**GENERAL PROCEDURES TO CONSIDER: Step-by-Step**

Asset forfeiture is simple: If a police officer believes (or simply claims) you're a drug dealer, he will take nearly anything you own. Even after determining they can prove nothing against you in a court of law, authorities have a nasty habit of keeping what they have confiscated when you follow the regular procedure for getting back your property. No crime is required. By current wisdom, no evidence (drugs) need be found, no arrest is necessary to allow permanent confiscation of your property. The State presumes that if you have cash at your house over whatever figure the police think is appropriate, then it must be drug money. Every day the State confiscates harmless property and gives hapless seizure victims "due process" by letting them plead with a tight-fisted district attorney for its return. If you have an unconvincing or undocumented explanation of where you got it, it's gone; the government rationale is "you have to prove you didn't get the money from dealing drugs."

Police have powerful incentive to seize your property. When your assets are confiscated the district attorney gets 13.5%, the police get 76.5%, and the state gets 10%. Official abuse of this law is documented in the media regularly. Defense attorneys report seeing an unusual number of clients who have lost cash and property but have not been charged with a crime.

Anyone with a grudge can phone a false tip that can change your life. Suspicion, hearsay, a police vendetta can cost you your car, your cash, your house, your toys, and the clothes in your closet - even though you are guilty of no crime. Such incidents are accelerating throughout the state right now under the "Asset Forfeiture Laws" written by the State Legislature that are enthusiastically endorsed by numerous police agencies. You are now seen as a wonderful source of windfall revenue.

It's time to turn the tables. You have a powerful remedy. Government officials' seizing your property in this manner is itself a cause of action against them. You have a right to the possession of your property. These so-called "Asset Forfeiture Laws" violate the fundamental rules of due process under our State Constitution and you can take advantage of this. In California, no combination of government officials can deprive you of life, liberty, or property prior to the approval of a jury. [Procedures for states other than California are also included, as is information covering "Federal."]

These instructions are written so you can: take advantage of this "Asset Forfeiture Relief" packet; get relief for yourself; obtain the return of your lawful property; put the screws to the acquisitive authorities; and bring an end to this travesty of justice. This remedy is powerful - constitutionally protected under the Common Law. Read all the material in this packet before you consider proceeding.

1. Send a copy of the notarized FINAL NOTICE AND REQUEST TO RETURN CONFISCATED PROPERTY to each of the following: the confiscating officer, all officers in the chain of command above him, and the local District Attorney. Send the copies by certified mail, return receipt requested. Keep the original for your records. Give them two weeks (more time than they deserve) to return all of your confiscated property. Under the Common Law you must pursue and complete this step before you can proceed to step two.
2. After the time limit has passed without response by the government looters, file the COMPLAINT AT LAW with a Summons (see the clerk of the court for the Summons form) and a NOTICE OF LIEN served on each defendant. File the NOTICE OF LIEN (case number stamped by the court clerk) at the County Recorder's Office. You've dropped a very heavy ball on your official harassers' laps. Be sure that you have documented service on each defendant; this is important to fighting any motion to void a default.
3. Two weeks after the COMPLAINT AT LAW has been served on the defendants, serve a copy of the request for interrogatories on each of the defendants.
4. Any Defendant who has not answered the complaint within 30 days after he has been served (35 days if served by mail, return receipt requested) in his individual capacity (Attorneys for the agency which employs him cannot answer for him) is in a state of default. See the clerk of the court for the procedure to obtain a default upon a nonresponding defendant. Defaulting defendants become liable for the amount demanded in the suit.
5. File a motion for default against any defendant who does not respond to your interrogatories within 45 days after service of the Complaint and summons upon him.

**"Federal" Document #1:**

"Notice" to the "Federal" Bureaucrats Responsible for Unlawfully Seizing Your Property that They Face Further Action Under Common Law if They Fail to Promptly Return the Unlawfully Seized Property to You.

[date] From: [name of Plaintiff]

[name of trespasser] [street address of Plaintiff]

[city], [state] [city], [state]

a Republic [zip] a Republic [zip]

BY DECLARATION
TO WHOM IT MAY CONCERN
and Legal Offices of Representation:

FINAL NOTICE AND REQUEST TO RETURN CONFISCATED PROPERTY

YOU ARE HEREBY & HEREIN NOTICED THAT the undersigned continues to ATTEST AND AFFIRM, under penalty of perjury in the state of [state], a Republic, that your offices under the "color of official office," "color of Law," by arbitrarily and capriciously confiscating my non-contraband property without benefit of a jury trial, have committed the following injurious and damaging acts:

1. Abused your authority; see Hafer v. Melo, 112 S. Ct. 358 (1991);
2. Disregarded due process provision of Article 3 § 2 ¶ 3, the Fifth and Sixth Amendments, and the mandatory prohibition of Article 1, Sec. 9, of the United States Constitution, against Bills of Attainder in the form of "pains and penalties" legislated under Federal authority: see Fletcher v. Peck (1810) U.S. (6 Cranch) 87, 138; Cummings v. Missouri (1867), 71 U.S. 277, 323; Selective Service v. Minn. Public Interest Research Group, 468 U.S. 841, 846-841(1983); United States v. Brown, 381 U.S.437, 447-449; Nixon v. Administrator of General Services, 433 U.S. 425, 468, 97 S.Ct. 2777, 2803, 53 L.Ed2d 867 (1977); Garner v. Los Angeles Board, 341 U.S. 716,722 (1951); Miranda v. Arizona, 384 U.S. 436, 491 (1965);
3. Breach of Contract (violation of oath), and Trespass;
4. Total disregard for my personal health, welfare;
5. Harassment and intimidation of myself.

Bluntly, you owe me a jury trial prior to property deprivation under fundamental law, whether you claim your jurisdiction is civil or criminal; see the Supreme Court in United States v. Lovett, 323 U.S. 303, 315-318 (1945); FRCivP Rule 38; Amendments 5 & 6 , United States Constitution. You have already committed an actionable offense against me; this notice is required to afford you opportunity to correct yourself before I take action against you. The undersigned herein states that this is a FINAL NOTICE AND REQUEST TO RETURN CONFISCATED PROPERTY against continued "*malum in se"*actions "under color of law" damaging me through permanent conversion of my property.

This notice fully informs you of the unlawfulness of your actions. This notice constitutes actual notice providing sufficient facts to put a prudent man of ordinary intelligence upon reasonable inquiry as to the above stated facts. It creates the same legal effect as your having actual knowledge; see California Civil Code § 19; Dolch v. Ramsey, 57 C.A.2d 99,105 [2] (1943). For this reason, this notice nullifies "objectively reasonable reliance on the law" as a defense on your part. In any action against you, this notice will be a prominent exhibit displayed to the jury.

Should the property you have unlawfully confiscated from my possession not be returned ON OR BEFORE\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 19\_\_\_\_, request for investigations shall be instigated with the District Grand Jury offices in, and/or District Civil Remedies shall be sought against you in your individual capacity in the Courts with trial by Jury under the Common Law.

FURTHER SAYETH NAUGHT

Declarant, of legal age and sovereign capability to act in his/her behalf, has read the foregoing FINAL NOTICE AND REQUEST TO RETURN CONFISCATED PROPERY and has heard the foregoing statements and brief, and states under penalty of perjury under the laws of the United States of America that the facts and law stated therein are true and correct to the best of his/her knowledge, information, and belief.

Dated:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Signed:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Declarant

 **JURAT**

 STATE OF [STATE] )

 )

 )

 COUNTY OF )

On this, \_\_\_\_\_\_\_day of\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 19\_\_\_\_, before me, the undersigned Notary Public in and for the State of [state], County\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ , [name of Plaintiff] personally appeared and proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the above verification to the above FINAL NOTICE AND REQUEST TO RETURN CONFISCATED PROPERTY and acknowledged to me that he executed the same in his individual capacity, and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the verification.

Witness my hand and official seal

 Signature of Notary My commission expires

**"Federal" Document #2:**

"Complaint at Law" that Commences Formal Action Against Those Who Unlawfully Seized Your Property and Failed to Return the Property Promptly After Being Given Due Notice to do so.

[name of Plaintiff]
[street address]
[name of City], [state]
a Republic [zip]
[phone # of Plaintiff]
As a Sovereign American, in *pro per*
Plaintiff(s) for (WE THE PEOPLE)

 UNITED STATES OF AMERICA, DISTRICT

 COURT OF COMMON LAW PLEADINGS,

 [street address and city of court][state],

 in and for the\_\_\_\_\_\_\_\_\_\_\_ District of the

 REPUBLIC OF THE state of [state],

 County of\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,

 s/REPUBLIC OF [state]

 FOR THE COUNTY OF\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

WE THE PEOPLE OF THE ) CASE NO.

UNITED STATES OF AMERICA )

BY [name of Plaintiff] )

 Plaintiff(s) ) COMPLAINT AT LAW

 )

vs. )

 )

[names of Defendants with their ) ACTION IN TRESPASS and

official capacities] ) SPECIAL ASSUMPSIT

 )

 ) Demand for Trial

 ) by Jury at Common Law

John Does x through 4999 )

 )

All Defendants in ) MEMORANDUM OF LAW

their individual capacities )

 )

 DEFENDANT(S) )

BY DECLARATION:

1. Plaintiff and Declarant, [name of Plaintiff], one of "WE THE PEOPLE" of the United States of America, a Sovereign American of age and full capability to act in his behalf, herein ATTESTS AND AFFIRMS that a conspiracy against the rights of Americans (citizens), and deprivation of said rights under color of law is cause for this Common Law Action in trespass, special assumpsit, BREACH OF CONTRACT is herein made pursuant to declaration of plaintiff in the following common law pleadings at Law.
2. This is a complaint at law for recovery of property and for money judgment; see Pernell v Southall Realty, 416 U.S. 363. Jurisdiction of this court is invoked under Article III, Section 2 of the United States Constitution, 28 U.S.C. 1331, and Amendment VII of the Constitution of the United States of America.
3. Plaintiff confers, consents, accords only to Common Law jurisdiction; plaintiff does not consent nor confer any other type of jurisdiction: admiralty, maritime, equity, statutory, or otherwise. "If the common law can try the cause, and give full redress, that alone takes away the admiralty jurisdiction. This is the principle on which the decisions rest from the remotest periods." United States Supreme Court in Ramsay v. Allegre, 12 Wheat. 611, 631, 632 (1827).

PARTIES AND VENUE

1. Plaintiff and declarant, [name of Plaintiff] , in *pro per*; *sui juris,* of Sovereign capability to act in his behalf, and Citizen *de jure,* without prejudice, [street address], [name of City], [state] [zip].
2. Defendants and respondents [names and known address of individual defendants]
3. Plaintiff is ignorant of the true names and capacities of defendants sued herein as Does1 through 4999, inclusive, and therefore sues these defendants by such fictitious names. Plaintiff will amend this complaint to allege their true names and capacities when ascertained. Plaintiff is informed and believes and thereon alleges that each of these fictitiously-named defendants is making or has a claim to the personal property or funds or obligation herein described which is conflicting with the claims of defendants herein and which may subject plaintiff to vexatious litigation with respect to such property, funds or obligation.
4. All government officials, defendant parties to this action, are sued in their individual capacities; see Hafer v. Melo, 112 S.Ct. 358 (1991).

