Appeal No. G055075

In the California Court of Appeal
Fourth Appellate District, Division Three

Adam Bereki
Defendant Below and Appellant

v

Karen and Gary Humphreys
Plaintiffs Below and Respondents

Appeal from the Superior Court County of Orange
Case No. 30-2015-00805807
Hon. David Chaffee

MOTION FOR JUDICIAL NOTICE

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NOTICE AND DEMAND FOR JUDICIAL NOTICE

Pursuant to California Rules of Court, Rule 8.252, California Evidence Code Sections 451, 452, and 459, Appellant Adam Bereki ("Adam") in the above-caption appeal pending before this Court, hereby moves this Court to take Judicial Notice for the purposes of this appeal of the following:

For clarity and convenience, Rule 8.252 has been copied and pasted below in its native font with corresponding answers provided in this "thin" font to each of the questions and requirements posed therein:

2018 California Rules of Court

Rule 8.252. Judicial notice; findings and evidence on appeal

(a) Judicial notice

(1) To obtain judicial notice by a reviewing court under Evidence Code section 459, a party must serve and file a separate motion with a proposed order.

Refer to the following Motion and ~~Proposed Order annexed hereto.~~ Clerk rejected initial filing with a proposed order and said court will prepare it's own order.

(2) The motion must state:

(A) Why the matter to be noticed is relevant to the appeal;

This Motion For Judicial Notice contains *matters that are of substantial consequence to the determination of this action, most specifically the jurisdiction of the trial court and this appellate court.*

(B) Whether the matter to be noticed was presented to the trial court and, if so, whether judicial notice was taken by that court;

Business and Professions Code §7031 was presented to the trial court as Respondents First Amended Cause of Action. It was used as the authority upon which the trial court rendered it's judgment. As such, the General Provisions (definitions) of the BPC, such as §21 pertaining to certain words within §7031 must also have been included therein or reasonably should have

been – before rendering judgment. The remaining word definitions and phrases, images, statutes, cases and other information contained in this Motion were not judicially noticed to the trial court though entirely effecting the subject matter of its jurisdiction.

(C) If judicial notice of the matter was not taken by the trial court, why the matter is subject to judicial notice under Evidence Code section 451, 452, or 453; and

Refer to the following Motion and:

Evidence Code 451. Judicial notice shall be taken of the following:

> (a) The decisional, constitutional, and public statutory law of this state and of the United States and the provisions of any charter described in Section 3, 4, or 5 of Article XI of the California Constitution.
>
> (d) Rules of pleading, practice, and procedure prescribed by the United States Supreme Court, such as the Rules of the United States Supreme Court, the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure, the Admiralty Rules, the Rules of the Court of Claims, the Rules of the Customs Court, and the General Orders and Forms in Bankruptcy.
>
> (e) The true signification of all English words and phrases and of all legal expressions.
>
> (f) Facts and propositions of generalized knowledge that are so universally known that they cannot reasonably be the subject of dispute.

Evidence Code 452. Judicial notice may be taken of the following matters to the extent that they are not embraced within Section 451:

> (a) The decisional, constitutional, and statutory law of any state of the United States and the resolutions and private acts of the Congress of the United States and of the Legislature of this state.
> (b) Regulations and legislative enactments issued by or under the authority of the United States or any public entity in the United States.
> (c) Official acts of the legislative, executive, and judicial departments of the United States and of any state of the United States.

(d) Records of (1) any court of this state or (2) any court of record of the United States or of any state of the United States.
(e) Rules of court of (1) any court of this state or (2) any court of record of the United States or of any state of the United States.
(f) The law of an organization of nations and of foreign nations and public entities in foreign nations.
(g) Facts and propositions that are of such common knowledge within the territorial jurisdiction of the court that they cannot reasonably be the subject of dispute.
(h) Facts and propositions that are not reasonably subject to dispute and are capable of immediate and accurate determination by resort to sources of reasonably indisputable accuracy.

The information to be noticed as part of this Motion meets the conditions or requirements of Evidence Codes 451, 452, and 459.

Respondents having been served with this Motion are being afforded the opportunity to meet the information contained herein pursuant to Evid. §459.

[underlined, bolded emphasis in Evidence Code §451]

(D) Whether the matter to be noticed relates to proceedings occurring after the order or judgment that is the subject of the appeal.

The matter to be noticed primarily relates to the proceedings occurring *before* the order for judgment specifically at trial which is the subject of this appeal.

(3) If the matter to be noticed is not in the record, the party must serve and file a copy with the motion or explain why it is not practicable to do so. The pages of the copy of the matter or matters to be judicially noticed must be consecutively numbered, beginning with the number 1.

Refer to the tru-filing proof of service and these numbered pages.

MOTION FOR JUDICIAL NOTICE

This Motion For Judicial Notice contains ***matters that are of substantial consequence to the determination of this action***. Most specifically, the examination of structural jurisdictional errors in the proceedings at "trial".

"Non refert quid notum sit judice si notum non sit in forma judici."

It matters not what is known to the judge, if it is not known to him judicially." [1]

Jurisdiction cannot be waived or conferred by consent and can be challenged at any time, including for the first time on appeal.[2]

This Motion will further explore how Respondents have failed to meet their burden of proof to substantiate the jurisdiction of the trial court to render judgment in their favor.

In Respondents Reply Brief ("RRB") they allege jurisdiction citing Article VI Sec. 10 of the California Constitution and Richardson v Superior Court of Los Angeles County 138 Cal. App. 389, 391:

> *"The superior court is a court of general jurisdiction in all civil actions and proceedings, with stated exceptions, and it is a court of general jurisdiction…"*

At Business and Professions Code, ("BPC"), §7031(b) we find *different and* ***peculiar*** wording:

> *"(b) Except as provided in subdivision (e), a person who utilizes the services of an unlicensed contractor may bring an action* ***in any court of competent jurisdiction in this state*** *to recover all compensation paid to the unlicensed contractor for performance of any act or contract."*

Why not just say "California" instead of "this state"?

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[1] Bouvier's Law Dictionary, p. 2150.

[2] California v LaRue 409 US 109 (1972), Natta v Hogan 392 F. 2d 686 (1968), DeTomaso v Pan American World Airways, Inc. 43 Cal. 3d 517, 520 (1987), See also RRB.

To the unsuspecting jurist the words "in this state" or "state" may be of *seemingly* obvious meaning and import. But what *seems* obvious is the last place most would look for sleight of hand. "California" was not used because "in this state" has a meaning other than the de jure State: California…

JURISDICTION & VENUE: DISTRICT OF COLUMBIA ("THE DISTRICT")

Article IV, Section 4 of the Constitution for the United States of America, "Constitution", provides, in pertinent part, that "The United States shall guarantee to every State in this Union a Republican Form of Government."

Notwithstanding this guarantee, the current form of government found in "every State in this Union," id., though seemingly republican in form, is ultimately municipal—because, as shown herein below, every such State (i.e., body politic, *not* geographic area) has been transmuted into a political subdivision of the District of Columbia, a municipal corporation, 16 Stat. 419, whose municipal law is Roman Civil Law.[3]

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[3] In the community of nations, under international law, the District of Columbia, a.k.a. Washington or Washington, D.C., is the capital of the United States of America. The District of Columbia is the seat of the government established by the Constitution and a city the municipal law of which is Roman Civil Law:

> CIVIL LAW. The "Roman Law" and the "Civil law" are convertible phrases, meaning the same system of jurisprudence; it is not frequently denominated the "Roman Civil Law."
>
> . . . 1. The system of jurisprudence held and administered in the Roman empire, particularly as set forth in the compilation of Justinian and his successors . . . as distinguished from the common law of England and the canon law.
>
> 2. That rule of action which every particular nation, commonwealth, or city has established peculiarly for itself ; more properly called "municipal" law, to distinguish it from the "law of nature" and from international law. Henry Campbell Black, A Dictionary of Law (St. Paul, Minn.: West Publishing Co., 1891), 207.

Roman Civil Law equates to absolute, exclusive territorial, personal, and subject-matter legislative power (and executive and judicial jurisdiction) over residents of municipal territory.

The best symbol of Roman Civil Law is the badge of authority borne before Roman magistrates in ancient Rome, the fasces (Lat., from plural of fascis bundle)—a bundle of rods with an ax bound up in the middle and the blade projecting—as displayed on the Seal of the United States Senate, the wall behind the podium in the House of Representatives, reverse of the Mercury dime, National Guard Bureau insignia, Seal of the United States Tax Court, etc.

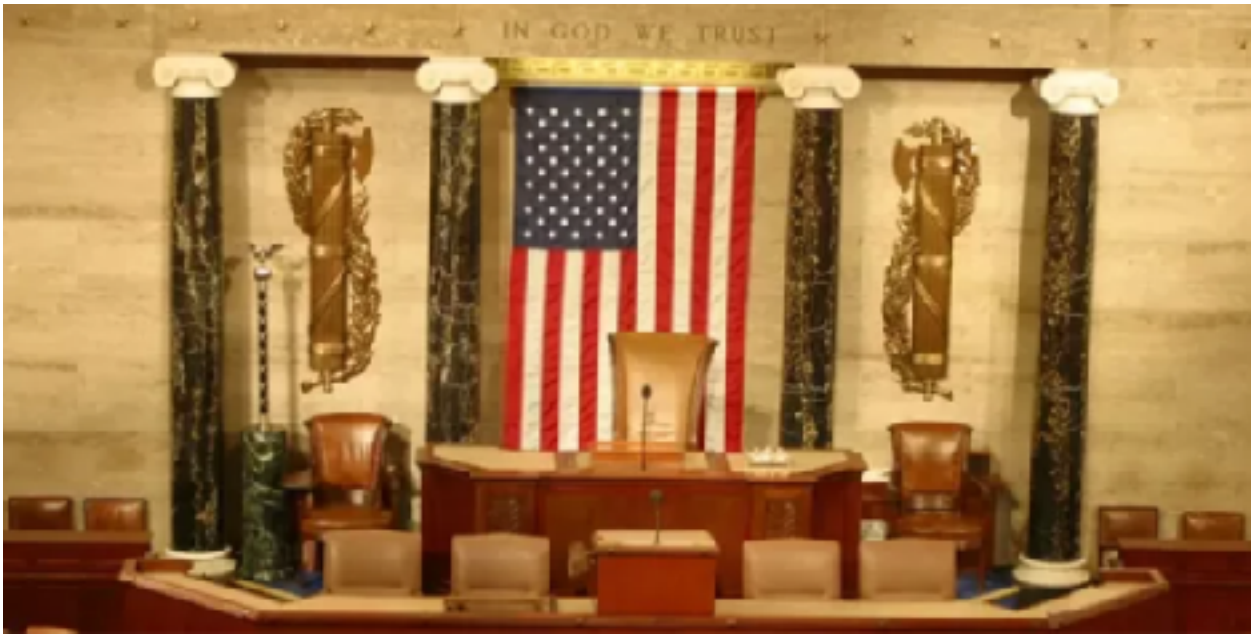
These images are important to see and confirm for oneself:[4]

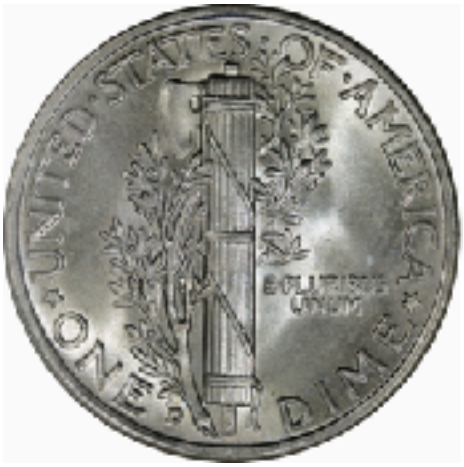
[4] United States Senate Seal Source: https://en.wikipedia.org/wiki/United_States_Senate

Wall behind House of Representatives Source: https://www.quora.com/In-the-US-House-of-Representatives-why-are-there-maces-on-the-wall-behind-the-Speakers-podium

United States Tax Court: https://en.wikipedia.org/wiki/United_States_Tax_Court#/media/File:Seal_of_the_United_States_Tax_Court.svg

Mercury Dime: https://en.wikipedia.org/wiki/Mercury_dime#/media/File:1943D_Mercury_Dime_reverse.jpg





Americans who do not physically reside in the District of Columbia today nevertheless are treated as residents of that municipality for legal purposes based on certain stealth legislation, fraud and misrepresentation.

