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FILED FOR PENDING

PAT PEARMAN
CLERK. VAN ZANDT C

www.ck12.org

VAN ZANDT COUNTY, TEXAS

PREFILING ORDER

SIGNED AND ENTERED ON THIS 8 day of October 2015.

Page Solo

Exh-2

2

CAUSE NO. CV-05297

UDO BIRNBAUM

v.

CHRISTINA WESTFALL, ET AL.,
STEFANI PODVIN, AND
FRANK C. FLEMING

THREE PIECES OF PAPER

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IN THE COUNTY COURT

AT LAW OF

VAN ZANDT COUNTY, TEXAS

PAM PEARMAN
CLERK, VAN ZANDT CO., TX

2015 OCT 26 PM 2:29

FILED FOR RECORD

ORDER VACATING AND SETTING ASIDE PREFILING ORDER

After reviewing the Prefiling Order signed and entered in this case on October 8, 2015, in which Plaintiff Udo Birnbaum was "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 undersigned finds that no motion for an order determining Plaintiff to be a vexatious litigant was filed under Section 11.51 of the Texas Civil Practice & Remedies Code, and no notice and hearing were provided to Plaintiff. Accordingly, the October 8, 2015 Prefiling Order should be vacated and set aside.

IT IS THEREFORE ORDERED that the October 8, 2015 Prefiling Order is hereby vacated and set aside and the District and County Clerks of Van Zandt County shall provide notice to the Office of Court Administration of the Texas Judicial System in Austin, Texas, by immediately sending a copy of this Order to that office.

Signed this 23 day of October, 2015.


RICHARD MAYS,
SENIOR JUDGE, SITTING BY
ASSIGNMENT

3

2015 OCT 21 PM 4: 59

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PAMPEAKMAN
CLERK, VAN ZANDT CO.,

§ IN THE COUNTY COURT

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AT LAW OF

VAN ZANDT COUNTY, TEXAS

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SIGNED AND ENTERED AS AMENDED ON THIS ^D 19th day of October 2015.

Page Solo [*]

**Criminal Complaint and Affidavit of Official Oppression
and Abuse of Official Capacity upon Udo Birnbaum.**

Synopsis

My name is UDO BIRNBAUM. I am 78 years old, reside in Van Zandt County, and am competent to make this Affidavit.

This Complaint is upon a JOE M. LEONARD, "visiting judge" – in a **non-adjudicative setting** in the Van Zandt County Court at Law (CV05297) on Oct. 8, 2015 - upon my having petitioned my government in the 294th District Court (No. 14-00266) - under my First Amendment Right – for relief from my government (the 294th) having unlawfully imposed criminal sanctions (no "keys to own release") upon me by civil process – such JOE M. LEONARD – retaliating upon me under color of law – and making me vulnerable in public - or in a court of law - by such JOE M. LEONARD, wrongfully branding me as one of those awful "vexatious litigants" – and ordering my inclusion in such "black-list" as the State publishes on the web.

Such branding as such "vexatious" person as he is only allowed to do **if** there had indeed been a Motion for such – **which there was not**, by a defendant – **of which there was none** – upon notice of hearing and actual hearing upon notice – of which there course **was none** – in a "litigation" – which there **de facto was none** - upon a "litigant" – of which there de facto **was none either**. All there was - was me – as a **pro se**, petitioning my government (the court), under my First Amendment Right, before Judge Joe M. Leonard.

(It is elementary, that if there is only ONE "party" – there can be no **litigation**, or **adjudication** "between the parties", i.e. purely magisterial)

Such **Prefiling Order** as such JOE M. LEONARD issued – of course required a Finding regarding someone –me - actually being adjudged as one of those "vexatious litigants" – which **there never was**, by any judge, **ever**.

Such matters, as **were** before such JOE M. LEONARD on such Oct. 8, 2015, were as follows, the titles clearly "suggesting" the issue:

- **First Amended Original Petition to Declare Three Judgments as inconsistent with due process, unlawful, criminal, and void.**
- **Notice of Concurrent Criminal Complaint upon this Matter**
- **Synopsis upon Transfer** – the absurd unlawful "transfer" of this cause
- **Plea to the Jurisdiction and Sanity** – *"if there is insanity around - - well, some of us gotta have it"*

Enough said, for now. Next, a refresher.

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First Amendment – re unfettered access to the courts:

Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or of the right of the people peaceably to assemble and to petition the government for a redress of grievances. FIRST AMENDMENT.

"clearly established that filing a lawsuit was constitutionally protected conduct." *Rutan v. Republican Party of Illinois*, 497 U.S. 62, 73, 76 n.8 (1990), U.S. SUPREME COURT

Texas Civil Practice and Remedies Code – re "vexatious litigant":

Sec. 11.054. CRITERIA FOR FINDING PLAINTIFF A VEXATIOUS LITIGANT. A court may find a plaintiff a vexatious litigant if the defendant shows that there is not a reasonable probability that the plaintiff will prevail in the litigation against the defendant and that:

1. the plaintiff, in the seven-year period etc.
(Note: in this "matter"– there is no defendant - and no "if the defendant shows")

Sec. 11.101. PREFILING ORDER; CONTEMPT. (a) A court may, on its own motion or the motion of any party, enter an order prohibiting a person from filing, pro se, a new litigation in a court to which the order applies under this section without permission of the appropriate local administrative judge described by Section 11.102(a) to file the litigation if the court finds, after notice and hearing as provided by Subchapter B, that the person is a vexatious litigant.

(b) A person who disobeys an order under Subsection (a) is subject to contempt of court.

(Note: There was NEVER a finding of "vexatious", upon Birnbaum - EVER.

Texas Penal Code Title 8 – re constraints on public servants:

Sec. 39.03. OFFICIAL OPPRESSION. (a) A public servant acting under color of his office or employment commits an offense if he:

(1) intentionally subjects another to mistreatment or to arrest, detention, search, seizure, dispossession, assessment, or lien that he knows is unlawful;

(2) intentionally denies or impedes another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing his conduct is unlawful; or

(3) intentionally subjects another to sexual harassment.

Sec. 39.02. ABUSE OF OFFICIAL CAPACITY. (a) A public servant commits an offense if, with intent to obtain a benefit or with intent to harm or defraud another, he intentionally or knowingly:

(1) violates a law relating to the public servant's office or employment; or

(2) misuses government property, services, personnel, or any other thing of value belonging to the government that has come into the public servant's custody or possession by virtue of the public servant's office or employment.

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7

The Ongoing Pattern – “Shoot the Messenger”

This was the FIRST and ONLY interaction between JOE M. LEONARD, a Texas “visiting judge”, and UDO BIRNBAUM, a pro se , petitioning his government (the court) - under the First Amendment – for wrongs done upon him – by his government – by “judgments”, “sanctions”, “orders on motions for sanction”, “sanction judgment”, etc. (\$85,000 + \$62,885 + \$125,770) – all “inconsistent with due process”.

Such “assignment” – of Judge JOE M. LEONARD - arising upon the **voluntary** recusal of 294th District Judge Teresa Drum, the curious “transfer” of the matter by First Administrative Judicial Region Presiding Judge Mary Murphy - into the **inferior** Van Zandt County Court at Law (to rule on the lawfulness of what its superior sister the 294th had done?), such transfer clearly without the consent of the District Judge – who had recused herself – without the required “agreement” thereto by the “transferee court” – for there was nothing to agree to - followed by the immediate **voluntary** recusal of Van Zandt Court at Law Judge Randall McDonald – all while still keeping the old 294th cause number in the Court at Law? , etc – and said “visiting” JOE M. LEONARD assigned.

This “cause”, No. 14-00266 in the 294th, now CV05297 in this Court at Law, titled **First Amended Original Petition to Declare Three Judgments as inconsistent with due process, unlawful, criminal, and void** – was not “litigation” at all – there was NO opposing Defendant – only a Petition by a Pro Se under his First Amendment Right.

Hence, the matter before JOE M. Leonard on said October 8, 2015, was purely of a **magisterial nature** – said judge sitting in a purely “magisterial capacity” – upon pleadings of “inconsistent”, “unlawful”, “criminal”, and “void” - so what does he do?

Instead of addressing the matter of the unlawful “judgments” - documented in excruciating detail in the documents before him – and him “sitting as a magistrate” – and instead of referring the matter to the criminal authorities – without any request by any “moving defendant” – for there was NO DEFENDANT – lights in upon Udo Birnbaum, Pro Se –

- and without any evidence presented to him – without even asking Birnbaum thereto – proceeds to de facto declare Birnbaum a “vexatious litigant” via his **Prefiling Order** – all without “notice of hearing” and

(7)
(8)

"hearing upon notice" upon the issue of "vexatious" – as required upon him by law – by reason of his office and employment.

Talk about "shooting the messenger"!

"intentionally denies or impedes another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing his conduct is unlawful". Official Oppression

"violates a law relating to the public servant's office or employment". Abuse of Official Capacity

The evidence - as detailed in the file in the court:

- First Amended Original Petition to Declare Three Judgments as inconsistent with due process, unlawful, criminal, and void.
- Notice of Concurrent Criminal Complaint upon this Matter
- Synopsis upon Transfer
- Plea to the Jurisdiction and Sanity
- Prefiling Order – by "visiting" Judge Joe M. Leonard – Oct. 8, 2015
- Also, such documents as referenced to by the above

All statements upon personal knowledge, all attached documents true copies of the originals, except for obvious markups all by me, all also upon personal knowledge.

Attach:

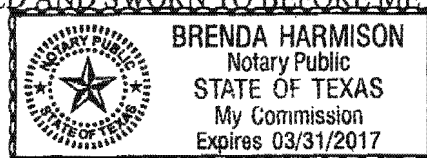
- Prefiling Order – by "visiting" Judge Joe M. Leonard 10-8-2015
- Rest of the court file in CV05297 – by reference
- Everything at www.OpenJustice.US (just google on "damn courthouse")

UDO BIRNBAUM
UDO BIRNBAUM
540 VZ County Road 2916
Eustace, TX 75124
(903) 479-3929
brnbn@aol.com

SIGNED this 20 day of Oct., 2015

UDO BIRNBAUM
UDO BIRNBAUM

SUBSCRIBED AND SWORN TO BEFORE ME on this 20 day of October 2015



Brenda Harmison
Notary Public, State of Texas

FILED FOR RECORD
2015 OCT 20

2015 OCT -8 AM 11:50

www.wiley.com

PAM PEARMAN
CLERK. VAN ZANT C.

www

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PREFILING ORDER

SIGNED AND ENTERED ON THIS 8 day of October 2015.


HON. JOE M. LEONARD

Exh-6

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Complaint and Affidavit of Official Oppression upon Udo Birnbaum

synopsis

My name is UDO BIRNBAUM. I am 78 years old, reside in Van Zandt County, Texas, and am competent to make this Affidavit.

My complaint is upon a CHRIS MARTIN, Van Zandt County District Attorney, on or about August 6, 2015 retaliating against me for having registered complaints before his Office.

Such retaliation was as follows:

- threatening me with the crime of criminal trespass
- malicious characterization to law enforcement - of events at his Office
- malicious characterization to law enforcement - of my person

One should not have to live in fear of being in someone's sights – whether the District Attorney, the chief judge of your county – or the lowest cop on the street.

background

I had previously complained to our District Attorney, and on Mar. 18, 2015 I was informed that I needed to make such complaint in the form of a sworn complaint, and I so did:

- On 3-20-2015 such sworn complaint regarding events of 3-26-2014
- On 6-25-2015 a second sworn complaint regarding events of 7-18-2014

On 7-30-2015, upon not having received any reply, I sent an email under title of DO THE RIGHT THING MR. DA.

On 8-6-2015, upon not having received any reply, I went by the DA Office, stating more or less the above, and that it was time for Mr. DA to face up to this matter, that I had had no success with email or notes – and that this matter was urgent. I left a note, and informed the lady at the window, that I would come back sometime after lunch to receive some sort of reply.

On same 8-6-2015, shortly after noon, I came by, to have a different lady appear behind the glass window, and informing her upon the urgency – to be told that the DA does not accept complaints from individuals – only from law enforcement. Puzzled by such put-off, I requested that rather than her promising to put another note on Mr. Martin's desk – that she express this urgency in a more urgent manner – like simply getting some kind of “yes” or “no” out of him. I told her – I do not know exactly how I phrased it – that I did not want to have to physically bang on his door – but that he really

(11)

owed me some kind of answer – as he had asked for a sworn complaint – and as I had provided such – with very specific evidence.

There was some more back and forth – but no strong words or anything on either side, and as I was about to leave, a gentleman appeared behind the window. I asked what his name was, and whether he was a lawyer, nothing more, just casual inquiry, and casual reply, and I left.

the bombshell

That same 8-6-20152 evening, I found an email that totally floored me. By the time stamp, Mr. Martin must have written this within the hour of my departure, finding that the sworn complaint – actually I had TWO – had no evidence – and then he started lighting in on me, accusing me of :

- “threat of force”, “disorderly conduct”, “demeaning language”, “ultimatums”, and “bullying tactics”. Such is of course entirely false.
- And if this were not bad enough, then he threatens me with criminal trespass.
- And if this were not bad enough, he conveys such false characterization of me, apparently to various law enforcement – in the name of the Office of the District Attorney.

Now, if Mr. Martin were just a plain citizen, this would be nothing more or less than libel. But, since I cannot claim any monetary damages, I do not have a civil cause.

