

1 IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
2 IN AND FOR PALM BEACH COUNTY, FLORIDA

3 CIVIL DIVISION

4 CASE NO.: 50 2004 CA 006138 XXXX MB AO

5 STEWART TILGHMAN FOX & BIANCHI, P.A., et al.,
6 Plaintiffs,

7 -vs-

8 KANE & KANE, LAURA M. WATSON, P.A. d/b/a WATSON &
9 LENTNER, a professional corporation; et al.,

Defendants.

10 _____/

11 DEPOSITION OF: HARLEY NATHAN KANE

12 DATE: Thursday, September 7, 2023

13 TIME: 11:45 a.m. - 12:15 p.m.

14 PLACE: HOLIDAY INN (MARINA DEL MAR RESORT)
15 99701 Overseas Highway
16 Key Largo, Florida 33037
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18

STENOGRAPHICALLY

19 REPORTED BY: VANESSA OBAS, RPR
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<div>Page 2</div> <div> <p>1 A P P E A R A N C E S:</p> <p>2</p> <p>3</p> <p>CHARLES W. THROCKMORTON, IV, ESQUIRE</p> <p>4 OF: KOZYAK TROPIN & THROCKMORTON</p> <p>2525 Ponce De Leon Boulevard</p> <p>5 Floor 9</p> <p>Miami, Florida 33134</p> <p>6 cwt@kttlaw.com</p> <p>APPEARING ON BEHALF OF THE PLAINTIFF(s)</p> <p>7</p> <p>8</p> <p>HARLEY NATHAN KANE, PRO SE</p> <p>9 107 Hilson Court</p> <p>Tavernier, Florida 33070</p> <p>10</p> <p>11</p> <p>12 - - -</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> </div>	<div>Page 4</div> <div> <p>1 P R O C E E D I N G S</p> <p>2 *****</p> <p>3 THE COURT REPORTER: Please raise your right</p> <p>4 hand.</p> <p>5 Do you solemnly swear or affirm that the</p> <p>6 testimony you're about to give in this cause is the</p> <p>7 truth, the whole truth, and nothing but the truth?</p> <p>8 THE WITNESS: I do.</p> <p>9 THEREUPON</p> <p>10 HARLEY NATHAN KANE</p> <p>11 was called as a witness and, having first been duly</p> <p>12 sworn, testified as follows:</p> <p>13 THE COURT REPORTER: Thank you.</p> <p>14 DIRECT EXAMINATION</p> <p>15 BY MR. THROCKMORTON:</p> <p>16 Q. Good morning. State your name for the record.</p> <p>17 A. Harley Kane.</p> <p>18 Q. Okay.</p> <p>19 THE WITNESS: Can you hear me?</p> <p>20 THE COURT REPORTER: Yes.</p> <p>21 THE WITNESS: Okay.</p> <p>22 BY MR. THROCKMORTON:</p> <p>23 Q. Mr. Kane, I don't think we were on the record.</p> <p>24 You made a comment a second ago about taking some</p> <p>25 medication, and I just want to make sure, are you -- as</p> </div>
