

68351-9

68351-4

No. ~~68351-0~~ 68351-9

The State of Washington in the supreme court

Petition for Declaratory Judgment and

Injunctive Relief

Carl George Jaegel and

Waverly Jonell Jaegel,

Appellants,

v.

STATE OF WASHINTON

SKAGIT COUNTY,

Respondents,

Brief of Appellants

Carl George and Waverly Jonell Jaegel

15873 McLean Road

Mount Vernon, Washington 98273

(360) 428-0300

PUBLIC  
 bjh  
 2014-07-15 4:10:13  
 E

TABLE OF CONTENTS

	page
I. Introduction.....	1
II. Assignments of error .....	3
III. Statement of case.....	12
IV. Argument .....	18
V. Conclusion .....	45
VI. Appendix	

INDEX TO APPENDICES

SKAGIT COUNTY SUPERIOR COURT, Traded as . . . . .	"A-1"
Preamble to the constitution of the State of Washington.....	"A-2"
Fidelity Select Energy Service Portfolio.....	"A-3"
TITLE 18 U.S.C. ch. 63 § 1346. ....	"A-4"
Constitution of the State of Washington Article IV. § 28 / Oath of office .....	"A-5"
Constitution of the State of Washington Article I. § 29.....	"A-6"
State of Washington constitution Article II. §§ 18, 19, 20, 21, 22, 32..... .....	"A-7"
U.S. Constitution Article IV. § 3. cl. 2. and Supreme Court ruling....	"A-8"
FOIA / Skagit County Clerk response.....	"A-9"
Constitution of the State of Washington Article IV. § 1.....	"A-10"

RCW 1.04.010.....”A-11”

Security Investments.....”A-12”

ADDENDUM TO DEED..... “A-13”

Article IV. § 4.....”A-14”

TABLE OF AUTHORITIES

*Cases*

*Allen v. Steven’s*, 54 N.Y.S. 8, 23, 33 App.Div. 485 .....24

*Auten v. Auten*, 308 N.Y. 155, 124 N.E.2d 99 (1954). Quoted at 643 F.2d  
98(1981). .....31

*Babineaux v. Judiciary Commission, La.*, 341 So. 2d 396, 400. ....29

*Bradley v. Fisher*, 80 U.S. 335 (13 Wall.) at 351,(1871). .....37

*Brooks-Scanlon Corp. v. United States*, 265 U.S. 106.(1924). ... .....41

*Brown v. Maryland*, 25 U.S. (12 Wheat 419, 444 (1827)). .....39

*Clark v. Grand Lodge of Brotherhood of Railroad Trainmen*, 328 Mo.  
1084, 43 S.W. 2d 404, 408.....25

*Cohens v. Virginia*, 6 Wheat 264, L.Ed. 257 (1821).....33, 34

*D’Oench, Duhme & Co. Inc. v. Federal Deposit Insurance Corporation*,  
315 U.S. 447, (1942).....28

*Coppage v. Kansas*, 236 US 1, 236 US1, (1915). .....41

*Crane Ice Cream Co. v. Terminal Freezing & Heating Co.*, 147 Md 588,  
128 A 280. Taken from 16 A Am Jur § 592, p. 524.....41

<i>Elliott v. Lessee of Piersol</i> , 26 U.S. (1 Pet.) 328, 329, 330 (1828).....	33
<i>Erie Railroad Co. v. Tompkins</i> , 304 U.S. 64, (1938).....	21, 28
<i>FHA v. Burr</i> , 309 U.S. 242 (1940) .....	24
<i>Fleming v. Nestor</i> 363 US 603 (1960). .....	20
<i>Galpin v. Page</i> , 85 U.S. (18 Wall.) 350, 365-366, 368 (1873). .....	36
<i>Hughes v. Petter</i> , 341 U.S. 609.(1951). .....	24
<i>Klaxon Co. v. Stentor Electrical Manufacturing Co.</i> , 313 U.S. 487(1941). .....	28
<i>Lodge v. Phelps</i> , 1 Johns.Cas. (N.Y.) 139. ....	22
<i>Lynch v. United States</i> 292 US 571. ....	41
<i>McCracken v. Hayward</i> , 2 How. 608, 612; <i>Cooley, Const.Lim.</i> 285..... .....	28
<i>Mills v. Duryee</i> , 11 US 7 Cranch 481, 484, (1813). ....	36
<i>N.H. Lyons &amp; Co. v. Corsi</i> 3 NY 2d 928 167 NYS 2d 945, 145 NE 2d 885, app dismd 355 US 284;.....	32
<i>Old Wayne Mut. Life Ass'n v. McDonough</i> , 204 U.S. 8 (1907).....	34, 35
<i>Osborn v. Nicholson</i> , 80 U.S. (13 Wall.) 654 (1871). ....	41
<i>Pennoyer v. Neff</i> , 215 US 714 (1878).....	33
<i>People ex rel. Rodgers v. Coler</i> , 166 NY 1, 59 NE 716. ....	41
<i>Phelps Dodge, Corp. v. NLRB</i> 313 US 177. (1941).....	41
<i>POINDEXTER V. GREENHOW</i> , 114 U.S. 270 (1885).....	13, 22
<i>Pritchard v. Norton</i> , 106 U.S. 124 (1882) .....	27

<i>US v. Will</i> 449 US 200, 216 (1980) .....	34
<i>Reynolds v. Stockton</i> , 140 U.S. 254, 268, 269. (1891).....	33
<i>Rose v. Himeley</i> , 8 U.S. (4 Cranch) 241 (1808). .....	34, 36
<i>St. Louis S.R. Co. v. Griffin</i> , 106 Tex 477, 171 SW 703. ....	41
<i>Scott v. McNeal</i> , 154 U.S. 34, 46. ....	35
<i>Seattle High School Chapter A. F. T. v. Sharples</i> , 159 Wash 424, 293 p. 994 .....	32
<i>Sperry Products v. Association of American Railroads</i> . D.C.N.Y., 44F.Supp 662 .....	25
<i>Steward Machine Co. v. Davis</i> , supra, 301 US 548 (1937); .....	26
<i>Stump v. Sparkman</i> . 435 U.S. 349 at 356. (1978). ....	29
<i>Swift v. Tyson</i> , 16, Peters 1 (1842)... ..	21
<i>Thompson v. Whitman</i> , 85 U.S. (18 Wall.) 457, 468 (1873). ....	35, 36
<i>Turner v. Raynes</i> , 611 F.2d 92, 95 (5th Cir. 1980). ....	37
<i>United States v. Planters' Bank of Georgia</i> , 22 U.S. (9 Wheat.) 904, 907 (1824). Quoted in <i>Alfred Dunhill of London, Inc. v. Republic of Cuba</i> , 425 U.S. 682 (1976).....	23
<i>U.S. v. Panarella</i> , 277 S.F. 3d 678, 691 (3 <sup>rd</sup> Cir.) .....	16, 43
<i>U. S. v. Will</i> , 449, U.S. 200, 216 (1980).....	34
<i>Valley v. Northern Fire &amp; Marine Ins. Co.</i> , 254 U.S. 34 (1920).....	34
<i>Williamson v. Berry</i> , 49 U.S. (8 How.) 495, 540 (1850); .....	34, 36

CONSTITUTION OF THE UNITED STATES

Article I. § 2. ....27, 38  
Article I § 10. ....1, 46  
Article I § 10 cl. 1.....38  
Article IV. § 3, cl. 2. ....20, 32  
Article IV. § 4. ....19  
Fifth Amendment. ....26, 32, 41

CONSTITUTION OF THE STATE OF WASHINGTON

Article 1. § 2. ....27  
Article 1. § 3. ....26  
Article I. § 29. ....5, 18, 26, 39  
Article II. § 18. ....16, 39  
Article II. § 19. .... 39  
Article II. § 20. .... 39  
Article II. § 21. .... 39  
Article II. § 22. ....39  
Article II. § 32. ....39  
Article IV. § 1. ....5, 6, 7  
Article IV. § 5. ....6  
Article IV. § 27. ....5, 18, 26  
Article XI. § 1. ....5

## LAWS OF THE STATE OF WASHINGTON

Laws of the State of Washington 1935 c 113. ....	12
Laws of the State of Washington 1937. ....	12
Laws of the State of Washington 1963 c 4. ....	2, 6
Laws of the State of Washington 2004 c 1. ....	22
Laws of the State of Washington 2000 c 250. ....	45

## RCW's

RCW 1.04.010.....	39
RCW 1.04.040.....	39
RCW 7.24. ....	12
RCW 9.38. ....	45
RCW 9A60.040. ....	22
RCW 36.01.020. ....	2, 6
RCW 84.56.010. ....	4, 10, 15, 39, 46, 47, 48
RCW 84.56.020. ....	4, 10, 15, 39, 46, 47, 48
RCW 84.56.050. ....	4, 10, 15, 39, 46, 47, 48
RCW 84.64. ....	4, 10, 15, 39, 46, 47, 48

## COURT RULES

Court Rule CR 9 (k). ....	30
Court Rule CR 57. ....	12

Rules of Appellate Procedure. RAP 4.2 (a)(4). .....3

OTHER AUTHORITIES

*Black's Law 5<sup>th</sup> Ed.* .....15, 16, 18, 29

*Black's Law 8<sup>th</sup> Ed.* ..... 13, 16, 39

*Black's Law 9<sup>th</sup> Ed.* .....40

THE LAW RELATING TO UNINCORPORATED ASSOCIATIONS” by Dennis

Lloyd, Street & Maxwell, London, (1938). .....25

## I. INTRODUCTION

1. Plaintiffs, now appellants, Carl George and Waverly Jonell Jaegel, husband and wife, hereinafter plaintiffs, are primarily citizens of the incorporated State of Washington domiciled in the incorporated county of Skagit.

2. Plaintiffs are not now or in the past been residents of the unincorporated STATE OF WASHINGTON or its subdivision SKAGIT COUNTY.

3. Plaintiffs, exercising their contract rights under Article 1 Sec. 10 to the Constitution of the United States, have terminated their charitable gift to the social security public trust and have refused any and all government benefits and privileges and with it the liabilities and disadvantages.

4. Plaintiffs will show there is a conflict of law or choice of law between Plaintiffs on the one side and SUPERIOR COURT and defendants on the other side.

5. STATE OF WASHINGTON, SKAGIT COUNTY and SUPERIOR COURT are unincorporated entities, cannot produce for the record documents of incorporation in the style of their process, located in WA. involved in private commercial business in the State of Washington. And;

6. The laws of the State of Washington 1963 c. 4, 1881 Sec. 2654 indexed at RCW 36.01.020, state: "The name of a county, designated by law, is its corporate name, and it must be known and designated thereby in all actions and proceedings touching its corporate rights, property, and duties.

7. Plaintiffs have accepted the assignment of contract which is the constitution of the State of Washington in its strict meaning and application.

8. Plaintiffs brought suit in the State of Washington in the superior court for the county of Skagit as established by the constitution of the State of Washington, against the defendants below on July 08, 2011.