Two sovereign authorities in the American Republic

The American People, via the Constitution at Article I, Section 8, Clause 17 and Article IV, Section 3, Clause 2, confer on Congress exclusive legislative power, but only over what would become the District of Columbia and other federal territory and property belonging to the United States; to wit:

> *It is clear that Congress, as a legislative body, exercise two species of legislative power: the one, limited as to its objects, but extending all over the Union: the other, an absolute, exclusive legislative power over the District of Columbia. . . . Cohens v Virginia, 19 U.S. 264, 434 (1821).*
>
> *The laws of congress in respect to those matters [preservation of the peace and the protection of person and property] do not extend into the territorial limits of the states, but have force only in the District of Columbia, and other places that are within the exclusive jurisdiction of the national goverment [sic]. . . . Caha v. U.S., 152 U.S. 211, 215 (1894).*

Those who actually reside in the District of Columbia—or are construed to be a resident of the District of Columbia for legal purposes—are treated as political subjects of Congress.

If a man or woman, as a constituent member of one of the 50 bodies politic of the Union, have come to believe they are personally subject to the statutes of Congress, then it is a certainty they are being treated as a legal resident of the District of Columbia and political subject of Congress—a notion which is at odds with the nature of the unique political authority in these freely associated compact states of the Union; to wit:

> *The same feudal ideas [like those in European countries, particularly in England, where the Prince is the sovereign and the people his subjects] run through all their jurisprudence, and constantly remind us of the distinction between the Prince and the subject. No such ideas obtain here; at the Revolution, the sovereignty devolved on the people, and they are truly the sovereigns of the country, but they are sovereigns without subjects . . . and have none to govern but themselves; the citizens of America are equal as fellow citizens, and as joint tenants in the sovereignty. [Underlined emphasis added.] Chisholm v Georgia, 2 U.S. 419, 471- 472 (1793).*
>
> *Sovereignty itself is, of course, not subject to law, for it is the author and source of law; but, in our system, while sovereign powers are delegated to the agencies of*

government, sovereignty itself remains with the people, by whom and for whom all government exists and acts. . . . Yick Wo v. Hopkins, 118 U.S. 356, 370 (1886).

There is no provision of the Constitution that confers on Congress legislative power (or executive or judicial jurisdiction) over any American residing or property located anywhere in the Union; e.g.:

It [the legislative power of Congress in the District of Columbia] exists independently, and the legislative powers of the States can never conflict with it, because it can never operate within the States. . . . Cohens v Virginia, 19 U.S. 264, 436 (1821).

[T]here is no such thing as a power of inherent sovereignty in the government of the United States. It is a government of delegated powers, supreme within its prescribed sphere [federal territory] but powerless outside of it [the Union]. In this country, sovereignty resides in the people, and Congress can exercise no power which they have not, by their Constitution, entrusted to it; all else is withheld. Julliard v. Greenman, 110 U.S. 421, 467 (1884).

The unanimous Declaration of the thirteen united States of America of July 4, 1776, at the Preamble thereof, provides, among other things, that all men (not just Americans) are endowed with certain unalienable rights, and that among these are "Life, Liberty, and the pursuit of Happiness," the constitutional equivalents of which are, respectively, life, liberty, and property (*Slaughterhouse Cases*, 83 U.S. 36, 116 (1872)).

Notwithstanding that each man's labor is his most sacred and inviolable personal property, under the Roman Civil Law of the District of Columbia,[5] a municipal corporation[6] (inc. February 21, 1871, 16 Stat. 419), occupations of common right are nonexistent, citizens / residents are political subjects of the legislative power (Congress), and those who wish to pursue a

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[5] "An Act to provide a Government for the District of Columbia," ch. 62, 16 Stat. 419, February 21, 1871; later legislated in "An Act Providing a Permanent Form of Government for the District of Columbia," ch. 180, sec. 1, 20 Stat. 102, June 11, 1878, to remain and continue as a municipal corporation (brought forward from the Act of 1871, as provided in the Act of March 2, 1877, amended and approved March 9, 1878, Revised Statutes of the United States Relating to the District of Columbia . . . 1873–'74 (in force as of December 1, 1873), sec. 2, p. 2); as amended by the Act of June 28, 1935, 49 Stat. 430, ch. 332, sec. 1 (Title 1, Section 102, District of Columbia Code (1940)).

[6] MUNICIPAL CORPORATION. A public corporation, created by government for political purposes, and having subordinate and local powers of legislation ; e.g., a county, town, city, etc. Henry Campbell Black, A Dictionary of Law (St. Paul, Minn.: West Publishing Co., 1891), 794.

particular profession or calling in order to earn a living are required to pay a fee or tax for a license (Lat. licere to be permitted) for the "privilege"[7] of doing so.

Congress and the United States Department of Justice and judiciary of the United States now exercise territorial legislative power and usurp executive and judicial jurisdiction over Americans residing and property located in "every State in this Union," Constitution, Art. IV, § 4; one need only read a newspaper or watch the evening news to confirm this.

An infinity of absurdities

A maxim of law tells us "Uno absurdo dato, infinita sequuntur. One absurdity being allowed, an infinity follow"[8]—and anyone who has ever evoked the ire of a government officer or employee can tell you that something is not right.

The Act of June 30, 1864 (13 Stat. 223, 306), at section 182 (infra) introduces the original absurdity—wherein Congress, via stealth legislation that violates literally dozens of legal principles and Supreme Court decisions, knowingly and willfully declare that the word "state" is now a statutory term with a constitutionally opposite definition and meaning that comprehends only the District of Columbia and the territories (i.e., no longer a common noun with a definition whose ordinary and popular meaning, as found in the dictionary and used in the Constitution, comprehends any of the several commonwealths united by and under authority of the Constitution and admitted into the Union); to wit:

> SEC. 182. And be it further enacted, That wherever the word state is used in this act it shall be construed to include the territories and the District of Columbia, where such construction is necessary to carry out the provisions of this act.

Since June 30, 1864, in all congressional statutes and constitutional amendments, such as the Fourteenth, Sixteenth, and Eighteenth Articles of Amendment to the Constitution, "state,"

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[7] The most common example of a District of Columbia municipal privilege is the driving privilege, exercised by obtaining a driver's license (legally and technically a certificate), which allows the holder to pursue his calling as a professional driver and use a so-called motor vehicle, 18 U.S.C. Crimes and Criminal Procedure, § 31(a)(6), for commercial purposes on the highways in the transportation of passengers, passengers and property, or property or cargo.

[8] Bouvier's Law Dictionary, 3rd rev. (8th ed.), rev. by Francis Rawle (St. Paul, Minn.: West Publishing Co., 1914) (hereinafter "BOUVIER'S"), 2166.

"State," and "United States" are defined or construed to mean, ultimately, the District of Columbia.

Application in the Instant Case

We return to Business and Professions Code §7031:

> (b) Except as provided in subdivision (e), a person who utilizes the services of an unlicensed contractor may bring an action in any court of competent jurisdiction in this state to recover all compensation paid to the unlicensed contractor for performance of any act or contract.

The controlling definition of "State" in Chapter 9 of the BPC relating to Contractors is found in General Provision §21:

> *"State" means the State of California, unless applied to the different parts of the United States. In the latter case, it includes the District of Columbia and the territories.*

At first glance, the first part of the provision *might* seem correct: "State" means the State of California. But it's the remaining aspects of the definition which pose serious question.

Under the Articles of Confederation and purportedly later under the Constitution, de jure States admitted into *this* Union were admitted as free and independent States. That is to say they had no jurisdiction over any other State and certainly not the District of Columbia, nor The District over them. Therefore, how so-called "State" 'law' in the form of the Business and Professions Code could transcend the geographical and jurisdictional boundaries of California to "*include* the District of Columbia and the territories" is of great significance.

An examination of an "Application For Original Contractors License" reveals the mandatory requisite of submission to the District of Columbia by the requirement of providing a Social Security Number (SSN), Individual Tax Payer Identification Number (ITIN) or Federal Employer Identification Number (FEIN):

> *If you fail to disclose your SSN, ITIN, or FEIN, your application will not be processed (Page 8, Application For Original Contractors License (6/17); http://www.cslb.ca.gov/Resources/FormsAndApplications/ApplicationForOriginalContractorsLicense.pdf*

In other words, what *seems* to be an application in California is really an application jurisdictionally in The District.

To more accurately see how this is so, it's necessary to examine Social Security and other taxpayer identification numbers to ascertain which jurisdiction they fall under as *requirements* to complete an Application For Original Contractors License.

The controlling definition of "State" in the chapter of the Internal Revenue Code ("IRC" or "26 U.S.C.") relating to Social Security payroll and Medicare taxes, Chapter 21 Federal Insurance Contributions Act (FICA), is Section 3121(e)(1); to wit:

> (e) . . . For purposes of this chapter—
>
> . . . (1) State
>
> The term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

Because "includes" is also an IRC term and appears in the above definition of "State," we first must account for its definition and meaning before we can determine the full extent of the meaning of "State."

The controlling definition of the IRC term "includes" is found at 26 U.S.C. § 7701(c); to wit:

> The terms "includes" and "including" when used in a definition contained in this title shall not be deemed to exclude other things otherwise within the meaning of the term defined.

Another way of saying the same thing in fewer words is *"The terms 'includes' and 'including' do not exclude things not enumerated which are in the same general class."* (27 C.F.R. § 72.11).

This means that other things, though not expressed in a particular definition, nevertheless are included in its meaning if they are of the same general class as those listed.

In the above definition of the IRC term "State," what the District of Columbia, Commonwealth of Puerto Rico, Virgin Islands, Guam, and American Samoa have in common is that **they are**

all bodies politic (a) subject to the exclusive legislative power of Congress[9] and (b) whose respective government imposes its own income taxes and withholding taxes on its own residents[10].

There is one and only one other body politic of this same general class: the Commonwealth of the Northern Mariana Islands.

Wherefore, the 26 U.S.C. § 3121(e)(1) "States" are the District of Columbia, Commonwealth of Puerto Rico, Virgin Islands, Guam, American Samoa, and Commonwealth of the Northern Mariana Islands and no other body politic.

This means that for purposes of Social Security payroll and Medicare taxes, only residents of the "State" of District of Columbia are liable (the five other so-called States have their own withholding taxes); residents of Union-members (e.g., Florida, Idaho, Oklahoma, etc.) are excluded.

Therefore if one does not reside in the District of Columbia but is paying Social Security payroll and Medicare taxes, they are being treated (and conducting themselves) as a resident, for legal purposes, of the "State" of District of Columbia.

Certain proceedings in courts of the United States

Every civil or criminal proceeding in every court of the United States regarding an alleged debt allegedly owed to the United States is administered in accordance with the provisions of 28 U.S.C. Judiciary and Judicial Procedure, Chapter 176, Federal Debt Collection Procedure, which provides its own exclusive definition of "State" and "United States"; to wit:

> §3002. Definitions
>
> As used in this chapter:

[9] Constitution, Articles I, sec. 8, cl. 17 and IV, sec. 3, cl. 2.

