

1 Name: David A. Darby
2 Status: State Freeman, Non resident Alien to the corporations of
3 The UNITED STATES and WASHINGTON STATE
4 Address: PO Box 110; Amboy, Washington Non-Domestic
5 Telephone: 360-606-8009

6 **UNITED STATES DISTRICT COURT FOR THE DISTRICT OF**
7 **UTAH**
8 **UTAH DIVISION**

9 David A Darby
10 Freeman
11 PLAINTIFF

12 vs.

13 Greg Kimsey
14 Auditor for
15 Clark County
16 State of Washington
17 DEFENDANT

CIVIL COMPLAINT

Ignoring Legal Contracts Promoting
County Theft of Private
Property in Clark County,
Washington

Case: 2:10cv00053
Assigned To: Warner, Paul M.
Assigned Date: 1/25/2010
Description: Darby v. Kimsey

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21 **A. JURISDICTION**

22 Jurisdiction is proper in this court according to:

- 23 **A. 1787 Constitution for the United States: Art I, Sect. 10; Art. IV, sect.**
24 **2,3,4; Art. VI; Amendments I, VII, IX.**
25 **B. UCC title 28, section 1333, Subsection 271. Foreign Persons Generally.**
26 **Paragraph 5 of Subsection 271 states: United States district court**
27 **should take jurisdiction of suit in admiralty, even though parties**
28 **thereto are nonresident aliens or Foreign corporations, if the claim**
arises under the jus gentium, unless special grounds are shown why
court should decline jurisdiction. Barkas v. Cia Naviera Coronado, S
A, S>D>N>Y> 1954, 126 F.supp. 532.

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- C. 1878 CONSTITUTION of the State of Washington, the constitution approved by congress and used in the enabling act dated February 22, 1889 to officially make Washington a state. 1878 Constitution of the State of Washington, Article II, Section 3; Article XV, and Article XVI, Section 1,2,3.
Jurisdiction is warranted due to the fact the current 1889 constitution was never accepted by the US congress as a republican form of government as the law requires.**
 - D. 1783 Treaty of Paris Article 1. State and Individual Sovereignty.**
 - E. Common Law of the Freeman of the United States of America.**
 - F. 42 USC 1982,1983. Government officials must have a monetary or proprietary interest in the real property in question in order to have jurisdiction over it.**

**B. Parties
Names and addresses**

NAME OF PLAINTIFF David A. Darby Freeman
Is a sovereign freeman residing in the State of Washington
Present Mailing address: PO Box 110
Amboy, Washington Non-Domestic

I David A. Darby bring forth this case as a Sovereign born freeman residing in the State of Washington. I demand my rights as a sovereign to be heard in the law that a sovereign swears his allegiance. That is the common law of the freeman expressed as Article XV of the 1878 CONSTITUTION of the State of Washington. Common law is also the law of the 1787 Constitution for the United States of America. Freemen are not subject to Admiralty or better known as Statute law.

NAME OF FIRST DEFENDANT: Greg Kimsey,
IS A CITIZEN OF Vancouver, Washington
IS ELECTED AS County Auditor at Clark County,
Washington.

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3 **C. Complaint**
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5 The defendant Greg Kimsey owes a duty of care to the plaintiff and to the rule of law;
6 that the defendant breached that duty; and that, as a result, the plaintiff suffered
7 damages. Greg Kimsey as the elected auditor for the county of Clark in Washington
8 state, has broken his oath of office and the rule of law to both the 1787 Constitution for
9 the United States and the 1878 CONSTITUTION of the State of Washington. Greg
10 Kimsey has been repeatedly been informed as to my status and that my status has been
11 legally recorded. My termination and declaration through sworn affidavit have been
12 legally recorded with both the county clerk and superior court of Clark County under
13 superior court document 08 2 02745 1. As a Sovereign Freeman, my status and all
14 other residents born in their respective states have been granted this status through the
15 signing of the Treaty of Paris 1783. I have the right as a Freeman under the 1787
16 Constitution for the United States of America and the 1878 CONSTITUTION of the
17 State of Washington to possess the title to my land. Greg Kimsey has denied me that
18 right on several occasions. I have updated and brought forth the Land Patent according
19 to land patent law. The land patent is an unbreakable contract between the United
20 States of America and all assignees to the piece of land that this land patent represents.
21 I am the sole and last assignee to the piece of property in question.

