

Trial on the Merits, Volume 9  
July 16, 2010

Page 1

REPORTER'S RECORD  
VOLUME 9 OF \_\_\_ VOLUMES

TRIAL COURT CAUSE NO. DC-10-03186

LUIS DANIEL SEPULVEDA, )  
 ) IN THE DISTRICT COURT  
 )  
 )  
 Contestant, )  
 )  
 VS. ) 14TH JUDICIAL DISTRICT  
 )  
 )  
 CARLOS MEDRANO, )  
 )  
 )  
 )  
 Contestee. ) OF DALLAS COUNTY, TEXAS  
 )

-----  
TRIAL ON THE MERITS  
-----

On the 16th day of July, 2010, the following proceedings came on to be heard in the above-entitled and numbered cause before the Honorable Richard Davis, Judge presiding, held in Dallas, Dallas County, Texas; Proceedings reported by machine shorthand.



Trial on the Merits, Volume 9  
July 16, 2010

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

I N D E X  
VOLUME 9  
(TRIAL ON THE MERITS)

July 16, 2010	Page
Proceedings.....	4
Contestant rests.....	60
Contestee rests.....	60
Contestant closes.....	60
Contestee closes.....	60
Closing arguments by Mr. Buck Wood.....	60
Closing arguments by Mr. Dan L. Wyde.....	65
End of Proceedings.....	76
Court Reporter's Certificate.....	77

CONTESTANT'S WITNESSES

	Direct	Cross	Voir Dire	Vol
DAVID PENNINGTON	4			9
LUIS DANIEL SEPULVEDA	11			9
NANCY WOERTENDYKE	49	56		9

EXHIBIT INDEX

CONTESTANT'S

NO.	DESCRIPTION	OFFERED	ADMITTED	VOL.
153	Photograph of court demo	10	10	9
154	Photograph of court demo	10	10	9
155	Photograph of court demo	10	10	9
156	Photograph of court demo	10	10	9
157	Photograph of court demo	7	7	9
158	Photograph - SeGwen Tyler	33	33	9
	(All exhibits tendered and admitted for the limited purpose are admitted in their totality)	55	55	9

1 P R O C E E D I N G S

2 (Contestant's Exhibit Nos. 153-156 marked.)

3 THE COURT: You going to start with  
4 Mr. Pennington?

5 MR. WYDE: Yes.

6 THE COURT: You're still under oath.

7 DAVID PENNINGTON,  
8 having been previously duly sworn, testified as follows:

9 DIRECT EXAMINATION

10 BY MR. WYDE:

11 Q. Thank you for coming back, sir. Let me show  
12 you what you brought here as 1 -- what's marked 157.

13 A. Yes.

14 Q. And I believe you actually brought us an  
15 affidavit here at the back saying --

16 A. Yes.

17 Q. -- certificate of authenticity of official  
18 records?

19 A. Correct.

20 Q. Okay. And that's your name there, correct?

21 A. Correct.

22 Q. And you are a custodian of --

23 A. Correct.

24 Q. -- some of the records, I'm sure, over at the  
25 central appraisal district?

1 A. Yes.

2 Q. Okay. And the one question that came up  
3 yesterday was about this address on 2338 Douglas; is  
4 that right?

5 A. Yes.

6 Q. And we didn't have those papers yesterday, did  
7 we?

8 A. No.

9 Q. Now, you brought some other papers that  
10 included, for example, this general warranty deed --

11 A. Yes.

12 Q. -- for a Mr. Medrano; is that correct?

13 A. Correct.

14 Q. Carlos Medrano?

15 A. Right.

16 Q. And can you tell me what this -- the stack I'm  
17 handing you now, do they have to do with 3226 Rotan  
18 Lane?

19 A. Yes.

20 Q. Does that include the general warranty deed --

21 A. Yes.

22 Q. -- 3226 Rotan Lane?

23 A. Yes.

24 Q. Okay. Central appraisal district residential  
25 homestead exemption --

1 A. Yes.

2 Q. -- application form, correct?

3 A. Yes.

4 Q. And then there's a photocopy of this which I  
5 have -- I apologize I can't read that.

6 A. This applies to the other property.

7 Q. Okay. So that would go with the 2338 Douglas?

8 A. Yes.

9 Q. Okay. And could I trouble you to do me a  
10 favor, would you write that across that white part there  
11 just so we could -- no one has to hunt to look for what  
12 that applies to?

