

Complaint of **Securing Execution of Document by Deception.**

SEC. 32.46 SECOND DEGREE FELONY

On or about the 26th day of March 2014, FRANK C. FLEMING, in Van Zandt County, Texas, did then and there, with intent to harm or defraud UDO BIRNBAUM, by deception, to-wit by submitting fraudulent court papers, caused VANIA RILEY to sign and execute a document affecting the pecuniary interest of UDO BIRNBAUM, the value of said pecuniary interest being \$100,000.00 or more, and said documents are of the tenor following:

Order on Motion for Sanctions is the document deceptively used.

Abstract of Judgment and Writ of Execution are the documents deceptively secured.

(all three attached hereto)

This Strange Beast

Per the documents themselves, i.e. the headings, dates, and amounts, the execution secured was clearly upon the document titled Order on Motion for Sanctions. This should of course immediately raise a flag: An abstract of judgment upon a mere order? Almost everything a court does – is an Order! And how exactly does one abstract, inter alia, “*to stop Birnbaum and others like him” or “relief which the Court seeks”?”*

But then, strangely, this Order on Motion for Sanctions does indeed say “***This judgment rendered April 1, 2004, signed October 24, 2006***”. But the whole thing reads like the ravings of a madman - - a \$125,770.00 punishment for having filed a mere motion to recuse? And punishment for having exercised a First Amendment Right of filing a lawsuit? (actually only a counter-claim)

So, let us look at this really strange BEAST very carefully, for if this Order on Motion for Sanctions were indeed a fraud, or the opportunities that surround it, had indeed been used deceptively to get the clerk to execute the other two documents, then that would indeed be securing execution of documents by deception.

So all and everything hinges on the true nature of this document titled Order on Motion for Sanctions. Yes, it issued by a court, but

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There already was **Final Judgment** way back in 2002, “*This judgment rendered April 11, 2002, signed July 30, 2002*”. (“FIRST judgment”) – and it says **FINAL**.

Then **yet another judgment** just thereafter, “*This judgment rendered July 30, 2002, signed August 9, 2002*” (“SECOND judgment”)

But back to this belated BEAST - Order on Motion for Sanction (“*This judgment rendered April 1, 2004, signed October 24, 2006*”) (“THIRD judgment”):

This “judgment” reads like the ravings of a madman!

This “judgment” says the \$125,770 punishment is “narrowly tailored”!

This “judgment” was done without a jury – but this was a jury cause!

This “judgment” was awarded to someone who was not a plaintiff!

This “judgment” was signed a judge who was not the trial judge and cannot sign!

This “judgment” punishes for filing a counter-claim, a First Amendment Right!

This “judgment” seeks punishment – “*which the Court seeks*”! (the State seeks)

This “judgment” **unconditionally** punishes. (CIVIL can only do “**coercive**”)

This BEAST is clearly and absolutely UNLAWFUL and VOID. Furthermore, a public servant, the judge, taking ANY adverse action against having exercised a First Amendment Right of access to the courts, by making a counter-claim (and he said that is why he is punishing) – is official oppression per se. WHAT IS GOING ON?

THE ANSWER, upon my personal knowledge, including of the intermediary documents, is that Frank C. Fleming personally crafted this Order on Motion for Sanctions, schemed the phrase “*this judgment rendered etc*” at the end, presented it to Judge Ron Chapman, and the judge just executed it by signing it – SECURING EXECUTION OF DOCUMENTS BY DECEPTION by itself, sometime around 2004-2006, but by now outside the 7 year statute of limitations.

But it is Fleming’s deceptive use of this, his document, on or about March 26, 2014 that constitutes the fresh SECURING OF EXECUTION OF DOCUMENTS BY DECEPTION – which is the crime I am reporting today.

And even if Fleming had not indeed been the perpetrator in creating this BEAST, nevertheless, FRANK C. FLEMING, as an attorney, knew or should have known, that this Order on Motion for Sanctions he was presenting to obtain execution, was a FRAUD.

All statements upon personal knowledge, all attached documents true copies of the originals, except for obvious markups all by me, all of which also upon personal knowledge.

Attached:

Order on Motion for Sanctions (signed Oct. 24, 2006) - - annotated -- "The BEAST"
Abstract of Judgment (Mar. 26, 2014)
Writ of Execution (Mar. 26, 2014)

UDO BIRNBAUM
540 Van Zandt CR 2916
Eustace, TX 75124
(903) 479-3929
brnbm@aol.com

SIGNED this _____ day of _____, 2015

UDO BIRNBAUM

SUBSCRIBED AND SWORN TO BEFORE ME on this ____ day of _____, 2015

Notary Public, State of Texas