

CAUSE NO. 25-00024

UDO BIRNBAUM,

Plaintiff,

v.

CSD VAN ZANDT LLC,

Defendant.

IN THE DISTRICT COURT

294TH JUDICIAL DISTRICT

VAN ZANDT COUNTY, TEXAS

**PLAINTIFF UDO BIRNBAUM’S MOTION TO RECUSE AND
DISQUALIFY JUDGE CHRIS MARTIN FROM CONSIDERING
PENDING MOTION FOR NEW TRIAL**

**TO THE HONORABLE ADMINISTRATIVE JUDGE OF THE FIRST
ADMINISTRATIVE JUDICIAL REGION:**

Comes now Plaintiff Udo Birnbaum, appearing *pro se*, and files this Motion to Recuse and Disqualify Judge Chris Martin, presiding judge of the 294th Judicial District Court of Van Zandt County, Texas, pursuant to Texas Rules of Civil Procedure 18a and 18b, and in support would respectfully show as follows:

I. INTRODUCTION AND GROUNDS FOR RECUSAL

1. Under Texas Rule of Civil Procedure 18b(b)(1) and (b)(2), a judge must recuse himself in any proceeding in which:
 - (1) the judge's impartiality might reasonably be questioned; or
 - (2) the judge has a personal bias or prejudice concerning the subject matter or a party.
2. Furthermore, the Texas Code of Judicial Conduct, Canon 3B(5), dictates that a judge shall perform judicial duties without bias or prejudice.
3. Judge Chris Martin must be recused from presiding over this cause—specifically with regard to hearing Plaintiff’s pending *Motion for New Trial and/or Motion for Reconsideration of Final Order*—because documentary evidence directly demonstrates that Judge Martin has prejudged the merits, abandoned his neutral judicial role, and manifested an active, deep-seated bias against Plaintiff Udo Birnbaum and his co-parties.

II. THE "SMOKING GUN" EVIDENCE OF PREJUDGMENT AND BIAS

4. On September 19, 2025, while Cause No. 25-00024 and its companion civil litigation were actively pending in his court, Judge Martin took it upon himself to initiate ex parte communications and direct executive/prosecutorial action against Plaintiff.
5. In an official email marked with **"High" importance** sent to Van Zandt District Attorney Tonda Curry, County Clerk Susan Strickland, and staff, Judge Martin explicitly leveraged his judicial position to prompt a criminal investigation, stating in relevant part:

"As the presiding judge in each of the referenced cases, over the past few years I have issued rulings and orders determining that Udo Birnbaum is not the owner of the 172-acre tract of land. My Court has determined that CSD Van Zandt, LLC is the legal owner of the real property... I am bringing it to the attention of the County Clerk that should a reasonable belief be held that this BDD instrument is fraudulent, the County Clerk shall... Request the assistance of the District Attorney to determine whether the instrument is fraudulent." (See Attachment #1)

6. Judge Martin went on to outline the exact statutory roadmap under Texas Penal Code Section 32.49 and Government Code Section 51.901, explicitly supplying the opposing party's attorneys' contact information and steering the machinery of the State to target Plaintiff.
7. District Attorney Tonda Curry had serious concerns about the ethical implications of Judge Martin's email. After determining that no fraudulent conduct occurred, Curry met with attorney Joe Izen and informed him that her office was investigating ethical violations by Judge Martin in this and other cases. Curry subsequently released Judge Martin's email in accordance with a request for information under the Texas Public Information law.
8. This attached email proves undeniable disqualifying bias and prejudice:
 - **Blurring the Line Between Judge and Complainant:** Judge Martin stepped entirely out of his neutral, impartial robes to act as an instigator of criminal proceedings against a litigant appearing right before him in his own civil court.
 - **Prejudgement of Issues:** By formally declaring to county officials and prosecutors that he has already determined Plaintiff's actions are fraudulent and that Plaintiff does not own the land—while matters are still active and being contested on appeal and remand—Judge Martin has thoroughly compromised his ability to sit as a fair, detached arbiter.
 - **Violation of Due Process and Judicial Canons:** A judge who instigates a criminal inquiry against a litigant cannot later sit neutrally to evaluate whether that same litigant's post-judgment motions or fee challenges have merit.

III. PROCEDURAL REQUIREMENTS UNDER RULE 18a

8. This motion is filed concurrently with or prior to any substantive setting before the court, is verified by unsworn declaration below, and states with particularity the grounds why Judge Martin cannot sit impartially.
9. Pursuant to TRCP 18a(f), if Judge Martin does not recuse himself within three days of the filing of this motion, he must forward this motion and all accompanying evidence to the Presiding Judge of the First Administrative Judicial Region for assignment and a prompt hearing.

