

Asserting Your Rights As A Land Holder

(Practical understanding and use of a "Declaration of Land Patent" to oppose unconstitutional and unlawful taxation, regulation or taking of your land property.)

Abstract

The following pages explain in the language of courts the fundamentals of a Constitutional holding of land by sovereign, absolute ownership. Such a grant of absolute title is held to be absent any government and considered to be directly from God individually to each flesh and blood man land holder. The protection of such a landholding, among the other unalienable rights from God, is the primary purpose for government according to the Declaration of Independence. Upon notice given by land patent, counties in Texas and in other states of the union of countries named the United States of America (U. S. of A.) have recognized the lack of any government authority over such a land holding, e.g. removing such land from the tax roll. The Constitution for the U. S. of A. organic Art. III supreme Court (1) voiced, "The Supreme Law of The Land" by declaring that a land patent is the best and irrefutable evidence of such a land holding. Read on to develop a basic understanding of details of holding private property by using a Land Patent for opposing an unlawful government attempted taking of your land.

The Founding Fathers understood that the unalienable Right to hold absolute legal title by a natural person(2) to land property was the essential foundation of constitutional Common Law of the Land individual sovereign liberty/freedom. The individual "State Citizens" (See U.S.A. Const. capitalized proper name Art.1 usage) were, per the "Declaration of Independence", all declared equally sovereign under their Creator/God. The State Citizens were each equal under God and subject to no earthly king, lord or master (Thus the Revolutionary War battle cry of, "No king but King Jesus"). These "We-The-People" Sovereigns in agreement/compact created the District of Columbia (D.C.) having a U. S. government with Art. 1 Sec. 8 limited enumerated legislative powers of agency for The United States of America which had been created by The Articles of Confederation, which compact/union of States (countries) respectively reserved to themselves all powers of government not specifically enumerated as delegated to their agent, the United States government, located in it's own D.C. country. The first words of the Constitution are "We The People", that is capitalized particular agents "People", Creators, Incorporators of a then proposed and defined new government for ~~The~~ United States of America which had been created by The Articles of Confederation, which they called "a more perfect union". These Agents' ultimate Sovereign-Citizen principals then necessarily needed to approve/ratify thereby creating their Agents' newly defined/named United States government. The original thirteen colonies of "The Articles of Confederation", ^{named} called "States" in the new Constitution, were slow to ratify this new "Constitution for ~~The~~ United States of America" until a "Bill of (individual) Rights" was promised: ---the first ten amendments specifically enumerates certain primordially important unalienable individual rights, while not disparaging others not specifically enumerated (Bill of Rights, Amendments 9 & 10). ^{needed for protecting one from government}

In the case of Texas, in order to reenter the Union after the Civil War, Texas contracted to maintain forever the individual Rights as the Rights then existed, e.g., Land Patent Rights (the holding of absolute legal title by a patent holder and his heirs and assigns "forever", technically known as allodial title). (3) Why wasn't the matter of holding absolute, unalienable, allodial land title enumerated in the Bill of Rights? That question now seems difficult to answer after having been, for so many years, left out of public teachings of government. In depth reading of United States legal history gives one an answer. The idea of absolute, unalienable, holding of allodial title to land as declared by a land patent whereby land legal title is held by a patentee and the Sovereign patentee's heirs and assigns "forever" alienated from any obligation, service, or dominance by any government agent of the Sovereign People, was so well understood at the time of the Founding Fathers that no one believed it to be in danger of ever even being questioned.

Patented lands had been passed from the to-be States to individuals and their heirs and assigns "forever" even before the Constitution was written especially while ~~The~~ "U. S. of A." union was governed by "The Articles of Confederation". It simply did not occur to anyone that the several States-of-the-Union governments would by unauthorized judicial political suppression cease to enforce an essential foundation of sovereign individual liberty involved in the thirteen American colonies' Revolutionary War with England.

Slowly, through the years, in spite of the “forever” of the land patent’s unalienable/allodial title, State governments became convinced that a ‘run on a bank’ would be more harmful than the sacrifice of the finances of an individual Sovereign Citizen. After all, it could be postulated, hundreds of Sovereign Citizens’ financial security depended on a bank’s solvency for their deposits, supposedly held by the bank. Judges see it as their first duty to protect banker creditors. The mortgage---handled in a court of equity---is given preference, and the issue of absolute, unalienable holding of land patent allodial title is judicially suppressed as something archaic in the modern world of bankers lending bank-corporation credit in violation of their State issued corporate charters (called ultra vires) via fiat money/currency (Federal Reserve Notes) and credit money of account in exchange for a note promise to pay fiat money/currency^{which note is} secured/collateralized^{guaranteed} by deed-of-trust mortgaged property (4). Most courtroom activity now involves contracts and business dealings^{known} under International Admiralty/Maritime Law, often called Law of Merchant, as now expressed in State statutes^{known} as the Uniform Commercial Code (also see Texas Business Code). Sovereign State Citizens unknowingly are delivered into this foreign jurisdiction via the cleverness of the Uniform Commercial Code presumptions and BAR-lawyer “Attorneys at Law” (5) instead of Constitutional “Counsels in Law” [Constitutional (as in Art. III) Common Law of the Land]. The Peoples’ ignorance and the banker promoted political control of judges has suppressed the enforcement of the “forever” of unalienable allodial property rights as declared to land-patent holders.

