

CAUSE NO. 25-00024

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

**PLAINTIFF'S RESPONSE TO DEFENDANT'S RESPONSE TO
PLAINTIFF'S MOTION FOR RECUSAL
OF JUDGE CHRIS MARTIN**

TO THE HONORABLE COURT:

Comes now, UDO BIRNBAUM ("Birnbaum"), in Response to CSD VAN ZANDT LLC ("CSD"):

**I.
BACKGROUND**

1. This cause of Original Petition for a Bill of Review is upon a clearly documented court record of CSD having duped Judge Chris Martin, else worse, into causing Judge Martin to unlawfully appropriate them Birnbaum's 42 year 150 acre homestead, such by Judge Martin violating Birnbaum's absolute right to a trial¹, indeed a jury trial².

**II.
EXHIBITS**

Exhibit "A" Complaint to Van Zandt District Attorney – as it also focuses on the conduct of Judge Martin, although from a different perspective than from the need for recusal. Also it presents some of the key public court record.

Exhibit "B" Seven (7) page Docket Sheet in underlying 22-00105

¹ Texas Bill of Rights Sec. 15. RIGHT OF TRIAL BY JURY. The right of trial by jury shall remain inviolate. The Legislature shall pass such laws as maybe needed to regulate the same, and to maintain its purity and efficiency

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

III. SUMMARY OF THIS RESPONSE

2. CSD's conduct in this cause of Original Petition for a Bill of Review is right in line with their pattern in the underlying cause No. 22-00105, of trying to swindle Birnbaum out of his Right to a trial.

IV. ARGUMENT

3. Plaintiff Birnbaum's Motion for Recusal of Judge Chris Martin is all about how Judge Martin, in concert with Defendant CSD VAN ZANDT LLC, defrauded Birnbaum of his Right to a trial, indeed a jury trial.

4. Defendant CSD's Response, after lots of good law, but on their own "facts", finally on its page 5, manages to fall into the pit they tried to dig for me, by stating correctly:

"Recusal is therefore only warranted where the movant **provides facts demonstrating the presence of bias or partiality of such a nature and extent as to deny the movant due process of law or a fair trial.** See *Drake v. Walker*, 529 S.W.3d 516, 528 (Tex. App.—Dallas 2017, no pet.)" (highlight emphasis added)

5. The important element of course being the probability of the judge, based on his past action of once before having denied Birnbaum his Right to due process, whether Judge Martin would be expected to do different on this go around, and particularly whether he should be allowed to be the judge of his own conduct.

- It is clear that a district court cannot do eviction, but Judge Martin did.
- It is clear that that a defendant has a Right to a trial, indeed a jury trial.
- There is a clear difference between a summary judgment and a judgment.
- It is clear that Judge Martin does not know the difference or does not care.

6. But back to *Drake vs. Walker*, here the full context:

B. Due Process Violations and Recusal of Trial Court Judge

1. Standard of Review and Applicable Law

We review an order denying a motion to recuse for an abuse of discretion. *See In re H.M.S.*, 349 S.W.3d 250, 253 (Tex. App.—Dallas 2011, pet. denied); *Sommers v. Concepcion*, 20 S.W.3d 27, 41 (Tex. App.—Houston [14th Dist.] 2000, pet. denied); *see also* Tex. R. Civ. P. 18a(j)(1). The movant bears the burden of proving recusal is warranted, and the burden is met only through a showing of bias or impartiality to such an extent that the movant was deprived of a fair trial. *See In re H.M.S.*, 349 S.W.3d at 253-54. The test for recusal is “whether a reasonable member of the public at large, knowing all the facts in the public domain concerning the judge’s conduct, would have a reasonable doubt that the judge is actually impartial.” *Hansen v. JP Morgan Chase Bank, N.A.*, 346 S.W.3d 769, 776 (Tex. App.—Dallas 2011, no pet.).

7. The key essence being, “*whether a reasonable member of the public at large, knowing all the facts in the public domain concerning the judge’s conduct, would have a reasonable doubt that the judge is actually impartial.*”

8. The court Record, of a SEVEN (7) PAGE DOCKET SHEET, and the on **AUGUST 17, 2023** so sudden and curious denial of a trial, or ever even a hearing, a writ of possession without a judgment of possession, out of a district court, which cannot even do eviction, certainly not without a trial, such eviction by signature of Judge Martin, not the Clerk, such speaks LOUD AND CLEAR.

