

CSD's ROBERT DOW, in trying to conceal that he knew or should have known that Lisa Girot owned no such 150 acres as she sold him, claims that he found such out only on July 24, 2022. Yet on August 24, 2022, Dow files suit against Birnbaum, the victim of the fraud, with the very lies he found out a month ago, were lies. (Affidavit at END)

THIS DOCUMENT - 3 pages
ATTACH "A" - email - 8 pages

A buyer needing to "protect"
a seller? - page 2

CAUSE NO. 22-00105

CSD VAN ZANDT LLC \$ IN THE DISTRICT COURT
 Plaintiff
v. \$ 294th JUDICIAL DISTRICT

UDO BIRNBAUM \$ VAN ZANDT COUNTY, TX
 Defendant

DEFENDANT’S RESPONSE TO THIS COURT’S INQUIRY

TO THIS HONORABLE COURT:

THE BIG PICTURE

1. Plaintiff, CSD VAN ZANDT LLC, pleads TITLE to 150 acres in Van Zandt County.
2. Defendant, UDO BIRNBAUM, pleads long time TITLE to these 150 acres, and that this very CSD suit upon him is an ongoing real estate deed fraud scheme upon the elderly, with such now ongoing upon him in this Court, at this very time.

3. AND HEREWITH, Defendant BIRNBAUM, to paraphrase this Court’s inquiry of July 20, 2023:

*“Urgency: HIGH”
“This Court, having already determined that grantor Ms. Lisa Girot knew that she inherited no such 150 acres from Louis Thibodeaux, needs to know if someone from grantee CSD Van Zandt LLC was in on her fraud upon Defendant.”*

And to paraphrase the paraphrase:
“Lisa is a crook, so let us see if Dow also is.”

SO HERE GOES:

4. Robert Dow, **before purchasing**, when he immediately called Ms. Lisa Girot, regarding Mr. Birnbaum having just run off his surveyors, should have known that something was awfully irregular about what Ms. Lisa Girot was telling.

5.. And an awfully irregular relationship, between Ms. Lisa Girot and Mr. Robert Dow, is evidenced in that phone call, which just came to light by the Zoom Deposition of Lisa Girot on May 9, 2023.

6. The subject quickly moved into wild spins as to Defendant Birnbaum, and how they would back each other in going forward, without any indication of Mr. Dow having inquired with any of the neighbors, or intention to do so, or contact the other grantors, i.e. Patricia Moore Barclay or James Moore III. The topic was all about plotting a common scheme to “go forward”, and assurances to each other of each others’ future protection, such as at 07:50 into the 18:54 minute telephone recording, as such at 1:33:20 in the 1:54:02 Zoom video deposition of Ms. Lisa Girot, Mr. Dow, as BUYER, agreeing to protect the SELLER, regarding their in between them “**it**”:

“And we told you **we’d take it on** and so we are going to try to be sure to **protect us** and like we said **protect you too.**”

7. And NOW, in response to this Court’s **July 20, 2023** inquiry Robert Dow, by Affidavit, swears that: (see Attach)

*“10. My first knowledge of the unrecorded 2017 deed referenced in this lawsuit was on the morning of **July 24, 2022**, when a Rob Coady, a contractor hired by CSD Van Zandt LLC, discovered a copy of the unrecorded 2017 deed in a Ziploc bag which was attached to a gate on the property subject to this litigation, which was about a month after CSD Van Zandt, LLC acquired the property.”*

8. So what did Mr. Dow do, upon the **July 24, 2022** evidence that Girot never had anything to convey him? Go to the police, or his title insurers, that he had been swindled?

9. NO, instead **Mr. Dow, again, runs back to Lisa Girot**, as revealed by the just May 9, 2023 Zoom Deposition of Lisa Girot, and has his Corey Kellam weave his earlier, before buying, recording of the tale by Lisa Girot, and weave such into the fraudulent **Affidavit of Lisa Girot**, also have it spun into the **Affidavit of Robert Dow**, and not sue LISA GIROT, but BIRNBAUM, the victim of the Lisa Girot Real Estate Deed fraud upon an then 85 old elderly, Dow filing this very suit on **August 8, 2022**.

10. AND THEN, long later, on **October 20, 2022**, long after his on **July 24, 2022** having full knowledge of the Lisa Girot fraud, moves as PLAINTIFF – for Summary Judgment - such Motion now before this court, the Court now **July 20, 2023** inquiring whether Plaintiff, Plaintiff's Robert Dow, or Plaintiff's Attorney Corey Kellam, had knowledge – of the fraud by Ms. Lisa Girot.

