

# Common Law Express Trust 2012



## Express Trusts Under The Common Law

**An express trust under common law is a type of trust organized by virtue of natural rights exclusive of all statutorily created privileges. Common Law is what governs how people respect one another's contractual obligations as the foundation for all law. The contract is king. As a result they are not required to be recorded. These are the oldest and the most invisible type of trusts in America.**

An express trust under common law provides the strongest protection of your body and life, your family, your property and all of your business! No one can touch it as it is completely out of all public jurisdictional reach! An express trust under common law used in conjunction with a the creation of a NATION STATE for your land can provide the kind of free life you only dream of. You are a free sentient being with all of your natural rights in tact and you can do anything you please without permission and without fear of being harmed. You likewise abide under the common law at all times doing no harm to anyone or anything.

***Private Disclaimer:** This is pure private educational research of how the law works and is NOT LEGAL work or advice in any way! LEGAL matters require Foreign Agent B.A.R. Attorneys and we are natural beings on the Land of America as you are and can not possible be such a thing as an 'Attorned One'. Do your research properly before enacting any commercial strategy. We are held harmless from all liability per Private Agreement with you and any actions you take are your sole responsibility. Govern yourselves accordingly.*

Famous Rockefellers' quote, **OWN NOTHING but CONTROL EVERYTHING.**

What he was talking about but didn't say was **OWN NOTHING but CONTROL EVERYTHING through the use of a Common Law Express TRUST!**

Regardless of the many designations applied to trust, it must be understood that any trust, basically consist of the following four elements. Property interest is held by one person (the trustee) at the request of another (Creator, or Settlor) for the benefit of another (beneficiary a.k.a. Capital Unit Holder).

We will presume that you have some general knowledge about trust or possibly you are in need of one. However your understanding of trust is that you must use an attorney to acquire one. These trust, known as Statutory Trust, are created under color of law and governed by the State in which it was created. Statutory Trust a.k.a. Living Trust, must follow the many statutes and codes of that particular State and subject to many changes from year to year making the management of the trust more and more difficult to administer.

If you Google how to do all all of this you will find some companies that do it for 9-10 thousand dollars! What you need to know also is that most all of these places use attorneys and your trust is not PURE or safe because it falls back under public statutory law even though it appears to be under the common law! You have to be careful and have wisdom about this!

If you go that route would need help in that administration because you will not know all the laws that pertain and govern your Trust.

For sure you would need an ACCOUNTANT.

For sure you would need your ATTORNEY.

For sure you would need your TAX ADVISOR.

The following information does NOT pertain to these types of trust. You are about to travel outside of the Statutory world you are custom to and into the FREEDON WORLD of COMMON LAW.

Now Take a minute and lean back, clear your mind, and try to think what it would be like to do something that you don't have to ask someone else for their permission. Up until now your knowledge came from your parents, some from school, some from collage, and the majority from being a follower of main stream. You are now asked to turn you mind around 180 degrees. Hold on here we go.

Prepare yourself, for the information you are about to receive is going to change your life forever. To help you understand that concept of 180 degrees, stand in front of a full length mirror and wiggle the fingers of your right hand. What hand is wiggling back at you? You are going to experience a conflict with your mind because the information is going to contradict the knowledge and understanding you have been working with for as long as you can remember. As you start to acquire the new information provided here, you will at times be confused, most likely be frustrating and if you're anything like me you will become angry and wonder why this information didn't reach you long ago.

Like you, getting ahead in the life, required investing long hours, working hard, saving and acquiring assets in order to have a fun and comfortable life. It's hard to beat the odds and accumulate some of the finer things, but in today's world it seems more and more about what I can hold on to. I learned it only takes one incident to threaten and wipe out everything you worked for. This is where a Trust can and will help you protect what you worked so hard for from lowlife predators.

There are about 250 Nations, many of which are tax havens and various lawyers involved in offshore Asset Protection. However, in using offshore entities to hide your taxable money is flirting with the IRS and is not legal. You are breaking the contract you signed with the government when asking for benefits and entitlements through membership in the Social Security Club. The problems associated with using offshore tax havens include:

A- Very costly to set up using various lawyers in multiple countries.

B- Very costly to operate and administer from year to year.

C- No telling how, what or when that country will change their structure.

D- You are not safe because the government is well aware of Americans hiding their money in this way and they are cracking down more and more to recover that lost income. The IRS and the government are going after those offshore tax havens by making deals with many of those governments. Then you are charged with tax evasion, resulting in back taxes, large fines with interest, and possibility of jail time.

