

UNDISCLOSED, The State v. Greg Lance
Episode 2 - Principal Suspect
September 16th, 2019

Rabia Chaudry: Hi Undisclosed Listeners, Rabia here. Thank you so much for tuning into our fall season and thank you for listening to all of our series and supporting us all of these years. I want to ask that you please support our sponsors, because our sponsors support us, and a big thank you to them. Without them, we couldn't continue to do the work to help the wrongfully convicted. The second thing I want to say before we dive into today's episode is this: whether it's this case or any other case that we've worked on, we've actually got a tipline, so if anybody out there has some information they think could help us in our investigation into this case, The State vs. Greg Lance, or any of the cases we've worked on, please give us a call. The tipline is (410)-205-5563.

A quick correction before we begin. In last week's episode we said Victor Kolesnikow had sold the Ford Mobile Home park the year prior to being murdered. This was incorrect. He sold the park in 1996, two years prior to being killed, as this episode will explore.

[2:16] Rabia Chaudry: Long after dawn broke on the morning of August 5, 1998, over a dozen first responders, arson investigators, and local and state law enforcement officers still milled around the Kolesnikow property. It was a good six or seven hours since the house had been set on fire sometime in the middle of the night, but the blaze had been so intense that the authorities were still waiting for the heat from it to subside before removing the bodies and investigating the scene.

The Cookeville Herald Citizen ran the story in their morning edition, as the remains of the house were still smoldering and before the bodies had even been recovered. It read:

"A house fire in the Poplar Grove community east of Cookeville early this morning which claimed two lives and completely destroyed the house is being investigated as arson-related homicide. Preceding the fire which spread throughout the one-story, ranch-style brick house, a loud explosion reportedly

was heard by neighbors. Although authorities would not officially release the names of the victims, the house at 6525 Poplar Grove Road was the residence of Victor and Alla Kolesnikow, a family source told the Herald-Citizen.

At mid-morning the bodies had not been removed while emergency service workers waited for the smoldering heat to subside.”

This was the article that Greg Lance read that morning alerting him to the details of the crime, which he had already gotten wind of through a friend. Little did he know that by the next morning, the Herald Citizen would already be alluding to a suspect in the murders, and that suspect would be him.

Hi and welcome to Undisclosed. My name is Rabia Chaudry, I'm an attorney and author of the New York Times Bestseller *Adnan's Story*, and I'm here with my colleagues Susan Simpson and Colin Miller.

Susan Simpson: Hi, this is Susan Simpson, I'm an attorney in Washington D.C. and I blog at [TheViewFromLL2](#).

Colin Miller: Hi, this is Colin Miller, I'm an Associate Dean and professor at the University of South Carolina School of Law, and I blog at [EvidenceProfBlog](#).

[5:00] Rabia Chaudry: We often get asked how we find the cases we cover on Undisclosed. In most cases, people reach out to us: lawyers, Innocence Projects, loved ones of a defendant, or sometimes the defendant themselves. Once in a while though, we come across a case ourselves and become intrigued. That's what happened in this case.

Every so often I'll browse websites or Facebook pages where wrongful conviction cases are shared and detailed, often as pleas for fundraising or media attention or other kinds of help, and at some point last year I came across the website [justice4greg.com](#).

The crime was, to me, an uncommon case - there didn't seem to be a domestic or sexual assault component, it didn't involve a burglary gone wrong, and it certainly didn't seem like a crime of opportunity. This double murder of the Ukrainian couple out in the middle of nowhere was targeted and planned - was it a personal vendetta...a political hit...? I really wanted to find out more.

When I reached out to the administrator of the website, I heard back from two women - Joyce Argo and Linda Bowsman. Joyce is Greg's mother, and she's his fiercest advocate. She is really the only person who was there at the beginning of this ordeal and is still there, doing everything in her power to get justice for her son. Linda, however, has no relation to Greg at all.

[6:20] Linda Bowsman:

My name is Linda Bowsman, I am currently retired. I worked in the court system for 35 years, I have been involved in the Greg Lance case for the last 18 years.

A chance conversation in the grocery store Publix, of all places, happened between Greg's stepfather and Linda Bowsman not long after Greg was convicted. Back then, in 2001, Linda was working two jobs trying to support her two children as a single mother.

Linda Bowsman:

I worked for a judge in Martin County in the circuit court for two years until she was appointed by the governor to the appellate court in West Palm Beach, in Florida, and I worked for her 28 years there, and I edited opinions, you know, the typical things that judicial assistants do - make flight reservations, travel vouchers, edit memos of the law clerks. I became involved in 2001 when I was working two jobs at the time. I worked at Publix part time and worked down at the court full time. I was a single mom raising two boys and I needed the extra income, and Greg's stepfather Jim Tucker was in the store and began speaking to me about Greg's case and all of the problems there in Putnam County, and everything that had happened there.

Jim returned to the store another time with Greg's mother Joyce, who asked Linda to come over to her home so she could tell her about her son. And from what I've learned, Joyce never misses an opportunity to talk about Greg. It's worked more than once to convince people to help with the case.

Linda Bowsman:

After having worked for the state of Florida on the criminal side of things for 35 years, I've, you're always skeptical about a mom who says that someone is innocent, ummm, because it *is* their child, but the more I got into the details of the case the more a lot of it didn't make sense.

Linda started off cautiously, trying to get a sense of the facts and also Greg himself.

Linda Bowsman:

I went up to listen to the oral arguments in Nashville with them, and at that time I told her, I said that before I got any more involved with the case I was going to have to go to the prison and meet Greg, because I needed to see for myself that he was not someone who was just trying to snowball everyone and make sure in my heart that I knew he was innocent. I had to know that.

