

STATE OF NORTH CAROLINA
COUNTY OF DURHAM

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
File No. 19 CVS 4190

JOHN E. CRAM and JOHN M. CHAMBERS,

Plaintiffs,

vs.

MICHAEL A. POLLOCK and GREENKIND

BUILDERS, LLC,

Defendants.

T R A N S C R I P T

(Pages 1 - 32)

(Volume 1 of 1)

Transcript of proceedings taken in the General
Court of Justice, Superior Court Division, Durham County,
North Carolina, on Monday, September 30, 2019, before the
Honorable Steven R. Warren, Judge Presiding.

APPEARANCES

FOR THE PLAINTIFF:

KENNETH R. HUNT

ROBERTS & STEVENS

P.O. Box 7647

Asheville, North Carolina 28802

FOR THE DEFENDANT:

MICHAEL POLLOCK, Pro Se

Patricia L. Nelson, CSR, RPR, RMR
Official Court Reporter
60 Court Plaza, Room 514
Asheville, North Carolina 28801

1 THE COURT: Are we ready to proceed on this
2 hearing relating to whether or not a restraining order
3 should be continued or a preliminary injunction issued?

4 MR. HUNT: Your Honor, my client and I are ready.
5 I was just talking to Mr. Craig. He is looking for his
6 client.

7 THE COURT: Oh, okay. Well, I saw Mr. Craig
8 outside. There he is. Okay.

9 MR. CRAIG: Your Honor, Mr. Pollock, I just sent a
10 text. He is down on the third floor, so I told him to come
11 to the seventh, ask your indulgence for a moment.

12 THE COURT: All right.

13 MR. HUNT: Ready when you are, Your Honor.

14 THE COURT: All right. Thank you, sir. We'll get
15 Mr. Pollock up here.

16 All right, gentlemen.

17 Mr. Pollock, you ready to proceed?

18 MR. POLLOCK: Yes, Your Honor.

19 THE COURT: Thank you.

20 MR. CRAIG: Your Honor, may I address a matter
21 before we begin?

22 THE COURT: Sure.

23 MR. CRAIG: The reason I am here is Mr. Pollock
24 would like to retain me to represent him. He has retained
25 me to represent him in a dissolution of his business. So I

1 was representing him but then this lawsuit came up.

2 He cannot retain me to represent him without
3 taking some funds out of his bank account and the TRO
4 currently would seem to indicate that he cannot do that.

5 So if Your Honor would allow him to take some
6 funds out to retain me, then I can step in to represent him
7 and his LLC in this matter, otherwise he has more of a
8 minimal to, that could address another matter that has come
9 up.

10 But essentially I cannot represent him in this
11 matter without being retained and he can't retain me without
12 taking money out of the bank, which affects the TRO.

13 THE COURT: All right. Thank you, Mr. Craig.

14 Mr. Hunt.

15 MR. HUNT: Your Honor, you will have to excuse me
16 if I am not going to shed any tears for Mr. Pollock.

17 On July 27th of this year he demanded a materials
18 check from my clients. It was the fourth materials check of
19 approximately \$92,000. He had just gotten a materials check
20 in June of this year. Less than 60 days later he asked for
21 another materials check. My clients gave it to him for
22 \$93,000 and within two weeks, Your Honor, he had laid off
23 all his employees or independent contractors and had
24 dissolved his company in the same month, somewhere around
25 August of, I think he -- one of the articles of dissolution

1 being effective August the 12th.

2 I don't know exactly when he mailed it in, but
3 anyway, he took \$93,000, had, did a little bit of labor on
4 the project. As far as we know no new materials were
5 purchased and we do know that subcontractors and material
6 men weren't paid, including an engineer that had done work,
7 you know, probably a year before drawing up engineering
8 plans, and they weren't even paid, even though Mr. Pollock
9 had whatever \$92,000 times four is for the materials, Your
10 Honor.

