

71507

4084-56 B. I. A.
415, 943, 1469 Klamath

Vol. 1789 Page 8492

4-1040
(October 1944)

The United States of America,

To all to whom these presents shall come, Greeting:

WHEREAS, an Order of the authorized officer of the Bureau of Indian Affairs is now deposited in the Bureau of Land Management, directing that a fee simple patent issue to Inez Weeks Hunter and Betty Lou Hunter Thompson, heirs of Minnie Jackson, Eugene Weeks and Billy Weeks, for the following described land:

Willamette Meridian, Oregon.

T. 36 S., R. 11 E.,

Sec. 1, 1/2 SW 1/4;

Sec. 11, Lots 1, 2, 6, 7, 8 and 9, and that part of
Lots 10, 11, 16 and 17 North of Sprague River;

T. 35 S., R. 12 E.,

Sec. 30, 1/2 SW 1/4, Lots 1 and 2.

The above described aggregate 400.85 acres, according to the Official Plats of the Survey of the said land, on file in the Bureau of Land Management.

NOW KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premises, HAS GIVEN AND GRANTED, and by these presents DOES GIVE AND GRANT, unto the said Inez Weeks Hunter and Betty Lou Hunter Thompson, and to their heirs, the land above described; in accordance with the terms of said Order to wit: to Inez Weeks Hunter, an undivided 1/2 interest; and to Betty Lou Hunter Thompson, an undivided 1/2 interest; TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, then and to their heirs and assigns forever.

The land covered by this patent is not liable for any debt contracted prior to this date, as provided by Section 5 of the Act of February 8, 1897 (34 Stat. 388, 389), and the mandatory Acts of May 8, 1906 (34 Stat. 182) and June 21, 1906 (34 Stat. 325, 327).

IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat. 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

GIVEN under my hand, in the District of Columbia, the
THIRTY-THIRD day of APRIL, in the year of
our Lord one thousand nine hundred and FORTY-EIGHT
and of the Independence of the United States the one hundred
and FORTY-EIGHT.

For the Director, Bureau of Land Management

By

Rose M. Beal

Special Agent in Charge

Patent Number 1159113



(SEAL)

89 MAY 16 PM 1:34

8493

BUREAU OF LAND MANAGEMENT

OREGON STATE OFFICE
225 N.E. MULTNOMAH
P.O. BOX 2965
PORTLAND, OREGON 97208

PORTLAND, OREGON

I CERTIFY THIS REPRODUCTION IS A COPY OF
THE OFFICIAL RECORD ON FILE IN THIS OFFICE.

3/2/89 *5-4-89*
DATE

AUTHORIZED SIGNATURE

DATE _____

PAGE

12F

ASSIGNEE'S DECLARATION OF LAND GRANT
&
NOTICE OF PRE-EMPTION RIGHT

* * * * *

TO ALL THOSE TO WHOM THESE PRESENTS SHALL COME, KNOW YE:

Pursuant to the Declaration of Independence [1776], the Treaty of Peace with Great Britain (8 Stat. 80) known as the Treaty of Paris [1783], an Act of Congress [April 24, 1820], the Oregon Treaty (9 Stat. 869)[June 15, 1846], the Homestead Act [1862], an Act of Congress (13 Stat. 332, § 1 ch. 194)[July 1, 1864], Acts of Congress [1851] et seq [March 3, 1891] and 43 USC §§ 57, 59 and 83; the recipient hereof is mandated by Art. VI §§ 1, 2 and 3; Art. IV §§ 1, 2 cl. 1, 3 cl. 1 and 2, and § 4; the 4th, 7th, 9th and 10th Amendments (U.S. Constitution [1781-91]); to acknowledge Assignee's Declaration of Land Grant & Notice of Pre-emption Right, prosecuted by authority of Art. III § 2 cl. 1 and 2, and enforced by original/exclusive jurisdiction thereunder.

IT IS HEREBY ORDAINED AND ESTABLISHED BY ORDER OF LAW, THAT: I, Sandra Kathleen Byers, am Assignee in law and bona fide subsequent purchaser by contract, of that certain legally described portion of Land Granted under Original Land Patent Number 1159113, duly authorized to be executed in pursuance of Supremacy of Treaty law, Citation and Constitutional mandate, herein referenced, whereupon, a duly authenticated true and correct legal description, together with any/all hereditaments, tenements, pre-emption rights, the LAWFUL and VALUABLE CONSIDERATION for which is APPENDED hereto, and by reference, incorporated herein, made a part hereof.

