

STATE OF TEXAS
COUNTY OF VAN ZANDT

OWNER'S AFFIDAVIT

BEFORE ME, the undersigned authority, on this day personally appeared Robert O. Dow, known to me to be the person whose name is subscribed below, and who, being by me duly sworn, deposed as follows:

My name is Robert O. Dow. I am over the age of eighteen (18) years, of sound mind, and capable of making this affidavit. I am personally acquainted with the facts stated herein. I am the Manager of CSD Van Zandt LLC, a Texas limited liability company, and am authorized to execute this affidavit on behalf of CSD Van Zandt LLC.

I am making this affidavit to memorialize facts relevant to the invalidity of certain recorded instruments affecting the Property and to support relief available under Texas law, including Chapter 51 of the Texas Government Code, as amended by Senate Bill 1734.

1. The Property.

CSD Van Zandt LLC is the owner of the following described real property located in Van Zandt County, Texas (the "Property"):

All that certain lot, tract or parcel of land located within the P. Young Survey, Abstract No. 978 of Van Zandt County, Texas, being all of a called 74.507 acre tract, described as Tract 1 and all of a called 74.507 acre tract, described as Tract 2 in a deed from T.C. Travis and wife, Carolyn Ann Travis to Udo H. Birnbaum, dated September 17, 1981 and recorded in Volume 964, Page 447 of the Deed Records of Van Zandt County, Texas, and this 148.12 acre tract being more fully described as follows:

BEGINNING at a Point in County Road 2916, the West line of a called 96.60 acre tract, described as Tract 2 in a deed from Jerry D. Robbins and Vicky A. Robbins to The Texas 4 R'S, LP, dated July 19, 2007 and recorded in Volume 2255, Page 113, and the common line of said P. Young Survey and the A. Flowers Survey, Abstract No. 264, and being at the Northeast corner of said 74.507 acre tract, Tract 1 and the Southeast corner of a called 5.00 acre tract as described in a deed from Fannie Mae to Paul G. Coker and Lindsy K. Coker, dated March 21, 2014 and recorded in Document No. 2014-002199, from which a 1/2" Iron Rod Found in the West line of said County Road 2916 and the common line of said 5.00 acre tract and a called 5.72 acre tract, described as Tract 2 in a deed from Bunny E. Anderson to Brady Irwin and Sharon Irwin, dated June 26, 2020 and recorded in Document No. 2020-005698 bears North 04 deg. 44 min. 24 sec. West, a distance of 513.56 feet;

THENCE with said County Road 2916, the West line of said 96.60 acre tract, a called 52.48 acre tract, described as Tract 1 in Said Volume 2255, Page 113, and the residue of a called 105.72 acre tract as described in a deed from Shirley Solivio Phillips, Executrix of the Estate of Harland William Phillips to Susan Alice Emerson, et al, dated January 25, 2005 and recorded in Volume 2001, Page 529, and the common line of said P. Young Survey, said A. Flowers Survey, Abstract No. 263, the following four (4) courses and distances:

South 01 deg. 18 min. 19 sec. East, a distance of 1,350.63 feet to a Point for Corner;

South 00 deg. 56 min. 34 sec. East, a distance of 1,127.70 feet to a Point for Corner;

South 01 deg. 25 min. 26 sec. East, a distance of 682.62 feet to a Point for Corner;

South 01 deg. 08 min. 12 sec. East, a distance of 313.34 feet to a Point for Corner at the Southeast corner of said 74.507 acre tract, Tract 2, same being the Northeast corner of a called 43.13 acre tract, described as Tract Two in a deed from Charles E. Womble, Trustee of the Richard E. Womble Irrevocable Trust to Charles E. Womble, dated December 5, 2013 and recorded in Document No. 2014-000264, from which an 8" wood fence corner post bears South 86 deg. 56 min. 28 sec. West, a distance of 39.71 feet;