13 A. (Marking)

14 Q. Okay. And the same questions I'm sure you hear  
15 whenever you testify to some extent, these are all  
16 records that are kept in the ordinary course of  
17 business?

18 A. Yes.

19 Q. And they are generated by someone who would  
20 have personal knowledge who puts that data in probably  
21 some form of a database or computer system?

22 A. Yes.

23 Q. And then the database or computer system prints  
24 this stuff out; is that correct?

25 A. That's correct.

Trial on the Merits, Volume 9  
July 16, 2010

Page 7

1 Q. Is there any reason that you could say to Judge  
2 Davis, hey, look, I don't think this one's reliable?  
3 Are all of these documents reliable?

4 A. Yes, they are.

5 Q. Thank you. You can smile. It's okay.

6 A. Okay.

7 (Contestant's Exhibit No. 157 marked.)

8 MR. WYDE: Any objection to these?

9 MR. WOOD: You marked them?

10 MR. WYDE: Yeah. They're all part of 157.  
11 And here's the piece of paper you gave saying there's 17  
12 pages.

13 MR. WOOD: Okay.

14 MR. WYDE: Okay.

15 MR. WOOD: No, I have no objection, Your  
16 Honor.

17 MR. WYDE: Thank you.

18 THE COURT: 157, and what is the other  
19 exhibit number?

20 MR. WYDE: There wasn't, Judge. I included  
21 all of these --

22 THE COURT: All are 157?

23 MR. WYDE: -- as part of 157.

24 THE COURT: They're admitted.

25 MR. WYDE: And that's because he gave us a

Trial on the Merits, Volume 9  
July 16, 2010

Page 8

1 document stating it had -- it included 17 pages, if  
2 that's okay with the Court.

3 THE COURT: All right.

4 MR. WYDE: Yes, sir.

5 Q. (BY MR. WYDE) Briefly, if you could tell me  
6 about this 2338 address, is -- who is the owner as far  
7 as the Dallas Central Appraisal District goes?

8 A. Francisco Medrano and Socorro Medrano.

9 Q. Okay. And what is this particular deed, if you  
10 will?

11 A. This is a warranty deed between Carlos Medrano  
12 and Erica Perez pertaining to 3226 Rotan Lane.

13 Q. Okay. And what's going on in that, if you  
14 don't mind me asking?

15 A. There was, yesterday we -- when we discussed  
16 the homestead exception --

17 Q. Uh-huh.

18 A. -- on the homestead application, it said  
19 50 percent to Erica Perez, 50 percent to Carlos Medrano,  
20 and you remember I said that was put in place in 2007?

21 Q. Uh-huh.

22 A. In 2009, Carlos Medrano sold his interest to  
23 Erica Perez, so that's why when you look on the 2010  
24 records, it showed the 100 percent exemption. If you  
25 looked at the 2009, '8, '7 records, it would have shown

1 50 percent.

2 Q. Okay. And is that what this particular  
3 document here demonstrates?

4 A. This -- right. This is the original  
5 application where they listed 50 percent for Erica Perez  
6 and 50 percent for Carlos Medrano.

7 Q. Okay. And this Francisco Medrano and Socorro  
8 at 2338 Douglas, can you tell us about that document?

9 A. This is just their original homestead form they  
10 received in 1987.

11 Q. Okay. 19 when?

12 A. '87.

13 Q. Okay.

14 A. '88. '88, sorry.

15 Q. All right. Now, on this 2338 Douglas, can you  
16 tell us anything about that property, how big it is,  
17 square footage, or anything of that nature?

18 A. No, I don't have that -- the physical screen on  
19 here.

20 Q. Okay.

21 MR. WYDE: That's all the questions we  
22 have, Your Honor.

23 MR. WOOD: No questions, Your Honor.

24 THE COURT: Thank you. You may be finally  
25 excused.