

IN THE CHANCERY COURT FOR PUTNAM COUNTY, TENNESSEE

PATRICIA MARENE HALL COOMER, )  
 )  
 Plaintiff/Counter Defendant, )  
 )  
 vs. )  
 )  
 LEWIS FAY COOMER, )  
 )  
 Defendant/Counter Plaintiff. )

No. 2000-269

FILED 12-06-2000  
TIME 11:46 AM  
LINA CLERK & MASTER  
BY *Salvina McBrown*  
DEPUTY CLERK & MASTER

**PLAINTIFF'S RESPONSE TO DEFENDANT'S FIRST SET OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS**

Now comes the Plaintiff, Patricia Marene Hall Coomer, and, for answer to the Interrogatories served upon her by the Defendant and pursuant to Rule 33 of the Tennessee Rules of Civil Procedure, would show to the Court as follows:

**INTERROGATORY NO. 1:** Please state the name and address of your employer (or if self-employed, the name of your company or firm), your job title and description of the duties you perform, the name of your immediate supervisor, and the date you became employed.

**ANSWER:** a. City of Cookeville, 45 East Broad Street, P. O. Box 998, Cookeville, Tennessee 38503; Administrative Secretary, Human Resources Department. Work is performed under the general direction of the Director of Human Resources. Duties include typing, filing, logging of data relating to City employees and citizen accidents and injuries logs, and maintaining applications for employment with the City. Immediate supervisor is Jimmy C. Burchett. Date of hire December 2, 1991 - receptionist and July 23, 1995 - Administrative Secretary - Human Resources Department.

b. Mary Kay Cosmetics, 249 South Elm Avenue, Cookeville, Tennessee 38501; self-employed - Beauty Consultant. Teach proper skin care and glamour techniques to prospective clients, service clients with skin care and glamour products, purchase products for resale and personal use, and keep financial records. Began October, 1988.

c. The Finishing Touch, 6 North Jefferson Avenue, Cookeville, Tennessee 38501; partner. Purchase, price, and display merchandise for resale, and keep financial records. Began October, 1999.

d. Coomer Rentals, 249 South Elm Avenue, Cookeville, Tennessee 38501; owner. Keep financial records, show apartments, clean apartments or hire cleaning

personnel, make repairs or arrange for repairs to be made, collect rent, write checks, make bank deposits, and make decisions regarding maintenance of complexes, Make arrangements for people with continuing maintenance, including lawn mowing, treatment for termites, etc. In short, manage and take care of all aspects of one ten-unit and one twelve-unit apartment building. Began April, 1997.

**INTERROGATORY NO. 2:** Regarding the compensation you received from your employer or self-employment, please state how your income is determined (salary, commission, draw), your base rate of pay, gross and net earnings for each paycheck received by you since January 1, 1995, and type and amount of each deduction made from your paycheck since January 1, 1995.

**ANSWER:** a. City of Cookeville - salary. Base rate of pay and gross and net earnings since January 1, 1995 and type and amount of deduction from paycheck since January 1, 1995 - see attached Exhibit A.

b. Beauty Consultant - draw. No regular draws taken from this account. Occasionally, if I need help paying something, if money is available from this account, I will take what it will allow to help with payment of bills, etc.

c. The Finishing Touch - draw. Monies have been re-invested back into the business.

d. Coomer Rentals - draw. For many years, it has been a practice of ours to pay property taxes and homeowners' insurance from this account. When Mr. Coomer moved from 249 South Elm Avenue and did not make any financial contribution to home expenses, I began to pay the house payment, electric, telephone, cable, and any maintenance expenses for the house and grounds from the apartment account.

**INTERROGATORY NO. 3:** For each and every bonus received by you from your employer or self-employment since January 1, 1995, please state the date paid, gross and net amounts and type and amount of each deduction.

**ANSWER:** Longevity checks have been received from the City of Cookeville for service each year since 1997 as follows:

<u>Date</u>	<u>Gross</u>	<u>Net</u>	<u>FICA &amp; Medicare</u>	<u>FIT</u>
11/21/97	\$300.00	\$277.05	\$22.95	\$ 0.00
11/19/98	\$390.00	\$354.45	\$29.84	\$ 5.71
11/18/99	\$455.00	\$405.02	\$43.81	\$15.17
11/15/00	\$520.00	\$455.30	\$39.78	\$24.92

**INTERROGATORY NO. 4:** Please describe with specificity that manner in which the dates of payment and amounts of your bonuses are determined, including names and job titles of any persons who make such determination.

