THIS MOTION - 3 pages
PROPOSED ORDER - 2 pages
also the 3 requests to show deeds

CAUSE NO. 22-00105

CSD VAN ZANDT LLC Plaintiff	$	IN THE DISTRICT COURT
v.	$	294th JUDICIAL DISTRICT
UDO BIRNBAUM Defendant	$	VAN ZANDT COUNTY, TX

MOTION FOR SUMMARY ADJUDICATION OF TITLE

TO THIS HONORABLE COURT:

INTRODUCTORY SUMMARY

1. Plaintiff, CSD VAN ZANDT LLC, pleads TITLE to 150 acres in Van Zandt County.

2. Defendant, UDO BIRNBAUM, pleads long time TITLE to these 150 acres, and that this very CSD suit upon him is an ongoing real estate deed fraud scheme upon the elderly, with such now ongoing upon him in this Court, at this very time.

DETAILS:

3. Plaintiff pleads a chain of conveyance of title, but nowhere does Plaintiff identify any DEEDS in such supposed chain, Texas allowing conveyance of title solely upon DEEDS. A purchaser takes title to real property solely through a deed. *Smith v. Davis*, No. 12-12-00169-CV, 2013 WL 2424266 (Tex.App.—Tyler 2013, no pet.).

4. Plaintiff, in *Plaintiff's First Amended Original Petition*, does plead such *"regular chain of conveyance from the sovereign"*, but utterly fails to identify any deed whatsoever coming OUT of the estate of Gwendolyn Wright Thibodeaux, certainly not onto Louis Thibodeaux, a by

then a THREE (3) year DECEASED, which incidentally would have had to have been a shuffling “from the DEAD upon the DEAD”.

5. Plaintiff, in *Plaintiff’s First Amended Original Petition, Count VIII, Trespass to try Title*, pleads as follows:

*** * * start of insert * * ***

14. Plaintiff adopts and incorporates the foregoing paragraphs herein for all purposes. Plaintiff does not believe that a title issue exists. However, out of an abundance of caution, Plaintiff pleads Trespass to Try Title in the alternative. “A trespass to try title action is the method of determining title to lands, tenements, or other real property.” Tex. Prop. Code §22.001(a). To prevail, a plaintiff must typically prove 1) a regular chain of conveyance from the sovereign; 2) superior title out of a common source; 3) title by limitations; or 4) title by prior possession coupled with proof that possession was not abandoned. Lance v. Robinson, 543 S.W.3d 723, 735 (Tex. 2018) (quoting Martin v. Amerman, 133 S.W.3d 262, 265 (Tex. 2004)).

15. Plaintiff obtained title to the Property via a regular chain of conveyance from the sovereign, as explained hereinabove. To reiterate, Mr. and Mrs. Travis conveyed the Property to Defendant, who conveyed same to Gwendolyn Wright Thibodeaux. Upon her death, the Property passed to Louis Thibodeaux, Patricia Moore Barclay, and James T. Moore, III. Subsequently, Lisa Leger Girot inherited Louis Thibodeaux’s interest in the Property upon his death. Plaintiff then purchased the Property from Lisa Leger Girot, Patricia Moore Barclay, and James T. Moore, III. As such, Plaintiff is entitled to immediate possession of the Property and a declaration of title in Plaintiff’s favor and against Defendant.

*** * * end of insert * * ***

SUMMARY:

But Plaintiff, neither upon Interrogatories, nor Request for Production, nor upon Defendant’s Motion for Summary judgment RCP 166a(i) No Evidence, has Plaintiff ever brought before this Court, any evidence of the existence of any chain of DEEDS supporting such claim of “chain of conveyance” of these 150 acres, Texas requiring that conveyance of land title can only be by a written DEED, from a grantor, to a grantee.

<u>Specifically missing is any evidence of any kind of any TEXAS LAND TITLE DEEDS to the 150 acres of ever having been in, much less having come out of the estate of Gwendolyn Wright Thibodeaux.</u>

<u>By reference:</u> (available Defendant's <u>DamnCourthouseCriminals.com</u>)

PLAINTIFF'S RESPONSE TO FIRST SET OF INTERROGATORIES
TO CSD VAN ZANDT LLC, Nov. 11, 2022

PLAINTIFF'S RESPONSE TO FIRST REQUEST FOR PRODUCTION
TO CSD VAN ZANDT LLC, Dec. 30, 2022

DEFENDANT'S MOTION FOR SUMMARY JUDGMENT RCP RULE 166a(i)
NO EVIDENCE TO CSD CLAIM OF TITLE, Dec 5, 2022

<u>PRAYER</u>

Defendant prays for Summary Adjudication of Plaintiff CSD having no chain of DEEDS to support Plaintiff CSD claim of title . Also, and again, for a Discovery Control Plan, and for this Court to set Defendant's counterclaim for trial, to show the jury his damages by CSD bulldozer tearing out 3000 feet of fences and gates, cloud of title upon his property, anguish and travail upon his person by this vicious lawsuit upon him, and for such other relief for which he may show himself to be justly entitled.