The meeting was fine, we were there for quite a while, I suppose we got there at 9 in the morning or something and stayed until 3 or so. I couldn't imagine after meeting Greg that he could have done something like this. I didn't see it in his nature. But even after that there's still a lot of questions in my mind, you know, as time went on, as you know, new questions come up, and other things, so this has been a process over the years, sorting through it all and just to make sure I had made the right decision by becoming involved at all.

I know what Linda means. With every case we consider for Undisclosed, the process is similar. We don't know until we are pretty sure we know that we have the case of an innocent person on our hands.

[11:49] Colin Miller: In 1998 Greg Lance was an ambitious 27 year old real estate developer and contractor for both residential and commercial buildings. A Cookeville native, Greg had attended Motlow State Community College, majoring in secondary education and minoring in political science. He had been an achiever throughout school, participating in student government, vocational clubs, and winning awards as part of the Future Farmers of America. In his junior year of high school, he enlisted in the National Guard and a few years later graduated with honors, second in his class, in advanced individual training, getting a perfect score on physical fitness and achieving the level of expert in marksmanship in individual and crewserve weapons.

He had a knack for construction and a drive to build a secure financial future, so after teaching for a couple of years and not making much money, he went into contracting and real estate development full time. Now this sounds more glamorous than it was, but essentially he had bought a few acres with some trailers on it, and also a 17 unit apartment building, which he owned jointly with his first wife, Elisabeth McCallister.

They were collecting rent from the units and Greg was taking on construction jobs, but he was on the lookout for a new investment with a bigger return. So one day in early

1996 Greg and Elisabeth got in their pickup truck and drove around Putnam County until they reached the Ford Mobile Home Park on the outskirts of Cookeville.

[13:04] Greg Lance:

We were looking at some rental property to buy, and we literally just drove around and we'd stop and ask people if they wanted to sell their palce. And we first stopped at the Cookeville Mobile Home Park and talked to them. And they gave us a price that they were interested in selling, but the price they gave us was a whole lot more for a whole lot less. They only had like five acres and they wanted like \$200,000 for five acres. The second place we stopped at was Victor's mobile home park, and him and Alla were just out in their yard doing something or other, and we stopped and talked to them and asked if they were interested in selling, and Victor said no, and he explained to Alla what we were talking about, and she was like "oh no, we're selling it, yeah, absolutely!" [laughs] "Stay and talk to us."

[14:00] Susan Simpson: In case it wasn't clear, that was Greg Lance. Throughout the season, you'll be hearing from time to time.

Anyhow, at the time that Greg met them, the Kolesnikows had owned the trailer park for about 4 or 5 years, but it was no easy task for the older couple to keep up maintenance for all the units as well as keep the property up to code, which is why Alla wanted to be rid of it. Greg was handy, hard working, and enterprising, and wasn't shy about why he was there.

Greg could see the potential in the trailer park - he had the skills to renovate and clean up the trailers and generate more rent than they were currently bringing in. But Elisabeth made it clear that she felt Greg was getting in over his head, and she wasn't ready to make this tremendous financial commitment, signing her name to a \$650,000 mortgage, the price that Victor was ready to sell the property at.

At that time, Elisabeth and Greg had been married for about four years, since 1992. Their relationship had proved to be a volatile one, and in the course of their marriage, they experienced the loss of a child that lived only a few hours. Both Elisabeth and Greg alleged physical abuse at the hands of the other, but neither ever pressed any charges against the other.

[15:11] Rabia Chaudry: Today, when I asked each one of them why they divorced, they gave different answers. Elisabeth said she simply wasn't on board with Greg's

ambitions and refused to sign the mortgage, so Greg decided to divorce her. Greg says that he had had enough of being abused by Elisabeth and after the last time she assaulted him, he immediately went to see his attorney and began divorce proceedings. Whichever one it was, the actual divorce decree states "irreconcilable differences".

The two divorced in April of 1996 and Greg closed on the 12 acre Ford Mobile Home Park on October 21, 1996 for \$650,000 with both bank and owner financing.

Greg Lance:

Right, borrowed \$280,000 from the bank, or around there- and Victor held the second mortgage for the balance, for a total of \$650,000.

Greg secured the loans with the properties he already owned - the apartment building and a 2.5 acre plot of land with a few mobile homes on it.

A month before closing Greg moved into a trailer in the park while Victor and Alla continued to live in the main brick house. They eventually moved into the home on Poplar Grove Road, about 20 minutes away, and Greg moved into the house. He then spent the next two years not just cleaning and repairing the park, but expanding his contracting business under the Jestoria Construction Company banner.

In August of 1998, he was working on numerous large projects, and had spent the day before the murders putting up trusses on a commercial project in Livingston, TN about 20 miles away, working for a Mr. Ed Dixon.

[16:40] Rabia Chaudry: I spoke to Mr. Dixon and he still recalls Greg working that project for him - he actually hadn't known him until he hired him for it but he was pretty impressed with the young man's discipline. From what he recalled Greg, unlike other contractors, always showed up when he said he would, and completed the work as he said he would.

The crew he brought with him was another story though. Dixon didn't like them one bit, he found something about them "shady". But he trusted Greg, and trusted him to use his own very expensive equipment, like his crane, and the job was eventually finished up just fine.

Greg had numerous business partners on his different ventures, and his minority partner and manager of the mobile home park was a friend by the name of Keith Herbstreith.

Greg Lance:

I paid Keith \$1000 cash money plus he got 10% of the profit. A lot of months we didn't make profit because I was just putting the money back into fixing it up.