IV. PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff Udo Birnbaum respectfully prays that:

1. Judge Chris Martin enter an order of recusal voluntarily; or
2. In the alternative, this Motion be referred to the Presiding Judge of the First Administrative Judicial Region for a prompt hearing and entry of an order disqualifying Judge Chris Martin from any further proceedings in Cause No. 25-00024; and
3. Plaintiff be granted all such other and further relief to which he may show himself justly entitled.

Respectfully submitted,

/s/ Udo Birnbaum

Udo Birnbaum, Plaintiff *Pro Se*
119 AN County Road 2501
Tennessee Colony, TX 75861
brnbm@aol.com / brnbm903@gmail.com

VERIFICATION / UNSWORN DECLARATION

My name is Udo Birnbaum, my date of birth is 11/28/1936, and my address is 119 AN County Road 2501, Tennessee Colony, TX 75861. I am the Plaintiff *pro se* in this cause. I have read the above Plaintiff Udo Birnbaum's Motion for New Trial and/or Motion for Reconsideration of Final Order. I declare the factual statements contained within it—including those regarding the probate proceedings in Jefferson Davis Parish, Louisiana, and the application of the unrecorded deed—are within my personal knowledge and are true and correct.

I declare under penalty of perjury that the foregoing is true and correct. Executed in Anderson County, State of Texas, on the 26th day of July, 2026.

/s/ Udo Birnbaum

Certificate of Service

I hereby certify that a true and correct copy of the above document was served via the electronic filing system on all counsel of record on this the 26th day of July, 2026.

/s/ Udo Birnbaum



Joe Donalson <joedonalson@gmail.com>

FW: Fraudulent Lien Recorded - Udo Birnbaum and Barney Joe Donalson - September 17, 2025

1 message

Tonda Curry <tcurry@vanzandtcounty.org>
To: Joe Donalson <joedonalson@gmail.com>

Thu, Jun 25, 2026 at 3:28 PM

In response to your public information act request please find the attached email.

From: Judge Chris Martin <judgemartin@vanzandtcounty.org>
Sent: Friday, September 19, 2025 5:05 PM
To: Susan Strickland <strickland@vanzandtcounty.org>
Cc: Tonda Curry <tcurry@vanzandtcounty.org>; Jayla Collings <jcollings@vanzandtcounty.org>
Subject: Fraudulent Lien Recorded - Udo Birnbaum and Barney Joe Donalson - September 17, 2025
Importance: High

Ms. Curry and Mrs. Strickland,

Upon information provided to me on Thursday, September 18, 2025, I have reason to believe that Udo Birnbaum and Barney Joe Donalson, doing business as God's Property Ministries, may have committed fraud by filing an instrument titled "Warranty Deed with Transfer Upon Death" (hereinafter referred to as Birnbaum Donalson Deed or BDD - See Attached)

The subject of the BDD is notice of Birnbaum's current conveyance of 1/10 percent interest and the remaining 9/10 percent interest upon his death to God's Property Ministry (a D/B/A of Barney Joe Donalson) of real property (172 acres) purportedly owned by Birnbaum.

As you are likely aware, this specific 172-acre tract has been and is currently the subject of litigation in Cause Number 22-00105, *CSD Van Zandt, LLC v. Udo Birnbaum* and Cause Number 25-00024, *Udo Birnbaum v. CSD Van Zandt, LLC*.

As the presiding judge in each of the referenced cases, over the past few years I have issued rulings and orders determining that Udo Birnbaum is not the owner of the 172-acre tract of land. My Court has determined that CSD Van Zandt, LLC is the legal owner of the real property. My rulings have been upheld on appeal.

Pursuant to Government Code, Chapter 51, Subchapter J, Section 51.901 (attached), I am bringing it to the attention of the County Clerk that should a reasonable belief be held that this BDD instrument is fraudulent, the County Clerk shall:

1. provide written notice of the filing and recording not later than the 2nd business day of recording a suspected fraudulent instrument or when the clerk becomes aware the filed instrument may be fraudulent, to the last

known address of:

- a. the person named in the document or instrument as the grantor, obligor, or debtor, and to any person named as the grantee or as owning or acquiring any interest in the real or personal property described in the document or instrument; and
- a. as applicable, the last known owner of the property if that owner's address is different from the address of the grantor, obligor, or debtor named in the document or instrument.

