Form: private juris-Affidavit

**Writ of Mandamus**

In the form of a Counter Claim

**Affidavit of Truth**

From: Destry James: [Payne],

Apostille No. 12345-0-123456-123,

Ex rel, The United States of America;

Michigan a Free and Independent

State=Republic.

To: DAWN A KLIDA

STATE OF MICHIGAN

1230 WASHINGTON AVENUE

BAY CITY MI 48708

**KURT ASBURY**

STATE OF MICHIGAN

1230 WASHINGTON AVENUE

BAY CITY MI 48708

MICHAEL J. DILLON

55th DISTRICT COURT

700 BUHL AVENUE

MASON, MICHIGAN 48854

THE 74th DISTRICT COURT

700 BUHL AVENUE

MASON, MICHIGAN 48854

BY JOINDER ANY AND ALL

PARTIES KNOWN AND UNKNOWN

ET AL. THAT MAY=WILL BE

IDENTIFIED IN THE FUTURE

Counter Claim

Substantive and Constructive Notice

Claim of non-refuted or disputed or un-rebutted property claim

Per UCC-1 filling.

Opening Statement

In this matter the action titled State of Michigan turning an unalienable Natural God given right to exercise the use of the public common ways unencumbered upon the land into a profit mechanism and assigning the epithet "privilege" is unlawfull and repugnant to all free and independent members of We THE People. Claimant has deposited in the custody of the Secretary of State a property claim on UCC-1 form claiming absolute property ownership of the unlawfull coercive state "OPERATOR LICENSE", No. A 123 465 789 012 and have archived an Act of State with the state via Apostille No. 12345-6-789012-345, and all licensure items turned into adhesion contracts by the Corporate State of Michigan. This UCC-1 claim includes all vehicles and land=private property has been removed from the corporate title registry scheme that has been turned the exercise of Rights into privileges has remained un-refuted and un-rebutted to date.

This counter claim will also requisition the Secretary of State to enter on the State of Michigan and the National Federal L.E.I.N. system the Apostille No. 12345-6-789012-345 and declare the Claimant's status as Diplomat and in the category of "DO NOT DETAIN DO NOT ARREST" DIPLOMATIC IMMUNITY. Any policy enforcement by agents of the state or federal agencies will initiate a Diplomatic Action being lodged against all perpetrators.

Claimant in an effort to appease and avoid conflict with Policy-Enforcers has paid the tax, see exhibit "A" attached. The action of the 55th district court Clerk has been to further impose restrain and hardship on Claimant's unalienable rights to exercise unencumbered use of the public by ways to conduct the normal movement from one place to another to accomplish the means of subsistence and living. Failure of the 55th district court Clerk to accept the tax and remove further encroachments on Claimant's unencumbered right to exercise use of the public by ways and continues to do so by way of suspending this right is repugnant and a trespass on Claimants' rights secured in the Bill of Rights. The Supreme Court has supported this postulation that it is ***un-lawfull*** to turn a secured Right enumerated in the Constitution and Bill of Rights into a privilege and extract a fee.

This action is countered by this counter claim for Trespass on the unalienable Right to exercise the use of the public by ways and claimant now arrests all parties, ET Al, risk management bonds. See attached Lien lodged with known bond holders.

Right to Exercise use of the Public by-ways

In fully addressing this issue the first case Claimant sets forth addresses the basic “right to exercise use of the public by-ways” also titled "Right to Travel". Claimant, being one of the people and fellow people has stated an interested in this particular issue. The Corporate State of Michigan and all corporate state governments that coerce the people into paying a tax=fee turning a basic natural right into a privilege granted for sale by any state is ***un-lawfull***. These privileges usurped by the Corporate State of Michigan are license plates and driver's licenses, operator licenses. Theft of the "Manufactures Certificate of Origin" by the state and replacing it with a 'Certificate of Title" to justify the extraction of tax=fees and result in state ownership in private=property of the people is ***un-lawfull*** and repugnant to the Constitutions.

