

Constitutionally Lost

Constitutionality Lost?

Constitutionality is the condition of acting in accordance with an applicable constitution; the status of a law, a procedure, or an act's accordance with the laws or guidelines set forth in the applicable constitution. When one of these (laws, procedures, or acts) directly violates the constitution it is unconstitutional. All the rest are considered constitutional until challenged and declared otherwise. [Merriam-Webster](#)

Examples of unconstitutional actions

- A politician who abuses or acts outside of the powers of his constitutionally-established office
- A legislature that tries to pass a law that contradicts the constitution without using the proper constitutional amendment process
- Any person who acts on behalf of the government who tries to prevent an individual from exercising constitutionally protected individual rights (such as the right to vote or to practice religion)

I can only speak for myself because I Am Alvie. I am not you. However, this not to say that what I provide does not affect you, or every other person in Texas or the in United States, but as I stated, I can only speak for myself. If you understand this paper, you should arrive toward the same conclusion. There are serious constitutional issues in the United States of America.

Since 2005, actually prior to that, but it is close enough to prove if challenged, I have diligently tried to make aware many officials about a certain real estate mortgage loan, more specifically, a "home/land" mortgage because it was a manufactured home allegedly installed¹ on real property. Attempts were made to expose the fraud. Here is how I found out.

Within a week of closing on the home loan, our first experience of defects with the mobile home was a water line that had burst within the wall in the master bath. When we attempted to report the problem with the mobile home to the "retailer" who sold the home loan package, according to him it was a problem of ours. It only got worse.

I am not certain why the retailer wanted to lie or provide false information to me when requesting repairs, but I assure you it was a nightmare. One time, I was awakened by a man in the doorway of our master bedroom. He was sent to make some type of repair. I did not know the retailer had given anyone a key to our home, much less telling us someone as coming. It only got worse.

The defective Cavco Industries mobile home my wife and I purchased "new", had electrical wiring shorts underneath the mobile home that we would have never known about had it

¹ According to Texas and Federal mobile home installation requirements.

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not been for an electricians helper who told us when he was with some master electrician repairing an electrical outlet in the house that sparks shot out of. We also found the mobile home was not grounded while we were living in the defective mobile home. Many more “moments” happened with a defective mobile home that by Federal law was not to be sold.

Nevertheless, when I attempted to get HUD involved. I could not understand what HUD was telling me in the phone conversations because of what they were reading from our FHA binder. I requested HUD to provide me with my FHA binder information. I did this through a “privacy act” request.

After receiving our FHA binder, it became a bit clearer why I was being told the things HUD was speaking to me about. I also found fraudulent, altered sales contract submitted to HUD, and then Ginnie Mae. President Obama has a copy of it. So does the OCC.

I filed a complaint with TDCHA mobile home division against the retailer. I provided the HUD binder information to TDHCA to show them, the retailer committed fraud because of a “sales contract” that had evidence of “white-out” and new information provided. That sales contract did not even have our signatures. TDHCA seemed to ignore what we were trying to notice them about. When we presented pictures of the damage to the defective mobile home, TDHCA decided to inspect the defective mobile home. People came out. A man by the name of Tim Irvine was the top man in the mobile home division at that time. A parade was set up at our “home/land” location. Many TDCHA “officials” were there, the manufacturer, Cavco Industries, “representatives”, the “retailer”, Circle B. Homes, and an alleged HUD “inspector” out of Waco, came to inspect the items in our complaint. I knew the “inspector” was not on the level by a comment he had made about being at the mobile home previously when the mobile home was not located on the real property previously for the inspector to inspect. Little did I realize at the time, this was a hint that the mobile home was located somewhere else before we purchased it as “new”. This was the realization of me, my family are dealing with (3)three corporations, whose agents were historically related.

After the circus, the retailer, for some odd reason made the offer that he would make repairs to the defective mobile home. This was worse than the previous nightmare. A time was set and a TDHCA inspector, Travis Holcomb, came out to waste taxpayer money while the retailer did further damage to our already defective mobile home. After the alleged repairs were purportedly finished, the TDHCA inspector left the mobile home location. He did not inspect the repairs. According to TDHCA, they do not re-inspect the mobile home after alleged “repairs” are made. The truss manufacturer’s “repair” diagrams were provided to ensure the truss manufacturer’s design is structurally sound when the repairs are made accordingly. The repair is not per the manufacturer’s repair design diagram. Picture to prove it. It got worse.

