

1 and manage that account?

2 A That is correct. However, when cash got very tight,
3 there were a lot of discussions with Mike, and sometimes
4 Barbara, about who we were paying.

5 Q Okay. Now, if you would, please, if you'd look at
6 document 21A, defendant's exhibit, and if you would look
7 at the -- in the sleeve there there are three, actually,
8 pieces of paper. One of them that has page 3 at the top
9 says subcontractor's application for payment.

10 A Yes.

11 Q This was an application for payment which was sold to
12 Resource Bank or sent to Resource Bank; is that correct?

13 A Yes.

14 Q All right. And this was sent to Resource Bank on
15 September 30, 1996, or at least that's the date, looking down
16 at the lower left-hand corner, subscribed and sworn by you?

17 A That's the date on the document, correct.

18 Q Okay. And then that's your signature on the right-hand
19 side?

20 A That is correct.

21 Q And the certification above that, certificate of
22 subcontractor, says that you have performed the work,
23 supplied the materials, that you were requesting payment on
24 by this invoice; is that correct?

25 A That is what those words appear to say, yes.

1 Q Okay. Well, did you ever read them before you signed the
2 document?

3 A Yes, I did read them and --

4 Q Okay.

5 A -- but I didn't read it all right now. That's all I'm
6 saying.

7 Q Okay, that's fine; that's fine.

8 And on this particular day you requested
9 \$49,787.10 as the amount due this request; is that correct?

10 A That's correct.

11 Q Line No. 11?

12 A Yes.

13 Q What period of time did this cover?

14 A At the top of the page, it says October 16th to the 31st.

15 Q All right. If you signed this on September 30, 1996,
16 how could you possibly be certifying that work had been done
17 for a period from October 16th to October 31st, some two
18 weeks to a month later than when you are certifying to
19 Resource Bank that the moneys had been paid and the work had
20 been performed?

21 A Understand the question. I'm looking at the documents.

22 Don't recall.

23 Q The second page, if you will, of the document, it says --
24 page 4, at the top, it says "Continuation Sheet, AIA Document
25 G703," at the top. Do you see that?

9-30-1996 11:50AM FROM AGM*FINANCE 5180732

SUBCONTRACTORS APPLICATION FOR PAYMENT

TO: Devon USA, Inc.
FROM: AGM Development Corp.
5596 Greenwich Rd., Virginia Beach, VA 23462

PROJECT: Interport Business Center Phase II AGM #96-0432

PAYMENT REQUEST NO: 2 A

PERIOD Oct. 16, 1996 TO Oct. 31, 1996

STATEMENT OF CONTRACT ACCOUNT:

1. Original Contract Amount	<u>\$461,985.00</u>
2. Approved Change Orders Nos. _____ (as per attached).	<u>0.00</u>
3. Adjusted Contract Amount	<u>461,985.00</u>
4. Value of Work Completed to Date:(As per attached)	<u>150,019.00</u>
5. Value of Approved Change Orders Completed:	<u>0.00</u>
6. Materials Stored on Site:(as per attached)	<u>0.00</u>
7. TOTAL TO DATE:	<u>150,019.00</u>
8. Less Amount Retained <u>10%</u>	<u>15,001.90</u>
9. Total less Retainage	<u>135,017.10</u>
10. Total Previously Certified (Deduct) (Payments)	<u>85,230.00</u>
11. AMOUNT DUE THIS REQUEST:	<u>\$49,787.10</u>

CERTIFICATE OF SUBCONTRACTOR:

I hereby certify that the work performed and the materials supplied to date, as shown on the above represent the actual value of accomplishment under the terms of the Contract (and all authorized changes therein) between the undersigned and Devon USA, Inc. relating to the above-referenced project.

I also certify that payments, less applicable retention, have been made through the period covered by previous payments received from the contractor, to (1) all my subcontractors (sub-subcontractors) and (2) for all materials and labor used in or in connection with the performance of this Contract. I further certify that I have complied with Federal, State, and local Tax Laws, including Social Security and Unemployment Compensation laws and Workmen's Compensation laws insofar as applicable to the performance of this Contract.

Date: September 30, 1996

Subscribed and sworn to before me this
30th day of September 1996

AGM DEVELOPMENT CORPORATION



GLENN J. CHANEY - V. P. OF FINANCE

My commission expires: 10/31/96

CONTINUATION SHEET

AIA DOCUMENT G703

Interport Business Phase II

AGM#96-0432

PAGE 1 OF 1

PAGES

AIA DOCUMENT G702, APPLICATION AND CERTIFICATE FOR PAYMENT, containing

DEVON USA, Inc.

APPLICATION NO:

2 A

APPLICATION DATE

Sept. 30, 1996

PERIOD FROM:

October 16, 1996

TO:

October 31, 1996

Contractor's signed Certificate is attached.

In tabulations below, amounts are stated in the nearest dollar.

A NO#	B DESCRIPTION OF WORK		C SCHEDULED VALUE	D WORK COMPLETED THIS APPLICATION			G TOTAL COMPLETED & STORED TO DATE	H %	I BALANCE TO FINISH	J RET.
				D PREVIOUS APPLICATION	E WORK IN PLACE	F STORED MATERIALS				
1	Mobilization		11,500.00	11,500.00	0.00		11,500.00	100%	0.00	
2	Reinforcing Material	M	6,400.00	6,400.00	0.00		6,400.00	100%	0.00	
3	Stone	L	10,100.00	10,100.00	0.00		10,100.00	100%	0.00	
4	Stone	M	23,800.00	23,800.00	0.00		23,800.00	100%	0.00	
5	Foundations	L	24,500.00	14,700.00	7,350.00		22,050.00	90%	2,450.00	
6	Foundations	M	47,000.00	28,200.00	14,100.00		42,300.00	90%	4,700.00	
7	Slab on Grade	L	62,585.00	0.00	6,259.00		6,259.00	10%	56,326.00	
8	Slab on Grade	M	276,100.00	0.00	27,610.00		27,610.00	10%	248,490.00	
TOTAL PAGE			481,985.00	94,700.00	55,319.00	0.00	150,019.00		311,966.00	0.00
CUMMULATIVE TOTAL			481,985.00	94,700.00	55,319.00	0.00	150,019.00		311,966.00	0.00

9-30-1996 11:50AM FROM AGM*FINANCE 5190732

Aug 07 07 08:09p