

# UNOFFICIAL COPY

After recording, return to:

Carole Ann Malin

13495 Turtle Pond Lane

Palos Heights, Illinois

[ 60463 ]



Doc#: 1214546002 Fee: \$52.00  
Eugene "Gene" Moore RHSP Fee: \$10.00  
Cook County Recorder of Deeds  
Date: 05/24/2012 09:11 AM Pg: 1 of 8

## GRANTEE(S)/ASSIGNEE(S) NOTICE OF UPDATE OF LAND GRANT/PATENT

### DECLARATION OF GRANTEE(S)/ASSIGNEE(S) UPDATE OF LAND GRANT/PATENT

LAND GRANT/PATENT NAME/NUMBER: 1829 and/or 2001

Dated October 1, 1839 AND ANY APPLICABLE APPLICATION & CERTIFICATE NUMBERS:  
Certification

Let all men know by these presents that Carole Ann Malin, the below signed Grantee(s)/Assignee(s), do/does hereby severally certify and declare that I/we hold, in Fee Simple/Allodium, the below described land. I/We bring forward and update the above named/numbered Land Grant/Patent into our law name(s). This is formal notice that the Grant has been acknowledged, delivered, accepted, and I/we and my/our Heirs and/or Assigns have taken possession lawfully, by Right of Possession of Land Grant/Patent, and do occupy the land.

The character and legal/lawful description of our patented land is:

### LAND DESCRIPTION - SEE ATTACHMENT "A"

Note: The attached land description is excepting any public contract that may infringe on the reasonable and necessary rights of relevant landowners. The attached land description is excepting infringement on the sovereign rights of the Grantee as a matter of principal under common law. Any such infringement of sovereign unalienable rights as protected by the Constitution of the United States of America, c. 1787, as amended by the first ten Amendments, known as the Bill of Rights, c. 1791, is declared excluded, null and void.

Note: The attached land description is accepting any private contracts that may benefit the reasonable & necessary rights of relevant land owners.

This is notice of my/our Pre-emptive Right to possess my/our land pursuant to the Declaration of Independence [1776]; Law of Nations, Treaty of Peace with Great Britain [8 Stat. 80]; Treaty of Paris [1793]; An Act of Congress [3 Stat. 566, April 24, 1824]; The Homestead Act [12 Stat. 392, 1862]; and 43 USC sections 57, 59, and 83. The Grantee(s)/Assignee(s) is/are mandated, pursuant to Article VI Sections 1, 2, 3; Article IV, Section 1, Clause 1 and 2, Section 1 Clause 8t, 2; Section 4; the 4<sup>th</sup>, 7<sup>th</sup>, 9<sup>th</sup>, and 10<sup>th</sup> Amendments [United States Constitution 1789-91], and numerous legislated positive laws, to update the Land Grant/Patent by acknowledgment, taking

delivery, accepting, taking possession, occupying, and bringing forward the Land Grant/Patent into the Grantee(s)/Assignee(s) name(s). This is my/our formal Declaration that this process is lawfully executed and completed, being effective *Nunc Pro Tunc*, from May 14, 2005.

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This is the only lawful method that Perfect Title can be held in our names. See *Wilcox vs. Jackson* 13 PET. U.S. 498, 101 ED. 264. All questions of fact decided by the General Land Office are binding everywhere, and injunctions and mandamus proceedings will not lie against it. See *Litchfield vs. The Register*, 9 Wall U.S. 575, 19L. ED. 681. This document is instructed to be attached to all deeds and conveyances in the names of the above Parties, and to never be separated from them. The required recording of this document, in a manner known as *Nunc Pro Tunc*, is mandated and endorsed by United States Positive Supreme Law and cited by case history in this document.