Claimant states and claims a first amendment right to exercise unencumbered use of the public by-ways, and also claims a fifth amendment right under due process and equal protection under the law to requisition the return and recognition of Claimants right to exercise unencumbered use of the public by-ways and the unencumbered right to own land=property. Claimant finds in the Michigan Constitution the protected right to exercise the right to utilize the public by-ways. “The freedom to travel is a fundamental right that should be unlimited by statutes, rules, or regulations which unreasonably burden or restrict movement. A law which substantially affects or penalizes the exercise of the right to travel may be justified only by a compelling state interest, and must be tailored carefully to avoid unnecessary infringement of the right." Freedom to exercise the Right to use the public by-ways throughout the United States has long been recognized as a basic right. Under the federal constitution it was recognized in such a strong manner that it was felt un-necessary to actually write it into the text of the documents.

***Shapiro v Thompson 394 U.S. P 618,*** in the beginning of the case they're talking about inhibiting migration by needy persons into a state as constitutionally impermissible. “All citizens must be free to travel throughout the United States uninhibited by statues, rules, or regulations which unreasonably burden or restrict this movement. ***If a law has no other purpose than to chill assertions of constitutional rights by penalizing those who choose to exercise them, it is patently unconstitutional.***”

“The equal protection clause prohibits apportionment of state services according to par tax contributions of its citizens. Any classification ***which serves to penalize the exercise of the right*** of interstate travel, unless shown to be necessary to promote a compelling government interest, is unconstitutional.” [T*he extraction of a tax=fee does not equate to a compelling government interest*]

When evaluating this case we find that it says ***“The right finds no explicit mention in the constitution. That a right so elementary was conceived from the beginning to be necessary concomitant to the stronger union the constitution created. In any event freedom to travel throughout the Unites States has long been recognized as a basic right under the constitution.”***

Having established that the right to exercise use of the public by-ways to move from point to point is clearly there, more arguments on the Right to Travel can be found at the law library in the Federal Digest, by looking up the Right to Travel in the “Words and Phrases” book. In this book looking up the words “Right to travel” you will get every Supreme Court Case that has anything to do with the "right to travel." One of the leading cases is, ***Shapiro v Thompson 394 U.S. P 618,*** that it's such a basic right it doesn't need to be mentioned.

In ***Shapiro v Thompson 394 U.S. P 618,*** moving from jurisdiction to jurisdiction the people were exercising their constitutional right, and any classification which penalizes the right, unless shown to be necessary to promote a compelling government interest, is unconstitutional. The reality was that they exercised their right to timely travel. And the state didn't want to allow that. First of all, the constitution is the supreme law of the land as stated in;

***Marbury v Madison, 5 U.S. (1 Cranch) 137 [1] (1803),*** In this landmark case in United States law and in the history of law worldwide, it formed the basis for the exercise of judicial review in the United States under Article III of the Constitution. It was also the first time in Western history a court invalidated a law by declaring it "unconstitutional", a process called judicial review.[2] [3] The landmark decision helped define the "checks and balances" of the American form of government.

Can states arbitrarily, intentionally and erroneously convert a secured liberty? In this case the exercise the right to use the public by-ways to travel freely and unencumbered, into a privilege and issue a license and demand a tax=fee for it? Obviously it was decided in ***Murdock v Pennsylvania 319 U.S. 105 (1943)*** clearly “No state may convert a secured liberty into a privilege”. What right=liberty is this court addressing? The right to exercise the use of the public by-ways to move freely and encumbered cannot be turned into a privilege and taxed=fee nor restricted.

So, does the corporate State of Michigan have the right to require We THE People to acquire and have an operator's license for the exercise of that right=liberty? As the Supreme Court has stated in the ***Murdock v Pennsylvania 319 U.S. 105 (1943)*** case "NO the state cannot!" What happens if the state requires We THE People to have a license? ***Shuttlesworth v. City of Birmingham***, ***180 So.2d 114 (1965),*** states this requirement can be ignored and We THE People can engage in the right with impunity. That means the state cannot punish We THE People for refusing to consent to contract and pay a tax=fee for exercising We THE Peoples Right=Liberty to exercise the right to use the public by-ways unencumbered.

We THE People's constitutional ***rights=liberties*** are secured in the Bill of Rights and are superior to any state generated statue. We have that right=liberty and they cannot pass a law Ex Post Facto that takes away that right=liberty. If the state does, it's unconstitutional and there are nine Supreme Court Judges that has ruled that this is the Supreme Law of the Land. No state may convert a secured liberty into a privilege and issue a license and extract a tax=fee for We THE People to exercise the right=liberty, and if they do We THE People can ignore the license and the tax=fee and engage in the right with impunity in conformity with ***Shuttlesworth v. City of Birmingham***, ***180 So.2d 114 (1965)***.

Since We THE People have not done anything evil or un-lawfull, and We THE People have relied on our Constitution and the Bill of Rights and on Nine Supreme Court Judges decision, We THE People have a perfected defense for the charge of willfulness, ***so We THE People cannot be charged with willfully not going and getting a license nor assessed a tax=fine=fee for traveling without the corporate states statute derived operator's license.***

***United States v Bishop, 36 L.Ed.2d 941, 93 S. Ct. 2008, 412 U.S. 346, No. 71—1698. Argued Jan. 16, 1973, Decided May 29, 1973,*** defines willfulness as an "evil motive or intent to avoid a known duty or task under the law with immoral certainty." Obviously We THE People did not willfully do that! We THE People have a relied upon the decisions of the Nine Supreme Court Judges previous decisions in the Supreme Court cases; ***Shuttlesworth, Murdock, and Marbury***. We THE People rely on our Supreme Court to be truthful and uphold our Constitutional and Bill of Rights secured right to exercise the right to use the public by-ways to move=travel freely and unencumbered pursuant to ***Shapiro v Thompson 394 U.S. P 618***, in compliance with their Oath of Office to "uphold the Constitution."

The presentment of these arguments are based on Nine Supreme Courts Judges deciding the constitutionality of the right=liberty to exercise the use of public by-ways to move=travel freely and un-encumbered. In 16th Am Jur 2nd, § 97 it says that it shall be interpreted in favor of We THE People, because We THE People are clearly the intended and ***expressly designated beneficiary***, the people=citizen, for the protection of our rights and property see ***Byars v. United States, 273 U.S. 28.*** ***Byars*** that deals with unlawfull search and seizure, but it also says it's supposed to be decided in favor of We THE People, the clearly intended and expressly designated beneficiary for the protection of our rights & property, so they have to enforce it in favor of We THE People?

***Boyd v United States*** ***116 U.S. 616 (1886) Argued December 11, 14, 1885, Decided February 1, 1886*** is next: The court is to protect against any encroachment of constitutionally secured liberties. It's their duty, they have no choice…They have to do it.

In ***Norton v Shelby County*** An unconstitutional act is not law. It confers no rights, it imposes no duties, it affords no protections, it creates no office, and it is in legal contemplation as inoperative as though it had never been passed.

**Operation of every single claim lodged in a corporate court**

In shipping language, the chartered vessel (United States=Corporation per 28 USC 3002(15)) took on cargo (the people), mortgaged that cargo to the hilt to pay for the voyage (used the credit of the people), then dumped that cargo (the people) over the railing and into the seas (commerce) to collect on the insurance (social security). Then, came back to the point of dumping for a salvage operation….(admiralty / maritime lien)  
  