<div>Page 3</div> <div> <p>1 I N D E X</p> <p>2</p> <p>3 PAGE</p> <p>4 TESTIMONY OF HARLEY NATHAN KANE</p> <p>5 DIRECT EXAMINATION BY MR. THROCKMORTON 4</p> <p>6 CERTIFICATE OF OATH 27</p> <p>7 CERTIFICATE OF REPORTER 28</p> <p>8 ERRATA SHEET 29</p> <p>9 Read & Sign Letter to Witness 30</p> <p>10</p> <p>11 E X H I B I T S</p> <p>12 DESCRIPTION PAGE</p> <p>13 Plaintiff's Exhibit Number 1 Fact 17</p> <p>14 Information</p> <p>15 Sheet</p> <p>16</p> <p>17</p> <p>18 R E P O R T E R ' S N O T E : Exhibits mentioned above were retained</p> <p>19 by Charles W. Throckmorton, IV, Esquire, at the</p> <p>20 conclusion of the deposition</p> <p>21</p> <p>22 -----</p> <p>23 S T I P U L A T I O N S</p> <p>24</p> <p>25 It is hereby stipulated and agreed by and between</p> <p>the counsel for the respective parties and the deponent</p> <p>that the reading and signing of the deposition</p> <p>transcript be reserved.</p> <p>22 -----</p> <p>23</p> <p>24</p> <p>25</p> </div>	<div>Page 5</div> <div> <p>1 far as you're concerned, are you competent to sit for</p> <p>2 your deposition?</p> <p>3 A. Yes. I've been having some heart issues and</p> <p>4 they put me on new medication to try to dilate it. And</p> <p>5 if I start feeling light-headed, then I'm going to stop.</p> <p>6 Q. Okay. All right.</p> <p>7 Well, we'll go --</p> <p>8 A. I feel okay right now.</p> <p>9 Q. All right. As I did -- first of all, you were</p> <p>10 sitting in the room for the entire time that I just took</p> <p>11 your wife's deposition; correct?</p> <p>12 A. Yes.</p> <p>13 Q. All right. And you heard my questions and you</p> <p>14 heard her answers?</p> <p>15 A. Yes.</p> <p>16 Q. All right. As I did with Mrs. Kane, I just</p> <p>17 want to get some updates.</p> <p>18 What is your current residence address?</p> <p>19 A. 107 Hilson Court.</p> <p>20 Q. All right. Are you still employed at the same</p> <p>21 place, the boatyard --</p> <p>22 A. Plantation Boat Mart.</p> <p>23 Q. I'm sorry, what was?</p> <p>24 A. Plantation Boat Mart.</p> <p>25 Q. Okay. Is that the same place that you've been</p> </div>

