

CAUSE NO. 22-00105

CSD VAN ZANDT LLC,) IN THE DISTRICT COURT
)
 Plaintiff)
)
 v.) 294TH JUDICIAL DISTRICT
)
 UDO BIRNBAUM,)
)
 Defendant) VAN ZANDT COUNTY, TEXAS

* * * * *

ORAL AND VIDEOTAPED DEPOSITION OF

LISA GIROT

MAY 9, 2023

(REPORTED REMOTELY VIA ZOOM)

* * * * *

ORAL AND VIDEOTAPED DEPOSITION OF LISA

GIROT, produced as a witness at the instance of the
 Plaintiff, and duly sworn, was taken in the above-styled
 and numbered cause on May 9, 2023, from 10:22 a.m. to
 12:40 p.m., before Wendy Smith, CSR in and for the State
 of Texas, reported by machine shorthand, pursuant to the
 Texas Rules of Civil Procedure and the provisions stated
 on the record or attached hereto.

A P P E A R A N C E S

FOR THE PLAINTIFF:

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ALSO PRESENT:

DOUG RANKIN - Videographer

INDEX

	PAGE
Appearances	2
Stipulations	5
LISA GIROT	
Examination by Ms. Watkins	5
Signature and Corrections	55
Reporter's Certificate	57

EXHIBITS

NUMBER	/ DESCRIPTION	PAGE
1	/ Notice of Deposition	7
2	/ Last Will and Testament of Louis Thibodeaux	20
3	/ Order to Probate and Execute Notorial Testament filed in Jefferson Davis Parish	21
4	/ Heirship Affidavit Regarding Gwendolyn Wright Thibodeaux	23
5	/ Judgment Regarding Heirship of Gwendolyn Wright Thibodeaux	24
6	/ Warranty Deed from Louis Thibodeaux to Udo Birnbaum	27
7	/ E-mails Between Lisa Girot and Udo Birnbaum	35
8	/ Warranty Deed from Gwendolyn Wright Thibodeaux to Udo Birnbaum	36

EXHIBITS

NUMBER	/ DESCRIPTION	PAGE
9	/ Recording of Phone Call Between Lisa Girot and Udo Birnbaum	36
10	/ Tax Receipt from Van Zandt Appraisal District	39
11	/ Warranty Deed with Vendors Lien Between Patricia Moore Barclay and CSD Van Zandt, LLC	51
12	/ Recording of Phone Call Between Lisa Girot and Robert Dow	47
13	/ Affidavit of Lisa Girot	54

P R O C E E D I N G S

VIDEOGRAPHER: Today is May the 9th of 2023. The time is approximately 10:22 a.m. We're now on the record.

THE REPORTER: Any agreements before I swear in the witness?

MS. WATKINS: No agreements.

LISA GIROT,
having been first duly sworn, testified as follows:

EXAMINATION

BY MS. WATKINS:

Q. Ms. Girot, can you state your full name for the record?

A. Lisa Leger Girot.

Q. Thank you for your time today, Ms. Girot. I've been saying Girot.

A. That's okay.

Q. Clarifying that. We have quite a few questions to get through today. I think we can do it in a relatively quick amount of time, and I just want to discuss some preliminary matters before we get started.

Can we agree that if I ask you a question and you don't understand the question, you'll let me know?

A. Yes, ma'am.

1 Q. Okay. And then just for the sake of the court
2 reporter, can we also agree that we won't talk over each
3 other, so I'll ask a question and then I'll finish and
4 you respond and vice versa, you respond, and I won't
5 interrupt you before I ask my following question?

6 A. Yes, ma'am.

7 Q. And if you need a break at any point, you'll
8 let me know?

9 A. Yes, ma'am.

10 Q. Okay. Are you taking any medications today
11 that might affect your ability to understand any of
12 these questions?

13 A. No, ma'am.

14 Q. Okay. I want to pull up an exhibit, and my
15 question is going to be: Do you recognize this
16 document? We're going to screen share.

17 A. Yes, I recognize it.

18 Q. What is this document?

19 A. It's a notice to take a deposition, oral
20 deposition.

21 Q. And whose deposition?

22 A. Lisa Girot, myself.

23 Q. Okay. And can you confirm that the day and
24 time on this notice is May 9th, 2023, at 10:00 a.m.?

25 A. Yes, ma'am.

1 Q. And can you confirm that this -- according to
2 the document, in the top right corner, this was filed
3 with the Court on May 8th, 2023, with the district
4 clerk's office?

5 A. Yes, ma'am.

6 MS. WATKINS: Okay. Wendy, I'd like to
7 have this admitted as Exhibit 1.

8 (Exhibit Number 1 was marked.)

9 Q. (BY MS. WATKINS) Ms. Girot, what was your
10 place of birth? Where were you born?

11 A. Sulphur, Louisiana, Calcasieu Parish.

12 Q. And when were you born?

13 A. February 21st, 1958.

14 Q. And Calcasieu Parish, is that where you're
15 from?

16 A. Yes, ma'am.

17 Q. Are you married?

18 A. I am.

19 Q. Okay. What's your husband's name?

20 A. Thomas Girot.

21 Q. Okay. How long have you been married?

22 A. 39 and a half years.

23 Q. Okay. Is that your only marriage?

24 A. No, ma'am.

25 Q. Okay. How many marriages have you had besides

1 your current marriage?

2 A. Two.

3 Q. Can you walk us through both of those? Who
4 were you married to?

5 A. My first marriage was to Dean -- Dean Burnett.
6 That lasted --

7 Q. Go ahead. You were going to answer my
8 question. Go ahead.

9 A. That lasted (inaudible) years, and that was in
10 approximately 1975.

11 THE REPORTER: I didn't hear how many
12 years. You said it lasted how many years?

13 A. Two years.

14 Q. (BY MS. WATKINS) And then who was your second
15 marriage to?

16 A. My second marriage was to Arthur Elliott.

17 Q. And when was that marriage?

18 A. I think that was 1978 or '79.

19 Q. And how long were you married?

20 A. Three years.

21 Q. What do you do for a living, Ms. Girot?

22 A. I'm retired now, but I was a paralegal to a
23 real estate attorney for 30 years. I retired from him
24 and continued operating my office where I have 36 rental
25 properties that I continue to manage, and I continue to

1 do things that notaries are allowed to do in Louisiana,
2 wills, power of attorneys, cash deeds, small
3 successions, things of that nature.

4 Q. What is the name of the law firm that you
5 worked at, the real estate -- with the real estate
6 attorney?

7 A. I worked for Skipper M. Drost. He was a sole
8 practitioner.

9 Q. Do you have any other training outside of being
10 a paralegal?

11 A. Prior to working for Skipper, I worked in
12 banking probably 10 or 12 years as a branch manager.

13 Q. And where was that?

14 A. That was here or -- well, some of it was in
15 Lake Charles, Louisiana, which is 15 miles down the
16 road, but some of it was in Sulphur, Louisiana.

17 Q. Which bank did you work at?

18 A. Well, I worked -- I worked for Calcasieu Marine
19 National Bank for a period of time, then I went to
20 National Bank of Commerce, who was purchased by another
21 bank but I can't recall the name.

22 Q. Okay. Is that all of your employment
23 background?

24 A. Yes, ma'am.

25 Q. Can you talk me through -- how did you get

1 involved in managing real estate, rental properties, I
2 believe you said?

