LAND PATENT A CONTRACT:

Zavala County Appraisal District Case

TABLE OF AUTHORITIES

*Summa Corp. California Ex Rel. Lands Comm’n, 466 U.S. 198 (1984) .1*

*Robberts v. Northville Township, 22 Fed. Appx. 527 C.A. 6 (Mich), 2001 . 1*

POINTS AND AUTHORITIES

Where a land patent granted by a nation antedates the claims of the United States, a state of the Union, or a political subunit of a state, then all matters relating to jurisdiction over the patented property relate back to the controlling laws when the patent was made. Where a treaty or other defeasance makes patented lands part of the United States, a state of the Union, or a political subunit of a state, the Supremacy Clause of the United States Constitution controls; meaning, unless the law granting the land patent recognizes powers later claimed by the United States, a state of the Union, or a political subunit of a state, the United States, a state of the Union, or a political subunit of a state is deprived of the claimed powers. See *Summa Corp. California Ex Rel. Lands Comm’n, 466 U.S. 198 (1984). Controlling authority recognizing states’ and political subunits of states’ power to lay and collect ad valorem taxes expressly addresses land patents granted by the federal government. See Robberts v. Northville Township, 22 Fed. Appx. 527 C.A. 6 (Mich), 2001.*

NATURE OF THE ACTION

Zavala County Appraisal District brought suit in Zavala County alleging unpaid ad valorem taxes owed by Miburn Vernor, et al. Notwithstanding the facts that Zavala County Appraisal District:

 (1). Never entered any evidence on the record in the form of a verified claim, and

 (2). Never established the court’s authority to compel an involuntary exaction from lands protected by a patent which antedated the claims of Zavala County Appraisal District, the court granted a so-called summary judgment in favor of Zavala County Appraisal District.

* ARGUMENT

Appellants’ point: The court below wanted subject matter jurisdiction to compel an involuntary exaction of ad valorem taxes from lands protected by a land patent which antedated the claims of the party seeking the exaction. The appellants have well documented a challenge to the court’s authority to compel the exaction. Zavala County Appraisal District, required to inform the court wherein the court had the alleged power,

 breached mandatory duty to make a record verifying that Texas district courts are empowered to compel involuntary exactions of ad valorem taxes from lands protected under land patents not involving grants by the federal government.

* CONCLUSION

The rule of law requires vacating the lower court’s summary judgment and remanding with instruction to afford Melburn Vernor, et al all necessary reparation including admonishing Zavala County Appraisal District to leave Melburn Vernor, et al alone forever.

**COVENANT RUNNING WITH THE LAND:**

1. **“**Covenant that because it relates to the land, the land cannot be transferred without the covenant”.Blacks *Law 7th ed. Page 300.*
2. “A covenant which runs with the land is a promise by the grantor of land to be active or passive in the use of related land for the benefit of the granted land, or a promise by the grantee of land to be active or passive in its use for the benefit of related land of the grantor, which promise must be signed by the promisor in the deed or as a separate instrument under seal at about the same time,; and of which promise the effect is to bind the promisor and his lawful successors to the burdened land for the benefit of the promisee and his lawful successors to the benefited land, and to give each the power to enforce his right in his own name.” Henry Upson Sims, Covenants Which Run with Land; Other than Covenants for Title 17-19 (1901).   Blacks Law 10th ed. Page