

33113

MICHEL BENJAMINS, JR.

VS.

DEMANDANT,

THE STATE OF OREGON  
DEPT. OF VETERANS' AFFAIRS,  
et al  
DEFENDANTS,

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## NOTICE AND CLAIM OF DISTRESS INFINITE

Notice is hereby given to the claiming of a distress infinite upon all Real and/or Personal property owned or traceable to the Defendants named herein. The object of this action is to secure the Defendant's presence in a court with a jurisdiction that affords "proceedings according to the course of the Common Law", and to secure a "General Verdict" by a common law tribunal, consisting of a "neutral judge at-law" and a twelve person jury deciding both Law and Fact. Replevin, Trespass, and Action on the case are the remedies.

This Distress will be released upon the payment at-law of: \$ 50,000. (Fifty Thousand)  
Property subject to this Distress is listed below and on attachments.

SEE ATTACHMENTS  
EXHIBIT "1"

SUBSCRIBED AND SWORN TO UNDER OATH, BEFORE ME, A notary public, in and for the  
County of Klamath, State of Oregon on this 1st day of February, 1984  
Notary Public: Laura Pendleton My Commission expires: 7/20/87

## MEMORANDUM

Distress-; Signifies most commonly a compulsion in certain Real Actions, to cause a man to appear in court, Blount's Law Dictionary (1727)  
Magnum Distractionem & Ordinary distress-; A man may take a distress for Homage, Fealty, or any services; for Fines and Amercements; and for damage-feasant. And the effect of it is to compel the party either to replevy the distress, and contest the taking in an Action against the Distrainer, or, which is more usual, to compound and pay the debt or duty, for which he was distrained, Jacob's Law Dictionary.  
There are likewise distresses in actions compulsory to cause a man to appear in court; and of these is a distress personal, of a man's moveable goods, and profits of lands for contempt in not appearing after summoned; and Distress Real upon immovable goods, J.L.D. Distress Infinite-; is without limitation, until the party appears . . . J.L.D.  
After a distress the property is said to be in Custodia Legis, so that the owner of it has no absolute property therein; and therefore he cannot sell it, but it must be as a pledge or means to help the party distraining to his debt or duty, Co. Litt. 190;  
Finch's Ley 135. In the case of a distress for fealty or suit of court, no distress can be unreasonable, immoderate, or too large; for this is the only remedy to which the party aggrieved is entitled, and therefore it ought to be such as is sufficiently compulsory;  
and let it be of what value it may, there is no harm done, especially as it cannot be made away with or sold, but must be restored on satisfaction made. A distress of this nature, and that has no bounds with regards to its quantity, and which may be repeated from time to time, until the stubbornness of the party is conquered is called a Distress Infinite, Brown's Law Dictionary (1875). Distringas; A Writ of Distringas may be put upon stock or moneys in the Bank of England, and its effect is exactly that of a stop-order on a fund in chancery, Brown's Law Dictionary, Distrain-; To take and keep the property of another as a pledge, (security)(cue pignas et vadem) in order to compel the performance of some duty; such as the payment of rent, the performance of some service (such as Constitutional oath of Public Servants), an appearance in court (trial), 1 Crabb's Real Property 224; 3 Stephen's Commentaries 361, 363; 3 Kent's Commentaries 461. Appearance in inferior courts may be enforced by reasonable distress, 12 Mod. 610. If a man bring annuity, or an action that does not lie, where he may distrain, it does not discharge the lands, 3 Dy. 344 pl. 2.  
Distress-; Signifies a compulsion in certain real Actions, whereby to bring a man to appear in court, Cowell's Law Dictionary. To justify taking a distress, the party must see he hath good cause to distrain, Jacob's Law Dictionary. The Distress is part of the Common Law of America, Kent's Commentaries (supra). Of Common Right a person may distrain for rents, and all manner of services, Jacob's Law Dictionary. See Law Dictionaries concerning Rights.

## ATTACHED PROPERTY

The following described property: A 1970 or 1971 (unsure) "Tamarack" mobilehome manufactured by Champion; 12' x 56' in size, light yellow in color, two bedroom and one bathroom. Currently registered under the Oregon License Number of "X 106875", Serial #3617, currently in the possession of the Demandant named herein. Situated at 3950 Homedale Road, Space 53, Klamath Falls, Oregon 97603.

To satisfy this distress, also attached is all property owned or held by the Defendants of sufficient value to cover the above-mentioned amount. The Demandant distrains everything so owned until the defendants appear in a Common Law Court and defend the cause whereby they are/were distrained until the jury find their General Verdict.

FAILURE TO MEET THIS INSTRUMENT'S REQUIREMENTS IN NINETY (90) DAYS CONSTITUTES ADMISSION OF ALLEGATIONS AND WAIVER OF ALL PROPERTY NECESSARY TO SATISFY THIS DISTRESS.

RETURN TO:

MIKE BENJAMINS, JR.  
3950 Homedale #53  
K. Falls, Oregon 97603

Record under Liens

