

First Tuesday

By Gerry Carty

Andy Clemons' name appeared first on the sign in front of the door, but not by seniority. Danny Twickenham had been a closing attorney in Paulding County for years and had the experience, connections and foresight to know that "Clemons and Twickenham" had the synergy to succeed. The firm had grown to seven lawyers in five years and closed most of the real property deals for 20 or so banks and lending institutions in an area stretching on a northwestern swath of country from Cobb through Paulding into Bartow Counties, north of Atlanta.

The region had exploded with growth in the 1990s, as had the firm of "Clemons and Twickenham" but there were days when Andy wondered if this parallel growth caused personal problems comparable to

those that the counties were experiencing. Was his soul stuffed into an aluminum trailer—albeit metaphorical—on a high school campus in some recently pastoral part of the county? Was his mind gridlocked on a 10-mile traffic jam on the highway of life?

There was no doubt that tedium got him down, but the life of a closing lawyer wasn't always tedious. There was always First Tuesday—the first Tuesday of the month when Andy, as the foreclosure specialist for his firm, got to go to the courthouse and 'cry' the foreclosed properties for auction.

Andy liked First Tuesday. The usual gang was always there—five

or six lawyers from McMalla Praymer, and two or three from Swartnegger and Nuckols, the firms which did most of the foreclosures in North Georgia, sprinkled with a bunch of locals. 'Crying out', the long recitation of foreclosure sale *caveats* and property descriptions, had to be done word for word, or else the foreclosure might not stick. Tom Maddox, one of the local lawyers, had begun doing his in a different accent or 'voice' for each. In one Tom would be Humphrey Bogart, on another he would be Jimmy Cagney or Jimmy Stewart, and so on. He even brought props—hats and fake noses usually. Everyone

Annual Fiction Writing Competition

The Editorial Board of the *Georgia Bar Journal* is proud to present "First Tuesday," by Gerry Carty of Atlanta, as the winner of the *Journal's* 13th Annual Fiction Writing Competition.

The purposes of the competition are to enhance interest in the *Journal*, to encourage excellence in writing by members of the Bar and to provide an innovative vehicle for the illustration of the life and work of lawyers. As in years past, this year's entries reflected a wide range of topics and literary styles. In accordance with the competition's rules, the Editorial Board selected the winning story through a process of reading each story without knowledge of the author's identity and then ranking each entry. The story with the highest cumulative ranking was selected as the winner. The Editorial Board congratulates Carty and all of the other entrants for their participation and excellent writing.

would try to guess who he was doing. Helen Wick from McMalla, not to be outdone, would counter with her rendition of Garbo or Bacall or Roseanna Roseannadana. Soon the impersonations became more obscure and they had a good old time making small side bets on who was who. Later, they all went to lunch together.

Though he liked First Tuesday and looked forward to it, it depressed him a little to know that this was the highlight of his month. He wished something would happen to make what he did more interesting.

In the spring of 2002 it did.

\$

Billy-the-Bic Clancy, a native born son of the soil of Cobb, never saw a bank he didn't like. He had robbed most of them in the area and had been the most prolific, if not the most successful, bank robber North Georgia had seen in the 1990s. No small feat, considering he spent much of that decade in federal prisons.

In March of 2000, paroled after a long stretch, Billy Clancy liked to say he had finally learned his lesson. He would never rob a bank again. Never with an accomplice, that is. From now on, he told himself, I'm going to be a Conspiracy of One.

Anytime he depended on someone else, he got sold out. Once he had even stayed out of trouble with the law for three years until his 'co-conspirator'—in the drawn-out language of the federal prosecutor who tried his case—had been picked up in Needles, California—Needles, California!—for some

petty misdemeanor. Unfortunately, it was one of those federal misdemeanors no one even knew existed—selling flammable insulation or something like that—and to save his own neck he had offered Billy up on a plate. It hardly seemed fair: A misdemeanor the equivalent of ripping the label off a mattress in



exchange for a major felony: the First State Bank job on Northside Parkway of Feb. 14, 1996. His own, personal Valentine's Day massacre but, ironically, a sweetheart deal for the co-conspirator who had already done his time for it.

