

Complaint and Affidavit of \$125,770 Theft by Gavel

31.03. THEFT. (a) A person commits an offense if he unlawfully appropriates property with intent to deprive the owner of property.

31.01 (4) "Appropriate" means: (A) to bring about a transfer or purported transfer of title to or other nonpossessory interest in property, whether to the actor or another; or

textbook unlawful appropriation

My name is UDO BIRNBAUM. I am 83 years old, reside in Van Zandt County, am competent to make this Affidavit, and herewith my evidence:

My **FIRST DOCUMENT**, titled Order on Motion for Sanctions, puts a humongous \$125,770 penalty against me, "*a monetary sanction in the amount of \$124,770.00 . . . to serve as a deterrent to prevent Birnbaum from committing similar acts again in the future*" - - solely upon me **filing** a motion for recusal.

Also strange about this document is the phrase "THIS JUDGMENT RENDERED" - - when this document neither per title nor substance does any "adjudicating" - - and as a mere Order - - is unenforceable against PROPERTY - - till comes NEXT . . .

My **NEXT DOCUMENT**, this from the very county clerk's files, attests to both the duping of the district clerk into taking this mere Order as a judgment - - and producing **Abstract of Judgment** - - and the filing of this abstract with the county clerk "**to bring about**" the unlawful appropriation - i.e. an unlawful judgment lien.

AND, to show the ongoing nature of this theft, a few **WRIT OF EXECUTION**.

Under penalty of perjury - with the documents speaking for themselves.

By US regular mail and email to: District Judge, Court at Law Judge, County Judge, District Attorney, Sheriff, District Clerk, County Clerk, **and repeat as necessary**.

This the 6th day of November, 2020.

UDO BIRNBAUM
540 VZ County Road 2916
Eustace, TX 75124
(903) 479-3929
BRNBM@AOL.COM

FIRST ATTACH - Order on Motion for Sanctions. Obscenely unlawful no "keys to own release" 125,770 FINE. Also the crafted "THIS JUDGMENT RENDERED - when it clearly was NOT a judgment - NOTHING "ADJUDICATED"

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SECOND ATTACH - Proof of duping of the district clerk - into issuing Abstract of Judgment - and of the filing with the county clerk - "bringing about" of the "unlawful appropriation" - of property liens. All fraud.

It is therefore, **ORDERED, ADJUDGED, and DECREED** that the motion by the defendant, Udo Birbaum, that Judge Paul Banner be recused from further matters effecting this cause of action is denied.

It is therefore, **FURTHER ORDERED, ADJUDGED, and DECREED** that the Plaintiff, G. David Westfall, P.C., and Counter-Defendants, Christina Westfall and Stefani Podvin, are awarded damages as a sanction against and to be paid by defendant, Udo Birbaum, to G. David Westfall, P.C., Christina Westfall, and Stefani Podvin as follows:

A. A monetary sanction in the amount of **\$1,000.00 as actual damages**, representing the reasonable value of the legal services rendered to the Sanctions Movants by their attorney for the defense of Birbaum's Motion to Recuse and the prosecution of the Sanctions Movants' Motion for Sanctions.

B. **A monetary sanction in the amount of \$124,770.00 as exemplary and/or punitive damages to serve as a deterrent to prevent Birbaum from committing further similar acts again in the future.**

IT IS FURTHER ORDERED THAT the **judgment** here rendered shall bear interest at the rate of five percent (5%) from the date of the signing of this order, until paid.

All other relief regarding any motions for relief on file in this cause of action not expressly granted in this order is hereby denied.

With regard to the award of sanctions, the Court makes the following findings and conclusions in support of the Court's award of sanctions and in support of the type and dollar amount of the sanctions imposed:

Findings of Fact

1. Birnbaum's claims regarding the attempt to have Judge Paul Banner recused were **groundless, vacuous, manufactured,** and totally unsupported by any credible evidence whatsoever.
2. Birnbaum's claims regarding the attempt to have Judge Paul Banner recused were without merit and brought for the purpose of **harassment** and/or **delay.**
3. The testimony of Birnbaum regarding the attempt to have Judge Paul Banner recused was **biased,** not **credible,** and totally uncorroborated by any other evidence.
4. The sole purpose of Birnbaum filing the motion regarding the attempt to have Judge Paul Banner recused was an attempt to **harass, intimidate,** and inconvenience the Sanctions Movants.
5. Birnbaum has a track record and history of filing lawsuits, motions, and writs of mandamus against judges that rule against him in litigation.
6. Birnbaum filed a pleading containing a completely false and **outrageous** allegation that **Judge Paul Banner** had conducted himself in a manner that showed bias and a **lack of impartiality.**
7. Birnbaum's difficulties with judges and the repeated allegations of a lack of impartiality have had nothing at all to do with the conduct of the judges that Birnbaum has appeared before, but instead, is a **delusional belief held only inside the mind of Birnbaum.**
8. Birnbaum will seemingly go to any length, even filing new lawsuits in State and Federal courts in an attempt to re-litigate issues which a court has already ruled upon and which all appropriate courts of appeal have affirmed.
9. Birnbaum's filing of this Motion to recuse Judge Banner was consistent with a **proven pattern** and **practice** of **behavior** engaged in by Birnbaum **over many years** and currently ongoing now in this court **and in other federal courts.**

Go diagnose yourself,
you idiot

Where did you get all this stuff from? You were NOT the trial judge. We hardly met. Is everybody talking about me? Seems like it.

10. Birnbaum has a track record and history of bickering and quarreling with judges that have ruled against him in litigation.

11. Birnbaum has a track record and history of filing lawsuits without merit against judges, attorneys, and other individuals in an attempt to gain tactical advantage in other ongoing litigation.

12. Prior to this hearing, Birnbaum filed in March 2004, **new legal action** in Federal District Court against Judge Paul Banner, G. David Westfall, Christina Westfall, and Stefani Podvin. **This new Federal lawsuit** attempts to re-litigate the same issues Birnbaum unsuccessfully raised in this lawsuit.

Judge Ron Chapman -- you were assigned to hear a Motion for Recusal, rule, then go HOME. Why are you all tight up? Where did you get all this stuff?

13. Prior to this hearing, Birnbaum has initiated a lawsuit against the attorney for the Sanctions Movants, Frank C. Fleming. Birnbaum admitted in open court that he has never had any dealings with Frank C. Fleming other than in connection with Mr. Fleming's representation of the Plaintiff and the counter-defendants in this cause of action. Birnbaum admitted in open court that the legal basis of his lawsuit against Mr. Fleming, civil RICO, is the same basis Birnbaum was previously sanctioned in this lawsuit for attempting to bring against Christina Westfall and Stefani Podvin.

14. The behavior of Birnbaum himself in prosecuting the Motion to recuse Judge Banner has been **vindictive, unwarranted, mean-spirited, frivolous**, and totally without substantiation on any legally viable theory for the recusal of Judge Banner.

15. The Motion itself to Recuse Judge Banner without any ounce of evidence to support it, was **frivolous, vindictive**, and brought for the purpose of **harassment**.

16. The conduct of Birnbaum giving rise to the award of exemplary and/or **punitive** damages was engaged in by Birnbaum **willfully** and **maliciously** with the intent to **harm** the Sanctions Movants, Judge Paul Banner, and the attorney for the Sanctions Movants, Mr. Fleming.

YES - out in the halls - around the coffee pot - around the table in the jury room - ALL WITHOUT A COURT REPORTER - yes you threatened me. YES - this was ALL BEFORE we went into the courtroom - and before a COURT REPORTER.

17. Prior to the hearing on the Motion to Recuse, the Court admonished Birnbaum that if his Motion to Recuse Judge Banner was not withdrawn, that if it became appropriate, the Court would hear the Motion for Sanctions. In response to this admonition, Birnbaum unequivocally elected to move forward with a hearing on his Motion in an attempt to have Judge Banner recused.

18. The type and dollar amount of the sanctions award is directly related to the harm done. The Court has not been presented with any evidence to believe that the amount of the sanctions award is excessive in relation to the net worth of Birnbaum. a truly AMAZING "Finding of Fact". lol

19. The type and dollar amount of the sanctions award is appropriate in order to gain the relief which the Court seeks, which is to stop this litigant and others similarly situated from filing frivolous motions, frivolous lawsuits, frivolous defenses, frivolous counter-claims, and new lawsuits which attempt to re-litigate matters already litigated to a conclusion. Official Oppression per se.