DISCLAIMER

ASSIGNEE'S SEIZEN IN DEED, AND LAWFUL ENTRY IS INCLUSIVE OF SPECIFICALLY THAT CERTAIN LEGALLY DESCRIBED PORTION OF THE ORIGINAL LAND GRANT OR PATENT NO. 1159113, AND NOT THE WHOLE THEREOF, INCLUDING HEREDITAMENTS, TENEMENTS, PRE-EMPTION RIGHTS APPURTENANT THERETO. THE RECORDING OF THIS INSTRUMENT SHALL NOT BE CONSTRUED TO DENY OR INFRINGE UPON ANY OTHERS RIGHT TO CLAIM THE REMAINING PORTION THEREOF. ANY CHALLENGES TO THE VALIDITY OF THIS DECLARATION & NOTICE ARE SUBJECT TO THE LIMITATIONS REFERENCED HEREIN. ADDITIONALLY; A COMMON COURTESY OF SIXTY (60) DAYS IS STIPULATED FOR ANY CHALLENGES HERETO, OTHERWISE, LACHES/ESTOPPLE SHALL FOREVER BAR THE SAME AGAINST SAID ALLODIAL FREEHOLD ESTATE; ASSESSMENT LIEN THEORY TO THE CONTRARY (ORS 275.130), INCLUDED.

MEMORANDUM OF LAW ON ASSIGNEE'S STATUS, PRE-EMPTION RIGHT, PRIVILEGE & IMMUNITY

1.) Assignee is a fene sole trader at common law. A Citizen of the united States of America by virtue of her State Citizenship, cognizant, the Preamble(s) of Oregon's Constitution [1857-59] and U.S. Constitution [1781-91], Dred Scott v. Sanford, 19 How 393 [1857]; has never knowingly alienated her State Citizenship, Texas v. White, 7 Wall 700 [1868] under franchise of the declaratory 13th amendment § 2, the 14th et seq amendments, USC Title XI § 1101 (a) (1), (2) & (3), S.S. Act [1935] et seq; enjoys her privileged status at law in accord with Art. IV §§ 1, 2 cl. 1 & 2, 3 cl. 1 & 2 and § 4 [U.S. CONSTITUTION, 1781-91], Cole v. Cunningham, 103 US 107, Fenn v. Holme, 21 How 484 [1858], pursuant to an Act of Congress [February 14, 1859] admitting the Territory of Oregon into the Union upon equal footing, full faith and credit, whereupon, Assignee is not restrained by conventional disability to lawfully enter upon said premises, to have and to hold the same (postliminium) unto her heirs and assigns forever, an ALLODIAL FREEHOLD Estate at law, as a constituent sovereign member of the Posterity of "We the People."

Assignee is not a "person" and/or "taxpayer" defined by state/federal (law merchant) statute; is not a resident alien or foreign corporation, USC Title XI et seq, 26 USC/IRC, 42 USC et seq, Long v. Rasmussen, 281 F. 236, at page 238; is not a cestui que trust (beneficiary) of the State of Oregon Inc., id est, a municipal corporation and political subdivision of Congress of the District of Columbia by reciprocal compacts, agreements, duties and/or obligations.

2.) Acts of Congress making notes of the United States, a legal tender do not apply to involuntary contributions in the nature of taxes or assessments (fines, penalties, forfeitures) exacted under State law, Hagar v. Land Reclamation District 108, 111 US 701 [S. Ct., 1884], Lewis v. U.S., 680 F. 2d 1239 [1982], 12 USC 152, 31 USC 371; State's enjoined by Art. I § 10 cl. 1 [U.S. Constitution, 1781-91], Oregon enjoined by Art. XI § 1 [Oregon Constitution, 1857-59], Oregon's H.J.R. 13 (ex-post facto law)[May 21, 1973] and/or ultra vires H.J.R. 192, 31 USC 408 (a) [June 5, 1933] et seq 31 USC enactments to the contrary, notwithstanding.

HENCE; The authority under which this instrument is executed emanates directly from the Word of The OMNIPOTENT, Most High GOD, EL ELLYON thy Adonai, as appears in the Holy Scriptures (KJV) at: EXODUS 20:12, which edict states: "Honour thy father (ABBA) and thy mother (ecclesia) that thy days may be long upon the land which the EL ELLYON thy Adonai giveth thee for an inheritance, to possess it, for this is the first law with promise, AMEN."