Such as for exemplary and/or punitive damages as a message to crooks not to come to Van Zandt County.

[Proposed] Order herewith,

–

____

UDO BIRNBAUM, *Pro Se*
540 VZ County Road 2916
Eustace, TX 75124
903 802-9669
BRNBM@AOL.COM

Certificate of Service
Today July 14, 2023, by Certified
7021 0350 0002 3247 7919
to Flowers Davis, 1021 ESE Loop
323, Suite 200, Tyler, Texas 75701

THE PROPOSED ORDER
(to go with the above Motion)

CAUSE NO. 22-00105

CSD VAN ZANDT LLC Plaintiff	$	IN THE DISTRICT COURT
v.	$	294th JUDICIAL DISTRICT
UDO BIRNBAUM Defendant	$	VAN ZANDT COUNTY, TX

<u>ORDER DECLARING CSD VAN ZANDT TITLE AS VOID</u>

1. Plaintiff, CSD VAN ZANDT LLC, pleads TITLE to 150 acres in Van Zandt County at 540 VZ County Road 2916.

2. Defendant, UDO BIRNBAUM, pleads long time TITLE to these 150 acres, and that this very CSD suit upon him is an ongoing real estate deed fraud scheme upon the elderly.

3. Plaintiff pleads a chain of conveyance of title, but nowhere does Plaintiff identify any DEEDS in such supposed chain, Texas allowing conveyance of title solely upon DEEDS. A purchaser takes title to real property solely through a deed. *Smith v. Davis*, No. 12-12-00169-CV, 2013

4. Plaintiff, neither upon Interrogatories, nor Request for Production, nor upon <u>*Defendant's Motion for Summary Judgment RCP 166a(i) No Evidence to CSD Claim of Title*</u>, has Plaintiff ever brought before this Court, any evidence of the existence of any chain of DEEDS supporting such claim of "chain of conveyance" of these 150 acres, Texas requiring that conveyance of land title can only be by a written DEED, from a grantor, to a grantee.

5. THEREFORE, this Court is of the OPINION, that Plaintiff does not hold title to this property, and today DECLARES such.

6. IT IS THEREFORE ORDERED and DECLARED, that Document No. 2022-007473, WARRANTY DEED WITH VENDORS LIEN, Barclay Patricia Moore to CSD Van Zandt, filed and recorded with the Van Zandt County Clerk on 6/24/2022 at 01:11 PM, is VOID, and does NOT convey any title whatsoever, of the 150 acres at issue, onto CSD Van Zandt.

IT IS SO ORDERED and DECLARED.

SIGNED this the ________ day of ________________ 2023

____
Judge Chris Martin

FAILURE / REFUSAL TO IDENTIFY
(their supposed chain of DEEDS)

CAUSE NO. 22-00105

CSD VAN ZANDT LLC	§	**IN THE DISTRICT COURT**
Plaintiff	§	
	§	
v.	§	**294TH JUDICIAL DISTRICT**
	§	
UDO BIRNBAUM	§	
Defendant	§	**VAN ZANDT COUNTY, TEXAS**

PLAINTIFF'S RESPONSE TO FIRST SET OF INTERROGATORIES TO CSD VAN ZANDT LLC

TO: Udo Birnbaum, located at 540 VZ County Road 2916, Eustace, Texas 75124.

COMES NOW, Plaintiff, CSD VAN ZANDT LLC, (hereinafter "Plaintiff") and files its *Response to First Set of Interrogatories to CSD Van Zandt LLC* pursuant to the Texas Rules of Civil Procedure.

Respectfully submitted,

FLOWERS DAVIS, P.L.L.C.
1021 ESE Loop 323, Suite 200
Tyler, Texas 75701
(903)534-8063 Phone
(903)534-1650 Fax

/s/ Katryna R. Watkins
KATRYNA R. WATKINS
State Bar No. 24106554
krw@flowersdavis.com

ATTORNEY FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this instrument was served on all parties of record via electronic service manager on the 11th day of November 2022.

/s/ Katryna R. Watkins
KATRYNA R. WATKINS

RESPONSE TO FIRST SET OF INTERROGATORIES

INTERROGATORY NO. 1: Identify the document of title conveying legal capacity to such LISA LEGER GIROT to bring about such transfer of title (Plaintiff Attachment 1).

ANSWER:

Plaintiff objects to the foregoing interrogatory as vague and unclear, as "legal capacity" is not defined. Moreover, Plaintiff further objects to Defendant's reference to "Plaintiff Attachment 1", as there is no attachment. *See Davis v. Pate*, 915 S.W.2d 76, 79 n.2 (Tex. App.---Corpus Christi 1996, orig. proceeding).

INTERROGATORY NO. 2: Identify the document of title conveying legal capacity to such PATRICIA MOORE BARCLAY to bring about such transfer of title (Plaintiff Attachment 1).

