

\$62,885 and \$125,770 unlawful judgment liens by forged fake judgments

To: District Judge, District Attorney, Sheriff, District Clerk, Court at Law, County Clerk

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

obscenely irregular to start with

Upon a motion for sanctions – and at the hearing to hear such motion against me – a \$62,885 sanction was pronounced upon me as follows:

"In assessing the [\$62,885] sanctions, the Court has taken into consideration that although Mr. Birnbaum may be well-intentioned and may believe that he had some kind of real claim as far as RICO there was nothing presented to the court in any of the proceedings since I've been involved that suggest he had any basis in law or in fact to support his suits against the individuals, and I think – can find that such sanctions as I've determined are appropriate. And if you will provide me with an appropriate sanctions order, I will reflect it."

(Transcript, Judge Paul Banner, Sanctions Hearing, my emphasis))

An unconditional punishment – by civil process? You can't do that. Any unconditional is criminal in nature and requires full criminal process - of beyond a reasonable doubt – by a jury - instead of "and I think". And \$62,885 for making a counterclaim – a First Amendment Right – and well-intentioned at that?

crafting into "semblance of judgment"

For heaven's sake, can't have that "stuff" show up in Order on Motions for Sanctions as to WHY I was punished. So OMIT and obfuscate with at the end: "THIS JUDGMENT RENDERED" – to make the obscenely unlawful - appear a little more "judgment-like".

unlawful appropriation therewith

And despite being titled exactly as what it was – i.e. NOT a judgment – they duped the district clerk to issue Abstract of Judgment thereon – and the filing of such with the county clerk – continues the THEFT by unlawful appropriation of liens.

“mens rea” – evil mind, criminal intent

And when I forced them in the appeals court – with my motion to have the trial judge make the required Findings upon their supposed bench-trial judgment - they proceeded with a saturation verbal bombing attack - putting me one step above the devil on the grand scale of evil. Just read their “stuff” - no mention of **“well-intentioned”**.

the theft is ongoing

And TWELVE years after their original theft – their supposed \$62,885 “judgment” having gone dormant, they “revived” same by writ of scire facias – then and thereby re-executing their original THEFT – AND EVER AFTER HOLDING ONTO THEIR STOLEN FRUIT – WATCHING IT GROW AT 10%.

déjà vu all over again

There is of course another unlawful appropriation – this one for \$125,770, exactly DOUBLE (2 x 62,885) – same song, second verse, as punishment – for having complained about this \$62,885 one. Same illegal punishment, same crafting into judgment, etc., etc. Details my www.DamnCourthouseCriminals.com.

statement in lieu of notarize

All statement upon personal knowledge and under penalty of perjury. All documents true copies of the originals except for obvious markups, all by me. No notarize because of Covid, 84 years old, and self-isolate.

This the 7th day of December 2020.

UDO BIRNBAUM

540 VZ County Road 2916

Eustace, TX 750124

903 479-3929

BRNBM@AOL.COM

www.DamnCourthouseCriminals.com

www.OpenJustice.US (earlier, less organized, but more inclusive)

Attach: “LET THE DOCUMENTS SPEAK FOR THEMSELVES”

Transcript – ruling me “well-intentioned”

Order on Motion for Sanctions - “THIS JUDGMENT RENDERED”

Findings – putting me way up there on the grand scale of evil

Order Reviving Judgment - never was such judgment – was an Order – and illegal at that

Abstract of Judgment – as on file with county clerk – “bringing about” unlawful liens

Writ of Execution – sheriff with a gun – sanction Orders cannot attach to property

\$62,885 unlawful appropriation of liens by fake judgment

page 2 of 2

7-30-2002 "Sanction Hearing". Compare the "well-intentioned" here, with all the POISON WORDS in the ONE YEAR LATER "Finding of Fact" ! HINT: The "Finding" was a CYA - for all this done WITHOUT THE JURY.

1 damages, \$5,000.00 in punitive and the joint and several
2 \$50,085.00 in attorneys' fees. Mr. Birnbaum's sanctions as
3 against Mr. Fleming or against the P.C. is denied and nothing
4 is ordered.

well-intentioned

was a JURY trial. Why is HE weighing the evidence?

5 In assessing the sanctions, the Court has
6 taken into consideration that although Mr. Birnbaum may be
7 well-intentioned and may believe that he had some kind of
8 real claim as far as RICO there was nothing presented to the
9 court in any of the proceedings since I've been involved that
10 suggest he had any basis in law or in fact to support his
11 suits against the individuals, and I think -- can find that
12 such sanctions as I've determined are appropriate. And if
13 you will provide me with an appropriate sanctions order, I
14 will reflect it.

HEREIN lies the real reason! "civil RICO"

\$62,885 Sanction - for a "well-intentioned" COUNTER-CLAIM - a First Amendment Right ! Official Oppression

15 Now, as far as relief for sanctions on behalf
16 of Mr. Westfall, individually, that is specifically denied.

17 Any relief sought by any party by way of
18 sanctions which have not been specifically addressed either
19 by the granting or the denial of same -- such is denied.

20 Okay. How soon can I expect an order because
21 I gather this matter will go up to whatever appropriate
22 appeals court for review?

"Oh HORROR of HORRORS - a Pro Se - with a CIVIL RACKETEERING counter-claim!"

