

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

9 **AMENDED**
10 **CIVIL COMPLAINT**
11 Ignoring Legal Contracts Promoting
12 County Theft of Private
13 Property in Clark County,
14 Washington

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

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21 **A. JURISDICTION**

22 Jurisdiction is proper in this court according to:

- 23 **A. This case arises under the United States Constitution and the laws of**
24 **the United States, and presents a federal question within this courts**
25 **jurisdiction under the 1787 Constitution for the United States: Art I,**
26 **Sect. 10; Art. IV, sect. 2,3,4; Art. VI; Amendments I, VII, IX.**
27 **B. 28 U.S.C. Section 1333, Subsection 271. Foreign Persons Generally.**
28 **Nonresident aliens or Foreign corporations.**
C. 28 U.S.C. Section 1331 (Federal Question Jurisdiction)
D. 28 U.S.C. Section 1343 (Civil Rights Jurisdiction)
E. 28 U.S.C. Section 1361 (mandamus jurisdiction)

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- 2 **F. 1878 CONSTITUTION of the State of Washington, the constitution**
- 3 **approved by the United States congress and used in the enabling act**
- 4 **dated February 22, 1889 to officially make Washington a state. 1878**
- 5 **Constitution of the State of Washington, Article II, Section 3; Article**
- 6 **XV, and Article XVI, Section 1,2,3.**
- 7 **Jurisdiction is warranted due to the fact the current 1889 constitution**
- 8 **was never accepted by the US congress as a republican form of**
- 9 **government as the law requires.**
- 10 **G. 1783 Treaty of Paris Article 1. State and Individual Sovereignty.**
- 11 **H. Common Law of the Freeman of the United States of America.**
- 12 **J. 42 U.S.C Sections 1982,1983. Government officials must have a**
- 13 **monetary or proprietary interest in the real property in question in**
- 14 **order to have jurisdiction over it.**
- 15 **K. Venue is proper in this district under 28 U.S.C. Section 1404 &1412**
- 16 **Change of venue.**

17 **B. Parties**

18 **Names and addresses**

19 NAME OF PLAINTIFF David A. Darby Freeman

20 Is a sovereign freeman residing in the State of Washington

21 Present Mailing address: PO Box 110

22 Amboy, Washington Non-Domestic

23 I David A. Darby bring forth this case as a Sovereign born freeman, residing in the State

24 of Washington. I demand my rights as a sovereign to be heard in the law that a sovereign

25 swears his allegiance. That is the common law of the freeman expressed as Article XV of the

26 1878 CONSTITUTION of the State of Washington. Common law is the law of the 1787

27 Constitution for the United States of America. Only a sovereign freeman has the status to

28 bring this matter before this court to demand justice under the Constitution of the United

States Article I. The sovereign freeman is not under the jurisdiction of Statute or Admiralty

law. All trust citizens to the Federal Corporation have no standing, since they are fictious

persons of the corporation. I demand my rights as a sovereign freeman to be heard in a

federal court. Washington State courts will not recognize my sovereign status nor the ability

of the sovereign to possess the title to the land.

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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C. Complaint

The 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. Greg Kimsey as the elected auditor for the county of Clark in Washington State has broken his oath of office and the rule of law to both the 1787 Constitution for the United States and the 1878 CONSTITUTION of the State of Washington.

D. Statement of Facts

1. Upon information and belief, Plaintiff alleges that the Defendant Greg Kimsey in his capacity as county auditor, did deny Plaintiff's request for acknowledgement of land patent and all the benefits that are associated with said land patent.
2. Upon information and belief, Plaintiff alleges that the Defendant Greg Kimsey in his capacity as county auditor, did deny the Plaintiff's request to follow Article III Section 2 of the 1878 CONSTITUTION of the State of Washington. The constitution used in the State hood process in 1889 by the United States congress.

E. Prayer for Relief

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

The court is obligated to recognize that the state of Washington was accepted into the Union under the 1878 CONSTITUTION of the State of Washington. The court is obligated to rule that the 1889 CONSTITUTION OF THE STATE OF WASHINGTON did not follow the original contract with the people (1878 CONSTITUTION of the State of Washington). The 1889 CONSTITUTION OF THE STATE OF WASHINGTON is therefore an illegal contract and is therefore null and void.

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: _____

Signature _____

Witness's to signature

