

1 A There is a contract, yes.

2 Q And, that contract says that if you don't do X, Y, Z it's
3 not valid within 60 days of the signing of that document.
4 The contract says that, does it not?

5 A It does say that.

6 Q And, that never happened; correct?

7 A That was my determination. I put that provision in there
8 for a --

9 Q Can you just answer my question?

10 THE COURT: Can he answer please.

11 THE WITNESS: Yes, I put that provision in there
12 for our own protection because we have lenders that, you
13 know, if there's going to be a recording against the
14 property the lender will require that we get their
15 approval. There was no memorandum of lease required so I
16 did not feel that it was necessary to obtain their
17 approval.

18 BY MR. POTTER:

19 Q So, then let me -- I'm going to establish some ground
20 rules with you. I'm going to ask you questions that
21 require a yes and no answer, okay?

22 A Okay.

23 Q If you can't answer yes or no you tell me 'cause I know
24 you want to have the story you want to tell the jury but
25 your lawyer can get that out of you. I want my questions

1 answered. They're all going to be yes or nos, so if you
2 can't answer yes or no you tell me and I'll restate the
3 question, okay.

4 A Okay.

5 Q You would agree with me that the lease that you executed
6 with Lamar contains a provision that that lease is not
7 binding if lender approval is not obtained within 60 days,
8 correct?

9 A Correct.

10 Q You requested that provision to be in that lease, correct?

11 A Correct.

12 Q And, that provision was not complied with, correct?

13 A Correct.

14 Q No lender approval was received, correct?

15 A Correct.

16 Q And, no amendment to the lease was written with regard to
17 the lender approval, correct?

18 A Correct.

19 Q And, pursuant to the plain language of that paragraph if
20 that didn't happen that lease was not binding, correct?

21 A Correct.

22 Q And, without a binding lease Lamar would have no interest
23 in the Doris Road property, correct?

24 A Correct.

25 Q And, there's no written document that you entered into