

CAUSE NO. 25-00024

UDO BIRNBAUM	\$	IN THE DISTRICT COURT
Plaintiff		
v.	\$	294TH JUDICIAL DISTRICT
CSD VAN ZANDT LLC		
SANGER BANK	\$	VAN ZANDT COUNTY, TX
ROBERT O DOW		
REMARKABLE LAND LLC	\$	
Defendants		

**PLAINTIFF BIRNBAUM'S RESPONSE TO DEFENDANT
CSD'S MSJ: "ONLY WIPING THE SLATE CLEAN"**

TO THIS HONORABLE COURT:

EXHIBIT 1

SEVEN (7) PAGE Docket Sheet showing denial of trial¹ indeed jury trial²
taking of 150 acre 42 year homestead of 88 year old handicapped Birnbaum

1. MSJ Movant CSD VAN ZANDT LLC ("CSD"), in its 545 page
motion for summary judgment, in its very first paragraph:

"This matter involves a long-historied **and already-litigated** real property
ownership dispute." (highlight emphasis added)

2. Petitioner UDO BIRNBAUM ("Birnbaum"), upon this very
Court's own Docket Sheet, in his Original Petition for Bill of Review, shows:

"... **duping [of] this court** to unlawfully appropriate them 88 year old Birnbaum's
42 year 150 acre homestead, such appropriation in **clear violation of Birnbaum's
Right to a trial, indeed a jury trial**" (i.e. NEVER duly "litigated")

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

3. The US SUPREME COURT, upon similar indeed a Texas case of Petition for Bill of Review, mandates that, **“only wiping the slate clean etc.”**

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)

PRAYER

Birnbaum prays this Court grant this Petition for Bill of Review and wipe the slate clean and restore Birnbaum to the position he would have occupied had due process of law been accorded to him in the first place.³

The Due Process Clause demands no less. Birnbaum demands his Right to a trial, indeed a jury trial⁴.

³ 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.

⁴ 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; but no jury shall be empaneled in any civil case unless demanded by a party to the case, and a jury fee be paid by the party demanding a jury, for such sum, and with such exceptions as may be prescribed by the Legislature. (Feb. 15, 1876)

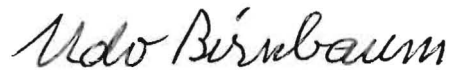
Attach:

Exhibit 1: Seven (7) page Docket Sheet - - - but never even a hearing

Exhibit 2: By the stroke of a pen - - - "*GRANTED - - in all things*"

Exhibit 3: "How Judge Chris Martin stole my homestead" - - - 3 pages

Sincerely,



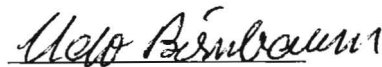
UDO BIRNBAUM, *Pro Se*
119 AN County Road 2501
Tennessee Colony, TX 75861
903-922-5996
BRNBM@AOL.COM

CERTIFICATE OF SERVICE

Today Sept., 8, 2025, CMRR 9589 0710 5270 2057 7950 11
District Clerk, 121 E. Dallas St., Suite 302, Canton, TX 75103

Email:

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


Udo Birnbaum

as on 9-19-2025

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:

Exhibit 1
7 pages

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

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

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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, INJUCTION, 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 EXISTING CHATEL 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 VZSO 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/("EVICTION")
09/13/2023	AMENDED FILING
	ADDENDUM TO FIRST AMENDED EMERGENCY MOTION TO STAY WRIT OF POSSESSION/("EVICTION")
09/13/2023	AMENDED FILING
	FIRST AMENDED ADDENDUM TO FIRST AMENDED EMERGENCY MOTION TO STAY WRIT OF POSSESSION/("EVICTION")
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

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

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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

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 DEP

294th JUDICIAL DISTRICT

VAN ZANDT COUNTY, TEXAS

Exhibit 2
1 pag

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**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

Exhibit 3
4 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



<u>WARNING</u>	
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>2918, 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 Van Zandt LLC</u>	
Van Zandt County Sheriffs 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.

WARNING

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

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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**

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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

Exhibit 05 - - EVICTION - - self explanatory - - this "eviction" by what turned out to be 8 armed officers was a setup for a mob event. NO other explanation fits. Left posted onto front door.

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*

CMRR 9589 0710 5270 2057 7950 11

Sept. 8, 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:

Plaintiff Birnbaum's Response to Defendant CSD's MSJ:
"Only wiping the slate clean"

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 7950 11