FIRST CAUSE OF ACTION
TRESPASS

1. By this instrument, Plaintiff accuses the above named Defendants of Trespass, Breach of Contract, and Said defendants, on or about\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, to the present in the County of\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, State of [state], Defendant parties, Federal Officials acting "under color of law," are acting as individuals entitled to no protections under the doctrine of "SOVEREIGN IMMUNITY"; see Hafer v. Melo, 112 S.Ct. 358 (1991).
2. Said Defendants as described above have arbitrarily, and capriciously deprived Plaintiff, [name of Plaintiff], of property [specifically describe property] (Exhibit A [Agency receipts and documents regarding property]) under "color of law" without provision for a judicial trial by jury by reason of the asset forfeiture provisions of Federal Law exceeding Congressional authority under the Federal Constitution. See the prohibition against "Bills of Attainder" in Article 1, Section 9, Clause 3 of the United States Constitution; United States v. Lovett, 328 U.S. 303, 315-318 (1946); Selective Service v. Minn. Public Interest Research Group, 468 U.S. 841, 491 (1965); U.S. Const. Art. 3 § 2 ¶ 3; Amendment 6.
3. Said confiscated property may be, and ordinarily is used for lawful purposes. Defendants refuse to charge Plaintiff with any offense, yet continue to hold Plaintiff's non-contraband property; see People v. One 1941 Chevrolet Coupe, 37 C.2d 283 (1951) on *in rem* seizure actions against property ordinarily used for lawful purposes. Plaintiff warned Defendants on [date] to return Plaintiff's property, and Defendant's refuse to return it. Defendants may not assert personal immunity defenses such as "objectively reasonable reliance on existing law" because they have already been warned of the nature of their error and have refused to correct it (Exhibit B [FINAL NOTICE AND REQUEST TO RETURN CONFISCATED PROPERTY]). Defendants failed to answer or to comply, deny, or to even respond in the time designated. Therefore their omission is to be construed as an admission of the facts stated. This is a fact which cannot be denied.

SECOND CAUSE OF ACTION
BREACH OF CONTRACT

1. Plaintiff has one valid consensual contract with each of the above-named Federal officials. The Sixth Article of the Constitution of the United States requires, "... all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution..." The oath was taken by these officers freely and without reservation as the only condition to holding their positions.
2. These officials have failed to perform their office under oath, specifically denying multiple Constitutional rights or specifically acting against or in excess of their office under a color of law: specifically, depriving Plaintiff of due process under the Fifth Amendment and depriving Plaintiff of property under the color of a law which is a form of "pains and penalties" forbidden by the "Bills of Attainder" prohibition in the Ninth section of the First Article of the Federal Constitution. Such rights or obligations are secured, preserved or defined by the Constitution to prevent such abuses of government officials by their oaths to support the Constitution. Violation of this oath is a breach of contract with the Plaintiff. As stated by Black's Sixth: a "Contract" is "An agreement between two or more persons which creates an obligation to do or not to do a particular thing"; a "breach or contract" is "Failure, without legal excuse, to perform any promise which forms the whole or part of a contract."

WHEREAS Defendants, individually and through the official authority of office did conspire individually and collectively and did TRESPASS upon the Sovereign rights immediately, directly, and by implied force thereby causing injury to Plaintiff's sovereign rights; and WHEREAS Defendants appearing individually through "Color of office" TRESPASS through acts of *"malum in se"* plaintiff has been damaged as follows:

* 1. General Damages: $10,000.00 U.S.D. in lawful money, each defendant;
	2. Punitive or Exemplary Damages: $100,000.00 U.S.D. in lawful money each Defendant;
	3. Special Damages: to be pleaded as follows:
	a. For Conspiracy against the rights of Citizens: $10,000.00 U.S.D. in lawful money, each Defendant;
	b. For Deprivation of Rights under "color of law, office, or under official capacities" : $1,000.00 U.S.D. in lawful money, each Defendant.
	c. for deprivation of property under "color of law" without regard for the minimal standards of Due Process: $10,000.00 U.S.D. in lawful money, each Defendant;
	d. For breach of their individual contracts with plaintiff; the oath of office of each official, the fiduciary responsibility of each bank official: $10,000.00 U.S.D. in lawful money, each Defendant.

WHEREFORE Plaintiff, the premises considered, requests and prays the court try, ascertain, the TRESPASS and violation of contract perpetrated by Defendants, individually, through their official capacities and representations exercising *"malum in se"* with total disregard for Plaintiff's inviolate Sovereign rights; and to adjudicate such Trespass quantitatively and qualitatively through determination from Trial by Jury.

Jury Trial Demand

1. Under Rule 38 of the FRCivP, Plaintiff demands a jury trial as a matter of right secured by the Seventh Amendment to the United States Constitution.

Affirmed and respectfully submitted this\_\_\_\_\_\_ day of\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 19\_\_\_\_

Signed:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.
[name of Plaintiff], in *pro per*
as a Sovereign American

FURTHER SAYETH NAUGHT

**"Federal" Document #3:**

"Memorandum of Law" that Gives Additional Support for the Legal Basis on Which the "Complaint at Law" was Filed

[name of Plaintiff]
[street address]
[name of City], [state]
a Republic [zip]
[phone # of Plaintiff]
As a Sovereign American, in *pro per*
Plaintiff(s) for (WE THE PEOPLE)

 UNITED STATES OF AMERICA, DISTRICT

 COURT OF COMMON LAW PLEADINGS,

 [street address and city of court] [state], in

 and for the\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ District of the

 of the REPUBLIC OF THE state of [state],

 County of\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, s/

 REPUBLIC OF THE state of [state], County of

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, s/ REPUBLIC OF [state]

 FOR THE COUNTY OF\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

WE THE PEOPLE OF THE ) CASE NO.

UNITED STATES OF AMERICA )

BY [name of Plaintiff] )

 PLAINTIFF(S) )

vs. ) MEMORANDUM OF LAW

 ) in support of

[names of Defendants with their ) ACTION IN TRESPASS and

official capacities] ) SPECIAL ASSUMPSIT

 )

John Does x through 4999 )

 )

All Defendants in )

their individual capacities )

 )

 DEFENDANT(S) )

"No Bill of Attainder or *ex post facto* Law shall be passed." - Article 1, Section 9, United States Constitution

No legislature, State or Federal, may pass a Bill of Attainder. See U.S. Const. Art. I, §§ 9-10. F.O.P. Lodge No. 121 v. City of Hobart, 864 F.2d 551, 556 (7th Cir., 1988)

A bill of attainder may affect the life of an individual, or may confiscate his property, or may do both.

In this form the power of the legislature over the lives and fortunes of individuals is expressly restrained...

Fletcher v. Peck, 10 U.S. (6 Cranch) 87, 138, 3 L.Ed. 162,178 (1810

...In 1810 , Chief Justice Marshall, speaking for the Court in Fletcher v. Peck, 6 Cranch 87, 138, stated that "[a] bill of attainder may affect the life of an individual, or may confiscate his property, or may do both." This means, of course, that what were known at common law as bills of pains and penalties are outlawed by the Bill of Attainder Clause. The Court's pronouncement therefore served notice that the Bill of Attainder Clause was not to be given a narrow historical reading (which would exclude bills of pains and penalties), but was instead to be read in light of the evil the Framers had sought to bar: Legislative punishment, of any form or severity, of specifically designated persons or groups. See also Ogden v. Sauders, 12 Wheat. 213, 286. United States v. Brown, 381 U.S. 437, 447 (1964

A bill of attainder is a legislative act which inflicts a punishment without a judicial trial.

If the punishment be less than death, the act is termed a bill of pain and penalties. Within the meaning of the Constitution, bills of attainder include bills of pains and penalties. In these cases the legislative body, in addition to its legitimate functions, exercises the powers and office of judge; it assumes, in the language of the text books, judicial magistracy; it pronounces upon the guilt of the party, without any of the forms or safeguards of trial; it determines the sufficiency of the proofs produced, whether conformable to the rules of evidence or otherwise; and it fixes the degree of punishment in accordance with its own notions of the enormity of the offense.

"Bills of this sort," says Mr. Justice Story, "have been most usually passed in England in times of rebellion, or gross subserviency to the Crown, or of violent political excitement; periods in which all nations are most liable (as well the free as the enslaved) to forget their duties, and to trample upon the rights and liberties of others." Story, Com. § 1344. Cummings v Missouri, (1867) 71 U.S. 277, 323

...On the same day the Cummings case was decided, the Court, in *Ex parte* Garland, 4 Wall, 333, also held invalid on the same grounds an Act of Congress which required attorneys practicing before this court to take a similar oath. Neither of these cases has ever been overruled. They stand for the proposition that legislative acts, no matter what their form, that apply either to named individuals or to easily ascertainable members of a group in such a way as to inflict punishment on them without a judicial trial are either bills of attainder prohibited by the Constitution....

Those who wrote our Constitution well knew the danger inherent in special legislative acts which take away the life, liberty, or property of particular named persons because the legislature thinks them guilty of conduct which deserves punishment. They intended to safeguard the people of this country from punishment without trial by duly constituted courts. See Duncan v. Kahanamoku, 327 U.S. 304. And even the courts to which this important function was entrusted were commanded to stay their hands until and unless certain tested safeguards were observed. An accused in court must be tried by an impartial jury [emphasis added], has a right to be represented by counsel, he must be clearly informed of the charge against him, the law which he is charged with violating must have been passed before he committed the act charged, he must be confronted by the witnesses against him, he must not be compelled to incriminate himself, he cannot twice be put in jeopardy for the same offense, and even after conviction no cruel and unusual punishment can be inflicted upon him. See Chambers v. Florida, 309 U.S. 227, 235-238. When our Constitution and Bill of Rights were written, our ancestors had ample reason to know that legislative trials and punishments were too dangerous to liberty to exist in the nation of free men they envisioned. And so they proscribed bills of attainder... United States v. Lovett, 328 U.S. 303, 315-319 (1946

The District Court held that § 12(f) falls within the category of congressional actions that Art. I, § 9, cl. 3, of the Constitution bars by providing that "[N]o Bill of Attainder...shall be passed." A bill of attainder was most recently described by this court as "a law that legislatively determines guilt and inflicts punishment upon an identifiable individual without provision of the protections of a judicial trial." Nixon v. Administrator of General Services, 433 U.S. 425, 468 (1977); see United States v. O'Brien, 391 U.S. 367, 383, n. 30 (1968); United States v. Lovett, 328 U.S. 303, 315 (1946). Appellants argue that § 12(f) does not satisfy any of these three requirements, i.e., specification of the affected persons, punishment, and lack of a judicial trial. [We agree with appellants that the statute does not single out an identifiable group that the denial of Title IV aid does not constitute punishment. Appellants also argue that § 12(f) does not dispense with a judicial trial, noting that a hearing is provided in the event of disagreement between the applicant and the Secretary about whether the applicant has registered, §12(f)(4), and that the decision made at that hearing is subject to judicial review. Appellants' argument is meritless. Congress has not provided a judicial trial to those affected by the statute[emphasis added]. Selective Service v. Minn. Public Int. Research Group, 468 U.S. 841, 846, 847 (1983).]

Where Rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them. Miranda v. Arizona, 384 U.S. 436, 491 (1965

Those terms "law of the land" do not mean merely an act of the general assembly. If they did, every restriction upon the legislative authority would be at once abrogated. For what more can the citizen suffer than to be "taken, imprisoned, deprived of his freehold, liberties, and privileges, be outlawed, exiled, and destroyed, and be deprived of his property, his liberty, and his life," without crime? Yet all this may he may suffer if an act of the assembly simply denouncing those penalties upon particular persons, or a particular class of persons, be in itself a law of the land within the sense of the constitution; for what is, in that sense, the law of the land, must be duly observed by all, and upheld and enforced by the courts.