Nevertheless, land holders who can re-declare, i.e. accept a land patent legal title holding in their own proper capitalized name, either country acres or town lots now in their possession, should do so. This “Declaration of Land Patent” along with a certified copy of it’s referenced original land patent should be filed in the local county records office (in Texas called County Clerk). What a land patent title holder can expect after declaring such a land patent allodial title would have to be sheer speculation. The literal meaning of land patent law “forever” dictates one thing; current constitutionally unauthorized judicial suppression and equity law presumptions another. A presumption is supposedly reversible by superior evidence such as notice by a “Declaration of Land Patent”.

Take for example, a farmer whose case was reported in Acres USA ---went to court with a superb case based on solid land patent law. The court sidestepped the land patent issue by omitting to address it, and ruled based on the usual obfuscation that mortgage companies bring before a court of equity. It was apparent that the judge saw the land patent as an issue too hot to handle. Another land holder re-declared the land patent in his name. Then his lender would not loan him any more funds until he took the patent off his land. ---So don’t borrow unauthorized, unlawful (ultra vires) bank credit money of account.

Caution suggests that all land holders should have a declared land patent recorded in order to attempt to protect their unalienable land property legal title rights. Without this claimed allodial title there is very little protection today. If enough land possessors file a certified copy of their land’s patent and re-declare the patent in their own proper name, this land-title-holder activity could force a change to Constitutional judicial enforcement because of the force of numbers involved. An influx of requests for certified copies of land patents at the Texas “General Land Office” (1700 N. Congress Ave., Austin, Texas [78701], \$5.00 per survey number) is bound to reverberate in government.

Footnote (1): The Founding Fathers named their court the “supreme Court” in contrast to what they called God’s “Supreme Court”.

Footnote (2): A Land Patent issues only to a flesh and blood/natural^(sentient) person having God-given unalienable rights/^{personal} sovereignty and not to an artificial person except by special act of Congress. The natural-person sovereign is correctly identified in a writing by a capitalized (NOT ALL CAPS) Christian (also called given) and family names^{placed} inscribed in the writing.

Footnote (3): Land held in absolute ownership without obligation or service/tribute to any overlord, such as any county, school, or hospital district (any ad valorem taxes). “The individual, unlike the corporation, cannot be taxed for the mere privilege of existing. . . . The individual’s rights to live and own property are natural rights for the enjoyment of which an excise cannot be imposed.” Redfield v. Fisher, 292 P. 813, 135 Or. 180, 294 P.461, 73 A.L.R. 721 (1931) See CAFR1.com where Walter Burien explains that no ad valorem taxes are needed if the net ‘off budget’ income were disclosed and then properly used!

Addendum

"Unalienable" means, for example that a Patentee (heirs and assigns) has the unchangeable right to HOLD TITLE TO LAND BY NOTICE GIVEN IN A LAND PATENT as conclusive evidence of a land holding as a non-severable/unalienable part of his being. Such a Patentee (heirs and assigns) can't give, sell, or by any means, however negligent or foolish, lose the land holding to government. Government's organic-jurisdiction agency as stated in the Declaration of Independence is that God grants/gives unalienable rights forever directly and individually to each of mankind. Thus each is equally sovereign (and without subjects), having only himself as a subject (6), as theretofore only a king (called a sovereign) of a land/territory/country could be, with all the property and people (called subjects of the king) of the land/territory/country being king-owned by grant from God. These so-called "divine rights" of a king became recognized, at least in the union of countries named "The United States of America", in the unalienable rights of the individually sovereign people.

Government is only an agent of the individually sovereign people primarily for carrying out self-defense agency-limited acts of collective partial (i.e. demi-) sovereignty for the people who are the ultimate individual sovereigns under God. The Declaration of Independence states, that government's collective demi-sovereignty power/jurisdiction/ agency to act for one's self defense is instituted to protect each one's own ultimate individual sovereignty over his own life, liberty, and property. Thus, a government agent only has constitutionally lawful collective agency power (of attorney) to invade one's ultimate individual sovereignty in defense against one's injury to another's ultimate individual sovereignty over the other's life, liberty, and property.