3 A. Well, I owned a few myself, and through my
4 contact with people that I did business with, I was
5 approached by someone to help them manage their
6 properties because their property manager had retired.

7 Q. Okay.

8 A. And so I took him on.

9 Q. And what -- go ahead.

10 A. And he owned 26 properties.

11 Q. What kind of --

12 A. And then I --

13 Q. Go ahead.

14 A. And then I added a second client that owned
15 eight properties. These properties would consist of
16 single-family dwellings or duplexes.

17 Q. Okay. And can you tell me again, about how
18 many years have you done that?

19 A. A minimum of 12.

20 Q. Okay. And are all of these properties located
21 in Louisiana?

22 A. They are all located here in Calcasieu Parish.

23 Q. Can you walk us through your educational
24 background?

25 A. I graduated from high school, and I took a

1 two-year course at Sowela Technical College for
2 accounting. That was -- that's the extent of my formal
3 education. I took numerous courses over the years for
4 other things.

5 Q. What type of other things?

6 A. A lot of it had to do with banking in the
7 beginning, then I took the notary classes to obtain my
8 notary license. That would have been approximately -- I
9 was around 25 or 26. And then I took continuing
10 education classes through title companies for the work I
11 was doing for Mr. Drost.

12 Q. Okay. Aside from this present case, have you
13 ever testified at a deposition before?

14 A. I testified last year in a deposition for -- we
15 own a commercial construction company and we had
16 performed a job that we were unpaid for and we had to
17 sue that client, and due to that suit, we had to have
18 some depositions.

19 Q. Okay. And so you testified as a corporate
20 representative?

21 A. Yes. Prior to that, if I may continue --

22 Q. Go ahead.

23 A. -- we did a deposition of this nature when I
24 filed the probate for Mr. Thibodeaux. The attorney
25 representing me at that time did a deposition.

1 Q. Okay. When you say "of this nature," do you
2 mean as a nonparty?

3 A. As a Zoom, as a Zoom. I was a party to it
4 because he had gone to the Court to establish who was
5 rightfully able to inherit.

6 Q. Okay. And we'll get into that in just a little
7 bit, Ms. Girot.

8 A. Okay.

9 Q. Are those -- have we discussed all the
10 depositions you've ever testified in?

11 A. To the best of my knowledge, yes, ma'am.

12 Q. Have you ever been a -- outside of the
13 construction lawsuit, have you ever been a party to any
14 other lawsuits?

15 A. That would be affirmative. I mean, I have to
16 file suits to evict people and so forth.

17 Q. Okay. If you could approximate, how many
18 lawsuits do you think you've been involved in?

19 A. In the last 12 years, possibly a dozen.

20 Q. Okay. And if you have any recollection, before
21 12 years, have you been in any other lawsuits?

22 A. Not that I can recall.

23 Q. Okay. Did you examine any documents to help
24 prepare for the deposition today?

25 A. I did look through the packet that was e-mailed

1 to me last fall.

2 Q. Which packet is that?

3 A. That would have been the suit -- I'm going to
4 move around just a little bit because I'm going to grab
5 it. I had moved to a different room.

6 It begins with "Response in Opposition to
7 the Court Setting for Hearing and Submission." It's
8 about a 50-page packet. It has attachments and
9 addendums.

10 Q. Okay. Just for the sake of the videographer,
11 Ms. Girot, can you center your camera so that we can see
12 you?

13 A. Yeah. I'm sorry.

14 Q. Is it fair to say the document or the package
15 you're referring to are court filings?

16 A. That would be correct.

17 Q. For this incident lawsuit?

18 A. Yes, ma'am.

19 Q. Okay. Did you review any other documents
20 beyond the court filings?

21 A. I looked at some old e-mails that were
22 exchanged between myself and Mr. Dow and the title
23 company.

24 Q. Okay.

25 A. A lot of documents. So I looked at a lot of

1 tax documents. I looked -- I think these are copies,
2 but all the filings from when Gwendolyn Thibodeaux
3 passed away, the filings from when Louis Thibodeaux
4 passed away. I flipped through all of that.

5 Q. Okay. How did you -- I'm going to switch gears
6 a little bit and talk about your relationship with
7 Mr. Louis Thibodeaux.

8 A. Okay.

9 Q. How did you come to meet Mr. Thibodeaux?

10 A. The mayor of the City of Sulphur referred
11 Mr. Thibodeaux to me in the capacity that I volunteer
12 with the Sulphur Armed Forces Committee. And when I say
13 that, I volunteer in the capacity of helping veterans
14 file for benefits, give them rides to doctors'
15 appointments, do correspondence for them, perhaps help
16 them get a driver's license, apply for disability,
17 things that you would do for veterans. And he was
18 referred to me by the mayor of the town because he was
19 deaf and it was difficult for people to communicate with
20 him, so he asked if I would have the patience to do so,
21 and I did.

22 Q. Do you have a good relationship with the mayor?

23 A. I did until he passed away, yes. And I have a
24 good relationship with our current mayor.

25 Q. So when did you first meet Mr. Thibodeaux?

1 A. I'm going to say approximately 2015.

2 Q. Did you ever meet Gwendolyn Thibodeaux?

3 A. Gwendolyn was passed when I met Mr. Thibodeaux,
4 by approximately a few years.

5 Q. Who was Gwendolyn Thibodeaux?

6 A. Mr. Thibodeaux's only wife.

7 Q. Do you know the Defendant in this case, Udo
8 Birnbaum?

9 A. I've never met Udo Birnbaum personally. I know
10 of him through correspondence and e-mails.

11 Q. What, if any, understanding did you have of the
12 relationship between Udo Birnbaum and Louis Thibodeaux?

13 A. They had been neighbors for many years during
14 Gwendolyn's life. They -- I don't know that they formed
15 it together, but they -- they maybe had animals that
16 they raised together. I'm not certain of the extent of
17 their agricultural interest. But Mr. Birnbaum lived on
18 this property, and they shared common interests. It was
19 my understanding from Mr. Thibodeaux that he was to be
20 allowed to live there. Although, toward the end of
21 Mr. Thibodeaux's life, he went to see him and he felt
22 that he was living in squalor and wanted to bring him
23 here to live with him because he did not appreciate the
24 conditions of where he was living.

25 Q. So just --

1 A. And his intention -- I'm sorry.

2 Q. Thank you, Ms. Girot. Just for contextual
3 purposes, when you say "this property," they lived as
4 neighbors on this property, do you mean the 149 acres
5 that's the subject in the incident lawsuit?

6 A. That is my understanding.

7 Q. Okay.

8 A. I have never physically been there, so for me
9 to say without hesitation yes, I can only assume they
10 lived there together. I've never been there. I
11 don't --

12 Q. I think it cut out toward the end. Can you
13 repeat the last couple of sentences that you said?

14 A. I said I've never physically put my eyes on
15 this property. I know that Mr. Thibodeaux owned other
16 properties that were consistent with this property. So
17 to say adamantly that he lived on this exact 150 acres,
18 I cannot say that without hesitation, because I don't
19 know where the homes were located.

20 Q. Okay. But as far as your understanding of
21 their relationship, the relationship, rather, between
22 Louis and Udo Birnbaum, they were neighbors, that's how
23 they come to -- that was your understanding?

