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2 IN THE CHANCERY COURT FOR WEAKLEY COUNTY, TENNESSEE

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AT DRESDEN

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5 NORTHWEST TENNESSEE
6 MOTORSPORTS PARK, LLC,

7

plaintiff,

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VS.

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TENNESSEE ASPHALT COMPANY,

10

defendant.

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THE DEPOSITION OF STEPHANIE ANN SMITH

13

July 22, 2008

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CHRISTINA K. SHUPERT, RPR
Court Reporter
P.O. Box 11002
Jackson, Tennessee 38308

ORIGINAL

A P P E A R A N C E S

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3 For the Plaintiff: MR. LEWIS L. COBB, JR.
4 Spragins, Barnett & Cobb
5 312 East Lafayette Street
6 Jackson, Tennessee 38301

6

7 For the Defendants: MR. GREGORY L. CASHION
8 AND
9 MS. MEGHANN E. MCCONNELL
10 Smith, Cashion & Orr
11 231 Third Avenue North
12 Nashville, Tennessee 37201

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13 ALSO PRESENT: AUSTIN BATEMAN
14 COREY EDWARD TODD
15 MONTE PAUL SMITH

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1 The deposition of STEPHANIE ANN SMITH was taken at
 2 the instance of the defendant pursuant to agreement, on the
 3 22nd day of July, 2008, beginning at approximately 2:20 p.m.
 4 at the law offices of Spragins, Barnett & Cobb, Jackson,
 5 Tennessee, for use pursuant to the Tennessee Rules of Civil
 6 Procedure before Christina K. Shupert, Notary Public at
 7 Large in and for the State of Tennessee.

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I N D E X

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14 Direct Examination

14 By Ms. McConnell ----- 4

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16 Reporter's Certification ----- 50

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1 STEPHANIE ANN SMITH,
2 after having been first duly sworn, was examined and
3 testified as follows:
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5 DIRECT EXAMINATION

6 BY MS. McCONNELL:

7 Q Hello, Ms. Smith. I'm Meghann McConnell,
8 here for Tennessee Asphalt Company. You've been
9 sitting in on the depositions, so I assume you know
10 how it's going to go.

11 A I think so.

12 Q Have you given a deposition before?

13 A No, never have.

14 Q Okay. Basically I'm going to ask you
15 questions. Just let me know if you don't understand
16 anything. Try not to say "uh-huh" and "huh-uh."
17 You got that part?

18 A I'll try.

19 Q I'll remind you. If you need to take a
20 break, just let me know.

21 A Okay.

22 Q Okay. Would you state your name for the
23 record?

24 A Stephanie Ann Smith.

25 Q Okay. And what's your address?

1 A 415 Timber Lane. It's in Huntingdon,
2 Tennessee.

3 Q Okay. And what's your educational
4 background, starting from high school?

5 A Graduated from high school. Went to
6 college at Union University here in Jackson --

7 Q Okay.

8 A -- and graduated. I have a degree in
9 accounting.

10 Q What year did you graduate high school?

11 A High school? 1988.

12 Q Okay. And what year did you graduate
13 college?

14 A '92.

15 Q Okay. And what did you do when you
16 finished college? Did you go to work?

17 A I went to work. I worked here in Jackson
18 for Randy Wallace who was a local CPA.

19 Q Okay.

20 A He had a firm. I worked there during
21 college, and then I worked there when I was out of
22 college.

23 Q Okay. And you had an accounting degree,
24 did you say?

25 A Yes. Yes, ma'am.

CPA ?

1 Q Okay. And how long did you work there?

2 A A long time. I worked there -- oh, my
3 goodness, I would have to look back to know exactly
4 what year -- I worked there for several years.

5 Q Okay.

6 A And then he decided he was going to be a
7 financial guru and went to work at some big
8 financial thing, and I went to work for an
9 advertising agency here in Jackson then.

10 Q Okay. Is this before you and your husband
11 started leasing the racetrack?

12 A I think so.

13 Q That was '96, right?

14 A That was '96.

15 Q So you were working --

16 A Yes, yes.

17 Q -- for the CPA before '96?

18 A Yes.

19 Q What were you doing when you all started
20 leasing the racetrack?

21 A When we started leasing the racetrack, I
22 was working at the advertising agency, I think.

23 Q Okay. How long did you work there?

24 A Maybe a couple of years. Then they were
25 bought out by a company out of Memphis, and then

1 they transferred their accounting to Memphis. So
2 then I went to work in Huntingdon at the -- for the
3 town of Huntingdon --

4 Q Okay.

5 A -- doing accounting. I didn't work there
6 very long at all, because then I found out I was
7 pregnant with twins.

8 Q Oh, okay. So when you were having your
9 twins, is that right around when you all decided to
10 purchase the racetrack in '99?

11 A That was -- they were born in May of '98.

12 Q Okay.

13 A So all that was kind of --

14 Q And then you decided to purchase it?

15 A (The witness nods head affirmatively.)

16 Q Okay. And were you working another job,
17 or were you just working for the racetrack?

18 A At that point I was not working another
19 job, after the girls were born.

20 Q Okay. Do you work now, or just for the
21 racetrack?

22 A No. I just do accounting for the
23 racetrack. I have a couple of different clients
24 that I do some monthly stuff for at home --

25 Q Okay.

1 A -- but I don't work at a public job.

2 Q And you and your husband both own the
3 company, right?

4 A Yes.

5 Q And he said it was 50/50; is that right?

6 A Yes.

7 Q What is your job title?

8 A I don't know that we actually technically
9 have titles. I know we're both like 50 percent of
10 the LLC membership, but I don't know that there's a
11 specific title mentioned on the paperwork. I mean,
12 there could be. I just don't remember.

13 Q Okay. What is your involvement with the
14 company? What do you do?

15 A What do I do?

16 Q (Nods head affirmatively.)

17 A A little bit of everything from working
18 the concession stand, working the gate. But I
19 handle all of the, you know, accounting and stuff
20 like that.

21 Q Okay.

22 A Pay the bills, you know.

23 Q Would you say this is a full-time job,
24 what you do at the racetrack?

25 A A full-time job as in -- what do you mean?

1 Q I mean 40 hours a week, or is it more 20
2 hours a week?

3 A Some weeks it's really, really a lot, and
4 some weeks it's very little. Depends on whether I
5 have to go to Sam's and pick up supplies, or, you
6 know.

7 Q Do you work mostly on the weekends while
8 the races are going on or --

9 A I work every weekend when the races are
10 going on, but then I do things during the week also.

11 Q Okay.

12 A It's kind of hard to explain.

13 Q Okay. And Mr. Todd testified that you
14 were in charge of the employees, the payroll. Can
15 you explain what you do with that?

