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AFFIDAVIT OF TRUTH

(Title of Document)

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This cover page must be typed or legibly hand printed

AFFIDAVIT OF TRUTH

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3 Claimants/Libellants,

4 :James-Orbin: Molen-agent for JAMES ORBIN MOLEN

5 :Sandra-Lyn: Molen-agent for SANDRA LYN MOLEN

6 Respondents:

7 JACQUELINE C. BROWN, ET AL

8 U. S. DEPARTMENT OF JUSTICE

9 Civil Trial Section, Central Region

10 P.O. Box 7238

11 Ben Franklin Station

12 Washington, D.C. 20044

13
14 Reference: United States v. James and Sandra Molen,
15 Case No. 03-CV-1531 (E.D. Cal.)
16
17

18 **This is lawful commercial notification and is sent pursuant to the federal Constitution,**
19 **specifically, the Bill of Rights, in particular, the First, Fourth, Fifth, Sixth, Seventh, Ninth**
20 **and Tenth Amendments, and pursuant to U.S. DEPARTMENT OF JUSTICE and**
21 **JACQUELINE C. BROWN, et al (hereafter referred to as the JUSTICE DEPARTMENT),**
22 **as per your attorney/representative(s) Constitutionally required oath to defend and protect**
23 **the Constitution for the united states of America, and shall also include past, present and**
24 **future predecessors-in-interest, successors-in-interest, affiliates, administrators,**
25 **insurers, fiduciaries, assigns, employees, all other attorneys, representatives,**
26 **corporations, partnerships and other associated legal entities under the control of**
27 **and/or under the written authority of the JUSTICE DEPARTMENT, and requires**
28 **written response to us (defendants and the lawful man and woman) specific to each of the**
29 **following subject matters. The JUSTICE DEPARTMENT's failure to respond, as**
30 **stipulated, and rebut, with particularity, everything in this Affidavit of Truth with which**
31 **the JUSTICE DEPARTMENT disagrees, is the JUSTICE DEPARTMENT's lawful, legal**
32 **and binding agreement with and admission to the fact that everything in this Affidavit of**
33 **Truth is true, correct, legal, lawful and fully binding upon the JUSTICE DEPARTMENT in**
34 **any court in America, without the JUSTICE DEPARTMENT's protest or objection or that**
35 **of those who represent the JUSTICE DEPARTMENT. The JUSTICE DEPARTMENT's**
36 **silence is the JUSTICE DEPARTMENT's acquiescence. See: Connally v. General**
37 **Construction Co., 269 U.S. 385, 391. Notification of legal responsibility is "the first essential**
38 **of due process of law". See also: U.S. v. Tweel, 550 F.2d. 297. "Silence can only be equated**
39 **with fraud where there is a legal or moral duty to speak or when an inquiry left unanswered**
40 **would be intentionally misleading."**
41

42 The following are statements of fact, law and evidence as presented by the below libellants:
43

- 44 1. :James-Orbin: Molen is a sovereign flesh and blood human man.
- 45 2. :James-Orbin: Molen is not a legal fiction alien person (alien to the United States), but does live
- 46 on the land mass of the union state California.
- 47 3. :Sandra-Lyn: Molen is a sovereign flesh and blood human woman.
- 48 4. :Sandra-Lyn: Molen is not a legal fiction alien person (alien to the United States), but does live on
- 49 the land mass of the union state California.
- 50 5. :James-Orbin: Molen is the legal authorized agent for the defendant JAMES ORBIN MOLEN and
- 51

