

# EXHIBIT I

NO. D-000298C

EUNICE R. BENCKENSTEIN, WALTER	§	IN THE DISTRICT COURT
G. RIEDEL III, AND ROY WINGATE,	§	
INDEPENDENT CO-EXECUTORS OF	§	
THE ESTATE OF NELDA C. STARK,	§	
DECEASED, EUNICE R.	§	
BENCKENSTEIN, INDEPENDENT	§	
EXECUTRIX OF THE ESTATE OF H.J.	§	
LUTCHER STARK, DECEASED, AND	§	
WALTER G. RIEDEL III, GENERAL	§	
MANAGER OF THE NELDA C. AND	§	
H.J. LUTCHER STARK FOUNDATION	§	OF ORANGE COUNTY, TEXAS
	§	
V.	§	
	§	
IDA MARIE STARK, INDIVIDUALLY	§	
AND AS INDEPENDENT EXECUTOR	§	260 <sup>th</sup> JUDICIAL DISTRICT
OF THE ESTATE OF W.H. STARK II,	§	
DECEASED, ET AL.	§	

**AFFIDAVIT OF NORMA CLARK**

STATE OF TEXAS	§
	§
COUNTY OF ORANGE	§

On this day came before me Norma Clark, who after being duly sworn, hereby states as follows:

"My name is Norma Clark. I reside at 2301 McKee Drive, Orange, Texas. I was an employee of Nelda C. Stark from March 27, 1978 until December 13, 1999. Since that date I have been an employee of the Estate of Nelda C. Stark ("the Estate"). The statements contained in this Affidavit are within my personal knowledge and are true and correct. I am fully competent to testify to each of the matters contained in this Affidavit.

"During the pendency of the litigation brought by the heirs of William H. Stark II against Mrs. Stark and the Foundation in 1988, styled *Ida Marie Stark, Individually and as Independent Executrix of the Estate of William H. Stark, II, Deceased, et al., vs. Nelda Childers*

*Stark, Individually and as Independent Executrix of the Estate of H. J. Lutcher Stark, Deceased, et al.*, Cause No. D-880162-C in the 260<sup>th</sup> Judicial District Court of Orange County, Texas ("the Previous Litigation"), I served as executive secretary to Clyde V. McKee, Jr., General Manager and Legal Counsel of the Nelda C. Stark interests and the Nelda C. and H. J. Lutcher Stark Foundation. I continued to serve in that position after the settlement of the Previous Litigation in 1991 until Mr. McKee's retirement.

"The document attached hereto and marked Exhibit "A" is a true and correct copy of a letter, dated March 24, 1990, from Nelda C. Stark's attorney in the Previous Litigation, Ralph Carrigan, to Olan Boudreaux, one of the attorneys for the plaintiffs in the Previous Litigation (Defendants herein). One of the attachments to that letter is a list of documents kept in boxes in Clyde V. McKee, Jr.'s office. The original document from which this copy was made is kept in one of the files for correspondence from the Previous Litigation retained in the Stark Offices.

"I personally recall the boxes mentioned in the attachment to the letter of March 24, 1990, and I recognize some of the documents from the descriptions set forth in the attachment. I recall that these documents were kept in the location where indicated throughout the remainder of the Previous Litigation. Sometime after the dismissal of the Previous Litigation in March, 1991, Mr. McKee instructed me to return all of the documents which had been kept in the boxes in his office to the general filing system of records within the Stark Offices. I did return all of those documents kept in the boxes in Mr. McKee's office to the general filing system in accordance with Mr. McKee's request. To the best of my knowledge, all of those documents remain in the places where they were re-filed, but some of them may have been disposed of from time to time in accordance with standard office procedures on record retention. I did not re-file the items listed on the last page of the attachment, but I recognize each of those items and know of their current location."

EXECUTED this 4th day of October, 2001.

*Norma Clark*

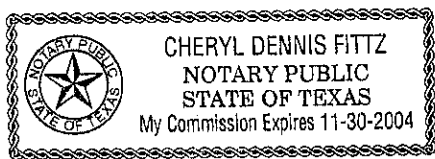
NORMA CLARK

THE STATE OF TEXAS

§  
§  
§

COUNTY OF ORANGE

This instrument was acknowledged before me on this 4<sup>th</sup> day of October, 2001, by Norma Clark.