<p style="text-align: right;">Page 6</p> <p>1 working for a couple years?</p> <p>2 A. I've been there for 2 1/2 years.</p> <p>3 Q. Okay. Is there anything in Mrs. Kane's</p> <p>4 testimony that you heard over the last hour and a half</p> <p>5 or so that you disagree with?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. Tell me about that.</p> <p>8 A. I think she got some of her numbers wrong. I</p> <p>9 think she didn't accurately describe what was paid out</p> <p>10 of the mortgage loan that she took, things like that.</p> <p>11 Q. Okay. I'll get to that.</p> <p>12 In terms of the marital property, she said that</p> <p>13 the only assets that you and she owned jointly are the</p> <p>14 Hilson Court property and the two Jet Skis.</p> <p>15 Do you agree with that?</p> <p>16 A. I agree that those are the only things that are</p> <p>17 titled as tenants by the entirety, as we sit here today.</p> <p>18 Q. Okay. Do I infer from your answer that you</p> <p>19 believe that there is other property that you have --</p> <p>20 you have an equitable or a marital interest in such that</p> <p>21 it would be jointly owned?</p> <p>22 A. I think that there's property -- there are the</p> <p>23 marital assets that's subject of the divorce proceeding.</p> <p>24 Q. Okay. And what assets would those be?</p> <p>25 A. I think I have entitlement to the businesses.</p>	<p style="text-align: right;">Page 8</p> <p>1 best understanding, what is -- what exactly is your</p> <p>2 interest in that -- is it 1st Avenue or 1st Street?</p> <p>3 A. I don't know. It's over there behind Gus's Toy</p> <p>4 Box.</p> <p>5 Q. Okay. What is your interest in the 1st Avenue</p> <p>6 property?</p> <p>7 A. I think I -- I'm entitled to half of it.</p> <p>8 Q. Okay. All right.</p> <p>9 So you claim --</p> <p>10 A. That -- well, I think we had an agreement when</p> <p>11 she moved out. She's disputing the agreement. That was</p> <p>12 the genesis of the mortgage. They're now disavowing</p> <p>13 that agreement. So it depends what the Court rules.</p> <p>14 Q. Okay. All right.</p> <p>15 So you claim you had --</p> <p>16 A. I claim that it's a marital asset.</p> <p>17 Q. Okay. So you have a documented joint tenancy</p> <p>18 interest in Hilson Court. You are a joint tenant owner</p> <p>19 of the -- with her of the Jet Skis. You claim a marital</p> <p>20 interest in the 1st Avenue property and in the</p> <p>21 businesses other than the defense firm that she works</p> <p>22 for now.</p> <p>23 Anything -- any other property that you claim a</p> <p>24 joint interest in as husband and wife?</p> <p>25 A. I don't know. I mean, she's got a car that she</p>
<p style="text-align: right;">Page 7</p> <p>1 Whether they're worth anything or not, I don't know.</p> <p>2 But I think --</p> <p>3 Q. Specifically, what businesses?</p> <p>4 A. Michelle J. Kane, P.A. I think the Florida</p> <p>5 Lawyers, whatever the name of that group was. I think</p> <p>6 the mediation practice. But, again, whether they are</p> <p>7 worth anything today is -- is I don't know.</p> <p>8 Q. Okay. To make this easy, you believe that any</p> <p>9 of the entities through which Ms. Kane is doing business</p> <p>10 today, either as a lawyer, as a mediator, you have an</p> <p>11 equitable interest in or a marital interest in?</p> <p>12 A. I think those businesses, when she was doing</p> <p>13 them, I had an interest in.</p> <p>14 Q. Okay.</p> <p>15 A. I understand she's working for a defense firm</p> <p>16 now and not the other things. But I don't have any</p> <p>17 personal knowledge of them.</p> <p>18 Q. Okay. Do you claim any interest in the 1st --</p> <p>19 1st Street or 1st Avenue property where she is currently</p> <p>20 living?</p> <p>21 A. I think it's a marital asset and I think</p> <p>22 they've admitted that.</p> <p>23 Q. How have they admitted that?</p> <p>24 A. In the -- in the filings in the divorce case.</p> <p>25 Q. Okay. So you believe that you -- and to your</p>	<p style="text-align: right;">Page 9</p> <p>1 replaced -- that she bought using the proceeds of the</p> <p>2 car -- that she paid off using the proceeds of the</p> <p>3 mortgage. So I think that's another question for the</p> <p>4 Court.</p> <p>5 Q. All right.</p> <p>6 A. And whether it all adds up to a hill of beans,</p> <p>7 I don't know.</p> <p>8 Q. Okay. You mentioned that there was an</p> <p>9 agreement when you encumbered the Hilson Court property.</p> <p>10 What was that agreement?</p> <p>11 A. That I was going to keep Hilson. And she was</p> <p>12 going to keep her businesses, and she was going to take</p> <p>13 some money out and pay off a bunch of her debts that</p> <p>14 were in her name.</p> <p>15 Q. So what did she -- what -- I thought you said</p> <p>16 that you felt she had not accurately described the</p> <p>17 agreement.</p> <p>18 A. She -- one, I think the mortgage on the house</p> <p>19 is now much higher than 417- because she hasn't been</p> <p>20 paying it, and they're going to add on the monthly</p> <p>21 payments for that time period. I don't know because</p> <p>22 everything goes to her and I don't see it, but that's</p> <p>23 what banks do. They don't just forget about the money.</p> <p>24 And I think that they're probably paying the escrows as</p> <p>25 well.</p>

