

AFFIDAVIT OF DOMICILE: PROBATE FORM INSTRUCTIONS

Source: <http://sedm.org>

1. PURPOSE OF THIS FORM

- 1.1. When a person dies, their estate must be settled.
- 1.2. Some states authorize what is called a “small estate affidavit”, which is used to empty the financial accounts of the deceased if the total of all accounts falls within an upper limit provided in the statute.
- 1.3. In order to empty the financial accounts of the deceased, an affidavit must be submitted to each financial institution identifying:
 - 1.3.1. The domicile of the party was within a certain state.
 - 1.3.2. A list of property in the estate, showing that it is within the limit specified.
 - 1.3.3. The surviving offspring of the deceased who are entitled to the proceeds, so that they can be distributed to each.
- 1.4. This form is used as an attachment to forms provided by financial institutions that are used to request distribution of the proceeds of the estate of the deceased. It accurately describes the “domicile” of the deceased and their beneficiaries to be within the a state without ALSO placing that domicile within the jurisdiction of the revenue codes.

2. PREPARATION INSTRUCTIONS:

- 2.1. Fill in the name of the decedent at the top.
- 2.2. Print the name of the affiant under the signature block at the end.
- 2.3. Sign the form
- 2.4. Complete and sign the forms that you want to attach this form to.
- 2.5. At the bottom of all forms you attach to this one, write the following:

“Signature and form NOT VALID, FALSE, FRAUDULENT and perjurious (by censor, not the signator) without the attached, signed Affidavit of Domicile.”

3. RESOURCES FOR FURTHER STUDY:

- 3.1. *Why Domicile and Becoming a “Taxpayer” Require your Consent*, Form #05.002.
<http://famguardian.org/TaxFreedom/FormsInstr-Cites.htm>
- 3.2. *Federal and State Tax Withholding Options for Private Employers*, Form #04.101, Section 19.2 entitled “Modifications to Withholding Forms are Completely Legal”.
<http://sedm.org/Forms/FormIndex.htm>
- 3.3. *Non-Resident Non-Person Position*, Form #05.020. Section 11.2 talks about why the “Jurat”/Perjury Statement at the end of most IRS forms needs to be modified and if it isn’t, you are committing perjury under penalty of perjury if you are domiciled in a state of the Union.
<http://sedm.org/Forms/FormIndex.htm>
- 3.4. *Federal Enforcement Authority Within States of the Union*, Form #05.032. Proves that the IRS cannot lawfully penalize a person domiciled in a state of the Union who is not party to the franchise agreement codified in Subtitle A of the Internal Revenue Code.
<http://sedm.org/Forms/FormIndex.htm>
- 3.5. *Federal Jurisdiction*, Form #05.018: Section 3 describes what happens if you don’t attach this form to standard government forms you submit, which is that you are falsely “presumed” to be a “taxpayer” and a “resident” of the federal zone.
<http://sedm.org/Forms/FormIndex.htm>
- 3.6. *Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction*, Form #05.017. Shows how the government abuses presumption to prejudice and destroy your constitutional rights. This is done mostly using the words of art that this form redefines in such a way that they benefit rather than hurt you.
<http://sedm.org/Forms/FormIndex.htm>

**AFFIDAVIT REGARDING ESTATE OF
DECEDENT: _____**

I certify that the following facts are true under penalty of perjury under the criminal perjury laws of the state I am in but NOT under any OTHER of the civil statutory codes. I am not under any other civil codes as a civil non-resident non-person. The content of this form defines all geographical, citizenship, and domicile terms used on any and all forms to which this estate settlement relates for all parties concerned.

1. **Civil status and domicile of decedent:** Decedent at the time of his death was:
 - 1.1. A CONSTITUTIONAL "Citizen" or "citizen of the United States" as defined in the Fourteenth Amendment.
 - 1.2. NOT a STATUTORY "U.S. citizen" or "national and citizen of the United States at birth" under 8 U.S.C. §1401, 26 C.F.R. §1.1-1(c), or 26 U.S.C. §3121(e). 26 C.F.R. §1.1-1(c) identifies an 8 U.S.C. §1401 "U.S. citizen" as the ONLY type of "citizen" subject to the Internal Revenue Code. All such "U.S. citizens" are territorial citizens born within and domiciled within federal territory and NOT a CONSTITUTIONAL "State".
 - 1.3. Domiciled in the CONSTITUTIONAL "United States" and CONSTITUTIONAL State at the time of his death.