Cheryl Dennis Fitz  
NOTARY PUBLIC, STATE OF TEXAS

BAKER & BOTTS  
ONE SHELL PLAZA  
910 LOUISIANA  
HOUSTON, TEXAS 77002-4995

G-44,131

May 24, 1990

Mr. Olan Boudreaux  
Fisher, Gallagher, Perrin & Lewis  
First Interstate Bank Plaza  
70th Floor  
1000 Louisiana  
Houston, Texas 77002

Re: *Ida Marie Stark, et al v. Nelda Childers Stark, et al*

Dear Olan:

In partial follow-up of our recent conference on various procedures in this action, I am enclosing the following:

1. List of contents of the files located in Mr. McKee's office.
2. Internal office memorandum with regard to the status of "sealing court records" rules.
3. A proposed stipulation permitting attorneys to sign answers to written interrogatories.

Mrs. Benckenstein has no objection to producing at the time of deposition item 8 of the subpoena, "any and all documents reflecting oil and/or gas leases currently paying royalties to you." You already have a large percentage of these documents.

We have discussed our objection to item 4 on the subpoena to Clyde McKee, "any and all documents in your possession, custody or subject to your control pertaining to, reflecting, or embodying estate planning or the preparation of wills or codicils to wills, or drafted instruments of same, by H. J. Lutcher Stark." We have advised you that we see no relevancy whatsoever between this request and the litigation. We will consider permitting Mr. McKee to produce these documents under the following conditions: (1) an express statement in writing that defendants maintain and do not waive any right to object to the introduction of such evidence at the time of trial on any grounds available including specifically lack of relevancy; and (2) an agreement by

L0132/0654/01MB01

EXHIBIT "A"

Mr. Olan Boudreaux  
Page 2  
May 24, 1990

plaintiffs and plaintiffs' attorneys that the August depositions and documents produced will be subject to a confidentiality order. The order would be so drawn as to avoid handicapping the proper development of the case by plaintiffs, but would prevent the disclosure of the deposition testimony, the tapes or the contents thereof to the general public, press, etc.

C  
O  
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Y

I have advised you that we will not videotape the depositions of Becky Stark and Ramona Sands on Monday, July 16.

You desire to videotape the depositions of the first two weeks in August and you desire to use the services of in-house personnel of Fisher, Gallagher, Perrin & Lewis. We will agree to this procedure under the following conditions: (1) we have your assurance of the capability and quality of the work of your in-house personnel; (2) the defendants will have an original tape for their own use; (3) the operator of the camera or cameras will set the camera before the beginning of deposition and will not in any way manipulate the camera during the course of deposition for such procedures as close-ups, swinging to attorneys or other parties, etc.; and (4) the operator of the camera or cameras will begin the operation and cease the operation only upon the joint instruction of attorneys from the plaintiff and each of the two defendants.

We have a few documents in answer to your most recent request for production, as discussed in our previous correspondence, which we hope to provide you shortly.

Very truly yours,

Ralph S. Carrigan

RSC:654  
Enclosures  
cc: Mr. Larry C. Hunter  
(w/enclosures)

NELDA C. STARK PERSONAL  
FILES LOCATED IN MR. MCKEE'S OFFICE  
BOX NO. 1

Open Space Land Application (Applications to Orange County Appraisal District for pasture lands, 1982-89)

Orange County Appraisal District (Notices of appraised values and protests, 1982-89)

Jefferson County Appraisal District (Notices of appraised values, 1982-85)

Confidential Personal Property (1982-90) - Renditions of Taxable Property of Nelda C. Stark, Individually, signed by Clyde V. McKee, Jr., as authorized agent and legal counsel (furniture, fixtures, machinery and equipment with total value of less than \$70,000.00)

Tax files for 1971-90 for the following entities (renditions and some receipts), to-wit:

Orange County	City of Orange
Bridge City ISD	LC-M ISD
Orangefield ISD	West Orange-Cove ISD
City of West Orange	Brazoria County
Groose Creek ISD	Gray County
Hardin County	Harris County
Jefferson County	Lefors ISD
Loving County	Matagorda County
McLean ISD	Matagorda County - Van Vleck ISD
Newton County	Newton County - Burkeville ISD
Sabine County	Sabine County - Hemphill ISD
Sabine Pass ISD	Sabine Pass Port District
Wheeler ISD	Roslyn Ranch
Calcasieu Parish LA	Cameron Parish LA

Tax Statements (General tax information for 1962-84)

Tax Renditions (General tax information for 1978-84)

Water Control & Improvement District #2 (Inventory of taxable property, Statements and Receipts for 1971-75)

Harris County - City of Houston (General tax information for 1971-79)

Merrill Lynch Pierce Fenner & Smith (1957-59 Dividends)

Rotan Mosle (1957-64 Stocks)