When Billy Clancy walked out of prison with \$25 in his pocket and a bus ticket back to Marietta, he repeated his resolve like a mantra, "From now on, a Conspiracy of One."

Three days later, in the city of Dallas in Paulding County, he

walked into the First State Bank and pulled off the biggest heist in the history of the county: \$200,000 in cash. No gun. No weapon, Just a Bic pen held against the inside pocket of his London Fog coat. No dye bombs. No big-bellied, old-guy security guard getting in the way. No *co-conspirators* to louse things up. Just Billy the Bic on a bicycle with a sports bag slung over his shoulder, pedaling furiously on the back roads from Dallas back to Marietta. Not a police car in sight.

Fifteen years as a concrete finisher, when he was not robbing banks or in jail, had taught Billy to lay a slab smooth as a baby's bottom. Grandpa Jimmy Clancy and his wife Emma, living in an old shotgun shack by the Civil War Cemetery, had long-needed their back porch, which was just padded dirt, slabbed in. They were Billy's only kin and were pleasantly surprised when he showed up to do the job with a dozen 80-pound bags of concrete weighing down the back of his old pick-up truck.

By dinner time the slab was done. Billy told them to keep off it for a few days till it cured.

Strange, they thought, how they hadn't seen him in three years then suddenly he appears to do a job they'd been asking him to do for a decade.

That night, Billy bought himself a ticket to Matamoros on one of those minibuses which leave the corner of Buford Highway and Chamblee Tucker Road in Atlanta, bound for all parts of Mexico. He had \$10,000 in his pocket, a \$190,000 under the slab and a six-pack of Pabst Blue Ribbon under

A wire fence down the center of the quadrangle divides it into two exercise areas. On one side, low risk, white-collar criminals exercised, free to come and go as they please. Their moderately risky brethren exercised on the other side under lock and key.

his belt. He knew he would sleep contentedly all the way to the border. He had to visit some friends in Matamoros, settle some debts, then cut up to Needles, California, and settle that other score. He'd be back in a few years to re-do the concrete job. He chuckled to himself as he lowered his head and heaved himself into the bus. A Conspiracy of One. Yeah.

Raising his head once he pulled himself up into the minibus and swung his rear into his seat, he saw that the bus driver had turned and was staring at him, giving him a certain look he knew immediately, and with sinking sensations, recognized. This was no Mexican bus driver. This man had gringo written all over him. Federal gringo.

"William Robert Clancy," he said, "You're under arrest for the robbery of the First State Bank of Paulding County."

Billy looked around. Some Mexicans, looking weary and settled in for the long haul, watched his face with little curiosity. In back of him and outside the bus, at least six other federal agents with guns drawn confirmed what the driver had said.

It turned out that a camera at an ATM across the street from the bank had been struck by a painter's ladder earlier that morning and had swiveled around to catch Billy getting on his bike further up the street, sports bag slung across his shoulder. The bike, not Billy, had been quickly traced. Billy's 'unin-

vited, co-con-spir-ay-tor' had been a clumsy painter.

\$

Two years later, Father McMahon, the prison chaplain, sat in the visiting room of the federal prison with Diane Clancy, waiting for Billy to be brought in. Moments like these distressed him more than most. It was hard on prisoners when kin died and they couldn't go to the funeral or obtain- what was it they called it nowadays?—closure. Hard. Very hard.

Billy came in and looked from the chaplain to his sister-in-law, whom he hadn't seen in years, not since his brother passed. They wouldn't be there if it wasn't something important.

He licked his lips and sat down.

"Grandpa?" he said.

Diane Clancy nodded. The priest reached out and patted Billy's hand on the table.

"Your grandpa passed last week, Billy. Diane just got the word and came to see me first."

Billy looked at his sister-in-law.

"I've been in California, Billy. Otherwise, I'd have known sooner."

"How's grandma taking it?" Billy asked.

Diane and the priest exchanged looks.

"Billy," Diane said, "Your grandma's got a condition called episodic senile dementia. Some days she knows your grandpa died, other days she doesn't."

"What about the house?" Billy asked.

His visitors were surprised by the question. Though Billy seemed in shock, he didn't appear to be grieving.

