

Will Northern Deposition Core Woodhaven Excerpts

Deposition of William Northern - November 6, 2025

Selected testimony concerning development experience, resident support, the Woodhaven note and foreclosure, personal compensation and investment, and relationships relevant to TIF 13 and the Woodhaven project.

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Editorial note. These pages are reproduced from the complete public deposition transcript. The selections are organized by subject for resident review. Questions, objections and answers are included as they appear in the transcript. Selection of a passage does not establish that an allegation in a question is true; the witness's answer and surrounding context should be read together.

The complete transcript should be retained in the source archive and may be made available separately for readers who want the full record.

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THE BUSINESS COURT OF TEXAS, EIGHTH DIVISION

MICHAEL D. CRAIN, Individually
and Derivatively on Behalf of
NORTHERN CRAIN REALTY, LLC,
NORTHERN CRAIN PROPERTY
MANAGEMENT, LLC, and NORTHERN
CRAIN, LLC,
Plaintiffs,

v.

WILLIAM "WILL" NORTHERN, TYLER
GOLDTHWAITE, CRESCENDO
DEVELOPMENT, LLC, CRESCENDO
CONCERTO NO. 1 MANAGEMENT CO.,
LLC, AND WOODHAVEN, CONCERTO NO.
1, LP,
Defendants.

Cause No.
25-bc08a-0014

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DEPOSITION OF WILLIAM NORTHERN

DATE: Thursday, November 6, 2025
TIME: 9:58 a.m.
LOCATION: Cotten Schmidt
301 Commerce Street, Suite 2900
Fort Worth, TX 76102
OFFICIATED BY: Nicole Davila
JOB NO.: 7735556

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P R O C E E D I N G S

THE OFFICER: Good morning. My name is Nicole Davila. I'm the reporter assigned by Veritext to take the record of this proceeding. We are now on the record at 9:58 a.m.

This is the deposition of William Northern, taken in the matter of Michael D. Crain, individually and derivatively on behalf of Northern Crain Realty, LLC, Northern Crain Property Management, LLC, and Northern Crain, LLC v. William "Will" Northern, Tyler -- Tyler Goldthwaite, Crescendo Development, LLC, Crescendo Concerto No. 1 Management Company, LLC, and Woodhaven, Concerto No. 1, LP, on Thursday, November 6, 2025, at the office of Cotten Schmidt, Fort Worth, Texas.

I'm a notary authorized to take acknowledgements and administer oaths in Texas.

Additionally, absent an objection on the record before the witness is sworn, all parties and the witness understand and agree that any certified transcript produced from the recording of this proceeding:

- is intended for all uses permitted under applicable procedural and evidentiary rules and laws in the

1 same manner as a deposition recorded
2 by stenographic means; and
3 - shall constitute written stipulation
4 of such.

5 At this time, will everyone in
6 attendance please identify yourself for the record?

7 MR. MCDANIEL: Avery McDaniel for the
8 plaintiffs.

9 MR. COTTEN: Larry Cotten for
10 Mr. Northern.

11 MR. NORTHERN: Will Northern.

12 MR. SCHMIDT: Randall Schmidt, also for
13 Mr. Northern.

14 MR. BLAIES: Greg Blaies on behalf of
15 Tyler Goldthwaite.

16 MR. CRAIN: Michael Crain.

17 THE OFFICER: Thank you. Hearing no
18 objection, I will now swear in the witness.

19 Please raise your right hand.

20 WHEREUPON,

21 WILLIAM NORTHERN,
22 called as a witness and having been first duly sworn
23 to tell the truth, the whole truth, and nothing but
24 the truth, was examined and testified as follows:

25 THE OFFICER: Thank you, sir.

1 it before then?

2 A I don't recall when I first heard that --
3 learned that phrase.

4 Q In any of your certifications or licenses,
5 have you ever been taught about vertical and
6 horizontal developers?

7 A In any of my -- can you repeat the question?

8 Q Yeah. I'd already moved on in my mind.
9 Let's see.

10 MR. MCDANIEL: Can you read the
11 question back?

12 THE OFFICER: Yes, sir. Please stand
13 by.

14 (The officer repeated the record as
15 requested.)

