

Affidavit for Default Judgment

I, James Magee III and Kathleen “Kelly” P. Kelly, Affiant, being of lawful age, qualified and competent to testify to, and having firsthand knowledge of the following facts, do hereby swear that the following facts are true, correct and not misleading:

On July 20, 2016, I filed a Petition for a Writ of Habeas Corpus; as is my unalienable right protected by the United States Constitution, Article I, Section 9, §2, with the Unified United States Common Law Grand Jury in the United States District Court as per United States Constitution, Article III, Section 1 whereas: “*the Judicial power of the United States shall extend to all cases, in law and equity, arising under this Constitution*”; upon the court of origin DC-14-03 and respondents challenging jurisdiction.

“Once challenged, jurisdiction cannot be ‘assumed’, it must be proved to exist.” Stuck v. Medical Examiners, 94 Ca 2d 751, 211 P2s 389. *“Jurisdiction, once challenged, cannot be assumed and must be decided.”* Maine v. Thiboutot, 100 S. Ct. 250. *“No sanction can be imposed absent proof of jurisdiction.”* Stanard v. Olesen, 74 S. Ct. 768. *“The law requires proof of jurisdiction to appear on the record of the administrative agency and all administrative proceedings.”* Hagans v. Lavine, 415 U.S. 528. Other cases such as: McNutt v. G.M., 56 S. Ct. 789, 80 L. Ed. 1135; Griffin v. Mathews, 310 Supp. 341, 423 F. 2d 272; Basso v. U.P.L., 495 F 2d. 906; Thomson v. Gaskiel, 62 S. Ct. 673, 83 L. Ed. 111; and, Albrecht v. U.S., 273 U.S. 1; all confirm that, when challenged, jurisdiction must be documented, shown and proven to lawfully exist before a cause may lawfully proceed in the courts. *“The law requires proof of jurisdiction to appear on the record of the administrative agency and all administrative proceedings.”* Hagans v. Lavine, 415 U.S. 528.

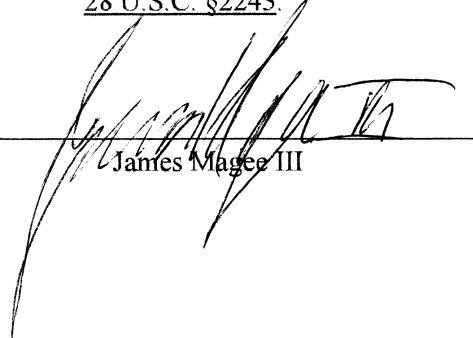
On July 20, 2016, a Habeas Corpus, Writ of Habeas Corpus Order to Show Cause and Writ Certiorari¹ issued, from the United States District Court as per 28 USC §2243. Whereas the Grand Jury did file Writ Habeas Corpus, as is the unalienable right of the King’s Bench, presenting issues of both fact and law; and, thereby determining the applicant was entitled thereto; the Court ordered the respondents to Show Cause why the Writ should not be granted.

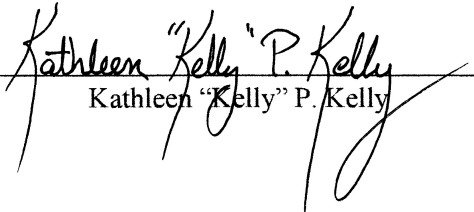
WHEREAS: on July 28, 2016, respondents defaulted; the record shows that no respondent made any Return; no respondent requested more time to answer; and, no respondent provided any objection to the proceedings; and,

¹ **Writ Certiorari:** Latin meaning to be informed of; to be made certain in regard to; the name of a Writ of Review or Inquiry. Leonard v. Willecox, 101 Vt. 195, 142 A. 762, 766; Nissen v. International Brotherhood of Teamsters, Chauffeurs, Stablemen & Helpers of America, 229 Iowa 1028, 295 N.W. 858.

THEREBY: law requires the court of origin to abate at law; and, release of restraint on both person and property.

Default Judgment - Entering a Default: "When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend; and, that failure is shown by Affidavit or otherwise [under seal], the clerk must enter the party's default." FRCP Rule 55(a); FRCP Rule 58(b) (2); 28 U.S.C. §2243.

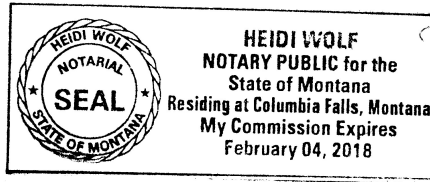

James Magee III

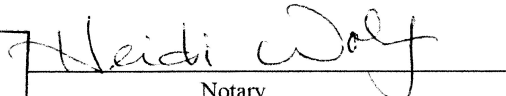

Kathleen "Kelly" P. Kelly

NOTARY

In Montana State, Flathead County, on this 28th day of July, 2016, before me, HEIDI WOLF, the undersigned notary public, personally appeared James Magee III & Kathleen P. Kelly, to me known to be the living (wo)man described herein, who executed the forgoing instrument and has sworn before me that (s)he executed the same as their free-will act and deed.

(Notary seal)




Notary
My commission expires: 02/04/2018