[17:35] Colin Miller: Given this arrangement, Greg considered him an unofficial partner.

Around 8 am on the morning of August 5, 1998 Keith got a call from David Daniels, the city codes enforcement officer. It was Daniels' job to conduct safety inspections at all the mobile home parks, so he was well acquainted with the Kolesnikows, Greg Lance, and the Ford mobile home park.

According to the statement Daniels gave police, Keith had called Daniels the day prior to the murders, requesting that he stop by to do an inspection that week, but the next morning a coworker told him about the fire at the Kolesnikow house. He knew this news would be of definite interest to Keith and Greg.

In his police statement Daniels said that from what he had heard, early reports about the fire made it sound like a propane tank had exploded in the house, a tragic accident that left the couple dead, which was what he told Keith that morning.

Keith told him he hadn't heard anything about it, what a shame, and the two men hung up. Keith was one of a few of Greg's employees who actually lived with him in the brick house that stood in the trailer park. Kay lived in the trailer park about 20 minutes away from the Ford Mobile Home Park, so after Keith hung up with the city inspector, he hustled over to see Greg and tell him about the fire.

A couple of hours later, David Daniels stopped by the mobile home park and saw Greg and Keith in the driveway to Greg's house. Greg's girlfriend Becky Pollard, and Keith's girlfriend Kay were also there when Daniels showed up. According to his statement, Daniels asked the men how they were doing, and more importantly, if they had their ducks in a row.

Now it's not clear if he was implying Greg could be in any criminal trouble, after all, by his own admission at this point he still thought the fire was an accident. But he did know, like half the town, that Greg and Victor were in the middle of foreclosure dispute. Victor was trying to take the Ford Mobile Home Park back from him.

Around the same time that Daniels was over at Greg's place warning him, investigators were interviewing Lily Kolesnikow, Victor's sister. Part of the handwritten report of the interview, taken at 10:50am, read:

Rabia Chaudry reads:

A problem developed between the new owner of the mobile home park and Victor. Victor was in the process to get the mobile home park back. Lily does not know anything about the owner of the Ford Mobile Home Park.

*A problem developed between the new owner
of the mobile home park & Victor
Victor was in the process to get the mobile
home park back
Lily does not know the anything about the
owner of the Ford mobile home park*

On April 8, 1998, four months before they were murdered, the Kolesnikows sent Greg Lance a letter about their secured debt in the Ford Mobile Home Park. It was a notice to Greg that as the lawful owners of the mortgage note, they were foreclosing on the property. It was their option upon him defaulting that they could demand acceleration of payment of the entire \$370,000 debt plus interest, attorneys fees, and other costs within 15 days.

[20:20] Susan Simpson: The letter specified Greg's default as the following: "The indebtedness due is in default due to nonpayment of property taxes for the year 1997; failure to maintain the whole of the property in ready to rent condition; failure to expand the mobile home park as agreed in the contract; and failure to assign the securities set forth in...enumerated paragraphs of a contract for the purchase and sale of real estate, dated October 21, 1996."

Greg Lance:

He was trying to say that I had agreed to build x amount of mini-storage units in the mobile home park, and that I hadn't done that. I built 10 of them and stopped

because there wasn't that much of a demand for it. I was going to build more, I just didn't have the money to do it all at once like that.

I was caught up on my payments. I wasn't behind at the time he started foreclosure. The only thing that I hadn't paid yet was the taxes.

The fact that he had not yet paid the previous year's property taxes, and had failed to fulfill a contract condition that called for him to install a certain number of storage units on the property, were convenient excuses to take the property back, unless he could cough up \$370,000 in 15 days. Greg was convinced Victor wanted the property back because the improvements he had made had increased the value of it.

Whatever the reason, it was, of course, an impossibility to pay the entire note within 15 days, so on May 1st the Kolesnikows initiated the foreclosure and set a sale of the property at 10 am on Monday, May 25th, offering the Ford Mobile Home Park for sale "to the highest bidder for cash, and free from all legal, equitable, and statutory rights of redemption..."

Greg, however, was prepared. In fact, he'd sort of anticipated this move by Victor, because it wouldn't have been the first time he attempted to foreclose on property he had sold over nit picky claims.

Greg Lance:

I knew I could do it, I thought before I even bought the property I talked to an attorney.

Rabia Chaudry:

Okay.

Greg Lance:

Because I had, you know everybody was saying that Victor was a shark and his MO was that he would sell people property under owner financing and then let them pay a bunch of money into it and then foreclose on them.

It was common knowledge that Victor had a pattern of selling property with owner financing or joint notes, finding a way to claim default after the buyer had made payments for years and even made improvements on the property, and then commencing foreclosure proceedings to take the property back.

On the day of the murders, Lily Kolesnikow, Victor's sister, even mentioned this modus operandi to police: the handwritten report of her interview reads, "Business dealings - Victor. He bought real estate. Sub divided, placed older mobile homes on the property. He had a rent to own plan. Individuals that could not make their monthly payments would have their property repossessed."

[23:15] Rabia Chaudry: And remember Captain Bob Lane from the Putnam County Fire Department, from the first episode? Well he mentioned that he knew Victor and when I asked how, it was related directly to this very pattern:

Rabia Chaudry:

You said you knew the Kolesnikows, you knew Victor?

Captain Bob Lane:

I didn't know him very well. I had dealings with him as an electrical inspector. He actually used me to evict somebody and I wasn't very happy about it. He sort of tricked me, and I never would help him on nothin' else. He owned properties in different places, and he sold a lot of people properties with land contracts. And they'd get behind, he'd seize their property and get it back, and that kind of stuff, and he used me to evict a guy down in the 8th District. I didn't know the guy, but he used me to evict that guy with my power as an electrical inspector.

