

FILED FOR RECORD
2009 MAR -3 PM 4:20

CAUSE NO. 95-63

WILLIAM B. JONES
vs.
UDO BIRNBAUM

KAREN WILSON
DISTRICT CLERK
VAN ZANDT COUNTY, TEXAS
BY _____ DEP.

§
§
§
§
§

IN THE DISTRICT COURT
VAN ZANDT COUNTY, TEXAS
294TH JUDICIAL DISTRICT

See supposed signature date below. NOT signed till somewhere about here - AFTER all the 2009 furious letter exchanges!

Judge James B. Zimmermann was the TRIAL judge in 1998. But did NOT pronounce or sign any judgment - before recusing himself off case.

JUDGE CHAPMAN did not hear ANY of this - was NOT the TRIAL JUDGE - therefore CANNOT sign judgment - but did so ANYWAY. SHAME!

JUDGMENT

The above-entitled cause came on regularly for trial on May 27th, 1998. Plaintiff, WILLIAM B. JONES, appeared in person and by attorney. Defendant, UDO BIRNBAUM, appeared in person (pro se). A jury of twelve persons was duly accepted, impaneled, and sworn to try the action.

After hearing the evidence, arguments of counsel, and parties, and instructions of the Court, the special issues were submitted to the jury. On May 29th, 1998, the jury returned its special verdict. On the basis thereof the Court is of the opinion that, on the merits, judgment should be rendered in favor of Plaintiff.

What about the "opinion" of the JURY: Verdict ZERO damages. SHAME!

It is therefore adjudged that:

1. Plaintiff is granted a permanent injunction against Defendant, that Defendant be and is perpetually enjoined and prohibited from obstructing a creek (known as Steve's Creek) in the full and natural flow of water or permitting or causing the creek to be so obstructed and a perpetual mandatory injunction compelling the Defendant to remove any dam located on Steve's Creek which is situated upon the Defendant's land and to restore the flow of water in the creek (known as Steve's Creek) to its natural condition which would not allow the creek to overflow upon Plaintiff's adjoining property.
2. Cost of this suit be taxed against Defendant.

Did not submit the issue of INJUNCTION to the JURY - therefore NOT entitled to such. Fraud upon the Court - by the Court. SHAME ON YOU!

NOT winning party. FRAUD! SHAME!

SIGNED on this the 31st day of July, 2004.

FRAUD - signed in 2009 - AFTER frantic letters to Judge Ron Chapman and Judge Andrew Kupper.

Ron Chapman
JUDGE RON CHAPMAN

Pearl Harbor Day

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RICHARD L. RAY, P.C.

A Professional Corporation
Attorney at Law

300 S. HWY. 19
CANTON, TEXAS 75103

FILED FOR RECORD
95 APR 17 PM 12:37
TELECOPIER: (903)567-6998
DIST. CLERK... FARMER CO. TX.

These are not MY beavers!
Lawyer Richard Ray should have told
him to CALL THE GAME WARDEN.

December 7, 1994

Jones' complaint was over BEAVERS.
Suit filed by Attorney Ray, however, was for
violation of Section 11.06 of the TEXAS
WATER CODE.
ALL FRAUD!

Mr. Udo Birnbaum
Route 1
Eustace, TX 75124

Re: **Trespass by Water Invasion**

Dear Mr. Birnbaum:

Besides - no beavers or dam left - he had DYNAMITED
everything. Search for "blew" and "blow" in the trial transcript.

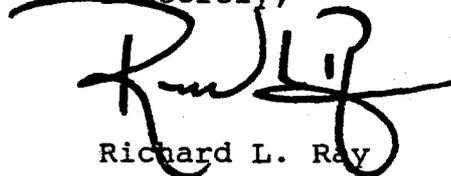
I have been retained to represent Mr. William B. Jones relative to water problems which you are allowing to be created on your land. Apparently **beavers** have dammed up **a stream** flowing onto your property. The trapped water now floods as much as 10-12 acres of Mr. Jones' property.

It is my further understanding that Mr. Jones has discussed the problem with you and you have refused to remedy the situation or **allow him** to do so.

Your nonfeasance in allowing the water build-up to invade Mr. Jones' property constitutes an indirect trespass. Mr. Jones prefers to avoid litigation to resolve this matter. However, he will have no choice unless you remove the **beaver dam** or allow someone else to remove it.

If damage is not removed within thirty (30) days or if an appropriate response is not received, Mr. Jones intends to proceed with suit seeking his damages as well as injunctive relief. If Mr. Jones is forced to pursue litigation, he will seek and be entitled to his attorney's fees.

Sincerely,



Richard L. Ray

RLR:cj

COPY

Always remember, complaint was over BEAVERS. No BEAVERS in here!
This document says Birnbaum is the one who built the dam, and that he violated Section 11.06 of the TEXAS WATER CODE by having in 1994 "wrongfully built" and ever after "unlawfully maintained" a DAM!
All the jury was to hear of was BEAVERS. FRAUD by the attorney, FRAUD by the judge at trial! Fraud upon the Court - BY the Court. See below.

WILLIAM B. JONES
VS.
UDO BIRNBAUM

§
§
§
§

IN THE DISTRICT COURT OF
VAN ZANDT COUNTY, TEXAS
294TH JUDICIAL DISTRICT

FILED
APR 15 4:55
VAN ZANDT CO. TX.
DEP.

ORIGINAL PETITION

Comes now, William B. Jones, Plaintiff, hereinafter referred to as "Jones", complaining of Udo Birnbaum, Defendant, hereinafter referred to as "Birnbaum", and in support of his cause of action would respectfully show unto the Court as follows:

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I.

Jones is an individual residing in Van Zandt County, Texas.

Birnbaum is an individual residing at Route 1, Box 295; Eustace, Van Zandt County, Texas. Service is necessary at this time at the foregoing address.

II.

Jones at all times herein mentioned was, and now is, the owner and occupier of real property situated in the County of Van Zandt, State of Texas, described as follows: (attached as Exhibit "A" and incorporated herein). Jones brings this action as provided by

Section 11.086 of the Texas Water Code.

Fraud upon the Court! Jones' complaint was BEAVERS in a natural CREEK!

III.

Birnbaum at all times mentioned herein was, and now is, the owner and occupier of real property situated in the County of Van

Zandt, State of Texas, described as follows: (attached as Exhibit "B" and incorporated herein).