In reference to the infliction of punishment and divesting of the rights of property, it has been repeatedly held in this state, and it is believed in every other of the union, that there are limitations upon the legislative power, notwithstanding those words; and that the clause itself means that such legislative acts as profess in themselves directly to punish persons, or to deprive the citizen of his property, without trial before the judicial tribunals, and a decision upon the matter of right, as determined by the laws under which it is vested, according to the course, mode, and usages of the common law, as derived from our forefathers, are not effectually "laws of the land," for those purposes. Hoke v. Henderson, 25 Am. Dec. 677, 688, 689 (1833) Supreme Court of North Carolina

"...While property kept in violation of law which is incapable of lawful use and declared to be a nuisance *per se* may be forfeited without a trial by jury under the police power, it does not follow that property ordinarily used for lawful purposes - innocent property - may be forfeited without a trial by jury where an issue of fact is joined as to whether the property was being used for an unlawful purpose or is to be taken from innocent owner. There is no general constitutional right to a jury trial in actions for the seizure and forfeiture of contraband articles. But property is not contraband or a public nuisance merely because it was instrumental in the commission of a public offense.

"[5] It is argued that this proceeding for the forfeiture of property used in violation of law is a special proceeding, equitable in nature... The right to a trial by jury cannot be avoided by merely calling an action a special proceeding or equitable in nature. If that could be done, the Legislature, by providing new remedies and new judgments and decrees in form equitable, could in all cases dispense with jury trials, and thus entirely defeat the provision of the Constitution. The legislature cannot convert a legal right into an equitable one so as to infringe upon the right of trial by jury. The provision of the Constitution does not permit the legislature to confer on the courts the power of trying according to the course of chancery any question which has always been triable according to the course of the common law by a jury. If the action has to deal with ordinary common-law rights cognizable in courts of law, it is to that extent an action at law. In determining whether the action was one triable by a jury at common law, the court is not bound by the form of the action but rather by the nature of the rights involved and the facts of the particular case - the gist of the action. A jury trial must be granted where the gist of the action is legal, where the action is in reality cognizable at law...

"[6]... The constitutional right of trial by jury is not to be narrowly construed. It is not limited strictly to those cases in which it existed before the adoption of the Constitution but is extended to cases of like nature as may afterwards arise. It embraces cases of the same class thereafter arising. At common law, prior to the adoption of the Constitution, a party against whom the forfeiture of property used in violation of law (then a carriage, wagon, horse or mule, now usually an automobile), was sought to be enforced was entitled to a trial by jury. Consequently such rights exists now. The introduction of a new subject into a class renders it amenable to its general rules, not to its exceptions.

"[7] There were petty offenses against statutes or municipal ordinances which were not triable by jury at the time the Constitution was adopted. As to them, the right of trial by jury has never existed; and, hence they were triable without a jury when the Constitution was adopted; they are now triable without a jury. Blackstone gives a number of illustrations. In none of the illustrations given by Blackstone was the power sanctioned or upheld to enforce, in a summary proceeding, without a jury, the forfeiture of property which may be, and ordinarily is, used for lawful purposes...

"[8] We conclude that this forfeiture proceeding by the State is the type of action which was cognizable in a common-law court, and triable by a jury in the Court of Exchequer, according to the course of the common law; that trial by jury was recognized as a right in the trial of actions for the forfeiture or property seized because used in violation of law at common law at the time of the adoption of the Constitution of California, and that appellant had a constitutional right to a trial by jury of the issues of fact in this case.

"[9] The denial of a trial by jury to one constitutionally entitled thereto constitutes a miscarriage of justice and requires a reversal of the judgment. (Cowlin v. Pringle, 46 Cal.App.2d 472, 476 [116 P.2d 109].)" People v. One 1941 Chevrolet Coupe, 37 C.2d 283, 299, 300 (1951

"A decision is arbitrary or capricious when it is not supported by evidence or when there is no reasonable justification for the decision." Canty v. Board of Education, City of New York, 312 F. Sup. 254, 256 [5] (S.D.N.Y., 1970)

"[3]... While the plaintiff in a personal-capacity suit need not establish a connection to governmental "policy or custom," Officials sued in their personal capacities, unlike those sued in their official capacities, may assert personal immunity defense such as objectively reasonable reliance on existing law. *Id*., at 166-167, 105 S.Ct., at 3105-3106." Hafer v. Melo, 113 S.Ct. 358, 362 (1991

"This Court has long assumed that actions to recover land, like actions for damages to a person or property, are action at law triable to a jury. In Whitehead v. Shattuck, 138 U.S. 146, 151, for example, we recognized that 'it would be difficult, and perhaps impossible, to state any general rule which would determine, in all cases, what should be deemed a suit in equity as distinguished from an action at law...; but this may be said, that, where an action is simply for the recovery and possession of specific real or personal property, or for recovery of a money judgment, the action is one at law." "The distinction between 'title to and possession of property, of course, was well recognized at common law. But however relevant it was for certain purposes, it had no bearing on the right to jury trial. The various forms of action which the common law developed for the recovery of real property were also actions at law in which trial by jury was afforded." Pernell v. Southall Realty, 416 U.S. 363

The Phrase 'common law' found in this clause, is used in contradistinction to equity, and admiralty, and maritime jurisprudence. Parsons v. Bedford, 3 Peter 433, 447 (1830)

If the common law can try the cause and give full redress, that alone takes away the admiralty jurisdiction. Ramsey v. Allegrie, 25 U.S. (12 Wheaton) 611, 631 (1827

A complaint may not be dismissed on motion if it states some sort of claim, baseless though it may prove to be and inartistically as the complaint may be drawn. This is particularly true where the plaintiff is not represented by counsel. Brooks v. Pennsylvania R. Co., 91 F. Supp. 101 (1950

"A person may not have actual knowledge of certain facts, but if he has knowledge of sufficient facts to cause a reasonably prudent person of ordinary intelligence to make inquiry, the law will impute knowledge of those facts which may be easily ascertained by reasonable inquiry. When the law imputes knowledge, it has the same legal effect as though there was actual knowledge." Dolch v Ramsey, 57 C.A.2d 99, 105 [2] (1943

"The Trial of all Crimes [emphasis added], except in Cases of Impeachment, shall be by Jury." Article 3, Section 2, United States Constitution

"... Nor shall private property be taken for public use, without just compensation." U.S. Constitution, Amendment 5

" In all criminal prosecutions [emphasis added], the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense." U.S. Constitution, Amendment 6

DATE:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

x:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**"State" Document #1:**

"Notice" to the "State" Bureaucrats Responsible for Unlawfully Seizing Your Property that They Face Further Action Under Common Law if They Fail to Promptly Return the Unlawfully Seized Property to You.

[date] From: [name of Plaintiff]

[name of trespasser] [street address of Plaintiff]

[address of trespasser] [city], [state]

[city], [state] a Republic [zip]

a Republic [zip

BY DECLARATION
To [State agent] and Legal Offices of Representation:

FINAL NOTICE AND REQUEST TO RETURN CONFISCATED PROPERTY

YOU ARE HEREBY & HEREIN NOTICED THAT the undersigned continues to ATTEST AND AFFIRM, under penalty of perjury in the state of [state], a Republic, that your offices under the "color of official office," "color of Law," by arbitrarily and capriciously confiscating my non-contraband property without benefit of a trial by jury, have committed the following injurious and damaging acts:

1. Abused your authority; see Hafer v. Melo, 112 S. Ct. 358 (1991);
2. Disregarded due process provision of Article 3 § 2 ¶ 3, the Fifth and Sixth Amendments, and the mandatory prohibition of Article 1, Sec. 9, of the United States Constitution, against Bills of Attainder in the form of "pains and penalties" legislated under Federal authority: see Fletcher v. Peck (1810) U.S. (6 Cranch) 87, 138; Cummings v. Missouri (1867), 71 U.S. 277, 323; Selective Service v. Minn. Public Interest Research Group, 468 U.S. 841, 846-841(1983); United States v. Brown, 381 U.S.437, 447-449; Nixon v. Administrator of General Services, 433 U.S. 425, 468, 97 S.Ct. 2777, 2803, 53 L.Ed2d 867 (1977); Garner v. Los Angeles Board, 341 U.S. 716,722 (1951); Miranda v. Arizona, 384 U.S. 436, 491 (1965);
3. Breach of Contract (violation of oath), and Trespass;
4. Total disregard for my personal health, welfare;
5. Harassment and intimidation of myself.

Bluntly, you owe me a trial by jury prior to property deprivation under fundamental law, whether you claim your jurisdiction is civil or criminal; see the Supreme Court in United States v. Lovett, 323 U.S. 303, 315-318 (1945); FRCivP Rule 38; Amendments 5 & 6 , United States Constitution. You have already committed an actionable offense against me; this notice is required to afford you opportunity to correct yourself before I take action against you. The undersigned herein states that this is a FINAL NOTICE AND REQUEST TO RETURN CONFISCATED PROPERY against continued *"malum in se"* actions "under color of law" damaging me through permanent conversion of my property.

This notice fully informs you of the unlawfulness of your actions. This notice constitutes actual notice providing sufficient facts to put a prudent man of ordinary intelligence upon reasonable inquiry as to the above stated facts. It creates the same legal effect as your having actual knowledge; see California Civil Code § 19; Dolch v. Ramsey, 57 C.A.2d 99,105 [2] (1943). For this reason, this notice nullifies "objectively reasonable reliance on the law" as a defense on your part. In any action against you, this notice will be a prominent evidence displayed to the jury.

Should the property you have unlawfully confiscated from my possession not be returned ON OR BEFORE\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_, request for investigations shall be instigated with the District Grand Jury offices in, and/or District Civil Remedies shall be sought against you in your individual capacity in the Courts with trial by Jury under the Common Law.

FURTHER SAYETH NAUGHT

Declarant, of legal age and sovereign capability to act in his/her behalf, has read the foregoing FINAL NOTICE AND REQUEST TO RETURN CONFISCATED PROPERY and has heard the foregoing statements and brief, and states under penalty of perjury under the laws of the United States of America that the facts and law stated therein are true and correct to the best of his/her knowledge, information, and belief.

Dated:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signed:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Declarant

 **JURAT**

STATE OF [STATE] )

 )

 )

COUNTY OF )

On this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ , 20\_\_\_\_, before me, the undersigned Notary Public in and for the State of [state], County of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ [name of Plaintiff] personally appeared and proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the above verification to the above FINAL NOTICE AND REQUEST TO RETURN CONFISCATED PROPERTY and acknowledged to me that he executed the same in his individual capacity, and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the verification.

Witness my hand and official seal

Signature of Notary\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

My commission expires\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**"State" Document #2:**

"Complaint at Law" that Commences Formal Action Against Those Who Unlawfully Seized Your Property and Failed to Return the Property Promptly After Being Given Due Notice to do so.

[name of Plaintiff]
[street address]
[name of City], [state]
a Republic [zip]
[phone # of Plaintiff]
As a Sovereign American, in *pro per*
Plaintiff(s) for (WE THE PEOPLE)

 UNITED STATES OF AMERICA, DISTRICT

 COURT OF COMMON LAW PLEADINGS,

 [street address and city of court] [state], in

 and for the\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ District of the

 REPUBLIC OF THE state of [state], County of

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, s/REPUBLIC OF [state]

 FOR THE COUNTY OF\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

THE PEOPLE OF THE ) CASE NO.

