

STATE OF VERMONT

VERMONT SUPERIOR COURT
Orange Unit

CIVIL DIVISION
Docket No.

JOHN DURKEE, EXECUTOR OF THE)
ESTATE OF DECEDENT H. BLAISDELL, JR.,)
Plaintiff,)
)
v.)
)
TRINI BRASSARD, COURTNEY BRASSARD,)
BRIAN FALZO, DANIEL BRASSARD, AND)
BRASSARD SUGARWORKS AND MAPLE)
SUPPLY, LLC,)
Defendants.)

AFFIDAVIT OF JOHN DURKEE

I, John Durkee, being duly sworn, depose and states as follows:

1. I am the Executor of the Estate of Kenneth H. Blaisdell, Jr. (Docket No.: 21-PR-04895). A true and accurate copy of the Letters of General Administration is attached hereto as **Exhibit A**.

2. Kenneth H. Blaisdell, Jr. executed a *Last Will and Testament* on December 16, 2008, and this will was admitted for probate on August 31, 2021. A true and accurate copy of the Last Will and Testament is attached hereto as **Exhibit B**. Thad Blaisdell is the named Executor in this document. *Id.*

3. In July of 2013, Ken Blaisdell suffered a massive stroke, and according to his daughter, Trini Brassard, he was unable to care for himself afterwards. *See*, Affidavit of Trini Brassard dated August 26, 2021, a true and accurate copy of the Brassard Affidavit is attached hereto as **Exhibit C**.

4. A few days after Ken Blaisdell's stroke, he executed a Durable Power of Attorney and named his daughter Trini Brassard as agent. *See*, General Power of Attorney dated July 18,

2013 ("POA"), a true and accurate copy of the POA is attached hereto as **Exhibit D**. The POA does not expressly state the agent may make gifts or compensate herself. *Id.*

5. On April 27, 2014, Trini Brassard initiated the purchase of a 2013 Commodore Astro Trailer Serial Number CL50781A ("Astro"), using her father's money. *See*, Mobile Home Bill of Sale for Astro Purchase dated April 27, 2014 ("2014 Astro Bill of Sale"), a true and accurate copy of the 2014 Astro Bill of Sale is attached hereto as **Exhibit E**. The 2014 Astro Bill of Sale lists the Decedent and Courtney Brassard (Trini Brassard's daughter) as joint owners. *Id.* Decedent paid the full amount of the purchase price listed on the 2014 Astro Bill of Sale with check number 5110. *Id.* This check was signed by Trini Brassard, POA on April 28, 2014. *Id.*

6. When the Decedent died, the title for the Astro transferred to Courtney Brassard. I informed both Trini Brassard and Courtney Brassard, through various communications, that the Astro was Estate property not Courtney Brassard's property. However, on January 6, 2023 Courtney Brassard sold the Astro to a third party for \$46,000.00. *See*, Property Transfer Tax Return dated January 12, 2023 and Mobile Home Bill of Sale recorded January 12, 2023, a true and correct copy is attached here to as **Exhibit F**.

7. On May 29, 2015, Trini Brassard directed a wire transfer from her father's savings account to "Premium Title Service A/C For the Benefit of Buyer/Trini Brassard". *See*, Lake Sunapee Savings Account Statement dated June 15, 2015 and Lake Sunapee Bank Notice of Outgoing Wire Transfer dated May 29, 2015, a true and correct copy is attached hereto as **Exhibit G**. The funds were presumably used to purchase land in Pittsburgh, New Hampshire for Trini Brassard and her husband Jeff Brassard. The total amount of this wire is \$32,117.29 plus \$25 wire transfer fee. *Id.*

8. On August 12, 2015, Trini Brassard purchased a Polaris Razor ATV from Champlain Valley Equipment using her father's money. *See*, Champlain Valley Equipment Retail Sales Agreement dated August 12, 2015 and Check Number 5253 dated August 15, 2015, a true and correct copy is attached hereto as **Exhibit H**. The total price for this item was \$17,034.00. *Id.* Trini Brassard used check number 5253 from her father's personal checking account to pay for \$10,000 of this purchase on August 15, 2015. *Id.* The ATV was delivered to the listed owners Jeff and Trini Brassard at 1434 Halls Stream Road in Pittsburgh, NH. *Id.*

