

IN THE CIRCUIT COURT
OF THE TWELFTH
JUDICIAL CIRCUIT
WILL COUNTY, ILLINOIS



)
)
Carol S. Eischen,)
Plaintiff)
)
v.)
)
Michael A. Eischen,)
Respondent)

COOK COUNTY
RECORDER
EUGENE "GENE" MOORE
MARKHAM OFFICE

Case No. 01-D-689

NOTICE OF LIS PENDENS

This Lis Pendens applies to the following property:

PIN No.: #19-33-204-010

LOT 10 IN FRANK DELUGACH'S 79TH CICERO GOLFOVIEW SUBDIVISION OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF SECTION 33, TOWNSHIP 38 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, ALSO MIDDLE 1/3 OF THE NORTH 60 ACRES OF THE EAST 1/2 OF THE NORTH EAST 1/4 OF SECTION 33, TOWNSHIP 38 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN SAID MIDDLE 1/3 BEING THE WEST 1/3 BEING THE WEST 1/2 OF THE EAST 2/3 OF SAID NORTH 60 ACRES AS PER PLAT RECORDED SEPTEMBER 4, 1941 AS DOCUMENT NO. 12750971, IN COOK COUNTY, ILLINOIS, also known as

7949 S. Lamon, Burbank, IL. 60459

CAVEAT EMPTOR. PLEASE TAKE NOTICE that this Lis Pendens is to inform any and all persons that the orders of the Will County Circuit Court in the above action are **void** for lack of jurisdiction, in that neither subject-matter nor *in personam* jurisdiction were ever lawfully conferred upon it. Article VI of the Constitution for the United States of America; Johnson v. Zerbst, Johnson v. Zerbst, 304 U.S. 458, 58 S.Ct. 1019 (1938); In re Gebis, 186 Ill.2d 188, 710 N.E.2d 385 (1999); First Amendment of the United States Constitution.

Since a **void** order is never a final order, this Lis Pendens continues until a lawfully valid final order, issued by a judge with competent jurisdiction, is issued. Therefore, litigation concerning the herein described property is continuing.

Consistent with the law and facts described in this Lis Pendens is the U.S. Supreme Court decisions that hold that when a

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state officer (a judge) acts under a state law in a manner violative of the Federal Constitution, he

"comes into conflict with the superior authority of that Constitution, and he is in that case stripped of his official or representative character and is subjected in his person to the consequences of his individual conduct. The State has no power to impart to him any immunity from responsibility to the supreme authority of the United States." [Emphasis in original] Scheuer v. Rhodes, 416 U.S. 232, 94 S.Ct. 1683 (1974).

Having acted in violation of the Supreme Law of this Land, Judge Vincent J. Cerri was, and is, acting in his personal capacity in this case and not as a judge of the State of Illinois.

Under Illinois law, "a purchaser [of real estate] is not entitled to rely on a judicial proceeding the record of which evinces a lack of jurisdiction." State Bank of Lake Zurich v. Thill, 113 Ill.2d 294 (1986) [clarification added]. The Thill court further stated that "In determining whether a lack of jurisdiction is apparent from the record, we must look to the whole record, which includes the pleadings, the return on the process, ..., and the judgment or decree of the court." [Emphasis added].

An inspection of the record of the judicial proceeding in case no. 01-D-689 (Will County, Illinois) evinces a lack of jurisdiction of the court.

When Michael Eischen filed his "**MOTION TO EXPUNGE VOID ORDERS**" with the Court, Judge Vincent J. Cerri violated Eischen's First Amendment Rights for an adequate, complete, effective, fair, full, impartial, and meaningful access to the courts. Illinois law places the burden on the party claiming that the court has jurisdiction to prove that jurisdiction exists from an inspection of the record of the case.

Judge Cerri, knowing that the record of the case would not support any claim that he held lawful jurisdiction, did not require the Plaintiff to prove that jurisdiction existed; he just ruled without any evidence that he held jurisdiction, in violation of the law. All Judge Cerri accomplished was to violate Michael Eischen's First Amendment Rights and Due Process Rights under the Fourteenth Amendment, which further deprived him of any lawful jurisdiction that he might have held, which was none in this case at the time.

It is well established law that all orders issued by a judge acting without jurisdiction are **void ab initio**, and have no legal force or effect. Under the law, Judge Cerri's orders, issued without jurisdiction, are **void ab initio**.