22 *Attachments 1,2,4*

23 Greg Kimsey has refused to follow contract law and continually refuses to recognize
24 that my land has had the land patent legally updated into my name and that it should be
25 removed from the county records as taxable land. He continually denies that it is his
26 responsibility to recognize my land title, but will not tell me where to go to accomplish
27 county recognition and deletion from the county tax roles. His only suggestion is for
28 me to take this to court.

29 The sanctity of the contract is spelled out in the Constitution for the United States in
30 Article 1, Section 10. Then under the 1878 CONSTITUTION of the State of
31 Washington Article II, section 3 states that the title of the land shall remain in the hands
32 of the sovereign people of the State of Washington. Once the Land Patent contract is
33 completed by the United States of America, it is signed by the President of the United
34 States of America releasing all claims to the land in question to the claimant, his/her
35 heirs and assignees named as fee simple titled owner of the land that the land patent
36 describes. The United States Constitution gives the court jurisdiction in Article 1,
37 Section X of the Constitution for the United States. No state laws or federal laws can
38 overcome the land patent title contract, as expressed in both above constitutions, when
39 the land patent has been brought forward and belongs to a sovereign freeman.

40 *Attachments 2,4*

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I have made him aware that Government officials must have a monetary or proprietary interest in the real property in question in order to have jurisdiction over it. 42 USC 1982,1983. I have asked him to show me where the county or state has the title to my Land. He will not answer my questions. He told me to take him to court as stated in one of his letters.

Attachments 18,19,20

I have inspected the county records and the procedures used to record sales of land within Clark County. The county does not give any information now or has it ever informed land owners as to how to bring the land patent title forward so that the new owner will have the title in his or her name. I have come to the conclusion that either through the negligence or malice of forethought Greg Kimsey and previous auditors conspired to keep this information from the people. In either case the outcome is the same, the land owners unknowingly loose their property and rights to the state. The county is committing fraud by not explaining that the land patent title needs to be updated by each new owner. Without the correct information the people accept the deed as title. These are known as lies of omission. Through ignorance and by inaction of the people, the County effectively takes ownership of the land. Therefore, they feel that the county and state have the right to tax the deeded land holder, since he is effectively the renter of the land from the county. All the while the deeded land owner believes that the deed and title are the same, thus the people in their ignorance believe that they possess the title. Through statute law persons cannot update the title in their names. President Roosevelt under statute law signed into law senate document 43 in 1933 declaring that all property belongs to the state. People not knowing that they signed away their Freeman status when signing into the UNITED STATES corporation via the social security agreement. That is why the Freeman, once his status is known, has the right under the original 1787 Constitution for the United States to get the land patent title back under common law. The state and county governments depend upon the ignorance of the persons in the state and county so that the county can retain the title to the land under the color of law.

Attachment 2

My termination declaration has been recorded in superior court # 08 2 02745 1, and the county records office. In short, I am no longer a trust account in the UNITED STATES corporation. All persons in the corporation have trust accounts in the corporation. Freeman are Non resident aliens to the corporation of the UNITED STATES, but still sovereigns of the United States of America. A Freeman belongs to the United States of America mentioned in the 1787 Constitution for the United States of America. The UNITED STATES corporation was voted into existence by an act of congress in 1871 under statute law not the common law of the Freeman. Only a freeman can proceed to bring the land patent contract forward into his or her name. Once filed properly the land patent is now perfected. The land patent is and has always been the highest form of title in the country and no government can set it aside, except through certain

1 circumstances. The law has defended the land patent though out our history.
2 *Attachment 21*

3 The following Land Patent cases describe the rulings of the court in land patent cases
4 as recent as 1984. Also note that item "I" quotes UCC 42 that defines that the state
5 must have a monetary or proprietary interest in the real property in question in order to
6 have jurisdiction over it.