The Notice and effect of a Land Patent or Grant of Public Land is a Public Law standing on the books of the State of Illinois and Cook county and is notice to every subsequent purchaser under any conflicting sale made afterward (the date of the original Land Grant/Patent). See *Wineman vs. Gastrell* 54 FED 819, 4 CCA 596, 2 US APP 581. A patent alone passes perfect title to Grantee. See *Wilcox vs. Jackson*, 13 PET U.S. 498, 10 L. ED 264. When the United States has parted with a title by patent, legally issued, and upon surveys made by itself and approved by the proper department, the title so granted cannot be impaired by any subsequent survey made by the government for its own purposes, *Gage vs. Danks* 13 LA. ANN, 128. In the case of ejectment, where the question has been who has the legal title the title patent of the government is unassailable, *Sanford vs. Sanford* 139 U.S. 642. The transfer of legal Title Patent to public domain gives the transferee the right to possess and enjoy the land transferred, *Gibson vs. Chouteau*, 80 US 92. A patent for land is the highest evidence of title and is conclusive as evidence against the Government and all claiming under junior patents or titles, *United States vs. Stone*, 2 Us 525. Estoppel is hereby noticed and has been maintained as against a municipal corporation (County), *Beadle vs. Smyser*, 209 US 393. Until it issues, the Fee is in the Government, which by patent passes to the Grantee, and he is entitled to enforcement possession in ejectment, *Lagnell vs. Broderick*, 13 Peter (Us) 436. State statutes that give lesser authoritative ownership of title than a patent cannot even be brought in Federal Court, *Langdon vs. Sherwood*, 124 U.S. 74, 80. The power of Congress to dispose of land cannot be interfered with, or its exercise embarrassed by any state legislation; nor can such legislation deprive the Grantees of the United States of the possession and enjoyment of the property granted by reason of any delay in the transfer of the title after the initiation of proceedings for its acquisition, *Gibson vs. Chouteau*. 13 Wall U.S. 92, 93.

The existing system of land transfer is a long and tedious process involving the observance of many formalities and technicalities; a failure to observe any one of which may defeat the title. Even where these have been most carefully complied with and where the title has been traced to its source, the purchaser must be at his peril; there always being, in spite of the utmost care and expenditure, the possibility that his title may turn out bad, Yeakle, Torrens system, 209. Patents are issued (and theoretically) passed between Sovereigns. *Leading Fighter vs. County of Gregory* 250 N. W.2d, 114, 116.

## **THE PATENT IS PRIMA FACIE CONCLUSIVE EVIDENCE OF TITLE, MARSH vs. BROOKS, 49 U.S. 223, 224.**

An estate in inheritance without condition, belonging to the owner and alienable by him, transmissible to his heirs absolutely and simply, is an absolute estate in perpetuity and the largest

possible estate a man can have; being in fact allodial in its nature, *Stanton vs. Sullivan*, 63 R.I. 216 7a, 696. The original meaning of perpetuity is an inalienable, indestructible interest. Bouvier's Law Dictionary Volume 3, page 2570 (1914).

## **NOTICE:**

The below signed Grantee(s)/Assignee(s) is/are, in fact, through perfected title by Land Grant/Patent, the lawful owners of the above described land, held in Fee Simple/Allodium, including all appurtenances

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and hereditaments. If this Land Grant/Patent is not challenged, by any and all claimants, within ninety (90) calendar days, with lawfully documented proof to the contrary, this will be forever default judgment and estoppel against all future claims, from any source, and absolute title to said described land, and the Grant/Patent is established for all time, as no one else has followed the proper legal/lawful steps to acquire legal/lawful title. The final certificate or receipt acknowledging the payment in full by a homesteader, or preemptor, is not, in legal effect, a conveyance of land.

A Land Patent is conclusive evidence that the patent has complied with the act of congress, as concerns improvements on the land, etc. *Jankins vs. Gibson, 3 LA ANN 203*. I believe there is no evidence to the contrary. *U.S. vs. Steenerson 50 FED 504, 1 CCA 552, 4 U.S. APP. 332*.

## LAW ON RIGHTS, PRIVILEGES AND IMMUNITIES: "Soit Droit Fait at Partie"

... When land title is transferred by patentee, Title and Rights of Bona Fide purchaser will be protected, *United States vs. Debell, 227 F 760 (C8 SD 1915)*; *United States vs. Beamon 242 F 876 (CA8 Colorado 1917)*, *State vs. Hewitt Land Company, 74 Washington 573, 134 P 474*; 43 USC & 15 n 44. As an Assignee, whether he is the first, second or third party to whom title is conveyed, shall lose none of the original rights, privileges or immunities of the original Grantee of the Land Grant/Patent. No state shall impair a private contract, U.S. Constitution Article 1, section 10.

In Federal Courts the Land Patent is held to be the foundation of title at law, *Fenn vs. Holmes, 21 Howard 481*.

A lawful Land Patent holder is immune from collateral attack, *Collins vs. Bartlett, 44 CAL 371*; *Weber vs. Pere Marquette Boom Co., 62 Michigan 526, 30 N.W. 469*; *Suret vs. Doe, 24 Miss. 118*; *Pittsmont Copper Co. Vanina, 71 Mont. 44, 227 PAC 45*; *Gree vs. Barker, 47 NEB 934, 66 NW 1032*.

