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06/12/2007 02:29 PM Deputy: CF

OFFICIAL RECORD  
Requested By:  
MARC FRANCIS GIUSTO

Douglas County - NV  
Werner Christen - Recorder

Page: 1 Of 14 Fee: 27.00  
BK-0607 PG- 3460 RPTI: 0.00



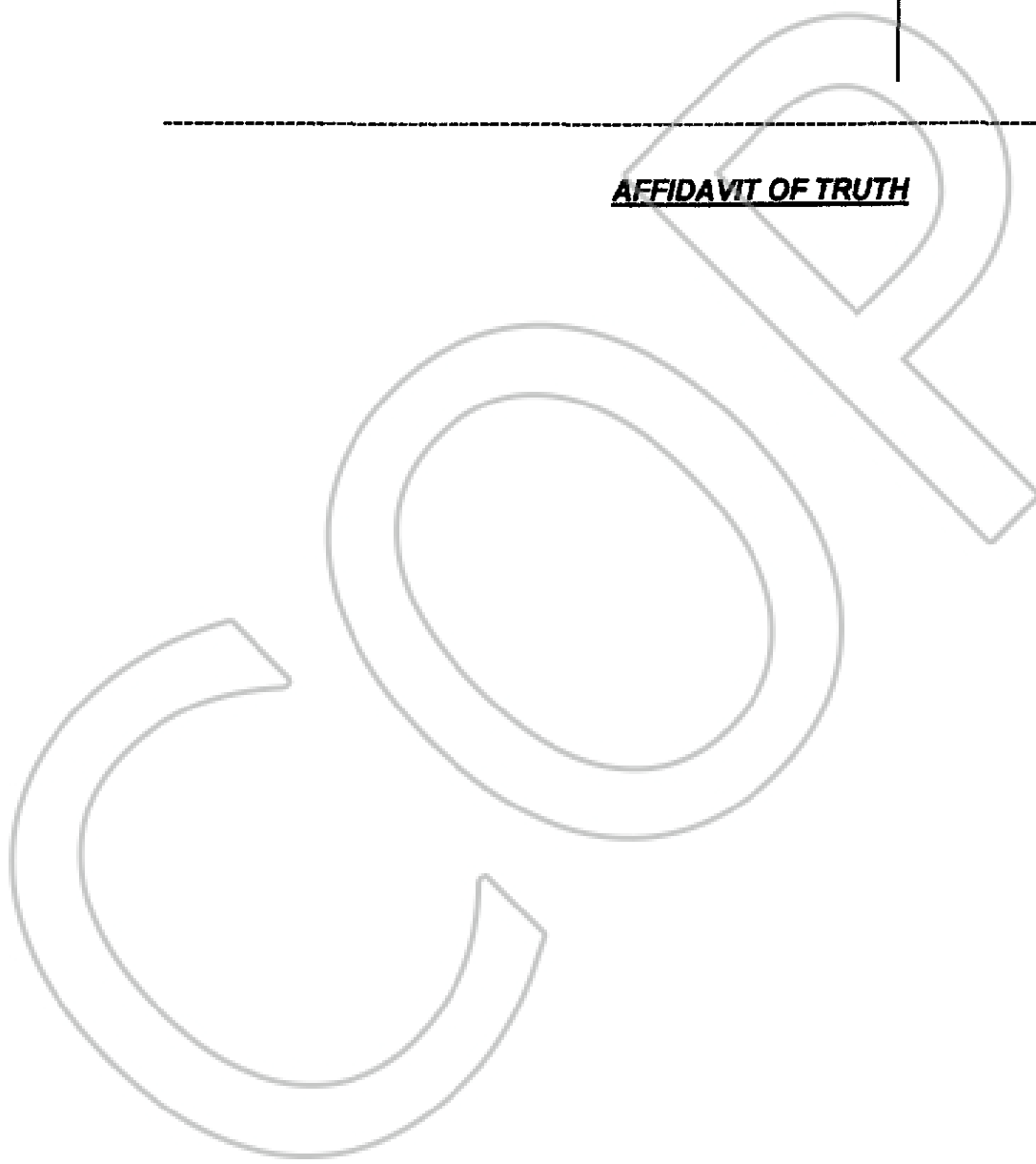
Recording Requested By:

Marc Francis Giusto

8048 E. Orchard Rd.

Acampo, California 95220

AFFIDAVIT OF TRUTH



To: Patricia Gennings  
San Joaquin Co. Community Development Dept.  
1810 E. Hazelton Ave.  
Stockton, California 95205

From: Marc-Francis: Giusto  
C/o 8048 E. Orchard Rd.  
Acampo, California [95220]

June 12, 2007

### AFFIDAVIT OF TRUTH

1. I, Marc-Francis of the family of Giusto, hereinafter Affiant, state that I am over the age of twenty one and have first hand knowledge of the facts and am competent to state the matters herein;
2. The lawful man, Marc-Francis: Giusto, has received no response from anyone to the Presumptive Letters and Affidavits served by Certified Mail-Return Receipt #7006 0810 0005 8480 3556.
3. Affiant, knowing the penalty for bearing false witness, certifies by my signature below that the above is true, correct, complete and certain, Affiant says no more.

June 12, (date)  
By: Marc Francis Giusto

Cc. File

From: Marc-Francis: Giusto  
C/o 8048 E. Orchard Rd.  
Acampo, California [95220]

April 16, 2007

To: Patricia Gennings  
1810 E. Hazelton Ave.  
Stockton, California  
95205

### VERIFIED AFFIDAVIT OF TRUTH

1. I, Marc-Francis of the family of Giusto, hereinafter Affiant, state that I am over the age of twenty one and have first hand knowledge of the facts and am competent to state the matters herein;
2. The entity or person of: MARC F. GIUSTO is a construct of the United States Corporation. Affiant has no record or evidence to the contrary and believes that none exists;
3. Statutes and Codes operate upon the person of: MARC F. GIUSTO, however, they do not operate against the body of the lawful real man Marc-Francis of the family of Giusto, hereinafter, Affiant has no record or evidence to the contrary and believes that none exists;
4. Affiant states that from 10:20am until 12:00 noon, February 15<sup>th</sup>, 2007, affiant and friend George Warner, hereinafter Warner were at the home of friends, Don and Tana Fowler's, 18091 Front St., Linden. We were not interfering with the life, liberty, property or rights of another man, nor doing anything unlawful. Affiant has no record or evidence to the contrary and believes that none exists;
5. Affiant and Warner, moments after arriving, were confronted by one sheriff deputy who wore no badge or name plate on his uniform and later, would only give his name as "Ed". There was another man with a camera and a woman who demanded Warner and Affiant's name. Affiant asked the woman for her name fist. She said she was a San Joaquin county code enforcement agent, and again demanded our names and signatures on a "citation" for building without a permit. She refused to give us her name or show a photo I.D. of any kind and, did, acting under color of authority, detain, intimidate and make

numerous threats of arrest if we didn't submit. The armed deputy did co-conspire, aide, abet in this act by echoing the threat of arrest in order to coerce our names and signatures for said, SAN JOAQUIN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT commercial presentments, #6969 and #6970. Affiant has no record or evidence to the contrary and believes that none exists;

6. Affiant explained to the woman and deputy that our names are our private property, and further, we don't give them out for free to strangers who refuse to identify themselves and intend to use those names in commerce. Warner then handed the woman agent a PUBLIC SERVANT'S QUESTIONAIRE (with basic who and why questions) for her to fill out, on demand, pursuant to public law 93-579 but she refused. She would only show Affiant a business card with the fiction PATRICA GENNINGS printed on it, but would not prove that was her.

Affiant has no record or evidence to the contrary and believes that none exists;

7. Affiant and Warner then asked the woman agent and deputy if they had an oath office. They both answered, "No". Affiant, knowing their answer was untrue, prompted them once more by reciting article 20, sec.3, in part ,saying," I do solemnly swear to support and defend the constitution of the United States and the state of California against all enemies foreign and domestic". They both changed their answers to "yes". Warner and affiant expressly accepted their oaths and gave them notice that this was a legally binding and enforceable contract, thanking them for protecting our rights and expressed our full reservation of those protected rights. Affiant further explained, pursuant to their oath, it was unlawful for them to forcibly or otherwise convert a right protected by the Constitution into a privilege under color of law. Affiant has no record or evidence to the contrary and believes that none exists;

