"There is something rotten in the state of Denmark"

CAUSE NO. CV07404

UDO BIRNBAUM *Plaintiff,*	§	**IN THE COUNTY COURT AT LAW**
v.	§	**NO. 1**
ROBERT O. DOW *Defendant.*	§	**VAN ZANDT COUNTY, TEXAS**

DEFENDANT'S MOTION TO ENFORCE PREFILING ORDER AND MOTION FOR SANCTIONS AND OTHER RELIEF

TO THE HONORABLE COURT:

COMES NOW, ROBERT DOW ("Movant"), by and through the undersigned counsel, and files this Motion to Enforce the Prefiling Order rendered on October 8, 2015, in the above-captioned cause by the Honorable Joe M. Leonard, and in support thereof respectfully shows:

I. BACKGROUND & PREFILING ORDER

1. On October 8, 2015, in Birnbaum v. Westfall, et al., Cause No. CV05297, in the County Court at Law of Van Zandt County, Texas, the Honorable Joe M. Leonard signed a Prefiling Order, see Exhibit "A", declaring Plaintiff, Udo Birnbaum, a vexatious litigant. Under that Order:

    - *Plaintiff, Udo Birnbaum, is prohibited from filing pro se any new litigation in the 294th District Court and County Court at Law of Van Zandt County without permission of the Local Administrative Judge of the First Administrative Region.*
    - *The District Clerk and County Clerk are prohibited from filing litigation, original proceedings, appeals, or other claims pro se made by Udo Birnbaum, vexatious litigant, unless Udo Birnbaum obtains an order giving permission entered by the Honorable Administrative Judge for the First Administrative Region.*

2. The Prefiling Order remains in full force and effect. Mr. Birnbaum has neither challenged nor obtained any modification of the Prefiling Order and is, therefore, strictly bound by its terms.

II. VIOLATION OF PREFILING ORDER

3. Despite the clear directives of the October 8, 2015, Prefiling Order, Mr. Birnbaum has violated the Order as follows:

a. On February 8, 2025, Mr. Birnbaum filed a new pro se lawsuit styled *Udo Birnbaum v. CSD Van Zandt LLC*, Cause No. 25-00024, in the 294th Judicial District Court of Van Zandt County, Texas.

b. On February 3, 2025, Mr. Birnbaum filed another new pro se lawsuit styled *Udo Birnbaum v. Robert O. Dow*, Cause No. CV07404, in the County Court at Law of Van Zandt County, Texas.

4. Mr. Birnbaum did not obtain permission from or an Order of the Local Administrative Judge of the First Administrative Region before filing either of these two new lawsuits.

III. GROUNDLESS PLEADINGS UNDER TEXAS RULE OF CIVIL PROCEDURE 13

5. In addition to violating the Prefiling Order, Mr. Birnbaum's new pro se filings are groundless because the claims therein have already been litigated in *CSD Van Zandt LLC v. Birnbaum*, Cause No. 22-00105, in the 294th District Court, Van Zandt County, Texas. In that action, a Final Judgment was rendered in favor of CSD Van Zandt LLC on September 20, 2023, see Exhibit "B".

6. Mr. Birnbaum appealed that Final Judgment to the Twelfth Court of Appeals under Cause No. 12-23-00282-CV, which issued its Memorandum Opinion on May 31, 2024, see, Exhibit "C", affirming the trial court's judgment. Mr. Birnbaum's Petition for Review in the Texas Supreme Court (No. 24-0504) was denied on November 22, 2024, see Exhibit "D", and the Twelfth Court of Appeals issued its Mandate on January 8, 2025, see Exhibit "E".

7. Because the controversies Mr. Birnbaum seeks to relitigate were already fully and finally adjudicated, his new lawsuits are barred by res judicata and issue preclusion. Therefore, these latest pro se filings are groundless, warranting the imposition of sanctions and attorney's fees under Texas Rule of Civil Procedure 13.

