

**22-00105**

CSD VAN ZANDT LLC  
Plaintiff

v.

UDO BIRNBAUM  
Defendant

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

**FIRST AMENDED EMERGENCY MOTION TO STAY  
WRIT OF POSSESSION / (“eviction”)**

TO THIS COURT:

1. THE PROCESS is defective. This District Court, now under HON. CHRIS MARTIN, has no more jurisdiction to do “possession”, than under HON. TERESA DRUM before. A District Court has **no jurisdiction over possession**, only the JP court of the precinct. See It’s the Berrys vs. Edom Corner, Amarillo COA 2008, this very 294th then under Teresa Drum. A WAKE UP CALL THEN, A WAKE UP AGAIN JUST NOW. (Attach 1)

2 IT IS ELEMENTARY that execution is upon a judgment, so there needs to be a judgment first. There has to be a judgment of possession to do writ of possession upon. KINDLY BE ADVISED **that there exists no judgment of possession**. Also that an Order is NOT a judgment, and in this instance, an order granting summary judgment (Attach 2), certainly is NOT a judgment of possession. PLEASE BE SO WARNED.

3. THIS CAUSE, No. 22-00105, is a jury case. THE PROCESS may be able to dispose of a matter or a case by DISPOSITIVE motions such as MSJ – but, MR. MARTIN, not even you, **you cannot enter judgment in a jury case – without a jury trial**. I have the right to a jury trial. This is America, remember?

4. Regarding “WARNING” (Attach 3), to “tenant” and “unit”, please be aware that you KNOW that I am neither “tenant” nor a “unit”, but am and have been Lord on my own place for 42 YEARS.

5. JUDGE MARTIN, you have **personally** watched this horror build up upon me since 1994 or so, starting with Richard Ray’s BEAVER case upon me, because **you yourself** told me so **I have the audio**, and the Westfall case upon me. Then you as DA in 2015 **I have the audio**, talking me out of continuing with my rusty wheelbarrow into the courthouse to so **plead the injustice**. Then the matter of me taking my big “this court has gone bat shit crazy” posters high over my head into Judge Drum’s jury selection **I have the audio**. Also you trying to get me a free lawyer, asking for cow manure **I have the audio**. All such after us sort of reconciled, after me having filed a formal criminal complaint upon you (Attach 4), with your very DA Office, and you gotten then district judge, Teresa Drum, to appoint Jason Cassel as a protem to investigate YOU, Mr. Martin? You KNOW that I am not a tenant!

6. And you, Judge Martin, meeting with me, a non-lawyer, and CSD’s Katryna Watkins, in chambers no recording **I demanded to be searched and was**, and Watkins’ so sudden departure and you letting her off the case I presume, immediately after that so damning **dynamite Zoom deposition** Watkins did upon Lisa Girot proving Girot was a fraud and **had no title to convey**, and Your Honor **so sudden inquiry** into Girot, then your **so sudden stop**, and now evicting me from my property that you yourself **in text messages** (Attach 5) found that Lisa did not have to convey such to anyone? And Your Honor now hand my land and head on a

platter to CSD'S Robert Dow upon a summary judgment upon Plaintiff's pleadings? Where is my jury trial? FOR HEAVEN'S SAKE!

7. YOU, Judge Martin, under YOUR signature issuing **execution of a writ**, is PLUM UNLAWFUL. **Only the CLERK has that authority**:

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

8. Your Honor knows that I am 86 years old, had a stroke, and you now do this upon me? F\*\*k you, Mr. Martin. Have you no sense of shame or DECENCY? Forgive my satisfaction of having to be so clear. Also from seeing you, Mr. Martin, drive a stake through your own evil heart, by your participation in the LISA GIROT / CSD VAN ZANDT / ROBERT DOW / COREY KELLAM / CELIA FLOWERS real estate deed fraud upon me, UDO BIRNBAUM, an 86 year elderly.

9. PSALM 35: KJV

<sup>1</sup> Plead my cause, O LORD, with them that strive with me: fight against them that fight against me.

<sup>4</sup> Let them be confounded and put to shame that seek after my soul: let them be turned back and brought to confusion that devise my hurt.

<sup>8</sup> Let destruction come upon him at unawares; and let his net that he hath hid catch himself: into that very destruction let him fall.

<sup>28</sup> And my tongue shall speak of thy righteousness and of thy praise all the day long.

This day, September 6, 2023

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**Certificate of Service)**

Today, September 11, 2023, Certified 7022 2410 0002 2355 4241 to Corey Kellam, Flowers Davis, 1021 ESE Loop 323, Suite 200, Tyler, Texas 75701