11 So unless there is -- he wants to come in here
12 with his bank accounts, we would ask that the court not
13 allow him to violate the temporary restraining order and we
14 would like to be heard on the --

15 THE COURT: All right. Well, thank you, very
16 much.

17 Well, given the nature of the TRO in this case, I
18 am going to deny the motion, Mr. Craig.

19 MR. CRAIG: Thank you, Your Honor.

20 THE COURT: All right. Mr. Hunt.

21 MR. HUNT: I will call Mike Pollock to the stand.

22 THE COURT: All right. Mr. Pollock, if you will
23 come around, sir.

24 THE CLERK: If you will please place your left
25 hand on the Bible and raise your right.

1 MICHAEL POLLOCK,

2 having been duly sworn, testified as follows:

3 THE WITNESS: Yes.

4 THE CLERK: You may be seated. Thank you.

5 MR. HUNT: May I approach, Your Honor?

6 THE COURT: You may.

7 EXAMINATION BY MR. HUNT:

8 Q. Mr. Pollock, I am going to hand you what I have
9 marked as Exhibit 1. This is Exhibit 1.

10 Do you recognize that document?

11 A. Yes.

12 Q. Is that a proposal that you gave my clients.
13 John Cram and Matt Chambers, to do work at their home?

14 A. It is.

15 Q. Okay. And did you agree, or did you estimate --
16 well, let me ask you. Do you consider this a fixed-price
17 contract or a cost plus?

18 A. I would consider this intended to be a fixed
19 price.

20 Q. Okay. And the fix --

21 A. It is an estimate, so thereabouts is what I was --

22 Q. Okay. And so you had been working on plans with
23 my clients before this contract was drawn up?

24 A. Yes.

25 Q. Okay. And then you gave them a fixed price, you

1 were going to do a partial renovation of their existing home
2 and do an addition as well, is that correct?

3 A. That's correct.

4 Q. All right. And the price for that, if you will
5 look on page three, was \$661,000, approximately?

6 A. That's right.

7 Q. Okay. And you estimated, Mr. Pollock, that for
8 materials it would cost \$365,000 --

9 A. Yes.

10 Q. -- plus \$49?

11 A. Yes.

12 Q. Okay. Is it true my clients have paid you every
13 bit of that?

14 A. It is.

15 Q. Okay. And you estimated to get them in their
16 house there would be, the labor cost would be \$296,159.50?

17 A. Yes.

18 Q. Okay. Do you know how much they have paid you in
19 labor?

20 A. Off the top of my head, no, I don't.

21 Q. Okay. Would it surprise you if they have paid you
22 almost a hundred and eighty-eight thousand dollars in labor?

23 A. No.

24 Q. It would not?

25 A. No.

1 Q. Okay. What on a scale zero to a hundred, what
2 percent would you say you have completed of that home, what
3 percent?

4 A. I would say probably around 50.

5 Q. 50 percent?

6 A. The foundation work was significant. There was a
7 lot of foundation work.

8 Q. Okay. And just telling me if I am accurate on
9 this, what you have done to date is you did some grading,
10 correct?

11 A. Yes.

12 Q. Foundation?

13 A. Yes.

14 Q. When you left the job you had done some framing,
15 correct?

16 A. Everything was framed except for the roof.

17 Q. Okay. Is it true you had not quite finished the
18 second floor framing?

19 A. I believe everything was there except for the
20 roof.

21 Q. Okay. Anyway, so it's true when you walked off
22 the job and dissolved your business the addition for my
23 client's home had no roof, correct?

24 A. That's correct.

25 Q. You got no roof, you got no material to finish

1 this, correct?

2 A. Right.

3 Q. Okay. Did you tell my clients you had spent
4 almost \$20,000 in plumbing?

5 A. I recall saying that there was a large expense for
6 everything that had happened underground while they were out
7 of town. I don't think that that was said specifically for
8 that one aspect, there was trench work and significant
9 excavation that was required in addition to the plumber's
10 fees.

11 Q. Okay. How come you haven't paid Medlock
12 Engineering.

13 A. I don't have the money to pay Medlock Engineering.

14 Q. What timeframe did Medlock Engineering come up
15 with engineering plans for this addition?

16 A. There was not a -- it was sort of an ongoing
17 cooperation with Medlock Engineering, so they would give me
18 pieces of the puzzle, you know, they didn't give me a
19 completed set for the entire building.

