

## AFFIDAVIT OF FACT

Before me, the undersigned authority, personally appeared **Joseph Powers**, who being by me duly sworn, deposed as follows: “I, **JOSEPH R. POWERS** a man/woman and a creation of God-Almighty, am over the age of consent, am of sound mind, and have personal knowledge of the matters stated herein. I have created this Affidavit to establish the true facts of this matter, because this matter lacks the standard of regularity. I declare under the penalty of perjury by the laws of the United States of America, that I testify here, and will testify in open court, that the facts stated herein are the truth, the whole truth, and nothing but the truth, so help me God.”

## TIMELINE OF EVENTS

1. Marjorie Puka (GRANTOR) does not want to sell 612 Northern Pine CT, Twin Falls ID 83301 (PROPERTY).
2. Gene was going to pay \$340,000 in cash the next day if Joseph Powers did not accept offer.
3. Marjorie Puka and Thomas Puka (HUSBAND) built and developed PROPERTY together.
4. Marjorie Puka spent the last 17 years of Thomas Puka’s life together at PROPERTY (STORY).
5. Marjorie Puka cried on the shoulder and told this STORY to Kevin R. Powers (son-in-law).
6. Marjorie Puka cried on the shoulder and told this STORY to Denise R. Powers (daughter).
7. Marjorie Puka cried on the shoulder and told this STORY to Racheal Dixon (grandchild).
8. Marjorie Puka cried on the shoulder and told this STORY to Adam Dixon (grandchild’s spouse).
9. Marjorie Puka cried on the shoulder and told this STORY to Joseph R. Powers (grandchild).

10. Marjorie Puka cried on the shoulder and told this STORY to Lucinda Nevarez (grandchild's spouse).
11. Marjorie Puka cried on the shoulder and told this STORY to her next-door neighbor at her new residence.
12. Marjorie Puka cried and told this STORY to Dave Taylor (Trust Protector).
13. Marjorie Puka wants to keep the PROPERTY in the family.
14. Marjorie Puka wants to visit the PROPERTY.
15. Marjorie Puka agrees to keep PROPERTY in the family.
16. Marjorie Puka agrees to take the value of the PROPERTY, at the time of Marjorie Puka's passing, from Denise Powers' inheritance.
17. Marjorie Puka, Denise Powers, Joseph Powers, and Lucinda Nevarez all came together and had a meeting meeting of the minds (promise for a promise).
18. Marjorie Puka & Denise Powers offer Joseph Powers & Lucinda Nevarez to occupy PROPERTY in perpetuity.
19. Marjorie Puka did not want to sell house because of capital gain taxes because she just transferred the house into the trust.
20. GRANTOR & TRUSTEE agree after GRANTOR dies, PROPERTY will be transferred to the KDP Trust pursuant to amendment in IRREVOCABLE TRUST DOCUMENT.
21. Marjorie Puka & Denise Powers offer to Joseph Powers & Lucinda Nevarez of PROPERTY to include Joseph Powers & Lucinda Nevarez paying housing cost not to exceed the current housing cost that Joseph Powers & Lucinda Nevarez were currently paying at their previous residence of \$330.51 (ORIGINAL CONTRACT) at 413 2nd Ave W., Jerome ID 83338.
22. Marjorie Puka & Denise Powers offer to Joseph Powers & Lucinda Nevarez of PROPERTY to include Joseph Powers & Lucinda Nevarez to pay PROPERTY insurance.

23. Marjorie Puka & Denise Powers offer to Joseph Powers & Lucinda Nevarez of PROPERTY to include Joseph Powers & Lucinda Nevarez to pay PROPERTY tax.
24. Marjorie Puka & Denise Powers offer to Joseph Powers & Lucinda Nevarez of PROPERTY to include Joseph Powers & Lucinda Nevarez to pay for all repairs to PROPERTY.
25. Marjorie Puka & Denise Powers offer to Joseph Powers & Lucinda Nevarez of PROPERTY to include Joseph Powers & Lucinda Nevarez to pay PROPERTY utilities.
26. Joseph Powers & Lucinda Nevarez accept the offer of PROPERTY.
27. Joseph Powers & Lucinda Nevarez move into PROPERTY on or about March 26, 2022.
28. On or about April 1, 2022, GRANTOR & TRUSTEE payment for tax and insurance was tendered and accepted by Joseph R. Powers & Lucinda Nevarez for \$1,000 cash for PROPERTY contract.
29. On August 7, 2022, GRANTOR & TRUSTEE payment for tax and insurance was tendered and accepted by Joseph R. Powers & Lucinda Nevarez for \$231.71 for PROPERTY contract.
30. On September 5, 2022, GRANTOR & TRUSTEE payment for tax and insurance was tendered and accepted by Joseph R. Powers & Lucinda Nevarez for \$231.71 for PROPERTY contract.
31. On September 9, 2022, Joseph R. Powers & Lucinda A. Nevarez close on their previous home.
32. On October 1, 2022, GRANTOR & TRUSTEE payment for tax and insurance was tendered and accepted by Joseph R. Powers & Lucinda Nevarez for \$231.71 for PROPERTY contract.
33. On October 7, 2022, TRUSTEE & Joseph R. Powers updates PROPERTY insurance.
34. On October 11, 2022, GRANTOR cancels PROPERTY insurance.
35. On October 11, 2022, GRANTOR purchases PROPERTY insurance under the legal Marjorie A. Puka.