THENCE South 89 deg. 17 min. 06 sec. West, with the North line of said 43.13 acre tract, a distance of 1,864.85 feet to a Point in an Oak Tree in the East line of a called 30.86 acre tract as described in a deed from Roy Allen Phillips and Gloria Jean Phillips to Steven D. Kiewit, dated February 25, 2022 and recorded in Document No. 2022-002473 and being at the most northerly Northwest corner of said 43.13 acre tract, from which a 1/2" Iron Rod Found at the Southeast corner of said 30.86 acre tract bears South 01 deg. 20 min. 05 sec. East, a distance of 423.03 feet;

THENCE North 01 deg. 20 min. 05 sec. West, with the East line of said 30.86 acre tract and a called 35.96 acre tract as described in a deed from Roy Allen Phillips and Gloria Jean Phillips to R.G. Phillips Revocable Trust, dated May 12, 2017 and recorded in Document No. 2017-004184, passing a 5/8" Iron Rod Found at the common corner of same at 522.28 feet and continuing for a total distance of 1,562.69 feet to a 2" Steel Post fence corner found at the Southeast corner of a called 17.25 acre tract as described in a deed from the Sheriff of Van Zandt County, Texas to Manuel Gallegos, dated November 5, 2020 and recorded in Document No. 2020-011428;

THENCE North 01 deg. 07 min. 07 sec. West, with the East line of said 17.25 acre tract, a distance of 1,873.23 feet to a 3/4" Iron Pipe Found in the South line of a called 31.88 acre tract, described as Tract 1 in said Document No. 2020-005698 at the Northeast corner of said 31.88 acre tract, from which a 1/2" Iron

Rod Found at the Southwest corner of said 31.88 acre tract bears South 88 deg. 06 min. 23 sec. West, a distance of 46.19 feet;

THENCE North 88 deg. 06 min. 23 sec. East, with the South line of said 17.25 acre tract, said 5.72 acre tract, and said 5.00 acre tract at 1,450.81 feet and continuing for a total distance of 1,866.20 feet to the POINT OF BEGINNING AND CONTAINING 148.12 ACRES OF LAND.

2. Vesting Deed.

CSD Van Zandt LLC acquired the Property by Warranty Deed with Vendor's Lien from Lisa Leger Girot, Patricia Moore Barclay, and James T. Moore, III, recorded on June 24, 2022, as Document No. 2022-007473 in the Official Public Records of Van Zandt County, Texas.

3. Judicial Proceedings.

CSD Van Zandt LLC's title to the Property has been established by the following judicial proceedings:

- (a) Final Judgment entered September 20, 2023, in Cause No. 22-00105, CSD Van Zandt LLC v. Udo Birnbaum, in the 294th Judicial District Court of Van Zandt County, Texas, in a trespass-to-try-title action, adjudicating that Plaintiff CSD Van Zandt LLC is the owner of the Property and that Defendant Udo Birnbaum has no right, title, or interest therein;
- (b) Memorandum Opinion and Judgment of the Twelfth Court of Appeals of Texas in Cause No. 12-23-00282-CV, Birnbaum v. CSD Van Zandt LLC, dated May 31, 2024, affirming the Final Judgment in favor of Appellee CSD Van Zandt LLC;
- (c) Order of the Supreme Court of Texas denying Petition for Review in Cause No. 24-0504, dated November 22, 2024;
- (d) Mandate issued by the Twelfth Court of Appeals on January 8, 2025, rendering the Final Judgment final and enforceable;
- (e) Order granting Defendant's Motion to Dismiss entered August 19, 2025, in Cause No. CV07404, Udo Birnbaum v. Robert O. Dow, in the County Court at Law of Van Zandt County, Texas, dismissing with prejudice Plaintiff's forcible detainer claim;
- (f) Order granting CSD Van Zandt LLC's Motion for Summary Judgment entered September 22, 2025, in Cause No. 25-00024, Udo Birnbaum v. CSD Van Zandt LLC, in the 294th Judicial District Court of Van Zandt County, Texas, dismissing Plaintiff's bill of review; and

(g) Judgment of the Twelfth Court of Appeals of Texas in Cause No. 12-25-00235-CV, Barney Joe Donalson, Jr. v. CSD Van Zandt LLC, dated October 8, 2025, dismissing Appellant's appeal for want of jurisdiction.

