

# 法律責任

قانوني واجب

משפטית חובה

Debitum legalis

# Legal Duty

## Legal Duty

“You can’t connect the dots looking forward; you can only connect them looking backwards” - Steve Jobs

To understand the magnitude of this financial crisis incurred by the *sheeple* of the evil Demon, one would need to understand the *criminal* aspect by *connecting the dots* in order to bring *justice* upon the lands. It is not a court of equity when *Fraud in the Factum* involves misrepresentation in a transaction. *Fraud in the Factum* involves a Court of Law. Now, it is before the court of the world.

### FRAUD IN THE FACTUM

#### THE EVIDENCE

19. Sale of Note; Change of Loan Servicer; Notice of Grievance; Lender’s Right-to-Comply.<sup>1</sup> The Note *or a partial interest* in the Note (together with this Security Instrument) can be sold one or more times without prior notice to Borrower.

#### COURT OF THE WORLD

COME and SEE the revelation<sup>2</sup> of how the "*Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994*" and the repeal of the "*Glass-Steagall Act of 1933*" allowed for the largest crime in the history of the world to take place.

#### DISCLAIMER

Although this paper may mention the word *bank* it is not to disrespect public banking. This *electronic* crime would not happen in public banking. This pertains to the *too big to fail* banks whom created this crisis in avoidance of statutory law, and lack of oversight.

---

<sup>1</sup> TEXAS HOME EQUITY SECURITY INSTRUMENT (First Lien)-Fannie Mae/Freddie Mac UNIFORM INSTRUMENT Form 3044.

<sup>2</sup> *And I will give power unto my two witnesses, and they shall prophesy a thousand two hundred and threescore days, clothed in sackcloth. And if any man will hurt them, fire proceedeth out of their mouth, and devoureth their enemies: and if any man will hurt them, he must in this manner be killed*

# Legal Duty

## Fair Use Notice

This article may contain copyrighted material. Such material is made available for educational purposes only. This constitutes a 'fair use' of any such copyrighted material as provided for in Title 17 U.S.C. section 107 of the US Copyright Law

## WHAT WE ARE TOLD

We were told that the law consists of rules that regulate the conduct of individual's, businesses and other organizations within society. Purportedly it was intended to protect persons and their property against unwanted interference from others. And it is purportedly said that the law forbids persons from conducting certain undesirable activities.

What appears to be a struggle in civil court battles in Texas should turn to look at the *criminal* process, as the *Texas Penal Code* can clear up some *confusion* when it comes to crime, actors and their intent. If not, *civil rights violations* to the people are sure to gain attention as well.

The masses could continue to argue with a party allegedly claiming to be a real party in interest, of a *tangible* note, and real property lien, but a belief that one could accomplish more by revealing the criminal realm, such as showing how these *persons intentionally* committed the *crimes* as described in the laws that *govern* may attract a more desirable outcome. Hopefully, this paper will do such. However, there is a possibility of revisions or a *Part II, III*, if you will.

This paper will set out an understanding of why certain mortgagee's and their *agents* have no *colorable* claim to the certain *intangible* security instruments used by it to *manipulate* the world. In addition to the information provided, *sources* are provided to verify this particular paper, and since the author is located in Texas, let's provide a brief understanding to the reader how a certain *mortgage banking law firm*, managed to infiltrate the sacred ground of Texas law making and *manipulate* the laws to accommodate the *criminal* activity these *individuals, persons, actors*, of this particular foreclosure mill have accomplished thus far. Keep

## Legal Duty

in mind there are many other “*foreclosure mills*” a.k.a. *mortgage banking law firms* whom most likely are connected to the *gang* we like to call *Happy Frappy*. This can usually be determined by the *boilerplate* documents, acknowledged and recorded with the *actors* names upon them located in *Official* public records in Texas. Once it is recorded, it is record. Prima fascia evidence, they claim.

It is quite funny, back in 1999 this Bastian fellow wrote a 288 page article titled “*Republic of Texas*” code name for *paper terrorist*<sup>3</sup>. In this paper, it is written; “*This presentation is about the paper terrorism tactics used by right wing extremists*”. “*Giving credit or notoriety to only members of the Republic of Texas for filing fraudulent liens and bogus documents in Texas, is not technically correct. Generally, the organized groups who sponsor paper terrorism consists of one charismatic leader and only a few card-carrying followers. Therefore, most folks who use paper terrorism tactics are not members of the Republic of Texas or any other group.*”

Is it possible this individual was actually speaking of his *offshoot* group of paper terrorists not a member of the Republic of Texas, whoever they are? After all, Bastian did mention a *charismatic leader* and *card-carrying* members, *and* he works for *Barrett Daffin Frappier Turner & Engel, LLP [DBFTE]*<sup>4</sup>, *and* most of the disciples [attorney’s] in that group are card carrying [BAR] members. Or could this have been an actual ploy by the charismatic leader and his members to take the attention from what BDFTE’s apparent *intentions* at that time to *manipulate* the laws of Texas to fit the mortgage banking law firm’s needs. No disrespect to the clerks, secretaries, and such of this mortgage banking law firm, but they are working within a criminal environment, that from what I hear, is heavily guarded building better than Fort Knox. Why is that?