IV. REMOVAL OF LIS PENDENS

8. Mr. Birnbaum has filed a Lis Pendens in the Official Public Records of Van Zandt County, Texas, as document 2025-002097. A true and correct copy of this Lis Pendens is attached as Exhibit "F".

9. Because Mr. Birnbaum has violated the Prefiling Order, Mr. Birnbaum had no legal basis to record the Lis Pendens.

10. The Lis Pendens should be declared void by this Court.

11. Plaintiff is entitled to an order that Udo Birnbaum shall not submit any future Lis Pendens or lien arising from or connected with any lawsuit filed pro se by Udo Birnbaum for recording in the Van Zandt County Official Public Records against any real property located in Van Zandt County, Texas, unless the Lis Pendens or lien affirmatively reflects

the Local Administrative Judge of the First Administrative Region granted permission to Udo Birnbaum to file the pro se lawsuit connected with the Lis Pendens or lien and any recorded Lis Pendens or lien in violation of this order shall be facially invalid and this order specifically invalidates any purported Lis Pendens or lien Udo Birnbaum may record or attempt to record against any real property owned in whole or in part by CSD VAN ZANDT, LLC, a Texas limited liability company, or Robert O. Dow.

IV. REQUEST FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, Movant respectfully requests that this Court:

1. Dismiss this matter for failure to comply with the October 8, 2015, Prefiling Order,
2. Order the Clerk of the County Court at Law in Cause No. CV07404 to close the file and to decline any subsequent filings by Mr. Birnbaum as a pro se litigant unless Mr. Birnbaum shows proof of compliance with the Prefiling Order,
3. Render its Order that the Lis Pendens is void,
4. Award Movant reasonable attorney's fees and costs of court,
5. Impose sanctions against Defendant as sanctioned by Texas Rule of Civil Procedure 13,
6. Grant Movant such other and further relief to which Movant may be justly entitled at law or in equity; and
7. Order Udo Birnbaum not to attempt to record or record any Lis Pendens or lien against any real property in Van Zandt County, Texas, without complying with the Prefiling Order, and that any Lis Pendens or lien improperly recorded shall be facially invalid.

Respectfully submitted,

THE LAW OFFICE OF
CHRISTOHPER J. SULLIVAN, PLLC

/s/ Corey Kellam
COREY KELLAM
State Bar No. 24083297
corey@sullivanlawoffices.com

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nicole@sullivanlawoffices.com

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THE LAW OFFICE OF
CHRISTOPHER J. SULLIVAN, PLLC
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Southlake, Texas 76092
Telephone: (469) 702-0099
Facsimile: (817) 601-1850

ATTORNEYS FOR ROBERT O. DOW

EXHIBITS:

A: Certified Copy of Prefiling Order in Cause No. CV05297
B: Certified Copy of Final Judgment in Cause No. 22-00105
C: Certified Copy of The State of Texas Mandate in Cause No. 12-23-00282-CV; Trial Court No. 22-00105
D: Certified Copy of Memorandum Opinion in Cause No. 12-23-00282-CV
E: Certified Copy of Supreme Court Notice: Petition for Review disposed in Cause No. 24-0504, COA No. 12-23-00282-CV, TC No. 22-00105
F: Lis Pendens 2025-002097

CERTIFICATE OF SERVICE

I certify that on April 11th, 2025, a true and correct copy of the foregoing document was electronically served upon all counsel of record and to Udo Birnbaum via email in accordance with the TEXAS RULE CIVIL PROCEDURE.

Udo Birnbaum
brnbm@aol.com

/s/ Corey Kellam
Corey Kellam

EXHIBIT "A"

FILED FOR RECORD

2015 OCT -8 AM 11:56

PAM PEARMAN
CLERK, VAN ZANDT CO., T.

DEP.