20. The amount of the exemplary and/or punitive damage award is an amount narrowly tailored to the amount of harm caused by the offensive conduct to be punished. UNLAWFUL by CIVIL process

21. The Sanctions Movants have suffered damages as a result of Birnbaum's frivolous counter-claims and Birnbaum's motion to recuse. These damages include expenses (in addition to taxable court costs), attorney's fees, harassment, inconvenience, intimidation, and threats.

Conclusions of Law

1. On the issue of the recusal of Judge Paul Banner, Birnbaum wholly failed to provide any credible evidence to substantiate any of his claims.

2. All of Birnbaum's claims were as a matter of law unproved and untenable on the evidence presented at the hearing.

3. The court concludes as a matter of law that Birnbaum's claim that Judge Paul Banner acted biased and with a lack of impartiality, was brought for the purpose of harassment. The Court makes

this conclusion based upon the fact that Birnbaum was not a credible witness, that other credible witnesses totally contradicted Birnbaum's version of the facts, and that evidence was presented establishing that Birnbaum has had a track record and history of harassment towards other opposing litigants, opposing counsels, and other judges before whom Birnbaum has appeared.

4. The Plaintiffs behavior in bringing and prosecuting this frivolous motion to recuse Judge Banner was a violation of one or more of the following: §§10.001, et seq., Tex. Civ. Prac. & Rem. Code, Rule 13, T.R.C.P., and/or the common law of Texas.

GOOD SHOPPING LIST. Well - exactly which one - and HOW?

5. The Court has the power to award both actual and exemplary (and/or punitive) damages against Birnbaum for the filing and prosecution of a frivolous motion. This authority stems from one or more of the following: §§10.001, et seq., Tex. Civ. Prac. & Rem. Code, Rule 13, T.R.C.P., and/or the common law of Texas.

AGAIN - sort of lacking specificity. But, at least no violation of MOTHERHOOD and APPLE PIE?

6. The behavior and attitude of Birnbaum in filing and prosecuting this Motion to Recuse claim against Judge Paul Banner calls out for the award of both actual and exemplary (and/or punitive) damages to be assessed against Birnbaum.

AGAIN - can't do "punitive" in CIVIL process. Requires "keys to own release"

7. The appropriate award for actual damages as a result of the filing and prosecution of the frivolous Motion to Recuse, is an award of \$1,000.00 in attorney's fees. The Court makes this award under power granted to the Court by §§10.001, et seq., Tex. Civ. Prac. & Rem. Code, Rule 13, T.R.C.P., and/or the common law of Texas.

???"and/or" sort of like "maybe"

8. The appropriate exemplary and/or punitive sanction for the filing and full prosecution of the frivolous Motion to Recuse is an award of \$124,770.00 to be paid by Birnbaum to the Sanctions Movants.

\$124,770.00 - Judge Ron Chapman. One might overlook this if you had been DRUNK - but to put this stuff on paper - and actually SIGN IT? CRAZY.

9. The award of exemplary and/or punitive damages is directly related to the harm done.

10. The award of exemplary and/or punitive damages is not excessive.

PLUM CRAZY

Order on Sanctions

PAGE 6 of 8

Judge Chapman, let me let you in on a little secret: COURTS are not to SEEK punishment. It is the STATE that seeks.

11. The award of exemplary and/or punitive damages is an appropriate amount to seek to gain the relief sought by the Court which is to stop Birnbaum and others like him from filing similar frivolous motions and other frivolous lawsuits.

OFFICIAL OPPRESSION - retaliation for exercising a First Amendment Right. CRAZY

12. The amount of the exemplary and/or punitive damage award is narrowly tailored to the harm done.

13. The amount of the exemplary and/or punitive damages is narrowly tailored to exactly coincide with the amount (in total) assessed against Birnbaum to date in this litigation. This amount was selected by the Court deliberately and on purpose to send a clear message to Birnbaum. The message this award of damages is intended to relay to Mr. Birnbaum is that this litigation is over, final, and ended. The message is that further attempts to re-open, re-visit, and re-litigate matters which have already been decided in court, reduced to judgment, and affirmed on appeal will not be tolerated; and that further attempts by this litigant to engage in such activity will not be conducted without the imposition of very serious and substantial monetary sanctions imposed upon Mr. Birnbaum.