But, since Mr. Martin is not a plain citizen, but has the power and aura of his office, that makes what he did so much more insidious – he maligns me before people who have GUNS. He maligns me before judges – I do not know who all the addressees are to whom he conveyed such falsehoods.

summary

In short – if Mr. Martin feels that I violated the law – let him call the cops. I he feels that I pose a threat – to him, his staff, or others - let him call the cops. If he feels he needs to admonish me, let him convey such to ME, but not insidiously slander me before our law agencies.

In short, upon his threat to have me “criminally trespassed, I no longer feel free to trust his office – nor all the others to whom he so maligned me.

In short – he is interfering with my Right to complain, my Right to “petition my government” under the First Amendment.

And ALL these adverse acts against me were in response to my petitioning his Office for help – a First Amendment Right.

All this "threat of force" ... "bullying tactics" – just ain't so.

The threat of force and bullying tactics are on the part of our District Attorney.

And since he is a public servant – that makes it official oppression

If ONE is not allowed to complain – soon NO ONE is allowed to complain – and we ALL get the likes of – the little corporal with the mustache.

As for the law, Texas Penal Code:

Sec. 39.03. OFFICIAL OPPRESSION. (a) A public servant acting under color of his office or employment commits an offense if he:

(1) intentionally subjects another to mistreatment or to arrest, detention, search, seizure, dispossession, assessment, or lien that he knows is unlawful;

(2) intentionally denies or impedes another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing his conduct is unlawful; or

(3) intentionally subjects another to sexual harassment.

Attached is the email Mr. Martin sent to me and OTHERS.

All statements upon personal knowledge, all attached documents true copies of the originals, also all upon personal knowledge.

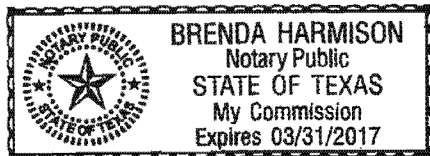
Udo Birnbaum

UDO BIRNBAUM
540 Van Zandt CR 2916
Eustace, TX 75124
(903) 5479-3929
brmbm@aol.com

SIGNED this 13 day of Aug., 2015

Udo Birnbaum
UDO BIRNBAUM

SUBSCRIBED AND SWORN BEFORE ME on this the 13th day of Aug., 2015



Brenda Harmison
Notary Public, State of Texas

(13)

Subj: **DO THE RIGHT THING MR. DA**
Date: 8/6/2015 2:00:07 P.M. Central Daylight Time
From: chrismartin@vanzandtcounty.org
To: Brnbm@aol.com
CC: judgedrum@vanzandtcounty.org, Lray@vanzandtcounty.org, MBates@vanzandtcounty.org,
mking@cantontex.com

Mr. Birnbaum,

I've reviewed the complaint that you submitted regarding your allegation of the execution of documents by deception. At this time, I do not believe you have articulated a criminal offense with sufficient evidence to merit an investigation or prosecution.

I would encourage you to contact a private attorney that specializes in civil litigation to determine if you have any civil remedies.

Furthermore, I will not entertain an in-person meeting with you to discuss this matter further. I will not tolerate you or any person visiting my office and demanding to meet with me by threat of force or disorderly conduct. I do not appreciate you attempting influence the activities of my staff by use of demeaning language, ultimatums, or bullying tactics.

Should you appear at my office again and act in an inappropriate manner, after having been duly warned by this email, the police will be summoned and you will be criminally trespassed from my office.

Respectfully,

Chris Martin

Criminal District Attorney
Van Zandt County
400 S. Buffalo
Canton, TX 75103
903.567.4104 tel
903.567.6258 fax

IMPORTANT/CONFIDENTIAL: This message from the Van Zandt County Criminal District Attorney's Office is privileged, confidential and exempt from disclosure under applicable law. If you are not the intended recipient (or authorized to act on behalf of the intended recipient) of this message, you may not disclose, forward, distribute, copy, or use this message or its contents. If you have received this communication in error, please notify us immediately by return e-mail and delete the original message from your e-mail system. Thank you.

From: Brnbm@aol.com [mailto:Brnbm@aol.com]
Sent: Thursday, July 30, 2015 4:03 AM
To: Chris Martin
Subject: [Possible SPAM] DO THE RIGHT THING MR. DA
Importance: Low

also attached as PDF

7-30-2015

Friday, August 7, 2015 AOL

(14)

My Dear Mr. Martin,

Recently left a short note at your place, as follows::

Chris, We DO need to talk. Pls forgive our rough introduction.
But I really need help. Did then. Still do.
Udo Birnbaum
903 479-3929
email BRNBM@AOL.COM

So, please consider – what YOU would do – or consider doing – if you were in MY SHOES:

They outright **ROBBED** you – of approx. \$500,000 – using the court – and their special powers as attorneys – as the instrument.

They have tied up all your assets – all your life's savings – you do not even have a decent car – and no way to get one. All your property has got liens on it. You do not have a retirement income – just a little social security.

You complain to and in the court – and all you get – is more “sanctions” piled on you.

You complain to law enforcement – and all you get is dodging.

You are 78 years old – still in fairly good health – but that could change at any time.

You do not have the means to get your teeth fixed – or routine medical checkups.

You **KNOW** that you ought to not just shoot them – for such solves nothing.

So you just keep on trying to get the attention of local law enforcement – like your DA.

You are lost in a sea of do-nothing-ers. You send out an emergency **FLARE**:

Like trying to get the attention of your DA – like by adding him as a “defendant”.

You resort to such a **FLARE** – for you have complained to him – multiple times about a specific crime – **EXECUTION OF DOCUMENTS BY DECEPTION** – perpetrated in 2014 – and the answer you get back – is that this involves stuff from 2002 – and is outside the statute of limitations.

BULL SHIT. As the DA, you **KNOW** that if someone steals in 2002 – that every year he holds onto the “stuff” is a crime, and certainly when he tries to “cash in” on it – in 2014 – by “securing execution of documents by deception” – it is that simple.

Also you **KNOW** that they cannot impose **UNCONDITIONAL** punishment, as they did, by civil process – you **KNOW** that takes full **CRIMINAL** process – like through the DA!

And, always keep in mind, that as long as this “thing” is not going away upon me, I am not just going away either – for it is not something I can make disappear by just shutting up.

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Enough said – for now.

Still awaiting a response.

UDO BIRNBAUM
540 VZCR 2916
Eustace, TX 75124
(903) 479-3929
brnbn@aol.com

also attached as PDF

Exh-7

76

CAUSE NO. CV05297

UDO BIRNBAUM	§	IN THE COUNTY COURT
	§	
v.	§	AT LAW OF
	§	
CHRISTINA WESTFALL, ET AL.	§	VAN ZANDT COUNTY, TEXAS

**ORDER OF ASSIGNMENT BY PRESIDING JUDGE AND
APPOINTMENT OF LOCAL ADMINISTRATIVE JUDGE FOR CASE**

This case, bearing Cause No. 14-00266 in the 294th District Court of Van Zandt County, Texas, was transferred by the undersigned to the County Court at Law of Van Zandt County on July 14, 2015, due to the voluntary recusal of District Judge Teresa A. Drum. Such transfer was authorized pursuant to Texas Government Code sections 25.2362 (jurisdiction of Van Zandt County Court at Law) and 74.094 (authority of district and statutory county court judges). The case was given the above-referenced cause number in the county court at law.

Thereafter, on July 20, 2015 and due to the voluntary recusal of County Court at Law Judge Randal McDonald, the undersigned assigned the Honorable Joe M. Leonard, Senior Judge of the 196th District Court, to the case pursuant to Texas Government Code section 74.056.

On or about October 8, 2015, Judge Leonard signed a Prefiling Order, as follows:

"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."

In response to Mr. Birnbaum's request for assistance, the undersigned advised all parties on Monday, October 19, 2015, that the "Local Administrative Judge" must consider vexatious litigant requests pursuant to section 11.102 of the Texas Civil Practice & Remedies Code, and the undersigned is without authority to do so as the regional presiding judge. Based on the voluntary recusals of Judges Drum and McDonald, who are the local administrative judges for the district and county court at law courts, respectively, of Van Zandt County, no local administrative judge exists to address the Prefiling Order and requests by Mr. Birnbaum as directed under that order.

Accordingly, it is necessary that a local administrative judge be appointed for purposes of this case. Both Judges Drum and McDonald are recused from making that election.

After considering the above, the undersigned finds in the interest of justice that a local administrative judge must be appointed to address the Pretrial Filing Order signed on October 8, 2015 by Judge Leonard and that the same judge should be assigned to the merits of the case if it proceeds. As a result and with the agreement of Judge Leonard, the July 20, 2015 Order assigning Judge Leonard to this case is being terminated pursuant to a separate order signed this date.

Pursuant to section 74.056, Texas Government Code, I assign the Honorable Richard Mays, Senior Judge of the 204th District Court, to preside in the above-numbered and entitled cause, and appoint the Honorable Richard Mays to serve as the Local Administrative Judge of the County Court at Law of Van Zandt County to this case only for purposes of making any determinations required of the local administrative judge, including those duties under section 11.102 of the Texas Civil Practice and Remedies Code regarding vexatious litigants.

This assignment and appointment continue until such time as the judge's plenary power has expired or the assignment and appointment are terminated by the Presiding Judge of the First Administrative Judicial Region, whichever occurs earlier.

IT IS ORDERED that the Clerk of the Court to which this assignment is made, if it is reasonable and practicable, and if time permits, give notice of this assignment to each attorney representing a party, and to each party representing himself or herself pro se, to a case that is to be heard in whole or in part by the assigned judge.

Signed this 21 day of October, 2015.

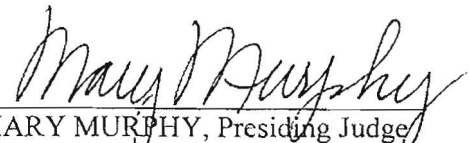

MARY MURPHY, Presiding Judge
First Administrative Judicial Region

Exhibit-8

18

CAUSE NO. 22-00105

CSD VAN ZANDT LLC

Plaintiff

v.

UDO BIRNBAUM

Defendant

\$ IN THE DISTRICT COURT

\$ 294TH JUDICIAL DISTRICT

\$ VAN ZANDT COUNTY, TX

FIRST AMENDED MOTION FOR RECUSAL
OF HON. JUDGE CHRIS MARTIN

Hon. Chris Martin is an ignoramus, sociopathic narcissist, and pompous arse with a God complex, and in such high Office, as to be a MENACE TO SOCIETY.

TO WIT:

A Writ of Possession (Attach 1) upon me, UDO BIRNBAUM, signed by Judge Martin. (HINT: Writs are issued by the clerk, **not the judge**)

The supposed judgment (Attach 2) underlying this Writ is NOT a judgment at all, but process of **summary judgment**. (HINT: It is an Order **disposing** of process). I am entitled to trial by jury.

This **crazy** Order (Attach 2) **grants** upon Plaintiff's **pleadings**. (HINT: That is **plum asinine**) .

What happened to my **trial by jury**? This is America!

The Process is defective. This District Court, now under HON. CHRIS MARTIN, has no more jurisdiction to do "possession", than under HON. TERESA DRUM before. A District Court has **no jurisdiction over possession**, only the JP court of the precinct. See It's the Berrys vs. Edom Corner, Amarillo COA 2008, this very Court then under Teresa Drum. A WAKE UP CALL THEN, A WAKE UP AGAIN JUST NOW.

19

The TERROR UPON ME, an 86 year old with a recent thalamus stroke, the most “iffi” kind, my upper brain intact, **and me not crazy**.

The TERROR UPON ME, seeing my support network driven crazy, **by a crazy judge**, me the 86 year old, frantically trying to save the younger, from going over the cliff, me frantically trying to contact their ministers.

The **WARNING** (Attach 3) that I managed to **not** let me go crazy, but which has driven my support network **crazy**, so that I am forced to fend for myself, an 86 year old. (HINT: the 294th has gone crazy)

Hon. Chris Martin is an ignoramus, sociopathic narcissist, and pompous arse with a God complex, and in such high Office, as to be a MENACE TO SOCIETY.

DETAILS as in Motion to Stay Writ of Possession (Attach 4).

HELP. God save America.

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

ATTACH:

- Attach 1 Writ of Possession (an unlawful writ)
- Attach 2 Supposed judgment (actually mere “in the process” Order)
- Attach 3 WARNING (an armed eviction, an armed criminal trespass)
- Attach 4 Motion to Stay (to stay the unlawful Writ of Possession)

Certificate of Service (2 documents)

Today September 11, 2023, by Certified Mail 7022 2410 0002 2355 4241
to Corey Kellam, Flowers Davis, 1021 ESE Loop 323, Suite 200, Tyler,
Texas 75701

Exh. -9

20

CAUSE NO. 25-00024

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

MOTION FOR RECUSAL

UDO BIRNBAUM ("Birnbaum"), Plaintiff in this cause of Petition for Bill of Review, hereby moves for the recusal of Judge Chris Martin from this cause, and in support will show the following:

JUDGE MARTIN IS THE INDISPENSABLE WITNESS

1. CSD Van Zandt LLC ("CSD") brought Cause No. 22-00105, the underlying cause, as trespass to try title on a 150 acres, claiming title via a 2021 probate of a 2006 estate.