16 A Pay them at the end of the night.

17 Q Do you hire people?

18 A We all hire people, together.

19 Q Okay.

20 A I just pay them at the end of the night
21 and send them home.

22 Q So everybody makes the decision on let's
23 hire this person --

24 A Yeah.

25 Q -- let's fire this person?

1 A Yeah. We don't do any --

2 Q Okay. And are there -- are they on
3 salary, or do you just pay them as they come work?

4 A Different people do different. We have a
5 couple of people that just get paid the same amount
6 every weekend, and then we have like some EMTs and
7 things that we pay by the hour. So it's --

8 Q So do you have employees that work every
9 weekend doing the same job, or do you just have
10 volunteers that show up as needed?

11 A We have a few people that work every
12 weekend doing the same job, and then we have people
13 that just -- we don't -- you know, we might need --
14 we might need an extra sweeper this weekend, and so,
15 you know, this guy might say, "Well, my buddy Joe
16 over here can come and help out."

17 Q Okay. What else do you do for the
18 company? Mr. Todd mentioned something about the
19 prize money. Do you coordinate that?

20 A What do you mean "coordinate" it?

21 Q I mean --

22 A I write the checks.

23 Q How does that work?

24 A I mean, I write the checks at the end of
25 the night.

1 Q Okay.

2 A I don't always. Candace has started doing
3 some of that.

4 Q And what do you do as far as coordinating
5 the racers who are going to be there each week? How
6 does that work?

7 A We don't know who's going to be there each
8 week.

9 Q So people just show up to race?

10 A Yeah. Yeah.

11 Q You don't --

12 A No, you don't --

13 Q You don't have their names ahead of time?

14 A No.

15 Q How many people -- how many racers do you
16 usually have per night?

17 A I have no idea. I mean, it's different
18 every night. It's different every weekend.

19 Q So there's no preparation ahead of time as
20 far as --

21 A No.

22 Q What if only two people show up? You just
23 have two people race?

24 A You just have a bad night, a really bad
25 night. Actually, we've never had only two people

1 show up.

2 Q What if there's too many people? Do you
3 just keep racing?

4 A There's never too many.

5 Q Never too many?

6 A No.

7 Q Okay.

8 A No. The more the merrier.

9 Q Okay. I wanted to talk a little bit about
10 your -- the numbers that you all provided to us
11 about your intake, I guess.

12 A Okay. I hope we're going to look at that.

13 Q Yes. I'm not going to ask you off the top
14 of your head.

15 A Please. Oh, you've got it all.

16 Q Yes. I think I've got everything. It
17 looks like you've organized it by day, and then you
18 have a summary at the end. Let me see if I can find
19 one. Okay. We can use this one just as an example.

20 A Okay.

21 Q Are all of them similar to this, in the
22 same format?

23 A This is actually the fuel sales.

24 Q Okay.

25 A We sell racing fuel also, and these sheets

1 are from the fuel sales. There should be a summary
2 for each month for the fuel sales.

3 Q Okay. Can you explain what all the
4 numbers are on here and how you calculate that?

5 A I can.

6 Q Just generally.

7 A I mean, just -- that's what I'm saying.
8 Do you want to ask me a specific question? Like
9 this is the gallons of fuel we sell. This is the
10 total --

11 Q Okay.

12 A -- under the -- I don't -- I guess I'm not
13 real sure exactly what you're wanting to know here.

14 Q Well, see, I don't really know how to read
15 these.

16 A Well, I know. And the thing about it --
17 it's kind of just -- I don't know that anybody could
18 understand that except for me.

19 Q Okay. Well, this total sale number, is
20 that your gross? Do you have any costs associated
21 with this?

22 A Oh, yes.

23 Q Is that listed on here?

24 A No. This is just sales.

25 Q Okay. Do you keep track of your costs and

1 how much net that you make?

2 A As far as the cost with that, not the cost
3 with each specific date, no.

4 Q Okay.

5 A Is that what you're saying?

6 Q I guess.

7 A Okay.

8 Q All right. Anything else you need to
9 explain about this?

10 A I don't think so.

11 Q Okay. And we'll look at this one, for
12 example.

13 A Okay.

14 Q This is May 3rd.

15 A Uh-huh, yes.

16 Q So explain what all this is listing and
17 how that works.

18 A This is just the sheet that we fill out at
19 the end of the night, so that we'll know on May the
20 3rd things were good, it was a rainy day, it was a
21 pretty day, whatever. We make notes on here.

22 Q Okay.

23 A How many spectators, what the concession
24 stand did, how many entries we had in each class,
25 how many people bought back, what the entry fees

1 were, that type of thing.

2 Q What does "bought back" mean?

3 A Oh, me.

4 Q Sorry. I don't know anything.

5 A I know. And this is one of the most
6 difficult things to explain because somebody that
7 was really smart devised buybacks. It wasn't me.
8 Like if you have 50 cars that come and race in the
9 super pro class --

10 Q Okay.

11 A -- after the first round, 25 of them are
12 going to lose because you're racing two at a time
13 side-by-side. So 25 -- you've got 25 losers.

14 Q Okay.

15 A These people that lose can choose to pay
16 more money and race again the next round, if they
17 would like.

18 Q Okay.

19 A Generally they do, because they want to
20 win money at the end of the night.

21 Q Okay.

22 A Did that make any sense?

23 Q So when it says, for example -- how many
24 does it say on there?

25 A That says like 60 pro entries, and then 56

1 of them bought back.

2 Q Okay. So 56 of them decided to pay \$30?

3 A To pay \$30 to go again.

4 Q Okay. I got it. And these are your
5 different levels: The pro, the sportsman, the
6 street --

7 A Yes, ma'am.

8 Q -- the junior, and the heads-up?

9 A Yes.

10 Q Okay. And then this is your total income.
11 Does this have any indication of your costs on here?
12 This is just your gross?

13 A This is just the gross for that night.

14 Q Okay. Did you provide us any of your
15 information for your costs or your overhead for the
16 company?

17 A I don't know. I don't -- I don't think
18 so. I think what I did was just the -- what Robin
19 had asked me to do was just the receipts.

20 Q Okay.

21 A And we did it for like the three months
22 that we were closed.

23 Q Uh-huh.

24 A And then we did it for some time that
25 we -- when we opened back up.

1 Q Do you keep track of that information?

2 You just didn't --

3 A Not as far as which night it would go

4 with. I mean -- you see what I'm saying?

5 Q Right.

6 A Which night it would go with, no.

7 Q Okay.

8 A I mean --

9 Q Could we get a copy of just whatever you
10 have as far as what your costs are? I mean --

11 MR. COBB: You're welcome to
12 whatever, but if you'll ask her enough
13 questions to make it clear what you want, we'll
14 endeavor to get everything.

15 Q (By Ms. McConnell) Okay. I mean, I'm just
16 thinking as far as do you have to pay anything for
17 your concession people, you know, your salaries,
18 whatever, all of that -- just how much all of that
19 is?

