

# UNOFFICIAL COPY



Doc#: 1405748002 Fee: \$80.00  
Karen A. Yarbrough  
Cook County Recorder of Deeds  
Date: 02/26/2014 09:43 AM Pg: 1 of 22

Prepare By James W Nelson Sr And Verna Nelson Against Deutsche Bank And Indymac Bank For  
The Sum Of 35,760,000,00

Property of Cook County Clerk's Office

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STATE OF Illinois )  
 )  
 COUNTY OF Will )  
 )  
 Verna R. Nelson Bey

DEUTSHE BANK NATIONAL TRUST / INDYMAC BANK

))  
 ) COMMON LAW LIEN  
 ))  
 ) FOR THE SUM OF \$35,760,000.00

### NOTICE

NOTICE is hereby given that this Common Law Lien Claim is being filed in good faith as a legal At-Law-Claim (as distinguished from an equitable or statutory claim) upon and collectible out of personal and real property assets that were held by **DEUTSHE BANK NATIONAL TRUST** and also **INDYMAC BANK** and also out of real property commonly known as **Verna R. Nelson Bey** / stolen property - 294 Seabury Road - Bolingbrook, IL 60440 belonging to **Verna R. Nelson Bey**:

**with the following description:** The Stolen property Verna R. Nelson Bey / private property of the Sovereign Mrs. Nelson Bey / James Nelson Bey The real live man whose of flesh and blood living in the likeness of Almighty God whose Sovereignty granted by God known as, :Verna R. Nelson Bey / James Nelson Bey Sr.

**PERSONAL PROPERTY:** This claim shall operate in the nature of a "security" for the stolen property of the herein described property, performance of obligations related to property of all kinds. This claim is made pursuant to decisions of the United States Supreme Court.

This Common Law Lien is dischargeable only by Claimant, or by a Common Law Jury in a Court of Common Law and according to the rules of Common Law. It

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is not otherwise dischargeable for One Hundred (100) years, and cannot be extinguished due to the death of Claimant, or by Claimant's heirs, assigns, or executors. This Common Law Lien is for the stolen property related to said Claimant, and performance of duty as related to all other assets beginning February 26, 2009 the amount of \$35,760,000.00 lawful money of the United States, a DOLLAR being described in the 1792 US Coinage Acts as 371.25 grains of fine silver, or the equivalent of Gold, notes or other instruments acceptable to Claimant. (Emphasis added).

The failure, refusal, or neglect of Respondent(s) to demand, by all prudent means, that the Sheriff of this County convene a Common Law Jury to hear this action within ninety (90) days from the date of filing of this Instrument will be deemed as prima facia evidence of an admission of "waiver" to all rights on the property described herein. (Neglect; to give reasons on the record for a refusal to call said court has been held a "Waiver"); (see law express and implied in 1 Campd. 410 n., 7 Ind. 21). (Emphasis added.) 1

Common Law Lien definition: One known to or granted by the common law, as distinguished from statutory, equitable, and maritime liens; also one arising by implication of law, as distinguished from one created by the agreement of the parties. It is a right extended to a person to retain that which is in his possession belonging to another, until the demand or charge of the person in possession is paid or satisfied. (Whiteside v. Rocky Mountain Fuel Co., C.C.A.Colo. 101 F.2d 765, 769.) (Emphasis added.) Black's Law Dictionary 6th Edition.

11 USCS ( ) 101, Paragraph (27)(31) defines "lien". The definition is new and is very broad. A lien is defined as a charge against or interest in property to secure payment of debt or performance of an obligation. It includes inchoate lien. In general, the concept of lien is divided into three (3) kinds of liens: judicial liens, security interests, and statutory liens. These three (3) categories are mutually exclusive and are exhaustive except for certain Common Law Liens.

This Common Law Lien supersedes Mortgage Liens, Lis Pendens Liens, and Liens of any other kind.

This is a suit or action at Common Law, and the value in controversy exceeds twenty-two (22) pieces of silver. The controversy is not confined to the question of Title to Property or in relation to other property, but to Claimant's Common Law Claim for the stolen property to the herein described property, and obligations of duties, wherein the Claimant demands that said controversy be determined by a Common Law Jury in a Court of Common Law and according to the Rules of Gonroon Law.

A UCC-1 Financial Statement relating to all Real and Personal Property held by **DEUTSHE BANK NATIONAL TRUST AND INDYMAC BANK** has been

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filed with the Office of The Secretary of State, State of Illinois  
UCC-1 Financial Statement filing No. 2008-2292309-97.01.

## MEMORANDUM OF LAW

This Claim through Common Law Lien is an action at Substantive Common Law, not in Equity, and is for the performance of an obligation of the herein described property and in relation to other properties as of Substantive Common Law, is distinguished from mere, "common law procedure". Lawyers and judges are misinformed to think, plead, rule or order that the substantive common law rights and immunities have been abolished in Illinois or any other state. Only "Common Law procedure" created by the chancel or/chancery has been abolished.

That is to say, the "forms" of common law and equity were abolished, (Kimball v. McIntyre, 3 U 77, 1 P 167), or that the distinctions between the forms of common law and equity were abolished by Rule 2 of Civil Procedure (Donis v. Utah R.R., 3 U 218, 223 P 521).