IV.

For many years prior to the filing of this action, a certain stream of water (spring creek) has run along and through Jones' land and on down, along, and through Birnbaum's land, where it continues on an easterly direction.

V.

For many years prior to 1994, the spring creek flowed through Jones' and Birnbaum's lands in a natural and well-established course, during all stages of its water level, including periods of natural and ordinary flooding.

That is - till he had just DYNAMITED everything - and flushed all his crap down onto Birnbaum - who is entirely DOWNSTREAM.

VI.

During 1994, Birnbaum wrongfully built and has at all times since then wrongfully maintained a dam on his land in the natural channel of the spring creek, to the height of approximately four (4) feet, and extending along the spring creek in the channel thereof for a distance of twenty (20) feet.

perfect description of a -
- BEAVER DAM!

VII.

By building and maintaining the above-described dam, Birnbaum altered the natural condition of the spring creek so as to change the natural course and flow thereof, and cause the water therein to overflow and to be concentrated in increased volume on and over Jones' lands in such a manner as to cause great and irreparable injury to Jones' lands and damage to Jones in that such overflow

All fraud by the attorney -
search the trial transcript -
ALL BEAVERS - 166 times!

Jones' complaint was
about BEAVERS and
BEAVER DAMS

As far as I know - NEVER been tilled. Been wetlands since time immemorial. Jones had been pumping water out of where he had BEAVER dams-- - and pumping it up to his house on the hill - to have a CATFISH pond up there. I could always hear his PUMP running - from my house half a mile away.

and concentration caused a large portion of Jones' land to be flooded continually, ditches to be formed thereon, a large portion of Jones' land to be overflowed and so soaked as to make it **untillable**, and **sand, driftwood, and debris to wash onto Jones' land**, and to settle and remain thereon.

he is UPSTREAM!
can't wash there!

VIII.

Birnbaum's diversion of the water of the spring creek is contrary to the prohibition contained in **Section 11.06(a)** of the **Texas Water Code**, in that such diversion was done in a manner that **damaged** and continues to damage the property of Jones by the overflow of the water diverted.

B.S. - actual jury verdict of ZERO DAMAGES. All this stuff just "not so".

IX.

As a result of Birnbaum's wrongful and **illegal** acts, Jones has been deprived of the use of a large portion of his land, to his damage in a sum which exceeds the minimum jurisdictional limits of this Court.

the BEAVERS did it!

the BEAVERS did it!

X.

Unless Birnbaum is ordered by this Court to remove the dam **constructed** on Birnbaum's land and enjoined from obstructing the natural flow of the spring creek by such dam or any similar or other device or construction, Jones will suffer greater, additional, and irreparable damage and will be put to the necessity of bringing a multiplicity of actions to protect his rights and property.

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Attorney fees NOT available for suit under the Texas Water Code.
The "American Rule" - everybody pays for their own lawyer - except when specifically authorized by statute - like breach of contract, sale of livestock, etc.

XI.

Jones was required to obtain the services of RICHARD L. RAY, a duly licensed attorney in the State of Texas, to prosecute this claim. Under Article 2226, Jones is entitled to reasonable attorney fees incurred in prosecution of this claim, which Jones alleged to be \$10,000 for trial of this cause and if said cause is appealed to the Court of Appeals, \$5,000, and if said cause is appealed to the Supreme Court, another \$5,000.

Attorney fees NOT available for suit under the Texas Water Code.

WHEREFORE, Jones requests that:

1. Jones have judgment against Birnbaum in an amount which exceeds the minimum jurisdictional limits of this Court;
2. Birnbaum be compelled to remove the dam constructed on Birnbaum's land and restore the flow of water in the spring creek to its original, natural, condition;
3. Birnbaum be perpetually enjoined from obstructing the spring creek in the full and natural flow of water therein, or permitting or causing the same to be so obstructed;
4. The Court award Jones costs of suit herein and grant such other and further relief, at law and in equity, as may be deemed proper.

If he wanted an injunction - he needed to submit that to the jury. He did NOT.
*
Submitted "attorney fees" to the jury - NOT AUTHORIZED under the Texas Water Code.
*
Attorney flapped all about BEAVERS at the trial. Search transcript for BEAVER - 166 instances. Re DYNAMITED - search for "blow" or "blew" - LOTS AND LOTS AND LOTS.
*
Trial transcript shows everybody running around madly DYNAMITING everything - and digging their STANDING water puddles DEEPER AND DEEPER - expecting that would make water go away. Real idiots. I cannot help but laugh - except this abomination tied me up TWENTY years in this frapping court - and court FINES of about \$500,000.00.

WILLIAM B. JONES, Plaintiff

ORIGINAL SIGNED BY:
RICHARD L. RAY

By: _____
of counsel

RICHARD L. RAY
ATTORNEY AT LAW, P.C.
300 S. TRADE DAYS BLVD.
CANTON, TEXAS 75103
903/567-2051
903/567-6998 (Fax)

STATE BAR NO. 16606300

ATTORNEY FOR PLAINTIFF

This is the stupid BEAVER DAM case. I was screaming fraud that the lawyer had made up all this stuff about me building a dam, "The Dam" dam, and they want me to pay Judge Richard Davis \$600 to "mediate". Come on. Call the cops.

CAUSE NO. 95-93

WILLIAM B. JONES

VS.

UDO BIRNBAUM

IN THE 294TH JUDICIAL

DISTRICT COURT

YANZANDT COUNTY, TEXAS

COPY

ORDER TO APPEAR FOR MEDIATION

www.OpenJustice.US

The above-referenced cause has been ORDERED to mediation with RICHARD DAVIS of Canton, Texas, being appointed as mediator.

A date for mediation has been scheduled for Tuesday, January 28, 1997 at 9:00 a.m. in the Law Offices of Davis & Price, L.L.P., located at 301 S. Main, Canton, Texas. Each of the above-named parties shall be present during the entire mediation process.

The mediation fee of \$600.00 per party is to be paid directly to the Law Offices of Davis & Price, L.L.P., on or before January 15, 1997. This mediation fee shall be taxed as costs.

To be paid one day BEFORE the Order is signed! ONLY copy I received was not till Jan. 26 mailed from Richard Davis. Come on.