First, one is “welcomed” into a foreign jurisdiction by the "host nation" of whom, through its "occupying army", extended its hospitality to a foreigner upon registration of the birth event and, per the custom of the host nation, provided a vessel (NAME=ENS LEGIS =FICTION=STRAWMAN) whose cargo is destined for the Treasury and an indemnity receipt guaranteeing care and maintenance of the vessel by the host nation in order “his burden be light”. (Read Law of Nations Book II Section 99 and on for the ramifications of this action)

Until, the host nation decided to grant an entrance and extend hospitality for the purpose of drawing foreigners into a snare. For once the snare was engaged, one’s duty as a foreigner is now towards defense of the host nation against pirates or robbers, against the ravages of an inundation, or the devastations of fire, for how can one pretend to live under the protection of a state, to participate in a variety of advantages that it affords, and yet make no exertion for its defense, but remain an unconcerned spectator of the dangers to which the citizens are exposed?

Now, the same foreigner is shanghaied at birth into that foreign jurisdiction (origination to image-nation), conscripted into citizenship (United States or whatever “nation”) as one can only become a Citizen “and not otherwise” via 2 Stat 153, given a “christened vessel” (NAME=ENS LEGIS), then sent to battle across the seas (capitalism: war-shipper of a re-legion), and left for dead (collateral damage and casualty of war). (See Law of Nations Book III Section 15 for the ramifications of this action)  
  
Then a “presumption of death” exists because the “infant” (foreigner) is “missing from beyond the seas” under International Maritime Law via Cestui Que Vie Acts 1540, 1666, and 1707. Now comes the “enforcement of a maritime lien” under “Admiralty Law” ... the IRS or any maritime lien is ONLY VAILD if one is “dead.” (the dead have no power over the living)

**26 USC 6903**  
“(a) Rights and obligations of fiduciary

Upon notice to the Secretary that any person is acting for another person in a fiduciary capacity, such fiduciary shall assume the powers, rights, duties, and privileges of such other person in respect of a tax imposed by this title…” (Form 56)

(d) Definition of fiduciary. The term “fiduciary” is defined in section 7701(a) (6) to mean a guardian, trustee, executor, administrator, receiver, conservator, or any person acting in any fiduciary capacity for any person.

**26 USC 1040** – Transfers of “real property” (issuance of securities under UCC 8-308 as the “appropriate person” is the “accommodation party”)

(a) executor of estate (Name) (resident) you are master of “your” dominion, correct?

(b) trustee of a trust (any portion of which is included in the gross estate of the decedent) (NAME=ENS LEGIS) (14th Amendment Citizen) you are here to fulfill divine providence and self-determination (God’s will) for the benefit of all, thus are trustee.

***IRS manual 21.7.13.3.2.2 - An infant is the decedent of an estate or grantor, owner or trustor of a trust, guardianship, receivership or custodianship that has yet to receive an SSN***.

How can one be an executor of an estate of a decedent when the SSN has been issued?

Exactly what estate of what decedent is one “administrating”?

[**26 USC 2032A**](http://www.law.cornell.edu/uscode/text/26/2032A)  
(a) (1) (A) decedent was a citizen/resident of the United States to time of death

(a)(1)(B) an “election” made on behalf of the executor

(d) election: agreement (remember “accommodation party”….this is where you come in)

(2) The agreement referred to in this paragraph is a written agreement signed by each person in being who has an interest. (could be anything from a court case to a utility bill)

Now check out **26 USC 674** and **Treasury Reg. § 1.674(b)**... “the back door”

**26 USC 2001**

(a) imposes tax on the decedents estate for the transfer

**26 USC 2002**

executor of estate liable for the tax

So there is a claim in a nutshell. If one does not provide “proof of life” (infant still using the estate and trust) then the one before the court/corporation is presumed to be an “executor” of a decedent’s estate and trustee of the “citizen trust”. The “claim” is nothing more than a ruse to get one to be an ***accommodating party via UCC 3-419*** for the agreement under 2032A(d)(2) for one is presumed to be an executor of a decedent’s estate and the 14th amendment citizen. NAME=ENS LEGIS, is just a trust ANYONE can operate under 26 USC 674 and Treas. Reg. § 1.674(b), but you are trustee as the “presumed citizen” and thus liable under 26 USC 1040(b) for the tax imposed under 26 USC 2001(a) via 26 USC 2002 as if one were executor.