9. RECUSAL, above all its technicalities, is all upon **conduct**, and Judge Chris Martin’s conduct is clear “*upon knowing all the facts in the public domain*”, i.e. the SEVEN (7) PAGE 294th District Court Record, i.e. the NO TRIAL, i.e. inconsistent with due process, i.e. unlawful appropriation, i.e. THEFT, Penal 31.03, \$850,000 unlawful appropriation³, by ANY and ALL doing this “*bringing about*”.

³ Sec. 31.01. DEFINITIONS. In this Chapter: 4) "Appropriate" means:(A) to bring about a transfer or purported transfer of title to or other nonpossessory interest in property, whether to the actor or another; or

CONCLUSION AND PRAYER

This Original Petition for a Bill of Review is upon denial of due process of Right to a trial, so is of course upon the conduct of Judge Chris Martin himself, regardless of how he may have gotten himself into this mode.

As such Judge Martin had to recuse himself voluntarily so as not to be in charge of judging his own conduct.

With such said, again notice of my criminal complaint upon Judge Martin with the Van Zandt District Attorney. (Attach "A")

Birnbaum prays for the recusal of Judge Martin, and to be restored, per Peralta⁴, *"to the position he would have occupied, had due process of law been accorded to him in the first place"*.



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

CERTIFICATE OF SERVICE

Today June 26, 2025, CMRR 9589 0710 5270 2057 7949 22 to:
District Clerk, 121 E. Dallas St., Suite 302, Canton, TX 75103

Also, by email attach:

- Corey Kellam, corey@sullivanlawoffices.com
- Nicole Faragen, Nicole@sullivanlawoffices.com
- Kent Canada, kent@sullivanlawoffices.com'
- District Clerk, districtclerk@vanzandtcountry.org /UB

⁴ 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] defenses 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 "wiping] 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. (emphasis by highlight underline added)

CMRR 9589 0710 5270 2057 7949 08

Att. "A"
15 pages

June 18, 2025

Tonda Curry, Criminal District Attorney
Van Zandt County South Annex
400 S. Buffalo
Canton, TX 75103

Fom: Udo Birnbaum

Re: Homestead Theft by Public Corruption

Ms. Curry,

My name is Udo Birnbaum. I am 88 years old. For some time now I have reported the theft of my 42 year homestead by a real estate deed fraud ring, such theft under color of tenant eviction.

My today's How Judge Chris Martin Stole My Homestead (Attach "A") further focuses on the depth of this corruption:

- First off, a district court cannot even do eviction, only the JP justice court of the precinct, and I was not a tenant, and certainly had Right to a trial to show I was not, indeed a jury trial.
- And of special interest should be their resort to EIGHT (8) armed officers, without a warrant. This was a setup for a mob event so as to permanently silence me. No other explanation fits.

So, for ready reference, herewith again, my original Report. (Attach "B").

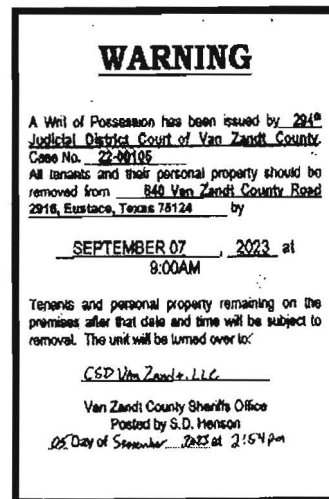
Udo Birnbaum
UDO BIRNBAUM
119 AN County Road 2501
Tennessee Colony, TX 75861
903-922-5996
BRNBM@AOL.COM
(temporary refuge)

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



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

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
KAREN WILSON
DIST. CLERK VAN ZANDT CO. TX
BY Kara
294th JUDICIAL DISTRICT DEP
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
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, Wilts Pt, TX 75169



27 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 day ago

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



47 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:

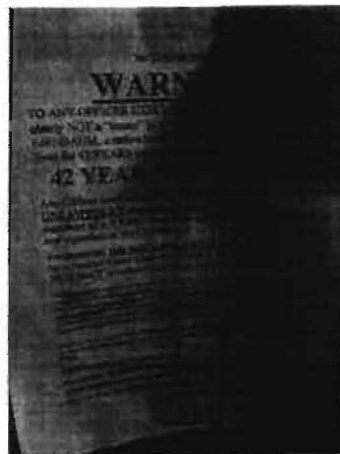
540 VZ County Road 2916
Eustace, Van Zandt County, Texas 75124
Living Area: 2,178.00 sq ft

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
KARL WILSON
DISTRICT CLERK
VAN ZANDT CO. TX
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.