2. Birnbaum countered that it was all real estate deed fraud, that the 150 acres never entered that estate, that no deeds came or could have come out of that estate, if only because of belated probate, and that the judgment against him was because of CSD by fraudulent Motion for Summary Judgment, and specifically their proposed Order thereto, that thereby and therewith, Birnbaum was fraudulently denied his right to a trial, indeed a jury trial.

3. CSD, by wording in their proposed Order, of "*GRANTED . . . in all things*", by CSD thus duping Judge Martin to issue a writ of possession, solely upon their proposed Order, to evict Birnbaum out of his

42 year 150 acre homestead, despite there existing no judgment of possession, besides a district cannot even do eviction, only the JP court of the precinct, and even there only upon trial, indeed a jury trial.

4. But Judge Martin's role in this scam, whether knowingly or unknowingly, does not matter. Judge Martin was a participant, and that makes him a witness, indeed the indispensable witness.

5. Indeed Judge Martin's involvement goes deeper, far deeper. There was this sudden "in chambers" with Judge Martin on 6-9-2023 with Birnbaum, a Pro Se, and CSD lawyer Katryna Watkins, who dragged along an Amanda Dupuis, a lawyer not even in the case. This meeting, as it turned out, was to call off the upcoming bench trial for 6-16-2023, when this was a jury case, demanded by BOTH parties, such 6-16-2023 set under highly curious circumstances. Then also the sudden while "in chambers" sudden jumping ship by CSD lawyer Katryna Watkins, upon much belated ZOOM deposition by her of to CSD grantor Lisa Leger Girot, such deposition turning out to be a super damning criminal indictment of Girot.

6. Then the shortly thereafter curious Finding by Judge Martin, that LISA LEGER GIROT, the grantor onto CSD, could not have inherited such 150 acres as she deeded to CSD. Then Judge Martin, with Katryna Watkins off the case, reaching out via email, not via open court process, reaching out to a Corey Kellam, who had not appeared as a the lawyer, but who had been deeply involved with CSD, Judge Martin asking Kellam for affidavit that such Girot was not associated with CSD.

7. As if Judge Martin believed that someone who did not own a 150 acres, could anyhow somehow nevertheless convey such to another bunch of crooks, by simple excuse that Girot was not originally "in" with the other crooks!

JUDGE MARTIN HAS AN INTEREST IN THE OUTCOME

8. Whether CSD duped Judge Martin, else Judge Martin easy to dupe, else negligent, else worse, of course reflects on the perception of Judge Martin, indeed perception of the judiciary, affecting Judge Martin's re-election, indeed his career, indeed his livelihood.

9. Judge Martin should be recused from this cause if only because he has acquired an interest in the outcome of this matter.

Udo Birnbaum

UDO BIRNBAUM

119 AN County Road 2501

Tennessee Colony, TX 758-61

903-922-5996

BRNBM@AOL.COM

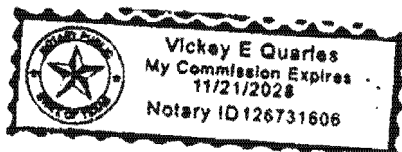
VERIFICATION

All upon personal knowledge and investigation, all true and correct. Exhibits 1 to 4, true copies of the originals, all mark ups by me.

Udo Birnbaum

Udo Birnbaum

SUBSCRIBED AND SWORN TO before me, the undersigned authority, by UDO BIRNBAUM, on this the 4 day of April, 2025, to certify which witness my hand and seal of office.



Vickie E. Quarles
Notary Public, State of Texas

EXHIBITS

Exhibit 1 - - - "How Judge Chris Martin stole my homestead"

(Short "For Dummies" or "Cliff's Notes" for short attention span)

"Men in the game are blind to what men looking on can see clearly".

Old Chinese proverb

Exhibit 2 - - - the "in-chambers" with a Pro Se - - - - Oh how sneaky

(The sudden email invite)

Judge Martin had gotten himself into a day of reckoning and was desperate. After full year 7 page docket, with never even a hearing, never even a peep, the court comes out of deep slumber, setting an "in chambers" with Pro Se, Udo Birnbaum, and CSD lawyer Katryna Watkins, who dragged along an Amanda Dupuis, not a lawyer on the case.

Judge Martin came out as de facto mediator / salesman to push settlement upon CSD prior offer of \$5,000, and Defendant Birnbaum willing to settle for \$1,500,000 for the fraud and damages upon him.

And CSD attorney Katryna Watkins jumping ship, after her disastrous hurried Zoom deposition of own grantor Lisa Leger Girot, such having turned into a de facto criminal conviction of Girot, Watkins deciding to jump ship, and announcing her withdrawal at this very in chambers, then and there.

As it turned out, from the unfolding of this meeting, CSD had somehow managed to infiltrate the scheduling computer, to have actually set themselves a bench trial, only days away, when this was a jury case demanded by BOTH parties over a year ago, un-addressed motions for summary judgment, by BOTH parties, Defendant's complaint of obstruction of discovery, Defendant's request for personal protection for having discovered a giant real estate deed fraud ring, etc. etc.

Judge Martin had gotten himself into a day of reckoning and was desperate.

Exhibit 3 - - - the sudden cancel - - - screwed out of my Right to a trial
 ("Reset" - - time for plan "B" see Exhibit 4)

When this had been JURY TRIAL ALL ALONG. Cancel on 6-14-2023 for 6-16-2023, no official court record, only an email.

Then no more anything of any kind until on 8-17-2023 all hell break loose: Order on Motion for Summary Judgment, Writ of Possession eviction, Final Judgment seizure of 150 acres, etc.

All without ever a trial, even a hearing. (see Exhibit 1)

Exhibit 4 - - - Response to Judge Martin's curious email string
 (as summarized by filed as "Response to an unhinged attorney")

Judge Martin by email caught himself into finding that CSD's grantor could not have had anything to deed, and Judge Martin was now creating an "out".

The string is self explanatory: Lisa L. Girot, one of the grantors to CSD, had been the notary, as well as court appointed guardian to keep others from stealing from a Louis Thibodeaux, a resident in a Louisiana veterans rest home, Girot had been the notary in deeding the property to Birnbaum, Thibodeaux for reasons of his own deeding back to Birnbaum, as a defensive move or whatever, for Thibodeaux did not indeed own it, although he may have thought, or whatever, because of his age or condition.

In any case Judge Martin had caught himself into finding that Girot had nothing to deed, so plan B, Affidavit from CSD manager / owner Robert O. Dow, that crook Lisa Girot had not initially, at least, been associated with the other crooks, such as CSD lawyer Corey C. Kellam, who was NOT a lawyer in the underlying case, but was orchestrating everything, including orchestrating newbie lawyer Katryna Watkins, until she finally decided to jump ship upon and at Judge Martin's curious "in chambers".

Judge Martin had gotten himself into a real tiger-by-the-tail problem.

Exhibit 5 - Birnbaum has surprise audio recordings to show

Including expert assessment of the whole situation. Regarding judgment and summary judgment:

Birnbaum: "*Karen Wilson [district clerk] does not know the difference between a summary judgment and a - - -*";

Expert: "*- - - and unfortunately - - un - - unfortunately - - the judge does not know the difference*"

24

CERTIFICATE OF SERVICE

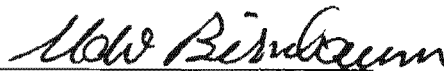
Today April 4, 2025 by CMRR 9589 0710 5270 0944 2906 70 to Karen Wilson, District Clerk, 121 E. Dallas St., Suite 302, Canton, TX 75103.

Also email attach to:

Corey Kellam, corey@sullivanlawoffices.com

Karen Wilson, District Clerk at districtclerk@vanzandtcounty.org

Judge Chris Martin c/o Waynette Barker at wbarker@vanzandtcounty.org


Udo Birnbaum

How Judge Chris Martin stole my homestead



1. A real estate deed fraud ring fabricates a deed to my 150 acres and sues me.
2. Without even a hearing Judge Martin evicts me and takes my land. (Exhibit 1)
3. A district court cannot even do eviction, ONLY the JP court of the precinct¹
4. And NOT WITHOUT A TRIAL, in Texas indeed a jury trial². (Exhibit 2)
5. Perpetrated by an 8 armed officer mob - - including Sheriff Joe Carter himself



WARNING	
A Writ of Possession has been issued by <u>294*</u> <u>Judicial District Court of Van Zandt County</u> Case No. <u>22-00105</u> All tenants and their personal property should be removed from <u>540 Van Zandt County Road</u> <u>2916, Eustace, Texas 75124</u> by	
<u>SEPTEMBER 07</u> , 2023 at 9:00AM	
Tenants and personal property remaining on the premises after that date and time will be subject to removal. The unit will be turned over to	
<u>CSD Van Zandt Co.</u> Van Zandt County Sheriff's Office Posted by S.D. Henson 05 Day of September 2023 at 2:54pm	

¹ Texas Property Code Sec. 24.004(b), a justice court in the precinct in which the real property is located has jurisdiction in eviction suits. Eviction suits include forcible entry and detainer and forcible detainer suits.

² Texas Constitution. Sec. 10. TRIAL BY JURY IN CIVIL CASES. In the trial of all causes in the district courts, the plaintiff or defendant shall, upon application made in open court, have the right of trial by jury

EXHIBIT 1: a "forcible entry and detainer" - - indeed an armed HOME INVASION - - a staged physical confrontation. Details below.

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WARNING

2

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

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

SEPTEMBER 07, 2023 at
9:00AM

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

CSD Van Zandt, LLC

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

05 Day of September, 2023 at 2:54 pm

EXHIBIT 1: "tenant" eviction. But a district court cannot do eviction, ONLY the JP justice court. Property Code 24.004(b). It was by ROBERT O. DOW and his lawyers having succeeded in duping Judge Chris Martin into doing this, else pressuring him, else worse. That makes it a "forcible entry and detainer" by Dow - - indeed a HOME INVASION by ANY AND ALL "bringing this about". See Exhibit 2 re penal 31.03 THEFT

EXHIBIT 2: upon Judge Martin's "opinion" - - upon a mere "opinion" - - Mr. Dow gets himself a 150 acre homestead worth \$850,000 - - and Mr. Birnbaum, an 88 year old - - out into the ditch - - without a trial or ever even a hearing - - by the mere stroke of a pen. **SOMETHING STINKS. See below re THEFT - - by ANY AND ALL**

CSD VAN ZANDT LLC
Plaintiff

v.

UDO BIRNBAUM
Defendant

§
§
§
§
§
§
§

IN THE DISTRICT COURT

294th JUDICIAL DISTRICT

VAN ZANDT COUNTY, TEXAS

CLERK OF DISTRICT COURT
BY *Kara*
08/17/23

~~26~~
27

3

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

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

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

IT IS SO ORDERED.

SIGNED this 17th day of August 2023.



Judge Chris Martin

EXHIBIT 2: Texas Penal Sec. 31.03. THEFT. (a) A person commits an offense if he unlawfully appropriates property with intent to deprive the owner of property.

Texas Penal Sec. 31.01 THEFT. "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 (B) etc

22-00105 CSD VAN ZANDT LLC VS UDO BIRNBAUM

From: Waynette Barker (wbarker@vanzandtcounty.org)

To: krw@flowersdavis.com; brnbm@aol.com

Date: Thursday, June 1, 2023 at 10:35 AM CDT

Good Morning,
Judge Martin has asked for an in chambers conference with
you both on June 9th at 8:30 a.m.

Please, let me know if this is do-able by you both.

Respectfully,
Waynette Barker
294th District Court Administrator
PH: 903-567-4422
FAX: 903-567-5652
Email: wbarker@vanzandtcounty.org



JURY TRIAL DATES ONLY: PLEASE REMEMBER THAT YOU MUST HAVE GONE TO MEDIATION BEFORE ALL FINAL HEARINGS, BENCH TRIALS AND JURY TRIALS.

CIVIL JURY TRIALS 2023 (does not include criminal jury trial dates)

JUNE 20-23 6 case set on the docket

JULY NO JURY TRIALS

AUGUST 14 - 18 4 case set on the docket

SEPTEMBER 11-15 5 case set on the docket

OCTOBER 16-20 4 case set on the docket

NOVEMBER 13-17 4 case set on the docket

DECEMBER NO JURY TRIALS

Jury Trials for 2024

January 22 - 25, 2024 1 case set on the docket

February 20 - 23, 2024

The will to win, the desire to succeed, the urge to reach your full potential... these are the keys that will unlock the door to personal excellence.

29
5

NOTICE: All email correspondence relating to pending cases will be filed with the District Clerk for inclusion in the record of the case. Any communication to the Court or staff via email must comply with Rules 21 and 21A, T.R.C.P., and to do so by the fastest means available to the other affected parties or counsel. The provisions of Canon 3B.(8) of the Code of Judicial Conduct should be carefully reviewed before any person connected with a case attempts any communication with the Judge or court personnel.

CONFIDENTIALITY NOTICE: This email message, including any attachments, is for the sole use of the intended recipient and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please destroy all copies of the original message.

RE: CSD VZ/Birnbaum - Update re Settlement Negotiations

Exh. # 3

30

6

From: Waynette Barker (wbarker@vanzandtcountry.org)

To: krw@flowersdavis.com

Cc: ajd@flowersdavis.com; brnbm@aol.com

Date: Wednesday, June 14, 2023 at 11:35 AM CDT

This sudden "NO TRIAL"
just 2 days off.
curious string!