20 Q. Okay. But when did they first start their work?

21 A. I would have to say maybe back in February or so.

22 Q. Of 2018?

23 A. Yes -- or '19.

24 Q. Okay. And did you ever pay them a penny?

25 A. Yes.

1 Q. How much?

2 A. I was making payments with them, 1500, 2,000 at a
3 time. I don't recall exactly how many payments I made.

4 Q. Okay. Is it your -- well, did you have sufficient
5 funds from my clients to pay Medlock Engineering?

6 A. I believe so.

7 Q. Right. You got, isn't it true, Mr. Pollock, you
8 got the following materials check from my client, you got
9 the first one for \$91,261.25?

10 A. Yes.

11 Q. You got another one for \$92,000, correct?

12 A. Yes.

13 Q. You got third one for \$92,000, correct?

14 A. Yes.

15 Q. You got a fourth and final materials payment of
16 \$93,000?

17 A. Yes.

18 Q. Okay. And so you had plenty of money to pay
19 Medlock Engineering, didn't you?

20 A. I had to spend the only project --

21 Q. Mr. Pollock, the question is, did you have enough
22 money to pay them? You got paid \$368,000 in materials. Did
23 you have enough money to pay Medlock Engineering?

24 A. Yes.

25 Q. Why didn't you?

1 A. Because it was used for other aspects of the job
2 and not given to another.

3 Q. Did you bring anything with you today to show the
4 judge how much in materials you spent on this project?

5 A. No, I did not.

6 MR. HUNT: May I approach, Your Honor?

7 THE COURT: You may.

8 BY MR. HUNT:

9 Q. Mr. Pollock, I am going to hand you Exhibit 2.
10 Page one is something my clients put together.

11 Can you flip over to the third page there,
12 Mr. Pollock?

13 Are you looking at check number 2590?

14 A. I am

15 Q. All right. You've got an October 4th, 2008 (sic)
16 you got a check for \$91,261.25?

17 A. Yes.

18 Q. Okay. Flip over to the next page, Mr. Pollock.
19 In March, March 28th of 2019 you got a materials check for
20 \$92,000?

21 A. Yes.

22 Q. If you will flip over a page, Mr. Pollock. On
23 June 14th, 2019 you got another materials check for \$92,000?

24 A. Yes.

25 Q. Okay. And on July 26th of 2019 you, you asked for

1 another materials check from my clients, didn't you?

2 A. Yes, I let the client know that we had spent a
3 significant amount of money on the underground portion of
4 the job while they were out of town.

5 Q. The question was did you ask them for another
6 materials check of \$93,000 in late July 2019?

7 A. As I recall, he asked me if I needed another
8 materials check and I said yes.

9 Q. So you didn't ask him, he asked you if he could
10 give you money?

11 A. Yes.

12 Q. Okay. And you took the money, correct?

13 A. I did.

14 Q. Okay. Mr. Pollock, when did you first consult a
15 lawyer about dissolving Greenkind Builders, LLC?

16 A. It was a couple of weeks after meeting with Matt.

17 Q. A couple weeks after what?

18 A. After meeting with Matt Chambers.

19 MR. HUNT: May I approach, Your Honor?

20 THE COURT: You may.

21 BY MR. HUNT:

22 Q. Mr. Pollock, I am handing you Plaintiff's.
23 Exhibit 3. Do you recognize that?

24 A. Yes.

25 Q. You asked for assistance in dissolving Greenkind

1 Builders?

2 A. Yes, that's right.

3 Q. Okay. And you asked the Secretary of State to
4 consider Greenkind Builders, LLC, dissolved as of
5 August 12th, 2019?

6 A. Yes.

7 Q. And that's within 30 days of getting that fourth
8 materials check for \$93,000, correct?

9 A. Yes.

10 MR. HUNT: May I approach, Your Honor?

11 THE COURT: You may.

12 BY MR. HUNT:

13 Q. Mr. Pollock, I am handing you what I have marked
14 as Plaintiffs' Exhibit 4. Do you recognize that?

15 A. I do.

16 Q. And as of May 24th, 2019 you were making active
17 efforts to start another company?

18 A. Yes, that's right.

19 Q. And the name of the company is called Shelter
20 Inc.?

21 A. Yes.

22 Q. What were you sheltering?

23 A. It was not a -- it was intended to be another
24 construction company building small ADUs, accessory dwelling
25 units, things like that, nothing large.