52 AFFIDAVIT OF TRUTH OF JAMES ORBIN MOLEN AND SANDRA LYN MOLEN

53 Page 1 of 6



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BK- 1007

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- has standing as an injured third party by virtue of the court injury to the defendant.
- 6. :Sandra-Lyn: Molen is the legal authorized agent for the defendant SANDRA LYN MOLEN and has standing as an injured third party by virtue of the court injury to the defendant..
- 7. JAMES ORBIN MOLEN, JAMES O. MOLEN, James O. Molen and James Molen are legal nomenclatures of the same legal fiction person with SS # [REDACTED].
- 8. SANDRA LYN MOLEN, SANDRA L. MOLEN; Sandra L. Molen; Sandra Molen are nomenclatures of the same legal fiction person with SS # [REDACTED].
- 9. Legal fiction persons, such as JAMES ORBIN MOLEN and SANDRA LYN MOLEN, are recognized by the courts to exist on paper only and have no tangible existence, but they do reside by recognized authority at a physical address (in this case) without United States.
- 10. Black's Law Dictionary, Sixth Edition-Legal Fiction: Assumption of fact made by court as basis for deciding a legal question. (such as stylized printing of names on legal documents, i.e. driver's license, voter registration, bank accounts, court processing, etc.).
- 11. Black's Law Dictionary, Sixth Edition-Person: ... by statute term (legal) may include labor organizations, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, or receivers (all are legal fictions).
- 12. Black's Law Dictionary, Sixth Edition-Alien: ... an alien is a person within the meaning of the Fourteenth Amendment due process clause of the U.S. Constitution to same extent as a citizen. Galvan v. Press, 347, U.S. 522, 74 S.Ct. 737, 742, 98 L.Ed. 911; Foley v. Connelie, D.C.N.Y., 419 F.Supp. 889, 891. Also see 8 U.S.C.A §1101.
- 13. Neither :James-Orbin: Molen nor :Sandra-Lyn: Molen are U.S. Citizens.
- 14. U.S Citizens live within the physical boundaries of the United States.
- 15. Black's Law Dictionary, Sixth Edition-Citizen: All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state where they reside. U.S. Constitution, 14th Amendment.
- 16. :James-Orbin: Molen has a Private Bond, No. RB 956 506 469 US.
- 17. :Sandra-Lyn: Molen has a Private Bond, No. RB 956 506 455 US.
- 18. :James-Orbin: Molen is the secured party creditor of the legal fiction debtor JAMES ORBIN MOLEN as per a UCC1 Financing Statement filed August 29, 2002, File #0224160874 with Security Agreement #JOM-42395-SA.
- 19. :Sandra-Lyn: Molen: is the secured party creditor of the legal fiction debtor SANDRA LYN MOLEN as per a UCC1 Financing Statement filed August 29, 2002, File #0224160852 with Security Agreement #SLM-33599-SA.
- 20. Neither :James-Orbin: Molen nor :Sandra-Lyn: Molen are within the physical jurisdiction of the United States or the IRS.
- 21. Neither JAMES ORBIN MOLEN, JAMES O. MOLEN, James O. Molen, James Molen, nor SANDRA LYN MOLEN, SANDRA L. MOLEN, Sandra L. Molen, or Sandra Molen is within the physical jurisdiction of the United States or the IRS.
- 22. The physical jurisdiction of the UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA does not include the physical jurisdiction of the defendants or their agents.
- 23. The United States is a geographical and jurisdictional legal fiction that resides in the District of Columbia and its possessions (Washington D.C., Guam, Puerto Rico, Virgin Islands, American Samoa, Northern Marianas Islands, forts, magazines, judicial outposts, other needful buildings, and territories purchased by the United States).
- 24. The definition of the "United States" for the purpose of these claims is found in Title 26, U.S.C., §3306 (j) (2): when used in a geographical sense includes the States, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands. (Includes means "only")
- 25. The definition of "State" is found in Title 26, U.S.C., §3306 (j) (1): includes the District of Columbia, the Commonwealth of Puerto Rico and the Virgin Islands. (Includes means "only")
- 26. The United States lawful authority (jurisdiction) is limited to its physical location within the United States and its possessions (see Title 4, U.S.C., §72).
- 27. "THE UNITED STATES" is a Corporation established in February 21, 1871 with "An Act To