Rabia Chaudry:

Oh wow, and you didn't know what was happening?

Captain Bob Lane:

Well I didn't really realize what he was doing until I got so deep in it I couldn't really stop. And then I realized what he was doing and I said well, you gotta fix it, even if you make this guy move out, you can't get it turned back on. I made him fix it, but that was the only dealings I really had with him and they were brief...

Rabia Chaudry:

You mentioned right now, and I've actually heard this from a couple of other folks too, that this was something he seemed to do, where he would sell property, maybe owner finance, and then find an excuse to evict or foreclose...

Captain Bob Lane:

Yeah

[26:33] Rabia Chaudry: We ran a check to see how many times Victor and Alla had attempted to foreclose on a property and evict the other party from it, but the Chancery Court in Putnam County only had digitized records going back to 1995. The Kolenikows had been buying, selling, and renting properties for at least five years before that but just between the years of 1995 and 1998, they had commenced 25 different foreclosure actions, not even counting the one they filed against Greg Lance.

So yeah, this wasn't their first rodeo, but Greg also wasn't their average mark. He was lawyered up and knew he had some legal recourse. Three days before the foreclosure sale could take place, on May 22nd, the last business day before the sale, Greg filed a Chapter 11 bankruptcy petition, triggering an automatic stay to the foreclosure proceedings.

Now, it's important to understand the difference between different types of bankruptcy proceedings to get a clear picture of what was going on. There are a variety of different kinds of bankruptcy filings a debtor can make in federal bankruptcy court, and they aren't all created equal. Most people think a debtor files bankruptcy to wipe their debts clean and not have to repay them, but a number of kinds of bankruptcy filings actually don't absolve the debtor from paying off their debts.

A Chapter 7 bankruptcy is the kind most people are familiar with - it involves a trustee liquidating the debtor's assets, and then using the proceeds to pay creditors what they're owed. Some types of debts can be discharged, meaning the debtor won't have to repay them, but others can't be, including liens on properties.

Now a Chapter 11 bankruptcy is an entirely different creature, it's not a liquidation proceeding, rather it's a reorganization proceeding. Chapter 11 is available to debtors trying to keep their property by reorganizing the debt and proposing a repayment plan to creditors. Generally speaking the debtor has four months after filing to submit a reorganization plan but can get an extension for over a year, and during this time that person is considered a "debtor in possession" - meaning they still possess the business property and are allowed to continue to operate it.

And that's exactly what Greg planned to do - keep running the mobile home park, making good on the deficiencies, reorganizing the debt, and ultimately keeping his property. As of his May 22nd filing, he had until September 23rd to file his reorganization plan, or even longer if he got an extension.

But the Kolesnikows were now forced to halt their foreclosure proceedings until and unless the bankruptcy court ordered otherwise, and they were prepared to fight.

[28:18] Colin Miller: The Kolesnikows hired attorney Bradley MacLean to represent them in the bankruptcy proceedings, and after their murder he drafted a statement for TBI Agent Bob Kroffsik. In the statement he laid out the chronology of events related to the foreclosure and bankruptcy and he noted the following:

“After the bankruptcy was filed, Mr. Lance ceased making monthly payments to either the Bank or the Kolesnikows. The Kolesnikows were concerned about the deteriorating conditions of the property, the non payment of real estate taxes, and the non payment of the monthly note amounts to either the Bank or them.”

They filed a Motion for Relief from Automatic Stay with the Bankruptcy court based on these allegations - a motion that secured creditors can file so they can proceed with a foreclosure. The motion was filed on June 3, 1998, though, just twelve days after Greg filed for Chapter 11. As most property owners are aware, mortgage payments are generally due within the first five days of the beginning of the month, which would have been June 5th. So Greg didn't even get those 5 days to pay the mortgage before the Kolesnikows filed their motion alleging that he had failed to make the monthly payment.

Beyond that, once the Chapter 11 petition was filed, Greg actually had no legal obligation to make any payments until this debt was reorganized by the Court.

Regardless, the bankruptcy court now had to rule on the Kolesnikow motion, and a hearing was scheduled for July 7, 1998 in Nashville. But before that hearing could take place both Greg and the Kolesnikow's attorney negotiated an "Agreed Order" between the parties.

Under the terms of the agreement, Greg would continue to make the monthly payments to the bank and to the Kolesnikows. Both attorneys signed the Order and sent it to the Bankruptcy court a day before the hearing. But then that evening, after the Order had been filed with the court, the Kolesnikows changed their minds and told their attorney they no longer agreed to it. They wanted to proceed with the hearing on the motion so they could get the foreclosure moving again.

The hearing was rescheduled for July 14th, and attorney Bradley MacLean brought two issues to the notice of the court - first, whether or not Greg was adequately protecting the interests of the Kolesnikows in the property, in other words, was he maintaining and

improving it and not running it into the ground, and if he wasn't, whether the automatic stay could be lifted. And second, whether the Kolesnikows not only owned a lien on the property but also on the rents collected, which he argued was "cash collateral" that secured the Kolesnikows claim.

MacLean thought that Greg may have been using the rents collected to cover expenses without the court or Kolesnikows' permission, which was a violation of the bankruptcy code, so they filed a motion to prohibit Greg's use of cash collateral. Greg countered with his own motion requesting the court to allow him to use the cash collateral to continue to run his business operations and as a show of adequate protection offered to continue making payments to the bank and the Kolesnikows, as their original Agreed Order had stated, make immediate payment on taxes owed. Along with the motion he submitted budget and income statements with operating expenses, stating "in order to remain in possession of its property and continue its business and attempt a successful reorganization, Debtor must be permitted to use cash collateral in its ordinary business operations." Greg challenged the allegation that the property had depreciated, stating that the property value was currently at least \$662,000, having appreciated since his purchase thanks to his improvements.