1 If I could speak for a moment. My intention was
2 to finish the jobs that I was working on when I opened this
3 company and then scale back dramatically because the stress
4 and financial worries of being a large scale, to me large
5 scale builder, had just become too much. So Shelter was
6 intended to be something that I could do with maybe one
7 helper, or two helpers, and take on small jobs and no longer
8 do any new construction, you know, on a large scale.

9 Q. Did you set up a bank account for Shelter Inc.?

10 A. No, sir.

11 Q. It's your testimony under oath today that Shelter
12 Inc. never has had a bank account?

13 A. Yes, that's correct. I never did anything with
14 it.

15 Q. But as of May 24th, 2019, you knew you were going
16 to be scaling back Greenkind Builders, correct?

17 A. I knew that the stress was going to cause me to
18 make some changes. I knew this was going to be my final
19 year of doing these large projects, but up until the day
20 that I approached Mr. Craig, I had intentions of finding my
21 way through this. I had been, for the past year and a half,
22 doing everything I could to keep the business afloat and to
23 finish jobs as quickly as I could.

24 I was having difficulties all the way around with
25 my entire business and just trying to get to a point where

1 these projects were over and take on nothing big beyond that
2 point.

3 Q. At any time in your dealings with my clients did
4 you ever tell them you were having financial difficulties?

5 A. No, I don't believe I did.

6 Q. Did you ever tell them, in 2019 did you ever tell
7 my clients that you may not be able to finish their job?

8 A. No, I believe the only thing I had told him was
9 that I had significant tax debts and we had talked about how
10 I had been hoping to be able to purchase a home with the
11 help of another individual and that did not happen.

12 Q. You had hoped to do what?

13 A. Purchase a home for my family. But that didn't
14 work out. So everything that I was doing was with the best
15 intent. I meant to finish all of the jobs that I had and
16 then start another company doing smaller scale projects so
17 that I would have lower stress and less chance of getting
18 into financial trouble. I just didn't make it that far.

19 Q. You -- we went through, you got a check from my
20 clients for \$92,000 for materials on June 14th, 2019?

21 A. Yes.

22 Q. And before you asked for that check and got that
23 check you were making efforts to start a different company,
24 correct?

25 A. Yes, but I was not making efforts to dissolve

1 Greenkind, I was only making efforts to, you know, set
2 something up for in the future, and all that's there is the
3 name and it's registered. I never did anything with it.

4 Q. Okay. And then you asked, or you said you didn't
5 ask for it, my clients, I guess, volunteered paying you
6 another \$93,000 on June 26th, 2019, and at that time you
7 were making efforts to start a new company, correct?

8 A. The paper that you hold in your hand is the extent
9 of the effort that I made on that venture. Nothing else was
10 done.

11 Q. And you have already testified you brought
12 nothing, no evidence today, to show that you, what you did
13 with this, with these material payments that you got?

14 A. Part of the reason that --

15 Q. That's a yes or no, sir.

16 A. No.

17 Q. Did you bring any documents with you today?

18 A. The only thing that I brought was the TRO that you
19 sent.

20 Q. Okay. So yes or no, you have brought no documents
21 today to show how you spent a penny of the materials checks
22 that my clients paid to you?

23 A. That's correct.

24 Q. Mr. Pollock, tell us what subcontractors that
25 worked, the subcontractors and material men that either

1 provided material -- well, let's just take it one at a time.

2 What material men do you know that provided
3 materials to my clients' project that you have not paid?

4 A. Network Distributors. And as far as materials, I
5 believe that is all.

6 Q. Okay. What subcontractors that provided labor or
7 materials on this project are you aware of have not been
8 paid?

9 A. Backwoods Grading is owed, and Blue Way Concrete
10 is owed.

11 Q. And what was it, Blue what?

12 A. Blue Way.

13 Q. And then what about Medlock Engineering?

14 A. Medlock Engineering.

15 Q. How much is Blue Way Contracting claiming it's
16 owed, Blue Way Concrete?

17 A. I don't recall the amount that's left due. I was
18 making payments with them. I made, the last payment I made
19 to them was for about \$8700 and I have made many payments to
20 them.