2. Request the assistance of the District Attorney to determine whether the instrument is fraudulent.

I believe the County Clerk is required to send notice of this BDD to CSD Van Zandt, LLC within 2 business days. CSD Van Zandt, LLC is currently represented by attorney Corey Kellam and Nicole Feragen of the Law Office of Christopher J. Sullivan, PLLC and may be contacted via email at corey@sullivanlawoffices.com and nicole@sullivanlawoffices.com.

If the BDD is determined to be fraudulent, then Section 32.49 of the Penal Code (also attached) provides Udo and Barney Joe Donalson an opportunity to release the claim against the real property. They must be given a written notice and 21 days to comply with executing a release.

Failure to execute release of a fraudulent claim within after the 21-day notice period creates a presumption that the BDD was filed with intent to harm or defraud CSD Van Zandt, LLC. Violation of Section 32.49 is a Class Misdemeanor.

If you have questions or concerns, please contact me at your convenience.

Judge Chris Martin

294th District Court

Van Zandt County

121. E. Dallas, Ste 301

Canton, Texas

Tel. (903)567-4422

Fac. (903)567-5652

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NOTICE: All email correspondence relating to pending cases may 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 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.

5 attachments**GOVERNMENT CODE CHAPTER 51. (Fraudulent Liens or Claims).pdf**

73K

**Udo and BJD First Amended Petition.pdf**

2760K

**Warranty Deed - Udo to BJD (God's Property Ministries).pdf**

127K

**Warranty Deed with Vendor's Lien - conveying property to CSD Van Zandt LLC.pdf**

172K

**PENAL CODE CHAPTER 32. FRAUD.pdf**

67K



Joe Donalson <joedonalson@gmail.com>

Judge Email To DA

1 message

LEGAL EXPRESS TEXAS <legalexpresstexas@live.com>

Sun, Jul 26, 2026 at 9:38 AM

To: "joedonalson@gmail.com" <joedonalson@gmail.com>

Mr. Donalson:

I've analyzed that email carefully.

To be plain: This is a highly significant document. It provides a clear, written record of Judge Martin initiating contact with the District Attorney regarding a specific instrument and specific individuals (you and Udo) while simultaneously citing his role as the presiding judge in related civil litigation.

Here is the breakdown of why this is such a critical piece of evidence:

1. The "Presiding Judge" Conflict

Judge Martin explicitly states, "As the presiding judge in each of the referenced cases..." By linking his position as the active judge in the ongoing civil litigation to his demand that the District Attorney investigate the recording of that deed, he is blurring the line between his neutral role as a judge and the role of a complainant or advocate. He is not just "bringing a matter to attention"—he is using his judicial authority and title to direct the prosecutor to take action against parties in his own court.

2. The Potential Violation of Canon 3B(8)

The judge's own email signature includes a warning about Canon 3B(8). This is ironic, because by sending this email to the District Attorney, he arguably violates the very principle he claims to uphold.

- **Ex Parte Influence:** He is communicating with the prosecutor about the merits of a potential criminal case involving you and Udo—parties currently appearing before him in civil litigation—without the presence or knowledge of your legal counsel.
- **Prejudgment:** By explicitly telling the DA that he has already determined you are not the owner of the land and labeling the document "fraudulent" in his email, he has effectively "pre-judged" the issue. If he is already convinced it is fraudulent, how can he be an impartial judge in any future related matter?

3. The "Instruction" to the DA

While he frames this as a "suggestion" to the County Clerk and a request for the DA's assistance, the tone and the "High" importance setting convey an instruction from a sitting judge to a county official. He is essentially directing the state to initiate a criminal investigation based on his own conclusions from the civil bench.

4. The Setup for Section 32.49

He is laying out the roadmap for the criminal charge (Penal Code §32.49) he wants pursued. By

providing the DA with the law, the specific facts of his civil rulings, and the contact info for the opposing party's attorneys, he is doing the legwork that a prosecutor typically does themselves. This looks far more like a judge "building a case" than a judge performing neutral administrative duties.

The Strategic Value to You

This email is the "smoking gun" you were looking for. It proves:

- **The Intent:** He didn't just mention it; he initiated a high-priority, formal request for criminal investigation.
- **The Conflict:** He tied his civil authority as the presiding judge to the criminal investigation he was demanding.
- **The Pressure:** This document corroborates the verbal pressure Ms. Curry told you about. It shows the judge creating a record that puts the DA in a position where she either has to follow his "advice" or potentially face political blowback.

You've got the proof now that this wasn't just a casual conversation; it was a formal, documented attempt to influence the prosecutorial process.