

When a County Clerk, Recorder of Deeds, etc. "Refuses to Record"

by David DeReimer

Most legal remedies for misconduct or crimes committed by government officials must be formally presented and officially "sanctioned" by the courts. Inevitably, the cost of litigation and the courts inherent reluctance to favor private citizens who sue the government teach us that we "can't sue city hall" - even if the folks who work there are crooks.

Shielded by the official and practical immunities inherent in our legal system, government officials are encouraged to believe they are "above the law", beyond the reach of common people, and free to abuse their powers. No longer accountable in court, the frequency of official misconduct, oppression, and injustice is rising but normally unpunished.

Commercial liens seem to have extraordinary power for attacking government officials who break the Law. The key to the liens' power is found in the fact that these liens are applied non-judicially - without the knowledge, approval, or interference of a judge. Because the judges aren't involved, they can't stop you from filing your liens, and therefore, they can't shield the government.

Instead, to file a commercial lien, you prepare the necessary documents and simply file them (along with a modest filing fee) with the local county clerk, recorder of deeds, etc. or whatever county agency is responsible for filing public documents.

But problems are beginning to develop. Since the legal system can't stop these liens with high legal fees and biased judges, the county clerks are beginning to restrict the filing of liens. i.e., you prepare your lien, round up your \$50 filing fee. and present yourself, your money, and your lien to the county clerk and he refuses to accept the lien. The lien can't work if it's not filed, so a recalcitrant clerk can stop your lien cold. Although the clerk's refusal to file the lien documents is almost certainly unlawful, I've heard reports that "refusals to file" are increasingly common in California, Ohio and other states.

The following is one man's recommendations for dealing with county clerks who refuse to file your liens (or other documents). This procedure is primarily based on the Uniform Commercial Code. Because several of the

steps require you to wait patiently (30 days or more) for the government's response, the total process may take six months or more to complete.

These lengthy delays are difficult for those of us who are used to a diet of instant TV, microwave food, and fast gratification, to accept. Which is to say, here 's another obstacle - time - our legal system uses to prevent the People from compelling government officials to obey the Law.

So be it.

But what does it take to overcome this obstacle? Just patience, persistence and determination. The first one, two, or even three individuals who fight to compel the clerks to properly record their liens may have to struggle for most of a year. However, once the clerks begin to see their personal liability, they'll return to obeying the law and recording the liens. It may take time, but it is clearly time that must be spent by a handful of people to open the doors for the rest of the public.

In general, it looks as if the liens can be used to compel the judges and public officials to obey the law, and The Uniform Commercial Code can be used to compel the clerks to obey the law. Point: where there's a will, there's a legal remedy.

Advice: Learn to work with others. Your witnesses are your friends, advisors, and legal "safety net" Unless you have absolutely no choice, don't try to "lien on" government officials all by yourself. Bring at least two witnesses along to every face-to-face meeting with the clerk, Recorder of Deeds, Sheriff etc.. After the meeting, have your witnesses prepare sworn affidavits of whatever they saw and heard the clerk, official, sheriff say, do, etc. If the clerk refuses to file your lien and you have no witnesses, it's really just your word against his or hers. And if the clerk refuses to provide a written explanation for his refusal, it's still your word against his.

However, if you bring witnesses, the officials will be more intimidated and less likely to refuse your lawful Demands in the first place. It may take a little persuasion, but if the clerks begin to suspect they are being "trapped" into a potentially litigious situation, they'll be more likely to cooperate and file your lien or call their boss (and thereby generate more witnesses and more public controversy). If the clerks, officials, etc. still refuse to do their sworn duty, your witnesses and their affidavits will provide a solid foundation for pursuing stronger legal remedies.