24 A. Yes.

25 Q. Okay. And you understand that the property

1 involved in the incident lawsuit is a 149-acre tract,
2 149 acres that were sold to the Plaintiff, CSD Van
3 Zandt?

4 A. Yes, ma'am, I do.

5 Q. Okay. What, if any, understanding did you have
6 of the relationship between Gwendolyn Thibodeaux and Udo
7 Birnbaum?

8 A. I have no knowledge of their relationship. As
9 I said before, she was deceased when I met
10 Mr. Thibodeaux, so the only knowledge I would have would
11 be what Mr. Thibodeaux perhaps shared with me.

12 Q. Okay. Do you recall when Mr. Louis Thibodeaux
13 passed away?

14 A. I have to look that up. It's been three or
15 more years. October 2019.

16 Q. Okay. Did he pass away with a will?

17 A. He did.

18 Q. I'm going to pull up an exhibit. Do you
19 recognize this document, Ms. Girot?

20 A. I do.

21 Q. What is it?

22 A. It's Mr. Thibodeaux's last will and testament.

23 Q. Do you know who prepared this will?

24 A. This was prepared by Donna L. Brown.

25 Q. Okay. And who is Ms. Brown?

1 A. Ms. Brown was the other "Two Sisters." She was
2 a partner until she retired.

3 Q. The other two sisters of whom?

4 A. Oh, I'm sorry. Our business operated under the
5 name of Two Sisters Enterprises.

6 Q. Okay.

7 A. She was the second sister.

8 Q. Okay. And when you say "our business," is that
9 your business that you conduct right now?

10 A. Correct.

11 Q. Did Mr. Thibodeaux leave you anything in this
12 will?

13 A. Yes, ma'am.

14 Q. Did he leave you -- did he leave you any real
15 property --

16 THE REPORTER: I'm sorry. You cut out on
17 me.

18 Q. (BY MS. WATKINS) Did he leave you any real
19 property in this will?

20 A. There's no real property defined by its
21 description. The will itself simply says he leaves all
22 my personal movable property, tools, furniture and such,
23 above that, I leave all my interest to all of my
24 property of whatever kind and nature, be it separate or
25 community, consumable or nonconsumable, movable,

1 immovable, without restriction. He additionally left me
2 interest in all the oil and gas wells they had.

3 Q. Okay. So referring to that third paragraph
4 that you just read, did you come to learn that he had
5 left you a 149-acre piece of property in Texas?

6 A. I did come to learn that. I was aware he owned
7 property in Texas because I had been paying the tax for
8 him.

9 Q. Okay. Do you know why or do you have any
10 knowledge as to why Mr. Thibodeaux left you his entire
11 estate?

12 A. Mr. Thibodeaux had no natural children. He had
13 one living sister who was older than him, maybe 90, and
14 that was his -- that was his instructions. I mean, I
15 tried to encourage him to leave it to anyone else in the
16 world, Boys Village or the church or anything. He was
17 quite adamant.

18 Q. And would you consider yourself and
19 Mr. Thibodeaux close before he passed?

20 A. Absolutely.

21 Q. Okay. Did you probate this will?

22 A. I had it probated by an attorney in Lake
23 Charles, in Calcasieu Parish, and then I sent it to an
24 attorney in Greenville -- I'm trying to remember his
25 name -- to probate it there.

1 Q. Okay.

2 MS. WATKINS: Wendy, I want to admit the
3 will as Exhibit 2.

4 (Exhibit Number 2 was marked.)

5 Q. (BY MS. WATKINS) And then I'm going to pull up
6 another exhibit. Do you recognize this document,
7 Ms. Girot?

8 A. Let me enlarge it a little bit.

9 Q. Did you say you need it enlarged a little bit?

10 A. I can see it now. Yes, I do recognize this
11 document.

12 Q. What is this document?

13 A. This is the probate that was filed in our
14 state. It was filed in Jefferson Davis Parish first
15 because that was the parish of his death. It was later
16 filed in Calcasieu Parish because that was where he had
17 resided prior to moving to the veterans' home.

18 Q. And when was it admitted to probate?

19 A. Filed January 24th, 2020, in Jefferson Davis
20 Parish.

21 Q. Why did you decide to have this will probated?

22 A. There were numerous oil, gas and mineral leases
23 that had to be transferred for payment to be issued.

24 Additionally, there was a -- the State of
25 Texas filed a suit to acquire some property in Harris

1 County, Texas. And for me to conduct that business, I
2 was advised by our local attorney that I would have to
3 file the probate to move forward.

4 Q. Okay. To your knowledge, did the Defendant,
5 Udo Birnbaum, ever contest the probate of
6 Mr. Thibodeaux's will that left you all of his real
7 property?

8 A. He did not.

9 MS. WATKINS: I'm going to admit this
10 exhibit as Exhibit 3, Wendy.

11 (Exhibit Number 3 was marked.)

12 Q. (BY MS. WATKINS) Do you recognize this
13 document, Ms. Girot?

14 A. Yes.

15 Q. What is it?

16 A. This is the probate for Gwendolyn Wright
17 Thibodeaux, because she died intestate.

18 Q. Were you involved in drafting this document?

19 A. No, ma'am. That document was in a briefcase
20 that I had possession of when Mr. Thibodeaux passed.

21 Q. Okay. And, in general, can you -- I'll give
22 you a minute to look through it if you need to.

23 But can you explain what this document
24 shows?

25 A. To summarize Paragraph 1, it states 1 and 2

1 people that were familiar with Ms. Gwendolyn Wright
2 Thibodeaux, and it continues to talk about her marital
3 history, the fact that she had no children and didn't
4 adopt children, the fact that she had some natural
5 heirs, which were -- it talks about -- well, and the
6 siblings they had. It continues to say there were no
7 debts, no unpaid estate or inheritance taxes. It lists
8 property, several properties that she owned, and then it
9 lists her heirs, which were her spouse and her niece and
10 nephew.

11 Q. Okay. And then referring back to Paragraph 12,
12 do you see in little "g" where it lists 149 acres?

13 A. I do.

14 Q. Okay. Is it fair to say that that 149 acres is
15 the same property that's involved in the current
16 lawsuit?

17 A. Yes, it is.

18 Q. To your knowledge, did Gwendolyn ever attempt
19 to convey the 149 acres to Udo Birnbaum?

20 A. I have no knowledge of that, ma'am.

21 Q. Prior -- or, rather, when you inherited the
22 property from Mr. Thibodeaux, did you know of the
23 existence of any deeds from Gwendolyn Thibodeaux to Udo
24 Birnbaum that had been allegedly executed in 2002?

25 A. I had no knowledge. I had no knowledge of that

1 up until this action was started.

2 MS. WATKINS: Okay. Thank you. I'm going
3 to admit this as Exhibit 4, the affidavit, Wendy.

4 (Exhibit Number 4 was marked.)

5 Q. (BY MS. WATKINS) Do you recognize this
6 document, Ms. Girot?

7 A. I do.

8 Q. What is it?

9 A. That's the document that was issued by the
10 Court -- I have to digress a little bit. When I hired
11 the attorney in Greenville to probate the estate, this
12 was part of the proceeding, because he felt that part of
13 the estate had not been properly divided, so he went to
14 the Court to have a determination made who was entitled
15 to receive what interest.