However, the abolition of mere form, does NOT affect nor diminish our SUBSTANTIVE (Common Law and Constitutional) Rights and immunities (USC 78-2-4,S.2) for substantive law, e.g. our UNALIENABLE Rights Immunities, and has not changed with the state's adoption of Rule 2, combining the courts form, remedial, ancillary adjective procedures, (see Bonding v. Nonatny, 200 Iowa, 227,202 N.W.588) for matters of substance are in the main the same as at substantive Common Law, (Calif. Land v. Halloran, 82U 267,17 P2d 209) and old terms (words and phrases describing law and substantive procedures) used in Common Law can NOT be ignored (O'Neill v. San Pedro RR, 38 U 475, 479, 114 P 127), the modifications resulting being severely limited in operation, effect, and extent (Maxfield v. West 6 U 379,- 24 P 98) for a total abolishment of even the purely equity or purely Common Law forms has NOT been realized, and must ever be kept in mind (Donis v. Utah RR, supra.) Thus a right to establish a "Common Law Lien" is not, and was NOT dependent upon a statute or chancery rule for its creation as a remedy, and where the right to establish a "Common Law Lien" is a part of SUBSTANTIVE Common Law our right is antecedent to creation of the "state" or its chancery/procedure which right runs to time immemorial (Western Union v. Call, 21 SCT 561,181 US 765)

We must be sustained in our acts, mere chancery,  
equity having no jurisdiction so to counter:

"...if the facts stated (see facts related to our "Common Law Lien") entitled litigant (Demandant) to ANY remedy or relief under SUBSTANTIVE LAW (supra), then he has stated good subject

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matter (cause of action)—and the Court MUST enter judgment in (our) favor—in so far as an attack on the sufficiency of (Demandant) leadings are concerned." (Williams v Nelson 45 U 255, 145 P 39; Kaun v McAllister, 1 U 273, affirmed 96 U 587, 24 LEd 615.)"

For "although lawyers and judges have (in their ignorance) buried the Common Law, the Common Law rules us from the grave." (Koffer, Common Law Pleading, Intro.Ch.I, West 1969)

The general rule of the Common Law is expressly adopted by Verna R. Nelson Bey / James Nelson Bey Sr. and is in force in this state and is the Law of the Land and by its operation can impose a Common Law Lien on property in the absence of any specific agreement (see the law express and implied in the class of cases represented by Drumond v. Mills, (1898) 74 N.W.966; Hewitt v. Williams, 47 LaAnn 742, 17 So.269 (1894); Carr v. Dail, 19 S.E.235; McMahon v. Lundin, 58 N.W.827)

The Magna Carta governs as well, retaining and preserving all rights antecedent thereto, which was restated in the (1) Massachusetts Bay Charter. (2) Massachusetts Constitution, and (3) the Federal Constitution, (modeled after the Massachusetts Constitution) after which the Texas and Arizona Constitution is modeled, all construed in pari materia, the State Constitution being a LIMITATION on the state's power (Fox v. Kroeger, 11 9 Tex 511, 35 SW2d 670, 77 ALR 663.), the Constitution acting prospectively - declaring rights and procedures for the future but NOT diminishing rights extant prior to establishment of the state (Grigsby v. Reib, 105 Tex 597, 153 SW 1124; Southern Pacific Co. v. Porter, 160 Tex 329, 331 SW2d 42), and no new powers contrary to our Common Law Rights/Immunities were "granted" to the state.

Common Law Liens at Law supersede mortgages and equity Liens (Drumons Carriage Co. v Mills (1898) 74 NW 966; Hewitt v. Williams 47 LaAnn, 742, 17 So.269; Carr v. Dail, 19SE235; McMahon v. Lundin, "58NW 827) and may be satisfied only when a Court of Common Law is convened pursuant to an order of the elected sheriff. Such Common Law Court forbids the presence of any judge or lawyer from participating or presiding, or the practice of any Equity Law. The ruling of the U.S. Supreme Court in Rich v. Braxton, 158 US 375, specifically forbids judges from invoking equity jurisdiction to remove Common Law Liens or similar "clouds of title". Further, even if a preponderance of evidence displays the lien to be void or voidable, the Equity Court still may not proceed until the moving party has proven that he asks for, and has come "to equity" with "clean hands". (Trice v. Comstock, 570C. A646; West v. Washburn, 138NY Supp.230). **Any official who attempts to modify or remove this Common Law Lien is fully liable for damages.**

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(U.S. Supreme Court; Butz v. Economou, 98 S.Ct.2894; Bell v. Hood, 327 US 678; Belknap v. Schild, 161 US 10; US v. Lee; Bivens v. 6 Unknown Agents, 400 US 862)

Demand is hereby and herewith made upon all public officials under penalty of Title 42, United States Code, Section 1986, not to modify or remove this Lien in any manner. (This Lien is not dischargeable for 100 years and cannot be extinguished due to Claimant's death or by Claimant's heirs, assigns, or executors.) Any Order, Adjudgment, or Decree issuing from a Court of Equity operating against to interfere or remove this At-Law legal lien claim would constitute direct abrogation/deprivation of Claimant's Illinois State and United States Constitutionally guaranteed Rights.