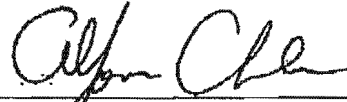
The undersigned considered the motions, the arguments of the parties and the case law. The undersigned denied the motions. The undersigned found that the motions did comply with Rule 18a(a) TRCP in that the motions were not verified, they failed to assert one or more grounds listed in Rule 18b, and they 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**.

9

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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§
§

FILED FOR RECORD
2023 AUG 17 AM 11:23
IN THE DISTRICT COURT
KAREN WILSON
DIST CLERK VAN ZANDT CO. TX
BY Kara DEP
294th JUDICIAL DISTRICT
VAN ZANDT COUNTY, TEXAS

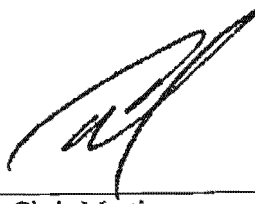
**ORDER GRANTING
PLAINTIFF'S TRADITIONAL MOTION FOR SUMMARY JUDGMENT**

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 the 17th day of August 2023.



Judge Chris Martin

VAN ZANDT COUNTY CIVIL DOCKET
CAUSE # 22-00105

Att. "B" 7 pages

as on 9-19-2024

**Exhibit 09 - - SEVEN (7) PAGE DOCKET SHEET - - paper paper
everywhere but not a trial or even a hearing - - despite the jury fee paid**

CSD VAN ZANDT LLC

TYLER, TX 75701
(903) 534-8063
ATTORNEY: SMITH, GREG D.
110 NORTH COLLEGE AVE. SUITE 1120
TYLER, TX 75702
(903) 363-7165

-- VS. --

BIRNBAUM, UDO

ATTORNEY:

CAUSE OF ACTION: TRESPASS TO TRY TITLE
FILE DATE: 08/24/2022

DATE	NATURE OF PROCEEDINGS
08/24/2022	ORIGINAL PETITION
	PLAINTIFF'S ORIGINAL PETITION AND APPLICATION FOR TEMPORARY INJUNCTION
08/24/2022	ISSUE CITATION
08/24/2022	JURY FEE
08/24/2022	RECEIPT ISSUED
214999	
08/24/2022	ISSUE CITATION
	UDO BIRNBAUM CITATION ISSUED ENV# 67633331/ST/HP
08/29/2022	ANSWER
	ANSWER AND COUNTERCLAIM
08/30/2022	CITATION RETURNED
	UDO BIRNBAUM CITATION RETURNED EXECUTED ON 08/25/2022
09/29/2022	AMENDED FILING
	FIRST AMENDED ANSWER, COUNTER, CROSS, TRESPASS TO TRY TITLE, INJUNCTION, LAW
	LICENSES, CRIMINAL REFER
09/29/2022	ISSUE CITATION
09/29/2022	ISSUE CITATION
09/29/2022	ISSUE CITATION
09/29/2022	ISSUE CITATION
09/29/2022	RECEIPT ISSUED
215551	
09/29/2022	ISSUE CITATION
	ROBERT O. DOW-CITATION ISSUED BY HAND TO UDO BIRNBAUM
09/29/2022	ISSUE CITATION
	COREY KELLAM-CITATION ISSUED BY HAND TO UDO BIRNBAUM
09/29/2022	ISSUE CITATION
	CELIA C. FLOWERS-CITATION ISSUED BY HAND TO UDO BIRNBAUM
09/29/2022	ISSUE CITATION
	VAN ZANDT COUNTY-CITATION ISSUED TO UDO BIRNBAUM
09/30/2022	CERTIFICATE OF
	CERTIFICATE OF WRITTEN DISCOVERY
10/20/2022	AMENDED FILING
	PLAINTIFF'S FIRST AMENDED ORIGINAL PETITION AND APPLICATION FOR TEMPORARY INJUNCTION
10/20/2022	MOTION (NO FEE)
	PLAINTIFF'S TRADITIONAL MOTION FOR SUMMARY JUDGMENT