Just imagine being able to side step governments regulations and intimidations within the next few weeks. I don't imagine that anymore because I have lived this way for the past 14 years. A person can't begin to understand the feeling of being FREE of most Government rules and regulations and the IRS until they experience it firsthand.

The Greatest Tax Haven in the world for the last 233 years is right here in the united States of America but not for the United States citizen, why is that?

I will show you why, in law, a US citizen can't take advantage of the greatest tax haven right here in the country you live in. Then I will show you how to lower your taxes, reduce governmental interference in your life, increase your privacy and pass on your estate to your heirs in ways you never would dream possible.

The tax haven in the united States of America is known as — Express Trust or also known as Private Common-Law Declaration of Trust.

(1) The most beneficial function of the Common-Law Trust is the way it protects its assets. By structuring multiple trusts, everyone should have at minimum 2, they protect one another. Trust A is where you will keep all of your money such as bank accounts, saving accounts, investment portfolio to include GOLD & SILVER and etc. Trust B holds all the assets that are a liability, cars, trucks, boats, airplane, houses, property, and anything that could cause an injury and could result in a law suit.

Trust A has a lean against the assets in Trust B making them worthless to anyone else. If there is an accident or incident and the insurance doesn't cover the damages, a lawsuit could be filed. The investigation of your Sir Name will reveal you don't own anything, so there is nothing to sue for. The lawyer will turn to the owner of the car, truck etc. and find that a trust is involved. Oh

boy, \$\$\$! He sets his sights on a lot of money. The lawyer soon discovers the Trust assets they can find is leaned beyond their worth and the law suit goes away.

You or the Trust most likely is never served because a lawyer will only work when there is an excellent chance to make money. Therefore the Trust assets are safe and protected against loss due to law suit's or judgments.

( 2 ) This Trust is Private.

A. Will not be recorded anywhere.

B. No one can find out its contents.

C. No one can find out who the participants are.

D. No one can find out who the heirs are.

( 3 ) This Trust can NOT go to Probate.

( 4 ) No Court can change anything in the Trust. Nor can they rule on how much the Capital Unit Holder (beneficiaries) will or should receive at any disbursement, no matter how strong the argument or how strange the disbursement. These Trusts are written in Contract form and are Superior over the united States of America Constitution and any of the 50 state Constitutions. I will provide you with absolute proof of that last statement.

If a Capital Unit Holder dislikes their portion of the disbursement of the estate and would challenge the disbursement by filing a complaint with the court, the result from the notice of such action would be forfeiture of their entire disbursement portion of the estate. The disgruntled person's share is then divided evenly among the remaining Capital Unit Holder(s). No Court, No Trial, the Capital Unit Holder is removed under the terms of the Trust Contract. This action taken by the Board of Trustees will NOT be overturned by any Court of law no way, no how!

( 4 ) \*\*\* Super Bonus #1\*\*\* This Trust is Exempt from both Federal Income Tax and Social Security Taxes. Any money made in the name of the Trust is Federal Tax Free. Can you imagine getting a 25 to 45 percent PAY RAISE on all money made within your Business Trust? Could you handle increasing your family's prosperity? The Common-Law Trust does not operate by virtue of a legal loop hole. Nor, will it ever operate within any gray area. This Trust is Constitutional and is written and operates under the laws of the united States of America, United States Government, and under all State Governments. You can put any or all of your personal savings and investments into the Trust except IRA's, 401K, or any other government savings plan. The Trust never conducts any business with any Federal Government or its Agencies.

The Trust can have \*\*Checking accounts, \*\* Credit and ATM cards, \*\*and \*\* Brokerage accounts \*\*. The Trust will obtain an EIN number in which to conduct banking and other business that requires a proof of identity. That will be the one and only time the Trust will ever communicate with the United States Government.

( 5 ) **\*\*Super Bonus # 2\*\*** If you have a business, you will find it difficult to turn away from the simplicity, advantages and contractual sturdiness of the Common-Law Trust. I hardly know where to begin to tell you of all the advantages of having a business in this type trust. I have had my business in a sole proprietorship where most of us start. Through experience I realized that I was hung out to dry. An accident or unfortunate mishap could cause a law suit arising from my business in which I could lose everything.