This notice is given inter alia to preclude a jury trial on the certain claim, and to provide for Summary Judgment on the said certain Claim should Respondent admit "waiver" and refuse to call said court.

THIS SAID CLAIM DUE AT LAW IS:

full amount of \$35,760,000.00 as of February 26, 2009 for the stolen property of Verna R. Nelson property, and performance obligation.

The symbol "\$" means "dollar" as defined by the unrepealed (1792) U.S. Coinage Act, which is 371.25 grains of fine silver for each "dollar", (or) the equivalent in currency acceptable to claimant) and is that "Thing" mandated upon the State of Illinois by Article 1:10:1, United States Constitution.

:Verna R. Nelson Bey / James Nelson Bey Sr. demands all Judicial Common Law Rights at all times and in all places along with those rights guaranteed in the Magna Carta, Declaration of Independence, United States Constitution, and the Illinois, State Constitution.

Notice to respond, :Verna R. Nelson Bey / James Nelson Bey Sr. grants Respondent 9 days, exclusive of the day of receipt, to respond to the statements, claims, inquiries and requests above. Failure to respond will constitute, as an operation of Law, the admission of Respondent by tacit procuracy to the statements, claims, answers to inquiries and requests provided above.

Said statements, claims, answers to inquiries and requests shall be deemed STARE DECISIS.

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In the year of 2009

26 of February

Time 10:15am

This is a common law lien – for the sum of Verna R. Nelson Bey, James W. Nelson Sr. & James Nelson III

For to be compensated for our property was located at 294 Seabury Road, Bolingbrook, IL 60440 - it so had a land patent was on our house & deed's coved by our Moorish Temple of our prophet Noble Drew Ali. And the Moorish Nation this house belonged to the Moorish Temple. But on the 26 day of February 2009 around 10:00am - my husband, son & I were subjected to a very bad ordeal. The Will County Sheriff Dept. came to our home and drew guns on my husband & son and kicked the door at the said address of – 294 Seabury Road – Bolingbrook, IL 60440. The sheriff said Indy Mac bank & Deutsche Bank National said go and threw us out of the house. . At that time I Verna Nelson, Wife of James Nelson Sr. was at work. As I do each day about 10:00am, I called and check on him – James – that morning when I call him and he told me that the sheriff and 8 or 9 other sheriff were there with guns drawn on them and they had about a dozen men with black bags & throwing our things out of the house that day it was a bad day.

My husband had been to the courts for and about the house. I ask him how things were going he said I have another court date. Well at that time they came and violated my (our) constitutional rights. For the record I did have my papers (land patent). So at that time I did not know what was going on. We were standing outside in the snow –ice & rain with nowhere to go. So I call my God daughter in GA and told her what had happen. So she told me to go to city hall and get some help. It was late in the evening but I went to the Mayor Office of Bolingbrook – there the Village Manager arranged four nights & four days of shelter for us. Mean time our furniture was destroyed by the freezing rain & the ice cracked our personal belonging. We lost most everything that day /night. The people came along was salvaging our furniture & other things that was in the lawn by the time I got a truck to move our things from the lawn. It was late night and by then we had lost a lot. After the help of the Village – we founded a motel and stayed there for a month. But about 12 days or so my husband were hospitalized for 4 or 5 days from all of the bad weather that he were exposed to at 294 Seabury Road.

Verna R. Nelson Bey:

By Verna R. Nelson Bey  
 IFR  
 Date: 10-30-11

James W. Nelson Sr.:

By James W. Nelson Sr.  
 IFR  
 Date: 10-30-2011

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governments are instituted among men, deriving their just powers from the consent of the governed.  
(Source: Illinois Constitution)

## SECTION 2. DUE PROCESS AND EQUAL PROTECTION

No person shall be deprived of life, liberty or property without due process of law nor be denied the equal protection of the laws. (Source: Illinois Constitution)

## SECTION 6. SEARCHES, SEIZURES, PRIVACY AND INTERCEPTIONS

The people shall have the right to be secure in their persons, houses, papers and other possessions against unreasonable searches, seizures, invasions of privacy or interceptions of communications by eavesdropping devices or other means. No warrant shall issue without probable cause, supported by affidavit particularly describing the place to be searched and the persons or things to be seized.

### DEMAND FOR VERIFIED COMPLAINT

The prosecution has failed to produce a formal complaint meeting the requirements of Corpus Delicti necessary in criminal prosecutions. A formal complaint for criminal prosecution must, on its face establish Corpus Delicti, being 2 conditions: 1. The fact of an injury 2. The existence of criminal causation of that injury.

Injury- 1. The violation of another's legal right, for which the law provides a remedy; a wrong or justice.  
2. Harm or damage. Bodily injury – physical damage Civil injury- physical harm or property damage caused by a breach of contract or by a criminal offense redressed through civil action. Black's Law 7<sup>th</sup> edition.