▲ Why is this message in your inbox?

We think this message is spam. We still put it into your Inbox as the sender is in your contact list. You can mark this message as safe or remove the sender.

Remove sender and mark as spam

It's safe

was a JURY case!

All -

Please note due to the plaintiffs status pending counsel, court has removed the bench trial plaintiff requested from the docket on Friday June 16, 2024.

Respectfully,

Waynette Barker

294th District Court Administrator

PH: 903-567-4422

FAX: 903-567-5652

Email: wbarker@vanzandtcountry.org



Never
Never!

JURY TRIAL DATES ONLY: PLEASE REMEMBER THAT YOU MUST HAVE GONE TO MEDIATION BEFORE ALL FINAL HEARINGS, BENCH TRIALS AND JURY TRIALS.

CIVIL JURY TRIALS 2023 (does not include criminal jury trial dates)

JULY NO JURY TRIALS

AUGUST 14 - 18 4 case set on the docket

SEPTEMBER 11-15 5 case set on the docket

OCTOBER 16-20 4 case set on the docket

NOVEMBER 13-17 6 case set on the docket

DECEMBER NO JURY TRIALS

Jury Trials for 2024

January 22 – 25, 2024 2 case set on the docket

February 20 – 23, 2024

April 22-26, 2024

May 20-24, 2024 1 case set on the docket

August 19-23, 2024

October 21-25, 2024 1 case set on the docket

The will to win, the desire to succeed, the urge to reach your full potential... these are the keys that will unlock the door to personal excellence.

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From: Waynette Barker
Sent: Wednesday, June 14, 2023 11:31 AM
To: Katryna R. Watkins <krw@flowersdavis.com>
Cc: Amanda J. Dupuis <ajd@flowersdavis.com>; brnbm@aol.com
Subject: RE: CSD VZ/Birnbaum - Update re Settlement Negotiations

Ms. Watkins,

Thank you for the update. I will inform Judge Martin accordingly.

Respectfully,

Waynette Barker

294th District Court Administrator

PH: 903-567-4422

FAX: 903-567-5652

Email: wbarker@vanzandtcourt.org



JURY TRIAL DATES ONLY: PLEASE REMEMBER THAT YOU MUST HAVE GONE TO MEDIATION BEFORE ALL FINAL HEARINGS, BENCH TRIALS AND JURY TRIALS.

CIVIL JURY TRIALS 2023 (does not include criminal jury trial dates)

JULY NO JURY TRIALS

AUGUST 14 – 18 4 case set on the docket

SEPTEMBER 11-15 5 case set on the docket

OCTOBER 16-20 4 case set on the docket

NOVEMBER 13-17 6 case set on the docket

DECEMBER NO JURY TRIALS

Jury Trials for 2024

January 22 – 25, 2024 2 case set on the docket

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May 20-24, 2024 1 case set on the docket

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9
the fastest means available to the other affected parties or counsel. The provisions of Canon 3B.(8) of the Code of Judicial Conduct should be carefully reviewed before any person connected with a case attempts any communication with the Judge or court personnel.

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From: Katryna R. Watkins <krw@flowersdavis.com>
Sent: Wednesday, June 14, 2023 11:20 AM
To: Waynette Barker <wbarker@vanzandtcounty.org>
Cc: Amanda J. Dupuis <ajd@flowersdavis.com>; brnbn@aol.com
Subject: CSD VZ/Birnbaum - Update re Settlement Negotiations

Good morning, Waynette.

I hope all is well. I wanted to inform the court that unfortunately no settlement was reached yesterday and that my client is ready to proceed with the next step in terms of setting a status hearing to discuss scheduling/deadlines /trial date. The new attorney assigned to the case should be in touch within the next few days to follow-up and request available dates.

Thanks,

Katryna R. Watkins

Attorney-at-Law

f FLOWERS DAVIS

1021 ESE Loop 323, Suite 200

Tyler, Texas 75701

(903) 534-8063 Office

(903) 534-1650 Facsimile

www.flowersdavis.com / https://link.edgepilot.com/s/a76b9d77/gHkAofREBUeT62vDlx_HdA?u=http://www.flowersdavis.com/

NOTICE OF CONFIDENTIALITY

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10
no number

Links contained in this email have been replaced. If you click on a link in the email above, the link will be analyzed for known threats. If a known threat is found, you will not be able to proceed to the destination. If suspicious content is detected, you will see a warning.

CAUSE NO. 22-00105

CSD VAN ZANDT LLC
Plaintiff

v.

UDO BIRNBAUM
Defendant

\$ IN THE DISTRICT COURT

\$ 294th JUDICIAL DISTRICT

\$ VAN ZANDT COUNTY, TX

Exh. # 4

33

11

Lots of
background

DEFENDANT'S RESPONSE TO AN UNHINGED ATTORNEY

TO THIS HONORABLE COURT:

1. This Court, in its "to Corey Kellam", informed him of already having found that a Lisa Girot had no such 150 acres to convey to Plaintiff, and need to determine whether Plaintiff knew or should have known such. And so, by Affidavit of Robert Dow, attorney Kellam tells this Court that Dow had no knowledge of a 2017 deed, till **July 24, 2002**, and only after purchase.

2. Stupidly "oops" by such Affidavit, is however, that Dow spills that he knew then, a full month before filing suit against Birnbaum on **August 24, 2022**, that all he held was a bag of air, instead of title, and that ever after, both he and his Corey Kellam, have been peddling to this Court, what they both knew were nothing but lies by Lisa Girot, used to protect their own lies they were peddling.

4. That simple. Details in Defendant's Response to this Court's Inquiry, attached hereto, as is Corey Kellam's BS Response to such, as addressed above.

UB ✓

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

Certificate of Service

Today August 18, 2023 by Certified
7022 2410 0002 2355 4272 to
Corey Kellam, Flowers Davis, 1021 ESE
Loop 323, Suite 200, Tyler, Texas 75701

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CAUSE NO. 22-00105

12

CSD VAN ZANDT LLC
Plaintiff

\$ IN THE DISTRICT COURT

v.

\$ 294th JUDICIAL DISTRICT

UDO BIRNBAUM
Defendant

\$ VAN ZANDT COUNTY, TX

DEFENDANT'S RESPONSE TO THIS COURT'S INQUIRY

TO THIS HONORABLE COURT:

THE BIG PICTURE

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

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

3. AND HERewith, Defendant BIRNBAUM, to paraphrase this Court's inquiry of July 20, 2023:

"Urgency: HIGH"

"This Court, having already determined that grantor Ms. Lisa Girot knew that she inherited no such 150 acres from Louis Thibodeaux, needs to know if someone from grantee CSD Van Zandt LLC was in on her fraud upon Defendant."

And to paraphrase the paraphrase:

"Lisa is a crook, so let us see if Dow also is."

SO HERE GOES:

4. Robert Dow, **before purchasing**, when he immediately called Ms. Lisa Girot, regarding Mr. Birnbaum having just run off his surveyors, should have known that something was awfully irregular about what Ms. Lisa Girot was telling.

5.. And an awfully irregular relationship, between Ms. Lisa Girot and Mr. Robert Dow, is evidenced in that phone call, which just came to light by the Zoom Deposition of Lisa Girot on May 9, 2023.

6. The subject quickly moved into wild spins as to Defendant Birnbaum, and how they would back each other in going forward, without any indication of Mr. Dow having inquired with any of the neighbors, or intention to do so, or contact the other grantors, i.e. Patricia Moore Barclay or James Moore III. The topic was all about plotting a common scheme to “go forward”, and assurances to each other of each others’ future protection, such as at 07:50 into the 18:54 minute telephone recording, as such at 1:33:20 in the 1:54:02 Zoom video deposition of Ms. Lisa Girot, Mr. Dow, as BUYER, agreeing to protect the SELLER, regarding their in between them **“it”**:

“And we told you we’d take it on and so we are going to try to be sure to protect us and like we said protect you too.”

7. And NOW, in response to this Court’s **July 20, 2023** inquiry Robert Dow, by Affidavit, swears that: (see Attach)

*“10. My first knowledge of the unrecorded 2017 deed referenced in this lawsuit was on the morning of **July 24, 2022**, when a Rob Coady, a contractor hired by CSD Van Zandt LLC, discovered a copy of the unrecorded 2017 deed in a Ziploc bag which was attached to a gate on the property subject to this litigation, which was about a month after CSD Van Zandt, LLC acquired the property.”*

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8. So what did Mr. Dow do, upon the July 24, 2022 evidence that Girot never had anything to convey him? Go to the police, or his title insurers, that he had been swindled?

9. NO, instead Mr. Dow, again, runs back to Lisa Girot, as revealed by the just May 9, 2023 Zoom Deposition of Lisa Girot, and has his Corey Kellam weave his earlier, before buying, recording of the tale by Lisa Girot, and weave such into the fraudulent Affidavit of Lisa Girot, also have it spun into the Affidavit of Robert Dow, and not sue LISA GIROT, but BIRNBAUM, the victim of the Lisa Girot Real Estate Deed fraud upon an then 85 old elderly, Dow filing this very suit on August 8, 2022.

10. AND THEN, long later, on October 20, 2022, long after his on July 24, 2022 having full knowledge of the Lisa Girot fraud, moves as PLAINTIFF – for Summary Judgment - such Motion now before this court, the Court now July 20, 2023 inquiring whether Plaintiff, Plaintiff's Robert Dow, or Plaintiff's Attorney Corey Kellam, had knowledge – of the fraud by Ms. Lisa Girot.

11. All such as a suggestion to this Court.

12. The current email string upon this Court's inquiry of July 20, 2023 as Attach.

UB ✓

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

Certificate of Service

Today August 1, 2023 by imbed in and attach to ongoing common string also regular mail Flowers Davis, 1021 ESE Loop 323, Suite 200, Tyler, Texas 75701



FLOWERS DAVIS

ATTACH "A"- re Court's inquiry
Ongoing e-mail thread
Court - CSD - Birnbaum

15
37

CELIA C. FLOWERS*

* BOARD CERTIFIED, OIL, GAS & MINERAL LAW
TEXAS BOARD OF LEGAL SPECIALIZATION
* BOARD CERTIFIED, RESIDENTIAL REAL ESTATE LAW
TEXAS BOARD OF LEGAL SPECIALIZATION
* BOARD CERTIFIED, PROPERTY OWNERS ASSOCIATION LAW
TEXAS BOARD OF LEGAL SPECIALIZATION
* BOARD CERTIFIED, CIVIL TRIAL LAW
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ROBERT S. DAVIS

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LEE I. CORREA

ROBIN H. O'DONOGHUE

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THOMAS H. BUCHANAN, OF COUNSEL

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TEXAS BOARD OF LEGAL SPECIALIZATION
* BOARD CERTIFIED, CIVIL TRIAL LAW
TEXAS BOARD OF LEGAL SPECIALIZATION

VIRGINIA D. YOUNG

DANIEL C. ROSS

July 24, 2023

The Honorable Chris Martin
294th District Court - Van Zandt County, Texas
121 E. Dallas St., Ste. 301
Canton, Texas 75103

Sent via: Electronic Filing
and email to: brnbm@aol.com and
wbarker@vanzandtcountry.org

Re: *Additional information requested for MSJ review – Cause No. 22-00105*

Dear Judge Martin:

This letter is in response to the Court's request for additional information by email dated July 20, 2023.¹ I briefly responded to that email², but understand the Court requires the information by affidavit, which I have attached to this letter.³

Please do not hesitate to let me know if you have further questions.

Kindest Regards,

Corey R. Kellam

¹ Email thread between Ms. Waynette Barker, Udo Birnbaum and Corey Kellam, attached as Exhibit A.

² *Id.*

³ Affidavit of Robert Dow, Manager of Panola Holdings, LLC, Manager of CSD Van Zandt, LLC, attached as Exhibit B.

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this instrument was served on all parties of record via electronic service manager on this the 24th day of July 2023.


Corey R. Kellam

39 17

From: Corey R. Kellam
Sent: Thursday, July 20, 2023 12:30 PM
To: 'Waynette Barker' <wbarker@vanzandtcounty.org>; 'brnbm@aol.com' <brnbm@aol.com>
Subject: RE: 22-00105 CSD VAN ZANDT LLC V BIRNBAUM

Ms. Barker, I should have also said in my email that I will be following up with an affidavit, I just wanted to present this information on the front end so you know I am in receipt of the request and will get something drafted promptly.

Thanks,

Corey

 FLOWERS DAVIS

1021 ESE Loop 323, Suite 200
Tyler, Texas 75701
(903) 534-8063 Office
(903) 534-1650 Facsimile
crk@flowersdavis.com / www.flowersdavis.com

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From: Corey R. Kellam
Sent: Thursday, July 20, 2023 12:26 PM
To: 'Waynette Barker' <wbarker@vanzandtcounty.org>; brnbm@aol.com
Subject: RE: 22-00105 CSD VAN ZANDT LLC V BIRNBAUM

Hi Ms. Barker, and thank you for reaching out.

To answer the question, no, Ms. Giroi has never had any ownership in, membership in, employment in, or

40
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any other connection to CSD Van Zandt, LLC or its members, directors, or employees. Her first interaction with CSD Van Zandt, LLC was an email from her to my client on March 2, 2022, wherein she advises that she is interested in selling the property. I'm also including below a couple excerpts from Ms. Girof's deposition confirming as much.