- 1
2 Provide A Government for the District of Columbia;" also known as the "Act of 1871."
3
4 28. The United States Corporation jurisdiction does not extend to the land of the Continental Union
5 States.
6 29. The JUSTICE DEPARTMENT has no jurisdiction "on the land" within the boundaries of
7 California, one of the united states of America pursuant to 9 Stat. 452.
8 30. The United States Supreme Court has ruled that the courts "... have no more right to decline the
9 exercise of jurisdiction which is given us, than to usurp that which is not given. The one or the
10 other would be treason to the Constitution." *Cohens v. Virginia*, 6 Wheat 264, 5 L.Ed. 257, 591.
11 31. The IRS is a foreign trust.
12 32. The IRS has no physical jurisdiction within the continental Union States of which the California
13 State Union is a part where the defendants reside.
14 33. The IRS was never authorized by Congress to be a part of the United States by any congressional
15 action.
16 34. All IRS code and IRS Code of Federal Regulations are only applicable to the physical jurisdiction
17 of the United States and its possessions.
18 35. Neither JAMES ORBIN MOLEN, JAMES O. MOLEN, James O. Molen, James Molen, nor
19 SANDRA LYN MOLEN, SANDRA L. MOLEN, Sandra L. Molen, Sandra Molen, Touch of
20 Class Florist, or Laughlin's Flower Shop are American Employers by IRS definitions and
21 therefore can not have employees unless they conduct business and hire persons within the United
22 States or its possessions. ("within" means in a geographical sense)
23 36. The definition of an American Employer is found in Title 26, U.S.C., §3306 (j) (3): a *person* who
24 is either a resident or a resident person of a partnership, trust or corporation within the United
25 States.
26 37. Neither JAMES ORBIN MOLEN, JAMES O. MOLEN, James O. Molen, James Molen, :James-
27 Orbin: Molen, nor SANDRA LYN MOLEN, SANDRA L. MOLEN, Sandra L. Molen, Sandra
28 Molen, :Sandra-Lyn: Molen, Touch of Class Florist, or Laughlin's Flower Shop are employers
29 since they are not residents (physical jurisdiction) of the United States or its possessions.
30 38. Neither JAMES ORBIN MOLEN, JAMES O. MOLEN, James O. Molen, James Molen, :James-
31 Orbin: Molen, nor SANDRA LYN MOLEN, SANDRA L. MOLEN, Sandra L. Molen, Sandra
32 Molen, or :Sandra-Lyn: Molen have accepted IRS Form W-4 statements from any persons or
33 humans in the periods identified by the IRS as deficient.
34 39. For employment tax purposes, Title 26, C.F.R. §31.3402 (p) (1) states that the IRS Form W-4
35 withholding allowance is a voluntary agreement statement by a verified employee. Title 26,
36 C.F.R. §31.3402 (p) (2) states that either the employee or employer may terminate the IRS Form
37 W-4 agreement any time including a previous date. This only applies to employers within the
38 United States and its possessions and not to the legal fiction defendants or the sovereign man and
39 woman agents who are outside the United States. (not within the physical jurisdiction)
40 40. Only a voluntary acceptance of an IRS Form W-4 withholding agreement creates a contract with
41 the IRS. Neither of the defendants in Case No. 03-CV-1531 (E.D. Cal.) nor the sovereign man
42 and woman agents have volunteered or contracted with the IRS to be an employer.
43 41. Title 26, C.F.R. §3401 (a)-3 states that if there is no voluntary IRS Form W-4, any remuneration
44 paid is not "wages." This only applies to "employers" within the United States and its
45 possessions. The defendants are without the United States. (Not within the physical jurisdiction)
46 42. Neither the defendants nor the JAMES ORBIN MOLEN LIMITED PARTNERSHIP, d.b.a. Touch
47 of Class Florist, have volunteered (contracted) to collect and pay over to the IRS any Social
48 Security or Medicare funds declared by the IRS to be against the defendants' legal fiction
49 businesses to be collected from its workers during the periods identified by the IRS as deficient.
50 43. Title 26, U.S.C. §3102 that would subject the employer and employee to the Social Security Act
51 would apply only if an IRS Form W-4 was in effect and the jurisdiction was within the United
52 States or its possessions.
53 44. There are no implementing Code of Federal Regulations for Title 26, U.S.C. §3102. No lawful

