

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX DIVISION

PROBATE AND FAMILY  
COURT DEPARTMENT  
DOCKET NO.: 02P5533AA

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IN RE: ESTATE OF BENJAMIN C. THOMPSON  
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**AFFIDAVIT OF EDWARD DIEHL**

I, Edward Diehl, of 23 Lexington Avenue, Cambridge, Massachusetts, hereby depose and state as follows:

1. I knew Benjamin C. Thompson ("Ben"), who died on August 17, 2002. I have no interest in Ben's estate. I was a friend of Ben and had known Ben since approximately 1947. I met Ben through his first wife, Mary, who was in my class at the Harvard Design School. Further, I had my first job after graduating from the design school at Ben's company, The Architect's Collaborative ("TAC").
2. During the years I was working for Ben, and subsequently when I started my own company, my wife LoisMary and I were very close friends of Ben and Mary. We knew all five of Ben and Mary's children (Debby, Tony, Marina, Nick, and little Ben), and were their unofficial godparents.
3. I know Ben's second wife, Jane, and am also familiar with her patterns of behavior from her other marriages. Jane is selfish, tough, manipulative, and looks out for herself exclusively, with the possible exception of her own two children. Ben is Jane's third or fourth husband. One of Jane's husbands, Paul Mitarachi, was a classmate of mine at design school. It is my understanding that Jane obtained from her divorce with Paul, among other assets, the house that she and Paul owned on Long Island in New York. Jane's next husband was John McCullough, who was from a wealthy family from Bennington, Vermont. It is my understanding from conversations with Jane that she obtained a very favorable divorce settlement from John. I recall specifically a comment that she made to me in the context of discussing attorneys. Jane told me that if a person is having an expensive divorce, she needs to get an expensive lawyer. I took that comment to mean that Jane obtained a successful divorce settlement.

4. From the moment she married Ben, Jane controlled Ben completely. She gave the impression at Ben's company that she ran the office and in fact may as well have been an architect, which rankled Ben's employees. Ben would tell me that he was unable to do anything other than what Jane wanted and that she controlled him completely. It is my belief that Jane made all the decisions in her marriage with Ben and intimidated and/or coerced him to let her do so. Based on my knowledge of Ben and my observations of him and Jane over the years, it is my opinion that Ben would sign anything Jane placed in front of him and asked him to sign, whether Ben knew what it was or not.
5. In February of 1971, Ben asked me to be a Trustee of the Scudder Lane Trust. Ben told me that he had set up the Scudder Lane Trust to hold certain property that he owned in Barnstable, for the benefit of his five children. At that time, Ben deeded to the Scudder Lane Trust over five acres of waterfront property overlooking Barnstable Harbor (known as the "Bluff Property") and an adjacent two-acre parcel of waterfront property, also overlooking Barnstable Harbor (known as the "Millet Property") (together, the "Barnstable Property"). At that time, Ben told me that he wanted me to act as trustee based on our long-standing friendship, and because he trusted my judgment.
6. In the 1980s, Jane approached me in my capacity as Trustee of the Scudder Lane Trust to sign a document. I asked her what it was for, and Jane would not tell me. Rather, Jane vaguely told me that it was to borrow some money. Because she refused to explain the document and/or its purpose, I refused to sign it.
7. I never resigned as Trustee of the Scudder Lane Trust, nor was I asked to resign. Yet, there is a Change of Trustee document for the Scudder Lane Trust, which I am informed was recorded at the Barnstable Registry of Deeds (Book 4516, page 094), in 1985 which states that I am no longer a trustee of the Scudder Lane Trust because I have been removed. This document is signed by Jane. It is my belief that Jane signed and recorded this Change of Trustee because I had refused her request to sign a document about which she was unwilling to give me any details.
8. In 1989, Jane took Ben on a publicity trip to Japan. It is my belief that during that trip, Ben suffered a stroke, which Jane attempted to cover up by claiming, among other reasons, that Ben suffered from a problem requiring dental work. When Ben returned from this trip, he was very ill, but Jane refused to acknowledge that anything out of the ordinary had occurred to cause his obviously frail condition.
9. I always observed Ben to have very close relationships with his children, particularly Nick and little Ben. In Ben's later years, and especially after returning ill from the publicity trip to Japan, Nick cared for his father. Nick fed Ben on most days and worked in Ben's office. Little Ben also helped to care for his father. As Jane made it difficult for Ben to see his children, Nick and little Ben were forced to see and care for Ben when Jane was not present.

10. In approximately 1995, Lois and I tried to visit Ben when he was in the hospital,. When we visited, little Ben was there. Jane was also there. Lois and I did not really get to talk to Ben, so I do not know if Ben was cognizant or even recognized us, because Jane was there and blocked our attempts to communicate with him. Jane's actions at the hospital are consistent with her pattern of conduct to control access to Ben and his listening to any other opinion besides hers.

Signed under the pains and penalties of perjury this 13 day of March, 2003.

Edward Diehl  
Edward Diehl

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

March 13, 2003

Then personally appeared the above named Edward Diehl, and acknowledged the foregoing instrument to be his free act and deed, before me,

Debbie D. Shay  
Notary Public  
My Commission Expires:

00741256.DOC

DEBBIE D. SHAY  
NOTARY PUBLIC  
My Commission Expires Dec 3, 2004