

12-23-00238-CV

294th District Court 22-00105

UDO BIRNBAUM
Appellant

§ IN THE TWELFTH

v.

§ COURT OF APPEALS

CSD VAN ZANDT, LLC
Appellee

§ THE STATE OF TEXAS

**MOTION FOR REHEARING and MOTION FOR
RECONSIDERATION OF DISMISSAL OF APPEAL**

IMPORTANT NOTE: This Court’s records are in error. The supposed “judgment” of 8-17-2023 was not a “JUDGMENT” at all, but an “ORDER” on a “MOTION FOR SUMMARY JUDGMENT”. **Final Judgment** was 9-20-2023, upon which time-extending documents were timely filed on 10-3-2023. Details below:

Comes now UDO BIRNBAUM, “APPELLANT”, seeking reconsideration of this Court’s dismissal of his appeal and motions this Court for rehearing, because:

1. The **294th District Court** proceedings are inconsistent with due process, which is itself, the reason for this Appeal in the first place, and the eviction and relocation interrupted everything.

Attach 1 – **unlawful** eviction as a [supposed] “tenant” in a “unit” – by a district court, **which has no jurisdiction over eviction**, only the JP court of the precinct. See It’s the Berrys, LLC v. Edom Corner, LLC, 271 S.W.3d 765 (2008)

Attach 2 – utter destruction of “**DEFENDANT’S**” 42 year 150 acre homestead, forcing Defendant to relocate, and resurrect his computer and files and life.

2. Furthermore, the **APPELLATE COURT’S** records are in error. The “**ORDER**” of 8-17-2023 was **NOT** the date of “**FINAL JUDGMENT**”, but the date of an “**ORDER ON MOTION FOR SUMMARY JUDGMENT**”.

In this instance the curious granting to **PLANTIFF** of “*all relief requested*”, in a “**MOTION FOR SUMMARY JUDGMENT**”.

3. Summary judgment is when **there is no genuine issue as to any material fact** and the moving party is entitled to judgment as a matter of law on the issues expressly set out in the motion or in an answer or any other response. RCP 166a(c)

Be it noted that in Plaintiff’s Motion for Summary judgment the material issue was **TITLE, CHAIN OF DEEDS, CONSTRUCTIVE KNOWLEDGE, WHETHER TITLE EVER IN, OR COME OUT OF A PROBATE**, such clearly contested, as once again, by Defendant’s Response to Plaintiff’s Motion for Summary Judgment:

“4. DEFENDANT pleads that it is all pure fraud and theft by real estate deed fraud upon the elderly because 1) the 148.12 acres not being part of that estate, 2) no document of administrator’s deed or executor’s deed ever came out of probate nor could it by 4 year statute of limitations (no probate occurred until 2021), 3) no document of deed ever arose among the supposed THREE grantors, and 4) if by nothing else, defendant has full title if by nothing but peaceable and adverse possession, and 5) no document showing passage of title to Barclay, Moore, nor Girot exists.”

The District Court on 8-17-2023 **granting**, upon Motion for Summary Judgment, upon Plaintiff’s pleadings alone, of “*all relief requested*”, without jury trial, even a hearing ever, is inconsistent with due process.

4. Be it noted that “**FINAL JUDGMENT**” was not till 9-20-2023, without ever a trial, the jury fee having been paid, without there ever having been a hearing.

Attach 3 - The 8-17-2023 was **not a judgment**, but an **Order**

Attach 4 - The 9-20-2023 Final Judgment, **without ever a trial despite jury fee paid**, curiously upon earlier “**granting**” of the “*all relief requested*”, by the 8-17-2023 **Order**

5. Also the **294th District Court** issuing such eviction by “**WRIT OF POSSESSION/EVICTION**” despite there never having been a “**JUDGMENT OF POSSESSION**”, nor trial, nor at the time a “**FINAL JUDGEMENT**”, and the **294TH District Court** not having jurisdiction over “**EVICTIION**”, such only being had by the Justice Court of the Precinct. See It's the Berrys, LLC v. Edom Corner, LLC, 271 S.W.3d 765 (Tex. App. 2008), coming out of this very 294th.