16 THE WITNESS: Yes.

17 BY MR. MCDANIEL:

18 Q Which classes or certifications or license
19 did you learn that at?

20 A I'll say when I received my CCIM.

21 Q And there was discussion in their classes or
22 books regarding vertical and horizontal developments
23 or developers?

24 A Generally.

25 Q What does that mean?

1 A I don't recall if they explicitly used those
2 terms. But development was a topic.

3 Q Does a developer, do they sell the homes,
4 they built the homes?

5 A Not typically, no.

6 Q As you sit here today, other than the
7 subject of this lawsuit, how many developments have
8 you done?

9 A I'm -- do you include renovations in that?

10 Q I'm asking you. You can answer it however
11 you want.

12 A Yeah. I had not done any horizontal
13 development nor vertical development. I had renovated
14 existing buildings and homes.

15 Q Have you ever represented yourself as a
16 developer for horizontal and vertical prior to today?

17 A Yes.

18 Q And did you do that regarding the property
19 that's subject to this lawsuit?

20 A Yes.

21 Q Why did you do that?

22 A Because that was my role.

23 Q You agree with me that you represented that
24 you have no experience with horizontal or vertical
25 development, yet you represented yourself as one. The

1 decision to represent you yourself as developer was
2 your own; correct?

3 MR. COTTEN: Objection. Form.

4 THE WITNESS: Could you repeat the
5 question?

6 MR. MCDANIEL: Correct. Sure.

7 BY MR. MCDANIEL:

8 Q Your role you did -- wait. Strike that.
9 You represented yourself as a developer because it was
10 your role; correct?

11 A It was Crescendo Development through
12 Woodhaven, Concerto No. 1, LP, that was the horizontal
13 developer.

14 Q Who did you represent that you were a
15 developer to?

16 A Say the residents of Woodhaven.

17 Q And you represented yourself as a developer
18 to the residents of Woodhaven, although you have no
19 actual experience in horizontal or vertical
20 developing; correct?

21 A It was my first time where I would be
22 including acquisition entitlements and planning and
23 ultimately building out infrastructure. Sure.

24 Q A little distinction. But you represented
25 yourself as having experience as a horizontal and

1 vertical developer to the residents of Woodhaven;
2 correct?

3 MR. COTTEN: Objection. Form.

4 THE WITNESS: No. I don't believe I
5 did. I aid it was my role. I don't believe I ever
6 said I had experience doing it before.

7 BY MR. MCDANIEL:

8 Q And your role according to who?

9 A My role -- I don't understand the question.

10 Q Well, you said you represented that you were
11 a developer because it was your role; correct?

12 A Correct.

13 Q And it was your role according to who?

14 A I'd say the generally accepted description
15 of what a horizontal developer is.

16 Q Who gave you the role that you were in when
17 you told the residents of Woodhaven that you were a
18 developer?

19 MR. COTTEN: Objection. Form.

20 THE WITNESS: Who gave me the role? I
21 owned the company, the general partner so.

22 BY MR. MCDANIEL:

23 Q I'm sorry. Say it --

24 A I owned the general partnership, so I guess
25 you could say because I was doing the tasks of a

1 horizontal developer, it is safe to say that I -- I
2 could represent that 'cause those were the tasks being
3 done.

4 Q Do you believe people thought you had -- of
5 Woodhaven thought that you had experience?

6 MR. COTTEN: Objection. Form.

7 THE WITNESS: I don't know what they
8 thought.

9 BY MR. MCDANIEL:

10 Q And you never led them to believe, whether
11 you said experience or not, you never led them to
12 believe that you had prior experience in horizontal
13 and vertical developments?

14 MR. COTTEN: Objection. Form.

15 THE WITNESS: Could you repeat that?

16 MR. MCDANIEL: Repeat the question.

17 THE OFFICER: Please stand by.

18 (The officer repeated the record as
19 requested.)

20 MR. COTTEN: Same objection.

21 THE WITNESS: I -- I shared with them
22 my past experience as a real estate broker and that I
23 had -- the limited partnership acquired the land and
24 we were entitling it to then sell to vertical
25 developers.