[32:30] Susan Simpson: A hearing was set for July 28th to hear all the matters raised in these motions, but ended up continued again to a future date. In the meantime negotiations were ongoing.

On July 20, MacLean deposed Greg Lance, who brought Keith with him. MacLean wrote in his statement that it seemed to him Greg "did not keep adequate accounting records of the business at the Park, and that he did not have direct knowledge of many of the matters I was inquiring into". During the deposition, Greg repeatedly needed Keith's assistance in answering questions about the accounting.

At the deposition, Greg twice offered to convey the property back to the Kolesnikows for a cash payment of \$100,000 and release of his debt, an offer they rejected both times. According to Greg though, they did counter with an offer of \$50,000 cash, which he rejected. After all, the property was worth \$662,000 and he currently only owed \$589,000 on it. He figured the Kolesnikows would eventually settle somewhere between the \$50,000 and \$100,000 figures that by all indications, the parties were still open to negotiating.

Two days later, on July 22nd, MacLean sent Greg's attorney another offer of settlement, to buy back the property for what they had sold it, \$650,000 minus the property debts

and attorney fees. A week after that, on July 31st, another settlement offer was made by the Kolesnikows, agreeing to allow Greg to continue using the cash collateral.

It seemed that both parties were inching towards an agreement as the final hearing date approached on August 7th, and both sides were preparing for the hearing. The case file shows Greg prepared by submitted operating reports for June and July, and renewed all the required insurance for the property.

The Kolesnikows needed to inspect the property and line up witnesses for evidence of their claim that the trailer park was now worth less than what was owed on it thanks to Greg's neglect. The weekend before the hearing they were supposed to be gathering this evidence and preparing a spreadsheet to compare the income and expenses of the mobile home park when they owned and operated it, versus when Greg took over.

Whether or not they prepared it, MacLean never got that spreadsheet, because two days before the hearing his clients were murdered.

The investigators in the case asked MacLean to provide a statement to address what he thought the chances were of the Kolesnikows winning at the hearing. This was his response:

Colin Miller reads:

It is difficult to assess the likelihood that the Kolesnikows would have prevailed at the hearing. Stay relief and cash collateral hearings are common occurrences in Chapter 11 bankruptcy cases. Ordinarily, early in the case the Bankruptcy Court will not grant a secured creditor this kind of relief. In the usual case, the most likely result at this stage would be a bankruptcy court order denying the request for stay relief but restricting the debtor's use of cash collateral to an approved budget. The court also often will set a deadline for the debtor to file and confirm a plan of reorganization. In these kinds of situations, it often happens that the debtor fails to meet the requirements of such an order and the secured creditor ultimately obtains the right to foreclose.

It is difficult to assess the likelihood that the Kolesnikows would have prevailed at the hearing. Stay relief and cash collateral hearings are common occurrences in chapter 11 bankruptcy cases. Ordinarily, early in the case the Bankruptcy Court will not grant a secured creditor this kind of relief. In the usual case, the most likely result at this stage would be a bankruptcy court order denying the request for stay relief but restricting the debtor's use of cash collateral to an approved budget. The court also often will set a deadline for the debtor to file and confirm a plan of reorganization. In these kinds of situations, it often happens that the debtor fails to meet the requirements of such an order and the secured creditor ultimately obtains the right to foreclose.

MacLean also testified at trial. There, he repeated that it was unlikely a creditor would be granted relief from a stay that early in a bankruptcy process - in other words it was not likely the Kolesnikows would have gotten the court to allow them to foreclose at this point. MacLean also confirmed that Greg was current in his mortgage payments when the bankruptcy was filed.

[35:56] Rabia Chaudry: Finally, and importantly, he told the court this: That when a person dies, it's not as if their foreclosure proceedings halt - they just revert to their estate, and continue. And any debts owed the deceased aren't wiped out either, they too revert to the estate of the deceased. So when the Kolesnikows were murdered, their son Sergei Lebed was appointed executor of their estate and he continued the foreclosure proceedings against Greg.

Greg eventually walked away from the ordeal a few months later, giving up his bankruptcy filing because he couldn't afford the attorney fees anymore, and the estate of the Kolesnikows did indeed get the park back. While he may have been able to negotiate a settlement had they lived, he certainly couldn't and didn't financially benefit at all from their deaths.

But that wasn't what the investigators believed, or what the State alleged in the trial against him.

Investigators were convinced Greg killed the Kolesnikows to be able to keep the trailer park and cease the foreclosure proceedings against him. Now that they checked off the motive box, they had to address opportunity. Had Victor and Alla met with Greg recently? Were his actions accounted for? Did something set him off?

Well, multiple witness statements confirmed that on August 4, 1998, the day before they were murdered, Victor and Alla made a trip to the Ford Mobile Home Park to conduct an inspection of the trailers sometime between 5 and 6pm, presumably to prepare for the upcoming hearing. Along with them was Claude Wright, a handyman who worked for Victor. When they arrived at the trailer park, Keith was there but Greg wasn't, and they didn't want to conduct the inspection outside of Greg's presence so they waited about 15 minutes and then they decided to head back home.

In the meantime, Greg had wrapped up work on Ed Dixon's property in Livingston around 4:30pm and was heading back to the mobile home park. As he entered the park, he saw Victor leave and assumed he would turn around and come back but he didn't.