I then turned to the Corporations, as a lot of businesses do, for the so called protection and separation of my personal assets due to any court actions against my business. However a person may be unfortunate to find that the court can go through a corporation to your personal holdings if it so desires. A Corporation is a creature of the State and they have ways to get though, because you are a principle officer of the corporation. Remember what happened with the Enron Corporation and what the court did to its officers. Nothing compares to the protection of the Common-Law Trust.

If you are anything like me, you spend considerable time trying to figure out ways to reduce your tax base so you can keep more of what you have earned, right? Well as a business person, you are going to love this next group of benefits.

(1) Never ever think about Federal Taxes again

(2) Reduction of paper work, **\*\* NO W2, W4, 1099 or 1040 \*\* NO CORPORATE MINUTES  
\*\* NO ATTORNEYS or FEES \*\* NO ACCOUNTANT or FEES \*\* NO REPORTS or FILES  
for REPORTS \*\* NO COSTLY MISTAKES or ERRORS in REPORTS \*\* NO H & R BLOCK  
\*\* REMOVE TURBO TAX FROM YOUR COMPUTER \*\*** & on & on.

We all know time is money in business life, how much time and money will you save in your business?

When you add up your pay raise and all the fees you save on attorneys, accountants and paper work your trust will pay for it self very quickly. Now think how good it will feel to fire your attorney and accountant, because the only records you will keep are the ones YOU WANT to keep.

**WHAT IS INVOLVED IN THIS TRUST?**

(1) The Trust is an entity in and of its self, (like a corporation without the restrictions) and has a life of its own.

(2) You will use 3 Trustees. the First Trustee will be yourself, the Second could be your Wife or significant other, use one of your best friends to fulfill the Third Trustee position or perhaps even better would be a Trustee of another Common-Law Trust in the event that you and your wife were killed in an auto accident, that person would be familiar with trust law and be able to administer the wishes of the trust.

The Trustee's are fiduciaries and signatories of the trust. They will administer any distribution of the trust assets to the Capital Unit Holder(s) in the event of such distribution. The Trustee cannot be held responsible or liable for any actions of the Trust. The Trustees are simply doing a function for the benefit of the Trust. That is stated in the Trustee's acceptance of their position as Trustee and will receive a copy of that agreement. The Trust will hold and maintain at minimum of 3 Trustees.

- (3) The Trust will have a Protector –This person could and should be a relative. Their job is to assure that the trustees do not step out of bounds. The Protector can and will terminate any trustee effective immediately with just cause. The Protector's presence in the Trust will ensure that the trustees can not and will not attempt to take over or control the Trust in anyway.
- (4) The Trust will have a Trust counsel. In the remote event the Trust should somehow need representation, I will volunteer until you have found another or you have gained the knowledge to represent the Trust.
- (5) Trust Record Keeper. Should be yourself as First Trustee or anyone you choose, accountant, bank, friend etc. I strongly suggest YOU assume that position.

The manner in which the Trust is set up will ensure you won't lose anything that you transfer into or acquire during the life of the Trust. You will only lose ownership but will have full use and enjoyment of everything for the rest of your life. This type of trust has been used for over 200 years by such families as the Kennedy's, the Fairchild's, the Rockefeller's and so on; you will be in good company with this type of Trust.

To know the law that backs up this type of TRUST you will need to complete the following self guided training, of 3 hours + or – using the internet that will include locating, printing and highlighting the laws that allow the trust to function. By learning some law, you will be able to remove any fear associated with tax avoidance, and going against the IRS and their intimidation. Tax avoidance is legal, tax evasion is illegal. I recommend you keep the printed material to place in your trust book as a reminder of the law which made this trust possible and you can refer to it at any time you feel rusty or just want to keep the information fresh in your mind. This will prove that you will not be going to jail, like all of your friends most likely will be telling you. Knowledge is Power.

The laws we will visit are the US Constitution, Your State Constitution, 2 US Supreme Court Cases, Title 18 the Criminal Code, Title 28 the Civil Code, and Title 26 the IRS code.

Let us begin, you will need a copy of your state and federal constitutions. You will find those as well as the codes and cases we will be referring to in this study by the following.

Enter [www.findlaw.com](http://www.findlaw.com) in your browser, in the upper right corner click on Visit our professional site, under the large Findlaw at the top left select, cases & codes located in the box, when this new page come up, make this site your favorite or book mark, scroll down to Browse Cases and Codes and under Federal laws select US Constitution and print a copy of the articles and amendments. Find Article 1, Section 10 where in it states, No State shall pass any law impairing the obligations of contracts, and highlight.