1 BY MR. MCDANIEL:

2 Q Did you lead the residents of Woodhaven to
3 believe that you had experience in the vertical and
4 horizontal development --

5 MR. COTTEN: Objection.

6 BY MR. MCDANIEL:

7 Q -- for the development of Woodhaven?

8 MR. COTTEN: Objection. Form.

9 THE WITNESS: They arrived at their own
10 conclusions. I gave them my past work experience and
11 told them the plan I was working on.

12 BY MR. MCDANIEL:

13 Q And you needed them to believe you; correct?

14 MR. COTTEN: Objection. Form.

15 THE WITNESS: Not necessarily.

16 BY MR. MCDANIEL:

17 Q Well, you needed their approval or support
18 in order to get the zoning changes?

19 A I needed the city council's support.

20 Q And the city council relied on who?

21 A The zoning commission.

22 Q And who did the city council and the zoning
23 commission listen to come to their conclusions?

24 A You would have to ask them.

25 Q Don't you --

1 A I know they received a staff report from
2 city staff.

3 Q Don't you report -- I'm sorry. Go ahead.

4 A They would've received a staff report that
5 they would -- would've informed their decision.

6 Q Isn't it true though that the residents of
7 Woodhaven have a say or at least the right to publicly
8 speak at these meetings of the zoning and the city
9 council?

10 A Yes.

11 Q Isn't it even encouraged by them that you go
12 out to the neighborhood and have public meetings so
13 that you can get support?

14 A It's encouraged to go out and speak with the
15 community so that they have awareness.

16 Q And you wanted their support of the project
17 that you were doing at Woodhaven?

18 A Yes.

19 Q And several times your project was rejected
20 by the zoning, and they told you to actually get more
21 support and come back.

22 A That's not --

23 Q Correct?

24 A No, that is not correct.

25 Q Was it important to have the neighborhood

1 associations around Woodhaven to get a pass on your
2 project?

3 A It's helpful to have letters of support.

4 Q Could you have done it without the support
5 of the residents in Woodhaven?

6 A I don't know.

7 Q Isn't it true if the majority of the
8 residents in Woodhaven were opposed to your project,
9 it's very likely that it would not have been approved?

10 A I don't know that either.

11 Q Well, I will submit that experienced
12 developers know that they are -- the residents of a
13 certain area is necessary. That's why they post signs
14 out so that they can hear from the residents in the
15 area. Do you agree with that or not?

16 MR. COTTEN: Objection. Form.

17 THE WITNESS: Could you repeat the
18 question again?

19 THE OFFICER: Please stand by.

20 (The officer repeated the record as
21 requested.)

22 MR. COTTEN: Form.

23 THE WITNESS: I would say it's not
24 necessary. I would say it is helpful.

25 //

1 license?

2 A I needed to make money.

3 Q Oh, okay. Well, let the record reflect, I
4 believe you stated that was one of the reasons, but we
5 can look back at it.

6 A Okay.

7 Q Now, do you believe because it was not a
8 competitive business activity in your opinion that all
9 the other requirements of full disclosure are null and
10 void?

11 MR. COTTEN: Objection. Form.

12 THE WITNESS: If Northern Crain Realty
13 were going to do those activities, it would've taken
14 unanimous consent of the members, and Northern Crain
15 Realty was not doing that.

16 BY MR. MCDANIEL:

17 Q So you were the judge and jury as far as
18 Michael Crain in that decision; correct?

19 MR. COTTEN: Objection. Form.

20 THE WITNESS: I had no obligation to
21 make him aware of it.

22 BY MR. MCDANIEL:

23 Q And you didn't, did you?

24 A I did actually. I emailed him about the
25 creation of Crescendo Development.

1 Q And you told him about Woodhaven?

2 A At some time, yes. He learned about
3 Woodhaven. I don't know when.

4 Q Did it come from you?

5 A I don't know where he first learned about
6 it.

7 Q How about it's when Elijah came in, a
8 Northern Crain client that you represented and you
9 took confidential information to use it to do a
10 foreclosure; correct?

11 MR. COTTEN: Objection. Form.

12 BY MR. MCDANIEL:

13 Q Correct?

14 A No. To clarify, Elijah and I never had a
15 signed representation agreement.

16 Q Did you ever talk to -- wait. Do you
17 believe there has to be a signed agreement in order
18 for you to receive confidential information from a
19 real estate client?

20 A Will you repeat that?

21 Q Are you sitting here telling us that you
22 have to have a signed agreement for there to be
23 confidentiality with things that you receive or
24 information you receive from someone that comes in
25 your office and visits with you?

1 MR. COTTEN: Objection. Form.

2 THE WITNESS: Signing the exclusive
3 representation agreement does create that to the best
4 of my knowledge.

5 BY MR. MCDANIEL:

6 Q Did you have conversations --

7 MR. COTTEN: Were you -- wait a minute.
8 Were you finished with your answer?

9 THE WITNESS: Yes.

10 MR. COTTEN: Okay. Sorry.

11 BY MR. MCDANIEL:

12 Q Did you have conversations with Elijah De La
13 Garza?

14 A Yes.

15 Q Did you have meetings at the Northern Crain
16 office?

17 A With Elijah?

18 Q Uh-huh.

19 A I don't believe so.

20 Q Did you have any meetings with him?

21 A Yes.

22 Q How many?

23 A I don't recall exactly, but I'll venture
24 three.

25 Q And where did those meetings take place?

1 A At his office.

2 Q And you met with him as a broker from
3 Northern Crain Realty; correct?

4 A Yes.

5 Q And during those conversations, did he
6 disclose information regarding Woodhaven to you?

7 A Most of what we talked about were properties
8 he was seeking to acquire.

9 MR. MCDANIEL: Objection.

10 Nonresponsive.

11 BY MR. MCDANIEL:

12 Q During that meeting with Elijah De La Garza
13 and you were in his office as a broker for Northern
14 Crain Realty, did he ever disclose to you information
15 about Woodhaven properties?

16 A Woodhaven, can you be more specific? What
17 do you mean?

18 Q Woodhaven Country Club, the financing, who
19 held the note?

20 A I believe he did share who held the note.

21 Q And you contacted the people that held the
22 note; correct?

23 A Yes. Ultimately, yes.

24 Q And you bought the note; correct?

25 A I did not, no.

1 Q Who bought the note?

2 A Woodhaven, Concerto No. 1, LP, bought the
3 note.

4 Q And that's your company; right?

5 A I am an investor and the general partner of
6 it.

7 Q Who was with you when you met with whoever
8 it was with the Sclermo [sic] or Sclerma [sic] family?

9 A We -- most of that correspondence was not in
10 person.

11 Q By email?

12 A Mostly over the phone. She is a elderly
13 lady, so not tech savvy.

14 Q So while you're in Mr. De La Garza's office
15 as a Northern Crain broker talking about real estate
16 information or sell or buy, whatever it was, he
17 disclosed to you information and then you ultimately,
18 through other companies, purchased the Woodhaven
19 Country Club and other properties; right?

20 MR. COTTEN: Objection. Form.

21 THE WITNESS: My role was to aid Elijah
22 in acquiring other properties. I helped him craft an
23 LOI to purchase an apartment complex adjacent to the
24 golf course. And that was my, you know, acting as a
25 real estate broker.

1 BY MR. MCDANIEL:

2 Q But you used the information he gave you to
3 profit personally, didn't you?

4 A I wouldn't agree with that.

5 Q Are you going to make money off all these
6 Woodhaven properties?

7 A I don't know. Right now I'm in significant
8 debt.

9 Q Well, you obviously excluded Northern Crain
10 companies, and you excluded Michael Crain, who you
11 have a signed company agreement with.

12 A That's not accurate.

13 Q Surely you thought that you were going to
14 make money?

15 MR. COTTEN: Objection. Form.

16 THE WITNESS: I was aiding Northern
17 Crain Realty and Northern Crain Property Management by
18 ultimately bringing it business, which it desperately
19 needed. It was on a lifeline. The companies were
20 failing.

21 BY MR. MCDANIEL:

22 Q But you failed to fully disclose as required
23 regardless of whether it's a competitive activity;
24 correct?

25 MR. COTTEN: Objection. Form.

1 THE WITNESS: I did not need to
2 disclose anything. It was not a competing business.

3 BY MR. MCDANIEL:

4 Q And again, that was solely your decision.
5 No attorney advised you of that or anything along
6 those lines. You didn't even visit with an attorney
7 about it; correct?

8 MR. COTTEN: Objection. Form. Don't
9 answer that question.

10 You're asking him whether he got advice
11 from an attorney about this. That is improper.

12 BY MR. MCDANIEL:

13 Q Did you meet with an attorney regarding the
14 question of whether or not your business companies
15 that you created, Woodhaven properties, was a
16 competitive activity with the NCR companies?

17 MR. COTTEN: Objection. Form. That
18 would require him to disclose that information to an
19 attorney. And that's protected, that's confidential,
20 that's improper.

21 BY MR. MCDANIEL:

22 Q After you created Crescendo, what attorneys
23 did you visit with immediately?

24 MR. BLAIES: Objection. Form.

25 THE WITNESS: Tyler Goldthwaite.

1 BY MR. MCDANIEL:

2 Q How many times have you visited with Tyler
3 Goldthwaite in 2024?

4 A 2024, that's a long time. I mean, I don't
5 recall. He helped me form Crescendo Development, the
6 general partner, and the limited partnership.

7 Q The information that Elijah De La Garza gave
8 you, did you consider that confidential information?

9 A What information?

10 Q About who held the financing for Woodhaven
11 properties that one of your companies ultimately
12 bought or foreclosed on?

13 A Well, a lot of that is recorded of public
14 record.

15 Q The question's real simple. Did you or do
16 you consider the information at those three meetings
17 that Elijah De La Garza gave you regarding Woodhaven
18 Country Club and the financing, did you consider that
19 confidential information?

20 A I guess not 'cause it was recorded and
21 available as public information.

22 Q Did you find out that information through
23 the public recordings?

24 A I look on the appraisal district's website
25 quite frequently.

1 Q And you knew that information before Elijah
2 De La Garza told you in his office?

3 A I knew what?

4 Q Who the people that were financing the
5 Woodhaven Country Club.

6 A Financing. Before meeting with Elijah?

7 Q Correct.

8 A So you're asking me when did I learn that
9 the Scoma family was financing the acquisition of
10 Elijah De La Garza?

11 Q Yes.

12 A I don't recall.

13 Q Well, because -- you don't recall because if
14 you didn't know and you got that information from
15 Mr. De La Garza, that would be improper, wouldn't it?

16 MR. COTTEN: Objection. Form.

17 THE WITNESS: I don't know. The
18 information that I gathered was from public sources.

19 BY MR. MCDANIEL:

20 Q You recall now?

21 A Whenever I looked up those public documents
22 that had to do with the property.

23 Q I thought just awhile ago you couldn't recall
24 when you found out about it. Now you recall it's from
25 public recordings?

1 A That's not --

2 MR. COTTEN: Objection. Form. Go
3 ahead.

4 THE WITNESS: Yeah. That's -- I -- I
5 don't remember when all the minced timeline.

6 BY MR. MCDANIEL:

7 Q And you don't recall if you learned that
8 first from Elijah De La Garza?

9 A I don't recall.

10 Q And if you did and you used that information
11 or told other people, that would be a violation of
12 your ethical obligations to Mr. Garza, wouldn't it?

13 MR. COTTEN: Objection. Form.

14 THE WITNESS: I don't -- I don't
15 believe so.

16 BY MR. MCDANIEL:

17 Q Do Texas brokers have any ethics? I'm not
18 asking them whether or not you have ethics, but
19 whether the organization of TREC has ethical
20 obligations that must or they ask to be followed?

21 A I believe there is, yes.

22 Q Do you think there's any ethical obligations
23 in that by TREC that covers information received from
24 clients?

25 A He wasn't --

1 MR. COTTEN: Objection. Form.

2 THE WITNESS: Elijah De La Garza wasn't
3 a client.

4 BY MR. MCDANIEL:

5 Q Do you think it -- let me back up. Did you
6 send a bill to Mr. De La Garza for \$15,000?

7 A No.

8 Q No. Did you send a bill to Mr. Garza?

9 A I sent him an example invoice.

10 Q Did you do any kind of financial analysis on
11 his properties or a property for him?

12 A When I was attempting to help him acquire an
13 apartment complex, we looked at a rent roll together.

14 Q Did you find out from Mr. De La Garza or
15 from public recordings that he was behind on his
16 payments?

17 A That would not have been public, so
18 Mr. De La Garza.

19 Q And that's part of the reason that the Scoma
20 family were willing to sell that note; correct?

21 A You would have to ask them.

22 Q Well, you talked about him being behind in
23 his payments when you spoke to this elderly lady;
24 correct?

25 A He mentioned he was having difficulty

1 don't know. What's it matter?

2 Q I'm asking the questions, not you.

3 A For 2025 -- it's October. Let's see. Five.
4 Let's see. Six. I'm going to -- between 75,000 and a
5 hundred thousand.

6 Q And where did those money come from?

7 A I receive a -- well, an investment I made
8 sold and there was a distribution.

9 Q You got to tell me more than that.

10 A An apartment complex I invested in --

11 Q Okay.

12 A -- sold.

13 Q And that, when did you purchase that
14 apartment complex or invest in it?

15 A Three years ago.

16 Q 2022?

17 A I -- I don't recall like when I invested in
18 that.

19 Q Where's the area of town that the apartment
20 complex is located?

21 A Austin.

22 Q Okay. What other places did you receive
23 income?

24 A I receive a asset management fee through
25 Woodhaven, Concerto No. 1, LP.

1 Q Asset management fee; is that right?

2 A Uh-huh.

3 Q And how much was that?

4 A That I received personally, about \$50,000.

5 Q And that's for from January 1, 2025, till
6 today's date? I understand it's an estimate.

7 A Yep.

8 Q Is that yes?

9 A Yes.

10 Q How much in 2024 did you receive from that
11 source for asset management?

12 A About the same amount.

13 Q And what assets do you manage?

14 A It is conducting the horizontal development
15 entitlement work of Woodhaven, Concerto No. 1, LP.

16 Q Okay. Explain to the jury what
17 "entitlements" means.

18 A Generally speaking, when one entitles real
19 estate, they are shepherding that land through the
20 municipal development arm of the municipality and you
21 are rezoning property that impacts the land use of
22 what can or cannot be built on it.

23 As well as going through the platting phase
24 where the land is subdivided and you plan and design
25 where infrastructure will go within a right of way,

1 where -- which is ultimately the city then that --
2 that is conveyed to the city ultimately to maintain.
3 So taking property through the entitlement process
4 generally is referred to zoning and platting.

5 Q Okay. Can you give me a description of
6 generally your daily job duties?

7 A For what?

8 Q As an asset manager.

9 A Exclusively for Woodhaven, Concerto No. 1,
10 LP?

11 Q For all the companies. Are you an asset
12 manager for more than one of the companies?

13 A That is a general term used in the
14 development world. So repeat your question. Sorry.

15 Q Are you an asset manager for more than one
16 of the companies?

17 A I guess generally speaking, yes. For San
18 Saba Star Partners you could refer to me as an asset
19 manager where the real estate is owned --

20 Q And I apologize. I'm excluding your prior
21 investments on Exhibit A.

22 A Okay. Yeah. Then in asset management,
23 generally speaking, the general partner and -- has
24 like an ownership interest in the -- that like
25 property asset being managed. It's a loose -- very

1 loose term, broad term.

2 Q Regarding all the Woodhaven entities that
3 have been created -- you know which ones I'm speaking
4 about, regarding the purchase and the horizontal and
5 vertical development, all of those -- what are your
6 streams of income to you and your family individually?

7 A Currently, the asset management fee.

8 Q And that was 50,000 within the last --

9 A That's right.

10 Q -- 11 months?

11 A Uh-huh.

12 Q Is that yes?

13 A Yes.

14 Q How much have you invested in the Woodhaven
15 properties?

16 A When you say "invested," do you mean cash?

17 Q I mean you personally, how much did you
18 invest? How much money have you spent?

19 A Cash, I have invested a little over
20 \$100,000.

21 Q When you -- let me back up here. Now, can
22 you describe for the jury from the point that you
23 contacted the Scoma family, the process that you went
24 through, like the assignments of the note all the way
25 to foreclosure, can you describe that process for the

1 jury?

2 A Okay. So had a conversation with Sue Scoma
3 if she would be willing to sell the promissory note.
4 I raised capital. I engaged an attorney to create the
5 entities to be able to hold assets and manage company,
6 took title to the promissory note, and then it was in
7 default and then proceeded to foreclose on the
8 property.

9 Q And was your name ever listed in any of
10 these documents that were publicly filed?

11 MR. COTTEN: Objection. Form.

12 THE WITNESS: I believe it would be
13 recorded on -- ultimately on a deed of trust and a
14 deed when it was foreclosed on.

15 MR. MCDANIEL: Correct.

16 THE WITNESS: So that would have
17 the -- ultimately my name on it.

18 BY MR. MCDANIEL:

19 Q But there was a multitude of documents that
20 were filed before the deed of trust; correct?

21 A Yes. With the county courthouse?

22 Q Anywhere.

23 A Yes.

24 Q Publicly?

25 A That's where they get filed.

1 Q And none of those documents had your name on
2 them; correct?

3 A I don't believe that stuff gets recorded.
4 Company agreements I don't believe get recorded.

5 Q I'm talking regarding the Woodhaven
6 properties.

7 A Right, right. So those -- yeah. Company
8 agreements don't get recorded.

9 Q How did you figure out to go and either buy
10 the note, have it assigned, intervene in an existing
11 lawsuit suit, have a judge foreclose on the lien and
12 then go sell it, use a substitute trustee, Tyler
13 Goldthwaite, and then sell it on the steps and then
14 you purchased. How'd you figure out that scheme?

15 MR. BLAIES: Objection. Form.

16 THE WITNESS: I don't believe I --

17 MR. COTTEN: Objection. Form.

18 THE WITNESS: -- interfered in any
19 lawsuit that I'm aware of.

20 BY MR. MCDANIEL:

21 Q You intervened. Intervened.

22 A What lawsuit are you speaking of?

23 Q Tree Guardian USA.

24 A Was that a lawsuit?

25 Q It was a pending lawsuit.

1 A Oh, okay. How did I learn that? Well, I
2 would say my collective life of -- in the real estate
3 business. I've been, you know, working with my dad as
4 a child in real estate in San Saba. It's just part of
5 how I was raised.

6 Q And you've seen that process done before?

7 A Not from start to finish, but pieces you
8 kind of put together.

9 Q Was it your idea of that's how you get
10 possession of the Woodhaven properties to go through
11 the purchase or assignment of the note and then
12 foreclosure?

13 A I don't recall.

14 Q You don't recall whose idea that was?

15 A I -- I got to think that would have been my
16 idea.

17 Q And the first time -- you don't recall when
18 you've seen that done before?

19 A To -- there's lots of steps so.

20 Q It's complicated?

21 A It is complicated, yeah. So from start to
22 finish, no, I had not seen that from start to finish.

23 Q How'd you know what to do?

24 A My collective experience of seeing, you
25 know, a loan that has gone bad, a foreclosure. I've

1 of times how it happens.

2 A Yeah. Referral.

3 Q Okay. And I don't want to know how much
4 they billed, but you are receiving a bill?

5 A Yes.

6 Q And the bill's being paid?

7 A Yes.

8 Q Are you paying the bill or is somebody or a
9 entity paying it?

10 A I'm paying the bill.

11 Q Are you being reimbursed for that payment?

12 A No.

13 Q Okay. Previously we spoke about the three
14 meetings with Elijah De La Garza that occurred at his
15 office. Where is his office located?

16 A He was operating out of the clubhouse
17 building at Woodhaven.

18 Q Have you had any conversations with WT Skip
19 Leake or Skip Leake?

20 A Yes.

21 Q Have you had them about Woodhaven
22 properties?

23 A Yes.

24 Q Okay. Who is he and what was the nature of
25 the conversations? Is he an attorney?

1 A Yes.

2 Q Okay. And if they're attorney client
3 conversations, tell me that as well.

4 A No.

5 Q So who is he? What was the nature of the
6 conversations?

7 A He represented Sue Scoma.

8 Q I didn't expect that answer. So I have to
9 ask a couple more about Skip Leake. What was the
10 nature of the conversations? Was it about
11 negotiation? Was it details? I don't know what, but.

12 A In negotiations he was representing her and,
13 I guess, her business affairs.

14 Q Sandra McGlothlan, have you had
15 conversations with her?

16 A In general or -- yes.

17 Q Yes, in general.

18 A Yes.

19 Q And I understood that she was at some
20 meeting yesterday, a TIF meeting, representing one of
21 the entities, is that --

22 A No.

23 Q Okay. Is she in any way connected with
24 entities? And I think I know how, so I'm just asking
25 if she's connected.

1 A She sits on the TIF 13 board. It was a TIF
2 meeting yesterday.

3 Q Is she associate any way with Woodhaven
4 properties or entities?

5 A Yes.

6 Q Okay. John Wood, have you had any
7 conversations with him?

8 A Yes.

9 Q Who is John Wood?

10 A He is the owner of Econautics, a non-profit
11 that we are working with on the Woodhaven project, and
12 a friend, personal friend, and introduced me to
13 Elijah.

14 Q Did he provide any information to you that
15 he had received from Elijah?

16 A From Elijah. I can recall one -- one
17 instance.

18 Q And tell me about that.

19 A It was when Elijah was pursuing the
20 acquisition of an apartment complex and the
21 introduction -- prior to me being put in direct
22 contact with Elijah, John let me know he was pursuing
23 this apartment complex, and he introduced the two of
24 us.

25 Q Okay. Marc Vessey, had any conversations

1 with him?

2 A A couple, yep.

3 MR. SCHMIDT: What was that name? I'm

4 sorry.

5 MR. MCDANIEL: Vessey. I think

6 that's --

7 MR. SCHMIDT: Oh, Marc Vessey.

8 MR. MCDANIEL: Yeah, yeah, yeah.

9 BY MR. MCDANIEL:

10 Q He's a state rep or US rep?

11 A US.

12 Q Yeah. What's his wife's name?

13 A I don't remember. I don't know.

14 Q What was the nature of those conversations?

15 A Just about Woodhaven in general, about the

16 state of the neighborhood, and that, you know, I was

17 acquiring it and looking to do a project.

18 Q Is he in any way associated with any of the

19 Woodhaven properties or entities?

20 A No.

21 Q I am going to ask you about each entity and

22 ask you a couple of questions about each one.

23 Woodhaven, Concerto No. 1, LP, what percentage

24 ownership do you have in that company?

25 A I believe it is 1 percent or less.

1 Q Does that company have any employees?
2 A No.
3 Q Crescendo Development, LLC, what is your
4 percentage of ownership?
5 A One hundred percent.
6 Q Does Crescendo Development, LLC, have any
7 employees?
8 A A 1099 in Margaret Lattimore.
9 Q Margaret is a W-2?
10 A 1099.
11 Q 1099. And how many others are there?
12 A None.
13 Q Okay. Crescendo Concerto No. 1 Management
14 Company, LLC, what's your percentage of ownership?
15 A One hundred percent. Well, Crescendo
16 Development. I believe it's Crescendo Development has
17 100 percent ownership in the management company.
18 Q Well, okay. So Crescendo Development has a
19 hundred percent in Crescendo --
20 A Concerto No. 1 --
21 Q Concerto No. 1 --
22 A -- Management Company.
23 Q Okay. Infrascala Systems, LLC?
24 A What about that?
25 Q Do you have an interest in that?