"Before your grandma went into the assisted care facility she rented the house to a family with eight kids, Billy. When she was lucid, that is."

"Eight kids!" Billy exclaimed. "You call that lucid? The house's only got two rooms."

The chaplain was about to say something, but he held his tongue. It was reasonable, after all, for the only kin to think about the inheritance. Grief had many outlets.

"Trouble is, Billy," Diane went on, "the man who rented it also got an option to buy it from grandma."

Billy thought about a man and his wife and eight children running around that little house. There would always be someone there. Soon they'd want to expand it and they'd have plumbers and footings contractors rooting around in the dirt. This was not good news.

"So it won't be mine?"

Diane shrugged, then looked at the priest, but found no answers in his face. She turned back to Billy.

"I reckon if grandma sells it, you'll get the money if she dies. If she doesn't spend it first."

Billy's shock and confusion were palpable. The priest told himself that he should give Billy the benefit of the doubt and assume it was a manifestation of grief. The meeting seemed to be over.

"I'll pray for you Billy, and I'll say a Mass for the repose of the soul of James Clancy."

"Call me if you need to talk, Billy," Diane said. She handed him a piece of paper with a local number on it. "I won't be going back to California 'til after the funeral."

\$

Most of the day following Diane Clancy's visit, Billy walked around in a daze. At three o'clock that afternoon, he made a point of being in the prison yard near the fence. The St. John's River Federal Penitentiary just outside Jacksonville, Florida, is a medium risk prison. A wire fence down the center of the quadrangle divides it into two exercise areas. On one side, low risk, white-collar criminals exercised, free to come and go as they please. Their moderately risky brethren exercised on the other side under lock and key.

Billy Clancy always did his time well. Even though the authorities were displeased at not recovering the take from the First State Bank, they believed his story that an accomplice who had since died stole it from him. Conveniently, one of his old cohorts had died recently and the feds knew this and seemed to accept that explanation. Soon he was a trustee.

He waited till Alvin Bigglewhite showed up with his usual companion. The two men walked down the other side of the fence, deep in conversation, with their heads bowed and their hands joined behind their backs. Billy had seen them often walking like this and knew the reputation of Bigglewhite.

"You the jailhouse lawyer?" he called across the fence as Bigglewhite drew close.

"The appellation does not please me," the man said, stopping and

looking up. "And you would be Billy the Bic?"

Billy was both shocked and flattered to be recognized. Bigglewhite, he knew, had been a CPA on the outside who'd gotten involved in some fraudulent stock transaction. The scam had been explained to Billy in a dozen different ways, none of which he fully understood.

"I got a hypothetical," Billy said.

The man chuckled. "A 'hypothetical' is what someone has when he does not want to pay me for my counsel," he said.

"I kin pay," Billy said, insulted.

"Then hypothecate, my friend."

Billy did so. The hypothesis led to one question: how do you get possession of someone else's house?

"The laws vary from state to state," Bigglewhite said, after listening. "Which state would we be talking about here?"

"We ain't," Billy said, his eyes narrowing. "This here's a hypothetical."

"*Hypothetically*, which state?" Bigglewhite said testily, "you can't expect me to give you good advice if I have no information."

"Georgia—maybe," Billy said, after deliberating whether to give it up.

"Ah. Then Georgia, being a non-judicial foreclosure state, the only way an individual can get possession of someone else's property is by buying it at a foreclosure on the courthouse steps."

"But what if Gran—but what if the owner didn't have no mortgage?"

Billy knew that Grandpa Clancy would never borrow. The old man must have said it a million times.

"Then only by descent and distribution. When the owner dies, it goes to the next of kin."

Billy was not happy. He had a lot more questions, but couldn't figure

out how to present them hypothetically.

"Can I talk to you again if I need more advice?" he said.

"Certainly," Bigglewhite said. "The clock is running. Send me two packs of Camels for today's session."

The two men walked on. Billy returned to his cellblock, deep in thought.

"Isn't Billy the Bic the one who robbed that bank?" Bigglewhite began, after the two had walked in silence for a while.

"In Paulding County, Georgia," his companion cut in. "I lived close to there at the time. He got to keep the loot."