Now go to the arrow just under file and click one (1) time back to cases and codes. Under State Resources select your state, find and print your states constitution. Look in Article 1 and find the section that says the same thing about not impairing the obligations of contracts, highlight and make a note of its location because it will be used in your Trust.

I know the first thing on your mind is the IRS. That's why it's so important to take the time to fully understand why and how this Trust works.

You must be 100% sure you know the proper laws.  
You must feel 100% confident this Trust will work for you.

Before we go into the law, you first must understand that in law, words are not words, words are legal terms and many times have specific meaning that are totally different than the normal way we use them in the common ordinary speech, the English language.

Rosco Pound, of Ballintines Law Dictionary, said in its forward, My first advice to the beginner has always been to buy a good law dictionary and turn to it constantly. The popular use of legal terms is so loose, as many words have technical legal meaning, different from those used in ordinary speech, an intelligent understanding of cases and law books depends so much upon a clear grasp of the terms used and that the beginner cannot take a chance that they know the meaning of a word or phrase, and must refer constantly to your law dictionary.

In Black's Law Dictionary (5th Edition), it adds an additional word of caution where it says, legal terms have variations from State to State and can differ under Federal laws. The dictionary should only be used as a starting place for a definition and additional research should follow for variations in State and Federal definitions for further court interpretations, and for specific applications.

Why are definitions so vitally important for what we are going to be discussing? Because the words you have used all your life like State, and United States, are going to have a dramatic difference when you talk and learn about venue and jurisdiction and what they really mean at law.

We begin by learning the difference between the terms Legal and Lawful.

Legal means pertaining to the Statutes and the law created by the legislature. (Statutory)  
Lawyers can only act on Statutes, that's legal for any of their asset protection.

Lawful means Constitutionally correct by the decision of the Supreme Court of the united States of America and of the State. (Common Law)

What we do, with the Trust, is by Lawful means. We want to operate under the united States of America Constitution and the County (State) Constitution, making sure we are proper in their application.

Common Law is in force in Tennessee under its State Constitution (1870) Article 1 Section 20 That no retrospective law, or law impairing the obligations of contracts, shall be made. You should have located that already in your State Constitution. Also in Code Law in Title 35, Chapter 15, Section 105 (a) and 106, Common Law of Trust. Check this out and compare to your state laws. From your State Constitution go back (1) click, find Codes and Statutes, look for the codes on trust for you state. Here is where you might need to contact us to help find what you need to understand in your State code situation for the Common Law Trust.

Rest assured, Common Law is in force in all 50 States, under their State Constitution, promulgated (proclaim) under the Federal Constitution. Will you find it in the same place and manor as in the U.S. Constitution? No. One must look for the Statute or Title etc. because it will differ from State to State and some states hide them very well.

In your study the difference between legal and lawful will become very important. Your entire life has revolved around and in (legal) Statute Law. Sometime during the research you will come to understand that Lawful is where you must be in order to be FREE.

We first look at offshore or foreign jurisdiction or venue to the United States and the best place to begin, I found, is the Black's Law Dictionary 5th Edition and look up the term United States and you will find the definition reads as follows.

This term has several meanings, (1) It may be merely a name of a sovereign occupying a position analogous (similar in some way(w,BL) to that of other sovereigns in the family of nations. (2) ( this is most important) It may designate territory over which the sovereignty of the United States extends. (3) or it may be collective name of the states which are united by and under the Constitution.

What is strange is that Black's law dictionary doesn't define United States at all in the 8th edition. What does that mean?

However, where did this definition come from? It came from a court case decided in 1945 called *Hooven & Allison co. v. Evatt* cited at 324 U.S. 652. by the Supreme Court of the United States of America,

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Where they decided for all time that there would be 3 definitions for the United States. Go to the 8th paragraph past the III page to find the term "United States"

The term 'United States' may be used in any one of several senses. It may be merely the name of a sovereign occupying the position analogous to that of other sovereigns in the family of nations. It may designate the territory over which the sovereignty of the United States ex- [324 U.S. 652, 672] tends, or it may be the collective name of the states which are united by and under the Constitution.

