

RECEIVED  
JUN - 3 2019

Washington State  
Supreme Court

In the Supreme Court of the State of Washington

James-Benjamin; Barstad,  
Movant/Secured Party,

Vs.

STATE OF WASHINGTON,  
Respondent.

No. 97026-2

REPLY TO STATE'S ANSWER

I. INTRODUCTION:

Movant brought case for tort, in conversion of private Secured property. Movant is entitled to \$46,980,000.00 per Trezevant v. City of Tampa, 741 F.2d 336 (11th Cir. 1984). Movant seeks remedy for conversion of property.

II. DISCUSSION:

Movant accepts for value that his legal prowess has risen from the level of "frivilous" to that of "incoherent." The Court of Appeals is in error when they state, "To the extent these statements or claims raise nonconstitutional or nonjurisdictional issues, they were not raised in the trial court, and we decline to review them." Unpub.Op. 35809-7-III at pp.4-5.

In fact, the issues are constitutional and jurisdictional. Further, they were raised in the trisal court. TAKE NOTICE of Complaint, passim, as well as Plaintiff's Opening Brief, ¶4.18, and "EXHIBIT 4, Legal Notice and Demand." The

jurisdiction of STATE OF WASHINGTON over Movant has been presented to the trial court, albeit ignored by them, and was ignored by the Appellate Court.

The constitutional issues presented herein relate to operating under the presumption that JAMES BENJAMIN BARSTAD (DEBTOR/TRUST) and James-Benjamin; (Secured Party/TRUSTEE) are the same "person." This presumption has been **properly rebutted** by Movant. STATE OF WASHINGTON ceded this fact when it/they entered the Maritime Contract "notice and Legal Demand." JOHN C. DITIMAN has failed/refused to Prove his Claim and/or prove jurisdiction, along with multiple agents/employees of STATE OF WASHINGTON, to include SECRETARY OF DEPARTMENT OF CORRECTIONS. If they have a "claim," then why not answer the questions in the "Conditional Acceptance For Value" (CAFV) and **prove** said claim? Simply, they have no claim over the Private Secured Property of Movant. Further, they have not **registered** any said claim in the Commercial Registry. Movant is "first in line, first in time" with a perfected security interest. See, Colorado UCC Filing No. 2016-201-0433.

Movant hereby requests that this Court answer the questions presented in the CAFV, so that He can establish "who" is stealing His exemption, as He operates under Unlimited Commercial Liability. The underlying presentment, i.e., SPOKANE COUNTY CAUSE NO. 96-1-01310-3 has been Accepted For Value [RCW 62.9A. 619-620] and is in process of discharge. Since SPOKANE COUNTY traded/sold the bonds attached to the presentment, the underlying obligation (Judgment and Sentence) is also discharged. As Holder-In-Due-Course of said presentments (and bonds/orders of the court), Movant is entitled/required to seek settlement/discharge.

Any/all judgments/orders/presentments entered pursuant to the underlying obligation are VOID, as they are unauthorized for want of jurisdiction. This

Court can consider these proceedings as a MOTION TO VACATE VOID JUDGMENT. "When the trial court is faced with a void judgment, **it has no discretion and the judgment must be vacated whenever** the lack of jurisdiction comes to light." Mitchell v. Kitsap County, 59 Wn.App. 177, at 180, 797 P.2d 515 (1990) (Emphasis added).

This Court also is compelled to provide appropriate relief under auspices of the Federal Rules of Civil Procedure, Rule 60 (b)(4), where 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 void judgment under FRCP 60 (b)(4)." Antonie v. Atlas Turner, Inc., 66 F.3d 105 (6th Cir. 1995). The same can be said for the underlying trial court and Appellate Court, as both have abused their discretion in failing to recognize the Movant's status, failing to hear the case on its merits, and dismissing the case as "frivolous."

Movant will Accept For Value this case for Fifty-Million Dollars (\$50,000,000.00). Please see attached "Acceptance For Value." In the alternative, this Court can release all Orders of the Court(s) to Me immediately, to include all property held by STATE OF WASHINGTON. Notice of Intent to File Bankruptcy has already been filed in this matter, and Movant will move forward with Bankruptcy upon commercial dishonor.