100-249 Credit Cards (duplicate cards, forwarding letters 1957-90)

251 Medical Society Dues (Correspondence and membership cards  
concerning Texas Society of Medical Technologists and  
American Society of Medical Technologicards for 1944-62)

300 Will of Nelda C. Stark



NELDA C. STARK PERSONAL  
FILES LOCATED IN MR. MCKEE'S OFFICE  
BOX NO. 2

- 100-308 Birthdays - Grandchildren of H.J.L.Stark (Disbursement sheets for 1961-69)
- 313 Bureau of the Mint (Coin purchases, 1980-81)
- 315 1976 Income Tax - Disallowance of Charitable Contributions
- 318 TWU - Texas Commission on Higher Education (General information for 1958-60)
- 319 TWU - Laboratories for Human Nutrition Research (General information, newspaper clippings for 1953-71)
- 320 TWU - Lass-O Band (Newspaper clips, general information for 1957-66)
- 321 TWU - Foundation - First meeting May 6, 1952 (General info.)
- 322 Doctor of Law Degree - June 3, 1957 (Photos and newspaper clips, but no degree in file)
- 322A Nelda C. Stark - Personal (Photos, newspaper clippings, certificates of appreciation, marriage license to HJLS, biographical resume with list of art for Jack Brooks letter for Presidential inauguration in Washington in 1965, certificate of marriage to HJLS, Nelda's birth certificate, Deed from HJLS as Exec. of Ruby Stark's estate to Nelda of property in Orange County recorded in 74/560 Deed Records per Will of Ruby, general correspondence)
- 322B Delta Kappa Gamma Society - Hon. Membership Alpha State Organization for 1968-75
- 323 TWU - Board of Regents (1955-73)
- 323.B TWU - Dr. Shirley Chater (Correspondence from President of TWU from 1987-89)
- 323.1 National Alumnae Association - Life Membership Certificate 1979
- 324 DeLorean Motor Company (Newspaper clippings, articles, and correspondence - invested in company, 1978-79)
- 334 Office Memorandum - April 1966 (Group hospitalization, etc.)
- 365 Layne Texas Co., Inc. - Water Wells (1948-70)
- 365A Water Well Logs - Layne Texas Company (1950-55)

NELDA C. STARK PERSONAL  
FILES LOCATED IN MR. MCKEE'S OFFICE  
BOX NO. 3

- 100- 1 Cash Flow and Investments - Nelda C. Stark (List of stocks owned by Nelda and Foundation which are not segregated, literature from Merrill Lynch, printouts, cash flow analysis of Foundation, 1974 Summary of Nelda's stocks and bonds, 1974 cash projection adjustments of Nelda, 1974 Income and expense budget of Nelda)
- 4 Sunset Grove Country Club - Stock Subscriptions (1971 Bylaws and Subscription Agreement, correspondence and resignation of 1981)
- 5 Contributions - Miscellaneous (Correspondence 1958-79, two letters from Lake Charles Police Benefit Assoc. to Lutch Stark Development Corp requesting \$25.00 donations)
- 6 Contributions - United Fund (1928-73 correspondence and memos regarding contributions of Stark family and Stark companies to Community Chest and United Fund)
- 9 Furnishings at Big Lake (Mrs. H. J. L. Stark, 1966-87)
- 16 Wickersham Ford, Inc. (Profit Sharing Plan 1966-85, adopted 1-16-67, correspondence from attnys Wells, Peyton dated 8-5-85)
- 16A Wickersham Ford, Inc. (Retirement Plan, copies of four pages from Plan)
- 33 Employee Benefits, Summary of (1977 list of Nelda Stark's employees, pay scale and dates of employment)
- 34 Workmen's Compensation (Claim records for 1964-90)
- 36 Employee Pension & Retirement Insurance (1955-79 Lutch & Moore Lumber Co., Nelda Stark, Foundation, and Lutch Stark Development Corp. employee records)
- 36A Employee Pension & Retirement Plan - Trust Agreement (1973-82)
- 36A1 Employee Pension & Retirement Plan - Trust Agreement (Form EBS-1, 1974-75 Foundation included)
- 379C Family History (Childers-Truitt)
- 383E Dr. Howard Williams (Stmt. to press regarding Stark vs. Stark)- (letter of 3-6-89 apologizing to Nelda Stark for misquote)
- 385 Education Trust for Bill Falcone and Rebecca (sic) Falcone (1988-90)