" . . . the Supreme Court in the Insular Cases ¹ provides authoritative guidance on the territorial scope of the term "the United States" in the Fourteenth Amendment. The Insular Cases were a series of Supreme Court decisions that addressed challenges to duties on goods transported from Puerto Rico to the continental United States. Puerto Rico, like the Philippines, had been recently ceded to the United States. The Court considered the territorial scope of the term "the United States" in the Constitution and held that this term as used in the uniformity clause of the Constitution was territorially limited to the states of the Union. U.S. Const. art. I, § 8 ("[A]ll Duties, Imposts and Excises shall be uniform throughout the United States." (emphasis added)); see Downes v. Bidwell, 182 U.S. 244, 251, 21 S.Ct. 770, 773, 45 L.Ed. 1088 (1901) ("[I]t can nowhere be inferred that the territories were considered a part of the United States. The Constitution was created by the people of the United States, as a union of States, to be governed solely by representatives of the States; ... In short, the Constitution deals with States, their people, and their representatives."); Rabang, 35 F.3d at 1452. Puerto Rico was merely a territory "appurtenant and belonging to the United States, but not a part of the United States within the revenue clauses of the Constitution." Downes, 182 U.S. at 287, 21 S.Ct. at 787.

The Court's conclusion in Downes was derived in part by analyzing the territorial scope of the Thirteenth and Fourteenth Amendments. The Thirteenth Amendment prohibits slavery and involuntary servitude "within the United States, or any place subject to their jurisdiction." U.S. Const. amend. XIII, § 1 (emphasis added). The Fourteenth Amendment states that persons "born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside." U.S. Const. amend XIV, § 1 (emphasis added). The disjunctive "or" in the Thirteenth Amendment demonstrates that "there may be places within the jurisdiction of the United States that are not] part of the Union" to which the Thirteenth Amendment would apply. Downes, 182 U.S. at 251, 21 S.Ct. at 773. Citizenship under the Fourteenth Amendment, however, "is not extended to persons born in any place 'subject to [the United States '] jurisdiction,' " but is limited to persons born or naturalized in the states of the Union. Downes, 182 U.S. at 251, 21 S.Ct. at 773 (emphasis added); see also id. at 263, 21 S.Ct. at 777 ("[I]n dealing with foreign sovereignties, the term 'United States' has a broader meaning than when used in the Constitution, and includes all territories subject to the jurisdiction of the Federal government, wherever located.")² [Valmonte v. I.N.S., 136 F.3d. 914 (C.A.2, 1998)]

- 1.4. NOT domiciled in the STATUTORY "United States" or "State" as that term is defined in 26 U.S.C. §7701(a)(9) and (a)(10) or 4 U.S.C. §110(d) or the state revenue codes. These areas are federal territory not within the exclusive jurisdiction of a state of the Union.
- 1.5. NOT a STATUTORY "U.S. person" as that term is defined in 26 U.S.C. §7701(a)(30), because it relies on the definition of "United States" found in 26 U.S.C. §7701(a)(9) and (a)(10) or 4 U.S.C. §110(d) or the state revenue codes.
- 1.6. An "individual" in an ordinary or CONSTITUTIONAL sense. By this we mean he was a PRIVATE man or woman protected by the CONSTITUTION and the COMMON LAW and NOT subject to the jurisdiction of the STATUTORY civil law.
- 1.7. NOT an "individual" in a STATUTORY sense or as used in any revenue code. 26 C.F.R. §1.1441-1(c)(3) indicates that the ONLY types of "individuals" found anywhere in the Internal Revenue Code are both "foreign persons" and "aliens" or "nonresident aliens". Therefore the decedent could not possibly be an "individual" as that term is used in the Internal Revenue Code.

26 C.F.R. §1.1441-1 Requirement for the deduction and withholding of tax on payments to foreign persons.

(c) Definitions

(3) Individual.

(i) Alien individual.

The term alien individual means an individual who is not a citizen or a national of the United States. See Sec. 1.1-1(c).

(ii) Nonresident alien individual.

The term nonresident alien individual means a person described in section 7701(b)(1)(B), an alien individual who is a resident of a foreign country under the residence article of an income tax treaty and Sec. 301.7701(b)-7(a)(1) of this chapter,

¹ De Lima v. Bidwell, 182 U.S. 1, 21 S.Ct. 743, 45 L.Ed. 1041 (1901); Dooley v. United States, 182 U.S. 222, 21 S.Ct. 762, 45 L.Ed. 1074 (1901); Armstrong v. United States, 182 U.S. 243, 21 S.Ct. 827, 45 L.Ed. 1086 (1901); and Downes v. Bidwell, 182 U.S. 244, 21 S.Ct. 770, 45 L.Ed. 1088 (1901).