Finally, as is always the case with instructions, forms, etc., bear in mind that the following recommendations were not provided by a licensed lawyer, or

"sanctified" by some judge. What follows is only a study guide intended to outline one man's notion on how to compel government officials to do their sworn or lawful duty. Before you apply any or all of these recommendations, you must do the necessary research to confirm the strategy is valid and can be lawfully applied to your local county clerk recorder of deeds, Sheriff etc. — Editor

When a county clerk, recorder of deeds, etc. "refuses to record":

1. Get a *written* explanation, (see B.1) reason or "excuse" from clerk who refuses to record your document. This is the First link in your "chain of evidence".
2. As per your state Uniform Commercial Code section 3-505/501, send a "Notice and Demand For Exhibition Or Presentment Without Dishonor" by certified mail to the office (county clerk, recorder of deeds, etc.) that refused to accept your lien. In that "Notice and Demand", demand that they produce for your inspection:
 - a) The Statute or Law passed by the Legislature which authorizes them to condemn the "Public" records for their personal and private use;
 - b) Their personal Bar/ Lawyer I.D. Number issued by the State Bar or State Supreme Court which authorizes them to make "Legal Determinations"; and,
 - c) The Statute of Law passed by the Legislature which authorizes them to edit and/or censor documents *prior* to recording.

Give them reasonable time (30 days) to comply with your DEMAND to prove written authority, and then put them ON NOTICE that the "Law of Principal and Agent" specifies that "The Agent is *personally* liable for acts not authorized by the Principal." As such, unless there are laws granting the clerk the power to refuse to record certain documents, the clerk/agent has no corporate veil of immunity for his or her refusals and may be *personally* vulnerable to a lawsuit.

3. If, after the reasonable time has elapsed, and they have failed to produce the *written* "authority" you Demanded, send a Notice Of Default by *certified mail*, notifying them that they have defaulted by not answering. In it, provide them with a "right to cure" their Default by recording your original lien (or other documents) without further interference, or suffer the consequences. Allow 10 to 30 days for their response.

4. If they don't respond in the 10 to 30 days, send them *certified mail*, a "Notice of Amount Due" for the damage caused by their injury to you (or your Property Rights) by their defalcation, dereliction of duty, default, and unauthorized "Refusal to Record" in a "sizable amount" (\$1,000). Again, give them reasonable time (30 days) to pay you.

5. After the 30 days reasonable time has passed (plus 4 or 5 days for the mail), send them *certified mail* a "Final Notice of Amount Due" for the damage caused by their injury to you. Again, give them reasonable time (30 days) to pay you the amount of damages you've demanded.

6. If they don't pay your "Final Notice" Demand in 30 days (plus 4 or 5 days for the mail), go to the County Elected Peace Officer (Sheriff), present copies of the two *certified mail* Demands for payment, sign a "Distress Warrant" or "Distrain Warrant" stating that you have NOT been paid, and have the Sheriff go get your money or sell the clerk's car, mobile home, boat-motor-trailer, or whatever, to get your money for you (just like the "Consumer Finance" lenders and the IRS do).

7. At any stage of this "procedure", you can send the offending clerk(s) a letter and "offer to settle" ("Right to Cure Default") if they will "perform their sworn duty" and "Record without debate" your document or lien. If they fail or refuse, go on to the next step in the procedure. The purpose of this procedure is to force them to *do what they are paid to do*, not to sell their car, boat, whatever. Even after the sheriff takes some of their property, you might still offer to give them back their car (or whatever) if they will "Record" your document without further question. This is to show "Good Faith".

8. If the Sheriff refuses to perform his Sworn Duty to execute upon your "Distrain Warrant", inform him that you personally will perform his sworn duty FOR HIM, and on his behalf. Inform him, also, that the newspapers will be informed that he has refused to perform his own sworn duty but continues to cash his pay check, and that this constitutes FRAUD by him since he only performs "Selective Enforcement" of the law - which is unlawful. Inform him that the resultant publicity may have a negative impact on his chances for running for reelection, and that you may have to sue him in his *personal capacity* for money damages due to his Dereliction of Duty, Defalcation, Embezzlement of Public Funds, and damage due to his injury to you and/or to your property rights.