CAUSE NO. CV05297

UDO BIRNBAUM **Plaintiff**	§	**IN THE COUNTY COURT**
VS.	§	
CHRISTINA WESTFALL, STEFANI PODVIN, AND FRANK C. FLEMING **"The Westfall Bunch", reference only**	§	**AT LAW OF**
THREE PIECES OF PAPER **At Issue ("defendants"?)**	§	**VAN ZANDT COUNTY, TEXAS**

PREFILING ORDER

The Court enters a finding that there is no reasonable probability that Plaintiff will prevail as a pro se litigant and enters the following order: Plaintiff, Udo Birnbaum, is prohibited from filing pro se any new litigation in the 294th District Court and County Court at Law of Van Zandt County without permission of the Local Administrative Judge of the First Administrative Region. The District Clerk and County Clerk are prohibited from filing litigation, original proceedings, appeals, or other claims pro se made by Udo Birnbaum, vexatious litigant, unless Udo Birnbaum obtains an order giving permission entered by the Honorable Administrative Judge for the First Administrative Region. Additionally, the District Clerk and County Clerk shall provide notice to the Office of Court Administration of the Texas Judicial System in Austin, Texas, by sending a copy of this Prefiling Order not later than 30 days from this date.

SIGNED AND ENTERED ON THIS 8 day of October 2015.

HON. JOE M. LEONARD,
JUDGE SITTING BY ASSIGNMENT

OFFICIAL CERTIFIED COPY
SUSAN STRICKLAND
COUNTY CLERK
DATE 3-29-2025
BY
VAN ZANDT COUNTY, TEXAS

EXHIBIT "B"

CAUSE NO. 22-00105

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

FINAL JUDGMENT

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

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

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

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

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

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

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

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

SIGNED this 20th day of September 2023.

JUDGE PRESIDING

Chris Martin, 294th District Court

Automated Certificate of eService

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

Amy Womack on behalf of Corey Kellam
Bar No. 24083297
aw@flowersdavis.com
Envelope ID: 79710221
Filing Code Description: Proposed Order
Filing Description: Final Judgment
Status as of 9/20/2023 11:56 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Celia C.Flowers		ccf@flowersdavis.com	9/19/2023 2:12:03 PM	SENT
Corey RossKellam		crk@flowersdavis.com	9/19/2023 2:12:03 PM	SENT
Amy Womack		aw@flowersdavis.com	9/19/2023 2:12:03 PM	SENT
Jennifer Wallace		legalassistant@flowersdavis.com	9/19/2023 2:12:03 PM	SENT
Laci R.Stovall		lrs@flowersdavis.com	9/19/2023 2:12:03 PM	SENT
Ashley Fortune		alf@flowersdavis.com	9/19/2023 2:12:03 PM	SENT
Shannon MBarber		sb@flowersdavis.com	9/19/2023 2:12:03 PM	SENT
Udo Birnbaum		brnbm@aol.com	9/19/2023 2:12:03 PM	SENT

EXHIBIT "C"

THE STATE OF TEXAS
M A N D A T E

****

TO THE 294TH DISTRICT COURT OF VAN ZANDT COUNTY, GREETING:

Before our Court of Appeals for the 12th Court of Appeals District of Texas, on the 31st day of May, 2024, the cause upon appeal to revise or reverse your judgment between

UDO BIRNBAUM, Appellant

NO. 12-23-00282-CV; Trial Court No. 22-00105

Opinion by Greg Neeley, Justice.

CSD VAN ZANDT, LLC, Appellee

was determined; and therein our said Court made its order in these words:

"THIS CAUSE came to be heard on the appellate record and briefs filed herein, and the same being considered, it is the opinion of this court that there was no error in the judgment.

It is therefore ORDERED, ADJUDGED and DECREED that the judgment of the court below **be in all things affirmed**, and that all costs of this appeal are hereby adjudged against the appellant, **Udo Birnbaum**, for which execution may issue, and that this decision be certified to the court below for observance."

WHEREAS, WE COMMAND YOU to observe the order of our said Court of Appeals for the Twelfth Court of Appeals District of Texas in this behalf, and in all things have it duly recognized, obeyed, and executed.

WITNESS, THE HONORABLE JAMES T. WORTHEN, Chief Justice of our Court of Appeals for the Twelfth Court of Appeals District, with the Seal thereof affixed, at the City of Tyler, this the 8th day of January 2025.

THE TWELFTH COURT OF APPEALS OF THE STATE OF TEXAS

By: _____
Ashley Rozell, Chief Deputy Clerk

EXHIBIT "D"

NO. 12-23-00282-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

UDO BIRNBAUM, APPELLANT	§	*APPEAL FROM THE 294TH*
V.	§	*JUDICIAL DISTRICT COURT*
CSD VAN ZANDT, LLC, APPELLEE	§	*VAN ZANDT COUNTY, TEXAS*

MEMORANDUM OPINION

Udo Birnbaum, proceeding pro se, appeals the trial court's grant of summary judgment in favor of CSD Van Zandt, LLC. He presents eight issues on appeal. We affirm.

BACKGROUND

In 1981, T.C. and Carolyn Ann Travis deeded Birnbaum 150 acres in Van Zandt County. In 2002, Birnbaum sold the property to Gwendolyn Wright Thibodeaux. Gwendolyn died intestate in 2006. After a Van Zandt County court determined her heirs and their respective shares, Louis Thibodeaux, Patricia Moore Barclay, and James T. Moore, III owned the 150 acres. Louis owned fifty percent interest; Barclay owned twenty-five percent interest; and Moore owned twenty-five percent interest. When Louis died in 2019, his will conveyed his interest in the property to Lisa Girot. Therefore, Girot owned a fifty percent interest in the property. On June 24, 2022, CSD purchased the property from Girot, Barclay, and Moore via warranty deed with vendor's lien.

Prior to purchasing the property, CSD learned Birnbaum was living on a portion of the property. Girot also informed CSD that Louis previously attempted to convey the property to Birnbaum in March 2017, but Birnbaum refused. On June 30, 2022, CSD sent Birnbaum a letter requesting he vacate the property. Birnbaum responded by filing a warranty deed in the county records, which purportedly conveyed the property to him in March 2017.

Thereafter, CSD filed suit against Birnbaum asserting actions for declaratory judgment, trespass to try title, and a suit to quiet title. Birnbaum filed an answer and asserted various counterclaims. CSD filed a traditional motion for summary judgment on its claims, which the trial court heard by submission and granted. The trial court then entered a final judgment granting CSD's claims. This appeal followed.

RIGHT TO JURY TRIAL

In his first, second, fourth, and eighth issues, Birnbaum asserts that he was denied his right to a trial by jury.[1] The right to a jury trial in civil cases is not absolute. *See, e.g.*, ***Green v. W.E. Grace Mfg. Co.***, 422 S.W.2d 723, 725 (Tex. 1968); ***Martin v. Commercial Metals Co.***, 138 S.W.3d 619, 626 (Tex. App.—Dallas 2004, no pet.). The summary judgment process provides a method of terminating a case when only questions of law are involved and there are no genuine issues of fact. *See* ***Lattrell v. Chrysler Corp.***, 79 S.W.3d 141, 150 (Tex. App.—Texarkana 2002, pet. denied). The process will not deprive litigants of a jury trial where material questions of fact exist. ***Id.*** However, if there is nothing to submit to a jury, the grant of summary judgment cannot violate a party's constitutional right to a jury trial. *See* ***id.***; *see also* ***Martin***, 138 S.W.3d at 627. None of Birnbaum's issues attack the merits of the summary judgment; therefore, we cannot disturb the trial court's determination that there is no genuine issue of material fact. *See* ***Pat Baker Co v. Wilson***, 971 S.W.2d 447, 450 (Tex. 1998) (appellate court cannot reverse trial court's judgment absent properly assigned error). We overrule Birnbaum's first, second, fourth, and eighth issues.