STATE OF [STATE] )

BY [name of Plaintiff] )

 PLAINTIFF(S) ) COMPLAINT AT LAW

 )

vs. )

 )

[names of Defendants with their ) ACTION IN TRESPASS and

official capacities] ) SPECIAL ASSUMPSIT

 )

 ) Demand for

 ) Trial by Jury at Common Law

John Does x through 4999 )

 )

All Defendants in ) MEMORANDUM OF LAW

their individual capacities )

 )

 DEFENDANT(S) )

BY DECLARATION:

1. Plaintiff and Declarant, [name of Plaintiff], one of "WE THE PEOPLE" of the Republic of the state of [state], a Sovereign American, of age and full capability to act in his behalf, herein ATTESTS AND AFFIRMS that a conspiracy against the rights of Americans (citizens), and deprivation of said rights under color of law is cause for this Common Law Action in trespass, special assumpsit, BREACH OF CONTRACT, and notice of levy is herein made pursuant to declarations of plaintiff in the following common law pleadings at Law.
2. This is a complaint at law for recovery of property and for money judgment under the common law; see Pernell v. Southall Realty, 416 U.S. 363. Jurisdiction of this court is invoked under Article III, Section 2 of the United States Constitution, 28 U.S.C.1331 and Amendment VII of the Constitution of the United States of America.
3. Plaintiff confers, consents accords only to Common Law jurisdiction: plaintiff does not consent nor confer any other type of jurisdiction: admiralty, maritime, equity, statutory, or otherwise.

PARTIES AND VENUE

1. Plaintiff and declarant, [name of Plaintiff], in *pro per*;*sui juris,* of Sovereign capability to act in his behalf, and Citizen*de jure*, without prejudice, [street address], [name of City], [state] [zip].
2. Defendants and respondents [names and known address of individual defendants
3. Plaintiff is ignorant of the true names and capacities of defendants sued herein as Does 1 through 4999, inclusive, and therefore sues these defendants by such fictitious names. Plaintiff will amend this complaint to allege their true names and capacities when ascertained. Plaintiff is informed and believes and thereon alleges that each of these fictitiously named defendants is making or has a claim to the personal property or funds or obligation herein described which is conflicting with the claims of defendants herein and which may subject plaintiff to vexatious litigation with respect to such property, funds or obligation.
4. All government officials, defendant parties to this action, are sued in their individual capacities; see Hafer v. Melo, 112 S.Ct. 358 (1991).

FIRST CAUSE OF ACTION
TRESPASS

1. By this instrument, Plaintiff accuses the above named Defendants of Trespass, Breach of Contract, and on or about \_\_\_\_\_\_\_\_\_\_\_ , to the present in the County of\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ , State [state], Defendant parties, State Officials acting "under color of law," are acting as individuals entitled to no protections under the doctrine of "SOVEREIGN IMMUNITY"; see Hafer v. Melo, 112 S.Ct. 358 (1991).
2. Said Defendants as described above have deprived Plaintiff, [name of Plaintiff], of property [specifically describe property] (Evidence) [Agency receipts and documents regarding property]) under "color of law" without due process of law by the use of asset forfeiture provisions of *de facto* [state] State Law that violate specific prohibitions in the United States Constitution.
3. Said property may be, and ordinarily is used for lawful purposes. Defendants refuse to charge Plaintiff with any offense, yet continue to hold Plaintiff's property. This forfeiture cannot be sanctioned without a jury trial under [state]'s Constitution; see Article 1, Section 10 of the United States Constitution on prohibitions against any state legislating "Bills of Attainder" in the form of "pains and penalties"; see also Fletcher v. Peck,(1810) 10 U.S. ( 6 Cranch) 87, 138; Cummings v. Missouri, (1867) 71 U.S. 277, 323; United States v. Brown, 381 U.S. 437,447 (1964); Hoke v. Henderson, 25 Am. Dec. 677, 688, 689 (1833); Selective Service v. Minn. Public Interest Research Group, 468 U.S. 841, 846, 848 (1983); Miranda v. Arizona, 384 U.S. 436,491 (1965). Plaintiff warned Defendants on [date] to return Plaintiff's property, and Defendants refuse to return it. Defendants may not assert personal immunity defenses such a "objectively reasonable reliance on existing law" because they have already been warned of the nature of their error and have refused to correct it (Evidence B [FINAL NOTICE AND REQUEST TO RETURN CONFISCATED PROPERTY]). Defendants failed to answer or to , comply, deny, or to even respond in the time designated. Therefore their omission is to be construed as an admission of the facts stated. This is a fact which cannot be denied.

SECOND CAUSE OF ACTION
BREACH OF CONTRACT

1. Plaintiff has one valid consensual contract with each of the above named Federal officials. The Sixth Article of the Constitution of the United States requires, "...all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution..." The oath was taken by these officers freely and without reservation as the only condition to holding their positions.
2. These officials have failed to perform their office under oath, specifically denying multiple Constitutional rights or specifically acting against or in excess of their office under a color of law: specifically, depriving Plaintiff of due process under the Fifth Amendment and depriving Plaintiff of property under the color of a law which is a form of "pains and penalties" forbidden by the "Bills of Attainder" prohibition in Ninth section of the First Article of the Federal Constitution. Such rights or obligations are secured, preserved or defined by the Constitution to prevent such abuses of government officials by their oaths to support the Constitution. Violation of this oath is a breach of contract with the Plaintiff. As stated by Black's Sixth: a "Contract" is "An agreement between two or more persons which creates an obligation to do or not to do a particular thing"; a "breach or contract" is "Failure, without legal excuse, to perform any promise which forms the whole or part of a contract."

WHEREAS Defendants, individually and through the official authority of office did conspire individually and collectively and did TRESPASS upon the Sovereign rights immediately, directly, and by implied force thereby causing injury to Plaintiff's sovereign rights; and WHEREAS Defendants appearing individually through "Color of office" TRESPASS through acts of *"malum in se"* plaintiff has been damaged as follows:

* 1. General Damages: $10,000.00 U.S.D. in lawful money, each defendant;
	2. Punitive or Exemplary Damages: $100,000.00 U.S.D. in lawful money each Defendant;
	3. Special Damages: to be pleaded as follows:
	a. For Conspiracy against the rights of Citizens: $10,000.00 U.S.D. in lawful money, each Defendant;
	b. For Deprivation of Rights under "color of law, office, or under official capacities" : $1,000.00 U.S.D. in lawful money, each Defendant.
	c. for deprivation of property under "color of law" without regard for the minimal standards of Due Process: $10,000.00 U.S.D. in lawful money, each Defendant;
	d. For breach of their individual contracts with plaintiff; the oath of office of each official, the fiduciary responsibility of each bank official: $10,000.00 U.S.D. in lawful money, each Defendant.

WHEREFORE Plaintiff, the premises considered, requests and prays the court try, ascertain, the TRESPASS and violation of contract perpetrated by Defendants, individually, through their official capacities and representations exercising *"malum in se"* with total disregard for Plaintiff's inviolate Sovereign rights; and to adjudicate such Trespass quantitatively and qualitatively through determination from Trial by Jury.

TRIAL BY JURY DEMAND

1. Plaintiff demands a jury trial as a matter of right secured by the Seventh Amendment to the Constitution and confirmed by Rule 38 of the FRCivP.

Affirmed and respectfully submitted this\_\_\_\_\_\_\_ day of\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 199\_\_

Signed:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
[name of Plaintiff], in *pro per* as a Sovereign American

FURTHER SAYETH NAUGHT

**"State" Document #3:**

"Memorandum of Law" that Gives Additional Support for the Legal Basis on Which the "Complaint at Law" was Filed

[name of Plaintiff]
[street address]
[name of City], [state]
a Republic [zip]
[phone # of Plaintiff]
As a Sovereign American, in *pro per*
Plaintiff(s) for (WE THE PEOPLE

 UNITED STATES OF AMERICA, DISTRICT

 COURT OF COMMON LAW PLEADINGS,

 [street address and city of court] [state], in

 and for the\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ District of the

 of the REPUBLIC OF THE state of [state],

 County of\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ , s/

 REPUBLIC OF THE state of [state], County of

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, s/ REPUBLIC OF [state]

 FOR THE COUNTY OF\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

WE THE PEOPLE OF THE ) CASE NO.

UNITED STATES OF AMERICA )

BY [name of Plaintiff] )

 PLAINTIFF(S) )

vs. ) MEMORANDUM OF LAW

 ) in support of

[names of Defendants with their ) ACTION IN TRESPASS and

official capacities] ) SPECIAL ASSUMPSIT

 )

John Does x through 4999 )

 )

All Defendants in )

their individual capacities )

 )

 DEFENDANT(S) )

"No Bill of Attainder or *ex post facto* Law shall be passed." - Article 1, Section 9, United States Constitution

No legislature, State or Federal, may pass a Bill of Attainder. See U.S. Const. Art. I, §§ 9-10. F.O.P. Lodge No. 121 v. City of Hobart, 864 F.2d 551, 556 (7th Cir., 1988)

A bill of attainder may affect the life of an individual, or may confiscate his property, or may do both. In this form the power of the legislature over the lives and fortunes of individuals is expressly restrained... Fletcher v. Peck, 10 U.S. (6 Cranch) 87, 138, 3 L.Ed. 162,178 (1810)

...In 1810 , Chief Justice Marshall, speaking for the Court in Fletcher v. Peck, 6 Cranch 87, 138, stated that "[a] bill of attainder may affect the life of an individual, or may confiscate his property, or may do both." This means, of course, that what were known at common law as bills of pains and penalties are outlawed by the Bill of Attainder Clause. The Court's pronouncement therefore served notice that the Bill of Attainder Clause was not to be given a narrow historical reading (which would exclude bills of pains and penalties), but was instead to be read in light of the evil the Framers had sought to bar: Legislative punishment, of any form or severity, of specifically designated persons or groups. See also Ogden v. Sauders, 12 Wheat. 213, 286. United States v. Brown, 381 U.S. 437, 447 (1964

A bill of attainder is a legislative act which inflicts a punishment without a judicial trial.

If the punishment be less than death, the act is termed a bill of pain and penalties. Within the meaning of the Constitution, bills of attainder include bills of pains and penalties. In these cases the legislative body, in addition to its legitimate functions, exercises the powers and office of judge; it assumes, in the language of the text books, judicial magistracy; it pronounces upon the guilt of the party, without any of the forms or safeguards of trial; it determines the sufficiency of the proofs produced, whether conformable to the rules of evidence or otherwise; and it fixes the degree of punishment in accordance with its own notions of the enormity of the offense.

"Bills of this sort," says Mr. Justice Story, "have been most usually passed in England in times of rebellion, or gross subserviency to the Crown, or of violent political excitement; periods in which all nations are most liable (as well the free as the enslaved) to forget their duties, and to trample upon the rights and liberties of others." Story, Com. § 1344. Cummings v Missouri, (1867) 71 U.S. 277, 323

...On the same day the Cummings case was decided, the Court, in *Ex parte* Garland, 4 Wall, 333, also held invalid on the same grounds an Act of Congress which required attorneys practicing before this court to take a similar oath. Neither of these cases has ever been overruled. They stand for the proposition that legislative acts, no matter what their form, that apply either to named individuals or to easily ascertainable members of a group in such a way as to inflict punishment on them without a judicial trial are either bills of attainder prohibited by the Constitution....

Those who wrote our Constitution well knew the danger inherent in special legislative acts which take away the life, liberty, or property of particular named persons because the legislature thinks them guilty of conduct which deserves punishment. They intended to safeguard the people of this country from punishment without trial by duly-constituted courts. See Duncan v. Kahanamoku, 327 U.S. 304. And even the courts to which this important function was entrusted were commanded to stay their hands until and unless certain tested safeguards were observed. An accused in court must be tried by an impartial jury [emphasis added], has a right to be represented by counsel, he must be clearly informed of the charge against him, the law which he is charged with violating must have been passed before he committed the act charged, he must be confronted by the witnesses against him, he must not be compelled to incriminate himself, he cannot twice be put in jeopardy for the same offense, and even after conviction no cruel and unusual punishment can be inflicted upon him. See Chambers v. Florida, 309 U.S. 227, 235-238. When our Constitution and Bill of Rights were written, our ancestors had ample reason to know that legislative trials and punishments were too dangerous to liberty to exist in the nation of free men they envisioned. And so they proscribed bills of attainder... United States v. Lovett, 328 U.S. 303, 315-319 (1946

The District Court held that § 12(f) falls within the category of congressional actions that Art. I, § 9, cl. 3, of the Constitution bars by providing that "[N]o Bill of Attainder...shall be passed." A bill of attainder was most recently described by this court as "a law that legislatively determines guilt and inflicts punishment upon an identifiable individual without provision of the protections of a judicial trial." Nixon v. Administrator of General Services, 433 U.S. 425, 468 (1977); see United States v. O'Brien, 391 U.S. 367, 383, n. 30 (1968); United States v. Lovett, 328 U.S. 303, 315 (1946). Appellants argue that § 12(f) does not satisfy any of these three requirements, i.e., specification of the affected persons, punishment, and lack of a judicial trial. [We agree with appellants that the statute does not single out an identifiable group that the denial of Title IV aid does not constitute punishment. Appellants also argue that § 12(f) does not dispense with a judicial trial, noting that a hearing is provided in the event of disagreement between the applicant and the Secretary about whether the applicant has registered, §12(f)(4), and that the decision made at that hearing is subject to judicial review. Appellants' argument is meritless. Congress has not provided a judicial trial to those affected by the statute[emphasis added]. Selective Service v. Minn. Public Int. Research Group, 468 U.S. 841, 846, 847 (1983).]

Where Rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them. Miranda v. Arizona, 384 U.S. 436, 491 (1965

"...While property kept in violation of law which is incapable of lawful use and declared to be a nuisance *per se* may be forfeited without a trial by jury under the police power, it does not follow that property ordinarily used for lawful purposes - innocent property - may be forfeited without a trial by jury where an issue of fact is joined as to whether the property was being used for an unlawful purpose or is to be taken from innocent owner. There is no general constitutional right to a jury trial in actions for the seizure and forfeiture of contraband articles. But property is not contraband or a public nuisance merely because it was instrumental in the commission of a public offense.

"[5] It is argued that this proceeding for the forfeiture of property used in violation of law is a special proceeding, equitable in nature... The right to a trial by jury cannot be avoided by merely calling an action a special proceeding or equitable in nature. If that could be done, the Legislature, by providing new remedies and new judgments and decrees in form equitable, could in all cases dispense with jury trials, and thus entirely defeat the provision of the Constitution. The legislature cannot convert a legal right into an equitable one so as to infringe upon the right of trial by jury. The provision of the Constitution does not permit the legislature to confer on the courts the power of trying according to the course of chancery any question which has always been triable according to the course of the common law by a jury. If the action has to deal with ordinary common-law rights cognizable in courts of law, it is to that extent an action at law. In determining whether the action was one triable by a jury at common law, the court is not bound by the form of the action but rather by the nature of the rights involved and the facts of the particular case - the gist of the action. A jury trial must be granted where the gist of the action is legal, where the action is in reality cognizable at law...

"[6]... The constitutional right of trial by jury is not to be narrowly construed. It is not limited strictly to those cases in which it existed before the adoption of the Constitution but is extended to cases of like nature as may afterwards arise. It embraces cases of the same class thereafter arising. At common law, prior to the adoption of the Constitution, a party against whom the forfeiture of property used in violation of law (then a carriage, wagon, horse or mule, now usually an automobile), was sought to be enforced was entitled to a trial by jury. Consequently such rights exists now. The introduction of a new subject into a class renders it amenable to its general rules, not to its exceptions.

"[7] There were petty offenses against statutes or municipal ordinances which were not triable by jury at the time the Constitution was adopted. As to them, the right of trial by jury has never existed; and, hence they were triable without a jury when the Constitution was adopted, they are not triable without a jury. Blackstone gives a number of illustrations. In none of the illustrations given by Blackstone was the power sanctioned or upheld to enforce, in a summary proceeding, without a jury, the forfeiture of property which may be, and ordinarily is, used for lawful purposes...

"[8] We conclude that this forfeiture proceeding by the State is the type of action which was cognizable in a common-law court, and triable by a jury in the Court of Exchequer, according to the course of the common law; that trial by jury was recognized as a right in the trial of actions for the forfeiture of property seized because used in violation of law at common law at the time of the adoption of the Constitution of California, and that appellant had a constitutional right to a trial by jury of the issues of fact in this case.

"[9] The denial of a trial by jury to one constitutionally entitled thereto constitutes a miscarriage of justice and requires a reversal of the judgment. (Cowlin v. Pringle, 46 Cal. App.2d 472, 476 [116 P.2d 109].)" People v. One 1941 Chevrolet Coupe, 37 C.2d 283, 299, 300 (1951

"The legislature is without power to expropriate one's property by a mere legislative enactment." Equitable Savings & Loan Ass'n v. Superior Court, 230 P.2d 119 127 [13-16], District Court of Appeal, Second District Division 2, California (1951) Charner v. Rose, 70 C. 189, 191 (1886)

"Rights of property which have been created by the common law cannot be taken away without due process; but the law itself, as a rule of conduct may be changed at will . . . of the legislature, unless prevented by constitutional limitations [emphasis added]." Western Indemnity Co. v. Pillsbury,170 Cal. 686, 696 (1915

"Thus there is recognized the incontestable proposition that the exercise of the police power, though an essential attribute of sovereignty for public welfare and arbitrary in its nature, cannot extend beyond the necessities of the case and made a cloak to destroy constitutional rights as to the inviolateness of private property." House v. L.A. County Flood Control Dist., 25 C.2d 384, 388, 389 (1944

"[3] . . . While the plaintiff in a personal-capacity suit need not establish a connection to governmental "policy or custom," officials sued in their personal capacities, unlike those sued in their official capacities, may assert personal immunity defenses such as objectively reasonable reliance on existing law. *Id.*, at 166-167, 105 S.Ct., at 3105-3106." Hafer v. Melo,113 S.Ct. 358, 362 (1991

"This Court has long assumed that actions to recover land, like actions for damages to a person or property, are actions at law triable to a jury. In Whitehead v. Shattuck, 138 U.S. 146, 151, for example, we recognized that 'it would be difficult, and perhaps impossible, to state any general rule which would determine, in all cases, what should be deemed a suit in equity as distinguished from an action at law. . . ; but this may be said, that, where an action is simply for the recovery and possession of specific real or personal property, or for recovery of a money judgment, the action is one at law." "The distinction between 'title to and possession of property, of course, was well recognized at common law. But however relevant it was for certain purposes, it had no bearing on the right to a jury trial. The various forms of action which the common law developed for the recovery of real property were also actions at law in which trial by jury was afforded." Pernell v. Southall Realty, 416 U.S. 363.

The Phrase 'common law' found in this clause, is used in contradistinction to equity, and admiralty, and maritime jurisprudence. Parsons v. Bedford, 3 Peter 433, 446.

By common law, they (framers of the Seventh Amendment) meant what the constitution denominated in the third article 'law,' not merely suits which the common law recognized among its old and settled proceedings, but suits in which legal rights were to be ascertained and determined, in contradistinction to those where equitable rights alone were recognized, and equitable remedies were administered; or where, as in the admiralty, mixture of public law and of maritime law and equity was often found in the same suit. Parsons v. Bedford, 3 Peter 433, 447 (1830).

If the common law can try the cause and give full redress, that alone takes away the admiralty jurisdiction. Brooks v. Pennsylvania R. Co., 91 F. Supp. 101 (1959

" A person may not have actual knowledge of certain facts, but if he has knowledge of sufficient facts to cause a reasonably prudent person of ordinary intelligence to make inquiry, the law will impute knowledge of those facts which may be easily ascertained by reasonable inquiry. When the law imputes knowledge, it has the same legal effect as though there was actual knowledge." Dolch v. Ramsey, 57 C.A.2d 99, 105 [2] (1943

Those terms "law of the land" do not mean merely an act of the general assembly. If they did, every restriction upon the legislative authority would be at once abrogated. For what more can the citizen suffer than to be "taken, imprisoned, deprived of his freehold, liberties, and privileges, be outlawed, exiled, and destroyed, and be deprived of his property, his liberty, and his life," without crime? Yet all this may he may suffer if an act of the assembly simply denouncing those penalties upon particular persons, or a particular class of persons, be in itself a law of the land within the sense of the constitution: for what is, in that sense, the law of the land, must be duly observed by all, and upheld and enforced by the courts.

In reference to the infliction of punishment and divesting of the rights of property, it has been repeatedly held in this state, and it is believed in every other of the union, that there are limitations upon the legislative power, notwithstanding those words; and that the clause itself means that such legislative acts as profess in themselves directly to punish persons, or to deprive the citizen of his property, without trial before the judicial tribunals, and a decision upon the matter of rights, as determined by the laws under which it is vested, according to the course, mode, and usages of the common law, as derived from our forefathers, are not effectually "laws of the land," for those purposes. Hoke v. Henderson, 25 Am, Dec. 677, 688, 689 (1833) Supreme Court of North Carolina

DATE:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

X:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**"NOTICE OF WRITTEN INTERROGATORIES
AND NOTICE TO PRODUCE DOCUMENTS"**

[name of Plaintiff]
[Street address of Plaintiff]
[city], [state]
a Republic [zip]
[Plaintiff's phone #]
As a Sovereign American, in *pro per*
Plaintiff(s) for (WE THE PEOPLE

 UNITED STATES OF AMERICA, DISTRICT

 COURT OF COMMON LAW PLEADINGS,

 [street address and city of court] [state], in

 and for the\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ District of the

 REPUBLIC OF THE state of [state], County of

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, s/REPUBLIC OF [state]

 FOR THE COUNTY OF\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

WE THE PEOPLE OF THE ) CASE NO.

STATE OF [STATE] )

BY [name of plaintiff] )

 PLAINTIFF(S) ) Notice of Written Interrogatories

 ) and

 v. ) Notice to produce documents

 )

[names of Defendants with their )

official capacities] )

 )

John Does x through 4999 )

 )

All Defendants in )

their individual capacities )

 )

 DEFENDANT(S) )

PLEASE TAKE NOTICE that the Plaintiff, [name of plaintiff], requests the following interrogatories be answered and copies of documents produced and mailed or delivered to the Plaintiff's address at: [Plaintiff's address]. This request is made pursuant to discovery rights under Federal rules. Thank you for your cooperation.

DATE:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ X:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. Under what statute, and under what regulations and administrative policies was this asset forfeiture established?
2. Have you read the Constitution of the United States?
3. Have you taken an oath binding you to support the Constitution of the United States, as required for all State officers by clause 3 of the Sixth Article of the Constitution, and by 4 U.S.C. §§ 101, 102?
4. Do you believe you have authorization from some other person to violate your oath?
5. Have you ever taken an oath to any entity or organization which you believe supersedes your oath to the Constitution of the United States and the Constitution of the State of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_? If so, what organization?
6. How much money do you expect your office to retain from this seizure?
7. Do you know the meaning of the term "Bill of Attainder"?

Notice to Produce Documents

1. Please send a photocopy of the paperwork justifying your taking of my property, a copy of the statute that allows you to take my property, and a copy of your oath of office.

**"California" Document #1:**

"Notice" to the "California State" Bureaucrats Responsible for Unlawfully Seizing Your Property that They Face Further Action Under Common Law if They Fail to Promptly Return the Unlawfully Seized Property to You.

[date] From: [name of Plaintiff]

[name of trespasser] [street address of Plaintiff]

[address of trespasser] [city], California

[city], California a Republic [zip]

a Republic [zip]

BY DECLARATION

TO WHOM IT MAY CONCERN
and Legal Offices of Representation:

FINAL NOTICE AND REQUEST TO RETURN CONFISCATED PROPERTY

YOUR ARE HEREBY & HEREIN NOTICED THAT the undersigned continues to ATTEST AND AFFIRM, under penalty of perjury in the state of California, a Republic, that your offices under the "color of official office," "color of Law" have committed the following injurious and damaging acts:

1. Abused your authority; see Hafer v. Melo, 112 S.Ct. 358 (1991);
2. Violated my right to possess my property under the California State Constitution; see Article 1, Section 1 of the California State Constitution;
3. Disregarded appropriate state Constitutional Laws with regard to due process; see Klimas v. Mabry, 519 F.2d 842, 848 (8th Cir. 1979); Irvin v. Dowd, 366 U.S. 717, 721-722 (1960); California State Constitution, Article 1§§ 7, 13, 16;
4. Breach of Contract (violation of oath), and Trespass;
5. Total disregard for my personal health, welfare;
6. Harassment and intimidation of myself.

Bluntly, your owe me a trial by jury prior to property deprivation under California's fundamental law; see the California Supreme Court in People v. One 1941 Chevrolet Coupe, 37 C.2d 283 (1951) on *in rem* seizure actions against property ordinarily used for lawful purposes. You have already committed an actionable offense against me; this notice is required to afford you opportunity to correct yourself before I take action against you. The undersigned herein states that this is a FINAL NOTICE AND REQUEST TO RETURN CONFISCATED PROPERTY against continued "*malum in se"*actions "under color of law" damaging me through permanent conversion of my property. This notice nullifies "objectively reasonable reliance on the law" as a defense on your part.

Should the property you have unlawfully confiscated from my possession not be returned ON OR BEFORE\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_, request for investigations shall be instigated with the District Grand Jury offices in\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ County, California, and/or District Civil Remedies shall be sought against you in your individual capacity in the Courts with trial by Jury under the Common Law.

FURTHER SAYETH NAUGHT

Plaintiff, of legal age and sovereign capability to act in his/her behalf, has read the foregoing FINAL NOTICE AND REQUEST TO RETURN CONFISCATED PROPERY and has heard the foregoing statements and brief, and states under penalty of perjury, that the facts and law state therein are true and correct to the best of his/her knowledge, information, and belief.

DATED:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signed:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 [name of Plaintiff]

 STATE OF CALIFORNIA )

 )

 )

 )

 COUNTY OF )

On this\_\_\_\_\_ day of\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 199\_\_\_\_, before me, the undersigned Notary Public in and for the State of California, County of\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, [name of Plaintiff] personally appeared and proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the above verification to the above FINAL NOTICE AND REQUEST TO RETURN CONFISCATED PROPERTY and acknowledged to me that he executed the same in his individual capacity, and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the verification.

Witness my hand and official seal

Signature of Notary\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date of Document\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**"California State" Document #2:**

"Complaint at Law" that Commences Formal Action Against Those Who Unlawfully Seized Your Property and Failed to Return the Property Promptly After Being Given Due Notice to do so.

[name of Plaintiff]
[street address]
[name of City], California
a Republic [zip]
[phone # of Plaintiff]
As a Sovereign American, in *pro per*
Plaintiff(s) for (WE THE PEOPLE)

 SUPERIOR COURT OF COMMON LAW PLEADINGS

 [street address and city of court] California, in

 and for the REPUBLIC OF THE state of California,

 County of\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, s/REPUBLIC OF California

WE THE PEOPLE OF THE ) CASE NO.

STATE OF CALIFORNIA )

BY [name of Plaintiff] )

 PLAINTIFF(S) ) COMPLAINT AT LAW

vs. )

 )

[names of Defendants with their ) ACTION IN TRESPASS and

official capacities] ) SPECIAL ASSUMPSIT

 )

 ) Demand for

 ) Trial by Jury at Common Law

John Does x through 4999 )

 )

All Defendants in ) MEMORANDUM OF LAW

their individual capacities )

 ) NOTICE OF LIEN

 ) CCP 700. 015

 DEFENDANT(S) ) CCP 699.540

BY DECLARATION:

1. Plaintiff and Declarant, [name of Plaintiff], one of "WE THE PEOPLE" of the Republic of the state of California, a Sovereign American, of age and full capability to act in his behalf, herein ATTESTS AND AFFIRMS that a conspiracy against the rights of Americans (citizens), and deprivation of said rights under color of law is cause for this Common Law Action in trespass, special assumpsit, BREACH OF CONTRACT, and notice of levy in herein made pursuant to declarations of plaintiff in the following common law pleadings at law.
2. Jurisdiction of this court is invoked under Article VI, Section 10, Paragraph 2 of the California State Constitution; and Amendment VII of the Constitution of the United States of America.
3. Plaintiff confers, consents, accords only to Common Law jurisdiction; plaintiff does not consent nor confer any other type of jurisdiction: admiralty, maritime, equity, statutory, or otherwise.

PARTIES AND VENUE

1. Plaintiff and declarant, [name of Plaintiff], in pro per; *sui juris,*of Sovereign capability to act in his behalf, and Citizen *de jure*, without prejudice, [street address], [name of City], California [zip].
2. Defendants and respondents [names and known address of individual defendants
3. Plaintiff is ignorant of the true names and capacities of defendants sued herein as Does 1 through 4999, inclusive, and therefore sues these defendants by such fictitious names. Plaintiff will amend this complaint to allege their true names and capacities when ascertained. Plaintiff is informed and believes and thereon alleges that each of these fictitiously named defendants is making of has a claim to the personal property or funds or obligation herein described which is conflicting with the claims of defendants herein and which may subject plaintiff to vexatious litigation with respect to such property, funds or obligation.
4. All government officials, defendant parties to this action, are sued in their individual capacities; see Hafer v. Melo, 112 S.Ct. 358 (1991).

FIRST CAUSE OF ACTION
TRESPASS

1. By this instrument, Plaintiff accuses the above named Defendants of Trespass, Breach of Contract, and Said defendants, on or about \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, to the present in the County of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, State of California, Defendant parties, State Officials acting "under color of law," are acting as individuals entitled to no protections under the doctrine of "SOVEREIGN IMMUNITY"; see Hafer v. Melo, 112 S. Ct. 358 (1991).
2. Said Defendants as described above have deprived Plaintiff, [name of Plaintiff], of property [specifically describe property] (Exhibit A [Agency receipts and documents regarding property] under "color of law" without due process of law by the use of asset forfeiture provisions of California State Law which exceeds the State's authority under the California State Constitution.
3. Said property may be, and ordinarily is used for lawful purposes. Defendants' refuse to charge Plaintiff with any offense, yet continue to hold Plaintiff's property. This forfeiture cannot be sanctioned without a jury trial under California's Constitution; see People v. One 1941 Chevrolet Coupe, 37 C.2d 283 (1951) on *in rem* seizure actions against property ordinarily used for lawful purposes. Plaintiff warned Defendants on [date] to return Plaintiff's property, and Defendant's refuse to return it. Defendants may not assert personal immunity defenses such a "objectively reasonable reliance on existing law" because they have already been warned of the nature of their error and have refused to correct it (Exhibit B [FINAL NOTICE AND REQUEST TO RETURN CONFISCATED PROPERTY]).

SECOND CAUSE OF ACTION
BREACH OF CONTRACT

1. Plaintiff has one valid consensual contract with each of the above named State and local officials. The Sixth Article of the Constitution of the United States requires, ". . . all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath of Affirmation, to support this Constitution. . ."; the oath of office is required before taking such office by the State Constitution, Article xx Section 3. The oath was taken by these officers freely and without reservation as the only condition to holding their positions.
2. These officials have failed to perform their office under oath, specifically denying multiple Constitutional rights or specifically acting against or in excess of their office under a color of law: specifically, depriving Plaintiff of due process and depriving Plaintiff of property without due process which is described under the provisions of the California State Constitution. Such rights or obligations are secured, preserved or defined by the Constitution to prevent such abuses of government officials by their oaths to support the Constitution. Violation of this oath is a breach of contract with the Plaintiff. As stated by Black's Sixth: a "Contract" is "An agreement between two or more persons which creates an obligation to do or not to do a particular thing"; a "breach of contract" is "Failure, without legal excuse, to perform any promise which forms the whole or part of a contract."

WHEREAS Defendants, individually and through the official authority of office did conspire individually and collectively and did TRESPASS upon the Sovereign rights immediately, directly, and by implied force thereby causing injury to Plaintiff's sovereign rights; and WHEREAS Defendants appearing individually through "Color of office" TRESPASS through acts of*"malum in se"* plaintiff has been damaged as follows:

* 1. General Damages: $10,000.00 U.S.D. in lawful money, each defendant;
	2. Punitive or Exemplary Damages: $100,000.00 U.S.D. in lawful money each Defendant;
	3. Special Damages: to be pleaded as follows:
	a. For Conspiracy against the rights of Citizens: $10,000.00 U.S.D. in lawful money, each Defendant;
	b. For Deprivation of Rights under "color of law, office, or under official capacities" $1,000.00 U.S.D. in lawful money, each Defendant.
	c. for deprivation of property under "color of law" without regard for the minimal standards of Due Process: $10,000.00 U.S.D. in lawful money, each Defendant;
	d. For breach of their individual contracts with plaintiff; the oath of office of each official, the fiduciary responsibility of each bank official: $10,000.00 U.S.D. in lawful money, each Defendant.

WHEREFORE Plaintiff, the premises considered, requests and prays the court try, ascertain, the TRESPASS and violation of contract perpetrated by Defendants, individually, through their official capacities and representations exercising *"malum in se"* with total disregard for Plaintiff's inviolate Sovereign rights; and to adjudicate such Trespass quantitatively and qualitatively through determination from Trial by Jury.

1. Plaintiff demands a jury trial as a matter of right secured by the California State Constitution:
"The right of trial by jury shall be secured to all, and remain inviolate forever; but a jury trial may be waived by the parties, in all civil cases, in a manner to be prescribed by law." Article 1, Section 3, California Constitution 1849, Declaration of Rights

Affirmed and respectfully submitted this\_\_\_\_\_\_\_ day of\_\_\_\_\_\_\_\_\_\_\_\_, 199\_\_\_

Signed:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
[name of Plaintiff], in *pro per* as a Sovereign American

FURTHER SAYETH NAUGHT

VERIFICATION

I, [name of Plaintiff], am the Plaintiff/Declarant in this action, and am of legal age, of sovereign capability to act in his behalf, and have read the foregoing ACTION IN TRESPASS, SPECIAL ASSUMPSIT, Demand for Jury Trial at Common Law, and know the contents thereof. The same is true as to my knowledge, except as to those materials which are therein alleged on information and belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury that the forgoing is true and correct and that this declaration was executed on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 199\_\_, at\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, California Republic

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
[name of Plaintiff], in *pro per*
as a Sovereign American

**"California" Document #3:**

"Memorandum of Law" that Gives Additional Support for the Legal Basis on Which the "Complaint at Law" was Filed

[name of Plaintiff]
[street address]
[name of City], California
a Republic [zip]
[phone # of Plaintiff]
As a Sovereign American, in *pro per*
Plaintiff(s) for (WE THE PEOPLE)

 SUPERIOR COURT OF COMMON LAW PLEADINGS

 [street address and city of court] California, in

 and for the REPUBLIC OF THE state of California,

 County of\_\_\_\_\_\_\_\_\_\_\_\_\_\_, s/REPUBLIC OF California

WE THE PEOPLE OF THE ) CASE NO.

STATE OF CALIFORNIA )

BY [name of Plaintiff] )

 PLAINTIFF(S) )

 )

vs. ) MEMORANDUM OF LAW

 ) in support of

[names of Defendants with their ) ACTION IN TRESPASS and

official capacities] ) SPECIAL ASSUMPSIT

 )

 )

 )

John Does x through 4999 )

 )

All Defendants in )

their individual capacities )

 )

 )

 DEFENDANT(S) )

"All men are by nature free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty; acquiring, possessing and protecting property [emphasis added]; and pursuing and obtaining safety and happiness." California State Constitution, Article 1, Section 1.

This inalienable right has been established in the due course of law under the provisions of our State Constitution:
"Where a right to trial by jury has been established under state law, the state cannot deny a particular accused that right without violating even the minimal standards of the due process clause. See Irvin v. Dowd, 366 U.S. 717, 81 S.Ct 1639, 6.L.Ed.2d 751 (1961); Berrier v. Egeler, 583 F.2d 515, 522 (6th Cir. 1978); Wolfs v. Britton, 509 F.2d 304 (8th Cir. 1975). . .; Braley v. Gladden, 403 F.2d 858, 860-861 (9th Cir. 1968)." Klimas v. Mabry, 519 F.2d 842 848 (8th Cir. 1979

"England, from whom the Western World has largely taken its concepts of individual liberty and of the dignity and worth of every man, has bequeathed to us safeguards for their preservation, the most priceless of which is that of trial by jury. This right has become as much American as it was once the most English. Although this Court has said that the Fourteenth Amendment does not demand the use of jury trials in a State's criminal procedure, Fay v. New York, 332 U.S. 261; Palko v. Connecticut, 302 U.S. 319, every State has constitutionally provided trial by jury. See Columbia University Legislative Drafting Research Fund, Index Digest of State Constitutions, 578-579 (1959). In essence, the right to jury trial guarantees to the criminally accused a fair trial by a panel of impartial, "indifferent" jurors. The failure to accord an accused a fair hearing violates even the minimal standards of due process [emphasis added]. In re Oliver, 333 U.S. 257; Tumey v. Ohio, 273 U.S. 510. "A fair trial in a fair tribunal is a basic requirement of due process." In re Murchison, 349 U.S. 133, 136."Irvin v. Dowd, 366 U.S. 717, 721-722 (1960

"The right of trial by jury shall be secured to all [emphasis added], and remain inviolate forever; but a jury trial may be waived by the parties, in all civil cases, in manner to be prescribed by law." Article 1, Section 3, California Constitution 1849, Declaration of Rights

"A person may not by deprived of life, liberty, or property without due process of law [emphasis added] . . ." Article 1, §§ 7, 15, California State Constitution

"Trial by jury is an inviolate right and shall be secured to all [emphasis added], but in a civil cause three-fourths of the jury may render a verdict." Article 1, Section 16, California State Constitution

" . . . While property kept in violation of law which is incapable of lawful use and declared to be a nuisance *per se*may be forfeited without a trial by jury under the police power, it does not follow that property ordinarily used for lawful purposes - innocent property - may be forfeited without a trial by jury where an issue of fact is joined as to whether the property was being used for an unlawful purpose or is to be taken from an innocent owner. There is no general constitutional right to a jury trial in actions for the seizure and forfeiture of contraband or a public nuisance merely because it was instrumental in the commission of a public offense.

"[5] It is argued that this proceeding for the forfeiture of property used in violation of law is a special proceeding, equitable in nature . . .The right to a trial by jury cannot be avoided by merely calling and action a special proceeding or equitable in nature. If that could be done, the Legislature, by providing new remedies and new judgments and decrees in form equitable, could in all cases dispense with jury trials, and thus entirely defeat the provision of the Constitution. The legislature cannot convert a legal right into an equitable one so as to infringe upon the right of trial by jury. The provision of the Constitution does not permit the legislature to confer on the courts the power of trying according to the course of chancery any question which has always been triable according to the course of the common law by a jury. If the action has to deal with ordinary common-law rights cognizable in courts of law, it is to that extent an action at law. In determining whether the action was one triable by a jury at common law, the court is not bound by the form of the action but rather by the nature of the rights involved and the facts of the particular case - the gist of the action. A jury trial must be granted where the gist of the action is legal, where the action is in reality cognizable at law. . .

"[6] . . . The constitutional right of trial by jury is not to be narrowly construed. It is not limited strictly to those cases in which it existed before the adoption of the Constitution but is extended to cases of like nature as may afterwards arise. It embraces cases of the same class thereafter arising. At common law, prior to the adoption of the Constitution, a party against whom the forfeiture of property used in violation of law (then a carriage, wagon, horse or mule, now usually an automobile), was sought to be enforced was entitled to a trial by jury. Consequently such right exists now. The introduction of a new subject into a class renders it amenable to its general rules, not to its exceptions.

"[7] There were petty offenses against statutes or municipal ordinances which were not triable by jury at the time the Constitution was adopted, they are not triable without a jury. Blackstone was the power sanctioned or upheld to enforce, in summary proceeding, without a jury, the forfeiture of property which may be, and ordinarily is, used for lawful purposes. . .

"[8] We conclude that this forfeiture proceeding by the State is the type of action which was cognizable in a common-law court, and triable by a jury in the Court of Exchequer, according to the course of the common law; that trial by jury was recognized as a right in the trial of actions for the forfeiture of property seized because used in violation of law at common law at the time of the adoption of the Constitution of California, and that appellant had a constitutional right to a trial by jury of the issues of fact in this case.

"[9] The denial of a trial by jury to one constitutionally entitled thereto constitutes a miscarriage of justice and requires a reversal of the judgment. (Cowlin v. Pringle, 46 Cal.App.2d 472, 476 [116 P.2d 109].)" People v. One 1941 Chevrolet Coupe, 37 C.2d 283, 299, 300 (1951)

"The legislature is without power to expropriate one's property by a mere legislative enactment." Equitable Savings & Loan Ass'n v. Superior Court, 230 P.2d 119 127 [13-16] District Court of Appeal, Second District Division 2, California (1951), Charner v. Rose, 70 C. 189, 191 (1886)

"Rights of property which have been created by the common law cannot be taken away without due process; but the law itself, as a rule of conduct may be changed at will . . . of the legislature, unless prevented by constitutional limitations [emphasis added]." Western Indemnity Co. v. Pillsbury, 170 Cal. 686, 696 (1915

"Thus there is recognized the incontestable proposition that the exercise of the police power, though an essential attribute of sovereignty for public welfare and arbitrary in its nature, cannot extend beyond the necessities of the case and made a cloak to destroy constitutional rights as to the inviolateness of private property." House v. L.A. County Flood Control Dist., 25 C.2d 384, 388, 389 (1944

"[3]. . . While the plaintiff in a personal-capacity suit need not establish a connection to governmental "policy or custom," officials sued in their personal capacities, unlike those sued in their official capacities, may assert personal immunity defenses such as objectively reasonable reliance on existing law. *Id.*, at 166-167, 105 S.Ct., at 3105-3106." Hafer v. Melo, 113 S.Ct. 358, 362 (1991)

DATE:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

X:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**"Notice of Lien"**

[name of Plaintiff]
[street address]
[city], California
a Republic [zip]
[phone # of Plaintiff

in *pro per, de jure, sui juris*
as a Sovereign American

 SUPERIOR COURT OF COMMON LAW PLEADINGS

 [street and city address of court] California, in

 and for the REPUBLIC OF THE state of California,

 County of\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, s/REPUBLIC OF California

[NAME OF PLAINTIFF], ) CASE NO.

 Plaintiff, )

 ) NOTICE OF LIEN: CCP 699.540

vs. ) CCP 700.015

 )

[name each defendant )

with his official capacity] )

 )

John and Jane Does x through 4999 )

 )

ALL Defendants individually, )

 )

 Defendants )

BY DECLARATION TO : [names of known defendants] and to all other persons known and unknown who may be similarly situated and all other concerned persons and parties yet to be known in the future.

YOUR ARE HEREBY notified that a Common Law Lien and Writ of Attachment on Real and Personal Property is now in effect. Real or Personal Property is currently held by and located at defendants addresses as indicated and at places not known or to be known.

Plaintiff, and lienor, [name of Plaintiff], claims the ATTACHMENT OF THE COMMON LAW LIEN WRIT OF ATTACHMENT ON REAL AND PERSONAL PROPERTY is in the amount of ten million U.S. Dollars, or in numbers, ($10,000,000.00 U.S.D.).

This notice of Common Law Lien shall be valid notwithstanding any other provision of State or Rule regarding the Form of Content of a (Notice of Lien) nor shall it be dischargeable for 100 years, nor shall it be extinguishable due to my death whether accidentally of purposefully, nor dischargeable by my heir, assign, or executors, except by a Common Law Court.

The object and intent of this action is to enable Plaintiff, *Sui Juris*, [name of Plaintiff], to secure sufficient surety for injuries and for restitution and recovery of Money damages claimed against the above-named Defendants/Respondents and to secure and exercise Plaintiff's Rights, Privileges, Immunities, Liberties, and Duties as expressly declared by the Declaration of Independence and secured by the Ordained Constitution for the Union of several Republican States of the United States of America. The particular property described in the attachment hereto styled "Property Description," and all property of Plaintiff in possession of Defendant, or any of them, is and will be subject to attachment and execution to satisfy judgment[s] in these Case "At Common Law."

That date of recording and service of this instrument will be *"Prima Facie"* evidence of the commencement of an action "At Common Law." The neglect, refusal, or failure of the sheriff to convene a Common Law Court within 90 days of date of filing of this instrument will be deemed to be *prima facie* evidence of an waiver of all defendant(s) rights to the below described property:

All properties real and personal known and as yet to be known now and in the future which are or are to be properties, wherever situated, of ALL defendants, individually, and in their official capacities.

A Court of Common Law (12 good men and true) is called to convene pursuant to order of the elected sheriff under Amendment VII of the Bill of Rights, of the United States Constitution, *sine qua non* of the Judicial system extant in the United States of America. Such Common Law Court forbids the presence, participation, or presiding of any judge or lawyer or practitioner of equity law.

TO: ALL Banks, Credit Unions, Savings & Loan Associations, Individuals, Associations, Corporations, Partnerships, Trust Organizations, Estates, *et cetera,* Public or Private, foreign, alien or domestic, in or out of the county of Los Angeles, State of California, or in any of the respective several States of the Union of the United States of America, or operating therein with and/or under permission, license, certificate, employers, trustees, fiduciaries, representatives, receivers, associates, delegates, officers, employees, servants, slaves and/or agents of said Defendants

**NOTICE**

NOTICE IS HEREBY GIVEN that the defendant[s] has/have one or more of the following assets or valuable properties, and are and have become a part of and subject to his Common Law Lien, to wit:

(x) Checking Account(s)
(x) Savings Account(s)
(x) Time Deposit(s)
(x) Safety Deposit(s)
(x) Cash
(x) Future Market(s)
(x) Bonds
(x) Stocks
(x) Platinum
(x) Mutual Funds
(x) Remuneration
(x) Gold
(x) Salaries
(x) Certificate(s) of Deposit
(x) Silver
(x) Wages
(x) Pension(s)
(x) Royalties
(x) Commission(s)
(x) Jewels
(x) ALL movable and/or immovable objects, being mechanical and/or electrical, in the possession, custody, and/or control of the above-named Defendant(s)
(x) ALL Lands, Real Estate, appurtenances thereto, and Any and All Right, Title and/or Interest therein, including but not limited to ALL Water, Timber, Gas, Oil, and/or Mineral Rights and Interest, of whatever kind or nature whatever
(x) All property of Plaintiff, real or personal, tangible of intangible, within the possession or control of Defendant(s);

**DEMAND**

DEMAND IS HEREBY MADE UPON YOU, under "At Law" penalties of the Common Law and/or Title 18 United States Code to immediately attach and secure the aforementioned and described assets and/or property of the Defendants, and not to attempt to remove, modify, alter, circumvent, evade, negate, and/or tamper with this "At Law" Lien in any manner. You are Notified to take and hold the above described assets as security and/or surety for the Plaintiff/Demandant in the above entitled Case "At Law." You are not to transfer, sell, convey or in any manner encumber any of the said properties, or rights to properties, until the issues are resolved by default of the Defendant[s]/Respondent[s] and/or proper adjudication of all issues in a properly set Court of competent Constitutional Jurisdiction, Power, and Authority under Article III, Section 1 and 2, and Article Amendment VII.

The date of filing and service of this instrument will be *"Prima Facie"* evidence of the exercise of Plaintiff/Demandant's duty to execute the Law, and secured Right to Distributive and Commutative Justice, and his superior claims upon, in and over the Right(s), Title(s), and/or Interest(s) to and/or in said properties and any and all rights pertaining thereto, and further, and admission of guilt and confession of judgment, and a "Waiver" of the above-named Defendant(s) to any and all "At Law" or "Equitable" rights to the same property, until judgment is tendered to Plaintiff/Demandant At Law, in Gold and/or Silver coin, IN FULL, plus interest and costs of prosecution. Plaintiff/Demandant claims from the Defendant(s)/Respondent(s) for the trespass and damages incurred by action[s] of Defendant[s]s upon his Rights, pursuant to Plaintiff's ACTION IN TRESPASS and SPECIAL ASSUMPSIT under Case No.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**CAVEAT**

WHOEVER does, conspires to, or attempts to remove, modify, alter, circumvent, evade, negate, and/or tamper with the Common Law Lien in the form of a Writ of Attachment without the express, written consent of the Plaintiff/Demandant's peers, thereby excluding all members, subjects, citizens and/or non-*sui juris* "persons" of the Defacto Democracy Foreign States or Districts, SHALL BE [pursuant to Brailsford v. Georgia, 1 L.Ed 438, 3 Dal (3 U.S.) 1], deemed criminals and/or felons [18 U.S.C.S. 2,3] and SHALL BE subject to arrest, prosecution, trial, judgment and punishment according to Law, in a Court "In/At Law," pursuant to the Ordained Constitution of the Union of States of the United States of America at Article III, Sections 2 and 3, Article VI, Clause 2, and Articles Amendment I, V, VII, IX, and X, and all laws made in pursuance thereof, including, but not limited to, 18 U.S.C.S. 219, 241, 242, 402, 645, 951, 1001, 1018, 1503, and/or 2381, 2384, 2385, and any other applicable Laws pertaining thereto. As stated by the Seventh Amendment to the Constitution of the United States of America, the verdict of the above said Common Law Jury cannot be re-examined by any Court or the United States except according to the rules of the Common Law; see Baltimore & C. Line v. Redman, 295 U.S. 654, 657 (1935).

Pursuant to Hafer v. Melo, 112 S.Ct. 358, No 90-681, Nov. 1991, U.S. Supreme Court, any judicial action that violates the constitutional rights of individuals may be a cause of action in civil litigation against those performing said acts, without any form of immunity, and State officials sued in their individual capacities are "persons" subject to suits for damages under Title 42, USC 1983 notwithstanding Amendment XI to the Constitution of the United States of America, which does not bar such suits at Common Law.

Any official who attempts to modify of remove this Common Law Lien is fully liable for damages pursuant to mandatory rulings of the U.S. Supreme Court in Butz v. Economu, 478 U.S., 478, 98 S.Ct. 2894; Bell v. Hood,327 U.S. 678; Belknap v. Schild,161 U.S. 10; U.S. v. Lee, 106 U.S. 196; Bivens v. 6 Unknown Agents, 400 U.S. 388.

Public employees that attempt to modify, circumvent or negate this Common Law Lien shall be deemed Common Law outlaws and felons or may be prosecuted under Title 42, U.S.C. § 1986.

**MEMORANDUM OF LAW**

The Common Law is rooted in the Constitution of the United States and may not be uprooted by the whims of government. Common Law Liens/Writs of Attachment are a Common Law Remedy being an auxiliary attachment, essentially denoting a proceeding according to the course of Common Law [Chelentis v. Luckenbach Steamship Co., 62 L.Ed 1171]. The Common Law Lien Supersedes mortgages and equitable liens [Drummon Carriage v. Mills, 71 N.W. 99; Hewitt v. Williams , 17 So. 269; Carr v. Dail, 19 S.E. 235; McMaham v. Ludin, 58 N.W. 827], and may be satisfied only when sufficient Tender in payment of debt and/or sufficient property is taken in lieu of the monetary value and thereby fully satisfy the judgment creditor's remedy and extinguish the Debt. The ruling of the United States Supreme Court in Rich v. Braxton, 39 L.Ed. 1022, 158 U.S. 375, specifically denied the power or authority of a judge to invoke Equity Jurisdiction and procedures to remove Common Law Liens or similar "Clouds of Title," even if a preponderance of evidence displays the lien to be void or voidable. The Common Law Jury being the trier of the facts, and not a Commissioner/Magistrate or Chancellor in Equity, and the usurpation and/or abrogation of the providence of the Jury and the Right of the litigants MAY NOT BE ASSUMED even if the preponderance of evidence displays the lien to be void or voidable. The Courts of Equity still may not proceed, or enter judgment thereon until the moving party comes before the court with "Clean Hands," based upon the "Clean Hands Doctrine" and "Power of Estoppel" [West v. Washington, App. Div. 460, 138 N.Y. Supp. 230] and should it appear from the Pleadings that the acts of the party evoking Equity Jurisdiction have been unconscionable, oppressive, iniquitous, or based upon omissions or mistake in agreement, misrepresentation, concealment, or any unfairness, will stay the arm of the court, and cause the case and controversy and Party claiming some benefit from such acts to be turned over to a Court "At Law" of prosecution, trial, judgment, and punishment according to Law. [Pope Mfg. Co. v. Gormully, 36 L.Ed. 426, 144 U.S. 414]. It is further established that judges may be enjoined from interfering with a Citizen's rights [Bramlett v. Peterson, 307 F.Supp. 1049; Pierson v. Ray, 18 L.Ed.2d 288, 386 U.S. 547], and includes individuals wrongfully exercising the vested Powers and Authority of the Office of commissioner, magistrate, and/or judge who commit unlawful acts under color of office. [Duke v. State of Texas, 327 F.Supp. 12189;Yates v. Village of Hoffman Estates Illinois, 209 F.Supp. 757; Vickery v. Dunivan, 279 P.2d 853 (1955); 18 U.S.C.S. 241, 242, 645, 912, and 1001] (Also see: Constitution for the United States of America, Preamble, Article I, Section 8, Clause 9, Article IV, Section 2).

Plaintiff/Demandant is in fact a Citizen of the Republic of the State of California, inhabiting the County of\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, within the Union of the several Republican States of the United States of America, and does hereby exercise the same status and capacity, and claims the above-described property, real and personal, belonging to the said Defendant[s], whether held in trust or other artificial fictitious character, whether in whole or in part, to secure all costs incurred by and accrued to the Plaintiff in obtaining proper adjudication and execution of the Law, in a properly set Judicial Power Court of Lawful, Constitutionally Enumerated, Specified, Competent Jurisdiction and Delegated Authority.

**NO FURTHER NOTICE OR WARNING WILL BE AFFORDED YOU**

Plaintiff, of legal age and sovereign capability to act in his behalf, has read the foregoing statements and brief, and states under penalty of perjury that the facts and law stated therein are true and correct to the best of his knowledge, information, and belief.

Attested this\_\_\_\_\_\_ day of\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 199\_\_.

[name of Plaintiff], *Sui Juris*
Plaintiff/Demandant
as a Sovereign American
in *pro per*

FURTHER SAYETH NAUGHT

**"Notice of Written Interrogatories
and Notice to Produce Documents"**

[name of Plaintiff]
[Street address of Plaintiff]
[city], California
a Republic [zip]
[Plaintiff's phone #]
As a Sovereign American, in *pro per*
Plaintiff(s) for (WE THE PEOPLE)

 SUPERIOR COURT OF COMMON LAW PLEADINGS

 [street and city address of court], California, in

 and for the REPUBLIC OF THE state of California,

 County of\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, s/REPUBLIC OF California

WE THE PEOPLE OF THE ) CASE NO.

UNITED STATES OF AMERICA )

BY [name of plaintiff] )

 PLAINTIFF(S) ) Notice of Written Interrogatories

 ) and

 v. ) Notice to produce documents

 )

[name of Defendants with their )

official capacities] )

 )

John Does x through 4999 )

 )

All Defendants in )

their individual capacities )

 )

 DEFENDANT(S) )

 )

PLEASE TAKE NOTICE that the Plaintiff, [name of plaintiff], requests the following interrogatories be answered and copies of documents produced and mailed or delivered to the Plaintiff's address at: [Plaintiff's address]. This request is made pursuant to discovery rights under Federal and State Statutes. Thank you for your cooperation.

DATE:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

X:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Interrogatories

1. Under what statute, and under what regulations and administrative policies was this asset forfeiture established?
2. Have you taken an oath binding you to support the Constitution of the United States and the Constitution of the State of California, as required for all State officers by the Sixth Article of the Constitution and by the requisite provision in the California State Constitution
3. Have you read the Constitution of the United States?
4. Have you read the Constitution of the state of California
5. Do you believe this oath binds you to refuse to obey any order of any superior officer which may result in your violation of this oath
6. Have you ever taken an oath to any entity or organization which you believe supersedes your oath to the Constitution of the United States and the Constitution of the State of California? If so, what organization
7. How much money do you expect your office to retain from this seizure

Notice to Produce Documents

1. Please send a photocopy of the paperwork justifying your taking of my property, a copy of the statute that allows you to take my property, and a copy of your oath of office.