THANK YOU, JUDGE CHAPMAN - for putting this stuff down on paper - so the whole world can see - in official documents - just how EVIL or CRAZY you are.

14. Authority for an exemplary and/or punitive damage award is derived from §§10.001, et seq., Tex. Civ. Prac. & Rem. Code, Rule 13, T.R.C.P., and/or the common law of Texas.

Any finding of fact herein which is later determined to be a conclusion of law, is to be deemed a conclusion of law regardless of its designation in this document as a finding of fact. Any conclusion of law herein which is later determined to be a finding of fact, is to be deemed a finding of fact regardless of its designation in this document as a conclusion of law.

HEREIN LIES THE REAL FRAUD: This Order on Motion for Sanctions, is an "in the process" ORDER - on an "in the process" MOTION FOR SANCTIONS - not pleaded, not adjudicated, no jury here, these DEFENDANTS never pleaded a claim. Out by summary judgment long ago. Case over long ago. THIS IS NOT A JUDGMENT. All fraud!

THIS JUDGMENT RENDERED ON APRIL 1, 2004, AND SIGNED THIS

24 day of Oct, 2006.


JUDGE PRESIDING

HEREIN LIES THE REAL FRAUD: This Order on Motion for Sanctions, is an "in the process" ORDER - on an "in the process" MOTION FOR SANCTIONS - not pleaded, not adjudicated, no jury here, these DEFENDANTS never pleaded a claim. Out by summary judgment long ago. Case over long ago. THIS IS NOT A JUDGMENT. All fraud!

-
WOULD YOU BELIEVE - "The Westfalls" actually got the 294th District Clerk to issue an "Abstract of Judgment" on this ORDER - for close to \$250,000 with interest.
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Filed it with the County Records, to put liens on all my property, did a "writ of execution" to send the sheriff out to seize my property.
--
While at the SAME TIME doing a "scire facias" to revive the FIRST judgment in the case (2002) which had gone "dormant" after TEN YEARS. (There can be only ONE judgment - this mess has THREE - over a period of SIX years or so!)
--
Lots more detail - at "home" - www.DamnCourthouseCriminals.com

Attached in below pages is:

*

1. MOTION FOR RECUSAL OF JUDGE BANNER - clearly indicating that my MOTION was to STOP Judge Banner from "ex parte" concocting a "Finding" - diametrically opposite of his extemporaneous finding of "well-intentioned" - and while Banner had NO JURISDICTION.

*

2. ASSIGNMENT OF JUDGE CHAPMAN - for Chapman solely to "do" a RECUSAL HEARING - a purely ADMINISTRATIVE assignment, i.e. NO jurisdiction to DO anything "in" the case. (There was of course no case left - case was OVER)

*

3. LETTER TO JUDGE CHAPMAN - that there be no "surprises" - i.e. me telling Chapman exactly why I had made my Motion for Recusal of Banner - i.e. that my Motion - was a "whistle blow", a CRY FOR HELP - and a complaint of CRIMES.

This is the Motion for Sanctions referenced in the \$125,770 Order on motion for Sanctions. NOTE: I was seeking relief from a \$62,885 likewise put on me.

No. 00-619

The Law Offices of G. David Westfall, P.C
v. Udo Birnbaum
v. The Three Westfalls

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(
(

FILED FOR RECORD
In the 294th District Court.
Of Van Zandt County AM 7:56

Motion for Recusal of Judge Banner

This motion is by reason of Judge Banner **communicating ex-parte** with opposing counsel to plot a **vituperative finding** against Birnbaum's **conduct**, such finding diametrically opposite his prior finding of Birnbaum being **WELL-INTENTIONED**, such prior finding made **extemporaneously** and **in the heat of battle** and caught by the court reporter at the close of the Sanction Hearing on July 30, 2002.

Also by reason of Judge Banner having **previously retaliated** with a \$62,000 sanction against Birnbaum for having exercised his statutory and Constitutional Right to make a **civil RICO** pleading, i.e. protected activity. Judge Banner's words that he imposed such sanction because Birnbaum had made a civil RICO pleading were also caught by the court reporter at the same hearing.

