

## 12 WRITING THE DOCUMENTS

First you will write the CA, and then copy and paste to create the Affidavit (“A”). The following language is to be used as a guideline only. You must customize the documents to fit the presentments you have received. Each and every CA/A is different for every offer because rarely are two offers identical. Remember, you are NOT to argue, but only present statements for stipulation. You must never ask them to prove a negative, so phrase your “Proof of Claim” statements or “Production of evidence” in proper language.

1. The CA, with bill of exchange, should include:
  - a. identity of parties
  - b. mailing location of parties
  - c. notice that it is a private communication
  - d. identity of the subject matter (respondents’ presentment)
  - e. notice of your acceptance
  - f. notice that you are returning the presentment after acceptance
  - g. notice that you do not intend to argue or dishonor
  - h. notice of what positive performance you are requesting
  - i. list of what documents you want to view to determine the validity of the obligation
  - j. caveat if respondent fails to provide his claim
  - k. instructions regarding required response and response time
  - l. **the original accepted for value or performance presentment attached to notice of the conditions of the acceptance.**

This is your **bill of exchange** (BoE). A “bill” is a “writing”. Your writing may be an offer to exchange your tax exemption for the discharge of the respondent’s charge or it may be private funds or any number of other “things”. The charge was fixed by the respondent when he elected to send you an offer in the form of a demand. When you write your “Accepted for Value” on the respondent’s presentment (offer or bill), you have authorized the respondent to negotiate the private exchange to settle the debt, but your authorization for him to do that can be conditional upon his ability to prove his claim. You may even authorize him to go ahead and negotiate the accepted presentment without proving his claim; in return (the other part of the exchange), he must send you a discharge notice for the value of his presentment. Send the original BoE to them. Keep a copy for your records.

2. At the same time, you may choose to also commence a public debt verification process using your strawman and the Fair Debt Collections Practices Act (FDCPA). If you elect to do this, be sure it is the STRAWMAN that is doing it. You do not need or want benefits from statutes promulgated for US citizens. Always remember who you are. The sentient being can only request verification that comports with the principles of the FDCPA and not the FDCPA itself.
3. A friend (server) stuffs the envelope to mail to the respondent. (The reason for this is to avoid having to deal with a respondent who claims he received the envelope but it was empty when he got it.) Your friend will give you the original certificate of service. A photocopy is just fine to enclose with the documents.
  - a. Original Conditional acceptance

- b. Original Affidavit (make sure you have a duplicate original in your files!!)
- c. Respondent's original presentment that has been accepted for value (BoE) and is now being returned
- d. Unsigned certificate of service (so the respondent knows we are using a certificate which is unsigned because the envelope has not yet been mailed).

Your friend mails the envelope by registered mail with return receipt requested and gets the white PS Form 3806 Receipt stamped. Your friend must not be a relative and at least 18 years old. Sometimes, the Postal Clerk will ask for a value for the registered package. Your friend may value the package at \$100 just to get it mailed.

4. Make **three** (3) copies of everything – one for your records and two for the notary.
5. Your friend signs the Certificate of Service. Make a copy to enclose with the envelope and one for the notary. Keep the original in your file.
6. If appropriate, send a Statement of Account.
7. You should get the green card back about with a week to ten days. If you do not receive the green card, go to the Post Office and request a tracking printout of the registered package, which the Postal Clerk should date and cancel providing third-party witness to the package's delivery. Keep the original postal printout or green card and make a copies to provide to the notary.
8. On 21<sup>st</sup> day after your BoE and CA/A was mailed to the respondent, send the following for the notary to include with the notary's Notices:
  - a. Your original affidavit requesting the notary carry out a protest for you (it will not be included with the notices from the notary to the "creditor");
  - b. Four copies of your Local Notary Request for Notarial Process (one for the notary's file);
  - c. Four copies of your friend's Proof of Service of your CA/A (one for the notary's file);
  - d. Four copies of the CA with your BoE (one for the notary's file upon which the notary will write notes);
  - e. Four copies of your Affidavit (one for the notary's file which the notary will write her notes directly on), as well as a separate Notary Notes page.
  - f. Four copies of the respondent's presentments that you accepted for value and returned;
  - g. Four copies of your attachments to the CA (if you have any);
  - h. Four copies of the registered receipt and **green** card from mailing your CA/A;
  - i. Four copies of the Notary's Proof of Service (PoS) for each notice she is sending out on your behalf, which the Notary will sign. One goes into the envelope to the respondent, one stays in the notary's files, and two will come back to you at the end.
  - j. Two original Notices of Dishonor which the Notary will sign, stamp and seal, (one to send back to you later and one for the notary's file);
  - k. Two original Second Notice of Dishonor (one to send back to you later and one for the notary's file);

- l. Four original Certificates of Dishonor. You get at least three originals back from the notary (in case you need extras to enter as evidence in a public forum). The notary should keep one in the notary's file. This does not need to go to the Respondent, but you may send a copy if you desire.
- m. Four original set of Notary Notes to be attached to the Certificate of Dishonor stating the terms of the agreement (if applicable). The notary mails only a photocopy of the Certificate to the Respondent and mails several duplicate originals to you.