According to Claude Wright, later that evening, Greg and Keith showed up at Victor's house around 8pm and asked if he wanted to come to conduct the inspection then, except this time Victor wasn't home, at which point the two men left.

This is, however, according to Claude. Greg's story was a bit different, and on the day of the murders he spent many hours telling it to authorities.

[38:29] Colin Miller: On the morning of the murders, not long after Victor's sister told investigators that Victor was having a property dispute with the Ford Mobile Home park owner, TBI Agent Bob Kroffsik arrived to interview Greg at around 12:30pm. The matter had officially been turned over to the TN Bureau of Investigation and Agent Kroffsik was the lead investigator going forward.

The case file includes a lengthy statement given by Greg to Kroffsik in which Greg explained his relationship to Victor and the ongoing foreclosure and bankruptcy proceedings. Greg said the last time he had spoken to Victor was a week prior, when he had come by while Greg was working on a water line in the park. As they discussed the water pipe, Greg told him to consider settling the case so he could get out of the Chapter 11 proceedings and Victor indicated he would stop the foreclosure if Greg got caught up in the payments. Greg told Agent Kroffsik that a few weeks prior Victor had offered to buy the place back and indicated that negotiations between the two had been ongoing.

Greg then went on to explain his movements the night before - He had worked on the Dixon project all day, having left for work around 7am and returning back home shortly after 5:30pm. He stayed at the park until about 7:30pm and then headed in his 1990 green Ford Ranger to a bar called Happy Days around 8pm. Unlike Claude, he didn't

mention stopping by Victor's with Keith around 8pm. Instead he said he stayed at the bar until around midnight, then went to a convenience store where he bought a 12 pack of beer, and returned home finally around 1am.

His girlfriend Becky Pollard, and his friend and employee Eric Tanner were at the house when he arrived. Like Keith, Eric also lived with Greg and Becky, as did a man named David Anderson. When Greg arrived home that night, neither David nor Keith were there but Eric was asleep on the couch and he got up and saw Greg in the kitchen, then went back to sleep. After having some food, both Greg and Becky went to bed and that was where he stayed until the morning.

At around 5:30am, he told Agent Kroffsik, he woke up to prepare some papers he needed to give his attorney for the hearing that was scheduled in a couple of days. He began working on a proposal for Victor and not long after learned of the fire.

When asked if he owned guns, Greg said yes. In fact he owned seven of them - 2 .38 caliber revolvers, a small .25 pistol, a .22 shotgun, a 12 gauge shotgun, a bb pistol and a pellet gun. Keith also owned a .22 shotgun and sometimes kept it at Greg's house. While he didn't go shooting very frequently, just that morning Greg had shown Keith his .25 automatic which kept in a drawer in his office. He had cocked the slide back to make sure it was empty and told Keith he wished it still fired, he really liked that gun. Keith never touched the gun, and Greg put it back in the drawer.

[41:20] Susan Simpson: Greg's interview that day lasted for hours. By 3pm, as it became clear that he was being considered a suspect in the case, Greg gave his attorney a call, and had then given permission to the authorities to do a gunshot residue test on his hands, as well as to search his house for weapons, and to take two of them for testing, as well as to search his truck using a canine.

He also told Kroffsik that Keith had been burning trash in the trailer park much of the prior day, cleaning up for the inspection with Victor, and that that morning Greg himself had also burned some papers in a burn barrel, a common way of disposing of trash and waste in those parts. He hadn't used any gas or fuel to burn the trash but noted that the hydraulic crane at the Dixon work site was leaking fluid all day, though he didn't know if it was leaking gasoline.

The thing about a lot of police statements though is this - it's often hard to tell why a subject offered certain information. The statements aren't transcripts of the conversation, they're really just notes the police took from the conversation and can

leave out significant contextual information - in this case, for example, we can't be sure why Greg mentioned the burn barrels or the fluid from the hydraulic crane. It could be in direct response to questions that Kroffsik was asking him. Or it could be information he offered himself. Not knowing which can certainly color the way the statements can be understood though, because it can make it look like a subject knows more than he or she should about a crime.

[42:39] Rabia Chaudry: Anyhow getting back to Kroffsik's interrogation of Greg, it began at 12:30pm and ended at 4:36pm. By that point Greg was really pretty uncomfortable with Kroffsik's aggressiveness - he had already consented to being searched and tested for gunshot residue, but Kroffsik was pushing him to admit to knowing something about the crime, which he maintained that he didn't.

Greg actually became uncomfortable enough that he stopped the interview and retrieved a tape recorder to record the remainder of the interaction. Kroffsik, not to be outdone, whipped out his own recorder.

Even though both of them made their own recordings, unfortunately we have neither of the tapes. But we do have a transcript of Kroffsik's recording, which begins by noting that the time was now 4:50pm and that Greg was also taping the conversation.

Greg then asked, "Uh you've been here almost four hours just asking me question after question and stuff and, uh, uh, you know, what are you going to do?"

Kroffsik acknowledged that it had been about four hours, and Greg had been cooperative, and he was probably tired, and made it clear that he believed Greg was involved in the murders. But he tried an old law enforcement tactic, giving Greg a sympathetic opening into admitting his involvement by saying "I do not think you went to Victor's house with any intention of hurting him or doing any harm to him, uh, that maybe something got out of control."

Greg wasn't biting though, and simply responded with, "I'm all talked out. I'm all talked out."