11. All such as a suggestion to this Court.

12. The current email string upon this Court's inquiry of July 20, 2023 as Attach.

UDO BIRNBAUM, *Pro Se*
540 VZ County Road 2916
Eustace, TX 75124
903 802-9669
BRNBM@AOL.COM

Certificate of Service

Today August 1, 2023 by imbed in and attach to ongoing common string also regular mail Flowers Davis, 1021 ESE Loop 323, Suite 200, Tyler, Texas 75701



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TEXAS BOARD OF LEGAL SPECIALIZATION

VIRGINIA D. YOUNG
DANIEL C. ROSS

July 24, 2023

The Honorable Chris Martin
294th District Court - Van Zandt County, Texas
121 E. Dallas St., Ste. 301
Canton, Texas 75103

Sent via: Electronic Filing
and email to: brnbm@aol.com and
wbarker@vanzandtcountry.org

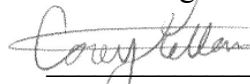
Re: Additional information requested for MSJ review – Cause No. 22-00105

Dear Judge Martin:

This letter is in response to the Court's request for additional information by email dated July 20, 2023.¹ I briefly responded to that email², but understand the Court requires the information by affidavit, which I have attached to this letter.³

Please do not hesitate to let me know if you have further questions.

Kindest Regards,



Corey R. Kellam

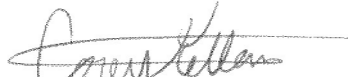
1 Email thread between Ms. Waynette Barker, Udo Birnbaum and Corey Kellam, attached as Exhibit A.

2 *Id.*

3 Affidavit of Robert Dow, Manager of Panola Holdings, LLC, Manager of CSD Van Zandt, LLC, attached as Exhibit B.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this instrument was served on all parties of record via electronic service manager on this the 24th day of July 2023.


Corey R. Kellam

From: Corey R. Kellam
Sent: Thursday, July 20, 2023 12:30 PM
To: 'Waynette Barker' <wbarker@vanzandtcounty.org>; 'brnbm@aol.com' <brnbm@aol.com>
Subject: RE: 22-00105 CSD VAN ZANDT LLC V BIRNBAUM

Ms. Barker, I should have also said in my email that I will be following up with an affidavit, I just wanted to present this information on the front end so you know I am in receipt of the request and will get something drafted promptly.

Thanks,

Corey



1021 ESE Loop 323, Suite 200
Tyler, Texas 75701
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crk@flowersdavis.com / www.flowersdavis.com

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From: Corey R. Kellam
Sent: Thursday, July 20, 2023 12:26 PM
To: 'Waynette Barker' <wbarker@vanzandtcounty.org>; brnbm@aol.com
Subject: RE: 22-00105 CSD VAN ZANDT LLC V BIRNBAUM

Hi Ms. Barker, and thank you for reaching out.

To answer the question, no, Ms. Girot has never had any ownership in, membership in, employment in, or

any other connection to CSD Van Zandt, LLC or its members, directors, or employees. Her first interaction with CSD Van Zandt, LLC was an email from her to my client on March 2, 2022, wherein she advises that she is interested in selling the property . I'm also including below a couple excerpts from Ms. Girot's deposition confirming as much.

Page 40, Lines 13-18

13 Q. How did you come to sell CSD Van Zandt the
14 property?

15 A. Oh, I think I received correspondence in the
16 mail regarding an interest in purchasing that property.
17 I did not have the property listed at that time or at
18 any time.

Page 40, Lines 23-25

23 Q. Okay. Do you know Mr. Robert Dow?

24 A. I do not know him personally. I know of him
25 through this transaction.

Thank you, and let me know if there are any additional questions.

Best,

Corey



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From: Waynette Barker <wbarker@vanzandtcounty.org>

Sent: Thursday, July 20, 2023 8:31 AM

To: Corey R. Kellam <crk@flowersdavis.com>; brnbn@aol.com

Subject: 22-00105 CSD VAN ZANDT LLC V BIRNBAUM

Importance: High

Mr. Kellam,

The Court has completed its review and consideration of the Plaintiff's Traditional MSJ. Additional information, which was not provided by the Plaintiff, is needed and requested by the Court. To determine whether the Plaintiff, is a bona fide purchaser without notice of Mr. Birnbaum's claim to the subject property by the unrecorded deed of 2017, the Court first acknowledges and finds that Ms. Lisa Girot, as notary of the unrecorded deed, had actual knowledge of Mr. Birnbaum's claim or potential claim to the subject property. Therefore, since Ms. Girot sold and transferred her interest in the subject property to the Plaintiff, the Court must now determine whether the Plaintiff had or should have had the same knowledge as Ms. Girot. The Court requests the following information by affidavit:

1. At any time has Ms. Girot had any ownership in, membership in, employment in, or any other connection to CSD Van Zandt, LLC or its members, directors, or employees?

Please submit the information as soon as practicable.

Respectfully,

Waynette Barker

294th District Court Administrator

PH: 903-567-4422

FAX: 903-567-5652

Email: wbarker@vanzandtcounty.org



JURY TRIAL DATES ONLY: PLEASE REMEMBER THAT YOU MUST HAVE GONE TO MEDIATION BEFORE ALL FINAL HEARINGS, BENCH TRIALS AND JURY TRIALS.