Page 40, Lines 13-18

13 Q. How did you come to sell CSD Van Zandt the
14 property?
15 A. Oh, I think I received correspondence in the
16 mail regarding an interest in purchasing that property.
17 I did not have the property listed at that time or at
18 any time.

Page 40, Lines 23-25

23 Q. Okay. Do you know Mr. Robert Dow?
24 A. I do not know him personally. I know of him
25 through this transaction.

Thank you, and let me know if there are any additional questions.

Best,

Corey

 FLOWERS DAVIS

1021 ESE Loop 323, Suite 200
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From: Waynette Barker <wparker@vanzandtcountry.org>

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Sent: Thursday, July 20, 2023 8:31 AM

To: Corey R. Kellam <crk@flowersdavis.com>; brnbm@aol.com

Subject: 22-00105 CSD VAN ZANDT LLC V BIRNBAUM

Importance: High

Mr. Kellam,

The Court has completed its review and consideration of the Plaintiff's Traditional MSJ. Additional information, which was not provided by the Plaintiff, is needed and requested by the Court. To determine whether the Plaintiff, is a bona fide purchaser without notice of Mr. Birnbaum's claim to the subject property by the unrecorded deed of 2017, the Court first acknowledges and finds that Ms. Lisa Girot, as notary of the unrecorded deed, had actual knowledge of Mr. Birnbaum's claim or potential claim to the subject property. Therefore, since Ms. Girot sold and transferred her interest in the subject property to the Plaintiff, the Court must now determine whether the Plaintiff had or should have had the same knowledge as Ms. Girot. The Court requests the following information by affidavit:

1. At any time has Ms. Girot had any ownership in, membership in, employment in, or any other connection to CSD Van Zandt, LLC or its members, directors, or employees?

Please submit the information as soon as practicable.

Respectfully,

Waynette Barker

294th District Court Administrator

PH: 903-567-4422

FAX: 903-567-5652

Email: wbarker@vanzandtcounty.org



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JURY TRIAL DATES ONLY: PLEASE REMEMBER THAT YOU MUST HAVE GONE TO MEDIATION BEFORE ALL FINAL HEARINGS, BENCH TRIALS AND JURY TRIALS.

CIVIL JURY TRIALS 2023 (does not include criminal jury trial dates)

JULY NO JURY TRIALS

AUGUST 14 – 18 4 case set on the docket

SEPTEMBER 11-15 5 case set on the docket

OCTOBER 16-20 4 case set on the docket

NOVEMBER 13-17 6 case set on the docket

DECEMBER NO JURY TRIALS

Jury Trials for 2024

January 22 – 25, 2024 2 Cases set on the docket

February 20 – 23, 2024 2 Cases set on the docket

April 22-26, 2024 1 Case set on the docket

May 20-24, 2024 1 Case set on the docket

August 19-23, 2024

October 21-25, 2024 1 Case set on the docket

The will to win, the desire to succeed, the urge to reach your full potential... these are the keys that will unlock the door to personal excellence.

NOTICE: All email correspondence relating to pending cases will be filed with the District Clerk for inclusion in the record of the case. Any communication to the Court or staff via email must comply with Rules 21 and 21A, T.R.C.P., and to do so by the fastest means available to the other affected parties or counsel. The provisions of Canon 3B.(8) of the Code of Judicial Conduct should be carefully reviewed before any person connected with a case attempts any communication with the Judge or court personnel.

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CAUSE NO. 22-00105

CSD VAN ZANDT LLC
Plaintiff

v.

UDO BIRNBAUM
Defendant

§
§
§
§
§
§
§

IN THE DISTRICT COURT

294TH JUDICIAL DISTRICT

VAN ZANDT COUNTY, TEXAS

AFFIDAVIT OF ROBERT DOW

STATE OF TEXAS §
 COUNTY OF DALLAS §

Before me, the undersigned notary public, on this day personally appeared Robert Dow, who after being duly sworn, on his oath stated:

1. "My name is Robert O. Dow. I am over 18 years of age, of sound mind, and capable of making this Affidavit. I have not been convicted of a felony or crime involving moral turpitude.
2. This affidavit is being made in response to the Court's inquiry as to whether, at any time, Ms. Lisa Girot had any ownership in, membership in, employment in, or any other connection to CSD Van Zandt, LLC or its members, directors, or employees.
3. I am the Manager of Panola Holdings, LLC, which is the Manager of CSD Van Zandt, LLC, and I am intimately familiar with CSD Van Zandt, LLC's operations.
4. Ms. Girot has never had any ownership in, membership in, employment in, or any other connection to CSD Van Zandt, LLC or its members, directors, or employees.
5. My first communication with Ms. Girot was in response to an email from her on March 2, 2022, wherein she advised that she was interested in selling the property subject to this litigation.
6. CSD Van Zandt, LLC was not incorporated with the State of Texas until April 12, 2022, which was more than a month after my first communication with Ms. Girot.
7. On May 9, 2023 Ms. Girot sat for an oral and videotaped sworn deposition related to this lawsuit.
8. On page 40, lines 13-18 of the deposition, Ms. Girot confirms that she first responded to a marketing mailer, which was sent by me, regarding the sale of the property:

13 Q. How did you come to sell CSD Van Zandt the
14 property?

15 A. Oh, I think I received correspondence in the
16 mail regarding an interest in purchasing that property.
17 I did not have the property listed at that time or at
18 any time.

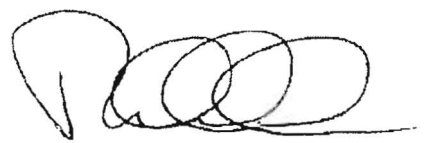
9. Later on page 40, lines 23-25 of the deposition, Ms. Giroi also confirms she does not know me except for through the real estate transaction:

23 Q. Okay. Do you know Mr. Robert Dow?

24 A. I do not know him personally. I know of him
25 through this transaction.

10. My first knowledge of the unrecorded 2017 deed referenced in this lawsuit was on the morning of July 24, 2022, when a Rob Coady, a contractor hired by CSD Van Zandt LLC, discovered a copy of the unrecorded 2017 deed placed in a Ziploc bag which was attached to a gate on the property subject to this litigation, which was about a month after CSD Van Zandt, LLC acquired the property."

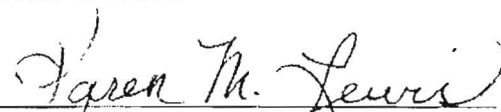
Affiant further sayeth not.



Robert O. Dow

SUBSCRIBED AND SWORN TO before me, the undersigned authority, on this the 24th day of July 2023 to certify which witness my hand and seal of office.




Notary Public, State of Texas

CAUSE NO. 22-00105

CSD VAN ZANDT LLC
Plaintiff

v.

UDO BIRNBAUM
Defendant

§
§
§
§
§
§
§

IN THE DISTRICT COURT

294th JUDICIAL DISTRICT

VAN ZANDT COUNTY, TEXAS

**PLAINTIFF'S RESPONSE TO 1) DEFENDANT'S RESPONSE TO COURT'S INQUIRY
AND 2) DEFENDANT'S MOTION TO ORDER MEDIATION**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, CSD VAN ZANDT LLC (hereinafter "Plaintiff") in response to *Defendant's Response to Court's Inquiry* and *Defendant's Motion to Order Mediation*, seeking to correct factual untruths in Defendant's response and requesting the Court deny Defendant's motion for mediation. In support thereof, Plaintiff respectfully shows the Court the following:

I.

**DEFENDANT'S RESPONSE TO COURT'S INQUIRY IS RIFE WITH
UNSUBSTANTIATED CLAIMS**

1. Defendant's *Response to Court's Inquiry* is rife with factual inaccuracies and unsubstantiated statements. It fails to provide a scintilla of evidentiary value to the substance of Court's inquiry into the following narrow question:

"At any time has Ms. Girot had any ownership in, membership in, employment in, or any other connection to CSD Van Zandt, LLC or its members, directors or employees?"

2. This question, which was directed at Plaintiff, not Defendant, was accurately and fully responded to in a letter and affidavit filed with the Court by Plaintiff on July 24, 2023.

3. Defendant immediately begins his Response to the Court by injecting his own subjective opinion as to the purpose of the Court's inquiry, going so far as to explain to the Court what the Court really meant to ask – in multiple derivative, paraphrased, and bombastic statements.

Then Defendant, without any evidentiary proof, makes numerous inflammatory statements against Plaintiff, alleging a scheme of collusion by Ms. Girot and Plaintiff to commit a “real estate deed fraud scheme” against the elderly.

4. While difficult to respond to Defendant’s “throw everything and see what sticks” approach, Plaintiff wishes to briefly debunk Defendant’s fictional pleadings below by offering facts supported by the record before this Court.

5. FACT: No substantiated evidence exists in the Court’s record indicating that Defendant represented ownership in the Property to Plaintiff or any agent, employee, contractor, member, owner, or director of the Plaintiff prior to Plaintiff purchasing the Property.

6. FACT: The surveyor hired by CSD Van Zandt, LLC successfully completed a survey of the Property, which led to a new metes and bounds legal description included in the vesting deed into CSD Van Zandt, LLC. Said deed is attached as Exhibit B, Attachment 1 to Plaintiff’s *Traditional Motion for Summary Judgment* and was recorded as Document No. 2022-007473 in the Official Public Records of Van Zandt County, Texas.

7. FACT: No evidence presented to this Court even remotely suggests that Plaintiff committed a real estate fraud scheme against Defendant. Despite Defendant’s effort to continue spinning tales and taking statements and evidence out of context, the Court’s record is clear that:

- a. No scheme existed between Plaintiff and Ms. Girot, and
- b. Record title clearly showed Defendant was not the owner of the Property and had not been since his April 12, 2002 Warranty Deed to Gwendolyn Wright Thibodeaux, whereby Defendant conveyed the Property in exchange “***for \$10.00 cash in hand paid, and other good and valuable consideration this day paid to me paid to me all in cash by the said Gwendolyn Wright Thibodeaux, the***

receipt and sufficiency of which is hereby acknowledged and confessed. . .”.

8. FACT: Plaintiff has not, at any time, “run back to Ms. Girot” during this dispute. After becoming aware of Defendant’s alleged claim of ownership to the Property, which was more than a month after Plaintiff acquired the Property, Plaintiff retained legal counsel, filed this lawsuit, and has maintained a position of fee simple ownership of the Property for the duration of this dispute. All affidavits, depositions, and other evidence on record in the case support Plaintiff’s bona-fide purchaser status and confirm vested title in Plaintiff, including but not limited to Ms. Girot’s testimony on Page 46, lines 1-4 of her deposition:

1		Q.	Did you ever communicate to Mr. Dow prior to	
2			closing, prior to when CSD purchased the property, that	
3			Mr. Birnbaum claimed an ownership in the 149 acres?	
4		A.	No, ma'am.	

And her testimony on page 52, lines 12-15 of said deposition:

12		Q.	Okay. So is it your testimony that prior to	
13			purchasing the property, Mr. Dow had knowledge of the	
14			existence of a 2017 deed?	
15		A.	I don't think he was aware of the deed.	

9. FACT: The Court’s narrow inquiry has been answered - Ms. Girot did not, at any time, have any ownership in, membership in, employment in, or any other connection to CSD Van Zandt, LLC or its members, directors, or employees.

II.
DEFENDANT’S MOTION FOR MEDIATION SHOULD BE DENIED

10. Defendant demands mediation *be “required”* for this case and alleges this Court “*requires mediation before all final hearings, bench trials, and jury trials, such in the interest of justice and to preserve resources.*”

11. First, Plaintiff filed a Traditional Motion for Summary Judgment on October 20,

2022, and this Court may rule on said motion without a hearing.

12. Second, Plaintiff is unaware of this Court's alleged mediation requirement as indicated by Defendant. Regardless, Plaintiff has made multiple attempts to negotiate in good faith with Defendant to resolve this matter, including through informal mediation; in each case, Defendant has made a mockery of those settlement attempts, and it is clear Defendant has no intention of entering settlement negotiations in good faith.

13. Third, as a result of Defendant disclosing confidential settlement terms offered as part of prior negotiations between the parties in his *Motion to Order Mediation* and on Defendant's infamous and publicly accessible website¹, Defendant has irreparably damaged any remaining trust Plaintiff had that the integrity and confidentiality of future settlement negotiations would be respected or honored by Defendant.

14. Accordingly, and based upon the foregoing, Plaintiff urges the Court to deny Defendant's request for any additional mediation.

PRAYER

WHEREFORE PREMISES CONSIDERED, for the foregoing reasons, Plaintiff respectfully asks the Court to:

1. Dismiss Defendant's meritless and unsubstantiated *Response to Court's Inquiry*;
2. Deny Defendant's *Motion to Order Mediation*; and
3. Rule on Plaintiff's *Traditional Motion for Summary Judgment* filed with the Court on October 20, 2022.

Plaintiff also moves the Court to grant reasonable and necessary attorney's fees, costs of court, and such other and further relief to which Plaintiff may be justly entitled.

¹ www.damncourthousecriminals.com

48 27

Respectfully submitted,

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

/s/ Corey Kellam
COREY R. KELLAM
State Bar No. 24083297
crk@flowersdavis.com

ATTORNEY FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above and foregoing instrument has been served on all parties of record via electronic service manager on this the 14th day of August 2023.

