

State of Alabama)
County of Shelby)

Assignee's Update of Patent

This document contains pages six pages

Comes now, <u>Terry Cola fran (es co</u>, as President of Community of Caritas, 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 35999 and 9187

Know all men by these present that <u>levy</u> <u>Cola francesco</u>, as President of Community of Caritas, does severally certify and declare that all the rights, privileges, immunities, and appurtenances, of whatsoever nature, as issued by PATENTS <u>35999 and 9187</u> (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 <u>Community of Caritas</u>,

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

See attached legal description at "Attachment 2."

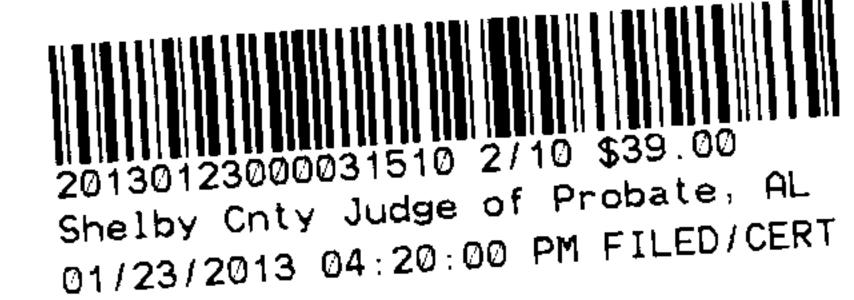
(2) Notice of pre-emptive right. pursuant to the Declaration of Independence [1776], the Treaty of Peace with Great Britain (8 stat. 80) known as the Treaty of Paris [1793, an Act of Congress [3 stat. 566, April 24,1824], the Oregon treaty [9 stat. 869, June 15,1846], the Homestead Act [12 stat. 392,1862] 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, 19 l. 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. l. ED. 264.



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

"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

"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

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

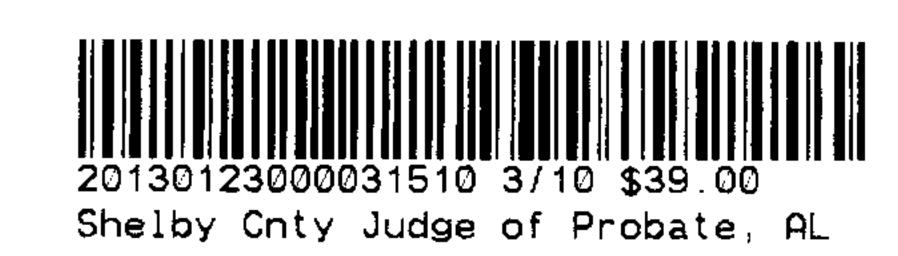
http://scholar.google.com/scholar_case?case=12577338219417457565&q=United+States+vs.+Stone&hl=en&as_sdt=2,1

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

"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

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



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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

(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,

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

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

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 Jankins vs Gibson, 3 LA ANN 203. 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..."

20130123000031510 4/10 \$39.00 Shelby Cnty Judge of Probate, AL 01/23/2013 04:20:00 PM FILED/CERT "... 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 Assingee's protection of right to aforementioned property from 5th 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.

Community of Critai Tery Colofean.

ASSIGNEE(S) President.

in the Year of Our Lord 2013

DATE

ACKNOWLEDGMENT
State of Alabama) County of Shelby)
Done before me, <u>Patricia</u> J. Uhlenhake
on the 11th day of Jan, in the year of our Lord 2013
personally appeared lerry Colafrancesco, as President of Community of Caritas,
known to me to be the individual/individuals whose name is/are affixed to this instrument.
Patricia J. Whenhahe Notary Public
My Commission Expires:
MY COMMISSION EXPIRES: Feb 21, 2015 BONDED THRU NOTARY PUBLIC UNDERWRITER

THE UNITED STATES OF AMERICA,

No. 35999

To all to whom these presents shall come, Greeting:

Ellerens James Harnes, of Shelly county. Alabama,

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

according to the provisions of the

Act of Congress of the 24th of April, 1820, eptitled "An act making further provision for the sale of the Public Lands," for In hundred and thirty nine acres una trienty seven and half hundredthe you acre;

according to the official plat of the Survey of the said Lands, returned to the General Land Office by the SURVEYOR GENERAL, which said tracts have been purchased by the said I ames

NOW KNOW YE, That the

United States of Zmerica, 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 - Janes Hannes

heirs, the said tracts 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

James Fames, and to Lis heirs and assigns forever.

In Testimony Alpereof, J. 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 in the year of our Lord one thousand eight hundred and INDEPENDENCE OF THE United States the

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Mited States of America,

To all to whom these Presents shall come, Greeting:

Wiscreag, In pursuance of the Act of Congress, approved September 28th, 1850, entitled "An Act granting Bounty Land to certain Officers and Soldiers who have been engaged in the Military Service of the United States," Warrant No. 9/87 for 80 for 80 acres issued in favor of David Watson Revale in Saplain Hilly Company Jennes Les Militia. War of 1812)

has been returned to the GENERAL LAND OFFICE, with evidence that the same has been duly located upon the Westchalf of the North West quarter of Section from Founds by minden of Rango Onclosed in the District of Lands Subject to sale it Fuscar loss Alabama, Containing Eighty acres, and three hundred his of

according to the Official Plat of the Survey of the said Lands returned to the GENERAL LAND OFFICE by the SURVEYOR GENERAL:

Now Know De, That there is therefore granted by the UNITED STATES unto the said David Haldon

the tract of Land above described: TO HAVE AND TO HOLD the said tract of Land, with the appartenances thereof, unto the said David Matterian Stokes

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heirs and assigns forever.

In Testimony Whereof, J. Millard Hillmore

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.

SEAL.

GIVEN under my hand, at 'the City or Washington, the Jouth day Afril in the year of our Lord one thousand eight hundred and fulfillion and of the Independent of the United States the seventy-

By Mexille Commach 10 11 Sory. 6. Theray Recorder of the General Land Office.

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6 811	HC	aini	Deed

Furnished by Lawyers Title Insurance Corporation, Burninghum, AL

STATE OF ALABAMA Shelby COUNTY KNOW ALL MEN BY THESE PRESENTS, That for and in consideration of the sum of ----Ten dollars---in hand paid to the undersigned, the receipt whereof is hereby acknowledged, the undersigned Debbie G. McNeil hereby remises, releases, quitclaims, grants, sells, and conveys to Community of Caritas (hereinaster called Grantee) all his/her/its right, title, interest and claim infor to the following described real estate, situated in Shelby County, Alabama, to wit: SEE addendums: #1. Schedule C Descrition Reference PARCEL A and PARCEL B and #2. Survey with legal descrition (Give legal description of property conveyed) to have and to hold to said Grantee forever. hand and seal, this 19th day of February 2007 Given Under . Witness: (Seal) Lelebre H- Mc Nel (Seal) (Seal) (Seal) STATE OF ALABAMA General Acknowledgement COUNTY OF Shelby 1, Patricia Joen Whlenhake, a Notary Public, in and for said County and State, hereby certify that Debbe G. MelVell, whose name is signed to the forgoing conveyance, and who is known to me, acknowledged before me this day that, being informed of the contents of the conveyance, he/she executed the same voluntarily on the day the same bears date.

Given Under My hand and My seal, this 19th day of Feb., 2007

Patricia J. Uhlenhahe

Notary Public

NOTARY PUBLIC STATE OF ALABAMA AT LARGE MY COMMISSION EXPIRES: Feb 13, 2011 PONDED THRU NOTARY PUBLIC UNDERWRITERS

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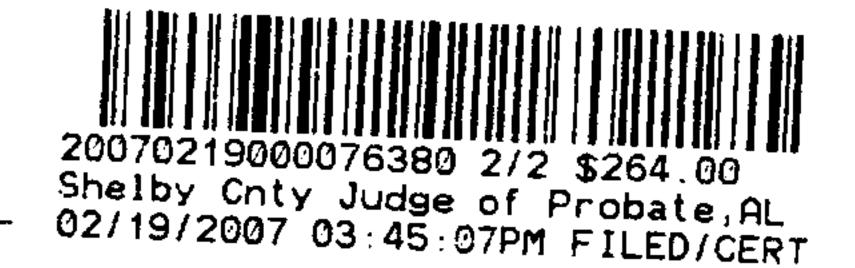
Attachment 2, ps.1



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Orde: No: AP009616PR

Reference No:



Schedule C Description

PARCEL A:

That part of the East half of the Northeast quarter of Section 1, Township 19 South, Range 1 West, lying Southeast of Bear Creek Road and Shelby County Highway No. 43. Also a portion of land in the Southwest corner of Southwest quarter of Northwest quarter, Section 6, Township 19 South, Range 1 East, more particularly described as follows:

Beginning at the Southwest comer of said Southwest quarter of the Northwest quarter and running North along the West boundary of said quarter-quarter section to Bear Creek for point of beginning of the tract herein described; thence run down said Bear Creek to where a branch empties into said Creek; thence up said branch to where branch intersects the West boundary of said Section 6; thence South along said West boundary of Section 6 to point of beginning; being situated in Section 6, Township 19 South, Range 1 East, Shelby County, Alabama.

The following description is according to the angles and distances actually measured in the boundary survey:

PARCEL B:

From a 3-inch open iron pipe found at the Southwest corner of the Southeast quarter - Northeast quarter of Section 1, Township 19 South, Range 1 West, being the point of beginning of herein described parcel of land, run thence East along the South boundary of said Southeast quarter - Northeast quarter a distance of 1324.76 feet to a1/2-inch crimped iron pipe found at the Southeast corner of aforementioned Southeast quarter - Northeast quarter, thence turn 89 deg. 11' 42" left and run 134.06 feet along the East boundary of said Southeast quarter - Northeast quarter to a point in the center of Bear Creek; thence turn 76 deg. 31' 58" right and run 23.83 feet downstream along said creek centerline and the following courses; 38 deg. 54' 23" right for 22.59 feet; 86 deg. 07' 15" right for 47.3 feet; 97 deg. 57' 31" left for 21.70 feet; 32 deg. 07' 20" left for 90.17 feet; 39 deg. 13' 07" left for 59.41 feet; 2 deg. 43' 19" left for 117.66 feet; 13 deg. 57' 31" left for 42.47 feet; 59 deg. 12' 42" right for 44.28 feet; 52 deg. 19' 09" right for 43.12 feet; 13 deg. 20' 49" left for 36.22 feet; 107 deg. 39' 41" left for 44.36 feet; 57 deg. 08' 59" right for 56.03 feet; 46 deg. 13' 49" right for 36.42 feet; 53 deg. 04' 59" left for 29.97 feet; 40 deg. 05' 06" left for 52.56 feet; 46 deg. 31' 16" left for 15.21 feet; 73 deg. 22' 27" left for 30.38 feet; 108 deg. 19' 13" right for 34.00 feet; 61 deg. 11' 37" right for 35.18 feet; 11 deg. 31' 19" right for 37.57 feet; 48 deg. 18' 12" right for 14.61 feet; 29 deg. 06' 58" right for 12.29 feet; 79 deg. 07' 04" left for 41.18 feet; 22 deg. 32' 49" right for 48.18 feet; 115 deg. 03' 58" left for 60.23 feet; 30 deg. 13' 40" right for 33.83 feet; 9 deg. 11' 20" right for 21.64 feet; 76 deg. 47' 59" right for 69.97 feet; 58 deg. 18' 53" left for 28.88 feet; 38 deg. 18' 26" right for 83.39 feet; 5 deg. 44' 14" right for 51.72 feet; 14 deg. 07' 29" left for 47.96 feet in for concrete pipe culverts crossing Seasons Road, an asphalt public road; 37 deg. 12' 41" right for 67.13 feet; and 10 deg. 30' 59" right for 40.69 feet to the point where a branch empties out; thence 129 deg. 50' 28" left and run 48.62 feet; upstream along said branch centerline and the following courses; 26 deg. 50' 07" left for 43.30 feet; 33 deg. 35' 38" right for 27.56 feet; 54 deg. 31' 30" right for 40.00 feet; 25 deg. 45' 10" left for 26 22 for his 06" left for 52.63 feet; 2 deg. 59' 54" right for 40.96 feet; 26 deg. 17' 11" right for 51.16 feet; 60 deg. 01' 07" left for 11.43 feet; 80 deg. 54' 44" left for 42.18 feet; 65 deg. 26' 05" right for 33.19 feet; 1 deg. 23' 11" right for 48.16 feet in four concrete pipe culverts crossing Seasons Road; 1 deg. 42' 20" left for 74.68 feet; 53 deg. 09' 31" right for 22.61 feet; 57 deg. 35' 17" left for 16.17 feet; 31 deg. 54' 45" left for 32.33 feet; 85 deg. 10' 35" right for 28.86 feet; 21 deg. 16' 28" left for 38.19 feet; 22 deg. 48' 18" right for 71.84 feet; 14 deg. 15' 52" left for 57.21 feet; 11 deg. 48' 48" right for 23.64 feet; 7 deg. 44' 28" left for 66.13 feet; 19 deg. 08' 33" right for 19.98 feet; 20 deg. 38' 42" left for 10.05 feet; 50 deg. 59' 18" left for 45.77 feet; 5 deg. 23' 37" left for 138.35 feet; 1 deg. 51' 51" left for 99.95 feet; 14 deg. 30' 57" right for 35.10 feet; 32 deg. 18' 32" right for 16.06 feet; 38 deg. 09' 28" right for 24.35 feet; 27 deg. 44' 12" left for 34.92 feet to a point on the East boundary of the aforementioned SE 1/4 -NE 1/4; thence turn 77 deg. 10' 38" right and run North 665.21 feet along the East boundary to the NE corner of said SE 1/4 - NE 1/4; thence continue along said course along the East boundary of the NE 1/4 - NE 1/4 of said Section 1 a distance of 519.34 feet to a 1/2-inch iron pin with yellow plastic cap found on the Southeasterly boundary of Shelby County Highway No. 43; said road having a right of way of 80 feet; thence 137 deg. 07' 13" left for 1948.16 feet along said highway boundary to a 1/2-inch iron pin with yellow plastic cap found on the West boundary of the SE 1/4 - NE 1/4 of said Section 1; thence turn 43 deg. 00' 50" left and run South 422.80 feet to the Point of Beginning. Said parcel is situated in the E 1/2 of the NE 1/4 of Section 1, Township 19 South, Range 1 West and in the SW 1/4 of NW 1/4 of Section 6, Township 19 South, Range 1 East, Shelby County, Alabama.



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Attachment 2, pg. 2