20 A We do pay some of that, but there's not --
21 there's not anywhere where it's written down. We're
22 a family business. My mom runs the concession
23 stand. I mean, you know, it's not a --

24 Q Okay.

25 A -- a lot of people. My uncle runs the

1 gate. I mean, we have family that works there.
2 It's not real -- I mean, there's several people that
3 we do pay that are paid employees, but it's not
4 something that I have just written out for the --

5 Q Written out anywhere?

6 A Yeah.

7 Q Is it different every weekend?

8 A Somewhat. Not every -- not exactly, but
9 some.

10 Q Okay.

11 A I know that's not helping you any.

12 Q Well, I'm just trying to get an idea
13 because, you know, you're trying to claim damages
14 for when you were closed, and obviously there's some
15 costs that you saved by not being open. So I'm
16 trying to get a feel for -- as far as what you would
17 have normally had to pay somebody to be there and
18 work or something like that. So I'm just trying to
19 get a sense of what your overhead would be. Does
20 that make sense?

21 A Kind of. We incurred a lot more costs
22 being closed than we would have saved by not
23 opening, like you're saying.

24 Q Right. So what costs did you incur by
25 being closed?

1 A By being closed? I mean, we still had to
2 make our regular utility payment. We made our note
3 payments to the bank, insurance payments.

4 MR. COBB: Y'all -- if I might
5 help, y'all are not communicating. She's
6 asking what additional costs that you have
7 being closed versus being opened, not what
8 you --

9 THE WITNESS: Additional. Not
10 what --

11 MR. COBB: Not what costs --

12 THE WITNESS: I'm sorry, I guess
13 I didn't understand.

14 Q (By Ms. McConnell) Oh, that's okay. So
15 what additional costs did you have by being closed?

16 A By being closed. I can't think of any.

17 MR. COBB: We're not claiming --
18 we're not claiming additional costs being
19 closed. We're claiming that there were a lot
20 of costs that we couldn't save by being closed,
21 that there are obviously some costs, like
22 people who would show up and work each weekend
23 that didn't show up and didn't get paid. I
24 mean, I'm not trying to interfere, and I'll
25 shut up. But I don't think that she's

1 answering what y'all are intending to ask.

2 MR. CASHION: Right. If I can
3 butt in a second.

4 MS. McCONNELL: Sure. Please.

5 MR. CASHION: What we're trying
6 to figure out is you're claiming gross revenue,
7 not net revenue.

8 MR. COBB: Right.

9 MR. CASHION: And we're trying
10 to figure out what your net revenue would be.

11 MR. COBB: And we would
12 appreciate your help.

13 MR. CASHION: Fuel would be a
14 good one because obviously you're paying for
15 fuel and you're reselling it, and you're
16 claiming the total gross revenue of fuel. I
17 mean, there's an obvious --

18 MR. COBB: And it would only be
19 the profit from the fuel sales.

20 MR. CASHION: Right.

21 MR. COBB: I agree.

22 MR. CASHION: So what I would
23 like to say is we probably need just the tax
24 returns for these years you've put in, because
25 they will have gross sales on the tax return.

1 I mean, so you'll get, in a perfect world, them
2 to match up what you've got on your IRS
3 statement. And then we'll have cost of sales
4 underneath it, and we can see what your cost of
5 sales would be. That's kind of -- and then
6 we'll see what your net income is for that
7 time. So that's what I would prefer to --

8 MR. COBB: Do you understand
9 what he's saying?

10 THE WITNESS: I think so.

11 MR. CASHION: Is this --

12 MR. COBB: Fuel's a great
13 example. You sell ten dollars worth of fuel.
14 That's not ten dollars of profit.

15 THE WITNESS: Right.

16 MR. COBB: It's whatever. And
17 they want to know what the --

18 THE WITNESS: What the actual --
19 yeah.

20 MR. COBB: And I don't think
21 that they've got it, and we've got to get it.
22 We need it worse than they do because we've got
23 to prove our damages.

24 THE WITNESS: Yeah.

25 MS. McCONNELL: That's what I

1 was getting at with this, too --

2 MR. CASHION: And that's what
3 Meghann's trying to figure out --

4 MS. McCONNELL: -- not very
5 articulately with her.

6 MR. CASHION: -- what the
7 offsets would be. Because, clearly, there's
8 costs that you were sustaining --

9 MR. COBB: Right.

10 MR. CASHION: -- insurance,
11 utility, all those -- property tax.

12 MR. COBB: I actually thought
13 that y'all had done that, that you and Robin
14 had pulled apart --

15 THE WITNESS: There was a
16 different --

17 MR. COBB: -- the cost of
18 selling versus --

19 THE WITNESS: There was a
20 different sheet other than that one. There was
21 one --

22 MR. COBB: Let's go off the
23 record just a second.

24 MR. CASHION: Yeah.

25 (Off the record.)

1 MS. McCONNELL: I would like to
2 mark this as the next exhibit, please.

3 (Exhibit Number 10 was marked.)

4 Q (By Ms. McConnell) Look at what we've
5 marked as Exhibit 10, this document right here --

6 A Okay.

7 Q -- that you included in your stack of
8 stuff.

9 A Right.

10 Q Let's look for 2007. Can you just explain
11 what these numbers mean?

12 A 2007, okay. For 2007, I took -- this was
13 just the best way that I could figure to come with
14 an average loss that we would have lost over the
15 three months that we were closed, which ended up
16 being 13 weeks.

17 Q Uh-huh.

18 A I took the two weekends that we were open
19 in April of 2007. That's the spectator and racer
20 income from the weekly, nightly sheets --

21 Q Okay.

22 A -- and then the fuel sales from the fuel
23 sheets. There was four weekends in August, and
24 there was three weekends in September. Took those,
25 basically those nine weekends, and averaged them out

1 and got an average of the 10,238. Do you see where
2 I did that?

3 Q Yes.

4 A And then for May through July, I did an
5 average of 13 weeks at 10,000-some-odd dollars.

6 Q Okay.

7 A Am I making any sense to you?

8 Q Yes.

9 A Okay.

10 Q So does this 10,000 average per weekend,
11 does that match up with what you usually do? It
12 seems a little higher than what you did in '06 and
13 '05. I mean, is that a big difference or --

14 A Okay. Let me see those.

15 Q I'm looking where it says "average
16 weekend" in '06 and '05.

17 A Yeah. Right. Okay. I see where you're
18 at now.

19 It seems like '05 and '06 were kind
20 of slow years anyway, and then we picked back up in
21 '07. And '08 has been -- the weekends after we did
22 the -- before construction came in and when we
23 reopened, August and September were exceptional, you
24 know. They were -- they were good.