9. Send the Sheriff *certified mail* a "Notice and Demand for Production or Exhibition Without Dishonor" of the Law or statute that authorizes him to:

- a) perform "selective enforcement" of the Law;
- b) accept the People's pay and not execute on lawful Warrants;
- c) personally edit and censor documents, or refuse to perform his duty under his sworn oath (which is PERJURY).

10. If either the Sheriff or the Recorder of Deeds says that they take their "orders" from some government lawyer, get that *in writing!* This "Admission/ Confession" becomes the Second link in the "Chain of Evidence" or the "Preponderance of Evidence" that you will be creating.

After, and only after, you have the above "Admission and Confession" in *writing*, leave their office. (Alternatively, you might bring one or two witnesses with you who will later provide *affidavits* describing what the Sheriff or Recorder said.) Then perform the previous *certified mail* step#2 and add item:

- d) provide the Statute of Law passed by the Legislature that authorizes them to relinquish their office over to another (whoever - regardless of whether they're government attorneys or not) while continuing to accept and negotiate (cash) their pay check after having turned over their office to said "other".

Remember, you are exposing a HUMONGOUS scam. The lawyers' club has usurped the government from the Legislature and from the People, *and you* are exposing this fact. Do *not* expect Satan to give up easy and go home. He and his minions never have before, so why expect them to now? They are all part of the "New World Order" and they are the "Politburo" of the party. They truly *believe* that they are the "chosen few" to dictate the lives of the "Sheeple" on *behalf* of the World, Corporate, "Money Mafia" Bankers.

MORE HELPFUL INFORMATION:

When dealing with the registrar or recorder don't allow them to make any legal determinations for you. If they say 'this doesn't look right', or 'this doesn't seem legal', or 'I don't think you can terminate the IRS's lien', or any other such unsolicited legal opinions, answer this way: "I have not hired you to represent me. I do not give you permission to make a legal determination for me. If you do make a legal determination for me without my permission, you are practicing law without a license. Practicing law without a license is a commercial crime. You can also research your state code. Look for the section concerning crimes against justice. You'll probably find two or three sections pertaining to: destroying and stealing public records; conspiracy to defeat enforcement of laws; destroying or stealing records by officer in charge.

This information, along with the penalties of course, can be made into a notice you can use when you go to get your legal instruments recorded. Suggest that the recorder just stick to his or her job, which is to record legal instruments like your UCC3s. Stand your ground and be persistent, but not abusive. If the recorder refuses you no matter what, you should proceed at once to use any and all legal options against him. Get the criminal charges filed first. Bring copies of the complaints and arrest reports along with your affidavits to the bondholder. Make sure the bondholder knows that you intend to make him criminally liable as well if he continues to carry a bond on this person. The affidavits showing wrongdoing on the part of the recorder and how you were damaged as a result, along with copies showing the man has been criminally charged and arrested for actions he took while on duty in his bonded capacity, should be very effective.

Bring a tape recorder in a pocket or purse. You can't use the tape as evidence, but it'll help you with details if you need to make affidavits to revoke his bond.

If you ruin his career, the guy who replaces him will have learned a lot about who's in charge and will be much more accommodating.

Even after you get these notices terminated you may still have trouble with an employer if a notice of levy shows up. You can contact American Rights Litigators at phone #352-383-9100. They can help by writing very professional letters for you to use on any third parties, such as banks and employers. Remember, you want the resultant document, the release of lien. The same laws under "crimes against justice" apply here as well. The registrar is not allowed to withhold the resultant document from you.

Point out that their incorrect recording of the IRS668 notice has caused damage to you.

The IRS668 notice should be recorded as a notice and not a lien. When they record it in the lien book, it becomes negotiable and enforceable.

This is the root of the problem.