23 MR. FLEMING: I will give Mr. Birnbaum the
24 statutory three days. I'll submit it to him. And if I don't
25 hear back from him, I'll submit it to you after.

www.OpenJustice.US

Also FRAUD - in Judge Paul Banner NOT stating - as required by Rule 13 - just WHY he sanctioned. It would of course be incriminating - that he PUNISHED me - for having made a "civil RICO" counter-claim - a First Amendment Right - and "well-intentioned" at that.



I certify this to be a true and exact copy of the original on file in the District Clerk's Office, Van Zandt County, Texas. *Candi Scott*

No. 00-00619

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

Plaintiff

v.

UDO BIRNBAUM

Defendant/Counter-Plaintiff

**G. David Westfall, Christina Westfall, and
Stefani Podvin,**

Counter-Defendants

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IN THE DISTRICT COURT

Never a "plaintiff-type". Never made a pleading against me. Also out by summary judgment long ago.

294th JUDICIAL DISTRICT

This document is a FRAUD. This was a HEARING - not a TRIAL. There were no "pleadings" - they never were "plaintiff-types", nothing was ADJUDICATED. A PURE OUTRIGHT FRAUD. Also JURY cause - no jury here

VAN ZANDT COUNTY, TEXAS

ORDER ON MOTIONS FOR SANCTIONS

On **July 30, 2002**, came on to be heard, **Motions for Sanctions** filed by G. David Westfall, Christina Westfall, and Stefani Podvin, as well as to be heard Motions for Sanctions filed by Udo Birnbaum. The plaintiff, The Law Office of G. David Westfall, P.C. (the "Plaintiff"), appeared in person by representative and by attorney of record. The defendant, Udo Birnbaum, appeared in person, pro se. The counter-defendant, G. David Westfall, appeared by representative and by attorney of record. The counter-defendants, Christina Westfall and Stefani Podvin appeared in person and by attorney of record. All parties announced ready for a hearing on all the pending motions for sanctions currently on file in this matter at the time of the hearing.

Based upon the **pleadings of the parties**, the evidence presented **at trial** and the evidence presented **at the sanctions** hearing, and the arguments of counsel and by the pro se defendant, the Court is of the opinion that the Movants, Christina Westfall and Stefani Westfall are entitled to prevail on their claim for sanctions against the Defendant, Udo Birnbaum.

Trial - by jury - was April 8, 2002. Can't have a SECOND trial - a BENCH trial at that - on July 30, 2002 - over 3 months later. ALL FRAUD ALL FRAUD

156/834

Never a "plaintiff-type". Never made a pleading against me. Also out by summary judgment long ago.

Also FRAUD - in "finagling" a mere and untimely motion for sanctions - into a "pleading" in the cause

It is therefore, **ORDERED, ADJUDGED and DECREED** that the Counter-Defendants, Christina Westfall and Stefani Podvin are **awarded** damages as a sanction against and to be paid by defendant, Udo Birnbaum, to Christina Westfall and Stefani Podvin as follows:

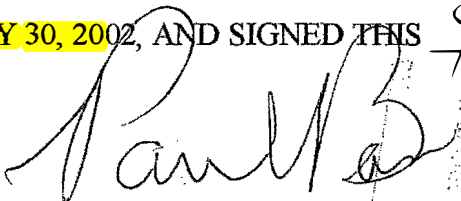
- A. **Christina Westfall and Stefani Podvin** are **awarded** jointly and severally the amount of \$50,085.00 as reimbursement for their joint attorney's fees.
- B. Christina Westfall is **awarded** actual damages for her personal inconvenience in the amount of \$1,000.00, and she is further awarded punitive damages for the harassment caused to her in the amount of \$5,000.00.
- C. Stefani Podvin is **awarded** actual damages for her personal inconvenience in the amount of \$1,800.00, and she is further awarded punitive damages for the harassment caused to her in the amount of \$5,000.00.
- D. The Court denies the request for a finding of any sanctions to be awarded in favor of G. David Westfall, individually.
- E. The Court denies the request for a finding of any **sanctions** to be awarded in favor of Udo Birnbaum.

Nothing ADJUDICATED. This ORDER - is NOT a judgment

IT IS FURTHER ORDERED THAT **the judgment** here rendered shall bear interest at the rate of ten percent (10%) from July 30, 2002, until paid.

All other relief regarding any motions for sanctions on file in this **matter** not expressly granted in this order is hereby denied.

THIS **JUDGMENT** RENDERED ON **JULY 30, 2002**, AND SIGNED THIS 9 day of August, 2002.



JUDGE PRESIDING

This document is a FRAUD. This was a HEARING - not a TRIAL. There were no "pleadings" - they never were "plaintiff-types", nothing was ADJUDICATED. A PURE OUTRIGHT FRAUD. Also JURY cause - no jury here

156/835

FILED
02/08/21 11:09 AM
WESTFALL COUNTY

Just read this stuff - - "inconsistent with due process".
Markups throughout this document. Also inconsistent with
contemporaneous finding of "well-intentioned". ALL FRAUD

No. 00-00619

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

IN THE DISTRICT COURT

Plaintiff

Was a JURY cause. Had been tried to the JURY.
Cannot - a SECOND time - "try to the Court".
BLATANT FRAUD. This document is a CYA

v.

