Okay.

6 Q. With regard to the inspector you had, was the
7 name Colliau, C-o-l-l-i-a-u; do you recall that?

8 A. I know that Russ Colliau did a home inspection on
9 our home.

10 Q. Okay. Did -- do you recall having -- he was --
11 submitted a report to you, correct?

12 A. Yes, I'm sure he did.

13 Q. Was part of a prepurchase inspection he did on
14 your behalf; am I right?

15 A. Yes.

16 Q. Okay. And at that time you received a report
17 from him that you paid for and then you reviewed the
18 report; am I right?

19 A. No.

20 Q. You didn't review the report?

21 A. No.

22 Q. Paid for it, didn't review it?

23 A. Pretty standard with me. I actually probably had
24 a conversation with Russ about we were going to remodel the
25 home. We were totally unaware of the lake leak problem, so

1 Woods. I get that all the time.

2 Q. BY MR. FRISTCH: M-c-D-o-n-n-e-l-l.

3 Ms. McDonnell prepared a plan for a drain for
4 your property at some point in time; did she not?

5 A. I don't think so.

6 Q. Don't know. So you don't know if she prepared a
7 plan?

8 A. I'm unaware of a plan that she prepared.

9 Q. Okay. Do you know if anyone has prepared a plan
10 besides -- strike that.

11 Who, who planned the installation of the drain
12 that you had installed at or about the property line and
13 going out to the drainage area?

14 A. C & R Landscaping.

15 Q. That's what I thought.

16 Has anyone besides C & R planned -- and by plan I
17 mean design -- designed a drain installation along the
18 property line between the Wood and Allegra property, to
19 your knowledge?

20 A. I think that Hugh Thompson has, has -- I don't
21 know what the definition of design means, but I believe he
22 has a concept in mind for a solution to this problem that
23 we're having with the lake.

24 Q. Okay. Well, let's broaden that, the word design,
25 then, to include this concept. What is the concept, to

1 your knowledge, that Mr. Thompson has in mind with regard
2 to a drain?

3 A. Were you present at the mediation where he went
4 into the detail of a solution to this problem, which we
5 call it the moat solution, which is essentially putting in
6 some sort of a moat drainage system around the property.

7 Q. Okay. And does Mr. -- Dr. Thompson's moat
8 solution, does it incorporate using any existing drains
9 that exist along the property line between Allegra and
10 Wood?

11 A. I don't know.

12 Q. To your knowledge?

13 A. I don't think so, but I don't know.

14 Q. And, and so stated another way, you don't know if
15 it relies upon installation of a new drain at that
16 location?

17 A. It's my understanding it relies on an entirely
18 new system.

19 Q. Okay.

20 A. Which I hope means we can rip out all the
21 existing drainage and have our back yard back without all
22 of the drains and pipes and stagnant water sitting around.

23 Q. Um-hmm. Has either McDonnell or Thompson
24 expressed to you whether a solution, a drain solution for
25 your yard would include a surface drain from the dam along

1 solved, that's going to continue to happen, so we decided
2 to stop.

3 Q. Did Mr. Colliau, did he report to you as part of
4 his prepurchase inspection any concerns about moisture in
5 the front part of your yard, including the area where the
6 asphalt is?

7 A. Oh, I don't think he would have even looked at
8 it, so no.

9 Q. Okay. How about the Duecks, did they tell you
10 anything about moisture in the front part of your property?

11 A. No, they didn't tell me anything about any
12 moisture anywhere.

13 Q. Now, you made a claim versus the sellers, Duecks,
14 and they paid you \$37,500; am I right?

15 A. Somewhere in that range.

16 Q. Well --

17 A. I don't recall the exact number.

18 Q. You testified in your first deposition it was
19 37,5. Any reason to believe that's incorrect?

20 A. No. I don't remember exactly what the number is,
21 so --

22 Q. Did they pay an additional amount to your wife?

23 A. I don't -- no.

24 Q. One lump sum to the two of you?

25 A. Yes.

1 the title company did.

2 Q. Okay. Before Nicolaou, the title company had an
3 appraiser do an appraisal. Have they provided you with
4 that appraisal?

5 A. Not personally. I don't believe I was given it
6 from the title company. I think they might have sent a
7 copy to Glenn.

8 Q. Have you reviewed a copy of the appraisal?

9 A. I don't think I've seen the complete appraisal
10 yet.

11 Q. Okay. About when was it that they did that
12 appraisal?

13 A. I don't remember. It was sometime this year.

14 Q. Okay. And you have made a claim against Placer
15 Title arising from Placer Title's insurance of title to
16 your property; am I right?

17 MR. PETERSON: Just answer yes or no.

18 THE WITNESS: Yes.

19 Q. BY MR. FRITSCH: And what are -- what is the
20 nature of your claims versus Placer Title?

21 A. The nature of my claims?

22 Q. It's a claim for money; am I right?

23 A. I don't know.

24 Q. You don't know?

25 A. I know that it has something to do with --



1 MR. PETERSON: Don't speculate.

2 THE WITNESS: Sorry. Well, I know that it was
3 something to do with the missed easement, but I honestly
4 don't know what the actual claim is, is for in terms of
5 fixing it, what they missed.

6 Q. BY MR. FRITSCH: Okay. When you say missed
7 easement, you're referencing the failure of Placer Title to
8 disclose to you the existence of a meandering drainage
9 easement encumbering the property at 7884 Jon Way, correct?

10 A. Correct.

11 Q. Okay. And the claim that you have made versus
12 Placer Title is in part for the difference in the value of
13 the property with the meandering drainage easement
14 disclosed to you versus the price that you paid; is that
15 correct?

16 MR. PETERSON: Assumes facts not in evidence,
17 lacks foundation. Don't speculate.

18 THE WITNESS: Then can I talk to you for a
19 second?

20 MR. PETERSON: Um-hmm.

21 THE WITNESS: And use the rest room, and not in
22 that order.

23 (Off the record.)

24 (Record read.)

25 THE WITNESS: I don't know.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

REPORTER'S CERTIFICATE

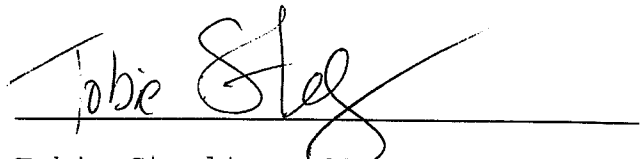
I certify that the witness in the foregoing deposition,

TONY WOOD

was by me duly sworn to testify the truth, the whole truth, and nothing but the truth in the within-entitled cause; that said deposition was taken at the time and place therein named; that the testimony of said witness was reported by me, a duly certified shorthand reporter and a disinterested person, and was thereafter transcribed into typewriting, to the best of my ability.

I further certify that I am not of counsel for attorney for either or any of the parties to said deposition, nor in any way interested in the outcome of the cause named in said caption.

IN WITNESS WHEREOF, I have hereunto set my hand this 27th day of September 2005.



Tobie Sterling, CSR No. 4019
Certified Shorthand Reporter
State of California