ANSWER:

Plaintiff objects to the foregoing interrogatory as vague and unclear, as "legal capacity" is not defined. Moreover, Plaintiff further objects to Defendant's reference to "Plaintiff Attachment 1", as there is no attachment. *See Davis v. Pate*, 915 S.W.2d 76, 79 n.2 (Tex. App.---Corpus Christi 1996, orig. proceeding).

INTERROGATORY NO. 3: IDENTIFY the document of title conveying legal capacity to such JAMES T. MOORE III to bring about such transfer of title (Plaintiff Attachment 1).

ANSWER:

Plaintiff objects to the foregoing interrogatory as vague and unclear, as "legal capacity" is not defined. Moreover, Plaintiff further objects to Defendant's reference to "Plaintiff Attachment 1," as there is no attachment. *See Davis v. Pate*, 915 S.W.2d 76, 79 n.2 (Tex. App.---Corpus Christi 1996, orig. proceeding).

CAUSE NO. 22-00105

CSD VAN ZANDT LLC *Plaintiff*	§ § §	**IN THE DISTRICT COURT**
v.	§ §	**294TH JUDICIAL DISTRICT**
UDO BIRNBAUM *Defendant*	§ §	**VAN ZANDT COUNTY, TEXAS**

VERIFICATION OF ROBERT O. DOW

BEFORE ME the undersigned authority personally appeared Robert O. Dow who swore or affirmed to tell the truth and stated as follows:

1. "My name is Robert O. Dow. I am over the age of eighteen, of sound mind, and capable of making this Verification. I am fully authorized to make the statements contained herein. I have personal knowledge of the facts herein stated and the same are true and correct for all purposes.

2. I have reviewed *Plaintiff's Response to First Set of Interrogatories to CSD Van Zandt LLC* and have personal knowledge of all the facts contained therein, which are true and correct. I understand that any false statements made in this Verification will subject me to penalties of perjury."

AFFIANT FURTHER SAYETH NOT.

Robert O. Dow

STATE OF TEXAS §
§
COUNTY OF DALLAS §

SWORN and SUBSCRIBED before me, the undersigned authority on this the 10th day of November 2022 by Robert O. Dow.

AMANDA ACOSTA
ID #124147137
My Commission Expires
September 14, 2023

Amanda Acosta
Notary Public, In and for
The State of Texas
My Commission Expires: 9/14/2023

FAILURE / REFUSAL TO PRODUCE
(their supposed chain of DEEDS)

CAUSE NO. 22-00105

CSD VAN ZANDT LLC	§	**IN THE DISTRICT COURT**
Plaintiff	§	
	§	
v.	§	**294TH JUDICIAL DISTRICT**
	§	
UDO BIRNBAUM	§	
Defendant	§	**VAN ZANDT COUNTY, TEXAS**

PLAINTIFF'S RESPONSE TO FIRST REQUEST FOR PRODUCTION TO CSD VAN ZANDT LLC

TO: Udo Birnbaum, Pro Se, located at 540 VZ County Road 2916, Eustace, Texas 75124.

COMES NOW, Plaintiff, CSD VAN ZANDT LLC, (hereinafter "Plaintiff") and files its *Response to First Request for Production to CSD Van Zandt LLC* pursuant to the Texas Rules of Civil Procedure.

Respectfully submitted,

FLOWERS DAVIS, P.L.L.C.
1021 ESE Loop 323, Suite 200
Tyler, Texas 75701
(903)534-8063 Phone
(903)534-1650 Fax

/s/ Katryna R. Watkins
KATRYNA R. WATKINS
State Bar No. 24106554
krw@flowersdavis.com

ATTORNEY FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this instrument was served on all parties of record via electronic service manager on the 30th day of December 2022.

/s/ Katryna R. Watkins
KATRYNA R. WATKINS

RESPONSE TO FIRST REQUEST FOR PRODUCTION

PRODUCTION NO. 1: Such documents as CSD Van Zandt LLC in paragraph 15 of Plaintiffs First Amended Original Petition claims show Plaintiff obtaining title to the 148.12 acre Premises "via a regular chain of conveyance from the sovereign", and specifically documents showing passage of conveyance of title through the 2021 belated probate by LISA L. GIROT of intestate GWENDOLYN WRIGHT THIBODEAUX estate of 2006, and further through the 2019 estate of LOUIS THIBODEAUX unto LISA L. GIROT.

> (i.e. *"15. Plaintiff obtained title to the Property via* a *regular chain of conveyance from the sovereign,* as *explained hereinabove."*

RESPONSE: Plaintiff objects to the foregoing request as lacking specificity as Defendant does not identify the probate causes involving Gwendolyn Thibodeaux and Louis Thibodeaux to which he refers. *See Davis v. Pate*, 915 S.W.2d 76, 79 n.2 (Tex. App.---Corpus Christi 1996, orig. proceeding). Subject thereto, all documents responsive to this request have been produced.

PRODUCTION NO. 2: Such deed, if any, conveying title to LISA GIROT, to have title to convey.

RESPONSE: Plaintiff objects to the foregoing request as vague and unclear as Plaintiff cannot determine to which property or properties the above-mentioned deed or title refer. *See Davis v. Pate*, 915 S.W.2d 76, 79 n.2 (Tex. App.---Corpus Christi 1996, orig. proceeding). Subject thereto, all documents responsive to this request have been produced.