4. Documents at Issue.

The following documents have been recorded in the Official Public Records of Van Zandt County, Texas, purporting to convey title to or an interest in the Property:

- (1) Warranty Deed from Louis Thibodeaux to Udo Birnbaum, Trustee of the LEED Trust, recorded July 20, 2022, as Document No. 2022-008580;
- (2) Notice of Real Estate Deed Fraud executed by Udo Birnbaum, recorded July 16, 2025, as Document No. 2025-006498;
- (3) Warranty Deed with Transfer Upon Death from Udo Birnbaum to God's Property Ministries, recorded September 17, 2025, as Document No. 2025-008797;
- (4) Affidavit of Barney Joe Donalson, Jr., recorded October 8, 2025, as Document No. 2025-009551;
- (5) Correction Deed from Udo Birnbaum to Barney Donalson dba God's Property Ministries, recorded November 12, 2025, as Document No. 2025-010777; and
- (6) Correction Affidavit of Barney Donalson, recorded November 12, 2025, as Document No. 2025-010778.

Each of the documents identified above was executed and recorded after entry of the Final Judgment described herein.

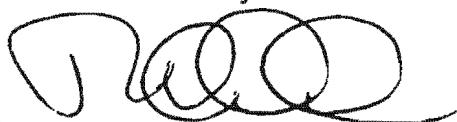
5. No Conveyance.

CSD Van Zandt LLC has not conveyed title to or any interest in the Property to Udo Birnbaum, Barney Joe Donalson Jr a/k/a Barney Donalson d/b/a God's Property Ministries, or any other third party.

6. Purpose.

This affidavit is made to memorialize facts relevant to whether the documents identified above convey any interest in the Property under Texas law.

Further affiant sayeth not.



Robert O. Dow
Manager, CSD Van Zandt LLC

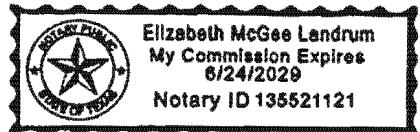
STATE OF TEXAS

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COUNTY OF DALLAS

SUBSCRIBED AND SWORN TO before me on this 22nd day of December, 2025, by
Robert O. Dow.

Elizabeth M. Landrum
Notary Public, State of Texas
My Commission Expires: 06/24/2029



Elizabeth McGee Landrum
My Commission Expires
6/24/2029
Notary ID 135521121

**THE STATE OF TEXAS
COUNTY OF VAN ZANDT**

I hereby certify that this instrument was FILED on the date and the time stamped hereon by me and was duly RECORDED in the Records of Van Zandt County, Texas.

2025-012115 AF
12/22/2025 12:37:37 PM Total Fees: \$41.00

Susan Strickland, County Clerk
Van Zandt County, Texas

Susan Strickland



**VIA USPS FIRST CLASS MAIL AND CERTIFIED MAIL, RETURN RECEIPT
REQUESTED**

December 22, 2025

Udo Birnbaum
119 AN County Road 2501
Tennessee Colony, TX 75861
Certified Mail No.: 9589 0710 5270 2243 7048 72

Barney Joe Donalson Jr.
c/o Houston Mennonite Fellowship Church
7135 Fulton St
Houston, TX 77022
Certified Mail No.: 9589 0710 5270 2243 7048 65

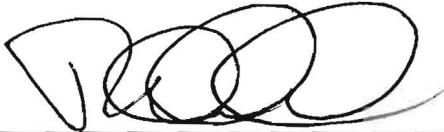
RE: Owner's Affidavit

Dear Mr. Birnbaum and Mr. Donalson:

Enclosed is a copy of the Owner's Affidavit filed by CSD Van Zandt LLC and recorded on December 22, 2025 as Document No. 2025-012115 in the Official Public Records of Van Zandt County, Texas.

Sincerely,

CSD VAN ZANDT LLC

By: 

Robert O. Dow, Manager

CSD Van Zandt LLC
6115 Owens St Ste 201
Dallas, Texas 75235

Enclosure

Cc: Nicole Feragen
nicole@sullivanlawoffices.com

Corey Kellam
corey@sullivanlawoffices.com