They walked on in silence for a while.

"A small house in Georgia which isn't worth much," Bigglewhite ruminated.

"With no mortgage," his companion said.

Father McMahan was walking across the quadrangle, looking hurried as usual, his cassock blowing in the breeze.

"Oh, Father," Bigglewhite called out, "we were very sorry to hear of Billy Clancy's bereavement."

"Yes," said the priest, slowing down but not stopping. "He seems stunned by it though not grieved. It should hit him by tomorrow."

The two men looked at each other.

"If we were to send a mass card today, what was the name of the deceased?"

The priest fished in his cassock pocket and pulled out a piece of paper.

"James Clancy," he said. "It's very compassionate of you to show your concern."

"It's the least we could do," said Bigglewhite. "And where will he be buried?"

"The funeral mass is at St. Luke's in Marietta, Georgia. As to the burial—I don't know, I'm afraid. Send your card to Billy or directly to the church."

The priest excused himself and hurried on. The two men began walking again.

"A small house in Marietta, Georgia, owned by James Clancy, which has no mortgage. Why do you suppose Billy the Bic would be so obsessed by such a house?"

"A small mortgage might be appropriate," his companion said.

Bigglewhite laughed. "You're thinking ahead of me," he said. "But in the right direction."

\$

Billy went back to the cellblock. He lay down on his bunk, his mind in a whirl. None of the advice given him had been either encouraging or helpful. He cursed himself for not preparing his hypotheticals better. But most of all, he was concerned that he had given too much away. The flattery aside, he had been shocked to realize that Bigglewhite knew who he was. Did this make a difference? Perhaps. What had he actually said?

A small house in Georgia owned by someone who didn't believe in mortgages. That was all. Surely there were a million small houses in Georgia. How could anyone ever know which had mortgages and which didn't? He told himself he was being foolish to worry. Still, just in case, he went to the public phone in the hallway and made a call to Johnny Krizek, the lawyer who represented him on his last bust.

"Billy, I wouldn't know a mortgage from a moose," Krizek said, after listening to a series of Billy's hypotheticals. "I only do criminal law. But if you call the Atlanta Bar

Association they'll give you some real estate lawyers' names."

Billy used up his quarters speaking to lawyers.

Then he called his sister-in-law, Diane.

\$

New business usually came to Clemons and Twickenham by way of a phone call, followed by a 'loan package' from a lender. If it was a foreclosure, it came to Andy, who checked the details of the package then put matters in motion. As clients were almost always corporate lenders, he rarely met one nor did he feel a need to. A foreclosure was in essence a collection effort. If the debtor paid the back-payments on the mortgage, the lender called the foreclosure off.

If the debtor didn't pay, the house was sold on the courthouse steps. Either way, the work got done.

So, he was surprised one morning to come in and find there was a Veronica Dillard waiting to see him in his office about a foreclosure.

"I represent the Lotus Trust and Investment Company," she told him. "The details of the property to be foreclosed are in this package. We are particularly concerned with being the highest bidder and getting possession of this particular property as soon as possible."

She informed him her company was from out of state. Andy took a little time to tell her how long the process would take and explained the legal rights of the tenant—all routine matters he would have discussed over the phone with a client in normal circumstances. When she left, he dictated his usual preliminary letters. It was a very small foreclosure of a little shotgun shack on Cemetery Row in Marietta, but it got the same attention as any

other. He wondered why she had stressed that she wanted possession. Usually a lender wanted someone else to buy the property, even though nine times out of ten the lender ended up buying it back.

\$

A week later, he was again surprised to enter his office and be told there was someone waiting for him about a foreclosure. In his type of practice the only place you might meet a live client would be on the golf course or at a cocktail party. Andy's partner did all the *schmoozing*. Andy preferred to do the work.

"I'm the man who rents the property on Cemetery Row, in Marietta, James Callaghan," his visitor began. "I got this here letter from you." He held up a much folded piece of paper. Andy glanced at it and recognized it as the standard letter he sent to all sitting tenants when he was about to foreclose on a property.

"Sit down, Mr. Callaghan."