PRODUCTION NO. 3: Such deed, if any, conveying title to PATRICIA MOORE BARCLAY, to have title to convey.

RESPONSE: Plaintiff objects to the foregoing request as vague and unclear as Plaintiff cannot determine to which property or properties the above-mentioned deed or title refer. *See Davis v. Pate*, 915 S.W.2d 76, 79 n.2 (Tex. App.---Corpus Christi 1996, orig. proceeding). Subject thereto, all documents responsive to this request have been produced.

PRODUCTION NO. 4: Such deed, if any, conveying title to JAMES T. MOORE III, to have title to convey.

RESPONSE: Plaintiff objects to the foregoing request as vague and unclear as Plaintiff cannot determine to which property or properties the above-mentioned deed or title refer. *See Davis v. Pate*, 915 S.W.2d 76, 79 n.2 (Tex. App.---Corpus Christi 1996, orig. proceeding). Subject thereto, all documents responsive to this request have been produced.

CAUSE NO. 22-00105

CSD VAN ZANDT LLC	§	**IN THE DISTRICT COURT**
Plaintiff	§	
	§	
v.	§	**294TH JUDICIAL DISTRICT**
	§	
UDO BIRNBAUM	§	
Defendant	§	**VAN ZANDT COUNTY, TEXAS**

PLAINTIFF'S RESPONSE TO FIRST REQUEST FOR PRODUCTION TO CSD VAN ZANDT LLC

TO: Udo Birnbaum, Pro Se, located at 540 VZ County Road 2916, Eustace, Texas 75124.

COMES NOW, Plaintiff, CSD VAN ZANDT LLC, (hereinafter "Plaintiff") and files its *Response to First Request for Production to CSD Van Zandt LLC* pursuant to the Texas Rules of Civil Procedure.

Respectfully submitted,

FLOWERS DAVIS, P.L.L.C.
1021 ESE Loop 323, Suite 200
Tyler, Texas 75701
(903)534-8063 Phone
(903)534-1650 Fax

/s/ Katryna R. Watkins
KATRYNA R. WATKINS
State Bar No. 24106554
krw@flowersdavis.com

ATTORNEY FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this instrument was served on all parties of record via electronic service manager on the 30th day of December 2022.

/s/ Katryna R. Watkins
KATRYNA R. WATKINS

RESPONSE TO FIRST REQUEST FOR PRODUCTION

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> (i.e. *"15. Plaintiff obtained title to the Property via* a *regular chain of conveyance from the sovereign,* as *explained hereinabove."*

RESPONSE: Plaintiff objects to the foregoing request as lacking specificity as Defendant does not identify the probate causes involving Gwendolyn Thibodeaux and Louis Thibodeaux to which he refers. *See Davis v. Pate*, 915 S.W.2d 76, 79 n.2 (Tex. App.---Corpus Christi 1996, orig. proceeding). Subject thereto, all documents responsive to this request have been produced.

PRODUCTION NO. 2: Such deed, if any, conveying title to LISA GIROT, to have title to convey.

RESPONSE: Plaintiff objects to the foregoing request as vague and unclear as Plaintiff cannot determine to which property or properties the above-mentioned deed or title refer. *See Davis v. Pate*, 915 S.W.2d 76, 79 n.2 (Tex. App.---Corpus Christi 1996, orig. proceeding). Subject thereto, all documents responsive to this request have been produced.

PRODUCTION NO. 3: Such deed, if any, conveying title to PATRICIA MOORE BARCLAY, to have title to convey.

RESPONSE: Plaintiff objects to the foregoing request as vague and unclear as Plaintiff cannot determine to which property or properties the above-mentioned deed or title refer. *See Davis v. Pate*, 915 S.W.2d 76, 79 n.2 (Tex. App.---Corpus Christi 1996, orig. proceeding). Subject thereto, all documents responsive to this request have been produced.

PRODUCTION NO. 4: Such deed, if any, conveying title to JAMES T. MOORE III, to have title to convey.

RESPONSE: Plaintiff objects to the foregoing request as vague and unclear as Plaintiff cannot determine to which property or properties the above-mentioned deed or title refer. *See Davis v. Pate*, 915 S.W.2d 76, 79 n.2 (Tex. App.---Corpus Christi 1996, orig. proceeding). Subject thereto, all documents responsive to this request have been produced.