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- 8 A) Land Patent is supreme title to the land. In *Summa Corp. v. California*
9 *ex rel. State Lands Comm'n* 466 US 198, the United States Supreme
10 court ruled that the Land Patent would always win over any other form
11 of title. *Summa v. California*, 466 US. 198 (1984); *Bovey-Shute*
12 *Lumber Co. v. Erickson*, 41 N.d. 365, 170 NW. 628,630; *McCarty v.*
13 *Helbling, Or.* 356, 144 P. 499,503. *Stella Hughes v, State of*
14 *Washington* 389 US 290 (1967) The U.S. Land Patent prevails over
15 State Constitution. Property rights are paramount. Not only does the
16 U.S. Constitution protect property rights but, the laws of the Federal
17 Government do also.
- 18 B) The only place for covenants is in the patent, all others are collateral.
19 *US v. Coronado Beach.* 255 US 472. (28 March 1921)
- 20 C) After exclusive jurisdiction over lands within a state have been ceded
21 to the United States, private property located thereon is not subject
22 to taxation by the state, nor can the state statutes enacted subsequent to
23 the transfer have any operation therein. *Surplus Trading Company v.*
24 *Cook*, 281 US 647; *Western Union Telegraph Co v. Chiles* 214 US
25 274; *Arlington Hotel v. Fant* 278 US 439; *Pacific Coast Dairy v.*
26 *Department of Agriculture*, 318 US 285.
- 27 D) Evidence of title. *Carter v. Spenser*, 5 Miss. (4 How) 42.56, 34 AM
28 Dec,106. Highest evidence of title, 2US, 525 17l Ed 765; *US v.*
Stone, 43 USC 15, NZ Validity of the Land Patent.
Land Patents are issues (and theoretically passed) between
sovereigns. Deeds are executed by a "person" and private
corporations without sovereign powers. *Leading Fighter v. County of*
Gregory 230NW 2nd. 114.116 (1975)
- E) Interest in the Soil *Richardson v. Brewer* 81 Ind. 108 (1881)
- F) Terra-Tenant This defined as being the owner of the legal estate as
distinguished from the equitable estate. 2 BL. Com 91, 238. The legal
estate is the estate of the sovereign who holds perfect absolute allodial title
2 Bl. Com 91.238.
- G) The land patent is permanent and cannot be changed by the government its
issuance except in cases of fraud or clerical error. A statute of limitations
applies. *Beard v. Federy*, 70 US. 478, 3 Wall, 18 L. Ed. 88 (1865).

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- 3 H) Congress declares the land patent superior conclusive evidence of legal
- 4 title. Langdon v. Sherwood, 124 US 74 (1888); Pueblo of Santa Ana v.
- 5 Baca (CA10NM) 844 F2d 708; Whaley v. Wotring (Fla App D1) 225 So
- 6 2nd 177; Dugas v. Powell, 228 La 478, 84 So 2nd 177 (quote at 28AM Jur
- 7 2D F 2549. Note: In this case a particular individual assignee.
- 8 D) Government officials must have a monetary or proprietary interest in the
- 9 real property in question in order to have jurisdiction over it. 42 USC
- 10 1982,1983.
- 11 J) The Land Patent and the act of congress spells out the jurisdiction of the
- 12 federal government has on real property. Shaare TeFila Congregation v.
- 13 Cobb, 481 US. 615 (1987)
- 14 K) Freeholder One having title to realty. State ex rel. Peterson v. City of
- 15 Fraser, 191 Minn. 427, 254 NW 776. Person who posses a freehold
- 16 estate. Shively v. Lankford, 174 Mo. 535, 74 S.W. 835
- 17 L) Legal or equitable title. Daniels v. Fossas, 152 Wash. 516, 278 P. 412,
- 18 413.
- 19 M) Fee simple A Fee simple absolute is an estate limited absolutely to a
- 20 man and his heirs and assigns forever without limitation or condition.
- 21 Rathbun v. State, 284 Mich. 521, 280 NW 35.
- 22 N) A Patent of the United States under the authority of law, is the highest
- 23 Evidence of title, something upon which its holder can rely for peace
- 24 and security it his possession. It is conclusive evidence of title against the
- 25 United States and all the world. 2 The American Law of Mining, 1.29 at
- 26 357. Nichols v Rysavy, (S.D. 1985) 610 F. Supp. 1245.
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- 28 M) Senate Doc 43, dated 1933 Takes away land rights of all persons, not
- sovereigns. It takes away the title and property rights from corporate
- citizens (persons) of the corporation of the UNITED STATES.