UDO BIRNBAUM

Defendant/Counter-Plaintiff

See my Rule 278
Request for Clarification
and Amendments
for details

G. David Westfall, Christina Westfall, and
Stefani Podvin,

Counter-Defendants

VAN ZANDT COUNTY, TEXAS

FILED FOR RECORD
03 OCT -8 PH12:14
KAREN WILLSON
DIST. CLERK VAN ZANDT CO. TX

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The above-captioned cause came on for **trial to a jury on April 8, 2002**. At the conclusion of the evidence, the Court submitted questions of fact in the case to the jury.

In addition to the matters tried to the jury the Court took under consideration the Motion filed by David Westfall, the Plaintiff (the "Plaintiff"), and Christina Westfall, and Stefani Podvin (Christina Westfall and Stefani Podvin collectively referred to herein as the "Counter-Defendants") concerning the filing of a frivolous lawsuit and Rule 13 Sanctions. The combined issues of the **counter-claim on frivolous lawsuit** and the Rule 13 Motion were **tried together to the Court** on July 30, 2002. At the proceedings on July 30, 2002, the Plaintiff appeared by counsel, the Counter-Defendants appeared in person and were also represented by their attorney. At the proceedings on July 30, 2002, Udo Birnbaum (the "Defendant/Counter-Plaintiff"), the Defendant/Counter-Plaintiff, appeared pro se.

There was NO "counter-claim" - EVER - in fact they had ALL been DISMISSED by "summary judgement" - long, long ago! ALL FRAUD. Look at heading - had been ONLY "counter-DEFENDANTS

After considering the pleadings, the evidence presented at the trial to the jury as well as the evidence presented at the summary judgment hearings and the sanctions hearing before the Court,

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in response to a request from the Defendant/Counter-Plaintiff, the Court makes its findings of fact and conclusions of law as follows:

Findings of Fact

1. The Defendant/Counter-Plaintiff's claims concerning RICO civil conspiracy claims against Christina Westfall and Stefani Podvin (the wife and daughter of the Defendant/Counter-Plaintiff's former attorney, David Westfall) were **groundless and totally unsupported** by any credible evidence whatsoever.

Always remember - the court reporter found him saying - that Mr. Birnbaum was "well intentioned". Suddenly all this stuff.

2. The Defendant/Counter-Plaintiff's claims concerning RICO civil conspiracy claims against Christina Westfall and Stefani Podvin were without merit and brought for the purpose of harassment, delay, and to seek advantage in a collateral matter by attempting to cause the original **Plaintiff**, David Westfall to drop his claim for un-reimbursed legal services provided to the Defendant.

"David Westfall" was NOT the plaintiff! Plaintiff was "The Law Offices" - fraudulently claiming existence of an OPEN ACCOUNT. FRAUD.

3. The Defendant/Counter-Plaintiff was afforded numerous opportunities to marshal his evidence and present any facts to support his allegations concerning RICO civil conspiracy claims against the wife and daughter of the Defendant/Counter-Plaintiff's attorney, David Westfall. The Defendant/Counter-**Plaintiff** wholly failed to provide any such credible evidence at either the summary judgment phase of the lawsuit or at the hearing on the motion for sanctions.

NEVER was a counter PLAINTIFF

4. The attempt to provide testimony by the Defendant/Counter-Plaintiff concerning RICO civil conspiracy claims were his own opinions and **totally uncorroborated** by any other evidence.

5. The Defendant/Counter-Plaintiff never established that he had suffered any economic damages as a result of an alleged conspiracy. The Defendant/Counter-Plaintiff was sued by his former counsel to collect money for **legal work** which had been performed for the Defendant/Counter-Plaintiff for which the Defendant/Counter-Plaintiff had not paid his attorney in

Judge Paul Banner did NOT submit ANY of this to the jury! He INSTRUCTED THEM that Mr. Birnbaum had "FAILED TO ABIDE"!

full. The jury found that the work had been performed by the attorney, the amount charged to the client was reasonable, and that there was an amount owed by the Defendant/Counter-Plaintiff to the Plaintiff. The Defendant/Counter-Plaintiff's claims concerning RICO civil conspiracy claims had no bearing on whether or not the Defendant/Counter-Plaintiff received the legal services and owed the balance of the outstanding attorney's fees.

Did NOT sue for "outstanding attorney's fees, but for UNPAID OPEN ACCOUNT

6. The filing of the Defendant/Counter-Plaintiff's claims concerning RICO civil conspiracy was a blatant and obvious attempt to influence the outcome of the Plaintiff's legitimate lawsuit against the Defendant/Counter-Plaintiff and to cause harassment to the Plaintiff and his family members.

7. The behavior of the Defendant/Counter-Plaintiff in filing claims concerning RICO civil conspiracy in this lawsuit have been totally without substantiation on any cause of action pled.

8. The conduct of the Defendant/Counter-Plaintiff giving rise to the award of punitive damages was engaged in willfully and maliciously by the Defendant/Counter-Plaintiff with the intent to harm the Plaintiff and the Counter-Defendants.

How about "well intentioned"? Remember?

9. The amount of actual damages, attorney's fees, suffered by the Counter-Defendant was proven to be reasonable and necessary by a preponderance of the evidence and not challenged by the Defendant/Counter-Plaintiff at the hearing on sanctions. The amount of actual damages awarded was in an amount that was proven at the hearing.