FAILURE / REFUSAL TO SHOW
ANY EVIDENCE AT ALL
(of having any DEEDS whatsoever)
NOTE: They never even answered

CAUSE NO. 22-00105

CSD VAN ZANDT LLC Plaintiff/Counter Defendant		
v.	$	IN THE DISTRICT COURT
UDO BIRNBAUM Defendant/Cross Plaintiff	$	294TH JUDICIAL DISTRICT
v.		
ROBERT O. DOW	$	VAN ZANDT COUNTY, TX
COREY KELLAM		
CELIA C. FLOWERS	$	
VAN ZANDT COUNTY Cross Defendants		

DEFENDANT'S MOTION FOR SUMMARY JUDGMENT RCP RULE 166a(i) NO EVIDENCE TO CSD CLAIM OF TITLE

All a "you pick'em we pluck'em" deed fraud scam

Table of Contents

Intro – a real estate deed fraud gone off script by bulldozer

1. A LISA GIROT from Louisiana, through charity Veterans for Veterans, endears herself to rich veterans gone senile, as she did upon my buddy LOUIS THIBODEAUX, to get herself be made his guardian, getting him to will everything to her just one year before his complete death, then Girot belatedly

going back under false pretenses in 2021 to probate the 2006 intestate estate of his oil and property rich wife GWENDOLYN WRIGHT THIBODEAUX, Girot fraudulently using a known to her erroneous mention of my 148.12 acres in that estate, then Girot falsifying the records of ownership at the Appraisal District to show her as then owner, and Girot believing 85 year old me, UDO BIRNBAUM, to be just as senile as my Buddy LOUIS THIBODEAUX, feeds my name as one of easy prey to a "you pick'em we pluck'em" real estate deed fraud ring.

2. It is beyond impossible to believe that ROBERT O. DOW, an experienced Dallas land developer, East Texas Title Company, Sanger Bank lender of $850,000, Celia Flowers of FLOWERS DAVIS preparing the CSD Van Zandt deed from grantors therein, Girot, Barclay, and Moore, for ALL not to have noticed that NONE of the grantors had any title whatsoever to show, and ROBERT O. DOW not to notice my living and having lived in my in my 1 1/2 story 2200 square foot brick house on the highest place on the property ever since building in 1985, Dow before buying having trespassed to do actual survey of the property, Dow not inquiring with any of the neighbors, and Dow arriving with bulldozer, lock and chain and No Trespass sign upon my property, taking turns with the guillotine cutting each other's locks and chains and taking down each other's No Trespass signs, tearing out 3000 feet of internal fences, terrorizing the pasture and roots of trees in the middle of an August drought and condemning such to death, Dow then start eviction proceedings via JP court, and then via this District Court in this 22-00105, and Dow then have the gall of with one dump, come with new pleading suddenly me no longer "tenant at will", but as an unlawful "squatter" in my own house, and as the PLAINTIFF by Motion for Summary Judgment, and "submission" of his fraudulent crap, have the judge just sign everything over to him.

3. Damning is the Affidavit of LISA GIROT, even the need for such, and the clear fraud therein, and the lawyers, all THREE of them, especially CELIA FLOWERS, very author of the fraudulent CSD title, having herself brought this suit 22-00105 in the first place. . Same for the original Affidavit of Robert Dow, and the cover up of such by the later Affidavit of Robert Dow.

4. Likewise damning and revealing is the sequence of events at the “hearing by submission” as events unfolded in the court exactly as pleaded by Defendant Udo Birnbaum in his Response to the **Nov. 14, 2022 Setting** for “submission”.

5. PLAINTIFF CSD claims title to 148.12 acres in Van Zandt County, Texas by a purported warranty deed “stitching” purported individual undivided entitlements of a Patricia Moore Barclay, James T. Moore, and a Lisa Leger Girot, supposedly arising out of the 2006 estate of a Gwendolyn Wright Thibodeaux, by stitching such purported individual undivided **entitlements** into purported 100% *fee simple* **land title**.

6. DEFENDANT BIRNBAUM 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.

7. PLAINTIFF, CSD and / or ROBERT DOW, even if were innocent, is a victim of his own ignorance, arrogance, negligence, lawyers, lenders, and other birds of same feather.

8. DEFENDANT BIRNBAUM is not the cause of any damages to Plaintiff. Plaintiff's damage is by its own greed, stupidity, and whatsoever other.

Chronology

January 24, 2020, call from LISA GIROT, already setting me up for THEFT.
https://drive.google.com/file/d/1INrd0ZJUakRIi92-pk-j9YcWvgvy8fvE/view?usp=share_link

June 24, 2022, call from a Corey Kellam telling me a CSD Van Zandt LLC had purchased "that property", desperately grasping for information, I perplexed.
https://drive.google.com/file/d/1LGbi6mfVshI0S89a7dFhUkDKO9BJI6Ly/view?usp=share_link

June 30, 2022, Kellam serves *Notice of Eviction*, for me as "tenant at will", out of my own 1 1/2 story 2200 square foot house I have been living in ever since 1985. Eviction of course solely by JP court. Title solely by district court, so onward next.
https://drive.google.com/file/d/1KO5HeeNh1TNZAIuu8cb11UcOu0uff8rZ/view?usp=share_link

August 24, 2022, Plaintiff's *Original Petition and Application for Temporary Injunction* for trespass to try title and declaratory relief in this 294th District Court.
https://drive.google.com/file/d/12wjzO4PGBEybZxMHl02NlfmrUirWT5UC/view?usp=share_link