VAN ZANDT COUNTY CIVIL DOCKET
CAUSE # 22-00105

CAUSE OF ACTION: TRESPASS TO TRY TITLE
FILE DATE: 08/24/2022

DATE	NATURE OF PROCEEDINGS
10/20/2022	NOTICE NOTICE OF HEARING ENV#69447981
10/21/2022	DOCKET NOTE FIRST SET OF INTERROGATORIES TO CSD VAN ZANDT LLC
10/28/2022	PROPOSED ORDER PROPOSED*ORDER GRANTING PLAINTIFF'S TRADITIONAL MOTION FOR SUMMARY JUDGMENT
11/03/2022	RESPONSE RESPONSE IN OPPOSITION TO THIS COURT'S SETTING FOR HEARING BY SUBMISSION OF PLAINTIFF'S MSJ FOR NOV.14,2022
11/11/2022	CERTIFICATE OF WRITTEN DISCOVERY CERTIFICATE OF WRITTEN DISCOVERY
11/14/2022	ANSWER/CONTEST/RESPONSE/WAIVER-FAM PLAINTIFF'S REPLY TO DEFENDANT'S RESPONSE IN OPPOSITION TO HEARING BY SUBMISSION OF PLAINTIFF'S MSJ FOR 11/14/22
11/14/2022	OBJECTION PLAINTIFF'S OBJECTIONS TO DEFENDANT'S EXHIBIT EVIDENCE
12/12/2022	MOTION (NO FEE) MOTION FOR RCP 190.4 LEVEL 3 DISCOVERY CONTROL PLAN
12/12/2022	REQUEST FIRST REQUEST FOR PRODUCTION OF CSD VAN ZANDT LLC
12/12/2022	MOTION (NO FEE) DEFENDANT'S MOTION FOR SUMMARY JUDGMENT RCP RULE 166 A (I) NO EVIDENCE TO CSD CLAIM OF TITLE
12/29/2022	MOTION (NO FEE) PLAINTIFF'S MOTION TO QUASH AND OBJECTIONS TO DEFENDANT'S NOTICE OF DEPOSITION OF CSD VAN ZANDT LLC
12/30/2022	CERTIFICATE OF WRITTEN DISCOVERY CERTIFICATE OF WRITTEN DISCOVERY
01/10/2023	MOTION (NO FEE) MOTION FOR SANCTIONS AND CRIMINAL REFER
02/07/2023	ANSWER SECOND AMENDED ANSWER COUNTER,CROSS,TRESPASS TRY TITLE, INJUNCTION, LAW LICENSES, CRIMINAL REFER
02/07/2023	MOTION (NO FEE) MOTION IN RE BONHOEFFER'S THEORY OF STUPIDY
03/10/2023	VACATION LETTER VACATION LETTER
03/15/2023	PROPOSED ORDER PROPOSED ORDER GRANTING RCP 190.4 DISCOVERY CONTROL PLAN
03/15/2023	PROPOSED ORDER PROPOSED ORDER ON MOTION FOR SANCTIONS
04/10/2023	NOTICE NOTICE OF TRIAL SETTING ENV#74622761
04/11/2023	MOTION (NO FEE) MOTION FOR JUDICIAL NOTICE OF FRAUD BY FLOWERS DAVIS LAWYERS UPON OWN CLIENT AND THIS COURT
04/05/2023	PROPOSED ORDER PROPOSED- ORDER ON MOTION FOR SANCTIONS