**ANSWER:** Members of the City Council determine the amount of longevity pay for each year of service. It has traditionally been awarded during the month of November. City of Cookeville Finance Director, Stephanie Miller, determines payroll cuttings.

**INTERROGATORY NO. 5:** Please list and describe all other fringe benefits to which you are entitled as a result of your employment, including but not limited to, medical, dental, life and disability insurance, company car or auto allowance, travel and expense allowance, pension or profit-sharing plans, and employee stock option plans.

**ANSWER:** City of Cookeville provides health insurance, dental insurance, life insurance (\$30,000.00 natural death, \$60,000.00 accidental), TN Consolidated Retirement, and ten (10) paid holidays a year.

**INTERROGATORY NO. 6:** For each parcel of real property owned by you or in which you have an interest, please state the address, date acquired and purchase price, amount and source of down payment, name in which it is titled, name and address of note and/or mortgage holder, outstanding principal balance of indebtedness secured by a lien on the parcel, amount of monthly or other periodic payment (sic) fair market value of each parcel.

**ANSWER:** a. 249 South Elm Avenue, Cookeville, Tennessee; purchased land February, 1969; paid \$4,250.00; money came from Keene Corp stock buy out; built house 1969 - 1970; bank note of \$35,000.00; titled to Lewis F. <sup>Coomer</sup>~~Commer~~ and Patricia Coomer; market value \$165,000.00 - \$175,000.00.

b. Twelve unit apartment complex at 186 E. 17<sup>th</sup> Street, Cookeville, Tennessee 38501; purchased land February, 1983; bank note of \$20,000.00; titled to Lewis and Pat Coomer; twelve apartment units build in three sections of four each over the next few years; monthly payment of \$1,869.83 at First Tennessee Bank in Cookeville; total owed \$58,791.03; pays off in September, 2003; market value \$375,000.00 - \$450,000.00.

c. 1616 Woodland Avenue, Cookeville, Tennessee 38501; purchased February, 1983; bank note; is across the street from property listed in b and was part of the purchase of February, 1983; market value \$10,500.00 - \$15,000.00.

d. Ten unit apartment complex at 322 West Third Street, Cookeville, Tennessee 38501; purchased land in May, 1979; bank note of \$35,000.00; ten unit apartments built mid to late 1980s; \$240,000.00 (est.); titled to Lewis Coomer and Patricia Coomer; market value \$365,000.00 - \$450,000.00.

e. Footage adjoining property listed in d; purchased January, 1989; \$500.00; titled to Lewis Coomer and Wife, Pat Coomer.

f. Lot at 770 Bradley Drive, Cookeville, Tennessee 38501; purchased for \$13,000.00 - \$14,500.00 (est.); paid for by Floyd Coomer; titled to Larry and Teresa Sparks; market value \$22,000.00 - \$30,000.00.

g. Farm in Oak Park area, Highway 111, Cookeville, Tennessee 38501; purchased May, 1991; \$65,000.00; \$25,000.00 came from Lewis' settlement from accident and balance was paid from money Lewis saved; titled to Lewis Coomer; market value \$165,000.00 - \$185,000.00.

h. Lot on <sup>Grademore</sup> ~~Grandmere~~ Drive; purchased by Lewis for \$16,000.00 (est.); still titled to seller; market value \$20,000.00 - \$22,000.00.

i. Farm on Gainesboro Grade, Cookeville, Tennessee 38501; purchased October, 1998; \$367,326.58; financed by bank note, First Tennessee Bank in Cookeville, and Lewis' Dad's CDs; titled to Lewis Coomer; market value \$500,000.00; sold in 1999 for \$363,000.00.

j. Fifteen acres on Ninth Street in Cookeville, Tennessee; purchased September, 1995; \$60,000.00; paid for by Floyd Coomer; a joint purchase of Lewis and Floyd Coomer; sold in 1999 for \$500,000.00.

**INTERROGATORY NO. 7:** For all stocks, bonds and other securities owned by you or in which you have an interest, or have had an interest in the past year, please state for each the name of the company or entity which issues the stocks, bonds or other securities, the number of shares owned, date acquired, purchase price, present fair market value, or sale price, date of maturity and value at maturity (if applicable), and name and business address of stockbroker through whom stocks, bonds, or securities were purchased or sold.