16 Q. Okay.

17 A. And the judgment is a result of that hearing.

18 Q. And if you need a minute to read through it,
19 just let me know.

20 But can you explain what this judgment --
21 or, rather, who this court declared were the respective
22 heirs of Ms. Gwendolyn Thibodeaux?

23 A. I'm sorry. Could you repeat the question?

24 Q. Who were the heirs listed in this order of
25 Gwendolyn Thibodeaux?

1 A. Louis Thibodeaux as 50 percent, Patricia Moore
2 Barclay as 25 percent, and John -- sorry -- James
3 T. Moore, 25 percent.

4 Q. And can you confirm this judgment was signed
5 April 13, 2021?

6 A. Yes.

7 MS. WATKINS: I'm going to admit this,
8 Wendy, as Exhibit 5.

9 (Exhibit Number 5 was marked.)

10 Q. (BY MS. WATKINS) Ms. Girot, since the time
11 that Mr. Thibo -- Thibodeaux -- excuse me -- received
12 title to the property, was he aware that Mr. Birnbaum
13 was living on the property?

14 A. Yes.

15 Q. When you inherited the property from
16 Mr. Thibodeaux, were you aware that Mr. Birnbaum was
17 living on the property?

18 A. Yes.

19 Q. Was Mr. Birnbaum living on the property, as far
20 as you know, with the Thibodeauxs' permission?

21 A. Yes.

22 Q. And once you inherited the property, was he
23 then living on the property with your permission?

24 A. Yes.

25 Q. Do you recognize this document, Ms. Girot?

1 A. Yes.

2 Q. What is it?

3 A. This is a donation from Louis Thibodeaux to Udo
4 Birnbaum.

5 Q. Do you know who prepared this document?

6 A. I -- oh, excuse me. Mr. Birnbaum had someone
7 prepare that document.

8 Q. Okay. Do you know who?

9 A. I do not.

10 Q. Do you know why -- why it was prepared?

11 A. I really don't. They had a very unusual
12 relationship. Mr. Thibodeaux didn't want Mr. Birnbaum
13 being put off of the property for his natural life. I
14 can't speak as to their conversations, but this document
15 came out of those conversations.

16 Q. Did Mr. Thibodeaux sign this document in front
17 of you?

18 A. Absolutely, yes.

19 Q. And you notarized it?

20 A. I did.

21 Q. To your knowledge, was it ever delivered to
22 Mr. Birnbaum?

23 A. It was sent to Mr. Birnbaum via U.S. mail.

24 Q. Do you know who sent it?

25 A. I sent it out of my business office.

1 Q. When was it sent to Mr. Birnbaum, if you
2 recall?

3 A. I can only assume it would have been within two
4 to three weeks of the date I notarized it, so that would
5 have been April of 2017.

6 Q. Do you have any recollection of what happened
7 after this deed was sent to Mr. Birnbaum?

8 A. After that, Mr. Thibodeaux paid him a couple of
9 visits, and he told Mr. Thibodeaux -- this is what was
10 exchanged to me; I was not privy to the
11 conversation -- that he was not transferring the
12 property, he did not want it in his name, but he wanted
13 to continue to live there, and Mr. Thibodeaux was
14 not -- I don't want to say comfortable. He really
15 wanted Mr. Birnbaum to come back to the State of
16 Louisiana and live in a home that Mr. Thibodeaux had
17 here, live with him, because he felt like the place was
18 in a state of disarray.

19 Q. And who conveyed these discussions to you?

20 A. Louis Thibodeaux.

21 Q. Do you know how Mr. Thibodeaux traveled or paid
22 Mr. Birnbaum these visits?

23 A. Joey Abshire drove Mr. Thibodeaux. Joey
24 Abshire was a gentleman that stayed off and on with
25 Mr. Thibodeaux to help take care of him.

1 Q. Where does Joey live now?

2 A. Joey is deceased.

3 Q. Okay. Do you believe this deed was ever
4 accepted by Mr. Birnbaum, this 2017 deed?

5 A. Accepted in the manner that he was receiving
6 title or accepted physically?

7 Q. Accepted in the manner that he, Mr. Birnbaum,
8 accepted title to the property via this transfer, this
9 conveyance?

10 A. I do not think he accepted it because he -- I
11 continued to have to pay the taxes on it.

12 Q. Do you believe that Mr. Thibodeaux had title to
13 the property when he passed away?

14 A. Yes, ma'am, I do.

15 MS. WATKINS: I'm going to admit this one,
16 Wendy, as Exhibit 6.

17 (Exhibit Number 6 was marked.)

18 Q. (BY MS. WATKINS) This deed, if you can see, it
19 lists -- it says "Udo Birnbaum," if you look in the
20 first paragraph, "Trustee," that last sentence. It says
21 Udo Birnbaum, Trustee of the -- I believe that says LELD
22 Trust.

23 Do you know what trust this is referring
24 to?

25 A. The LELD Trust was a trust established by

1 Mr. Birnbaum sometime in prior years, but he had never
2 completed, to my knowledge -- we had a conversation
3 about that. He never completed the setting the trust
4 up. Because when this document was sent to me, I
5 inquired to him about his ability to represent the
6 trust. And later, when I was going to probate
7 Mr. Thibodeaux's estate, had a conversation with
8 Mr. Birnbaum regarding this document and telling him he
9 needed to record it if he wanted to take title so that I
10 would not have to continue with the probate, that he
11 should get his trust in a position to accept title, and
12 Mr. Birnbaum said, "I'm not doing any of that. Do what
13 you need to do." So there's an e-mail somewhere that he
14 and I communicated, and it was clear he wasn't moving
15 forward.

16 Q. Okay. And so is it fair to say that you're not
17 sure whether this LELD Trust is a valid trust?

18 A. That is a fair statement.

19 Q. I'm going to show you another exhibit,
20 Mr. Girot. This is an e-mail between you and the
21 Defendant. I believe this may be the e-mail you were
22 just referring to from 2017, and I'm going to give you a
23 minute to read through it.

24 Do you -- and then after you have a chance
25 to read through it, my question is going to be: Do you

1 recall this e-mail exchange with Mr. Birnbaum? Just let
2 us know as you need to scroll down.

3 A. Okay. You can scroll down. Yes, I'm familiar
4 with it.

5 Q. Okay. I want to go back really briefly to the
6 2017 deed we were just talking about.

7 Can you confirm, was that deed, to your
8 knowledge, ever recorded?

9 A. Mr. Birnbaum said he would never record it.
10 So, to my knowledge, it never was recorded, and I would
11 confirm that with the fact that when the title company
12 did their title search, it was not discovered at that
13 time either.

14 Q. Okay. And I will just let you know, I mean,
15 this is a matter of public record that with the filing
16 of this lawsuit, Mr. Birnbaum did record this deed in
17 2022.

18 But to your point, can you tell me when
19 that title search by the title company would have been,
20 the title search you were just referring to?

21 A. This is just from memory now. The title search
22 began in the spring of 2022. It could have been March
23 or April. I cannot -- without going back to look at
24 something, I could not confirm specifically the month,
25 but it seems like it was March or April, because that

1 transaction closed in either June or July.

