

AFFIDAVIT

AFFIDAVIT OF INABILITY TO COMPLY

for

Want Of Being Learned In The Law

1. I, the undersigned Affiant, hereby declare and give NOTICE that where it is alleged or held at any level that I have failed or refused to or otherwise have not provided information¹ on any governmental, quasi-governmental, corporate, private or other Form² in writing or likewise orally or otherwise--that since I am NOT "learned in the law"--I find that I can NOT provide any such information for any purpose (eg. see Cale v. OMC, 48 RRD 328³), in that it is obvious that the giving of such information is directly related to and constitutes a matter of mixed law and fact--which has or may have consequences of a legal nature, a matter of which, as a matter of law I am NOT competent to judge or otherwise deal with, and advice of an attorney regarding same being of absolutely NO assistance in the matter regarding the final liability, consequence and sanctions which may attach to any such act of giving or providing any such information.⁴

VERIFICATION

2. I, the undersigned aggrieved individual suffering or about to suffer a legal wrong⁵ under a relevant statute as applied to me or mine, for which there is NO clear, speedy, certain, complete nor otherwise adequate remedy at law, even though I have EXHAUSTED all administrative remedies as may be required, and otherwise as Affiant in this matter--under pains and penalties of perjury--affirm that all statements herein in entirety are true and correct upon my personal knowledge, belief and information, and are NOT made for purposes of delay nor evasion, nor other bad purpose, but are made only to assert, protect, and vindicate my SUBSTANTIVE, Political, and Civil Rights, Liberties, Immunities, my Person, Family, Property, Interests and Endeavors--from, inter alia, alien and foreign jurisdictions and the effects thereof--to which I and mine are IMMUNE, and otherwise have a right to be free from; and where anything herein appears to be a "conclusion", the same is NOT a mere conclusion, but represents JURISDICTIONAL and Constitutional FACTS--which are "hard facts"--upon which I have and do and shall rely as foundation and justification for my acts and omissions (Lemon v. Kurtzman, 411 US 192; US v. Mason, 412 US 391)--for which dependence and reliance I can NOT be penalized (US v. Mason, supra⁶)--all such "hard facts" having "retro active effect" (Becker v. Nebr., 310 F. Supp. 1275, affd. 435 F2d 157, cert. den. 402 US 981; NY & Van Burkett v. Montanye, 335 NYS2 196, 70 Misc. 2d 907)--upon which AT LAW facts and authority I have based all my acts and want of action (supra)--in substance, mere form NOTWITHSTANDING--as relates to any supposed private or public or other claim or defense which government et al., may try to depend upon--or which is in process or which may arise in the future, and of course as otherwise may relate to this action, contest or case. This, in any event, is a or in the nature of, a "special appearance" to challenge Jurisdiction of (a) any involved "agency" or agent thereof, and (b) supposed "court" acting on related enforcement of that agency's supposed jurisdiction and subject matter or claim, which is thus NOT acting "judicially" (Thompson v. Smith, 154 SE 579, 583), but as a mere extension of that agency for superior reviewing purposes (eg. see K.C. Davis, ADMIN. LAW, p. 95, 6 Ed. West's 1977, id., Ch. 1 (1965 Ed.); FRC v. GE, 281 US 464, Keller v. PE, 261 US 428, etc.), allowing no one, supposed grand jury, prosecutor, "judge" (sic), "jurors" (sic), "court" (sic) any form of "judicial immunity" therefore and otherwise.

AFFIDAVIT And VERIFICATION Continued With Footnotes

"This is, or is supplementary to, and only under and subsequent to a Special Appearance to deny and challenge jurisdiction of a governmental, quasi-governmental or private de facto or de jure agency--over my Person and thereto related Subject Matter--and if any court is supposing or otherwise claiming right to enforce any statute⁷ against me, my property, Family, Life, Liberty, Immunity or other civil and political rights.