As for the law:

An **execution** is a process of the court from which it is issued. **The clerk** of the district or county court or the justice of the peace, as the case may be, shall tax the costs in every case in which a final judgment has been rendered and **shall issue execution** to enforce **such judgment** and collect such costs. The execution and subsequent executions shall not be addressed to a particular county, but shall be addressed to any sheriff or any constable within the State of Texas. Tex. R. Civ. P. 622 , As Amended August 7, 2023

Eviction Cases must be filed in the **Justice Court in the Justice of the Peace Precinct in the county in which the real property is located**. See Section 24.004, Texas Property Code.

Attach 5 - the Writ of Possession, upon the curious “*all relief granted*” **ORDER** of 8-17-2023. Writs are upon **JUDGMENT**, of which there was NONE, and executed by signature of the “**CLERK**”, and under the “**Seal of the State of Texas**”, **and not by a judge**.

6. Also curious is the manner in which the document titled Writ of Possession came before the judge in the first place. As detailed above, **writs come from the CLERK**, and are issued upon what is in the judgment, of which there was of course none. In any case a judge is not involved in structuring or executing or modifying **the judgment, of which there was none in this case**.

But in these proceedings, and in the absence of a judgment of possession, never mind the absence of jurisdiction, or the absence of any judgment, **this writ was actually proposed** to the judge, under color of being an ORDER, for him to sign, and he, **inconsistent with due process**, signed it on 8-28-2023, as detailed above.

Attach 6 - the curious act of submission to a **JUDGE**, under **color of ORDER**, of a **PROPOSED** writ. WRITS are upon JUDGMENT, of which there was none, and upon signature and authority **of the CLERK** and not the judge.

Attach 7 - Docket sheet, showing **jury fee paid**, never a trial or hearing.

And again, **a district court does not have jurisdiction over eviction**, only he JP court of the precinct.

Also curious, is the 294th on **9-20-2023**, the day of signing Final Judgment, also signed Order Denying Emergency Motion to Stay Writ of Premises, such Emergency Motion upon the judge on **8-28-2023** already having signed, before judgment, the unlawful Writ of Possession, unlawful as detailed above.

6. Furthermore deadline-extending documents upon 9-20-2023 Final Judgment, all sent certified mail on 10-5-2023:

- *Request for Findings of Fact and Conclusions of Law*
- *Motion for New Trial because there never was a first*
- *Motion to Modify Correct and Reform the Judgment*
- *Notice of Appeal (filed after "FINAL JUDGEMENT" of 9-20-2023*

PRAYER

APPELLANT PRAYS that this Appeals Court, per RCP 49.2, invite Appellee to respond upon this matter, and grant this Motion for Rehearing and Motion for Reconsideration.

UDO BIRNBAUM
P.O. Box 4281
Palestine, TX 75802
903-802-9669
BRNBM@AOL.COM

Certificate of Service

Today October 12, 2023, CMRR 7020 1290 0000 2939 7519, to Twelfth Court of Appeals, 1517 West Front Street Suite 354, Tyler, Texas 75702

Today October 12, 2023, CMRR 7020 1290 0000 2939 7526, to Corey Kellam, Flowers Davis, 1021 ESE Loop 323, Suite 200, Tyler, Texas 75701.

Today October 12, 2023, CMRR 7020 1290 0000 2939 7533, to District Clerk, Karen L. Wilson, Courthouse, 121 E. Dallas St., Suite 302, Canton TX, 75103

UDO BIRNBAUM

Attach 1 - unlawful eviction as a "tenant" in a
"unit" - out of 150 acre 42 year HOMESTEAD

WARNING

A Writ of Possession has been issued by 294th
Judicial District Court of Van Zandt County,
Case No. 22-00105

All tenants and their personal property should be
removed from 540 Van Zandt County Road
2916, Eustace, Texas 75124 by

SEPTEMBER 07, 2023 at
9:00AM

Tenants and personal property remaining on the
premises after that date and time will be subject to
removal. The unit will be turned over to:

CSD Van Zandt, LLC

Van Zandt County Sheriffs Office
Posted by S.D. Henson

05 Day of September, 2023 at 2:54 pm

in America?