Also by having demonstrated that he **cannot or will not** abide by statutory law, the Rules of Procedure, or the mandates of the Supreme Court of the United States. Details are in my prior Motion for Recusal (denied) and in my prior petition for writ of mandamus (denied) to make him go by the law.

Also for now trying to "undo" his finding of my [Birnbaum] being **well-intentioned**, and with opposing counsel paint me as some sort of monster to the judicial system, all while the cause is **on appeal** in the Dallas Fifth, and **while he has NO JURISDICTION**.

Details to follow shortly.

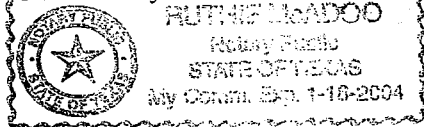
Udo Birnbaum
UDO BIRNBAUM, Pro Se
540 VZ CR 2916
Eustace, TX 75124
(903) 479-3929

STATE OF TEXAS
COUNTY OF VAN ZANDT

Before me, a notary public, on this day personally appeared Udo Birnbaum, known to me to be the person whose name is subscribed to above, and being by me first duly sworn, declared that the matters in his Motion for Recusal of Hon. Paul Banner are true and correct.

Udo Birnbaum
Udo Birnbaum

Given under my hand and seal of office this 30 day of September, 2003



Ruthe McAdoo
Notary in and for The State of Texas

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of this document has been served via Reg. Mail on this the 30 day of September, 2003 upon Frank C. Fleming, 6611 Hillcrest, Suite 305, Dallas, Texas 75205-1301.

Udo Birnbaum
UDO BIRNBAUM

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FILED FOR RECORD
03 SEP 30 AM 7:56

**THE STATE OF TEXAS
FIRST ADMINISTRATIVE JUDICIAL REGION
ORDER OF ASSIGNMENT BY THE PRESIDING JUDGE**

Persuant to Rule 18a, Texas Rules of Civil Procedure, I hereby assign the:

Honorable Ron Chapman ,

Senior Judge of The 5th Court Of Appeals

To The 294th District Court of Van Zandt County, Texas.

This assignment is for the purpose of the assigned judge hearing a **Motion to Recuse** as stated in the Conditions of Assignment. This assignment is effective immediately and shall continue **for such time as may be necessary for the assigned judge to hear and pass on such motion.**

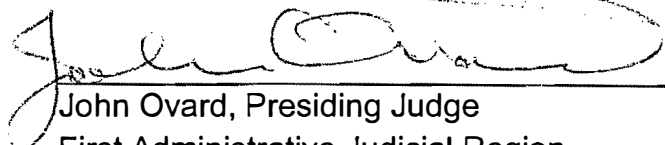
CONDITION(S) OF ASSIGNMENT:

Cause No. 00-00619; Westfall vs. Birnbaum.

Judge Chapman was assigned to do a RECUSAL HEARING re Judge Paul Banner - a purely ADMINISTRATIVE assignment at that - no authority to do anything "in" the case. Certainly no THIRD "judgment". Besides - the case had been over for more than TWO YEARS!

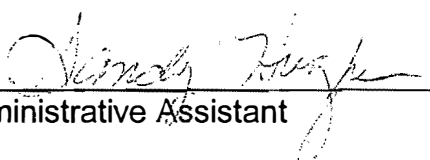
The Clerk is directed to post a copy of this assignment on the notice board so that attorneys and parties may be advised of this assignment, in accordance with the law.

ORDERED this 8th day of Oct, 2003



John Ovard, Presiding Judge
First Administrative Judicial Region

ATTEST:



Administrative Assistant

Assgn#

14797

65

ABSTRACT OF JUDGMENT

Parties: WESTFALL G DAVID PC
to
BIRNBAUM UDO

It is this document on file with the county clerk that "activates" the unlawful lien against my property

FILED AND RECORDED
REAL RECORDS

On: 03/27/2014 at 02:25 PM

Document Number: 2014-002279
Receipt No.: 201462148
Amount: \$ 26.00

By: mccoey
Charlotte Bledsoe, County Clerk
Van Zandt County, Texas

2 Pages

DO NOT REMOVE THIS PAGE – IT IS A PART OF THIS INSTRUMENT



STATE OF TEXAS
COUNTY OF VAN ZANDT

I hereby certify that this instrument was filed on the date and time stamped hereon by me and was duly recorded under the Document Number stamped hereon of the Official Public Records of Van Zandt County.