2 Q. Okay. And the transaction you're referring to
3 is when CSD Van Zandt purchased the 149 acres?

4 A. Yes, ma'am.

5 Q. Okay. So in this e-mail exchange with
6 Mr. Birnbaum, did you discuss the 2017 deed?

7 A. Well, according to this e-mail, we discussed
8 the mineral rights that were retained in the deed.

9 Q. Okay. Was this the first time you ever
10 corresponded with Mr. Birnbaum?

11 A. I couldn't say one way or the other, ma'am.

12 Q. Okay. I'm going to refer you to Page 2 of this
13 e-mail, the e-mail dated March 27, 2017.

14 What is this discussion you're having with
15 Mr. Birnbaum about?

16 A. The one that's on my screen now?

17 Q. Yes.

18 A. This was when Mr. Thibodeaux had gone to see
19 Mr. Birnbaum and they talked about the property, the
20 condition of it, they talked about him returning. And
21 short of that, Louis said, "If you're going to stay,
22 then we're going to draw up something so you can stay."
23 And then I had conversation with Mr. Birnbaum, and
24 that's when he indicated he was going to have the -- I
25 see it's a warranty deed, not a donation -- have that

1 document drafted by someone there and sent to my office.

2 Q. I'm going to refer you to another portion of
3 this e-mail. This is dated April 3rd, 2017. And I'll
4 give you a minute to look at this.

5 My question is: If you can recall, what
6 happened after you sent this e-mail to Mr. Birnbaum?

7 A. Could you repeat your question?

8 Q. What happened after you sent this e-mail to
9 Mr. Birnbaum?

10 A. What happened after that was he advised me to
11 not let Mr. Thibodeaux return to the property, that he
12 wasn't leaving, and things -- I needed to leave things
13 as they were, which we had conversation regarding the
14 taxes again. Because it seems like was around that
15 time, I had to prepare some paperwork in regard to a
16 request from the appraisal district, and Mr. Birnbaum
17 didn't want to bother with any of that, but it affected
18 the amount of the taxes that were due, so it was
19 critical, in my eyes, to keep them as low as possible
20 since I was writing the checks.

21 Q. And what did you understand it to mean when you
22 say Mr. Birnbaum wanted to leave things as they were?

23 A. He did not want to leave the residence and come
24 to Louisiana to stay with Mr. Thibodeaux.

25 Q. Okay. Did you understand that to mean that

1 Mr. Birnbaum didn't want to accept title to the
2 property?

3 A. That would be my understanding. He didn't want
4 anything to change.

5 Q. I'm going to refer you to an e-mail dated
6 January 22nd, 2020, from you to Mr. Birnbaum, and I'm
7 going to give you a chance to read through that.

8 A. I'm familiar with it.

9 Q. What do you mean when you say -- when you
10 reference a donation over to Mr. Birnbaum?

11 A. Well, I say it was a donation. I understand
12 now it was a warranty deed, but I always assumed it
13 was -- I say assumed -- recalled it to be a donation.
14 It was not being sold. It was being given to him.

15 Q. And what happened after this e-mail?

16 A. After that e-mail, I promised to pay the taxes
17 and then I got sued for nonpayment of taxes, and I
18 continued to try to communicate with him. And, I mean,
19 there's a subsequent e-mail where he says he's going to
20 get the paperwork together to get it straightened out,
21 but he, in fact, never did anything to get anything
22 straightened out.

23 Q. When you say you got sued because of the taxes,
24 was that -- do you recall, was that tax suit -- was the
25 149 acres a part of that tax suit?

1 A. I honestly do not recall.

2 Q. Okay. I'm going to refer you to another
3 section of this e-mail exchange dated January 24th,
4 2020, and I'll give you a minute to look through that.

5 A. Okay.

6 Q. What --

7 A. I'm familiar.

8 Q. What did you understand this e-mail to mean
9 from Mr. Birnbaum?

10 A. My understanding was there may have been some
11 verbal agreements between these parties. But I'm to get
12 the meaning to be that these were some eccentric
13 gentlemen, had not taken care of their business, and I
14 wasn't sure who really knew what was going on at that
15 point between the two of them.

16 Q. Did you have any knowledge as to whether
17 Mr. Thibodeaux's -- excuse me -- Mr. Birnbaum's refusal
18 to accept the 2017 deed was related to judgments that
19 had been entered into against him?

20 A. He did tell me that. If it's not in an e-mail,
21 it was -- I learned it from looking at the web -- I
22 think it is his website that he refers to.

23 Q. The website you're referring to, is that the
24 DamnCourthouseCriminals.com?

25 A. Yes, ma'am.

1 Q. What did you come to learn about the judgments
2 that had been executed against him?

3 A. Other than what I read, I did no further
4 research other than what was displayed on his website,
5 which seemed to be the outcome of the rantings of a
6 person that is quite eccentric. I'm trying to be kind.

7 Q. Did you -- did you understand this e-mail to
8 mean that he deeded the property, including the 149
9 acres, over to Gwen to escape these judgments, having
10 these judgments filed against this property?

11 A. Well, he -- he states that somewhere in here.
12 Do I believe that to be true? I don't have a belief
13 about it one way or the other.

14 Q. Well, did you understand -- or did you
15 interpret this e-mail to mean that?

16 A. Yes, he does imply that, and that's the only
17 interpretation I can get.

18 Q. Do you see in that e-mail exchange, under the
19 section titled "Background," where Mr. Birnbaum says,
20 "At the same time, Gwen deeded same back to me, which
21 document I kept private"?

22 A. I do see that statement.

23 Q. Okay.

24 MS. WATKINS: Did we lose -- can we go off
25 the record?

1 VIDEOGRAPHER: Off the record. The time is
2 approximately 11:19 a.m.

3 (Break was taken from 11:19 a.m. to 11:26 a.m.)

4 VIDEOGRAPHER: We're now back on the
5 record. The time is approximately 11:26 a.m.

6 MS. WATKINS: Wendy, I didn't mention, but
7 this e-mail correspondence, I want to mark as Exhibit 7.

8 (Exhibit Number 7 was marked.)

9 Q. (BY MS. WATKINS) When we left off, Ms. Girot,
10 we were talking about the e-mail from Mr. Birnbaum where
11 he states that he kept a document private.

12 Do you see that where he says, "In 2002, I
13 deeded my property of 4.5 acres, 18 acres and 149 acres
14 over to Gwen, which document I filed with county
15 records. At the same time, Gwen deeded same back to me,
16 which document I kept private." Do you see that?

17 A. I do.

18 Q. I'm going to pull up another exhibit. This is
19 a document that I represent to you has been produced
20 after the filing of this lawsuit by Mr. Birnbaum, and it
21 appears to be an alleged warranty deed from Gwendolyn
22 Thibodeaux to Mr. Birnbaum dated the year 2002.

23 Are you familiar with the document?

24 A. I am not familiar with this document.

25 Q. Okay. You had no knowledge of this document

1 when you inherited the property, correct?

2 A. I had no knowledge whatsoever.

3 MS. WATKINS: Okay. Wendy, I want to mark
4 this as Exhibit 8.

5 (Exhibit Number 8 was marked.)

6 Q. (BY MS. WATKINS) Would you consider
7 Mr. Birnbaum's actions after these e-mails from 2017 as
8 a rejection of the 2017 deed from Mr. Thibodeaux to Udo?

9 A. Yes, ma'am.

10 Q. I'm going to pull up the call, and I'd like to
11 mark it as Exhibit 9.

12 (Exhibit Number 9 was marked.)

13 Q. And I'm going to play pieces, portions of this
14 call, Ms. Girot, and ask you some questions.

15 The first portion of the call that I'd like
16 to play is Time Stamp 9 seconds through 1 minute and 16
17 seconds.

18 (Audio played.)

