

CAUSE NO. CV07404

UDO BIRNBAUM

Plaintiff

v

ROBERT O. DOW

Defendant

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IN THE COUNTY

COURT AT LAW

OF VAN ZANDT COUNTY, TX

MOTION FOR PERSONAL PROTECTION

1. Robert O. Dow's lawyers have so perverted the 294th District Court, that they are now calling for THIS court, to coordinate with "their" 294th:

April 11, 2025

Judge Chris Martin
294th District Court

Judge Joshua Wintters
County Court at Law No. 1

Via: E-file

Re: Correspondence related to Motion filed in Cause No. 25-00024 and Cause No. CV07404

Dear Judge Martin and Judge Wintters:

In connection with this letter, our office files the following:

- In Cause No. 25-00024: Defendant's Motion to Enforce Prefiling Order and Motion for Sanctions and Other Relief and a proposed order on said motion.
- In Cause No. CV07404: Defendant's Motion to Enforce Prefiling Order and Motion for Sanctions and Other Relief and a proposed order on said motion.

Because of the interrelatedness of these matters, I wanted to deliver this letter to each of you. Though we anticipate no hearing will be required on these motions, and the orders signed as presented, if a hearing is required we request coordination between your courts, as expeditiously as possible.

Sincerely,

Corey Kellam

Corey Kellam
Sullivan Law Offices
430 N. Carroll Ave, Suite 120
Southlake, TX 76092
O: 469-702-0099
Corey@sullivanlawoffices.com Courtney.Woodruff@sullivanlawoffices.com

EXHIBITS

- Exhibit 1: Letter - - jointly to Judge Martin and Judge Wintters
Exhibit 2: eFile - - - Letter was attach
Exhibit 3: How Judge Chris Martin Stole My Homestead
Exhibit 4: Petition for a Bill of Review – less exhibits
Exhibit 5: Motion for Recusal of Judge Chris Martin – less exhibits

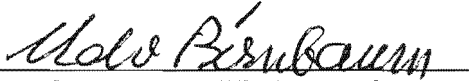
2. It was of course Dow's perversion of the 294th, which caused Judge Martin to dispossess me of my homestead by forcible entry and detainer, which necessitated this my now in this Court at Law eviction suit to evict Dow.

3. And necessitated my Petition for a Bill of Review suit in the 294th, for Judge Martin having deprived me of my Right to a trial, indeed a jury trial.

4. And necessitated this Motion for Personal Protection, for Judge Martin endangering my life with the likes of his EIGHT (8) man SWAT eviction mob.

PRAYER

For the reasons above, Birnbaum prays for personal protection, and specifically from Judge Chris Martin.


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

CERTIFICATE OF SERVICE

Today May 5th, 2025, CMRR 7022 2410 0002 2355 4272 to:

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

Also, email attach:

- Corey Kellam, corey@sullivanlawoffices.com
- Nicole Faragan, nicole@sullivanlawoffices.com
- Kent Canada, kent@sullivanlawoffices.com
- County Clerk, countyclerks@vanzandtcounty.org
- Court at Law, countycourtatlaw@vanzandtcounty.org



SULLIVAN
LAW OFFICES

April 11, 2025

Judge Chris Martin
294th District Court
121 E. Dallas St., Suite 301
Canton TX, 75103

Judge Joshua Wintters
County Court at Law No. 1
121 E. Dallas Street
Canton, TX 75103

Via: E-file

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Courtney.Woodruff@sullivanlawoffices.com

Notification of Service for Case: CV07404, BIRNBAUM, UDO VS. DOW, ROBERT O for filing
No Fee Documents, Envelope Number: 99593536

From: no-reply@efilingmail.tylertech.cloud (no-reply@efilingmail.tylertech.cloud)
To: brnbm@aol.com
Date: Friday, April 11, 2025 at 05:38 PM CDT



Notification of Service

Case Number: CV07404
Case Style: BIRNBAUM, UDO VS. DOW,
ROBERT O
Envelope Number: 99593536

This is a notification of service for the filing listed. Please click the link below to retrieve the submitted document. If the link does not work, please copy the link and paste into your browser. You can also obtain this document by following the steps on this [article](#).