<p style="text-align: right;">Page 10</p> <p>1 So I think the mortgage balance is going to be</p> <p>2 much higher. I don't know what it is.</p> <p>3 Q. Is the -- have you paid the real estate taxes</p> <p>4 ever?</p> <p>5 A. I have not.</p> <p>6 Q. Okay. Have you -- have you ever made a --</p> <p>7 A. I think they're going through the escrows.</p> <p>8 Q. Right.</p> <p>9 Have you ever made a mortgage payment on that</p> <p>10 mortgage?</p> <p>11 A. We agreed -- part of the agreement was to put a</p> <p>12 year's worth of mortgage payments to the side.</p> <p>13 Q. Right.</p> <p>14 A. And then she was supposed to put an additional</p> <p>15 three years of mortgage payments to the side when she</p> <p>16 sold the Canada property. She never did that.</p> <p>17 Q. Okay.</p> <p>18 A. So that's that answer. That's part of the</p> <p>19 agreement that they're disavowing.</p> <p>20 Q. Is there a Canada property today that you claim</p> <p>21 an interest in?</p> <p>22 A. No. She sold it.</p> <p>23 Q. She sold it.</p> <p>24 Okay. Did you ever have an interest in that</p> <p>25 property?</p>	<p style="text-align: right;">Page 12</p> <p>1 A. I don't know what she did with that. At that</p> <p>2 point we were separated.</p> <p>3 Q. All right. The summary is you sold the Boynton</p> <p>4 Beach property, which you jointly owned, and you got no</p> <p>5 net proceeds of it, and she got some.</p> <p>6 A. Yes.</p> <p>7 Q. All right. And you believe that she --</p> <p>8 A. I believe we paid off some joint debts.</p> <p>9 Q. Right. I understand.</p> <p>10 A. So, technically, I got that benefit.</p> <p>11 Q. Right. Okay. Fine.</p> <p>12 And you believe that she may have used some of</p> <p>13 the Boynton Beach proceeds to buy the Canada property,</p> <p>14 which has since been sold?</p> <p>15 A. Yes.</p> <p>16 Q. So you believe that whatever traceable proceeds</p> <p>17 of the Canada property exist are equitably owned by</p> <p>18 you -- or let me restate that.</p> <p>19 You believe that you have a marital interest in</p> <p>20 any traceable proceeds of the Canada property?</p> <p>21 A. Right. Which is why -- I believe that's why</p> <p>22 they made the concession on 1st Street, because I think</p> <p>23 that's where the money went.</p> <p>24 Q. I see.</p> <p>25 Okay.</p>
<p style="text-align: right;">Page 11</p> <p>1 A. It was a marital asset.</p> <p>2 Q. Were you ever on the title?</p> <p>3 A. No, because they do things differently in</p> <p>4 Canada.</p> <p>5 Q. Okay.</p> <p>6 A. And when it was bought, I wasn't up there.</p> <p>7 Q. When was it bought?</p> <p>8 A. That, I'm not sure. But it was --</p> <p>9 Q. After your marriage?</p> <p>10 A. Yes, it was during the marriage. It was after</p> <p>11 the sale of the Boynton Beach property.</p> <p>12 Q. How much was the Boynton Beach property sold</p> <p>13 for?</p> <p>14 A. I'm not sure, but my guess, it was in the 600s.</p> <p>15 Q. And what -- where did the proceeds go?</p> <p>16 A. We paid some debts down. We had taken some</p> <p>17 loans out in order to fund that property while it was</p> <p>18 being sold. I think it took about nine months to sell.</p> <p>19 And we paid off those debts. I think she took some of</p> <p>20 that and made the down payment for --</p> <p>21 Q. Canada?</p> <p>22 A. Canada, or maybe she used it for the -- to buy</p> <p>23 the new house. I'm not sure. I didn't get any of the</p> <p>24 money.</p> <p>25 Q. Okay. So you --</p>	<p style="text-align: right;">Page 13</p> <p>1 A. But I didn't have any discussions about that.</p> <p>2 That's what I believe.</p> <p>3 Q. Were there any other material errors or</p> <p>4 omissions in the testimony that you heard from Ms. Kane</p> <p>5 this morning?</p> <p>6 A. My recollection is she got some of her facts</p> <p>7 wrong. I know for a fact that the Boynton Beach</p> <p>8 property was sold prior to your lawsuit, because you</p> <p>9 filed it in December, and I think it took us about nine</p> <p>10 months to sell that property. So that's less than</p> <p>11 December.</p> <p>12 Q. Apart from Hilson and Boynton Beach, did you</p> <p>13 and Michelle Kane ever own any other real estate</p> <p>14 jointly?</p> <p>15 A. She was never on the Delray property, so I</p> <p>16 think it -- the Boynton Beach property is the first</p> <p>17 property we bought together.</p> <p>18 Q. Okay.</p> <p>19 A. And I don't think we bought anything else.</p> <p>20 Q. Did you ever jointly own any motor vehicles?</p> <p>21 A. We own motor vehicles. I don't recall how they</p> <p>22 were titled. Like, we've -- I've testified and she's</p> <p>23 testified that we considered them tenants by the</p> <p>24 entirety's property, so I don't think the way you title</p> <p>25 it matters. I think your intention matters.</p>

<p style="text-align: right;">Page 14</p> <p>1 Q. Okay.</p> <p>2 A. And I've testified to that before. I don't</p> <p>3 know -- I know that when she paid off the cars from the</p> <p>4 mortgage, they were in her name because at that point,</p> <p>5 we couldn't get it financed in both names.</p> <p>6 Q. Are there any existing motor vehicles today in</p> <p>7 which you have -- claim an interest as a cotenant?</p> <p>8 A. Ones that she's involved in?</p> <p>9 Q. Yeah.</p> <p>10 A. Other than her Lexus right now, that I believe</p> <p>11 she used the proceeds of the Traverse to purchase, no.</p> <p>12 Q. Okay.</p> <p>13 A. And the Jet Ski, obviously.</p> <p>14 Q. Right.</p> <p>15 So you believe that the Traverse was marital</p> <p>16 property and that to be --</p> <p>17 A. Well, it was marital property.</p> <p>18 Q. Okay. And to the extent that that was rolled</p> <p>19 over into the Lexus, that that marital interest on your</p> <p>20 behalf continues; fair?</p> <p>21 A. I think either I get a credit for it or</p> <p>22 something. I think it would be part of a calculation</p> <p>23 that a judge does.</p> <p>24 Q. Okay. Was her summary -- or her attorney's</p> <p>25 summary of the status of the divorce case is that there</p>	<p style="text-align: right;">Page 16</p> <p>1 testimony in the divorce case?</p> <p>2 A. Not yet.</p> <p>3 Q. Okay. Is that scheduled?</p> <p>4 A. It was. She didn't show for her deposition.</p> <p>5 And I believe we have a motion predicated upon that.</p> <p>6 Q. What about you? What about your deposition?</p> <p>7 A. I've never been set.</p> <p>8 Q. Okay. Have there been any evidentiary hearings</p> <p>9 in the case?</p> <p>10 A. We started the trial and the trial didn't</p> <p>11 finish.</p> <p>12 Q. You started the trial?</p> <p>13 A. Yes.</p> <p>14 Q. When?</p> <p>15 A. Over the -- sometime in the summer. I don't</p> <p>16 know how many -- maybe two months ago, something like</p> <p>17 that.</p> <p>18 Q. Okay. How many days of trial did you get</p> <p>19 through?</p> <p>20 A. We got through, what? I think two and a half,</p> <p>21 and then we agreed to try to go to mediation at the</p> <p>22 judge's behest, and I still want to do that.</p> <p>23 Q. Okay. But you have not yet mediated?</p> <p>24 A. No.</p> <p>25 Q. Okay.</p>
<p style="text-align: right;">Page 15</p> <p>1 is no trial set and that there's a pretrial set or a</p> <p>2 status conference on September 28th?</p> <p>3 A. There is a -- there is a CMC.</p> <p>4 Q. Case management conference?</p> <p>5 A. In late September.</p> <p>6 Q. Okay.</p> <p>7 A. We were supposed to go to mediation and that's</p> <p>8 my hope, that that would go to mediation.</p> <p>9 Q. Okay. Have there been any substantive rulings</p> <p>10 in the case since it was commenced?</p> <p>11 A. Yes.</p> <p>12 Q. What?</p> <p>13 A. There's a temporary child support ruling.</p> <p>14 There's a ruling giving me exclusive occupancy of the</p> <p>15 marital residence. There's been some discovery rulings.</p> <p>16 Q. Okay.</p> <p>17 A. But everything is without prejudice for the</p> <p>18 final judgment, obviously.</p> <p>19 Q. Have -- and who represents her in the divorce?</p> <p>20 A. Agnetti.</p> <p>21 Q. Agnetti?</p> <p>22 And who represents you?</p> <p>23 A. I'm represented by Loriellen Robertson from Key</p> <p>24 West.</p> <p>25 Q. Have you and Mrs. Kane given deposition</p>	<p style="text-align: right;">Page 17</p> <p>1 A. We're having difficulty agreeing on anything.</p> <p>2 Q. Okay. So you have a CMC coming up. You have a</p> <p>3 potential mediation coming up, but not --</p> <p>4 A. Nothing's scheduled.</p> <p>5 Q. -- formally scheduled. And you have a --</p> <p>6 you're halfway -- or you are partially through trial?</p> <p>7 A. Yes.</p> <p>8 Q. Okay.</p> <p>9 A. It is freezing in here.</p> <p>10 Q. Sorry. We won't be here much longer.</p> <p>11 I'm going to show you --</p> <p>12 A. That's why I'm shaking.</p> <p>13 (Plaintiff's Exhibit Number 1, Fact Information</p> <p>14 Sheet, was marked for Identification.)</p> <p>15 BY MR. THROCKMORTON:</p> <p>16 Q. Okay. I'll show you Exhibit 1 --</p> <p>17 A. Yes.</p> <p>18 Q. -- which is the fact information sheet.</p> <p>19 A. Yes.</p> <p>20 Q. My first question is, You were also ordered to</p> <p>21 file one of these and did not do so. Why?</p> <p>22 A. Well, I think there's -- I'm -- one, I'm not</p> <p>23 sure you actually have a judgment against an entity or</p> <p>24 anything. But that -- putting to the side, Michelle and</p> <p>25 Harley Kane were required to file a fact information</p>


<p style="text-align: right;">Page 18</p> <p>1 sheet. One got filled out. I didn't understand why you 2 need two.</p> <p>3 Q. Okay. So with that --</p> <p>4 A. The information is correct.</p> <p>5 Q. Okay. Well, that was my question.</p> <p>6 Had you seen that fact information sheet before 7 today?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. Did you contribute to its preparation in 10 any way?</p> <p>11 A. No.</p> <p>12 Q. Okay. When did you see it?</p> <p>13 A. When I asked her for it and if she did it 14 because I was saying, "Hey, you need to file this," and 15 I wanted -- nothing got filed.</p> <p>16 Q. Okay. So you saw it after --</p> <p>17 A. Because it doesn't show up online.</p> <p>18 Q. All right. You --</p> <p>19 A. I asked her if she did it. She sent it to me.</p> <p>20 Q. Yeah. Right.</p> <p>21 After it had been filed?</p> <p>22 A. I assume.</p> <p>23 Q. Okay.</p> <p>24 A. I don't know that it's been filed.</p> <p>25 Q. All right.</p>	<p style="text-align: right;">Page 20</p> <p>1 Q. Who paid for them?</p> <p>2 A. They were a gift from the Greenspan law firm.</p> <p>3 Q. Ah, okay.</p> <p>4 Do you have any idea how much they're worth?</p> <p>5 A. Now?</p> <p>6 Q. Yeah.</p> <p>7 A. They're not worth anything.</p> <p>8 Q. Okay. Are they operational?</p> <p>9 A. No.</p> <p>10 Q. Okay. Are they --</p> <p>11 A. That's why they're there. I tried to get some 12 of the mechanics to look at them. But no.</p> <p>13 Q. Okay. When was the last time anybody rode 14 either one of them?</p> <p>15 A. Three years ago, two years ago.</p> <p>16 Q. Okay. All right.</p> <p>17 A. The trailer might have a little bit.</p> <p>18 Q. And do you agree with Mrs. Kane's testimony 19 that there are no agreements in effect today between you 20 and her concerning allocation of any marital property?</p> <p>21 A. Well, that's the genesis of our dispute in the 22 divorce. I think we had an agreement.</p> <p>23 Q. Okay.</p> <p>24 A. She disavows the agreement.</p> <p>25 Q. To be clear, you believe that there was a --</p>
<p style="text-align: right;">Page 19</p> <p>1 A. I think it's been provided.</p> <p>2 Q. Okay. In any event, prior to today's 3 deposition, you have seen and reviewed this?</p> <p>4 A. Yes.</p> <p>5 Q. And you agree with the information in it?</p> <p>6 A. I agree. The only thing that's titled that way 7 is the Jet Skis -- the trailer to the Jet Skis and the 8 deed.</p> <p>9 Q. Okay. So for purposes of --</p> <p>10 A. I don't know if she has the trailer on here, 11 but there is a trailer.</p> <p>12 Q. Okay. Well, we'll talk about the Jet Skis in 13 one second.</p> <p>14 But for purposes of this postjudgment -- any 15 postjudgment proceedings, you stand by the fact 16 information sheet?</p> <p>17 A. It -- when I read it -- I haven't read it 18 today.</p> <p>19 Q. Uh-huh.</p> <p>20 A. But when I read it, it appeared accurate to me.</p> <p>21 Q. All right. So where are the Jet Skis?</p> <p>22 A. They're currently behind the south building at 23 the marina where I work.</p> <p>24 Q. Okay. How much did you pay for them?</p> <p>25 A. I didn't pay for them.</p>	<p style="text-align: right;">Page 21</p> <p>1 that you entered into an agreement after the divorce 2 proceedings were commenced?</p> <p>3 A. No. Before.</p> <p>4 Q. Okay.</p> <p>5 A. When she separated and I --</p> <p>6 Q. Okay.</p> <p>7 A. -- agreed to let her mortgage the house and 8 sell the property and --</p> <p>9 Q. Okay. Your position is that you made an 10 agreement with her in contemplation of the divorce 11 proceedings?</p> <p>12 A. Yes.</p> <p>13 Q. All right. But --</p> <p>14 A. And I performed my half.</p> <p>15 Q. Okay. Okay.</p> <p>16 But since the divorce was filed, there have 17 been no separate agreements between the two of you or -- 18 or amendments to the pre- --</p> <p>19 A. Other than -- what do you call it? Child.</p> <p>20 Q. Right.</p> <p>21 A. That -- other than that, no.</p> <p>22 Q. Okay.</p> <p>23 A. Nothing as to property.</p> <p>24 Q. Okay. You and Michelle have two children?</p> <p>25 A. Yes.</p>

<p style="text-align: right;">Page 22</p> <p>1 Q. Okay. And what are their ages?</p> <p>2 A. They are seven.</p> <p>3 Q. Seven?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. All right.</p> <p>6 A. They will be eight in December.</p> <p>7 Q. Okay. Let me -- what car are you driving</p> <p>8 today?</p> <p>9 A. I have a Chevrolet Camaro.</p> <p>10 Q. Is that owned? Leased?</p> <p>11 A. It's financed.</p> <p>12 Q. So it's titled in your name?</p> <p>13 A. It's titled in my name. The bank owns most of</p> <p>14 it.</p> <p>15 Q. Okay. What's --</p> <p>16 A. Probably more than --</p> <p>17 Q. I'm sorry. And what kind of a car is it?</p> <p>18 A. It's a 2020 Chevrolet Camaro. When Hertz</p> <p>19 dumped all their rental units, they were cheap.</p> <p>20 Q. How much did you pay for it?</p> <p>21 A. My recollection is the mid-20s.</p> <p>22 Q. And how much is owed on it?</p> <p>23 A. Like 22,000.</p> <p>24 Q. You mean it's underwater?</p> <p>25 A. It might be or it might be slightly above</p>	<p style="text-align: right;">Page 24</p> <p>1 Manz Law group. God. Michelle Klinger Smith, that was</p> <p>2 her name. Michelle Klinger Smith.</p> <p>3 Q. So that's still out there and unresolved?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. Anybody else that you can think of?</p> <p>6 A. Of a charging lien?</p> <p>7 Q. Yeah.</p> <p>8 A. That I --</p> <p>9 Q. Agnetti, Shechter, and Klinger Smith?</p> <p>10 A. Right. I don't know -- I may have seen one</p> <p>11 from Schurr, but I'm not sure. When I came in for her,</p> <p>12 I would normally pay that.</p> <p>13 MR. THROCKMORTON: Okay. All right.</p> <p>14 All right. Let's go off the record. I'll make</p> <p>15 my calls and we'll see if we've got anything else.</p> <p>16 Thank you.</p> <p>17 (A discussion was held off the record.)</p> <p>18 MR. THROCKMORTON: Back on the record.</p> <p>19 BY MR. THROCKMORTON:</p> <p>20 Q. Do you recall how much Ms. Klinger Smith or her</p> <p>21 firm's charging lien is for?</p> <p>22 A. I'm thinking. My best recollection, which</p> <p>23 could be faulty, is 20-, 21-, something like that.</p> <p>24 Q. Okay.</p> <p>25 A. I think there's an order on it.</p>
<p style="text-align: right;">Page 23</p> <p>1 water, but, you know -- it's a payment I can afford.</p> <p>2 Q. It's at a payment you can afford?</p> <p>3 A. It's a payment I can afford, yes.</p> <p>4 Q. What's your monthly payment?</p> <p>5 A. A little less than \$500.</p> <p>6 Q. Did you ever agree that Mr. Agnetti could have</p> <p>7 a charging lien on the Hilson Court property?</p> <p>8 A. No. I don't think there's charging liens</p> <p>9 against any specific property. I think it's just filed</p> <p>10 in the divorce action.</p> <p>11 Q. Okay. Okay. So --</p> <p>12 A. There's a notice of charging lien, and he filed</p> <p>13 it in the court.</p> <p>14 Q. Okay. It's not Hilson specifically?</p> <p>15 A. It's not attached to any specific property.</p> <p>16 Q. Okay. Okay.</p> <p>17 A. None of them are.</p> <p>18 Q. All right. And so that's true of Shechter's</p> <p>19 lien as well?</p> <p>20 A. Yes.</p> <p>21 Q. Are there any other charging liens that you're</p> <p>22 aware of?</p> <p>23 A. My first lawyer filed a charging lien.</p> <p>24 Q. Who is that?</p> <p>25 A. That was -- God, what's his name? It was The</p>	<p style="text-align: right;">Page 25</p> <p>1 Q. What's that?</p> <p>2 A. I think there's an order on it.</p> <p>3 Q. Okay. An order allowing it?</p> <p>4 A. An order -- I consented to the number so we</p> <p>5 didn't have to have a hearing on the amount.</p> <p>6 Q. Okay.</p> <p>7 A. That was a while ago.</p> <p>8 Q. My last question is -- goes to my conversation</p> <p>9 with Michelle Kane about the \$2 million. And to</p> <p>10 summarize what she said, the 2.0375 million went into</p> <p>11 the joint tenancy by the entirety account of you and</p> <p>12 Michelle; taxes of approximately 850,000, according to</p> <p>13 her memory, were paid; and then the rest was used by</p> <p>14 Hilson Court. Is that consistent with your</p> <p>15 recollection?</p> <p>16 A. I don't recall anything differently, but I also</p> <p>17 don't recall those specifics either.</p> <p>18 Q. Okay.</p> <p>19 A. I think I would -- at some point, I -- I'm not</p> <p>20 even sure if it passed through a bank account. And then</p> <p>21 I think at the trial you showed me the bank account.</p> <p>22 Q. Yeah. Okay.</p> <p>23 A. So that's what refreshed my recollection. I</p> <p>24 think she did all the banking.</p> <p>25 Q. Okay. All right.</p>