19 Q. Ms. Girot, do you remember making this call?

20 A. I do.

21 Q. Who was the call between?

22 A. Myself and Udo Birnbaum.

23 Q. Do you recall when this call -- when you made
24 this call to Udo?

25 A. No, ma'am, I do not.

1 Q. Do you recall why you called Udo?

2 A. I called Udo because I received a letter saying
3 I would be sued because the taxes weren't being paid.
4 This would have had to have happened after the warranty
5 deed from Louis to Mr. Birnbaum. My understanding was
6 he was going to start paying the taxes, but he, in fact,
7 did not, and I was sued by the county and had to pay
8 those taxes.

9 Q. Do you recall what properties the suit covered,
10 the tax suit covered?

11 A. I do not.

12 Q. Okay. I'm going to play another portion of the
13 call. It's Time Stamped 28 minutes 10 seconds through
14 30 minutes 4 seconds.

15 (Audio played.)

16 Q. What was your understanding, Ms. Girot, of why
17 Mr. Thibodeaux was wanting to get rid of the property?

18 A. My understanding in regard to the last warranty
19 deed signed by Louis Thibodeaux was he did not want to
20 continue to pay those taxes, it was depleting his
21 income, and that he was going to transfer it to
22 Mr. Birnbaum, who would begin paying the taxes.

23 Q. And what is the scheme that Mr. Birnbaum refers
24 to?

25 A. I don't recall that specific conversation, but

1 I can only assume the scheme he's talking about is the
2 prior documents that I've never seen until today of them
3 transferring the property back and forth to elude the
4 judgments that had accumulated against him.

5 Q. Okay. I'm going to play another portion of the
6 call. And this is Time Stamped 19 minutes 10 seconds
7 through 21 minutes 14 seconds.

8 (Audio played.)

9 Q. So, Ms. Girot, it's fair to say in this call,
10 Mr. Birnbaum acknowledges that he's aware that you're
11 going to sell the 149 acres, correct?

12 A. Yes, ma'am, he was aware.

13 Q. What happened after this call?

14 A. I never spoke to him again. I attempted to
15 call him when we got closer to the time the sale was
16 going to be consummated -- pardon me -- but I was never
17 able to get him on the phone.

18 Q. Okay. And in this call, Mr. Birnbaum also says
19 that he doesn't want the property anymore; is that
20 correct?

21 A. That is correct.

22 Q. I'm going to pull up another exhibit. Do you
23 recognize these documents?

24 A. Yes, ma'am.

25 Q. Okay. What are they?

1 A. These are tax bills from Van Zandt Appraisal
2 District. This is one, but there are numerous ones.

3 Q. And under "Legal Information," can you confirm
4 that the tax statements or tax receipts cover the 149
5 acres?

6 A. It's difficult for me to read this, but I'm
7 looking exactly -- yes, yes.

8 MS. WATKINS: I'm going to, Wendy, mark
9 this as Exhibit 10.

10 (Exhibit Number 10 was marked.)

11 Q. (BY MS. WATKINS) Ms. Girot, do you recall what
12 years you paid the taxes on the 149 acres?

13 A. Off the top of my head, ma'am, I cannot
14 confirm. I would have to go back in my records and try
15 to find that information. I can only believe that this
16 began not long after Mr. Thibodeaux came to Sulphur and
17 started seeing me, because I did pay his bills.
18 Sometimes he didn't have enough money, and I had to put
19 the money up myself.

20 Q. Okay. And I want to ask you more generally,
21 because the document speaks for themselves, is it fair
22 to say that from 2002 to 2021, the Thibodeauxs paid the
23 taxes and --

24 A. Yes.

25 Q. -- and yourself as well starting in 2020?

1 A. Yes, ma'am.

2 Q. Okay. And if you know, did CSD Van Zandt, the
3 Plaintiff, start paying taxes in 2022?

4 A. Yes.

5 Q. And can you confirm, the 18 acres, that's
6 separate from the 149 acres?

7 A. Yes.

8 Q. Do you recognize this document?

9 A. Yes.

10 Q. How did you -- what is this document?

11 A. This was the document that conveyed title from
12 myself, Ms. Barclay and Mr. Moore to CSD Van Zandt, LLC.

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.

19 Q. On the call we just heard between you and
20 Mr. Birnbaum, was that the first time that you informed
21 him that you were selling the property?

22 A. I think so.

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.

1 Q. Okay. Have you ever spoken to him?

2 A. During the course of that -- this particular
3 transaction, yes, I spoke on [sic] him on several
4 occasions.

5 Q. Did you ever talk to Mr. Dow about
6 Mr. Birnbaum?

7 A. Yes.

8 Q. What did you inform or tell Mr. Dow about
9 Mr. Birnbaum's connection to the subject property?

10 A. I'll have to recall. I explained that he had
11 lived on the property for some time, he was a personal
12 friend of Mr. Thibodeaux's, and it was my desire for him
13 to be able to continue to live out his life there, if
14 that was a possibility.

15 Q. Did you at any point ever inform Mr. Dow about
16 the existence of the 2017 deed between Louis Thibodeaux
17 and Mr. Birnbaum?

18 A. I did.

19 Q. At what point? Was it prior to the purchase of
20 the property?

21 A. Oh, it was prior to the purchase of the
22 property. As a matter of fact, there's an e-mail where
23 I communicated with him that I felt like Mr. Birnbaum
24 was going to try to exercise his right to stay there.
25 And Mr. Dow responded to me in that e-mail -- to that

1 e-mail with another reply. I don't have that right at
2 my fingertips, but my understanding was he would assume
3 my position after the closing of dealing with
4 Mr. Birnbaum.

5 Q. Did you -- are you referring to an e-mail that
6 you have before you right now? Can you send us --

7 A. I do.

8 Q. Are you able to send us the e-mail you're
9 referring to?

10 A. I sent it to you first thing this morning.

11 Q. Okay.

12 A. I e-mailed it to you.

13 MS. WATKINS: Wendy, can we go off the
14 record real quick?

15 VIDEOGRAPHER: Off the record. The time is
16 approximately 11:47 a.m.

17 (Break was taken from 11:47 a.m. to 11:51 a.m.)

18 VIDEOGRAPHER: We're now back on the
19 record. The time is approximately 11:51 a.m.

20 Q. (BY MS. WATKINS) Okay. When we left off,
21 Ms. Girot, Girot -- excuse me -- we were -- you had
22 mentioned an e-mail between you and Mr. Dow where
23 you -- your testimony is that you discussed the deed.

24 I'm going to pull up that e-mail and give
25 you a chance to read through it.

1 A. Yes, I'm familiar with it.

2 Q. Okay. Can you confirm nowhere in this e-mail
3 does it mention a 2017 deed from Mr. Thibodeaux to
4 Mr. Birnbaum, correct?

5 A. That is correct.

6 Q. And so I'm going to ask you the question again.

7 Prior to the sale, prior to closing, did
8 you at any point ever inform Mr. Dow that there was an
9 alleged 2017 deed from Mr. Thibodeaux to Mr. Birnbaum?