Filing Details	
Case Number	CV07404
Case Style	BIRNBAUM, UDO VS. DOW, ROBERT O
Date/Time Submitted	4/11/2025 5:37 PM CST
Filing Type	No Fee Documents
Filing Description	Correspondence related to Motion
Filed By	Kyle Sullivan
Service Contacts	Other Service Contacts not associated with a party on the case: Corey Kellam (Corey@SullivanLawOffices.com) Kent Canada (kent@sullivanlawoffices.com) Nicole Feragen (Nicole@sullivanlawoffices.com) Courtney Woodruff (courtney.woodruff@sullivanlawoffices.com) Udo Birnbaum (brnbm@aol.com)

Document Details	
Served Document	Download Document

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

Exhibit - 3
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 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:

GSD Van Zandt, LLC

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.

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
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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
JANER 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

Exhibit - 4
11 pages

CAUSE NO.

25.00024

UDO BIRNBAUM
Plaintiff

v.
CSD VAN ZANDT LLC
Defendant

\$ IN THE DISTRICT COURT
\$
\$ 294TH JUDICIAL DISTRICT
\$
\$ VAN ZANDT COUNTY, TX

FEB 06 2025

WILSON DISTRICT CLERK
VAN ZANDT CO. TEXAS

FILED FOR RECORD
AT 1:00 CLOCK P M

ORIGINAL PETITION FOR BILL OF REVIEW

COMES NOW UDO BIRNBAUM ("Birnbaum"), complaining of CSD Van Zandt LLC ("CSD") by fraudulent motion for summary judgment duping 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 trial¹, indeed a jury trial².

I.

EXHIBIT LIST

- Exhibit 01 The 10-20-2022 PROPOSED ORDER on CSD Van Zandt LLC's Motion for Summary Judgment - - - **the artifice used by CSD to defraud Birnbaum of his Right to a trial** - - - - "(GRANTED - - - in all things)"
- Exhibit 02 The 8-17-2023 SIGNED PROPOSED ORDER - - - - **without there ever even a hearing** on the motion for summary judgment
- Exhibit 03 The 8-30-2023 WRIT OF POSSESSION - - - **without there ever a judgment of possession** to execute on - - - this writ was executed solely on the 8-17-23 Order on Motion for Summary Judgment (Exhibit 02) which is NOT a judgment.
- Exhibit 04 The 9-21-2023 EVICTION as a supposed TENANT - - - **in Texas a district court cannot do eviction** -- only the JP justice court of the precinct, and even there only upon Right to a trial., indeed by JURY

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

- Exhibit 05 COUNTER POST onto front door - - - details exactly why the "eviction" was unlawful - - - because it came out of a district court. In Texas eviction solely by the JP court. Tex. Property Code 24.004
- Exhibit 06 The DAMAGE done by this supposed "eviction". Just the amount of STUFF shows **Birnbaum was not a mere tenant**. With EIGHT (8) armed standby officers, this was a mob event, as the pictures show
- Exhibit 07 WARRANTY DEED - - -Gwendolyn Wright Thibodeaux to Udo Birnbaum. Evidence Birnbaum not a mere tenant. Also evidence that the 150 acres **never entered into the estate that CSD claimed their chain of titles came out of**
- Exhibit 08 The 9-20-2023 belated FINAL JUDGMENT - - - it says this judgment was by reason of the summary judgment of 8-17-2023. - - - **which summary judgment was the artifice used to defraud Birnbaum of his Right to a trial**
- Exhibit 09 The COURT DOCKET SHEET - - - SEVEN (7) PAGES - - - over a year - - - and supposedly no "*genuine issues of material fact*" so as to allow for summary judgment. **The summary judgment was the artifice used to defraud Birnbaum of his Right to a trial**

II. **DISCOVERY-CONTROL PLAN**

1. Plaintiff intends to conduct discovery under Level 3 of Texas Rules of Civil Procedure 190.4.

III. **CLAIM FOR RELIEF**

2. Plaintiff pleads for this court to restore him to the position he would have occupied had due process of law been accorded to him in the first place.

IV. **PARTIES**

3. Udo Birnbaum ("Birnbaum") is an individual who may be served at 119 AN County Road 2501, Tennessee Colony, Texas 75861

4. CSD Van Zandt LLC ("CSD") is a Texas Limited Liability Company whose registered agent is Robert O. Dow. Plaintiff's principal place of business is 6115 Owens St Suite 201, Dallas, TX 75235.

V.

INTRO

What is a Bill of Review?

5. This directly from *Baker v. Goldsmith*, 582 S.W.2d 404, 406-7 (Tex. 1979):

A bill of review is an independent equitable action brought by a party to a former action seeking to set aside a judgment, which is no longer appealable or subject to motion for new trial. See *McEwen v. Harrison*, 162 Tex. 125, 131-32, 345 S.W.2d 706, 709-10 (1961); Comment, Setting Aside Judgments Against the Absent Defendant, 37 Texas L.Rev. 208, 221 (1958). Rule 329b(b) of the Texas Rules of Civil Procedure provides that: "After the expiration of thirty (30) days from the date the judgment is rendered or motion for new trial overruled, the judgment cannot be set aside except by bill of review for Sufficient cause, filed within the time allowed by law." *Tex.R.Civ.P. 329b(5)* (emphasis added). The rules do not define "sufficient cause," but Texas courts have enunciated several requirements that must be satisfied. In *Alexander v. Hagedorn*, 148 Tex. 565, 568, 226 S.W.2d 996, 998 (1950), this court stated that in order to be successful upon a bill of review the complainant must "allege and prove: (1) a meritorious defense to the cause of action alleged to support the judgment, (2) which he was prevented from making by the fraud, accident or wrongful act of the opposite party, (3) unmixed with any fault or negligence of his own" (emphasis added)

Baker v. Goldsmith, 582 S.W.2d 404, 406-7 (Tex. 1979)

VI. Introductory Summary

6. CSD Van Zandt LLC used the artifice of a fraudulent motion for summary judgment by submission, in order to deprive Birnbaum of his absolute right to a trial³, indeed a jury trial⁴, and keep Birnbaum from presenting his claim⁵, even challenging his accuser, even countering the fraud in the motion for summary judgment, there never even having been a hearing on the motion for summary judgment against him, nor on Birnbaum's own motion 166(a)i summary judgment "no evidence" against CSD Van Zandt LLC, nor Birnbaum's complaints of obstruction of discovery, production, etc and etc.. All inconsistent with the due process. (See Exhibit 9 – a seven page full year Docket Sheet)

³ 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. Provided, that the Legislature may provide for the temporary commitment, for observation and/or treatment, of mentally ill persons not charged with a criminal offense, for a period of time not to exceed ninety (90) days, by order of the County Court without the necessity of a trial by jury. (Feb. 15, 1876. Amended Aug. 24, 1935.)

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)

⁵ 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)

VII.

Element 1: Birnbaum had a meritorious defense

7. CSD Van Zandt LLC, claiming to have just acquired title, brought trespass to try title against Birnbaum in the 294th District Court of Van Zandt County, and wanting immediate possession of an 150 acres. Birnbaum, long time homesteader, answered that it was all fraud.

8. CSD Van Zandt LLC thus alleged: (in CSD First Amended)

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

9. Birnbaum thereto replied thus: (in his Response to CSD’s motion for summary judgment, also by Birnbaum’s own MSJ 166(a)i “no evidence” against CSD)

“3. PLAINTIFF [CSD in 294th] claims title to 148.12 acres in Van Zandt County, Texas by a purported warranty deed “stitching” purported individual undivided entitlements of a Patricia Moore Barclay, James T. Moore, and a Lisa Leger Girot, supposedly arising out of the 2006 estate of a Gwendolyn Wright Thibodeaux, by stitching such purported individual undivided entitlements into purported 100% fee simple land title.