**The prosecution cannot substantiate any injury suffered by the alleged victim /complainant resulting from the actions of the accused. If there is no injury there is no crime, and where there is no crime there is no subject matter jurisdiction to proceed with prosecution.**

**Attorneys can't testify. Statements of counsel in brief or in oral argument are not facts before the court. Case in point U.S v LAVASCO 431 u.s. 126, 56 L. Ed. 693, 32 S. Ct. 463.**

**GONZALES v BUIST 224 U.S. 126, 56 L. Ed. 693, 32 S. Ct. 463.**



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An indictment shall be signed by the foreman of the Grand Jury and information shall be signed by the State's Attorney and sworn to by him or another. A complaint shall be sworn to and signed by the complainant; Provided, however, that when a citation is issued on a Uniform Traffic Ticket or Uniform Conservation Ticket (in a form prescribed by the Conference of Chief Circuit Judges and filed with the Supreme Court), the copy of such Uniform Ticket which is filed with the circuit court constitutes a complaint to which the defendant may plead, unless he specifically requests that a verified complaint be filed. 725 ILCS 5/111-3(b)

**This means that UNTIL A VERIFIED COMPLAINT HAS BEEN FILED THE COURT HAS NO JURISDICTION TO IMPOSE ANY TYPE OF PUNISHMENT INCLUDING A FINE, ON THE CITIZEN!**

## DEMAND FOR PROOF OF JURISDICTION PERSONA

I, Verna Renee Nelson / James W. Nelson Sr., do hereby challenge the courts jurisdiction in persona as well as Subject Matter Jurisdiction in this case.

I am not a 14<sup>th</sup> Amendment citizen as confirmed by Dyett v. Turner United States Supreme Court & Philip v. State.

Persons of African descent can never be citizens of the United States. Dred Scott v. Sanford United States Supreme Court 1854.

First for the record, on the record I, Verna Renee Nelson / James W. Nelson Sr., formally OBJECT to the Plaintiff/ Petitioner claims of ASSUMED JURISDICTION. I cite McNutt vs. GENERAL MOTORS ACCEPTANCE CORP. 56 S. Ct. 502, which case held ..... Jurisdiction may NEVER be assumed not even by COLORABLE CLAIMS OR STATUS OR BLACK ROBES OR OFFICIALDOM OR APPEARANCES, but must be substantively proven by the PLAINTIFF/ CLAIMANT of said Jurisdiction. Once challenged by ANY PROPER PARTY the Plaintiff/ Petitioner MUST prove their JURISDICTION in a timely manner. Failure to timely prove said claimed Jurisdiction and LACHES INCURRS. Now Title 5 U.S. CODE section 556 (d) which states;

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1. Except as otherwise provided by statute, **the proponent of a rule or order has the burden of proof.** Any oral or documentary evidence may be received, but the agency as a matter of policy shall provide for the exclusion of irrelevant, immaterial, or unduly repetitious evidence. **A sanction may not be imposed or rule or order issued except on consideration of the whole record or those parts thereof cited by a party and supported by and in accordance with the reliable, probative, and substantial evidence.**
  
2. The agency may, to the extent consistent with the interests of justice and the policy of the underlying statutes administered by the agency, consider a violation of section **556(d)** of this title sufficient grounds for a decision adverse to a party who has knowingly committed such violation or knowingly caused such violation to occur. **A party is entitled to present his case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts.**

## ADMINISTRATIVE AGENCIES MUST PROVE THEY HAVE JURISDICTION

Jurisdiction is essential to have validity to the determination of administrative agencies and where jurisdictional requirements are not satisfied, the action of the agency is nullity... **“City Street Improve Co. v. Pearson, 181C 640, 185 P. 962. Oneill v. Dept. of Professional & Vocational Standards 7CA 2d 393, 46 P2d 234.**

Under the authority of the **Administrative Procedure Act at 5 USC 556 ‘D’, BURDEN OF PROOF**, “the proponent of a rule or order bears the burden of proof.” The Supreme Court has stated that “If any tribunal (court) finds absence of proof of Jurisdiction over person and subject matter, **The Case Must Be Dismissed. Louisville RR v. Motley 2111 US 149, 29 S.Ct.42**

**The Commonwealth** (state) is a political corporation. **Commonwealth v. Gibney, 9 Chest. 152 (Com. Pl. 1959)**. The Commonwealth is a political subdivision of the United States and an entity other than government, as it deals with commercial paper, checks, etc., etc., in the world of commerce. The doctrine of incorporation is binding on the states through the Fourteenth Amendment of the United States Constitution, **Gideon v. Wainwright, 372 U.S. 335. 83 S.Ct. 792 (1963)**. Also, see, **28 U.S.C.A. Sections 3002 (2) and (15)(A)**. Governments are corporations, see, **Penhallow v. Doane, 3 Dall. 55. (8/10/99, N.T. pg. 16, lines 22 through pg. 17, line 6; pg. 40, lines 13 through 15, inclusive)**.

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**United States v. Singer, 710 F. 2d 431, 435-36 (8th Cir. 1983)**

Judges are to remain impartial and are prohibited in aiding the prosecution in their case.