Grantee/Assignee's seizen in deed, and lawful acknowledgment, delivery, acceptance, possession and occupation only applies to that portion of stated original Land Grant/Patent Name/Number(s) 1829 and/or 2001 as is described by legal description in this document and not the whole thereof. This includes all hereditaments, appurtenances, property, tenements, and all rights, including preemption rights and other rights as protected by law. This recording will not be construed as to deny or infringe upon any rights of lawfully documented owners to claim the remaining portion thereof. Any challenges to the validity of this Declaration and Notice are subject to all terms, conditions and limitations as stated herein.

Failure of any lawful party in interest to bring forward a lawful challenge to this Declaration and Notice of Land Grant/Patent, as stipulated herein, will be laches and estoppel to any and all parties of interest. Failure to make a lawful claim, as indicated herein, within ninety (90) calendar days of this notice, will forever bar any claimant from any claim against my/our allodial estate as described herein and will be Final Judgment. Herein Fail Not.

Carole Ann Malin

Grantee/Assignee (Print Name)

Date

Grantee/Assignee Signature

Grantee/Assignee (Print Name)

Date

Grantee/Assignee Signature

Grantee(s)/Assignee(s) Notice of Update of Land Grant/Patent: Page 3 of 4  
Witness and Jurat on Subsequent Page:

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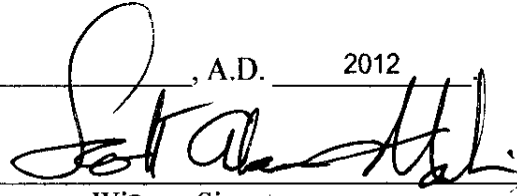
## WITNESS

The above-named Grantor(s)/Assignee(s) known by below-subscribed witnesses or upon satisfactory evidence proven to below-subscribed witnesses to be the same personally appeared before us, as witnesses, with a "Notice of Update of Land Grant/Patent" for the property described in the attached "Land Description", and did affix his/her/their signature(s) thereon.

In witness this 22<sup>nd</sup> day of May, A.D. 2012

Scott Alan Malin

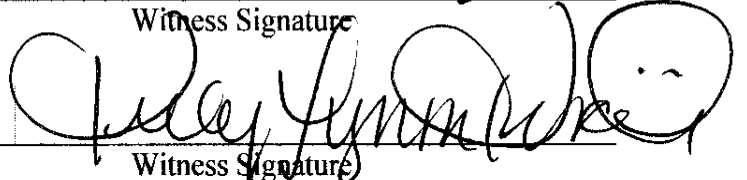
Witness (Print Name)



Witness Signature

Kelly Lynn Kosinski

Witness (Print Name)



Witness Signature

## JURAT

State of Illinois )

County of Cook ) ss/sa

The above-named Grantee(s)/Assignee(s), Carole Ann Malin, personally appeared before me, a Notary, and proved to me on the basis of satisfactory evidence and identification to be the one(s) whose name(s) is/are subscribed to the within instrument, and signed under oath or asseveration that the foregoing facts of his/her/their declaration and notice are true, correct, complete and not misleading, being done this 22<sup>nd</sup> day of May, 2012 anno domini.

Mary J. Janota

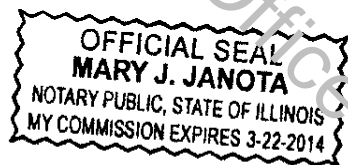
Notary name PRINTED



Notary Signature

3-22-2014

My commission expires



250

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CERTIFICATE  
No. 1829

To all to whom these Presents shall come, Greeting:

WHEREAS

*Robert Lucas of Cook County, Illinois*

has deposited in the GENERAL LAND OFFICE of the United States, a Certificate of the REGISTER OF THE LAND OFFICE of *Chicago* whereby it appears that full payment has been made by the said

*Robert Lucas*

according to the provisions of

the Act of Congress of the 24th of April, 1820, entitled "An Act making further provision for the sale of the Public Lands," for

*the West half of the South West quarter, of Section thirty six, in Township thirty seven North, of Range twelve East, in the District of Land subject to sale at Chicago, Illinois, containing eighty acres*

according to the official plat of the survey of the said Lands, returned to the General Land Office by the SURVEYOR GENERAL, which said tract has been purchased by the said

*Robert Lucas*

NOW KNOW YE, That the

United States of America, in consideration of the Premises, and in conformity with the several acts of Congress, in such case made and provided, HAVE GIVEN AND GRANTED, and by these presents DO GIVE AND GRANT, unto the said

*Robert Lucas*

and to *his* heirs, the said tract above described: TO HAVE AND TO HOLD the same together with all the rights, privileges, immunities, and appurtenances of whatsoever nature, thereunto belonging, unto the said

*Lucas*

*Robert*

and to *his* heirs and assigns forever.