**ANSWER:** a. J C Bradford & Company, Cookeville, Tennessee; Bennett Jared, broker: 104 shares Checkfree Holdings Corp - bought April 5, 1999 at \$47.00 per share and sold June 23, 1999 at \$28.6875 per share; 100 shares of Martha Stewart Living - bought October 19, 1999 at \$47.00 per share - value on November 8, 2000 was \$26.4375 per share; 100 shares AtHome - bought June 24, 1999 at \$57.625 per share - value on November 8, 2000 was \$11.3125 per share; Bankers Trust Mkt Lkd Dep 45 - bought \$25,000.00 and sold November 3, 1999 at \$29,355.00; Bankers TR Mkt Dep 65 (FDIC Min Ret Prin at Mty 100%) - bought \$29,000.00 on November 4, 1999 - value on November 8, 2000 was \$26,564.00 - matures November 10, 2005; 200 shares O'Charley's - bought 100 shares on September 1, 1998 at \$10.50 per share and 100 shares on October 8, 1998 at \$7.50 per share - sold 200 shares April 30, 1999 at \$14.50 per share; 100 shares Martha Stewart Living - bought April 24, 2000 at \$14.50 per share - value on November 8, 2000 was \$26.4375 per share.

b. Prudential Securities, Cookeville, Tennessee; Bennett Jared, Broker: 100 shares AtHome - bought October 6, 2000 at \$14.80 per share - value on November 8, 2000 was \$26.4375 per share.

c. E-Trade Securities, 4500 Bohannon, Menlo Park, California; on-line brokerage: 80 shares Maxxim Med, Inc. - bought June 15, 1999 at \$23.375 per share - sold October 19, 1999 at \$21.25 per share; 30 shares Martha Stewart Living - bought October 19, 1999 at \$42.50 per share - value on November 8, 2000 was \$26.4375 per share; 1,000 shares BioControl, Inc. - bought September 22, 1999 at \$0.0920 per share - value on November 10, 2000 at \$0.076 per share; 2,700 shares BioControl, Inc. - bought January 24, 2000 at \$0.15 per share - value on November 10, 2000 was \$0.076 per share; 200 shares Bico, Inc. transferred to custodial accounts for Andrew & Jake Sparks on March 10, 2000.

d. AmSouth Bank, Cookeville, Tennessee; Patsy House, Representative: 64.103 shares VanKampen/AC Emerging Growth Fund, Class B - bought on September 2, 1997 at \$39.00 per share - value on September 30, 2000 was 85.62 shares at \$94.30 per share; 48.414 shares VanKampen/AC Emerging Growth Fund, Class B - bought April 16, 1998 at \$41.310 per share - value on September 30, 2000 was 58.147 shares at \$94.30 per share; 23.477 shares VanKampen/AC Emerging Growth Fund, Class B - bought October 31, 2000 at \$85.30 per share - value on November 9, 2000 was \$81.72 per share.

e. ICMA Corp, 1995 to present, purchases made periodically and at various rates through payroll deduction: 303.0135 shares Vantagepoint Growth - value on November 9, 2000 was \$35.08 per share; 456.2995 shares Fidelity Contra Fund - value on November 9, 2000 was \$22.88 per share.

f. Stock Searchers Investment Club, various purchases made since inception in January, 1998: valuation of individual accounts as of October 16, 2000 was \$1,081.14.

**INTERROGATORY NO. 8:** For each and every business in which you own an interest, excluding publicly-held corporation, state the name and address of the company, a description of the business activities in which the company engages, the percentage of the business owed by you, number of shares of stock owned by you (if incorporated), name, address and percentage of business owned by all other persons who have an interest in the business, and your opinion of the fair market value of your interest in the business as of the date of your answer.

**ANSWER:** a. Coomer Rentals, 249 E. Elm Avenue, Cookeville, Tennessee 38501; apartment rental; owner with husband as tenants by the entireties; Lewis Coomer, Apartment #8, 322 W. Third Street, Cookeville, Tennessee 38501; \$750,000.00 - \$900,000.00; November 9, 2000.

b. Beauty Consultant, 249 E. Elm Avenue, Cookeville, Tennessee 38501; teach proper skin care and glamour techniques, service clients with products; owner; \$3,000.00 (est. inventory); November 9, 2000.

c. The Finishing Touch, 249 S. Elm Avenue, Cookeville, Tennessee 38501; located in The Market at 6 North Jefferson Avenue, Cookeville, Tennessee 38501; sales of costume jewelry, scarves, and novelty items; partner - 50%; Adrienne Inman, 1312 North Nursery #125, Irving, Texas 75061; <sup>\$3,000.00 (pc)</sup> ~~\$1,500.00~~ (est. inventory); November 9, 2000.

**INTERROGATORY NO. 9:** For each and every checking account maintained by you since January 1, 1995, on which you have or have had signatory privileges, to which you have made deposits, or from which you have made withdrawals, please state the name(s) in which the account is maintained, name and address of financial institutions where maintained, account number, and present balance.

