

**CAUSE NO. 22-00105**

CSD VAN ZANDT LLC

Plaintiff/Counter Defendant

v.

\$ IN THE DISTRICT COURT

UDO BIRNBAUM

Defendant/Cross Plaintiff

v.

\$ 294TH JUDICIAL DISTRICT

ROBERT O. DOW,

COREY KELLAM

CELIA C. FLOWERS

VAN ZANDT COUNTY

Cross Defendants

\$

\$ VAN ZANDT COUNTY, TX

**FIRST REQUEST FOR PRODUCTION TO CSD VAN ZANDT LLC**

PLEASE NOTE: Standard rules apply: responses to be verified, answers to be preceded by the question, 30 days, etc. Also RCP 197.2 Response to Interrogatories (d) Verification required; A responding party - **not an agent or attorney** as otherwise permitted by Rule 14 - must sign the answers under oath

**PRODUCTION NO. 1:**

Such documents as CSD Van Zandt LLC in paragraph 15 of Plaintiff’s First Amended Original Petition claims show Plaintiff obtaining title to the 148.12 acre Premises “via a regular chain of conveyance from the sovereign”, and specifically documents showing passage of conveyance of title through the 2021 belated probate by LISA L. GIROT of intestate GWENDOLYN WRIGHT THIBODEAUX estate of 2006, and further through the 2019 estate of LOUIS THIBODEAUX unto LISA L. GIROT.

*(i.e. “15. Plaintiff obtained title to the Property via a regular chain of conveyance from the sovereign, as explained hereinabove.”*

**PRODUCTION NO. 2:**

Such deed, if any, conveying title to LISA GIROT, to have title to convey.

**PRODUCTION NO. 3:**

Such deed, if any, conveying title to PATRICIA MOORE BARCLAY, to have title to convey.

**PRODUCTION NO. 4:**

Such deed, if any, conveying title to JAMES T. MOORE III, to have title to convey.

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UDO BIRNBAUM, *Pro Se*  
540 VZ County Road 2916  
Eustace, TX 75124  
903 802-9669

Certificate of Service Nov. 25, 2022  
CMRR 7021 2720 0002 2602 3268  
Katryna R. Watkins, Flowers Davis  
1021 ESE Loop 323, Suite 200  
Tyler, TX 75701

15. Plaintiff obtained title to the Property via a regular chain of conveyance from the sovereign, as explained hereinabove

7. Subsequently, in Cause No. 15622 in the County Court of Van Zandt County, Texas, Judge Don Kirkpatrick determined Ms. Thibodeaux's heirs and their respective shares and interests in the Property as follows: Louis Thibodeaux: 50%; Patricia Moore Barclay: 25%; and James T. Moore, III: 25%. As a result, Louis Thibodeaux, Patricia Moore Barclay and James T. Moore, III owned the Property in the percentages set out above.

The weakness or even complete lack of title proof of the defendant does not mean that the plaintiff has proven ownership. In fact, the defendant is not even required to provide the title and, as a result, may actually prevail without offering proof of ownership or possession. *Hejl v. Wirth*, 161 Tex. 609, 343 S.W.2d 226 (1961); *Kennedy Con., Inc. v. Forman*, 316 S.W.3d 129, 138 (Tex. App.—Houston [14th Dist.] 2010, no pet.);

Forman to prevail based upon the strength of his own title to Tract Three and not on the weaknesses of Kennedy's title. *See Hejl v. Wirth*, [161 Tex. 609](#), [343 S.W.2d 226, 226](#) (1961). To recover, Forman must establish a prima facie right of title by proving one of the following: (1) a regular chain of conveyances from the sovereign, (2) a superior title out of a common source, (3) title by limitations, or (4) prior possession, which has not been abandoned. *See Bacon v. Jordan*, [763 S.W.2d 395, 396-97](#) (Tex. 1988).

**PRODUCTION NO. 2:**

Identify, by producing copies of such documents as you plead in Plaintiff's First Amended etc as you claim show a regular chain of conveyance from GWENDOLYN WRIGHT THIBODEAUX, as you claim as source of CSD title, to JAMES T. MOORE III, to have legal capacity to convey title to the Property to CSD Van Zandt LLC.

**PRODUCTION NO. 3:**

Identify, by producing copies of such documents as you plead in Plaintiff's First Amended etc as you claim show a regular chain of conveyance from GWENDOLYN WRIGHT THIBODEAUX, as you claim as source of CSD title, to PATRICIA MOORE BARCLAY, to have legal capacity to convey title to the Property to CSD Van Zandt LLC.

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