Me, UDO BIRNBAUM, 86 years old, recent stroke barely can walk, evicted by a Writ of Possession (“eviction”) - coming out of a district court, which has no jurisdiction whatsoever over “possession”, only the JP Court of the precinct – without ever a trial or hearing, out of my 42 year homestead – as a supposed “tenant” in a “unit” – by a fully armed SWAT team dozen – without ever inquiry with any of the neighbors, ever.

All upon the filing of a fraudulent lawsuit upon a fraudulent deed purporting to have conveyed my 150 acres, to a big time Dallas land developer, who likes Van Zandt County.

What is America smoking?

Attach 3 - This "ORDER" was "curiously" presented to be a "JUDGMENT" to get the WRIT OF POSSESSION ("eviction")

FILED FOR RECORD
2023 AUG 17 AM 11:23
KAREN WILSON
DIST CLERK VAN ZANDT CO. TX
BY Kara DEP

CAUSE NO. 22-00105

CSD VAN ZANDT LLC
Plaintiff

§
§
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§
§

IN THE DISTRICT COURT
294th JUDICIAL DISTRICT
VAN ZANDT COUNTY, TEXAS

v.

UDO BIRNBAUM
Defendant

**ORDER GRANTING
PLAINTIFF'S TRADITIONAL MOTION FOR SUMMARY JUDGMENT**

On August 17, 2023, came on to be considered *Plaintiff's Traditional Motion for Summary Judgment*. The Court, having considered said *Motion*, and all Responses and Replies, if any, is of the opinion that Plaintiff is entitled to judgment as a matter of law.

IT IS THEREFORE ORDERED, ADJUDGED, and DECREED that *Plaintiff's Traditional Motion for Summary Judgment* is hereby **GRANTED** in all things.

IT IS SO ORDERED.

SIGNED this the 17th day of August 2023.

Judge Chris Martin

Attach 4 - This "JUDGMENT" - without ever a trial or hearing - is supported ONLY by the fraudulent Attach 3 "granting" of 8-17-2023

CAUSE NO. 22-00105

CSD VAN ZANDT LLC
Plaintiff

§
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§
§

IN THE DISTRICT COURT

v.

294th JUDICIAL DISTRICT

UDO BIRNBAUM
Defendant

VAN ZANDT COUNTY, TEXAS

FINAL JUDGMENT

1. On August 17, 2023 the Court Granted all relief requested in *Plaintiff's Traditional Motion for Summary Judgment*.

2. Specifically, the Court grants judgment as a matter of law on Plaintiff's declaratory judgment and suit to quiet title claims.

3. Accordingly, the Court ORDERS, ADJUDGES AND DECREES that Plaintiff was a bona-fide purchaser of the Property and the Warranty Deed with Vendor's Lien, recorded on June 24, 2022 as document number 2022-007473 in the Official Public Records of Van Zandt County, Texas, conveying the subject Property from Lisa Leger Giro, Patricia Moore Barclay and James T. Moore, III to CSD Van Zandt LLC (Plaintiff) is valid and conveys full and complete legal title to Plaintiff, unencumbered by any interests asserted by Defendant.

4. The Court further ORDERS, ADJUDGES AND DECREES that the Warranty Deed Purporting to convey the subject Property from Louis Thibodeaux to Defendant, recorded on July 20, 2022 as document number 2022-008580 in the Official Public Records of Van Zandt County, Texas, along with any other unrecorded deed or instrument affecting title to the Property, are invalid and unenforceable.

