“STATE OF MICHIGAN DUNS NUMBER: 054698428”

**CIRCUIT COURT FOR THE FORTY SIXTH CIRCUIT**

**TRIAL CT DISTRICT** **DUNS NUMBER: 360709356**

**FOR CRAWFORD COUNTY**  
**Default Notice**

STATE OF MICHIGAN ET AL vs. Destry James Payne

“Plaintiff”, “Defendant”

File Number 20117913

Judge

Monte J. Burmeister

DUNS NUMBER: 138353284

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Everette E. Ayers

Attorney for alleged “Plaintiff”

**“DEFENDANTS’” Jurisdictional Challenge filed on or about the 9th day of May, two-thousand and thirteen A.D. Has yet to be Answered**

**Once jurisdiction is challenged, it must be proven. *Hagens v. Lavine*, 415 U.S. 533 And a Challenge of Jurisdiction is not a Motion therefore cannot be thrown out or dismissed!**

Defendant appears in this action in “Propria Persona” and asks that his filings, pleadings and appeal be liberally construed and interpreted and that His submittal to the Court not be held to the same standard as would submittal, filings and pleadings of an attorney at law. Pickering v Pennsylvania Railroad Co., 151 F.2d 240 (3d Cir. 1945).

Judge Monte J. Burmeister informed me (Defendant) the challenge of jurisdiction would be answered in writing and after 4 months, has failed to do so. The Prosecutor has failed to answer the challenge of jurisdiction. The arresting officer has failed to answer the challenge of jurisdiction. The STATE OF MICHIGAN could have answered the challenge of jurisdiction, but has failed to do so.   
The defendant DEMANDS that this frivolous case and all related charges as well as specific charge in the above cause be dismissed immediately for lack of subject matter jurisdiction and as default!

Affidavit

I, Destry James Payne declare this is true, correct, and complete.

1.) SUBJECT-MATTER jurisdiction is the authority of a court to hear and make a determination in a court action.

2.) "Without subject-matter jurisdiction all orders and judgments issued by a judge are void under law".

3.) Without subject-matter jurisdiction all orders and judgments issued by a judge are of no legal force and effect.

4.) Every act of the court beyond the subject-matter jurisdiction is void.

5.) Where a courts' power to act is controlled by statute, the court is governed by the rules of limited jurisdiction.

6.) Courts exercising jurisdiction by statute must proceed within the structure of the statute.

7.) Statutes are written with only limited jurisdiction.

8.) Statutes can only be applied to the subjects,(citizens, etc.), which they apply to.

9.) Statutes do not necessarily apply to a sovereign.

10.) Special statutory jurisdiction is limited to the language of the act countering it.

11.) As regard 10.) above, the court has no power from any other source.

12.) The authority of the court to make an order must be found in the statute.

13.) A judge not have subject-matter jurisdiction, then the law states that the judge has violated the law.

14.) A judge not have subject-matter jurisdiction, then the law states that the judge is a trespasser of the law.

15.) A trespasser is one who has committed unlawful interference with ones person, property, or rights.

16.) The law presumes nothing in favor of the jurisdiction of a court exercising special statutory powers, such as those given by statute under which a court acts.

17.) The judge has a duty to continually inspect the record of the case, and if subject-matter Jurisdiction does not appear from the record of the case, then the judge has the duty to dismiss the case as lacking Subject-matter jurisdiction.

18.) A judge act in any case in which the judge does not have subject-matter jurisdiction, the judge is acting unlawfully.

19.) A judge should not act in any case in which judge is acting without any judicial authority.

20.) Judge's allegation that he/she has subject-matter jurisdiction is only an allegation.

21.) If a judge has no subject-matter jurisdiction, those who advise judge, or execute his process are trespassers.

22.)The judge who acts without subject-matter jurisdiction is a common criminal.

23.) Is any one who acts in conjunction with a judge who acts without subject-matter jurisdiction is a common criminal.

I declare that the statements above are true to the best of my knowledge.

Respectfully submitted, Signed with explicit reservation of all Rights, and I waive none of my Rights at any time or for any reason,

…………………………………………………………………

Destry James Payne in pro per, sui juris (NOT PRO SE)

Authorized Beneficiary for DESTRY JAMES PAYNE.

Signed by the voluntary act of my own hand, the 11th day of September, two-thousand and thirteen A.D.

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Destry James Payne

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