

State of Alabama       )  
County of Shelby       )

### Assignee's Update of Patent

This document contains pages six pages

Comes now, Terry Colafrancesco, with clean hands living on the land recognizing the Republic Alabama claiming all rights known and unknown waiving none.

I/we have no known or unknown contracts, license, franchise, or any other written or oral agreement of any type, which in any way abrogates, violates, disparages, handicaps or limits in any way my/our un-alienable rights affirmed in, but not limited to the Constitutions of the United States of America and the Republic Alabama.

Considering that fraud is the intentional perversion of truth for the purpose of inducing another in reliance upon it to part with some valuable thing belonging to him or to surrender a legal right – and that silence can only be equated with fraud where there is a legal or moral duty to speak or where an inquiry left unanswered would be intentionally misleading. A reasonable amount of time of sixty days is herein acknowledged for the allowance of rebuttal to the facts conveyed in this document.

Regarding, the Alabama Constitution which recognizes that the sole object and only legitimate end of government is to protect the citizen in the enjoyment of life, liberty, and property, and when the government assumes other functions it is usurpation and oppression and Section 1-1-9 of the Alabama Code which states that “This Code shall not affect any existing right, remedy or defense,”.

Now, therefore the aforementioned includes but is not limited to my/our right to own private property.

All officers of the Republic of Alabama having been duly sworn - a voluntary act that expresses the manifestation of their will, to protect my/our private jurisdiction and authority while performing the duties of the people's office is accepted as a binding contract.

Now herein I/we place on public record:

## MUNIMENT OF ASSIGNEES' UPDATE OF PATENT

PATENT NUMBER 29918

Know all men by these present that Terry Colafrancesco does severally certify and declare that all the rights, privileges, immunities, and appurtenances, of whatsoever nature, as issued by PATENTS 29918 (see "Attachment 1") under the authority of the UNITED STATES OF AMERICA do hereby accrue by and through the sweat of our brows, labor of my/our hands and grantor's WARRANTY DEED(s) (see "Attachment 2") to Terry Colafrancesco, the aforementioned party(ies).

(1) The character of said property so PATENTED, is hereafter described:

See attached legal description(s) at "Attachment 2."

(2) Notice of pre-emptive right. pursuant to the Declaration of Independence [1776], the Treaty of Peace with Great Britain (8 stat. 80) known as the Treaty of Paris [1793, an Act of Congress [3 stat. 566, April 24, 1824], the Oregon treaty [9 stat. 869, June 15, 1846], the Homestead Act [12 stat. 392, 1862] and 43 USC Sections 57, 59, and 83; the recipient thereof is mandated by Art. VI Sections 1, 2, and 3; Art. IV Sections I CL. 1, & 2; Section 2 CL. 1 8t 2; Section 4; the 4th, 7th, 9th, and 1 of the amendments U.S. Constitution, 1781-91

To acknowledge assignee's update of patent prosecuted by authority of Art. III section 2 cl. 1 & 2 and enforced by original/exclusive jurisdiction thereunder and it is the only way a perfect title can be had in our names, Wilcox vs. Jackson, 13 PET.(U.S.) 498, 101. ED. 264; all questions of fact decided by the general land office are binding everywhere. And injunctions and mandamus proceedings will not lie against it, Litchfield vs. The Register, 9 Wall. (U.S.) 575, 191. Ed. 681. This document is instructed to be attached to all deeds and/or conveyances in the names) of the above party(ies) as requiring recording of this document, in a manner known as nunc pro tunc [as it should have been done in the beginning], by order of United States supreme law mandate as endorsed by case history cited.

### (3) NOTICE AND EFFECT OF A LAND PATENT.

A grant of land is a public law standing on the statute books of the Alabama, and is notice to every subsequent purchaser under any conflicting sale made afterward; Wineman vs. Gastrell, 54 Fed 819, 4 CCA 596, 2 US app 581.  
<http://ftp.resource.org/courts.gov/c/F1/0054/0054.f1.0819.pdf>

*Nothing passes a perfect title to public lands, with the exception of a few cases, but a patent.* A patent alone passes title to the grantee; Wilcox vs. Jackson, 13 PET (U.S.) 498, 10. 1. ED. 264.



[http://scholar.google.com/scholar\\_case?case=1666073288820120411&q=Wilcox+vs.+Jackson,+13+PET+%28U.S.%29+498,+10,+1.&hl=en&as\\_sdt=2,1](http://scholar.google.com/scholar_case?case=1666073288820120411&q=Wilcox+vs.+Jackson,+13+PET+%28U.S.%29+498,+10,+1.&hl=en&as_sdt=2,1)

When the United States has parted with title by a patent legally issued, and upon surveys legally made by itself and approved by the proper department, the title so granted cannot be impaired by any subsequent survey made by the government for its own purposes; Cage vs. Danks, 13, LA.ANN. 128.

[http://scholar.google.com/scholar\\_case?case=13508138217959905336&q=Cage+vs.+Danks,+&hl=en&as\\_sdt=2,1](http://scholar.google.com/scholar_case?case=13508138217959905336&q=Cage+vs.+Danks,+&hl=en&as_sdt=2,1)

*“In ejectment the question always is who has the legal title for the demanded premises, not who ought to have it. In such cases the patent of the government issued upon the direction of the land department is unassailable.”* Supreme Court Sanford vs. Sanford, 139 US 642.

[http://scholar.google.com/scholar\\_case?case=16359179392445507263&q=Sanford+vs.+Sanford&hl=en&as\\_sdt=2,1](http://scholar.google.com/scholar_case?case=16359179392445507263&q=Sanford+vs.+Sanford&hl=en&as_sdt=2,1)

*“With respect to the public domain, the Constitution vests in Congress the power of disposition and of making all needful rules and regulations. That power is subject to no limitations. Congress has the absolute right to prescribe the times, the conditions, and the mode of transferring this property, or any part of it, and to designate the persons to whom the transfer shall be made. No State legislation can interfere with this right or embarrass its exercise; and to prevent the possibility of any attempted interference with it, a provision has been usually inserted in the compacts by which new States have been admitted into the Union, that such interference with the primary disposal of the soil of the United States shall never be made.”* The transfer of legal title (patent) to public domain gives the transferee the right to possess and enjoy the land transferred, Supreme Court Gibson vs. Chouteau, 80 U.S. 92 13 Wall. 92

[http://scholar.google.com/scholar\\_case?case=3600460795942835057&q=Gibson+vs.+Chouteau&hl=en&as\\_sdt=2,1](http://scholar.google.com/scholar_case?case=3600460795942835057&q=Gibson+vs.+Chouteau&hl=en&as_sdt=2,1)

A patent for land is the highest evidence of title and is conclusive as evidence against the government and all claiming under junior patents or titles, Supreme Court United States vs. Stone, 69 U.S. 525 (1864) 2 Wall. 525

[http://scholar.google.com/scholar\\_case?case=12577338219417457565&q=United+States+vs.+Stone&hl=en&as\\_sdt=2,1](http://scholar.google.com/scholar_case?case=12577338219417457565&q=United+States+vs.+Stone&hl=en&as_sdt=2,1)

Estoppel has been maintained as against a municipal corporation (county). Supreme Court Beadle vs. Smyser, 209 U.S. 393 (1908).

[http://scholar.google.com/scholar\\_case?case=14751586964565471742&q=Beadle+vs.+Smyser&hl=en&as\\_sdt=2,1](http://scholar.google.com/scholar_case?case=14751586964565471742&q=Beadle+vs.+Smyser&hl=en&as_sdt=2,1)

*“Congress has the sole power to declare the dignity and effect of titles emanating from the United States; and the whole legislation of the federal government, in reference to the public lands, declares the patent the superior and conclusive evidence of legal title; until its issuance, the fee is in the government, which, by the patent, passes to the grantee;”* Supreme Court Bagnell vs. Broderick, 38 U.S. 436 (1839) 13 Pet. 436

[http://scholar.google.com/scholar\\_case?case=3400254882085408703&q=Bagnell+vs.+Broderick&hl=en&as\\_sdt=2,1](http://scholar.google.com/scholar_case?case=3400254882085408703&q=Bagnell+vs.+Broderick&hl=en&as_sdt=2,1)

State statutes that give lesser authoritative ownership of title than the patent can not even be brought into federal court, Supreme Court Langdon vs. Sherwood, 124 U.S. 74, 80.

[http://scholar.google.com/scholar\\_case?case=5582376983123894912&q=Langdon+vs.+Sherwood&hl=en&as\\_sdt=2,1](http://scholar.google.com/scholar_case?case=5582376983123894912&q=Langdon+vs.+Sherwood&hl=en&as_sdt=2,1)



The power of congress to dispose of its land cannot be interfered with, or its exercise embarrassed by any state legislation; nor can such legislation deprive the grantees of the United States of the possession and enjoyment of the property granted by reason of any delay in the transfer of the title after the initiation of proceedings for its acquisition.

Supreme Court Gibson vs. Chouteau. 13 WAL. 80 U.S. 92 (1871) 13 Wall. 92

[http://scholar.google.com/scholar\\_case?case=3600460795942835057&q=Gibson+vs.+Chouteau&hl=en&as\\_sdt=2,1](http://scholar.google.com/scholar_case?case=3600460795942835057&q=Gibson+vs.+Chouteau&hl=en&as_sdt=2,1)

(4) Land title and transfer the existing system of land transfer is a long and tedious process involving the observance of many formalities and technicalities, a failure to observe any one of which may defeat the title. Even where these have been most carefully complied with. And where the title has been traced to its source, the purchaser must be at his peril, there always being in spite of the utmost care and expenditure the possibility that his title may turn out bad: Yeakle, Torrence system.

Patents are issued (and theoretically passed) between sovereigns, Supreme Court, Leading Fighter vs County of Gregory, 230 N.W.2d 114 (1975)

[http://scholar.google.com/scholar\\_case?case=774696940855632742&q=Leading+Fighter+vs+County+of+Gregory&hl=en&as\\_sdt=2,1](http://scholar.google.com/scholar_case?case=774696940855632742&q=Leading+Fighter+vs+County+of+Gregory&hl=en&as_sdt=2,1)

The patent is prima facie conclusive evidence of title, Marsh vs Brooks, 49 U.S. 223, 233.

[http://scholar.google.com/scholar\\_case?case=4164080031600256505&q=Marsh+vs+Brooks&hl=en&as\\_sdt=2,1](http://scholar.google.com/scholar_case?case=4164080031600256505&q=Marsh+vs+Brooks&hl=en&as_sdt=2,1)

An estate in inheritance without condition belonging to the owner and alienable by him, transmissible to his heirs absolutely and simply, is an absolute estate in perpetuity and the largest possible estate a man can have being in fact allodial in its nature, *Stanton v. Sullivan*, 63 R.I. 216, 7 A.2d 696 (1939),

[http://scholar.google.com/scholar\\_case?case=13119501787961501101&hl=en&as\\_sdt=205&sciodt=2,1](http://scholar.google.com/scholar_case?case=13119501787961501101&hl=en&as_sdt=205&sciodt=2,1)

The original meaning of a perpetuity is an inalienable, indestructible interest. Bouvier's Law Dictionary, volume III p. 2570, (1914).

A land patent is a conclusive evidence that the patent has been complied with the act of congress as concerns improvements on the land, etc Jenkins vs Gibson, 3 LA ANN 203.

[http://scholar.google.com/scholar\\_case?about=7879007203366298511&q=Jenkins+vs+Gibson&hl=en&as\\_sdt=2,1](http://scholar.google.com/scholar_case?about=7879007203366298511&q=Jenkins+vs+Gibson&hl=en&as_sdt=2,1)

## (5) CLAIM OF ALL RIGHTS.

It is hereby declared that Assignee takes claim of all rights, privileges, immunities and appurtenances of whatsoever nature to aforementioned property, *Cuius est solum eius est usque ad coelum et ad inferos*, Common Law doctrine, and, pursuant to its application as defined in United States v. Causby – 328 U.S. 256 (1946),

*“The fact that he (landowner) does not occupy it (air) in a physical sense – by the erection of buildings and the like – is not material. As we have said, the flight of airplanes, which skim the surface but do not touch it, is as much an appropriation of the use of the land as a more conventional entry upon it...”*

*"...While the owner does not in any physical manner occupy that stratum of airspace or make use of it in the conventional sense, he does use it in somewhat the same sense that space left between buildings for the purpose of light and air is used. The superadjacent airspace at this low altitude is so close to the land that continuous invasions of it affect the use of the surface of the land itself. We think that the landowner, as an incident to his ownership, has a claim to it, and that invasions of it are in the same category as invasions of the surface."*

Pursuant to *Hinman v. Pacific Air Transport* 84 F.2d 755,

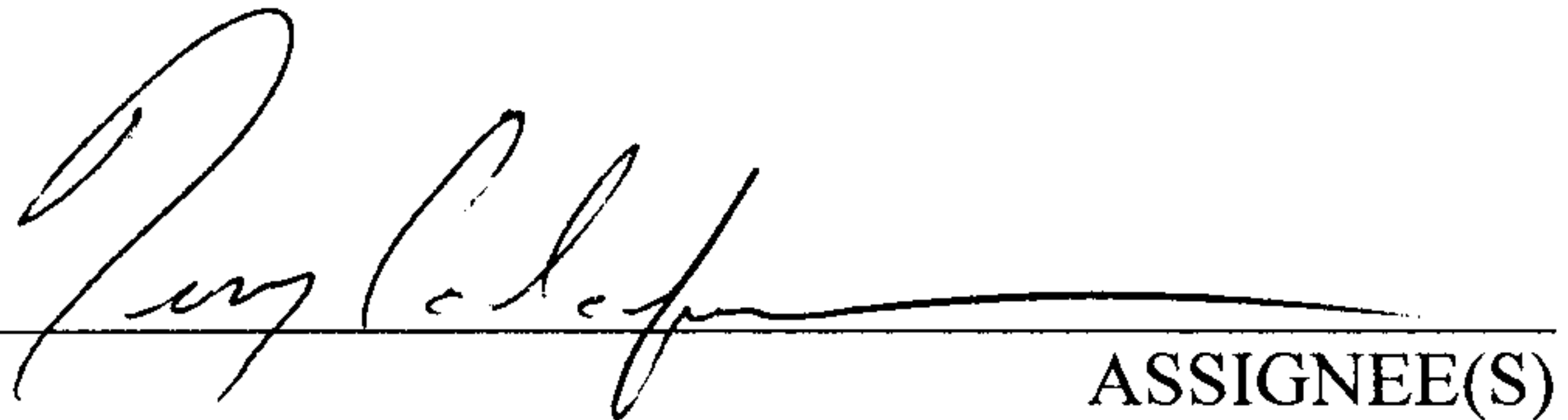
*"The landowner owns at least as much of the space above the ground as they can occupy or use in connection with the land."*

Pursuant to *Butler v. Frontier Telephone Co.*, 186 N.Y. 486, 79 N.E. 716 pp. 491,

*"...an owner is entitled to the absolute and undisturbed possession of every part of his premises, including the space above, as much as a mine beneath..."*

BE IT THEREFORE, applied that the cited cases supporting the Assignee's claim of all privileges, immunities and appurtenances of whatsoever nature, *Cuius est solum eius est usque ad coelum et ad inferos*, and Assignee's protection of right to aforementioned property from 5<sup>th</sup> Amendment U.S. Constitutional infringes of a taking, is thereby applied in all matters concerning, but not limited to: eminent domain, unreasonable search and seizure, surveillance, unjust regulation, and unjust taxation.

Every home is a castle; though the winds of heaven blow through it, officers of the state cannot enter.

  
ASSIGNEE(S)

11 Day of JAN in the Year of Our Lord 2013  
DATE



ACKNOWLEDGMENT

State of Alabama     )  
County of Shelby    )

Done before me, Patricia J. Uhlenhake

on the 11<sup>th</sup> day of Jan in the year of our Lord 2013

personally appeared Terry Colafrancesco

known to me to be the individual/individuals whose name is/are affixed to this instrument.

Patricia J. Uhlenhake  
Notary Public  
My Commission Expires: \_\_\_\_\_

NOTARY PUBLIC STATE OF ALABAMA AT LARGE  
MY COMMISSION EXPIRES: Feb 21, 2015  
BONDED THRU NOTARY PUBLIC UNDERWRITERS

## THE UNITED STATES OF AMERICA,

**CERTIFICATE**  
No. 29918

To all to whom these presents shall come, Greeting:

Whereas Stephen Hollis of Shelby County Alabama

has deposited in the GENERAL LAND OFFICE of the United States, a Certificate of the REGISTER OF THE LAND OFFICE at Tuscaloosa whereby it appears that full payment has been made by the said Stephen Hollis

according to the provisions of the Act of Congress of the 24th of April, 1820, entitled "An act making further provision for the sale of the Public Lands," for the East Half of the South West quarter and the South West quarter of the South East quarter and the North East quarter of the South East quarter of section twenty one in Township eighteen of Range one, East, in the District of Lands subject to sale at Tuscaloosa Alabama, containing One hundred and sixty acres and thirty hundredths of an acre,

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Shelby Cnty Judge of Probate, AL  
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according to the official plat of the Survey of the said Lands, returned to the General Land Office by the SURVEYOR GENERAL, which said tract has been purchased by the said Stephen Hollis

NOW KNOW YE, That the United States of America, in consideration of the premises, and in conformity with the several acts of Congress in such case made and provided, HAVE GIVEN AND GRANTED, and by these presents DO GIVE AND GRANT, unto the said Stephen Hollis

and to his heirs, the said tract above described: To have and to hold the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said Stephen Hollis

and to his heirs and assigns forever.

In Testimony Whereof, I, James Buchanan  
PRESIDENT OF THE UNITED STATES OF AMERICA, have caused these Letters to be made PATENT, and the SEAL of the GENERAL LAND OFFICE to be hereunto affixed.

GIVEN under my hand, at the CITY OF WASHINGTON, the first day of June  
in the year of our Lord one thousand eight hundred and fifty eight and of the  
INDEPENDENCE OF THE UNITED STATES the Eighty second

BY THE PRESIDENT:

By

James Buchanan  
T. G. Albright

Secretary.


J. N. Grainger,

Recorder of the General Land Office.



Attachment 2,  
pg. 1

**THIS DEED PREPARED WITHOUT BENEFIT OF A TITLE SEARCH OR SURVEY  
AND WITH LEGAL DESCRIPTIONS PROVIDED BY GRANTORS.  
NO REPRESENTATIONS CONCERNING TITLE OR THE ACCURACY OF THE LEGAL  
DESCRIPTIONS ARE MADE BY THE PREPARER OF THIS INSTRUMENT.**

  
20120717000256030 1/3 \$461.00  
Shelby Cnty Judge of Probate, AL  
07/17/2012 03:01:28 PM FILED/CERT

Send Tax Notice to:  
Terry L. Colafrancesco  
6830 Bear Creek Road  
Sterrett, Alabama 35147

STATE OF ALABAMA     )  
SHELBY COUNTY         )

**STATUTORY WARRANTY DEED**

KNOW ALL MEN BY THESE PRESENTS, that for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration to TERRY L. COLAFRANCESCO, also known as Terry Colafrancesco, and ANNETTE B. COLAFRANCESCO, also known as Annette Colafrancesco, husband and wife (hereinafter collectively referred to as the "Grantors"), in hand paid by TERRY L. COLAFRANCESCO, a married man (hereinafter referred to as the "Grantee"), the receipt and sufficiency of which are hereby acknowledged, the said Grantors do by these presents GRANT, BARGAIN, SELL and CONVEY unto the said Grantee the following described real properties situated in Shelby County, Alabama, to-wit:

**SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTIONS**

TOGETHER WITH ALL AND SINGULAR the rights, members, privileges, improvements, hereditaments, tenements and appurtenances thereto belonging or in anywise appertaining and all right, title and interest of Grantors in and to any and all roads, alleys and ways bounding said premises.

This conveyance is made subject to the following:


1. Ad valorem taxes for the year 2012 and all subsequent years not yet due and payable.
2. Any and all previous reservations or conveyances, if any, of oil, gas and other minerals in, on and under said real property, together with all rights in connection therewith; any and all recorded mortgages or other encumbrances, if any; recorded or unrecorded easements, liens, restrictions, covenants, declarations, reservations, limitations, conditions, set-back lines, rights-of-way, regulations, and other matters of record in the Probate Office of Shelby County, Alabama; recorded or unrecorded leases affecting said real property, if any; any rights of parties in possession; and any encroachments, overhangs, deficiencies in quantity of land, discrepancies as to boundary lines, overlaps, etc., which would be disclosed by a true and accurate survey of the property conveyed herein.

TO HAVE AND TO HOLD to the said Grantee, and to the heirs, administrators and assigns of the Grantee in fee simple forever.

NOTE: The property described on Exhibit "A" hereto under the heading of "Parcel 1" IS and will remain the homestead of the Grantors. None of the other properties herein conveyed are the homestead of the Grantors.

DOCSBHM\1558944\1\

Shelby County, AL 07/17/2012  
State of Alabama  
Deed Tax: \$441.00

  
20130123000031450 8/10 \$39.00  
Shelby Cnty Judge of Probate, AL  
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NOTE: Terry Colafrancesco and Terry L. Colafrancesco are one and the same person, and Annette Colafrancesco and Annette B. Colafrancesco are one and the same person.

IN WITNESS WHEREOF, the Grantors have hereto set their hands and seals effective as of the 16 day of July, 2012.

GRANTORS:

Terry L. Colafrancesco  
Terry L. Colafrancesco

Annette B. Colafrancesco  
Annette B. Colafrancesco

STATE OF ALABAMA )  
COUNTY OF SHELBY )


I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Terry L. Colafrancesco and Annette B. Colafrancesco, whose names are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, they executed the same voluntarily as of the day the same bears date.

Given under my hand and official seal this 16 day of July, 2012

{ SEAL }

Connie Johnson Bracher  
Notary Public  
My Commission Expires: MY COMMISSION EXPIRES APRIL 4, 2014

This instrument prepared by:  
Joseph T. Ritchey, Esq.  
Sirote & Permutt, P.C.  
2311 Highland Avenue South (35205)  
P.O. Box 55727  
Birmingham, Alabama 35255-5727

  
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Shelby Cnty Judge of Probate, AL  
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## EXHIBIT "A"

## LEGAL DESCRIPTIONS

20120717000256030 3/3 \$461.00  
Shelby Cnty Judge of Probate, AL  
07/17/2012 03:01:28 PM FILED/CERT

The following described real properties situated in Shelby County, Alabama:

~~PARCEL 1:~~

~~Begin at the northeast corner of the northwest quarter of the southeast quarter of Section 31, Township 18 South, Range 1 East, Shelby County, Alabama, run thence in a southerly direction along the east line of said quarter quarter 628.55 feet, thence turn an angle of 89 degrees 15' 10" right and run in a westerly direction 204.95 feet, thence turn an angle of 49 degrees 59' 15" right and run in a northwesterly direction 727.25 feet, thence turn an angle of 42 degrees 15' 10" left and run in a westerly direction 149.67 feet, thence turn an angle of 125 degrees 45' 16" right and run northeasterly 74.77 feet, thence turn an angle of 47 degrees 12' 57" right and run easterly 855.66 feet to the point of beginning.~~

~~PARCEL 2:~~

~~All that part of the South Half of the Northeast Quarter of Section 31, Township 18 South, Range 1 East, Shelby County, Alabama, lying Southeast of the right of way of Shelby County Highway # 42 AND the Northeast Quarter of the Southeast Quarter of Section 31, Township 18 South, Range 1 East, Shelby County, Alabama.~~

## PARCEL 3:

Commence at the Southwest corner of the SW 1/4 of the SE 1/4 of Section 21, Township 18 South, Range 1 East, for a point of beginning; thence run Northerly along the West line for a distance of 532.09 feet; thence turn 88 deg. 30 min. to the right for a distance of 330.0 feet; thence turn 91 deg. 30 min. to the right for a distance of 532.66 feet to a point of the South line of said forty; thence turn 88 deg. 36 min. to the right and along said line for a distance of 330.02 feet to the point of beginning; being situated in Shelby County, Alabama.

TOGETHER WITH all rights and mineral rights owned by Grantors, or which Grantors are entitled to receive, upon the death of Frances M. Campbell, also shown to be Francis M. Campbell, in and pursuant to that certain deed from Frances M. Campbell to Terry Colafrancesco and Annette Colafrancesco dated February 10, 1986, and filed of record on January 15, 1987, in Book 110, Page 292, in the Probate Office of Shelby County, Alabama.

~~PARCEL 4:~~

~~Parcel 28 located in the S 1/2 of the S 1/2 of the SE 1/4 of NE 1/4 of Section 11, Township 18, Range 1 East. Dimensions being 210' front, 210' rear, 645' right side, 645' left side in more or less. Mineral and mining rights are conveyed to Grantor in this deed.~~

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Shelby Cnty Judge of Probate, AL  
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