In Testimony Whereof, I,

*Martin Van Buren*

PRESIDENT OF THE UNITED STATES OF AMERICA, have caused these Letters to be made PATENT, and the SEAL of the GENERAL LAND OFFICE to be hereunto affixed.

GIVEN under my hand, at the CITY OF WASHINGTON, the *first* day of *October*

in the Year of our Lord one thousand eight hundred and *thirty nine* and of the INDEPENDENCE OF THE UNITED STATES the Sixty *fourth*

BY THE PRESIDENT:

*Martin Van Buren*

By *M. Van Buren* Sec'y.

*H. M. Garland* Recorder of the General Land Office.

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Property of Cook County Clerk's Office

Department of Land Management  
United States  
7450 Boston Boulevard  
Springfield, MA 01104

May 3, 2012  
Date

I hereby certify that the  
reproduction is a true copy  
of the official record as  
file in this office

E. L. Reed  
Authorized Signature

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## EXHIBIT LEGAL DESCRIPTION

PARCEL 1: UNIT NUMBER 13495 IN OAK HILL CONDOMINIUM V AS DELINEATED ON A SURVEY OF CERTAIN LOTS OR PARTS THEREOF IN BURNSIDE'S OAK HILLS COUNTRY CLUB VILLAGE SUBDIVISION IN THE SOUTHWEST  $\frac{1}{4}$  OF SECTION 36, TOWNSHIP 37 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, WHICH SURVEY IS ATTACHED AS EXHIBIT "A" TO THE DECLARATION OF CONDOMINIUM OWNERSHIP MADE BY BURNSIDE CONSTRUCTION COMPANY RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, COOK COUNTY, ILLINOIS AS DOCUMENT NUMBER 86044455 AS AMENDED, TOGETHER WITH ITS UNDIVIDED PERCENTAGE INTEREST IN THE COMMON ELEMENTS, IN COOK COUNTY, ILLINOIS.

PARCEL 2: EASEMENTS APPURTENANT TO AND FOR THE BENEFIT OF PARCEL 1 FOR INGRESS AND EGRESS AS SET FORTH AND DEFINED IN DOCUMENT NUMBER 23684698, IN COOK COUNTY, ILLINOIS.

P.I.N. (S)

23-36-303-162-1081

Property of Cook County Clerk's Office

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On this date, May 23rd 30th and June 6th, I/we the undersigned Owner(s), do hereby formally make public notice that I/we have acknowledged the below described deed, taken delivery, accepted the deed, taken possession of the land described herein and do, in fact, occupy said land. I/We the Owner(s) have updated the Land Patent for this land and do hereby declare notice of our homestead of this land. I/We hold this land in Fee Simple/Allodium, by Land Grant/Patent, including all appurtenances and hereditaments. To the best of my/our knowledge there is no lawful claim against this land and I/we believe there is no evidence to the contrary.

If any party, man, corporation or other claims any interest in below described land, the party must come forward within ninety (90) ninety calendar days and state your claim or forever hold your peace. Your claim must be lawfully documented by providing the wet ink signature documents that prove your claim against this land. Failure to state your claim within (90) ninety calendar days from the date of the posting of this Public Notice will forever bar any and all claims. Failure to state a claim within ninety (90) ninety calendar days will be final judgment by default and estoppel. Herein Fail Not. This Notice will be posted in a conspicuous public place for no less than (30) thirty consecutive days. This Notice will be posted in a conspicuous public place for no less than the incorporated state statutory requirements.

Land description is included in the above referenced Land Grant/Patent and as commonly known as:

**Address:**

13495 Turtle Pond Lane  
Palos Heights, Illinois [ 60463 ]

All Claimants must deliver all claims to the Owner(s), by mail, at the following location within the (90) ninety calendar days or default. Default will forever bar any future claims. Herein fail not.

**Mail Claims To:**

Carole Ann Malin  
13495 Turtle Pond Lane  
Palos Heights, Illinois [ 60463 ]  
Non-Domestic without the US

Carole Ann Malin  
Owner (Print Name)

*Carole Ann Malin*  
Owner Signature

Owner (Print Name)

Owner Signature

## PUBLIC NOTICE