**ANSWER:** a. Pat Coomer; First Tennessee Bank, Cookeville, Tennessee 38501; 1451227; November 9, 2000; \$472.77.

b. Pat Coomer, Independent Beauty Consultant; First Tennessee Bank, Cookeville, Tennessee 38501; 1430459; November 9, 2000; \$821.96.

c. The Finishing Touch; First National Bank, Cookeville, Tennessee 38501; 5102298; November 9, 2000; \$1,830.89.

d. Coomer Rentals; First Tennessee Bank, Cookeville, Tennessee 38501; 1440853; November 9, 2000; \$856.61.

e. Mr. and Mrs. Lewis Coomer; First Tennessee Bank, Cookeville, Tennessee 38501; 308137; balance unknown.

**INTERROGATORY NO. 10:** For each and every savings account, investment account, certificate of deposit, money market account, mutual fund account, liquid asset account, or like monetary asset maintained by you since January 1, 1995 on which you have or have had signatory privileges, to which you have made deposits, or from which you have made withdrawals, please state the name(s) in which the account is maintained, name and address of financial institution where maintained, account number, and present balance.

**ANSWER:** a. First Tennessee Bank, Cookeville, Tennessee 38501:

1. Patricia Coomer:

A. Account No. 100227271; November 9, 2000; \$1,374.34.

B. Account No. 880067647; November 9, 2000; \$6,344.84.

2. Pat Coomer; Account No. 1451227; November 9, 2000; \$472.77.

3. Pat Coomer, Independent Beauty Consultant; Account No. 1430459; November 9, 2000; \$821.96.

4. Mr. and Mrs. Lewis Coomer; Account No. 308137; do not have figures for this account.

b. Citizens Bank, Cookeville, Tennessee 38501; Pat Coomer; 8001-251-5; November 9, 2000; \$400.00.

c. E-Trade Securities, Inc., 4500 Bohannon, Menlo Park, California 94025; Patricia M. Coomer; Account No. 1103-3265; September 30, 2000; \$1,230.60.

d. AmSouth Investment Services, Inc., Cookeville, Tennessee 38501; Patricia Coomer:

1. Account No. FC1-108901; September 30, 2000; \$8,073.97.

2. Account No. FR1-069434; September 30, 2000; \$5,483.26;

~~First Tennessee Bank Cookeville, Tennessee 38501.~~

3. Account No. FR1-069434; October 31, 2000; \$2,000.00; contribution to account d2; October 27, 2000.

e. Prudential Securities, Cookeville, Tennessee 38501; Patricia M. Coomer; Account No. BHG-019329-50; October 31, 2000; \$33,589.20.

f. ICMA Corp, 777 N. Capitol Street, NE, Washington, DC 22002-4240; Pat M. Coomer; Account No. 412668817; November 8, 2000; \$21,069.84.

g. Stock Searchers Investment Club, Cookeville, Tennessee 38501; November 13, 2000; \$1,152.6174.

**INTERROGATORY NO. 11:** For each and every policy of insurance on your life presently in effect, or that has been canceled in the past year, please state the name and address of the insurance company, policy number, name of owner of policy, face amount, present cash surrender value of policy, name(s) of beneficiary(ies), amount of premium and interval at which premiums are paid, name and address of person or entity which pays premium and, if applicable, disposition of proceeds received from the policy at time of cancellation.

**ANSWER:** a. Woodmen of the World, 1700 Farman Street, Omaha, Nebraska; 510 3103; Pat Coomer; \$25,000.00; \$1,844.50; Lewis Coomer, beneficiary; \$25.42; monthly; Coomer Rentals.

b. Sun Life of Canada, Willesley Hills, Massachusetts; Group No. 77314; Pat Coomer; \$30,000.00 (\$60,000.00 accidental); Teresa Sparks and Susan Galbreath, beneficiaries; paid by City of Cookeville.

Rule 14.01 of the Local Rules of Chancery Practice for the Thirteenth Judicial District titled "Interrogatories to Parties" provides that, if a party is served with more than thirty Interrogatories, including subparts, without an Order of the Court, the responding party shall respond only to the first thirty in the manner provided by the Tennessee Rules of Civil Procedure. Therefore, having responded to at least thirty Interrogatories, including subparts, and pursuant to the directive of the Chancery Court, the Plaintiff may not respond to the balance of the Interrogatories submitted by the Defendant.

Now comes the Plaintiff and, pursuant to Rule 34 of the Tennessee Rules of Civil Procedure, would respond to Defendant's Request for Production of Documents as follows:

**REQUEST NO. 1:** Please produce all documents including, but not limited to, income tax returns and all documents filed with said returns, W-2 forms, and checks from any employer which receipt (sic) your gross income for 1995, 1996, 1997, 1998, 1999 and this year to date.