Was a JURY case. No jury at this hearing.

10. The amount of damages for inconvenience awarded by the court was proven at the hearing by a preponderance of the evidence and not challenged by the Defendant/Counter-Plaintiff at the hearing on sanctions. The court awarded damages for inconvenience in an amount the Court found to be reasonable and necessary, supported by evidence, and appropriate considering the circumstances.

B.S.

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Can't do PUNITIVE by CIVIL process! Only "forward looking" COERCIVE!

11. The amount of **punitive** damages awarded by the Court were found to be supported by the evidence and necessary under the circumstances to attempt to **prevent similar future action** on the part of the Defendant/Counter-Plaintiff.

Can't do this in a CIVIL proceeding. Takes FULL CRIMINAL PROCESS.

12. The sanctions award is directly related to the harm done.

13. The sanctions award is not excessive in relation to the harm done and the **net worth of the Defendant/Counter-Plaintiff**.

No evidence to any of this B.S. ever!

14. The sanctions award is an appropriate amount in order to gain the **relief which the Court seeks**, which is to stop the Defendant/Counter-Plaintiff and **others similarly situated** from filing **frivolous lawsuits**.

"relief which the COURT seeks" - to keep from filing lawsuits - a First Amendment Right. OFFICIAL OPPRESSION PER SE.

15. The amount of the **punitive** damage award is an amount narrowly tailored to the amount of harm caused by the offensive conduct to be **punished**.

16. The Counter-Defendants suffered both economic and emotional damages as a result of the Defendant/Counter-Plaintiff's lawsuit and specifically the frivolous nature of the lawsuit caused damages which included expenses (in addition to taxable court costs), attorney's fees, harassment, inconvenience, intimidation, and **threats**.

No evidence to all this B.S. Remember "well intentioned"?

17. The Counter-Defendants established a prima facie case that this lawsuit was filed by the Defendant/Counter-Plaintiff without merit and for the purpose of **harassment**. The prima facie case was made by the testimony and documents introduced as evidence by the Counter-Defendants at the summary judgment proceedings as well as at the hearing on sanctions on July 30, 2002.

18. After the Counter-Defendants established their prima facie case, the Defendant/Counter-Plaintiff failed wholly to provide any credible evidence to support the **legal theories** of the Defendant/Counter-Plaintiff.

Cannot sanction for the "merit of a case"

Conclusions of Law

1. The Defendant/Counter-Plaintiff wholly failed to provide any credible evidence to substantiate any of his claims concerning a RICO civil conspiracy claim.
2. An essential element of each of Defendant/Counter-Plaintiff's claim was damages.
3. The Defendant/Counter-Plaintiff failed to prove any damage as a direct result of any action or inaction caused by the Plaintiff or the Counter-Defendants.
4. All of Defendant/Counter-Plaintiff's claims were as a matter of law unproved and untenable on the evidence presented to the Court. How about "evidence to the JURY"?
5. Based upon the facts presented to support Defendant/Counter-Plaintiff's claim concerning RICO civil conspiracy charges, the Defendant/Counter-Plaintiff's claims concerning RICO civil conspiracy were completely untenable.
6. The Defendant/Counter-Plaintiff's claims concerning RICO civil conspiracy charges were not based upon the law, were not a good faith extension of existing law, and were brought and continued to be urged for the purpose of harassment. was "civil RICO" - not the mumbo-jumbo above
7. The court concludes as a matter of law that Defendant/Counter-Plaintiff's claims concerning RICO civil conspiracy were brought for the purpose of harassment. Matter of "law"?
8. The Defendant/Counter-Plaintiff's behavior in bringing and prosecuting this frivolous lawsuit was a violation of one or more of the following: §9.000 et seq. Civ. Prac. & Rem. Code, §10.000 et seq. Civ. Prac. & Rem. Code, and/or Rule 13, T.R.C.P. what about "well intentioned"?
9. The Court has the power to award both actual and punitive damages against the Defendant/Counter-Plaintiff for the filing and prosecution of a frivolous lawsuit. This authority stems from one or more of the following: §9.000 et seq. Civ. Prac. & Rem. Code, §10.000 et seq. Civ. Prac. & Rem. Code, Rule 13, T.R.C.P., and/or the common law of Texas. NO, it does NOT!

Findings of Fact and Conclusions of Law

PAGE 5 of 7

Official Oppression per se

10. The behavior and attitude of the Defendant/Counter-Plaintiff in filing and prosecuting this claim against the Counter-Defendants calls out for the award of both actual and punitive damages to be assessed against the Defendant/Counter-Plaintiff.

11. The Counter-Defendants were successful in presenting a prima facie case to the Court on the issue of sanctions. After the prima facie case was made, the burden of proof shifted to the Defendant/Counter-Plaintiff and the Defendant/Counter-Plaintiff failed in its effort to prove good faith in the filing of the RICO civil conspiracy claims.

12. The appropriate award for actual damages as a result of the filing and full prosecution of this frivolous lawsuit is an award of \$50,085.00 in attorney's fees. The Court makes this award under power granted to the Court by §9.000 et seq. Civ. Prac. & Rem. Code, §10.000 et seq. Civ. Prac. & Rem. Code, Rule 13, T.R.C.P., and/or the common law of Texas.