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- authority is given to the IRS without the United States or its possessions. Authority comes from contract.
46. The Social Security Act is an International labor agreement to provide for foreign workers in the United States and U.S. Citizens should they wish to volunteer. Touch of Class florist workers were neither and are not subject to Title 26, U.S.C. §3102 because they did not volunteer.
 47. *Railroad Retirement Board v. Alton Railroad Co.*, 295 U.S. 330, 55S. Ct. 758 (1935) ruled that the government had no jurisdiction in intra-state affairs.
 48. The Federal unemployment Tax Act applies to employers within the geographical jurisdiction of the United States and its possessions, or they may volunteer. Touch of Class Florist does not volunteer and is not within the United States or its possessions.
 49. In Case No. 03-CV-1531 (E.D. Cal.) the defendants never yielded to the jurisdiction of the United States. The Court ruled as if it had jurisdiction when it did not have physical jurisdiction.
 50. The Court violated the defendants' due process rights.
 51. Judge Levi signed an unlawful Court order, first against the defendants based on a void judgment, primarily because of want or obvious lack of jurisdiction, and second by ignoring the defendants' due process rights, a clear violation of his oath of office.
 52. The Court's judgment of permanent injunction was a void judgment because physical jurisdiction was never acknowledged or proven, even in the original pleading by the Plaintiff.
 53. The Plaintiff never brought a verifiable claim of injury by a sworn claimant before the Court.
 54. The United States can not be injured because it is a legal fiction.
 55. When jurisdiction is challenged and not proven, the Plaintiff has no standing in the legal process against the defendants until jurisdiction can be proven. (see *Romann v. Geissenberger*, 865 F. Supp. 255; *Sonnabend v. Sorrentino*, 866 F. Supp. 651; *James v. HRP, Inc.*, 852 F. Supp. 620; and *Modern Mailers, Inc. v. Johnson & Quin, Inc.*, 844 F. Supp. 940)
 56. The Fourth Amendment does grant the defendants the right to ignore or violate a void judgment court order issued from a foreign jurisdiction (within the United States).
 57. The Court's order to comply with the IRS summons dated June 27, 2005 is without lawful physical jurisdiction that affect the defendants or their agents.
 58. Besides the defendants or lawful sovereign man and woman not subject to the physical jurisdiction of the United States or its possessions, there is no requirement to surrender the defendants' guaranteed Constitutional rights.
 59. Title 26, U.S.C. §7402, jurisdiction of district courts, has no corresponding parts in the Code of Federal Regulations, and therefore gives no physical jurisdiction authority for the district courts of the United States to make and issue judgments, court writs, make orders of injunction or enforce summons to enforce the IRS internal revenue laws except within the United States.
 60. There can be no contempt of court if the court is not authorized by a lawful regulation to have physical jurisdiction over the matter.
 61. Should the JUSTICE DEPARTMENT decide to exercise their threat of contempt, physical jurisdiction must be proven before defendants can be ruled as in contempt and would require a Contempt proceeding.
 62. Black's Law Dictionary, Sixth Edition-Contempt proceeding: The judicial hearing or trial conducted to determine whether one has been in contempt of court and to make an appropriate disposition. Such proceedings are sui generis (of its own kind or class) and not necessarily connected to or identified with the proceeding out of which the contempt arose.
 63. The Court has no civil or criminal jurisdiction, subject or personal, over any sovereign male or female unless that sovereign volunteers (contracts), or there is a sworn affidavit of injury by a claimant (male or female human) within the physical jurisdiction of that court.
 64. The defendants' request for a lawful delegation of authority that mandates the defendants to submit their books, records, and submit to a financial audit remains unanswered.
 65. If the Secretary did promulgate a Treasury regulation that mandates a defendant, legal fiction or lawful man or woman, to submit to a records search by the IRS, it would be unconstitutional and

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would violate the Fourth Amendment to the Constitution for the united states of America. Any mandate to give sworn testimony would also violate the Fifth Amendment. The IRS has no standing in this matter.

