

**Notice in Affidavit Form of Timothy Spencer., Darnell**

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Dear Robert Jenevein and Brett B. Flagg:

1. "I, Timothy Spencer., Darnell, a man, with life, a living soul, *in propria persona*, a sovereign, one of "We the People", a settlor into the Texas Constitution of the authority for government, specifically not a resident, and specifically not a UNITED STATES CITIZEN as those words of art, "UNITED STATES", "STATE", and "CITIZEN", are defined at Title 26 USC § 7701(a)(9) and (10) and Title 26 USC § 3121(e)(1) and (2), and at Title 28 USC § 3002(15), and the undersigned Affiant (hereinafter referred to by the term "Affiant") whose Christian appellation and mailing location, said location for mail matter is specifically not a resident address, are as first shown above, being duly sworn as set forth hereinbelow, now make this special visitation, to Robert Jenevein, Esquire (hereinafter called "Jenevein"), Judge of the County Court at Law #3, Records Building, 500 Elm Street, Dallas, Texas [PZ 75201], and to Brett B. Flagg, Esquire (hereinafter called "Flagg"), Officer of the County Court at Law #3, C/o 17110 North Dallas Parkway, Suite 210, Dallas, Texas [PZ 75248], the above named Respondents, (hereinafter called "Respondents"), to present and file of record this "Notice of Removal in Affidavit Form" (hereinafter called "Notice Affidavit"), and declare and affirm:

That Affiant is a man, with life, a living soul, *in propria persona*, is a sovereign, is over the age of twenty-one years of age, and is competent to declare and affirm, and further;

That Affiant has first-hand knowledge of the facts related herein, and further;

That the facts related herein are true, correct and complete to the best of the knowledge and belief of the Affiant, and further;

That the law and conclusions of law related herein are true to the best of the knowledge and belief of the Affiant, and further;

That use of the terms "I," "Me," and "My" in this Notice Affidavit mean and refer exclusively to Affiant, Timothy Spencer., Darnell.

**2. "I, Timothy Spencer., Darnell, Affiant, declare and affirm:**

That this Notice Affidavit is specifically not a traverse, specifically does not create nor grant joinder, specifically does not ratify nor accept, nor approve of, nor consent to, nor assent to any implied contract for commercial business in the County Court at Law #3, and is not being made and presented to Respondents voluntarily, but is being

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submitted by Affiant to Respondents involuntarily and by necessity (based upon the false presumption by the corporate government that there are no longer any People having Rights protected by Law, but there is falsely presumed to be only residents having privileges and immunities regulated under statute), under coercion and duress of threat to the liberty and property of Affiant, and in response to, and in protest of, (a) presentments made by Respondent Jenevein to Affiant by direct correspondence; and (b) presentments and demands made by Respondent Flagg upon Affiant by indirect correspondence (filed into the third party court of Jenevein before delivery to Affiant); all the foregoing in relation to the matter CC-01-890-C with wrapper (hereinafter "Petition");

That this Notice Affidavit is being made and presented to Respondents in further response to, and in protest of, allegations, claims and demands made by Respondents Robert Jenevein and by Brett B. Flagg upon Affiant by direct and indirect correspondence, and Respondents claim to be engaged in the practice of law in Texas, and said practice of law is by conducting commerce in the County Court at Law #3, and Flagg conducts business as the agent of Jenevein, the Judge of County Court at Law #3, and Flagg is an officer of the court of Jenevein, (said direct and indirect correspondence is CC-01-890-C with wrapper, Petition, signed by Brett B. Flagg, filed into the court of Jenevein, and then forwarded to Tim Darnell, et al, dated January 24, 2001, constitutes the business of practicing law), and further;

That in relation to the foregoing presentments, allegations, claims, and demands made by Respondent Jenevein upon Affiant and the allegations, claims and demands made by Respondent Flagg upon Affiant, none of said presentments, allegations, claims, and demands were certified by a sworn statement or witnessed and verified by a Notary of the State of Texas; and further

That notwithstanding any statement, reference or information set forth in this Notice Affidavit, I, Timothy Spencer., Darnell, Affiant, have no intention of hereby offering or ratifying any contract and hereby make no offer or ratification of any contract, expressed or implied.