/s/ Corey Kellam
COREY R. KELLAM

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: 78493096

Filing Code Description: Answer/Response

Filing Description: Plaintiff's Response to Defendant's Response to Court's Inquiry and Motion to Order Mediation

Status as of 8/14/2023 11:58 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Celia C. Flowers		ccf@flowersdavis.com	8/14/2023 11:51:16 AM	SENT
Corey RcscKellam		crk@flowersdavis.com	8/14/2023 11:51:16 AM	SENT
Jennifer Wallace		legalassistant@flowersdavis.com	8/14/2023 11:51:16 AM	SENT
Ashley Fortune		alf@flowersdavis.com	8/14/2023 11:51:16 AM	SENT
Shannon MBarber		sb@flowersdavis.com	8/14/2023 11:51:16 AM	SENT
Udo Birr.baum		brnbn@aol.com	8/14/2023 11:51:16 AM	SENT

To: U. S. Attorneys Office, 110 N College Ave, Tyler, TX 75702
CMRR 9589 0710 5270 0944 2828 28, August 15, 2024

COMPLAINT OF VIOLATION OF RIGHTS

1. Due Process: Theft of my 42 year 150 acre homestead, under color of due process, perpetrated by a Texas district judge.
2. First Amendment: Under color of court civil sanction, unlawful First Amendment retaliation by a Texas administrative judge. This sanction is punitive in nature (unconditional, not coercive, no "keys to own release) – requiring full criminal process (i.e. a jury trial)

I, UDO BIRNBAUM, an 87 year old of Van Zandt County, Texas, report the theft of my 42 year 150 acre homestead at 540 VZ County Road 2916, such theft under color of law, of me being a supposed mere "tenant", in a "unit", which I certainly was not, and violent de facto ejectment of me and all my belongings, by a Texas district judge, by writ of possession.

Under color of law, I was verily robbed of my right to a trial, to defend myself, by showing onto a JURY, how it was all fraud.

The district court, which did this "eviction" onto me, had no authority to do eviction, even if I had been a tenant, which I was not. In Texas, ONLY the justice court (JP court), OF THE PRECINCT, has jurisdiction to do tenant eviction. Tex. Prop. Code 24.004. (See Attach "B")

And as for the district court which did this ejectment upon me, Tex. Prop. Code 22.001(b): "the action of ejectment is not available in this state".

Furthermore, the writ of possession was issued, despite there being NO JUDGMENT OF POSSESSION to execute upon, a judgment of course being a prerequisite to do execution upon.

Also, such writ was unlawfully issued by signature of the judge, who has no authority to issue such. Writs of possession are under signature OF THE CLERK (See Attach "B"), and issued under her executive authority – upon a judgment – of which there was none.

The conduct of District Judge CHRIS MARTIN and Van Zandt County Sheriff JOE CARTER was objectively unreasonable. It was also clearly criminal. This was not an accident or oversight.

This is Tex. Penal 31.03. THEFT (a): “unlawful appropriation of property”. Such by Tex. Penal 31.01(4)(a) definition of “appropriate”: “to bring about a transfer or purported transfer of title to or other nonpossessory interest in property, whether to the actor or another”.

To summarize, this sham “eviction” was:

- Upon an 87 year old
- out of his 42 year 150 acre own HOMESTEAD
- by an 8-man armed officer crew
- executed under physical direction of the SHERIFF HIMSELF
- executed by a district court which has NO jurisdiction over landlord / tenant – in Texas ONLY the justice court (JP) of the PRECINCT
- swindled out of his right to a TRIAL - to show how it was all fraud
- and the taking of his personal property and STEALING his 150 acres
- on top of that – an unlawful \$500 FINE – First Amendment retaliation – for speaking his complaint – peaceably on paper
- God save America!

And as evidence:

- A Posting - Notice of Eviction - as a supposed “tenant” in a “unit”.
(besides, in Texas, ONLY the JP court can do tenant eviction)
- B My counter-posting - as to exactly why the eviction was unlawful
- C Supposed \$33,954.48 - 14 months back rent – something STINKS.
(Belated calculated – to the penny - upon 6 arbitrary houses – to make me appear as having been a tenant)
- D Sample of damages – all this “stuff” – me clearly NOT a mere renter
- E \$500 Court FINE - for complaining – First Amendment retaliation
- F By a mere ORDER, on a mere MOTION, I was swindled of my
Right to a TRIAL - by the stroke of a pen – by 294th District Judge
CHRIS MARTIN, and assist by Sheriff JOE CARTER

Today, August 15, 2024, to US Justice Dept., Tyler, Texas

UDO BIRNBAUM
119 An County Road 2501
Tennessee Colony, Texas 75861
903-922-5996
BRNBM@AOL.COM

temporary refuge only

HINT: ONLY THE JUSTICE COURT (JP) OF THE
PRECINCT CAN DO TENANT EVICTION. TEXAS
PROPERTY CODE 24.004

Attach "A" - Notice of
eviction - onto my door

WARNING

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

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

SEPTEMBER 07, 2023 at
9:00AM

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

CSD Van Zandt, LLC

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

05 Day of September, 2023 at 2:54 pm

ONLY THE JUSTICE COURT
(JP) OF THE PRECINCT etc

57
Attach "B" - my counter-
posting - onto my door

No. 22-00105 294th

WARNING

TO ANY OFFICER EXECUTING, be warned that I am clearly NOT a "tenant" in a "unit". Here lives UDO BIRNBAUM, a native born Texan. I have uninterruptedly lived for 42 YEARS on my 150 acre

42 YEAR HOMESTEAD

Any Officer sent to execute be warned that this writ is **UNLAWFULLY** perpetrated **under color of law** by signature of a JUDGE. True writs are under authority, Seal, and signature of the CLERK.

Furthermore, **this writ is UNLAWFUL** because it is issued by a District Court. Only the JUSTICE COURT of the PRECINCT is authorized to issue Writs of Possession.

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

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

OFFICER, you have a duty to NOT obey papers that you recognize or should recognize as being UNLAWFUL, particularly upon such specific and detailed Warning as above. (i.e. the **fraudulent writ** which produced **Attach 1**)

UDO BIRNBAUM, Landlord

Threatening to sue me? Been
suing me for over a YEAR

Attach "C" - page 1 / 3

58

NOTICE OF NONPAYMENT OF RENT

August 18, 2023

Mr. Udo Birnbaum
540 VZ County Road 2916
Eustace, Van Zandt County, Texas 75124

Attach "C" - Supposed \$33,954.48 back
rent 14 months - they could not even
figure out what the "rent" was!

As outlined in Article 24.005, Texas Property Code, you are hereby notified that three (3) days after delivery of this notice, I demand possession of said property listed above, now occupied by you.

You now owe **\$33,954.48** for rent and late fees from June 24, 2022 thru August 17, 2023.

I HEREBY DEMAND that you pay all past due rent AND vacate the property at once, or I shall proceed against you as the law directs.

SIGNED this 18th day of August, 2023.



Robert O. Dow, Manager

CSD Van Zandt LLC
6115 Owens St Ste 201
Dallas, TX 75235

Cc: Corey Kellam, Esq.

SERVICE OF NOTICE

This "Notice of Nonpayment of Rent" was executed at the above address on the 18th day of August, 2023 and delivered to Mr. Udo Birnbaum via USPS First Class Mail and USPS Certified Mail/Return Receipt #7022 2410 00002 5526 4187.

SIGNED this 18th day of August, 2023.



Robert O. Dow

5

ACKNOWLEDGEMENT

STATE OF TEXAS

RENT COMPARISON ANALYSIS

59

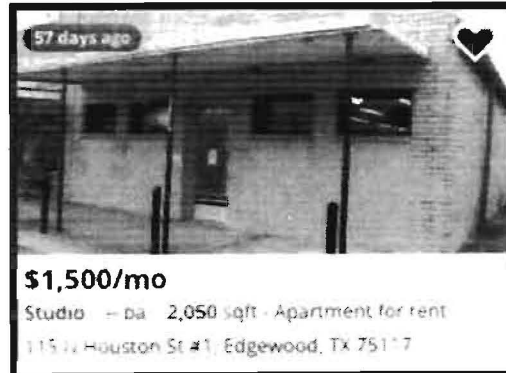
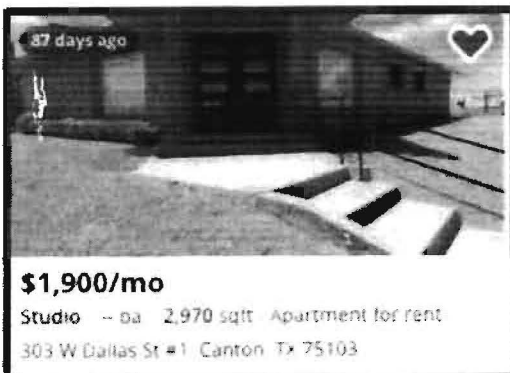
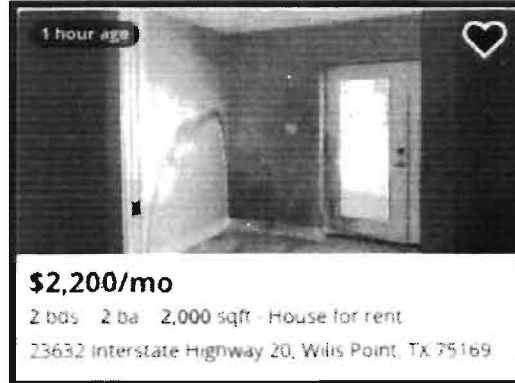
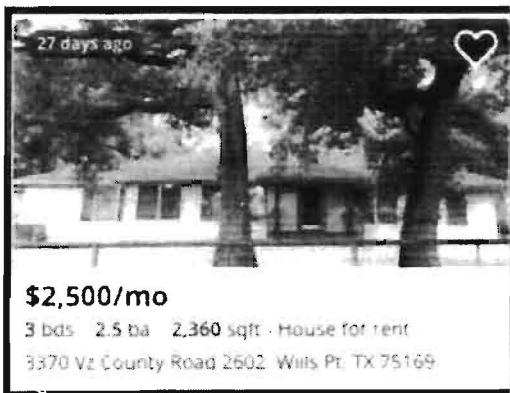
Owner:

CSD Van Zandt LLC
6115 Owens St Ste 201
Dallas, TX 75235

Attach "C" - Supposed \$33,954.48 back rent 14 months - they could not even figure out what the "rent" was!

Property:

540 VZ County Road 2916
Eustace, Van Zandt County, Texas 75124
Living Area: 2,178.00 sq ft



6

Average: \$2,195.83/mo

RENT STATEMENT

Attach "C" - page 3 / 3

Tenant:

Mr. Udo Birnbaum
540 VZ County Road 2916
Eustace, Texas 75124

Attach "C" - Supposed \$33,954.48 back
rent 14 months - they could not even
figure out what the "rent" was!

Property:

540 VZ County Road 2916
Eustace, Van Zandt County, Texas 75124
Living Area: 2,178.00 sq ft

Starting	Ending	Status	Rent	Late Fee	Total
06/24/2022	07/23/2022	Past Due	\$2,195.83	\$263.49	\$2,459.32
07/24/2022	08/23/2022	Past Due	\$2,195.83	\$263.49	\$2,459.32
08/24/2022	09/23/2022	Past Due	\$2,195.83	\$263.49	\$2,459.32
09/24/2022	10/23/2022	Past Due	\$2,195.83	\$263.49	\$2,459.32
10/24/2022	11/23/2022	Past Due	\$2,195.83	\$263.49	\$2,459.32
11/24/2022	12/23/2022	Past Due	\$2,195.83	\$263.49	\$2,459.32
12/24/2022	01/23/2023	Past Due	\$2,195.83	\$263.49	\$2,459.32
01/24/2023	02/23/2023	Past Due	\$2,195.83	\$263.49	\$2,459.32
02/24/2023	03/23/2023	Past Due	\$2,195.83	\$263.49	\$2,459.32
03/24/2023	04/23/2023	Past Due	\$2,195.83	\$263.49	\$2,459.32
04/24/2023	05/23/2023	Past Due	\$2,195.83	\$263.49	\$2,459.32
05/24/2023	06/23/2023	Past Due	\$2,195.83	\$263.49	\$2,459.32
06/23/2023	07/23/2023	Past Due	\$2,195.83	\$263.49	\$2,459.32
07/24/2023	08/17/2023	Past Due	\$1,770.83	\$212.49	\$1,983.32
				TOTAL	\$33,954.48

Rent Made Payable To:

CSD Van Zandt LLC
Attn: Robert O. Dow
6115 Owens St Ste 201
Dallas, TX 75235

42 YEARS of me and my parents' "STUFF"
– clearly NOT a “renter”



Sampling of my “STUFF” – including my mother’s, and now MY wheelchair

"due to the language used in the motion" - that makes it First Amendment Retaliation!

62
Attach "E" - \$500 Court FINE - page 1 / 2

CAUSE NO. 22-00105

CSD VAN ZANDT LLC

VS.

UDO BIRNBAUM

§
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§
§

IN THE 294TH DISTRICT COURT
IN AND FOR
VAN ZANDT COUNTY, TEXAS

FILED FOR RECORD
2023 SEP 19 PM 3:11
DISTRICT CLERK
KARL WILSON
CSD VAN ZANDT CO. TX
DEP
STORM

ORDER DENYING MOTION TO RECUSE

On September 19, 2023, the undersigned, heard the defendant's, Udo Birnbaum, Motion to Recuse and First Amended Motion to Recuse, pursuant to Rule 18a (g) of the Texas Rules of Civil Procedure (TRCP). The hearing was conducted remotely, via Zoom. All parties announced ready. The undersigned heard the arguments of the defendant and plaintiff's counsel.

