



**NATIVE AMERICAN LAW AND JUSTICE CENTER©
LAW OFFICES OF NAIDU, NEOH, NETTO, YAP,
TANGAVELU, & ENGEN ©**

(A Tribal Law Corporation under Section 17, Indian Reorganization Act of 1934, committed to granting you tribal jurisdiction as separate sovereigns)

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Wheeler-Howard Act, June 18, 1934 (The Indian Reorganization Act)

An Act to conserve and develop Indian lands and resources; to extend to Indians the right to form business and other organizations; to establish a credit system for Indians; to grant certain rights of home rule to Indians; to provide for vocational education for Indians; and for other purposes.

(“It is in the main, a measure of justice that is long overdue.” – President FDR.

An Indian nation possesses in the first instance all of the powers of a sovereign state. Those powers that are lawfully vested in an Indian nation are not, in general, delegated powers granted by express acts of Congress, but rather inherent powers of a limited sovereignty that has never been extinguished. This sovereignty preexisted the formation of the United States and persists unless diminished by treaty or statute or, in certain instances, by federal common law. Because of their retained sovereignty, the tribes have a “government-to-government relationship” with the United States. (*The Handbook of Federal Indian Law* by Felix S. Cohen, p.2)

- ***USEFUL HINTS TO RECOVER YOUR MONEY IF YOU HAVE LOST HOMES TO FORECLOSURE/EVICTIONS;***
- ***THOSE FACING FORECLOSURE WITHOUT NOTICE OF EVICTION POSTED AS YET;***

- *THOSE WHO ARE CURRENT IN THEIR MORTGAGE PAYMENTS, YET WISH TO EXTINGUISH THEIR MORTGAGES*
- ***THOSE FACING CRIMINAL CHARGES AND PROSECUTIONS***

(By Judge Navin-Chandra Naidu, Aug.16, 2014)

1. It is an undeniable fact in the United States that almost all homebuyers are totally ignorant or unaware of their homeowner rights, or lack thereof, in the **Sale & Purchase Agreement (SPA)** which is the very first contract entered into between the Seller and the Homebuyer. The controlling law under which the SPA is concluded is the **Real Estate Settlement Procedures Act (RESPA)** which really only stipulates the fees and costs associated with the sale of the real estate property. It contains no disclosures, caveats, warnings, or rights and immunities for the Homebuyer who has expended his/her valuable consent by a signature.

The SPA has three crucial elements. *First*, it is a confession of judgment (cognovit note) that triggers a Trustee sale at the moment of default. This is a violation of due process as guaranteed in the **Fourteenth Amendment**. This defect also aids and abets the non-judicial foreclosure proceedings in a state court which requires only the signature of the Clerk of the Court, not a sitting judge. (Further injury and insult is assured by, for example, with **Section 2924 of the California Civil Code** which does not require a foreclosing agent to evidence actual physical ownership of the mortgage note! Other States have unconstitutional laws, too, that favor foreclosing/evicting brigades.)

Second, the SPA is a deed of trust with no rights to title.

Third, it is a Security Instrument which allows the seller, speculators, investors and holders in due course (the parties that purchase your mortgage note with whom you have no contract) to bundle mortgage-backed securities and earn hundreds of millions of dollars with no profit, benefit or advantage to the homebuyer(s). When you check the **Pooling & Servicing Agreement** and **Master Loan Schedule**, both public documents, through a mortgage securitization analysis and report, you will discover how much you lost out in the profits that you are eligible for conveniently omitted in the SPA. *For example, a \$700,000.00 (seven hundred thousand dollar) home fetched \$800 million. NO profit-sharing with the homebuyer(s) who signed away their rights during the SPA phase!*

THIS CONSTITUTES MORTGAGE FRAUD.

2. The 20 states that are considered deed of trust states are: **Alaska, Arizona, California, Colorado, Idaho, Maryland, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, Oregon, Tennessee, Texas, Utah, Virginia, Washington and West Virginia along with the District of Columbia.** All other states use mortgages to secure debts except Georgia, which uses a security deed and Connecticut which uses a mortgage deed.

FIGHTING FORECLOSURE FEARLESSLY, FIRMLY AND FAIRLY AS AN ENROLLED TRIBAL MEMBER – GET YOURSELF OUT OF THE EXISTING SYSTEM AND JURISDICTION

The United States Supreme Court has vigorously agreed, decided and declared that a Tribe's right to define its own membership is sacrosanct because the US government has recognized the fact American Indian tribes and the Kingdom of Hawai'i Nationals are

inherently sovereign. Blood quantum is not required. You can become a card-carrying Enrolled Tribal Member (ETM), and enjoy the benefits (court appearances only in tribal courts, taxation, educational, travel, employment, etc) of an ETM in a new jurisdiction.

3. If in the Hawaiian Islands, as a native Hawaiian you are entitled to initiate a lawsuit in the Hawaiian Kingdom Government's **Tribal Court** using the principle of *usucapion* (Latin: ownership due to lengthened occupancy and possession) in conjunction with Article XII, Section 7, of the Hawaii Constitution that recognizes native title.

The lender banks CAN NEVER PROVE superior title (ahupua'a). Fee simple is inferior and is a component of meaningless fraudulent law. If the lender bank or holder in due course (mortgage servicers and other buyers of the mortgage note) do not respond, the tribal court awards you a money judgment which can be factored, securitized or sold overseas under the **Uniform Foreign Money-Judgments Recognition Act, or collected locally using local collections attorneys. These tribal judgments are entitled to full faith and credit – see Title 28 United States Code §1738.**

Judgment awards are for a minimum of \$25 million. After factoring, the Homebuyer should and can expect at least at least a 70% payout after the collections effort by attorneys are completed. This has been an ongoing practice for many years now. **The tribal lawyers and court cannot help in the collection process because of the obvious conflict of interests.**

3. If in continental America, as a tribal member, we can sue on your behalf in our **tribal court**. Every inch of land and soil in continental America is in Indian country, Title 18 United States Code, § 1151. *UNLESS Congress extinguished customary native*

title, these lenders and banksters, foreclosing and evicting goons will NOT be able to evidence valid good and superior title.

4. Tribal courts deserve full faith and credit since they are the court of an independent sovereign (Wis. Stat. § 806.245) ; in order to end confusion cases filed in state or tribal courts require mutual consultation. *Teague v. Bad River Band*, 236 Wis.2d384 (2000). According to the Restatement (Second) of Conflicts § 86, when courts of separate sovereigns both have jurisdiction over the same matter, the court **first rendering judgment** is commonly entitled to have its judgment receive full faith and credit by the other jurisdiction.

5. The U.S. Supreme Court held that the historical failure of the tribe to execute its powers **did not** bar a modern tribal assumption of jurisdiction in constituting a tribal court. It upheld exclusive jurisdiction of tribal courts and stating that such exclusive jurisdiction is justified because it is intended to benefit the Indians by furthering the congressional policy of Indian self-government. *Fisher v. District Court*, 424 U.S. 382 (1976) (Applicable to Native Hawaiians and Alaska Natives as well).

6. The United States Supreme Court, in a case decided in 1985 recognized the **jurisdiction** of tribal courts over lawsuits that involved non- **tribal members**. In *National Farmers Ins. Cos. v. Crow Tribe*, 471 U.S. 845 (1985), the Supreme Court ruled that any challenge to the jurisdiction of a tribal court had to first be presented to the tribal court; and, in 1997, in *Basil Cook Enterprises Inc. v. St. Regis Mohawk Tribe*, 117 F. 3rd 61 (2d Cir. 1997), the US Court of Appeals for the Second Circuit applied this doctrine to uphold a challenge against the St. Regis Mohawk Tribal Court.

Large numbers of litigants can make a huge difference in terms of fees and costs. WE are offering this Program with full tribal benefits (tax exemptions, travel and work permits, unlimited legal assistance in tribal, state, federal courts, native title to your home, ranch, farm, church, commercial buildings, etc) at a monthly fee of \$65.00 ONLY if we have at least 10,000 Participants signed up. This is crucial to pay staff salaries – tribal marshals to protect you and your home from illegal and unlawful evictions, tribal lawyers, support staff, etc.

7. Wall Street owns Congress that make laws that favor the super-rich, powerful and influential who give away billions in campaign contributions. That's America. The jobber is just another slave whose signature is a consent. Be careful what and when you sign!! America is all about promise to pay built largely and solely on *credit*. Even our paper money is *unconstitutional* (check out Article 1, section 8, clause 5 & Article 1, section 10, clause 1, U.S. Constitution). That's why we went off the gold standard - to make the US dollar (paper money) almighty. When it comes to costs

8. PLEASE NOTE: Tribal court money-judgments can be issued within 30 days. If the banksters refuse to acknowledge a federal tribal court's money-judgment, just as well. You are entitled to send it for Collections or sell the money-judgment under factoring principles.

Collections banks uses the Uniform Foreign Money-Judgments Recognition Act to collect from the Federal Depository Insurance Corporation (FDIC), Lloyds of London, or any other private insurance firm that is the underwriter for these lenders. Money-judgments' collections can take as long as 365 days if sent overseas.

Local collections effort depend on the enthusiasm of the collections attorneys.

The FDIC will pay at least ten million dollars per property per money-judgment quantum, and then obtain a tax credit for twenty million dollars !! Business as usual, Wall Street fashion.

9. For those still paying the mortgage, or staving off foreclosure while being pressured to do a loan-modification, or short-sale, your ETM status will be useful in fighting the lenders/mortgage servicers in state or federal courts where we raise federal Indian law issues which federal courts look upon very favorably because Indian tribes are “domestic dependent wards” according to the U.S. Supreme Court in 1832 (Cherokee Nation v. Georgia)

10. If you are facing criminal charges, becoming an Enrolled Tribal Member can make a difference because Native Americans and tribal governments have exclusive criminal jurisdiction over Indians. See 25 United States Code § 1301 and 18 United States Code § 1152. We can file powerful motions in state and federal courts forcing the judges to OBEY federal Indian law.

Send us an email for a detailed discussion on a case-by-case basis. Judge Naidu is available on Skype (draidun48)

DETAILS OF YOUR PROPERTY (please fill in and email to knowledgevillage80a@gmail.com

1. Name(s) on the Sale and Purchase Agreement (if two names, then both will have to apply for enrolled tribal member status):

2. Physical address of realty:

3. APN#

4. Your email address and direct telephone number:
5. Date realty purchased:
6. Purchase price:
7. Amount of your down - payment:
8. Address of realty:
9. Amount of monthly mortgage payment:
10. Total amount paid representing number of months:
- 11 Have you sent the mortgage lenders/servicers a QWR (Qualified Written Request):
12. Have you challenged title to the realty by contacting your County Tax Assessor:
13. When did you stop making payments:
14. What is allegedly owed:
15. What is the approximate Fair Market value of the realty today:
16. Names and addresses of all CEOs of lenders, mortgage servicers (this is crucially important when we elect to sue them and their corporations):

17. Names and address of attorneys used by the lenders/mortgage services who sued you (this too is crucial); name and address of court used and the case number:

18. When you were about to sign the relevant mortgage documents to “purchase” the house, did the mortgage lender advise you, inform you about securitization of your mortgage note, and that they will be making tremendous profits from this exercise?

IF A CRIMINAL CASE WE WILL NEED FACTS RELATING TO:

1. A short statement of what happened.
2. Name and addresses of the judge, prosecutors, defense attorneys, probation officers, directors of correctional facilities.
3. What the defense attorneys did – what motions they filed. Copies will help.
4. Copies of all motions and briefs submitted by the prosecution.

FEES AND COSTS FOR INDIVIDUALS IF WE DO NOT HAVE THE TRAGETTED 10,000 PARTICIPANTS WHERE THE MONTHLY FEE IS \$65.00:

Tribal membership : \$8,000.00 per individual

Tribal lawyer fees : \$5,500 per case/per property/per court

Aboriginal Title : \$10,000.00 (including our demand letters to County Tax Assessor/Appraiser te refund all property taxes as they belong to the Tribes not to the state government coffers). The lender cannot prove superior/valid title if an Act of Congress did not extinguish Indian title (**18 USC Section 1151**)

Criminal cases motions and briefs: \$10,000.00.

COURT ROUTES AND PROCESSES, AND WHAT WE HAVE TO DO IF WE LOSE AT EVERY TURN AND TWIST OF POLITICS (remember: the law is on your side, but the presiding judge examining your case is on Wall Street's payroll !!)

1. State court or federal court
2. State appellate court and federal appellate court (highest tribunal)
3. Invoke Rule 13 and seek U.S. Supreme Court certiorari. They can say “yes” or “no.” Remember; It is all political.
4. File Order To Show Cause in tribal court. After 21 days, if the lender/mortgage servicer fails to respond, you, the homeowner, is awarded a \$20 million tribal court money judgment that is entitled to full faith and credit under 28 USC section 1738.

TRIBAL APPLICATION FORM is available in the TRIBAL BENEFITS document.

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