13. The appropriate sanction for the inconvenience suffered by the Counter-Defendants for the filing and full prosecution of this frivolous lawsuit is an award of \$1,000.00 to Christina Westfall and \$1,800.00 to Stefani Podvin, to be paid by the Defendant/Counter-Plaintiff to the Counter-Defendants.

14. The appropriate punitive sanction for the filing and full prosecution of this frivolous lawsuit is an award of \$5,000.00 to Christina Westfall and an award of \$5,000.00 to Stefani Podvin, to be paid by the Defendant/Counter-Plaintiff to the Counter-Defendants.

15. The award of punitive damages is directly related to the harm done.

16. The award of punitive damages is not excessive.

17. The award of punitive damages is an appropriate amount to seek to gain the relief sought which is to stop this Defendant/Counter-Plaintiff, and others like him, from filing similar frivolous lawsuits.

OFFICIAL OPPRESSION per se. Can not do "punitive" in a CIVIL proceeding. Only "coercive". Requires "keys to own release"!

Findings of Fact and Conclusions of Law

PAGE 6 of 7

westfall\udo\judgment\findings of facts2

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18. The amount of the **punitive** damage award is narrowly tailored to the harm done.

19. Authority for the **punitive** damage award is derived from §10.000 et seq. 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.

SIGNED THIS 30 day of September, 2003.



JUDGE PRESIDING

Careful study of this document shows that all this B.S. is to C.Y.A. for having "awarded damages" WITHOUT A JURY - in a jury cause - and trying to CONCEAL that this is exactly what Judge Paul Banner had done.
--
It also is a window on his mindset during the JURY TRIAL of April 8-11, 2002, his hatred of Pro Se parties.
--
JUST READ ALL THIS VENOM IN THIS DOCUMENT. Remember, "although Mr. Birnbaum may be well intentioned --- etc. I (Mr. Banner) did not see the evidence as "SUGGESTING" etc " - or something like that.
--
Was of course a JURY TRIAL - so why was Mr. Banner "weighing" the evidence?

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Here is where they - TWELVE YEARS LATER - "revived" - by "writ of scire facias to revive judgment" - the \$62,885 unlawful Order - as they had FORGED to "judgment-like" - and used to so DUPE the district clerk.

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FILE OR RECEIVED
14 NOV 14 AM 10:45
KAREN WILSON
DIST CLERK VAN ZANDT CO. TX
BY _____ DEP

No. 00-00619

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

Plaintiff

v.

UDO BIRNBAUM

Defendant/Counter-Plaintiff

v.

**G. David Westfall, Christina Westfall, and
Stefani Podvin,**

Counter-Defendants

IN THE DISTRICT COURT

294th JUDICIAL DISTRICT

ALL FRAUD!

In a JURY case - "judgment" was done WITHOUT A JURY!

And "awarded" to someone who had been "out" by summary judgment long ago - and NEVER WAS A PLAINTIFF!

Also plum UNLAWFUL punishment for exercising a First Amendment Right to make a COUNTER-CLAIM! (see "Findings")
Official Oppression per se!

VAN ZANDT COUNTY, TEXAS

ORDER REVIVING JUDGMENT

On this day, November 14, 2014, came on to be considered the *Application for Writ of Scire Facias to Revive Judgment* (the "Application") of Christina Westfall and Stefani Podvin (collectively "Movants"), judgment-creditors in the above-entitled and numbered case. The Court, having reviewed the pleadings and papers filed in this case finds that defendant/counter-plaintiff Udo Birnbaum has filed an answer to the Application and that Defendant was commanded to appear in this court to show cause why the judgment on sanctions (the "Sanctions Judgment") rendered by this court in the above-entitled and numbered cause on August 9, 2002 should not be revived on the Application of the Movants.

what is this "stuff"? NEVER had "counsel". I was always Pro Se - and PUNISHED for being such!

On this day Christina Westfall and Stefani Podvin ("Counter-Defendant/Judgment Creditor") appeared by counsel and Udo Birnbaum ("Defendant/Judgment Debtor") personally appeared. After considering all the pleadings, evidence, and the testimony of witnesses, the Court finds that the

by counsel

Application should be granted and that the Sanctions Judgment revived for the period of time proscribed by law.

IT IS HEREBY, ORDERED, ADJUDGED, AND DECREED, that the Sanctions Judgment (a true and exact copy of which is attached hereto as Exhibit 1 and made a part of this Order as if fully set forth at length) rendered in the above-entitled and numbered cause on July 30, 2002 and signed on August 9, 2002, is hereby revived in all respects against defendant/counter-plaintiff Udo Birnbaum;

IT IS FURTHERED ORDERED that execution on the revived Sanctions Judgment may immediately issue; and

IT IS FURTHER ORDERED that all costs are taxed against the Defendant, Udo Birnbaum.

All relief requested, not granted herein, is expressly denied.

SIGNED this 14 day of November, 2014

Paul B.
JUDGE PAUL BANNER, PRESIDING

ALL FRAUD!
In a JURY case - "judgment" was done WITHOUT A JURY!
And "awarded" to someone who had been "out" by summary judgment long ago - and NEVER WAS A PLAINTIFF!
Also plum UNLAWFUL punishment for exercising a First Amendment Right to make a COUNTER-CLAIM! (see "Findings")
Official Oppression per se!