[10] IRS.gov, "Persons Employed In a U.S. Possession / Territory - FIT," https://www.irs.gov/individuals/international-taxpayers/persons-employed-in-us-possessions (accessed September 10, 2018).

. . . (14) “State” means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Marianas, or any territory or possession of the United States.

(15) “United States” means—

(A) a Federal corporation;

(B) an agency, department, commission, board, or other entity of the

United States; or

(C) an instrumentality of the United States.

Rules and principles of statutory interpretation

To interpret the meaning of a particular statute or statutory definition, one must employ the same rules of statutory interpretation which were used to compose such statute or definition.

There are eight basic rules and principles of statutory interpretation / construction (from “construe,” not “construct”), the following three of which are usually sufficient to interpret the meaning of any statute:

(5) The rule *ejusdem generis* (of the same kind): when a list of specific items belonging to the same class is followed by general words (as in “cats, dogs, and other animals”), the general words are to be treated as confined to other items of the same class (in this example, to other domestic animals).

(6) The rule *expressio unius est exclusio alterius* (the inclusion of the one is the exclusion of the other): when a list of specific items is not followed by general words it is to be taken as exhaustive. For example, “weekends and public holidays” excludes ordinary weekdays.

. . . (8) The rule *noscitur a sociis* (known by its associates): when a word or phrase is of uncertain meaning, it should be construed in the light of the surrounding words . . . A Dictionary of Law, 7th ed., Jonathan Law and Elizabeth Martin, eds. (Oxford: Oxford University Press, 2009), 295

Interpreting the meaning of the definition of the 28 U.S.C. § 3002(14) term "State"

We cannot know the exact meaning of the above definition of "State" until we account for the following things: (a) there is a phrase of uncertain meaning in the definition, "the several States," and (b) there is another 28 U.S.C. § 3002 term in the definition, "United States."

Regarding (a): Whereas, it is not possible to know the meaning of the phrase "the several States" until the meaning of "State" is determined, the rule that allows us to interpret the meaning of this phrase correctly is Rule 8, noscitur a sociis (known by its associates).

Applying *noscitur a sociis*, the surrounding words in the statute, i.e., "any of . . . the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Marianas, or any territory or possession of the United States," tell us that the phrase "the several States" means the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Marianas, and each respective territory and possession of the United States and no other body politic.

Regarding (b): Inspecting subsections (A), (B), and (C) of the above controlling definition of the statutory term "United States" at 28 U.S.C. § 3002(15), we see that the controlling subsection is (A): "a Federal corporation."

Whereas, the only Federal corporation possessed of agencies, departments, commissions, boards, instrumentalities, and other entities, as those things are expressly listed in subsections (B) and (C) of the definition, is the District of Columbia, a Federal municipal corporation (see fn. 4):

- The meaning of the 28 U.S.C. § 3002(15) term "United States" equates to the District of Columbia; and

- The District of Columbia (a Federal municipal corporation) is also known as and doing business as "United States."

Correct interpretation of the meaning of the 28 U.S.C. § 3002(14) term "State"

The 28 U.S.C. § 3002(14) term "State" means any of the following: the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Marianas, Guam, American Samoa, Virgin Islands, Republic of the Marshall Islands, Federated States of

Micronesia, Republic of Palau, Palmyra Atoll, Wake Atoll, Baker Island, Howland Island, Jarvis Island, Johnston Atoll, Midway Atoll, Sand Island, Kingman Reef, or Navassa Island[11] and ***no other body politic.***

Notice that none of the members of the Union (e.g., New Mexico, Vermont, Oregon) are included in the meaning of the definition of the 28 U.S.C. § 3002(14) term "State."

Correct interpretation of the meaning of the 28 U.S.C. § 3002(15) term "United States"

Congress have created a special "United States" for use in all civil or criminal proceedings in all courts of the United States regarding an alleged debt allegedly owed to the "United States" (District of Columbia)—and each and every mention of "United States" in any such civil or criminal proceeding (as in United States District Judge, United States District Court, United States Marshal, United States Attorney, etc.) literally and legally means "a Federal corporation" and equates to the District of Columbia, a Federal municipal corporation.

"Citizen"

With origins in ancient Rome, a citizen is a species of person (Latin: persona, mask for actors > per: through, + sonus: sound), i.e., one who is the subject of certain rights and duties and has ***no*** unalienable rights, only entitlement to civil rights; citizens are inferior political subjects, not sovereigns; e.g.:

> The term "citizen" has come to us derived from antiquity. It appears to have been used in the Roman government to designate a person who had the freedom of the city, and the right to exercise all political and civil privileges of the government. . . . Henry Campbell Black, A Dictionary of Law (St. Paul, Minn.: West Publishing Co., 1891, 206.

Based, however, on the unique political character of the sovereign authority in the American Republic, prior to introduction June 30, 1864, of the new statutory definition and meaning of

[11] See U.S. Dept. of the Interior, Office of Insular Affairs, "Islands We Serve," http://www.doi.gov/oia/islands/index.cfm, and "Puerto Rico," https://www.doi.gov/oia/islands/puertorico; and U.S. Fish & Wildlife Service, "Navassa Island," https://www.fws.gov/refuge/Navassa_Island, and "Pacific Remote Islands: https://www.fws.gov/refuge/Pacific_Remote_Islands_Marine_National_Monument;

"state" (and, by extension, "State" and "United "States") and advent of the purported Fourteenth Article of Amendment[12] to the Constitution (passed June 13, 1866, ratified July 9, 1868), "citizen" has a different and unique connotation in American law; to wit (Underline emphasis added.):

> CITIZEN. . . .
>
> In American law. One who, under the constitution and laws of the United States, has a right to vote for civil officers, and himself is qualified to fill elective offices.
>
> One of the sovereign people. A constituent member of the sovereignty, synonymous with the people. 19 How. 404[13]

Two Citizens: "Citizen" and "citizen"

The Slaughterhouse Cases: 83 U.S. 36, 73–74 (1873):

> *The next observation is more important in view of the arguments of counsel in the present case. It is, that the distinction between citizenship of the United States and citizenship of a state is clearly recognized and established....*

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[12] The Fourteenth Amendment of July 9, 1868, has numerous defects and is easily debunked, the most significant flaw being found in the first portion of Section 1 defining who exactly is a citizen of the United States:

> All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States . . .

First of all, Americans are People (The unanimous Declaration of the thirteen united States of America, Preamble; Constitution, Preamble), not persons (political subjects with certain rights and duties).

Secondly and most importantly, "persons born or naturalized in the United States" are not "citizens of the United States" strictly by birth or naturalization: They also must be "subject to the jurisdiction" of the United States.

This is why residents of Puerto Rico, Guam, the Virgin Islands, etc. are legally classified as citizens of the United States: The United States has jurisdiction over the territory in which those bodies politic reside.

There is no geographic area anywhere in the Union that is subject to the jurisdiction of the United States, *Cohens, Caha, Julliard, supra*; the American People are the sovereign author and source of all law in America, *Yick Wo, supra;* and no American domiciled and residing without federal territory is subject to the jurisdiction of the United States.

Not being subject to the jurisdiction of the United States, Americans domiciled and residing throughout the Union do not qualify as 14th Amendment "citizens of the United States."

[13] Howard's United States Supreme Court Reports, published between 1843 and 1860 (vols. 1-24), vol. 19, p. 404, by Benjamin Chew Howard (1791-1872), U.S. Congressman (D-Md.).

> *It is quite clear, then, that there is a citizenship of the United States, and a citizenship of a state, which are distinct from each other, and which depend upon different characteristics or circumstances in the individual.*
>
> *We think this distinction and its explicit recognition in this Amendment of great weight in this argument, because the next paragraph of this same section, which is the one mainly relied on by the plaintiffs in error, speaks only of privileges and immunities of citizens of the United States, and does not speak of those of citizens of the several states. The argument, however, in favor of the plaintiffs, rests wholly on the assumption that the citizenship is the same and the privileges and immunities guaranteed by the clause are the same.*

An examination of the Constitution reveals 13 uses of the word "Citizen" prior to the 14th Amendment. Every use thereafter is the word "citizen" (lowercase "c"). Law is very specific and the capitalization of words and phrases historically is very significant. The capital "C" appears indicative of a State Citizen with unalienable Rights as recognized by the Declaration of Independence whereas the lowercase "c" citizen is a citizen of the United States with government granted privileges (civil rights) created by Congress and subject to the jurisdiction thereof… The alleged ~~"rights"~~ privileges given to freed slaves.

Slaughterhouse Cases Cont'd.:

> *An examination of the history of the causes which led to the adoption of those amendments and of the amendments themselves demonstrates that the main purpose of all the three last amendments was the freedom of the African race, the security and perpetuation of that freedom, and their protection from the oppressions of the white men who had formerly held them in slavery.*
>
> *The first clause of the fourteenth article was primarily intended to confer citizenship on the negro race, and secondly to give definitions of citizenship of the United States and citizenship of the States, and it recognizes the distinction between citizenship of a State and citizenship of the United States by those definitions.*

[J]oint tenants in the sovereignty" shanghaied politically to the District of Columbia

Following the June 30, 1864, congressional conversion of the word "state" into a statutory term and July 9, 1868, adoption of the Fourteenth Amendment:

- The legislature of each member of the Union without voter approval introduces voter-registration legislation that, in addition to the requirement of residence within its borders, also arbitrarily requires that all such residents be a "citizen of the United States," a stratagem perpetrated for the purpose of duping unsuspecting Americans into unwittingly constructively "agreeing" or "declaring" that they are a ***resident of the District of Columbia*** (see fn. 12);

- The constitution of each respective Union-member is revised and expanded, so as to include inordinate use of the common noun "State" instead of the proper noun that denotes each respective member of the Union (e.g., use of "in this State" rather than "in New Hampshire"; or "the State" instead of "North Carolina"); and

- Congress, for political purposes (see fn. 4,5), incorporate the District of Columbia (16 Stat. 419).

The reason the label "citizen of the United States" is bogus as regards Americans domiciled and residing without federal territory, is that the United States has no territorial legislative power anywhere in the Union, only the District of Columbia and other federal territory (*Cohens, Caha, supra*); the Union members themselves enjoy exclusive territorial legislative power over persons[14] and property within their respective borders.

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[14] Persons per se are political subjects created by operation of law and have certain rights and duties. Under the Roman Civil Law of the District of Columbia, every citizen-resident is a person with certain rights and duties. One person's duty is another person's right, and vice versa; an example of which is the alleged duty of one man to pay Social Security payroll taxes and another man's alleged right to receive Social Security retirement benefits (which are paid out of Social Security payroll taxes collected).

Among the "joint tenants in the sovereignty," Chisholm, supra, that comprise the American People, none is a so-called person. The American People are the supreme political authority in the Republic, Yick Wo, supra.

Also, FYI, there is no provision in the rules of English grammar for the writing of a proper noun in ALL- CAPITAL LETTERS. Display of names in ALL-CAPITAL LETTERS is a legal construct for artificial persons, like corporations. Your True Full Name (or any derivative or variation in the spelling thereof) in ALL-CAPITAL LETTERS is the corporately colored name of a person created by government, usually upon application for enrollment in the Social Security Program, known as an individual, 5 U.S.C. § 552a(a)(2), and defined as "a citizen of the United States or an alien lawfully admitted for permanent residence, i.e., a resident, actual or legal, of the District of Columbia.

"Individuals"—i.e., persons designated by the ALL-CAPITAL LETTERS version of the name of one of the "joint tenants in the sovereignty" (Chisholm, supra)—entitled to receive retirement benefits under the so-called Social Security Retirement Program of the Government of the United States, are alleged Federal personnel, 5 U.S.C. § 552a(a)(13), and therefore alleged residents, for legal purposes, of the District of Columbia and subject to the statutes of Congress.