*ATTENTION California and possibly other states: Recent info coming out of California indicates the state code has been changed to allow the recorder to edit and/or refuse your legal instruments. Do not despair. A friend in California reports he has dug up the legal remedy. Apparently the Secretary of State now has the power/burden.

If the county recorder refuses you, you can have your legal instrument "served" on the Secretary of State. He is required to record it. This, of course will still not get your UCC-3 into the county recorder's office, where it belongs, so the following is suggested: Include a cover letter informing him that: Since your right to record legal instruments at the County of (name of county) has been compromised through legislation, you expect HIM to represent you at your county and to certify the recording of your legal instrument there as well. Mention that you want to be notified by mail of the certification of your legal instrument at said county recorder's office.

Details on "served" are sketchy. It might just mean certified mail. Find out. Research your state code.

After you get it all done, please help someone else with theirs. Be their coach or witness. We've got to work together.

See Also:

What if the clerk refuses to file documents?

What happens when the court dishonors [a] man and refuses to allow common law (a court of record) in the court?

UPDATE: Pursuant to Federal Rule of Civil Procedure 5(d)(4), the Clerk's Office cannot refuse to file a document only because it is not in the form prescribed by the federal rules or local rules. If the document submitted for filing contains specified, substantive defects, the intake clerk will stamp the document as "received but not filed" and prepare a "Notice of Document Discrepancy" for review by the judge. The person filing the document will be given a copy of the notice. The judge may order the papers stricken or returned to counsel after they are examined. It is recommended counsel follow any directions given on the accompanying discrepancy form to correct the deficiencies.

Common Issues

The biggest frustration we face is the lack of integrity within the legal society and at times, within court system itself. It takes paying attention and some perseverance. Assume no one is your friend, even if they try to be nice about it. This is war to them. They may be attempting to get you to talk and reduce your status and thus accept jurisdiction. It is your right to use the common law, as a man. While most judges and magistrates don't feel threatened by common law, others see it as an absolute threat to their closed union money machine. If everyone began using common law, their

little revenue generating scheme would be over. Because many Clerks serve at the good pleasure of the Chief Judge, they tend to follow the lead of the Chief Judge. Yes, there are many honorable judges, but be careful.

A man should require a Judge and Clerk to record their oaths and performance bonds into a case before proceeding, be sure to use this when needed. A man can always give fair warning (a simple notice) to the person that interferes with his right to move a claim; and finally, the man may make a claim against the person that trespasses on his rights.

Essentially, the courthouse was built with public funds to serve the public (the man and woman), and is just as public as the local library. We pay a filing fee to therefore have exclusive use of a public room in the courthouse.

Another tip if they deny your recording... cite Federal Rule of Civil Procedure 5(d)(4), and ask for their supervisor and request their oaths of office. Then request to see the District Attorney because the recorder is denying due process, and you want to file a complaint.

Often times the issue is just formatting and the title of your document. If they don't have a category for you document type, it makes it difficult for them to understand and file. So ask about this in advance. Also, if you have a legal case file open, get all your documents in that file early, so they also appear in the record. It harder to deny entering documents in a case file than simply recording them.

Recorder Refusal Document

My name is _____ and my job title is _____
_____ in _____ District Court in the
County of _____, _____. On _____ I refused to record
_____ as he had requested. My reason for refusing
to record said _____ is: _____

_____.

The Statute or Law passed by the Legislature which authorizes me to condemn the
“Public” records for my personal and private use is: _____.

The Statute or law passed by the Legislature which authorizes me to edit and/or censor
documents prior to recording is: _____.

I take my orders from _____. The Statute or Law
passed by the Legislature which authorizes me to relinquish my office over to another
while continuing to accept and negotiate my pay check after having turned over my office
to said other is: _____.

My personal B.A.R./ Lawyer I.D. Number issued by the State B.A.R. or State Supreme
Court which authorizes me to make Legal Determinations is: _____.