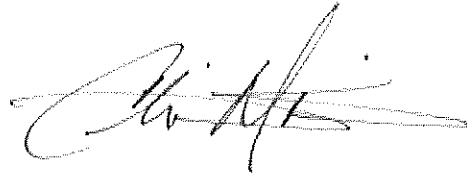
5. The Court also ORDERS, ADJUDGES AND DECREES that Defendant is permanently enjoined from: 1) entering onto or loitering at or near the Property for any reason, 2)

harassing or slandering Plaintiff or Plaintiff's legal counsel, or any director, officer, employee, agent, or contractor of Plaintiff or Plaintiff's legal counsel.

6. Further, the Court AWARDS to Plaintiff attorney's fees in the amount of sixteen thousand five hundred and eighty two dollars (\$16,582.00).

7. Lastly, the Court denies and disposes of any and all other claims, counter claims and relief requested by or against any party, individual or entity named or otherwise implicated in any pleadings which are pending in this suit.

SIGNED this 20th day of September 2023.



JUDGE PRESIDING
Chris Martin, 294th District Court

Attach 5 - this "WRIT OF POSSESSION" - is based solely on the fraudulent presentment (see Attach 6) of the Attach 3 "ORDER" of 8-17-2023 as being a "JUDGMENT"

CAUSE NO. 22-00105

CSD VAN ZANDT LLC
Plaintiff

§
§

IN THE DISTRICT COURT

v.

Was NOT a JUDGMENT
but an ORDER. See
Attach 3

294th JUDICIAL DISTRICT

UDO BIRNBAUM
Defendant

§
§

VAN ZANDT COUNTY, TEXAS

WRIT OF POSSESSION OF PREMISES

TO ANY SHERIFF OR CONSTABLE IN THE STATE OF TEXAS:

WHEREAS the Plaintiff has recovered judgment of possession of the premises in the above-entitled and numbered action; and

WHEREAS the judgment was executed on August 17, 2023; and

WHEREAS the Plaintiff has proven an entitlement to immediate possession of the premises;

YOU ARE HEREBY COMMANDED to place Plaintiff, CSD VAN ZANDT, LLC, in immediate possession of the premises located at 540 VZ County Road 2916, Eustace, Texas 75124, and legally described as:

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, 1991 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 Lindsay 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 105.73 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; and the W. 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. 2022-092473 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 East 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. 2020-095698 at the Northeast corner of said 17.25 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, passing a 1/2" Iron Rod Found at the South common corner of 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.

(1) When the writ is executed:

- (A) deliver possession of the premises to CSD Van Zandt LLC;
- (B) instruct Udo Birnbaum and/or all persons claiming under him to leave the premises immediately, and, if the persons fail to comply, physically remove them;
- (C) instruct Udo Birnbaum to remove, or to allow CSD Van Zandt LLC or other persons acting under your supervision to remove, all personal property from the premises other than personal property claimed to be owned by CSD Van Zandt LLC; and,
- (D) place, or have an authorized person place, the removed personal property outside at a nearby location, but not blocking a public sidewalk, passageway, or street and not while it is raining, sleeting, or snowing, with the exception of circumstances existing under Texas Property Code Sec. 24.0061 (d-1).

The officer serving this *Writ*, at the officer's discretion, may engage the services of a bonded or insured warehouseman to remove and store, subject to applicable law, part or all of the property at no cost to CSD Van Zandt LLC or the officer executing the *Writ*. The officer may not require CSD Van Zandt LLC to store the property.

NOTICE TO OFFICER: Under Section 7.003, Texas Civil Practice and Remedies Code, the officer is not liable for damages resulting from the execution of the *Writ* if the officer executes the *Writ* in good faith and with reasonable diligence.

8/30/2023 4:05:42 pm

SIGNED this ____ day of _____ 2023.



JUDGE PRESIDING
Chris Martin

RETURN

Came to hand on the ____ day of _____ 2023, at _____ o'clock ____ .m., and executed at _____, Van Zandt County, Texas, at _____ o'clock ____ .m. on the ____ day of _____ 2023, by placing CSD Van Zandt LLC in possession of the property described in accordance with the terms of the *Writ*.

