

22. AFTER THE NOTARY PROTEST

There is one other document you should request from the Notary after the protest, and that is a printout from the Secretary of State's Office web site where the notary is commissioned which shows that the Notary in good stand with a current commission. There may be a nominal fee for accessing the web site. You can also look for this information on your own. This is a preventative measure so that if you should come to a circumstance where the lender questions whether or not a notary with a proper commission performed the protest, you already have the apostilles in your "bag of evidence" to prove it was a viable notarial protest.

Perfecting the Process

Now that you have the original Certificate of Dishonor and Non-Response with Notary Notes from the Notary, if you wish, you can set the stage to enforce the contract they entered into with you. You have 90 days¹ in which to send three bills for the contractual amounts in your CA. The billing must be at least 10 days apart. Itemize the amounts. If they are continuing to send you "offers" or if a bill collector is still trying to "collect" on the account which has already been settled, you may wish to file a complaint with your local Attorney General and the appropriate Federal agencies, depending on whether it is against a credit card company or a credit reporting agency.

You have three avenues available to you:

- 1) The private administrative tribunal - The private administrative tribunal consists of at least three independent judges (private citizens with knowledge of notarial protest) review your documents and verify that you have followed all the procedural requirements. The private judges can then issue Findings of Fact and you now have a judicial finding; or
- 2) Getting Judicial Review – you must enter the documents for a superior court judge in your county, in his judicial capacity and not his "ministerial" capacity, to review the procedure, the time of the notices and your service of the notices by you and the notary so that you can obtain a court order for enforcement and damages. You will need a local notary's certificate if you used an out-of-state notary for the process². The local notary will simply review the process and issue a certificate stating that the process was proper. After the judicial review and findings of fact, then you can obtain a Writ of Execution and obtain a "keeper" (marshal or sheriff) on their "toys" to either take them away for the amount of the court order or sell them at public auction; or

¹ If you wait longer than 90 days to do your billing, simply get a current Certificate of Dishonor from the Notary.

² We know that you may have difficulty finding a "res" state notary to review the documents if you had to use an out-of-state notary to perform the protest. There is no time limit on when you get a "res" state notary to review the process. We are accumulating the names, emails and phone numbers of notaries nationwide who are familiar with notarial protest. If you can add to the list, please forward the information to us to add to the "Notary List" in the files.

- 3) Federal Court of Claims - The Federal Court of Claims is the court which “foreign judgments” for enforcement. The private side is “foreign” to the public side. Your conditional acceptance and the notary protest was private. Remember that the notary process is outside the box so it is foreign to the maritime/admiralty courts. It is no different than having a judgment in France and trying to enforce here...it has to go thru the Federal Court of Claims for foreign judgments.

All three processes do not look at the substance of the documents, but only weigh the procedure – the form – whether or not you and the notary met the notice and time requirements, etc. and not the components of the contract. You cannot argue or testify or address whether or not the instrument you offer in exchange was valid, whether the debt was valid or allow any topic other than the judicial review of the notarial protest to be address in any of the three processes. We will be adding forms for these processes soon.

After you have your court order, you may also wish to file a UCC-1 with your local county recorder with the entire packet attached, including your bill of exchange. And don't forget about those credit reporting companies, they must adhere to the Fair Credit Reporting Act or you can turn them in for criminal prosecution by the Federal Trade Commission. Now that you have a contract, if you choose to force an involuntary bankruptcy to collect, it's up to you!

P.S. - After you receive your Certificates of Dishonor and Non-Performance or Breach of Contract, you should bill the “Respondent” the amounts agreed to in the Conditional Acceptance self-executing contract. Send a minimum of three statements/bills. The case can now be filed in the Federal Court of Claims for enforcement of the judgment made of the evidence by the Notary.

If you did the Debt Validation Process with Notarial Protest and they didn't present the Original Note, the FTC has shown that this is a False and Deceptive Practice. The OCC and Office of Thrift Supervision have similar cites with Opinions and Case Law which defines this sort of activity. It'll take some time to pull the cases up on line, but you'll find that you can still sue them and cost them their license.

You might want to obtain Richard Cornforth's materials on Voiding Judgments. It's really an indepth look at the evil of the "Equity Court System." It's "Equal" all right but it's "More Equal" for the criminal Bankers!