Kroffsik said ok, he'd wrap up the interview but wanted Greg's shoes and socks, "freely and voluntarily". Greg agreed, laughing that he if he said no Kroffisk would have to get a court order. But he handed them over anyway, unfortunately damning himself with how this evidence was immediately handled.

Because right then the transcript notes a male voice asking, "Do you just want to add it to the other one? We already...we can...we can...put them back together."

And Kroffsik responds, "I can add it on, yes, you go ahead and get me that other thing and I'll just put it together."

So instead of bagging each item separately, the agents then stuffed the socks right into the shoes and sealed them up together.

[44:52] Colin Miller: Greg's questioning didn't wrap up with his shoes and socks being bagged. At what he thought was the end of his questioning, he was placed under arrest - but not for the murders of Victor and Alla.

There was an outstanding warrant out a failure to appear on an assault charge in another county stemming from a road rage incident that took place on August 1, the Saturday before the murders. According to the complaint filed against Greg, he was tailgating a couple aggressively as they drove and then followed them into a store parking lot. Once they stopped, Greg allegedly pulled the man from his vehicle and punched and kicked him, then drove off.

Here is how it happened though according to Greg:

Greg Lance:

Yeah, I was coming back from seeing Dad, I guess, I don't remember what it was, the reason I was coming through Smithville, but I was coming through Smithville from like McMinnville area, and there used to be a passing zone before that, they've got a huge cemetery when you're coming into Smithville, I guess about 6 miles out of town, just on the left, and there used to be a passing zone there, but they had just repainted it, so they made it a no passing zone. So I was coming up near the cemetery and this small car just sit there and just waiting until I come up on them and then pulled out in front of me, I mean almost point blank, and they're going like 10-15 miles an hour, and swerving, and I figured they was either drunk or high, or something. And they they would speed up and slam on their brakes, and they done that repeatedly. There was nowhere to pass them, and by the time we got into town where there was a passing zone there was like 15 cars behind me even. And when I got to where I could pass them, I went ahead and did, and they got beside me and started swerving towards me like they were gonna hit me, so I had to pull into the Dollar General store parking lot there, and you know, the guy said he was gonna kick my ass, and so I got out

and met him at his door. So I hit him a few times, I hit him as he was standing up out of his car, hit him on the right side of his head, and then the left side of his head hit the top of the car, and he fell back and started to get up, and I kicked him, and he started to get up again and I grabbed him by his foot. I was trying to keep him down. His shoe come off and I grabbed his foot again and his sock came off, and by then his wife had come up behind me, and I got the heck out of there.

Regardless of who was provoking who, Greg freely admits he assaulted the man and then left the scene. This happened in DeKalb County and Greg figured they may have filed a complaint. So just a few days before the Kolesnikows were murdered, he called around to see if any warrants existed against him, found out what the bond would be if and when he was arrested, and kept the cash on him not knowing when he would be picked up.

Well that warrant was exactly the kind of opportunity the police needed to continue questioning him about the murders, which they did for five more hours that night at the station. They didn't just question him though, they asked to shave his hands to collect hair in order to determine if any of it was burnt. This single line from a report in the arson records explains why:

Rabia Chaudry reads:

Both suspects gave alibis, sometimes contradictory to each other. A TBI agent believes he observed singed hair on the hand of the principal suspect. A closer examination is being planned.

Both suspects gave alibis, sometimes contradictory to each other. A TBI agent believes he observed singed hair on the hand of the principle suspect. A closer examination is being planned.

Greg agreed to let them shave his hand, and to this day he maintains that they only shaved his left hand, though at trial the State alleged that his both of his forearms and hands were shaved.

At 10:55pm, when Greg finally demanded an attorney and refused to speak any longer, they finally released him.

By that time, investigators had already gotten statements from Keith, Keith's girlfriend Kay, and Greg's girlfriend Becky.

[48:47] Susan Simpson: Keith, Kay, and Becky essentially stated the same thing - Greg had been out most of the evening and Kay and Becky had a bit of a girls night, or a crying night as Kay put it - she had learned of her sister's cancer and needed an evening to share, vent, and weep with a friend. Kay and Becky picked up groceries and returned to Kay's trailer, cooked some food, and were eating when Keith showed up around 8pm. Which fits Greg's timeline because that was around the time Greg said he left the trailer park for his night out.

Keith ended up hanging out with Kay and Becky for the rest of the night, drinking and watching tv, and then he and Kay dropped Becky off at her house around 11pm. Neither he nor Kay saw Greg again until the morning of the 5th, when he went over to his house and told him about the fire at the Kolesnikows.

In his police statement, Keith confirmed what Greg said about showing him a gun in the office drawer that morning, and that he hadn't touched it. He also confirmed that both he and Greg had been burning trash and papers in the past couple of days.

Becky wasn't alone when she was dropped back off at the house that night though, Eric Tanner was home, and according to their police statements, both Becky and Eric Tanner had seen Greg back at the house by 1am that night. Eric had gone back to sleep after seeing Greg, but Becky had stayed up with him as he ate, and then they went to bed together soon after.

Well, the investigators asked Becky, could Greg have gotten back up and left without her knowing, investigators asked?

That's unlikely she said - they had a waterbed and she would have been woken up if he had moved. Plus when she woke up in the morning he was home, in bed, with her.

[50:32] Rabia Chaudry: These witness statements seemed to line up pretty well for Greg, and yet he had a bit of a problem. Because while it was true that he was out the night before, he wasn't exactly being honest with Kroffsik about where he was and what he was doing.

Greg and Becky had, what could be understood in contemporary terms, an open relationship. While they lived together, and apparently loved each other, had even

become pregnant earlier, but lost the child, they had an understanding that they could see other people.