VAN ZANDT COUNTY CIVIL DOCKET
CAUSE # 22-00105

CAUSE OF ACTION: TRESPASS TO TRY TITLE
FILE DATE: 08/24/2022

DATE	NATURE OF PROCEEDINGS
04/05/2023	NOTICE DEFENDANT READY FOR TRIAL
04/19/2023	MOTION (NO FEE) PLAINTIFF'S MOTION FOR ENTRY OF DISCOVERY CONTROL PLAN AND SCHEDULING ORDER
04/19/2023	PROPOSED ORDER PROPOSED DISCOVERY CONTROL PLAN AND SCHEDULING ORDER
04/19/2023	NOTICE NOTICE OF HEARING BY SUBMISSION ENV#75047404
04/24/2023	CERTIFICATE OF WRITTEN DISCOVERY CERTIFICATE OF WRITTEN DISCOVERY
04/21/2023	MOTION (NO FEE) MOTION TO COMPEL, SANCTIONS, AND CRIMINAL REFER RE A FLOWERS DAVIS PLLC VAN ZANDT REAL ESTATE DEED FRAUD RING
05/02/2023	RESPONSE DEFENDANT'S RESPONSE TO PLAINTIFF'S MOTION FOR DISCOVERY CONTROL PLAN AND RCP 220 AND RCP 504.1(C) NON-AGREE TO BEN TRIAL
05/03/2023	NOTICE OF INTENTION NOTICE OF INTENTION TO TAKE ORAL DEPOSITION OF UDO BIRNBAUM
05/08/2023	NOTICE NOTICE OF INTENTION TO TAKE ORAL DEPOSITION OF LISA GIROT
05/08/2023	DESIGNATION OF PLAINTIFF'S DESIGNATION OF EXPERT WITNESSES
05/11/2023	CERTIFICATE OF WRITTEN DISCOVERY CERTIFICATE OF WRITTEN DISCOVERY
06/15/2023	NOTICE NOTICE OF WITHDRAWAL AS COUNSEL
06/19/2023	CERTIFICATE OF REPORTER'S CERTIFICATE DEPOSITION OF LISA GIROT
07/14/2023	PROPOSED ORDER PROPOSED ORDER DECLARING CSD VAN ZANDT TITLE AS VOID-NOT SIGNED BY THE JUDGE
07/14/2023	MOTION (NO FEE) MOTION FOR SUMMARY ADJUDICATION OF TITLE
07/24/2023	LETTER LETTER TO JUDGE MARTIN
08/09/2023	PROPOSED ORDER DEFENDANT'S MOTION TO ORDER MEDIATION - TOOK DOWN TO WB
08/09/2023	RESPONSE DEFENDANT'S RESPONSE TO THIS COURT'S INQUIRY
08/14/2023	ANSWER/CONTEST/RESPONSE/WAIVER-FAM PLAINTIFF'S RESPONSE TO 1) DEFENDANT'S RESPONSE TO COURT'S INQUIRY AND 2) DEFENDANT'S MOTION TO ORDER MEDIATION
08/17/2023	ORDER ORDER DENYING DEFENDANTS MOTION FOR MEDIATION ENV# 79273221
08/17/2023	ORDER ORDER GRANTING PLAINTIFF'S TRADITIONAL MOTION FOR SUMMARY JUDGEMENT ENV# 79273221
08/29/2023	DOCKET NOTE CK #3035 TO CHRISTEL CHANTELL WALLING - SENT TO SDU
08/28/2023	SERVICE - SHERIFF - WRIT