- 66. The IRS Internal Revenue Manual §9.1.2.3.2 is not under Title 26, U.S.C. and has no implementing regulations that affect the defendants or their agents.
- 67. The delegation of authority under the IRS Internal Revenue Manual §9.1.2.3.2 only gives authority to certain IRS employees (agents) to write up the summons, examine records, and take testimony as a part of their job descriptions, but the delegation of authority does not include mandatory enforcement upon a person, lawful man or woman outside the physical jurisdiction of the United States.
- 68. Title 26, §7604, for the IRS to issue summons, examine records, and take testimony, has no corresponding implementing code of federal regulations.
- 69. Neither the defendant persons nor their agents are required to follow a law or statute that has no lawful authority unless that law, code, or statute has an implementing regulation through the Code of Federal Regulations [*see California bankers Assn. v. Shultz*, 416 U.S.31 (1974)].
- 70. If there is no implementing regulation, the statute or code is not enforceable and no one (in this case either the defendants or the lawful man and woman) is required to follow it.
- 71. Treasury order 150-10 that delegates the duty and authority to the Commissioner of the IRS only applies to the physical jurisdiction of Washington D.C. and its possessions.
- 72. Service of summons, Title 26, U.S.C. §7603, and enforcement of summons, Title 26, U.S.C. §7604 only have C.F.R. regulations under part 70, Title 27, Alcohol, Tobacco and Firearms.
- 73. Title 26, U.S.C. §7602, Examination of Books and Witness, only deals with Title 27, C.F.R. part 70 and not enforceable on the defendants even by subject matter.
- 74. Title 26, U.S.C. §7210, *Failure to Obey Summons*, has no corresponding parts in the Code of Federal Regulations, making this a code without an implementing regulation.
- 75. Title 26, C.F.R. §§ 7602-1 to 7605-1 fall under Part 301, Procedure and Administration. Title 26, Procedure and Administration, is for internal affairs of the IRS, and not for prosecutions or mandates to anyone outside its physical jurisdiction.
- 76. The reasons the agents for the defendants have created this affidavit of truth is to preserve the rights that our forefathers gave their lives to protect the rights of future generations.
- 77. This Affidavit of Truth is designed to be used as a declaration of facts, laws and evidence to be submitted in any court of law, either as a defendant, or as a plaintiff.

If the JUSTICE DEPARTMENT disagrees with anything in this letter, then rebut that with which the JUSTICE DEPARTMENT disagrees, in writing, with particularity, to the defendants and their agents, in care of the Notary Receiver as listed below, within 30 days of this letter's date, and support the JUSTICE DEPARTMENT's disagreement with fact, evidence and Constitutionally based law or case law, or a notice of dishonor (default) as per UCC 3-503 will be issued to the JUSTICE DEPARTMENT. The JUSTICE DEPARTMENT's failure to respond, as stipulated, as per UCC 1-103, is the JUSTICE DEPARTMENT's agreement with and admission to the fact that everything in this Affidavit of Truth is true, correct, legal, lawful, and the JUSTICE DEPARTMENT's irrevocable admission attesting to this, fully binding upon the JUSTICE DEPARTMENT in any court in America, without the JUSTICE DEPARTMENT's protest, objection, or that of those who represent the JUSTICE DEPARTMENT.

AFFIRMATION OF AFFIDAVIT OF TRUTH

Signed under oath under penalty of perjury under the laws of the State of California that the above statements of fact are the truth, correct, complete, and certain, and that this Affidavit of Truth is factual to the best of our knowledge, as we believe it to be, executed on September 28, 2007

1. Signature: **JAMES ORBIN MOLEN** (All rights reserved) Dated: 9-28-07
Authorized signature as per UCC 1-201 (39) (46) and UCC 3-401;
CA Equivalents at 4-3401

Signature: by James Orbin Molen Dated: 9-28-07
:James-Orbin: Molen, agent, libellant, lien holder,
creditor, injured third party.
All rights reserved

2. Signature: **SANDRA LYN MOLEN** (All rights reserved) Dated: 9/28/07
Authorized signature as per UCC 1-201 (39) (46) and UCC 3-401;
CA Equivalents at 4-3401

Signature: by Sandra Lyn Molen Dated: 9/28/07
:Sandra-Lyn: Molen, agent, libellant, lien holder,
creditor, injured third party.
All rights reserved

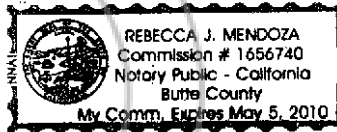
JURAT

STATE OF CALIFORNIA)
) ss.
COUNTY OF BUTTE)

SUBSCRIBED AND SWORN TO before me, JAMES ORBIN MOLEN by :James-Orbin: Molen, agent, libellant, lien holder, creditor, injured third party and SANDRA LYN MOLEN by :Sandra-Lyn: Molen, agent, libellant, lien holder, creditor, injured third party, this 28th day of September, 2007.

My Commission expires: May 5, 2010

Rebecca J. Mendoza
NOTARY PUBLIC



Mail all responses to the following Notary Receiver addressed as follows:

JAMES O. MOLEN and/or :James-Orbin: Molen
SANDRA L. MOLEN and/or :Sandra-Lyn: Molen
c/o Rebecca J. Mendoza, Notary Receiver
2360 Notre Dame Blvd., #4
Chico, California 95928