

Deny, deny, deny!

More Denials

Whenever the patriot community discovers what appears to be a valid new strategy for fending off government, that strategy is quickly “enhanced” by a host of patriot “guru’s”. Sometimes the enhancements are helpful, but just as often, they are misguided.

Nevertheless, the new strategy will typically work during a “window of opportunity” of about nine to eighteen months. Initially, these new strategies work either because they are valid, or because they at least sound sufficiently valid to fool a few judges into ruling in their favor. However, during that window of opportunity, government feverishly analyzes the new patriot strategy and devises a counter-strategy.

Once government has circled its wagons and agreed to a counter-strategy, anyone who tries to use the “new” patriot strategy will probably suffer a severe penalty as an example to deter others from trying that strategy.

The “denial of corporate existence” strategy is only a few months old and therefore likely to work for another six to twelve months. During that period, we’ll see a host of variations on that strategy – some insightful, others half-baked.

The following are examples or excerpts of the new-and-improved denial strategies. I received these strategies by email or regular mail, but their sources

are not clearly identified. Further, these examples of the denial strategy don’t strike me as highly refined. I believe they are all worth considering, but you should not try to use them without enough of your own research to confirm their validity.

The documents are presented in **brown text**, the original author’s side-comments are presented in **black text**, and my comments are present in **[bracketed blue]** text.

To be written by HAND. (Use the notation of Firstname Middlename Lastname - the last name is properly your only name. The rest are like modifiers/adjectives)

[Writing by hand is intended to remove any doubt that the entity preparing the document is a natural person as opposed to an artificial entity of the sort that spits out computerized, boiler plate letters and notices without any real human intervention.

I disagree with the name format advised here. I’m learning that a proper Christian name contains just two elements: Your first, given, “Christian” name and your family or surname. For example, my proper, Christian name is “Alfred Adask”. However, if I use my middle initial or middle name, I may inadvertently designate my “legal, juristic personality” (“evil twin,” “straw man,”

etc.) that is usually designated by the all upper case name (“ALFRED N. ADASK”).]

Affidavit of Denial of Corporate Existence

I, Firstname Middlename Lastname, a living, breathing man, declare in my own hand writing that the following facts are true to the best of my current knowledge, understanding and belief.

I hereby deny that the following corporations exist:

(here you will put in all applicable corporate names, IN ALL CAPS. Some will always apply, some will change (name of city and state), and some will only apply as needed. Examples follow.)

Always include:

UNITED STATES, UNITED STATES OF AMERICA, all BAR ASSOCIATIONS, THE STATE OF _(twice: where the alleged offence took place, and where you live)__, **COUNTY OF** _(twice: where the alleged offence happened, and where you live)__, **CITY OF** _(twice: where it happened, and where you live)__, **your full proper name, your name with first and last spelled out and middle initial, your street address, your legal description where you live (LOT nn, BLOCK mm, ___ estates addition), your zip code where you live,**

[The idea of denying the existence of the corporate locations

of both where you are alleged to live, and where the alleged offense took place seems clever.]

Include as applicable:

THE DEPARTMENT OF MOTOR VEHICLES, THE DEPARTMENT OF PUBLIC SAFETY, THE DEPARTMENT OF CORRECTIONS, OFFICE OF STATE POLICE, TARRANT APPRAISAL DISTRICT, THE POLICE DEPARTMENT, lastname, firstname ETUX wife's first name

Finish the list with:

"and all OTHER PERSONS acting in the name of any corporation."

If any man or woman desires to answer this affidavit, please answer in like kind, by hand written, notarized affidavit, using your Christian name for signature, to the below named notary, address provided, within five (5) Days or default will be obtained.

s/ Firstname Middlename: Lastname

On the __ day of ____, 2000 a.d., a man known as (Firstname Middlename: Lastname) came before me, a notary, and attested to the truth of this affidavit.

s/ notary public
address

My commission expires:

Example of finished product:

Affidavit of Denial of Corporate Existence

I, Robert Edward: Smythe, a living, breathing man, declare in my own hand writing that the following facts are true to the best of my knowledge and belief.

I hereby deny that the following corporations exist: UNITED STATES, UNITED STATES OF AMERICA, all BAR ASSOCIATIONS, THE STATE OF TEXAS, COUNTY OF TARRANT, COUNTY OF DALLAS, THE CITY OF IRVING, THE CITY OF FORT WORTH, ROBERT EDWARD SMYTHE, ROBERT E. SMYTHE, 1402 MIDWAY ROAD, LOT 14, BLOCK 5, VALENTINE OAKS ADDITION, 75032, THE DEPARTMENT OF MOTOR VEHICLES, THE DEPARTMENT OF PUBLIC SAFETY, CITY OF FORT WORTH POLICE DEPARTMENT, and all OTHER PERSONS acting in the name of any corporation.

If any man or woman desires to answer this affidavit, please answer in like kind, by hand written, notarized affidavit, using your Christian name for signature, to the below named notary, address provided, within five (5) Days or default will be obtained.

s/ Robert Edward: Smythe

On the 23rd day of May, 2000 a.d., a man known as Robert Edward: Smythe came before me, a notary, and attested to the truth of this affidavit.

s/ Mary Higgins, notary public
13500 N. Dallas Expressway

Suite 507, Dallas, Texas
My commission expires:

Another example:

Affidavit of Denial of Corporate Existence

I, Jane Doe, a living breathing woman declare that to the best of my knowledge the facts below are true so help me God.

The United States, State of Louisiana, City of Lafayette, Parish of Lafayette. Louisiana BAR

Association, Clerk of Court's Association, Rob Rob. Inc. the legal name Louis J. Ferret, The 15th Judicial District Court, all legal names signed on documents, are fictions, and I deny that they exist.

The legal name JANE A DOE, used in the correspondence purportedly sent to me under pretext by the non-existent State of Louisiana (exhibit attached) is not me.

Should any man or woman deem that the statements above are not true, please answer by notarized affidavit in their handwriting using their Christian Name for signature within three days, to the address of the notary.

s/ Jane Doe

(Sign Christian Name and do not print or type below your signature, as it negates your true name. Use only your own hand writing in red ink.)

[Red ink??]

A woman whose Christian Name is Jane Doe, came before me on the __ day of ____, 2000 AD., and attested that the above statements were true and correct to the best of her knowledge.

s/ Notary Public

Address,

My commission expires:

Check the definition of "fictitious plaintiff" in Black's Law Dictionary; it is contempt of court to bring an action as "fictitious plaintiff". All those that continue

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the action after you have denied the existence of the fictions (corporations), then become fictitious accusers; I suggest you start looking for their surety, as you have been damaged by that fiction.

Remember that the “civil” law is secular, and destroys blood kindred. Whenever an action is brought against the man (husband), for property which he and his (woman) wife own, they both have to record (with the notary) affidavits denying the corporate existence individually. “They both have a social security number, so the “civil” law deems them to be two separate “Persons”.

[Judging by the “Divorcing the Corporate State” article in AntiShyster Volume 10 No. 1, it appears that our relationship to the state may be hugely complicated if we are married with a state-issued marriage license in an incorporated church. Regardless of whether each spouse has a SSN, it appears that each spouse and the property of the marriage is subject to the corporate state which appears to be a legal third party in the state-licensed marriage. If so, it may be insufficient for a husband and wife to both deny the existence of various corporate entities involved with their property until they first divorce themselves from the state corporation that’s legally a third party in their marriage.]

When confronted by the issue of Corporate nonexistence, The purported judges like to say that it’s their “duty is to protect society” — but *which* society? Bouvier’s Law Dictionary states that there are two kinds of “society,” one which is incorporated and noted in the law, and one which is not incorporated and not under the law!

Here’s a variation on the denial of corporate existence strategy based on a 1918

statute that prohibits the Federal government from suing a corporation unless the U.S. government has stock in that corporation. (This same statute is referenced in the Dan Meador article in this issue entitled “Who are the IRS and USA?”)

The fundamental strategy (demanding government prove it owns stock in the corporate entity being sued) is interesting since, once raised, it might force government to admit it’s not acting in it’s Federal capacity. Thus, this argument doesn’t precisely challenge the existence of a particular corporation, but it might indirectly force government to reveal the capacity in which it appears in court.

In the United States District Court For the Western District of Oklahoma

UNITED STATES OF AMERICA.
Plaintiff
vs.
JOE PUBLIC, et al
Defendant.

Motion to Vacate Judgment

Now comes Joe Public as and for myself. I herewith move the judicial officer of the United States District Court for the Western District of Oklahoma to vacate judgment in this matter under authority of Rule 60(b), Federal Rules of Civil Procedure, subsections (3) (fraud) and (4) (judgment is void).

This motion to vacate is timely as there is no time limit where the [trial] court lacks subject matter jurisdiction:

There is no time limit on attack on judgment as void; one-year limit applicable to some Rule 60(b) motions is expressly inapplicable to Rule 60(b)(4) motion, and even requirement that motion be made within reasonable time cannot be enforced with regard to this class of mo-

tion. *Briley v Hidalgo* (1993, CAS La) 981 F2d 246.

FRCP 60(b)(4), which provides relief from void judgments, is not subject to any time limitation. *Hall v Commissioner* (1994, CA 10) 30F3d 1304, CCH Unemployment Ins Rep P 14044B, 94-2 USTC P50392,94 TNT 154-21.

There is no time limit on FRCP 60(b)(4) attack on judgment as void; one year limit applicable to some FRCP 60(b) motions is expressly inapplicable, and requirement that motion be made within “reasonable time” cannot be enforced with regard to FRCP 60(b)(4) motion. *New York Life ins. Co. v Brown* (1996, CAS La) 84 F3d 137.

Further, the judicial officer is compelled to provide appropriate relief under auspices of Rule 60(b). F.R.Civ.P., where the judgment is void:

“If underlying judgment is void, it is per se abuse of discretion for district court to deny movant’s motion to vacate judgment.”

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ment under FRCP 60(b)(4).” Antoine v. Atlas Turner, Inc. (1995, CA6 Ohio) 66 F3d 105.

The causes underlying this motion to vacate are predicated on (1) usurpation of power, (2) lack of subject matter jurisdiction due to operation of law, and (3) lack of subject matter jurisdiction and fraud by virtue of lack of a competent witness.

Causes are as follows:

1. The [Federal] United States of America, defined as an agency of the United States (see notes following 18 U.S.C. § 1001), lacks standing to sue absent proof of fraud against a corporation in which the [Federal] United States of America owns stock. (See Act of Oct. 23, 1918, c. 194, 40 Stat. 1015) No such proof of standing is in evidence. Judgment favoring this coalition or political compact of possessions of the United States constitutes usurpation of power as the Constitution of the United States and 26 U.S.C. § 7402 vest exclusive authority in the United States, i.e., Government of the United States.

2. The Plaintiff has failed to prove tax liability by entering procedurally proper assessments into record, as required by 26 U.S.C. § 6203 & 26 CFR § 301.6203-1, therefore the court lacks subject matter jurisdiction as there is no tax liability unless or until said procedurally proper assessments are executed and are in evidence.

3. The Plaintiff has failed to prove tax liability by entering procedurally proper 10-day notices and demands for payment issued subsequent to lawful assessments being made, as required by 26 U.S.C. § 6303 & 26 CFR § 301.6303-1, therefore the court lacks subject matter jurisdiction.

4. The Plaintiff has failed to produce a competent witness as only a properly appointed assess-

ment officer may validate accuracy of an assessed liability, and only third parties responsible for executing reports, returns and other evidence of taxable income are competent witnesses as to legitimacy of any given liability. Absent competent witnesses who have first-hand knowledge of facts necessary to establish liability, the court lacks subject matter jurisdiction as secondary reports such as the Form 4340 and Notice of Lien instruments are dependent on antecedent requirements for documentary evidence of taxable income and properly executed assessments.

5. The Plaintiff has failed to enter taxing and liability statutes into evidence that would warrant either the presumption of liability or assessment of liability. -

To support the above allegations, I hereby offer evidence via my properly executed Affidavit of Material Fact attached hereto, and a true and correct copy of 40 Stat. 1015 & 1016, which are printed records of the Act of October 22, 1918, Chapter 194, said publication in the Statutes at Large by law requiring mandatory judicial notice.

Premises considered, I hereby move the presiding judicial officer of this court to vacate judgment as being void and therefore a nullity.

S/ Joe Public Date:
Contact information:
Postal mailing address:
Telephone:

Offer of Evidence

1. Affidavit of Material Fact executed in compliance with 12 Okla. Stat. §§ 421, 431 & 432 and attending Federal Rules of Evidence.

2. The Act of October 23, 1918, Chapter 194, 40 Stat. 1015 & 1016. providing for criminal prosecution for fraud against “any corporation in which the

United States of America is a stockholder...”

Notice of Service

Under penalties of perjury, I attest that on this date, this Motion to Vacate Judgment is being mailed via certified mail, with sufficient postage paid to assure delivery, to the following:

The original and 2 copies (1 to be filed stamped and returned) to: Robert D. Dennis, Clerk United States District Court for the Western District of Oklahoma 200 N.W. 4th Street, Room 1210 Oklahoma City. Oklahoma 73102

One true and correct copy to: Donald N. Dowie, Jr. Trial Attorney United States Department of Justice, Tax Division P.O. Box 7238, Ben Franklin Station Washington, D.C. 20044

S/ Joe Public Date
Contact information:
Postal mailing address:
Telephone:

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by *Al von Klemm*

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