25 Q Okay.

1 A And then this year's been good since we've
2 opened back up.

3 Q So this is how you arrived at your
4 \$133,096.89 as your damages?

5 A Yes.

6 Q Just your average. And these are -- are
7 these gross?

8 A These are. And they were just averages
9 for -- well, when you're looking at 2003, -4, -5,
10 and -6 for those three months. So it's not the
11 whole year's worth of --

12 Q Right.

13 A Because racing in March is way different
14 from racing in June, as far as your --

15 Q What are your more profitable months?

16 A -- if we had been closed.

17 Probably April, May, June, July, and
18 August are the most, you know, right in the center.
19 Because when you get to each end, it's -- the
20 weather can be cold, not good.

21 Q Okay.

22 MS. McCONNELL: I'd like to mark
23 this one as the next exhibit.

24 (Exhibit Number 11 was marked.)

25 Q (By Ms. McConnell) If you'll take a look

1 at what we've marked as Exhibit 11, this is what you
2 just gave us.

3 A Okay.

4 Q So we noticed that the revenues for 2006
5 on Exhibit 11 is not the same number as Exhibit 10?

6 A No.

7 Q What's the reason for that?

8 A Because -- which exhibit is this?

9 Q This is 11.

10 A Exhibit 11 is for the entire year.

11 Q Okay.

12 A The other exhibit is for three months, or
13 nine weekends. It's just for a few weekends out of
14 the season that were the prime racing season.

15 Q Okay. So you just did May, June, July,
16 August on Exhibit 10?

17 A I did, on Exhibit 10, the weekends that we
18 missed, that we were closed in 2007.

19 Q What about for 2006? You just did May,
20 June, and July also?

21 A Yes.

22 Q Okay.

23 A May, June, July, and then one weekend in
24 August. It was the same weekends that we were
25 closed in 2007.

1 Q I see what you're saying.

2 A You see what I'm -- do you understand?

3 Q Yes, I do.

4 A Okay. Thank you.

5 Q So are these the fixed expenses that you
6 were mentioning that you were incurring while you
7 were closed, on Exhibit 11?

8 A I think so.

9 Q Okay. And would you explain the variable
10 expenses?

11 A Well, like the payout to the racers is
12 like the money that they win.

13 Q Right.

14 MR. COBB: That's prize money.

15 A Prize money, yes. Concession purchases
16 were food.

17 Q (By Ms. McConnell) Were you not having to
18 pay these expenses because you were closed, or were
19 you still having to pay them?

20 A No. We did not pay money to racers when
21 we were closed.

22 Q And the rest of these under "variable
23 expenses," did you pay out any of those while you
24 were closed?

25 A Some of them we may have.

1 Q Which ones?

2 A No, I guess we didn't purchase any fuel
3 while we were closed.

4 MR. COBB: Did you have any
5 advertising while you were closed, getting
6 ready to go back up?

7 THE WITNESS: Not while we were
8 closed.

9 MR. COBB: Okay.

10 Q (By Ms. McConnell) So from our
11 perspective, if we're trying to sort of come up for
12 a damage amount for you, could we -- are all these
13 variable expenses, this 95,000 for 2006 -- I know
14 you're going to get it to us for 2007 -- but these
15 would be expenses you did not have to pay while you
16 were closed, anything that would fall into this
17 variable expenses category?

18 A Yes.

19 Q Okay. And anything under "fixed expenses"
20 you did still have to pay?

21 A Yes.

22 Q Okay. Now let's talk a little bit about
23 the Tennessee Asphalt Company project. Were you
24 involved in the decision to repave the track?

25 A Yes. We all just sat down and -- around

1 the kitchen table and had a conversation that we
2 needed to make some improvements.

3 Q Okay. What was your position? You
4 thought you needed to repave or --

5 A I'm not a racer. I don't, you know -- but
6 I wanted things to be perfect for the racers to come
7 so that we could have more income and make more
8 money.

9 Q Were you involved in the process of
10 obtaining the bids?

11 A No.

12 Q No? What about the decision to hire
13 Tennessee Asphalt Company?

14 A Yes. We sat down and decided that
15 together.

16 Q What had you heard about Tennessee Asphalt
17 Company, their reputation?

18 A They were just a well-known company, did a
19 lot of paving for the State of Tennessee -- or so my
20 husband told me -- for the state projects and stuff.

21 Q So you were comfortable with hiring them?

22 A Yes. They seemed -- we -- I think we
23 looked on the -- on the internet, and they had
24 paved, it seems like, an airstrip or some type of
25 airport somewhere. And I thought, If they can pave

1 an airport, surely, you know --

2 Q So you did look at the web site?

3 A I did.

4 Q Okay. Did you review the proposal that
5 they submitted?

6 A I looked at it.

7 Q And did you read all of it or just kind of
8 glanced at it?

9 A I think we read all of it. I did.

10 Q Okay. And were you on-site while they
11 were performing the work?

12 A On and off.

13 Q I want to go through Exhibit 2.

14 A Is that this one?

15 Q It's the notes.

16 A Yeah, right here.

17 Q Right. So they began work on Monday,
18 April 30th?

19 A Yes.

20 Q Were you there that day?

21 A I was there that day. I don't know that I
22 was there the entire day, but I was there at some
23 point.

24 Q Do you remember seeing them do any work?

25 A Yes. I remember seeing the big milling

1 machine and --

2 Q What do you remember from that day, as far
3 as their work?

4 A Well, that the milling machine just milled
5 up the racetrack. I mean, I don't -- you know, I
6 don't know what you --

7 Q Did they have -- did you have any
8 conversations with anybody about the work that was
9 being done?

10 A I don't think I did.

11 Q Okay. On May 1st, the next day, it says,
12 "Stephanie and Corey spoke to John Austin and the
13 paver operator regarding the proper crown on the
14 drag strip."

15 Do you remember that conversation?

16 A I was just there.

17 Q Did you have any part of it or --

18 A I remember them talking about the crown,
19 and they explained to me what the crown was, and --
20 I don't -- I don't remember why we were even
21 discussing the crown, but I do remember them having
22 that conversation.

23 Q Did you have any conversations with
24 anybody else about that?

25 A I don't think so.

1 MR. COBB: Stop for a second.

2 Off the record.

3 (Off the record.)

4 Q (By Ms. McConnell) Okay. And I guess
5 later that day it says you watched the paving crew
6 pave over the piece of asphalt?

7 A Yeah. We did do that.

8 Q Tell me what you remember about that.

9 A Well, we were standing -- I don't know if
10 we were outside or in the tower. We had been both
11 places, just watching them. I had been taking some
12 pictures, you know. I mean, we were excited getting
13 the racetrack redone. We were doing pictures. We
14 were going to put them on the website and all that
15 kind of stuff, "Look, we're doing all these
16 improvements." And we were standing there watching
17 these guys, and -- it was me and Corey and then,
18 like he said, John Mitchell and Joe Mitchell. And
19 they had just stopped by to see what was going on.
20 John was a racer. He was all into the fact that we
21 were repaving and redoing things, you know, getting
22 things better. And there was this huge hunk of
23 asphalt or gravel or something. I mean, it stood
24 out of the pavement, you know, pretty -- I don't
25 know -- how tall is that (indicates)?