8. At approximately 11:00 AM two additional sheriff deputies arrived in separate vehicles. The first appeared to be a sergeant, who did also make threats of arrest if Affiant and Warner did not sign presentment made by woman agent, who still refused to show her photo I.D. Warner and Affiant also accepted his oath of office as contract with us, and again, expressed our full reservation of rights. Affiant has no record or evidence to the contrary and believes that none exists;

9. 12:00 noon, under the presents of two county enforcement officers and three armed sheriff deputies who after being noticed, did proceed knowingly, in an unlawful manner, with sedition and insurrection of the Constitution and perjury of their oaths of office, Warner and Affiant did, under said threat of arms and threat of warrant and arrest, unwillingly signed the San Joaquin



COUNTY COMMUNITY DEVELOPMENT DEPARTMENT commercial presentments of P.Gennings (GENNINGS), BADGE#6, numbers 6969 and 6970. Affiant has no record or evidence to the contrary and believes that none exists;

10. If this affidavit is not rebutted within 30 days of its date, it stands as truth, fact and law in the matter. Affiant has no record or evidence to the contrary and believes that none exists;

11. Notice to the agent is notice to the principal, notice to the principal is notice to the agent. Affiant has no record or evidence to the contrary and believes that none exists;

12. Public county recording of this affidavit document creates lawful record. Affiant has no record or evidence to the contrary and believes that none exists;

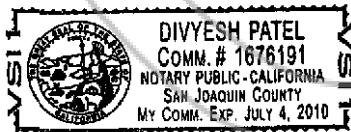
13. Affiant, knowing the penalty for bearing false witness, certifies by my signature below that the above is true, correct, complete and certain, Affiant says no more.

*Marc Giusto*  
Marc Giusto

COMMERCIAL OATH AND VERIFICATION

State of California )  
County of San Joaquin ) ss.

Subscribed and sworn to (or affirmed) before me, Divyesh Patel, Notary Public on this 12<sup>th</sup> Day of June 2007, by: Marc Giusto (Name of affirmed)



*Divyesh Patel*  
Notary Signature

Cc. Mike Ehret- S.J. Co. Code Enforcement  
Steve Moore- S.J. Co. Sheriff  
Ken Voget- S.J. Co. Dist. 4 Supervisor  
File

Date: April 16, 2007

From: Marc- Francis: Giusto  
American Citizen  
c/o: 8048 E. Orchard Rd.  
Acampo, California  
(95220)

To: Patricia Gennings  
San Joaquin Co. Community Development Dept.  
1810 E. Hazelton Ave.  
Stockton, California 95205

Subject: Unlawful enforcement of S.J.Co. Building code,perjury of oath of office.

Attachment: Affidavit, citation copy

## NOTICE

**NOTICE: All citing of copyrighted case law, statutes and codes are cited for your benefit, clarification and understanding only as they apply to you in your capacity as fiduciary.**

This Claim is lawful notification to you and all the other members of your Department/Agency (hereinafter 'you'), pursuant to Article III and The Bill of Rights of the Federal Constitution, in particular, the First, Fourth, Fifth, Sixth, Ninth and Tenth Amendments, and the California Constitution, in particular, Article 1, Sections 1, 2, 3, 3, 7(a & b), 10, 11,13,16, 20, 24, 26, 28 and pursuant to Article 20, Sec. 3 ,verbatim, which is your oath to uphold and defend the Constitutions of the United States and California, and requires your written response to me specific to the subject matter and the above sections of the Constitutions. Your failure to respond, within 30 days, as stipulated, and rebut, with particularity, everything in this letter with which you disagree, is your lawful, legal and binding agreement with, and admission to the fact that everything in this letter is true, correct, legal, lawful, and binding upon you in any court, anywhere in America, regardless of your protest or objection or that of those who may represent you. **Your silence is your acquiescence.** See: [*Connally v. General Construction Co.*, 269 U.S. 385, 391. Notification of legal responsibility is "the first essential of due process of law." Also, see: *U.S. v. Tweel*, 550 F. 2d. 297]. **"Silence can only be equated with fraud where there is a legal or moral duty to speak or where an inquiry left unanswered would be intentionally misleading."**