**Judicial code of conduct Canon 3:**

A judge should perform the duties of office impartially and diligently.

Article 6 section 2 of the United States of America Constitution, states “The Constitution, and the Laws of the United States which shall be made in pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.” **Marbury v. Madison 5 US 137**

**Black’s Law Dictionary 7<sup>th</sup> Edition.**

**Jure gestionis** is defined as by way of doing business. A nation’s acts that are essentially commercial or private, in contrast to its public acts. Under the Foreign Sovereign Immunities Act a foreign country’s immunity is limited to claims involving its public acts. The Acts’ immunity does not extend to claims arising from private or commercial acts of a foreign state. 28 USCA sec. 1605.cf.

**Kimes v. Stone , 84 F.3d 1121, 1128 (9<sup>th</sup> Cir. 1996):**

The federal common law did not provide immunity for private parties accused of conspiring with a judge to deprive someone of their constitutional rights, therefore the attorney defendants are not entitled to immunity under federal law.

Take notice to all parties involved Affiant will seek redress for any further damages under **United States Civil Code Title 42 Sec 1983, United States Criminal Codes Title 18 Sec 241 & 242 & or The Tucker Act, Title 28 U.S.C Sec 1491.**

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**CLEARFIELD TRUST DOCUMENT.** Governments descend to the level of a mere private corporation, and take on the characteristics of a mere private citizen... Where private corporate commercial paper [Federal Reserve Notes] and securities [checks] is concerned... For purposes of suit, such corporations and individual are regarded as entities entirely separate from government. Clearfield Trust Co. v. United States, 318 U.S. 363-371 (1942). See note.

**Note: The Clearfield Doctrine is stare decisis\*** upon all courts, and imposes that “an entity cannot compel performance upon its corporate status or corporation, is the Holder in Due Course of some contract or commercial agreement between it, and the one on whom its demands for performance are made, and is willing to produce said document, and to place the same into evidence before trying to enforce its demands.

**\*STARE DECISIS.** n. [Latin “to stand by things decided”] The doctrine of precedent, under which it is necessary for a court to follow earlier judicial decisions when the same points arise again in litigation. Black’s Law Dictionary 7<sup>th</sup> Edition

All laws repugnant to the Constitution are null and void. Marbury v. Madison, 5 U.S. 137, 174, 176

“Unconstitutional – conflicting with some provision of the U.S. Constitution. A statute found to be unconstitutional is considered void or as if it had never been, and consequently all rights, contract or duties that depend on it are void. Similarly, no one can be punished for having refused obedience to an unconstitutional law.”

An unconstitutional act is not law; it confers no rights; it imposes no duties affords no protection; it creates no office; it is in legal contemplation, as an inoperative as though it had never been passed.”

Norton v. Shelby County 118 US 425

Sovereign Verna Renee Nelson / James W. Nelson Sr., would be denied due process of law, IF THE STATE OF ILLINOIS JUDICIAL CIRCUIT COURT OF WILL COUNTY, and SUPERVISING JUDGE OR JUDGE....., pursued to assert jurisdiction without proof of jurisdiction on the record, and there can be no assertion of subject matter jurisdiction nor person am jurisdiction without a valid statute to give the named agents authority to bring a case or hear a case, and no such statute is present or evidenced in this case.

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Further Affiant says not. Notice to Respond.

The Affiants Sovereign Verna Renee Nelson / James W. Nelson Bey Sr. grants Respondent 15 days, exclusive of the day of receipt, to respond to the statements, claims, inquires and requests above.

Failure to respond will constitute, as an operation of Law, the admission of Respondent by tacit procurement to the statements, claims, answers to inquiries and requests provided above. Said statements, claims, answers to inquiries and requests shall be deemed STARE DECISIS.

In the event Respondent defaults to Sovereign Verna Renee Nelson / James W. Nelson Bey Sr.'s administrative process, Respondent may not argue, controvert, or otherwise protest the administrative findings entered thereby in any subsequent administrative or judicial proceeding. Respondent's response must be served upon Petitioner exactly as provided:

## **Prayer for Relief**

**Re: INVOICE**

**NOTICE OF DEMAND SETTLEMENT**

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Now comes Affiant Sovereign James Nelson Bey Sr / Verna Renee Nelson, In Propria Sui Juris and in the likeness of God in whom I, We, get our Sovereignty from, invokes **Title 28 § 1746 -1** to request full compensation of private property taken from our family by way of **Duress**, on the grounds of **NO JURISDICTION, FRAUD, AND LARCENY, THEFT AND OTHER CRIMES ETC. / COMPENSATORY / PUNITIVE DAMAGES**. The affiant a Sovereign Citizen, hereby places all parties and the Court on notice, **Pursuant to Ded. R. Civ. P. 201 (d)**, Mandatory Judicial Notice is hereby given to you and Mandatory Notice of the use of foreign Law in any further proceedings in this matter. The foreign Law to be used by Affiant includes, but not limited to the **Constitution of the De Jure General Government of the Republic of the United States of America** according to the **Law of Nations "Art. 1, § 8, Clause 10, C.U.S. And USC Title 28, Section 1746 (1) as the law of the United States of America..... USC Title 28 § 1746 (1) (1)"**