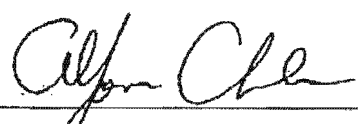
The undersigned considered the motions, the arguments of the parties and the case law. The undersigned denied the motions. The undersigned found that the motions did comply with Rule 18a(a) TRCP in that the motions were not verified, they failed to assert one or more grounds listed in Rule 18b, and they did not state with detail and particularity facts that would be admissible. The undersigned further found that the motions were based solely on the judge's rulings and orders in the case. The undersigned found that the motion was without merit.

The undersigned further found that due to the language used in the motion and that it was without merit, that sanctions were appropriate. The undersigned awarded sanctions in the form of attorney fees to plaintiff in the amount of \$500.00, payable 30 days from the date of this order.

IT IS THEREFORE ORDERED that the Motion to Recuse and First Amended Motion to Recuse are **DENIED** and sanctions are **GRANTED**.

63

Signed this SEP 19 day of 2023, 20



ALFONSO CHARLES, Presiding Judge
Tenth Administrative Judicial Region

Plaintiff's PLEADINGS "GRANTED in all things" -
what happened to my Right to a TRIAL!
(jury fee paid been on the jury docket over a year
7 page DOCKET SHEET)

Attach "F" - swindled out of the
Right to a TRIAL!

CAUSE NO. 22-00105

CSD VAN ZANDT LLC
Plaintiff

v.

UDO BIRNBAUM
Defendant

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IN THE DISTRICT COURT

294th JUDICIAL DISTRICT

VAN ZANDT COUNTY, TEXAS

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

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

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

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

IT IS SO ORDERED.

SIGNED this the 17th day of August 2023.



Judge Chris Martin

Exhibit-11

65

DamnCourthouseCriminals.com

How Judge Chris Martin stole my homestead



1. A real estate deed fraud ring fabricates a deed to my 150 acres and sues me.
2. Without even a hearing Judge Martin evicts me and takes my land. (Exhibit 1)
3. A district court cannot even do eviction, ONLY the JP court of the precinct¹
4. And NOT WITHOUT A TRIAL, in Texas indeed a jury trial². (Exhibit 2)
5. Perpetrated by an 8 armed officer mob - - - including Sheriff Joe Carter himself



<u>WARNING</u> A Writ of Possession has been issued by <u>294th</u> <u>Judicial District Court of Van Zandt County</u> Case No. <u>22-09105</u> All tenants and their personal property should be removed from <u>540 Van Zandt County Road</u> <u>2916, Eustace, Texas 75124</u> by <u>SEPTEMBER 07</u>, 2023 at 9:00AM Tenants and personal property remaining on the premises after that date and time will be subject to removal. The unit will be turned over to: <u>CSD Van Zandt, LLC</u> Van Zandt County Sheriff's Office Posted by S.D. Henson 05 Day of September, 2023 at 2:54 pm

¹ Texas Property Code Sec. 24.004(b), a justice court in the precinct in which the real property is located has jurisdiction in eviction suits. Eviction suits include forcible entry and detainer and forcible detainer suits.

² Texas Constitution. Sec. 10. TRIAL BY JURY IN CIVIL CASES. In the trial of all causes in the district courts, the plaintiff or defendant shall, upon application made in open court, have the right of trial by jury

EXHIBIT 1: a "forcible entry and detainer" - - indeed an armed HOME INVASION - - a staged physical confrontation. Details below.

WARNING

(66)

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

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

SEPTEMBER 07, 2023 at
9:00AM

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

CSD Van Zandt, LLC

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

05 Day of September, 2023 at 2:54 pm

EXHIBIT 1: "tenant" eviction. But a district court cannot do
eviction, ONLY the JP justice court. Property Code 24.004(b). It was by
ROBERT O. DOW and his lawyers having succeeded in duping Judge
Chris Martin into doing this, else pressuring him, else worse. That makes it
a "forcible entry and detainer" by Dow - - indeed a HOME INVASION by
ANY AND ALL "bringing this about". See Exhibit 2 re penal 31.03 THEFT

EXHIBIT 2: upon Judge Martin's "opinion" - - upon a mere "opinion" - - Mr. Dow gets himself a 150 acre homestead worth \$850,000 - - and Mr. Birnbaum, an 88 year old - - out into the ditch - - without a trial or ever even a hearing - - by the mere stroke of a pen. SOMETHING STINKS. See below re THEFT - - by ANY AND ALL

CSD VAN ZANDT LLC
Plaintiff

v.

UDO BIRNBAUM
Defendant

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§

IN THE DISTRICT COURT

294th JUDICIAL DISTRICT

VAN ZANDT COUNTY, TEXAS

KAREN WILSON
DIST. CLERK VAN ZANDT CO. TX
BY *Kara*
DEP

67

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

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

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

IT IS SO ORDERED.

SIGNED this 17th day of August 2023.



Judge Chris Martin

EXHIBIT 2: Texas Penal Sec. 31.03. THEFT. (a) A person commits an offense if he unlawfully appropriates property with intent to deprive the owner of property.

Texas Penal Sec. 31.01 THEFT. "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 (B) etc

ATTACH - 1

68

①

CAUSE NO. 25-00024

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

MOTION FOR RECUSAL
OF JUDGE ALFONSO CHARLES

UDO BIRNBAUM ("Birnbaum"), Plaintiff in this cause of Petition for Bill of Review, hereby moves for the recusal of Judge Alfonso Charles from determining which judge is to hear the pending motion to recuse of Judge Chris Martin, and in support will show the following:

**THE IMPARTIALITY OF JUDGE CHARLES
CAN REASONABLY BE QUESTIONED**

1. Such by JUDGE CHARLES upon earlier motion for recusal of JUDGE CHRIS MARTIN, Judge Charles showing lack of judicial temperament, by actual lashing out upon Birnbaum, by unlawful punitive sanction.
2. Such by \$500 FINE, for "*the language used*" – not to the liking of Judge Charles - - - not at the hearing, but in the motion – the sanction itself so states (Exhibit 1). We do, after all, we do have the First Amendment.
3. And the US Supreme Court has ruled upon the nature of a sanction, whether it is coercive, i.e. civil in nature, i.e. that it provides "the keys to ones own release", to purge the contempt, by complying with some Order, like stop doing something, or do something.

4. And on the other hand a punitive sanction, for a completed act, no opportunity to purge such contempt. The contempt by Judge Charles was punitive, upon that most sacred of Rights, the First Amendment.

5. Attached is the criminal complaint I made to the US Justice Department upon such conduct of Judge Chris Martin, Sheriff Joe Carter, and Judge Alfonso Charles. (Exhibit 2)

6. Also attached is an earlier sanction against me, also upon a motion for recusal, such a FINE of \$125,770, such fine, among other similar, being the underlying cause of this whole matter upon me. (Exh. 3)

7. Recusal reasons RCP 18b (1) the judge's impartiality might reasonably be questioned; (2) the judge has a personal bias or prejudice concerning the subject matter or a party; (3) the judge has personal knowledge of disputed evidentiary facts concerning the proceeding;

**JUDGE CHARLES HAS ACQUIRED
AN INTEREST IN THE OUTCOME**

7. Details as above.

8. Recusal reasons RCP 18b (1) the judge's impartiality might reasonably be questioned; (2) the judge has a personal bias or prejudice concerning the subject matter or a party; (3) the judge has personal knowledge of disputed evidentiary facts concerning the proceeding;

Udo Birnbaum

UDO BIRNBAUM

119 AN County Road 2501

Tennessee Colony, TX 75861

903-922-5996

BRNBM@AOL.COM

EXHIBITS

Exhibit 1 - - - \$500 FINE - - - for a motion to recuse - - - for "the language used" - - - First Amendment Retaliation

Exhibit 2 - - - criminal complaint - - - Civil Rights Violation - - - by Judge Chris Martin, Sheriff Joe Carter, Judge Alfonso Charles

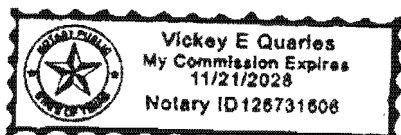
Exhibit 3 - - - \$125,770 FINE - - - also upon a motion to recuse - - - the underlying cause of this whole matter

VERIFICATION

All upon personal knowledge and investigation, all true and correct. Exhibits 1 to 3, true copies of the originals, all mark ups by me.

Udo Birnbaum
Udo Birnbaum

SUBSCRIBED AND SWORN TO before me, the undersigned authority, by UDO BIRNBAUM, on this the 10th day of April, 2025, to certify which witness my hand and seal of office.



Vickey E Quarles
Notary Public, State of Texas

CERTIFICATE OF SERVICE

Today April 10, 2025 by CMRR 9589 0710 5270 0944 2831 46 to Karen Wilson, District Clerk, 121 E. Dallas St., Suite 302, Canton, TX 75103.

Also email attach to:

Corey Kellam, corey@sullivanlawoffices.com

Karen Wilson, District Clerk at districtclerk@vanzandtcounty.org

Judge Chris Martin c/o Waynette Barker at wbarker@vanzandtcounty.org

Udo Birnbaum
Udo Birnbaum

"due to the language used in the motion" - that makes it First Amendment Retaliation!

Exhibit 1

Attach "E" - \$500 Court FINE - page 1 / 2

CAUSE NO. 22-00105

CSD VAN ZANDT LLC

VS.

UDO BIRNBAUM

§
§
§
§
§

IN THE 294TH DISTRICT COURT
IN AND FOR
VAN ZANDT COUNTY, TEXAS

FILED FOR RECORD
2023 SEP 19 PM 3:11
DISTRICT COURT
KARL WILSON
CLERK
VAN ZANDT CO. TX
DEP

ORDER DENYING MOTION TO RECUSE

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The undersigned considered the motions, the arguments of the parties and the case law. The undersigned denied the motions. The undersigned found that the motions did comply with Rule 18a(a) TRCP in that the motions were not verified, they failed to assert one or more grounds listed in Rule 18b, and they did not state with detail and particularity facts that would be admissible. The undersigned further found that the motions were based solely on the judge's rulings and orders in the case. The undersigned found that the motion was without merit.

The undersigned further found that due to the language used in the motion and that it was without merit, that sanctions were appropriate. The undersigned awarded sanctions in the form of attorney fees to plaintiff in the amount of \$500.00, payable 30 days from the date of this order.

IT IS THEREFORE ORDERED that the Motion to Recuse and First Amended Motion to Recuse are **DENIED** and sanctions are **GRANTED**.

9

72

5

Attach "E" - \$500 Court FINE - page 2 / 2

SEP 19 2023

Signed this ____ day of _____, 20____.



ALFONSO CHARLES, Presiding Judge
Tenth Administrative Judicial Region

~~10~~

Exhibit 2 73 6
See page 9

To: U. S. Attorneys Office, 110 N College Ave, Tyler, TX 75702
CMRR 9589 0710 5270 0944 2828 28, August 15, 2024

COMPLAINT OF VIOLATION OF RIGHTS

1. Due Process: Theft of my 42 year 150 acre homestead, under color of due process, perpetrated by a Texas district judge.
2. First Amendment: Under color of court civil sanction, unlawful First Amendment retaliation by a Texas administrative judge. This sanction is punitive in nature (unconditional, not coercive, no "keys to own release) – requiring full criminal process (i.e. a jury trial)

I, UDO BIRNBAUM, an 87 year old of Van Zandt County, Texas, report the theft of my 42 year 150 acre homestead at 540 VZ County Road 2916, such theft under color of law, of me being a supposed mere "tenant", in a "unit", which I certainly was not, and violent de facto ejectment of me and all my belongings, by a Texas district judge, by writ of possession.

Under color of law, I was verily robbed of my right to a trial, to defend myself, by showing onto a JURY, how it was all fraud.

The district court, which did this "eviction" onto me, had no authority to do eviction, even if I had been a tenant, which I was not. In Texas, ONLY the justice court (JP court), OF THE PRECINCT, has jurisdiction to do tenant eviction. Tex. Prop. Code 24.004. (See Attach "B")

And as for the district court which did this ejectment upon me, Tex. Prop. Code 22.001(b): "the action of ejectment is not available in this state".

Furthermore, the writ of possession was issued, despite there being NO JUDGMENT OF POSSESSION to execute upon, a judgment of course being a prerequisite to do execution upon.

Also, such writ was unlawfully issued by signature of the judge, who has no authority to issue such. Writs of possession are under signature OF THE CLERK (See Attach "B"), and issued under her executive authority – upon a judgment – of which there was none.

The conduct of District Judge CHRIS MARTIN and Van Zandt County Sheriff JOE CARTER was objectively unreasonable. It was also clearly criminal. This was not an accident or oversight.

This is Tex. Penal 31.03. THEFT (a): “unlawful appropriation of property”. Such by Tex. Penal 31.01(4)(a) definition of “appropriate”: “to bring about a transfer or purported transfer of title to or other nonpossessory interest in property, whether to the actor or another”.