Under the Roman Civil Law of the District of Columbia (a.k.a. and DBA "United States"), there is no substantial difference between a citizen and a resident.

Every "citizen of the United States" is either an actual resident of the District of Columbia or, though residing elsewhere, fraudulently construed to be a resident of the District of Columbia for legal purposes—and every time a man or woman claims to be a citizen of the United States on any government application, e.g., Social Security, driver's license, passport, voter-registration, etc., they unwittingly give The District further justification to abuse, defraud, and extort them.

Actual or legal residents of the District of Columbia are not entitled to engage in occupations of common right and are subject to the absolute, exclusive legislative power of Congress, i.e., all legislation within the District of Columbia.

If a man or woman neither physically resides nor owns a business or real property within the exterior limits of the District of Columbia, the reason they are construed to be a legal resident of the District of Columbia is because (a) Congress transmuted "State" and "United States" into statutory terms whose ultimate meaning is the District of Columbia, and (b) they are ignorant of the fact that Congress, the United States Department of Justice, and all judicial officers of the United States construe all use of "United States" in all legislation (United States Statutes at Large, United States Code, amendments to the Constitution, etc.) to mean, ultimately, the District of Columbia: territory over which Congress enjoy absolute, exclusive legislative power (as conferred by the American People at Article I, Section 8, Clause 17 of the Constitution).

Authority for all bonafide legislative, executive, and judicial power: the Constitution

Vanhorne's Lessee v Dorrance; 2 US 304, 308 (1795):

> *What is a Constitution? It is the form of government, delineated by the mighty hand of the people, in which certain first principles of fundamental laws are established. The Constitution is certain and fixed; it contains the permanent will of the people, and is the supreme law of the land; it is paramount to the power of the Legislature, and can be revoked or altered only by the authority that made it. The life-giving principle and the death-doing stroke must proceed from the same hand.*

What are Legislatures? Creatures of the Constitution; they owe their existence to the Constitution: they derive their powers from the Constitution: It is their commission; and, therefore, all their acts must be conformable to it, or else they will be void.

The Constitution is the work or will of the People themselves, in their original, sovereign, and unlimited capacity. Law is the work or will of the Legislature in their derivative and subordinate capacity. The one is the work of the Creator, and the other of the Creature.

The Constitution fixes limits to the exercise of legislative authority, and prescribes the orbit within which it must move. In short, gentlemen, the Constitution is the sun of the political system, around which all Legislative, Executive and Judicial bodies must revolve. Whatever may be the case in other countries, yet in this there can be no doubt, that every act of the Legislature, repugnant to the Constitution, as absolutely void. [Underlined, bolded emphasis added]

Notwithstanding the degree of deceit and treachery of Congress, who, as evidenced by their legislative history,[15] are servants of the private Federal Reserve[16], and before that its parent

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[15] Examination of the import of all "state" and federal legislation reveals that the ultimate beneficiary thereof is the private Federal Reserve—not the least significant aspect of which is the pernicious charade that the so- called Department of the Treasury and Internal Revenue Service are part of government. Said organizations are businesses of the Federal Reserve; proof of which is the absence of any congressional statutory requirement that any executive or employee of either take an oath of office and the fact that all collections of income tax go toward payment of alleged interest allegedly owed to the Federal Reserve on the so-called national debt; to wit:

> Resistance to additional income taxes would be even more widespread if people were aware that . .. 100 percent of what is collected is absorbed solely by interest on the Federal debt . . . In other words, all individual income tax revenues are gone before one nickel is spent on the services which taxpayers expect from their Government. J. Peter Grace, "President's Private Sector Survey on Cost Control: A Report to the President," Vol. I, dated and approved January 12 and 15, 1984, p. 3. https://babel.hathitrust.org/cgi/pt?id=mdp.39015015459970;view=1up;seq=10

[16]The Federal Reserve is not an agency of government. It is a private banking monopoly." Rep. John R. Rarick, "Deficit Financing," Congressional Record (House of Representatives), 92nd Congress, First Session, Vol. 117—Part 1, February 1, 1971, p. 1260.

Federal Reserve Banks . . . are not federal instrumentalities . . . but are independent, privately owned and locally controlled corporations. Lewis v. United States, 680 F.2d 1239 (9th Cir. 1982).

bank, the private Bank of England,[17] what will be hardest to understand for most people is that (a) the so-called U.S. Government is not the one implemented by the Constitution March 4, 1789, but the one incorporated by Congress February 21, 1871—the District of Columbia, a municipal corporation, and (b) with the exception of the president, all officers, employees, and elected officials of the "United States" are the personnel of said municipal corporation.

This is easily proved.

It is well settled that executive and judicial jurisdiction is co-extensive with the legislative power; to wit:

> The Judicial power is of a peculiar kind. It is indeed commensurate with the ordinary legislative and executive powers of the General Government . . . Chisholm v. Georgia, 2 U.S. 419, 435 (1793).
>
> *Those who framed the constitution, intended to establish a government complete for its own purposes, supreme within its sphere, and capable of acting by its own proper powers. They intended it to consist of three co-ordinate branches, legislative, executive, and judicial. In the construction of such a government, it is an obvious maxim, 'that the judicial power should be competent to give efficacy to the constitutional laws of the Legislature.'[16] The judicial authority, therefore, must be co-extensive with the legislative power.[17] . . . [Underline emphasis added.] Osborn v. Bank of United States, 22 U.S. 738, 808 (1824).*
>
> [16] Cohens v. Virginia, 6 Wheat. Rep. 414.
>
> [17] The Federalist, No. 80. Cohens v. Virginia, 6 Wheat. Rep. 384.

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[17] The Federal Reserve Act of December 23, 1913, is the creation of Baron Alfred Charles de Rothschild (1842–1918), director of the Bank of England (Eustace Mullins, The World Order: Our Secret Rulers, Second Edition, 1992 Election Edition (Staunton, Va.: Ezra Pound Institute of Civilization, 1992), 102), implemented via his straw author, Paul Moritz Warburg (id. at 128), a German banker and Rothschild confederate awarded United States citizenship in 1911 specifically for this purpose. Warburg was later dubbed "Father of the Federal Reserve" by the New York Times. The private Federal Reserve, incorporated under aegis of the District of Columbia, a municipal corporation, is modeled by its architect, Baron Rothschild, after the private Bank of England. See also: https://www.youtube.com/watch?v=WVxWPkMXOmw&t=2174s

Every legislative, executive, and judicial officer of that certain government established by the Constitution must have constitutional authority for every official act he undertakes; to wit (Underline emphasis added.):

> *As regards all courts of the United States inferior to this tribunal, two things are necessary to create jurisdiction, whether original or appellate. The Constitution must have given to the court the capacity to take it, and an act of Congress must have supplied it. Their concurrence is necessary to vest it. . . . It can be brought into activity in no other way. . . . The Mayor v. Cooper, 73 U.S. 247, 252 (1867). [Other cases that accord with this decision: Finley v. United States, 490 U.S. 545, 109 (1989). Christianson v. Colt Industries Operating Co., 486 U.S. 800, 818 (1988); Firestone Tire & Rubber Co. v. Risjord, 449 U.S. 368, 379-380 (1981); Kline v. Burke Construction Co., 260 U.S. 226, 233-234 (1922); Case of the Sewing Machine Companies, 18 Wall. 553, 577-578, 586-587 (1874); Sheldon v. Sill, 8 How. 441, 449 (1850); Cary v. Curtis, 3 How. 236, 245 (1845); McIntire v. Wood, 7 Cranch 504, 506 (1813).]*

There being no provision of the Constitution that gives officers of a municipal corporation the capacity to take jurisdiction anywhere outside the territory occupied by the body politic of the subject municipality, no act of Congress can supply anything that creates jurisdiction for such officers anywhere else.

Modernly, all counties are municipal corporations incorporated under the authority of the "state" / "State" / "STATE," each of which is a statutory term the ultimate meaning of which in all American bodies of law is the District of Columbia.

In the dictionary, the primary definition of the word "state" equates to a *body politic,* not a geographical area. Since the words "state" / "State" / "STATE" have been transmuted into meaning ultimately, the District of Columbia (a particular body politic), the title "*State of California*" literally is code for *District of Columbia of California*, i.e. that certain body politic of legal residents of the District of Columbia who physically reside in California.

The geographic area over which officers of each respective county (such as the sheriff and his deputies) legally have jurisdiction is the same as officers of the District of Columbia municipal corporation (such as the U.S. marshal and his deputies): all that territory lying within the limits of the District of Columbia ***and no other.***

This is why Congress have decreed in stealth legislation at 28 U.S.C. § 564 that U.S. marshals (whose jurisdiction is restricted to the District of Columbia) may exercise the same

powers as those a sheriff of the "State" (District of Columbia) may exercise in executing the laws of said "State" (District of Columbia); to wit:

> United States marshals, deputy marshals and such other officials of the Service as may be designated by the Director, in executing the laws of the United States within a State, may exercise the same powers which a sheriff of the State may exercise in executing the laws thereof.

Appellate Jurisdiction of This Case: Civil Code of Procedure §904.1(a)(2)

Jurisdiction for this court to take this appeal was alleged to be CCP 904.1(a)(1), to wit:

> *904.1. (a) An appeal, other than in a limited civil case, is to the court of appeal. An appeal, other than in a limited civil case, may be taken from any of the following:*
>
> *(1) From a judgment, except an interlocutory judgment, other than as provided in paragraphs (8), (9), and (11), or a judgment of contempt that is made final and conclusive by Section 1222*

CCP Preliminary Provision 17 defines the word "State" in reference to the provisions therein:

> *"State" includes the District of Columbia and the territories when applied to the different parts of the United States, and the words "United States" may include the district and territories.*

There is no Constitutional provision that provides the de jure State: California with jurisdiction over the District of Columbia, Territories or any other part of the Union or vice versa.

The Person/Individual Issue

In AOB (pp.48-55) and ARB (pp.22-23) adam asserts there is no evidence on the record of this case he is a "person" (individual) or other entity in commerce as defined in §7025 BPC to whom §7031 BPC applies[18]. The BPC clearly evidences a natural person is notwithstanding

[18] Whom the law applies to is an element of the offense effecting jurisdiction that must be affirmatively proved in the record.

the definition of person in §7025 and that a natural person **must** qualify for any of the "persons" defined in §7025.

The word "person" is derived from the Latin word "persona" where it originally referred to a theatrical mask. Characters in theatre would often play different roles, all of which were different than who they were naturally as living beings. They would therefore wear masks to signify the different characters or roles being played. This is why corporations (alter ego's or 'masks' worn by living beings) are considered "persons" (personas) in Roman Civil Law. "Its meaning in the latter Roman period changed to indicate a "character" of a theatrical performance or court of law, when it became apparent that different individuals could assume the same role, and legal attributes such as rights, powers, and duties followed the role.[19]

The mask is also why such persons – corporations and other fictions of law – have only civil rights (more accurately civil *privileges*) as they are creations of the State and not biological living beings with creator endowed unalienable rights. By definition unalienable means: not in commerce.

The mask, persona, or role is obtained by one who upon Application and approval for an Original Contractors License becomes a "CONTRACTOR" or "person" operating in commerce. This is further evidenced by the fact that the names of CONTRACTORS listed on the CONTRACTORS STATE LICENSE BOARD website (Check a License) are in ALL CAPITAL LETTERS like every other commercial entity in commerce (even if the business name is the same name of a living being). This evidences the transmutation of biological status to a commercial fiction/entity. Furthermore, pursuant to Reno v Condon, infra, the CONTRACTORS STATE LICENSE BOARD sells bundles of CONTRACTOR information commercially[20] (Contractor Information Sales)

Refer to Footnote 12.