9. Plaintiffs assert they actually paid the filing fee to enter into a contract with the State of Washington to adjudicate an issue which was never heard in the established superior court.

10. The Plaintiffs brought the petition for Declaratory Judgment and Injunctive Relief to cause adjudication of certain issues as to status and relationship of the parties in the instant matter including the application of things called RCW's, which the plaintiffs maintain are no more than an indexing guide to the enacted laws of the State of Washington and are not enacted law pursuant to the demands of the constitution of the State of Washington.

11. Plaintiffs discovered the defendants and the SUPERIOR COURT through its agents have accessed the plaintiffs' decedent estate, before the scheduled hearing, as if the SUPERIOR COURT and defendants are the executor and the beneficiary thereof to cause into the commercial marketplace an investment, as described further below.

12. Plaintiffs maintain they and only they are the executor, beneficiaries and stewards of their estate and that the SUPERIOR COURT and STATE OF WASHINGTON, SKAGIT COUNTY are falsely acting as executor and beneficiaries.

13. The Plaintiffs have been denied access to and due process in the established superior court by various actors including agents of the defendants and individuals calling themselves SKAGIT COUNTY SUPERIOR COURT judges, hence this appeal pursuant to RAP 4.2 (a) (4).

## II. ASSIGNMENTS OF ERROR

14. The SUPERIOR COURT FOR SKAGIT COUNTY WASHINGTON a.k.a. THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR SKAGIT COUNTY, hereinafter SUPERIOR COURT, erred in issuing ORDERS against plaintiffs as it is a private tribunal, not established, and as such has no subject matter jurisdiction to issue orders involving the plaintiffs in the instant matter.

15. The SUPERIOR COURT erred in that it cannot produce a document of establishment in the style of process with which it operates.

16. The SUPERIOR COURT erred when it interferes with “The State of Washington in the superior court for the county of Skagit to deny the plaintiffs due process.
17. The SUPERIOR COURT erred when it issued ORDERS against the plaintiffs when it has no jurisdictional authority in personam to do so.
18. The SUPERIOR COURT erred when it issued orders ratifying defendants use of RCW 84.56.010, RCW 84.56.020, RCW 84.56.050 and RCW 84.64 to charge plaintiffs.
19. The SUPERIOR COURT erred when it interfered with a contract the Plaintiffs have entered into with “The State of Washington in the superior court for the county of Skagit.
20. The SUPERIOR COURT erred when it interfered with ongoing discovery.
21. The SUPERIOR COURT erred when it, on at least two occasions acting as executor and beneficiary, converted plaintiffs file documents into investment devices into the international commercial marketplace.
22. The SUPERIOR COURT erred when it prejudged plaintiffs’ case to support its investments.
23. The SUPERIOR COURT erred when it allows the defendants to alter the public record by changing the names of the plaintiffs from Carl George and Waverly Jonell Jaegel to the status of names of decedents

CARL GEORGE and WAVERLY JONELL JAEGEL to support the SUPERIOR COURTS' commercial investment relative to the decedents' estate, or otherwise.

24. The SUPERIOR COURT erred by making a political choice against the will and to the detriment of the plaintiffs.

#### ISSUES PERTAINING TO ASSIGNMENTS OF ERROR

25. Does the constitution of the State of Washington at Article I. § 29 exactly state, "The provisions of this Constitution are mandatory...?"

Assignments of error 14-24. Plaintiffs say yes.

26. Does the constitution of the State of Washington at Article IV. § 27 state, "The style of all process shall be, "The State of Washington"?"

Assignments of errors 14-24. Plaintiffs say yes.

27. Does the constitution of the State of Washington, at Article IV § 1 establish in the exact spelling, case usage, and word orientation, the entity: "superior court"? As in; "There shall be in each of the organized counties of this state a superior court. . . .". Assignments of error 14-24

Plaintiffs say yes.

28. Does the constitution at Article XI. § 1 state: "The several counties of the Territory of Washington existing at the time of the adoption of this Constitution are hereby recognized as legal subdivisions of this state?"

Assignments of error 14-24 Plaintiffs say yes.

29. Did the Territory of Washington on November 29, 1883 by an Act of the Legislative Assembly of the Territory of Washington create and organize into a separate county, to be known and designated exactly as the “county of Skagit”? Assignments of error 14-24. Plaintiffs say yes.

30. Does the law of the State of Washington at 1963 c 4 indexed at RCW 36.01.020 state: “The name of a county, designated by law, is its corporate name, and it must be known and designated thereby in all actions and proceedings touching its corporate rights, property, and duties? Assignments of error 14-24. Plaintiffs say yes.

31. Does it then follow from 25, 26, 27, 28, 29, and 30 above that the superior court in the instant case would be exactly: “The State of Washington in the superior court for the county of Skagit”? Assignments of error 25-30. Plaintiffs say yes.

32. Does the constitution of the State of Washington at Article IV. § 5 or any other article and section establish, in the exact spelling, case usage, and word orientation, the entity: SUPERIOR COURT? Assignments of error 14-24. Plaintiffs say no.

33. Does the constitution of the State of Washington establish for the State of Washington judicial power of the State at Article IV. § 1, in the exact spelling, case usage, and word orientation as: “shall be vested in a

supreme court, superior courts. . . “? Assignments of error 14-24.

Plaintiffs say yes.

34. Does the constitution of the State of Washington establish for the State of Washington judicial power of the State at Article IV. § 1, in the exact spelling, case usage, and word orientation as: “shall be vested in a SUPREME COURT, SUPERIOR COURTS. . . “? Assignments of error 14-24. Plaintiffs say no

35. Can the SUPERIOR COURT, upon order from the State of Washington in the supreme court, produce a document of establishment in the style of its process? Assignments of error 14-24. Plaintiffs say no.

36. Is the SUPERIOR COURT a private tribunal, not created, established, authorized, or sanctioned by law, of a private organization, association, or entity to the extent that the organization, association, or entity seeks in a lawful manner to affect only the rights or property of persons who are members or associates of that association? Assignments of error 14-24. Plaintiffs say yes.

37. Has the SUPERIOR COURT evidence that the plaintiffs, having removed themselves from all involvement with Social Security, are members of its association or come within its private jurisdiction? Assignments of error 14-24. Plaintiffs say no.

38. Does the SUPERIOR COURT personate “The State of Washington”

in the superior court for the county of Skagit?”” Assignments of error 14-24. Plaintiffs say yes.

39. Does the supreme court find in the filing record of the below instant case any document(s), such as appearance or answer, filed by the defendants or the SUPERIOR COURT, containing upon the face thereof the process demanded by the constitution and the laws of the State of Washington in the exact spelling, case usage and word orientation as: “The State of Washington”? Assignments of error 14-24. Plaintiffs say no.

40. Does the supreme court find in the filing record documents filed by defendants or SUPERIOR COURT which contain in the caption thereof the names exactly so Carl George Jaegel and Waverly Jonell Jaegel? Assignments of error 14-24 Plaintiffs say no

41. Does the supreme court find in the filing record of the below instant case any document(s), such as motions and so on, filed by the plaintiffs containing upon the face thereof the process demanded by the constitution of the State of Washington in the exact spelling, case usage and word orientation as: “The State of Washington”? Assignments of error 14-24. Plaintiffs say yes.

42. Do the SUPERIOR COURT ORDERS, dated August 12, 2011 and filed in SKAGIT COUNTY, WA, issue from the established superior

court of “The State of Washington”? Assignments of error 14-24.

Plaintiffs say no.

43. Do the above noted SUPERIOR COURT ORDERS have effect in the incorporated State of Washington? Assignment of errors 14-24.

Plaintiffs say no

44. Do above noted orders constitute an illegal transfer of plaintiffs’ property? Assignment of errors 14-24. Plaintiffs’ say yes

45. Does the filing of the complaint, in the ““The State of Washington” in the superior court for the county of Skagit”” and the payment and acceptance of the filing fee constitute a contract between the said court and the plaintiffs to hear and adjudicate an issue? Assignments of error 14-24. Plaintiffs say yes.

46. Does the record below show evidence of a hearing, in regards the instant case, being held in “The State of Washington in the superior court for the county of Skagit”? Assignments of error 14-24. Plaintiffs say no.

47. Does the record below show evidence of a hearing, in regards the instant case, being held in the STATE OF WASHINGTON SUPERIOR COURT FOR SKAGIT COUNTY? Assignments of error 14-24.

Plaintiffs say yes.

48. Does the SUPERIOR COURT interfere with the above noted contract and the public record when its agents file and issue orders from

the SUPERIOR COURT? Assignment of errors 14-24. Plaintiffs say yes.

49. Are the ORDERS below repugnant to and violate the plaintiffs' "intangible right to honest services" pursuant to their contract with The State of Washington? Assignments of error 14-24. Plaintiffs say yes.

50. Are the ORDERS below repugnant to the strict and literal meaning of the constitution of the State of Washington. Assignments of error 14-24. Plaintiffs say yes.

51. Does the SUPERIOR COURT interfere with discovery and the public record, in this instant case, when its agents file and issue orders from the SUPERIOR COURT? Assignments of error 14-24. Plaintiffs say yes.

52. Are the things called exactly RCWs 84.56.010, 84.56.020, 84.56.050 and 84.64 enacted public law pursuant to the demands of the constitution of the State of Washington? Assignment errors 14-24. Plaintiffs say no

53. Does the SUPERIOR COURT ORDER ratify defendants use of above noted RCWs to charge plaintiffs? Assignment of errors 14-24. Plaintiffs say yes

54. Does the SUPERIOR COURT err when it refused the plaintiffs' demand to correct the public record as regards foreign filings? Assignments of error 14-24. Plaintiffs say yes.

55. Does the SUPERIOR COURT interfere with discovery when its' judge and administration are directly asked to explain the SUPERIOR COURTS investment derived from plaintiffs file documents which are tracked via Fidelity Select Energy Portfolio CUSIP 316390764, fund no. 43. Stock symbol FSESX and the judge and administration refuse to answer or explain? Assignments of error 14-24. Plaintiffs say yes.
56. Does the investment noted above as it occurs before any hearing, in the instant matter, give the impression of corruption in the SUPERIOR COURT as it appears that the COURT prejudices issues, without reading or understanding the file record of plaintiffs, to support its' commercial investments ? Assignments of error 14-24. Plaintiffs say yes.
57. Does the plaintiffs' file record below contain the names CARL GEORGE JAEGEL and WAVERLY JONELL JAEGEL upon its caption face? Assignments of error 14-24. Plaintiffs say no.
58. Does the fact that the SUPERIOR COURT allows the defendants below to change the names of the plaintiffs below from Carl George Jaegel and Waverly Jonell Jaegel to the decedents names CARL GEORGE JAEGEL and WAVERLY JONELL JAEGEL facilitate the SUPERIOR COURT'S commercial investment relative to the plaintiffs' file documents and decedent estate? Assignments of error 14-24. Plaintiffs say yes.

59. Does the SUPERIOR COURT, STATE OF WASHINGTON, SKAGIT COUNTY below act as false executor and benefactor relative to claims against plaintiffs' decedent estate? Assignments of error 14-24. Plaintiffs say yes.