24 Greg Kimsey has continued to deny me my constitutional rights (contract rights) under

25 the original 1878 Constitution of the State of Washington, Article 2, Section 3. The

26 defendant Greg Kimsey owes a duty of care to the plaintiff and to the rule of law; that

the defendant breached that duty; and that, as a result, the plaintiff suffered damages.

27 *Attachment 4*

1 Greg Kimsey on April 28, 2009 AD stated that the 1878 constitution was never
2 approved by the US Congress. The 1878 Constitution of the State of Washington
3 guarantees each sovereign his sovereignty and title to his land. The basis of the laws
4 for the United States of America and the State of Washington are all based on common
5 law contracts. Once a contract is in place, it cannot be ignored. There are critical steps
6 in the law that need to be followed to cancel any contract. The first constitution for the
7 state of Washington was the first legal contract with the people of the future state of
8 Washington. To replace it legally, the government has to essentially cancel the
9 contract with the people and the people have to sign the cancellation. If both parties to
10 the contract do not sign the cancellation, the contract is still in full force. Therefore,
11 the 1878 CONSTITUTION of the State of Washington is in full force today.

12 *Attachments 4,18*

13 I have attached a copy of the enabling act Dated February 22, 1889 AD that made
14 Washington a state. I have attached a copy of the 1889 CONSTITUTION OF THE
15 STATE OF WASHINGTON, which is dated August 22, 1889. It is amazing that since
16 the 1889 CONSTITUTION was signed in August, how could 1889 CONSTITUTION
17 have been used to make Washington a state in the previous February? I have also
18 included a copy of the January 28th 1889, 50th Congress, 2nd session, Misc. Doc. 55.

19 *Attachments 9,10,11,*

20 On January 3rd 1889 in the city of Ellensburg the State hood committee made up of
21 sovereign concerned freeman met to ratify sending Mr. Voorhees to present the 1878
22 constitution to the United States Congress. This was not a sanctioned committee of the
23 Washington Territorial government. This was a group of concerned citizens that felt
24 that the Territorial Governor was trying to pull a fast one on the people, by not
25 resubmitting the current contract with the people, the 1878 CONSTITUTION of the
26 State of Washington to the United States Congress. This would effectively give the
27 Governor a chance to put together an illegal constitutional convention. This legally
28 shows the 1878 CONSTITUTION of the State of Washington as presented by Mr.
29 Voorhees on January 28, 1889 AD and published into US senate record was actually
30 presented by the people and not the territorial governor.

31 *Attachments 4,7,9*

32 On January 24th 1889 another committee met in Seattle Washington and sent a letter to
33 the Territorial governor urging him to convene his own illegal constitutional
34 convention to replace the 1878 constitution with a constitution that took allodial title
35 and sovereignty from the people. This letter was signed by HC Wilmarth of
36 Vancouver, Washington on behalf of the Admission to the Union of States committee.
37 This was the other private committee that wanted all mention of sovereignty and title
38 removed from the constitution.

39 *Attachment 8*

1 The controversy goes even further. Operating by the rules of the contract of the first
2 1878 constitution, another constitutional convention can only be convened by the
3 legislature, per article XVI of the 1878 Constitution. The legislature would not be in
4 session until the following January 1890 AD. So, the Territorial Governor illegally and
5 against the law enumerated in the current constitutional contract, convened his own
6 illegal convention on July 4th 1889 AD and ending August 22nd 1889. Keep in mind
7 the state of Washington had already existed since February 22nd by the submission of
8 the 1878 Constitution. This alone would rule the 1889 CONSTITUTION
9 unconstitutional.

