

AUDITOR
Greg Kimsey



proud past, promising future

CLARK COUNTY
WASHINGTON

April 28, 2009

Mr. David Darby
PO Box 110
Amboy, WA 98601

Dear David,

This is in response to the two "Affidavit of Demand" documents you delivered to me on April 10, 2009.

The "Demand" of one of these "affidavits" is that "Mr. Kimsey is to follow the 1878 Washington state constitution Article 2 section 3 and provide written acknowledgement of David Darby's land patent title and remove land from the tax rolls per land patent contract."

The 1878 constitution referred to in this "Demand" was never approved by the U.S. congress, nor did congress, at that time, agree to accept Washington as a state.

In 1889 congress approved an Act to enable Washington, North Dakota, South Dakota and Montana to become states. This enabling act required each prospective state to draft and ratify a State Constitution. Washington's Constitutional Convention concluded August 23, 1889. This constitution was approved by voters at an election that was held on October 1, 1889. On November 11, 1889, U.S. President Harrison issued a proclamation declaring the Washington Constitution approved and the State was admitted into the Union.

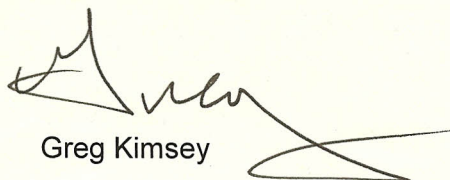
In summary it is the 1889 constitution which Washington abides by and under which the Revised Code of Washington is promulgated, not the 1878 constitution.

The county auditor's duties are prescribed by the Revised Code of Washington. These laws do not empower the auditor to acknowledge that a landowner holds valid land patent title(s) to land. In addition the auditor has no authority to remove lands from the tax rolls. Tax rolls are created by a separate elected official and exemptions to taxation are determined by the State of Washington as set forth in the Revised Code of Washington.

The "Demand" of the other "affidavit" is for a "Copy of all Bond documents concerning Gregg (sic) Kimsey as county auditor." In response to this I have enclosed a package of documents provided to me by Mark Wilsdon, the Clark County Risk Manager.

If I may be of further assistance please don't hesitate to contact me again.

With best regards,



Greg Kimsey