60. Does the SUPERIOR COURT and defendants below treat plaintiffs as trustees relative to plaintiffs' estate when they cause commercial investment relative to plaintiffs' decedent estate? Assignments of error 14-24. Plaintiffs say yes.

### III. STATEMENT OF THE CASE

61. Plaintiffs filed a petition under CR 57 and pursuant to the laws of the State of Washington 1935 c 113, 1937 c 14 indexed RCW 7.24 making a public record, in the established ““The State of Washington”” superior court for the county of Skagit” on July 08, 2011, for Declaratory Judgment and Injunctive Relief from the private taxing and charging schemes of the unincorporated STATE OF WASHINGTON, with it's branches SKAGIT COUNTY and SKAGIT COUNTY SUPERIOR COURT. CP 1-4, 5, 6, 7, 8, 12-15, 18-32, 34, 38-40, 43, 45-49, 57-58, 59-60, 64-68, 69, 71-74, 80-84, 93, 96, 190, 194, 267, 269, 272, 277, 280, 296, 297, 300 Appendix “A -1” “A-2” “A-3”

62. Plaintiffs do not recognize defendants or SUPERIOR COURT as public agents, in this instant case, as they are operating in their

commercial capacity outside the incorporated State of Washington. See Marshall, *infra* at page 21, Appendix “A-1” CP 6, 7, 8, 12, 13, 14, 15, 20, 21, 34, 43, 59-63, 65, 66, 81, 83, for public agents see *Poindexter v. Greenhow* pages 19, 20 at 82, for commercial capacity see Chief Justice Marshall, page 23, 24 this document

Plaintiffs sought relief based on the following:

(a) that the plaintiffs had withdrawn from the Social Security constructive trust. CP 16, 17, 20, 21, 35, 36, 37

***constructive trust.*** An equitable remedy that a court imposes against one who has obtained property by wrongdoing. A constructive trust, imposed to prevent unjust enrichment, creates no fiduciary relationship. Despite its name, it is not a trust at all. *Black’s Law* 8th Ed. page 1262

(b) that plaintiffs are primarily citizens of the incorporated State of Washington permanently domiciled in the county of Skagit, and are not residents of the unincorporated STATE OF WASHINGTON, SKAGIT COUNTY. CP 8, 20, 22, 24, 25, 26, 27, 28, 29, 30, 31

(c) that defendants are unincorporated trading companies who personate the incorporated State of Washington and county of Skagit respectively. CP 34, 43, 67, 68

(d) that defendants can produce, under discovery, neither documents of establishment nor incorporation supporting the style of their process CP 56, 57, 58, 67, 68

(e) that defendants have not and can not produce into the record documents of authority to operate or do business in the incorporated State of Washington CP 44, 45, 46, 47, 49

(f) that plaintiffs do not have commercial or political contact with the defendants. CP 13, 15, 16, 65

(g) that defendants use devices, not enacted, called RCW's as authority to collect property taxes CP 5, 6, 7, 8, 17, 19, 21, 38, 39, 40, 77

(h) that plaintiffs do not object to the incorporated State of Washington and or the incorporated county of Skagit applying properly enacted laws of the State of Washington to plaintiffs in regards property taxes. CP 13, 17

(i) that plaintiffs are neither suing the incorporated State of Washington nor the incorporated county of Skagit. CP 17, 24-32

(j) that this case could have easily been resolved by the defendants below amending their filings to comply with the demands of the constitution concerning "style of process". CP 33 The plaintiffs assert here;

(k) if the spelling / variance does not mean anything as defendants below state over and over, then comply with the constitution and the exact designation as cited on the incorporating documents of the state and county CP 13, 14, 24-32, 33, 67, 68 or

VARIANCE In *law*, an alteration of something formerly laid in a writ; ...*Websters Dictionary* 1899 p. 1226.

*Idem sonans*. The doctrine of *idem sonans*...has been much enlarged by decisions, to conform to the growing rule that a variance, to be material, must be such as has misled the opposite party to his prejudice. *Black's 5<sup>th</sup> Ed.* [Bold underlined added]

(l) produce into the record the documents of creation / establishment / incorporation of the entities, in the exact style of STATE OF WASHINGTON, SKAGIT COUNTY CP 13, 14, 19 and

(m) the documents enacting, pursuant to the requirements of the Washington constitution, the things exactly called RCW 84.56.010, RCW 84.56.020, RCW 84.56.050 and RCW 84.64 which are at issue here which are at best *prima facie* evidence of law and not law, CP 6, 13, 17, 19, 20, 21, 38, 3, 77 and

(n) which plaintiffs have rebutted, respectively and repeatedly, with the enacted laws of the State of Washington. CP 5, 6, 7, 12, 13, 14, 17, 18, 19, 20, 21,

(o) it should be noted here that in Article II § 18. states that : The style of all laws of the State shall be: “Be it enacted by the Legislature of the State of Washington.” and laws enacted as such are not at issue here. CP 13, 17

QUOTATIONS A statement or **passage** that is **exactly** reproduced, attributed and cited. *Black's Law 8<sup>th</sup> ed.* page 1042 [bold underlined added].

63. Plaintiffs contracted, expecting “the intangible right of honest services,” with the established State of Washington in the superior court for the county of Skagit actually paying the filing fee to adjudicate an issue in the public forum. CP 5, 56, 80, 81, 89, 90 Appendix “A-4” See page 38 *U.S. v Panarella* paragraph 123

#### ISSUES

64. Plaintiffs, by the public record, have demanded a public hearing in the established court, to terminate controversy and remove uncertainty with respect to rights and status of plaintiffs, by a judge under public oath and performing his public service pursuant to and in accord with the constitution of the State of Washington and the rules of court. CP 5, 12, 13, 15, 23, 56, 57, 58, 60, 61, 64, 65, 66, 71, 72, 74, 77, 80, 81, 82, 83, 89, 90 24

65. Plaintiffs were never afforded a hearing in the established court by a superior court judge under the obligation of public oath and public service as demanded by the constitution of the State of Washington. CP 33, 81, 82, 83 Orders 269-271, 272- 273, 274-276, 300-302

66. Plaintiffs discovered the so-called judge of the SUPERIOR COURT has on record an oath that at best is irregular, contains a variant name and not in substance as demanded by the constitution CP 60, 61 Appendix "A- 5" "A-6"

67. Defendants did not make an appearance or answer in the established court. CP 1, 2, 3, 4, 69, 73-75, 80, 81, 82

68. Defendants filed papers in their company SUPERIOR COURT to obtain private ORDERS thereof purporting to dismiss Plaintiffs' public case and receiving monetary costs. CP 93, 96, 194, 269-271, 272-273, 274-276, 277-279, 280, 290, 294, 300-302

69. Plaintiffs discovered defendants and SUPERIOR COURT caused a charge against and relative to plaintiffs in the form of an investment in the private marketplace. CP 59, 60, 62, 63, 65, 66 Appendix "A-3"

70. Plaintiffs did, on three separate occasions and to no avail, demand of the clerk of the lower court to do the clerks public service to correct the public record in regards to private foreign documents (documents repugnant to the mandatory clause of the constitution of the State of

Washington at Article I. § 29 and Article IV. §27) being entered into the public record of the case. CP 56, 57, 58, 64, 65, 66, 82, 83 Appendix “A-4”

MANDATORY. Adj. Of, relating to, or constituting a command; required; preemptory. *Black's Law 8<sup>th</sup>* page 803

“ A provision in a statute is said to be mandatory when disobedience to it, or want of exact compliance with it, will make the act done under the statute absolutely void.”

Henry Campbell Black, *Handbook on the construction and Interpretation of the laws*, 334 (1896)

71. Plaintiffs motioned the court for a default judgment filed on Aug. 8 and again on Aug. 10, 2011 only to be thwarted by the clerks clerical errors. CP 71, 72, 73, 74, 75, 89, 90, 91, 92

72. Plaintiffs' third motion attempt in the established court for default was interfered with when they were threatened, by a man stating he was a judge for SKAGIT COUNTY SUPERIOR COURT, with removal from the courtroom, and therefore this appeal. Appendix “ A-4”.

#### IV. ARGUMENT

Plaintiffs argue and assert the following:

73. Plaintiffs are citizens of the incorporated State of Washington domiciled on land they own in the incorporated county of Skagit, and are

not residents of the unincorporated STATE OF WASHINGTON. CP 16,  
17, 18, 21, 22, 23, 24, 25, 26, 27, 28

And;

THE *an adjective. or definitive adjective* 1. This adjective is used as a definitive, that is, before nouns which are specific or understood; or it is used to limit their signification to a specific thing or things, or to describe them; as to *the* law of twelve tables. [underlined added] *Websters Dictionary* 1899 page 1143

74. The State of Washington is understood as the State incorporated into the Union of States by the will of the people and the act of Congress Nov. 11, 1889 with its guaranteed Republican form of government. Appendix “A-14.”

75. Plaintiffs argue defendants and SUPERIOR COURT are private parties as agents of and residing in the unincorporated STATE OF WASHINGTON a.k.a. WASH. and WA. CP 34, 43 Appendix “A-2”

76. Plaintiffs upon information and belief that the instant case is a case of first impression, and as such no State of Washington case law developed. And

77. The case being grounded in the substance of the contract rights of the plaintiffs as creditors and merchants and traders at law on a cash basis demands the standard of review pursuant to the *Tyson* doctrine with its payment of debt with its strict and literal meaning of the words of the

constitutions of the United States of America and the State of Washington. CP 5, 6, 13, 16, 17, 19, 20-23, 50, 66 See *Tyson* page 21 at 80 And;

78. The SUPERIOR COURT and defendants are private commercial persons residing in WA. See page 23 at 84 Chief Justice Marshall *infra* CP 6, 7, 15, 17, 18, 20, 21, 57, 59, 60, 63, 65, 81-83.

Plaintiffs further argue:

79. The following is paraphrased from *Steward Machine v. Davis*, 301 US 548 (1937):

When the states agreed to adopt the Social Security Act under local law, the people left the states of the Union with its letter and strict meaning in favor of joining the federation of states as an unincorporated association under the spirit and true meaning afforded by Article IV. Section 3 cl. 2 of the U.S. Constitution. And; Appendix "A-8 "

Rights to Social Security benefits derive solely from the statutory scheme, *Steward Machine Co. v. Davis*, supra, 301 US 548 (1937); and not from the United States Constitution or the common law, *Fleming v. Nestor* 363 US 603 (1960).

80. Plaintiffs having removed themselves from Social Security remain primarily citizens of The State of Washington and argue that neither the

Federal Congress nor STATE OF WASHINGTON nor SKAGIT COUNTY nor SUPERIOR COURT can interfere with plaintiffs' will and or citizenship in that regard. CP 6, 7, 16, 17, 18, 21, 22, 23, 35, 36, 37

In the May 1984 Harvard Law Review Vol. 97 No. 7 where it is noted: "That whether *Erie RR v. Tompkins*, 304 US 64, or *Swift v Tyson* 16, Peters 1 (1842) is to apply is a contractual right up to the individual.