The man sat. He had a squarish, solid look about him. His hair was slicked across his head and his suit, though clearly old and off the peg, was pressed and neat. His face was broad and open and he began to talk again in a low, humble yet confident voice.

"I met Jimmy and Emma Clancy when I did some volunteer work for the meals-on-wheels program," he said, "that was when we was in the shelter, you know. My wife and three daughters was in one shelter for wimmin and me and the five boys was in another for males only. We come down from Pennsylvania last spring cause there was no work for bricklayers and soon I got some jobs and now I lay bricks for myself and I guess I'm doing okay. So,

Jimmy and Ms. Emma Clancy took a liking to us, and when Jimmy died Emma knew she was going into one of them assisted living places, so she says to me, 'Mr. Callaghan, you can have my house for \$200 a month and if you want to buy it in a year you can do so for \$35,000.'

Andy was tempted to interrupt James Callaghan several times and explain what he told most tenants: a foreclosure invalidated the lease, his 'hands were tied' and so on. This was hard enough to do by phone. It was almost impossible to do face-to-face. Besides, there was something truly honest and Dickensian about this man and his story. Andy let him continue.

"See, there ain't much room on the lot over there, but I can build on about sixteen feet at the back and build a second floor and get three more bedrooms." Andy could see him thinking this out in his head as he spoke. "I can buy all the windows at the salvage yard. I know how to frame and sheetrock and I been laying bricks since I was fourteen."

Ultimately, Andy had to cut him off.

"Mr. Callaghan, you have my sympathy. But if this foreclosure goes through the most time you can legally get in the house is about 60 days."

Callaghan left his office, despondent.

Andy sat glumly staring at the wall after the man left. Sure, he could have told him that by manipulating the system he could still be in the house in nine months. But the client clearly said she wanted possession as soon as possible.

\$

A week later, Andy was, again, surprised to arrive at his office and be told there was someone waiting for him. About a foreclosure. His office was becoming a zoo.

The woman held up a badge and flashed it quickly.

"Agent Sandra Lenford," she said, "F.B.I."

Andy's breath left him as he immediately thought of a dozen federal matters he might have overlooked in recent closings.

"Everything I say is confidential and should not leave this office otherwise a major undercover operation will be blown," Agent Lenford told him once she sat down.

Andy relaxed, knowing it was not about him or the firm.

"Have you ever heard of the First Tuesday Mob?" Agent Lenford asked.

Andy thought of his bunch of impersonators on the courthouse steps and again became concerned. So

Ardent
HEALTH SERVICES



Come and join Ardent Health Services, a fast-paced, dynamic healthcare organization. Headquartered in Nashville, TN, Ardent's continually expanding network of 27 acute and behavioral healthcare facilities in 13 states across the U.S. offers skilled professionals the opportunity to excel in an atmosphere of superior performance, integrity and respect. Join us in our mission to be the premier healthcare provider of choice. We have the following opportunities available:

AVP & Chief Counsel *Lovelace Sandia Health System* *Albuquerque, NM*

Selected individual will assist in protecting LSHS's legal interests and maintain its operations within the scope established by law. Reporting to Ardent's SVP & General Counsel, the AVP & Chief Counsel provides hands-on counsel to all levels of executive staff and manages the legal operations of LSHS. Will be responsible for identifying and analyzing legal issues, drafting key documents, presenting clear recommendations, assuring legal compliance, and supervising litigation, investigations and utilization of outside counsel.

Qualified candidate will be an attorney with a Juris Doctor (J.D.) degree or equivalent from an accredited law school and current license to practice law in New Mexico. A minimum of six (6) years experience in managed care and insurance law a must. Experience with insurance law and managed care operations required; employment law, EMTALA, fraud and abuse, healthcare regulatory compliance, and hospital operations preferred. Previous law firm experience a plus.

Operations Counsel *Corporate Office* *Nashville, TN*

Selected individual will prepare and review a variety of complex contracts and provide legal counsel, guidance, and representation to the Company and its facilities, as requested, on complex legal and operational issues. Will provide hands-on counsel to all levels of executive staff and manage the legal operations of assigned facilities. Will also be responsible for identifying and analyzing legal issues, drafting key documents, presenting clear recommendations, and assuring legal compliance. May supervise litigation, investigations, and outside counsel.