The United States Supreme Court has ruled that **void orders/judgments are VOID EVEN BEFORE REVERSAL**. Vallely v. Northern Fire & Marine Ins. Co., 254 U.S. 348, 41 S.Ct. 116 (1920). Under this holding, it is not required for any court to rule first that an order/judgment is **void**.

Since the lack of jurisdiction **affirmatively** appears from the record of the case proper, no allegation that the court has jurisdiction can survive a lawful determination that Judge

Cerri acted without jurisdiction, and that any sale of the property herewith described has been lawfully sold without Michael Eischen's intentional, deliberate, voluntary and prior obtained written authorization. State Bank of Lake Zurich v. Thill, 113 Ill.2d 294, 497 N.E.2d 1156 (1986).

When dealing with an order issued by the government (a judge is a member of the government, a state judicial officer), the law is well established that one must first **accurately ascertain** that he who issues the order had the lawful authority to issue the order. Cities Service Oil Co. v. City of Des Plaines, 21 Ill.2d 157, 171 N.E.2d 605, 607 (1961); Federal Crop Ins. Corporation v. Merrill, 332 U.S. 380, 384, 68 S.Ct. 1, 3 (1947).

Void orders/judgments may be challenged in any court in the nation, and repeatedly challenged, in the same or even in multiple courts at the same time, since **void** orders/judgments are legal nullities and have no legal force or effect. As a legal nullity, the doctrine of res judicata does not apply to any challenge to any void order, and any court may rule that they are **void**. No statute of limitations (no time limits) apply to the challenge of a **void** order/judgment.

As **void** orders/judgments gain no validity by being affirmed, the fact that a court may claim that the court has jurisdiction does not give the court any jurisdiction. **5 Am. Jur. 2d Appeal & Error §135** (1962) ("A void judgment gains no validity by being affirmed"); The People v. Brewer, 328 Ill. 472, 483 (1928) ("If it could not legally hear the matter upon the jurisdictional paper presented, its finding that it had the power can add nothing to its authority, it had no authority to make that finding.").

A person should seriously consider if they will be able to sell, or convey, to others a property based on **void** orders/judgments.

Should any person purchase the property referenced above, please take notice that they have not made a valid purchase, as neither the court, real estate salesperson or broker, nor any other person, has any lawful authority to offer to sell the referenced property.

Further, I, Michael Eischen, shall consider any person or persons who enter, or enter upon, the referenced property to be in **criminal trespass** of the referenced property, and I intend to file criminal trespass charges against any such persons. Please take notice that any person who enters the herewith described property is not with my permission, unless the person has a voluntarily given prior obtained written permission to enter the described property.

I shall also demand the sum of Ten Thousand Dollars (\$10,000.00) per day for each and every day, or portion thereof, plus attorney fees, costs, and expenses, for each person who has entered upon the herewith described property without my prior obtained intentional, deliberate, and voluntary written permission, for each and every day that I do not have full and complete access to, and/or use of, the referenced property, and

the property is not returned to me in the exact same condition as when taken from me.

In addition, it is my understanding that since a purported purchaser would not be a legal owner of the property, the purported purchaser could not lawfully deduct interest, and property taxes as his Federal or Illinois income tax deductions.

Under the law of void orders/judgments, the property must be returned to me in the exact condition that it was when it was taken from me; including each and every piece of personal property on the premises which must be in the exact condition, and in the exact place, that it was at the time of the taking of the property, either real, personal, or both. Wood v. First Nat. Bank of Woodlawn, 383 Ill. 515 (1943).

The law is clear that if there is any lack of jurisdiction in any court, for whatever reason, or if there is a loss of jurisdiction for any reason, the order to enter, convey, transfer, or to sell the referenced property is void.

It is my understanding that a title policy is not effective whenever property is sold or conveyed through any order, directly or indirectly, issued by a court without jurisdiction.

Since a void judgment is never a final judgment, this case is, and will be, in constant litigation. Until I, Michael Eischen, give my voluntary, deliberate, and intentional prior obtained written permission to the sale, transfer, or conveyance of this property, it cannot be lawfully sold or transferred.

CAVEAT EMPTOR.

Dated this 3RD day of April, 2002.



Michael Eischen

Michael Eischen

This Document was prepared by:
Michael Eischen
9544 S. Major Ave.
Oak Lawn, IL 60453

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