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1 So you have no reason to disagree with that
2 testimony?
3 A. I don't disagree with her testimony.
4 MR. THROCKMORTON: Okay. Very good. That's
5 it.
6 THE WITNESS: All right.
7 MR. THROCKMORTON: Thanks.
8 THE WITNESS: I didn't want to affirmatively
9 tell you --
10 MR. THROCKMORTON: Got it.
11 THE WITNESS: -- what I didn't remember.
12 MR. THROCKMORTON: Got it. Okay.
13 Thank you.
14 THE WITNESS: All right. Read.
15 (Thereupon, the deposition was concluded at
16 12:15 p.m.)
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1 CERTIFICATE OF OATH
2
3 STATE OF FLORIDA:
4 COUNTY OF MIAMI-DADE:
5
6 I, VANESSA OBAS, RPR, Notary Public, State of
7 Florida, do hereby certify that HARLEY NATHAN KANE
8 personally appeared before me on September 7, 2023 and
9 was duly sworn and produced his driver's license as
10 identification.
11
12 Signed this 21st day of September, 2023.
13
14 
15
16
17
18 VANESSA OBAS, RPR
19 Notary Public, State of Florida
20 My Commission No.: HH 428338
21 Expires: September 13, 2027
22
23
24
25

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1 CERTIFICATE OF REPORTER
2
3 STATE OF FLORIDA:
4 COUNTY OF MIAMI-DADE:
5
6 I, VANESSA OBAS, RPR, Notary Public, State of
7 Florida, certify that I was authorized to and did
8 stenographically report the deposition of HARLEY NATHAN
9 KANE; that a review of the transcript was requested; and
10 that the foregoing transcript, pages 3 through 25, is a
11 true and accurate record of my stenographic notes.
12
13 I further certify that I am not a relative,
14 employee, or attorney, or counsel of any of the parties,
15 nor am I a relative or employee of any of the parties'
16 attorneys or counsel connected with the action, nor am I
17 financially interested in the action.
18
19 DATED this 21st day of September, 2023.
20
21 
22
23 VANESSA OBAS, RPR
24
25

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1 ERRATA SHEET
2 DO NOT WRITE ON TRANSCRIPT-ENTER CHANGES HERE
3 IN RE: TILGHMAN, STEWART v. KANE & KANE, et al.
4 CASE NO: 50 2004 CA 006138 XXXX MB AO
5 DATE: September 7, 2023
6 DEPONENT: HARLEY NATHAN KANE
7
8 PAGE NO. LINE NO. CORRECTION & REASON
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20
21
22 Under penalties of perjury, I declare that I have read
23 the foregoing document and that the facts stated in it
24 are true."
25
26 DATE HARLEY NATHAN KANE

1 September 21st, 2023
2 HARLEY NATHAN KANE
3 107 Hilson Court
4 Tavernier, Florida 33070
5 In Re: September 7, 2023, Deposition of HARLEY NATHAN
6 KANE

7 Dear HARLEY NATHAN KANE:

8 The above-referenced transcript is available for review.

9 You should read the testimony to verify its accuracy.

10 If there are any changes, you should note those with the
11 reason on the attached Errata Sheet.

12 You should, please, date and sign the Errata Sheet and
13 e-mail to the deposing attorney as well as to Veritext
14 at transcripts-fl@veritext.com and copies will be
15 emailed to all ordering parties.

16 It is suggested that the completed errata be returned 30
17 days from receipt of testimony, as considered reasonable
18 under Federal rules*, however, there is no Florida
19 statute to this regard.

20 If the witness fails to do so, the transcript may be
21 used as if signed.

22 Yours,
23 Veritext Legal Solutions

24 cc: CHARLES W. THROCKMORTON, IV, Esquire
25 HARLEY NATHAN KANE

Waiver:

I, _____, hereby waive the reading and signing
of my deposition transcript.

Deponent Signature Date

*Federal Civil Procedure Rule 30(e)/Florida Civil
Procedure Rule 1.310(e)

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FLORIDA RULES OF CIVIL PROCEDURE

Rule 1.310

(e) Witness Review. If the testimony is transcribed, the transcript shall be furnished to the witness for examination and shall be read to or by the witness unless the examination and reading are waived by the witness and by the parties. Any changes in form or substance that the witness wants to make shall be listed in writing by the officer with a statement of the reasons given by the witness for making the changes. The changes shall be attached to the transcript. It shall then be signed by the witness unless the parties waived the signing or the witness is ill, cannot be found, or refuses to sign. If the transcript is not signed by the witness within a reasonable time after it is furnished to the witness, the officer shall sign the transcript and state on the transcript the waiver, illness, absence of the witness, or refusal to sign with any reasons given therefor. The deposition may then be used as fully as though signed unless the court holds that the reasons given for the refusal to sign require rejection of

the deposition wholly or partly, on motion under
rule 1.330(d)(4).

DISCLAIMER: THE FOREGOING CIVIL PROCEDURE RULES
ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.
THE ABOVE RULES ARE CURRENT AS OF APRIL 1,
2019. PLEASE REFER TO THE APPLICABLE STATE RULES
OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

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