CONSTABLE, Precinct _____
VAN ZANDT COUNTY, TEXAS

BY _____

Automated Certificate of eService

This automated certificate of service was created by the e filing system. The filer served this document via email generated by the e filing system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Amy Womack on behalf of Celia Flowers
Bar No. 7175500
aw@flowersdavis.com
Envelope ID: 78984965
Filing Code Description: Proposed Order
Filing Description: Writ of Possession of Premises
Status as of 8/31/2023 7:52 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Celia C.Flowers		ccf@flowersdavis.com	8/28/2023 3:08:03 PM	SENT
Corey RossKellam		crk@flowersdavis.com	8/28/2023 3:08:03 PM	SENT
Amy Womack		aw@flowersdavis.com	8/28/2023 3:08:03 PM	SENT
Jennifer Wallace		legalassistant@flowersdavis.com	8/28/2023 3:08:03 PM	SENT
Ashley Fortune		alf@flowersdavis.com	8/28/2023 3:08:03 PM	SENT
Shannon MBarber		sb@flowersdavis.com	8/28/2023 3:08:03 PM	SENT
Udo Birnbaum		brnbn@aol.com	8/28/2023 3:08:03 PM	SENT

Notification of Service for Case: 22-00105, CSD VAN ZANDT LLC VS. BIRNBAUM,UDO for filing Proposed Order, Envelope Number: 78984965

From: no-reply@efilingmail.tylertech.cloud
 To: brnbn@aol.com
 Date: Monday, August 28, 2023 at 03:08 PM CDT

Attach 6 - the "curious" submission of a PROPOSED WRIT OF POSSESSION ("eviction") - as being a simple ORDER to sign



Notification of Service

Case Number: 22-00105
 Case Style: CSD VAN ZANDT LLC VS. BIRNBAUM,UDO
 Envelope Number: 78984965

This is a notification of service for the filing listed. Please click the link below to retrieve the submitted document. If the link does not work, please copy the link and paste into your browser. You can also obtain this document by following the steps on this [article](#).

Filing Details	
Case Number	22-00105
Case Style	CSD VAN ZANDT LLC VS. BIRNBAUM,UDO
Date/Time Submitted	8/28/2023 3:08 PM CST
Filing Type	Proposed Order
Filing Description	Writ of Possession of Premises
Filed By	Amy Womack
Service Contacts	CSD VAN ZANDT LLC: Celia Flowers (ccf@flowersdavis.com) Corey Kellam (crk@flowersdavis.com) Amy Womack (aw@flowersdavis.com) Jennifer Wallace (legalassistant@flowersdavis.com) Ashley Fortune (alf@flowersdavis.com) Shannon Barber (sb@flowersdavis.com)

	BIRNBAUM,UDO:
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	Udo Birnbaum (brnbn@aol.com)
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Document Details	
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Served Document	Download Document
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This link is active for 30 days.	
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VAN ZANDT COUNTY CIVIL DOCKET
CAUSE # 22-00105

Attach 7 - "DOCKET SHEET" -
LOTS of paper. JURY FEE PAID
- but never a trial or hearing

CSD VAN ZANDT LLC

ATTORNEY: WATKINS, KATRYNA
1021 ESE LOOP 323, SUITE 200
TYLER, TX 75701
(903)534-8063

-- VS. --

BIRNBAUM, UDO

ATTORNEY:

CAUSE OF ACTION: TRESPASS TO TRY TITLE
FILE DATE: 08/24/2022

DATE	NATURE OF PROCEEDINGS
08/24/2022	ORIGINAL PETITION PLAINTIFF'S ORIGINAL PETITION AND APPLICATION FOR TEMPORARY INJUNCTION
08/24/2022	ISSUE CITATION
08/24/2022	JURY FEE
08/24/2022	RECEIPT ISSUED 214999
08/24/2022	ISSUE CITATION UDO BIRNBAUM CITATION ISSUED ENV# 67633331/ST/HP
08/29/2022	ANSWER ANSWER AND COUNTERCLAIM
08/30/2022	CITATION RETURNED UDO BIRNBAUM CITATION RETURNED EXECUTED ON 08/25/2022
09/29/2022	AMENDED FILING FIRST AMENDED ANSWER, COUNTER, CROSS, TRESPASS TO TRY TITLE, INJUNCTION, LAW LICENSES, CRIMINAL REFER
09/29/2022	ISSUE CITATION
09/29/2022	ISSUE CITATION
09/29/2022	ISSUE CITATION
09/29/2022	ISSUE CITATION
09/29/2022	RECEIPT ISSUED 215551
09/29/2022	ISSUE CITATION ROBERT O. DOW-CITATION ISSUED BY HAND TO UDO BIRNBAUM
09/29/2022	ISSUE CITATION COREY KELLAM-CITATION ISSUED BY HAND TO UDO BIRNBAUM
09/29/2022	ISSUE CITATION CELIA C. FLOWERS-CITATION ISSUED BY HAND TO UDO BIRNBAUM
09/29/2022	ISSUE CITATION VAN ZANDT COUNTY-CITATION ISSUED TO UDO BIRNBAUM
09/30/2022	CERTIFICATE OF CERTIFICATE OF WRITTEN DISCOVERY
10/20/2022	AMENDED FILING PLAINTIFF'S FIRST AMENDED ORIGINAL PETITION AND APPLICATION FOR TEMPORARY INJUNCTION
10/20/2022	MOTION (NO FEE) PLAINTIFF'S TRADITIONAL MOTION FOR SUMMARY JUDGMENT
10/20/2022	NOTICE NOTICE OF HEARING ENV#69447981
10/21/2022	DOCKET NOTE FIRST SET OF INTERROGATORIES TO CSD VAN ZANDT LLC

VAN ZANDT COUNTY CIVIL DOCKET
CAUSE # 22-00105

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CAUSE OF ACTION: TRESPASS TO TRY TITLE
FILE DATE: 08/24/2022
=====

DATE	NATURE OF PROCEEDINGS
10/28/2022	PROPOSED ORDER PROPOSED*ORDER GRANTING PLAINTIFF'S TRADITIONAL MOTION FOR SUMMARY JUDGMENT
11/03/2022	RESPONSE RESPONSE IN OPPOSITION TO THIS COURT'S SETTING FOR HEARING BY SUBMISSION OF PLAINTIFF'S MSJ FOR NOV.14,2022
11/11/2022	CERTIFICATE OF WRITTEN DISCOVERY CERTIFICATE OF WRITTEN DISCOVERY
11/14/2022	ANSWER/CONTEST/RESPONSE/WAIVER-FAM PLAINTIFF'S REPLY TO DEFENDANT'S RESPONSE IN OPPOSITION TO HEARING BY SUBMISSION OF PLAINTIFF'S MSJ FOR 11/14/22
11/14/2022	OBJECTION PLAINTIFF'S OBJECTIONS TO DEFENDANT'S EXHIBIT EVIDENCE
12/12/2022	MOTION (NO FEE) MOTION FOR RCP 190.4 LEVEL 3 DISCOVERY CONTROL PLAN
12/12/2022	REQUEST FIRST REQUEST FOR PRODUCTION OF CSD VAN ZANDT LLC
12/12/2022	MOTION (NO FEE) DEFENDANT'S MOTION FOR SUMMARY JUDGMENT RCP RULE 166 A (I) NO EVIDENCE TO CSD CLAIM OF TITLE
12/29/2022	MOTION (NO FEE) PLAINTIFF'S MOTION TO QUASH AND OBJECTIONS TO DEFENDANT'S NOTICE OF DEPOSITION OF CSD VAN ZANDT LLC
12/30/2022	CERTIFICATE OF WRITTEN DISCOVERY CERTIFICATE OF WRITTEN DISCOVERY
01/10/2023	MOTION (NO FEE) MOTION FOR SANCTIONS AND CRIMINAL REFER
02/07/2023	ANSWER SECOND AMENDED ANSWER COUNTER,CROSS,TRESPASS TRY TITLE, INJUCTION, LAW LICENSES, CRIMINAL REFER
02/07/2023	MOTION (NO FEE) MOTION IN RE BONHOEFFER'S THEORY OF STUPIDY
03/10/2023	VACATION LETTER VACATION LETTER
03/15/2023	PROPOSED ORDER PROPOSED ORDER GRANTING RCP 190.4 DISCOVERY CONTROL PLAN
03/15/2023	PROPOSED ORDER PROPOSED ORDER ON MOTION FOR SANCTIONS
04/10/2023	NOTICE NOTICE OF TRIAL SETTING ENV#74622761
04/11/2023	MOTION (NO FEE) MOTION FOR JUDICIAL NOTICE OF FRAUD BY FLOWERS DAVIS LAWYERS UPON OWN CLIENT AND THIS COURT
04/05/2023	PROPOSED ORDER PROPOSED- ORDER ON MOTION FOR SANCTIONS
04/05/2023	NOTICE DEFENDANT READY FOR TRIAL
04/19/2023	MOTION (NO FEE) PLAINTIFF'S MOTION FOR ENTRY OF DISCOVERY CONTROL PLAN AND SCHEDULING ORDER