1 MR. CASHION: Twelve inches.

2 A Yeah, maybe twelve inches, you know. I
3 mean, it stood out.

4 Q (By Ms. McConnell) A piece of solid --

5 A Eight to twelve inches maybe. You know,
6 it stood out.

7 Q -- solid rock?

8 A Like a big hunk of rock, yeah.

9 Q Okay.

10 A And we kind of laughed. We said, "Surely
11 they're going to stop and get that out of the way,"
12 you know. Well, they didn't. They just paved right
13 over it, and it still kind of stuck up. And then
14 they went back and kind of just dug it out and threw
15 some asphalt on it and patched it with a little
16 shovel -- patted it down with a shovel and kept
17 going.

18 Q How did it look?

19 A We were like, "What in the world?"

20 Well, it didn't look real good. I
21 mean, you know, if you take a big hunk out of
22 asphalt and just put some more on top of it and pat
23 it down, it doesn't look too great. And it didn't
24 look great.

25 Q Did you talk to anyone about this?

1 A I think we just talked amongst ourselves,
2 that, "What in the world? What were they doing?"

3 Q So did you --

4 A But I did not speak to anyone from
5 Tennessee Asphalt about that, if that's what --

6 Q Just anybody?

7 A (The witness shakes head negatively.)

8 Q Did you see the paver get stuck?

9 A I saw it after it was stuck. I'm not sure
10 if it had been stuck or just gotten stuck when I saw
11 it. Because I think I took some pictures of it.

12 Q Okay.

13 A But it was definitely stuck.

14 Q Were you a part of any of the
15 conversations with Tennessee Asphalt Company, either
16 John or Austin, on Thursday, May the 3rd? Were you
17 present for any of those?

18 A I don't think I was there Thursday.

19 Q Okay. Tell me about the conversation on
20 Friday, May the 4th, with John Taylor and
21 Danny Wimberley.

22 A It was basically just like we said here in
23 our notes. That was when we were trying to figure
24 out what we were going to do about the fact that
25 everything had not gone as planned and was a big

1 mess. I think Monte asked if -- you know, asked
2 John, then, if his boss knew about it. And he said
3 he wasn't sure to what extent he knew, but he
4 thought he knew a little bit about it, but he didn't
5 think he really knew the whole story.

6 Q Were you doing any of the talking, or were
7 you just there, just present?

8 A I'm sure I opened my mouth on one or two
9 occasions, but for the most part I was just there.

10 Q Okay. I think the next time in the notes
11 that you are mentioned is Wednesday, May the 9th.

12 A Yes.

13 Q A meeting with John, Austin, and
14 Bill Ratliff, what do you remember from that
15 meeting?

16 A I remember that they all came to the
17 track. We walked down and looked at all the mess,
18 all of us. I don't think anybody said a lot.
19 Mr. Ratliff said that, you know, if we'd like, that
20 he could remove all his equipment and not send us a
21 bill and go on his merry little way. I mean not to
22 those -- not in those exact words. And we said,
23 "Well, that's not what we're asking. We just want
24 to get it back in working condition and, you know,
25 provide us a smooth racing surface. Because cars

1 that run as fast as these cars do, can't, you know,
2 go over patched-up asphalt."

3 And they -- he said that they could
4 not guarantee us a smooth surface and that what he
5 offered to do was just leave all the asphalt down
6 that they had put down -- which was, I think we
7 determined, about 50 percent, earlier -- and then
8 patch the other holes. And we told him that that
9 was not acceptable because there was no way that
10 that could be smooth or could they guarantee that.
11 I think we asked them, "Can you guarantee it to be
12 smooth?" No, they couldn't guarantee it to be
13 smooth. And then they said anything -- that they
14 could come in and use some kind of graders or
15 something and try to grind it out and make it
16 smooth, but then we would have to pay extra for all
17 of that.

18 Q What was your suggestion -- what were you
19 asking Tennessee Asphalt to do with it?

20 A Fix it.

21 Q So they were making suggestions, and you
22 didn't want to do any of those suggestions. Did you
23 have an idea of what you thought they could maybe
24 do, or were you just thinking they would have to
25 start all over?

1 A Well, I was just thinking that there was
2 no way that I could imagine that you could fill in
3 holes here and there and yonder that were not
4 already paved and have a smooth surface. I mean --

5 Q At this point were you thinking there --
6 somebody else was going to have to come back and fix
7 it? Were you kind of done with them?

8 A I had no idea at this point what we were
9 going to do. I knew we were closed and had been
10 closed for some time, and we were losing money, and
11 it was ugly. I mean, I knew we had to do something.

12 Q How long had you been closed at this
13 point, just the one weekend?

14 A I think so.

15 Q What were you thinking about, looking
16 ahead? What were you anticipating was going to
17 happen? Do you know?

18 A I don't know that I anticipated anything
19 that would or wouldn't happen. I mean --

20 Q Were you thinking this was going to be a
21 situation where you were going to be closed for
22 three months at that point?

23 A No, no.

24 Q What were you -- what were you thinking?

25 A I guess I was thinking, or hoping, that we

1 could come to some agreement with Tennessee Asphalt
2 and fix what was there and be opened up in the next
3 few weeks, since the original job was only going to
4 be two or three days.

5 Q So I want to talk about your conversations
6 with the bank that were mentioned earlier. Tell me
7 about your first initial visit to the bank. What
8 did you tell them about what was needing to be done?
9 Did you bring your proposal from Tennessee Asphalt
10 Company to the bank and say, "This is how much we
11 need, this is what we're trying to do"?

12 A Okay. Are you back on the very beginning?

13 Q I'm back on the very beginning.

14 A Okay. I want to make sure I'm with you.

15 Q Your initial --

16 A Yes, we did. We said, "We've got this
17 estimate from Tennessee Asphalt for right at \$40,000
18 to -- they're going to strip -- grind the pavement,
19 put new pavement down. It's going to be smooth.
20 It's going to be, you know, great, you know. It's
21 going to help business," dah, dah, dah, dah, dah.
22 The bank's, "Fine, do it."

23 Q And that was fine?

24 A Yeah.

25 Q So after all this happened, when did you

1 go back to the bank?

2 A I don't remember the exact date that we
3 went back to the bank. I don't know that I even
4 have that written down anywhere, but it was --

5 Q Was it after you met with Ford
6 Construction?

7 A No, no. We went back to the bank,
8 probably that -- I mean, I'm guessing it was going
9 to be somewhere around that Friday or something. We
10 went back to the bank early on and said, "Look" --
11 we took them pictures and said, "Look, we've got a
12 mess, and I don't know what we're going to do."