VAN ZANDT COUNTY CIVIL DOCKET
CAUSE # 22-00105

CAUSE OF ACTION: TRESPASS TO TRY TITLE
FILE DATE: 08/24/2022

DATE	NATURE OF PROCEEDINGS
08/28/2023	ISSUE WRIT
08/30/2023	ISSUE WRIT
	WRIT OF POSSESSION OF PREMISES-ISSUED TO V750 FOR SERVICE
08/31/2023	RECEIPT ISSUED
220667	
09/05/2023	LETTER
	LETTER FROM UDO BIRNBAUM
09/06/2023	NOTICE OF APPEAL
	NOTICE OF APPEAL
09/06/2023	MOTION (NO FEE)
	MOTION FOR RECUSAL
09/06/2023	MOTION (NO FEE)
	EMERGENCY MOTION TO STAY WRIT OF POSSESSION
09/06/2023	DOCKET NOTE
	LINES 71-73 TAKENT TO W. BARKER FOR REVIEW
09/06/2023	NOTICE OF COURT ORDER
	NOTICE OF COURT ORDER- ORDER GRANTING PLAINTIFF'S TRADITIONAL MOTION FOR SUMMARY JUDGMENT ENV# 79273221
09/06/2023	NOTICE OF COURT ORDER
	NOTICE OF COURT ORDER -ORDER DENYING DEFENANT'F MOTION FOR MEDIATION ENV# 79273221
09/20/2023	NOTICE OF APPEAL
	CIVIL CERTIFICATE AND NOTICE OF APPEAL AND CIVIL CERTIFICATE SENT TO 12TH COURT OF APPEALS TRACE #14550
09/13/2023	NOTICE
	NOTICE FROM 12TH COURT OF APPEALS
09/13/2023	AMENDED FILING
	FIRST AMENDED EMERGENCY MOTION TO STAY WRIT OF POSSESSION/("EVICTIION")
09/13/2023	AMENDED FILING
	ADDENDUM TO FIRST AMENDED EMERGENCY MOTION TO STAY WRIT OF POSSESSION/("EVICTIION")
09/13/2023	AMENDED FILING
	FIRST AMENDED ADDENDUM TO FIRST AMENDED EMERGENCY MOTION TO STAY WRIT OF POSSESSION/("EVICTIION")
09/13/2023	AMENDED FILING
	FIRST AMENDED MOTION FOR RECUSAL OF HON. JUDGE CHRIS MARTIN
09/13/2023	DOCKET NOTE
	LINES 77-80 TAKEN DOWN TO PT FOR REVIEW
09/08/2023	REQUEST
	REQUEST FOR ASSIGNMENT
09/08/2023	ORDER
	ORDER OF REFERRAL ON MOTION TO RECUSE ENV# 79596705 - SC
09/15/2023	NOTICE
	NOTICE OF COURT SETTING
09/15/2023	ORDER
	ORDER OF ASSIGNMENT BY THE PRESIDING JUDGE EVN# 79623809 - SC
09/18/2023	ANSWER/CONTEST/RESPONSE/WAIVER-FAM
	PLAINTIFF'S RESPONSE TO DEFENDANT'S MOTION FOR RECUSAL
09/18/2023	PROPOSED ORDER
	PROPOSED *ORDER DENYING DEFENDANT'S MOTION FOR RECUSAL

VAN ZANDT COUNTY CIVIL DOCKET
CAUSE # 22-00105

CAUSE OF ACTION: TRESPASS TO TRY TITLE
FILE DATE: 08/24/2022

DATE	NATURE OF PROCEEDINGS
09/19/2023	ORDER
	ORDER DENYING MOTION TO RECUSE - SC
09/19/2023	NOTICE OF COURT ORDER
	NOTICE OF COURT ORDER ENV# 79725386
09/20/2023	JUDGMENT
	FINAL JUDGMENT ENV# 79782794
09/20/2023	ORDER
	ORDER DENYING DEFENDANT'S EMERGENCY MOTIONS TO STAY WRIT OF POSSESSION ENV# 79782794
	- SC
09/21/2023	NOTICE OF COURT ORDER
	NOTICE OF COURT ORDER ENV# 79782794
09/21/2023	NOTICE OF COURT ORDER
	NOTICE OF COURT ORDER ENV# 79782794
10/02/2023	NOTICE
	NOTICE FROM 12TH COURT OF APPEALS
10/02/2023	MEMORANDUM OPINION
	MEMORANDUM OPINION
10/02/2023	JUDGMENT
	JUDGMENT 12TH COURT OF APPEALS
10/03/2023	RETURN OF WRIT
	WRIT OF POSSESSION OF PREMISES-EXECUTED 9-21-23
10/05/2023	LETTER
	LETTER TO CLERK
10/05/2023	FINDINGS OF FACT AND CONCLUSION OF LAW
	REQUEST FOR FINDINGS OF FACT AND CONCLUSIONS OF LAW
10/05/2023	MOTION FOR NEW TRIAL
	MOTION FOR NEW TRIAL BECAUSE THERE WAS NEVER A FIRST
10/05/2023	MOTION (NO FEE)
	MOTION TO MODIFY CORRECT AND REFORM THE JUDGMENT
10/05/2023	DOCKET NOTE
	REQUEST OF FINDINGS OF FACT AND CONCLUSIONS OF LAW SENT TO JUDGE'S OFFICE BY EMAIL
10/12/2023	LETTER
	LETTER
10/12/2023	NOTICE OF APPEAL
	NOTICE OF APPEAL
10/12/2023	NOTICE OF APPEAL
	NOTICE OF APPEAL TO COURT REPORTER
10/12/2023	NOTICE OF APPEAL
	CIVIL CERTIFICATE AND NOTICE OF APPEAL SENT TO 12TH COURT OF APPEALS TRACE # 14747
10/16/2023	MOTION (NO FEE)
	MOTION FOR REHEARING AND MOTION FOR RECONSIDERATION OF DISMISSAL OF APPEAL -EMAILED TO WB
10/25/2023	LETTER
	LETTER
10/25/2023	NOTICE OF APPEAL
	MOTION FOR REHEARING/DENIED
11/06/2023	FINDINGS OF FACT AND CONCLUSION OF LAW
	NOTICE OF PAST DUE FINDINGS OF FACT AND CONCLUSIONS OF LAW-EMAILED TO JUDGES OFFICE