Since the STATE OF WASHINGTON relies on its argument that Movant "accepts privileges" from them, they must **prove their claim**. This will be done by answering the CAFV, rebutting Movant's Affidavit point-for-point, and completing the attached "Demand for Identification (Quo Warranto)" and "Writ of Quo Warranto," so that the Movant may establish "who" is stealing His exemption. Please refer to the "Notice and Legal Demand" and Documents of Title for

guidance. UCC 11R Searches show STATE OF WASHINGTON has made no claim over either Movant or His private secured property. To presume, then, that said property is a "privilege" to Movant is ludicrous, ridiculous and fraudulent. They simply cannot "grant" anything they do not "possess." The tort is conversion, damages are due and owing, STATE OF WASHINGTON is failing to make payments as they become due.

### III. CONCLUSION:

STATE OF WASHINGTON has no jurisdiction over the Movant. It/they have failed on numerous occasions to prove any jurisdiction. As such, any "order" they make regarding Movant is VOID. Movant seeks His remedy herein.

EXECUTED this 25 th day of May, 2019.

  
James-Benjamin; Barstad, Sui Juris  
Attorney-in-Fact (Not a Fiction)  
HOLDER-IN-DUE-COURSE, TRUSTEE  
Authorized Representative of the JAMES BENJAMIN BARSTAD TRUST  
WITHOUT "UNITED STATES", WITHOUT PREJUDICE, UCC 1-308  
The Real-Party-In-Interest, Not a Fiction

Certified Mail / Return Receipt No. 7017-3380-0000-5659-9650  
Copy to Washington Supreme Court, Return Receipt No. 7017-3380-0000-5659-9667

**James-Benjamin; Secured Party**  
C/O South 3814 Eagle Lane  
Spokane  
Washington

**STATE OF WASHINGTON; Respondent(s)**  
C/O Assistant Attorney General  
**John C. Dittman**  
1116 West Riverside Avenue, Suite #100  
Spokane, Washington 99201

---

**NOTICE TO AGENT IS NOTICE TO PRINCIPAL  
NOTICE TO PRINCIPAL IS NOTICE TO AGENT  
Applicable to all successors and assigns**

---

**ACCEPTANCE FOR VALUE  
Claim No. 052519-JBB-JCD**

**Respondent(s),**

Please take notice that the Undersigned Secured Party has accepted all instruments, contracts, presentments, bonds, and orders for the value of Fifty-Million Dollars (\$50,000,000.00). DEBTOR, JAMES BENJAMIN BARSTAD WAO156219212 has consented to the acceptance. Please take notice that DEBTOR and Secured Party have entered into a Priority Security Agreement dated December First of Two-Thousand-Fifteen, Colorado Regional Uniform Commercial Code (UCC) Registry, Department of State, No. 2016-201-0433. Acceptance of the Cause(s) of action: WALLA WALLA COUNTY Cause No. 172008711; WASHINGTON COURT OF APPEALS, DIVISION THREE Cause No. 358097; WASHINGTON SUPREME COURT Cause No. 970262, and all related orders, bonds, proceeds, products, instruments, transfer orders, chattel paper, accounts, debts, obligations, and any other hypothecated Real and/or Personal Property whatsoever, is Accepted for Value and Exempt from Levy [RCW 62.9A.619-620].

This notification is given in accordance with the provisions of the Uniform Commercial Code.

The STATE OF WASHINGTON nul tiel corporation has been presented with a proposal of acceptance by the Undersigned. The Undersigned's search for claims held and registered against DEBTOR, JAMES BENJAMIN BARSTAD WAO156219212 has turned up an attached priority Perfected Security Interest and Security Agreement. In accord with the Uniform Commercial Code, unless the Secured Party receives in the time

allowed by law, an objection to the proposal authenticated by:

- A. Any person to which Secured Party was required to send a proposal;
- B. Any other person, other than the DEBTOR, holding an interest in the collateral subordinate to the Security Interests/Rights that is the subject of the proposal; and,
- C. DEBTOR waives the requirement of disposal of the collateral.