CIVIL JURY TRIALS 2023 (does not include criminal jury trial dates)

JULY NO JURY TRIALS

AUGUST 14 – 18 4 case set on the docket

SEPTEMBER 11-15 5 case set on the docket

OCTOBER 16-20 4 case set on the docket

NOVEMBER 13-17 6 case set on the docket

DECEMBER NO JURY TRIALS

Jury Trials for 2024

January 22 – 25, 2024 2 Cases set on the docket

February 20 – 23, 2024 2 Cases set on the docket

April 22-26, 2024 1 Case set on the docket

May 20-24, 2024 1 Case set on the docket

August 19-23, 2024

October 21-25, 2024 1 Case set on the docket

The will to win, the desire to succeed, the urge to reach your full potential... these are the keys that will unlock the door to personal excellence.

NOTICE: All email correspondence relating to pending cases will be filed with the District Clerk for inclusion in the record of the case. Any communication to the Court or staff via email must comply with Rules 21 and 21A, T.R.C.P., and to do so by the fastest means available to the other affected parties or counsel. The provisions of Canon 3B.(8) of the Code of Judicial Conduct should be carefully reviewed before any person connected with a case attempts any communication with the Judge or court personnel.

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CAUSE NO. 22-00105

CSD VAN ZANDT LLC
Plaintiff

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§
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IN THE DISTRICT COURT

v.

294TH JUDICIAL DISTRICT

UDO BIRNBAUM
Defendant

VAN ZANDT COUNTY, TEXAS

AFFIDAVIT OF ROBERT DOW

STATE OF TEXAS

§
§
§

COUNTY OF DALLAS

Before me, the undersigned notary public, on this day personally appeared Robert Dow, who after being duly sworn, on his oath stated:

1. “My name is Robert O. Dow. I am over 18 years of age, of sound mind, and capable of making this Affidavit. I have not been convicted of a felony or crime involving moral turpitude.
2. This affidavit is being made in response to the Court’s inquiry as to whether, at any time, Ms. Lisa Girot had any ownership in, membership in, employment in, or any other connection to CSD Van Zandt, LLC or its members, directors, or employees.
3. I am the Manager of Panola Holdings, LLC, which is the Manager of CSD Van Zandt, LLC, and I am intimately familiar with CSD Van Zandt, LLC’s operations.
4. Ms. Girot has never had any ownership in, membership in, employment in, or any other connection to CSD Van Zandt, LLC or its members, directors, or employees.
5. My first communication with Ms. Girot was in response to an email from her on March 2, 2022, wherein she advised that she was interested in selling the property subject to this litigation.
6. CSD Van Zandt, LLC was not incorporated with the State of Texas until April 12, 2022, which was more than a month after my first communication with Ms. Girot.
7. On May 9, 2023 Ms. Girot sat for an oral and videotaped sworn deposition related to this lawsuit.
8. On page 40, lines 13-18 of the deposition, Ms. Girot confirms that she first responded to a marketing mailer, which was sent by me, regarding the sale of the property:

CSD's ROBERT DOW, in trying to conceal that he knew or should have known that Lisa Girot owned no such 150 acres as she sold him, claims that he found such out only on July 24, 2022. Yet on August 24, 2022, Dow files suit against Birnbaum, the victim of the fraud, with the very lies he found out a month ago, were lies. (No. 10 below) And at it ever since.

13 Q. How did you come to sell CSD Van Zandt the
14 property?

15 A. Oh, I think I received correspondence in the
16 mail regarding an interest in purchasing that property.
17 I did not have the property listed at that time or at
18 any time.

9. Later on page 40, lines 23-25 of the deposition, Ms. Girot also confirms she does not know me except for through the real estate transaction:

23 Q. Okay. Do you know Mr. Robert Dow?

24 A. I do not know him personally. I know of him
25 through this transaction.

10. My first knowledge of the unrecorded 2017 deed referenced in this lawsuit was on the morning of July 24, 2022, when a Rob Coady, a contractor hired by CSD Van Zandt LLC, discovered a copy of the unrecorded 2017 deed placed in a Ziploc bag which was attached to a gate on the property subject to this litigation, which was about a month after CSD Van Zandt, LLC acquired the property.”

Affiant further sayeth not.

Robert O. Dow

SUBSCRIBED AND SWORN TO before me, the undersigned authority, on this the 24th day of July 2023 to certify which witness my hand and seal of office.



Notary Public, State of Texas

CSD's ROBERT DOW, in trying to conceal that he knew or should have known that Lisa Girot owned no such 150 acres as she sold him, claims that he found such out only on July 24, 2022. Yet on August 8, 2022, Dow files suit against Birnbaum, the victim of the fraud, with the very lies he just claims he just found out were lies. (Affidavit at END)