VAN ZANDT COUNTY CIVIL DOCKET
CAUSE # 22-00105

CAUSE OF ACTION: TRESPASS TO TRY TITLE
FILE DATE: 08/24/2022

DATE	NATURE OF PROCEEDINGS
11/06/2023	NOTICE OF APPEAL
	NOTICE OF APPEAL -EMAILED TO JUDGES OFFICE
11/06/2023	LETTER
	LETTER -EMAILED TO JUDGES OFFICE
11/06/2023	NOTICE OF APPEAL
	CERTIFICATE AND NOTICE OF APPEAL SENT TO 12TH COURT OF APPEALS TRACE #14831
11/07/2023	NOTICE OF APPEAL
	AMENDED CIVIL CERTIFICATE WITH ADDITIONAL DOCUMENTS SENT TO THE 12TH COURT OF APPEALS TRACE #14840
11/08/2023	NOTICE
	NOTICE FROM 12TH COURT OF APPEALS DEFECTIVE NOA
11/15/2023	LETTER
	LETTER TO CLERK
11/15/2023	NOTICE OF APPEAL
	NOTICE OF APPEAL TO THE COURT REPORTER
11/16/2023	NOTICE OF APPEAL
	2ND AMENDED CIVIL CERTIFICATE SENT TO 12TH COURT OF APPEALS TRACE #14877
11/20/2023	NOTICE
	NOTICE FROM 12TH COURT OF APPEALS
11/28/2023	LETTER
	LETTER TO UDO BIRNBAUM
12/01/2023	LETTER
	LETTER FROM COURT REPORTER
12/01/2023	LETTER
	APPEARANCE OF COUNSEL FOR CSD VAN ZANDT
12/06/2023	LETTER
	LETTER TO UDO BIRNBAUM
12/08/2023	DOCKET NOTE
	DOCKETING STATEMENT -7PG DOC.
12/08/2023	DESIGNATION OF
	DESIGNATION OF CLERK'S RECORD
12/08/2023	DOCKET NOTE
	DOCKETING STATEMENT
12/08/2023	NOTICE
	NOTICE IN LIEU OF DESIGNATION TO COURT REPORTER
12/14/2024	CLERK RECORD
	CHARGE UP FOR APPEAL
12/14/2023	DESIGNATION OF
	DESIGNATION OF CLERK'S RECORD
12/18/2023	DOCKET NOTE
	ONLINE INSTRUCTIONS EMAILED
01/18/2024	RECEIPT ISSUED
	222479 COMMENTS: APPEAL PAID IN FULL
01/18/2023	APPEAL SENT
	APPEAL SENT TO 12TH COURT OF APPEALS TRACE #15083
02/20/2024	DOCKET NOTE
	BRIEF FOR APPELLANT
05/06/2024	DOCKET NOTE

VAN ZANDT COUNTY CIVIL DOCKET
CAUSE # 22-00105

CAUSE OF ACTION: TRESPASS TO TRY TITLE
FILE DATE: 08/24/2022

DATE	NATURE OF PROCEEDINGS
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BRIEF FOR APPELLANT	
06/03/2024	NOTICE
NOTICE FROM 12TH COURT OF APPEALS	
06/03/2024	MEMORANDUM OPINION
MEMORANDUM OPINION	
06/03/2024	JUDGMENT
JUDGMENT AFFIRMED	
06/25/2024	DOCKET NOTE
NOTICE OF EXTENSION OF TIME FROM SUPREME COURT	
07/12/2024	DOCKET NOTE
NOTICE FROM SUPREME COURT OF TEXAS	
07/12/2024	ORDER
ORDER FROM SUPREME COURT OF TEXAS	
09/17/2024	DOCKET NOTE
NOTICE OF EXTENSION OF TIME FOR PETITION FOR REVIEW	
09/17/2024	DOCKET NOTE
NOTICE FROM THE SUPREME COURT	

Run 9-19-2024