Qualified candidate will be an attorney with a Juris Doctor (J.D.) degree or equivalent from an accredited law school and current license to practice law. A minimum of six (6) years experience in healthcare law a must. Experience with hospital operations; healthcare regulatory compliance, including fraud and abuse and EMTALA; and employment law preferred. Previous law firm experience a plus.

For more information on available positions, please visit our website at:

www.ardenthealth.com

We offer a comprehensive compensation and benefits package.

Interested applicants, please send resume to:

recruiting@ardenthealth.com

No phone calls or agencies please. Please specify position of interest.

Equal Opportunity Employer M/F/D/V

when did it become illegal to cry a foreclosure in the voice of Jimmy Durante?

Assuming his silence meant he had not, she went on. "This is a bunch of crooks who go around the country looking for properties which have certain things in common which make them prime targets for foreclosure fraud."

"Like what?" Andy asked.

As she explained, one property came to mind. Normally, it never would have but there was a specific reason. After he met James Callaghan, Andy had been unable to put the man out of his mind. He made some inquiries and discovered that the little house on Cemetery Row was owned by a senile widow, now in a home, whose husband had died some months before. This, of itself, was not unusual. Death and senility were two of the leading causes of foreclosure. Every banker and lawyer knew that.

What puzzled Andy Clemons was that according to the security deed filed at the courthouse, the mortgage had been taken out only four months before and was the first record of any mortgage on the property in fifty years, as long as the old couple had owned it. Why would they borrow now? It made no sense.

"What the First Tuesday Mob usually looks for is an announcement in the paper that people are going away for a long time—you know, retired couple goes to Ethiopia with the Peace Corps, John and Jill Smith about to sail around the world. Next thing the First Tuesday Mob does is check to see if there's a mortgage. Half the time there isn't because the couple usually settle all their debts before they go in the expectation of com-

ing home to a cozy debt-free retirement. So what the First Tuesday Mob does, is put a false mortgage on the house—a simple enough task with false signatures, false notary seal and so on—foreclose on it in three months, sell it on the courthouse steps to someone who has to pay cash and make off with the cash, leaving everyone behind to sort out the mess."

Andy had called Veronica Dillard of the Lotus Trust and Investment Company on her cell phone to see if she would allow James Callaghan and his family to stay in the small house on Cemetery Row till it was sold. After all, what was the point of dispossessing them right away?

But she was adamant. The Trust wanted possession immediately following foreclosure. He advised her that legally Callaghan could stay for a couple of months. He then told her what he had not told Callaghan—that if the man was smart and worked his appeals, he could still be there in nine months.

It had occurred to Andy that the least he could do for James Callaghan and his family without having a conflict of interest would be to get him some money to move. He told Veronica Dillard that the only way she could ensure his departure was to offer to pay him to leave and hope he accepted.

"Do it," she said.

"How much?"

He thought she might say a couple of hundred.

"Whatever it takes," she said.

"What if that were thousands?"

"Whatever it takes. Get him out and after we foreclose, we'll pay him."

He told Callaghan. They agreed that he would quit the property on First Tuesday in exchange for

\$5,000. Andy was pleased that he could do this much for him.

"If I understand correctly what you're telling me," Andy said when Agent Lenford had finished, "the First Tuesday Mob doesn't care about taking over the house it forecloses on. It only wants the money from the sale?"

"Right."

She seemed to notice something change in his eyes.

"Did you have a property in mind, Mr. Clemons?"

"Yes," he said. "But the pattern doesn't fit. The company foreclosing wants possession. It doesn't seem interested in the money from the sale."

"That can be a trick," Agent Lenford said, "just to throw you off. They come in and say they know they'll have to buy the property back because there'll be no other bidders. So you think it's just a routine foreclosure. After all, don't most of them go back to the bank? But once they get to the courthouse steps they pretend to be surprised that there *are* other bidders and they don't bid themselves. Then the bid from someone else could be so low—\$50,000 on a property that's worth \$100,000, for example—that you, as the foreclosing attorney, immediately give your seller the cash you collect rather than wait a few days. After all, you got a cashier's check from the buyer, so you have nothing to clear the bank. Why make them wait? Then, when problems show up later, the seller and the cash- are long gone."

Andy was alarmed. Why was it that he only had a cell phone number for Veronica Dillard and had never heard of the Lotus Trust and Investment Company before?

The FBI had done its homework. When he told Agent Lenford about

Earn 3 Hours of CLE Ethics Credit & Reduce Premium
Payments up to 7.5% for 3 Years



"A" Rated by AM Best

Risk Management Seminar

Smart Practice, NOT Malpractice

Tuesday, September 21, 2004

8:00 am - 8:45 am Registration, Continental Breakfast
8:45 am - 12:00 pm Seminar

Maggiano's Little Italy - Buckhead
3368 Peachtree Road
Atlanta, GA



The exclusive administrator for the
CNA Lawyers Professional Liability
Program in the state of Georgia.

Register Today! Mail this form along with your payment to:

Gilsbar, Inc. ~ 555 North Point Center East ~ Alpharetta, GA 30022 or **Fax to: 1-800-504-8314.**

For more information call 678-366-4885.

Law Firm: _____

Address: _____ City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

Names of Attorneys Attending: _____

Current Professional Liability Company: _____ Policy Exp. Date: _____

Total Payment Enclosed: \$ _____ *Cost: \$40 per person in advance

*48 hour cancellation notice required for seminar fee to be refundable.
\$50 per person at the door; **credit card NOT accepted
at the door, cash or check only.**

For credit card payment, please complete the following:

Name on Card: _____ Type of card: Visa Mastercard

Credit Card Number: _____ Exp. Date: _____

Signature: _____ **Total to be Charged: \$** _____

First Tuesday came. Andy made sure he was on the courthouse steps by 10 a.m., the time he could legally begin to cry properties.

his doubts regarding 14 Cemetery Row and how he had negotiated a \$5,000 payoff to get the tenant out, all with the encouragement of the lender, she unfolded the local legal newspaper at the foreclosure advertising section and threw it down in front of him. Circled in red was Andy Clemons' announcement of the foreclosure of that property.

She would have agents on the courthouse steps on First Tuesday, she said. Andy should complete the sale and pay the tenant to get him out now, just in case. The FBI would put a tail on Veronica Dillard. When Andy gave her a deed or the proceeds from the sale, they would move in on her right away.

Agent Lenford left and returned half an hour later with an envelope with \$5,000 in it. That was for James Callaghan, she said, to make sure that he, his wife and eight children were clear of the property by First Tuesday morning, just in case there was any reason the First Tuesday Mob would show up there. They had never been violent before, but who knew? Agent Lenford said there was some kind of urban legend locally that the old man, Jimmy Clancy, had stashed his life savings in the house—a ridiculous rumor really, but that might be another reason why Veronica Dillard had expressed an interest in getting the property.

\$

First Tuesday came. Andy made sure he was on the courthouse steps by 10 a.m., the time he could legally begin to cry properties. There were about 50 buyers and a

few lawyers already there. He looked around as he cried his first few foreclosures. The bunch who did the impersonations—his own First Tuesday Mob—usually didn't begin arriving until just before noon. When it came time to cry the James and Emma Clancy property on 14 Cemetery Row, he looked for Veronica Dillard. She acknowledged him from the edge of the crowd. He looked for Agent Lenford. He couldn't see her. He tried to pick out the FBI agents, but it was impossible. The foreclosure crowd was half casual, half suit-and-tie. Anyone could have been an FBI agent. He began to cry the Clancy property.

When he opened the bidding he knew that if what Agent Lenford told him was correct—that if Veronica Dillard was a fraud, part of the First Tuesday Mob—she wouldn't bid or, at the least, bid so low there would be higher bids. He made a mental *a-ha* when she opened the bidding at \$10,000.

"Do I hear any further offers?"

Nothing at first, but as he began to knock down the property, other bids began. Slowly at first and then in a tumult until he had it at \$40,000. Veronica Dillard hadn't bid since \$30,000. He was sure now that she was part of the First Tuesday Mob. He had almost finished knocking it down.

"Going twice, going thr—"

"\$41,000," Dillard cried.