The People were told the purpose of the 14th Amendment was to protect weak and helpless human beings [the recently freed slaves], not that it was intended to remove corporations in any fashion from the control of state governments[21] or to "compound the American People

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[19] https://en.wikipedia.org/wiki/Persona

[20] Contractors License Law and Reference Book 2018 http://www.cslb.ca.gov/Resources/GuidesAndPublications/LawReferenceBook2018.pdf and http://www.cslb.ca.gov/Resources/FormsAndApplications/PublicSalesOrderFormLabelsListsCd.pdf

[21] Connecticut Gen. Life Ins. Co. v Johnson, 303 US 77, 86 (1938)

into one common mass"[22] and change their collective status to that of subjects of the United States Municipal Corporation.

In Rundle v Delaware & Raritan Canal Co., 55 US 80, 99 (1852) Mr. Justice Daniel in his dissent warned of the issue surrounding differentiating corporations from living beings more than 150 years ago:

> *…This must mean the natural physical beings composing those separate communities, and can by no violence of interpretation be made to signify artificial, incorporeal, theoretical, and invisible creations. A corporation, therefore, being not a natural person, but a mere creature of the mind, invisible and intangible, cannot be a citizen of a state, or of the United States, and cannot fall within the terms or the power of the above mentioned article, and can therefore neither plead nor be impleaded in the courts of the United States.*
>
> *These principles are always traceable to a wise and deeply founded experience; they are therefore ever consentaneous and in harmony with themselves and with reason, and whenever abandoned as guides to the judicial course, the aberration must lead to bewildering uncertainty and confusion.*

The recent case of Reno v Condon, 528 US 141 (2000) evidences personal (person-al) identifying information such as a person's name is considered a thing in commerce subject to Congress Interstate Commerce Clause.

If personal identifying information is Interstate Commerce then what isn't?

"When asked at oral argument if there were any limits to the Commerce Clause, the Government was at a loss for words." US v Lopez, 514 US 549, 600 (1995)

"In effect, in Roman legal tradition, persons are creations, artifacts, of the law itself, i.e. of the legislature that enacts the law, and are not considered to have, or only have incidentally,

[22] "No political dreamer was ever wild enough to think of breaking down the lines which separate the States, and of compounding the American people into one common mass." *McCulloch v. Maryland, 17 U.S. 316 (1819)*

existence of any kind outside the legal sphere. The law, on the Roman interpretation, is systematically ignorant of the biological status of it's subjects[23]."

In other words, a "person" is a fiction of law: dead. Commerce deals with "things" not with biological beings such a those recognized by the Declaration of Independence. This is precisely why pursuant to the Constitution and Sec. 9 of the Judiciary Act of 1789 (1 Stat. 73) No de jure State of the Union had jurisdiction of Interstate Commerce/Admiralty. See also United States v E.C. Knight Co., 156 US 1, for the definitions of Interstate and Intrastate Commerce, The Propellor Genesee Chief 53 US 443 (1851)[24], and New Jersey Steam v Merchants Bank, 47 US 344 (1848) which stated the Commerce Clause powers of Congress are closely associated with Admiralty.

* * *

Upon the submission/ registration of a Certificate of Live Birth to the "state" and an application for Social (in)Security, it is apparent the biological status and standing of a living being is transmuted by the "state" into a person/"individual"/citizen of the United States/ [5 U.S.C. § 552a(a)(13)] designated by the ALL CAPITAL LETTER commercial name (like all other names of fictions designated by all capital letters) found on every government document and most commercial paper. A simple check of one's government ID's, bank statements, bills, etc. evidences this. The transmutation precisely follows the Roman system of Capitis Dimunitio Maxima, whereby the unalienable Rights of a living biological being are stripped and replaced by civil privileges as a dead fiction of law/ creation of the state:

> CAPITIS DIMINUTIO MAXIMA. In Roman Law. The highest or most comprehensive loss of *status.* This occurred when a man's condition was changed from one of freedom to one of bondage, when he became a slave. It swept away with it all rights of citizenship and all family rights. Blacks Law Dictionary.

The ALL CAPITAL LETTER name is specifically a franchise of the United States.

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[23] Peter French in *The Corporation as a Moral Person,* 16 American Philosophical Quarterly 207 at 215 (1979)

[24] "...it may embrace also the vehicles and persons engaged in carrying it on. It would be in the power of Congress to confer admiralty jurisdiction upon its courts, over the cars engaged in transporting passengers or merchandise from one state to another, and over the persons engaged in conducting them, and deny to the parties the trial by jury."

FRANCHISE: an authorization granted by a government or company to an individual or group enabling them to carry out specified commercial activities, e.g., providing a broadcasting service or acting as an agent for a company's products.

Hence:

Refer to Appendix [A]: The Certificate of Live Birth for Adam Alan Bereki. The Birth Certificate is printed on security paper and has been assigned a number (004589899) and BAR code (as in the state or american BAR). This number is a “banknote number” as evidenced on the cover letter provided with the certificate from the Center for Health Statistics and Informatics, Vital Records.

Notice the cover letter also refers to a “Requester” and “Registrant” and that these names differ from the name on the Certificate in that they refer to ADAM BEREKI.

It is self-evident this document has been monetized by its issuance as a banknote, also known as commercial paper under the Uniform Commercial Code.

Under what Constitutional authority is the United States monetizing the Certificates of Live Birth of the People by transmuting said documents to commercial negotiable instruments in commerce?

Forthwith, all references to the biological being authoring this motion will be styled as: adam

Correct Interpretation of §7025 "Individual"

§7025 BPC:

> *(b) "Person" as used in this chapter includes an individual, a firm, partnership, corporation, limited liability company, association or other organization, or any combination thereof.*

Based on the all of the foregoing and there being no definition in the General Provisions of the BPC for "individual", the rule of statutory construction which would apply here is *noscitur a sociis* (known by its associates): when a word or phrase is of uncertain meaning, it should be construed in the light of the surrounding words.

The surrounding words tell us the word "individual" means a fiction of law or entity other than a biological being. This definition is in alignment within §7068.1(c)(2) which states a natural person (purportedly a biological being) is notwithstanding a person defined in §7025.

It must also be acknowledged use of the word "person" in everyday language means biological being. However use of this word like "state" has been given an opposite meaning in law. It is therefore of upmost importance to clarify which meaning is being applied. In 7068.1(c)(2), the legislature made this clarification. Some other examples of this distinction include:

Evidence Code §175: "Person" includes a natural person, firm, association, organization, partnership, business trust, corporation, limited liability company, or public entity.

Another example is found at 18 USC 911 whereby use of the word "whoever" includes all biological and non-biological beings:

> *Whoever falsely and willfully represents himself to be a citizen of the United States shall be fined under this title or imprisoned not more than three years, or both.*

Persons/citizens of the United States, Enemies of the "State"

Pursuant to the public policy of the United States as declared in the Emergency Banking Relief Act (48 Stat. 1, HR 1491) and the Trading With The Enemy Act of 1917(as amended) all citizens of the United States are considered enemies of the state.

This pernicious charade began with the so-called declaration of "national emergency":

Excerpt from Franklin D. Roosevelt's 1st Inaugural Address March 4, 1933:

> *It is to be hoped that the normal balance of executive and legislative authority may be wholly adequate to meet the unprecedented task before us. But it may be that an unprecedented demand and need for undelayed action may call for temporary departure from that normal balance of public procedure.*
>
> *I am prepared under my constitutional duty to recommend the measures that a stricken nation in the midst of a stricken world may require. These measures, or such other measures as the Congress may build out of its experience and wisdom, I shall seek, within my constitutional authority, to bring to speedy adoption.*
>
> *But in the event that the Congress shall fail to take one of these two courses, and in the event that the national emergency is still critical, I shall not evade the clear course of duty that will then confront me. I shall ask the Congress for the one remaining instrument to meet the crisis—broad Executive power to wage a war against the emergency, as great as the power that would be given to me if we were in fact invaded by a foreign foe.*

Senate Report 93-549[25]:

> *"Since March the 9th, 1933, the United States has been in a state of declared national emergency.…*
>
> *Under the powers delegated by these statutes, the President may: seize property; organize and control the means of production; seize commodities;*

[25] https://ia902500.us.archive.org/3/items/senate-report-93-549/senate-report-93-549.pdf

assign military forces abroad; institute martial law; seize and control all transportation and communication; regulate the operation of private enterprise; restrict travel; and, in a plethora of particular ways, control the lives of all American citizens."

There is no authority anywhere in the Constitution for one branch of government can transfer its powers to any other…:

Northern Pipeline v Marathon Pipeline, 458 US 50 (1982):

Basic to the constitutional structure established by the Framers was their recognition that "[t]he accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny." (Federalist No. 47)

To ensure against such tyranny, the Framers provided that the Federal Government would consist of three distinct Branches, each to exercise one of the governmental powers recognized by the Framers as inherently distinct.

The Framers regarded the checks and balances that they had built into the tripartite Federal Government as a self-executing safeguard against the encroachment or aggrandizement of one branch at the expense of the other.

This situation has continued absolutely uninterrupted since March 9, 1933. We have been in a state of declared "national emergency" for nearly 85 years. According to current law as found in 12 USC 95(b) everything the President or the Secretary of the Treasury has done since March 4, 1933 is automatically approved:

[12 USC 95b]: "The actions, regulations, rules, licenses, orders and proclamations heretofore or hereafter taken, promulgated, made, or issued by the President of the United States or the Secretary of the Treasury since March the 4th, 1933, pursuant to the authority conferred by Section 95a of this title are approved and confirmed.(Mar. 9, 1933, c. 1, Title 1, Sec. 1, 48 Stat. 1)

12 USC 95(b) refers to the authority granted in the Act of October 6, 1917 (aka The Trading with the Enemy Act[26] or War Powers Act) which was "An Act to define, regulate, and punish trading with the enemy, and for other purposes". This Act originally excluded citizens of the United States, but in the Act of March 9, 1933 (HR 1491, 48 Stat. 1), Section 2 amended this to include "any person within the United States or any place subject to the jurisdiction thereof". It was here that every American citizen literally became an enemy to the United States government under declaration.

These War Powers[27] amount to the "Public Policy" of the United States and its control under federal regional martial law rule.

The original text of HR 1491 can be viewed here: https://catalog.archives.gov/id/299829

Federal Rules of Civil Procedure

The Constitution at Article 3, §2 clearly delineates four separate jurisdictions: Law, Equity, Admiralty, and Maritime, each of which has very specific rules and characteristics that ultimately effect the recognition one's status and standing such as whether or not one's unalienable Rights as a biological being are even recognized.

By examining however, the very first rule of the Federal Rules of Civil Procedure promulgated by the Federal Judiciary, all of these jurisdictions have been fused into "one form of action–the civil action":

NOTES OF ADVISORY COMMITTEE ON RULES—1966 AMENDMENT

This is the fundamental change necessary to effect unification of the civil and admiralty procedure. Just as the 1938 rules abolished the distinction between actions at law and suits in equity, this change would abolish the distinction between civil actions and suits in admiralty. See also Rule 81.

The merger of law, equity, and admiralty practice is complete.

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[26] https://en.wikipedia.org/wiki/Trading_with_the_Enemy_Act_of_1917

[27] http://www.loc.gov/law/help/war-powers.php

Federal Rules of Civil Procedure, Rule 1[28]

Distinguishing Between a Constitutional Court and Legislative Territorial Court

Pursuant to The Constitution for the United States of America, Article 1, Sec. 8 Cl. 17 and FRC, infra: "Courts of the District of Columbia are not created under the judiciary article of the Constitution, but are legislative courts."