This is the basis for the operation of the “exemption”, so do not go out and try use or to destroy this, you will not succeed, “they”, the corporate United States and the corporate Courts will not allow it …. Once “proof of life” has been established, NAME=ENS LEGI now is the “security entitlement holder” and NAME=ENS LEGIS now has whatever credit it needs as the IRS and all these other corporations are now bound to service the securities account (SS#) under UCC 8 as “securities intermediary” and usufructuary.

So, in reality "they", the corporate United States and the corporate Courts are actively engaged in infanticide and genocide in violation of international law and agreements under the Law of Nations and the Lieber Code of 1863 (Presidential Admiralty Law) for the purposes of accessing the estates of "presumed decedents" and while these apparent acts of genocide and infanticide may only be on paper, the results of these shenanigans crosses and carries over into the real world and "We" the real people suffer because of it each and every time one of their agents come to the door and identifies one through both NAME and SOCIAL SECURITY number because one is the infant, now age of majority.

Thereby...committing all the oldest sins in all the newest ways

Now We THE People ask the corporate United States and the corporate Courts:

Do We=I have a NAME?

Do We=I have a SOCIAL SECURITY number?

Are you aware of IRS manual **21.7.13.3.2.2**?

We THE People now know and demand to know why we are being held liable as the executor of a decedent’s estate and as trustee of the resulting trust when it appears the infant has a SOCIAL SECURITY number?

Would the corporate United States and the corporate Courts like production of the footprints of the infant to verify and validate this interest?

This insanity is to CEASE AND DESIST IMMEDIATELY!

We THE People have been seeking peaceful redress of the glaring abuses and overbearing oppression of the failure of the legal industry and the policy-enforcers to act in compliance with their Oaths of Office. This Oath is to uphold the laws and rights of We THE People secured in the Bill of Rights and the Constitutions. We THE People also know and uphold the operation of the peace treaty under Article 2 of the Lieber Code thru Article 43 of the Hague (restoration of public order and safety) of which the 1st essential task is to ensure the inhabitants can live their day to day lives, 2nd essential task is to establish an agreement which maximizes the benefits of both inhabitants and occupying army, and, in keeping with the provision of Article 2 of the Lieber Code that the occupying army remain as a condition of the peace, the 3rd essential task is that government administrates the agreement of which is laid out in Article 31 and 38 of the Lieber Code and Article 55 of The Hague, 18 October 1907. "Art. 55. The occupying State shall be regarded only as administrator and usufructuary of public buildings, real estate, forests, and agricultural estates belonging to the hostile State, and situated in the occupied country. It must safeguard the capital of these properties, and administer them in accordance with the rules of usufruct of which the occupying army is administrator and usufructuary of all public buildings, real estate, agricultural estates, etc… and must administrate them in accordance with the rules of usufruct." The “live birth certificate” is an “indemnity receipt” issued to the “spoliated owner”.

When We THE People are approach the corporate United States and the corporate Courts and identified by both a NAME and SS number, whatever “lien right” the corporate United States and the corporate Courts think they have has just been invalidated by the very fact the NAME and SS number was used to identify We THE People in the living breathing form and for all to see and know We THE People are alive and of the age of majority. The infant now has a SS number and is no longer a decedent, thus no lien, trusteeship, or executorship to enforce and it is actually a breach of the International Peace Agreement between the “living” and the “dead”.

