

Exhibit 5

1 **CODE: 1075**
Patrick Christopher Lear
2 1805 North Carson Street #120
Carson City, Nevada 89701
3 Phone: 775-721-9643
Fax: 775-884-4211
4 *In Propria Persona*

5
6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF WASHOE

8
9 IN THE MATTER OF THE ESTATE OF
WILLIAM POWELL LEAR, also known as
10 WILLIAM P. LEAR, W.P. LEAR and BILL
LEAR,
11 Deceased.

12 Patrick Christopher Lear,
Beneficiary / Petitioner
13 v.
Harold P. Dayton, James L. Murphy, Richard
14 B. Rowley,
Trustees / Respondents
15 v.
DUNHAM TRUST COMPANY,
16 Tommy L. Tucker,
Successor Trustee / Respondent
17 v.
COOKE, ROBERTS & REESE, LTD,
18 David J. Reese,
Attorneys / Respondents
19 v.
GRANT THORNTON, LLP,
20 James L. Murphy
Accountants / Respondents _____ /

Case No.: PR78-2800
Dept. No: 7

21
22 **AFFIDAVIT**

23 I, Patrick Christopher Lear, the undersigned, do solemnly declare and depose as follows:
24 1. I have personal knowledge and am competent to testify to of the facts stated herein.
25 2. I am a remainderman beneficiary of the Lear Family Trust.

- 1 3. On May 5, 2005 I mailed via Certified Mail, Return Receipt Requested #7004 0750 0000 1252
- 2 5754 a *Request for Production of Documents and Things under NRCP 34 (Request)* to James L.
- 3 Murphy, LFT Trustee and GT accountant, c/o Grant Thornton, LLP, P.O. Box 30, Reno,
- 4 Nevada 89504-0030.
- 5 4. Postal Records show said *Request* was received and signed for on May 9, 2005.
- 6 5. On May 20, 2005 at approximately 9:20 a.m., I personally contacted James L. Murphy at Grant
- 7 Thornton, LLP at telephone number 775-786-1520 to confirm my appointment to pick up the
- 8 documents requested in my *Request*.
- 9 6. Upon being notified of the nature of my telephone call, James L. Murphy replied "There are no
- 10 documents."
- 11 7. I then asked Mr. Murphy: "Are you telling me you are refusing to produce the documents
- 12 requested?"
- 13 8. James L. Murphy then stated that the *Request* should have been made to his attorney.
- 14 9. I told Mr. Murphy that: "Postal Records show you received my *Request* on May 9, 2005"
- 15 10. James L. Murphy replied: "what you sent me [*Request*] is fake."
- 16 11. James L. Murphy refused to produce the documents requested by me and refused to timely
- 17 participate in the discovery process.
- 18 //
- 19 //
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- 23 //
- 24 //
- 25 //

1 I, Patrick Christopher Lear, do hereby state, under penalty of perjury under the laws of the United
2 States of America, that the foregoing statement of facts is true and correct to the best of my
3 knowledge and belief.

4 Done on this 3rd day of June 2005.

5
6 Patrick Christopher Lear

7 Patrick Christopher Lear
8 1805 North Carson Street / 120
Carson City, Nevada 89701
Tel: 775-721-9643

9 Before me, the undersigned authority, on this day personally appeared Patrick Christopher
10 Lear, known to me or proved to me to be the one whose name is subscribed to the
11 foregoing instrument, and acknowledged to me that he executed the same.

12 Given under my hand and seal of office on this the 3rd day of June, 2005.

13
14 Nichole J. Chessor
15 Notary Public