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[1] Birnbaum's second issue is titled "A summary judgment cannot substitute for a real judgment," but seems to argue that only a Justice of the Peace can issue a writ of possession. However, he also argues that a jury trial is required before a writ of possession can be issued. Because a writ of possession is not a final, appealable order, we construe his issue as another jury trial argument. *See* ***LaFontaine v. Hendricks Prop. Mgmt.***, No. 04–11–00044–CV, 2011 WL 1158399, at * 1 (Tex. App.–San Antonio Mar. 30, 2011, no pet.) (mem. op.) (holding that a writ of possession is neither a final judgment nor an appealable interlocutory order).

STATUTE OF LIMITATIONS

In his seventh issue, Birnbaum claims the statute of limitations for adverse possession "precluded trespass to try title." In support of his argument, Birnbaum includes a copy of his answer in which he pleads statute of limitations as an affirmative defense. However, pleadings are not summary judgment evidence, even if sworn or verified. ***Laidlaw Waste Sys. (Dallas), Inc. v. City of Wilmer***, 904 S.W.2d 656, 660-61 (Tex. 1995). A party cannot rely on its own pleaded allegations as evidence of facts to oppose its opponent's summary-judgment motion. ***Regency Field Servs., LLC v. Swift Energy Operating, LLC***, 622 S.W.3d 807, 818 (Tex. 2021). And the record does not reflect that Birnbaum filed a response to CSD's motion for summary judgment. Although he filed a response to the notice setting the motion for submission, along with his own no evidence motion for summary judgment, neither document references the statute of limitations. *See* TEX. R. APP. P. 33.1 (as prerequisite to presenting complaint for appeal, record must show that complaint was made to trial court by timely request, objection, or motion and trial court ruled thereon). We overrule Birnbaum's seventh issue.

REMAINING ISSUES

Texas Rule of Appellate Procedure 38.1(*i*) requires that an appellant's brief "contain a clear and concise argument for the contentions made, with appropriate citations to authorities and to the record." TEX. R. APP. P. 38.1(*i*). The appellate court has no duty to brief issues for an appellant. ***Huey v. Huey***, 200 S.W.3d 851, 854 (Tex. App.—Dallas 2006, no pet.). The failure to provide appropriate record citations or a substantive analysis waives an appellate issue. ***WorldPeace v. Comm'n for Lawyer Discipline***, 183 S.W.3d 451, 460 (Tex. App.—Houston [14th Dist.] 2005, pet. denied); *see also* ***Fredonia State Bank v. Gen. Am. Life Ins. Co.***, 881 S.W.2d 279, 284-85 (Tex. 1994) (appellate court has discretion to deem issues waived due to inadequate briefing). References to sweeping statements of general law are rarely appropriate. ***Bolling v. Farmers Branch Ind. Sch. Dist.***, 315 S.W.3d 893, 896 (Tex. App.—Dallas 2010, no pet.).

Even though we must construe briefing requirements reasonably and liberally, a party asserting error on appeal still must put forth some specific argument and analysis showing that the record and the law support its contentions. ***San Saba Energy, L.P. v. Crawford***, 171 S.W.3d 323, 338 (Tex. App.—Houston [14th Dist.] 2005, no pet.). An appellate court has no duty—nor

any right—to perform an independent review of the record and applicable law to determine whether there was error. ***Canton–Carter v. Baylor Coll. of Med.***, 271 S.W.3d 928, 931–32 (Tex. App.—Houston [14th Dist.] 2008, no pet.); ***Valadez v. Avitia***, 238 S.W.3d 843, 845 (Tex. App.—El Paso 2007, no pet.). Were we to do so, we would be abandoning our role as neutral adjudicators and become an advocate for that party. ***Valadez***, 238 S.W.3d at 845.

Moreover, a pro se litigant is held to the same standards as licensed attorneys and must comply with applicable laws and rules of procedure. ***Mansfield State Bank v. Cohn***, 573 S.W.2d 181, 184–85 (Tex. 1978); ***Interest of A.E.***, 580 S.W.3d 211, 219 (Tex. App.—Tyler 2019, pet. denied). Otherwise, pro se litigants would benefit from an unfair advantage over parties represented by counsel. ***Muhammed v. Plains Pipeline, L.P.***, No. 12-16-00189-CV, 2017 WL 2665180, at *2 n.3 (Tex. App.—Tyler June 21, 2017, no pet.) (mem. op.).