10 *Attachments 4,10,11,12*

11 The fraud of the Territorial government of the new State of Washington continues. The
12 county keeps referring to the 1889 Constitution that they have fraudulently used for
13 over a hundred years and it has never been correctly accepted as stated in article XVI
14 of the 1878 Constitution. The official law of the United States Congress dated
15 December 3, 1888 was the ACT to divide The Dakotas into two states and combine
16 with Montana and Washington. In the case of the Dakotas, it was to divide into two
17 states with each its own constitution. At that time Montana and Washington already
18 had submitted constitutions, only the Dakotas needed another constitution.

19 Unfortunately, since this was a new congress looking into state hood, the states had to
20 resubmit their constitutions. This is the point that the Territorial Governor decided to
21 try to submit another constitution. The problem he had was that the free people of
22 Washington decided to take the initiative and send the 1878 constitution to Washington
23 DC.

24 *Attachments 4,6,*

25 For over 121 years, it has not been common knowledge that there are actually two Constitutions in the
26 history of the State of Washington. One was done legally and the other illegally and the 1878
27 CONSTITUTION is as legal today as it was in 1889 when submitted to the congress of the United
28 States. The first was ratified by the people of the Territory of Washington on November 5th in 1878.
This constitution was properly signed and promptly entered into the public record. On January 28th,
1889, the 1878 constitution was presented to the United States Senate for inclusion into the union and
printed in the federal register. *Attachments 4,5,9*

There was about a 10 year span between when the 1878 Constitution was presented to the Federal
government for joining the union and when it was actually accepted into the union in February 22nd,
1889. This delay was caused by a democratically controlled congress that didn't want republican states
like Washington in the union. *Attachment 10*

1 On January 24th, 1889 AD, more than 10 years after the first constitution was presented to the union
2 and printed for approval, Mr. H. C. Wilmarth of the committee for the Admission to the United States
3 wrote to the Washington Territorial Governor, urgently requesting that he call for a constitutional
4 convention to create another state constitution, knowing full well that Washington Territory already
5 had a constitution. There were people in the state of Washington that did not want sovereign rights
6 and titles left in the hands of the people. The illegal constitutional convention was called because
7 there wasn't time to have the legislature call for a legal constitutional convention, because the
8 Washington legislature wouldn't be lawfully meeting again until after the US congress would have
9 passed the enabling act. They knew that Mr. Voorhees had already submitted the 1878 Constitution
10 to the US Congress. Mr. Wilmarth was desperately trying to meet a timetable. He wanted a new
11 constitution in place before the Territorial governor would be forced to announce statehood. This way
12 the people of Washington would never know that an illegal constitution had been switched with the
13 legal constitution. *Attachment 8*

9 Newspaper articles and correspondence of the day show discussions between Mr. Metcalf, the
10 Attorney General, and Mr. Semple, the Territorial Governor concerning whether or not the Governor
11 could lawfully call a constitutional convention by executive proclamation. Mr. Metcalf the attorney
12 general argued that this clearly could not be done because the executive doesn't represent the people
13 and thus cannot have this power, besides the 1878 Constitution expressly states that only the
14 legislature can call a constitutional convention.

13 Nevertheless, Mr. Wilmarth and friends convinced the governor to hold an illegal constitutional
14 convention. It began, conveniently on the centennial of the United States Constitution, July 4th, 1889
15 AD in Olympia Washington despite the fact that it was never lawfully called for per the original 1878
16 constitutional contract Article XV. The unconstitutional 1889 constitution was ready for the
17 governor's announcement on November 11th 1889, that the Washington was now a state.
18 *Attachments 4,11,12,*

17 On that very same night, July 4th, 1889 AD of the convening of the illegal new constitutional
18 convention a huge fire in Ellensburg wiped out the heart of the city. Ellensburg was the site of the
19 Statehood convention on January 3rd, 1889 AD where anxious delegates gave authority to Mr.
20 Voorhees to proceed to Washington DC to start the final steps to get Washington accepted as a new
21 state under the 1878 constitution. Someone wanted all traces of the Statehood committee erased from
22 the official record. Now that a Republican President, Benjamin Harrison, had been elected, it seemed
23 everyone was ready to get the ball rolling again.

