

Allodial Titles & Land Patents

MEMORANDUM OF LAW ON LAND PATENT-Exhibit B

_____ 1st, 199__ Certified Mail: _____

[Your Name]
c/o [Your Address]
[Your City], [Your state] republic, usA
NON-DOMESTIC

—MEMORANDUM OF LAW ON LAND PATENT—

NOTICE & EFFECT OF LAND PATENT
LEGAL TITLE AND TRANSFER
LIMITATIONS & CHALLENGES
CONCLUSIVE EVIDENCE
ONLY WAY TO PERFECT TITLE
TRANSFER BY PATENTEE
IMMUNITY FROM COLLATERAL ATTACK

1) NOTICE AND EFFECT OF LAND PATENT

A Patent alone passes paramount legal title to Grantee, and his heirs or Assigns forever.

—*Wilcox vs. Jackson*, 13 PET (US) 498, 10 L.Ed 264; *U.S. vs. Stone* 2 US 525, 17 L. Ed 765;

A grant of land is a public law standing on the statute books of the state, and is notice to every subsequent purchaser under the conflicting sale made afterward.

—*Wineman vs. Gastrell*, 54 FED, 819, 4 CCA 596, 2 US App 581;

Whereas the federal United States has parted with title by Patent legally issued, and surveys legally made by itself, approved by the proper department, Title so granted cannot be impaired by any subsequent survey made by the state government for its own purpose.—*Cage vs. Danks*, 13 LA. Ann 128 *stare decisis* (to adhere to decided cases); *Summa Corp. vs. California ex rel, State Land Commission & City of Los Angeles* 104 US 1754 (April 17th, 1984) *Yeakle, Torrens system* 209;

2) LEGAL TITLE AND TRANSFER

The existing system of land transfer is a long and tedious process involving the observance of many formalities and technicalities, a failure to observe any one of which may defeat title, even where these have been most carefully complied with, and where the title has been traced to its source, the purchaser must perform the formalities, but at his peril, there always being, in spite of the utmost care and expenditure, the possibility that his title may turn out bad.—*Yeakle, Torrence System* 209.

Legal titles cannot be conveyed except in the form provided by law.

—*McGarrahan vs. Mining Co.* 96 U.S. 316 (1877)

Legal title to property is contingent upon the patent issuing from the government.

—*Sabo vs. Horvath*, 559 P. 2d 1038, 1040 (Aka. 1976)

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3) LIMITATIONS ON CHALLENGES

Subsequent purchaser's final certificate/receipt acknowledging payment in full by Homesteader/Pre-emptor is not in legal effect a conveyance of land. —*U.S. vs. Steenerson* 50 Fed 504, 1 CCA 552, 4 US App 332;

Deeds purporting to convey ownership of land are actually a color of title, which is in appearance a title, but which in reality is NOT title. (e.g., warranty deeds, quit claim deed, sheriffs deed, trustee's deed, judicial deed, tax deed)—*Wright vs. Mattison*, 18 How. (US) 50 (1855)

There is a legal distinction between a debt discharged and one extinguished at-Law.
—*Stanek vs. White* 172 Minn 390, 215 N.W.R. 781, 784

4) CONCLUSIVE EVIDENCE

A Land Patent is a conclusive evidence that the Patentee has complied with the acts of [the U.S.] Congress (e.g. Homestead Act of 1862) as concerns improvements on the land, etc.—*Jankins vs. Gibson*, 3 LA Ann 203;

The [Land] Patent is prima facie evidence of the title. —*Marsh vs. Brooks*, 49 U.S. 223, 233 (1850)

Issuance of a government patent granting title to land is the most accredited type of conveyance known to our law.—*United States vs. Creek Nation*, 295 U.S. 103,111 (1935); *United States vs. Cherokee Nation*, 474 F.2d 628,634 (1973);

A [Land] Patent once issued, is the highest evidence of title, and is a final determination of the existence of all facts.—*Walton v.s United States*, 415 F.2d 121, 123 (10th Cir. 1969)

A Patent Certificate, Patent issued, or confirmation made to an original Grantee or his legal representative embraces representative of the Grantee unto the Assign by contract as well as in law—*Hogan vs. Page* 69 US 605, 17 L. Ed 854;

Wherever the issue is who has paramount legal Title, Patent issued by the federal United States is unassailable.
—*Sanford vs. Sanford* 139 US 642, 35 L.Ed 290; *Johnson vs Christen* 128 US 374, 32 L. Ed 412;
Doe vs. Aiken 31 Fed 393;

In Federal courts the Patent is held to be the foundation of title at law. —*Fenn vs. Holmes*, 21 Howard 481.