**3. "I, Timothy Spencer., Darnell, Affiant, declare and affirm:**

That pursuant to Rule 52 of the Texas Rules of Civil Procedure, at all times pertinent to the said claims, allegations and demands made against Affiant by Respondents Jenevein and Flagg in Petition, Affiant is not and was not a corporation, public or private (fair notice and full disclosure); and further

That pursuant to Rule 52 of the Texas Rules of Civil Procedure, at all times pertinent to the said claims, allegations and demands made against Affiant by Respondents Jenevein and Flagg in Petition, Affiant is not and has not, knowingly and willingly in exchange for a fair and certain consideration, identified with or indemnified the obligations of any number, or any corporation or other legal entity designated by any number, issued by the State of Texas, a corporation, or any political subdivision or corporate underling thereof, such as a Department of Public Safety Driver License Number or a County Voter Registration Certificate Number; and further

That pursuant to Rule 52 of the Texas Rules of Civil Procedure, at all times pertinent to the said claims, allegations and demands made against Affiant by Respondents Jenevein and Flagg in Petition, Affiant is not and has not, knowingly and willingly in exchange for a fair and certain consideration, identified with nor indemnified the obligations of any number, or any corporation or other legal entity designated by any number, issued by the United States, a corporation, {See Title 28 USC § 3002(15)} or any political subdivision or underling corporation thereof, such as a Social Security Number or a Bank Account Number, (by statute, banks are instrumentalities of the corporate government); and further

That pursuant to Rule 52 of the Texas Rules of Civil Procedure, at all times pertinent to the said claims, allegations and demands made against Affiant by Respondents Jenevein and Flagg in Petition, Affiant is, and all times pertinent to the claims made by Respondents has been, one of 'We the People' of Texas in the private sector, having accrued the rights of citizenship in Texas by the principal of *jus soli* and by domicile in Texas, and Affiant hereby claims all rights, privileges and immunities reserved for Affiant as one of the People of Texas by the Constitution of Texas and the non-emergency Laws duly enacted by the legislature of Texas under the authority granted to Texas in the Constitution of Texas, and Affiant hereby claims all rights, privileges and immunities reserved to Affiant as one of 'We the People' of the United States of America by the Constitution of the United States of America and the non-emergency statutes-at-large duly enacted by the Congress of the United States of America under the authority granted to the said Congress in the Constitution of the United States of America; and further

That pursuant to Rule 52 of the Texas Rules of Civil Procedure, at all times pertinent to the said claims, allegations and demands made against Affiant by Respondents Jenevein and Flagg in Petition, in consequence of the foregoing, Affiant claims to be not subject to, and Affiant does not consent to nor assent to, any *in rem* proceedings in any venue or jurisdiction.

4. "I, Timothy Spencer., Darnell, Affiant, declare and affirm:

That Affiant hereby accepts the claim of Respondents Jenevein and Flagg in the Petition delivered upon Affiant by direct and indirect correspondence and contained in the said Petition dated January 24, 2001, to the effect that said Respondents are engaged in the practice of law, as evidenced by the style, format, words, cites, and claims set forth on the Petition and the signature of Flagg and the claim of Bar Association membership by Flagg at the end of said Petition, and the cite of the court of Jenevein, and the mark of the court of Jenevein contained within the Petition; and further

That Affiant hereby gives notice to Respondents Jenevein and Flagg that Affiant demands strict proof in the form of notarized sworn statements signed by Respondents and executed under the penalty of perjury, declaring that Respondents have been issued an executive branch of government occupational license for the practice of law pursuant to the authority of laws both (1) duly enacted under the Constitution of Texas (See Article III, Section 29 of Constitution of Texas) and (2) certified to the people of Texas by the Secretary of State of Texas as authentic laws to which the people of Texas are subject (See Article IV, Section 21 of Constitution of Texas), and bring with said sworn statement a certified true copy of said license in support of the judicial branch of the corporate government requirement of joining the Texas Bar Association, said membership having already been asserted by the Respondents by title and claim; and further

That Affiant asserts that said executive branch of government occupational license does not exist and therefore Respondents and the court of the Respondents are not competent and are absent authority, venue, and jurisdiction over Affiant; and further

That Affiant asserts that Respondents do not need an executive branch of government occupational license for the operation of a corporation court such as is the County Court at Law #3, an underling corporate fiction of the STATE OF TEXAS, a corporation and a fiction, for the handling of corporate matters, administration and arbitration, pertaining to and about the STATE OF TEXAS, a corporation and a fiction, and the underling corporations of the STATE OF TEXAS, both public and private (said private corporations are sometimes also known as "residents" "individual" "persons" and said individuals function in the corporation court system, such as is the County Court at Law #3 a part of the corporation court system, as legal fictions and are identified as legal fictions by the capitalization of the appellation of the resident) and Affiant further asserts that acting in concert without authority,

Respondents willingly and knowingly converted the appellation of Affiant into a corporate legal fiction (a libel) without the express consent of Affiant; and further

**5. "I, Timothy Spencer., Darnell, Affiant, declare and affirm:**

That the Rights of Affiant are protected by the Bill of Rights found in Article 1, Sections 1 through 29 of the Texas Constitution, and in particular, Article 1, Section 29; and further

