

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 Judicial Notice of Inconsistent with Due Process

TO THE HONORABLE COURT:

1. COMES NOW, UDO BIRNBAUM ("Birnbaum"), regarding this cause of Original Petition for a Bill of Review, for this Court to notice, that it was this Court's Judge Chris Martin himself, in concert with CSD Van Zandt LLC ("CSD"), that deprived Birnbaum of his Right to a trial, indeed a jury trial.

2. Such upon simple inspection of its own documents alone, as already provided as exhibits to the Petition itself, and as detailed therewith.

3. In Peralta¹ the US Supreme Court itself has indicated the cure upon process as in the underlying Cause No. 22-00105 at issue in this Petition:

PERALTA v. HEIGHTS MEDICAL CENTER, INC., 485 U.S. 80 (1988)
Where a person has been deprived of property in a manner contrary to the most basic tenets of due process, "it is no answer to say that in his particular case due process of law would have led to the same result because he had no adequate [485 U.S. 80, 87] defense upon the merits." Coe v. Armour Fertilizer Works, 237 U.S. 413, 424 (1915). As we observed in Armstrong v. Manzo, 380 U.S., at 552 , **only "wip[ing] the slate clean . . . would have restored the petitioner to the position he would have occupied had due process of law been accorded to him in the first place."** **The Due Process Clause demands no less in this case.** (emphasis added)

¹ Peralta as also quoted in this No. 25-00024 Original Petition itself

PRAYER

Birnbaum prays that this Court cure such as done by Judge Chris Martin, and per Peralta restore Petitioner Birnbaum to the position he would have occupied had due process of law been accorded to him in the first place.

ATTACH

Exhibit A: How Judge Chris Martin Stole My Homestead
Exhibit B: Criminal Complaint to Van Zandt District Attorney
(Judge Chris Martin, Sheriff Joe Carter, Judge Alfonso Charles)


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

CERTIFICATE OF SERVICE (two documents)

Today May 12, 2025, CMRR 9589 0710 5270 2057 7945 26 to:

- District Clerk, 121 E. Dallas St., Suite 302, Canton, TX 75103

Also, email attach:

- Corey Kellam, corey@sullivanlawoffices.com
- Nicole Faragen, nicole@sullivanlawoffices.com
- Kent Canada, kent@sullivanlawoffices.com
- District Court, wbarker@vanzandtcounty.org
- Court at Law, aanthony@vanzandtcounty.org
- District Attorney, tcurry@vanzandtcounty.org


Udo Birnbaum

NOTE: for details see my YouTube, Just google for "how judge chris martin stole my homestead" (else go my website for FULL background)

Exhibit - A
3 pages

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



WARNING	
A Writ of Possession has been issued by <u>294th</u> Judicial District Court of Van Zandt County. 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>GSD Vm Zandt, LLC</u>	
Van Zandt County Sheriffs 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.

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Case No. 22-00105

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premises after that date and time will be subject to
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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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§
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§
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IN THE DISTRICT COURT

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

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 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

To: Van Zandt DA, CMRR 7022 0410 0000 9534 1372, July 31, 2024

COMPLAINT OF THEFT

Theft of my 42 year 150 acre homestead, perpetrated in a district court, under color of tenant eviction

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 my all, by a district court, by writ of possession.

Under color of law, I was verily defrauded out 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” on 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 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, July 31, 2024, to VZ District Attorney
CMRR 7022 0410 0000 9534 1372
Address temporary refuge only,

Udo Birnbaum

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

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

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

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

ACKNOWLEDGEMENT

STATE OF TEXAS

5

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
3370 Vz County Road 2602, Willis 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
32530 Fm 47, Canton, TX 75103

1 hour ago



\$2,200/mo
2 bds 2 ba 2,000 sqft - House for rent
23632 Interstate Highway 20, Willis Point, TX 75169

87 days ago



\$1,900/mo
Studio - ba 2,970 sqft - Apartment for rent
303 W Dallas St #1, Canton, TX 75103

57 days ago



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

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!

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 COURT
KARL WILSON
CLERK OF COURT
VAN ZANDT CO. TX
DEP
STORM

ORDER DENYING MOTION TO RECUSE

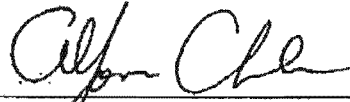
On September 19, 2023, the undersigned, heard the defendant's, Udo Birnbaum, Motion to Recuse and First Amended Motion to Recuse, pursuant to Rule 18a (g) of the Texas Rules of Civil Procedure (TRCP). The hearing was conducted remotely, via Zoom. All parties announced ready. The undersigned heard the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

Signed this SEP 19 2023 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

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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

CMRR 9589 0710 5270 2057 7945 26

May 12, 2025

To: Karen Wilson, District Clerk
County Courthouse
121 E. Dallas St., Suite 302
Canton TX, 75103

From: Udo Birnbaum
119 AN County Road 2501
Tennessee Colony, TX 75861

Re: No. 25-00024 Udo Birnbaum vs. CSD Van Zandt LLC

Herewith: Motion for Protection from Judge Chris Martin
Motion for Judicial Notice of Inconsistent with Due Process

Would appreciate email attach of file marked documents.

Thank you,


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

CMRR 9589 0710 5270 2057 7945 26