

No. 12-23-00282-CV

elas



**In the Twelfth Court of Appeals
Tyler, Texas**

Udo Birnbaum,
Appellant,
v.
CSD Van Zandt, LLC,
Appellee.

Motion for Oral Argument

UDO BIRNBAUM, Appellant, an 87 year old pro se, requests oral argument, having at the time of his initial Brief been unaware of the availability of such, nor the impact of such, with no intent of waiver.

**1.
Information Required by
Rule 10.5, TEX. R. APP. P.**

The following information supports this request:

- (i) Appellant filed his brief on February 20, 2024.
- (ii) Request for oral argument was not made at time of Appellant's Brief.
- (iii) Appellant now submits this request for oral argument.
- (iv) This is the first request for oral argument.

2.

**Facts Explaining this now
Request for Oral Argument**

Appellant / Defendant, an 87 year old Pro Se, was not aware of the availability of oral argument, at the time of Appellant's Brief, and did not include a request for such in said brief, with no intent of waiver.

And it was not till working on his Reply Brief, and immediately thereafter, that he became fully aware of the benefits to himself, and indeed this court.

Appellant was informed by the Clerk, that requesting such at this stage requires this separate motion.

3.

This motion is not filed solely for delay, but in the interest of justice and to ensure that oral briefing sufficiently aids the Court's decisional process.

4.

Conference

I have been informed that: "*CSD Van Zandt believes the case is appropriate for a decision on the briefs. So, CSD Van Zandt opposes oral argument.*"

But, as in the just now Appellant's Reply Brief, and as briefed therein, Appellee NEVER MET ITS INITIAL BURDEN, of bringing forth, both to the trial court, and to this court, any of their supposed **intermediate** DEEDS required to show their claim of a "regular chain of conveyance".

Nor did CSD show, nor can show, that the **TWO (2) notarized DEEDS onto Appellant**, did NOT raise a "genuine issue of material fact", of the property never entering the two estates the basis of their claim.

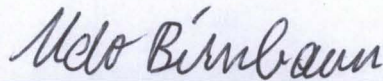
Conclusion and Prayer

For the reasons stated, Appellant, UDO BIRNBAUM, prays that the Court would grant this request and allow oral argument.

This case is NOT appropriate for a decision solely upon PAPER.

\$10 fee for this motion attached.

Respectfully submitted,



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Certificate of Service

Today May 7, 2024, Regular Mail, to Gregory Smith, Smith Legal PLLC, 110 N. College Ave., Suite 1120, Tyler, TX 75702.

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