No one topped her offer. He knocked the property down to her.

Andy was puzzled. It made no sense if she was in it for the money.

When a lender bought the property back, no money changed hands.

"Is that family still on the property?" she asked him when he congratulated her on the sale.

"No. They've already left. I need your \$5,000 to pay them."

She gave him a check from the Lotus Trust and Investment Company.

"Mail the deed to us," she said. "I have to go."

Andy watched her leave, to see if she was being followed. But no tail was apparent. That, he supposed, was the way it should be. He couldn't see Agent Lenford anywhere.

He wondered about 14 Cemetery Row the rest of that day and over the next few days, but he heard nothing and went about his business. Maybe the FBI didn't tell you they'd arrested people after a sting? He looked for something on the local news on TV but saw no mention of it.

\$

On the Friday following First Tuesday, he was surprised to get a call from the bank. The \$5,000 check he had deposited to the firm's trust account to pay back the FBI had bounced—not actually bounced, but it had been drawn on a bank which didn't exist. He was not as surprised when a few days later the package he had sent to the Lotus Trust and Investment Company came back in the mail stamped "no such name, no such address." He was even less surprised, but apprehensive, when he had a visit from the FBI a few days later.

"I suppose you're looking for your money," he said to the agent.

"What money?"

"The \$5,000 Agent Sandra Lenford gave me which I gave to James Callaghan."

The agent looked puzzled.

"We don't have an Agent Sandra Lenford. Who's James Callaghan? I'm here to ask you a few questions about a counterfeit check your firm deposited, which we're particularly interested in because it appears to have been printed on our presses at the St. John's River Federal Penitentiary in Florida."

\$

Billy the Bic called his sister-in-law and congratulated her on a job well done.

"Course, you understand if you don't have my money waiting for me once I've done my time, you're gonna be named as my accomplice in the First State Bank job?"

Diane Clancy understood. The money would be waiting.

Billy still believed in a Conspiracy of One, but a

Conspiracy of Two was as good as it got this time.

\$

Andy Clemons was pleased to call James Callaghan and tell him that he still had his lease with a purchase option on the house at 14 Cemetery Row.

"We can go back?"

"Right now, if you want."


"And who do I give the \$5,000 back to?"

Andy thought for a moment.

"Beats me, James. Why don't you just keep it. Buy those windows and bricks with it."

"I've got one more question, Mr. Clemons. I went back to the house the day of the foreclosure. I know you told me not to and I'm sorry about that, but I left some of my tools there. I'm tryin' to unlock the back door when this woman comes

around the corner with a shovel and a five-pound hammer in her hands, like she's fixing to dig a hole. Says she's from the mortgage company. Only thing is, when I open the back door and we look inside—someone's already gone an' dug a hole. This woman, she almost faints, then she pulls herself together and takes off. You know what's going on, Mr. Clemons?"

Andy hadn't a clue. But he knew one thing, he would never look at First Tuesday the same after 14 Cemetery Row. 



Gerry Carty attended Langside College, Glasgow, Scotland, before coming to Atlanta where he graduated from John

Marshall Law School in 1980. He has practiced plaintiff's personal injury law since then.



Atlanta is rich with innovation.
Keep your bright idea safe—
patent it!TM

PATTERSON, THUENTE, SKAAR & CHRISTENSEN
Patent, Trademark, Copyright, Internet & Related Causes

400 One Security Center 3490 Piedmont Road NE Atlanta, GA 30305-4808
800-331-4537 404-949-5730 www.ptslaw.com

MINNEAPOLIS, MINNESOTA • ATLANTA, GEORGIA

Business Automation Associates, Inc.

is pleased to announce that

Brooks L. Hilliard CMC CCP

Has become one of fewer than 15 consultants in the world to achieve dual certification* as both

**Certified Management Consultant
Certified Computing Professional**

He is the only dually certified consultant active as an expert witness in computer-related litigation.

11811 North Tatum Blvd, Suite 3031-113;
Phoenix, Arizona 85028
(602) 264-9263

www.ComputerExpertWitness.com

*For credentials on international certification authorities and standards, see: <http://www.ComputerExpertWitness.com/Certification>