***EXPRESS SPECIFIC NOTICE OF RESERVATION OF RIGHTS:***

***I explicitly reserve all my Natural rights as an American under contract Law of the Divine Creator without prejudice and, without recourse to me. I do not consent to compelled performance under any contract that I did not enter knowingly, voluntarily and intentionally. I do not accept the liability of the benefits or privileges of any unrevealed contract or commercial agreement.***

You swore an Oath to uphold, support, and defend the Constitution of the United States of America, and pursuant to your Oath, you are required to abide by that Oath in the performance of your official duties. You have no Constitutional or other valid authority to defy the Constitution, to which you owe your LIMITED authority, delegated to you by and through the People, and to which you swore your Oath. Because I, as one of the sovereign people of this Nation, appreciate my public servants, I feel that it is my duty to prevent my public servants from falling into error by committing egregious and costly individual, personal, and official commercial liability, by intentionally perjuring their oath of office and injuring the sovereign people, under custom and policy in the routine course of business.

It is my duty to NOTICE you of the intent and clarity of the Constitution of the United States of America to which you allegedly took an Oath.

The general misconception is that any statute passed by legislators bearing the appearance of law constitutes the law of the land. The United States Constitution is the supreme law of the land and any statute, to be valid, must be in agreement. It is impossible for both the Constitution and a law violating it to be valid; one must prevail. This is succinctly stated as follows in 16 American Jurisprudence, Second Edition, § 177.

*"The general rule is that an unconstitutional statute, though having the form and name of law, is in reality no law, but is wholly void and ineffective for any purpose; since unconstitutionality dates from the time of its enactment, and not merely from the date of the decision so branding it. An unconstitutional law, in legal contemplation, is as inoperative as if it had never been passed. Such a statute leaves the question that it purports to settle just as it would be had the statute not been enacted."*

*"Since an unconstitutional law is void, the general principles follow that it imposes no duties, confers no right, creates no office, bestows no power or authority on anyone, affords no protection, and justifies no acts performed under it . . . ."*

*"A void act cannot be legally consistent with a valid one. An unconstitutional law cannot operate to supersede any existing valid law. Indeed, in so far as a statute runs counter to the fundamental law of the land, it is superseded thereby. No one is bound to obey an unconstitutional law and no courts are bound to enforce it."*

Further, from the Supreme and other Courts of the United States of America:



Supreme Court Justice Field, "There is no such thing as a power of inherent sovereignty in the government of the United States... In this country, sovereignty resides in the people, and Congress can not exercise power which they have not, by their Constitution, entrusted to it. All else is withheld."

*Julliard v. Greenman*, 110 U.S. 421 (1884)

Sovereignty itself is, of course, not subject to law, for it is the author and source of law; but in our system, while sovereign powers are delegated to the agencies of government, sovereignty itself remains with the people, by whom and for whom all government exists and acts.

*YICK WO v. HOPKINS*, 118 U.S. 356 (1886)

"Where rights secured by the Constitution are involved, there can be no 'rule making' or legislation which would abrogate them."

*Miranda v. Arizona*, 384 U.S. 426, 491; 86 S. Ct. 1603

"Waivers of constitutional rights not only must be voluntary but must be, knowing, intelligent acts done with sufficient awareness of the relevant circumstances and likely consequences".

*BRADY v. U. S.*, 397 U.S. 742 (1970)

"... the particular phraseology of the constitution of the United States confirms and strengthens the principle, supposed to be essential to all written constitutions, that a law repugnant to the constitution is void, and that courts, as well as other departments, are bound by that instrument."

"In declaring what shall be the supreme law of the land, the Constitution itself is first mentioned; and not the laws of the United States generally, but those only which shall be made in pursuance of the Constitution, have that rank".

"All laws (rules and practices) which are repugnant to the Constitution are VOID".