As an Assign, whether or not the first, second, third, or however many party to whom the title is conveyed shall lose none of the original rights, privileges or immunities of the original grantee of Patent. Patents and other evidences of title from the United States are not controlled by state recording laws and shall be effective, as against subsequent purchasers, only from the time of their record in the county.
—*Lomax vs. Pickering* 173 US 26, 43 L. Ed 601;

No state shall impair the obligation of contracts.—*Article 1, § 10, Clause 1, U.S. Constitution*

Land duly conveyed by Patent is not taxable by the state. —*Lomax vs. Pickering* 173 US 26, 43 L. Ed 601;

After the American Revolution, lands became allodial, subject to no tenure, nor to any services incident thereto. Land held in allodium is defined as man's own land, which he/she possesses in his/her own rights without owing any rent or service to any superior.—*Wendell vs. Crandall*, 1 NY 491 (1848)

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5) ONLY WAY TO PERFECT TITLE

This Declaration of Land Patent is the only way a perfect Title can be had in my name.

—*Wilcox vs. Jackson*, 13 Pet (US) 498, 10 L. Ed 264;

All questions of fact decided by the General Land Office are binding everywhere, and injunctions and mandamus proceedings will not lie against it.—*Litchfield vs. The Register*, 9 Wall (US) 575, 19 L. Ed. 681;
Ware vs. Hylton, 3 Dall (US) 199, *Summa Corp.*

Duly certified copies of federal land patents shall be evidence in all cases where originals would be evidence.
—43 USC 59, 57 (covers Oregon and California), 58 (covers Louisiana)

All the courts in the United States must take judicial notice of these duly certified federal patents and their evidentiary effect under these federal statutes.—43 USC 83

6) TRANSFER BY PATENTEE

Title and rights of bona fide purchaser from patentee...will be protected.

—*United States vs. Debell*, (1915) 227 Fed 760; *United States vs. Beaman* (1917), CA 8 Colo, 242F 876;
State vs. Hewitt Land Co., (1913) 74 Wash 573, 134 Pet 474 from 43 USCS § 15, n 44.

Congress restricted alienation (to convey, to transfer) of homestead lands after conveyance by United States in fee, simply by providing no such lands shall become liable to satisfaction of debts contracted prior to issuance of Patent. —Article 4, § 3, Clause 2, U.S. Constitution; *Ruddy vs. Rossi* 248 US 104 (1918);

7) IMMUNITY FROM COLLATERAL ATTACK

A Patent issued by the United States of America so vests the title in the lands covered thereby, that it is the further general rule that, such Patents are not open to collateral attacks. —*Thomas vs. Union Pacific Railroad Company*, 139 F.Supp. 588, 596 (1956); *State vs. Crawford*, 475 P.2d 515 (Ariz. App. 1970); *Raestle vs. Whitson*, 582 P.2d 170, 172 (1978);

Any bank or lending institution laying claim to the land by the lien theory, must have contested the federal land patent within the two years after the Act of March 3, 1891, supra, or forever be barred. Lien assessment theory to the contrary, notwithstanding.—*United States vs. Schurz* 102 US 378, ;*Summa Corp.*, supra

A mortgage is only a lien, not a vested interest in the leasehold. Even after a default on a mortgage, a mortgagee only has an equitable lien. —*United States vs. Champaign County*, F.Supp 474, 480 (1958);

A court of law will not uphold or enforce an equitable title to land as a defense to an action of ejectment.
—*Johnson vs. Christian*, 128 US 374; *Doe vs. Aiken*, 31 Fed 393

[Your Name], Sovereign state Citizen/Principal, by Special Appearance, proceeding *Sui Juris*

Sworn, subscribed, sealed and affirmed to this _____ day of _____ 19____.

Notary Public for [Your Notary State]_____

My commission expires _____

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