- 385A Nelda C. Stark, Trustee for Benefit of Rebecca D. Falcone  
(1988-90, Irrevocable Trust Agreement dated 2-25-88)
- 385B Nelda C. Stark, Trustee for Benefit of William B. Falcone  
(1988-90, Irrevocable Trust Agreement dated 2-25-88)
- 388 Peat Marwick Main & Co. (Retainer Agreement, correspondence,  
1988)
- 416 Wickersham Ford Audit File (1981 and 1982 Starwick Financial  
Stmt, Wickersham Ford Inc. Audit Reports for 1974 and 1978,  
Courtesy Pontiac [wholly owned subsidiary of Wickersham Ford,  
Inc.] Financial Statement for 1978 and worksheets)
- 450 Network Security Services (Alarm systems installation  
manual, correspondence and service agreement)
- 451 Stocks Owned by Mr. Stark (1964-68 worksheets of stocks owned,  
HJLS probated Will, Information concerning stocks: GSU, Kroger,  
Tennessee Gas, Socony Mobil, Texaco, 1964-68)

NELDA C. STARK PERSONAL  
FILES LOCATED IN MR. McKEE'S OFFICE  
BOX NO. 4

- 100- 36B Employee Pension & Retirement Plan - Supplemental Plan (1970-79)
- 38 Contractor's Insurance - Commercial (1958-89)
- 40 Automatic Clinical Analyzer - Gift to OMH from Nelda C. Stark (1972)
- 60 Investment Portfolio Review (1971-83)
- 64 Budget - Nelda C. Stark (1971)
- 67 First National Bank Building (1972-76 correspondence)
- 70 First City Bancorporation of Texas, Inc. (Proposed reorganization of First National Bank and merger with First City Bancorporation 1972)
- 74.1 GSU Damage to Shangri-La (1980)
- 75 Nelda C. Stark Building - 5th and Green (1977-80 building remodeling)
- 75.A W. S. Bellows Const., Subcontractors (Nelda C. Stark Bldg.) - (1977-80 building remodeling)
- 75.1 Nelda C. Stark Building Lighting (Int. & Ext. Timer Control) - (1977-80 building remodeling)
- 75.2 Nelda C. Stark Building Warranty (Carrier Air-conditioning) - (1977-80 building remodeling)
- 75.3 Worth Hydrochem of Gulf Coast Service Contracts (1977-80 building remodeling, thermal water system)
- 75.4 Aluminum Folding Doors - Nelda C. Stark Building (1977-80 building remodeling)
- 75.5 Skip's Contract - Nelda C. Stark Building (Air conditioning maintenance for 1979-85)
- 75.6 Nelda C. Stark Building Fence (1977-80 building remodeling)
- 75.7 Nelda C. Stark Building - Boiler (1977-80 bldg. remodeling)
- 79 Junior Achievement (Lutcher Stark Development Corp. contributions for 1967-74)

- 82 West Orange-Cove School (1973-76 Reports)
- 87.1 Texas Highway Department - Application for Vendor Number  
(Concerning sign site for Holland advertising, 1979)
- 91 National Audubon Society (Correspondence concerning membership  
and contributions, 1981-89)
- 91.A National Audubon Society - Sanctuary Dept. (Correspondence  
concerning contributions, etc., 1981-89)
- 107 Safeway Stores (Photos, appraisal and plats, 1974)
- 109 Orange Savings & Loan Association - Building (Appraisal, plans,  
plats and contracts, 1975-76)
- 109.1 Orange Savings & Loan Association - Lease (1976 correspondence  
and cost projections)
- 109.2 Orange Savings & Loan Association - Personnel (1980-81)
- 109.3 Orange Savings & Loan Association - Operations Committee  
(1981-82)
- 109.4 Orange Savings & Loan Association - Capital Accounts (1989)
- 112 Southwestern Bell Telephone Co. (1976 Foundation correspondence  
and wiring diagram)