**ANSWER:** See attached Exhibit B.

**REQUEST NO. 2:** Please produce copies of all canceled checks, deposit slips, bank statements for all bank and institutional accounts and credit union accounts which you have had any interest in or access to, in any degree, since January 1, 1995.

**ANSWER:** See attached Exhibit C.

**REQUEST NO. 3:** Please produce copies of any and all financial statements, specifically, any personal financial statements for the last five years and this year to date that have been submitted by you or any business interest in which you are an owner, or have any interest to any degree in, whether it be a corporation, partnership or solo proprietorship, regardless of whether said financial statements were for the purpose of procuring loans or whether said financial statements were for other business reasons.

**ANSWER:** Plaintiff has no documents to produce in response to Request for Production No. 3. Defendant is referred to financial information that may be contained on federal income tax returns.

**REQUEST NO. 4:** Please produce evidence of ownership, such as stock certificates, partnership agreements, or any other agreement that evidences any ownership which you have in any business interest whatsoever.

**ANSWER:** See attached Exhibit D.

**REQUEST NO. 5:** Please produce any documents that reflect the name, location and balance of any bank, savings and loan, liquid asset or other accounts which you have any interest in or access to in any degree, during the past two years and this year to date.

**ANSWER:** See attached Exhibit E.



**REQUEST NO. 6:** Please produce all stock certificates or other securities that are in your name, or as a member of an investment group or held in trust by you or on your behalf for securities which you bought or sold during the past seven (7) calendar years and this year to date, including but not limited to, all trading account statements.

**ANSWER:** See attached Exhibit F. Also refer to documents marked as Exhibit D and Exhibit E.

**REQUEST NO. 7:** Please produce copies of any trusts of which you are beneficiary.

**ANSWER:** Plaintiff has no documents to produce in response to Request for Production No. 7.

**REQUEST NO. 8:** Please produce all documents which reflect the name, location and number of any safe deposit boxes in your name or in the names of others to which you have or have had access to during the past five (5) calendar years and this year to date.

**ANSWER:** Plaintiff has no documents to produce in response to Request for Production No. 8.

**REQUEST NO. 9:** Please produce all documents that evidence any ownership in real estate, including, but not limited to, warranty deeds, quit claim deeds, and deeds of trust, and any transfer of any kind by you either individually or jointly in any degree for the last two (2) calendar years and this year to date.

**ANSWER:** See attached Exhibit G.

**REQUEST NO. 10:** Please produce all documents that reflect any money or property inherited by you or gifted to you during the marriage and all property you claim that was separately yours prior to the marriage.

**ANSWER:** Plaintiff has no documents to produce in response to Request for Production No. 10.

**REQUEST NO. 11:** Please produce all documents refuting to any interest that you have in any pension plan, profit sharing plan, patent, copyright invention or royalty.

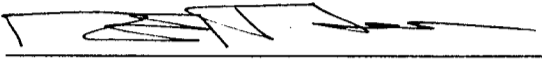
**ANSWER:** See attached Exhibit H.

**REQUEST NO. 12:** Please produce documentation of any appraisal or other documents that reflect the value of any property owned by you or in which you have an interest.

**ANSWER:** Plaintiff has no documents to produce in response to Request for Production No. 12.

Respectfully submitted.

KENNERLY, MONTGOMERY & FINLEY, P. C.

By 

Robert H. Green, *BPR# 1428*  
Attorney for Plaintiff/Counter Defendant  
P. O. Box 442  
Knoxville, TN 37901  
865-546-7311

**OATH**

STATE OF TENNESSEE

COUNTY OF PUTNAM

Now comes the Plaintiff, Patricia Marene Hall Coomer, and, after being duly sworn, would state that she has read the foregoing Answers to Interrogatories and finds the same to be true to the best of her knowledge, information, and belief.

  
PATRICIA MARENE HALL COOMER

Sworn to and subscribed before me  
this the 6<sup>th</sup> day of December, 2000.

  
Notary Public

My Commission Expires: Nov 23, 2001

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing has been served on William A. Cameron, Esq., Cameron & Chaffin, 100 South Jefferson Avenue, Cookeville, Tennessee 38501 by depositing the same in the U. S. Mail with sufficient postage thereon to carry the same to its destination or by hand delivery this the 5<sup>th</sup> day of December, 2000.

KENNERLY, MONTGOMERY & FINLEY, P. C.

By

  
Robert H. Green