That Affiant is a man, with life, a living soul, and the County Court at Law #3, being a corporation court and a fiction, is not competent for, and is absent, venue and jurisdiction over Affiant; and further

That Affiant asserts that the only court competent for venue and jurisdiction for any matter pertaining to or about Affiant, and particularly the matter of Petition allegedly applying to Affiant, is the County Constitutional Court cited at Article 5, Section 15 of the Texas Constitution; and further

**6. "I, Timothy Spencer., Darnell, Affiant, declare and affirm:**

That pursuant to Rule 86 of the Texas Rules of Civil Procedure, Affiant challenges the venue and jurisdiction of the County Court at Law #3 and without reservation declares that the County Court at Law #3 is absent venue and jurisdiction over Affiant; and further

**7. "I, Timothy Spencer., Darnell, Affiant, declare and affirm:**

That, pursuant to Rule 257 of the Texas Rules of Civil Procedure, Affiant can not obtain a fair and impartial trial by a jury of Affiant's peers by Law in the venue of the County Court at Law #3 (as opposed to a "trial with jury" under the sole decision authority of Respondents); and further

That Affiant attaches Exhibits 1, 2, and 3 to this affidavit, which are the affidavits of the required three additional credible affiants, and said additional affidavits are incorporated into and made part of this affidavit by this reference; and further

**8. "I, Timothy Spencer., Darnell, Affiant, declare and affirm:**

That pursuant to Rule 258 of the Texas Rules of Civil Procedure, the matter of the Petition that pertains about the Affiant must be removed to the County venue competent for matters pertaining about Affiant; and further

**9. "I, Timothy Spencer., Darnell, Affiant, declare and affirm:**

That pursuant to Rule 259 of the Texas Rules of Civil Procedure, the matter of the Petition that pertains about the Affiant must be removed to the County venue competent for matters pertaining about Affiant, and said competent County venue is the County Constitutional Court as cited in Article 5, Section 15 of the Texas Constitution; and further

**10. "I, Timothy Spencer., Darnell, Affiant, declare and affirm:**

That if Respondents have information that would controvert and overcome this Notice Affidavit, in consideration of all the expressed and implied obligations contained within the Petition of Respondents to Me, Affiant, the following must be performed by the Respondents:

That upon receipt by Respondents of this Notice Affidavit, in consequence of said obligations as rebutted and challenged by Me in this Notice Affidavit, it is mandatory that each of the Respondents, Jenevein and Flagg, must advise Me, Affiant, of such information that would controvert and overcome as aforesaid, or show cause for any mandatory demand or obligation made upon Me, Affiant, by Respondents and advise Me, Affiant, of said cause, IN AFFIDAVIT FORM by writing WITHIN TWENTY (21) DAYS (with three days grace if post mark is on or within the 21 day time) from receipt hereof a counteraffidavit ("Counteraffidavit"), proving with particularity and specificity by stating all requisite actual evidentiary fact and all requisite actual Law under the Laws of the State of Texas, and not merely the ultimate facts or conclusions of the opinions of case made statutory law, that this Notice Affidavit is substantially and materially false sufficiently to change materially My (Affiant's) assertions made in this affidavit which challenges the venue and jurisdiction of the County Court at Law #3 and demands for removal of the matter, as that parts of the matter pertains about the Affiant, to the competent County venue of the County Constitutional Court cited at Article 5, Section 15 of the Texas Constitution; and further

That until I, Affiant, receive the said Counteraffidavit from Respondent as stated in the foregoing, I, Affiant, assert that I have the Right for taking the position, and I will take the position, that all the facts, statements, claims, laws and conclusions of law contained in this Notice Affidavit are true and valid, and that I, Affiant, have hereby satisfied the alleged requirement of responding even though Affiant is not a resident individual person under jurisdiction of any corporation office and Affiant is not required by Law for responding to the demands made by any corporate officer; and further

That Affiant demands the matter in the Petition as pertaining about Affiant will be removed, by Respondent Jeneven, to the County Clerk for docketing onto the docket of the County Constitutional Court and the unlawfully-converted-into-a-legal-fiction appellation of Affiant will be removed from Petition; and further

That the failure of Respondents to respond with said Counteraffidavit as stated in the foregoing will entitle Me, Affiant, to accept as true that Respondents have ACQUIESCED to all the facts, statements, claims, laws and conclusions of law made in this Notice Affidavit and that Respondents CANNOT present said Counteraffidavit, and are in agreement for removal of the matter that pertains about the Affiant to the County Constitutional Court; and further

That upon said failure, from the date hereof forward, the established legal doctrine of "estoppel by acquiescence" will prevail against Respondents and against the court and all attendant officers and agents of the court of the Respondents with respect to the facts, statements, claims, laws and conclusions of law made in this Notice Affidavit, as per the legal references cited in the finding of the court in Melovich Builders, Inc. v. Superior Court., 160 Cal. App. 3rd. 931., 207 Cal. Rep. 47 (Oct. 1984) a statutory opinion case, which applies to Respondents, upon which I, Affiant, have relied, and in accord with the Common Law maxim dating back at least 3400 years to Numbers Chapter 30 in Mosaic Law, and I, Affiant, shall rely upon said estoppel, and further;

That with respect to this Notice Affidavit hereby furnished to Respondents and the alleged agency relationship that Respondent Flagg has with Respondent Jeneven, Respondents are hereby notified that under the Common Law maxim that:

"Notice to the agent is notice to the principal; notice to the principal is notice to the agent."

and further;

That it is also mandatory that Respondents respond according to the foregoing by delivering said Counteraffidavit to My (Affiant's) mailing location by United States Postal Service **Registered Mail**, addressing Me, Affiant, with My (Affiant's) proper Christian appellation exactly as shown for same first above, and further;

That it is also mandatory that Respondents sign and certify "under penalty of perjury" said Counteraffidavit and all correspondence in response to this Notice Affidavit (collectively called "Response Correspondence") so I, Affiant, can know that I, Affiant, am dealing with the Respondents of this Notice Affidavit, and further;

That it is also mandatory that the response of Respondents in said Response Correspondence as to the demands presented in this Notice Affidavit must not constitute a dishonor, which dishonor consists of either (a) no answer, (b) a response of any kind after the said twenty (21) days (plus three days grace if post mark is on or within the said 21 days) without a granted request for extension of time by the Affiant upon good cause shown in a timely manner, or (c) a response sent by means other than United States Postal Service **Registered Mail**, and further;

That a second said dishonor may occur under Commercial Law if the answer of Respondents in said Response Correspondence is evasive, irrelevant, immaterial, scandalous, outrageous, without particularity, without specificity, made by the wrong party, or not based on first-hand knowledge; and any facts alleged in said response must be on first-hand knowledge in affidavit form and the affiant thereof held to the penalties of perjury under the laws of Texas by the signature of the affiant thereof; and further

That any such dishonor will constitute a default or invalid response by Respondents and this Affiant reserves all rights to further legal remedies in consequence of any said default or said invalid response.

#### CERTIFICATION

The undersigned Affiant Timothy Spencer., Darnell, a man, with life, a living soul, *in propria persona*, being duly sworn, further testifies and states the following: I, Affiant, have read the contents of this Notice Affidavit prepared for presentment to the Respondent Robert Jenevein, Esquire, Judge of the County Court at Law #3, Records Building, 500 Elm Street, Dallas, Texas, [75201], and to Respondent Brett B. Flagg, Esquire, C/o 17110 North Dallas Parkway, Suite 210, Dallas, Texas, [75248], and, under 28 U.S.C. Sec. 1746 (1), I, Affiant, declare and affirm under penalty of perjury under the Laws of Texas that the



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contents of this Notice Affidavit are true and correct in actual fact, and in actual Law, and to what I, Affiant, believe to be true by My (Affiant's) own research, and by the actual non-emergency statutes of the Legislature of Texas supporting My (Affiant's) contentions, charges, claims and response, and if called upon to do so, I, Affiant, am willing to testify in court of competent venue regarding any item or reference contained in this Notice Affidavit. **So Be It. Further Affiant Sayeth Naught."**

Executed on March 3, 2001

(L.S.)

Timothy Spencer Darnell  
Timothy Spencer., Darnell, a man, *in propria persona*, Sui Juris, Affiant

**VERIFICATION**

"On this Third Day of March, in the year Two Thousand One, Timothy Spencer Darnell, a living man, appeared before Me, a Notary Public for the State of Texas, and after I administered the Oath to Him, He did depose and say that he had read the forgoing Notice Affidavit and that under the penalty of perjury under the Laws of the United States of America cited in statute at Title 28 USC § 1746(1), without the UNITED STATES {Title 26 USC § 7701 and § 3121, and Title 28 USC § 3002(15)} He declares and affirms that the contents of the aforementioned Notice Affidavit are true and correct in actual fact and in actual Law and are complete to the best of His knowledge and belief.

"Subscribed and sworn to before Me, a Notary Public for the State of Texas, this Third day of March in the Year Two Thousand One."

Patsy Moody  
Notary Public

Patsy Moody  
Printed Name of Notary

04-24-05  
Commission of Notary Expires

SEAL:



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