**EXHIBIT 5**

**CAUSE NO. 43,647**

|  |  |  |
| --- | --- | --- |
| **IN THE MATTER OF** | **§** | **IN THE DISTRICT COURT** |
| **THE MARRIAGE OF** | **§** |  |
|  | **§** |  |
| **ALLISON GELBE-Pinkus** | **§** |
| **AND** | **§** | **510th Judicial District** |
| **mark Pinkus** | **§** |
|  | **§** |  |
| **And in the interest of** | **§** |  |
| **todd pinkus, thomas pinkus,** | **§** |  |
| **and lucy pinkus, children** | **§** | **Denton County, Texas** |

**EXHIBIT 5 – AFFIDAVIT OF CINDY V. TISDALE**

Before me the undersigned authority, on this day personally appeared, Cindy V. Tisdale, attorney for Mark Pinkus, known to me to be the person whose name is subscribed below, who, upon being duly sworn and under oath, did depose and state as follows:

“My name is Cindy V. Tisdale. I am over the age of twenty-one (21) years and am otherwise competent to make this affidavit. The statements contained herein are within my personal knowledge, and are true and correct.

“I am a licensed attorney, licensed to practice in the State of Texas and a partner in the firm of Tisdale, Indelicato & Key.

“I was retained by Mark Pinkus in June, 2008 to prepare the parties’ Waiver of Financial Disclosure and Premarital Agreement. I was the attorney of record for Mark Pinkus at the time the Waiver of Financial Disclosure and Premarital Agreement were signed. I have reviewed Mark Pinkus’ Motion for Partial Summary Judgment Regarding Enforceability of Premarital Agreement (the “Motion”), to which this affidavit is attached. I have also reviewed the Waiver of Financial Disclosure attached as Exhibit 1 and the Premarital Agreement attached as Exhibit 2 to the Motion. I hereby certify that the Waiver of Financial Disclosure and the Premarital Agreement are both true and correct copies of the documents my office prepared and have not been altered in any way.

“I was later retained by Mark Pinkus in December, 2018 to represent him in a divorce proceeding. I prepared Mark Pinkus’ Counter-Petition for Divorce and have reviewed the Counter-Petition for Divorce attached as Exhibit 3 to the Motion. I hereby certify that the Counter-Petition for Divorce is a true and correct copy of the document my office prepared and filed, and it has not been altered in any way.

“Further affiant sayeth not.”

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Cindy V. Tisdale,

Attorney for Mark Pinkus

SUBSCRIBED AND SWORN TO BEFORE ME by Cindy V. Tisdale, on this 27th day of January, 2019, to certify which witness my hand and official seal of office.

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Notary Public, State of Texas