“4. DEFENDANT [Birnbaum in 294th] pleads that it is all pure fraud and theft by real estate deed fraud upon the elderly because 1) the 148.12 acres not being part of that estate, 2) no document of administrator’s deed or executor’s deed ever came out of probate nor could it by 4 year statute of limitations (no probate occurred until 2021), 3) no document of deed ever arose among the supposed THREE grantors, and 4) if by nothing else, defendant has full title if by nothing but peaceable and adverse possession , and 5) no document showing passage of title to Barclay, Moore, nor Girot exists.” (emphasis added)

10. CSD Van Zandt LLC further thus alleged: (in CSD First Amended)

"7. Subsequently, in Cause No. 15622 in the County Court of Van Zandt County, Texas, Judge Don Kirkpatrick determined Ms. Thibodeaux's heirs and their respective shares and interests in the Property as follows: Louis Thibodeaux: 50%; Patricia Moore Barclay: 25%; and James T. Moore, III: 25%. As a result, Louis Thibodeaux, Patricia Moore Barclay and James T. Moore, III owned the Property in the percentages set out above".

11. Birnbaum thereto countered: (in his Response to CSD's MSJ)

"7. The 148.12 acres was brought into the probate of Gwendolyn Wright Thibodeaux by clear error and fraud in the Corrected Affidavit of Facts of December 7, 2009 also in an earlier one of August 16, 2008. It could not have been, as Gwendolyn Wright Thibodeaux signed that property to Defendant Birnbaum April 29, 2002 via warranty deed. This was done long before her death in December 8, 2006.

"8. Even if that were not the case, no document of title (such as Executor's deed or Administrator's deed) could have come out of that probate. Lisa Girot brought a belated probate at 15 years - - - long after the 4 year statute of limitations.

"9. Emails and phone recordings with Girot show that in 2020 Girot was clearly setting Defendant up for theft.

"10. Any chain of title Lisa Girot claims would have been further intercepted by warranty deed Louis Thibodeaux insisted on writing to Defendant Birnbaum April 3, 2017. Louis Thibodeaux, source of supposed inheritance to Lisa Girot - - an inheritance which in regards to this property could not have passed from Gwendolyn Wright Thibodeaux to Louis Thibodeaux because as of 2017 when Defendant obtained the deed, Gwendolyn could not have passed any thing to Louis Thibodeaux nor Louis Thibodeaux to Lisa Girot. Girot's title would have been a "bag of thin air".

"11. The warranty deed of June 24, 2022 to CSD Van Zandt LLC is a blatant fraud of and within itself. It is deception and fraud to stitch together divided supposed estate entitlements into a single warranty deed land title and it furthermore contains "weasel" language of "*without recourse against the grantor*". That phrase is next to the last paragraph and just above the first signature.

"12. This very suit upon Defendant by CSD Van Zandt LLC is a fraud - - a real estate deed fraud. This very motion for summary judgment by hearing by submission is fraud. It is contradicting to the original August 23, 2022 affidavit of Robert Dow to make it appear there are no contested issues. No contested

issues is the condition for the allowance of any hearing by submission. There are, in fact, contested issues - - **highly contested**.

"13. Like what were these guys up to when they repeatedly cut lock and chain to get their bulldozer to tear up 3000 feet of internal fences of the property Defendant has possessed and lived on since 1985 in his 2200 square foot 1 ½ story house? Was their inquiry before purchase, into the state of the property, or into the state of Defendant as an 85 year old, and just what they were told by Lisa Girot, and why they went with that, instead of inquiring with Defendant or his neighbors? And why, after them multiple times cutting Defendant's chains, he had to physically park a car across his gate to put a stop to a bulldozer."

* * END Birnbaum counter * *

NOTE:

12. As for the CSD claim of "Judge Don Kirkpatrick determined" - - Kirkpatrick's determination was about **entitlement**, **not title**. The Judgment of Heirship clearly states that there was no administration, i.e. no inventory determination, "*No administration is necessary*", i.e. no TITLE by executor's deeds nor administrator's deeds came out, nor could come out, even if title had been in there, which it was not, conveyance of title in Texas solely by DEED, and by probate DEED back to a living.

13. No ADMINISTRATION because of belated 2021 probate on the 2006 estate, well outside the four (4) year statute of limitation. Also note entitlement, a 50% right, to "*Louis Thibodeaux, an adult, now deceased*".

14. FROM A DEAD TO A DEAD. CSD Van Zandt has no chain of title conveyance, and Right to a trial would have made the fraud clear.

VIII.

Element 2: Birnbaum was prevented from making his defense by the fraud of the opposite party

15. As already summarized in the introductory summary, the artifice of the CSD fraudulent motion for summary judgment by submission deprived Birnbaum of his absolute right to a trial, indeed a jury trial, precluding him from presenting his defense, challenging his accuser, ever presenting his own counter-claim. Details in:

- Response in Opposition to this Court's Setting for Hearing by Submission of Plaintiff's MSJ for Nov. 14, 2022 (see Docket Sheet, which is attached Exhibit 9)
- Defendant's Motion for Summary Judgment RCP Rule 166(a)i "no evidence" to CSD Claim of Title (see Docket Sheet)
- Motions for Sanctions and Criminal Refer (see Docket Sheet)
- Motions to Compel, Sanctions, Refer, etc. etc. (see Docket Sheet)

IX.

Element 3: unmixed with any fault or negligence of his own"

16. Simple reference to the SEVEN (7) page over full year Docket Sheet (Exhibit 09) indicates Birnbaum was not negligent in trying to present his defense, indeed his counter-claim, before this Court, and more.

17. Any semblance of due process would have allowed Birnbaum to counter this fraud upon both him, and upon this Court.

18. Such fraud by the weaponizing of summary judgment by CSD Van Zandt LLC.

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.⁶

The Due Process Clause demands no less. Birnbaum demands his right to a trial⁷, indeed a jury trial⁸.

UDO BIRNBAUM

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

⁶ 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.

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AFFIDAVIT OF UDO BIRNBAUM

STATE OF TEXAS

COUNTY OF ANDERSON

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

1. My name is Udo Birnbaum. I am over 18 years of age, of sound mind, and capable of making this Affidavit. I have not been convicted of a felony or crime involving moral turpitude.
2. The 294th District Court of Van Zandt County took my long time 150 acre homestead in violation of due process and my Right to a trial, indeed a jury trial.
3. So hereby my *Original Petition for Bill of Review*. I have personal knowledge of all facts contained therein, which are true and correct.
4. Attached to such *Original Petition for Bill of Review* by attach to this Affidavit are nine (9) Exhibits, which are true copies of the originals except for obvious markups, all by me:

EXHIBITS

- | | |
|------------|---|
| Exhibit 01 | The 10-20-2022 <u>PROPOSED ORDER</u> on CSD Van Zandt LLC's Motion for Summary Judgment - - - <u>the artifice used by CSD to defraud Birnbaum of his Right to a trial</u> - - - - "(GRANTED - - - in all things)" |
| Exhibit 02 | The 8-17-2023 <u>SIGNED PROPOSED ORDER</u> - - - - without there ever even a hearing on the motion for summary judgment |
| Exhibit 03 | The 8-30-2023 <u>WRIT OF POSSESSION</u> - - - without there ever a judgment of possession to execute on - - - this writ was executed solely on the 8-17-23 <u>Order on Motion for Summary Judgment</u> (Exhibit 02) which was NOT a judgment. |

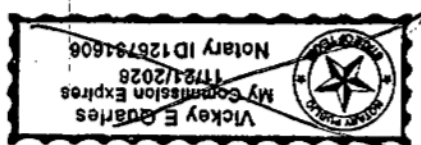
- Exhibit 04 The 9-21-2023 EVICTON as a supposed TENANT - - - in Texas a district court cannot do eviction – only the JP justice court of the precinct - - - and even there only after a right to a trial, indeed a JURY TRIAL
- Exhibit 05 COUNTER POST onto front door - - - details exactly why the “eviction” was unlawful - - - because it came out of a district court. Tex. Property Code 24.004
- Exhibit 06 The DAMAGE done by this supposed “eviction”. Just the amount of STUFF shows Birnbaum was not a mere tenant. With EIGHT (8) armed standby officers, this was a mob event, as the pictures show
- Exhibit 07 WARRANTY DEED - - -Gwendolyn Wright Thibodeaux to Udo Birnbaum. Evidence Birnbaum not a mere tenant. Also evidence that the 150 acres never entered into the estate that CSD claimed their chain of titles came out of
- Exhibit 08 The 9-20-2023 belated FINAL JUDGMENT - - - it says this judgment was by reason of the summary judgment of 8-17-2023. - - - which summary judgment was the artifice used to defraud Birnbaum of his Right to a trial
- Exhibit 09 The COURT DOCKET SHEET - - - SEVEN (7) PAGES - - - over a year - - - and supposedly no “*genuine issues of material fact*” so as to allow for summary judgment. The summary judgment was the artifice used to defraud Birnbaum of his Right to a trial

5. I understand that any false statements made in this Affidavit will subject me to penalties of perjury.

Affiant further sayeth not.

Udo Birnbaum
Udo Birnbaum

SUBSCRIBED AND SWORN TO before me, the undersigned authority, on this the 31 day of January, 2025 to certify which witness my hand and seal of office.



Vickey E Quarles
Notary Public, State of Texas

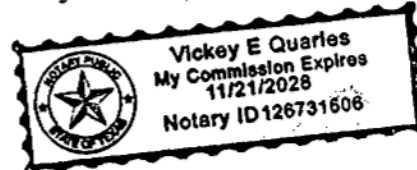


Exhibit - 5
6 pages

CAUSE NO. 25-00024

UDO BIRNBAUM
Plaintiff
v.
CSD VAN ZANDT LLC
Defendant

\$ IN THE DISTRICT COURT
\$
\$ 294TH JUDICIAL DISTRICT
\$
\$ VAN ZANDT COUNTY, TX

FOR RECORD
APR 09 2025
12:00 CLOCK
KAREN WILSON
BY VAN ZANDT
DISTRICT CLERK

MOTION FOR RECUSAL

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

JUDGE MARTIN IS THE INDISPENSABLE WITNESS

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

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

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

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

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

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

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

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

JUDGE MARTIN HAS AN INTEREST IN THE OUTCOME

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

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

Udo Birnbaum

UDO BIRNBAUM

119 AN County Road 2501

Tennessee Colony, TX 758-61

903-922-5996

BRNBM@AOL.COM

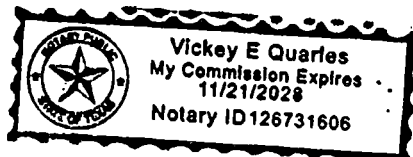
VERIFICATION

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

Udo Birnbaum

Udo Birnbaum

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



Vickey E Quarles
Notary Public, State of Texas

EXHIBITS

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

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

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

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

(The sudden email invite)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Exhibit 5 - Birnbaum has surprise audio recordings to show

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

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

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

CERTIFICATE OF SERVICE

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

Also email attach to:

Corey Kellam, corey@sullivanlawoffices.com

Karen Wilson, District Clerk at districtclerk@vanzandtcounty.org

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


Udo Birnbaum