21 *Attachment 7*

22 In March of 1888, Walla Walla had a similar fire. Walla Walla was the site of the original constitution
23 convention and was the place where many of the records about that constitution were stored. On June
24 4th, 1889 AD, Seattle had another similar fire. In all these fires, critical historical records were
25 destroyed. In all these fires, mysterious things happened, such as the failure of critical water systems,
26 making it impossible to save the public records of the day. By August 22nd, 1889 AD, the second
27 constitution was completed in Olympia.

27 On August 27th 1889 Territorial Governor Miles Moore Proclaimed the 1889 constitution ready to be
28 voted upon. On October 1st, 1889 the Territory of Washington had a special election to accept the new

1 Constitution. The governor proceeded to hold this special election contrary to the contract of the 1878
2 constitution. The ballot reflects there feelings of the time. The ballot did not specify the constitution
3 that was being voted upon, nor did it have a space to vote against the 1878 constitution. Therefore,
4 they illegally voted to have an illegal constitution in addition to the legal 1878 constitution.

5 *Attachment 13, 14*

6 On November 4th 1889 the Territorial Governor sends a copy of the new illegal constitution to the
7 United States of America, not to the senate or the house. It was never received by either house and
8 was filed away in the archives in the Washington box in the National Archives. Therefore, it was
9 never recognized by the US Congress nor was it read into the Federal register. Notice that this is a
10 printed copy that was not signed and was marked proposed. The Congress could not act on an
11 unsigned copy or a proposed constitution.

12 *Attachment 15*

13 On November 11th 1889 President Harrison Proclaimed Washington Territory a State in the Union was
14 a state since February 22nd 1889. The Governor elect declares Washington a state the same day that
15 the President wrote his letter of proclamation.

16 *Attachment 16*

17 Finally, 11 years after the second convention was completed, the 1889 constitution was filed into the
18 public record around 1900, illegally substituted for the previous constitution. No one would question
19 that the authenticity of the 1889 Constitution since it matched the year of statehood. The filed Journal
20 of the 1889 convention copy shows all 75 of the signatures were written in the same handwriting!

21 Finally, in 1957, the RCW (Revised Code of Washington) created a volume 0 and published the 1889
22 constitution and this has been used as the official constitution of the state ever since. The fraud was
23 now complete.

24 Not only has a fraudulent constitution been passed off as the real one, but the two constitutions differ
25 in some significant ways. The older one guaranteed sovereignty to the individual and allodial land title
26 to its inhabitants. That means that it prohibited property taxes and other liens on our property. It also
27 prohibited any person, or association of persons, from occupying more that one branch of the
28 government at the same time. It also stated that Common Law would be the law of the Constitution.
The key protections for the people are not in the 1889 constitution. Both constitutions are quite
similar in most respects but the order of the 1889 one is completely different than that of the 1878
constitution. It is as if some minor fixes were wanted but not in a way that anyone would notice.

Attachment 4

We are still a nation of laws and as such when a fraud is committed upon the people
there are no statutes of limitations for correcting the problem in common law. Just
because a fraud has gone on for over 100 years does not mean that the fraud once found
cannot not be corrected. My rights have been taken away by fraud and deceit.

The time line is confusing, therefore the following is a summary of the time line.

1. September 3, 1783 Treaty of Paris, King of England grants sovereignty to the new States.

- 1 2. September 17, 1787 Constitution for the United States of America is
2 finished.
- 3 3. August 3rd, 1878 The journal for the constitutional convention held in the
4 town of Walla Walla is signed and dated, Constitution then submitted to the
5 Governor.
- 6 4. August 3, 1878. The 1878 Constitution of the State of Washington was
7 signed by the Govenor.
- 8 5. November 5th 1878 Abstract of the returns of general elections held in the
9 Territory of Washington including acceptance of the constitutional contract
10 with the people.
- 11 6. December 3 1888 AD. 50th Congress 2nd session, Act to give instruction to
12 the Dakotas, Montana, Territory of Washington to present constitutions to
13 the congress to show republican form of government.
- 14 7. January 3rd, 1889 AD, Statehood convention. This was held in Ellensburg
15 by sovereign freeman to ratify sending Mr. Voorhees to Washington DC
16 to submit the 1878 Constitution of the State of Washington to congress to be
17 written into the federal registry. The people took it upon themselves to
18 submit the correct constitution to the U S Congress. This should have been
19 done by the Territorial Governor. As you can see there was a difference
20 between the Territorial Government and the Free people of Washington.
21 Notice that this did not refer to the 1889 CONSTITUTION OF THE
22 STATE OF WASHINGTON. That convention would not even convene
23 until July 4th 1889AD.
- 24 8. January 24th, 1889 Mr. H.C. Wilmarth of the committee for the admission to
25 the United States wrote a letter to the Washington Territorial Governor
26 urgently requesting that he call for a constitutional convention to create
27 another state constitution. Knowing full well that Mr. Voorhees was about
28 to submit the 1878 constitution to congress.
9. January 28th 1889 AD. 50th Congress 2nd session, Misc. Doc. No. 55
Washington Territory's Mr. Voorhees presents the 1878 constitution to
congress.
10. February 22nd 1889 Act of congress that creates the State of Washington.
Washington is officially a state.
11. August 22, 1889 the conclusion of a constitutional convention started in
July, illegally instigated by the new governor Miles Moore. The new
constitution among other things removes Article 2 from the constitution.
That article, among other things guarantees that the people retain their
individual sovereignty and title to their lands.
12. August 27th 1889 AD Proclamation that announces that there will be a
special election on October 1st 1889.
13. October 1st 1889 AD Ballot for the special election.

14. November 4th 1889 AD Governor Miles Moore sends a copy of the
Proposed constitution to the United States of America, not to the Congress
of the United States. As we all know, it is common sense that the address

1 has to have an organization such as the House or the Senate. Mr. Voorhees
2 personally presented the 1878 constitution. If he had done the same thing
3 with the fraudulent constitution, the congress would have taken notice and
4 asked if the previous constitutional contract was correctly voided. This is
clearly a fraud to the people of the State of Washington that has been

- 5 15. November 11th 1889 AD President Harrison proclaims Washington a State.
- 6 16. November 11th 1889 AD Governor Miles Moore declares Washington a
7 State, but we were already a state since February 22nd 1889 why did he not
8 declare Washington a state as of February 22, as the president of the United
9 States expressed in his letter.
- 10 17. January 2nd 2007 AD Greg Kimsey's oath of office to the Constitution of
11 the United States and the State of Washington.
- 12 18. April 28th 2009 AD Response letter from Greg Kimsey. Denying that the
13 1878 Constitution was the Constitution used to give statehood to
14 Washington.
- 15 19. May 13th 2009 AD Response letter from Greg Kimsey restating that he
16 believes that the 1889 constitution is the only one to use.
- 17 20. June 4th 2009 AD Response letter from Greg Kimsey about procedure to
18 not inform the public about updating the land patent.
- 19 21. July 10th 2009 AD Response telling David Darby to go to court if he wants
20 any action from him.

21 I have attached copies of Greg Kimsey's oath of office. Please note that in the oath it
22 lists the state of Washington that he has sworn to uphold. I have included the illegal
23 1889 CONSTITUTION OF THE STATE OF WASHINGTON so that the difference
24 between titles can be detected. On the oath of office The State of Washington is in
25 lower case. The 1878 CONSTITUTION of the State of Washington is printed with the
26 State of Washington in lower case except for the first letter. If you compare the 1889
27 CONSTITUTION OF THE STATE OF WASHINGTON, you will notice that the title
28 is in all caps. Every thing means something in law and contracts. Actually the point is
mute as to which constitution Greg Kimsey is giving his oath to uphold. The reason
being under his oath the 1878 Constitution is still in full force. He may think that he is
giving his oath to the 1889 constitution, but the only legal one in force is the 1878
constitution. Therefore, Greg Kimsey has given his oath of office to the 1878
CONSTITUTION and as such broken the contract with the people. He has also failed
to uphold Article 1, Section 10 of the Constitution for the United States. He failed to
uphold the contract of the land patent by refusing to acknowledge the land patent and
removing the land described in the patent from the county tax rolls as is his duty as the
registrar of land titles.