10 A. Yes, I did.

11 Q. And when you say "yes," are you referring to
12 this e-mail?

13 A. No, I'm not referring to this e-mail. I
14 scanned numerous documents -- excuse me. I scanned
15 numerous documents, that warranty deed being one of
16 them. I will not with all certainty say it was sent to
17 Mr. Dow. It may have been sent to the title company,
18 but I recall having a conversation with Mr. Dow
19 regarding that warranty deed.

20 Q. Okay. And when was that conversation?

21 A. Ma'am, I cannot recall.

22 Q. Well, this is important, Ms. Girot, to the
23 claims and defenses that are being alleged in the
24 lawsuit.

25 And I want to get it clear for the record

1 and for the jury or for the Court as to whether or not
2 you and Mr. Dow talked about the existence of a deed, a
3 2017 deed, that attempted to convey title to the
4 property to Mr. Birnbaum in 2017?

5 A. I cannot with specificity say when that
6 conversation occurred. It would have occurred after we
7 began speaking of signing that buy/sell agreement.

8 Q. So is it your -- is it your testimony that you
9 and Mr. Dow had conversations that Mr. Birnbaum would
10 allege ownership of the 149 acres prior to him closing
11 on the property?

12 A. I don't think I would have stated it saying
13 that he would allege ownership. I know that I would
14 have stated that there had been a deed
15 executed -- excuse me -- but it had never been recorded.
16 That title had never been accepted by him.

17 Q. So what were the nature of the conversations
18 between you and Mr. Dow surrounding the 2017 deed?

19 A. I don't recall the exact nature of the
20 conversation, other than I was being forthright and
21 disclosing all I knew about this property to Mr. Dow so
22 that they could make an informed decision about
23 continuing with the sale, because there were other heirs
24 involved. It wasn't just myself.

25 Q. Do you have any written correspondence that you

1 sent to Mr. Dow and/or the title company regarding a
2 2017 deed prior to closing?

3 A. I cannot answer that in the affirmative without
4 referring back to the documents I scanned, and I think
5 they were sent to the title company. I would have to go
6 through those documents to see if that was included in
7 there.

8 Q. Okay. So you can't say with certainty that
9 that 2017 deed, sitting here today, was sent to the
10 title company prior to closing?

11 A. Correct. I would have to look at my fax
12 records.

13 Q. And I'm going to -- it's really important, as I
14 said, and so I'm going to ask you to do that --

15 A. I will.

16 Q. -- after your deposition today.

17 Did you at any point tell Mr. Dow about an
18 alleged 2002 deed from Gwendolyn Thibodeaux to
19 Mr. Birnbaum?

20 A. I did not, in fact, because I wasn't aware of
21 it.

22 Q. Did Mr. Birnbaum at any point after you
23 inherited the property claim that he owned the 149
24 acres?

25 A. No, ma'am.

1 Q. Did you ever communicate to Mr. Dow prior to
2 closing, prior to when CSD purchased the property, that
3 Mr. Birnbaum claimed an ownership in the 149 acres?

4 A. No, ma'am.

5 Q. So what is the context in which the 2017 deed
6 would have come up in discussions between you and
7 Mr. Dow?

8 A. The conversation would have been I wanted to
9 have full disclosure of my knowledge, and I was aware of
10 that warranty deed in 2017. I was aware that it had
11 been sent to Mr. Birnbaum and he had never acted upon
12 it.

13 Q. Okay. And on Mr. Birnbaum's website, the
14 DamnCourthouseCriminals, you're familiar with that
15 website, correct?

16 A. I am.

17 Q. Are you aware that the Defendant, Mr. Birnbaum,
18 has made numerous assertions that fraud has been
19 committed against him in an effort to take the 149
20 acres?

21 A. If he's asserting that on his website, I am
22 unaware, because I have not looked at that website since
23 the conclusion of this conveyance.

24 Q. Okay. If -- I'm going to represent to you that
25 on his website, he alleges that fraud has been committed

1 by him, perpetrated against many actors, including
2 yourself, in order to take the 149 acres from him.

3 What is your response to that assertion?

4 A. There was never any fraud intended or -- that
5 had nothing to do with that transaction. Fraud is not
6 something that I do or ever have done.

7 MS. WATKINS: Okay. We can go off the
8 record.

9 VIDEOGRAPHER: Off the record. The time is
10 approximately 11:59 a.m.

11 (Break was taken from 11:59 a.m. to 12:08 p.m.)

12 VIDEOGRAPHER: We're now back on the
13 record. The time is approximately 12:08 p.m.

14 Q. (BY MS. WATKINS) Ms. Girot, would you agree
15 with me that you only had one actual phone call with
16 Robert Dow?

17 A. That's probably correct. I can't recall having
18 more than one.

19 Q. Okay. I'm going to play an audio of that phone
20 call, and I'd like it to be admitted as Exhibit 12.

21 (Exhibit Number 12 was marked.)

22 (Audio played.)

23 Q. Ms. Girot, would you agree with me that this
24 call took place in May of 2022?

25 A. Yes.

1 Q. And that would have been after you executed the
2 contract?

3 A. I don't remember when we executed the agreement
4 to buy and sell, I truly don't.

5 Q. Would you agree with me that it was around
6 March of 2022?

7 A. Yes.

8 Q. Okay. In that call, you say that
9 Mr. Thibodeaux attempted to give Mr. Birnbaum the
10 property, correct?

11 A. Yes.

12 Q. And you also state in that call that, to your
13 knowledge, there's nothing written, correct?

14 A. In regard to leases.

15 Q. Okay.

16 A. I mean, I didn't commit that call to memory,
17 but I listened to it.

18 Q. Thank you for that. Based on the fact that you
19 just listened to that 18 minutes long, there's no
20 mention throughout that entire call of a 2017 deed,
21 correct?

22 A. That is correct.

23 Q. So I want to ask you again, going back to the
24 2017 deed and your, you know, testimony as to what
25 Mr. Dow knew and when.

1 Prior to closing, the only mention to
2 Mr. Dow with respect to any transactions between
3 Mr. Birnbaum and Mr. Thibodeaux is that there was an
4 attempted donation, correct?

5 A. Yes.

6 Q. So to confirm, you informed Mr. Dow that there
7 was an attempted donation between Mr. Thibodeaux to
8 Mr. Birnbaum, not a deed?

9 A. That is correct.

10 Q. And I know you worked for several years,
11 decades, for a real estate attorney.

12 Can you confirm there was no 2017 deed sent
13 to the title company prior to closing that the title
14 company would have reviewed as part of this transaction?

15 A. I do not know that answer at this moment. I
16 will have to review what I faxed to them in the
17 beginning.

18 Q. Are you aware of what a title policy is?

19 A. Yes, I am.

20 Q. What is a title policy?

21 A. A title policy ensures the purchaser that the
22 history of the property has been reviewed as to -- I
23 don't know about in Texas -- here, it would be reviewed
24 as to transfers, liens, easements, right-of-ways,
25 servitude.

1 Q. Right. They ensure title to the policy, who
2 holds record title to the policy, correct?

3 A. Yes.

4 Q. So is it your testimony that the title company
5 would have received a 2017 deed from you and still
6 issued a title policy to Mr. Dow ensuring title to the
7 property based on the -- even with the existence of that
8 2017 deed?

9 A. Restate that so I can answer clearly.

10 Q. Sure. Is it your testimony that the title
11 company would have received that 2017 deed and would
12 have still issued a title policy ensuring the title to
13 Mr. Dow, the Plaintiff, CSD Van Zandt?

14 A. I would not think they would.

15 Q. Did you review the title records -- or excuse
16 me. I'll strike that.

17 Did you review all of the documents that
18 were prepared and sent by the title company?

19 A. Yes, I did.

20 Q. In any of those documents, is there a mention
21 of a 2017 deed?

22 A. There is not.

23 Q. I'm going to pull up another document.

24 THE REPORTER: And, Katryna, I don't mean
25 to interrupt you, but I don't know if you're going to

1 mark this. We marked the last -- the phone call as
2 Exhibit 12, so we did skip an Exhibit 11.

3 MS. WATKINS: Exhibit 11, thank you, Wendy,
4 would have been the deed from Lisa Girot, Mr. Barclay --
5 Ms. Barclay and Mr. Moore to CSD Van Zandt.

6 THE REPORTER: Okay. We may have talked
7 about it but just not identified it on the record then.
8 Okay. Gotcha.

9 MR. WATKINS: Thank you.

10 (Exhibit Number 11 was marked.)

11 Q. (BY MS. WATKINS) So, Ms. Girot, do you
12 recognize -- or do you know what this document is?

13 A. I'm familiar with this document. I mean, I'm
14 familiar as best I can recall. I'm reading it right
15 now.

16 Q. What is this document?

17 A. It's an affidavit that I signed -- I can't
18 remember who asked me to sign it. I don't think it was
19 the title company. I think it was an attorney.

20 Q. What's the date on the document?

21 A. August -- I can see either a 5 or a 3, 2022.

22 Q. Okay. And I'll represent to you that is August
23 5th of 2022.

24 A. Okay.

25 Q. A little bit better on my screen.

1 I want to scroll up to this first
2 paragraph. It reads, In March of 2017, Mr. Thibodeaux
3 attempted to give the above-described property to
4 Mr. Birnbaum, but Mr. Birnbaum refused to accept same
5 property for personal reasons.

6 Do you see where that is stated? Did I
7 read that correctly?

8 A. Yes. I see that.

9 Q. Okay. There's no mention in this affidavit of
10 a 2017 deed, correct?

11 A. That is correct.

12 Q. Okay. So is it your testimony that prior to
13 purchasing the property, Mr. Dow had knowledge of the
14 existence of a 2017 deed?

15 A. I don't think he was aware of the deed.

16 Q. Okay.

17 A. I always believed it to be a donation, so that
18 is probably where some of this confusion is.

19 Q. And for the record, for the Court and for the
20 jury, we need to clear up any confusion.

21 The only information that was communicated
22 to Mr. Dow about any sort of transaction between
23 Mr. Louis Thibodeaux and Mr. Birnbaum was about an
24 attempted donation, correct?

25 A. Yes, yes.

1 Q. There was no mention prior to closing about the
2 existence of a 2017 deed?

3 A. I would not have called it a deed. I don't
4 have -- I didn't retain a copy of that document that was
5 sent to Mr. Birnbaum, but in my mind, it was a donation.

6 Q. And so there would have been no reason for you
7 to ever mention a deed to Mr. Dow prior to closing?

8 A. Correct. I would have mentioned a donation,
9 because, like I said, in my mind, that's what we had
10 signed or I had notarized.

11 Q. Okay. And can you explain -- well, let me
12 strike that.

13 It was an attempted donation, correct?

14 A. That is correct.

15 Q. Okay. And that's what was communicated to
16 Mr. Dow?

17 A. Yes.

18 MS. WATKINS: Okay. I think we can go off
19 the record.

20 VIDEOGRAPHER: Off the record. The time is
21 approximately 12:37 p.m.

22 (Off the video record.)

23 THE REPORTER: That document you just
24 shared, Katryna, did you want that to be an exhibit?

25 MS. WATKINS: Yes. That'll be Exhibit 13.

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(Exhibit Number 13 was marked.)

(Break was taken from 12:37 p.m. to 12:40 p.m.)

VIDEOGRAPHER: Back on the record. Time is approximately 12:40 p.m.

MS. WATKINS: I have no further questions.

VIDEOGRAPHER: Off the record. The time is approximately 12:40 p.m.

(Proceedings concluded at 12:40 p.m.)

PAGE/LINE	CHANGE	REASON FOR CHANGE
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I, LISA GIROT, have read the foregoing deposition and hereby affix my signature that same is true and correct, except as noted herein.

LISA GIROT
NO. 22-00105

STATE OF TEXAS)
COUNTY OF _____)

Before me, _____,
on this day personally appeared LISA GIROT,
known to me (or proved to me under oath or
through _____) to be the person whose
name is subscribed to the foregoing instrument and
acknowledged to me that they executed the same for
the purpose and consideration therein expressed.

Given under my hand and seal of office this
_____ day of _____, 2023.

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

CAUSE NO. 22-00105

CSD VAN ZANDT LLC,) IN THE DISTRICT COURT
Plaintiff)
v.) 294TH JUDICIAL DISTRICT
UDO BIRNBAUM,)
Defendant) VAN ZANDT COUNTY, TEXAS

REPORTER'S CERTIFICATE
DEPOSITION OF LISA GIROT
MAY 9, 2023

I, Wendy Smith, a Certified Shorthand Reporter
in and for the State of Texas, hereby certify to
the following:

That the witness, LISA GIROT, was
duly sworn by the officer and that the
transcript of the oral deposition is a true
record of the testimony given by the witness;

That the deposition transcript was submitted
on _____ to the witness or to the
attorney for the witness for examination,
signature and return to me by _____;

That the amount of time used by each party at
the deposition is as follows:

Ms. Watkins - 1 hour, 51 minutes;

That pursuant to information given to the
deposition officer at the time said testimony was

1 taken, the following includes counsel for all
2 parties of record:

3 Mr. Katryna Watkins, Attorney for Plaintiff

4 I further certify that I am neither counsel
5 for, related to, nor employed by any of the parties
6 or attorneys in the action in which this proceeding
7 was taken, and further that I am not financially or
8 otherwise interested in the outcome of the
9 action.

10 Further certification requirements pursuant to
11 Rule 203 of TRCP will be certified to after they
12 have occurred.

13 Certified to by me this 1st day of June,
14 2023.

15
16
17 Wendy Breeland



18
19 WENDY SMITH, TEXAS CSR 6211
20 Expiration Date: 1-31-24
21 Firm Registration No. CRF-409
22 Deposition Resources, Inc.
23 515 North Church Street
24 Palestine, Texas 75801
25 (903) 729-3289
efile@depositionresources.com

FURTHER CERTIFICATION UNDER RULE 203 TRCP

The original deposition was _____ was not _____
returned to the deposition officer;

If returned, the attached Changes and
Signature page contains any changes and the reasons
therefor:

If returned, the original deposition was
delivered to Ms. Katryna Watkins, Custodial
Attorney;

That \$_____ is the deposition officer's
charges to the Plaintiff for preparing the
original deposition transcript and any copies of
exhibits;

That the deposition was delivered in
accordance with Rule 203.3, and that a copy of the
certificate was served on all parties shown herein
and filed with the Clerk.

Certified to by me this _____ day of
_____, 2023.

WENDY SMITH, TEXAS CSR 6211
Expiration Date: 1-31-24
Firm Registration No. CRF-409
Deposition Resources, Inc.
515 North Church Street
Palestine, Texas 75801
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