IT IS THEREFORE ORDERED ADJUDGED AND DECREED that William B. Jones and Udo Birnbaum and counsel for either party shall appear at the Law Offices of Davis & Price, L.L.P. on January 28, 1997 at 9:00 a.m. for the purpose of mediating the above-referenced cause and shall attend the entire mediation meeting.

IT IS FURTHER ORDERED that William B. Jones and Udo Birnbaum shall pay the mediation fee of \$600.00 each on or before January 15, 1997, and such payment shall be paid directly to the Law Offices of Davis & Price, L.L.P., 301 S. Main, Canton, Texas.

NOTE TO ALL PARTIES: FAILURE TO COMPLY WITH AN ORDER OF THE COURT MAY RESULT IN CONTEMPT CHARGES WITH THE PUNISHMENT TO BE ASSESSED BY THE COURT.

SIGNED THIS the 16 day of January, 1997.

Judge Presiding

FILED FOR RECORD 97 JAN 21 AM 8:01 NANCY YOUNG DIST. CLERK YANZANDT CO. TX.

PLAINTIFF'S EXHIBIT 44

NOTE: No ORIGINAL can be found! * Even the CAUSE No is wrong. * Besides, I had asked Judge Tommy Wallace to turn things over to the Justice Department.

suit was for violating the TEXAS WATER CODE.
No question on that. ALL FRAUD

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Cause No. 95-63

WILLIAM B. JONES

vs.

UDO BIRNBAUM

RECORDED FOR RECORD
09 MAY 29 AM 10:16

IN THE DISTRICT COURT

VAN ZANDT COUNTY, TEXAS

BY JUDY YOUNG
CLERK VAN ZANDT CO. TX.

294TH JUDICIAL DISTRICT
DEP.

also did not submit matter of an
INJUNCTION to the jury!
ALL FRAUD

COURT'S CHARGE

look at fraudulent Question 1,
and Question 3 !

LADIES AND GENTLEMEN OF THE JURY:

This case is submitted to you by asking questions about the facts, which you must decide from the evidence you have heard in this trial. You are the sole judges of the credibility of the witnesses and the weight to be given their testimony, but in matters of law, you must be governed by the instructions in this charge. In discharging your responsibility on this jury, you will observe all the instructions, which have previously been given you. I shall now give you additional instructions, which you should carefully and strictly follow during your deliberations.

1. Do not let bias, prejudice or sympathy play a part in your deliberations.
2. In arriving at your answers, consider only the evidence introduced here under oath and such exhibits, if any, as have been introduced for your consideration under the rulings of the Court, that is, what you have seen and heard in this courtroom, together with the law as given you by the Court. In your deliberations, you will not consider or discuss anything that is not represented by the evidence in this case.
3. Since every answer that is required by the charge is important, no juror should state or consider that any required answer is not important.
4. You must not decide who you think should win, and then try to answer the questions accordingly. Simply answer the questions, and do not discuss nor concern yourselves with the effect of your answers.
5. You will not decide an issue by lot or by drawing straws, or by any other method of chance. Do not return a quotient verdict. A quotient verdict means that the jurors agree to abide by the result to be reached by adding together

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D-2
Lynda Bragg, C.S.R.

each juror's figures and dividing by the number of jurors to get an average. Do not do any trading on your answers; that is, one juror should not agree to answer a certain question one way if others will agree to answer another question another way.

6. You may render your verdict upon the vote of ten or more members of the jury. The same ten or more of you must agree upon all of the answers made to the entire verdict. You will not, therefore, enter into an agreement to be bound by a majority or any other vote of less than ten jurors. If the verdict and all of the answers therein are reached by unanimous agreement, the presiding juror shall sign the verdict for the entire jury. If any juror disagrees as to any answer made by the verdict, those jurors who agree to all findings shall each sign the verdict.

These instructions are given you because your conduct is subject to review the same as that of the witnesses, parties, attorneys and the judge. If it should be found that you have disregarded any of these instructions, it will be jury misconduct and it may require another trial by another jury; then all of our time will have been wasted.

The presiding juror or any other juror who observes a violation of the Court's instructions shall immediately warn the one who is violating the same and caution the juror not to do so again.

When words are used in this charge in a sense which varies from the meaning commonly understood, you are given a proper legal definition, which you are bound to accept in place of any other definition or meaning.

Answer "Yes" or "No" to all questions unless otherwise instructed. A "Yes" answer must be based on a preponderance of the evidence. If you do not find that a preponderance of the evidence supports a "Yes" answer, then answer "No". The term "Preponderance of the Evidence" means the greater weight and degree of credible testimony or evidence introduced before you and admitted in this case. Whenever a question requires other than a "Yes" or "No" answer, your answer must be based on a preponderance of the evidence unless instructed otherwise.

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QUESTION NO. 1

Did Birnbaum allow dams upon his land to flood Jones' upstream property in October, 1994?

Answer "yes" or "no".

We Answer:

YES

Should have been:

DID HE VIOLATE THE TEXAS WATER CODE!

ALWAYS REMEMBER:

*

Dispute was over BEAVERS - i.e. whether Birnbaum had an obligation to let his neighbor onto Birnbaum's land to DYNAMITE the "overgrown rats", as Plaintiff Jones had done on his own property.

FOUR (4) day trial transcript - Beavers 166 times, "blow", "blew", "dig", "dug" - LOTS

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INSTRUCTION

If you have answered "Yes" to Question No. 1, then answer Question No. 2.
Otherwise, do not answer Question No. 2.

QUESTION NO. 2

What sum of money, if paid now in cash, would fairly and reasonable compensate William B. Jones for his loss, if any, resulting from the occurrence in question?

Answer in dollars and cents, if any.

We Answer: \$ 0

ZERO damages
THAT SHOULD
HAVE BEEN THE
END OF IT!

ALSO NOTE:
*
Issue of INJUNCTION - NOT submitted to the
JURY.
*
THEREFORE - Court NOT allowed to
"grant" (ARBITRARILY IMPOSE) INJUNCTION.

INSTRUCTION

Should have been on No. 2, "DAMAGES", NOT No. 1, "water"

If you have answered "Yes" to Question No. 1, then answer Question No. 3.

Otherwise, do not answer Question No. 3.

The transcript of the trial - shows Plaintiff's lawyer specifically pointing out to the jury - that it was upon Question no. 1 - and NOT Question no. 2.

QUESTION NO. 3

What sum of money, if any, do you find from a preponderance of the evidence would be reasonable and necessary attorney's fees for the services, if any, performed by Plaintiff's attorney:

a. For legal services rendered in the preparation and trial of this cause in this Court?

Answer in dollars and cents, if any.

We Answer: \$ 10,000⁰⁰

b. For legal services if this cause is appealed to the Court of Appeals?

Answer in dollars and cents, if any.

We Answer: \$ 5,000⁰⁰

c. For legal services if application is made for a writ of error to the Supreme Court of Texas?

Answer in dollars and cents, if any.

We Answer: \$ 0

[REDACTED]

Plaintiff's lawyer in closing argument to the jury in the FOUR day trial. (Court transcript, page 581, lines 16-23, direct "paste" - including the LINE numbers)

16 Question No. 3 -- And that's the 17 next page. Has the same instruction, 18 "If you answer question No. 1", not 19 question No. 2, but question No. 1. "If 20 you answer question No. 1, yes, that 21 there was an overflow", then you can 22 proceed to consider my attorney fees in 23 this case.

*
FRAUD UPON THE COURT -
by the ATTORNEY
by the COURT - in INSTRUCTIONS!

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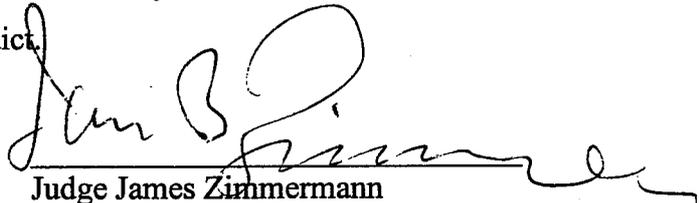
After you retire to the jury room, you will select your own presiding juror. The first thing the presiding juror will do is to have this complete charge read aloud and then you will deliberate upon your answers to the questions asked.

It is the duty of the presiding juror:

1. To preside during your deliberations;
2. To see that your deliberations are conducted in an orderly manner and in accordance with the instructions in this charge;
3. To write out and hand to the bailiff any communications concerning the case which you desire to have delivered to the Judge;
4. To vote on the questions;
5. To write your answers to the questions; in the spaces provided; and
6. To certify to your verdict in the space provided for the presiding juror's signature or to obtain the signatures of all the jurors who agree with the verdict if your verdict is less than unanimous.

You should not discuss the case with anyone, not even with other members of the jury, unless all of you are present and assembled in the jury room. Should anyone attempt to talk to you about the case before the verdict is returned, whether at the courthouse, at your home, or elsewhere, please inform the Judge this fact.

When you have answered all of the questions which you are required to answer under the instructions of the Judge, and your presiding juror has placed your answers in the spaces provided and signed the verdict as presiding juror or obtained the signatures, you will inform the bailiff at the door of the jury room that you have reached a verdict, and then you will return into Court with your verdict.


Judge James Zimmermann

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CERTIFICATE

We, the jury, have answered the above and foregoing special issues as herein indicated and herewith return same into court as our verdict.

(To be signed by the foreperson if unanimous.)

Yvonne McCauley
Foreperson

(To be signed by those rendering verdict if not unanimous.)

Jim De
Paul Robinson

Amy Mislivets

Angela

John Gates

Denny Williamson

Bill Spencer
Roie Richardson

Ethel Cunningham

Robbey Bidwell

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Well, did you make any attempt to look through the file? Judge Kupper did. If you had had a COPY - the Original MUST be in the file. Why worry about this 2004 stuff at all, now in 2009? Your client had died long ago.

95-0063 BEAVER Dam trial was in 1998. This is about Judge Andrew Kupper in a different cause - TEN YEARS LATER - digging through the old 95-0063 BEAVER dam case files!

RAY & ELLIOTT
ATTORNEYS AT LAW
A Professional Corporation
Established in 1974

RICHARD L. RAY
JOEL C. ELLIOTT
VICTORIA RAY THATCHER

Canton: 903. 567. 2051
Dallas: 214. 954.0200
Fax: 903. 567. 6998
rayelliottfirm@aol.com

March 31, 2008

Hon. Ron Chapman
108 Ellen Lane
Trinidad, Texas 75163

Ah, Ha - so you admit that THIS 95-0063 suit you filed for Birnbaum "constructing and maintaining" a DAM in violation of Section 11.06 of the Texas Water Code - you filed upon a BEAVER DAM -- SHAME ON YOU!

RE: Cause No. 95-0063;
William B. Jones vs. Udo Birnbaum

Dear Judge Chapman:

Udo Birnbaum has sued me again under RICO and Judge Andrew Kupper has been assigned to hear the matter. In the midst of hearing matters in this new RICO case, Judge Kupper indicated that the old Jones vs. Birnbaum case, Cause No. 95-0063, did not have a final judgment in it (this was the jury trial over the beaver dam).

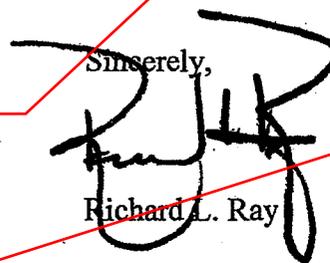
So HOW in tarnation could Chapman have supposedly SIGNED it, on July 19, 2004? FRAUD

As I recall, you entered judgment in 2006-2007.

I enclose a copy of the docket sheet indicating your pronouncement of judgment from the bench on July 19, 2004 and my letter of July 20, 2004, sending the proposed judgment to you in accordance with your instructions. Unfortunately, I can not find my copy of the entered judgment, although I do recall it. If you retained a copy, then the clerk needs it.

In the alternative, I have again enclosed multiple copies of my proposed judgment in accordance with your docket entry. If you have any questions, please do not hesitate to contact me.

A judge retain THIS particular piece of paper from 2004? Come on! HINT: "Judge, please, help - just BACKDATE one of these "enclosed multiple copies" - in case you screw up the first one!

Sincerely,

Richard L. Ray

Yes, Judge Andrew Kupper was the judge on my civil RICO suit against Mr. Ray - for, entrapping me in this court with his fraudulent beaver dam suit, and making me become a victim of bigger "sharks" in the court - "The Westfalls" - No. 00-00619.

RLR/pl
Enclosures

cc: Judge Andrew Kupper (with enclosures)
Udo Birnbaum (with enclosures)
Ray & Elliott, P.C. (with enclosures)

I Saw Judge Kupper for HOURS digging files at the Clerk - certainly this case - then sort of just vanished off my civil RICO case.

*
"Oh - what tangled webs we weave -
when first we practice to deceive"
*

RAY & ELLIOTT
ATTORNEYS AT LAW
A Professional Corporation
Established in 1974

TEN YEARS after
the 95-0063 trial in
1998!

RICHARD L. RAY
JOEL C. ELLIOTT

June 4, 2008

Canton: 903. 567. 2051
Dallas: 214. 954.0200
Fax: 903. 567. 6998
rayelliottfirm@aol.com

VICTORIA RAY THATCHER
ZACHARY S. ELLIOTT

Ms. Pam Kelly
VZC Court Administrator
121 East Dallas, Room 302
Canton, Texas 75103

See markups throughout,
DETAILED markup at
very end - 3rd page. Not
enough room here.

Re: Cause No. 95-63; *Jones v. Birnbaum*

Dear Ms. Kelly:

In reference to the above numbered and styled cause, please find herewith enclosed the Plaintiff's Motion for Entry of Judgment and one copy of the same, which I would appreciate you file-marking and returning to me.

By exact copy of this letter, the same is being provided Defendant Udo Birnbaum, Pro Se.

If you have questions, please do not hesitate to contact me.

Sincerely,



Paula Landwermeyer
Legal Assistant to Richard L. Ray

RLR/pl
Enclosures

cc: Hon. Andrew J. Kupper (with enclosures)
Hon. Ron Chapman (with enclosures)
Udo Birnbaum (with enclosures)

Just look at all that FRAUD -
- in the PROPOSED - and in the
ACTUALLY SIGNED judgment
*
See below

NO, Judge Chapman said no such stuff as is on your piece of paper. WORDS he said - but not your "stuff". Besides he was NOT the TRIAL judge - and NOT authorized to pronounce or sign JUDGMENT.

he DIED long ago. Who you representing now? Did you try to get a copy from THEM? That is the FIRST place I would have looked.

CAUSE NO. 95-63

WILLIAM B. JONES

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§
§
§
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IN THE DISTRICT COURT

VS.

VAN ZANDT COUNTY, TEXAS

UDO BIRNBAUM

294TH JUDICIAL DISTRICT

MOTION FOR ENTRY OF JUDGMENT

This Motion For Entry of Judgment is brought by Richard L. Ray, Counsel for **William B. Jones**, Plaintiff, moving the Court to sign the Judgment in the form attached to this motion.

I.

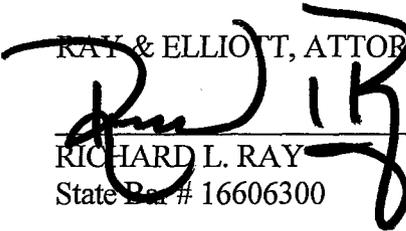
The proposed Judgment was forwarded to Judge Ron Chapman on July 20, 2004, for approval. As of this date, Judge Ron Chapman has not returned the proposed Judgment for entry with the Court. The proposed Judgment conforms with the **pronouncement of judgment** from the bench on July 19, 2004. Attached hereto as Exhibit "A" and incorporated herein for all purposes is a copy of the docket sheet indicating **Judge Chapman's pronouncement of Judgment** and my letter forwarding the same to Judge Chapman in accordance to his instructions.

Was NOT the TRIAL judge - cannot pronounce or sign judgment!

WHEREFORE, PREMISES CONSIDERED, Movant prays that this Motion For Entry Of Judgment be set for a hearing before the Court relative to the entry of the Judgment.

Respectfully submitted,

RAY & ELLIOTT, ATTORNEYS AT LAW, P.C.


RICHARD L. RAY
State Bar # 16606300

Motion For Entry of **Final Decree of Divorce**
McDaniel vs. McDaniel, No. 02-00855

yes, such can "happen".
All this other "stuff" - does not
"happen" - is by evil PLANNING!

300 S. Trade Days Blvd.
Canton, Texas 75103
903-567-2051 Telephone
903-567-6998 Facsimile

ATTORNEY FOR WILLIAM B. JONES, PLAINTIFF

TEN YEARS after trial in 1998 -
BIG HURRY in 2008 - after a suit
against him - to start "cleaning up"
the court files!

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing Motion For Entry Of Judgment has been mailed to Udo Birnbaum, 540 VZCR 2916, Eustace, Texas 75124, this the 4th day of June, 2008.



RICHARD L. RAY

*
IF YOU HAD provided a copy to the estate of William B. Jones - they would have surely kept it.
*
IF YOU HAD NOT - they would have surely been urging you for a copy all these years.
*
YOUR PROBLEM IS - and you know it - you were "free-wheeling", "gone rogue" all along,
*
MR. JONES (deceased) - he never told you that I had "constructed and maintained" a dam.
*
YOUR PROBLEM IS - YOU just got caught - in this cause No. 95-63. Took 20 YEARS!
*
AND JUDGE RON CHAPMAN - HE just got caught along with you - and also in No. 00-00619
*
AND JUDGE PAUL BANNER - HE just got caught - along with "The Westfalls" in No. 00-00619

CAUSE NO. 95-63

WILLIAM B. JONES

§
§
§
§
§

IN THE DISTRICT COURT

VS.

VAN ZANDT COUNTY, TEXAS

UDO BIRNBAUM

294TH JUDICIAL DISTRICT

"injunction" NOT submitted to the JURY. Therefore CANNOT "grant"

JUDGMENT

The above-entitled cause came on regularly for trial on May 27th, 1998. Plaintiff, WILLIAM B. JONES, appeared in person and by attorney. Defendant, UDO BIRNBAUM, appeared in person (pro se). A jury of twelve persons was duly accepted, impaneled, and sworn to try the action.

"heard" NOTHING. Was NOT the TRIAL judge. CANNOT sign.

After hearing the evidence, arguments of counsel, and parties, and instructions of the Court, the special issues were submitted to the jury. On May 29th, 1998, the jury returned its special verdict. On the basis thereof the Court is of the opinion that, on the merits, judgment should be rendered in favor of Plaintiff.

TEN years ago from this MOTION FOR ENTRY OF JUDGMENT in in 2009! And the date for signature - in 2004?