21 Q. Tell me every payment you made, if you can, after
22 you got the materials check of June 14, 2019 on this
23 project?

24 A. Okay. The one I just mentioned was one.

25 Q. To Blue Way Concrete?

1 A. Yes. I made another about \$2,000 purchase with
2 Summit Materials that were delivered.

3 I paid, I recall writing a check to the plumber.

4 Q. After June 20 -- after June 14th, 2019?

5 A. Yes.

6 Q. Do you recall the approximate amount?

7 A. I do not.

8 Q. Any other subcontractors and material men that you
9 recall paying after you got this materials check on June 14,
10 2019?

11 A. Not that I can clearly recall.

12 Q. If you had, as best you can, estimate the total
13 sum of those payments that you just told me about. You said
14 Blue, Blue Way, you said Summit Materials and a check to a
15 plumber, the sum total?

16 A. Somewhere in the neighborhood of 16 or 17,000 for
17 those.

18 Q. Then you got a check for 90 -- well, excuse me.

19 Then you got another material check dated July 26.
20 After you got that material check, tell us every material
21 men or subcontractor you paid.

22 A. Sorry, the checks that we just went through, that
23 was for the final payment that I received, and which one are
24 you asking for now?

25 Q. Well, I was asking about the June 14th, 2019

1 check?

2 A. Oh, I see. So then I mixed up the checks.

3 What the numbers I just gave you were concerning
4 the final payment that you made.

5 Q. All right. So out of that \$93,000, it's your
6 recollection that you paid a sum total of around 16 or
7 \$17,000?

8 A. I believe so, for materials, yes.

9 Q. Well, let's go back. After the -- and you got,
10 Mr. Pollock, you got a check on June 14th, 2019. Did you
11 pay any material men or subcontractors after getting that
12 check?

13 A. I am sure I did, yes.

14 Q. Can you testify with any accuracy who you recall
15 paying?

16 A. It would have been the lumber company, Summit,
17 Summit Building Materials, probably the concrete company,
18 Southern Concrete. I paid, paid for some, some windows for
19 the existing house. Those, they were not picked up but they
20 are there at the suppliers.

21 Q. Who is that supplier?

22 A. Rhodes Glass.

23 Q. Rhodes Glass?

24 A. Yes.

25 Q. Are you positive that you paid Rhodes Glass?

1 A. I believe I did. I had been in the practice of
2 paying Rhodes Glass in advance for quite awhile because of I
3 had gotten behind with them a couple of years prior on
4 another job, so I was paying for everything in advance
5 through them. But there were --

6 Q. After you got that June 14th check, how much do
7 you think you paid Rhodes Glass?

8 A. I don't recall. It wasn't a large window order,
9 they were just for a dormer that we put in.

10 Q. Are we talking about less than 5,000?

11 A. Yes, probably.

12 Q. All right. And after you got that June 14th
13 check, how much do you recall paying Southern Concrete in
14 materials?

15 A. I don't recall with any accuracy how much any of
16 the other payments were for. There were a lot of them. There
17 were a lot of people working on the job during the time the
18 homeowners were away. We had plumbers and electricians and
19 excavators as well as carpenters and HVAC repairmen, so I
20 can't state with any accuracy what payments were made.
21 There was a lot of activity during that time.

22 Q. Okay. But we do know -- well, it sounds like you
23 are fairly confident that after you got the final check of
24 \$93,000 the most you spent was 16 to 17?

25 A. Yes. For materials.

1 Q. Mr. Pollock, what bank accounts did Greenkind
2 Builders have in 2019?

3 A. Just one.

4 Q. Where at?

5 A. Telco Community Credit Union.

6 Q. And how many bank accounts did you individually
7 have?

8 A. Just one.

9 Q. Where?

10 A. Telco also.

11 Q. So under oath your testimony is that in two
12 thousand -- for all times in 2019 the only bank accounts
13 that Greenkind Builders, LLC, had was at Telco?