A constitutional, as distinguished from a legislative Court can have no jurisdiction other than of cases and controversies falling within the classes enumerated in the judiciary article of the Constitution; it cannot give decisions which are merely advisory, nor can it exercise or participate in the exercise of functions which are essentially legislative or administrative.[29]

"A court of general jurisdiction may have conferred upon it by statute a special statutory jurisdiction not arising out of the common law, from which such court draws its general jurisdiction, nor exercised according to the course of the common law but which is outside the general jurisdiction of such court. In such a case its jurisdiction is special, and its proceedings and judgments are treated as the judgments and proceedings of courts of special jurisdiction. (Calkins v. Calkins, 229 Ill. 68.)When a court is in the exercise of special jurisdiction that jurisdiction is limited to the language of the act conferring it. That court has no powers from any other source." Cent. Ill. Pub. Serv. Co. v. Indus. Comm'n, 293 Ill. 62 (1920), Supreme Court

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(the following sections will continue to examine differences between courts and other jurisdictional issues.)

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[28] FRCP Rule 1 and 2

[29] FRC v General Electric Co., 281 US 464, 489 (1930), "FRC"

FAILURE TO PROVIDE FINAL DECISION/ FINDINGS OF FACTS AND CONCLUSIONS OF LAW

Corporations and trusts provide "Minutes" of their business…

A judicial, constitutional court issues decisions as a "findings of facts and conclusions of Law".

> *The deliberations of the trial court are conclusively merged in the judgment; the findings of fact and conclusions of law constitute the decision which is the final, deliberate expression of the court. Breedlove v. Breedlove, 161 Cal. App. 2d 712*
>
> *Findings of fact and conclusions of law signed by the trial judge constitute the court's decision, and such decision supersedes any prior minute order directed to be entered by the trial court. Breedlove, supra.*

There were no findings of fact or conclusions of law issued in this case. The trial court's only 'decision' appears to be an unsigned "minute order" found at CT 950.

> *A minute order directing that findings and judgment be drawn does not constitute the decision of the court. Breedlove, supra.*
>
> *A minute order is not the decision of a court when findings are required. The written findings and conclusions constitute the decision which is the final, deliberate expression of the court. Perry v. Perry, 270 Cal. App. 2d 769*

Findings of facts and conclusions of law "FFCL" should clearly establish the court's jurisdiction over the parties and subject matter. These requirements include:

> What offenses were committed and the relevant Law;
> Who the witnesses were and how the court determined their competency;
> What the witnesses testified to;
> What facts were evidenced and they were admitted (ie not hearsay etc) and if documentary, who authenticated them;
> How the facts were material, relevant, and trustworthy;
> How the evidence presented substantiated each element of the offense.

In the trial court's "minute order" as we don't even find a code section violated, let alone these jurisdictional requirements and the exact manner in which the court arrived at its ruling through material, relevant and trustworthy evidence showing a violation of each element of the offense. Furthermore, the order is not even signed and there is no indication as to who even authored it.

* * *

Adam requested the court provide a FFCL most specifically to have the required information to prepare for a meaningful and substantive appeal of the court's judgement. The court denied his request (CT 1518), citing Civil Code of Procedure §632 which states that FFCL are not required and a request for "Statement of Decision" must be made within ten days after the court announces a tentative decision. The time had passed for Adam to make such a request.

In other words, this "court" was not required to evidence how it arrived at it's findings and conclusions and could purportedly use Rules of Court or 'state' laws to deny this Constitutionally required information to a party.

Such findings are an essential element of judicial process and as the US Supreme Court said in Miranda v Arizona, 384 US 436, 491:

> "Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them."

As such, failing to provide a FFCL is a violation of substantive Law and Civil Codes of Procedure or Rules of Court cannot be used to abrogate Constitutionally protected Rights and further evidences this was not a Judicial, Constitutional court of common Law general jurisdiction but rather a federal territorial legislative tribunal in commerce/admiralty[30].

COMMERCE/ADMIRALTY

Section 9 of the Judiciary Act of 1789, (1 Stat. 73) indicates the district courts of the United States have exclusive jurisdiction of all crimes and offences[sic] in admiralty and maritime jurisdiction.

In the instant case, the compensation for goods and services rendered were evidenced to have been by negotiable instruments[31] in commerce under the jurisdiction of the Uniform Commercial Code/Admiralty, to wit:

---

[30] Bank of Columbia v Okely, 4 Wheat. 235 (1819)

[31] See EXHIBIT [32]

"By making the note negotiable at the Bank of Columbia, the debtor chose his own jurisdiction; in consideration of the credit given him, he voluntarily relinquished his claims to the ordinary administration of justice and placed himself only in the situation of an hypothecater of goods, with power to sell on default, or a stipulator in the admiralty, whose voluntary submission to the jurisdiction of that court subjects him to personal coercion.

…As to the words from Magna Charta, incorporated into the Constitution of Maryland after volumes spoken and written with a view to their exposition, the good sense of mankind has at length settled down to this: that they were intended to secure the individual from the arbitrary exercise of the powers of government, unrestrained by the established principles of private rights and distributive justice. With this explanation, there is nothing left to this individual to complain of. What he has lost he has voluntarily relinquished, and the trial by jury is open to him either to arrest the progress of the law in the first instance or to obtain redress for oppression if the power of the bank has been abused." [Underlined emphasis added.][32]

All of the compensation paid was, as required to be returned by §7031 BPC, jurisdictionally in Admiralty/Commerce.

THE CONSTITUTION– A CONTRACT WITH KING GEORGE III

There is no coincidence we find Roman Civil Law alive and at the heart of this matter. It appears the United States of America are one in the same with the Holy Roman Empire… or under the same 'king', to wit:

The treaty of Paris of 1783[33] declares King George to be the Arch Treasurer and Prince Elector of the Holy Roman Empire **and** the United States of America, to wit:

In the Name of the most Holy & undivided Trinity.

It having pleased the Divine Providence to dispose the Hearts of the most Serene and most Potent Prince George the Third, by the Grace of God, King of Great Britain, France, and Ireland, Defender of the Faith, Duke of Brunswick and Lunebourg, Arch-Treasurer and Prince Elector of the Holy Roman Empire etc.. and of the United States of America…

---

[32] fn 30

[33] https://www.ourdocuments.gov/doc.php?flash=false&doc=6&page=transcript

The Prince Treasurer holds all the Land and the Arch Treasurer, the money. In other words, he's the King of the United States of America.

The American Revolutionary War was financed by King George. From 1778 to 1782 he directly loaned the Declared Free and Independent States (Confederation per Articles 1781) 18,000,000 livres [Article 4] and indirectly through Holland another 5,000,000 florins (10 million Livres) [Article 5]. It is of general understanding that these loans have never been paid.

The treaty that memorializes the loans and terms of repayment is The Treaty of Versailles of 1782. This treaty must be cross-referenced with Article 4 of the Treaty of Paris:

> Article 4th:
> *It is agreed that Creditors on either Side shall meet with no lawful Impediment to the Recovery of the full Value in Sterling Money of all bona fide Debts heretofore contracted.*

…and Article 6 of the Constitution for the United State of America[34]:

> *ARTICLE VI.*
> *All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.*

This establishes that the Constitution of September 16, 1787 was a remedy for the default on the loans from the King of England, thus establishing the United States as the constitutor for the debt of the Free States, and entering into existence as a bankrupt (no assets and inability to pay debts).

The dates for beginning the payment of 1,000,000 per year begin in November of 1787 and November 1788.

There is no known record of any payments being made…

Pursuant to the Articles of Confederation[35]:

I. *The Stile of this Confederacy shall be "The United States of America". (capital T)*

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[34] https://www.gpo.gov/fdsys/pkg/CDOC-110hdoc50/pdf/CDOC-110hdoc50.pdf

[35] http://www.ushistory.org/documents/confederation.htm

Yet the Constitution just as in the Treaty of Paris (upon which King George is the Prince Elector and Arch Treasurer), is stiled as "the United States of America" (lowercase t) a completely different entity, to wit:

> *WE THE PEOPLE of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.*

CONCLUSION

TRUTH NEEDS NO DISGUISE

The question posed since the inception of this Appeal is whether the trial court had the requisite jurisdiction over the subject matter and the parties.

It absolutely couldn't given the structural jurisdictional errors presented in Appellant's Briefs and Motions.

"Trial" in this case proceeded upon authority derived from a legislative statute, each of the elements of which much be proved by competent sworn testimony regarding authenticated evidence and affirmatively in the record[36] to confer jurisdiction on the court to act.

Not only were each of these elements – and the jurisdiction from which they are derived – not met or even mentioned at trial, nearly all of them when examined are plagued with fraud in one way or another including Respondents own testimony.

> "Fraud destroys the validity of everything into which it enters. It affects fatally even the most solemn judgments and decrees" Ira Nudd v George Burrows, 91 US 426, 440 (1875)

[36] If, however, the law conferring the power on the court to act in the matter requires the allegation of a particular fact to exist as a condition to its exercising its power, such fact must be averred, for this refers to and circumscribes the power of the court to act except upon the existence of such fact as in the law conferring jurisdiction. Commentaries on the Jurisdiction of Courts, Timothy Brown (1891)

> "A sentence professing on its face to be the sentence of a judicial tribunal, if rendered by a self-constituted body or by a body not empowered by its government to take cognizance of the subject it had decided could have no legal effect whatever". Rose v Himley 8 US 241, 269
>
> All acts must be conformable to the Constitution or else they are void. Vanhorne's Lessee v Dorrance; 2 US 304, 308 (1795)

"At the close of the Constitutional Convention of 1787, Franklin was queried as he left Independence Hall on the final day of deliberation. In the notes of Dr. James McHenry, one of Maryland's delegates to the Convention, a lady asked Dr. Franklin "Well Doctor what have we got, a republic or a monarchy."

Franklin replied, "A republic . . . if you can keep it.""[37]

Whether it's a republic or a monarchy is highly dependent upon whether we are willing to be honest with one another or try to manipulate, control, or dominate each other by twisting, distorting, concealing, and even reversing the meanings of common words and phrases.

> Fraud. "An intentional perversion of truth for the purpose of inducing another in reliance upon it to part with some valuable thing belonging to him or to surrender a legal right." (Black's Law Dictionary 5th Ed.)

The creation of a "citizen of the United States" (person/District of Columbia) and the bankruptcy thereof is not because the American People were unable to pay their debts. America is one of the richest countries in the world and was, according to Article 1 §8 given the power to coin and regulate money. So why it would need to declare bankruptcy, 'borrow' negotiable instruments (federal reserve notes), pledge it's "persons/citizens" and their property as sureties thereof, and perpetually remain in debt is absolutely absurd.

There is no reason other than a complete abuse of one's delegated authority to manipulate, distort, and con People unknowledgeable in law into alleged 'voluntary' servitude.

As a bonded surety to a bankrupt franchise of the United States, a bankrupt/citizen has no standing in Law.

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[37] http://www.whatwouldthefoundersthink.com/a-republic-if-you-can-keep-it

The Constitution declares Lawful money at Article 1, Section 10: *No State shall… make any Thing but gold and silver Coin a Tender in Payment of Debts;*

In bankruptcy there is no payment of any debts. There is only discharge, or remaining perpetually in debt with standing as a debtor– one who owes, a perpetual debt slave; all of which is governed under the UCC and secured transactions.

A bankrupt is:

1. Completely lacking in a particular quality or value.
2. *A person judged by a court to be insolvent, whose property is taken and disposed of for the benefit of creditors.*

All courts (such as the trial court) are acting not at Law, but under administration of the bankruptcy whereby it is presumed every litigant has been registered[38] with the 'state' via birth certificate and is therefore a citizen/person/individual/surety thereof subject to public policy[39].