**Color of Authority**. The appearance of presumption of authority sanctioning a public officer's action. The authority derives from the officer's apparent title to the office or from a writ or other apparently valid process the officer bears (**Cases: Officers and Public Employees 41 C.J.S. Officers and Public Employees 11, 342.**)

**Color of Law**. The appearance of semblance, without the substance, of a legal right. The term usually implies a misuse of power made possible because the wrongdoer is clothed with the authority of the state. State action is synonymous with color of state law in the context of federal civil-rights statutes or criminal. See state Action. Cases: **Civil. Rights 1323 C.J.S. Civil Rights 92-94.**

**The State did not give the Citizen his rights and thus cannot take them away as it chooses. The State did not establish the settled maxims and procedures by which a citizen must be dealt with, and thus cannot abrogate or circumvent them. It thus is well settled that legislative enactments do not constitute the law of the land, but must conform to it.**

**Any court, government or government officer who acts in violation of, in opposition or contradiction to the foregoing, by his, or her, own action, commits treason and invokes the self-executing Sections 3 and 4 of the 14<sup>th</sup> Amendment and vacates his, or her, office. It is the duty of every lawful American Citizen to oppose all enemies of this Nation, foreign and DOMESTIC.**

### **Deprivation of rights under color of law 18 USC Sec. 242**

"Whoever, under color of any law, Statute, ordinance, regulation, of custom, willfully subjects any inhabitant of any State, Territory, or District to the deprivation of any rights privileges, of immunities secure, or protected by the Constitution or laws of the United States, or to different punishments pains or trace, than are prescribed for the punishment imprisoned not more than one year, or both;

Statement of Facts are as Follows:

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On or about the date of October 18, 2007 The Judicial Court System of Will County which is in the city of Joliet, Illinois (THE 12 JUDICIAL CIRCUIT of WILL COUNTY) proceeded in a case concerning a foreclosure of the home of Verna Renee Nelson / James W. Nelson Bey Sr. at 294 Seabury Rd. or Bolingbrook, Illinois fraudently. A House with the legal description of : **(Lot 28 in block 37 in Bolingbrook subdivision unit 6, being a subdivision in sections 11 and 12, Township 37 north, range 10, east of the third principal meridian, according to the flat thereof recorded November 5, 1962 as document 976256 in Will County, Illinois situated in Will County, Illinois).** However, the courts took about one year and a half to fraudently take our home by force of guns by using the Will County Sheriff Department. The Will County Sheriff Department came to my house with loaded Guns at me and my family heads. Was it necessary to have the use of loaded guns as if I or my family had committed a heinous crime to vacate a home? Because of the extreme force that Will County used to have me and my family vacate our home in the fashion that they arranged it to be, they, are now part of the redress for the fraud that was taken place on I and my family.

All rights violated are as follows: Armed robbery, Violation of Constitutional Rights, Violation of Sovereignty, Falsified Arrest, Falsified Documents, Conspiracy, Obstruction of Justice, Acts of Piracy, Kidnapping, Threat, Duress, Coercion, Improper Service of Process, Extortion, Fraud, No Jurisdiction over Affiant, No Verified or Sworn Complainant, Larceny, Violation of Oath of Duty....

## **AN UNREBUTTED AFFIDAVIT STANDS AS TRUTH IN COMMERCE**

This phrase means, Claims made in your affidavit, if not rebutted, emerge as the truth of the matter. Legal Maxim: "He, who does deny, admits."

## **AN UNREBUTTED AFFIDAVIT BECOMES THE JUDGEMENT IN COMMERCE**

There is nothing left to resolve. Any proceeding in a court, tribunal, or arbitration forum consists or a contest, or dual, of commercial affidavits wherein the points remaining un-rebutted in the end stand as truth and matters to which the judgment of the law is applied.

**MAXIMS OF COMMERCE See Note, commerce**

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## OR PAY A SUM CERTAIN OF

### TRUE BILL

- 1.) Unlawful seizure of property.....\$100,000.00 4<sup>th</sup> Amendment
- 2.) Deprived of property without Due Process of Law.....\$100,000.00 5<sup>th</sup> Amendment
- 3.) Property Rights (civil).....\$10,000.00 U.S.C. Title 42 Section 1982
- 4.) Fraudulent statement & misrepresentation 3x \$10,000.00 U.S.C. Title 18 Section 1001
- 5.) Extortion.....\$150,000.00 U.S.C. Title 18 Section 3571, Section 3623
- 6.) Fraud.....\$500,000.00 U.S.C. Ch.152 Title 18 § 3571
- 7.) Robbery.....\$35,000.00 U.S.C. Ch. 103 Title 18 § 2118 (a)
- 8.) Conspiracy.....\$35,000.00 U.S.C. Ch.115 Title 18 § 2384
- 9.) Racketeering.....\$35,000.00 U.S.C. Ch. 95 Title 18 § 1951 (a)
- 10.) Fraud.....\$10,000.00 U.S.C. Ch. 47. Title 18 § 1001 (a)
- 11.) Perjury.....\$2,000.00 U.S.C. Ch. 79 Title 18 § 1621
- 12.) Violation of Sovereignty..... 2x 75,000.00
- 13.) Collusion.....\$150,000.00
- 14.) Armed Robbery.....\$35,000.00 U.S.C. Ch. Title § 2118