Charlotte Bledsoe, County Clerk

Record and Return To:

FRANK C FLEMING
3326 ROSEDALE

DALLAS, TX 75205

It is this document on file with the county clerk that "activates" the unlawful lien against my property



ABSTRACT OF JUDGMENT – Prop.Code ch. 52

CAUSE NO. 00-00619

THE LAW OFFICES OF
G. DAVID WESTFALL, P. C.,
PLAINTIFF,

VS.
UDO BIRNBAUM
DEFENDANT/COUNTER-PLAINTIFF

VS.
G. DAVID WESTFALL, CHRISTINA
WESTFALL, AND STEFANI PODVIN,

§ IN THE 294th DISTRICT COURT
§
§ OF
§
§
§
§
§
§ VAN ZANDT COUNTY, TEXAS

It is this document on file with the county clerk that "activates" the unlawful lien against my property

Attorney for Plaintiff/Judgment Creditor:

Frank C. Fleming
3326 Rosedale
Dallas, Texas 75205

Name of Plaintiff/Judgment Creditor in **Judgment:**

G. David Westfall, P.C. and Counter-Defendant,
Christina Westfall and Stefani Podvin
3326 Rosedale
Dallas, Texas 75205

Address of Plaintiff/Judgment Creditor:

NO such "judgment"

Defendant/Judgment Debtor's Information:

Name: Udo Birnbaum
Address or where citation was served: 540 VZCR 2916
Eustace, Texas 75124
Birth date, if available: N/A
Last three numbers of driver's license, if available: xxxxxxxx
Last three numbers of Social Security No., if available: xxxx-xx-xxxx

Date of Judgment: **October 24, 2006**
Amount of Judgment: **\$124,770.00**
Attorney's Fees: **\$ 1,000.00**
Amount of Cost: **\$ 492.00**
Post-Judgment Interest Rate: **5% per annum**
Amount of Credits: **\$-0-**
Balance Due on Judgment: **\$126,262.00 plus 5% per annum**

I, KAREN WILSON, CLERK of the District Court of Van Zandt County, Texas, do hereby certify that the above and foregoing is a true and correct Abstract of the Judgment rendered in said Court in the above numbered and styled cause as it appears in the Records of said Court.

WITNESS my hand and seal of said court at office in Canton, Texas on this the 26th day of March, 2014.

Karen Wilson, District Clerk
Van Zandt County, Texas

By Vanita Riley Deputy

SHERIFF'S RETURN

Came to hand the 28 day of MARCH 2014 at 11:27 o'clock A M and executed at _____ in _____ County, Texas on the _____ day of _____ 20____ at _____ o'clock _____ M by levying upon and seizing the following described property as property of the defendant, and situated in _____ County, Texas, viz: Deputy unable to locate Judgment Debtor to make demand.

Unable to locate Assets sufficient to satisfy the judgments

And afterwards, on the _____ day of _____ 20____ advertised the same for sale at the courthouse door of _____ County/ _____ on the _____ day of _____ 20____ being the _____ of the month (*by advertisement in the English language, published once a week for 3 consecutive weeks preceding such sale, the first publication appearing not less than 20 days immediately preceding the day of sale, beginning on the _____ day of _____ 20____ in the _____, a newspaper published in the County of _____ stating in said advertisement the authority by virtue of which said sale was to be made, the time of levy, the time and place of sale, a brief description of the property to be sold, the number of acres, the original survey, its locality in the county and the name by which the land is generally known), (by written advertisement posted for _____ successive days next before the day of sale at 3 public places in the county of _____ on of which is at the Courthouse door of said County, and one was at the place of sale) ** and also delivered/mailed one to each of the within named defendants a copy of said notice of sale; and also mailed a copy of said notice of sale to _____ defendant's attorney of record in said cause.