13 Q So at this point you didn't have an idea
14 of how it was going to be fixed?

15 A No. We just knew we had a mess, and it
16 had to be fixed.

17 Q You just knew it was going to probably
18 take more money?

19 A Right.

20 Q So what did you -- did you bring anything
21 other than the pictures of the track?

22 A Not that I remember.

23 Q And at that point what did the bank say?

24 A He just kind of had this panicked look on
25 his face. He said, "Uh, this is a mess."

1 "Yeah, that's what we're telling you,
2 you know, it's a big mess. And we've got to fix it,
3 or you've got a racetrack that's no good, and we've
4 got some land that's no good. It's just a big
5 mess," you know.

6 And he asked us about what had
7 happened, and we kind of gave him the rundown of
8 this whole scenario that we've talked about. And he
9 said, "Have you obtained a lawyer?"

10 I said, "I think -- we've been
11 talking, you know, we're going to talk to somebody,"
12 or "We had talked to somebody." I don't remember
13 the exact thing then.

14 He said, "I think that would be a
15 good idea."

16 Q So did they agree to loan you the 180,000
17 at that point? Is that how much --

18 A At that point we didn't know.

19 Q You didn't know?

20 A Huh-uh. At that point we didn't know, but
21 he agreed.

22 Q Whatever it took?

23 A Yeah, we will have -- we have to fix it.

24 He agreed with that. We have to get it fixed, and
25 we have to get it fixed right, so that we don't have

1 to go through and do it again.

2 Q So after you met with Ford Construction
3 and got the proposal from them, you took that back
4 to the bank and said, "This is how much it's going
5 to be"?

6 A I never met with Ford Construction, but we
7 did have a -- had the proposal from Ford
8 Construction, and we took it back to the bank and
9 said, "This is what they're saying needs to be done.
10 This is how much it's going to cost to fix it." He
11 said, "Okay."

12 Q So you weren't involved with the Ford
13 Construction side of it? Did you -- you never met
14 with them or had any involvement in deciding to use
15 them?

16 A I mean, we all decided to use them, but I
17 never actually spoke to Jimmy Harrison at Ford
18 Construction.

19 Q Okay. And you had worked with Ford
20 Construction before?

21 A They had done some paving in the pits
22 several years back. I'm not even sure if it was the
23 same guy.

24 Q Okay.

25 MS. McCONNELL: Can I have five

1 minutes to talk to Greg?

2 MR. COBB: You can.

3 (Recess.)

4 Q (By Ms. McConnell) All right. I've just
5 got a few more questions, and we're probably going
6 to jump around a little bit just to finish up on a
7 couple of areas.

8 A Okay.

9 Q First of all, what was your budget for the
10 repaving project?

11 A We didn't have a set budget.

12 Q Did you have a general idea?

13 A We just got quotes to see how much it
14 would be to do the racing surface, the main part of
15 the drag strip. That was the part that needed it.
16 And after we got the quotes was when we were -- went
17 to the bank and said, you know, "Is this okay? Will
18 this" -- you know. So we didn't have a set budget
19 beforehand.

20 Q So if the bids had been higher than you
21 could pay, you just weren't going to do it?

22 A If the bids had been higher than we could
23 have paid, no. We just -- I think. I think I
24 messed that all up.

25 MR. COBB: It's a long day.

1 Q (By Ms. McConnell) So did you get a loan
2 from the bank for the initial 39,500 for Tennessee
3 Asphalt Company's work?

4 A We had an agreement, I guess, with the
5 bank that we would get the loan. I don't know that
6 we actually took out the loan -- that they would
7 give us the money whenever it was due. Then we
8 would take out the loan.

9 Q So since you never paid anything to
10 Tennessee Asphalt Company, you never got any money
11 from the bank; is that right?

12 A No. We got money from the bank to pay
13 Ford Construction.

14 Q But the 39,500, did you ever get that
15 amount from the bank?

16 A No.

17 Q Okay. That's what I was asking.

18 A Okay. No.

19 Q So hiring Ford Construction, you did get a
20 loan from the bank?

21 A Yes.

22 Q And how much was the loan for?

23 A I would have to look back and make sure it
24 was --

25 MR. COBB: Let me just suggest

1 the word "loan commitment." They had a
2 commitment from the bank to loan for the
3 project. I think that's what you're really
4 asking as opposed to a loan.

5 MS. McCONNELL: Well, she said
6 "an agreement." So I was just trying to
7 understand if that meant --

8 MR. COBB: And I'm just trying
9 to suggest -- I'm just trying to suggest a term
10 I think that's accurate. She got a loan
11 commitment to fund.

12 THE WITNESS: We had nothing in
13 writing.

14 MR. COBB: But they never got --
15 they never got it. They never got the money
16 for that --

17 MS. McCONNELL: For the
18 Tennessee Asphalt work.

19 MR. COBB: For the Tennessee
20 Asphalt.

21 THE WITNESS: Right.

22 MR. COBB: They did get a
23 commitment and a loan for the Ford
24 Construction.

25 THE WITNESS: Right.

1 Q (By Ms. McConnell) Okay. I understood you
2 saying that. I just -- I guess the record wasn't
3 clear.

4 A I wasn't sure if I was being real clear on
5 that, but --

6 MR. COBB: It may just be me.

7 Q (By Ms. McConnell) I'm with you.

8 A Okay.

9 Q Whether anybody else is, I don't know.

10 A It's one of those female things.

11 Q Okay. Skipping around just a little bit,
12 after you all met with Bill Ratliff -- I think it
13 was around May, early May -- and Tennessee Asphalt
14 Company was making suggestions as to how to fix the
15 problem, were you all willing to pay anything to
16 make these repairs that they were suggesting?

17 A I'm not sure I understand exactly what
18 you're asking me.

19 Q At this point when you all agreed there
20 was a problem --

21 A Right.

22 Q -- and trying to figure out how to fix it,
23 were you all willing to pay anything to fix it?

24 A I think we would have had we -- could we
25 have come to a satisfactory agreement on what they

1 were going to pay for and what we were going to pay
2 for. But they never gave -- they could never give
3 us a, "It's going to cost \$5,000 to fix it," or
4 whatever. They could never give us an exact price.
5 And, plus, they were just going to patch the area --

6 Q So you weren't happy with what they were
7 going to do?

8 A No, no.

9 Q And it wasn't really about the price; it
10 was about what they were doing to fix it?

11 A It was -- yes.

12 Q If they had been able to come up with a
13 solution that you would have been happy with, you
14 would have been able -- or you would have been
15 willing to pay them some money to do that --

16 A We were --

17 Q -- if the work they suggested was
18 something you were comfortable with?

19 A We were willing to pay them on the
20 beginning to do the job.

21 Q Right.

22 A I mean, we would have been willing to pay
23 them to do the job had they done it in an acceptable
24 manner.

25 Q Would you have been willing to pay

1 anything over the original contract amount to make
2 the repairs, anything over the 39,500?