**total amount of damages.....\$1,192,000.00**  
**Compensatory damages..... x 3 = \$3,576,000.00**  
**Punitive damages.....x10-200 = \$35,760,000.00**



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**Note: Commerce** is antecedent to and more fundamental to society than courts or legal systems, and exists and functions without respect to courts or legal systems, but not vice versa. **Commercial Law**, the non-statutory variety as presented below in **Maxims 1-10**, is the economic extension of **Natural Law** into man's social world and is universal in nature. The foundational, invariant, necessary, and sufficient principles or "**Maxims of Commerce**" are:

1. A workman is worthy of his hire (Exodus 20:15; Lev. 19:13; Matt. 10:10; Luke 10:7; II Tim. 2:6. Legal Maxim: "It is against equity for freemen not to have the free disposal of their own property.").
2. All are equal under the law (God's Law – Moral and Natural Law). (Exodus 21:23-25; Lev. 24:17-21; Deut. 1:17, 19:21; Matt. 22:36-40; Luke 10:17; Col. 3:25, Legal maxims: "No one is above the law." "**Commerce**, by the law of nations, ought to be common, and not to be common, and not to be converted into a monopoly and the private gain of a few.").
3. In Commerce truth is Sovereign (Exodus 20:16; Ps. 117:2; John 8:32; II Cor. 13:8. Legal Maxim: "To lie is to go against the mind." Oriental Proverb: "Of all that is good, sublimity is supreme.").
4. Truth is expressed by means of an affidavit (Lev. 5:4-5; Lev. 6:3-5; Lev. 19:11-13; Num. 30:2; Matt. 5:33; James 5:12).
5. An un rebutted affidavit stands as the truth in commerce. Claims are Made. If they go unchallenged, they emerge as the truth in the matter.
6. An un rebutted affidavit becomes the judgment in Commerce (Heb.6:16-17. Any proceeding in a court, tribunal, or arbitration forum consists of a contest, or "dual," of commercial affidavits wherein the points remaining un rebutted in the end stand as the truth and the matters to which the judgment of the law is applied.).
7. A matter must be expressed to be resolved (Heb. 4:16; Phi. 4:6; Eph. 6:19-21. Legal maxim: "He who fails to assert his rights has none.").
8. He who leaves the battlefield first loses by default (Book of Job; Matt. 10:22. Legal maxim: "He who does not repel a wrong when he can. occasions it.").
9. Sacrifice is the measure of credibility (One who is not damaged, put at risk, or willing to swear an oath on his commercial liability for the truth of his statements and legitimacy of his actions has no basis to assert claims or charges and forfeits all credibility and right to claim authority.) (Acts 7, life / death of Stephen, Legal maxim: "He who bears the burden ought also to derive the benefit.").
10. A lien or claim can be satisfied only through rebuttal by Counter-affidavit point-for-point, resolution by jury, or payment (Gen. 2-3; Matt. 4; Revelation. Legal maxim: "If the plaintiff does not prove his case, the defendant is absolved." ). State v. Monroe, 025 La. 285, 17 So. 2D 331,332

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## Crimes Defined by the United States Code

### **EXTORTION: U.S.C. Ch. 41. Title 18 § 872.**

Whoever being an officer, or employee of the United States or any department or agency thereof .....commits or attempts an act of extortion, shall be fined under this title not more than \$5,000.00 or imprisoned not more than 5 years or both. 1994 Pub. L.103-322

### **THREATS: U.S.C. Ch. 41. Title 18 § 878 § (b)**

Whoever knowingly and willfully threatens to violate section 112, 1116, and 1201 shall be fined under this title not more than \$5,000.00 or imprisoned not more than 5 years or both. Pub. L. 103-322.

### **Ch. 41 § 1951 Interference with commerce by threats or violence (a), (b), (1), (2), and (3)**

(a) Whoever in any way or degree obstructs, delays, or affects commerce or the movement of any article or commodity in commerce, by robbery or extortion or attempts or conspires so to do, or commits or threatens physical violence to any person or property in furtherance of a plan or purpose to do anything in violation of this section shall be fined under this title or imprisoned not more than twenty years, or both. (b) As used in this section—

(1) The term “robbery” means the unlawful taking or obtaining of personal property from the person or in the presence of another, against his will, by means of actual or threatened force, or violence, or fear of injury, immediate or future, to his person or property.....

(2) The term “extortion” means the obtaining of property from another, with his consent, induced by wrongful use of actual or threatened force, violence, or fear, or **under color of official right.**

(3) The term “commerce” means commerce within the District of Columbia, or any Territory or Possession of the United States; all commerce between any point in a State, Territory, Possession, or the District of Columbia and any point outside thereof; all commerce between points within the same State through any place outside such State; and all other commerce over which the United States has jurisdiction. 1994 Pub. L. 103-322 Any violation of this code shall be “fined not more than \$10,000.00.”