1 regarding myself, or any other (eg. "third") person, etc. or individual or thing
2 whether an admin. agency or "court" (sic) etc. may be involved (e.g., "discovery").
3 a copy of which is attached; see also:

4 among which obviously CONFLICTING principles--which it would take one "learned in the law" to figure out, is the civil and political right to be free from Legislative, Executive or Judicial (on behalf of a governmental agency, on enforcement) requests for information from individuals, for the same WANT of Jurisdiction to investigate the individual and his affairs in the civil environment and to use civil process for such investigations (ICC v. Brimson, 154 US 447, a copy of pertinent parts of which are also attached hereto; see also cases cited therein (Kilbourn v. Thompson, 103 US 168, 190; Boyd v. US, 116 US 616, 630; Counselman v. Hitchcock, 142 US 547; see also Gojack v. US, 384 US 702 (1966), Watkins v. US, 354 US 178 (1957) pertinent excerpts of which are also attached _____).

For a definition of one "learned in law", see this State's statutes governing admitting of one to the "bar" (sic), eg. Nevada Constitution,

Additionally, since i am questioning, denying and challenging the jurisdiction of the involved agency as well as its parent Government and state, and their agents over my Person and Subject matter related to me, existence of jurisdiction being PURELY a MATTER OF LAW, I don't dare to proceed in any manner as supposedly required, in that I am NOT learned in law; and as regards third persons (supra)--I would be liable for giving information to anyone who does not have actual and proveable jurisdiction, not only civilly, but criminally also, placing me in an untenable position in this matter, being prevented thus as a matter of law from proceeding as supposedly required or as requested. It appears that where any court is involved, it also WANTS Jurisdiction unless it is proved overtly on the record with supporting findings of fact and conclusions of law, etc.

5 5 USC 702 (eg., 5 USC 101-559, 701-706; Stark v. Wickard, 321 US 288 (1944)

6 Sherar v. Cullen, 481 F2d 946 (1973); Simmons v. US, 390 US 389 (1968); Miller v. US, 230 F2d 486, 489; Malloy v. Hogan, 378 US 1, 8; US v. Bishop, 412 US 346 (72)

7 courts in administering or "enforcing" statutes do NOT act "judicially", but merely ministerially (Thompson v. Smith, 145 SE 579, 583, and do so at their personal risk and peril (Middleton v. Low, 30 C 596, _____ P _____; see effect of San Cristina v. SF, 167 C 762, 142 P 384).

AFFIDAVIT And VERIFICATION Continued With Footnotes

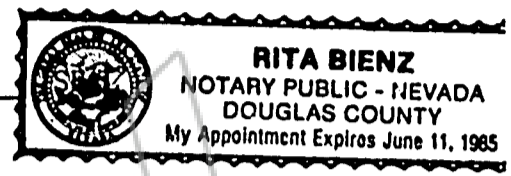
Bill Wagner
William E. Wagner

10/11/84
Date

WILLIAM E. WAGNER JR.
Aggrieved Individual Suffering A Legal Wrong

Rita Bienz
NOTARY PUBLIC

10-11-84
DATE



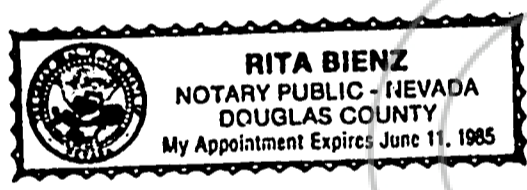
JURAT: I, Notary Public in and for the State of Nevada, and for the County of Douglas, residing at ZEPHYR COVE, 89448 P.O. BOX 8 witness that on this day, one known to me to be the above signator, did personally appear before me and upon the above expressed and implied oath or affirmation and verification, affixed the above executed signature hereto.

My Commission expires on June 11, 1985

Rita Bienz
Notary Public

10-11-84
Date

SEAL



REQUESTED BY
William Wagner Jr
IN OFFICIAL RECORDS OF
DOUGLAS COUNTY, NEVADA

'84 OCT 11 AM 11:38

SUZANNE B. BUREAU
RECORDER

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