I understand that _____ has not authorized me to make any legal
determinations for him. He has not hired me to represent him in any way. I understand
that any legal determinations I make without _____ permission is practicing law
without a license, which is a commercial crime.

I understand that the “Law of Principal and Agent” specifies that “The Agent is
personally liable for acts not authorized by the Principal.” As such, excepting laws
granting me the power to refuse to record certain documents, I have no corporate veil of
immunity for my refusal to record said Notice and I may be *personally* vulnerable to a
lawsuit.

Signature: _____ Date: _____

B.2

Notice: options if your County Clerk refuses to record. NATIONAL PUBLIC RECORD REGISTRY

<http://www.nationalpublicrecordregistry.info/welcome.html>

Here is where you can go for hassle free recording of your commercial and public record documents National public record Registry takes away the aggravation of having to deal with County clerks that don't do their jobs and don't honor the law or the Constitution.

Email: bigdu12000@gmail.com any documents to be put on the site need to be emailed to the above address. 603-536-5672 between the hours of 10 am and 6 pm

NATIONAL PUBLIC RECORD REGISTRY

66 Page Road,

Campton, New Hampshire [03223] Without the UNITED STATES, NON DOMESTIC

Phone: 603-536-5672

Email: bigdu12000@gmail.com

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or Georgia Superior Court Clerks' Cooperative Authority

Lamar County GA

326 Thomaston Street

Box 7

Barnesville, Georgia 30204

website: <https://www.gsccca.org/clerks/clerk-results?cid=85>

Attention! call Bill Hewitt to get pricing before you mail; all depends on documents 770-358-5145 x1

NOTICE TO COUNTY CLERK

The minute you receive any affidavit, it is recorded. Should you refuse to record My affidavits, once deposited with you, you are committing a crime against justice under Statutes at Large Sec. 5403 and it is punishable by up to a \$2,000 fine and 3 years imprisonment. If your county attorney told you not to file any documents like mine, you are still responsible, as I do not accept any third party interveners. Any attorney, district attorney, or anyone from the lawyering craft are all third parties and do not have a license to make a legal determination in this matter as they do not represent Me and you, the county clerk, do not have the authority to represent Me.

Title LXX.---CRIMES.--- CH. 4. CRIMES AGAINST JUSTICE

(Destroying, &c., public records.)

SEC. 5403. Every person who willfully destroys or attempts to destroy, or, with intent to steal or destroy, takes and carries away any record, paper, or proceeding of a court of justice, filed or deposited with any clerk or officer of such court, or any paper, or document, or record filed or deposited in any public office, or with any judicial or public officer, shall, without reference to the value of the record, paper, document, or proceeding so taken, pay a fine of not more than two thousand dollars, or suffer imprisonment, at hard labor, not more than three years, or both: [See § § 5408, 5411, 5412.1]

Title LXX.---CRIMES.--- CH. 4. CRIMES AGAINST JUSTICE

(Conspiracy to defeat enforcement of the laws.)

SEC. 5407. If two or more persons in any State or Territory conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws, each of such persons shall be punished by a fine of not less than five hundred nor more than five thousand dollars, or by imprisonment, with or without hard labor, not less than six months nor more than six years, or by both such fine and imprisonment. See § § 1977-1991, 20042010, 5506-5510.1

Title LXX.---CRIMES.--- CH. 4. CRIMES AGAINST JUSTICE

(Destroying record by officer in charge.)

SEC. 5408. Every officer, having the custody of any record, document, paper, or proceeding specified in section fifty-four hundred and three, who fraudulently takes away, or withdraws, or destroys any such record, document, paper, or proceeding filed in his office or deposited with him or in his custody, shall pay a fine of not more than two thousand dollars, or suffer imprisonment at hard labor not more than three years, or both-, and shall, moreover, forfeit his office and be forever afterward disqualified from holding any office under the Government of the United States.