VAN ZANDT COUNTY CIVIL DOCKET
CAUSE # 22-00105

=====

CAUSE OF ACTION: TRESPASS TO TRY TITLE
FILE DATE: 08/24/2022

=====

DATE	NATURE OF PROCEEDINGS
04/19/2023	PROPOSED ORDER PROPOSED DISCOVERY CONTROL PLAN AND SCHEDULING ORDER
04/19/2023	NOTICE NOTICE OF HEARING BY SUBMISSION ENV#75047404
04/24/2023	CERTIFICATE OF WRITTEN DISCOVERY CERTIFICATE OF WRITTEN DISCOVERY
04/21/2023	MOTION (NO FEE) MOTION TO COMPEL, SANCTIONS, AND CRIMINAL REFER RE A FLOWERS DAVIS PLLC VAN ZANDT REAL ESTATE DEED FRAUD RING
05/02/2023	RESPONSE DEFENDANT'S RESPONSE TO PLAINTIFF'S MOTION FOR DISCOVERY CONTROL PLAN AND RCP 220 AND RCP 504.1(C) NON-AGREE TO BEN TRIAL
05/03/2023	NOTICE OF INTENTION NOTICE OF INTENTION TO TAKE ORAL DEPOSITION OF UDO BIRNBAUM
05/08/2023	NOTICE NOTICE OF INTENTION TO TAKE ORAL DEPOSITION OF LISA GIROT
05/08/2023	DESIGNATION OF PLAINTIFF'S DESIGNATION OF EXPERT WITNESSES
05/11/2023	CERTIFICATE OF WRITTEN DISCOVERY CERTIFICATE OF WRITTEN DISCOVERY
06/15/2023	NOTICE NOTICE OF WITHDRAWAL AS COUNSEL
06/19/2023	CERTIFICATE OF REPORTER'S CERTIFICATE DEPOSITION OF LISA GIROT
07/14/2023	PROPOSED ORDER PROPOSED ORDER DECLARING CSD VAN ZANDT TITLE AS VOID-NOT SIGNED BY THE JUDGE
07/14/2023	MOTION (NO FEE) MOTION FOR SUMMARY ADJUDICATION OF TITLE
07/24/2023	LETTER LETTER TO JUDGE MARTIN
08/09/2023	PROPOSED ORDER DEFENDANT'S MOTION TO ORDER MEDIATION - TOOK DOWN TO WB
08/09/2023	RESPONSE DEFENDANT'S RESPONSE TO THIS COURT'S INQUIRY
08/14/2023	ANSWER/CONTEST/RESPONSE/WAIVER-FAM PLAINTIFF'S RESPONSE TO 1) DEFENDANT'S RESPONSE TO COURT'S INQUIRY AND 2) DEFENDANT'S MOTION TO ORDER MEDIATION
08/17/2023	ORDER ORDER DENYING DEFENDANTS MOTION FOR MEDIATION ENV# 79273221
08/17/2023	ORDER ORDER GRANTING PLAINTIFF'S TRADITIONAL MOTION FOR SUMMARY JUDGEMENT ENV# 79273221
08/29/2023	DOCKET NOTE CK #3033 TO CHRISTEL CHANTEL WALLING - SENT TO SDU
08/28/2023	SERVICE - SHERIFF - WRIT
08/28/2023	ISSUE WRIT
08/28/2023	ISSUE WRIT WRIT OF POSSESSION OF PREMISES-ISSUED TO VZSO FOR SERVICE
08/31/2023	RECEIPT ISSUED