I request that you produce a Fiduciary Tax Estimate/Return, registered in the Commercial Registry showing the account assessment, or close the account(s) and return all property whatsoever to the Holder-In-Due-Course of the Document of Title and account(s)/cause(s) WALLA WALLA COUNTY Cause No. 172008711; WASHINGTON COURT OF APPEALS, DIVISION THREE Cause No. 358097; WASHINGTON SUPREME COURT Cause No. 970262, or:

Place My Acceptance of account(s)/cause(s) WALLA WALLA COUNTY Cause No. 172008711; WASHINGTON COURT OF APPEALS, DIVISION THREE Cause No. 358097; WASHINGTON SUPREME COURT Cause No. 970262, on the Court Docket, as I am the Holder-In-Due-Course, whereby I hold the commercial value of these presentments/contracts and call the calendar of the WASHINGTON SUPREME COURT for me to examine who it is that is making other claims, being that the property is EXEMPT FROM LEVY and Tax Estimate is registered for use for the Republic.

Income is corporate income, and the Fiduciary of that corporate entity is in possession of taxable income ( a criminal charge) by virtue of the corporation promise to pay (promissory note) held by that agent in the Business organization having the Principal for the adjustment of the account. That agent is eligible for a criminal charge against his person if the requested adjustment has not been returned tot the Principal. The account is EXEMPT only after adjustment.

In My acceptance of Public Offering of Respondent(s), WALLA WALLA COUNTY Cause No. 172008711; WASHINGTON COURT OF APPEALS, DIVISION THREE Cause No. 358097; WASHINGTON SUPREME COURT Cause No. 970262, which have been given value and are Exempt from Levy., I request adjustment of the accounts to **zero** and release of all proceeds, accounts, fixtures, instruments, bonds, and orders to be released to Secured Party immediately in that no one is Registered in the local chamber/community to operate against this flesh and blood man in commerce.

As you administer the criminal Bond/State Warranty, you know that all interactions between people (persons) are commercial undertakings based upon commercial law (contracts), to include any legal proceedings. With this in mind, even any type of legal action, which the corporate individual (JOHN C. DITTMAN) causing the action or signing the order for the cause, must register their personal claim in the commercial registry, or said individual is using an assumed tax exemption of the corporate DEBTOR, JAMES BENJAMIN BARSTAD, which is named as "party-in-interest", thereby causing a fraud to harm the Secured Party, James-Benjamin; Barstad, of his personal property.

As Fiduciary Heir, speculation with Trust funds is prohibited in the doctrine of Fiduciary obligation and thereby presents a firm guide to you. The pre-emergence characteristic of speculating, by assuming use of public debt, is a breach of the public trust, where the priority holder has made identification effort to POST the record to that fact, and contrary funds for private use without the consent and priority of a tax exemption, used to hijack the exemption (an act of piracy).

To insure that a breach does not occur you must prevent a breach, as you have administered the criminal Bond/State Warranty.

In order for you to complete the Exchange, I, Secured Party grant written permission to draw on My priority for the Tax Exemption, and funds necessary to effectuate the Transfer/Release. I have registered My Tax Estimate and Trade Name in the commercial registry. Draw from TreasuryDirect Account No. N-981-619-912; EIN No. 32-6089993.

This request is made in accord with public policy, and the three (3) - day Truth-In-Lending Act for settlement of these commercial agreements.

Please adjust these account(s) immediately.

O A T H

I swear under penalty of perjury of the laws of the State of Washington and of the united States of American, that the foregoing is True, Correct, and Not Meant to Mislead.

DEBTOR CONSENT:

JAMES BENJAMIN BARSTAD  
JAMES BENJAMIN BARSTAD  
CO UCC No. 2016-201-0433

ACCEPTED BY:

James Benjamin Barstad  
James-Benjamin; Barstad, Sui Juris  
Secured Party / Creditor / Trustee

C/O BARSTAD, JAMES [759730]  
COYOTE RIDGE CORRECTION CENTER  
P.O. BOX 769; MSC-IB-23-1L  
N. 1301 EPHRATA AVENUE  
CONNELL, WA [99326]

ADMINISTRATIVE NOTICE AND DEMAND FOR  
IDENTIFICATION AND CREDENTIALS

Q U O W A R R A N T O

This "Good Faith Presentment" is presented to the Office of WASHINGTON ATTORNEY GENERAL, WASHINGTON BAR ASSOCIATION (WASHINGTON COURTS OF RECORD), for purposes of obtaining FULL DISCLOSURE of identification and determining under what authority, office and capacity the Recipient(s) appear(s) to approach the Presentor.