They also went on to talk about two different governments with in the United States. They define these governments as the United States of America and the United States. One is a legal system and one is a lawful system. Go down 4 more paragraphs & end of line 7 it states –



It is no longer doubted that the United States may acquire territory by conquest or by treaty, and may govern it through the exercise of the power of Congress conferred by 3 of Article IV of the Constitution 'to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States.'

As we go on you will find the difference between those governments unbelievable. Now, let's go back to the 2nd definition where it says it may designate territory over which sovereignty of the United States extends and see if we can find what that may mean.

Look in your copy of the US Constitution and find Article 1 Section 8 Clause 17 where it gives us the best clue where it states.

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;—And To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

Congress has exclusive authority over Washington DC called, the District of Columbia. The government was set up in that area to have no constitutional limitations when they write a law. This is brought out by Article 4 Section 3 Clause 2 of the Constitution where Congress was given the following power, it says,

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State..

In other words, if you are in Washington DC, the District of Columbia, you are under immediate and direct control of congress. You are not in the united States of America. You are in the jurisdiction of the United States. Blacks Law 8th Edition defines District of Columbia —The seat of the U.S. government, situated on the Potomac River between Maryland and Virginia. Neither a State nor a territory, it is constitutionally subject to the exclusive jurisdiction of congress.

This was proven very early in the formation of the city, there were 9 granite markers, marking the boundaries of the city known now as the District of Columbia. These markers were as follows, on the one side of the marker where they face Maryland it says Maryland and on each side of the marker it has the compass, latitude and longitude degrees and feet or miles to the next marker stone in each direction and on the inside it says Jurisdiction of the United States.

All of this is in comportment with the United States Constitution, with Title 18 the criminal laws of the United States, and Title 28 the civil procedural laws of the United States. Now lets see if we can find some Supreme Court Cases to back that up. In *Hooven & Allison Co. v. Evatt* it says

(go to next paragraph), In exercising this power, Congress is not subject to the same constitutional limitations, as when it is legislating for the United States (meaning the 50 States). Where the government confuses the issue about our laws, so we need lawyers to decode them. You could research this further by following the other cases listed there.

Then another case came along called, *Foley Brothers Inc. v. Filardo* cited at 336 U.S. 281 in 1949, use the back arrow (1) click and enter 336 and 281. The Supreme Court said in that case, 8th paragraph down:

First The canon of construction (well established principle) which teaches that legislation of Congress, unless a contrary intent appears, is meant to apply only within the territorial jurisdiction of the United States

Now we need to find out what is territorial jurisdiction of the United States. Lets go to the Criminal Laws of the United States, which is found in Title 18 USC in Section 5 ( we were in the Supreme Court section, use the back arrow 2 times and that will bring us to our favorite starting page, under popular federal resources upper center of the page, select U.S. Codes, (laws made by the U.S. Congress.)

Enter 18 in Title and 5 in Section, click search, (print) where it defines the United States. Section 5 says, United States defined, the term “United States”, as used in this title in a territorial sense, includes all places and waters, continental or insular, subject to the jurisdiction of the United States, except the Canal Zone.

Now in Title 18 Section 7 (go back using back arrow (1) click, enter section 7, (print) titled Special maritime and territorial jurisdiction of the United States defined, the term “special maritime and territorial jurisdiction of the United States”, as used in this title, includes: the high seas, any other waters within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State.

Since the Criminal Laws “Title 18” of the United States only extends to the high seas, and specific territory meaning the District of Columbia, American Samoa, Canal Zone, Guam, Midway Island, Northern Mariana Islands, Puerto Rico, U.S. Virgin Island, and any other territory bought and owned by Congress for the United States. We can see that the territorial jurisdiction of the United States does not, never has and never will extend into any one of the 50 States.

Can we back this up further, yes we can, in Title 28, Part 1, Chapter 13, Section 297. ( back arrow one (1) time and enter 28 in Title and 297 in Section) Print

It talks about the ability of the United States to send a judge into any one of the several States to help them out for a period of time with the justices if they need it and they talk about sending them out there and compensating the judges, and look closely at the words Congress uses,

Sec. 297, Assignment of judges to courts of the freely associated compact states.

a.) The chief justice or the chief judge of the United States Court of Appeals for the Ninth Circuit may assign any circuit or district judge of the Ninth Circuit, with the consent of the judge so

assigned, to serve temporarily as a judge of any duly constituted court of the freely associated compact states whenever an official duly authorized by the laws of the respective compact state requests such assignment and such assignment is necessary for the proper dispatch of the business of the respective court.

