

EXHIBIT Z 13  
COPY

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

STATE OF MINNESOTA DISTRICT COURT  
COUNTY OF DAKOTA FIRST JUDICIAL DISTRICT

-----  
In Re the Estate of File No. 23090  
Jane D. Duchene,  
Decedent.  
-----

Deposition of  
BESSIE KRAUSE  
January 11, 1988  
1:30 o'clock p.m.

Marty Ellerbroek  
Court Reporter  
ASK, ZENDER & KNIEBEL  
Suite 500, 701 Fourth Avenue South  
Minneapolis, Minnesota 55415  
(612) 332-2603

Ask Zender & Kniebel  
Registered Professional Reporters

A-342

Z13  
42

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

Q. What time was your meeting with Reichstadt scheduled for?

A. At seven or as close after seven as we could make it. He preferred seven.

Q. Do you remember what time you picked Jane up?

A. We were late. We were supposed to pick her up at 5:30 but we were running a little bit late so it was 5:40, 5:40, whatever.

Q. Do you recall the conversation in the car over to the restaurant and at the restaurant with Jane?

MR. HENDRICKSON: Excuse me. I'm going to stop this here.

A. No. Just a general conversation about the cold weather and this, that, and another.

Q. Did you specifically discuss the problems that Jane was having?

A. No, no, no. Why spoil dinner. She was unaware of what was going to happen or what was taking place. She didn't know we were going to a meeting.

Q. She didn't know that at that point?

A. No.

Q. When was it she knew that?

A. After we finished eating.

Q. Did she make any complaints that evening at dinner?

A. Yeah, she did talk about some apartment she had

A-347

1 conversations about any of these matters prior to that  
2 meeting with Reichstadt and Jane?

3 A. No, not that I know of.

4 Q. That evening then Mr. Briguet revoked the earlier  
5 signed power of attorney and granted Roger a power of  
6 attorney, is that correct?

7 A. Correct.

8 Q. Is that the only part of that evening that you were  
9 involved in?

10 A. Well, I wasn't involved in it. I was -- I sat off  
11 in the corner.

12 Q. But were you involved in any of the discussions  
13 other than at the point when the power of attorney was  
14 drafted?

15 A. I wasn't involved in any discussion. I wasn't part  
16 of it.

17 Q. Did you make any allegations against Mary Jane that  
18 evening?

19 A. I was not involved in any discussion at all.

20 Q. So your answer to that would be no, you didn't make  
21 any allegations, is that correct?

22 A. Correct.

23 Q. How did that discussion with Messrs. Reichstadt,  
24 Baetzel, and Briguet and Jane Duchene end that evening?

25 MR. HENDRICKSON: Objection, confusing. What do you

1 Thursday, March 20th, at any point did you make any  
2 allegations against Mary Jane Duchene of mistreatment of Jane  
3 to Massman or Reichstadt or Baetzel or any of these people?

4 A. I didn't make any statement of mistreatment.

5 Q. Do you know a woman named Judy Melander?

6 A. No. I don't know Judy Melander.

7 Q. Was there any other person other than your group  
8 and Mary Jane that were at the house that evening?

9 A. Some young girl. Is that the Judy she means? Some  
10 young gal came in after she had been there a while. She let  
11 herself in the front door.

12 Q. The door must not have been locked at that point  
13 either?

14 A. I wouldn't know.

15 Q. What happened? You left yourself uninvolved in the  
16 conversations at Jane's house then?

17 A. Pardon?

18 Q. You stayed away from the conversation? You weren't  
19 involved at that time?

20 A. The conversations all took place in the bedroom or  
21 kitchen. I was in the living room.

22 Q. Was Roger involved in those conversations?

23 A. I don't think he did much talking. He was carrying  
24 out things or gathering things for Jane. She'd pick out  
25 things and gathered them.

1 A. Yes.

2 Q. Any other discussions that you can recall?

3 A. Then later, shortly before she passed away I had  
4 Roger sick at home but I felt as though I was concerned about  
5 Jane so I would get my fruit and my flowers and go over and  
6 see her frequently and on the Saturday before she died she  
7 was as clear mentally, better than I am. And we discussed a  
8 lot of things. And out of the clear blue she asked me if  
9 Roger had a will and I said yes. We're prepared. She said,  
10 "Good, because I owe you so much. You have been so good to  
11 me". And she thanked me for everything I have done. She  
12 said, "If Roger has a will you will be taken care of".