Then after we tried to ask questions about the mess and damage construction crews failed to clean up and the problems with the recent attempted repairs, we somehow became the

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bad guys. Things went as far as the Attorney General's office asked our attorney to tell me to stop harassing them? I was told to call if I had questions. When I did, then I was accused of harassing the AG's office and TDHCA. I'm still puzzled on that.

All the while, my family was dealing with fecal matter running into the yard, plumbing that does not work correctly, "emergency" windows that are difficult for anyone to try to open, flickering lights. At one point, we were forced to live in a motel for two weeks, at least while the defective mobile home was being altered. We recently had another electrical outlet catch fire during the night. The defective mobile home was declared non-habitable by a licensed inspector a few years back, but our attorney didn't seem to think this was a problem?

If that was not enough, Wells Fargo Bank, N.A. somehow appears in our life.

Whether Ginnie Mae is aware that Wells Fargo Bank, N.A. stole an account from it, I suppose that is Ginnie Mae's problem, right? Aren't tax dollars used to fund Ginnie Mae? Isn't Ginnie Mae a government agency? What happened? Who screwed whom?

Here is what I do know since the beginning of this "American Nightmare" in 2004 from my own personal knowledge and experience.

Fraud against the Government

1. The retailer and the people involved in locating the sources for our home/loan package created false and fraudulent documentation to achieve a "mortgage" loan for us without our knowledge of such acts.
2. The retailer and the people involved in providing the paperwork to the "lender" altered sales contracts and submitted them for an FHA loan.
3. The retailer and the people involved in the mobile home loan provided FHA with false information concerning the permanent foundation required by FHA.
4. The retailer and the people involved in the mobile home loan provided FHA with false information relating the FHA required documents.
5. The retailer and the people involved in the mobile home loan provided FHA with false information about the age of the mobile home. IT was sold as "new", when in fact it was four (4) yeas old.

Our attorney, James C. Mosser, in Dallas, has spent eight years of dragging out a Deceptive Trade Practices Act suit he filed in our names back around 2005², and is now attempting to "withdraw" from the stagnant case and claiming we are the blame as we do not take his advice or we do not want to use him anymore. Isn't it a bit late to make such a statement?

As recently as this year, our attorney lost in a motion to dismiss filed by certain defendants, and the Court Order read "dismissed for lack of prosecution". I'm not certain why our

² On contingency basis

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attorney feels we are dissatisfied? It is not that we are dissatisfied, it is more like shock that our attorney lost a case by not doing anything. That case is in the 353rd, District Court, Austin, Texas.

Fraud against a Texas, U.S. citizen

While I have tried to make good, the wrongs done by the manufacturer, retailer, and seller of the land, another confusing issue arose. When I was attempting to notify the “lender” about the fraud in our “mortgage loan” paperwork, we could not get any further than the “mortgage servicer”. We knew at the time of our closing that American Mortgage Network, Inc. was our “lender” because that is who the title officer told us, his name was Phil Otterbine, First American Title, in Austin Texas. I remember him because of what he told me and my wife at the closing table while the seller was away trying to negotiate the price for some reason. The retailer/seller, Circle B. Homes, its representative, Larry Cousins, Austin Texas, suggested we go for a full amount we were qualified by FHA or whoever it was and we could have money for landscaping, furniture or whatever we wanted to spend the excess money on. Like many, we did not know any better. This was our first home. Mr. Otterbine told us that he has nothing to do with our loan? It makes more sense now than it did when he told us that.

At the time, we were not aware of what MERS meant and nobody told us. However now, after investigations, it appears an interest in our mortgage loan was sold at the closing of our real estate mortgage loan. This interest being sold to Ginnie Mae was an interest in a transferable record, or eNote registered in the MERS eRegistry. This interest was not in our real estate mortgage loan, it was an interest in an electronic promissory Note.

Going back to what happened; We wrote letters to American Mortgage Network about the fraud. American Mortgage Network recommended we notify Wells Fargo Home Mortgage. It was not long after reporting that fraud to, Wells Fargo Home Mortgage began its threats to foreclose on our home. It is evident in public records in the year 2008. This is explained later.

I began writing letters to my officials, starting at the local level, and working my way up the food chain of agencies and officials. I’ve tried to contact even my federal representatives, like John Carter and to no avail, I find I am being ignored by my representatives.

“Unfortunately”, September, 10, 2010, Wells Fargo Bank, N.A. sold our real property in a seemingly lawful trustee sale. It was not. It was theft.

I’ve honestly tried to bring this attention to the State of Texas since around 2008. I’ve represented myself in courts from JP up to Texas Supreme Court. I honestly tried to bring the law to the Courts of Texas, only to be despised by the arrogant men whom covered themselves in robes. Such an honorable and noble robe, which in a court of law, would not deprive me of constitutionally guaranteed rights.

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Facts

It is a fact that Stephen C. Porter, of Barrett Daffin Frappier Turner and Engel LLP recorded an ineligible document into Williamson County, Texas public records that deprived my family of our lawful real property. This is theft.

It is a fact that David Seybold, of Barrett Daffin Frappier Turner and Engel LLP, recorded an ineligible document into Williamson County, Texas public records that deprived my family of our lawful real property. This is theft.

It is a fact that Wells Fargo Bank, N.A. recorded an ineligible document into Williamson County, Texas public records that deprived my family of our lawful real property. This is theft.

Certain Texas courts have deprived my family of the right to protect our property, the right to equal due process, the right to be heard, the right to trial by jury as guaranteed by the Constitutions.

Constitutional violations against a Texas, U.S. citizen?

It is now a proven fact³ that certain justices and judges in Williamson County and certain Justices in Travis County are unqualified to fill the position of agents for the courts in the State of Texas. I am a witness. Through the ignorance and arrogance of these individuals, grave harm has taken place to Texas homeowners facing the foreclosure debacle. Many more tax payers are unknowingly footing the bill for this ignorance through the increase of taxes, evaded by the members of an eNote registration system that contains no law to support its functions with real property. Neither can it support real property actions claimed by its members.

Will you ever hear me claim the court is corrupt? It may depend on what you mean by corrupt? The court is a system created by the Constitutions, whether Federal or State. Federal laws, or state laws also determine further definition of the court systems each in its own capacity. The constitutions are not corrupt.

So, how can a system be corrupt? A system either works or it does not. The word “corrupt” when used as an adjective literally means “utterly broken”. That would lead one to believe the system is utterly broken because there are no good things coming out of courts. This would be incorrect, thus providing that not all courts are “utterly broken”. Some maybe.

If there is corruption, what kind of corruption would there be? Petty corruption? Grand corruption? Systematic corruption? Judicial corruption?

If you have petty corruption, it occurs on a small scale in the government.

³ Of record

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If you have grand corruption, it occurs at the highest levels of government

If you have systematic corruption, it occurs due to weakness of a process. This can be recognized with individual officials or agents who act corruptly within the system.

If you have judicial corruption, it is related to misconduct of judges.

If you have corrupt judges, there are corrupt agents.

If you have corrupt agents, there are corrupt individuals.

Narrowing *corrupt* down, it could only begin with an individual or agent. An individual would someone like, John Doe. An agent would be something like judge John Doe, and an agent would also be like John Doe, Esq. Is this corruption in three?

Is ignorance a crime?

If I go before a judge, it is recognized that he is an individual, who is an agent, for a system. Where is the weakest link in a system? The individual? The agent? The system?

If the weakest link is the individual, and the agent does not know the law in order for him/her to make a decision or determination based on law, how can that individual be considered to qualify for his/her position?

If the individual, agent, is not knowledgeable of the law, thus unqualified; and makes a decision opposite of what would be achieved by a qualified individual, agent, adhering to the law, would this not violate guaranteed rights protected by the Constitution?

Witnessed

Ultimately what I find is there are many men or women who are in positions within the government system of Texas, whether judicial, or executive, who are not as qualified as many would think. This does make claim that *all* are not qualified, nor that I am against the government. This would be a lie. But I am a witness to their iniquities.

We rely upon these individuals who are probably agents of the State whom have violated due process rights by not fully understanding an eNote registration system; thus providing orders in favor of such eNote registry; thus depriving citizens like me, and my family of real property rights that by the laws of Texas rightfully belongs to us. If this violation has happened to citizens like me, it has most likely happened to citizens like you.

I honestly do not believe the Texas Legislature intended for an agent, that can only operate under the laws of E-SIGN and UETA to be a "*holder of a security instrument*", when the definition of "book entry system" was added into chapter 51, Texas Property Code.

Someone misled the Texas Legislature. Did someone mislead the Author of the bill?

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Now is the time. The pen is mightier than the sword. Fools who chose to remove an individual from office by the sword will only find another corrupt individual replacing the individual removed by the sword. However, the pen can scare the hell out of them.

Ignorance is not justice. Justice is not obtained by ignorance. The fallen of ignorant justice are mere victims of arrogant individuals ignorant of true justice.

Peace be with you,