3 A To make repairs? Which repairs?

4 Q To fix the problem, to fix the paving
5 situation.

6 A We would not have been willing to pay to
7 fix the shutdown area, because it was not -- it
8 wasn't messed up until they came there, and it
9 wasn't part of the original job.

10 Q So would you have been willing to pay
11 anything, or you were just going to pay -- or were
12 you just saying they would have had to pay whatever
13 to fix whatever had gone wrong?

14 A No, not whatever had gone wrong.

15 Q How much would you guys have been willing
16 to pay?

17 A It's hard to say because we never got a
18 price.

19 Q So they weren't providing you -- when they
20 were making suggestions as to what they could do to
21 fix it, they weren't providing any prices for that?

22 A Prices by the hour, prices by the load of
23 asphalt, but not a concrete figure.

24 Q Okay. Just a couple more questions. You
25 mentioned about family members that work at the

1 track. And do they work every weekend doing various
2 things? You mentioned your mom works the
3 concessions; somebody else works the parking. Do
4 they do that every weekend?

5 A For the most part. I mean, there's some
6 nights they're not there.

7 Q Do they get paid?

8 A (The witness shakes head negatively.)

9 Q They don't ever get paid? They work every
10 weekend, almost, for free?

11 A Pretty much.

12 Q Not even cash?

13 A Maybe some gas money or something, but not
14 a substantial payment amount.

15 Q So you don't ever pay them in cash?

16 A Huh-uh.

17 Q And you do -- I can't remember if you said
18 you had salaried, you know, employees.

19 A Yes.

20 Q On your tax return does it have a list of
21 employees that get a W-2?

22 A I don't think it has a list. It just has
23 a summary of salaries or, you know, however much we
24 pay.

25 Q Do you --

1 A And that includes the hourly and salary
2 employees. They're all just lumped into one salary
3 figure.

4 Q Do you have a -- do you have a list of
5 your employees that receive a W-2 form?

6 A Yes.

7 Q Do you have employees that work as
8 independent contractors?

9 A We have had some in the past.

10 Q And what form do they get for taxes?

11 A It's been a long time ago when we had some
12 EMTs. They got a 1099 then --

13 Q Okay.

14 A -- when they did that. But that was for
15 some EMTs. And since then we have them on the
16 payroll.

17 Q As a salaried employee?

18 A Or hourly.

19 Q Or hourly.

20 MS. McCONNELL: I think that's
21 it. You're done.

22 AND FURTHER DEPONENT SAITH NOT

23 -----

24

25

C E R T I F I C A T E

STATE OF TENNESSEE)

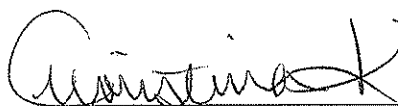
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AT LARGE)

I, Christina K. Shupert, hereby certify that the witness in the foregoing deposition was first duly sworn; and that the foregoing is a true and accurate transcript of the testimony given by said witness on July 22, 2008.

I further certify that I am neither kin nor counsel to any of the parties hereto and that I am not interested in the outcome hereof.

Witness my hand and seal, at office, on this 4th day of August, 2008.


 Christina K. Shupert, RPR
 Notary Public at Large in and for the State of Tennessee
 Madison County

My Commission Expires:

November 21, 2010

Spectator & Racer Income

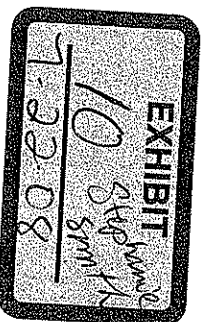
	2003	2004	2005	2006	
May	\$73,937.00	\$38,998.00	\$20,563.00	\$16,944.00	3
June	\$26,462.00	\$20,385.00	\$19,674.00	\$8,369.00	2
July	\$39,945.00	\$29,076.00	\$27,698.00	\$33,133.00	5
August (1wknd)	\$4,554.00	\$8,355.00	\$4,458.00	\$5,386.00	1
Totals	\$144,898.00	\$96,814.00	\$72,393.00	\$63,832.00	11
Average Weekend	\$11,146.00	\$7,447.23	\$6,032.75	\$5,802.91	\$7,713.00
Fuel Sales					
May	\$1,503.00	\$2,264.00	\$2,451.00	\$1,886.00	3
June	\$1,906.00	\$1,079.00	\$1,869.00	\$805.00	2
July	\$2,200.00	\$1,043.00	\$1,605.00	\$2,582.00	5
August (1wknd)	\$310.00	\$634.00	\$247.00	\$237.00	1
Totals	\$5,919.00	\$5,020.00	\$6,172.00	\$5,510.00	11
Average Weekend	\$455.31	\$386.15	\$514.33	\$500.91	\$461.65
Total Income	\$150,817.00	\$101,834.00	\$78,565.00	\$69,342.00	\$400,558.00
Total Average	\$11,601.31	\$7,833.38	\$6,547.08	\$6,303.82	\$8,174.65

Average loss of 13 weekends \$106,270.49

2007

2008

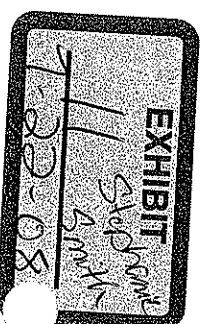
	Spectator & Racer	Fuel Sales		Spectator & Racer	Fuel Sales
April 2 Wknd's	\$16,234.00	\$1,734.00	May 3 Wknd's	\$24,694.00	\$1,514.00
August 4 Wknd's	\$36,859.00	\$1,914.00	June 4 Wknd's	\$31,264.00	\$1,839.00
September 3Wknd's	\$32,122.00	\$3,281.00	July 1 Wknd	\$8,556.00	\$316.50
Total 9 Weekends	\$85,215.00	\$6,929.00	Total 8 Weekends	\$64,514.00	\$3,669.50
Average Weekend	\$9,468.33	\$769.89	Average Weekend	\$8,064.25	\$458.69
Total Average	\$10,238.22		Total Average	\$8,522.94	
Weekends Closed					
May thru July	13 x \$10,238.22	\$133,096.89			\$110,798.19
Average Loss Based on 2007 Actual Figures			Average Loss Based on 2008 Actual Figures		



Northwest Tennessee Motorsports Park, LLC.