PAUL BANNER
Senior Judge Presiding by
Assignment

Document No. 2015-000152

ABSTRACT OF JUDGMENT

Parties: WESTFALL CHRISTINA
to
BIRNBAUM UDO

FILED AND RECORDED
REAL RECORDS

On: 01/07/2015 at 11:52 AM

Document Number: 2015-000152
Receipt No.: 201569004
Amount: \$ 26.00

By: chardin
Pamela Pearman, 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.

Pamela Pearman, County Clerk

Record and Return To:

FRANK C FLEMING

3326 ROSEDALE
DALLAS, TX 75205



Cause No. 00-00619

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

§ IN THE 294TH DISTRICT COURT

VS.

§ OF

UDO BIRNBAUM, Defendant/Counter Plaintiff

§

VS.

§

NEVER a "plaintiff", "judgment creditor", never such "judgment"

G. DAVID WESTFALL, CRISTINA WESTFALL
AND STEFANIE PODVIN, Counter-Defendants

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VAN ZANDT COUNTY, TEXAS

Attorney for Plaintiff/Judgment Creditor:

Frank C. Fleming
3326 Rosedale Ave.
Dallas, Texas 75205-1462

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

Christina Westfall and Stefani Podvin
c/o Frank C. Fleming
3326 Rosedale Ave.
Dallas, Texas 75205-1462

Defendants/Judgment Debtor Information:

Name:
Address or where citation was served

Udo Birnbaum
540 Van Zandt County Road 2916
Eustace, TX 75124-7280

Birth date, if available: N/A

Last three numbers of driver's license, if available: N/A

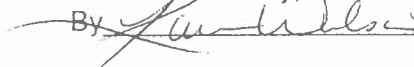
Last three numbers of Social Security No., if available: N/A

Date of Judgment: August 9, 2002 – Order Reviving Judgment November 14, 2014
Amount of Judgment: \$12,800.00
Attorney's Fees: \$50,085.00
Amount of Costs: \$ 427.00
Post-Judgment Interest Rate: 10% from July 30, 2002
Amount of Credits: \$ 0.00
Balance Due on Judgment: \$ 62,885.00 plus 10% Interest from July 30, 2002

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 22nd day of December, 2014.

Karen Wilson, District Clerk
Van Zandt County, Texas

By  Clerk

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

Cause No. 00-00619

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

§
§
§
§
§
§
§
§
§
§

IN THE 294TH DISTRICT COURT

VS.

OF

Sec. 31.03 THEFT - "unlawful appropriation of property"

UDO BIRNBAUM, Defendant/Counter Plaintiff

G. DAVID WESFALL, CHRISTINA WESTFALL, AND
STEFANI PODVIN, Counter-Defendants

VAN ZANDT COUNTY, TEXAS

TO ANY SHERIFF OR ANY CONSTABLE WITH THE STATE OF TEXAS: GREETING:

WHEREAS on the 30th day of July, 2002, in the Honorable 294th District Court of Van Zandt County, Texas in Cause No. 00-00619 and as styled above; CHRISTINA WESTFALL AND STEFANI PODVIN, Counter-Defendants, recovered a judgment against UDO BIRNBAUM, for the sum of \$62,885.00 Dollars with interest thereon from 30th day of July, 2002 at the rate of 10% per annum, and all costs of suit. This said judgment was revived in said court on the 14th day of November 2014.


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 \$62,885.00 Dollars with interest thereon from the 30th day of July, 2002 at the rate of 10% 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 4th day of August, 2016.

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

NO SUCH JUDGMENT. Document clearly was a mere Order - so titled - and patently UNLAWFUL.

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

They DUPED the clerk - into doing Abstract of Judgment and Writ of Execution - on a mere - and unlawful - ORDER
Sec. 31.03 THEFT - "unlawful appropriation of property"

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.

No. 00-00619

2006 OCT 25 11:51 AM

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

Plaintiff

v.

UDO BIRNBAUM

Defendant/Counter-Plaintiff

G. DAVID WESTFALL, CHRISTINA
WESTFALL, and STEFANI PODVIN,

Counter-Defendants

IN THE DISTRICT COURT

"inconsistent with DUE PROCESS" -- just read this stuff - - Ravings of a madman. Markups throughout this document.

294th JUDICIAL DISTRICT

Trial before a JURY was April 8-11, 2002. Why is he sitting on the bench on April Fools Day in 2004? And not sign till 2006? Where did Judge Chapman come up with all this "stuff" - he was NOT the trial judge!

VAN ZANDT COUNTY, TEXAS

ORDER ON MOTIONS FOR SANCTIONS

On **April 1, 2004**, came on to be heard, defendant, Udo Birnbaum's ("Birnbaum") Motion for Recusal of Judge Paul Banner. Prior to the hearing, the Court and Mr. Birnbaum were each served with notice of a Motion for Sanctions filed by G. David Westfall, P.C., Christina Westfall, and Stefani Podvin (referred to herein collectively as the "Sanctions Movants") and **that Motion for Sanctions was also heard**. The Sanctions Movants appeared by their attorney of record. Birnbaum, appeared in person, **pro se**. All parties announced ready for the hearing.