14 A. Yes.

15 Q. And it's also your testimony under oath that the
16 only bank account you had in 2019 was also at Telco?

17 A. Yes.

18 Q. You have several children, Mr. Pollock?

19 A. I do. I have four.

20 Q. Okay. And their mother's name is what?

21 A. Tiffany.

22 Q. And how long have you all been together?

23 A. Fifteen years or so.

24 Q. And you have how many children?

25 A. Four.

1 Q. Okay. Do you have a joint bank account with
2 Tiffany Helton?

3 A. No.

4 Q. Mr. Pollock, where -- how much do you have in your
5 account right now, personal account?

6 A. Under \$500.

7 Q. After you paid subcontractors and material men
8 after you got a \$93,000 check, you should have at least
9 \$80,000 left. Where did the money go?

10 A. If I was running an efficient business, that would
11 be the case, but I had been having difficulty keeping my
12 business afloat for the past year and a half. I had tax
13 debts and other debts to other subcontractors, other jobs,
14 and I was pooling the money in order to pay for all jobs and
15 keep all jobs afloat. So my intention was to replace the
16 money that was used when I received a payment from another
17 job.

18 Q. But specifically I want to know where, what you
19 did with the minimum \$80,000 you would have had left after
20 you paid the very limited number of bills that you paid
21 after June 27th of 2019.

22 Well, let me back up. Did you take that check and
23 put it in the Telco account?

24 A. I did.

25 Q. Which account?

1 A. My business account.

2 Q. In the Greenkind Builders, LLC. Okay. And did
3 you make cash withdrawals from that account?

4 A. I don't recall if I made cash withdrawals from
5 that account.

6 Q. If you didn't make cash withdrawals, we would be
7 able to get checks and find out where you spent the money,
8 wouldn't we?

9 A. Yes.

10 Q. Did you pay some sort of tax lien?

11 A. I paid back taxes that I had owed for, I believe,
12 second quarter 2019, other business expenses. All of the
13 money that was in my business checking account, whether it
14 came in, you know, I had one account. If a check was for
15 labor and materials, it all went into the same account and
16 those funds were used for all business operations to keep
17 the jobs going.

18 Q. What was the -- did you -- I want to know
19 everything about your history with the IRS. When was the
20 first time they had a tax lien?

21 A. Around January of last year.

22 Q. January of 2018 or --

23 A. Yes, I believe so.

24 Q. And how much was that for?

25 A. If I recall, around 47,000.

1 Q. And how did you accrue that tax bill with the IRS?

2 A. I had three or four years of unfiled taxes.

3 Q. Okay. In total how many tax liens have you been
4 subject to. You told us about the first one in January of
5 2018. What's the next time there was a tax lien?

6 A. I don't recall specifics on the matter. I do know
7 that I owe the IRS roughly a hundred thousand dollars total.

8 Q. That you do or you did?

9 A. Do.

10 Q. What is the most you ever owed the IRS at one
11 time?

12 A. A hundred thousand dollars.

13 Q. Have you satisfied any of the tax liens, with the
14 IRS tax liens?

15 A. I have paid -- no, I have not. I have been, I'm
16 talking with them about reaching a payment plan because I
17 wasn't able to pay any lump sums. So I was in the process
18 of negotiating and setting up that payment plan. I was
19 trying to get all of my books and everything in order. I
20 was trying to satisfy the IRS requirements, keep my business
21 afloat and protect my credit in hopes that I would soon one
22 day hopefully buy a home. I was doing everything I could to
23 make things right, cleaning up messes.

24 Q. Have you paid off that \$47,000 tax lien?

25 A. No.

1 Q. In the year 2018, regardless of the amount of the
2 liens, how much did you pay on the tax liens?

3 A. I was only paying my current taxes in 2018 when I
4 negotiated with the IRS for past debts.

5 Q. In 2019 how many -- what is the total that you
6 have paid on any tax liens that you are subject to?

7 A. I believe it's the same. I was paying current
8 taxes.

9 Q. Who is the human being that you talked to at the
10 IRS about your tax situation?

11 A. Revenue Officer Brown.

12 Q. What is Officer Brown's first name?

13 A. I don't know that she ever gave it to me.

14 Q. Where is her office?

15 A. It is in the federal building.

16 Q. Are you subject to criminal prosecution if you
17 don't pay those tax liens?

18 A. I hope not. As I said, I have been in
19 communication with them this entire time trying to reach an
20 agreement. We had just recently reached an agreement that
21 it's supposed to be for \$1200 a month and they sent me
22 paperwork on that, I signed it and returned it, and then
23 never heard anything back from them as far as getting a
24 program started.