August 29, 2022, Defendant's *Answer and Counterclaim*, for $850K.
https://drive.google.com/file/d/1XkDrIxrRyLnzHL-3qEiP8qYYTfZI_8Sv/view?usp=share_link

September 28, 2022, Defendant's *First Amended Answer*, *Counter*, *Cross*, *Trespass to Try Title*, *Law Licenses*, *Criminal Refer*
https://drive.google.com/file/d/1GD6KYylOPne04KQRGNcmF2Cs5b7hsksk/view?usp=share_link

October 28, 2022, Plaintiff without ever discovery, does **simultaneous dump**:

Plaintiff's First Amended Original Petition and Application for Temporary Injunction,
https://drive.google.com/file/d/18vf-IJnVJkdZ-gMoFlYoqSAbtpHr0dSe/view?usp=share_link

Plaintiff's Traditional Motion for Summary Judgment thereon, and
https://drive.google.com/file/d/15ZUHymszto_XEQhUM9Vb0FCR3KJ9CLZc/view?usp=share_link

Notice of Hearing thereon by "hearing by submission" for November 14, 2022 at 4:30 p.m.
https://drive.google.com/file/d/1MjLEX6GCYq2Udxfw48MuQXf609EtUsCp/view?usp=share_link

<u>November 3, 2022</u>, Defendant's *Response to this Court's Setting for hearing by Submission of Plaintiff's MSJ for Nov. 14, 2022*, loudly and specifically detailing and **<u>complaining of such fraud</u>**
https://drive.google.com/file/d/1LYBtIn9ZmhrJrWnToRpN6LCxaV6948uy/view?usp=share_link

<u>November 11, 2022</u>, *Plaintiff's Response to First Set of Interrogatories to CSD Van Zandt LLC,* Answer not as required by Plaintiff and sworn to as such, but **<u>lawyer gobbledygook VERIFIED by the Plaintiff</u>**. Pathetic.
https://drive.google.com/file/d/1WFVqoh8neDbttp1na5UJSZwSiFdRJmUm/view?usp=share_link

<u>November 13, 2022</u>, Sunday morning 10:30 am, the very day before the fraudulent "hearing by submission" for Nov. 14, 2022, Plaintiff's Katryna R. Watkins filed <u>Plaintiff's Objections to Defendant's Exhibit Evidence</u>
https://drive.google.com/file/d/1Zj19rZGcTHjtSHynvdXFyMjdq5aIqygs/view?usp=share_link

<u>Alice in Wonderland – Wonder Court</u>

The Wonder Hearing collapses into itself
Only thing left – the Cheshire cat's grin

9. And so, on Wonder Day, **<u>November 14, 2022</u>**, for such "hearing by submission", Defendant was directed to the courtroom where this hearing was to be. No one even knew what a "hearing by submission" was, until no judge showed, and then somehow the bailiff suddenly knew exactly what a hearing by submission was, that such was not a hearing at all, and picked up Defendant's humongous pile of documents **<u>for someone who had just now somehow just instructed him</u>**.

10. And, exactly as pleaded in Defendant's *Response to this Court's Setting for hearing by Submission of Plaintiff's MSJ for Nov. 14, 2022,* CSD Van Zandt LLC had indeed **<u>perverted the very court process</u>**, i.e. "extrinsic fraud" by fraud of "hearing by submission" of its fraudulent Motion for Summary Judgment of its fraudulent cause upon its fraudulent deed of title. PATHETIC.

11. Motion for Summary Judgment requires a hearing, a real oral hearing, period, RCP 166a(c) *"the time specified **<u>for hearing</u>**"*, *"the day **<u>of hearing</u>**"*, *"be received **<u>at the hearing</u>**"*.

> NOTE: See BONUS ATTACH plum DRACONIAN safeguards to allow UNCONTESTED "hearing by submission" by LOCAL RULES by Denton County District Court. In any case, there HAS to be <u>opportunity</u> for respondent to be ORAL heard. PERIOD

Warning to attorney

12. On **November 13, 2022**, Sunday morning 10:30 am, the very day before the "hearing by submission" for **Nov. 14, 2022**, Plaintiff's Katryna R. Watkins filed Plaintiff's Objections to Defendant's Exhibit Evidence, for the Court to strike: https://drive.google.com/file/d/1Zj19rZGcTHjtSHynvdXFyMjdq5aIqygs/view?usp=share_link

> *"each reference in Udo Birnbaum's Affidavit **to the presence of fraud** in the conveyance at subject between CSD as inadmissible conclusory legal and factual statements, of which Defendant has failed to demonstrate any personal knowledge or expertise in title examination. Stated otherwise, Defendant is **not qualified** to make those statements and the portions of Defendant's Affidavit that allege fraud, which is wholly unsubstantiated, **should be struck** as inadmissible."*

Ms. Watkins, you are de facto asking Judge Martin to look at the Affidavit to see if there is anything in there that he should consider him not looking at.

Ms. Watkins, you are de facto asking Judge Martin to NOT consider and NOT act upon complaints of fraud, in clear violation of his oath of office?