Based upon the pleadings of the parties, the evidence presented at the motion hearing, and the arguments of counsel and the arguments of the pro se defendant, the Court is of the opinion that Birnbaum's **Motion to Recuse** Judge Paul Banner should be in all things be **denied**.

At this point he should have gone HOME. Period.

Based upon the pleadings of the parties, the evidence presented at the motion hearing, and the arguments of counsel and the arguments of the pro se defendant, the Court is of the opinion that the Sanctions Movants are entitled to prevail on their claim for sanctions against the Defendant, Udo Birnbaum.

**Exhibit
14**

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

Order on Sanctions

PAGE 5 of 8

westfall\udo\pleadings\Order 02

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

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.

24 day of Oct, 2006.


JUDGE PRESIDING

-
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.
--
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.OpenJustice.US

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.

ABSTRACT OF JUDGMENT

Parties: WESTFALL G DAVID PC
to
BIRNBAUM UDO

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



ABSTRACT OF JUDGMENT – Prop.Code ch. 52

CAUSE NO. 00-00619

THE LAW OFFICES OF	§	IN THE 294th DISTRICT COURT
G. DAVID WESTFALL, P. C.,	§	
PLAINTIFF,	§	
VS.	§	OF
UDO BIRNBAUM	§	
DEFENDANT/COUNTER-PLAINTIFF	§	
VS.	§	
G. DAVID WESTFALL, CHRISTINA	§	
WESTFALL, AND STEFANI PODVIN,	§	VAN ZANDT COUNTY, TEXAS

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
 Address of Plaintiff/Judgment Creditor: 3326 Rosedale
 Dallas, Texas 75205

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

NO such "judgment"

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

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

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

RECORDED FOR REC'D
 14 APR 30 PM 12:15
 DIST. CLERK VAN ZANDT COUNTY TEXAS

TO ANY SHERIFF OR ANY CONSTABLE WITH THE STATE OF TEXAS: GREETING:

WHEREAS on the 24th day of **October 2006**, 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, 540 VZ County Road 2916, Eustace, Tx 75124-7280**, for the sum of **\$124,770.00** and Attorney's Fee of **\$1,000.00** Dollars with interest thereon from the 24th day of **October 2006** 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, 540 VZ County Road 2916, Eustace, Tx 75124-7280** subject to execution by law, you cause to be made the sum of **\$124,770.00 and attorney fees of \$1,000.00** with interest thereon from the 24th day of **October 2006** at the rate of **5 %** per annum, together with the sum of **\$492.00** 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 30 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 24th day of **March 2014**

ATTEST: **Karen Wilson** District Clerk
 121 E. Dallas, County Courthouse
 Van Zandt County, Texas

By *Karen Wilson* Deputy

The Rules of Civil Procedure do not require an execution to show upon its face the executions which have been issued on a judgment. This form can, therefore, be used for the original execution or an alias execution.

I HEREBY CERTIFY that the foregoing Bill of Costs, amounting to **\$492.00** 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>	Clerk's fee	\$ 100.00
	Sheriff's fee	\$ 275.00
	Courthouse security	\$ 5.00
	State General Fund	\$ 40.00
	Law Library	\$ 20.00
	Citation Fee	\$ 8.00
	Appellate Fee	\$ 5.00
	Abstract of Judgment	\$ 16.00
	Writs	\$ 8.00
	Records Preservation fee (District Clerk)	\$ 5.00
	Legal Service for Indigency	\$ 10.00
	Other	\$
TOTAL COSTS DUE FROM DEFENDANT = = =		\$ 492.00

COURT RETURN

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:

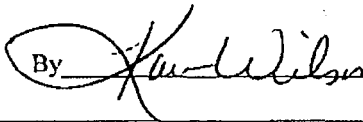
WHEREAS on the 1st day of April, 2004, in the Honorable 294th District Court of Van Zandt County, Texas in Cause No. 00-00619 and as styled above; G. DAVID WESTFALL, P.C. and Counter-Defendants, CHRISTINA WESTFALL AND STEFANI PODVIN recovered a judgment against UDO BIRNBAUM, for the sum of \$125,770.00, 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
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	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

This is the "to deprive the owner of property" evidence - that goes with their [successful] actual "unlawful appropriation of property". Penal 31.03 theft "unlawful appropriation of property to deprive the owner of property". (by successfully duping the Clerk with a mere ORDER to issue Abstract of JUDGMENT



I certify this to be a true and exact copy of the original on file in the District Clerk's Office, Van Zandt County, Texas.

Candi Scott

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

Plaintiff/Counter-Defendant

v.

UDO BIRNBAUM

Defendant/Counter-Plaintiff and
Third Party Plaintiff

v.