As explained above, in the Declaration of Independence, all mankind are endowed with certain God-given unalienable Rights and for example supportive of the rights of 'religious freedom' and 'freedom of speech' is the right to have absolute ownership of one's life, liberty and physical belongings (total estate in life). Collectively these rights form the foundation of U.S. of A. liberty. Without Constitutionally guaranteed and absolute ownership of property rights one is reduced to no more than a tenant/serf. No one would be able to own their homes and property because of an inability to pay taxes/tribute. The simple fact is, if you must pay taxes/tribute to hold property, then you do not truly hold it as your very own. Therefore, by virtue of the God-given Right to absolute ownership of property, government has no authority to tax such private property. The supreme Court has held that a wrong, long practiced, is still wrong and that any law repugnant to the Constitution is void from its inception.(8) Court cases use Daniel Webster's famous quote, "the power to tax is the power to destroy". Government's only mandate is to protect and preserve Rights, not to destroy them.

Footnote (4) Warning, if the market value of collateralizing property falls below the collateralized value the loan can be called for complete payment. Also, usually a missed note payment advances the whole amount due for immediate forced sale of the mortgaged property to satisfy the total note amount.

Footnote (5): British Accredited Registry (BAR) license, a private corporation number, not a state license.

Footnote (6): Case citation, Chisholm v. Georgia 2 U.S. (2 Dall.) 419 (1793).

Footnote (7): Recall the church, as a claimed agent for God, coronation of European Kings/Queens/Sovereigns.

Footnote (8): Case citation, Marbury v. Madison.

Remember, that the supreme Court (to which all government officials are oath bound) has said that no authority exists to set aside the Constitution under claimed "martial law" or for any other reason and that the Constitution is supreme in both war and peace.

See attached "Declaration of Land Patent" sample. Also see attached "Notice To Assert a Declaration of Land Patent" using (1) "Administrative Procedures Act" (APA) and (2) "Public Information Act Request" (PIAR) and (3) Texas Union contract with regard to unlawful property taxation or regulation.

DECLARATION OF LAND PATENT

Patent or Grant No.: _____

NOTICE IS GIVEN THAT I, _____, flesh and blood man/natural person with certain God-given unalienable Rights and a Citizen beneficiary of The Republic State of Texas, do certify and declare that I bring forward and accept this Land Patent in my Proper Christian name _____, on the herein described land.

LAWFUL DESCRIPTION OF PROPERTY

Notice, All questions of fact decided by the general land office are binding everywhere and injunctions and mandamus proceedings will not lie against it. See Lichfield v The Register and Register 9 Wall. US 575 19L.Ed.681. This instrument has become law after thirty days following said filing.

This land patent is hereby brought forward, declared and accepted by _____ on this _____ day of _____, 2009.

The State of Texas

The County of _____

The foregoing DECLARATION OF LAND PATENT was acknowledged and signed by _____ personally known to be the signon _____ date before me _____, Notary Public in and for _____ County of Texas.

Sample "Notice to Assert a Declaration of Land Patent"

Government Address

Gentlemen:

On _____ date _____, I recorded a Declaration of Land Patent with the Recorder's office at _____ in your records. See enclosed copy. This instrument has become law after thirty days following said filing.

Recently, I received your demand that, _____. You stated that I am required by law to comply. However, you did not state the statutes and implementing regulations which require me to comply according to the Administrative Procedures Act of 1948, which states in Article V, sec. 556(d) that "the proponent of a rule or order has the burden of proof".

ADMINISTRATIVE AGENCIES MUST PROVE THEY HAVE JURISDICTION

"Jurisdiction is essential to give validity to the determination of administrative agencies and where jurisdictional requirements are not satisfied, the action of the agency is a nullity..."

See City Street Improv. Co. v. Pearson, 181 C 640, 185 P. 962, O'Neill v. Dept. of Professional & Vocational Standards 7 CA 2d 393, 46 P2d 234.

"The law requires PROOF OF JURISDICTION to appear on the Record of the administrative agency and all administrative proceedings." See Hagans v. Lavine, 415 U.S. 533

How was the legal determination made that I am liable to your demand and who made that legal determination? In addition, I cannot make the legal determination of how complying with your demand will affect my rights. The Public Information Act Request (PIAR) with its criminal penalties assures one of access to this information. Please note that your demand regarding my property must be a mistake. My Declaration of Land Patent is superior to any claim by the state:

"That the patent carries the fee and is the best title known to a court of law is the settled doctrine of the court." See Marshall v Ladd, 74 U.S. 106.

"A patent is the highest evidence of title, and is conclusive against the government and all claiming under junior titles, until it is set aside or annulled by some judicial tribunal of authority." (of competent authority) See Stone v U.S., 67 U.S. 763.

"Issuance of a government patent granting title to this land is the most accredited type of conveyance known to our law." See U.S. v Creek Nation, 295 U.S. 103, ill. U.S. v Cherokee Nation, 474 F.2d 628, 634 and Suma Corp. v California ERLC 466 US 198 (1984).

Texas, in its reentry to the Union contract, agreed to maintain 'forever', individual rights then existent, such as land patents rights.

Land cannot be taxed, regulated or taken if a land patent is current. I am not a mere tenant. I hereby revoke any claimed power of attorney and refute any state, county, or tax district claimed authority over my land. Please look into this matter immediately.

With Reservation of All Rights Without Prejudice UCC 1.308.

At Arms Length,