- 36. On October 11, 2022, GRANTOR Breaches Contract with PLAINTIFF by purchasing insurance.**
37. On October 13, 2022, TRUST PROTECTOR removes Denise Powers as TRUSTEE.
38. On or about October 13, 2022, TRUST PROTECTOR adds Charmelle Yvonne Puka and Diana Janette Golay as (NEW TRUSTEE)
39. On October 14, 2022, David Taylor (TRUST PROTECTOR) sends unsubstantiated threatening extortion demand letter to Joseph Powers to vacate property or to accept unilaterally contract adjustment (without a meeting of the minds).
40. TRUST PROTECTOR'S demand letter sent on October 14, 2022, was the first time the GRANTOR & NEW TRUSTEE attempted to communicate with Joseph Powers & Lucinda Nevarez regarding PROPERTY contract.
41. On October 18, 2022, Joseph Powers sends Trust Protector a DEMAND VERIFICATION letter.
42. On October 18, 2022, TRUST PROTECTOR says, "I did try to convey to your mom [Marjorie Puka] that evicting Joe isn't exactly fair to him because he sold his house in reliance of the living arrangement."
43. On October 19, 2022, TRUST PROTECTOR responds to DEMAND VERIFICATION letter, "I [David Taylor] no longer represent Marge nor Janette/Charmelle (trustees) in the Trust's claim against you."
44. On October 21, 2022, NEW TRUSTEE & GRANTOR do *not* respond to Joseph Powers DEMAND VERIFICATION letter.
45. On October 21, 2022, NEW TRUSTEE & GRANTOR gave tacit consent & acceptance to honor the ORIGINAL CONTRACT.
46. On October 26, 2022, NEW TRUSTEE refuses to let Joseph R. Powers pay TRUST PROPERTY tax and insurance.
47. On October 26, 2022, NEW TRUSTEE threatens Joseph R. Powers & Lucinda Nevarez to sign "lease" before TRUST PROTECTOR can tell Joseph R. Powers & Lucinda Nevarez how to pay the TRUST for PROPERTY tax and insurance.

48. On October 27, 2022, NEW TRUSTEE & GRANTOR send the previous TRUSTEE a DEMAND letter.
49. On October 28, 2022, NEW TRUSTEE refuse Joseph R. Powers' check payable to Marge Puka Irrevocable Trust of \$1,390.26 for six months of property tax and house insurance.
50. On November 20, 2022, NEW TRUSTEE demands a reimbursement check payable to Marge Puka Irrevocable Trust.
51. I am not an expert in the law however I do know right from wrong. If there is any human being damaged by any statements herein, if he/she will inform me by facts I will sincerely make every effort to amend my ways. I hereby and herein reserve the right to amend and make amendments to this document as necessary in order that the truth may be ascertained and proceedings justly determined. If the parties given notice by means of this document have information that would controvert and overcome this Affidavit, please advise me IN WRITTEN AFFIDAVIT FORM within three (3) days from receipt hereof, providing me with your counter affidavit, proving with particularity by stating all requisite actual evidentiary fact and all requisite actual law, and not merely the ultimate facts or conclusions of law, that this Affidavit Statement is substantially and materially false sufficiently to change materially my status and factual declarations. Your silence stands as consent to, and tacit approval of, the factual declarations herein being established as fact as a matter of law. May the will of our Heavenly Father, through the power and authority of the blood of his son be done on Earth as it is in Heaven.

**Pursuant to 28 USC § 1746(1)**

*"...any matter is required or permitted to be supported, evidenced, established, or proved by the sworn declaration, verification, certificate, statement, oath, or affidavit, in writing of the person making the same, such matter may, with like force and effect, be supported, evidenced, established, or proved by the unsworn declaration, certificate, verification, or statement, in writing of such person which is subscribed by him, as true under penalty of perjury, and dated, in substantially the following form:"*

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on this the \_\_\_ day, of the \_\_\_ month, in the year of our Lord and Savior, two thousand twenty two.