VAN ZANDT COUNTY CIVIL DOCKET
CAUSE # 22-00105

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CAUSE OF ACTION: TRESPASS TO TRY TITLE
FILE DATE: 08/24/2022
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DATE NATURE OF PROCEEDINGS
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220667	
09/05/2023	LETTER LETTER FROM UDO BIRNBAUM
09/06/2023	NOTICE OF APPEAL NOTICE OF APPEAL
09/06/2023	MOTION (NO FEE) MOTION FOR RECUSAL
09/06/2023	MOTION (NO FEE) EMERGENCY MOTION TO STAY WRIT OF POSSESSION
09/06/2023	DOCKET NOTE LINES 71-73 TAKENT TO W. BARKER FOR REVIEW
09/06/2023	NOTICE OF COURT ORDER NOTICE OF COURT ODER- ORDER GRANTING PLAINTIFF'S TRADITIONAL MOTION FOR SUMMARY JUDGMENT ENV# 79273221
09/06/2023	NOTICE OF COURT ORDER NOTICE OF COURT ORDER -ORDER DENYING DEFENANT'F MOTION FOR MEDIATION ENV# 79273221
09/20/2023	NOTICE OF APPEAL CIVIL CERTIFICATE AND NOTICE OF APPEAL AND CIVIL CERTIFICATE SENT TO 12TH COURT OF APPEALS TRACE #14550
09/13/2023	NOTICE NOTICE FROM 12TH COURT OF APPEALS
09/13/2023	AMENDED FILING FIRST AMENDED EMERGENCY MOTION TO STAY WRIT OF POSSESSION/("EVICTION")
09/13/2023	AMENDED FILING ADDENDUM TO FIRST AMENDED EMERGENCY MOTION TO STAY WRIT OF POSSESSION/("EVICTION")
09/13/2023	AMENDED FILING FIRST AMENDED ADDENDUM TO FIRST AMENDED EMERGENCY MOTION TO STAY WRIT OF POSSESSION/("EVICTION")
09/13/2023	AMENDED FILING FIRST AMENDED MOTION FOR RECUSAL OF HON. JUDGE CHRIS MARTIN
09/13/2023	DOCKET NOTE LINES 77-80 TAKEN DOWN TO PT FOR REVIEW
09/08/2023	REQUEST REQUEST FOR ASSIGNMENT
09/08/2023	ORDER ORDER OF REFERRAL ON MOTION TO RECUSE ENV# 79596705
09/15/2023	NOTICE NOTICE OF COURT SETTING
09/15/2023	ORDER ORDER OF ASSIGNMENT BY THE PRESIDING JUDGE EVN# 79623809
09/18/2023	ANSWER/CONTEST/RESPONSE/WAIVER-FAM PLAINTIFF'S RESPONSE TO DEFENDANT'S MOTION FOR RECUSAL
09/18/2023	PROPOSED ORDER PROPOSED *ORDER DENYING DEFENDANT'S MOTION FOR RECUSAL
09/19/2023	ORDER ORDER DENYING MOTION TO RECUSE
09/19/2023	NOTICE OF COURT ORDER NOTICE OF COURT ORDER ENV# 79725386