To summarize, this sham “eviction” was:

- Upon an 87 year old
- out of his 42 year 150 acre own HOMESTEAD
- by an 8-man armed officer crew
- executed under physical direction of the SHERIFF HIMSELF
- executed by a district court which has NO jurisdiction over landlord / tenant – in Texas ONLY the justice court (JP) of the PRECINCT
- swindled out of his right to a TRIAL - to show how it was all fraud
- and the taking of his personal property and STEALING his 150 acres
- on top of that – an unlawful \$500 FINE – First Amendment retaliation – for speaking his complaint – peaceably on paper
- God save America!

And as evidence:

- A Posting - Notice of Eviction - as a supposed “tenant” in a “unit”. (besides, in Texas, ONLY the JP court can do tenant eviction)
- B My counter-posting - as to exactly why the eviction was unlawful
- C Supposed \$33,954.48 - 14 months back rent – something STINKS. (Belated calculated – to the penny - upon 6 arbitrary houses – to make me appear as having been a tenant)
- D Sample of damages – all this “stuff” – me clearly NOT a mere renter
- E \$500 Court FINE - for complaining – First Amendment retaliation
- F By a mere ORDER, on a mere MOTION, I was swindled of my Right to a TRIAL - by the stroke of a pen – by 294th District Judge CHRIS MARTIN, and assist by Sheriff JOE CARTER

Today, August 15, 2024, to US Justice Dept., Tyler, Texas

UDO BIRNBAUM
119 An County Road 2501
Tennessee Colony, Texas 75861
903-922-5996
BRNBM@AOL.COM

temporary refuge only

75 8

HINT: ONLY THE JUSTICE COURT (JP) OF THE
PRECINCT CAN DO TENANT EVICTION. TEXAS
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Attach "A" - Notice of
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Posted by S.D. Henson

05 Day of September, 2023 at 2:54 pm

ONLY THE JUSTICE COURT
(JP) OF THE PRECINCT etc

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No. 22-00105 294th

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42 YEAR HOMESTEAD

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

OFFICER, you have a duty to NOT obey papers that you recognize or should recognize as being UNLAWFUL, particularly upon such specific and detailed Warning as above. (i.e. the **fraudulent writ** which produced **Attach 1**)

UDO BIRNBAUM, Landlord

Threatening to sue me? Been
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77 10
Attach "C" - page 1 / 3

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rent 14 months - they could not even
figure out what the "rent" was!

August 18, 2023

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As outlined in Article 24.005, Texas Property Code, you are hereby notified that three (3) days after delivery of this notice, I demand possession of said property listed above, now occupied by you.

You now owe **\$33,954.48** for rent and late fees from June 24, 2022 thru August 17, 2023.

I **HEREBY DEMAND** that you pay all past due rent AND vacate the property at once, or I shall proceed against you as the law directs.

SIGNED this 18th day of August, 2023.



Robert O. Dow, Manager

CSD Van Zandt LLC
6115 Owens St Ste 201
Dallas, TX 75235

Cc: Corey Kellam, Esq.

SERVICE OF NOTICE

This "Notice of Nonpayment of Rent" was executed at the above address on the 18th day of August, 2023 and delivered to Mr. Udo Birnbaum via USPS First Class Mail and USPS Certified Mail/Return Receipt #7022 2410 00002 5526 4187.

SIGNED this 18th day of August, 2023.



Robert O. Dow

ACKNOWLEDGEMENT

STATE OF TEXAS

5

78

11

Attach "C" - page 2 / 3

RENT COMPARISON ANALYSIS

Owner:

CSD Van Zandt LLC
6115 Owens St Ste 201
Dallas, TX 75235

Attach "C" - Supposed \$33,954.48 back rent 14 months - they could not even figure out what the "rent" was!

Property:

540 VZ County Road 2916
Eustace, Van Zandt County, Texas 75124
Living Area: 2,178.00 sq ft

27 days ago



\$2,500/mo
3 bds, 2.5 ba, 2,360 sqft - House for rent
9370 VZ County Road 2902, Wills Pt, TX 75169

23 days ago



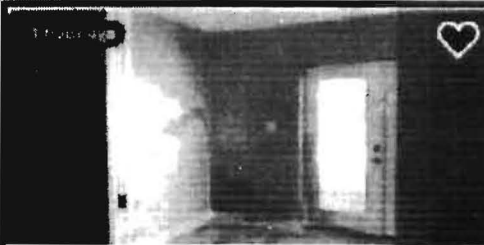
\$2,275/mo
3 bds, 3 ba, 2,470 sqft - House for rent
950 VZ County Road 2304, Canton, TX 75103

1 day ago



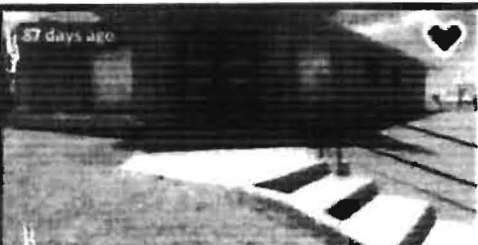
\$2,800/mo
4 bds, 2 ba, 2,452 sqft - House for rent
2351 VZ Rd, Canton, TX 75103

1 hour ago



\$2,200/mo
2 bds, 2 ba, 2,000 sqft - House for rent
29032 Interstate Highway 40, Wills Point, TX 75178

87 days ago



\$1,900/mo
Studio - ba, 2,970 sqft - Apartment for rent
2002 Williams St, Canton, TX 75103

57 days ago



\$1,500/mo
Studio - ba, 2,050 sqft - Apartment for rent
11111 Houston St #1, Edgewood, TX 75117

6

Average: \$2,195.83/mo

79 12

RENT STATEMENT

Attach "C" - page 3 / 3

Tenant:

Mr. Udo Birnbaum
540 VZ County Road 2916
Eustace, Texas 75124

Attach "C" - Supposed \$33,954.48 back
rent 14 months - they could not even
figure out what the "rent" was!

Property:

540 VZ County Road 2916
Eustace, Van Zandt County, Texas 75124
Living Area: 2,178.00 sq ft

Starting	Ending	Status	Rent	Late Fee	Total
06/24/2022	07/23/2022	Past Due	\$2,195.83	\$263.49	\$2,459.32
07/24/2022	08/23/2022	Past Due	\$2,195.83	\$263.49	\$2,459.32
08/24/2022	09/23/2022	Past Due	\$2,195.83	\$263.49	\$2,459.32
09/24/2022	10/23/2022	Past Due	\$2,195.83	\$263.49	\$2,459.32
10/24/2022	11/23/2022	Past Due	\$2,195.83	\$263.49	\$2,459.32
11/24/2022	12/23/2022	Past Due	\$2,195.83	\$263.49	\$2,459.32
12/24/2022	01/23/2023	Past Due	\$2,195.83	\$263.49	\$2,459.32
01/24/2023	02/23/2023	Past Due	\$2,195.83	\$263.49	\$2,459.32
02/24/2023	03/23/2023	Past Due	\$2,195.83	\$263.49	\$2,459.32
03/24/2023	04/23/2023	Past Due	\$2,195.83	\$263.49	\$2,459.32
04/24/2023	05/23/2023	Past Due	\$2,195.83	\$263.49	\$2,459.32
05/24/2023	06/23/2023	Past Due	\$2,195.83	\$263.49	\$2,459.32
06/23/2023	07/23/2023	Past Due	\$2,195.83	\$263.49	\$2,459.32
07/24/2023	08/17/2023	Past Due	\$1,770.83	\$212.49	\$1,983.32
				TOTAL	\$33,954.48

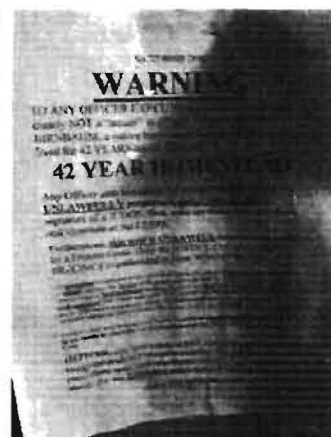
Rent Made Payable To:

CSD Van Zandt LLC
Attn: Robert O. Dow
6115 Owens St Ste 201
Dallas, TX 75235

7

Attach "D" - in America?

42 YEARS of me and my parents' "STUFF"
– clearly NOT a "renter"



Sampling of my "STUFF" – including my mother's, and now MY wheelchair

"due to the language used in the motion" - that makes it First Amendment Retaliation!

Attach "E" - \$500 Court FINE - page 1 / 2

CAUSE NO. 22-00105

CSD VAN ZANDT LLC

VS.

UDO BIRNBAUM

§
§
§
§
§

IN THE 294TH DISTRICT COURT
IN AND FOR
VAN ZANDT COUNTY, TEXAS

FILED FOR RECORD
2023 SEP 19 PM 3:11
DISTRICT COURT
VAN ZANDT CO. TX
CLERK
DEP

ORDER DENYING MOTION TO RECUSE

On September 19, 2023, the undersigned, heard the defendant's, Udo Birnbaum, Motion to Recuse and First Amended Motion to Recuse, pursuant to Rule 18a (g) of the Texas Rules of Civil Procedure (TRCP). The hearing was conducted remotely, via Zoom. All parties announced ready. The undersigned heard the arguments of the defendant and plaintiff's counsel.

The undersigned considered the motions, the arguments of the parties and the case law. The undersigned denied the motions. The undersigned found that the motions did comply with Rule 18a(a) TRCP in that the motions were not verified, they failed to assert one or more grounds listed in Rule 18b, and they did not state with detail and particularity facts that would be admissible. The undersigned further found that the motions were based solely on the judge's rulings and orders in the case. The undersigned found that the motion was without merit.

The undersigned further found that due to the language used in the motion and that it was without merit, that sanctions were appropriate. The undersigned awarded sanctions in the form of attorney fees to plaintiff in the amount of \$500.00, payable 30 days from the date of this order.

IT IS THEREFORE ORDERED that the Motion to Recuse and First Amended Motion to Recuse are **DENIED** and sanctions are **GRANTED**.

15

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SEP 19 2023

Signed this _____ day of _____, 20____.



ALFONSO CHARLES, Presiding Judge
Tenth Administrative Judicial Region

Plaintiff's PLEADINGS "GRANTED in all things" -
what happened to my Right to a TRIAL!
(jury fee paid been on the jury docket over a year
7 page DOCKET SHEET)

Attach "F" - swindled out of the
Right to a TRIAL!

CAUSE NO. 22-00105

CSD VAN ZANDT LLC
Plaintiff

v.

UDO BIRNBAUM
Defendant

§
§
§
§
§
§

IN THE DISTRICT COURT

294th JUDICIAL DISTRICT

VAN ZANDT COUNTY, TEXAS

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

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

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

IT IS SO ORDERED.

SIGNED this the 17th day of August 2023.



Judge Chris Martin

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.

Exhibit 3
\$125,770 Court
Firm!

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

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**

18
85

It is therefore, **ORDERED, ADJUDGED, and DECREED** that the motion by the defendant, Udo Birnbaum, 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 Birnbaum, 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 Birnbaum'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 Birnbaum 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:

19
86

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**.

Go diagnose yourself, you idiot
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**.

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.

88
21
YES - out in the halls - around the coffee pot - around the table in the jury room - ALL
WITHOUT A COURT REPORTER - yes you threatened me. YES - this was ALL
BEFORE we went into the courtroom - and before a COURT REPORTER.

17. Prior to the hearing on the Motion to Recuse, the Court admonished Birnbaum that if his

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

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

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

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

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

Conclusions of Law

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

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

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

this conclusion based upon the fact that Birnbaum was not a credible witness, that other credible

witnesses totally contradicted Birnbaum's version of the facts, and that evidence was presented establishing that Birnbaum has had a track record and history of harassment towards other opposing litigants, opposing counsels, and other judges before whom Birnbaum has appeared.

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

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

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

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

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

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

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

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

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

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

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

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

PLUM CRAZY

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.

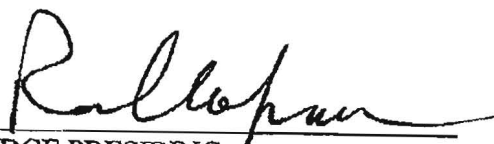
Any finding of fact herein which is later determined to be a conclusion of law, is to be deemed a conclusion of law regardless of its designation in this document as a finding of fact. Any conclusion of law herein which is later determined to be a finding of fact, is to be deemed a finding of fact regardless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

Was NOT a "Judgment"

91024

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

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.

ATTACH-2

92

CAUSE NO. 25-00024

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

FIRST INTERROGATORY TO CSD VAN ZANDT LLC

Regarding CSD Van Zandt LLC ("CSD"), in the underlying Cause 22-00105 CSD Van Zandt LLC vs. Udo Birnbaum, CSD therein claiming to have had a regular chain of conveyance:

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

INTERROGATORY NO. 1

- IDENTIFY, by attach, such documents as you claim conveyed such "the Property", out of the estate of such Gwendolyn Wright Thibodeaux, [so as to get] "passed to Louis Thibodeaux, Patricia Moore Barclay, and James T. Moore"

UDO BIRNBAUM
119 AN County Road 2501
Tennessee Colony, TX 75861
903-922-5996
BRNBM@AOL.COM

CERTIFICATE OF SERVICE
Today April 7, 2025 by CMRR
9589 0710 5270 0944 2906 87
to: THE LAW OFFICE OF
CHRISTOPHER L. SULLIVAN PLLC