*Marbury v. Madison*, 5 U.S. (2 Cranch) 137, 180 (1803)





**"An unconstitutional act is not law; it confers no rights; it imposes no duties; affords no protection; it creates no office; it is in legal contemplation, as inoperative as though it had never been passed."**

***Norton v. Shelby County*, 118 U.S. 425 p. 442**

**Eleventh Amendment does not protect state officials from claims for prospective relief when it is alleged that state officials acted in violation of federal law.**

***Warnock v. Pecos County, Texas*. 88 F3d 341 (5th Cir. 1996)**

**"No man [or woman] in this country is so high that he is above the law. No officer of the law may set that law at defiance with impunity. All the officers of the government from the highest to the lowest, are creatures of the law, and are bound to obey it."**

***Butz v. Economou*, 98 S. Ct. 2894 (1978); *United States v. Lee*, 106 U.S. at 220, 1 S. Ct. at 261 (1882)**

**"I do not understand the government to contend that it is any less bound by the obligation than a private individual would be..." "It is not the function of our government to keep the citizen from falling into error; it is the function of the citizen to keep the government from falling into error."**

***Perry v. United States*, 204 U.S. 330, 358**

***Note: Any judge who does not comply with his oath to the Constitution of the United States wars against that Constitution and engages in acts in violation of the supreme law of the land. The judge is engaged in acts of treason.***

**The U.S. Supreme Court has stated that "no state legislator or executive or judicial officer can war against the Constitution without violating his undertaking to support it". See also *In Re Sawyer*, 124 U.S. 200 (188); *U.S. v. Will*, 449 U.S. 200, 216, 101 S. Ct. 471, 66 L. Ed. 2d 392, 406 (1980); *Cohens v. Virginia*, 19 U.S. (6 Wheat) 264, 404, 5 L. Ed 257 (1821).**

***Cooper v. Aaron*, 358 U.S. 1, 78 S. Ct. 1401 (1958)**

**Justice Douglas, in his dissenting opinion at page 140 said, "If (federal judges) break the law, they can be prosecuted." Justice Black, in his dissenting opinion at page 141) said, "Judges, like other people, can be tried, convicted and punished for crimes... The**



**judicial power shall extend to all cases, in law and equity, arising under this Constitution".**

***Chandler v. Judicial Council of the 10th Circuit, 398 U.S. 74, 90 S. Ct. 1648, 26 L. Ed. 2d 100***

**Constitutionally and in fact of law and judicial rulings, state-federal "magistrates-judges" or any government actors, state or federal, may now be held liable, if they violate any Citizen's Constitutional rights, privileges, or immunities, or guarantees; including statutory civil rights.**

**A judge is not immune for tortious acts committed in a purely administrative, non-judicial capacity.**

***Forrester v. White, 484 U.S. at 227-229, 108 S. Ct. at 544-545 (1987); Westfall v. Erwin, 108 S. Ct. 580 (1987); United States v. Lanier (March 1997)***

**There is a general rule that a ministerial officer, who acts wrongfully, although in good faith, is nevertheless liable in a civil action and cannot claim the immunity of the sovereign.**

***Cooper v. O'Conner, 99 F.2d 133***

**"There can be no sanction or penalty imposed upon one because of his exercise of Constitutional rights."**

***Sherar v. Cullen, 481 F. 2d 946 (1973)***

**"The claim and exercise of a Constitutional right cannot be converted into a crime"... "A denial of them would be a denial of due process of law".**

***Simmons v. United States, 390 U.S. 377 (1968)***

**As you can see, my position is not frivolous.**

**Any court, government, or government officer who acts in violation of or in opposition or contradiction to the foregoing is acting unlawfully and may be charged with insurrection and sedition of the Constitution, perjury of oath of office, treason and by his/her own actions invokes the self-executing Sections 3 and 4 of the 14<sup>th</sup> Amendment and vacates his/her office. It is the duty of every American Citizen to oppose all enemies of this Nation, both foreign and domestic.**

**The law is in the Public Domain and whatever exists in the Public Domain belongs to the People.**



Congress is required to create constitutionally-compliant laws for the American People, specific to the **Bill of Rights**. The People have the Right and the duty to deal with that which exists in the Public Domain and laws created for the People. Further, since the Constitution for these united States of America is the Supreme Law of the Land on which unlimited and unalienable rights are guaranteed to the People, the People have both the Right and the Duty to question their public servants, which includes anyone who has taken an Oath to support and defend the Constitution.