Attachments 4,11,17

The following is a list of attachments:

- (1) September 3rd 1873, Treaty of Paris Article 1.

- (2) September 17, 1787 Constitution for the United States.
- (3) August 3rd 1878 The journal for the constitutional convention held in the town of Walla Walla is signed and dated,
- (4) August 3rd 1878 The Constitution of the State of Washington was signed by the governor.
- (5) November 5th 1878 The abstract of the returns of the general election held in the Territory of Washington
- (6) December 3, 1888 AD. 50th Congress, 2nd Session, Act to bring North and South Dakota, Montana, and Washington into the union
- (7) January 3rd, 1889 AD Statehood convention held in Ellensburg.
- (8) January 24th 1889 Mr Wilmarth of the committee for the admission to the United States wrote a letter to the Territorial Governor.
- (9) January 28, 1889, 50th Congress 2nd session Misc. Doc. No. 55
- (10) February 22, 1889 Act of congress to form the four states.
- (11) August 22, 1889 AD CONSTITUTION OF THE STATE OF WASHINGTON. Convention is finished. Title page and certificate page with date.
- (12) August 22nd 1889 the fraudulent 1889 CONSTITUTION of the STATE OF WASHINGTON IS CERTIFIED.
- (13) August 27th 1889 AD Proclamation that calls for an election and describes the election and date.
- (14) October 1st 1889 AD Ballots for the special election.
- (15) November 4th 1889 AD Governor Miles Moore sends a copy of the proposed CONSTITUTION OF THE STATE OF WASHINGTON was sent to the United States of America.
- (16) November 11th 1889 President Harrison finally declares Washington a state.
- (17) January 2nd 2007 AD Greg Kimsey's oath of office to the Constitution of the United States and the State of Washington.
- (18) April 28th 2009 AD Response letter from Greg Kimsey. Denying that the 1878 Constitution was the Constitution used to give statehood to Washington.
- (19) May 13th 2009 AD Response letter from Greg Kimsey restating that he believes that the 1889 constitution is the only one to use.
- (20) June 4th 2009 AD Response letter from Greg Kimsey about procedure to not inform the public about updating the land patent.
- (21) January 1st 2008 Notice of Termination of trust agreement in the Corporation of the UNITED STATES.

1 **D. Prayer for Relief**

2 The plaintiff asks the court to correct Greg Kimsey's broken oath by directing him to
3 acknowledge David A. Darby's title by removing the piece of land in question from the county
4 registry and remove the tax number from the county records and to uphold his oath to both the 1787
5 Constitution for the United States and the 1878 CONSTITUTION of the State of Washington. I ask
6 that the court direct Greg Kimsey to forfeit his bond and that the County returns all tax money taken
7 after the date of purchase of the land. Direct my piece of land to be listed as Fee simple in county
8 records.

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12 The court is obligated to recognize that all the state of Washington was accepted into the Union under
13 the 1878 CONSTITUTION of the State of Washington. The court is obligated to rule that the 1889
14 CONSTITUTION OF THE STATE OF WASHINGTON did not follow the original contract with the
15 people (1878 CONSTITUTION of the State of Washington). The 1889 CONSTITUTION OF THE
16 STATE OF WASHINGTON is therefore and illegal contract and is therefore null and void.
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DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that he/she is the plaintiff in the above
action, that he/she has read the above complaint, and this information is the truth, the whole truth
and nothing but the truth, so help me god.

Executed at Amboy, Washington Date: 21 January, 2010 AD.

Signature _____

Witness's to signature