In other words, a monarchy, right out in the open for all to see and right under the nose of every American, most of whom believe they live in a "free country" that's a democracy.

The following is allegedly a quote from Colonel Edward Mandell House during a "private" conversation with Woodrow Wilson. The authenticity of this is unknown, and allegedly took place around the time of the enactment of The Federal Reserve Act (1913). Regardless, one can hold it up to the current system (about one hundred years later) and see its alignment. The words in parentheses were added to clarify certain terms or phrases:

> *[Very] soon, every American (one subject to the control of a municipal corporate body politic) will be required to register (by agent for securities registration) their biological (DNA) property in a National system designed to keep track (account in a book ledger) of (from) the people (freeholders in control) and that will operate under the ancient system of pledging (pawn, hypothecate). By such methodology, we can compel (suggest and fool the uninformed) people to submit (consent) to our agenda, which will affect our security as a chargeback (secured transaction) for our fiat paper currency*

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[38] In Law, private property is not required to registered or licensed.

[39] Public policy is the principled guide to action taken by the ***administrative executive branches of the state*** with regard to a class of issues, in a manner consistent with law and institutional customs. (wikipedia)

(federal reserve notes). Every American will be forced to register or suffer not being able to work to earn a living (licensing/regulation of all activities of a common right).

They will be our chattel (stock, property) and we will hold the security interest over them forever by operation of the law merchant (UCC, now adopted by every 'state') under the scheme of secured transactions (UCC Article 9). Americans, by unknowingly or unwittingly delivering (to transfer from ones livery stable to another) the bills of lading (containing a ledger of cargo in shipment - birth certificate applications as negotiable instrument) to us will be rendered bankrupt and insolvent, forever to remain economic slaves through taxation, secured by their pledges (pawned and hypothecated DNA).

"They will be stripped of their rights (to have dominion and made an agent) and given a commercial value designed to make us a profit and they will be none the wiser, for not one man in a million could ever figure our plans and, if by accident one or two would figure it out, we have in our arsenal (courts, legislatures, mass media hypnosis and consensus hallucinations, the entertainment industry) plausible deniability. After all, this is the only logical way to fund government, by floating liens and debt to the registrants in the form of benefits and privileges. This will inevitably reap to us huge profits beyond our wildest expectations and leave every American a contributor to this fraud, which we will call "Social Insurance" (and give them a number). Without realizing it, every American will insure us for any loss we may incur and in this manner every American will unknowingly be our servant, however begrudgingly. The people will become helpless and without any hope for their redemption and we will employ the high office of the President (converted to a bankrupt administrative agency called the Office of the Executive as directed by Administrative Procedures Act) of our dummy corporation (UNITED STATES) to foment this plot against America.

* * *

The essence of this case is very simple:

Under both the "common law" of contracts and UCC, Receipt and/or acceptance either of goods [benefits] or of the price constitutes an unambiguous overt admission by both parties that a contract actually exists.[40],[41]

Or, "He who takes the benefit must bear the burden"– Civil Code §3521

Respondents testimony at trial is akin to a couple who orders a meal at a restaurant, consumes it, then claims they never had a contract with the restaurant.[42]

The record is abound with evidence that SPARTAN provided the materials and services, that Respondents paid SPARTAN, and that they are accepting the benefits of that work as their custom vacation home remodel (CT 032717, 27-15 thru 28-23).

Whereas:

> The only type of relationship between Adam or ADAM and the District of Columbia which would allow Respondents to bring a civil action against him pursuant to §7031 BPC is contractual in nature; and,
>
> The only cause of action that Respondents could have brought against Adam or ADAM is a breach of contract; and,

---

[40] Commentary, UCC 2-201, lexis.com

[41] See also: [§2201 Subsection 3(a)]: A contract which does not satisfy the requirements of subdivision (1) [that all contracts more than $500 be in writing— ed] but which is valid in other respects is enforceable: (a) If the goods are to be specially manufactured for the buyer and are not suitable for sale to others in the ordinary course of the seller's business; (this was a custom home built for Respondents in which Spartan was both the designer and builder as opposed to other Contractors who merely sub contract and don't do the actual work.]

[2201 Subsection 3(b)]: (b) If the party against whom enforcement is sought **admits in his or her pleading**, testimony, or otherwise in court that a contract for sale was made…

[2201 Subsection (c)]: With respect to goods for which payment has been made and accepted or which have been received and accepted (Section 2606):

> Receipt and/or acceptance either of goods or of the price constitutes an unambiguous overt admission by both parties that a contract actually exists. fn33

[42] Respondents *did* admit to their being a contract with ADAM and/or Adam, but denied so with SPARTAN.

The trial court record is devoid of:

1) a contract between adam, Adam, or ADAM and the District of Columbia;
2) evidence that adam, Adam, or ADAM is domiciled in the District of Columbia;
3) evidence that adam is not a living, breathing, biological being with unalienable Rights;
4) that adam has made a knowing, voluntary and intelligent waiver of his unalienable Rights[43] to be subjected to Interstate Commerce/Admiralty or some other type of jurisdiction and venue;

Respondents have the burden of proving jurisdiction and venue and have failed to.

Wherefore:

This Court has a non-discretionary duty to declare the judgment of 30-2015-00805807 void.

* * *

Pursuant to 18 USC 911, it is crime to falsely represent oneself to be a "citizen of the United States":

> *"Whoever falsely and willfully represents himself to be a citizen of the United States shall be fined under this title or imprisoned not more than three years, or both".*

The term "United States" in 18 USC 911 links to 18 USC 5 whereby "United States" is defined as:

> *The term "United States", as used in this title in a territorial sense, includes all places and waters, continental or insular, subject to the jurisdiction of the United States, except the Canal Zone.*

Based on all of the foregoing and continuing research, it has become abundantly clear adam (the biological being) is not a citizen of the United States (District of Columbia), nor surety for its public debt, nor the trustee of the estate of ADAM ALAN BEREKI or Adam Alan Bereki. He

[43] Johnson v Zerbst, 304 US 458 (1938)

accepts the deed of the Certificate of Vital Record (EXHIBIT [A]) for purposes of returning an authenticated copy to the United States in fulfillment of 12 USC 95a(2) for full acquittance and discharge of all public liabilities and claims attached thereto:

> *"Any payment, conveyance, transfer, assignment, or delivery of property or interest therein, made to or for the account of the United States, or as otherwise directed, pursuant to this section or any rule, regulation, instruction, or direction issued hereunder shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect to anything done or omitted in good faith in connection with the administration of, or in pursuance of and in reliance on, this section, or any rule, regulation, instruction, or direction issued hereunder."*

Based on the fact that the United States is under military occupation (see e.g. Trading With The Enemy Act/Emer. Banking Relief Act– War Powers) adam wishes to be at peace with the United States and requests Safe Harbor and Safe Passage pursuant to the rules and Duties of Usufruct of the Lieber Code, other military field orders, international treaties such as those of the Hague and any other binding requirements until the end of the temporary emergency and the return of full beneficial value to the Estate for which adam is the true owner as Beneficiary thereof. He is in the active process of ensuring the record accurately reflects his Lawful, solvent, private status and standing.

CONSIDERATION OF MOTION & AUTHORITIES

This Motion For Judicial Notice contains ***matters that are of substantial consequence to the determination of this action and poses federal questions effecting both the jurisdiction of the trial court and this reviewing court.***

Once jurisdiction has been challenged, it is presumed the court lacks jurisdiction unless or until the evidentiary sufficiency is proved and submitted to the record. Upon such a challenge, the court lacks customary judicial functions and has no discretion[44]. It has but one duty: to examine the record and determine if there has been an abridgment of a substantive Right or other jurisdictional failing. If so, the court has a non-discretionary duty to dismiss the case.

The court cannot use Rules of Court or other Legislative Acts to abrogate Rights secured by the Constitution:

> "Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them." Miranda v Arizona, 384 US 436, 491:

In other words, while a court *may* ordinarily have discretion to admit certain matters under judicial notice (Evid. §452, §352), if the matters pertain to the invocation of a substantive Right, they must be taken notice of. Discretionary exclusions such as those found in §352 (ie admission will take up too much time) are not allowed.

Another very important issue must also be considered. It is that the entire practice of law in the "State" of California" is also governed by the Business and Professions Code whose jurisdiction ultimately is The District as evidenced herein. As such, the issues in this case should, (if not dismissed for want of jurisdiction) in compliance with judicial process, be heard and determined by a neutral body/panel without conflicted interests in BAR associations membership whether currently active of inactive.

With good cause for the acceptance of this Motion having appeared herein, adam requests this Court take notice of this Motion and the following matters referenced herein with relevant 'authorities' cited below:

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[44] Piper v Pearson 68 Mass. 120 (1854) (Supreme Ct.)

Page	Description, [Authority For Judicial Notice]
5	It matters not what is known to the judge if it is not known to him judicially: Bouvier's Law Dictionary [§451(e)]
6	Constitution for the United States of America [§451(a)]
6	16 Stat. 419 Act to Incorporate District of Columbia [§451(a)], [§452(b)(c)]
6	Definition: CIVIL LAW; Black's Law Dictionary 1891 [§451(e)]
7	Definition Fasces: Wikipedia [§451(e),(f)], [§452(g)(h)]
7	Image: Seal of the United States Senate; Wikipedia [§451(f)], §452(g)(h)]
7	Image: United States Tax Court: Wikipedia [§451(f)], §452(g)(h)]
8	Image: Wall behind House of Representatives; Wikipedia [§451(f)], §452(g)(h)]
8	Image: Mercury Dime: Wikipedia [§451(f)], §452(g)(h)]
9	Cohens v Virginia, 19 US 264 (1821), [§451(a)]
9	Caha v US, 152 US 211 (1894), [§451(a)]
9, 22	Chisholm v Georgia, 2 US 419 (1793), [§451(a)]
10	Yick Wo v. Hopkins, 118 U.S. 356 (1886), [§451(a)]
10	Julliard v. Greenman, 110 U.S. 421 (1884), [§451(a)]
10,18,19	Slaughterhouse Cases, 83 U.S. 36 (1872), [§451(a)]
12	Definition: MUNICIPAL CORPORATION; Black's Dictionary 1891, [§451(e)]
11	Maxim: Uno absurdo dato, infinita sequuntur. One absurdity being allowed, an infinity follow; Bouviers Law Dictionary 1914, [§451(e)]
11	The Act of June 30, 1864 (13 Stat. 223, 306), at section 182, [§451(a)], [§452(b)(c)]

11 18 U.S.C. Crimes and Criminal Procedure, § 31(a)(6), [§451(a)], [§452(b)(c)]

12 Business and Professions Code General Provision §21, [§451(a)], [§452(b)(c)]

12 Application For Original Contractors License: http://www.cslb.ca.gov/Resources/Forms [§452(c)]

13 Internal Revenue Code 26 USC 3121, 26 USC 7701, [§451(a)], [§452(b)(c)]

13 27 CFR 72.11, [§451(a)], [§452(b)(c)]

16 28 USC 3002, [§451(a)], [§452(b)(c)]

14 https://www.irs.gov/individuals/international-taxpayers/persons-employed-in-us-possessions, [§451(a)], [§452(c)]

15 Maxims: *ejusdem generis* (of the same kind); *expressio unius est exclusio alterius* (the inclusion of the one is the exclusion of the other); *noscitur a sociis* (known by its associates), [§451(a),(e),(f)]

17 See U.S. Dept. of the Interior, Office of Insular Affairs, "Islands We Serve," http://www.doi.gov/oia/islands/index.cfm, and "Puerto Rico," https://www.doi.gov/oia/islands/puertorico; and U.S. Fish & Wildlife Service, "Navassa Island," https://www.fws.gov/refuge/Navassa_Island, and "Pacific Remote Islands: https://www.fws.gov/ , [§451(f)] [§452(c)]