25 I have been working with a company in California

1 to, a tax attorney in California to try and get this all
2 resolved.

3 Q. Mr. -- that \$93,000, that last check you got from
4 my clients, have you taken a portion of that and put it into
5 your personal bank account?

6 A. A portion, yes.

7 Q. How much?

8 A. I don't recall exactly how much.

9 Q. Do you agree with me that you have not earned that
10 last \$93,000?

11 A. I do.

12 Q. I asked you how much money is in your bank account
13 and you said 500. Were you talking about your personal or
14 your business account?

15 A. Personal.

16 Q. How much is in your business account?

17 A. My business account was closed on the 20th of last
18 month.

19 Q. Mr. Pollock, have you taken money from my clients
20 and hidden it somewhere to hopefully take care of the IRS
21 tax lien?

22 A. No, I have not.

23 Q. And you can't tell the court today where that 80
24 some thousand dollars that you should have left over, you
25 can't tell the court where that went?

1 A. I can show you bank statements but I don't have
2 answers off the top of my head. It was used for all sorts
3 of, all sorts of operating expenses.

4 Q. Have you taken money that went into the business
5 account that my clients paid you and transferred money into
6 Tiffany Helton's account?

7 A. Tiffany does not have an account.

8 Q. Tiffany Helton has no bank account?

9 A. No.

10 Q. Mr. Pollock, Mr. Craig was speaking to the court
11 earlier and he said that you couldn't afford to hire him if
12 you couldn't access your money?

13 A. That's right, that's what he said.

14 Q. Is it your testimony that you were going to be
15 able to hire Mr. Craig for the \$500 that you told us is --

16 A. No.

17 Q. -- is the total amount that you have in your name?

18 A. No. No, it's not.

19 Q. Then why did you need him -- what account were you
20 going to access to be able to pay Mr. Craig?

21 A. When I closed the business account and withdrew
22 the remaining money in there, I had that money in cash to
23 give to Mr. Craig.

24 Q. And how much was that?

25 A. I had \$8700 and borrowed some additional funds.

1 Q. Where do you keep that -- well, never mind, I am
2 not going to ask you where you keep it.

3 Well, no, I am going to ask. Where do you have
4 the \$8700?

5 A. I don't have it. I don't have it.

6 Q. You just told us you have it?

7 A. I gave it to Mr. Craig.

8 Q. Well, Mr. Craig told the court that he needed this
9 TRO lifted so that you could get money out of an account,
10 but he did not tell the court that he already had that
11 money?

12 A. I didn't ask Mr. Craig to say anything that he
13 said. I think he was just trying to determine whether or
14 not he would be able to help me and represent me in this
15 matter without causing me further trouble.

16 MR. HUNT: May I approach, Your Honor?

17 THE COURT: Yeah. Pretty close to finishing up?

18 MR. HUNT: I am, Your Honor.

19 THE COURT: All right.

20 BY MR. HUNT:

21 Q. Mr. Pollock, I am going to hand you Exhibit 5 and
22 cut to the chase. You agree that my clients in labor have
23 paid -- made payments to Greenkind of \$187,865.87?

24 A. Yes.

25 Q. Okay. Do you agree that Greenkind has received

1 approximately \$550,000 from my clients?