9. On November 2, 2015, Trini Brassard entered into a lease between her father and her son, Daniel Brassard. *See*, Lease between Kenneth Blaisdell and Daniel Brassard and Brittany Greene dated October 10, 2015, a true and correct copy is attached hereto as **Exhibit I**. The terms of this lease are \$0 rent until November 1, 2030. *Id.* Decedent had a paying tenant on that same rental lot, and Trini Brassard evicted them in August of 2015. *See*, Eviction Notice Letter from Trini Brassard to Paul and Brenda Moses dated August 5, 2015, a true and correct copy is attached hereto as **Exhibit J**. The Moses' paid \$200/month to rent this same trailer lot. *Id.*

10. On November 28, 2015, Trini Brassard entered into a lease between her father and her son's business, Brassard Sugarworks. *See*, Lease Agreement – East Randolph Property for Sugarhouse and Sugarbush dated November 28, 2015, a true and correct copy is attached hereto as **Exhibit K**. The Terms of this lease are \$0 for 20 years. *Id.*

11. On April 20, 2016, Trini Brassard wrote herself a check from her father's personal checking account for \$10,000. *See*, Check Number 5312 dated April 20, 2016, a true and correct copy is attached hereto as **Exhibit L**.

12. On October 10, 2017, Trini Brassard sold her father's New Holland Lx565 Skidsteer to John Benson for \$5,000. *See*, Bill of Sale from Blaisdell to Benson dated October 10,

2017, a true and correct copy is attached here to as **Exhibit M**. The proceeds from this sale were not received by Decedent. Trini Brassard kept half or \$2,500 of these proceeds herself. Her brother, Thad Blaisdell received the other half, and has admitted his receipt of the same.

13. On August 16, 2019, Trini Brassard sold her father's 1999 Timber Jack Skidder for \$37,500 to Copses Farm. *See*, Bill of Sale from Blaisdell to Copses Farm dated August 16, 2019, a true and correct copy is attached hereto as **Exhibit N**. The proceeds from this sale were not received by Decedent. Trini Brassard kept \$20,000 herself. Her brother, Thad Blaisdell received \$17,500, and has admitted his receipt of the same.

14. On March 10, 2020, Trini Brassard transferred property owned by her father to her daughter, Courtney Brassard and Brian Falzo. *See*, Vermont Quit Claim Deed recorded March 13, 2020 and Property Transfer Tax Return signed March 13, 2020, a true and correct copy is attached hereto as **Exhibit O**. The grand list value for this property is \$183,400 on the PTTR. *Id.* The purchase price listed is \$0 on the PTTR. *Id.*

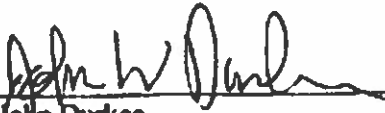
15. Since receiving this gift, Courtney Brassard and Brian Falzo have built a home on this land that is secured by a mortgage. *See*, Mortgage between Bar Harbor Bank & Trust and Brian Falzo and Courtney Brassard recorded October 20, 2020, a true and correct copy is attached hereto as **Exhibit P**. The total amount of this mortgage is \$300,000. *Id.*

16. This parcel has an active gravel pit, which Courtney Brassard has managed since her grandfather's death. Courtney Brassard has extracted \$20,524.00 in 2021 and \$34,765.50 in 2022. *See*, W.B.Rogers letter to Executor Durkee dated March 20, 2023 with attachments, a true and correct copy are attached hereto as **Exhibit Q**.

17. Kenneth Blaisdell died April 10, 2021. **Exhibit C**. Trini Brassard collected income from logging her father's lands in March and April of 2021, and kept the funds for herself. *See*,

2021 Logging Income with checks, a true and correct copy is attached hereto as Exhibit R. The total amount Trini Brassard kept for herself from her father's 2021 logging is \$36,759.49. *Id.* One of these checks was written on April 16, 2021, after Kenneth Blaisdell died.

Dated at Ripton, Vermont, this 30th day of June, 2023.


John Durkee

Before me, 
Notary Public

Commission expires on: _____

Elizabeth Anne White
Notary Public - State of Vermont
Commission No. 0008703
Commission Exp: 1/31/2025