The presumption that We THE People are dead is a rebuttable presumption, the glaring error the corporate United States and the corporate Courts force upon We THE People with “the system”. Since it all operates on paper and translates into the real world with real ramifications, then that is a big problem. But a problem We THE People will rectify this presumption by lawfull means to secure the Rights that the creator has bestowed on We THE Living men and women. We The People will rectify this by force of the knowledge of our living breathing condition held in the age of majority. Not as an infant lost at sea with our estate for plunder by the criminal legal industry.

Therefore We THE People accept that one has a “NAME=ENS LEGIS” and one has a “SOCIAL SECURITY NUMBER” but owns neither, then since both NAME=ENS LEGIS and SOCIAL SECURITY NUMBER have vested within the one, the estate also re-vests within the one as the ***infant is no longer dead or “missing from beyond the seas”, which automatically “invalidates all maritime liens” as those are just “salvage rights”, and is “of age of majority” and now we operate in pure equity and they the corporate United States and the corporate Courts*** ***are now the usufruct and we are the “naked owner” with disposal rights over all of the estate of the Earth***, As the peace treaty demands.

**REMEDY** **— COMMON CAUSE**

**Demand:** The power we are given from our Creator is often overlooked.  It is said, “Do unto others as you shall want done unto yourself.”  The Common Cause (CC) invokes this principle that is so fundamental in supporting the beneficial interests of humanity, that to abandon such a principle shall eventually result in personal injury and an immutable yoke upon us, and our heirs forever.  Thus a key to the Kingdom of Heaven is to take great concern for one’s neighbor and fear not that power (CC) that has lain dormant for the century, but rise to each occasion to support each other in the betterment of humanity under by this power.

**Purpose:** Every citizen has not only a right but a duty to protect all of the rights of the People.  When in the event that an officer of any state or federal government does trample a right that affects the general public of the state or nation, that citizen has the authority to move either as the People of his state, or the People of the United States to protect those rights. All political power is inherent in the People.  This is a fundamental principle upon which the Bill of Rights and all Constitutions rest. Public servants are delegated their power/authorities from the People and not the other way around.  We the People may make ourselves a party in any action, though We the People are not originally the named party or We THE People may commence an action to uphold the right so violated.  We THE People may also discipline the servants and remove the same from office for actions of misconduct under the unconstitutional application of the Law of We The People's state or nation.

—Any person who under color of statute violates the rights of any citizen of the United States is subject to suit. —  Title 42, § 1983 of the Laws of the United States   — Thus We THE People may enter traffic cases, medical cases, tax cases, foreclosure and a myriad of other cases or commence We The Peoples own case where we have deemed and the facts support a general violation of the rights of We THE People.

**The Case:** Stated Supra; a traffic ticket issued by a policy enforcer and a sum certain was extracted and paid and the 55th district court Clerk decided to ignore the fee and issued a suspension of the private property of a live breathing man that is beyond the age of majority a man that is live and animated. This action is in direct violation of a secured Right and has initiated the action now taken and the liens on the Corporate State of Michigan are filed in conjunction with this filing.

**SUMMARY:**  At the moment a public right is being violated by any officer of the state, any citizen within the state may join any action, We THE People, he, himself, she, herself whether or not a named party, may enter any case to secure that right in the name of We THE People of Michigan a Free and Independent or any other State in the Nation.  Thus, We THE People move without a financial interest in the matter, but under the greatest loss to the People of our nation and=or state, ***their Rights***. This is also applicable to the federal jurisdiction.

**ORDER FOR RELIEF;** The corporate Secretary of State shall enter into the state "license system" the Apostille #12345-6-789012-345 and ensure that it is recorded into the L.I.E.N. and the Diplomatic status of the number. The complete removal of all encumbrances from all records and the return of all property titles without exceptions.

The corporate 55th district court clerk, judge and all actors will remove the negative records and expunge all negative actions.

**ORDER:** All relief listed is ordered to be completed within 30 calendar days to satisfy Claimant to stop execution of lien.

Dated: Autograph: (Seal)

Appellation: