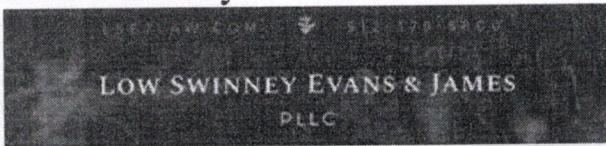


Subject: Kirk v Comal AD
From: Kirk Swinney <kswinney@lsejlaw.com>
Date: 4/29/2019, 11:40 AM
To: "dougkirk@gvtc.com" <dougkirk@gvtc.com>

Mr. Kirk

Per the Court's instruction, please see the attached proposed agreement regarding the inspection of your property. Please let me know at your earliest opportunity whether this proposal will be acceptable.

Kirk Swinney



www.lsejlaw.com

623 S. Baker Cir.
Leander, Texas 78641
(512) 379-5800
cell: (512) 422-2847

— Attachments: —

Rule 11 inspect.pdf

14.9 KB

CAUSE NO. C2018-1576B

DOUGLAS WALTER KIRK,	§	IN THE DISTRICT COURT OF
	§	
Plaintiff,	§	
	§	
v.	§	COMAL COUNTY, TEXAS
	§	
COMAL APPRAISAL DISTRICT	§	
	§	
Defendant.	§	207 TH JUDICIAL DISTRICT

RULE 11 AGREEMENT REGARDING INSPECTION OF PROPERTY

The parties hereto, the Plaintiff Douglas Walter Kirk, and Defendant Comal Appraisal District, in order to resolve disputes, comply with Court directive, and expedite discovery herein, agree as follows:

The Comal Appraisal District shall be allowed to inspect and photograph the subject property of this litigation, both the interior and exterior of all buildings, beginning at 1:00 p.m. on May 21, 2019. The inspection shall last no longer than two hours. Persons attending the deposition on behalf of the Comal Appraisal District shall be Craig Zgabay, Rufino H. Lozano, and one of the undersigned counsel of record, being Kirk Swinney. If Mr. Swinney is not available, then the Defendant shall designate an alternate attorney from the undersigned not later than 10 days before the inspection.

AGREED:

DOUGLAS W. KIRK
Pro se
1850 Old Sattler Rd.
Canyon Lake, Texas 78130
Telephone (830) 237-7313
e-mail: dougkirk@gvtc.com

LOW SWINNEY EVANS & JAMES, PLLC

623 S. Baker Cir.
Leander, Texas 78641
Phone (512) 379-5800
Fax (512) 367-5932

By: _____
Douglas Walter Kirk

By: _____
Kirk Swinney
State Bar No. 19588400
kswinney@lsejlaw.com
Ryan L. James
State Bar No. 24078731
rjames@lsejlaw.com
Peter William Low
State Bar No. 12619300
peterwilliamlow@lsejlaw.com
James R. Evans, Jr.
State Bar No. 06721500
jevans@lsejlaw.com

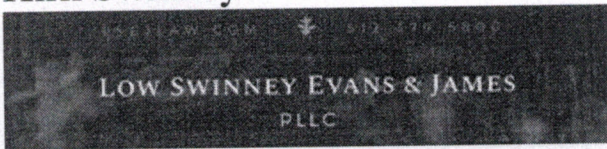
ATTORNEYS FOR DEFENDANT

Subject: Kirk v Comal AD
From: Kirk Swinney <kswinney@lsejlaw.com>
Date: 5/8/2019, 4:45 PM
To: "dougkirk@gvtc.com" <dougkirk@gvtc.com>

Mr. Kirk

Will the Rule 11 regarding the inspection be acceptable to you? If not, would you propose a different date? I just need to know how to plan.

Kirk Swinney



www.lsejlaw.com

623 S. Baker Cir.
Leander, Texas 78641
(512) 379-5800
cell: (512) 422-2847

— Attachments: —

Rule 11 inspect.pdf

14.9 KB

Subject: Re: Kirk v Comal AD

From: Douglas Kirk <dougkirk@gvtc.com>

Date: 5/9/2019, 4:06 PM

To: Kirk Swinney <kswinney@lsejlaw.com>, Douglas Kirk <dougkirk@gvtc.com>

Mr. Swinney:

May 19, 2019 1 pm.

Attached are the documents that will need to be signed and returned by noon May 16, 2019 with payment.

You still have an opportunity to settle this lawsuit.

The CAD returns the value to the average of the five years prior to their dramatic increase; the defendant pays my costs of court and expenses; the defendant agrees to leave me alone and stop harassing me; the Tax Assessor Collector returns to me the over payment made for the 2018 taxes.

This offer expires 11:59 am May 16, 2019.

Thank you.

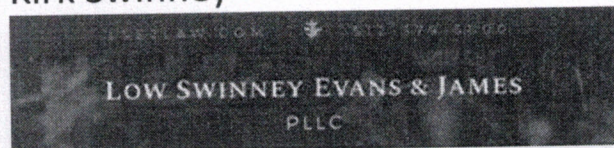
Douglas Kirk

On 5/8/2019 4:45 PM, Kirk Swinney wrote:

Mr. Kirk

Will the Rule 11 regarding the inspection be acceptable to you? If not, would you propose a different date? I just need to know how to plan.

Kirk Swinney



www.lsejlaw.com

623 S. Baker Cir.

Leander, Texas 78641

(512) 379-5800

cell: (512) 422-2847

— Attachments: —

Court Ordered Inspection Agreement.pdf

78.3 KB

Background Status

Form A-29809

Date: _____

Last Name: _____ First Name: _____ Middle Name: _____

Current Address: _____ City: _____ State: _____ Zip: _____

Date of Birth: _____ Place of Birth: _____

National Origin: _____ Citizenship of which nation(s)? _____

Yes No Do you have a valid passport issued by the United States?

Yes No Do you have an original birth certificate?

Texas Driver's License Number: _____ Expiration Date: _____

Last Four Digits Social Security Number: _____

Have you ever been convicted of a felony? Yes No

If yes, for each conviction state charge, jurisdiction, punishment, date of offense.

Have you ever been convicted of a misdemeanor? Yes No

If yes, for each conviction state charge, jurisdiction, punishment, date of offense.

Are you a registered sex offender? Yes No

Are you an unregistered sex offender? Yes No

Have you ever been a member of any of the following? (Check all that apply.)

- | | |
|--|--|
| <input type="checkbox"/> Communist Party | <input type="checkbox"/> Republican Party |
| <input type="checkbox"/> Democrat Socialist Party | <input type="checkbox"/> Libertarian Party |
| <input type="checkbox"/> Students for a Democratic Society | <input type="checkbox"/> Green Party |
| <input type="checkbox"/> Democrat Party | <input type="checkbox"/> Tea Party |

I, (Print Name) _____ completed this form myself and under penalty of perjury I swear that all information provided is true, correct and full. Furthermore, by signing this document I give express permission to the requestor to conduct a full and unencumbered background check on me.

Signature: _____

Non-Disclosure Agreement

Form R-1499

I, (Print Name)_____ agree upon my own free will that anything I see or experience on premises owned by Douglas Walter Kirk, cannot and will not be disclosed, discussed, revealed, or shared with any living human being for as long as I shall live, and,

I agree that I will make no notes, write no biographies, record no audio, record no video as a result of my experience on premises owned by Douglas Walter Kirk, and,

I agree that anything I learn as a result of my experience on premises owned by Douglas Walter Kirk, is proprietary, confidential, classified and some, all, or part of what I experience may be covered by the Invention Secrecy Act of 1951 (Pub.L. 82–256, 66 Stat. 3, cdf 35 U.S.C. ch. 17) or other relevant secrecy laws.

Signature:_____

Limited Exception for Craig Zgabay of Candela Property Advisors

[Address:_____]:

Mr. Zgabay is permitted to incorporate only his property appraisal findings in a report prepared explicitly for CAUSE NO. C2018-1576B, Douglas Walter Kirk Vs. Comal Appraisal District, to be turned over only to Kirk Swinney as the attorney representing the Comal Appraisal District in this action. Mr. Zgabay is permitted to testify at trial regarding his report.

Craig Zgabay initials: _____

Texas Rules of Civil Procedure Rule 192.6 (b)(5) applies by agreement for all information gathered by Craig Zgabay while on the premises of Douglas Walter Kirk.

Craig Zgabay initials: _____

Limited Exception for Kirk Swinney of Low & Swinney, PLLC, 623 S. Baker Cir., Leander, Texas 78641:

Mr. Swinney is permitted to use only Craig Zgabay's report in preparation of his witness and his defense for the Comal Appraisal Dist. Kirk Swinney initials: _____

Texas Rules of Civil Procedure Rule 192.6 (b)(5) applies by agreement for all information gathered by Craig Zgabay while on the premises of Douglas Walter Kirk, which is reviewed by Mr. Swinney for trial preparation or trial.

Kirk Swinney initials: _____

Preparation and Prohibition Agreement

Form V-88976

The undersigned parties agree to the following conditions upon stepping foot on or otherwise entering the private property premises of Douglas Walter Kirk for a court ordered inspection:

Fees (Pursuant to rule 196.6):

1. A deactivation, security and reactivation fee, shall be paid in advance in the form of cash or cashier's check made payable to Douglas Walter Kirk in the amount of \$4,560. This non-refundable fee is to cover the cost of deactivating the passive deterrent system, reactivating the passive deterrent system and paying for security during the period that the system is being modified. (To be received on or before May 16, 2019.)
2. An inspection security and observation team fee of \$600 shall be paid in advance in the form of cash or cashier's check made payable to "The Bearer". If cash, the money shall be in the form of six one-hundred dollar bills. If cashier's check, each of three checks must be made in the amount of \$200 per check. (To be received on or before May 16, 2019.)
3. A liability insurance fee in the amount of \$3,000 must be paid in advance. This must be in the form of a cashier's check made out to "United Automobile Services Association." The note on the check must say: USAA Member Douglas Kirk. (To be received on or before May 16, 2019.)
4. A sum of \$500 cash will be given to the security team to pay for any incidental and immediate damage caused by the inspector and/or two observers, to be charged based upon the sole discretion of Douglas Walter Kirk. (To be received on or before May 16, 2019. Unused balance will be returned at the end of the inspection period.)
5. The undersigned parties are expected and obligated to do no damage to vegetation, wildlife, structures or improvements while on the premises of Douglas Walter

Kirk. To guarantee this performance, the undersigned parties, as an obligee, must provide a surety bond in the amount of \$100,000. If, in the sole discretion of Douglas Walter Kirk, the principal, any damage or harm is done to vegetation, wildlife, structures or improvements during the court ordered inspection, the bond is to be cashed by Douglas Walter Kirk and compensation to him in an amount he solely determines shall be removed from the bond. The unused balance will be returned to the obligee within 90 days. (This bond must be in effect as of the date of inspection and must be delivered to Douglas Walter Kirk on or before May 16, 2019.)

Manner and Conditions:

1. All parties will remain on foot at all times.
2. No vehicles will be used between the hours of 1 pm and 3 pm May 19, 2019.
3. No vehicles are to come on to the property.
4. Parties will stage at the East end of the property, just off Old Sattler Road, at 12:30 pm on May 19, 2019 for security check-in.
5. All cell phones, recording devices (audio and/or video) are prohibited and shall be locked in the cars during the period 1 pm to 3 pm May 19, 2019.
6. One camera will be permitted, upon court order, that is to be used only by Craig Zgabay and which is capable of exposing only still photographs. This camera is to be turned over to the security team at 12:30 pm for security check-in. (Note: If the camera is capable of making video or audio images, it will not pass security and will not be permitted.)
7. The camera may only be used to document taxable improvements for appraisal purposes only and may not photograph in any way any tangible thing, person or animal that is not a taxable improvement.
8. Upon conclusion of the inspection, the camera will be turned over to the security team for 30 minutes and any images that violate No. 7 above will be then and there permanently deleted. Mr. Zgabay will show the team how to operate the camera.
9. Only Craig Zgabay will perform the appraisal inspection. Defendant Jennifer Salazar and attorney Kirk Swinney are to observe only.
10. All documents must be completed and signed in advance of noon May 16, 2019 and signed originals must be turned over to Douglas Walter Kirk on or before noon May 16, 2019.
11. All parties must present proof of US Citizenship with either a valid US Pass-

port or an original birth certificate on May 19, 2019 before being permitted on the premises of Douglas Walter Kirk.

12. No videotaping or video recording will be permitted.
13. No audio or audio recording will be permitted. No radio or transmitter devices will be permitted.
14. No ladders or step stools will be permitted.
15. No camera extension handles will be permitted.
16. No talking will be permitted.
17. No touching of any structure, improvement or object will be permitted.
18. No moving of any object or plant will be permitted.
19. No peering through windows will be permitted without express permission.
20. No climbing of fences or barriers will be permitted.
21. All parties must stay within 10 feet of assigned escorts at all times and must remain within ten feet of each other at all times. Parties are not to spread out.
22. No smoking is permitted. No vapeing is permitted.
23. No drugs or alcohol are permitted. Anyone suspected of being drunk by Douglas Walter Kirk will be ejected from the premises without recourse.
24. No use of drones is permitted.

Note: Parties are NOT WELCOME on the premises of Douglas Walter Kirk and this inspection is only being allowed under duress upon court order. Douglas Walter Kirk considers this inspection a clear violation of his United States and State of Texas constitutional rights and various No Trespassing statutes.

The undersigned agree to the above provisions.

Signature Craig Zgabay:_____ Date:_____

Signature Jennifer Salazar:_____ Date_____

Signature Kirk Swinney:_____ Date_____

Return signed and dated originals to:

Douglas Kirk
1850 Old Sattler Road
Canyon Lake, Texas 78132

Signed and dated copies may be e-mailed to:
dougkirk@gvtc.com

For Office Use Only

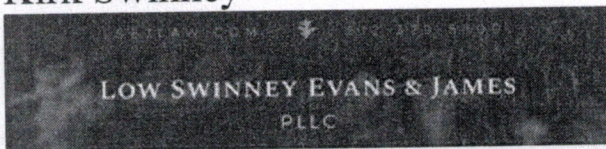
Date originals received: _____ Douglas Walter Kirk: _____

Subject: RE: Kirk v Comal AD
From: Kirk Swinney <kswinney@lsejlaw.com>
Date: 5/13/2019, 4:11 PM
To: Douglas Kirk <dougkirk@gvtc.com>

Mr. Kirk,

Your response is perhaps the single most unreasonable proposal I have ever seen, and is, of course, rejected. The Defendant reiterates the attached Rule 11 agreements as reasonably embodying the direction of the Court on these matters. If you choose not to sign and return it by tomorrow afternoon at 3:30 p.m., I will assume that you will not agree to it and will, accordingly, cancel plans to inspect on May 21. The Defendant will then again move to compel the inspection and seek appropriate sanctions.

Kirk Swinney



www.lsejlaw.com

623 S. Baker Cir.
Leander, Texas 78641
(512) 379-5800
cell: (512) 422-2847

From: Douglas Kirk <dougkirk@gvtc.com>
Sent: Thursday, May 9, 2019 4:06 PM
To: Kirk Swinney <kswinney@lsejlaw.com>; Douglas Kirk <dougkirk@gvtc.com>
Subject: Re: Kirk v Comal AD

Mr. Swinney:

May 19, 2019 1 pm.

Attached are the documents that will need to be signed and returned by noon May 16, 2019 with payment.

You still have an opportunity to settle this lawsuit.

The CAD returns the value to the average of the five years prior to their dramatic increase; the defendant pays my costs of court and expenses; the defendant agrees to leave me alone and stop harassing me; the Tax Assessor Collector returns to me the over payment made for the 2018 taxes.

This offer expires 11:59 am May 16, 2019.

Subject: Inspection Agreement
From: Douglas Kirk <dougkirk@gvtc.com>
Date: 5/17/2019, 1:08 AM
To: Kirk Swinney <kswinney@lsejlaw.com>

Mr. Kirk Swinney:

I note that you did not return signed documents to me May 16, as I had requested, relative to the inspection.

Is there something in particular that you cannot agree to in the proposed agreement?

We have common ground based upon the judge's order:

Three people (Craig Zgabay, Jennifer Salizar, Kirk Swinney).

Beginning at 1 pm for two hours (1 pm - 3 pm).

On a day the week of May 19 through May 25.

You proposed May 21. I proposed May 19.

Sincerely,

Douglas Kirk

Subject: RE: Inspection Agreement
From: Kirk Swinney <kswinney@lsejlaw.com>
Date: 5/17/2019, 2:18 AM
To: Douglas Kirk <dougkirk@gvtc.com>

I previously responded.

Kirk Swinney

www.lsejlaw.com
623 S. Baker Cir.
Leander, Texas 78641
(512) 379-5800
cell: (512) 422-2847

-----Original Message-----

From: Douglas Kirk <dougkirk@gvtc.com>
Sent: Friday, May 17, 2019 1:08 AM
To: Kirk Swinney <kswinney@lsejlaw.com>
Subject: Inspection Agreement

Mr. Kirk Swinney:

I note that you did not return signed documents to me May 16, as I had requested, relative to the inspection.

Is there something in particular that you cannot agree to in the proposed agreement?

We have common ground based upon the judge's order:

Three people (Craig Zgabay, Jennifer Salizar, Kirk Swinney).

Beginning at 1 pm for two hours (1 pm - 3 pm).

On a day the week of May 19 through May 25.

You proposed May 21. I proposed May 19.

Sincerely,

Douglas Kirk

— ForwardedMessage.eml —

Subject: RE: Kirk v Comal AD
From: Kirk Swinney <kswinney@lsejlaw.com>
Date: 5/13/2019, 4:11 PM
To: Douglas Kirk <dougkirk@gvtc.com>