The Constitution is the highest authority on this land and no authority exists which supersedes the Constitution.

There is no authority in the Federal Constitution, whatsoever, for the existence of administrative agencies, in general, and specifically, for the agency for which you work. Neither the Federal Constitution nor the California Constitution, authorize any agency or agents thereof, as are you, to convert the unlimited, unalienable Rights, guaranteed to the Citizens of this Nation and this State into privileges.

The universally accepted maxim of law which states, "Equality under the law is paramount and mandatory" is of prime importance

Anytime public officers, pursuant to their Oaths, violate Rights guaranteed to the People in the Constitutions, they act outside their limited delegated authority, thus, they perjure their Oaths, and by their own actions, invoke the self-executing Sections 3 and 4 of the 14<sup>th</sup> Amendment; thereby vacating their offices and forfeit all benefits thereof, including salaries and pensions.

Patricia Gennings, it has come to my attention that you are routinely being used as an uninformed agent to commit crimes on behalf of the code enforcement agency for which you act. Your superiors, who daily and intentionally violate their Oaths acting outside of Constitutional constraints, get you to coerce by threat of arrest, the American People under color of authority. When you do this you are violating your oath of office and injuring the American People. You are no more than a public servant. By your stepping outside of your delegated authority you lose any "quasi immunity" of your office and you can be sued for your wrongdoing against anyone you cause injury to without a constitutionally compliant warrant, personally, privately, individually and in your professional capacity, as can all those in your jurisdiction, including your supervisors and anyone having oversight responsibility for you, including any supervising judges, prosecuting attorneys, or public officers for that jurisdiction, if, once they are notified of your wrongdoing, they fail to take lawful actions to correct it, pursuant to their oaths and their duties, thereto. All warrants you execute are constitutionally defective. If they fail to act and correct the matter, then, they condone, aid and abet your criminal actions, and further, collude and conspire to deprive the People of their Rights guaranteed in the Constitutions, as a custom, practice and usual business operation of your/their office and the jurisdiction for which you/they work. This constitutes insurrection and sedition ,

perjury of oath to the Constitution by the entire jurisdiction against the People, and based upon the actions taken and what exists on the public record, it is impossible for any public officer to defend himself.

Patricia Gennings, additionally, you know or should know that pursuant to the English Language and the United States Government Printing Office Style Manual, a proper name must be written in upper and lower case letters, e.g. John Doe. The names of corporations are written in either all caps or all lower case letters but not in upper and lower case letters like proper names. Please take a look at the names on the headstones in a cemetery – they are all caps. If you've ever wondered why, it's because there is no life there. The names on all your process for execution are always written in all caps e.g. JOHN DOE because of fraud committed by attorneys and judges. They are not for live people. The legal industry knows what they are doing and knows that they cannot deal with living flesh and blood People. They re-present People as legal fictions, (persons) hoping that People are not informed about the difference. These attorneys and judges do not execute these frauds themselves. They use third parties like you and the other members of your Department.

Patricia Gennings, I am providing you this knowledge so that you can now make an intentionally informed decision as to what course of action you will take, specifically with your commercial offers #6969 and #6970 and generally in the future when you are routinely asked to violate the God given, unalienable, constitutionally protected, rights of life, liberty, and the pursuit of happiness of the People, of whom I am one. You now have knowledge and cannot in the future plead ignorance. I cannot give you legal advice, but if I were you, I would show this Notice to the County and City attorneys, the County Supervisors and the California Attorney General's Office and get written opinions with their signatures before you execute any more fraudulent process involving coercion, threat of arrest, or arrest of the people, putting yourself and Department under serious commercial and criminal liabilities. I am informing the San Joaquin County supervisors of this colossal fraud against the People, which was initiated by your department.

If you disagree with anything in this Notification, then rebut that with which you disagree, in writing, with particularity, to me, within 30 days of this letter's date, and support your disagreement with evidence, fact and law compliant with the Constitutions. Your failure to timely respond, as demanded, is your agreement with, stipulation, and admission to the fact that everything in this letter is true, correct, legal, lawful, and is your irrevocable agreement attesting to these claims, fully binding upon you, in any court in America, regardless of your protest or objection or that of those who may represent you.

