

58505

Ret.

LeRoy Dalebout  
HC #61 Box 1260  
LaPine OR 97739  
(503) 576-2402

In Propria Persona

Vol 186 Page 3121  
U.S. DISTRICT COURT  
DISTRICT OF OREGON  
SOUTHERN DIVISION

FILED

FEB 21 1986

ROBERT M. CHRIST, CLERK  
BY DEPUTY

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE DISTRICT OF OREGON  
COURT OF COMMON PLEAS

LINDAHL LUMBER COMPANY, INC. )  
an Oregon Corporation. )

Plaintiff, )

vs. )

JULEE'S SUN BEAR RESORTS, INC. )  
JOHN POST, JUDY SMALL, )  
CHARMAIN CHRISTIANS, )  
CATHERINE F. DEERTZ, CARL )  
KEBELBECK, DENISE KEBLEBECK )  
NORMA LAMB, MARTHA LANDRETH, )  
BABE NOTHWANG, GENE MCNEESE, )  
LELA MCNEESE, WILMA P. DOWNIE )  
IVA L. COLLINS, WILLIAM T. )  
TURNER, )

Defendants, )

LE ROY DALEBOUT, )  
Counter Complainant )

vs. )

LINDAHL LUMBER INC., MIKE )  
LINDAHL, MRS. (DOE) LINDAHL )  
KENT ANDERSON, MRS. (DOE) )  
ANDERSON, JULEE'S SUN BEAR )  
RESORTS, JOHN POST, aka )  
CHARLES POWER. )  
JOHN DOES 1-100 )  
JANE DOES 1-100 )

Counter Defendants. )

Circuit Court Case No.  
85-742CV

Case No. 86-6081

NOTICE AND DEMAND

LIS PENDENS LIEN

MEMORANDUM OF LAW

CAVEAT

NOTICE AND DEMAND

TO: ALL BANKS, CREDIT UNIONS, SAVINGS AND LOANS, STATE OF  
OREGON COUNTY OF LAKE AND IN ANY STATE OF THE UNITED

PAGE 1

86 FEB 21 AM 11 16

Ch  
1703

STATES, AND/OR TERRITORY OF THE UNITED STATES, AND/OR EMPLOYERS OF SAID DEFENDANT(S). NOTICE IS HEREBY GIVEN THAT THE DEFENDANT(S) HAS/HAVE ONE OR MORE OF THE FOLLOWING ASSETS:

CHECKING ACCOUNT(S)	STOCKS	SILVER
SAVINGS ACCOUNT(S)	BONDS	CASH
TIME DEPOSITS	MUTUAL FUNDS	REMUNERATION
SAFE DEPOSIT BOX(ES)	RETAINERS	WAGES
FUTURES MARKET (S)	GOLD	SALARIES
		COMMISSIONS

ALL MOVABLE AND/OR IMMOVABLE OBJECTS, BEING MECHANICAL AND/OR ELECTRICAL, IN YOUR POSSESSION.

#### NOTICE

Is hereby given of the filing of a particular Substantive Lien the object of which action is to enable the Demandant to secure money damages and exercise his Civil and Constitutional Rights. The particular property described will be subject to prosecution to satisfy judgment(s) in this action. The failure, refusal, or neglect of the Respondent(s) to demand the Sheriff to convene said Common Law Court within thirty (30) days from the date of filing this instrument will be deemed to be "prima-facie" evidence of an admission of "waiver" to all their rights to the property described hereafter. DEMAND is made upon all public officials under penalty of Title 42 U.S.C. 1986 not to modify or remove this lien in any manner.

#### MEMORANDUM OF LAW

Substantive Liens At Law Supersede Mortgages and Equity Liens. Drummond Carriage Co. v. Mills, (1898) 74 N.W.966; Hewitt v. Williams, 47 La. Ann. 742, 17 So. 269; Car. v. Dail, 19 S.E. 295; McMahon v. Lundin, 58 N.W. 827, and may be satisfied only when a court of Common Law is called to convene pursuant to order of the elected sheriff under Amendment 7 of the Bill of Rights. Such Common Law Court forbids the presence of any judge or lawyer from participating or presiding or the practice of any Equity Law. The ruling of the U.S. Supreme Court in Rich v. Braxton, 158 U.S. 375, specifically forbids judges from invoking Equity Jurisdiction to remove substantive liens from similar "clouds on Title". Further, even if a preponderance of evidence displays the lien to be void or voidable, the Equity court still may not proceed until the moving party has proven that he asks for and comes "to Equity" with "clean hands", Trice v. Comstock, 57 C.C.A. 646; West v. Washburn, 138 NY Supp. 230. Any official who attempts to modify or remove this Common Law lien is fully liable for damages, Butz v. Economou, 98 S. Ct. 2894; Bell v. Hood, 327 US 678; Belknap v. Schild, 161 US 10; U.S. v. Lee, 106 US 196; Bivens v. 6 Unknown Agents, 400 US 362.

(This lien is not dischargeable for one hundred years and cannot be extinguished due to my death whether accidentally or purposely, or by my heirs, assigns, or executors.) \$24,560.82 each for Julie's Sunbeam Resort and John Post AKA Charles Power  
 Payment at Law of \$ 49,121.64 (Silver or gold coin.)

LeRoy Dalebout  
LeRoy Dalebout  
 LeRoy Dalebout

Subscribed to before me, a Notary Public in and for the State of Oregon, County of Lane on this 21st day of February 1986 A.D.

Paula M. Hill  
 Notary Public;  
 My Commission Expires; March, 1st, 1987

Property description attached:

STATE OF OREGON,

County of Klamath

ss.

FORM NO. 23 — ACKNOWLEDGMENT  
 STEVEN-NESS LAW PUB. CO., PORTLAND, ORE.

BE IT REMEMBERED, That on this 24th day of February, 1986, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named LeRoy Dalebout

known to me to be the identical individual described in and who executed the within instrument and acknowledged to me that he executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Sam Smith  
 Notary Public for Oregon.

My Commission expires 10-8-88

"A parcel within the southeast quarter, southwest quarter of Section 21, Township 27 South, Range 8 East, Willamette Meridian, Klamath County, Oregon, described as follows:

Beginning at the southwest corner of the southeast quarter, southwest quarter of said Section 21; thence North 00 degrees 00 minutes 31 seconds East, 564.73 feet to a point on the western right-of-way of the Southern Pacific Railroad; thence southeasterly along said western right-of-way, 599.8 feet to the south line of the southeast quarter, southwest quarter of said Section 21; thence South 89 degrees 35 minutes 33 seconds West along said south line 206.26 feet to the point of beginning, containing 1.34 acres, more or less."

**PARCEL 1:**

A tract of land situated in the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 21, Township 27 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, described as follows:

Beginning at an iron pin on the Easterly right of way line of the Dalles-California Highway which lies South  $19^{\circ} 24'$  East a distance of 649.2 feet from the Southwest corner of Block 8 of Chemult, Oregon, and running thence continuing South  $19^{\circ} 24'$  East along the Easterly right of way line of the Dalles-California Highway a distance of 242.4 feet to an iron pin; thence North  $70^{\circ} 36'$  East 330 feet to an iron pin on the Westerly right of way line of the S. P. R. R., which pin is also on the forty line; thence North  $20^{\circ} 54'$  West along the Westerly right of way line of the S. P. R. R., a distance of 242.4 feet to an iron pin; thence South  $70^{\circ} 36'$  West a distance of 325.6 feet more or less, to the point of beginning, said tract being in the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 21, Township 27 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon.

**PARCEL 2:**

A tract of land situated in the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 21, Township 27 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, described as follows:

Beginning at a point on the Easterly right of way line of the Dalles-California Highway, which lies South  $19^{\circ} 24'$  East a distance of 1068.4 feet from the Southwest corner of Block 8, CHEMULT; thence following an arc of a  $03^{\circ} 04'$  curve to the left a distance of 23.2 feet to the true point of beginning of the tract herein described; thence continuing on the arc or a  $03^{\circ} 04'$  curve to the left a distance of 261.1 feet to a point; thence South  $26^{\circ} 43'$  East a distance of 26 feet, more or less, to the South line of the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of said Section, Township and Range; thence East along said South line a distance of 124.2 feet more or less, to the Southeast corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of said Section, Township and Range; thence North along the East line of the said SW $\frac{1}{4}$ SW $\frac{1}{4}$  363 feet to a point; thence South  $70^{\circ} 36'$  West 261.5 feet, more or less to the true point of beginning.

**PARCEL 3:**

A parcel of land lying in the NW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 26, Township 27 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon and being a portion of that property described in that deed to the State of Oregon, by and through its State Highway Commission, recorded in Book 268, page 143 of Klamath County Record of Deeds; the said parcel being described as follows:

Beginning on the Northerly line of said NW $\frac{1}{4}$ SW $\frac{1}{4}$  at a point 66.96 feet Northeasterly of (when measured at right angles to) the center line of the Dalles-California Highway, said point being 125.78 feet Westerly of (when measured along said Northerly line) the Northeast corner of said NW $\frac{1}{4}$ SW $\frac{1}{4}$ ; thence Southeasterly parallel with said center line to a point opposite Engineer's Station 732+32.60; thence Northeasterly at right angles to said center line 83.04 feet to the Easterly line of said property; thence Northwesterly along said Easterly line to said Northerly line; thence Westerly along said Northerly line to the point of beginning.

**PARCEL 4:**

A tract of land situated in the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 21, Township 27 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Beginning at an iron pin on the Easterly right of way line of the Dalles-California Highway which lies South  $19^{\circ} 24'$  East a distance of 891 feet from the Southwest corner of Block 8 of CHEMULT, Oregon, and running thence; continuing South  $19^{\circ} 24'$  East along the Easterly right of way line of the Dalles-California Highway a distance of 176.8 feet and thence following the arc of a  $3^{\circ} 4'$  curve to the left a distance of 23.2 feet to an iron pin on the Easterly right of way line of the Dalles-California Highway; thence North  $70^{\circ} 36'$  East a distance of 261.5 feet to an iron pin on the forty line; thence North  $0^{\circ} 32'$  West along the forty line a distance of 211.4 feet to an iron pin on the Westerly right of way line of the S.P.R.R.; thence South  $70^{\circ} 36'$  West a distance of 330 feet more or less to the point of beginning, being in the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 21, Township 27 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon.

EXCEPTING FROM the above described parcels all mineral rights as reserved by Deeds recorded in Volume 105, page 177 and Volume 138, page 249, Deed Records of Klamath County, Oregon.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of \_\_\_\_\_ the 24th day  
of February A.D., 19 86 at 11:16 o'clock A M., and duly recorded in Vol. M86  
of \_\_\_\_\_ Mortgage \_\_\_\_\_ on Page 3121

FEE \$17.00

Evelyn Biehn,  
By \_\_\_\_\_

County Clerk

*Tom Smith*