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Cook County Recorder 39.50



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IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

FRANK J. BARRETT

Plaintiff

v.

STATE OF ILLINOIS

Defendant

02 C 1781

RECEIVED Judge Kocoras

JUN 12 2002

NOTICE

MICHAEL W. DOBINS CLERK, U.S. DISTRICT COURT

Per Reynolds v. Volunteer State Life ins. Co., Tex.Civ.App., 80 S.W.2d 1087, 1092 NOTICE is hereby served per the specific findings of fact of the Illinois Court of Appeals, at Ex. KKK, Page 2, Paragraph 4 COMPLAINT, the admittance of the STATE OF ILLINOIS, by and through it Attorney General James E. Ryan, at INTRODUCTION of MEMORANDUM IN SUPPORT OF MOTION TO DISMISS, and the admittance of Judge Charles P. Kocoras, U.S. District Court Judge, at ORDER dated May 28, 2002, Paragraph 4 and Ex. 1YY of COMPLAINT, that all orders and judgments entered by the Illinois judicial system in 95 CH 12314, et seq., after January 2, 1996 were null and void from their inception, are ineffectual; nugatory; have no legal force or effect; are unable, in law, to support the purpose for which they were intended; forever continue to be

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absolutely null; are without legal efficacy; are ineffectual to bind parties or support a right, are of no legal force and effect whatsoever, and are incapable of confirmation, ratification or enforcement in any manner or to any degree.

For the purposes of this **NOTICE** the specific findings of fact of the Illinois Court of Appeals and the admissions of the STATE OF ILLINOIS and the admissions of the federal district court particularly, but limited to, render the March 8, 1996 ORDER entered by the Chancery Court of Cook County in 95 CH 12314; the March 18, 1996 ORDER entered by the Chancery Court of Cook County in 95 CH 12314 (entered March 20, 1996, nunc pro nunc to March 18, 1996); the May 2, 1996 ORDER entered by the Chancery Court of Cook County in 95 CH 12314; the October 3, 1996 ORDER entered in the Circuit Court of Cook County, Municipal Department in 96 M1 109669; the December 6, 1996 ORDER OF SALE entered by the Chancery Court of Cook County in 95 CH 12314; the May 15, 1997 MOTION TO COMPEL entered by the Chancery Court of Cook County in 95 CH 12314; the June 5, 1997 ORDER entered by the Chancery Court of Cook County in 95 CH 12314; the November 14, 1997 ORDER entered by the Chancery Court of Cook County in 95 CH 12314; the January 5, 1998 ORDER entered by the Chancery Court of Cook County in 95 CH 12314; the January 7, 1998 Sheriff of Cook County's public auction of the beneficial interest in LAND TRUST #3880, CORUS Bank, f/k/a River Forest State Bank and Trust Company; the March 6, 1998 ORDER APPROVING REPORT OF SALE entered by the Chancery Court of Cook County in 95 CH 12314; the March 9, 1998 DIRECTION TO CONVEY executed by the Sheriff of Cook County relative to said LAND TRUST; the April 20, 1998 TRUSTEES DEED of CORUS Bank relative to said LAND TRUST; the April 22, 1998 WARRANTY DEED granted by Rosemary Joyce Enterprises, Inc.; the September 29, 1998 ORDER entered by the Chancery Court of Cook County in 95 CH 12314; and the January 4, 1999 ORDER entered by the Chancery Court of Cook County in 95 CH 12314 void, Klugh v. U.S., D.C.S.C., 620 F.Supp. 892, 901.

He molded a fraud,
without breath of life.
Nothingness are they,
a ridiculous work.

JEREMIAH 51/18

Permanent Index Numbers: 15-21-329-005; 15-21-329-007; 15-21-329-008;
15-21-329-011; 15-21-329-012; 15-21-329-015; 15-21-329-016; 15-21-329-017;
15-21-329-020; 15-21-329-021; 15-21-329-022; 15-21-329-023; 15-21-329-024;
15-21-329-025; 15-21-329-026; 15-21-329-027; 15-21-329-028; 15-21-329-029;
15-21-329-030; 15-21-329-031; 15-21-301-206; 15-21-301-207.