**VERIFIED EXPRESS NOTICE OF WAIVER OF TORT TO ALL WHO  
TRESPASS**



This is an implied contract and attaches only upon the actors, agents, or representatives of a government entity who by their conduct elect to enjoin this contract. **Performance by conduct constitutes acceptance.**

Trespass upon the Issuer of this binding Agreement Instrument, should it remain un-rebutted after 30 days, by any actors, agents, or representatives of a government entity acting under **color of law** outside the above accepted forum, shall constitute an agreement to damages in the amount of Two Hundred Thousand (200,000) Troy ounces .999 fine silver as compensation for each injury, occurrence of breach, or trespass on rights or property. Additionally, actors, agents, or government representatives who directly or indirectly trespass upon the living man hereby agree to pay Five Thousand (5000) Troy ounces .999 fine silver as compensation per each hour of involuntary servitude, or coerced incarceration, or coerced detention or coerced booking of the physical body of the living man, Marc-Francis: Giusto. Finally, any actors, agents, or government representatives who violate their sworn Oath of Office hereby agree to forfeit their bond in total as compensation for damages.

In the event that Marc-Francis: Giusto should be incapacitated or detained against his will, Mark-Linn: Bryan: authorized representative for Marc- Francis: Giusto by private contract, shall be appointed Third Party Intervener, acting on his behalf to protect his interests, with limited power of attorney to execute the remedy within this instrument. This power of attorney is a right coupled with an interest and is irrevocable as granted. Should the actors, agents or government representatives who violate their accepted Oath of Office fail to provide the agreed compensation upon demand, they hereby agree to a lien upon any real property, funds, pensions or other assets.

ALL PERSONS, EMPLOYEES, AGENTS, AND OFFICERS OPERATING UNDER ORDERS OF THE PRESIDENT OF THE UNITED STATES, UNITED STATES SECRET SERVICE, UNITED STATES DEPARTMENT OF JUSTICE, INTERNAL REVENUE SERVICE, STATE OF CALIFORNIA DEPARTMENT OF JUSTICE, DEPARTMENT OF HOMELAND SECURITY, STATE OF CALIFORNIA FRANCHISE TAX BOARD, CALIFORNIA DEPARTMENT OF PUBLIC SAFETY, ALL CALIFORNIA SUPERIOR COURTS, SAN JOAQUIN COUNTY DISTRICT ATTORNEY, SAN JOAQUIN COUNTY SHERIFFS DEPARTMENT, CALIFORNIA HIGHWAY PATROL, STOCKTON POLICE DEPARTMENT, LODI POLICE DEPARTMENT, ALL OTHER MUNICIPAL POLICE (POLICY ENFORCEMENT) DEPARTMENTS, SAN JOAQUIN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT who commit injury by trespass upon the living man, Marc-Francis: Giusto under **color of law** without evidence of a signed contract or certification of an injured party, or lawful order and verified assessment will cause attachment of this VERIFIED EXPRESS NOTICE OF WAIVER OF TORT. Continued proceeding in trespass shows acceptance of this Contract and provides evidence of your intent to implement the terms of the VERIFIED EXPRESS NOTICE OF WAIVER OF TORT and affix said lien(s).



I am one of the People identified in the Constitution for the united States of America and the California constitution and have never interfered with the life, liberty, and property of another man, and I demand to be treated in like manner. I will prosecute anyone who violates my constitutionally protected unalienable rights to the fullest extent of the Law in an Article III Court with an Article III Judge with an Oath of office.

You now have knowledge, Patricia Gennings. Please act accordingly.

**NOTICE TO AGENT IS NOTICE TO PRINCIPAL,  
NOTICE TO PRINCIPAL IS NOTICE TO AGENT**

**Applicable to all successors and assigns  
Silence is acquiescence and agreement**

Respectfully presented this 16<sup>th</sup> day of April, 2007 with reservation of Law and all my rights and explicit reservation of right under the Uniform Commercial Code.

  
By: Marc-Francois Giusto, lawful freeborn Man, *Sui Juris*  
Private Bond# MFG090704

CC. Ken Vogel  
SAN JOAQUIN COUNTY BORD OF SUPERVISORS  
222 E. Weber Av., Room 701  
Stockton, California 95202