It is therefore adjudged that:

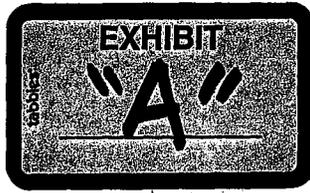
1. Plaintiff is granted a permanent injunction against Defendant, that Defendant be and is perpetually enjoined and prohibited from obstructing a creek (known as Steve's Creek) in the full and natural flow of water or permitting or causing the creek to be so obstructed and a perpetual mandatory injunction compelling the Defendant to remove any dam located on Steve's Creek which is situated upon the Defendant's land and to restore the flow of water in the creek (known as Steve's Creek) to its natural condition which would not allow the creek to overflow upon Plaintiff's adjoining property.
2. Cost of this suit be taxed against Defendant.

SIGNED on this the ____ day of July, 2004.

WHY - in 2009 - would you present a proposed judgment - dated 2004? HINT: NOT an "accident"

Judge Ron Chapman was NOT the TRIAL judge. NOT authorized to SIGN judgment in this cause!

JUDGE RON CHAPMAN



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RAY & ELLIOTT
ATTORNEYS AT LAW
A PROFESSIONAL CORPORATION

300 S. TRADE DAYS BLVD. (HWY 19)
CANTON, TEXAS 75103

RICHARD L. RAY
JOEL C. ELLIOTT

Telephone: 903-567-2051
Facsimile: 903-567-6998
rayelliottfirm@aol.com

July 20, 2004

Judge Ron Chapman
P.O. Box 191167
Dallas, Texas 75219

Re: Cause No.95-63
William B. Jones vs. Udo Birnbaum

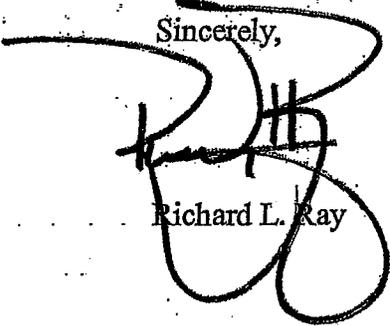
Dear Judge Chapman:

Please find herewith enclosed the Judgment which I have prepared in the above referenced cause.

Please sign the Judgment and return to me in the self-addressed, self-stamped envelope, enclosed for your convenience. Upon receipt, we will file the same with the clerk's office.

If you have questions, do not hesitate to contact my office.

Sincerely,



Richard L. Ray

RLR/pl
Enclosure

CAUSE NO. 95-63

WILLIAM B. JONES

vs.

UDO BIRNBAUM

§
§
§
§
§

IN THE DISTRICT COURT

VAN ZANDT COUNTY, TEXAS

294TH JUDICIAL DISTRICT

JUDGMENT

The above-entitled cause came on regularly for trial on May 27th, 1998. Plaintiff, WILLIAM B. JONES, appeared in person and by attorney. Defendant, UDO BIRNBAUM, appeared in person (pro se). A jury of twelve persons was duly accepted, impaneled, and sworn to try the action.

After hearing the evidence, arguments of counsel, and parties, and instructions of the Court, the special issues were submitted to the jury. On May 29th, 1998, the jury returned its special verdict. On the basis thereof the Court is of the opinion that, on the merits, judgment should be rendered in favor of Plaintiff.

It is therefore adjudged that:

1. Plaintiff is granted a permanent injunction against Defendant, that Defendant be and is perpetually enjoined and prohibited from obstructing a creek (known as Steve's Creek) in the full and natural flow of water or permitting or causing the creek to be so obstructed and a perpetual mandatory injunction compelling the Defendant to remove any dam located on Steve's Creek which is situated upon the Defendant's land and to restore the flow of water in the creek (known as Steve's Creek) to its natural condition which would not allow the creek to overflow upon Plaintiff's adjoining property.
2. Cost of this suit be taxed against Defendant.

SIGNED on this the _____ day of July, 2004.

JUDGE RON CHAPMAN

903-567-6998

| Day Year | ORDERS OF COURT CONTINUED | Minute Book Vol. Page |
|----------|---|--------------------------|
| 29 98 | <p>Jury charge arguments of counsel begun at 11:10 AM. This date verdict at 2:10 PM as reflected in CHS charge.</p> <p><i>Jan R. Quinn</i></p> | 119 188 |
| 28 98 | <p>Hrg (C) held all requests for setting set for 10.6.98 at 9:00 AM</p> | |
| -19 07 | <p>All parties and other present. At note as motion to because in in this file. Ct has been informed that Judge John Deal, presiding judge of the 1st Administrative Judicial Region, has overruled a motion to remove Judge Pa Clepper, due to the fact that said motion is insufficient at law and fails to properly support Judge Clepper's removal, or, as the alternative, is denied on its merits due to a Borkman abuse of the judicial process by filing repeated frivolous motions to remove in this</p> | |

NUMBER OF CASE

95-63

NAMES OF PARTIES

Mr. B. Jones

VS

Miss Bannister

ATTORNEYS

KIND OF ACTION AND PARTY DEMANDING JURY

DATE OF MONTH

PLTF.

DEFT.

FEE BOOK VOL. PAGE

DATE OF ORDERS MONTH DAY YEAR

7 19 04

ORDERS OF COURT

MINUTE BOOK VOL. PAGE

PROCES

(cont'd.)
 case and being twice fees previously
 sanctioned by this Court for such actions
 Ct. notes T's request to abandon
 any claims for this fees. Ct feels
 that any verdict rendered in May of 1993
 requires a permanent injunction to be
 entered in this case. T to prepare
 written order for Ct's signature and
 provide a copy to D.

Judge Ron Chapman

RAY & ELLIOTT
ATTORNEYS AT LAW
A Professional Corporation
Established in 1974

RICHARD L. RAY
JOEL C. ELLIOTT

VICTORIA RAY THATCHER
ZACHARY S. ELLIOTT

Canton: 903. 567. 2051
Dallas: 214. 954.0200
Fax: 903. 567. 6998
rayelliottfirm@aol.com

REQUEST FOR SETTING

June 4, 2008

~~Pam Kelly
Court Administrator
121 East Dallas Street, Room 301
Canton, Texas 75103-1465~~

"pleadings are in order"?
JONES - was complaining of - BEAVER DAMS
YOU - filed suit as violation of - THE TEXAS WATER CODE
THE JURY - was asked whether I - "ALLOWED DAMS"
CO-MINGLING - of Beaver dams with Man-made dams
FRAUD - by Attorney, by Judge James B Zimmermann, the
TRIAL judge - in the FOUR day trial in 1998.

JURY - NON-JURY:

FULL STYLE OF CASE: *Cause No. 95-63; Jones vs. Birnbaum*

NATURE/TYPE OF HEARING: Motion for Entry of Judgment

MONTH REQUESTED SET: First Available

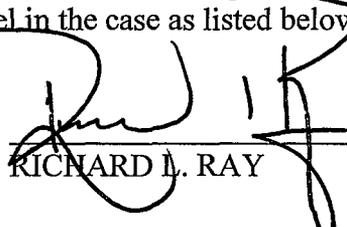
COURT TIME REQUIRED: 15 minutes

Plaintiff's Attorney and Address: Richard L. Ray
300 South Trade Days Blvd.
Canton, Texas 75103

Defendant's Attorney and Address: Udo Birnbaum, Pro Se
540 VZCR 2916
Eustace, Texas 75124

ONGOING FRAUD'
*
This date, June 4, 2008

The undersigned hereby certifies that his pleadings are in order, good faith negotiations have been made to attempt settlement, and that he expects to be ready for trial. A copy of this request has been furnished all counsel in the case as listed below.


RICHARD L. RAY

ALL parties with their addresses requiring notice:

Judge Ron Chapman
108 Ellen Lane
Trinidad, Texas 75163

Judge Andrew Kupper
P.O. Box 666
Kaufman, Texas 75142

Richard L. Ray
RAY & ELLIOTT, Attorneys At Law, P.C.
300 South Trade Days Blvd.
Canton, Texas 75103

Udo Birnbaum
Pro Se Defendant
540 VZCR 2916
Eustace, Texas 75124

RAY & ELLIOTT
ATTORNEYS AT LAW
A Professional Corporation
Established in 1974

RICHARD L. RAY
JOEL C. ELLIOTT

VICTORIA RAY THATCHER
ZACHARY S. ELLIOTT

Canton: 903. 567. 2051
Dallas: 214. 954.0200
Fax: 903. 567. 6998
rayelliottfirm@aol.com

SECOND REQUEST FOR SETTING

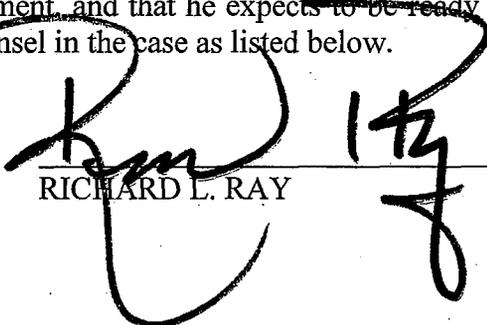
January 9, 2009

Pam Kelly
Court Administrator
121 East Dallas Street, Room 301
Canton, Texas 75103-1465

Trial in 95-63 BEAVER
DAM CASE was in 1998!
ELEVEN YEARS AGO!

JURY - NON-JURY: Non-Jury
FULL STYLE OF CASE: Cause No. 95-63; Jones vs. Birnbaum
NATURE/TYPE OF HEARING: Motion for Entry of Judgment
MONTH REQUESTED SET: First Available
COURT TIME REQUIRED: 15 minutes
Plaintiff's Attorney and Address: Richard L. Ray
300 South Trade Days Blvd.
Canton, Texas 75103
Defendant's Attorney and Address: Udo Birnbaum, Pro Se
540 VZCR 2916
Eustace, Texas 75124

The undersigned hereby certifies that his pleadings are in order, good faith negotiations have been made to attempt settlement, and that he expects to be ready for trial. A copy of this request has been furnished all counsel in the case as listed below.


RICHARD L. RAY

ALL parties with their addresses requiring notice:

Judge Ron Chapman
108 Ellen Lane
Trinidad, Texas 75163

Judge Andrew Kupper
P.O. Box 666
Kaufman, Texas 75142

Richard L. Ray
RAY & ELLIOTT, Attorneys At Law, P.C.
300 South Trade Days Blvd.
Canton, Texas 75103

Udo Birnbaum
Pro Se Defendant
540 VZCR 2916
Eustace, Texas 75124

RAY & ELLIOTT
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A Professional Corporation
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RICHARD L. RAY
JOEL C. ELLIOTT

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ZACHARY S. ELLIOTT

Canton: 903. 567. 2051
Dallas: 214. 954.0200
Fax: 903. 567. 6998
rayelliottfirm@aol.com

THIRD REQUEST FOR SETTING

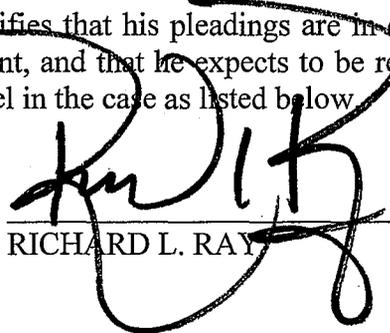
February 23, 2009

Judge John Ovard,
Presiding Judge
First Administrative Judicial Region
133 N. Industrial Blvd., LB 50
Dallas, Texas 75207

Trial in 95-63 BEAVER
DAM CASE was in 1998!
ELEVEN YEARS AGO!

JURY - NON-JURY: Non-Jury
FULL STYLE OF CASE: Cause No. 95-63; Jones vs. Birnbaum
NATURE/TYPE OF HEARING: Motion for Entry of Judgment
MONTH REQUESTED SET: First Available
COURT TIME REQUIRED: 15 minutes
Plaintiff's Attorney and Address: Richard L. Ray
300 South Trade Days Blvd.
Canton, Texas 75103
Defendant's Attorney and Address: Udo Birnbaum, Pro Se
540 VZCR 2916
Eustace, Texas 75124

The undersigned hereby certifies that his pleadings are in order, good faith negotiations have been made to attempt settlement, and that he expects to be ready for trial. A copy of this request has been furnished all counsel in the case as listed below.