17 Definition citizen: Black's Law Dictionary 1891, [§451(e)]

18 Citizen: Howard's United States Supreme Court Reports, published between 1843 and 1860 (vols. 1-24), vol. 19, p. 404, by Benjamin Chew Howard (1791-1872), U.S. Congressman (D-Md.). [§451(a)(e)(f)]

22 5 U.S.C. § 552a(a)(2), 5 U.S.C. § 552a(a)(13), [§451(a)]

21 Vanhorne's Lessee v Dorrance; 2 US 304, 308 (1795), [§451(a)]

22 J. Peter Grace, "President's Private Sector Survey on Cost Control: A Report to the President," Vol. I, dated and approved January 12 and 15, 1984, p. 3. https://babel.hathitrust.org , [§451(f)]

22 Congressional Record (House of Representatives), 92nd Congress, First Session, Vol. 117—Part 1, February 1, 1971, p. 1260. , [§451(f)]

22 Lewis v. United States, 680 F.2d 1239 (9th Cir. 1982), [§451(a)]

24 The World Order: Our Secret Rulers, Second Edition, 1992 Election Edition (Staunton, Va.: Ezra Pound Institute of Civilization, 1992), 102 , [§451(f)]

22 The Money Masters Documentary : https://www.youtube.com/, [§451(f)] [§452(g)(h)]

23 Osborn v. Bank of United States, 22 U.S. 738, 808 (1824), [§451(a)]

23 The Federalist, No. 80, [§451(a)]

24 The Mayor v. Cooper, 73 U.S. 247, 252 (1867), [§451(a)]

24 28 USC 564, [§451(a)], [§452(b)(c)]

25 Civil Code of Procedure §15, [§451(a)]

26 Persona: Wikipedia, [§451(e)(f)]

26 (Check a License) (CONTRACTORS STATE LICENSE BOARD), [§451(f)] [§452(c)]

26 Connecticut Gen. Life Ins. Co. v Johnson, 303 US 77, 86 (1938), [§451(a)]

26 Contractors License Law Reference Book and http://www.cslb.ca.gov/Resources/FormsAndApplications/PublicSalesOrderFormLabelsListsCd.pdf, [§451(f)]

27 McCulloch v. Maryland, 17 U.S. 316 (1819), [§451(a)]

27 Rundle v Delaware & Raritan Canal Co., 55 US 80, 99 (1852), [§451(a)]

27 Reno v Condon, 528 US 141, [§451(a)]

27 US v Lopez, 514 US 549, [§451(a)]

28 Judiciary Act of 1789, 1 Stat. 73, Section 9, [§451(a)], [§452(b)(c)]

28 Peter French in The Corporation as a Moral Person, 16 American Philosophical Quarterly 207 at 215 (1979), [§451(e),(f)]

28 United States v E.C. Knight Co., 156 US 1, [§451(a)]

28 The Propellor Genesee Chief 53 US 443 (1851), [§451(a)]

28 New Jersey Steam v Merchants Bank, 47 US 344 (1848), [§451(a)]

28 Definition: CAPITIS DIMINUTIO MAXIMA, Black's Law Dictionary, 4th ed. 264, [§451(e)]

29 Definition: FRANCHISE; Google Dictionary, [§451(e)]

29 Appendix [A] Certificate of Live Birth, Adam Bereki, [§451(f)], [§452(c)]

30 Evidence Code §175, [§451(a)]

31 HR 1491, 48 Stat. 1, [§451(a)]

31 Trading With The Enemy Act of 1917, 12 USC 95, [§451(a)]

31 Senate Report 93-549, [§451(f)], , [§452(c)]

31 Northern Pipeline v Marathon Pipeline, 458 US 50 (1982), [§451(a)]

33 Federal Rules of Civil Procedure, Rule 1 and Rule 2 [§451(d)]

34 FRC v General Electric Co. 281 US 464, 489 (1930), [§451(a)]

34 Cent. Ill. Pub. Serv. Co. v. Indus. Comm'n, 293 Ill. 62 (1920), Supreme Court [§451(f)], [§452(a)]

35 Breedlove v. Breedlove, 161 Cal. App. 2d 712, [§451(a)]

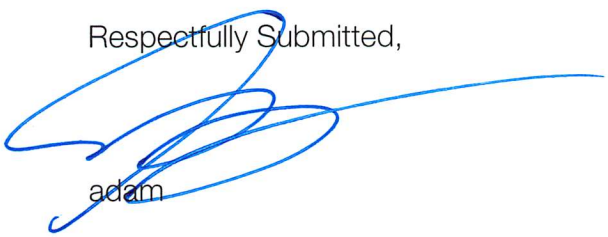
35 Perry v. Perry, 270 Cal. App. 2d 769, [§451(a)]

36 Miranda v Arizona, 384 US 436, 491, [§451(a)]

37 Bank of Columbia v Okely, 4 Wheat. 235 (1819), [§451(a)]

37 The Treaty of Paris, [§451(a)]

Respectfully Submitted,



adam

**Recognition and a heartfelt thank you must be given to John Parks Trowbridge, Jr., Willam Henshall, and Georgette Cressend, for their love of truth and assistance in the compilation and authorship of this Motion. And of course to my mother, Roseanne Bereki and dear friend, Georgette Cressend for their boundless support and love.

APPENDIX [A]

Center for Health Statistics and Informatics, Vital Records

M.S. 5103
P.O. Box. 997410
Sacramento, CA 95899-7410
(916) 445-2684
Internet Address: www.cdph.ca.gov

ADAM BEREKI
818 SPIRIT
COSTA MESA CA 92626

Requester:	ADAM BEREKI
RTN No:	20180000077894A0
Registrant:	ADAM BEREKI
Number of Copies:	8
Event Type:	Birth
Date Received:	5/25/2018
Amount Received:	$200.00
Banknote No.:	004589899 004589900 004589901 004589902 004589903 004589904 004589905 004589906

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Currently on File in Vital Records

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APOSTILLE
(Convention de La Haye du 5 octobre 1961)

1. Country: Pays / País:	United States of America
This public document Le présent acte public / El presente documento público	
2. has been signed by a été signé par ha sido firmado por	*James Greene, MD MS*
3. acting in the capacity of agissant en qualité de quien actúa en calidad de	*State Registrar*
4. bears the seal / stamp of est revêtu du sceau / timbre de y está revestido del sello / timbre de	*State of California*

Certified
Attesté / Certificado

5. at à / en	Sacramento, California	**6.the** le / el día	*9th day of August 2018*
7. by par / por	Secretary of State, State of California		
8. N° sous n° bajo el número	*38862*		
9. Seal / stamp: Sceau / timbre: Sello / timbre:		**10. Signature:** Signature: Firma:	

This Apostille only certifies the authenticity of the signature and the capacity of the person who has signed the public document, and, where appropriate, the identity of the seal or stamp which the public document bears.
This Apostille does not certify the content of the document for which it was issued.
To verify the issuance of this Apostille, see: www.sos.ca.gov/business/notary/apostille-search/.
This certificate does not constitute an Apostille under the Hague Convention of 5 October 1961, when it is presented in a country which is not a party to the Convention. In such cases, the certificate should be presented to the consular section of the mission representing that country.

Cette Apostille atteste uniquement la véracité de la signature, la qualité en laquelle le signataire de l'acte a agi et, le cas échéant, l'identité du sceau ou timbre dont cet acte public est revêtu.
Cette Apostille ne certifie pas le contenu de l'acte pour lequel elle a été émise.
Cette Apostille peut être vérifiée à l'adresse suivante: www.sos.ca.gov/business/notary/apostille-search/.
Ce certificat ne constitue pas une Apostille en vertu de la Convention de La Haye du 5 Octobre 1961, lorsque présenté dans un pays qui n'est pas partie à cette Convention. Dans ce cas, le certificat doit être présenté à la section consulaire de la mission qui représente ce pays.

Esta Apostilla certifica únicamente la autenticidad de la firma, la calidad en que el signatario del documento haya actuado y, en su caso, la identidad del sello o timbre del que el documento público esté revestido.
Esta Apostilla no certifica el contenido del documento para el cual se expidió.
Esta Apostilla se puede verificar en la dirección siguiente: www.sos.ca.gov/business/notary/apostille-search/.
Este certificado no constituye una Apostilla en virtud del Convenio de La Haya de 5 de octubre de 1961 cuando se presenta en un país que no es parte del Convenio. En estos casos, el certificado debe ser presentado a la sección consular de la misión que representa a ese país.

OFFICE OF THE SECRETARY OF STATE

Sec/State Form NP-40 SAC (rev. 07/2017)

STATE OF CALIFORNIA
CERTIFICATION OF VITAL RECORD

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH

104- 79-167907
STATE BIRTH CERTIFICATE NUMBER

CERTIFICATE OF LIVE BIRTH
STATE OF CALIFORNIA

3000 12927
LOCAL REGISTRATION DISTRICT AND CERTIFICATE NUMBER

THIS CHILD	1A. NAME OF CHILD—FIRST: Adam	1B. MIDDLE: Alan	1C. LAST: Bereki			
	2. SEX: Male	3A. THIS BIRTH, SINGLE, TWIN, ETC.: Single	3B. IF MULTIPLE, THIS CHILD 1ST, 2ND, ETC.: -	4. BIRTHWEIGHT GRAMS:	5A. DATE OF BIRTH—MONTH, DAY, YEAR: June 18, 1979	5B. HOUR: 2140
PLACE OF BIRTH	6A. PLACE OF BIRTH—NAME OF HOSPITAL: [redacted]	6B. STREET ADDRESS (STREET, NUMBER, OR LOCATION): [redacted]				
	6C. CITY OR TOWN: [redacted]	6D. COUNTY: Orange				
MOTHER OF CHILD	7A. BIRTH NAME OF MOTHER—FIRST: [redacted]	7B. MIDDLE: [redacted]	7C. LAST: [redacted]	8. STATE OF BIRTH: [redacted]	9. AGE OF MOTHER: 25	
FATHER OF CHILD	10A. NAME OF FATHER—FIRST: [redacted]	10B. MIDDLE: [redacted]	10C. LAST: [redacted]	12. AGE OF FATHER: 27		
PARENT'S CERTIFICATION	I CERTIFY THAT I HAVE REVIEWED THE STATED INFORMATION AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE	13A. PARENT OR OTHER INFORMANT—SIGNATURE: Steve Bereki	13B. RELATIONSHIP TO CHILD: Father	13C. DATE REVIEWED AND SIGNED: 6-20-79		
ATTENDANT'S CERTIFICATION	I CERTIFY THAT I ATTENDED THIS BIRTH AND THAT THE CHILD WAS BORN ALIVE AT THE HOUR, DATE AND PLACE STATED.	14A. PHYSICIAN (OR OTHER PERSON WHO ATTENDED THIS BIRTH)—DEGREE OR TITLE AND TYPED NAME; SIGNATURE: Gerald Nolan, M.D.		14B. DATE SIGNED: 6/20/79		
		14C. ADDRESS: 17822 Beach Boulevard, Huntington Beach		14D. ATTENDANT'S LICENSE NUMBER: C-20693		
LOCAL REGISTRAR	15. DEATH—ENTER DATE OF DEATH	16. LOCAL REGISTRAR—SIGNATURE		17. DATE ACCEPTED FOR REGISTRATION: JUL 18 1979		

This is to certify that this document is a true copy of the official record filed with Vital Records.

DATE ISSUED

JUN 14 2018

JAMES GREENE, MD, MS
STATE REGISTRAR OF VITAL RECORDS

This copy is not valid unless prepared on an engraved border, displaying the date, seal and signature of the State Registrar.

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ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE