

Woman ordered to return \$1.5 million to elderly man's estate

BY DORIE TURNER

BREMEN, Ga.

Jim Hutcheson had been a bachelor all his adult life when, at age 73, he met Amanda Kay Kelso.

Suffering from Parkinson's disease and unable to care for himself, Hutcheson - a retired postal worker - later said her kindness seemed too good to be true. The 49-year-old woman and another woman who she said was her mother cooked him dinner and showered attention on him at his Bremen home.

The couple tied the knot after just two months.

That's when it got ugly, says the lawyer for Hutcheson's estate.

Hutcheson's new bride quickly began siphoning off her husband's life savings - hundreds of thousands of dollars he had squirreled away by denying himself even modest luxuries for years, said Diane Sternlieb, who represented Hutcheson until his death in February 2006 and now represents his estate.

"He was lonely and vulnerable," Sternlieb said.

Amanda Kay Hutcheson - who goes by Kay - told a different story. Her husband was abusive and cheated on her, she said later in a civil trial that pitted the dead man's estate against his estranged wife and mother-in-law, Sternlieb said.

On Oct. 18, a Haralson County jury ruled that Kay Hutcheson and Lois Johns "perpetrated fraud and exercised undue influence" on Jim Hutcheson, and said they must hand over cash, assets and property valued at up to \$1.5 million to Jim Hutcheson's estate. Some of the money Kay Hutcheson took from her husband's bank accounts, and the rest is nearly \$700,000 worth of his family's property that she divided up and sold, Sternlieb said.

On Nov. 1, Haralson County Superior Court Judge Richard C. Sutton ordered Kay Hutcheson and Johns to leave Jim Hutcheson's home immediately, "with only their immediate personal effects and clothing."

Jury foreman Pete Bridges described it as an "open-and-closed case."

"It looked like she just threw out a reel, reeled him in and started from day one doing everything, and, I felt, robbing him," said Bridges, mayor of Tallapoosa.

Kay Hutcheson's attorneys, Daniel Henderson and Thomas E. Drake, did not return several calls for comment. Kay Hutcheson and Johns - identified in the lawsuit as Kay's mother and named as a defendant - could not be reached for comment.

Drake has filed a motion for a new trial, claiming the jury's verdict was "based upon passion and pure speculation."

Jim Hutcheson left his entire estate to Anita Gilreath - the executor of his will and one of two hired caretakers the last two years he was alive. Gilreath said she became "like a daughter" to Jim Hutcheson, who never had children.

She said she was not aware until just before Jim Hutcheson's death that he had left all of his money to her.

In her own court filing, Lois Johns said Gilreath filed the lawsuit to harass her and Kay Hutcheson. She said Gilreath tricked Jim Hutcheson into making her executor of his estate so she could get his money.

Johns also denied in the filing that she is Kay Hutcheson's mother.

Gilreath said the filing was a desperate attempt to disparage her reputation.

"If you don't have nothing else about a person that's devious or bad, you can always say that," the Carrollton resident said.

Jim and Kay Hutcheson met after she asked a mutual friend to pass her phone number to the elderly man, Sternlieb said. Jim Hutcheson called, she said, and was invited to dinner at Kay Hutcheson's house.

For most of the eight years between their wedding and Hutcheson's death, Kay and Jim Hutcheson's rocky marriage was split between two homes. After they wed in 1998, they moved into a modest house, but about a year later Kay Hutcheson moved out into a larger, more expensive house about a mile away.

She had about \$170,000 worth of renovations done to the \$123,000 house, Sternlieb said.

Neighbor Nettie Johnson, who lives across the street from Jim Hutcheson's home, said Kay Hutcheson rarely visited her husband. When she did, Kay Hutcheson would talk angrily to him and the elderly man would reach for his wallet, Johnson said.

"You just got the feeling that something was not good over there," said Johnson, who testified in the civil trial. "I just felt so sorry for him."

Kay Hutcheson and Johns would drive up and down the street in front of his home, waiting for Jim Hutcheson to leave so they could enter the house, Johnson said.

Kay Hutcheson started forcing her husband to sell off the 140 acres of land that had been in his family for generations, according to the Hutcheson estate's lawsuit.

With that money, she shopped obsessively on home shopping channels, spending about \$800,000 on clothing, knickknacks and cars, Sternlieb said. Photographs presented as evidence in the case show shelves, closets and drawers stuffed with merchandise, some of it still with tags or store packaging.

Meanwhile, Kay Hutcheson and Johns were abusing him physically and verbally and ignoring his medical needs, according to the estate's lawsuit.

In 2004, Jim Hutcheson fell and spent three days on the floor in his home before his wife called an ambulance, Sternlieb said. Several times during those three days, the wife and Johns came into the house, stepped over the elderly man lying on the floor and went about their business, Sternlieb said.

Jim Hutcheson filed for divorce in December 2004, a year before he fell and broke his hip at his home. He died in February 2006 just three days before his divorce trial was to begin.

Sternlieb declined to say how much she herself will get from the jury's award but she said she charged less than the standard 45 percent because she is friends with Gilreath.

"He begged me on his deathbed, he said 'Promise me you will not let her get away with this,'" Sternlieb said. "The jury were decent people. They heard his cries."