This Administrative Notice, duly served upon the Recipient(s) and deemed Actual, Constructive, and Sufficient Notice, requires that the Recipient(s) provide to the Presentor, in Presentor's trade name (upper left-hand corner), within Seventy-Two (72) hours from the time of presentment, excluding weekends and legal holidays, copies of the below listed documents. Said copies are to be "Certified" and exemplified in accordance with 1 Statutes 122; 2 Statutes 298; and F.R.C.P Rule 902; under Article [the] VI of the Constitution for the united States of America, Anno Domini 1798, with Article Amendment Anno Domini 1791:

1. Oath of Office (Title 5 USC § 3331)
2. Officer Affidavit (Title 5 USC § 3332) and/or
3. Employee Affidavit (Title 5 USC § 3333)
4. Surety Bond (Title 5 USC § 2901 and D.C. Code 11-7040)
5. Registration (Title 22 USC § 611 and 612)

Your failure, refusal, and/or neglect to fully and timely comply will set, for the record, as ultimate fact(s) that **you are acting without authority, office, and/or capacity** as an officer, official, or agent for any Original jurisdiction non-corporate governmental, "The State of Washington," and/or "united States of America" pursuant to the Constitution for The State of Washington, Article IV, § 27, and/or Constitution for the united States of America, Anno Domini 1789, with Articles of Amendment Anno Domini 1791, to approach Presentor.

It is presumed and/or assumed that it is your duty and fiduciary obligation to provide the above information in a timely and truthful manner.

Silence equates with fraud/dolus.

This Administrative Notice and Demand is not intended to hinder, delay, obstruct, intimidate, nor in any way threaten anyone, but is merely a means to invoke

recipient's duty to act pursuant to the above quoted statutes, which apply to the recipient in recipient's official capacity, for lawful disclosure of vital and necessary information.

Should recipient not timely and fully comply, it will be deemed by tacit procurement you implied consent to a challenge, pursuant to a petition for a Writ of Quo Warranto (62 AmJur 2nd 5, 441) to your authority, in a court of correct jurisdiction, among other commercial actions.

Any further contact, instructions, directions, documents, etc., transferred from you, to Me, by means of postal delivery or electronic means, leaves you open for prosecution by the proper authorities for mail fraud and/or wire fraud, until such time as you have properly and fully identified yourself, pursuant to the above quoted statutes, and;

If you have any objections or competent reasons as to why you cannot comply with this Administrative Notice, you must put them in writing, stating all supporting evidence(s), signed by you within the time herein stated.

EXECUTED this 25 th day of May, 2019, C.E.

*James-Benjamin; Barstad* / 2016-201-0433 / UCC 1-308

James-Benjamin; Barstad, Sui Juris  
Holder-In-Due-Course of "Document of  
Title" to the Artificial Disregarded  
Entity Trade Name: JAMES BENJAMIN BARSTAD  
UCC Contract No. 2016-201-0433 (Colorado)  
UCC 1-308

In the Washington State Supreme Court

James-Benjamin; Barstad  
A natural free-born American  
Inhabitant, Sui Juris, De Soli,  
Jure Divino synonymous with  
"The People"

SPECIAL VISITATION:  
Establishing Sua Sponte  
Original Jurisdiction of this  
Court over the below named  
Document;  
under the venue and Jurisdiction  
of the American Flag of Peace

Vs.

The Bench members, Judges, Attorneys of the court of QUO WARRANTO RECORD, for the State of Washington in Washington Supreme Court Cause Number 97026-2, Republic in the Thurston and Spokane counties, located in the cities of Olympia and Sepokane.

Defendant(s)/Respondent(s)

QUO WARRANTO

QUO WARRANTO TO THE BENCH

To any and all Bench members/Judges/Attorneys of courts of record in the Supreme Court of the State of Wahington, Superior Court for the State of Washington, and Court of Appeals, Division Three, located in Spokane and Thurston counties,k and the City if Spokane.

The State of Washington in Washington Republic, and place on record.

Washington Republic

Thurston/Spokane county

} ss: Common Law

James-Benjamin; Barstad (and NOT JAMES BENJAMIN BARSTAD), hereinafter "Demandant," without the Legislative venue and jurisdiction of the United States, UNITED STATES, STATE OF WASHINGTON, and any STATE(S) of, sojourning within the Country of Washington and its Republic Form of Government, being first sworn

accordingly in Law, having first hand knowledge of the facts herein below, being of the age of contract and competent to witness, declare, and affirm the following as true, correct, certain, complete, and not misleading to the best of Demandants personal knowledge and belief, and to the penalty of perjury as articulated in the Laws of the United States of America [Title 26 USC § 1746].

This **QUO WQARRANTO** is a Common-Law Constitutional Entity and operates in accordance with the following:

On December 6th, the Supreme Court of the United States of America conceded the ratification of the 13th Original Article in the Amendment to the United States Constitution. Proposed in the year of 1810 (2 U.S. Statues at Large 613), it was recently discovered to have been properly ratified under the United States Constitution, Article V. The necessary number to achieve ratification was obtained when Virginia ratified the Article and promulgated the ratification in the Laws of many States as part of the Constitution. The issue has been brought before the Supreme Court, and the Court conceded its ratification in a 6 to 3 vote. It was in effect from the day of its ratification on March 12th, 1819, not from the time when the Supreme Court recognized it. The ruling was promulgated in (cite omitted). The 13th Original Article in Amendment to the United States Constitution reads as follows and declares without equivocation:

"If any citizen of the United States shall accept, claim, receive, or retain any title of nobility, or honor, or without the consent of congress, accept or retain any present, pension, office, or emolument of any kind whatsoever, from any Emperor, King, Prince, or Foreign Power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them or either of them."

Integrated State Bars are a relatively recent innovation in the United States; they were promulgated through the American BAR Association (hereinafter "IBA"). The International Bar Association's mailing address is: 4th Floor 10 St. Bride Street, London EC4A 4AD, United Kingdom.

An "Honor" is an advantage or special privilege... a license granted to some, but not generally possessed by others, giving some unequal opportunity to achieve or exercise political power.

Only Washington State BAR members have THE PRIVILEGE to "PRACTICE LAW". Reference: Washington's Admission to practice Rule (APR), Rule 1 Sec.(b), and Business and Professions Code, Sections 6000, 6001, 6125, 6126 (a) (1939).

In addition to that, Washington State BAR Members have the "HONOR" of exclusive opportunity to become Judges of the Courts of record within Washington Republic. See the Organic Washington State Constitution, Article IV, Sec. 17 and 19. "No Title of Nobility shall be granted by the United States," United States Constitution, Article I, cl. 17.

This "Honor" is void through the "Supremacy Clause," Maryland v. Louisiana, 451 U.S. 867 (1981), 101 S.Ct. 2114, 2128, 2129, U.S. Supreme Court, Page 11 daws

which are repugnant to the constitution are null and void," Marbury v. Madison, 5 U.S. 137 (1803).

Having accepted a "Title of Honor" under State law, the Judge(s) presiding in the Courts of Record in the Washington Republic, Spokane and Thurston counties, located in the Cities of Spokane and Olympia, are each **"incapable of holding any office of trust or profit"** from the time that they accepted the "Honor" of Membership to the State BAR in Washington Republic.

Their citizenship is void; they are foreign powers whose lawful status in Washington Republic is that of aliens (Title 8 USC § 1101(a)). They possess **no immunities** for any purpose, nor protection from any source, and any alleged Judgment(s) or Order(s) from these foreign powers have no standing in Law, they are void from the beginning and confer no power to enforce without valid contract.

#### FURTHER DEMANDANT SAYEIH NAUGHT

NOTICE: You are hereby **Commanded** by **Writ of Right, Quo Warranto**, to provide the following information in **CERTIFIED COPY** form, for the record and to the Demandant:

1. By what authority the Judge(s) of Courts of record for The State of Washington in Washington Republic, in Spokane and Thurston counties, located at the Cities of Spokane and Olympia, purport to hold Demandant in restraint, deprived of Life, Liberty, and the pursuit of Property, and:
2. By what authority the Judge(s) of the Courts of record for The State of Washington in the Washington Republic, in Spokane and Thurston counties, located at the Cities of Spokane and Olympia, have exercised any alleged power of authority, and:
3. By what legal process in Law, the Judge(s) of the Courts of record for The State of Washington in the Washington Republic, in Spokane and Thurston counties, located at the Cities of Spokane and Olympia, exercise any alleged power of authority, and:
4. Where is the location of, and who is the keeper, of record in which the Judge(s) of the Courts of record for The State of Washington in the Washington Republic, in Spokane and Thurston counties, located at the Cities of Spokane and Olympia, located at the judicial Branch of Government by Electors in compliance to the "Separation of Powers" Doctrine, and:
5. When the Judge(s) of the Courts of record for The State of Washington in the Washington Republic, in Spokane and Thurston counties, located at the Cities of Spokane and Olympia, current memberships to the State Bar Association became active and each member's State BAR Number, and:
6. Each Judge(s) of the Courts of record for The State of Washington in the Washington Republic, in Spokane and Thurston counties, located at the Cities

of Spokane and Olympia, "Oath of Office," "Bond Certificate," total amount of Bonded Funds, and Mailing location where the Bonded Funds are currently being held.

Executed and Signed this 25 th day of May, 2019, C.E.

Presented by James-Benjamin;, to the Supreme Court for The State of Washington in Washington Republic, in Thurston county, located at the City of Olympia.

*James Benjamin; Barstad # 77EE/UCC1-308*

James-Benjamin; Barstad  
A natural free-born American  
Inhabitant, Sui Juris,  
De Jure Soli, Jure Divino,  
TRUSTEE and Authorized Representative of the  
JAMES BENJAMIN BARSTAD® TRUST  
WIHTOUT PREJUDICE, UCC 1-308

Certificate of Service by Mailing

I, James Benjamin, of the Barstad® Family, declare herein that on the 25th day of May, 2019, A.D., I placed into the Prison Mail System, at COYOTE RIDGE CORRECTION CENTER, P.O. BOX 769; N. 1301 EPHRATA AVENUE, CONNELL, WA 99362, with the proper prison postage forms attached, copies of the following documents:

- 1) Reply to State's Answer
- 2) Acceptance for Value, Claim No. 052519-JBB-JCD
- 3) Administrative Demand - Quo Warranto
- 4) Writ of Quo Warranto
- 5) Certificate of Service by Mailing

RECEIVED  
JUN - 3 2019

Washington State  
Supreme Court

Copies of these were sent to the following parties:

- 1) John C. Dittman, dba:  
Asst. Atty. General of Washington  
W. 1116 Riverside Avenue, Suite #100  
Spokane, Washington 99201

\*\*Certified Mail / Return Receipt No. 7017-3380-0000-5659-9650

- 2) Washington Supreme Court  
Temple of Justice  
P.O. Box 40929  
Olympia, Washington 98504-0929

\*\*Certified Mail / Return Receipt No. 7017-3380-0000-5659-9667

Sworn as true, correct, and certain.

James Benjamin; Barstad®  
C/O JAMES BARSTAD [759730]  
COYOTE RIDGE CORRECTION CENTER  
P.O. BOX 769; MSC-IB-23-1L  
N. 1301 EPHRATA AVENUE  
CONNELL, WA [99326]

*James Benjamin; Barstad® / Certified / 7/20/19*

*Donald M. Berry*

61452-5

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE.

STAN, JAMES [754736]  
BRIDGE CORRECTION CENTER  
769; MSC-IB-23-1L  
CONNELL, WA [99326]



Washington Supreme Court  
Temple of Justice  
PO Box 40929  
Olympia, Washington 98504-0929

LEGAL MAIL