² Congress, under the Act of February 21, 1871, ch. 62, § 34, 16 Stat. 419, 426, expressly extended the Constitution and federal laws to the District of Columbia. See Downes, 182 U.S. at 261, 21 S.Ct. at 777 (stating that the "mere cession of the District of Columbia" from portions of Virginia and Maryland did not "take [the District of Columbia] out of the United States or from under the aegis of the Constitution.").

or an alien individual who is a resident of Puerto Rico, Guam, the Commonwealth of Northern Mariana Islands, the U.S. Virgin Islands, or American Samoa as determined under Sec. 301.7701(b)-1(d) of this chapter. An alien individual who has made an election under section 6013 (g) or (h) to be treated as a resident of the United States is nevertheless treated as a nonresident alien individual for purposes of withholding under chapter 3 of the Code and the regulations thereunder.

2. Warning NOT to confuse STATUTORY and CONSTITUTIONAL contexts for geographical or citizenship terms:

- 2.1. Recipient of this form is cautioned NOT to PRESUME that the STATUTORY and CONSTITUTIONAL contexts of geographical, citizenship, or domicile terms are equivalent. They are NOT and are mutually exclusive.
- 2.2. One CANNOT lawfully have a domicile in two different places that are legislatively “foreign” and a “foreign estate” in relation to each other. This is what George Orwell called DOUBLETHINK and the result is CRIMINAL IDENTITY THEFT.
- 2.3. The U.S. Supreme Court held in Rogers v. Bellei, 401 U.S. 815 (1971) that an 8 U.S.C. §1401 STATUTORY “U.S. citizen” is NOT a CONSTITUTIONAL “citizen of the United States” under the Fourteenth Amendment. See also Valmonte v. I.N.S., 136 F.3d. 914 (C.A.2, 1998) earlier. Therefore, it is my firm understanding that the decedent:
 - 2.3.1. Was NOT domiciled in the STATUTORY “United States” or “State” defined in 26 U.S.C. §7701(a)(9) and (a)(10) or 4 U.S.C. §110(d) or the state revenue codes. These areas are federal territory under the exclusive jurisdiction of the national government.
 - 2.3.2. Was NOT a STATUTORY “U.S. citizen” under 8 U.S.C. §1401, which is the ONLY type of “citizen” mentioned anywhere in the Internal Revenue Code. These are territorial citizens domiciled on federal territory, and the decedent was NOT so domiciled.

3. “Intention” of the Decedent:

The transaction to which this submission relates requires the affiant to provide legal evidence of the “domicile” of the decedent for the purposes of settling the estate. This requires that he/she make a “legal determination” about someone who he/she had a blood relationship with. “Domicile” is a legal term which includes both PHYSICAL presence in a place COMBINED with consent AND intent to dwell there permanently.

*“domicile. A person's legal home. That place where a man has his true, fixed, and **permanent home** and principal establishment, and to which whenever he is absent he has the intention of returning. Smith v. Smith, 206 Pa.Super. 310, 213 A.2d. 94. Generally, physical presence within a state and the intention to make it one's home are the requisites of establishing a “domicile” therein. The permanent residence of a person or the place to which he intends to return even though he may actually reside elsewhere. A person may have more than one residence but only one domicile. The legal domicile of a person is important since it, rather than the actual residence, often controls the jurisdiction of the taxing authorities and determines where a person may exercise the privilege of voting and other legal rights and privileges.”*
[Black's Law Dictionary, Sixth Edition, p. 485]

3.1. Two types of domicile are involved in the estate of the decedent:

- 3.1.1. The domicile of the PRIVATE PHYSICAL MAN OR WOMAN under the common law and the constitution.
- 3.1.2. The domicile of any PUBLIC OFFICES he/she fills as part of any civil statutory franchises, such as the revenue codes, family codes, traffic codes, etc. These “offices” are represented by the civil statutory “person”, “individual”, “taxpayer”, “driver”, “spouse”, etc.

3.2. Legal publications recognize the TWO components of a MAN OR WOMAN, meaning the PUBLIC and the PRIVATE components as follows:

“A private person cannot make constitutions or laws, nor can he with authority construe them, nor can he administer or execute them.”
[United States v. Harris, 106 U.S. 629, 1 S.Ct. 601, 27 L.Ed. 290 (1883)]

“All the powers of the government [including ALL of its civil enforcement powers against the public] must be carried into operation by individual agency, either through the medium of public officers, or contracts made with [private] individuals.”
[Osborn v. Bank of U.S., 22 U.S. 738 (1824)]

3.3. Man or woman can simultaneously be in possession of BOTH PUBLIC and PRIVATE rights. This gives rise to TWO legal “persons”:
PUBLIC and PRIVATE.

- 3.3.1. The CIVIL STATUTORY law attaches to the PUBLIC person. It can do so ONLY by EXPRESS CONSENT, because the Declaration of Independence, which is organic law, declares that all JUST powers derive from the CONSENT of the party. The implication is that anything NOT expressly and in writing consented to is UNJUST and a tort.
- 3.3.2. The COMMON law and the Constitution attach to and protect the PRIVATE person. This is the person most people think of when they refer to someone as a “person”. They are not referring to the PUBLIC civil statutory “person”.

This is consistent with the following maxim of law.

Quando duo juro concurrunt in und personâ, aequum est ac si essent in diversis.
*When two rights [public right v. private right] concur in one person, it is the same as if they were **two separate persons.*** 4 Co. 118.
[Bouvier's Maxims of Law, 1856;
SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviereMaxims.htm>]

3.4. The affiant would be remiss and malfeasant NOT to:

- 3.4.1. Distinguish between the PRIVATE man or woman and the PUBLIC office that are both represented by the decedent.
- 3.4.2. Condone or allow the recipient of the form to PRESUME that they are both equivalent. They are simply NOT.
- 3.4.3. Require all those enforcing PUBLIC rights associated with a PUBLIC office in the government (such as “person”, “individual”, “taxpayer”, etc.) to satisfy the burden of proving that the decedent lawfully CONSENTED to the office by making an application, taking an oath, and serving where the office (also called a statutory “trade or business” in 26 U.S.C. §7701(a)(26)) was EXPRESSLY authorized to be executed.

3.5. Regarding the “intent” of the decedent, affiant is certain that the decedent had NO DESIRE to occupy, accept the benefits of, or accept the obligations of any offices he/she is or was compelled to fill, and therefore:

- 3.5.1. These offices DO NOT lawfully exist . . .AND
- 3.5.2. It would be UNJUST to enforce the obligations of said offices WITHOUT written evidence of consent being presented by those doing the enforcing. . .AND
- 3.5.3. The recipient of this form has a duty to provide a way NOT to accept any government “benefit” or franchise or the obligations that attach to such an acceptance in the context of any and all transactions which relate to his PRIVATE, exclusively owned property, including the entire estate that is the subject of probate. . . .AND

“Invito beneficium non datur.

No one is obliged to accept a benefit against his consent. Dig. 50, 17, 69. But if he does not dissent he will be considered as assenting. Vide Assent.

Quilibet potest renunciare juri pro se inducto.

Any one may renounce a law introduced for his own benefit. To this rule there are some exceptions. See 1 Bouv. Inst. n. 83.”

[Bouvier’s Maxims of Law, 1856; SOURCE:

<http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviereMaxims.htm>

CALIFORNIA CIVIL CODE

DIVISION 3. OBLIGATIONS

PART 2. CONTRACTS

CHAPTER 3. CONSENT

1589. *A voluntary acceptance of the benefit of a transaction is equivalent to a consent to all the obligations arising from it, so far as the facts are known, or ought to be known, to the person accepting.*

- 3.5.4. It would be criminal THEFT and IDENTITY THEFT to presume that the decedent did hold any such PUBLIC offices or to enforce the obligations of such offices upon the decedent. These offices include any and all civil statuses he might have under the Internal Revenue Code (e.g. “taxpayer”, “person”, or “individual”) or the state revenue codes. Detailed documentation on the nature of this identity theft is included in:

[Government Identity Theft](http://sedm.org/Forms/05-MemLaw/GovernmentIdentityTheft.pdf), Form #05.046
<http://sedm.org/Forms/05-MemLaw/GovernmentIdentityTheft.pdf>

4. **Location of decedent, estate, and property of the estate:**
 - 4.1. All property of the estate is WITHIN the CONSTITUTIONAL “United States” and the CONSTITUTIONAL State of domicile of the decedent.
 - 4.2. All property is WITHOUT the STATUTORY “United States” defined in 26 U.S.C. 7701(a)(9) and (a)(10), and 4 U.S.C. §110(d).
 - 4.3. The CONSTITUTIONAL and the STATUTORY “United States” and “State” are mutually exclusive and non-overlapping.
5. **Definitions of all terms used on Petition for Probate and all papers filed in this action:**
 - 5.1. Any government issued identifying number associated with the Heirs or the Decedent or the estate are hereby declared to be:
 - 5.1.1. NOT those defined in 26 U.S.C. §6109 or any federal or state enactment, REGARDLESS of the name assigned to them or its “confusing similarity” with anything that is the property of the government.
 - 5.1.2. NOT those defined 26 C.F.R. §301.6109-1 as being associated with a “trade or business” (public office) or STATUTORY “citizen” or “resident” under any government enactment, REGARDLESS of the name assigned to them or its “confusing similarity” with anything that is the property of the government.
 - 5.1.3. Instead represent a LICENSE and FRANCHISE to any government actor to become the personal servant and “officer” exercising the privilege and agency of the Heirs and for the exclusive benefit of the Heirs. For their delegation of authority order while acting in such capacity, see:

[Injury Defense Franchise and Agreement](http://sedm.org/Forms/06-AvoidingFranch/InjuryDefenseFranchise.pdf), Form #06.027; <http://sedm.org/Forms/06-AvoidingFranch/InjuryDefenseFranchise.pdf>
 - 5.2. The term “permanent address” and “residence”:
 - 5.2.1. Excludes a domicile or statutory “residence” of the Personal Representative or Heir.
 - 5.2.2. Includes only the long-term mailing address.
 - 5.2.3. Excludes any connection to the word “inhabitant” or “subject” under the laws of the Constitutional state where the Decedent or Heirs or Personal Representative are found.
 - 5.3. The term “resident of the United States”, “resident of the county”:
 - 5.3.1. Means a human PHYSICALLY PRESENT within a CONSTITUTIONAL “United States”.
 - 5.3.2. Means a human NOT physically present in and NOT domiciled within the STATUTORY “United States”, meaning federal territory.
 - 5.3.3. Means a human who is not a STATUTORY “resident” as defined in 26 U.S.C. §7701(b)(1)(A) to mean an “ALIEN”. Neither the Decedent nor the Heirs are STATUTORY “aliens”, but rather non-residents.
 - 5.3.4. Excludes statutory “individuals” or “persons” in any act of the national for state government.
 - 5.3.5. Includes only human beings under the common law and not statutory codes.
 - 5.4. The terms “resident” or “resident of _____ (statename)”:
 - 5.4.1. Excludes that defined in 26 U.S.C. §7701(b)(1)(A) to mean an “ALIEN”.
 - 5.4.2. Excludes any and all uses of that term within the state revenue codes. The state revenue codes have the same meaning as the Internal Revenue Code and incorporate the definitions within the Internal Revenue Code into their own title in most cases.
 - 5.4.3. Excludes statutory “individuals” or “persons” in any act of the national or state government.
 - 5.4.4. Includes only human beings under the common law and not statutory codes.
 - 5.4.5. Excludes the following definition of “resident” found in the older version of the Treasury Regulations:

26 C.F.R. §301.7701-5: Domestic, foreign, resident, and nonresident persons. [2005]

A domestic corporation is one organized or created in the United States, including only the States (and during the periods when not States, the Territories of Alaska and Hawaii), and the District of Columbia, or under the law of the United States or of any State or Territory. A foreign corporation is one which is not domestic. A domestic corporation is a resident corporation even though it does no business and owns no property in the United States. A foreign corporation engaged in trade or business within the United States is referred to in the regulations in this chapter as a resident foreign corporation, and a foreign corporation not engaged in trade or business within the United States, as a nonresident foreign corporation. A partnership engaged in trade or business within the United States is referred to in the regulations in this chapter as a resident partnership, and a partnership not engaged in trade or business within the United States, as a nonresident partnership. Whether a partnership is to be regarded as resident or nonresident is not determined by the nationality or residence of its members or by the place in which it was created or organized.
[Amended by T.D. 8813, Federal Register: February 2, 1999 (Volume 64, Number 21), Page 4967-4975]

[IMPORTANT NOTE!: Whether a "person" is a "resident" or "nonresident" has NOTHING to do with the nationality or physical location, but with whether it is engaged in a "trade or business", which is defined in 26 U.S.C. §7701(a)(26) as "the functions of a public office. None of the heirs or the estate are engaging in a public office and cannot lawfully do so without a lawful political election or political appointment from OTHER than themselves]

5.5. The purpose of the definitions in this section (Section 5) is to ensure then neither the Decedent, nor Personal Representative, nor the Heirs are treated as if they are the recipients of any statutory "benefit" or privilege in connection with any government, that they are acting entirely in a PRIVATE capacity, and that they are exercising rightful common law ownership and control over the property in question to exclude the government from receiving any commercial benefit or control over the estate by virtue of this proceeding. Any attempt to undermine this right TO EXCLUDE the government is a denial of an absolute property right and shall constitute a "purposeful availment" of commerce in a foreign jurisdiction and a waiver of official, judicial, and sovereign immunity by all those so abrogating the very purpose of establishing government itself, which is to protect PRIVATE property and PRIVATE rights.

Potest quis renunciare pro se, et suis, juri quod pro se introductum est. A man may relinquish, for himself and his heirs, a right which was introduced for his own benefit. See 1 Bouv. Inst. n. 83.

Invito beneficium non datur. No one is obliged to accept a benefit against his consent. Dig. 50, 17, 69. But if he does not dissent he will be considered as assenting. Vide Assent.

Quilibet potest renunciare juri pro se inducto. Any one may renounce a law introduced for his own benefit. To this rule there are some exceptions. See 1 Bouv. Inst. n. 83.

Quod meum est sine me auferri non potest. What is mine cannot be taken away without my consent. Jenk. Cent. 251. Sed vide Eminent Domain.

[Bouvier's Maxims of Law, 1856; SOURCE:

<http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]

6. The estate and all affiants are a STATUTORY "foreign estate" per 26 U.S.C. 7701(a)(31) because:

TITLE 26 > Subtitle F > CHAPTER 79 > Sec. 7701. [Internal Revenue Code]

Sec. 7701. – Definitions

(a) Definitions

(31) Foreign estate or trust

(A) Foreign estate

The term "foreign estate" means an estate the income of which, from sources without the United States which is not effectively connected with the conduct of a trade or business within the United States, is not includible in gross income under subtitle A.

(B) Foreign trust

The term "foreign trust" means any trust other than a trust described in subparagraph (E) of paragraph (30).

6.1. WITHOUT the STATUTORY "United States".

TITLE 26 > Subtitle F > CHAPTER 79 > Sec. 7701. [Internal Revenue Code]

Sec. 7701. – Definitions

(a)(9) United States

The term "United States" when used in a geographical sense includes only the States and the District of Columbia.

(a)(10) State

The term "State" shall be construed to include the District of Columbia, where such construction is necessary to carry out provisions of this title.

TITLE 4 - FLAG AND SEAL, SEAT OF GOVERNMENT, AND THE STATES
CHAPTER 4 - THE STATES

Sec. 110. Same; definitions

(d) The term "State" includes any Territory or possession of the United States.

6.2. WITHIN the CONSTITUTIONAL "United States", meaning states of the CONSTITUTIONAL union of states.

6.3. NOT WITHIN the STATUTORY "State" or STATUTORY "United States" under the state revenue codes. It may be within these things in OTHER titles of the state codes, because other titles use different definitions for "State" and "United States".

REVENUE AND TAXATION CODE – RTC

DIVISION 2. OTHER TAXES [6001 - 60709] (Heading of Division 2 amended by Stats. 1968, Ch. 279.)

PART 10. PERSONAL INCOME TAX [17001 - 18181] (Part 10 added by Stats. 1943, Ch. 659.)

CHAPTER 1. General Provisions and Definitions [17001 - 17039.2] (Chapter 1 repealed and added by Stats. 1955, Ch. 939.)

17017 "United States," when used in a geographical sense, includes the states, the District of Columbia, and the possessions of the United States.

(Amended by Stats. 1961, Ch. 537.)

17018. "State" includes the District of Columbia, and the possessions of the United States.

(Amended by Stats. 1961, Ch. 537.)

6.4. Not connected with a STATUTORY "trade or business" within the STATUTORY "United States" as defined in 26 U.S.C. §7701(a)(26). Decedent was NOT engaged in a public office within the national but not state government.

26 U.S.C. §7701

(a) Definitions

(26) trade or business

"The term 'trade or business' includes the performance of the functions of a public office."

NOTE: The U.S. Supreme Court held in the License Tax Cases that Congress CANNOT establish the above "trade or business" in a state in order to tax it.

"Congress cannot authorize a trade or business within a State in order to tax it."

[License Tax Cases, [72 U.S. 462](#), 18 L.Ed. 497, 5 Wall. 462, 2 A.F.T.R. 2224 (1866)]

Keep in mind that the "license" they are talking about is the constructive license represented by the Social Security Number and Taxpayer Identification Number, which are only required for those ENGAGING in a STATUTORY "trade or business" per 26 C.F.R. §301.6109-1. The number therefore behaves as the equivalent of what the Federal Trade Commission (FTC) calls a "franchise mark".

"A franchise entails the right to operate a business that is "identified or associated with the franchisor's trademark, or to offer, sell, or distribute goods, services, or commodities that are identified or associated with the franchisor's trademark." The term "trademark" is intended to be read broadly to cover not only trademarks, but any service mark, trade name, or other advertising or commercial symbol. This is generally referred to as the "trademark" or "mark" element.

The franchisor [the government] need not own the mark itself, but at the very least must have the right to license the use of the mark to others. Indeed, the right to use the franchisor's mark in the operation of the business - either by selling goods or performing services identified with the mark or by using the mark, in whole or in part, in the business' name - is an integral part of franchising. In fact, a supplier can avoid Rule coverage of a particular distribution arrangement by expressly prohibiting the distributor from using its mark."

[FTC Franchise Rule Compliance Guide, May 2008;

SOURCE: <http://business.ftc.gov/documents/bus70-franchise-rule-compliance-guide>]

Decedent, if he or she used any government issued identifying number, did so under compulsion, in violation of 42 U.S.C. §408(a)(8), and he/she hereby defines such use as NOT creating any presumption that he was engaged in any franchise or office, but rather evidence of unlawful duress against a non-resident non-person.

7. The above definitions of geographical and citizenship terms are NOT definitions as legally defined if they do not include all things or classes of things which are EXPRESSLY included. Furthermore, the rules of statutory construction require that anything and everything that is NOT EXPRESSLY INCLUDED in the above definitions is PURPOSEFULLY EXCLUDED:

"**Expressio unius est exclusio alterius.** A maxim of statutory interpretation meaning that **the expression of one thing is the exclusion of another.** *Burgin v. Forbes*, 293 Ky. 456, 169 S.W.2d 321, 325; *Newblock v. Bowles*, 170 Okl. 487, 40 P.2d 1097, 1100. **Mention of one thing implies exclusion of another.** **When certain persons or things are specified in a law, contract, or will, an intention to exclude all others from its operation may be inferred.** Under this maxim, if statute specifies one exception to a general rule or assumes to specify the effects of a certain provision, other exceptions or effects are excluded."

[Black's Law Dictionary, Sixth Edition, p. 581]

NOTE: Judges and even government administrators are NOT legislators and cannot by fiat or presumption add ANYTHING they want to the definition of statutory terms. If they do, they are violating the separation of powers and conducting a commercial invasion of the states in violation of Article 4, Section 4 of the United States Constitution. Furthermore, according the creator of our three branch system of government, there is NO FREEDOM AT ALL and liberty is IMPOSSIBLE when the executive and LEGISLATIVE functions are united under a single person:

"When the legislative and executive powers are united in the same person, or in the same body of magistrates, there can be no liberty; because apprehensions may arise, lest the same monarch or senate should enact tyrannical laws, to execute them in a tyrannical manner."

Again, there is no liberty, if the judiciary power be not separated from the legislative and executive. Were it joined with the legislative, the life and liberty of the subject would be exposed to arbitrary control; for the judge would be then the legislator. Were it joined to the executive power, the judge might behave with violence and oppression [sound familiar?]."

There would be an end of everything, were the same man or the same body, whether of the nobles or of the people, to exercise those three powers, that of enacting laws, that of executing the public resolutions, and of trying the causes of individuals."

[. . .]

In what a situation must the poor subject be in those republics! The same body of magistrates are possessed, as executors of the laws, of the whole power they have given themselves in quality of legislators. They may plunder the state by their general determinations; and as they have likewise the judiciary power in their hands, every private citizen may be ruined by their particular decisions."

[*The Spirit of Laws*, Charles de Montesquieu, 1758, Book XI, Section 6;
SOURCE: http://famguardian.org/Publications/SpiritOfLaws/sol_11.htm]

It is FRAUD to presume that the use of the word "includes" in any definition gives unlimited license to anyone to add whatever they want to a statutory definition. This is covered in: Legal Deception, Propaganda, and Fraud, Form #05.014; <http://sedm.org/Forms/05-MemLaw/LegalDecPropFraud.pdf>.

8. The recipient of this form is NOT AUTHORIZED to add anything to the above definitions or PRESUME anything is included that does not EXPRESSLY APPEAR in said definitions of the STATUTORY "United States" or "State". Even the U.S. Supreme Court admits that it CANNOT lawfully do that.

"It is axiomatic that the statutory definition of the term excludes unstated meanings of that term. *Colautti v. Franklin*, 439 U.S. 379, 392, and n. 10 (1979). *Congress' use of the term "propaganda" in this statute, as indeed in other legislation, has no pejorative connotation. As judges, it is our duty to [481 U.S. 485] construe legislation as it is written, not as it might be read by a layman, or as it might be understood by someone who has not even read it.*"
[*Meese v. Keene*, 481 U.S. 465, 484 (1987)]

"When a statute includes an explicit definition, we must follow that definition, even if it varies from that term's ordinary meaning. *Meese v. Keene*, 481 U.S. 465, 484-485 (1987) ("It is axiomatic that the statutory definition of the term excludes unstated meanings of that term"); *Colautti v. Franklin*, 439 U.S. at 392-393, n. 10 ("As a rule, a definition which declares what a term "means" . . . excludes any meaning that is not stated"); *Western Union Telegraph Co. v. Lenroot*, 323 U.S. 490, 502 (1945); *Fox v. Standard Oil Co. of N.J.*, 294 U.S. 87, 95-96 (1935) (*Cardozo, J.*); see also 2A N. Singer, *Sutherland on Statutes and Statutory Construction* § 47.07, p. 152, and n. 10 (5th ed. 1992) (collecting cases). That is to say, the statute, read "as a whole," post at 998 [530 U.S. 943] (*THOMAS, J., dissenting*), leads the reader to a definition. That definition does not include the Attorney General's restriction -- "the child up to the head." Its words, "substantial portion," indicate the contrary."
[*Stenberg v. Carhart*, 530 U.S. 914 (2000)]

9. **How NOT to respond to this submission:** In responding to this submission, please DO NOT:
- 9.1. Tell the affiant what to put or NOT to put in his/her paperwork. That would be practicing law on affiant's behalf, which I do not consent to.
 - 9.2. Try to censor this addition or submission. That would be criminal subornation of perjury. This affidavit and the attached paperwork are signed under penalty of perjury and therefore constitute "testimony of a witness". Any attempt to influence that witness or restrict his or her testimony is criminal subornation of perjury.
 - 9.3. Threaten to withhold service or in some way punish the affiant for submitting or insisting on including this mandatory affidavit. All such efforts constitute criminal witness tampering.
 - 9.4. Violate the privacy of the affiant or anyone involved in this transaction by sharing any information about them or this transaction to any third party, whether private or in government.
 - 9.5. Communicate emotions or opinions about this correspondence. The ONLY thing requested in response is FACTS and LAW admissible as evidence in court and immediately relevant and "material" to the issues raised herein. Opinions, beliefs, or presumptions are not admissible as evidence in court under the rules of evidence and I don't consent or stipulate to admit them. Furthermore, even FACTS or LAW are not admissible as evidence unless and until they are communicated by a competent IDENTIFIED witness who signs under penalty of perjury. The identification required must include the full legal name, email address, phone number, and workplace address of the witness. Otherwise, the evidence is without foundation and will be excluded. All attempts to respond emotionally, with opinions, beliefs, or presumptions shall constitute malicious abuse of legal process per 18 U.S.C. §1589 and the equivalent state statutes.
 - 9.6. Cite or try to enforce any company policy that might override or supersede what is requested here. Any company policy which promotes, condones, or protects the commission of CRIMINAL activity clearly is unenforceable and non-binding on anyone it is alleged to pertain to, including the recipient of this form and the submitter as a man or woman.
 - 9.7. Contact the IRS or any government agency or rely on any government publication for help in dealing with this issue. The courts have repeatedly held that you CANNOT rely on anything said by any government representative and the IRS' own website says you can't rely on their publications as a source of reasonable belief. This is also covered in: Reasonable Belief About Income Tax Liability, Form #05.007; <http://sedm.org/Forms/05-MemLaw/ReasonableBelief.pdf>.
10. **Invitation and time limit to rebut by recipient of this form:** If the recipient disagrees about the civil status, domicile, or location of the estate of the decedent, you are required to provide court admissible evidence proving EXACTLY where the term "U.S. citizen", "United States", and "State" as you used it in your communication includes CONSTITUTIONAL states of the Union or CONSTITUTIONAL "citizens" under the Fourteenth

Amendment before the transaction that is related to this submission is completed. If you do not rebut the definitions appearing in this affidavit with court admissible evidence, then:

10.1. You constructively consent and stipulate to the definitions provided here both between us and between you and other parties who might be involved in this transaction.

10.2. You are equitably estopped and subject to laches in all future proceedings from contradicting the definitions herein provided.

11. Franchise agreement protecting commercial uses or abuses of this submission or any attachments: Any attempt to do any of the following shall constitute constructive irrevocable consent to the following franchise agreement by those accepting this submission or any of the attached forms or those third parties who use such information as legal evidence in any legal proceeding:

Injury Defense Franchise and Agreement, Form #06.027; <http://sedm.org/Forms/06-AvoidingFranch/InjuryDefenseFranchise.pdf>

11.1. Commercially or financially benefit anyone OTHER than the affiant and his/her immediate blood relatives.

11.2. Damage the affiant by sharing information about him/her provided in the context of this transaction with third parties.

11.3. PRESUME any thing or class of thing is included in the STATUTORY definitions of "State", "United States", "U.S. citizen", or "national and citizen of the United States at birth" in 8 U.S.C. §1401.

11.4. Enforce any portion of the Internal Revenue Code or state revenue code against this FOREIGN estate. This includes any type of withholding, reporting, or compliance to these revenue codes using any information about or provided by the affiant or anyone associated with this transaction. Any attempt to do otherwise shall be treated as a criminal offense.

12. Violations of this affidavit and agreement: Any attempt to enforce any civil status of the decedent or affiant against the affiant is a criminal offense described in the following:

Affidavit of Duress: Illegal Tax Enforcement by De Facto Officers, Form #02.005; <http://sedm.org/Forms/02-Affidavits/AffOfDuress-Tax.pdf>.

Signatures:
Executor #1: _____ Date