Notary used without prejudice to my rights: BE IT REMEMBERED, That on this \_\_\_\_\_ day of \_\_\_\_\_ in the year of our LORD, two thousand and twenty, personally appeared before me, the Subscriber, a Notary Public for the **State of Idaho, Denise Powers**, party to this Document, known to me personally to be such, and he acknowledged this Document to be his act and deed. Given under my hand and seal of office, the day and year aforesaid.

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Notary Public Sitting in, and for, The State of Idaho.

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marge pukas wishes

she does not want to sell the on 612 northern pine ct as her and her husband build and they

physically wired that house and , 17 yrs of memories

1. she cried on the shoulder and told this story to:

kevin, joe, lucinda, racheal, adam, the next door neighbor and i was last shoulder to cry on and

here the story

2. the house was going to be sold to kevins friend, gene the next day so denise had to come up

with quick solutions to make margs wishes happen

denises ideas/solutions-

1. let it sit empty-not a great plan

2. rent it to strangers-not a great plan as they could trash the house

3. turn it into an airbnb-no as i dont want to hassle with that

4. keep the house in the bloodline and have a family member live there

a. who would want to step up to the plate and take the house?

b. charmelle and janette really rely on their inheritance and denise doesnt.

c. run it by marge- denise would like the house as part of her 1/3 inheritance

d. out of all the bloodline family members, joe is the only one i can think of that would love to live

in that house as their 6 yr old daughter sleeps on a bunk bed in the washer/dry room above the

washer/dryer, cat infested street causing joes allergies always on high alert, their yard is all dirt

so it is one big litter box,

5. ran this idea by marge- I would love to honor your wishes so you can keep the house. how

about we keep the house in the family bloodline, you can gift me the house upon your death and

I will give up \$400,000 of my 1/3 of the inheratant, and we can let joe and family live there and

he can pay rent/be the caretaker and you can go visit the house anytime you would like.

marges answer-

crying and hugging as she loved that idea that it will say in the family bloodline.

kevin called joe and put him on speaker and mom asked joe if him and his family wanted to

move into that house and joe accepted

how much rent-

joe and lucinda are paying \$331.51/mo for their home in jerome. that included property taxes,

principle and interest. they cant afford much rent and my mom agreed that they cant afford

much rent so i checked out how much house insurance and property taxes were which came up

to \$231.75



contract between marge, denise, joe and lucinda

1. joe and lucinda will pay the house insurance and property taxes
  2. joe and lucinda will pay for all repair to the house
  3. joe and lucinda will be the caretakers of the house while marge is living
- estate planner

1. mom told dave taylor the whole story about how she cried on everyones shoulders and didnt

want to sell the house so we are amending margs trust that the house on 612 northern pine ct

will go to denise at the time of margs death as 1/3 of her inheratance

aug 2022

marge puka states via text message, that she sentimental feelings about all the houses she has

lived in, Lots of good memories at all of them but i dont want to own any of them. I have moved

on from each of them. She now states that it isnt fair for denise to get a \$400,000 house and

their son joe gets to live in it rent free. She now feels that in order to be fair, charmelle and

janette should also get something "now"

since joe is living there rent free, she feels that janette and charmelle should get a check every

month in the amount of \$1975. This is the amount Zillow says rent on the house should be plus

reimbursed \$2000/mo since april..\$10,000 and If I dont honor margs "new" wishes then she

wants me off as trustee of the irrevocable trust and have janette take my place via text message

conversation

reasoning behind her changing her mind

1. Marge is a vulnerable adult and is being taken advantage of by Janette/Charmelle and greed

of wanting money

2. Denise, Kevin, Marge, and Charmelle all have agreed, after my dad passed away in April 2021

that Janette is showing symptoms of being a narcissist.

3. In Aug 2021, Marge and Denise were preparing Marge's irrevocable trust and Marge and Denise

let Dave know a lot about Janette and warned of her behaviors.

Denise's mindset and wishes

1. I am not sure how long ago, maybe 20 yrs ago, my dad started opening up trust accounts in

my name in the tune of maybe \$500,000 total? I have never given my dad any reason to not trust

me with the \$500,000. In my parents' will, I have been the only executor,

on my mom's irrevocable trust, I am the trustee.

2. via many text messages from the end of March 2022 till present, I have always stated that the

only reason I am giving up \$400,000 of my 1/3 inheritance is to honor my mom's wishes and

have the house at 612 Northern Pine Ct stay in the family for her as she was heart broken and

didn't want to sell it and I wanted to make that happen for her

3. Do I personally want that house? No, I don't.

4. My mindset had nothing to do with greed