And on said _____ day of _____ 20____ between the hours of 10 o'clock AM and 4 o'clock PM at the Courthouse door of said County, _____ in pursuance to said advertisement, sold said property at public sale to _____ to whom the same was struck off for the sum of \$ _____ Dollars, that being the highest secure bid for the same; and the said _____ having been paid the sum so bid by _____ h _____ l executed to _____ h _____ a _____ for said property. And after first satisfying the Sheriff's costs accruing under this writ, amounting to the sum of \$ _____ an itemized bill of which appears below, and the further sum of \$ _____ original Court costs; the remainder, being the sum of \$ _____ was paid to _____ whose receipt for the same is herewith presented, and this writ is hereby returned on this the _____ day of _____ 20____.

SHERIFF'S FEES

Executing Writ & return	\$ _____
Executing deeds	\$ _____
Executing _____ bill of sale	\$ _____
_____	\$ _____
_____	\$ _____
TOTAL.....	\$ _____
Original court costs.....	\$ _____
TOTAL AMT IN COSTS	\$ _____

Michael L. Ray Sheriff
Van Zandt County, Texas
By Samuel D. Henson Deputy

*If no newspaper will publish said advertisement then strike out the first clause and leave the clause showing advertisement "posted", etc. If published in newspaper, strike out the clause in regard to posting. ** I sale was at a courthouse of said county, then strike out this last clause, but if sale is elsewhere, strike out and make your form read accordingly.

RETURNED AND FILED this the _____ day of _____ 2000 at _____ o'clock _____ M
LINDA UECKER District Clerk, Kerr County
By _____ Deputy

EXECUTION (with Bill of Costs) Rule 622, Texas Rules of Court

Cause No. 00-00619

THE LAW OFFICES OF G. DAVID WESTFALL, P.C. VS. UDO BIRNBAUM, Defendant/Counter Plaintiff G. DAVID WESFALL, CHRISTINA WESTFALL, AND STEFANI PODVIN, Counter-Defendants	§ § § § § § § § § §	IN THE 294 TH DISTRICT COURT OF VAN ZANDT COUNTY, TEXAS
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TO ANY SHERIFF OR ANY CONSTABLE WITH THE STATE OF TEXAS: GREETING:


WHEREAS on the 1st day of April, 2004, in the Honorable 294th District Court of Van Zandt County, Texas in Cause No. 00-00619 and as styled above; G. DAVID WESTFALL, P.C. and Counter-Defendants, CHRISTINA WESTFALL AND STEFANI PODVIN recovered a judgment against UDO BIRNBAUM, for the sum of \$125,770.00, Dollars with interest thereon from April 1, 2004 at the rate of 5% per annum, and all costs of suit.

THEREFORE, you are commanded that out of the property of the said UDO BIRNBAUM, subject to execution by law, you cause to be made the sum of \$125,770.00 Dollars with interest thereon from the 1st day of April 2004 at the rate of 5% per annum, together with the sum of \$1,407.00 costs of suit, and also the cost of executing this writ and you will forthwith execute this writ according to law and the mandates thereof.

HEREIN FAIL NOT, but make due return of this execution to said District Court within 90 days from the date of issuance hereof, with your return thereon endorsed showing how you have executed the same.

ISSUED AND GIVEN UNDER MY HAND AND SEAL OF SAID COURT, at Canton, Texas, this, the 23rd day of August, 2015.

ATTEST: Karen Wilson, District Clerk
121 E. Dallas, Room 302
Canton, Texas 75103
Van Zandt County, Texas

By  Clerk

I HEREBY CERTIFY that the foregoing Bill of Costs; amounting to \$1,407.00, is a true bill of the costs adjudged against the defendant, in the above numbered and entitled cause, wherein this writ of execution is issued.

<u>BILL OF COSTS</u>	State General Fund.....	\$ 40.00
	Clerk's Fee	\$ 115.00
	Law Library.....	\$ 20.00
	12 th Court Appellate Fee.....	\$ 5.00
	Records Preservation	\$ 10.00
	Security Fee	\$ 5.00
	Citation Fee	\$ 40.00
	Sheriff's Service Fee	\$ 275.00
	Legal Services For Indigents	\$ 20.00
	Abstract	\$ 24.00
	District Clerk Technology Fund	\$ 5.00
	Statewide Electronic Filing System	\$ 10.00
	E-file costs recovery	\$ 6.00
	Writ	\$ 32.00
	Sheriff's Service Fee.....	\$800.00

TOTAL COSTS DUE FROM DEFENDANT ===== \$1,407.00