**G. David Westfall, Christina Westfall, and
Stefani Podvin**

Third Party Defendants

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IN THE DISTRICT COURT AM 8:47
HERBERT YOUNG
DIST. CLERK VAN ZANDT CO. TX.
BY _____ DEP.
294th JUDICIAL DISTRICT

This motion shows clear intent to get money. And indeed getting a \$62,885 "Order on Motion for Sanctions", and with such ORDER duping the District Clerk to produce Abstract of JUDGMENT - "brings about" - - - "the unlawful appropriation of property (the judgment liens) "to deprive the owner of property". Presto Penal 31.03 THEFT

VAN ZANDT COUNTY, TEXAS

MOTION FOR SANCTIONS

COMES NOW, Third Party Defendants, G. David Westfall, Christian Westfall, and Stefani Podvin, ("Movants"), third party defendants in the above-styled and numbered cause and files this Motion For Sanctions based upon Defendant/Third Party Plaintiff's violation of Rule 13, T. R. C. P., and violation of §§10.001 et seq. of the Texas Civil Practice and Remedies Code, and would thereby show the Court as follows:

Same song, second verse with a \$125,770 (62,885 x 2) Order on Motion for Sanctions

I.
FACTS:

1. This lawsuit was brought by Plaintiff to collect on overdue legal fees for legal services rendered to the Defendant at Defendant's request.
2. Instead of a mounting a normal defense to a rather simple lawsuit such as this and raising the normal objections to a suit on a sworn account, the Defendant/Third Party Plaintiff chose

instead to make this lawsuit into his own public forum to make a mockery of all lawyers and the entire legal system.

3. Defendant/Third Party Plaintiff tried unsuccessfully to intimidate and harass the Plaintiff into dropping this lawsuit by attempting to implicate the owner of the Plaintiff, G. David Westfall, as well as his wife and daughter in a totally frivolous claim of running an organized crime syndicate in the form of a law office.

4. The Defendant/Third Party Plaintiff has attempted to use the forum of this lawsuit to launch a full scale attack on the integrity and character of G. David Westfall, Christina Westfall, and Stephanie Podvin.

5. If those attacks were not enough, the Defendant/Third Party Plaintiff broadened his attack in his pleadings and so called "Open Letters" to include casting aspersions at this Court, the visiting Judge, the Hon. Paul Banner, the Coordinator of the Court, the Court Reporter for the Court, and the Court of Appeals.

II.

Specifically, Movants file this request for sanctions against the Defendant/Third Party Plaintiff for the following actions of the Defendant/Third Party Plaintiff:

1. Filing a frivolous third party claim pleading without factual support or a valid legal basis in Defendant/Third Party Plaintiff's causes of action filed against either G. David Westfall, Christina Westfall, or Stefani Podvin. Movants contend that Defendant/Third Party Plaintiff filed these pleadings for the purpose of causing inconvenience and/or harassment for Stefani Podvin, Christina Westfall, G. David Westfall, P.C., and G. David Westfall, individually and not in support of any valid, legally factual, and legally supportable claims.

BULL SHIT: Judge Paul Banner himself, at the hearing of their motion for protection from my taking their deposition, HIMSELF, HIMSELF - set the TIME, PLACE, and MANNER, of EACH of the FOUR depositions

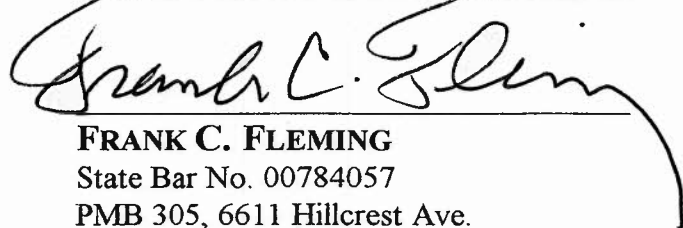
2. Filing discovery requests and taking depositions for the purpose of harassment and inconvenience and not to support any valid claims or causes of actions against the Movants.
3. Filing a frivolous motion to recuse the Hon. Paul Banner for the purpose of causing inconvenience and/or harassment for Movants.
4. Filing frivolous and untimely motions to appeal the granting of the Movants' Motions for Summary Judgment granted by the trial court.

WHEREFORE, PREMISES CONSIDERED, Movants pray that a hearing be set on this motion, and following a hearing, the Court assess appropriate sanctions against the Defendant/Third Party Plaintiff for the violations of Rule 13 of the Texas Rules of Civil Procedure and/or the violations of §10.001 et seq. of the Tex. Rules of Civil Procedure. Specifically, Movants request damages be assessed against the Defendant/Third Party Plaintiff and awarded to the Movants for the following:

- a. Reimbursement of all Movants' reasonable and necessary attorney's fees expended by Movants in defense of the allegations made by the Defendant/Third Party Plaintiff in this lawsuit to the extent such attorney's fees have not yet been awarded in any prior rulings of this Court.
- b. Reimbursement of all Movants' reasonable and necessary attorney's fees expended by Movants in pursuit of this Motion for Sanctions.
- c. Monetary damages to reimburse Movants for the inconvenience and harassment suffered by the Movants as a direct result of the improper actions taken by the Defendant/Third Party Plaintiff against the Movants in connection with this lawsuit.

- d. Punitive damages to be assessed against the Defendant/Third Party Plaintiff and awarded to the Movants in order to prevent the reoccurrence of such behavior again in the future by the Defendant/Third Party Plaintiff.
- e. Damages assessed against the Defendant/Third Party Plaintiff and awarded to the Court to reimburse the Court for its expenses and inconvenience suffered as a direct result of frivolous pleadings filed on behalf of the Defendant/Third Party Plaintiff.
- f. And for such other and further relief, both general and special, to which Movants may be justly entitled, both at law and equity.

Respectfully submitted,
LAW OFFICE OF FRANK C. FLEMING



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ATTORNEY FOR MOVANTS