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**FRAUD: U.S.C. Ch.47. Title 18 § 1001 (a)**

Whoever in any matter within the jurisdiction of the executive legislative or judicial branch of the Government of the United States knowingly and willfully (1), ... (2)... (3) makes or uses any false writing document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; shall be fined under this title not more than \$10,000.00 and imprisoned not more than 5 years 1994 Pub.L. 103-322.

**KIDNAPPING: U.S.C. Ch. 55 Title 18 §**

**PERJURY: U.S.C. Ch. 79 Title 18 § 1621**

Whoever having taken an oath before a competent tribunal, officer or person, in any case in which a law of the United States authorizes an oath to be administered commits perjury shall be fined under this title not more than \$2,000.00 or imprisoned not more than 5 years or both. 1994 Pub. L. 103-322

**RACKETEERING: U.S.C. Ch. 95 Title 18 § 1951 (a)**

Whoever in any way or degree obstructs or delays, or effects commerce or the movement of any article or commodity in commerce, by robbery or extortion,..... shall be fined under this title not more than \$10,000.00 or imprisoned not more than 5 years or both.

Racketeering is a combination of most of the above crimes. Title 18 of the United States Code § 1961 (RICO) defines it as involving a host of patterned criminal actions that includes but not limited to an act or threat of murder, kidnapping, gambling, arson, and as in the instant case, bribery, robbery, extortion, fraud, and even slavery, etc.

**ROBBERY: U.S.C. Ch.103 Title 18 § 2118 (a)**

Whoever takes or attempts to take from the person or in the presence of another by force or violence or by intimidation,..... shall be fined under this title not more than \$35,000.00, not more than 15 years imprisonment or both.

**MOTOR VEHICLE: U.S.C. Ch.103 Title 18 § 2119**

Shall be fined under this title not more than \$35,000.00, not more than 15 years imprisonment or both. 1994 Pub. L. 103-322.

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## CONSPIRACY: U.S.C. Ch. 115 § 2384

If two or more persons in any state or territory, or in any place subject to the jurisdiction of the United States....by force to seize, take, or possess any property of the United States contrary to the authority thereof, shall be each fined under this title not more than \$20,000.00 or imprisoned not more than 20 years.

**Larceny** – Felonious stealing, taking and carrying, leading, riding, or driving away another’s personal property, with intent to convert it or to deprive owner thereof. The unlawful taking and carrying away of property with intent to appropriate it, to use inconsistent with latter’s rights. The essential elements of a “larceny” are an actual or constructive taking away of the goods or property of another without the consent and against the will of the owner or possessor and with felonious intent to convert the property to the use of someone other than that the owner.

These two officers violated the;

**”Universal Declaration of Human Rights”  
Adopted and Proclaimed by the General Assembly  
Resolution 217 A (III) of December 10, 1948**

✓ **Article 1. violation 1:**

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

✓ **Article 2. violation 2:**

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

✓

✓ **Article 3. violation 3:**

Everyone has the right to life, liberty and security of person.

✓ **Article 4. violation 4:**

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

✓ **Article 7. violation 5:**

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

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✓ Article 8. violation 6:

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

✓ Article 9. violation 7:

No one shall be subjected to arbitrary arrest, detention or exile.

✓ Article 12. violation 8:

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honor and reputation. Everyone has the right to the protection of the law against such interference or attacks.

✓ Article 13. violation 9:

- (1) Everyone has the right to freedom of movement and residence within the borders of each state.
- (2) Everyone has the right to leave country, including his own, and to return to his country.

✓ Article 15. violation 10:

- (1) Everyone has the right to a nationality.
- (2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

✓ Article 18. violation 11:

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

✓ Article 19. violation 12:

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

## Illinois Constitution

### Preamble

“We, the People of the State of Illinois --- grateful to Almighty God for the civil, political and religious liberty which He has permitted us to enjoy and seeking His blessing upon our endeavors --- in order to provide for the health, safety and welfare of the people; maintain a representative and orderly government; eliminate poverty and inequality; assure legal, social and economic justice; provide opportunity for the fullest development of the individual; insure domestic tranquility; provide for the common defense; and secure the blessings of freedom and liberty to ourselves and our posterity - do ordain and establish this Constitution for the State of Illinois.”

### Article 1: Bill of Rights

#### **SECTION 1. INHERENT AND INALIENABLE RIGHTS**

All men are by nature free and independent and have certain inherent and inalienable rights among which are life, liberty and the pursuit of happiness. To secure these rights and the protection of property,

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Under penalty of perjury, I affirm that the information contained in this document is true and correct to the best of my knowledge. All Specific Rights are explicitly reserved, without prejudice, U.C.C. 1-207 / 1-308, Common Law, Law of Nations.

James W. Nelson SR  
In Propria Persona, Pro per, proceeding Sui Juris

2-26-2009  
Date

Subscribed and affirmed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, personally appeared the above-signed, known to me to be the one whose name is signed on this instrument, and has acknowledged to me that he has executed the same.

Witness: Anna L. Nelson Bay

Witness: James W. Nelson SR

Witness: Fahmia Haddad Bay



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