13. Ms. Watkins, as an aside, you have had your law license for 5 years. Affiant Defendant has been in this Court continuously 28 years ever since 1994, and Defendant Affiant himself is the author of at least 3 of the deeds at issue in this cause, and on his own found the fraud in CSD deed of "stitching together" supposed **estate entitlements** into **land title**, also the weasel quit-claim language in there next to the last paragraph just above the first signature.

Ms. Watkins, you are the **not qualified**. Time for you to call the cops.

Executive Intro

14. PLAINTIFF CSD pleads its claim solely upon "entitlements" to a probated estate, which probate is binding only upon the parties to that proceeding. Neither Defendant nor Plaintiff was a party. Plaintiff CSD has no evidence of conveyance of title (i.e. deed) to its supposed grantors, so as to have such supposed grantors have legal capacity (i.e. have anything) to convey to CSD. PERIOD.

15. DEFENDANT BIRNBAUM is not the cause of any damages to Plaintiff. Plaintiff's damage is by its own greed, stupidity, negligence, and whatsoever other.

Summary Intro

16. And as in *Judgment of Heirship* as included in Plaintiff CSD's Pleadings, *"No administration is necessary"*, so no administrator, no inventory of the estate, no judicial determination what was in the estate, no deed, title, Administrator's Deed or whatsoever coming "out", to give **land title** to anyone, to give to anyone.

17. And as exactly pleaded by Defendant, the brutal fact is that CSD got swindled to borrow $850,000 from Sanger Bank to buy air from a GIROT, BARCLAY, and a MOORE III,.

18. Defendant is not the cause of any damages to Plaintiff CSD. Plaintiff's damage is by its own negligence, greed, stupidity, lawyers, or whatsoever other.

Details

"all been said before"

Plaintiff's Original Petition and Application for Temporary Injunction – 67 pages
https://drive.google.com/file/d/12wjzO4PGBEybZxMHl02NlfmrUirWT5UC/view?usp=share_link

Answer and Counterclaim – 1 page
https://drive.google.com/file/d/1XkDrIxrRyLnzHL-3qEiP8qYYTfZI_8Sv/view?usp=share_link

First Amended Answer, Counter, Cross, Trespass to Try Title, Law Licenses, Criminal Referral – 21 pages
https://drive.google.com/file/d/1GD6KYylOPne04KQRGNcmF2Cs5b7hsksk/view?usp=share_link

Plaintiff's First Amended original Petition and Application for Temporary injunction – 67 pages
https://drive.google.com/file/d/18vf-IJnVJkdZ-gMoFlYoqSAbtpHr0dSe/view?usp=share_link

Plaintiff's Traditional Motion for Summary Judgment – 113 pages
https://drive.google.com/file/d/15ZUHymszto_XEQhUM9Vb0FCR3KJ9CLZc/view?usp=share_link

Response in Opposition to this Court's Setting for Hearing by Submission of Plaintiff's MSJ - 33 pages
https://drive.google.com/file/d/1LYBtIn9ZmhrJrWnToRpN6LCxaV6948uy/view?usp=share_link

Plaintiff's Response to First Set of Interrogatories to CSD Van Zandt LLC – 4 pages
https://drive.google.com/file/d/1WFVqoh8neDbttp1na5UJSZwSiFdRJmUm/view?usp=share_link

Plaintiff's Objections to Defendant's Exhibit Evidence – 5 pages
https://drive.google.com/file/d/1Zj19rZGcTHjtSHynvdXFyMjdq5aIqygs/view?usp=share_link

Conclusion

CSD Van Zandt LLC has no evidence whatsoever of chain of title:

19. CSD Van Zandt LLC, in paragraph 15 of Plaintiff's First Amended Original Petition claims title to the 148.12 acre Premises *"via a regular chain of conveyance from the sovereign"*, and specifically claims so through the 2006 estate of intestate GWENDOLYN WRIGHT THIBODEAUX, and further through the 2019 estate of LOUIS THIBODEAUX unto LISA L. GIROT.

(i.e. *"15. Plaintiff obtained title to the Property via a regular chain of conveyance from the sovereign, as explained hereinabove."*

20. There exists, however, no evidence of the 148.12 acres ever having been in the 2006 estate, nor in the 2019 estate, and certainly no evidence of title thereto ever "arriving" upon supposed grantors GIROT, BARCLAY, and MOORE III, to pass on to CSD VAN ZANDT.

21. CSD Van Zandt LLC has **no evidence whatsoever** of chain of title.

PRAYER

Pro se, Defendant UDO BIRNBAUM, requests relief, any and all against this fraud being committed upon him, to restore his property and peace of mind. The function of this Court is not being simply Process, but actual Justice. Pro Se, defendant, Udo Birnbaum requests notice of this Court of genuine real estate deed fraud upon him and his property, described as 540 VZ County Road 2916, Eustace, Texas 75124, and this land grab by way of deed fraud and that this Court recognize

Gwendolyn Wright Thibodeaux left nothing to Louis Thibodeaux who left absolutely nothing to Lisa Girot long before Robert Dow borrowed $850,000 from Sanger Bank to buy air from Lisa Girot. There are no limitations on fraud.