And that is precisely what Greg was doing the night before the murders. A woman that he knew from the National Guard happened to be in town and called him up to meet up. So he did.

Greg Lance:

Actually, I met her at the General Lee Truck Stop and then we drove from there to the Happy Days bar in her vehicle. Stayed there for a while and had a few drinks and went back and rented a motel there, so whatever that is there at the General Lee Truck Stop there's a motel there.

Rabia Chaudry:

Okay

Greg Lance:

Stayed there until about 12, 12:30 maybe, that's when I went home, and on the way home before I stopped at the store Becky called me on the cell phone and I told her I was coming home.

That call, by the way, exists in the phone records, coming in at 12:28am.

But getting back to what Greg was up to that night, to be completely honest, it elicited some strong mixed feelings when I learned this. Greg didn't disclose that he was with this woman to the authorities in his initial police interview, but later he did tell his own defense attorneys and defense investigator that he was with her, and they interviewed that woman numerous times as they prepared for trial. But why did he hide it from the police initially though? I figured it was so his girlfriend Becky wouldn't find out. But according to Greg, Becky already knew because he told her as soon as he got home that night.

Now I did have a hard time believing that he would do that, but then I came across a police interview of Keith's girlfriend Kay, where she told Kroffsik that Keith wasn't too thrilled with Becky and Kay hanging out that night alone.

"Why is that?" Kroffsik asked.

"Because she made it very obvious that she wanted to go to bed with me" Kay responded, and went on to explain that Becky had very clearly propositioned her in the past. Apparently, Becky's sexual involvement with others, both men and women, was pretty common knowledge in their circle.

So, while it seems that Greg and Becky did indeed have an open relationship, Greg didn't think it was any of Kroffsik's business what he was specifically up to the night before, and that was a very bad call on his part because hiding that tryst from authorities only hurt Greg.

Instead of telling the truth, he told Agent Kroffsik that he was at a bar the entire night, but when investigators checked at the bar, no one remembered seeing Greg because he had actually only been there briefly. And as for the mini-mart where he said he got the beer, here's what the store clerk, who was interviewed about 24 hours after Greg said that he had been there:

Susan Simpson reads:

I came on duty at 11:00 p.m. on Tuesday 8/4/98 and worked until 7:20 a.m Wednesday morning on 8/5/98. I remember any strangers that come in because most of the customers on the 3rd shift are regular customers. I don't remember a male white stranger that night and I have never seen the two people that I was shown photos of. I would have remembered it if they had been in last night.

I came on duty at 11:00 p.m. on Tuesday 8/4/98 and worked until 7:20 a.m wednes. morning on 8/5/98. I remember any strangers that come in because most of the customers on the 3rd shift are regular customers. I don't remember a male white stranger that night and I have never seen the two people that I was shown photos of. I would have remembered if they had been in last night.

These apparent lies, coupled with what they saw as a clear motive, not only increased the investigator's suspicion, it doomed Greg Lance to be the only target of his investigation. A report written by Phillip Gentry of the fire marshal's office the day after Greg's interrogation states, "two suspects have been identified and the investigation is continuing. The principal suspect (believed to be the shooter) had purchased a trailer park from the victims for \$650,000...a lawsuit between the suspect is pending...and the victim was experiencing a cash flow problem. Tension between the two was reportedly escalating. Both suspects gave alibis, sometimes contradictory to each other."

It's clear that Greg had become the principal suspect because he had, according to the police, the greatest motive to kill the Kolesnikows, and his whereabouts weren't accounted for. Initially Keith was also a suspect, maybe because he also had a stake in the trailer park. Or maybe because when the police asked other trailer park tenants who had the loudest car in the trailer park, they were told it was Keith's girlfriend, Kay, who had a 4 door small brownish golden sedan.

Remember in the end of the last episode, the search warrant Kroffsik had taken out for a car that he personally observed to match the description of the car leaving the crime scene? Yeah, that was Kay's car.

Eventually though, Keith would cease being a suspect, and the investigation would focus on Greg alone. But in order to make it all fit, the State had to patch together a narrative that defied logic, and logistics, in order to get their man.

Next time, on Undisclosed.

Greg Lance has been in prison since 1999. If you'd like to drop him a note of support, or a card, or anything to let him know you are following his story and thinking about him, address your letters to:

Gregory Paul Lance
ID# 00325463
Bledsoe County Correctional Complex
1045 Horsehead Rd
Pikeville, TN 37367

Now, lots of thank yous. A big thank you to all of our sponsors who help make this episode, this series, and really all of our work possible. We could not continue to investigate wrongful convictions and to help those wrongfully convicted if we didn't have our sponsors. So, if you want to support our work, if you want to support the people we are trying to help in our series, please support our sponsors, they make the production possible.

Thank you to our Wizard of Oz who keeps everything running like clockwork behind the scenes, Executive Producer Mital Telhan. Thank you to our audio producer extraordinaire, Rebecca LaVoie, host of one of my favorite podcasts, *Crime Writers On*. Thank you Baluki for our logo, Patrick Cortez for our theme song. Thank you to Linda Boseman and the family of Greg Lance for working with us in order for us to do an investigation into this case. And a huge thank you to my legal intern for this entire case Usrah Qureshi who has just put in days and days and weeks and weeks of going through documents and organizing things and just making my life easier. And finally, thank you to all of our listeners for staying with us case after case, year after year, Follow us on social media. We're on Twitter at the handle @UndisclosedPod, and remember to tweet us your questions for the Undisclosed Addendum using the hashtag #UDAddendum. We're also on Facebook and Instagram and our website is www.undisclosed-podcast.com.