### SUPERIOR COURT NOT ESTABLISHED

81. The agents of the incorporated State of Washington, county of Skagit and the superior court thereof respectively have stepped outside their bodies corporate to facilitate the nature of the business to be transacted without benefit of charter, corporate veil, and have no body corporate (private commercial in nature) forming the unincorporated entities STATE OF WASHINGTON, SKAGIT COUNTY, and SUPERIOR COURT FOR SKAGIT COUNTY, WASHINGTON a.k.a. THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR SKAGIT COURT, hereinafter SUPERIOR COURT. CP 12, 13, 15, 34, 43, 59, 60, 81-83, 269-271, 272-273, 274-276, 277, 279, 294,295, 297-298, 300-302. Appendix "A-1"

82. SUPERIOR COURT is a **private tribunal** acting and participating in private commercial activities personating and falsely speaking and

acting in the name of the established State of Washington in the superior court for the county of Skagit, has no **subject matter jurisdiction** to issue orders involving the plaintiffs in the instant matter. CP 13, 269-271, 272-273, 274-276, 277-279, 294-295, 297-298, 300-302

“. . . the distinction between the government of a state and the state itself is important, and should be observed. In common speech and common apprehension they are usually regarded as identical; and as ordinarily the acts of the government are the acts of the state, because within the limits of its delegation of power, the government of the state is generally confounded with the state itself, and often the former is meant when the latter is mentioned. The state itself is an ideal person, intangible, invisible, immutable. The government is an agent, and within the sphere of the agency, a perfect representative; but outside of that, it is a lawless usurpation. The constitution of the state is the limit of the authority of its government, and both government and state are subject to the supremacy of the constitution of the United States, and the laws made pursuance thereof. . . . ; yet it is also true, in respect to the state itself, that whatever wrong is attempted in its name is imputable to its government, and not to the state, for, as it can speak and act only by law, whatever it does say and do must be lawful. That which, therefore, is unlawful because made so by the supreme law, the constitution of the United States, is not the word or deed of the state, but is the mere wrong and trespass of those individual persons who falsely speak and act in it name. . . .”. *POINDEXTER V. GREENHOW*, 114 U.S. 270 (1885).

The laws of the State of Washington 2004 c 1, referenced at RCW 9A.60.040: (1) A person is guilty of criminal impersonation in the first degree if the person: (a) Assumes a false identity and does an act in his or her assumed character with intent to defraud another or for any other unlawful purpose, or (b) Pretends to be a representative of some person or a public servant and does an act in his or her pretended capacity with intent to defraud another or for any other unlawful purpose. (c) Criminal impersonation in the first degree is a class C felony.

83. Neither defendants nor the SUPERIOR COURT **can produce a document of establishment** in the style of process with which it operates and from which its orders issue. CP 12, 13, 14, 67, 68

PROCESS 7. In *law*, the whole course of proceedings, in a cause, real or personal, civil or criminal, from the original writ to the end of the suit. *Websters Dictionary* 1899 page 1065

84. Plaintiffs argue HJR 192, and *Erie RR* allow the agents of the State of Washington to convert said “State of Washington” into an inchoate STATE OF WASHINGTON with its SKAGIT COUNTY and SUPERIOR COURTS as a member of the unincorporated federated states of United States; as opposed to the Union of states under the common law, to become a commercial enterprise under the civil law. CP 16, 18, 21, 41, 42, 67, 68 See page 25 at 92 for *Erie R.R.* . Chief Justice Marshall who stated long ago:

“It is, we think, a sound principle, that, when a government becomes a partner in any trading company, it divests itself, so far as concerns the transactions of that company, of its sovereign character, and takes that of a private citizen. Instead of communicating to the company its privileges and its prerogatives, it descends to a level with those with whom it associates itself, and takes the character which belongs to its associates, and to the business which is to be transacted. *Bank of the United States v. Planters' Bank of Georgia*, 22 U.S. (9 Wheat.) 904, 907 (1824). Quoted in *Alfred Dunhill of London, Inc. v. Republic of Cuba*, 425 U.S. 682 (1976).

“When governments enter the world of commerce, they are subject to the same burdens as any private firm or corporation.” *FHA v. Burr*, 309 U.S. 242 (1940)

In the field of commercial law—where certainty is of high importance—we have often imposed a rather ridged rule that a [s]tate must defer to the State of incorporation, or to the law of the place of contract. P. 615 *Hughes v. Petter*, 341 U.S. 609.(1951).[underline emphasis added]

85. Plaintiffs further argue and assert that The State of Washington with its incorporated and established counties and courts, as established and incorporated by acts of Congress evidenced by documents of incorporation, are the state of incorporation and place of contract in this instant case and issue. CP 12, 13, 14, 24-32, 64

86. STATE OF WASHINGTON, SKAGIT COUNTY AND SUPERIOR COURT are unincorporated associations who cannot produce documents of incorporation or establishment and very well defined by the courts as noted:

Association is “confederacy or union for particular purpose, good or ill. This term is used throughout the United States to signify a body of persons united without a charter, but upon the methods and forms used by incorporated bodies, for the prosecution of some common enterprise. It also enters into the names bestowed by the legislatures upon many corporations. In this connection it is used without any very uniform discrimination as to its precise meaning, but seems to be on the whole preferred for bodies which are not vested with full and perfect corporate rights and powers.” *Allen v. Steven's*, 54 N.Y.S. 8, 23, 33 App.Div. 485.[underline emphasis added]

“An unincorporated society; a body of persons united and acting together without a charter, but upon the methods and forms used by incorporated bodies for the prosecution of some common enterprise.” *Clark v. Grand Lodge of Brotherhood of Railroad Trainmen*, 328 Mo. 1084, 43 S.W. 2d 404, 408. It is not a legal entity separate from the persons who compose it.

An “unincorporated association” **is not a “legal entity”** but is more in nature of “**partnership**”, *Sperry Products v. Association of American Railroads*, D.C.N.Y., 44F.Supp. 660, 662. [Bold emphasis added]

Plaintiffs assert from the book “THE LAW RELATING TO UNINCORPORATED ASSOCIATIONS” by Dennis Lloyd, Street & Maxwell, London, (1938) it is read:

“It is an axiomatic proposition in the law of contract that the agreement of the parties cannot affect the legal position of other persons who were not parties to the contract. As regards them the contract is *res inter alios acta* and of no effect. This rule has important consequences as regards voluntarily associations, or it means that no agreement between the members of such an association can affect the rights of others not parties to the agreement. The members of an unincorporated society, for example, agree that their personal liability for the transactions of the society shall be limited to a certain sum. Though this will be binding on the members *inter se*, it can have no effect whatever on third parties who have not consented to the limitation of liability, and as regards these, the members will be liable to the full extent.

....

Plaintiffs argue and the record shows that plaintiffs have not entered into a commercial agreement in enterprise, or in any way, with the defendants or the SUPERIOR COURT, but that the defendants and the

SUPERIOR COURT have trespassed upon the plaintiffs and the land of the incorporated State of Washington by creating commercial investments relative to the plaintiffs. CP 5, 7, 8, 12-23, 24-32, 34-37, 50 87. Plaintiffs have shown by the evidence the defendants are an unincorporated society, and that plaintiffs by the evidence have impeached **any presumption of a trust res** as it relates to that unincorporated society. See commercial instruments below. CP 21, 22

#### **SUPERIOR COURT DISREGARDS THE CONSTITUTION**

88. The SUPERIOR COURT **disregards the constitution** of the State of Washington at Article I. § 29 and Article IV. § 27 to allow **foreign process** into the file of public record of the case below in “The State of Washington in the superior court for the county of Skagit.” See CP 64, 65, 66, 71, 77, 81, 82, 83, 90

#### **DUE PROCESS AND CONFLICT OF LAW**

89. The SUPERIOR COURT interferes with “The State of Washington in the superior court for the county of Skagit” **to deny the appellants due process** pursuant to Article 1 § 3 of the constitution of the State of Washington. Amendment V to the U.S. Constitution (in part) .....” nor

be deprived of life, liberty, or property without due process of law” and the State of Washington Constitution Art. 1. § 2. “ The constitution of the United States is the Supreme law of the land.”,

*Old Wayne Mut. Life Ass'n v. McDonough*, 204 U.S. 8 (1907). See page 31 at 101. *Pennoyer v. Neff* 95 US 714 (1878). See no 99.

In the case of *Pritchard v. Norton*, 106 U.S. 124 (1882) the Court ruling on Lex Loci Contractus had this to say:

“[I]n case of contract, the foreign law may, by the act and will of the parties, have become part of their agreement, and in enforcing this, the law of the forum may find it necessary to give effect to a foreign law which, without such adoption, would have no force beyond its own territory.

The principle is that whatever relates merely to the remedy and constitutes part of the procedure is determined by the law of the forum, for matters of process must be uniform in the courts of the same country whatever goes to the substance [106 U.S. 130] of the obligation and affects the rights of the parties, as growing out of the contract itself or inhering in it or attaching to it, is governed by the law of the contract.”

90. Plaintiffs argue the instant action has its legal seat in the State of Washington as incorporated as one of the Union of States and that the legal seat does not contact the unincorporated STATE OF WASHINGTON or its subdivisions SKAGIT COUNTY or SUPERIOR COURT. CP 8, 22, 23, 24-32, 74, 35-37 And:

91. Plaintiffs argue the instant action, “must be decided by the law in which the case has its legal seat”. Wharton, Conflict of laws, secs. 735-

736. Upon that point, Judge Kent, in the case of *Lodge v. Phelps*, 1 Johns.Cas. (N.Y.) 139, said:

If the defendant has any defense authorized by the law of [STATE OF WASHINGTON], let him show it and he will be heard in one form of action as well as in the other. The principle that what is apparently mere matter of remedy in some circumstances, in others, where it touches the substance of the controversy, becomes matter of right, is familiar in our constitutional jurisprudence in the application of that provision of the Constitution of the United States which prohibits the passing by a State of any law impairing the obligation of contracts, for it has been uniformly held that any law which in its operation amounts to a denial or obstruction of the rights accruing by a contract, though professing to act only on the remedy, is directly obnoxious to the prohibition of the Constitution. *McCracken v. Hayward*, 2 How. 608, 612; *Cooley, Const.Lim.* 285. [underlined added]

Hence, it is that a vested right of action is property in the same sense in which tangible things are property, and is equally protected against arbitrary interference. Whether it springs from contract or from the principles of the common law, it is not competent for the legislature to take it away. A vested right to an existing defense is equally protected, saving only those which are based on informalities not affecting substantial rights, which do not touch the substance of the contract and are not based on equity and justice. *Cooley, Const.Lim.* 362-369.” [underline emphasis added]

Conflict of Laws is that part of the law of each state which determines what effect is given to the fact that the case may have a significant relationship to more than one state. Restatement. Second. Conflicts of Law, § 2.