____

UDO BIRNBAUM, *Pro Se*
540 VZ County Road 2916
Eustace, TX 75124
903 802-9669
BRNBM@AOL.COM

<u>Bonus Attach:</u>
Local Rule - Summary Judgment “hearing by submission”
Alice in Wonderland – Cheshire cat

Certificate of Service

Copy today December 5, 2022 by CMRR 7021 2720 0002 2602 1257 to Katryna R. Watkins, Flowers Davis, 1021 ESE Loop 323, Suite 200, Tyler, Texas 75701

Note: this off Denton County District Court, ultra DRACONIAN

SUMMARY JUDGMENTS

All Motions for Summary Judgment shall be set for a hearing with oral argument. Unless the Applicant requests the Motion to be heard by submission, both parties should attend the hearing.

I. Upon request, summary judgments can be heard by submission as follows:

- (a) A hearing date is set with the Court Administrator in accordance with T.R.C.P.
- (b) Either by cover letter or pleading, the Movant must notify the opposing party of both the hearing date and time; and, provide a written statement that the Movant does not intend to be present at the hearing but requests the Court consider the Motion by submission of Movant. Such notice must further state that the Non-Movant may appear.
- (c) The notice in (b) must be sent certified mail, return receipt requested, to the Non-Movant.

II. The case will be called on the date set for hearing and the Non-Movant may still appear and argue any properly filed Response, notwithstanding the Movant's non-appearance.

III. No Summary Judgment shall enter on cases by submission unless proof of notice upon the Non Movant has been filed with the Court. Proof may be shown by affidavit, filed with the Clerk of the Court, with attachments as follows:

- a) Copy of letter/pleading indicating the requirements set forth in 1(b) above which has been sent certified (certified and regular mail is preferred) mail and the corresponding USPS numbers.
- b) Copy of the evidence of notice properly given by:
    - i) copy of returned green card with signatures by addressee or agent, or
    - ii) copy of returned mail with U.S.P.S. postal codes for
        - a. unclaimed
        - b. undeliverable
        - c. refused
        - d. other U.S.P.S. postal notation, or
    - iii) copy of the U.S.P.S. track and confirm website page indicating action taken for the certified mail tracking numbers.

IV. If no request is made for a Motion for Summary Judgment hearing by submission, all such motions will be docketed and oral argument on the motions shall be heard.

The attached forms are examples of acceptable notice that can be filed with the Clerk to comply with I. and III. above.

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Exhibit 2 - "Battle at the Gate" - the hardware - 'taking turns with the guillotine". CSD only made themselves 2 signs - just for me. The heavy chain and lock was MINE. CSD kept cutting MY locks, removing MY No Trespassing notices .

Exhibit 3 - "The Silver Car" - my civilized alternative to "shotgun through the radiator'. My "silver car" and MY warranty deed with MY "NO TRESPASSING". CSD multiple times took down MY notices.

No trespassing!

WARRANTY DEED

THE STATE OF LOUISIANA
PARRISH OF Calcasieu

That I, LOUIS THIBODEAUX, of the Parrish of Calcasieu and State of Louisiana, for and in consideration of the sum of TEN AND NO/100 ($10.00) DOLLARS, and other good and valuable consideration to me in hand paid by UDO BIRNBAUM, Trustee of the LELD Trust, as follows:

$10.00 cash in hand paid, and other good and valuable consideration this day paid to me all in cash by the said Udo Birnbaum, the receipt and sufficiency of which is hereby acknowledged and confessed,

have GRANTED, SOLD and CONVEYED, and by these presents do GRANT, SELL and CONVEY, onto the said UDO BIRNBAUM, Trustee of the LELD Trust, of the County of Van Zandt and State of Texas, all those tracts and parcels of land, totaling more or less 170 acres, described in the records of Van Zandt County, Texas as follows, but reserving and retaining all mineral rights, to wit:

Property No. 1: That tract or parcels of land, being more or less 150 acres, more fully described in Deed of Records, Vol. 964, page 447.
Property No. 2: That tract or parcels of land, being more or less 18 acres, more fully described in Deed of Records, Vol. 997, page 807.
Property No. 3: That tract or parcels of land, being more or less 4.5 acres, more fully described in Deed of Records, Vol. 1037, page 321.

RESERVING AND RETAINING ALL MINERAL RIGHTS, TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto, the said UDO BIRNBAUM, Trustee of the LELD Trust, his heirs and assigns forever, and I do hereby bind ourselves, and our heirs, executors and administrators, to Warranty and Forever Defend, all and singular the said premises unto the said UDO BIRNBAUM, Trustee of the LELD Trust, his heirs and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof.

EXECUTED this 3rd day of April, 2017

Louis Thibodeaux
Louis Thibodeaux

THE STATE OF LOUISIANA
PARRISH OF Calcasieu
This instrument was acknowledged before me on this 3rd day of April 2017, by LOUIS THIBODEAUX.

Lisa L Girot