NELDA C. STARK PERSONAL  
FILES LOCATED IN MR. MCKEE'S OFFICE  
BOX NO. 5

- 100- 27    Automobiles (1972)
- 100- 77    Bank Building in file (Plans, 1972)
- 115        First Boston Corporation (1988 account correspondence and signature card)
- 116        AARP (1985 membership and health insurance for Nelda Stark)
- 124        Medicare (1987 records for Nelda Stark)
- 129        Air-Conditioning Units - Stark Building (1955 records of installation)
- 133        Stark Office Building remodeling (1978 Architect agreement and plans)
- 182        Wickersham Ford, Inc. (3-28-75 Contract for sale of corp. stock between C. T. Wickersham and Houston Baker, cash rebate correspondence concerning Orange Car Leasing Co.)
- 184        Warranty Registrations - Nelda C. Stark Residence & Big Lake (1974 equipment warranties)
- 187        U.S. Government Bonds (1938-52, HJLS and Nelda Stark, and 1958 records of HJLS ownership of shares in First City National Bank of Houston)
- 196        Buick Building (1982 remodeling records)
- 202        Furniture Appraisals (A) Hugh Lennox Scott (1977 Appraisal of 19 pieces of furniture in Old Stark House, correspondence for 1977-79)
- 209        Appraisal - Hall & Hall - Sheldon Survey, Block 42, 10/17/79 (Appraisal of parking lot next to museum)
- 211        Pinkerton Security Guard Service (1988-89 Service agreement)
- 216        James River Corporation (1984 lease agreement for building at 507 Front Street, Orange, Texas)
- 217        Wickersham Ford Inc. - Surety Bond (Cost Bond on Appeal dated 5-31-84 in Cause No. B-26,701, Wickersham Ford, Inc. vs. County of Orange, 163rd District Court, Orange County, Texas)
- 220        Jennifer House - Park Bench (1985 invoice and catalog)

Hall & Hall Appraisal Reports of:

Fair Store Building (1975)

First National Bank Building (1975)

Museum real estate (1974)

Old Stark Building on Front Street (1975)

Real estate adjacent to Northway Shopping Center (1971)

- 226 Wickersham Ford - Financial Statement (Black ring binder with dealer financial statement printouts for corporation from 1960 thru 1972, not all inclusive - some months and years missing, Also - notes of existing community debts to be paid by C. T. Wickesham, which appears to concern his divorce from Mary)

Wickersham Ford Audit - December 31, 1961

Wickersham Ford Audit - December 31, 1962

Wickersham Ford Audit - December 31, 1964

Wickersham Ford Audit - December 31, 1966

Wickersham Ford Audit - December 31, 1968

Wickersham Ford Audit - December 31, 1971

Earnings Record - Agriculture Leases - 1957 through 1984  
(includes rice production receipts)

- 257 Christmas Turkey and Gifts (1974-89)

NELDA C. STARK PERSONAL  
FILES LOCATED IN MR. MCKEE'S OFFICE  
BOX NO. 6

Specifications - Additions & Alterations - Nelda C. Stark Office  
Building 1977

The following has already been furnished:

Audit Report - Nelda C. Stark - December 31, 1960	/	C017461 - C017521
Audit Report - Nelda C. Stark - December 31, 1961	/	C017522 - C017584
Audit Report - Nelda C. Stark - December 31, 1962	/	C017585 - C017645
Audit Report - Nelda C. Stark - December 31, 1963	/	C017646 - C017713
Audit Report - Nelda C. Stark - December 31, 1964	/	C017714 - C017785
Audit Report - Nelda C. Stark - December 31, 1965	/	C017786 - C017847
Audit Report - Nelda C. Stark - December 31, 1966	/	C017848 - C017964
Audit Report - Nelda C. Stark - December 31, 1966	/	" - "
Audit Report - Nelda C. Stark - December 31, 1966	/	" - "
Audit Report - Nelda C. Stark - December 31, 1967	/	C017965 - C018053
Audit Report - Nelda C. Stark - December 31, 1968	/	C018054 - C018130
Audit Report - Nelda C. Stark - December 31, 1969	/	C018131 - C018199



ITEMS NOT IN BOXES

Large manila envelope in Clyde McKee's office:

E023960 Service Drug records  
E023504 1947 Financial Statement of Nelda Stark  
E024741 1951 Ledger sheet balance of Note from Homer & Bill  
E024742 1952 Ledger sheet noting separate accts/funds records  
kept as between Nelda and HJLS  
E033483 1955 Audit Report of Nelda Stark (already produced)  
E034100 1952 Audit Report of Nelda Stark

Inventory of Objects of Art on top right sliding shelf in rack room:

221-00 Non Art - No entries  
221-10 Books and Manuscripts (1971-82)  
221-20 Sculpture - No entries  
221-30 Paintings (1971-81)  
221-40 Porcelains and China (1971-81)  
221-50 Metals - No entries  
221-60 Wood (1978)  
221-70 Ivory, etc. (1978)  
221-80 Textiles & Laces (1977)  
221-90 Prints (1971-80)  
1963 Inventory of John Gould works  
Memos 1978-81

Current computer printouts of:

Nelda Stark - Current Realty  
Nelda Stark - Rental Property  
Nelda Stark - Nonproducing Mineral Interests  
Nelda Stark - Producing Mineral Interests