Under the principles of *Erie Railroad Co. v. Tompkins*, 304 U.S. 64, (1938), a federal court in a diversity case must apply the substantive law of the forum state, including its choice-of-law rules, *Klaxon Co. v. Stentor Electrical Manufacturing Co.*, 313 U.S. 487, (1941). See also *D'Oench, Duhme & Co. Inc. v. Federal Deposit Insurance Corporation*, 315 U.S. 447, (1942).

92. Plaintiffs argue that although *Erie supra*, talks about diversity of citizenship, as regards the federal courts; *Klaxon supra*, affirms that the law of forum state applies including the choice of law rules that plaintiffs have exercised with their CONTRACT RIGHTS to be primarily citizens of the incorporated State of Washington accepting the assignment of its organic constitution as evidenced by their "AFFIDAVITS OF TRUTH" that was to be regarded that the justice the Plaintiffs, would receive would be substantive due process as opposed to procedural due process. CP 15, 16, 22, 23, 35, 36, 37 And;

93. The State of Washington is the state of incorporation and in which the instant case has its legal seat and which demands substantive due process.

Substantive due process. Such may be broadly defined as the constitutional guarantee that no person shall be arbitrarily deprived of his life, liberty or property; the essence of substantive due process is protection from arbitrary and unreasonable action. *Babineaux v. Judiciary Commission, La.*, 341 So.2d 396, 400.

Procedural due process. Those safeguards to one's liberty and property mandated by the 14<sup>th</sup> Amend., U.S. Const., such as the right to counsel appointed for one who is indigent, the right to a copy of a transcript, the right of confrontation; all of which are specifically provided for in the 6<sup>th</sup> Amendment and made applicable to the states' procedure by the 14<sup>th</sup> amendment. *Black's Law Dict. 5<sup>th</sup> ed.*

94. Plaintiffs and the record show they did not receive any process as their case was not heard in the established court. The only process was

the process of the SUPERIOR COURT causing an investment, unknown to plaintiffs, and relative to the plaintiffs. CP 15, 63 Appendix "A-3" "A-12"

Rule 9(k) Foreign Law.

(1) United States Jurisdictions. A party who intends to raise an issue concerning the law of a state, territory, or other jurisdiction of the United States shall set forth in his pleading facts which show that the law of another United States jurisdiction may be applicable, or shall state in his pleading or serve other reasonable written notice that the law of another United States jurisdiction may be relied upon.

- (i) the party's contentions as to which issues of law are governed by the foreign law;
- (ii) the substance of such foreign law;
- (iii) the expected effect of such foreign law on the legal issues and on the outcome of the case being tried;
- (iv) the specific foreign statutes, regulations, judicial and administrative decisions, documents and other non-privileged written materials and translations thereof upon which the party intends to rely.

95. The plaintiffs argue that the defendants have not filed papers in "The State of Washington superior court for the county of Skagit" in pursuant to and conforming with the laws of the State of Washington indexed at RCW rule 9 (k). CP 93, 96, 194, 269, 272, 274, 277, 280, 290, 297

96. Plaintiffs argue that the federal court of appeals outlined those rules as a three-step analysis. First, the court must isolate the issue on which

the laws conflict. Second, it must identify the purposes of the conflicting state laws to determine whether a genuine conflict exists. Third, it must examine the contacts of the interested jurisdictions to ascertain which has the closer connection with the facts of the case and thus has the superior interest in seeing its law applied. *Auten v. Auten*, 308 N.Y. 155, 124 N.E.2d 99 (1954). Quoted at 643 F.2d 98 (1981). CP 22

97. Plaintiffs continue in argument, asserting the enacted laws of the State of Washington apply, not things not enacted called RCWs.

Huber on "Conflict of Laws" makes it very clear beyond doubt in "Praellect" pt. 2. bk. 1, tit, 3, n. 2 that any state created rights based on convenience and utility is not binding obligation or duty. Paul Voet, Huber, and John Voet all agree that laws that have extra-territorial effect rest entirely on comity. P. Voet, Statutis s. 4, c. 2, n. 7. [See H.J.R. 192.] Foreign law can have no effect ipso jure outside the territory of the enacting state. It must be recognized or accepted, that is, incorporated by the law of the forum. [underlined emphasis added]

Plaintiffs argue that their contracts remain within the incorporated State of Washington and plaintiffs do not contact the forum of the unincorporated STATE OF WASHINGTON or its subdivision such as SKAGIT COUNTY or SUPERIOR COURT. The record shows it is the defendants and SUPERIOR COURT that comes upon the land to trespass on the plaintiffs' contract rights. CP 21, 22, 29, 30, 31

SUPERIOR COURT IS WITHOUT JURISDICTIONAL

## AUTHORITY TO ISSUE ORDERS CONCERNING PLAINTIFFS

98. The SUPERIOR COURT **has neither subject matter nor personal jurisdiction** authority over the plaintiffs and plaintiffs' property. CP 13, 14, 21, 22, 23, 35, 36, 37, 80, 81

99. Plaintiffs argue as primarily citizens of the incorporated State of Washington they create no intangible debt res having made no gift in trust as "other property" chargeable against an estate (see CUSIP below) within the United States under Article IV § 3 cl.2, that includes either the STATE OF WASHINGTON, or "SKAGIT COUNTY", or "SUPERIOR COURT", thus not subject to in personam, in rem or quasi in rem jurisdiction to support **charges** of a non existent unincorporated commercial association, under the STATE OF WASHINGTON and its governmental subdivisions. CP 59, 60, 63, 65, 66, 67, 68 Appendix "A-8"

"Since the adoption of the Fourteenth Amendment to the Federal Constitution, the validity of such judgments may be directly questioned, and their enforcement in the State resisted, on the ground that proceedings in a court of justice to determine the personal rights and obligations of parties over whom that court has no jurisdiction do not constitute due process of law. Whatever difficulty may be experienced in giving to those terms a definition which will embrace every permissible exertion of power affecting private rights, and exclude such as is forbidden, there can be no doubt of their meaning when applied to judicial proceedings. They then mean a course of legal proceedings according to those rules and principles which have been established in our systems of jurisprudence for the protection

and enforcement of private rights. To give such proceedings any validity, there must be a tribunal competent by its constitution -- that is, by the law of its creation -- to pass upon the subject matter of the suit;" *Pennoyer v. Neff* 95 US 714 (1878). [underline emphasis added].

Plaintiffs further argue that SUPERIOR COURT can produce no law or document of its creation as it is a creation that exists only in the minds of those agents operating SUPERIOR COURT as a commercial enterprise. CP 12, 13, 14, 15 Appendix "A-1"

Jurisdiction is "The right to adjudicate concerning the subject-matter in the given case. To constitute this there are three essentials: First, the court must have cognizance of the class of cases to which the one to be adjudicated belongs; second, the proper parties must be present; and third, the point decided upon must be in substance and effect within the issue." *Reynolds v. Stockton*, 140 U.S. 254, 268, 269. (1891).

Under Federal law which is applicable to all states, the U.S. Supreme Court stated that if a court is "without authority, its judgments and orders are regarded as nullities. They are not voidable, but simply void; and form no bar to a recovery sought, even prior to a reversal in opposition to them. They constitute no justification; and all persons concerned in executing such judgments or sentences, are considered, in law, as trespassers." *Elliott v. Lessee of Piersol*, 26 U.S. (1 Pet.) 328, 329, 330 (1828).

"We have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given. The one or the other would be treason to the Constitution." *Cohen v. Virginia*, 6 Wheat 264, L.Ed. 257 (1821); also *US v. Will* 449 US 200.

Jurisdiction of the court extends by the letter of the U.S. Constitution. Those who would withdraw any case from that description must sustain the exemption they claim on the spirit and true meaning of the Constitution, and that spirit and true meaning

must be so apparent as to override the words which the framers have employed. *Cohens v. Virginia*, 19 U.S. 264 (1821).

100. The plaintiffs argue they demand the letter of the United States Constitution and the constitution of the State of Washington while the defendants below and the SUPERIOR COURT claim the spirit and true meaning, to support their unincorporated associations' trespass on plaintiffs, by attempting to override the words which the framers employed. CP 16, 20 And;

The judge has a duty to continually inspect the record of the case and if subject-matter jurisdiction does not appear at any time from the record of the case, then he has the duty to dismiss the case as lacking subject-matter jurisdiction. Should a judge act in any case in which he does not have subject-matter jurisdiction, he is acting unlawfully. *U.S. v. Will*, 449 U.S. 200, 216, (1980); *Cohens v. Virginia*, 19 U.S. (6 Wheat) 264, 404, (1821), and without any judicial authority. [Underline emphasis added.]

The law is well-settled that a void order or judgment is void even before reversal. *Valley v. Northern Fire & Marine Ins. Co.*, 254 U.S. 348, (1920)

"Courts are constituted by authority and they cannot go beyond that power delegated to them. If they act beyond that authority, and certainly in contravention of it, their judgments and orders are regarded as nullities. They are not voidable, but simply void, and this even prior to reversal." *Old Wayne Mut. I. Assoc. v. McDonough*, 204 U.S. 8, (1907); *Williamson v. Berry*, 49 U.S. (8 How.) 495, 540 (1850); *Rose v. Himeley*, 8 U.S. (4 Cranch) 241 (1808).

101. Further by the Court in *Old Wayne Mut. Life Ass'n v. McDonough*, 204 U.S. 8 (1907).

**"No judgment of a court is due process of law, if rendered without jurisdiction in the court, or without notice to the party." *Scott v. McNeal*, 154 U.S. 34, 46.**

No state can, by any tribunal or representative, render nugatory a provision of the supreme law. And if the conclusiveness of a judgment of decree in a court of one state is questioned in a court of another government, federal or state, it is open, under proper averments, to inquire whether the court rendering the decree or judgment had jurisdiction to render it. [underline and bold emphasis added]

Such is the settled doctrine of this Court. In the leading case of *Thompson v. Whitman*, 85 U.S. (18 Wall.) 457, 468 (1873), the whole question was fully examined in the light of the authorities. Mr. Justice Bradley, speaking for the Court and delivering its unanimous judgment, stated the conclusion to be clear that the jurisdiction of a court rendering judgment in one state may be questioned in a collateral proceeding in another state. [204 U.S. 16] notwithstanding the averments in the record of the judgment itself. The Court, among other things, said that, if it be once conceded that the validity of a judgment may be attacked collaterally by evidence showing that the court had no jurisdiction, it is not perceived how any allegation contained in the record itself, however strongly made, can affect the right so to question it. The very object of the evidence is to invalidate the paper as a record. If that can be successfully done, no statements contained therein have any force. If any such statements could be used to prevent inquiry, a slight form of words might always be adopted so as effectually to nullify the right of such inquiry. Recitals of this kind must be regarded like asseverations of good faith in a deed, which avail nothing if the instrument is shown to be fraudulent.[underline emphasis added]

102. Plaintiffs argue and assert defendants can produce no document of establishment or constituted authority, in the exact spelling case usage and word orientation, for the entity: SUPERIOR COURT FOR SKAGIT COUNTY WASHINGTON a.k.a. THE SUPERIOR COURT OF THE

STATE OF WASHINGTON FOR SKAGIT COUNTY. CP 12, 13, 14,

15 And;

This decision was in harmony with previous decisions. Chief Justice Marshall had long before observed, in *Rose v. Himeley*, 8 U.S. (4 Cranch) 241 (1808), that, upon principle, the operation of every judgment must depend on the power of the court to render that judgment. In *Williamson v. Berry*, 49 U.S. (8 How.) 495, 540 (1850), it was said to be well settled that the jurisdiction of any court exercising authority over a subject may be inquired into in every other court when the proceedings in the former are relied upon and brought before the latter by a party claiming the benefit of such proceedings, and that the rule prevails whether the decree or judgment has been given in a court of admiralty, chancery, ecclesiastical court, or court of common law, or whether the point ruled has arisen under the laws of nations, the practice in chancery, or the municipal laws of states.