Recorded by:


Frank J. Barrett, an

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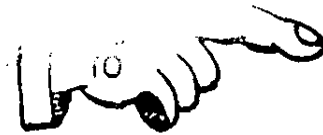
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interested party in
95 CH 12314, et seq.
708-344-5920

Prepared by:

Frank J. Barrett
1606 Westchester Blvd.
Westchester, Ill. 60154
708-344-5920

Return to:



Frank J. Barrett
1606 Westchester Blvd.
Westchester, Ill. 60154
708-344-5920

Attachment

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FRANK J. BARRETT

Plaintiff

v.

STATE OF ILLINOIS

Defendant

02 C 1781

Judge Kocoras

NOTICE OF FILING OF NOTICE OF APPEAL
NOTICE OF FILING OF DOCKETING STATEMENT
NOTICE OF NOTICE

TO: SHIRLEY R. CALLOWAY
Assistant Attorney General
General Law Bureau
100 W. Randolph St., 13th Fl.
Chicago, Illinois 60601

PLEASE TAKE NOTE that on June 12, 2002 I will cause to be filed with the United States District Court for the Northern District of Illinois, Eastern Division, at 219 S. Dearborn, Chicago, Illinois 60604 the attached **NOTICE OF APPEAL** and **DOCKETING STATEMENT** and **NOTICE**.

Upon filing same with the United States District Court for the Northern District of Illinois, Eastern Division then the **NOTICE OF APPEAL** and **DOCKETING STATEMENT** and **NOTICE** will then be recorded with the Cook County Recorder's Office on the appropriate properties and the appropriate parties notified.



Frank J. Barrett, an
interested party in
95 CH 12314, et seq.
1606 Westchester Blvd.
Westchester, Illinois 60154
708-344-5920

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MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

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CERTIFICATE OF SERVICE

The undersigned person deposes and states that copies of the foregoing notice and documents was served upon the above named person at the above address by depositing same in the United States Mail at Westchester, Illinois 60154 on the 11th day of June, 2002 with proper postage paid.


Frank J. Barrett

Property of Cook County Clerk's Office 

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FRANK J. BARRETT

Plaintiff

v.

STATE OF ILLINOIS

Defendant

02 C 1781

Judge Kocoras

DOCKETING STATEMENT

Despite the omission of the federal district court, Plaintiff filed a COMPLAINT FOR DECLARATORY JUDGMENT on March 11, 2002 per the *Declaratory Judgment Act, 1934, 28 U.S.C.A. Section 2201*, in conjunction with the *14th Amendment of the Constitution of the United States of America*, praying to have all judgments and orders entered in 95 CH 12314, et seq., after January 2, 1996 be declared void from their inception for numerous reasons of lack of jurisdiction of subject matter and lack of due process, citing *Klugh v. U.S., D.C.S.C., 620 F. Supp. 892, 901*, as a remedy to effectuate the ends of justice, which is within the jurisdiction of the federal district court, *Tamco Corp. v. Federal Ins. Co. of New York, D.C. Ill. 1963, 216 F.Supp. 767*, alleging that the Defendant denied Plaintiff of rights guaranteed under the *14th Amendment of the Constitution of the United States of America*, which is sufficient to raise a question appropriate for declaratory relief under the Declaratory Judgment Act, *Clark v. City of Fremont, Nebraska, D.C.Neb. 1973, 377 F.Supp. 327*.

The specific findings of fact of the Illinois Court of Appeals that Plaintiff was one of three parties who placed the property in the LAND TRUST in December of 1992 and that Plaintiff was one of the three original parties holding an undivided one-third interest in the LAND TRUST, at Ex. KKK, Page 2, Paragraph 4, voided all judgments and orders in 95 CH 12314, et seq., after January 2, 1996 for lack of subject matter jurisdiction from their inception. The subject matter must exist for jurisdiction of that subject matter to exist.

Despite the misrepresentation of the federal district court, the decision entered by the Chancery Court of Cook County on May 2, 1996 was never affirmed by the Illinois Court of Appeals. There is no such legal concept of the construction of an unambiguous document.