2 A. Yes.

3 Q. Okay. And the estimate or the fixed price was
4 \$660,000, correct?

5 A. That's right.

6 Q. And per your own testimony the most Greenkind has
7 completed is 50 percent of the project?

8 A. Yes, but I wouldn't say that 50 percent of the
9 money, just 50 percent of the time.

10 Q. Well, could any contractor get them in that house,
11 per the plans, for another hundred thousand dollars?

12 A. Maybe one who shortchanges themselves as much as I
13 do.

14 Q. Do you feel like you got shortchanged on this
15 project?

16 A. I feel like I underestimate habitually. I feel
17 like I -- the reason that I am in this boat is for not
18 charging enough, not estimating properly, not managing my
19 business properly.

20 I had no intention of defrauding anyone. As I
21 said before, my intention was to finish every project I have
22 had going. I finished many projects up until this date, one
23 of them for Mr. Chambers, and have plenty of happy
24 customers. But I, but so I do not admit to intending to
25 defraud anyone. I do admit to being a terrible business

1 man. My record keeping, my efficiency --

2 MR. HUNT: Objection, Your Honor, motion to
3 strike.

4 THE COURT: Allowed. Are you about finished up?

5 MR. HUNT: Yeah. No, further questions,
6 Your Honor.

7 Well, one.

8 BY MR. HUNT:

9 Q. How many employees did you have in the summer of
10 2019?

11 A. Four or five.

12 Q. Were they independent contractors or employees?

13 A. They were employees.

14 MR. HUNT: No further questions.

15 THE COURT: Thank you, Mr. Hunt.

16 You can step down, sir.

17 MR. HUNT: Your Honor, I think I got all the
18 evidence I needed in through Mr. Pollock. I am not going to
19 call Mr. Chambers.

20 THE COURT: All right. Mr. Pollock, anything you
21 wish to say to the court at this time? This is essentially
22 a motion to, we have got a temporary restraining order that
23 had been in place and so the next, what's on the agenda for
24 today is the court's decision to grant a preliminary
25 injunction which would continue the basic terms of the

1 temporary restraining order after the closure of this case.

2 So anything you wish to say?

3 MR. POLLOCK: I would just wish to say what I had
4 been trying to say that was stricken from the record. I
5 started this business with the best intentions. I always
6 wanted to go above and beyond for every client. I believe I
7 did that for the past project that I did for Mr. Chambers,
8 and I believe I have other projects that have turned out
9 very, very well, happy customers.

10 I never had an intention to hurt anyone but I was
11 drowning in debt, my business was falling apart, and I was
12 doing everything that I could do save it, salvage it, for
13 the benefit of everyone involved, and at that point, if I
14 could reach that point, I intended to scale back
15 dramatically.

16 So I am guilty of being terrible at this, but I
17 never intended to hurt anyone.

18 THE COURT: All right. Thank you, Mr. Pollock,
19 the court appreciates that.

20 All right. Having heard this evidence the court
21 is going to grant the preliminary injunction.

22 Mr. Hunt, if you will draft an order to that
23 effect, and I should be around most of the week this week,
24 so bring it up to the ninth floor, I will be happy to
25 entertain that. All right.

1 MR. HUNT: Thank you, Your Honor.

2 THE COURT: Thank you, gentlemen, appreciate it.

3 (Proceedings concluded at 2:49 p.m.)
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

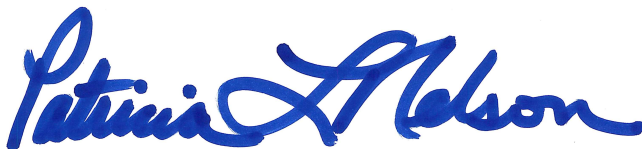
1 STATE OF NORTH CAROLINA

2 COUNTY OF DURHAM

3
4 **CERTIFICATION OF TRANSCRIPT**

5
6 This is to certify that the foregoing transcript
7 of proceedings taken at the September 30, 2019 session of
8 Durham County Superior Court is a true and accurate
9 transcript of the proceedings taken by me and transcribed by
10 me. I further certify that I am not related to any party or
11 attorney, nor do I have any interest whatsoever in the
12 outcome of this action.

13 This date: October 30, 2019

14
15 

16 _____
17 Patricia Nelson, CSR, RPR, RMR
18 Official Court Reporter
19 60 Court Plaza
20 Asheville, North Carolina 28801
21 Patricia.L.Nelson@nccourts.org
22 (828) 259-6509
23
24
25