In his Commentaries on the Constitution, Story, § 1313, referring to *Mills v. Duryee*, 11 US 7 Cranch 481, 484, (1813), and to the constitutional requirement as to the faith and credit to be given to the records and judicial proceedings of a state, said:

But this does not prevent an inquiry into the jurisdiction of the court in which the original judgment was given, to pronounce it, or the right of the state itself to exercise authority over the person or the subject matter. The Constitution [204 U.S. 17] did not mean to confer [upon the states] a new power or jurisdiction, but simply to regulate the effect of the acknowledged jurisdiction over persons and things within the territory.

In the later case of *Galpin v. Page*, 85 U.S. (18 Wall.) 350, 365-366, 368 (1873) -- decided after, but at the same term as, *Thompson v. Whitman* -- the Court, after referring to the general rule as to the presumption of jurisdiction in superior courts of general jurisdiction, said “that such presumptions only arise with respect to jurisdictional facts concerning which the record is silent. Presumptions are only indulged to supply the absence of evidence or averments respecting the facts presumed. They have no place for consideration when the evidence is disclosed or the averment is made. When, therefore, the record states the evidence or makes an averment with reference to a jurisdictional fact, it will be

understood to speak the truth on that point, and it will not be presumed that there was other or different evidence respecting the fact, or that the fact was otherwise than as averred." [ underline emphasis added]

103. By the evidence of the record the plaintiffs have made null and void of any presumptions that SUPERIOR COURT has or had subject matter jurisdiction to issue orders in the instant matter; CP 35

The Court did say that "the necessary inquiry in determining whether a defendant judge is immune from suit is whether at the time he took the challenged action he had jurisdiction over the subject matter before him." *Stump v. Sparkman*. 435 U.S. 349 at 356. (1978).

But when a judge knows that he lacks jurisdiction, or acts in the face of clearly valid statutes or case law expressly depriving him of jurisdiction, judicial immunity is lost. See *Bradley v. Fisher*, 80 U.S. 335 (13 Wall.) at 351,(1871). ("when the want of jurisdiction is known to the judge, no excuse is permissible"); *Turner v. Raynes*, 611 F.2d 92, 95 (5th Cir. 1980) (Stump is consistent with the view that "a clearly inordinate exercise of un-conferred jurisdiction by a judge-one so crass as to establish that he embarked on it either knowingly or recklessly-subjects him to personal liability").

104. Plaintiffs argue, therefore, there is no subject matter jurisdiction for the SUPERIOR COURT to issue ORDERS affecting plaintiffs. Additionally, plaintiffs have made null and void any presumptions of subject matter jurisdiction with their "Affidavit of Truth" and acceptance of withdrawal . CP 35-37

#### CONTRACT RIGHTS

105. The SUPERIOR COURT **interferes with a contract** the plaintiffs have entered into with “The State of Washington in the superior court for the county of Skagit. CP 5, 6, 7, 8, 12, 13, 22, 23, 29-32, 269-271, 272-273, 274-276, 277- 279, 294-295, 297-298, 300-302

U. S. Constitution Article 1. § 10. cl. 1 “No state shall.....pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts.....” [underlined added]

Constitution of the State of Washington  
Article I. Sec. 2. The constitution of the United States is the Supreme law of the land.

106. Plaintiffs have no citizenship altering contracts or contacts, presumptive or otherwise, with the defendants. CP 35, 36, 37

107. Plaintiffs argue that defendants below and SUPERIOR COURT are unincorporated (can produce no documents of creation / establishment authority) trading companies who personate the incorporated State of Washington, county of Skagit and The State of Washington in the superior court for the county of Skagit respectively to engage in commercial activity. Appendix “A-1” “A-3”

108. The constitution of the State of Washington is a contract between the people and the State of Washington. And; Appendix “A-2”

109. The constitution states at Article I. § 29 the “mandatory provision” clause and goes on at Article II. §§ 18, 19, 20, 21, 22, 32 stating the requirements to become law in the State of Washington. CP 12, 13, 14, 83 Appendix “A-6”

MANDATORY. Adj. Of, relating to, or constituting a command; required; preemptory. *Black’s Law 8<sup>th</sup>* page 803

“ A provision in a statute is said to be mandatory when disobedience to it, or want of exact compliance with it, will make the act done under the statute absolutely void.”  
Henry Campbell Black, *Handbook on the construction and Interpretation of the laws*, 334 (1896)

110. The SUPERIOR COURT disregards the fact that the things exactly called RCW 84.56.010, RCW 84.56.020, RCW 84.56.050 and RCW 84.64 do not conform to the requirements of the above noted articles and sections of the constitution being merely part of an indexing system and at best prima facie evidence of the law rebuttable by the law.

It is the substance, and not the form, which controls, as has indeed been established by repeated decisions of this court. *Brown v. Maryland*, 25 U.S. (12 Wheat.) 419, 444 (1827).

Plaintiffs argue and assert the laws of the State of Washington properly enacted are the substance of the law. The mere form “Revised Code of Washington” indexed RCW 1.04.010 being evidence of the law and “RCW” indexed may be cited RCW 1.04.040 as prima facie evidence of the law and the use of said code intended to embrace all

the laws of the state of a general and permanent nature. Plaintiffs rebut the form of the law in its application with the substance of the law. CP 17, 19, 20, 23, 77 Appendix “A-11“, “A-14”

***embrace***, vb. To attempt to influence (a judge or juror) by corruption, or to behave in a way that might have a corrupting influence; to engage in embracery. *Black’s Law 9<sup>th</sup> Ed.* p. 599

111. The plaintiffs entered into a two party contract with the State of Washington in the superior court for the county of Skagit actually paying the filing fee of Two Hundred and thirty dollars to adjudicate an issue. CP 56, 89

112. Plaintiffs have the right to have their case heard and adjudicated in the established State of Washington superior court in the county of Skagit. CP 5, 33, 56, 57, 69

113. Plaintiffs argue that the plaintiffs’ contract rights are the property of the plaintiffs. CP 13, 16, 22, 23, 80

114. The State of Washington in the superior court for the county of Skagit did not adjudicate the issue as a third party interloper SUPERIOR COURT interfered with the plaintiffs’ contract trespassing on plaintiffs’ property. CP 22, 23, 65, 66 *Elliott v. Lessee of Piersol* Page 30, 31.

115. Plaintiffs further state and argue:

- a. To destroy a validly acquired right is the taking of property. *Osborn v. Nicholson*, 80 U.S. (13 Wall.) 654 (1871).
- b. The Fifth Amendment operates, even in the great emergency created by war, to protect a citizen of this country from confiscation of his contract rights without just compensation. *Brooks-Scanlon Corp. v. United States*, 265 U.S. 106.(1924).
- c. The right to contract is a property right by both the State and Federal Constitutions, *Coppage v. Kansas*, 236 US 1, 236 US1, (1915) (ovrld on other grounds) *Phelps Dodge, Corp. v. NLRB* 313 US 177. (1941).
- d. Valid contracts have the status of property for the purpose of the guaranty of due process of law. *N.H. Lyons & Co. v. Corsi* 3 NY 2d 928 167 NYS2d 945, 145 NE2d 885, app dismd 355 US 284; *People ex rel. Rodgers v. Coler*, 166 NY 1, 59 NE 716, and as such are protected from being taken without just compensation, whether the obligator is a private individual, a municipality, a state, or the United States. *Lynch v. United States* 292 US 571.
- e. Other courts have stated that the liberty to make contracts includes the corresponding right to refuse to accept a contract or to assume such liability as may be proposed. *St. Louis S.R. Co. v. Griffin*, 106 Tex 477, 171 SW 703; *Seattle High School Chapter A. F. T. v. Sharples*, 159 Wash 424, 293 P 994.
- f. A person cannot be forced to do a thing which he did not agree to do because it is like, and no more burdensome than, something which he did contract to do. *Crane Ice Cream Co. v. Terminal Freezing & Heating Co.*, 147 Md 588, 128 A 280. Taken from 16 A Am Jur § 592, p. 524.
- g. The right to contract is a property right by both the State and Federal Constitutions, *Coppage v. Kansas*, 236 US 1, 236 US1, (1915) (ovrld on other grounds) *Phelps Dodge, Corp. v. NLRB* 313 US 177. (1941).

116. Plaintiffs argue they have neither contact nor contract with the defendants or the SUPERIOR COURT to allow defendants or

SUPERIOR COURT to interfere with plaintiffs' contract rights. CP 7, 16, 22, 23

#### DISCOVERY

117. Plaintiffs argue the fact that the SUPERIOR COURT interfered with and prevented hearings in the established court effectively blocked the discovery phase of the instant matter. CP 60

118. The defendants and SUPERIOR COURT **interferes with ongoing discovery.** CP 60 Appendix "A-9"

#### SUPERIOR COURT INVESTMENT IN PRIVATE COMMERCE

119. See page 10, 11 paragraph 55 through 60 in issues pertaining to assignments of error. And;

120. Agents of the SUPERIOR COURT in concert with others have on at least two occasions, acting as private persons, converted plaintiffs file documents into devices as investments in the private international commercial marketplace creating a fiduciary duty to plaintiffs. Plaintiffs argue that they have discovered the defendants below and SUPERIOR COURT caused into the commercial market place investments relative to plaintiffs and relative to tracking via Committee on Uniform Securities Identification Procedures (CUSIP) Number 316390764 and symbol

FSESX which is part of Fund Number 43 a Fidelity Select Energy Service Portfolio. CP 63 Appendix "A-3"

121. And plaintiffs further argue that the defendants and SUPERIOR COURT also caused into the commercial market place investments relative to plaintiffs and relative to tracking via CUSIP Number 316343201 and symbol FPBFX which is part of Fund Number 302 a Fidelity Pacific Basin Fund. CP 62 Case No. 1020200996 Appendix "A-12" (John Marshall on commerce) page 21

122. Plaintiffs, under information and belief argue that the defendants and SUPERIOR COURT keep the above information and data hidden or disguised from public view and discovery. Appendix "A-9"

123. Plaintiffs under information and belief argue that the SUPERIOR COURT judge and defendants below act as false executor and false beneficiary relative to charges against plaintiffs' decedent estate, probably executed as derivatives, while treating plaintiffs as trustees thereof. CP 15, 16, 81, 82, 83

"Where a public official takes discretionary action that the official knows will directly benefit a financial interest that the official has concealed in violation of a state criminal law, that official has deprived the public of his honest services under 18 U.S.C. Sec. 1346." *United States v. Panarella*, 277 S.F.3d 678, 691 (3<sup>rd</sup> Cir.)

124. Plaintiffs argue strenuously that they and they alone are the executors and beneficiaries of their estates and demand the SUPERIOR COURT release to the plaintiffs documents regarding investments made relative to plaintiffs and / or CARL GEORGE JAEGEL and WAVERLY JONELL JAEGEL, or any alternative variant spelling of those names. CP 65, 66, 81, 82, 83.

#### **SUPERIOR COURT PREJUDGED PLAINTIFFS' CASE**

125. The SUPERIOR COURT **prejudged plaintiffs' case** to support its investments CP 59, 60. Appendix "A-3"

126. Plaintiffs argue the record is sufficient argument to support the above statements. See record this file.

#### **SUPERIOR COURT ALTERS PUBLIC RECORD**

127. The SUPERIOR COURT **allows the defendants to change the names of the plaintiffs** from Carl George and Waverly Jonell Jaegel to the status of names of decedents CARL GEORGE and WAVERLY JONELL JAEGEL **to support the SUPERIOR COURTS' commercial investment** against the plaintiffs as a decedent estate. CP 65, 93, 96, 194, 269, 272, 274, 277, 290, 294, 297, 300

128. Plaintiffs argue that defendants below and SUPERIOR COURT and its agents (clerks) act together to interfere with the public record of the plaintiffs. CP 57, 65, 76, 77, 83

129. Plaintiffs argue the laws of the State of Washington 2000 c250 indexed at RCW 9.38.020 state:

“Every person who shall maliciously or fraudulently execute or file for record any instrument, or put forward any claim, by which the right or title of another to any real or personal property is, or purports to be transferred, encumbered or clouded, shall be guilty of a gross misdemeanor.”

Plaintiffs argue that the public record of plaintiffs in the instant case, including the plaintiffs estate and the plaintiffs’ contract rights are real property of the plaintiffs and only the plaintiffs. CP 21, 22, 23, 50, Appendix “A-13”

## V. CONCLUSION

130. Whereas, the plaintiffs have shown by the record that plaintiffs are creditors and citizens of the incorporated State of Washington and owning land and property in the incorporated county of Skagit. And;

131. Whereas, the plaintiffs have shown by the record that the agents of the incorporated State of Washington and the superior court thereof respectively have stepped outside their bodies corporate to facilitate the nature of the business to be transacted without benefit of corporate veil

(private commercial in nature) as the unincorporated STATE OF WASHINGTON, SKAGIT COUNTY, and SUPERIOR COURT.

132. Whereas, the plaintiffs have shown by the record that the nature of the business of the plaintiffs is not involved with the defendants and / or SUPERIOR COURT, but it is protected by their contract rights, and those contract rights protected by Article 1 § 10 of the U.S. Constitution and the incorporating documents of the public bodies, State of Washington, county of Skagit and The State of Washington in the superior court for the county of Skagit. And;

133. Whereas, the plaintiffs have shown by the record the defendants have not appeared or answered in the established superior court of The State of Washington. And;

134. Whereas, the plaintiffs have shown by the record that the SUPERIOR COURT is without jurisdiction over plaintiffs and plaintiffs property. And;

135. Whereas, the plaintiffs did not appear in the SUPERIOR COURT. And;

136. Whereas, the plaintiffs have shown by the record that the things called exactly RCW 84.56.010, RCW 84.56.020, RCW 84.56.050 and RCW 84.64 are merely prima facie evidence of law and are not law.

137. Whereas, the plaintiffs have shown by the record that they are not in conflict with the incorporated State of Washington applying the enacted laws of the State of Washington in regards property tax, as that issue is not argued or discussed or a part of the instant case. And;

138. Therefore, plaintiffs respectfully ask the State of Washington in the supreme court to declare and enjoin as follows:

A. It is declared that which is called RCW 84.56.010, RCW 84.56.020, RCW 84.56.050, and RCW 84.64 have not been enacted into law pursuant the requirements of the Constitution of the State of Washington, and shall be unconstitutional as, and when, applied to the Plaintiffs.

B. It is further declared that the venue and jurisdiction of the unincorporated SKAGIT COUNTY and STATE OF WASHINGTON shall be foreign to the venue and jurisdiction of the Plaintiffs' incorporated county of Skagit and the State of Washington.

C. It is ordered that Defendants shall immediately and permanently remove Plaintiffs' property description from Defendants' property tax rolls.

D. It is further ordered that Defendants shall be immediately restrained by injunction from enforcing RCW 84.56.010, RCW

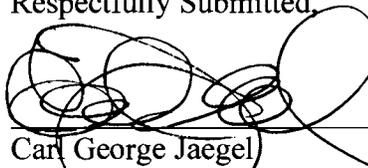
84.56.020, RCW 84.56.020, and RCW 84.64 against Plaintiffs and Plaintiffs' property as land.

E. Any and further declaration the court deems fit in the circumstances to eliminate all controversy as to the rights, status and relationship between Carl George and Waverly Jonell Jaegel and STATE OF WASHINGTON, SKAGIT COUNTY and SUPERIOR COURT.

F. It is further ordered that Defendants shall pay to the Plaintiffs, in legal tender of the United States, the reasonable costs incurred by the plaintiffs in this action, and the plaintiffs may present an appropriate order to the court for such costs.

Dated this 14<sup>th</sup> November, 2011.

Respectfully Submitted,

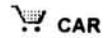
  
\_\_\_\_\_  
Carl George Jaegel

  
Waverly Jonell Jaegel

# Appendix



VIEW MY PRODUCTS / SERVICES



Monitor My Business Credit | Monitor Others' Business Credit

### Company Search Results

Select a company from the list below.  
 Can't find the company you are looking for? Try refining your search.

Sort list by: Relevance

< previous page

Showing page 1 of 3 pages

next page >

Type	Company Name	Address	
Branch	JUDICIARY COURTS OF THE STATE OF WASHINGTON Also Traded as SKAGIT COUNTY SUPERIOR COURT	205 W KINCAID ST STE 103, MOUNT VERNON, WA	<input type="text"/>
Headquarters	SKAGIT, COUNTY OF	1800 CONTINENTAL PL STE 100, MOUNT VERNON, WA	<input type="text"/>
Branch	JUDICIARY COURTS OF THE STATE OF WASHINGTON Also Traded as SPOKANE COUNTY SUPERIOR COURT	1116 W BROADWAY AVE, SPOKANE, WA	<input type="text"/>
Branch	JUDICIARY COURTS OF THE STATE OF WASHINGTON Also Traded as SNOHOMISH COUNTY SUPERIOR COURT	3000 ROCKEFELLER AVE, EVERETT, WA	<input type="text"/>
Headquarters	BUSINESS BANK OF SKAGIT COUNTY	1854 S BURLINGTON BLVD, BURLINGTON, WA	<input type="text"/>
Branch	KING, COUNTY OF Also Traded as COURTS SUPERIOR COURT REGIONAL JUSTICE CNTR COURT	401 4TH AVE N, KENT, WA	<input type="text"/>
Branch	KING, COUNTY OF Also Traded as COURTS SUPERIOR COURT REGIONAL JUSTICE CNTR FAMILY	401 4TH AVE N, KENT, WA	<input type="text"/>
Branch	KING, COUNTY OF Also Traded as COURTS SUPERIOR COURT REGIONAL JUSTICE CNTR FAMILY	401 4TH AVE N, KENT, WA	<input type="text"/>
Branch	KING, COUNTY OF Also Traded as COURTS SUPERIOR COURT REGIONAL JUSTICE CNTR FAMILY	401 4TH AVE N, KENT, WA	<input type="text"/>
Branch	KING, COUNTY OF Also Traded as COURTS SUPERIOR COURT REGIONAL JUSTICE CNTR INFORM	401 4TH AVE N, KENT, WA	<input type="text"/>

Dun & Bradstreet CREDIBILITY CORP

Talk about your Business with Dun & Credibility



Appendix A-1

Preamble to the constitution of the State of Washington

We, the people of the State of Washington, grateful to the Supreme Ruler  
of the Universe for our liberties, do ordain this constitution.

Appendix "A-2"

07/27/2011 [B]

(112013866)

Fidelity Select Energy Service Portfolio (FSESX); No Minors

Symbol:	FSESX
CUSIP:	316390764
Fund Number:	43
Inception Date:	12/16/1985
Net Assets:	\$1,768,228,840.79 as of 6/30/2011
Portfolio Assets:	\$1,768,228,840.79 as of 6/30/2011

Appendix A-3

The supreme court of the State of Washington  
supreme court # 86487-0

Carl George Jaegel  
Waverly Jonell Jaegel'  
Plaintiffs/Appellants,

v.

STATE OF WASHINGTON  
SKAGIT COUNTY,  
Defendants/Respondents

---

Affidavit of Carl George Jaegel and Waverly Jonell Jaegel

I, Carl George Jaegel and I, Waverly Jonell Jaegel, Affiants, jointly and severally make this affidavit being of the age of reason and having first hand knowledge of the facts in this instant case, certify under the penalties of perjury of the laws of the United States of America and the State of Washington, being duly sworn deposes and say:

1. Affiants did file on Aug. 16 a note for calendar and confirmation made for a hearing on Aug. 29, 2011 on a motion for default judgment and order granting Declaratory Judgment and Injunctive Relief. When Affiants appeared for the scheduled court date Affiants' names were not listed on the docket preventing a hearing in the "The State of Washington in the superior court for the county of Skagit."
2. Affiants, on that same date Aug. 29 rescheduled a hearing for September 12 and confirmation made for a default motion in "The State of Washington in the superior for the county of Skagit." The court dismissed the case saying the case had been heard in the "SKAGIT COUNTY SUPERIOR COURT" Further;

3. Affiants sayeth naught.

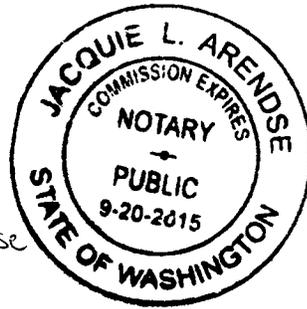
  
11/14/11  
Carl George Jaegel

  
Nov. 14, 2011  
Waverly Jonell Jaegel

Subscribed and sworn to before me

on this 14 day of November 2011

  
Jacquie L. Arendse  
Notary Public, county of Skagit  
State of Washington  
Commission expires 9/20/2015



**TITLE 18 - CRIMES AND CRIMINAL PROCEDURE**  
**PART I - CRIMES**  
**CHAPTER 63 - MAIL FRAUD AND OTHER FRAUD OFFENSES**

**§ 1346. Definition of "scheme or artifice to defraud"**

For the purposes of this chapter, the term "scheme or artifice to defraud" includes a scheme or artifice to deprive another of the intangible right of honest services.

(Added Pub. L. 100-690, title VII, § 7603(a), Nov. 18, 1988, 102 Stat. 4508.)

Appendix "A-4"

The constitution of the State of Washington

Article IV. Sec. 28. Every judge of the supreme court, and every judge of a superior court shall, before entering upon the duties of his office, take and subscribe an oath that he will support the constitution of the United States and the constitution of the State of Washington, and will faithfully and impartially discharge the duties of judge to the best of his ability, which oath shall be filed in the office of the Secretary of State.

Appendix A-5"

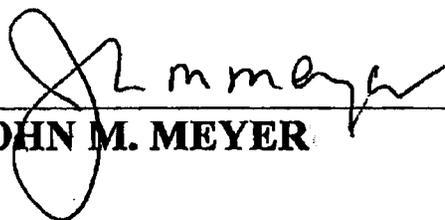
#63

# OATH OF OFFICE

STATE OF WASHINGTON

SKAGIT COUNTY

I, Honorable **JOHN M. MEYER**, do solemnly swear (or affirm) that I will support the Constitution and Laws of the United States, and the Constitution and Laws of the State of Washington, and that I will faithfully and impartially perform and discharge the duties of the office of Superior Court Judge Position 1, in and for the County of Skagit, State of Washington, according to law, to the best of my ability and understanding.

  
\_\_\_\_\_  
**JOHN M. MEYER**

Subscribed and sworn to before me this 13th day of October, 2008.

  
\_\_\_\_\_  
**JUSTICE MARY FAIRHURST**

FILED

OCT 15 2008

STATE OF WASHINGTON

Appendix "A-5"

The constitution of the State of Washington

Article 1. Sec. 29. The provisions of this constitution are mandatory, unless by express words they are decided to be otherwise.

State of Washington constitution

Article II. Sec. 18. The style of the laws shall be: "Be it enacted by the Legislature of the State of Washington." And no law shall be enacted except by bill.

Article II, Sec. 19. No bill shall embrace more than one subject, and that shall be expressed in the title.

Article II. Sec. 20. Any bill may originate in either house of the Legislature, and a bill by one house may be amended in the other.

Article II Sec. 21. The yeas and nays of the members of either house shall be entered on the journal, on the demand of one-sixth of the members present.

Article II Sec. 22. No bill shall become law unless on its final passage the vote be taken by yeas and nays, the names of the members voting for and against the same be entered on the journal of each house, and a majority of the members elected to each house be recorded thereon as voting in its favor.

Article II. Sec. 32. No bill shall become a law until the same shall have been signed by the presiding officer of each of the two houses in open session, and under such rules as the Legislature shall prescribe.

Appendix "A-7"

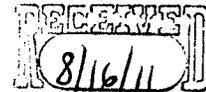
U.S. Constitution

Article IV. Sec. 3. Cl. 2. The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

The Supreme Court ruling on the property clause of Article IV Section 3, clause 2 stated:

Literally, the word "territory," as used, signifies property, since the language is not "territory *or* property," but "territory or *other* property." There arises an evident difference between the words "*the* territory" and "*a* territory" of the United States. The former merely designates a particular part or parts of the earth's surface—the imperially extensive holdings of the Nation; the latter is a *governmental subdivision* which happened to be called a "colony"..."province"..."a territory, under the Constitution and laws of the United States is an inchoate state," quoting *Ex parte Morgan* D.C. 20 Fed 298, 305 *O'Donoghue v. United States*, 289 US 516 (1933) .

Appendix "A-8"



86

August 15, 2011

To: Skagit County Treasurer  
From: Waverly Jaegel

Dear Cori Russell,

Pursuant to the provisions of the Washington State Freedom of Information Act, Public Records Act RCW 42.56, and 5 USC § 552 I hereby make a formal request for a certified copy of the following documents:

1. The investment document related to Superior Court of Skagit County file/account number 112013866 (11-2-01386-6), whether a derivative or not, relative to CUSIP number 316390764, and stock symbol FSESX which is part of fund 43 from Fidelity Select Energy Service Portfolio.
2. The investment document related to Superior Court of Skagit County file/account number 102020996 (10-2-02099-6), whether a derivative or not, relative to CUSIP number 316343201, and stock symbol FPBFX part of fund 302 from Fidelity Pacific Basin Fund.
3. The documents relative to 1. and 2. above which contain the names, or identifiers by any description, of the person or entity responsible for the above investment, or action by any description.
4. The documents relative to 1. And 2. Above which identify the beneficiaries of the above noted investments, or action by any description.
5. If above described documents and/or information do(es) not exist in your office, please so state.

Thank you,

Waverly Jaegel  
15873 McLean  
Mount Vernon, Washington (98273)

Appendix "A-9"



OFFICE OF THE  
SKAGIT COUNTY CLERK

August 26, 2011

NANCY K. SCOTT  
SKAGIT COUNTY CLERK

MAVIS BETZ  
CHIEF DEPUTY CLERK

205 WEST KINCAID, ROOM 103  
MOUNT VERNON, WA 98273  
PHONE (360) 336-9440

Waverly Jaegel  
15873 McLean  
Mount Vernon WA 98273

RE: Skagit County Cause Nos. 11-2-01386-6 and 10-2-02099-6

Dear Ms. Jaegel:

There have been no funds received or invested regarding either of the two cases listed above.

Sincerely,

Mavis Betz  
Chief Deputy

/mb

The Constitution of the State of Washington

Article IV. Sec. 1. The judicial power of the the State shall be vested in a supreme court, superior courts, justices of the peace, and such inferior courts as the Legislature may provide.

RCW 1.04.010  
Revised Code of Washington enacted.

The ninety-one titles with chapters and sections designated as the "Revised Code of Washington" and attested by the secretary of the senate and the chief clerk of the house of representatives of the legislature of the state of Washington, are hereby enacted and designated as the "Revised Code of Washington." Said code is intended to embrace in a revised, consolidated, and codified form and arrangement all the laws of the state of a general and permanent nature.

[1951 c 5 § 2; 1950 ex.s. c 16 § 1.]

Notes:

Creation of new code titles authorized, effect: RCW 1.08.015.

Appendix "A-11"

Stock ...  
[www.fundquest.com/images/.../PBD\\_NationalFinancialMasterList.pdf](http://www.fundquest.com/images/.../PBD_NationalFinancialMasterList.pdf)  
 - Similar

Ads  
**Cusip Number**  
 Get **Cusip** Number  
 Find **Cusip** Number  
[www.ask.com](http://www.ask.com)

**[PDF] Fidelity Retail Fund and Portfolio Short Term Trading Fee Schedule**

File Format: PDF/Adobe Acrobat - Quick View  
**316343201**. FPBFX. 1.50%. 90 days. Southeast Asia ... **CUSIP**. Trading Symbol. Fee. Term. Select Air Transportation. 34. 316390798. FSAIX. Select Automotive ...  
<https://www.tdameritrade.com/portal/.../FidelityRetailSTRFSchedu.pdf>

See your ad here »

**[PDF] Word Pro - Pershing mutual funds**

File Format: PDF/Adobe Acrobat - Quick View  
 MUTUAL FUNDS ELIGIBLE FOR TRADING THROUGH PERSHING. **CUSIP** ..... **316343201**  
 FPBFX FIDELITY PACIFIC BASIN. 316343300 FIEUX FIDELITY EUROPE FUND ...  
[www.reitmonitor.com/atlantis/.../Pershing%20mutual%20funds.pdf](http://www.reitmonitor.com/atlantis/.../Pershing%20mutual%20funds.pdf) - Similar

**CPI Qualified Plan Consultants, Inc.**

Fund Name, Share Class, **Cusip**, Ticker, Percent, Days ..... Fidelity Pacific Basin, X Shares, **316343201**, FPBFX, 1.5000, 90. Fidelity Real Estate Income ...  
<https://www.cpiqpc.com/Data/redemptionfees.aspx> - Cached

1 2 3 4 **Next**

[Search Help](#) [Give us feedback](#)

[Google Home](#) [Advertising Programs](#)  
[Business Solutions](#) [Privacy](#) [About Google](#)

Tracking data regarding derivative instruments as  
Security investments relative to appellants case files  
and appellants estate as decedents. In Re: 112013866  
and 1020200996.

Case File No. 112013866:

Symbol: FSESX

CUSIP: 316390764

Fund Number: 43

Inception date: 12/16/1985

Case File No. 1020200996:

Symbol FPBFX

CUSIP: 316343201

Fund number: 302

Inception date: 10/01/1986

Appendix "A - 12"

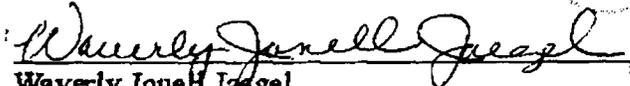
ADDENDUM TO DEED

The land referred to herein is situated in the County of Skagit, State of Washington, and is described as follows:

The South 660 feet of the West 660 feet of the Southeast 1/4 of the Northeast 1/4 of Section 22, township 34 North, Range 3 East WM, EXCEPT the South 25 feet thereof, as conveyed to Skagit County by Deed recorded July 9, 1952, under Auditor's File No. 477380, records of Skagit County, AND EXCEPT any portion lying within the North 1/2 of the Southeast 1/4 of the Northeast 1/4 of said Section 22, as conveyed to Earl Dralle, et ux, by Deed recorded September 21, 1988, under Auditor's File No. 8809210017, records of Skagit County, Washington.

The signatures on this deed are not to be construed as a charitable subscription or debt acknowledgement to the public trust via H.J.R 192 and Article IV Section 3 clause 2 of the Constitution of the United States.

  
Carl George Jaegel

  
Waverly Jonell Jaegel

On this 15<sup>th</sup> day of July, 2009, before me, the undersigned Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Carl Jaegel and Waverly Jaegel

WITNESS my hand and official seal affixed the day and year first above written.

Christine A. Boehm  
Notary Public in and for the State of Washington, residing  
at Anacortes, WA  
My appointment expires 01/25/2013



Appendix "A-13"



Constitution of the United States

Article IV. § 4. "The United States shall guarantee to every State in this Union a Republican Form of Government and shall protect each of them against Invasion; ....."

Appendix "A-14"

## DECLARATION OF SERVICE

I, Waverly Jaegel, certify under penalty of perjury and of the laws of the State of Washington, that on the 14 day of November, 2011; I caused to be served a true and accurate copy of the foregoing BRIEF OF APPELLANTS on the persons identified below:

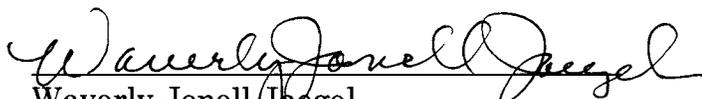
*Via U.S. Mail*

SUPREME COURT CLERK  
P.O. BOX 40929  
OLYMPIA, WA. 98504

A.O. DENNY  
SKAGIT COUNTY PROSECUTING ATTORNEY  
605 S. 3<sup>rd</sup> St.  
MOUNT VERNON, WA. 98273

CALLIE CASTILLO  
ASSISTANT ATTORNEY GENERAL  
P.O. Box 40123  
Olympia, WA. 98504

Dated this 14 day of November, 2011.

  
Waverly Jonell Jaegel