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Defendant filed a MOTION TO DISMISS and MEMORANDUM IN SUPPORT OF MOTION TO DISMISS on April 2, 2002. By simply admitting that Plaintiff had an interest in the LAND TRUST, one of the findings of fact of the Illinois Court of Appeals, in its INTRODUCTION of its MEMORANDUM IN SUPPORT OF MOTION TO DISMISS the Defendant admitted all of the public corruption and perpetuation of the utter failure of justice in 95 CH 12314, et seq., defeated every aspect of its own MOTION TO DISMISS and admitted that the decision entered by the Chancery Court of Cook County in 95 CH 12314 on May 2, 1996 was void from its inception for lack of subject matter jurisdiction and that the Rooker-Feldman doctrine was not applicable to Plaintiff's COMPLAINT. The Defendant admitted that the Rosebrook Joint Venture, EIN 36-3955099, (ROSECROOK) of the decision entered by the Chancery Court of Cook County on May 2, 1996 never existed and that the state and federal income tax of ROSECROOK were fraudulently prepared. These were also the findings of fact of the Illinois Court of Appeals. The subject matter must exist for jurisdiction of that subject matter to exist.

The federal district court set a briefing schedule. Plaintiff filed its RESPONSE TO MOTION TO DISMISS AND COUNTERMOTION TO STRIKE MOTION TO DISMISS on April 22, 2002. Attached to said filing was Plaintiff's corporation's DOCKETING STATEMENT-CIVIL as Ex. 1 which stated Plaintiff's corporation's actual position and not the position misrepresented by Defendant. Said document specifically precluded the misapplication of the Rooker-Feldman doctrine to Plaintiff's COMPLAINT. Plaintiff's corporation had asserted the actual findings of fact of the Illinois Court of Appeals which preclude the decision entered by the Chancery Court of Cook County and the attempt of the Illinois Court of Appeals to protect the public corruption of 95 CH 12314 by protecting the criminal conspiracy to defraud of 95 CH 12314. Per the findings of fact of the Illinois Court of Appeals, not only did ROSECROOK not exist, ROSECROOK was not entitled to the monies of the property in the LAND to distribute by the VENTURE AGREEMENT, Ex. 1G.

Defendant, despite the briefing schedule, filed no response of any nature because of its admittance and the DOCKETING STATEMENT-CIVIL.

The federal district court in a minute order dated May 28, 2002 granted Defendant's MOTION TO DISMISS as final by asserting that the Rooker-Feldman doctrine was the threshold issue, denied subject matter jurisdiction, dismissed Plaintiff's COMPLAINT and denied Plaintiff's COUNTERMOTION TO STRIKE MOTION TO DISMISS as moot.

To do so, the federal district court misrepresented the actual pleadings of Plaintiff's COMPLAINT and RESPONSE TO MOTION TO DISMISS AND COUNTERMOTION TO STRIKE MOTION TO DISMISS and pretended that the DOCKETING STATEMENT-CIVIL, which precluded the misapplication of the

Rooker-Feldman doctrine to Plaintiff's COMPLAINT, did not exist. Plaintiff's DOCKETING STATEMENT-CIVIL does exist. It is ROSECROOK that never existed. Plaintiff was asserting the findings of fact of the Illinois Court of Appeals and not the decisions of the Illinois Court of Appeals. The findings of fact of the Illinois Court of Appeals preclude the findings of law of both the Chancery Court of Cook County Illinois and the Illinois Court of Appeals. The findings of fact of the Illinois Court of Appeals and the findings of law of both the Chancery Court of Cook County and the Illinois Court of Appeals are mutually exclusive. They cannot both exist. The LAND TRUST documents in the public record of 95 CH 12314 are executed. The fraudulent federal income tax of ROSECROOK in the public record of 95 CH 12314 are not executed.

The federal district court claims that the decision entered in 95 CH 12314 by the Chancery Court of Cook County was the Chancery Court of Cook County's interpretation of a disputed VENTURE AGREEMENT. No such decision was ever entered by the Chancery Court of Cook County in 95 CH 12314. The federal district court has the audacity to try to apply the Rooker-Feldman doctrine to a decision that never existed, just like ROSECROOK never existed.

However, by the federal district court asserting a dispute relative to the VENTURE AGREEMENT then the federal district court admitted that the Rooker-Feldman doctrine was not applicable to Plaintiff's COMPLAINT and that all judgments and orders entered in 95 CH 12314, et. seq., after January 2, 1996 were void from their inception, which is the exact remedy Plaintiff is seeking to effectuate the ends of justice, due to lack of subject matter jurisdiction.

All claims of the two criminal conspirators of 95 CH 12314, per the public record of 95 CH 12314, were based upon the provisions of said VENTURE AGREEMENT, both criminal conspirators and the Chancery Court of Cook County denying that the LAND TRUST and the LAND TRUST AGREEMENT, Ex.1C, ever existed.

The VENTURE AGREEMENT contains a mandatory arbitration clause and per Ex. 1YY Plaintiff refused to waive its corporation's right of arbitration per said arbitration clause of the VENTURE AGREEMENT. For the Chancery Court of Cook County to have subject matter jurisdiction over any claim, controversy or issue arising out of the VENTURE AGREEMENT in 95 CH 12314 a written waiver of that right of arbitration, executed by three parties, would have to be in the public record of 95 CH 12314. No such document exists. Written notice was served by Ex. 1YY, dated January 16, 1996, that two of the three parties had refused to waive their mandatory rights of arbitration per the arbitration clause of the VENTURE AGREEMENT. January 16, 1996 occurred before May 2, 1996.

Plaintiff's case, as clearly state at Ex. 1EEE, was not based upon the provisions of the VENTURE AGREEMENT but on the provisions of the LAND TRUST AGREEMENT. The Illinois Court of Appeals found the LAND TRUST and the LAND TRUST AGREEMENT that the Chancery Court of Cook County thought it had ruled out of existence with its ANTENNA on April 30, 1996. The LAND TRUST AGREEMENT does not contain an arbitration clause and cannot be litigated by the doctrine of *stare decisis*.

Plaintiff will ask the federal appellate court of appeals to view Plaintiff's COMPLAINT as stated and not litigate the COMPLAINT as altered by the federal district court and ask the federal appellate court to find that *Klugh v. U.S.* is the threshold issue of Plaintiff's COMPLAINT and that the Rooker-Feldman doctrine can never be a threshold issue to be applied to any decision that was void from its inception due to lack of subject matter and due process and that its COMPLAINT and MOTION TO STRIKE MOTION TO DISMISS be reinstated as a remedy to effect the ends of justice. The Chancery Court of Cook County had no subject matter jurisdiction to enter the May 2, 1996 decision relative to either ROSECROOK or the VENTURE AGREEMENT and as such that decision is null. No ball. No ballgame.

Plaintiff will assert the admittance of Defendant, the findings of fact of the Illinois Court of Appeals, the DOCKETING STATEMENT-CIVIL and the mandatory arbitration clause of the VENTURE AGREEMENT to plead that the misapplication of the Rooker-Feldman doctrine by the federal district court to a decision rendered of a state court that was void from its inception does not prevent the federal district court from any further inquiry into Plaintiff's COMPLAINT and that a federal district court has jurisdiction of the subject matter of Plaintiff's COMPLAINT as stated. No misapplication of the Rooker-Feldman doctrine by the federal district court to a decision that was null and void from its inception can establish any legal efficacy to such a decision and such a decision is incapable of confirmation, ratification or enforcement in any manner or to any degree and such a decision is ineffectual to bind parties or support a right.

The minute order was entered final on May 28, 2002 and the U.S. Court of Appeals, Seventh District derives its jurisdiction for this appeal from *Article III, Section 2 of the Constitution of the United States of America* and 28 U.S.C.A. 1291.

Per *Reynolds v. Volunteer State Life Ins. Co., Tex. Civ. App., 80 S.W.2d 1087, 1092* and the findings of fact of the Illinois Court of Appeals and the now admissions of Defendant and the federal district court, this document has been collaterally recorded with the Cook County Recorder's Office on the appropriate property and the appropriate parties notified.

For the devices of the wicked

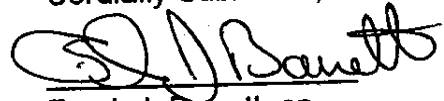
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man shall be scrutinized
and the sound of his words
shall reach the Lord,
for the chastisement of his
transgressions:
Because a jealous ear hearkens
to everything,
and discordant grumbings are
no secret.

WISDOM 1/8-10

Cordially Submitted,



Frank J. Barrett, an
interested party in
95 CH 12314, et seq.

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