---

<sup>3</sup> [http://www.tlta.com/education/Institute/InstituteSpeeches/1999/Liens\\_Bastian\\_99.pdf](http://www.tlta.com/education/Institute/InstituteSpeeches/1999/Liens_Bastian_99.pdf)

<sup>4</sup> A.k.a. Barrett Burke Castle Wilson & Frappier [once upon a time]

## Legal Duty

### **BANKERS MANIFESTO**

Have you ever read the *Bankers Manifesto of 1892* revealed by Charles A. Lindbergh, Sr. before the United States Congress during his term of office? Here are a few excerpts, that may better help understand what was intended;

*"We (the bankers) must proceed with caution and guard every move made, for the lower order of people are already showing signs of restless commotion. Prudence will therefore show a policy of apparently yielding to the popular will until our plans are so far consummated that we can declare our designs without fear of any organized resistance.*

*When through the process of the law, the common people have lost their homes, they will be more tractable and easily governed through the influence of the strong arm of the government applied to a central power of imperial wealth under the control of the leading financiers. People without homes will not quarrel with their leaders.*

*History repeats itself in regular cycles. This truth is well known among our principal men who are engaged in forming an imperialism of the world. While they are doing this, the people must be kept in a state of political antagonism.*

*By thus dividing voters, we can get them to expand their energies in fighting over questions of no importance to us, except as teachers to the common herd. Thus, by discrete action, we can secure all that has been so generously planned and successfully accomplished."*

### **COMES NOW THE EXPLANATION**

First things first, I am not writing this to show disrespect to the Texas Government. I am writing this to show the world what public records already reflects. Public records does not just mean the county clerk's office. The *persons* named in this paper are provided from public records. Whether these *persons* did anything unlawfully or evil will be determined by the court of *public opinion* and probably a court of law, or even *criminal* court of law. Nevertheless, that will be upon their

## Legal Duty

conscious and that is their ultimate dealings with the Lord thy God. *He revealeth the deep and secret things: he knoweth what is in the darkness, and the light dwelleth with him.*

To better understand this requires a bit of research into the Texas Legislative library and the history of the statutes in Texas. I'm no expert in this, but I do know how to read and comprehend. And most all of this information can be found online.

### DO IT FOR THE CHILDREN

To explain this it will take some pages and hopefully this paper will keep your attention to the end. It is important for "*We the People...*" and the world to understand what is happening to their children. It has already happened to us. It is now time to stop and prevent it from happening to our children and their future.

"*We the People...*" are the government<sup>5</sup>. This is clearly recognized in the U.S. Constitution<sup>6</sup>. Those *persons* whom are in office *were* entrusted by "*We the People...*". There have been many campaign promises over the many years of a better "*whatever you want to place here, doesn't matter*". I ask you, has it happened? Why? One of our nation's founders said it well;

*"The preservation of the sacred fire of liberty, and the destiny of the Republican model of Government, are justly considered as deeply, perhaps as finally staked, on the experiment entrusted to the hands of the American people."*

It was hoped this "experiment" would lead to the spread of liberty across the globe. However, history also reflects the tension between the establishment of central banks and some of America's founding father's opposition to it<sup>7</sup>.

---

<sup>5</sup> *We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.*

<sup>6</sup> <http://www.archives.gov/exhibits/charters/constitution.html>

<sup>7</sup> [http://en.wikipedia.org/wiki/History\\_of\\_central\\_banking\\_in\\_the\\_United\\_States](http://en.wikipedia.org/wiki/History_of_central_banking_in_the_United_States)

## Legal Duty

It is time to fire them *all*, which I would imagine the thought of that may entice the good ones to join the effort in *house cleaning*, but as I've heard in the past, *get rid of them all and you know you got the right one(s)*. It is either that or now is the time for those in office to step up and get rid of the riffraff that is causing the American heartburn and is causing them look poorly in the eyes of the American People and the world.

### DO THE RESEARCH

With a bit of research, it will become clearer to the masses that there was *intent* to create an *intangible* wealth that would place many peoples and countries into a mode of involuntary servitude that could not be sustainable in the future. They expected it to collapse many years on down the line. And it is going to, but money needed to be made before that happened. This greed induced a rapid incline in wealth while a rapid decrease in the *failure* expectancy timeframe became a realization. This *greed* is what brought the crime into the *limelight* of the world.

Through diligence, one can find what has happened in Texas regarding foreclosures and as it appears, it was caused by a *certain* foreclosure mill in the Dallas Ft. Worth area. Proof of their success can be *reflected* in public land records as most recorded instruments will reflect mysterious names like *mortgagee, beneficiary, vice presidents, assistant secretaries, trustees* and from the records, appear to be utilizing their instrument *templates* provided by this foreclosure mill and decided to use it as the "*master or boilerplate* template" for some time. However, since all the hoopla in the news recently, it looks like these *templates* are being changed again. Is it in hopes they don't get caught? Look back in public records and you can better understand what I meant by that. There are a lot of *beta* instruments recorded in public land records before the instrument *thing* worked without anyone noticing the *intangible* security instrument. It took a lot of tries for a *satisfying* instrument, because you can see plenty of *exotic* instruments recorded from 1992 up to about 2004. At least one can in Texas, and most likely in your State too.

# Legal Duty

## WORD v. WORD

### Legislative history vs. legislative intent

[Before you begin](#) > [Legislative history vs. legislative intent](#) > [Typical materials](#) > [Starting with what you know](#) > [Other helpful resources](#)

Legislative history relates to how a bill becomes law, and includes the documents and steps involved in passage. Legislative intent relates to why a bill becomes law, and who proposes ideas or reforms. The primary documents of legislative history can often illustrate legislative intent.