Birnbaum's brief is devoid of references to the record. And his brief simply includes broad statements of law without explanation as to how they apply to his facts and arguments. *See* ***Sweed v. City of El Paso***, 195 S.W.3d 784, 786 (Tex. App.—El Paso 2006, no pet.) ("merely uttering brief conclusory statements" is not a discussion of the facts and authorities relied upon contemplated by Rule 38). In his third issue, Birnbaum claims genuine issues of material fact exist but offers no record citations or arguments to support his position. His fifth issue claims CSD's "whole cause is nothing but a sales pitch fabrication, record by Plaintiff, then spun into pleadings, motions, affidavits, co-mingling, etc." He claims that CSD's pleadings and evidence are "hearsay upon hearsay" without identifying the specific documents, statements, or claims he is attacking. His sixth issue purports to attack CSD's standing to bring a trespass to try title suit but contains no legal or record citations to support his position. We liberally construed Birnbaum's brief in order to give effect to his arguments. *See* TEX. R. APP. P. 38.9. But it is not our duty to review the record, research the law, and fashion a legal argument for an appellant when he fails to do so. ***Zhang v. Capital Plastic & Bags, Inc.***, 587 S.W.3d 82, 90 (Tex. App.—Houston [14th Dist.] 2019, pet. denied). Accordingly, we hold Birnbaum waived any alleged error with respect to issues three, five, and six. We overrule his third, fifth, and sixth issues.

DISPOSITION

Having overruled all of Birnbaum's issues, we ***affirm*** the trial court's judgment.

GREG NEELEY
Justice

Opinion delivered May 31, 2024.
Panel consisted of Worthen, C.J., Hoyle, J., and Neeley, J.

EXHIBIT "E"

FILE COPY

RE: Case No. 24-0504
COA #: 12-23-00282-CV
STYLE: BIRNBAUM v. CSD VAN ZANDT, LLC

DATE: 11/22/2024
TC#: 22-00105

Today the Supreme Court of Texas denied the petition for review in the above-referenced case.

MR. UDO BIRNBAUM
* DELIVERED VIA E-MAIL *

This is a true and correct copy of the original

Blake Hawthorne, Clerk
Supreme Court of Texas

By: _____
Deputy Clerk

CERTIFIED COPY

FILE COPY

RE: Case No. 24-0504
COA #: 12-23-00282-CV
STYLE: BIRNBAUM v. CSD VAN ZANDT, LLC

DATE: 11/22/2024
TC#: 22-00105

Today the Supreme Court of Texas denied the petition for review in the above-referenced case.

KATRINA L. MCCLENNY
CLERK, TWELFTH COURT OF APPEALS
1517 W. FRONT ST., STE. 354
TYLER, TX 75702
* DELIVERED VIA E-MAIL *

FILE COPY

RE: Case No. 24-0504
COA #: 12-23-00282-CV
STYLE: BIRNBAUM v. CSD VAN ZANDT, LLC

DATE: 11/22/2024
TC#: 22-00105

Today the Supreme Court of Texas denied the petition for review in the above-referenced case.

MR. GREGORY D. SMITH
SMITH LEGAL, PLLC
110 N. COLLEGE AVE., SUITE 1120
TYLER, TX 75702
* DELIVERED VIA E-MAIL *

FILE COPY

RE: Case No. 24-0504
COA #: 12-23-00282-CV
STYLE: BIRNBAUM v. CSD VAN ZANDT, LLC

DATE: 11/22/2024
TC#: 22-00105

Today the Supreme Court of Texas denied the petition for review in the above-referenced case.

DISTRICT CLERK VAN ZANDT COUNTY
VAN ZANDT COUNTY COURTHOUSE
121 E. DALLAS, ROOM 302
CANTON, TX 75103-1604
* DELIVERED VIA E-MAIL *

EXHIBIT "F"

Document No. 2025-002097

NOTICE OF LIS PENDENS

Parties: BIRNBAUM UDO

to

CSD VAN ZANDT LLC

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

On: 03/11/2025 at 10:37 AM

Document Number: 2025-002097
Receipt No.: 2025177245
Amount: $ 33.00

By: sleath
Susan Strickland, County Clerk
Van Zandt County, Texas

4 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.

Susan Strickland, County Clerk

Record and Return To:

UDO BIRNBAUM
119 AN COUNTY ROAD 2501

TENNESSEE COLONY, TX 75861

STATE OF TEXAS §
COUNTY OF VAN ZANDT §

NOTICE OF LIS PENDENS

Notice is hereby given that there is pending in the 294th District Court of Van Zandt County, Texas, a certain action and suit, styled Udo Birnbaum vs. CSD Van Zandt LLC, and numbered 25-00024, wherein Udo Birnbaum is plaintiff, and CSD Van Zandt LLC is defendant; that such suit involves a 150 acres at 540 VZ County Road 2916 in Van Zandt County, Texas, more fully described in the county Records, Vol. 964, page 447.

Such 150 acres is claimed by CSD Van Zandt LLC as being theirs by reason of coming to them out of the estate of a Gwendolyn Wright Thibodeaux and the later estate of husband Louis Thibodeaux, but such property never entering, and certainly never coming out of, neither of these estates. CSD Van Zandt LLC has no chain of deeds onto them. This is blatant real estate deed fraud upon an elderly. Attached is:

Exhibit 1: Deed Gwendolyn Wright Thibodeaux to Udo Birnbaum,

Exhibit 2: Deed Louis Thibodeaux to Udo Birnbaum.

Witness my hand, this 5 day of March , 2025

Udo Birnbaum
Udo Birnbaum

Acknowledgement

State of Texas
County of Anderson

This instrument acknowledged before me on March 5, 2025

by Udo Birnbaum

Vickey E Quarles
Notary Public's Signature

Vickey E Quarles
My Commission Expires
11/21/2028
Notary ID126731608

Exhibit 1

WARRANTY DEED

THE STATE OF TEXAS
COUNTY OF VAN ZANDT

That I, GWENDOLYN WRIGHT THIBODEAUX, of the County of Van Zandt and State of Texas, for and in consideration of the sum of TEN AND NO/100 ($10.00) DOLLARS, and other good and valuable consideration to me in hand paid by UDO BIRNBAUM, as follows.

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

have GRANTED, SOLD and CONVEYED, and by these presents do GRANT, SELL and CONVEY, onto the said UDO BIRNBAUM, of the County of Van Zandt and State of Texas, all those tracts and parcels of land, totaling more or less 170 acres, described as follows, to-wit:

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

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

EXECUTED this the 29th day of April, 2002.

Gwendolyn Wright Thibodeaux

THE STATE OF TEXAS
COUNTY OF VAN ZANDT

This instrument was acknowledged before me on this 29th day of April, 2002, by GWENDOLYN WRIGHT THIBODEAUX.

OFFICIAL SEAL
Debbie Cornett
State of Texas
My Commission Expires
October 28, 2003

Notary Public, State of Texas

Exhibit 2

WARRANTY DEED

THE STATE OF LOUISIANA
PARRISH OF Calcasieu

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

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

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

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

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

EXECUTED this 3 day of April, 2017

Louis Thibodeaux
Louis Thibodeaux

THE STATE OF LOUISIANA
PARRISH OF Calcasieu

This instrument was acknowledged before me on this 3rd day of April, 2017, by LOUIS THIBODEAUX.

Lisa L Girot
Notary Public, State of Louisiana

Lisa L. Girot
Notary # 006581
Calcasieu Parish, Louisiana
Commission Expires at Death