OK

KNOW ALL MEN BY THESE PRESENTS, That Nancy K. Byers, husband and wife Clarence W. Byers and 8496

to grantor paid by Sandra Kathleen Byers, daughter and Assignee in law, as well as by, hereinafter called the grantor, for the consideration hereinafter stated, contract, bona fide subsequent purchaser _____, hereinafter called the grantee, does hereby grant, ~~grant, convey and~~ convey unto the said grantee and grantee's heirs, ~~successors~~ and assigns, that certain real property, with the tenements, hereditaments ~~and appurtenances~~ thereunto belonging or appertaining, situated in the County of Klamath and State of Oregon, described as follows, to-wit:

Lots 1 and 2, Block 14, Second Addition to Nimrod River Park, in the County of Klamath, State of Oregon, and;

Lot 3, Block 14, Second Addition to Nimrod River Park, in the County of Klamath, State of Oregon, and;

All that portion of Lots 2, 7 and 10 in Section 11, T 36 S, R 11 E of the Willamette Meridian, in the County of Klamath, State of Oregon, lying Southerly of the Boundaries of the Second Addition to Nimrod River Park, lying North of the Sprague River.

Note: This instrument is supersedeas to that on file with the Klamath County Recorder at Vol. M86, Page(s) 5463 through 5466 inclusive, of Deeds, Recording No. 59798, dated: April 2nd, 1986; nunc pro tunc, 4-1-1986. The lawful and valuable consideration for which, hereinafter stated, is a continuance of particulars of prior recording, stated above, and includes a stipulation that grantor remain upon the premises, as stated above, for the remainder of his/her life, rent free, and without interruption, and that the same is an actual Homestead, under pre-emption right and federally issued Land Patent No. 1:59113.

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same unto the said grantee and grantee's heirs, ~~successors~~ and assigns forever. And said grantor hereby covenants to and with said grantee and grantee's heirs, ~~successors~~ and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances except easements of record and those apparent to the land. Pre-emption right includes assessment lien theories, foreclosure and sheriff's sale, etc. _____ and that grantor will warrant and forever defend the above

granted premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, ~~except those claiming under the deed of the grantor~~, nunc pro tunc, 4-1-1986.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$200,999.00 U.S. However, the actual consideration consists of or includes other property or value given or promised which is part of the ~~consideration~~ _____, stated above. 31 USC 371 - Art. I § 10 cl. 1 (U.S.)

In construing this deed and where the context so requires, the singular includes the plural. WITNESS grantor's hand this 15 day of MAY, 1989.

Land Patent No. 1159113 updated: Homestead Pre-emption Right reserved unto grantee and grantee's heirs and assign's forever.

Clarence W. Byers
P.O. Box 37
Sprague River, Or. 97639

STATE OF OREGON, County of N/A) ss.
Personally appeared the above named N/A) ss. N/A, 1989

and acknowledged the foregoing instrument to be N/A voluntary act and deed.

Note: Records Duty to Record without the necessity of Notary: ORS 93.010, (ORR 93.230(3), 93.410, 93.610, 93.620 and 93.680(a).

Before me: N/A
Notary Public for Oregon
My commission expires N/A

NOTE—The sentence between the symbols Ⓞ, if not applicable, should be deleted. See Chapter 462, Oregon Laws 1967, as amended by the 1967 Special Session.

Clarence W & Nancy K. Byers

P.O. Box 37

Sprague River, Or. 97639

GRANTOR'S NAME AND ADDRESS

Sandra Kathleen Byers, 13th Judicial District

P.O. Box 37

Sprague River, Oregon (Klamath County)

assignees/GRANTEE'S NAME AND ADDRESS

After recording return to:

Sandra Kathleen Byers, 13th Judicial District

P.O. Box 37

Sprague River, Oregon (Klamath County)

assignees/NAME, ADDRESS, ZIP

Until a change is requested all tax statements shall be sent to the following address.

Grantee/Assignee disclaims any/all taxes as ultra vires against Patent No. 1159113 & Pre-emption Right of Homestead.

NAME, ADDRESS, ZIP

SPACE RESERVED FOR RECORDER'S USE

STATE OF OREGON,

County of _____) ss.

I certify that the within instrument was received for record on the _____ day of _____ o'clock _____ M., and recorded in book/reel/volume No. _____ on page _____ or as fee/file/instrument/microfilm/reception No. _____, Record of Deeds of said county.

Witness my hand and seal of County affixed.

NAME _____ TITLE _____
By _____ Deputy

ASSIGNEE'S
DECLARATION OF HOMESTEAD

8497

* * * * *
1.) I, SANDRA KATHLEEN BYERS, DO SOLEMNLY DECLARE THAT:

2.) I am the Assignee in law, as well as by contract, and bona fide subsequent purchaser of the following legally described portion of land, original Title of which being relinquished by the United States under legally issued Patent No. 1159113, and, that the same ought to be, and is hereby declared to be a "HOMESTEAD" subject to pre-emption right, to-wit:

Lots 1 and 2, Block 14; and Lot 3, Block 14, Second Addition to Nimrod River Park, situs, County of Klamath, State of Oregon, and; All that portion of Lots 2, 7 and 10 in Sec. 11, T 36 S, R 11 E of the Willamette Meridian, County of Klamath, State of Oregon, lying Southerly of the Boundaries of the Second Addition to Nimrod River Park, lying North of the Sprague River.

Note: Said premises is an actual Homestead with the statutory assessments and improvements being made thereupon.

3.) Pursuant to the applicable law of the United States of America, to-wit: a.) An Act of Congress [April 24, 1820]; b.) The Oregon Treaty [June 15, 1846], 9 Stat. 869; c.) The Homestead Act [1862] et seq. 13 Stat. 332, § 1 ch. 194 and An Act of Congress [March 3, 1891]; and d.) 43 USC & USCA - Public Lands et al.

4.) Whereby, this instrument, and the foregoing laws, are executed in accordance with the Word of the Most High GOD, the Omnipotent Eternal Creator, ADONAI EL ELLYON YHVH, which states in relevant part, viz:

"Honour thy father (Abba) and thy mother (ecclesia) that thy days may be long upon the land which thy ADONAI EL ELLYON YHVH giveth thee for an inheritance to possess it for this is the first law with promise."

Exodus 19:5 & 6, 20:12; Ephesians 6:2 & 3
& I Peter 2:9 (KJV) Holy Bible.

5.) The statutory requirement of assessment work and/or improvements to and upon the land described above have been complied with.

6.) That I, personally, and/or members of my immediate family now occupy said Homestead premises as a permanent dwelling place, under pre-emption right, together with any/all tenements, hereditaments and/or implements of husbandry appertaining thereto for the maintenance and preservation of said Homestead unto my heirs and assigns for ever.

7.) Said Homestead described above is pre-empted from assessment lien theory, foreclosure action, sheriff's sale, etc., by virtue of the foregoing entitled authority and the 1792 Coinage Act codified at 31 USC 371 & 12 USC 152; Ling Su Fan v. U.S., 28 US 302; Wallace v. Harmstad, 44 Pa. (8 Wright) 492, 499; Perry v. U.S., 204 US 330; Stanek v. White, 172 Minn. 390, 215 NWR 781, 784; Hagar v. Land Reclamation District 108, 111 US 701; said Homestead Land being unassailable by collateral attack, Neff v. U.S., 165, 263, 377, 91 C. CA 241; Summa Corp. v California ex rel. State Lands Commission & City of Los Angeles, 104 US 1754 [April 17, 1984]; State of Oregon Inc. further enjoined by Art. I § 10 cl. 1 (U.S. Constitution, 1781-1791) and Art. XI § 1 (Oregon Constitution 1857-59).

SUBSCRIBED and AFFIRMED to, nunc pro tunc, 4 / 1 / 1986.

SUBSCRIBED and AFFIRMED to this 15 day of May, 1989.

Recorders Duty to Record: CRS 93.010, 93.410, 93.610 & 93.620; Patent recordability: CRS 93.230(3) & 93.680(a).

After recording return to mailing address:

Sandra Kathleen Byers
Sandra Kathleen Byers, Assignee/
Declarant and Homesteader
13th Judicial District
P.O. Box 37
Sprague River, Oregon (Klamath Co.)

We, the undersigned, Witness this day, that the one known to us to be the above signator, Declarant/Assignee, did personally appear before us and upon affirmation of the foregoing, did voluntarily affix her signature hereto.

Clarence M. Byers
Signature of Witness:

5/15/89
Date:

D.I.O.I.C.
Citizen of Union:

Gregory M. Camp
Signature of Witness:

5/15/89
Date:

Republic of Oregon
Citizen of Union:

Taylor D.P. Richardson
Signature of Witness:

5-15-89
Date:

Oregon
Citizen of Union:

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of _____
 of _____ May _____ A.D., 19 89 at 1:34 o'clock P M., and duly recorded in Vol. M89
 of _____ Deeds _____ on Page 8492

FEE \$38.00

Evelyn B. Henn County Clerk

By Berntha H. Letsch