RICHARD L. RAY

ALL parties with their addresses requiring notice:

Richard L. Ray
RAY & ELLIOTT, Attorneys At Law, P.C.
300 South Trade Days Blvd.
Canton, Texas 75103

Udo Birnbaum
Pro Se Defendant
540 VZCR 2916
Eustace, Texas 75124

cc: Judge Ron Chapman
108 Ellen Lane
Trinidad, Texas 75163

Pam Kelly
Court Administrator
294th District Court
121 East Dallas Street, Room 301
Canton, Texas 75103-1465

Karen Wilson
District Clerk
Van Zandt County, Texas
121 East Dallas Street, Room 302
Canton, Texas 75103-1465



The First Administrative Judicial Region Assignments Information

Get Court Assignments by the Judge of your choice.

Hon. Don Adams

List Assignments

| Hon. Andrew Kupper | | | | | |
|--------------------|-----------|------|--------------------------------------|-------------|--|
| StartDate | EndDate | Days | Court | County | Conditions |
| 3/2/2009 | 3/2/2009 | 1 | 294th District Court | Van Zandt | To hear Cause No. 95-63: Jones vs. Birnbaum. |
| 6/1/2009 | 6/5/2009 | 5 | Criminal District Court # 7 - Dallas | Dallas | Auxiliary Court. |
| 6/8/2009 | 6/10/2009 | 3 | 420th District Court | Nacogdoches | |

To contact us:

The First Administrative Judicial Region

133 N. Industrial
LB 40
Dallas, Texas 75207

Phone: (214) 653-2943

Fax: (214) 653-2957

Trial in 95-63 BEAVER
DAM CASE was in 1998!
ELEVEN YEARS AGO!

Judge Andrew Kupper - who in 2008
in a DIFFERENT case - could not find
a judgment in the files of the 95-0063
BEAVER case - in 2009 gets himself
ASSIGNED to the stupid 95-0063
BEAVER case!



The First Administrative Judicial Region Assignments Information

Get Court Assignments by the Court of your choice.

100th District Court

List Assignments

| 294th District Court | | | | | |
|----------------------|-----------|-----------|------|-----------|---|
| JName | StartDate | EndDate | Days | County | Conditions |
| Hon. Richard Davis | 2/25/2009 | 2/25/2009 | 1 | Van Zandt | To hear Cause No. 06-00661: C. J. and Debra Sharf vs. Andrew Crossley, et al. |
| Hon. Andrew Kupper | 3/2/2009 | 3/2/2009 | 1 | Van Zandt | To hear Cause No. 95-63: Jones vs. Birnbaum. |



The First Administrative Judicial Region

133 N. Industrial
LB 40
Dallas, Texas 75207

Phone: (214) 653-2943
Fax: (214) 653-2957

Judge Andrew Kupper - who in 2008 in a DIFFERENT case - could not find a judgment in the files of the 95-0063 BEAVER case - in 2009 gets himself ASSIGNED to the stupid 95-0063 BEAVER case!
In 2009 - ELEVEN YEARS AFTER the 1998 trial in the BEAVER DAM CASE.

TERESA A. DRUM
294th Judicial District Judge
121 East Dallas Street, Room 301
Canton, Texas 75103
Tel: (903) 567-4422 Fax: (903) 567-5652

www.OpenJustice.US

March 2, 2009

NOTICE OF COURT SETTING

CAUSE #

95-00063

WILLIAM B. JONES

SUIT FILED 1995

VS

UDO BIRNBAUM

SUIT FILED - 1995

*

TRIAL - all week 1998

*

TO ENTER JUDGMENT - in 2009?

*

SOMETHING STINKS! COME ON!

The above referenced cause has been set for hearing on
March 6th 2009 AT 10:00 AM.

Action as indicated: M/ENTER JUDGMENT

By copy of this notice, I am notifying all the parties listed
below.

Sincerely,


Pam Kelly
Court Administrator

CC: RICHARD L. RAY
300 S TRADE DAYS BLVD.

CANTON TEXAS 75103

BIRNBAUM, UDO ✓
540 VZCR 2916

EUSTACE, TX 75124

FILED FOR RECORD

2009 MAR -3 PM 4:20

CAUSE NO. 95-63

WILLIAM B. JONES

KAREN WILSON
DISTRICT CLERK
VAN ZANDT COUNTY, TEXAS

vs.

BY _____ DEP.

§
§
§
§
§

IN THE DISTRICT COURT

VAN ZANDT COUNTY, TEXAS

294TH JUDICIAL DISTRICT

UDO BIRNBAUM

See supposed signature date below. NOT signed till somewhere about here - AFTER all the 2009 furious letter exchanges!

Judge James B. Zimmermann was the TRIAL judge in 1998. But did NOT pronounce or sign any judgment - before recusing himself off case.

JUDGE CHAPMAN did not hear ANY of this - was NOT the TRIAL JUDGE - therefore CANNOT sign judgment - but did so ANYWAY. SHAME!

JUDGMENT

The above-entitled cause came on regularly for trial on May 27th, 1998. Plaintiff, WILLIAM B. JONES, appeared in person and by attorney. Defendant, UDO BIRNBAUM, appeared in person (pro se). A jury of twelve persons was duly accepted, impaneled, and sworn to try the action.

After hearing the evidence, arguments of counsel, and parties, and instructions of the Court, the special issues were submitted to the jury. On May 29th, 1998, the jury returned its special verdict. On the basis thereof the Court is of the opinion that, on the merits, judgment should be rendered in favor of Plaintiff.

What about the "opinion" of the JURY: Verdict ZERO damages. SHAME!

It is therefore adjudged that:

1. Plaintiff is granted a permanent injunction against Defendant, that Defendant be and is perpetually enjoined and prohibited from obstructing a creek (known as Steve's Creek) in the full and natural flow of water or permitting or causing the creek to be so obstructed and a perpetual mandatory injunction compelling the Defendant to remove any dam located on Steve's Creek which is situated upon the Defendant's land and to restore the flow of water in the creek (known as Steve's Creek) to its natural condition which would not allow the creek to overflow upon Plaintiff's adjoining property.
2. Cost of this suit be taxed against Defendant.

NOT winning party. FRAUD! SHAME!

Did not submit the issue of INJUNCTION to the JURY - therefore NOT entitled to such. Fraud upon the Court - by the Court. SHAME ON YOU!

SIGNED on this the 3rd day of July, 2004.

FRAUD - signed in 2009 - AFTER frantic letters to Judge Ron Chapman and Judge Andrew Kupper.

Ron Chapman
JUDGE RON CHAPMAN