Legislative history	Legislative intent
<ul style="list-style-type: none"><li>Primary documents<ul style="list-style-type: none"><li>Bill file</li><li>Committee reports</li><li>Bill analyses</li><li>Bill history</li><li>Fiscal notes</li></ul></li><li>Committee hearings and audio tapes</li><li>Journals</li><li>Interim committee reports</li></ul>	<ul style="list-style-type: none"><li>Who<ul style="list-style-type: none"><li>bill author, sponsor in the legislature (a legislator's own words would carry the most weight as to intent)</li><li>supporters, opposition, witnesses</li><li>individuals, committees, or organizations that proposed ideas or reforms</li></ul></li><li>Why - events, federal involvement</li><li>News articles, testimony, bill analyses</li></ul>

Source: <http://www.lrl.state.tx.us/legis/legintent/historyVsIntent.cfm>

## ART of WORDS

Sometimes it makes one wish they had paid more attention in school? Or does it? Good thing for the internet, right?

Is it Legislative *Intent* or Legislative *History*? They are different as you can see from the diagram above. My point of the message is, many *words* can mean many *things*. It all depends on how you use them. Words have changed over the years even though the *substance* or *item* the word describes is still the same. Take for instance, *loan servicer*. Back before the securitization scheme, the lender was either known as the *loan servicer* or the lender used a loan servicer service. It is not a new concept. Prior to or after securitization, the word changed to *mortgage servicer*. Why? Is it like “*manufactured home*” instead of “*mobile home*” because it sounds more appealing? No matter how you name it, or change it, the word still provides that same product.

## CONNECT THE DOTS

Looking backwards in history at Texas law, it may be easier to for one to connect the dots to reveal why Texas is a victim to unlawful, unethical, unprofessional business practices by the non-public *banks* and its *agents*.



## Legal Duty

After reading this paper, the reader should come to realize that the *mortgage banking law firm*, like the rest of the mortgage banking industry, were anticipating a revision to Article 3, Uniform Commercial Code that would include the *electronic promissory note*, of which, never happened and these *actors* overlooked a fatal flaw to their criminal activity, Texas Local Government code Chapter 192, section 007. I have to admit, their plan was brilliant. It reminded me of the Trojan horse of long ago. You know what happened there, right?

These *actors* most likely began brainstorming their intent prior to 1986, when Congress *changed* the tax code in H.R. 3838<sup>8</sup>. One of those changes in the tax code was the creation of the Real Estate Mortgage Investment Conduit (REMIC)<sup>9</sup>.

Anything after the *great crime* of 2003 in Texas is only an *economic, continuous, corporate* crime complimentary to H.B. 1493<sup>10</sup> and proof of the mortgage banking law firm's accomplishments. To do this, take a look from 2003 when the meat of the *intangible* foreclosure process changed and determine why this mortgage banking law firm took such a bold step cause the centuries of commercial law to become ambiguous and if reviewed more closely, will find there to be a strong possibility of being unconstitutional and in conflict with commercial negotiability laws in other states or countries.

### **PRE E-SIGN/UETA , MERS, PUBLIC RECORDS?**

If MERS was not a lawfully functioning "*clearing house*" for the purchasing and selling of "*servicing rights*" to investors prior to June 2000, how could MERS lawfully release a lien? This was accomplished in instrument # 2000000014<sup>11</sup> as recorded in Williamson County, Texas *Official* public records. November 17, 1999, by Regina Lashley, Certifying Officer, signed and stamped the MERS corporate seal upon said instrument. Apparently signed and notarized in Nebraska. As it also

---

<sup>8</sup> <http://www.govtrack.us/congress/bills/99/hr3838>

<sup>9</sup> <http://www.tollefsenlaw.com/answers/The-Law/Real-Estate/Standing-defense-mortgage-foreclosure.pdf>

<sup>10</sup> <http://www.legis.state.tx.us/billlookup/History.aspx?LegSess=78R&Bill=HB1493>

<sup>11</sup> <https://deed.wilco.org/RealEstate/searchentry.aspx?cabinet=opr>

## Legal Duty

appears, *Mortgage and Trust, Inc.* was the original beneficiary as recorded on the 1<sup>st</sup> day of September 1987.

Did you understand what was previously written? Seriously, did you understand it? Sure a lot of answer will come about the explanation that MERS did not function lawfully back then, but that is not the answer you should realize. What the realization of the previous paragraph should be the fact that the *borrower* listed in the deed of trust that was *released* by MERS, may have a title issue problem somewhere down the line. Maybe not. The previous paragraph also illustrates how MERS just happened to get its *intangible* hands on real property in Texas. If MERS was not declared as a *beneficiary* or *nominee* in the deed of trust<sup>12</sup>, how did MERS become a party to the contract? How did MERS release the lien? See the problem? Nobody is immune.

Next, If MERS was not a lawfully functioning “*clearing house*” for the purchasing and selling of “*servicing rights*” to investors prior to June 2000, how could MERS lawfully assign/transfer a lien? This was accomplished in instrument # 1998070134<sup>13</sup> as recorded in Williamson County, Texas *Official* public records. November 30, 1998, for good and valuable consideration, MERS assigned a deed of trust to WMC Mortgage Copr. F/K/A Weyerhaeuser Mortgage Company, by Beverly Bigelow, vice president of MERS, Flint Michigan and notarized in Ohio. As it appears, this one is a mystery and unless it was filed under a different name or instrument number, the person named in the deed of trust, nor the instrument number appears in the November 26, 1992 timeframe in public records. Of course, the alleged instrument was created by DOCX Assignment Services, Springfield Ohio.

Now, can you see how really bad things are for *Official* public records? My heart goes out to them because they have a lot to clean up.

---

<sup>12</sup> Instrument Number: 1987033732

<sup>13</sup> <https://deed.wilco.org/RealEstate/SearchResults.aspx>

## Legal Duty

While we are speaking of public records, Official public records will reveal a chain of title beginning with a warranty deed with vendor's lien that is recorded by the seller of the real property. Upon receipt of moneys, it is customarily and by operation of law<sup>14</sup>, the warranty deed with vendor's lien is released by the grantee of the deed of trust, which is usually a lender of some sort. So, by the end of this paper you should begin to realize the only *colorable* claim available from *official* public records will be the *warranty deed with vendor's lien*, since the *security instrument*, as the *actors* defined it in chapter 51, of the Texas Property Code, was a contract in which the *scrivener* craftily worded to induce an unsuspecting *grantor* into agreeing to sign was by design and fraud in the factum.

### CONFLICT OF INTEREST?

The word *mortgage servicer* made its way toward becoming Texas law in 2003, in H.B. 1493<sup>15</sup>. The House Bill's author, a Republican State Representative<sup>16,17</sup>, an attorney in Dallas<sup>18</sup>, whose litigates clients such as JPMorgan Chase, Federal Home Loan Mortgage Corporation, concocted this House Bill either alone, or in conjunction with others. A certain witness<sup>19</sup> "*for*" this particular House Bill 1493 is now a known robo-signer *everyone* seems to be looking for. This certain actor is also a *chief litigator* for a well known foreclosure mill, a.k.a. mortgage banking law firm in Addison Texas.

H.B. 1493 became effective January 1, 2004. In this sad time for statutory *revisions* of Texas laws, the "*Provisions Generally Applicable To Liens*" chapter changed also. In previous versions of the Texas Property code, containing chapter 51 contained two (2) sections, §51.001, Effect on Other Liens, §51.002, Sale of Real Property

---

<sup>14</sup> Dates back to Vernon's Annotated Civil Statutes, §194.004

<sup>15</sup> <http://www.lrl.state.tx.us/legis/BillSearch/BillDetails.cfm?legSession=78-0&billtypeDetail=HB&billNumberDetail=1493&billSuffixDetail=&startRow=1&IDlist=&unClicklist=&number=100>

<sup>16</sup> <http://www.burtsolomons.com/about.html>

<sup>17</sup> I am not singling out or attacking any certain party, only providing the facts from public records.

<sup>18,18</sup> <http://www.bellnunnally.com/clients.aspx>

<sup>19</sup> Stephen Porter

## Legal Duty

under Contract Lien. Now there are more sections that compliment the securitization process. The previous version enacted by §51, S.B. 748<sup>20</sup>, chapter 576<sup>21</sup>, in 1983.

In versions prior to 2004, Chapter §51 of the Texas Property code, the Lender was known as “*holder of the debt*”. In 2004 that changed. The word “*holder*” was struck from the old school way of *the debt* and replaced with “*mortgage servicer of the debt*”.

Prior revisions of Chapter 51 did not reflect the more *appealing* definitions instilled into the 2004 *enacted* revision. To accomplish what had already begun in Texas, modifications were needed with Texas laws to make it all work. According to any of the bill analysis’, it is written,

*“There are some practices that have been developed to manage the foreclosure process that are not expressly authorized by the Property Code.”*

If you didn’t catch that subtle statement, the intent of the *author* of the bill is to change Texas law so that it will fit the “*practices*” that have been developed during the beta electronic foreclosure process. In essence, circumnavigate the law. I’m not sure about you, but *United States v. Hibernia National Bank* does come to my mind. Commercial customs do not apply where law provides otherwise.

Also, the statement in that same section, the author purports an *appeals court* ruling that was not in favor of their current *foreclosure practices* which according to the Court, did not appear to be according to law. Accordingly, it appears the author’s thoughts were to re-arrange the laws to fit their needs, right? It was.

### THE ACTORS

Records will reflect there are many actors involved in this criminal activity that has spread like a plague across the country and the globe. There too many to

---

<sup>20</sup> <http://www.lrl.state.tx.us/legis/BillSearch/BillDetails.cfm?legsession=68-0&billTypeDetail=SB&billNumberDetail=748&billSuffixDetail=>

<sup>21</sup> [http://www.lrl.state.tx.us/scanned/sessionLaws/68-0/SB\\_748\\_CH\\_576.pdf](http://www.lrl.state.tx.us/scanned/sessionLaws/68-0/SB_748_CH_576.pdf)

## Legal Duty

name as this activity was conducted farther back than most realize, but rest assured those names are written down in the *book of names*.

### WHEN

#### 1980 - 1990

It may not be obvious to the masses, but it is recognized by those in the know realized that the change in the tax code in 1986 opened the gates to hell<sup>22</sup>. That change allow for the creation of REMICS, and since EFT, or the “electronic fund transfers act”<sup>23</sup> in 1980 had mellowed a bit, it is apparent the banks were looking to the new age of *electronics*. Whether unethical acts were taking place then will be left to the researcher in that area or era.

In 1983, and due to statutory revisions required by previous Texas laws, revision construction began to take place in Texas by Senate Bill No. 748.<sup>24</sup> At that time only two (2) sections existed in Chapter 51, “*Provisions Generally Applicable To Liens*” within the Texas Property Code.

In 1989, another revision of Chapter 51 occurred. In this House Bill No. 1285<sup>25</sup>, Texas Local Government Code was statutorily amended as “*Relating to the creation, maintenance, preservation, microfilming, destruction, and other disposition of, and access to, governmental records; providing penalties.*” On section in particular was 192.007, “*Records of Release And Other Actions*”.

Moving forward to 1993, and regarding Texas, the *Happy Frappy* group, being members of the mortgage bankers association were aware of the “*Riegle-Neal Interstate Banking and Branching Efficiency Act*”<sup>26</sup> to be “*amended the laws governing federally chartered banks in order to restore the laws' competitiveness with the recently relaxed laws governing state-chartered banks. The goal was the return to a balance between the benefits*

---

<sup>22</sup> *Therefore rejoice, ye heavens, and ye that dwell in them. Woe to the inhabitants of the earth and of the sea! for the devil is come down unto you, having great wrath, because he knoweth that he hath but a short time*

<sup>23</sup> <http://www.fdic.gov/regulations/laws/rules/6500-1350.html>

<sup>24</sup> [http://www.lrl.state.tx.us/scanned/sessionLaws/68-0/SB\\_748\\_CH\\_576.pdf](http://www.lrl.state.tx.us/scanned/sessionLaws/68-0/SB_748_CH_576.pdf)

<sup>25</sup> [http://www.lrl.state.tx.us/LASDOCS/71R/HB1285/HB1285\\_71R.pdf#page=797](http://www.lrl.state.tx.us/LASDOCS/71R/HB1285/HB1285_71R.pdf#page=797)

<sup>26</sup> [http://en.wikipedia.org/wiki/Riegle-Neal\\_Interstate\\_Banking\\_and\\_Branching\\_Efficiency\\_Act\\_of\\_1994](http://en.wikipedia.org/wiki/Riegle-Neal_Interstate_Banking_and_Branching_Efficiency_Act_of_1994)

## Legal Duty

of a state bank charter versus a federal bank charter”, allegedly an expansion of the Community Reinvestment Act of 1977<sup>27</sup>. Today the revelation of the *intent* for that “Act” is beginning to open the eyes of the blind.

With as much *confusion* that has been thrown into this MERS / GSE financial, crisis the people need to *realize* this was one well orchestrated scheme. This scheme dates back prior to 2000 and probably somehow affiliated with the *Savings and Loan* crisis<sup>28</sup>. *Electronic Funds Transfer* was a beginning for madness. It was a beginning for a *greed* that would place America like the California gold rush of 1800’s, but this *greed rush* has placed many people in jeopardy.

In 1993 and around the timeframe when *intangible* security instruments first started being recorded in *Official public records* the State of Texas, and the rest of the States were being educated in words like *investor* and *loan servicer* were commencing as the *new* beginning of conditioning the masses in regards to the illusion of the *intangible* security instrument, and words like *mortgage servicer* and *book entry system*. This was an opportune time to deceive because this was the early years of the *electronic* computer age and everyone was learning something new because of that device. The problem is, they were misled

During this time from 1993 and moving forward the masses were being *conditioned* with big words like *Fannie Mae*, *Freddie Mac*, *Ginnie Mae*, the Department of Veteran Affairs and HUD were used to take the minds off of the age old way of Lender / borrower transactions. This misleading misconception being spoon fed to the world in an illusion with the words like “*servicing rights*” that would take the minds from the idea of the *mortgage follows the note*. While providing this education to the masses, this “*Texas counsel to MERS*”<sup>29</sup> utilized case law from the past that would induce the wary into being conditioned for future use. Why was Bastian

---

<sup>27</sup> [http://en.wikipedia.org/wiki/Community\\_Reinvestment\\_Act](http://en.wikipedia.org/wiki/Community_Reinvestment_Act)

<sup>28</sup> A diligent researcher will find this goes back to the early 1900’s. [1912, 1913?]

<sup>29</sup> Practically any article presented by G. Tommy Bastian, because he has written many.

[http://www.tlta.com/education/Institute/institute\\_legal\\_library.htm](http://www.tlta.com/education/Institute/institute_legal_library.htm)

## Legal Duty

educating on this in 1993? Was he was preparing Texas for the "*Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994*"?

In 1997, a *charismatic* leader, Michael C. Barrett, now deceased, then known doing business as *Barrett Burke Wilson Castle Daffin & Frappier* was appointed to the "Home Equity Loan Foreclosure Rules Task Force" in November 1997<sup>30</sup> "for the purpose of drafting rules of civil and appellate procedure to provide for the expeditious and equitable foreclosure of home equity loans". Will satan have mercy on his soul? As it appears, some type of delay caused the Texas Supreme Court to extend that task force deadline was extended to January 15, 1998. This would fall within the timeframe of the push to repeal of the "*Glass-Steagall Act*" by "*removing barriers in the market among banking companies, securities companies and insurance companies that prohibited any one institution from acting as any combination of an investment bank, a commercial bank, and an insurance company. With the passage of the Gramm-Leach-Bliley Act, commercial banks, investment banks, securities firms, and insurance companies were allowed to consolidate*" and because of a certain merger in 1998 between *Citicorp* and *Traveler's Group* was a violation of the *Glass-Steagall Act* and the *Bank Holding Company Act of 1956*, the Federal Reserve gave the commercial bank and the insurance company a pat on the wrist with a temporary waiver in 1998, it was less than a year it took to replace the *Glass-Steagall Act* with the the "*Gramm-Leach-Bliley Act*" (*GLB*), also known as the "*Financial Services Modernization Act of 1999*".<sup>31</sup>

### WHOM

In Texas, from 1993 to the present, another affiliate *actor* of now, *Barrett Daffin Frappier Turner & Engel*, provided many articles for the education of liens and MERS. This particular person was a scrivener for the Task Force meetings. In 1999, he proclaimed he was *Texas counsel for MERS*. This particular person also claimed the bragging rights of altering the Texas Constitution and the Property code

---

<sup>30</sup> <http://www.supreme.courts.state.tx.us/miscdocket/97/97-9202.pdf>

<sup>31</sup> [http://en.wikipedia.org/wiki/Gramm%E2%80%93Leach%E2%80%93Bliley\\_Act](http://en.wikipedia.org/wiki/Gramm%E2%80%93Leach%E2%80%93Bliley_Act)

## Legal Duty

concerning Trustees in §51.007. Combined, *G. Tommy Bastian* and *Michael C. Barrett*, a mortgage banking law firm that provides foreclosure processing services for “*Too big to fail*” banks have diligently worked to *alter* Texas laws for a futuristic monetary reward. This did take many years to accomplish, it was not an overnight sensation until January 1, 2004. And is reflected in public records, year 2000.

By 2002 and after E-SIGN, UETA were enacted, Bastian provided “*MERS: What is it and what is its impact on foreclosure*” to the 12<sup>th</sup> annual Robert C. Sneed Texas Land Title institute conference in San Antonio, Texas. This was an opportune time to educate Texas *persons* to this *intangible* illusion. With E-SIGN enacted, and including wording in Sec. 7021, *Transferable records* essentially 7021(a)(1)(A) “*would be a note under Article 3 of the Uniform Commercial Code*” this illusion was made easier to comprehend. However, it was not disclosed to the masses that the Uniform Commercial Code did not include electronic promissory notes to support 7021(a)(1)(A). As it is witnessed, the UCC 3 part was never redacted from E-SIGN. Nevertheless, in Williamson County, Texas, dating back to 1993, electronic conversions can be seen in the records. This conversion process started falling off around 2000 as MERS was alleged to function lawfully because after all, MERS was designed to be in compliance with E-SIGN and UETA.

### WHAT

In September 2007, The Texas Supreme Court issued misc. Docket # 07-9160, Order creating the Task Force On Judicial Foreclosure Rules. Meeting minutes from the November 7, 2007 meeting of that task force reflect the mentality of certain persons appointed to that panel. It also reflects that, and according to Michael C. Barrett, founder and chairman of a mortgage banking law firm, mortgage documents are made up as needed. According to articles, he served as a trusted advisor on mortgage banking issue for the Texas Supreme Court<sup>32</sup>.

---

<sup>32</sup> <http://www.gpo.gov/fdsys/pkg/CREC-2009-01-14/html/CREC-2009-01-14-pt1-PgE84.htm>



## Legal Duty

### WHY

That order creating the task force was not really the *idea* of the Texas Supreme Court. In July 2007, the foreclosure mill's affiliate G. Tommy Bastian sent a letter<sup>33</sup> to the Honorable Chief Justice Wallace B. Jefferson, basically saying "*me and the guys were talking around the water fountain we we've decided some rules need to change*". Of course one of the *several* members of the Equity and Reverse Mortgage rules just happen to be Michael C. Barrett, founder and chairman of the foreclosure mill.

### ADDITIONALLY

Interestingly, the 2012 edition of the Texas Supreme Court Advisory Committee January meeting speaks of the results from the previous 735, 736 committees hard work. One thing though, according to page 23839, 23840 [pg 22 of 290] the Chairman, Mr. Babcock has invited the public to talk to him or Justice Hecht if anybody thinks that a particular problem or a rule needs studying, It is an exciting read, see how much these lawyers know with the difference between "shall" and "must". Think that is something? Read this on page 32;

*MR. HAMILTON: In 2(b)(1) -- I'm sorry, 2(a), "notice of a hearing, if given," why do we have that in there? If the hearing can be ex parte, it seems like we're almost suggesting to the judge that we have to give notice to the other side, and I'm not sure that that's what we want to do.*

However these people acted or reacted one judge made some sense when it came to affidavits; (23681, pg 44)

*I mean, what's bad about requiring somebody to come into court and testify and prove whatever needs to be proved rather than just doing an affidavit? That bothers me.*

---

<sup>33</sup> <http://jwclientservices.jw.com/sites/scac/Document%20Library2/1/SCAC%20-%207-13-07%20Ltr%20from%20Tommy%20Bastian%20to%20Chief%20Justice%20Jefferson%20re%20Foreclosure%20Task%20Force.pdf>

# Legal Duty

## CONCLUSION

Although this paper cannot contain the all the information that provides the intent, because it would be very overwhelming to the reader, it is a sign of forthcoming parts, [ie., II, III, etc.] to provide the additional support for this largest crime in the history of the world. It is up to you the reader to draw your conclusion. If this is too difficult to understand , go read Victoria's Secret or something you do understand. Those with eyes see, with ears, hear. This is a beginning of Alvie Explains the Largest Crime in the history of the World.

## APPENDIX

### LAWS OF THE LAND

#### TEXAS PENAL CODE<sup>34</sup>

Sec. 1.02. OBJECTIVES OF CODE. The general purposes of this code are to establish a system of prohibitions, penalties, and correctional measures to deal with conduct that unjustifiably and inexcusably causes or threatens harm to those individual or public interests for which state protection is appropriate.

#### *Sec. 1.04 TERRITORIAL JURISDICTION*<sup>35</sup>

(a) This state has jurisdiction over an offense that a person commits by his own conduct or the conduct of another for which he is criminally responsible if:

- (1) either the conduct or a result that is an element of the offense occurs inside this state;
- (2) the conduct outside this state constitutes an attempt to commit an offense inside this state;
- (3) the conduct outside this state constitutes a conspiracy to commit an offense inside this state, and an act in furtherance of the conspiracy occurs inside this state;

#### *Sec. 1.07 DEFINITIONS*

- (1) "Act" means a bodily movement, whether voluntary or involuntary, and includes speech.
- (2) "Actor" means a person whose criminal responsibility is in issue in a criminal action. Whenever the term "suspect" is used in this code, it means "actor."

---

<sup>34</sup> <http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.1.htm>

<sup>35</sup> <http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.1.htm#1.04>

## Legal Duty

- (3) "Agency" includes authority, board, bureau, commission, committee, council, department, district, division, and office.
- (10) "Conduct" means an act or omission and its accompanying mental state.
- (13) "Corporation" includes nonprofit corporations, professional associations created pursuant to statute, and joint stock companies.
- (15) "Criminal negligence" is defined in Section 6.03 (Culpable Mental States).
- (22) "Element of offense" means:
- (A) the forbidden conduct;
  - (B) the required culpability;
  - (C) any required result; and
  - (D) the negation of any exception to the offense.
- (23) "Felony" means an offense so designated by law or punishable by death or confinement in a penitentiary.
- (25) "Harm" means anything reasonably regarded as loss, disadvantage, or injury, including harm to another person in whose welfare the person affected is interested.
- (26) "Individual" means a human being who is alive, including an unborn child at every stage of gestation from fertilization until birth.
- (28) "Intentional" is defined in Section 6.03 (Culpable Mental States).
- (29) "Knowing" is defined in Section 6.03 (Culpable Mental States).
- (30) "Law" means the constitution or a statute of this state or of the United States, a written opinion of a court of record, a municipal ordinance, an order of a county commissioners court, or a rule authorized by and lawfully adopted under a statute.
- (32) "Oath" includes affirmation.
- (33) "Official proceeding" means any type of administrative, executive, legislative, or judicial proceeding that may be conducted before a public servant.
- (34) "Omission" means failure to act.
- (35) "Owner" means a person who:

## Legal Duty

(A) has title to the property, possession of the property, whether lawful or not, or a greater right to possession of the property than the actor; or

(B) is a holder in due course of a negotiable instrument.

(37) "Penal institution" means a place designated by law for confinement of persons arrested for, charged with, or convicted of an offense.

(38) "Person" means an individual, corporation, or association.

(39) "Possession" means actual care, custody, control, or management.

(42) "Reasonable belief" means a belief that would be held by an ordinary and prudent man in the same circumstances as the actor.

(43) "Reckless" is defined in Section 6.03 (Culpable Mental States).

(44) "Rule" includes regulation.

(47) "Swear" includes affirm.

(48) "Unlawful" means criminal or tortious or both and includes what would be criminal or tortious but for a defense not amounting to justification or privilege.

### ***Sec. 6.03 DEFINITIONS OF CULPABLE MENTAL STATES***

(a) A person acts intentionally, or with intent, with respect to the nature of his conduct or to a result of his conduct when it is his conscious objective or desire to engage in the conduct or cause the result.

(b) A person acts knowingly, or with knowledge, with respect to the nature of his conduct or to circumstances surrounding his conduct when he is aware of the nature of his conduct or that the circumstances exist. A person acts knowingly, or with knowledge, with respect to a result of his conduct when he is aware that his conduct is reasonably certain to cause the result.

(c) A person acts recklessly, or is reckless, with respect to circumstances surrounding his conduct or the result of his conduct when he is aware of but consciously disregards a substantial and unjustifiable risk that the circumstances exist or the result will occur. The risk must be of such a nature and degree that its disregard constitutes a gross deviation from the standard of care that an ordinary

## Legal Duty

person would exercise under all the circumstances as viewed from the actor's standpoint.

(d) A person acts with criminal negligence, or is criminally negligent, with respect to circumstances surrounding his conduct or the result of his conduct when he ought to be aware of a substantial and unjustifiable risk that the circumstances exist or the result will occur. The risk must be of such a nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that an ordinary person would exercise under all the circumstances as viewed from the actor's standpoint.

### CODE OF CRIMINAL PROCEDURE <sup>36</sup>

Art. 1.03. OBJECTS OF THIS CODE. This Code is intended to embrace rules applicable to the prevention and prosecution of offenses against the laws of this State, and to make the rules of procedure in respect to the prevention and punishment of offenses intelligible to the officers who are to act under them, and to all persons whose rights are to be affected by them.

Art. 1.04. DUE COURSE OF LAW. No citizen of this State shall be deprived of life, liberty, property, privileges or immunities, or in any manner disfranchised, except by the due course of the law of the land.

### DEFINITIONS [The beginning]

#### FRAUD IN THE FACTUM <sup>37</sup>

Fraud occurring when a legal instrument as actually executed differs from the one intended for execution by the person who executes it, or when the instrument may have had no legal existence. • Compared to fraud in the inducement, fraud in the factum occurs only rarely, as when a blind person signs a mortgage when misleadingly told that it is just a letter. — Also termed fraud in the execution; fraud in the making. Cf. fraud in the inducement. [Cases: Contracts 94(1). C.J.S. Contracts §§ 136, 139–140, 156–160, 170–171, 173–174.]

#### CRIME <sup>38</sup>

crime. An act that the law makes punishable; the breach of a legal duty treated as the subject matter of a criminal proceeding. — Also termed criminal wrong. See OFFENSE(1).

---

<sup>36</sup> <http://www.statutes.legis.state.tx.us/Docs/CR/htm/CR.1.htm>

<sup>37</sup> Black's Law 8<sup>th</sup> Edition

<sup>38</sup> Black's Law 8<sup>th</sup> Edition

## Legal Duty

“Understanding that the conception of Crime, as distinguished from that of Wrong or Tort and from that of Sin, involves the idea of injury to the State of collective community, we first find that the commonwealth, in literal conformity with the conception, itself interposed directly, and by isolated acts, to avenge itself on the author of the evil which it had suffered.” Henry S. Maine, *Ancient Law* 320 (17th ed. 1901).

*continuous crime.* 1. A crime that continues after an initial illegal act has been consummated;

a crime that involves ongoing elements. • An example is illegal U.S. drug importation. The criminal act is completed not when the drugs enter the country, but when the drugs reach their final destination. 2. A crime (such as driving a stolen vehicle) that continues over an extended period. Cf. instantaneous crime.

*corporate crime.* A crime committed by a corporation's representatives acting on its behalf. • Examples include price-fixing and consumer fraud. Although a corporation as an entity cannot commit a crime other than through its representatives, it can be named as a criminal defendant. — Also termed organizational crime.

*economic crime.* A nonphysical crime committed to obtain a financial gain or a professional advantage.

*crimes against property.* A category of criminal offenses in which the perpetrator seeks to derive an unlawful benefit from — or do damage to — another's property without the use or threat of force. • Examples include burglary, theft, and arson (even though arson may result in injury or death). — Also termed property crimes. Cf. offense against property under OFFENSE(1).

### CRIME-FRAUD EXCEPTION

The doctrine that neither the attorney–client privilege nor the attorney-work-product privilege protects attorney–client communications that are in furtherance of a current or planned crime or fraud. *Clark v. United States*, 289 U.S. 1, 53 S.Ct. 465 (1933); *In re Grand Jury Subpoena Duces Tecum*, 731 F.2d 1032 (2d Cir. 1984). [Cases: Federal Civil Procedure 1600(3); Witnesses 201(2). C.J.S. Witnesses § 336.]

## Legal Duty

### ELEMENT<sup>39</sup>

1. A constituent part of a claim that must be proved for the claim to succeed <Burke failed to prove the element of proximate cause in prosecuting his negligence claim>.2.Patents. A discretely claimed component of a patent claim. • For a prior-art reference to anticipate a claim, it must teach each and every claim element. To recover for patent infringement, the plaintiff must prove that the accused product infringes every element of at least one claim, either literally or under the doctrine of equivalents. — Also termed (in sense 2) limitation. See DOCTRINE OF EQUIVALENTS. [Cases: Patents 101(1). C.J.S. Patents §§ 140–142.]

Under United States law, an element of a crime (or element of an offense) is one of a set of facts that must all be proven to convict a defendant of a crime. Before a court finds a defendant guilty of a criminal offense, the prosecution must present evidence that, even when opposed by any evidence the defense may choose to present, is credible and sufficient to prove beyond a reasonable doubt that the defendant committed each element of the particular crime charged. The component parts that make up any particular crime vary depending on the crime.

### INTENT<sup>40</sup>

The state of mind accompanying an act, esp. a forbidden act. • While motive is the inducement to do some act, intent is the mental resolution or determination to do it. When the intent to do an act that violates the law exists, motive becomes immaterial. Cf. MOTIVE; SCIENTER.

“The phrase ‘with intent to,’ or its equivalents, may mean any one of at least four different things: — (1) That the intent referred to must be the sole or exclusive intent; (2) that it is sufficient if it is one of several concurrent intents; (3) that it must be the chief or dominant intent, any others being subordinate or incidental; (4) that it must be a determining intent, that is to say, an intent in the absence of which the act would not have been done, the remaining purposes being insufficient

---

<sup>39</sup> Black’s Law 8<sup>th</sup> Edition

<sup>40</sup> Black’s Law 8<sup>th</sup> Edition

## Legal Duty

motives by themselves. It is a question of construction which of those meanings is the true one in the particular case.” John Salmond, *Jurisprudence* 383–84 (Glanville L. Williams ed., 10th ed. 1947).

implied intent. A person's state of mind that can be inferred from speech or conduct, or from language used in an instrument to which the person is a party. (source: Black’s Law Dictionary)

### CRIMINAL INTENT

The intent to commit a crime: malice, as evidenced by a criminal act; an intent to deprive or defraud the true owner of his property. *People v. Moore*. 3 N. Y. Cr. R. 458. (source: Black’s Law Dictionary)

### CIVIL RIGHTS

The Civil Rights Acts in general, and 1963 in particular, are cast in terms so broad as to suggest that in suits brought under these sections, common law doctrines of immunity can never be a bar. It should be equally clear that both the language and the purpose of the Civil Rights Acts are inconsistent with the, application of common law notions of official immunity in all suits brought under these provisions. *Jacobsen V. Henne*, 1966, Ca. 2 NY 355, F. 2d 129, 133-4; *Anderson v. Nossner*, 1971, Ca. 5, Miss., 428 F.2d 183, 01 MCD on other grounds 456 F.2d 835.

Three separate reasons, however, may be discerned from the opinion. The first of these is that a judges decision is appealable and therefore, the party need not sue the judicial officer to vindicate his rights. (See *Jennings*, Note 11, at 272; E. *Jennings*, tort Liability of Administrative Officers, 21 *Minn. L. Rev.*)

42 USC 1986 provides: Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in the preceding section (1985 of Title 42) are about to be committed, and having power to prevent or aid in preventing the commission of same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such wrongful act which such person by reasonable diligence could have



## Legal Duty

prevented; and such damages may be recovered in an action on the case; and any number of persons guilty of such wrongful act, neglect, or refusal, may be joined as defendants in the action.

Judicial definition that misuse of power possessed by virtue of state law and made possible only because wrong-doer is clothed with authority of state law is action taken under color of state law within this section is applicable to judge. *Duke v. state of Texas, DC Tex.* 1971, 327 F.Sup- 1218.

When a judge exceeds his jurisdiction and grants or denies that beyond his lawful authority to grant or deny, he has perpetrated a "non-judicial" action. *Yates v. Hoffman Estates* (1962, DC Ill.) 209 F.Sup. 757.

Peace be with you,