13 Q. Do you recall any further conversations or any  
14 other conversations?

15 A. Not about that.

16 Q. I have no further questions.

17 MR. RIDLEY: I have nothing.

18 MR. HENDRICKSON: Mrs. Krause, you have an  
19 opportunity to review a copy of the transcript that the court  
20 reporter has taken down to make corrections for any clerical  
21 errors that the court reporter may have made in taking down  
22 something that you said. You also have the right to waive  
23 that and I suggest that you waive your right at this point.

24 THE WITNESS: Okay.

25 MR. HENDRICKSON: Do you waive your right at this

*over* C. Madic's lines 31 and over  
Massman's deposition page 212  
32 and 33

1           A.    Yes, I did.  
2           Q.    Was there any reason why you did believe those?  
3           A.    Well, I've known Jane to be a truthful person.  
4 Jane -- Jane did not harm anyone.  
5           Q.    Had Jane changed any? Subsequent to learning about  
6 her cancer had she changed in any way to the best of your  
7 knowledge?  
8           A.    I'm sure she did a lot of thinking and: sure, ..  
9 anybody getting that verdict changes.  
10          Q.    Did it concern you that those changes may have had  
11 some effect on her truthfulness at that point?  
12          A.    No.  
13          Q.    No. On Tuesday, March 18th, then this was the  
14 night after you have talked to Jane. Did you then call Nancy  
15 Massman?  
16          A.    Yes. I said I did.  
17          Q.    Was that of your own volition?  
18          A.    Yes.  
19          Q.    And what was the conversation you had with Nancy  
20 Massman?  
21          A.    I said, "Nancy, Jane called asking for help". I  
22 said, "There is nothing I can do. We do not want to get  
23 involved. You were taking care of her. Will you please call  
24 her".  
25          Q.    That was the extent of your conversation with Nancy

A-339

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

Massman?

A. Yes. Nancy had a meeting.

Q. Nancy had a meeting? With whom?

A. I don't know. She had to go to the meeting.

Q. I see what you mean. Okay. Did you have any further conversations with Nancy Massman that day?

A. No.

Q. Did you have any further conversations with Nancy Massman until through March 20th, 1986?

A. I don't believe I did.

Q. So that was the only conversation you had in this short one-week period with Nancy Massman?

A. Uh-huh.

Q. Did you express to Nancy Massman anything about the house not being cleaned or anything like that?

A. I don't think we got into any details because Nancy was to conduct a meeting and she was -- she was in a hurry to get out.

Q. The next day you talked to Ken Reichstadt?

A. No. I don't think I did.

Q. I think before you said that Reichstadt called you on Wednesday, March 19th?

A. Oh, 19th. Okay. I thought you were on the 18th.

Q. We're on the 19th now.

A. Uh-huh.

his bile duct repositioned.

Q. What kind of illness did Roger have at that point?

A. Well, he ended up with -- he had pancreatic cancer.

At that time we didn't know. It was pancreatitis.

Q. When did you find that out?

MR. HENDRICKSON: Pancreatitis or cancer?

Q. Isn't pancreatitis cancer?

A. No. They knew it was pancreatic cancer but, you know, you have to wait for a pathologist's report and it would not check -- it would not show up as cancer. They knew it was cancer but it wouldn't show up.

Q. When was it that they knew it was cancer?

A. Oh, a couple weeks later it showed up.

Q. Like mid September maybe? A couple of weeks from September 5th. Is that what you are saying?

A. He had surgery on the 5th. He came home on the 12th and we knew and yet we didn't know. We knew but it wasn't official.

Q. Who was it that was taking care of Jane's physical needs while she was in the nursing home?

A. What do you mean by physical needs?

Q. Was there anyone that was acting as a guardian, whether appointed or not, for Jane at that point?

A. She took care of her business, made her medical appointments and arranged for transportation, and her social