	2006	2006 Avg 9 Months Open	2005	2005 Avg 9 Months Open	2004	2004 Avg 9 Months Open	2003	2003 Avg 9 Months Open
Revenues	\$159,416.00	\$ 17,712.89	\$159,941.85	\$ 17,771.32	\$194,464.69	\$ 21,607.19	\$288,280.09	\$ 32,031.12
Fixed Expenses								
Interest Expense	\$ 35,389.34	\$ 3,932.15	\$ 33,822.43	\$ 3,758.05	\$ 30,809.77	\$ 3,423.31	\$ 20,891.58	\$ 2,321.29
Insurance	\$ 2,533.68	\$ 281.52	\$ 2,620.64	\$ 291.18	\$ 2,507.08	\$ 278.56	\$ 3,372.87	\$ 374.76
NHRA Dues	\$ 1,052.00	\$ 116.89	\$ 1,645.00	\$ 182.78	\$ 500.00	\$ 55.56	\$ 948.00	\$ 105.33
Bank Fees	\$ 232.04	\$ 25.78	\$ 1,273.50	\$ 141.50	\$ 1,994.43	\$ 221.60	\$ 605.02	\$ 67.22
Business Licenses	\$ 972.94	\$ 108.10	\$ 710.00	\$ 78.89	\$ 730.00	\$ 81.11	\$ 465.00	\$ 51.67
Office Supplies	\$ 148.05	\$ 16.45	\$ 547.50	\$ 60.83	\$ 721.58	\$ 80.18	\$ 417.69	\$ 46.41
Postage	\$ 390.57	\$ 43.40	\$ 1,144.80	\$ 127.20	\$ 2,097.50	\$ 233.06	\$ 1,407.05	\$ 156.34
Printing	\$ 369.25	\$ 41.03	\$ 296.33	\$ 32.93	\$ 527.66	\$ 58.63	\$ 782.94	\$ 86.99
Repairs & Maintenance	\$ 601.87	\$ 66.87	\$ 1,900.44	\$ 211.16	\$ 1,119.10	\$ 124.34	\$ 1,199.25	\$ 133.25
Taxes - Business	\$ 866.10	\$ 96.23	\$ 1,258.01	\$ 139.78	\$ 708.75	\$ 78.75	\$ 1,235.03	\$ 137.23
Taxes - Property	\$ 1,667.22	\$ 185.25	\$ 1,730.27	\$ 192.25	\$ 1,952.99	\$ 217.00	\$ 1,924.03	\$ 213.78
Telephone	\$ 2,375.17	\$ 263.91	\$ 2,625.74	\$ 291.75	\$ 2,491.04	\$ 276.78	\$ 2,262.16	\$ 251.35
Travel	\$ 967.70	\$ 107.52	\$ 2,501.25	\$ 277.92	\$ 2,386.95	\$ 265.22	\$ 2,141.60	\$ 237.96
Utilities	\$ 8,807.78	\$ 978.64	\$ 9,290.20	\$ 1,032.24	\$ 8,708.33	\$ 967.59	\$ 8,622.36	\$ 958.04
Total Fixed Expenses	\$ 56,373.71	\$ 6,263.75	\$ 61,366.11	\$ 6,818.46	\$ 57,255.18	\$ 6,361.69	\$ 46,274.58	\$ 5,141.62
Variable Expenses								
Payouts to Racers	\$ 39,644.90	\$ 4,404.99	\$ 53,440.76	\$ 5,937.86	\$ 103,644.98	\$ 11,516.11	\$ 152,459.97	\$ 16,940.00
Concession Purchases	\$ 10,294.42	\$ 1,143.82	\$ 9,647.73	\$ 1,071.97	\$ 8,654.29	\$ 961.59	\$ 12,798.28	\$ 1,422.03
Trophy Purchases	\$ 1,430.61	\$ 158.96	\$ 1,527.40	\$ 169.71	\$ 1,799.55	\$ 199.95	\$ 973.50	\$ 108.17
Liability Insurance	\$ 13,854.00	\$ 1,539.33	\$ 14,653.00	\$ 1,628.11	\$ 13,962.00	\$ 1,551.33	\$ 17,073.00	\$ 1,897.00
Cost of Sales - Racing Fuel	\$ 16,634.29	\$ 1,848.25	\$ 16,212.99	\$ 1,801.44	\$ 14,550.87	\$ 1,616.76	\$ 30,217.19	\$ 3,357.47
Payroll	\$ 6,006.00	\$ 667.33	\$ 5,391.00	\$ 599.00	\$ 6,326.50	\$ 702.94	\$ 8,212.50	\$ 912.50
Payroll Taxes	\$ 520.81	\$ 57.87	\$ 491.46	\$ 54.61	\$ 781.72	\$ 86.86	\$ 710.57	\$ 78.95
Track Supplies	\$ 4,921.55	\$ 546.84	\$ 4,932.59	\$ 548.07	\$ 4,919.05	\$ 546.56	\$ 4,551.71	\$ 505.75
Advertising	\$ 1,900.00	\$ 211.11	\$ 2,088.00	\$ 232.00	\$ 1,972.00	\$ 219.11	\$ 1,717.97	\$ 190.89
Total Variable Expenses	\$ 95,206.58	\$ 10,578.51	\$ 108,384.93	\$ 12,042.77	\$ 156,610.96	\$ 17,401.22	\$ 228,714.69	\$ 25,412.74
Net Income	\$ 7,835.71	\$ 870.63	\$ (9,809.19)	\$ (1,089.91)	\$ (19,401.45)	\$ (2,155.72)	\$ 13,290.82	\$ 1,476.76

All averages are based on the typical racing season of 9 months (March - November)
Yearly depreciation expense has been excluded from all figures.



2002 2002 Avg
9 Months Open
\$ 332,382.25 \$ 36,931.36

Monthly Average
of past 5 years
\$ 25,210.78

\$ 32,442.19	\$ 3,604.69	\$ 3,407.90
\$ 2,272.25	\$ 252.47	\$ 295.70
\$ 2,085.00	\$ 231.67	\$ 138.44
\$ 465.90	\$ 51.77	\$ 101.58
\$ 450.00	\$ 50.00	\$ 73.95
\$ 1,018.61	\$ 113.18	\$ 63.41
\$ 1,764.72	\$ 196.08	\$ 151.21
\$ 887.57	\$ 98.62	\$ 63.64
\$ 1,593.00	\$ 177.00	\$ 142.53
\$ 1,204.80	\$ 133.87	\$ 117.17
\$ 2,459.27	\$ 273.25	\$ 216.31
\$ 2,565.32	\$ 285.04	\$ 273.77
\$ 1,617.00	\$ 179.67	\$ 213.66
\$ 8,375.26	\$ 930.58	\$ 973.42

\$ 59,200.89	\$ 6,577.88	\$ 6,232.68
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\$ 168,244.49	\$ 18,693.83	\$ 11,498.56
\$ 14,489.38	\$ 1,609.93	\$ 1,241.87
\$ 555.50	\$ 61.72	\$ 139.70
\$ 13,132.50	\$ 1,459.17	\$ 1,614.99
\$ 37,528.34	\$ 4,169.82	\$ 2,558.75
\$ 15,423.00	\$ 1,713.67	\$ 919.09
\$ 1,665.36	\$ 185.04	\$ 92.66
\$ 4,840.14	\$ 537.79	\$ 537.00
\$ 1,168.00	\$ 129.78	\$ 196.58
\$ 257,046.71	\$ 28,560.75	\$ 18,799.20
\$ 16,134.65	\$ 1,792.74	\$ 178.90