In Sec. b. is where and how that judge gets paid, and pay attention to this wording.

b.) The Congress consents to the acceptance and retention by any judge so authorized of reimbursement from the countries referred to in subsection (a)

In other words, in Title 28, U.S. Code, the civil procedures says that the justices used by the 9th circuit in any of the 50 States, are there in separate countries and those countries must pay that judge for his or her services. So Tennessee is a country, Florida is a country and even Kentucky is a country. All States are separate and distinct countries from the territory of the United States known as the District of Columbia.

Does other law back this up? AH YES IT DOES. When we go into the Internal Revenue Code which is Title 26 USC at 7701 (a) gives us definitions of the terms used within that writing. (back arrow once, 26 in Title & 7701 in Section) Print.

Sec. 9 United States. the term “united States” when used in a geographical sense includes only the States and the District of Columbia.

Now most people reading that would say, that makes sense, the 50 States and the District of Columbia. But we only have to look at the next line or 7701 (a) 10 to find something very disturbing. Now look at the term State as it is defined in the IRS Code

Sec. 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. (construed – to analyze & explain the meaning of –a sentence or passage) ( BL & W) (include – to contain as a part of something) (BL = Blacks Law dictionary) (W = Webster’s dictionary)

The word State means the District of Columbia. Where are the 50? Their not there.

So when you read the word State in the IRS Code it includes the District of Columbia and nothing else. Is that upsetting, it should be. Now are you starting to see a pattern forming and the puzzle pieces should be falling into place? Keep this information up front in your mind as this will also come into play farther on.

Now let’s go back and read the term, United States, as it is defined in Sect.7701 (9) & (10) and we are going to read it with the terms they have used. It says, the term United States when used in the geographical sense includes only the State (we just found out that means District of Columbia) and the District of Columbia. Is this consistent with law, yes it is, its consistent with the Constitution, Article 1 Sect 8 Clause 17, with *Hooven & Allison v. Evatt*, and *Foley Brothers v. Filordo*, its consistent with the definition in Title 18 and the definition in Title 28 of the United States.

There is no other place to look to find what the definition of the term United States means.

The IRS Code even itself redefines United States at Sect.4612 in such a way when they want to, they can include the 50 States. (back arrow enter 4612 in section) Print

Sec.4612, (a) (4) United States (A) In general, the term “United States” means the 50 States, the District of Columbia, the commonwealth of Puerto Rico, any possession of the United States, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.(B) includes the continental shelf areas, and (C) includes the foreign trade zones.

They didn't leave anything out on this definition. Now how do we know that this definition doesn't apply to Title 26 and in other places. Because right at the beginning of Sect 4612 (a) it says definitions, for purposes of this subchapter =. Lights and siren should go off when you read this. Always, always read the first line under definitions.

That means they are going to take a term and they are going to redefine and change it around and make it mean something different and that is exactly what they did. Now let's find out what this sect. 4612 is about. It's about gas taxes and the refining of petroleum products. So if you refine petroleum products and distribute them anywhere in the 50 States you have a tax to pay to the United States for that privilege. If you don't, that definition doesn't apply to you.

The definition that does apply is 7701 at (9) & (10) where in the IRS Code area, the internal part of that Title means District of Columbia. If you are not there you are foreign to it, you are outside of its venue and jurisdiction and those laws may or may not apply to you in particular case. Let's discuss what particular cases may apply to you and how they may apply a little bit later.

Under Debt Collection, Title 28 at sec. 3002 Definitions (you know the drill)

(14) the term State, means any of the several States, District of Columbia and all territories and possessions of the United States

(15) the United States means a Federal Corporation.

So they can use these terms and define them anyway they want, and as long as they print the definitions and let you know what they are doing, if you get damaged by assuming that you know what they mean, it's your fault, not theirs.

I'm only going to beat you up with one last piece of material out of Title 28 and at sec. 1746 (you know the drill) we have the ability to make Unsworn declarations under penalty of perjury. Its very interesting here because Title 28, Sec. 1746 gives 2 separate penalty of perjury clauses that can be used.

(1) If executed without the United States: “ I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature)”. This is Lawful

(2) If executed within the United States, its territories, possessions, or commonwealths: “I declare (certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)’. This is Legal

This substantiates the difference between Legal and Lawful venue and jurisdiction of the United States. This is very important as you will see as we begin to get back into the IRS Code. Hopefully by now you should clearly see that the United States of America is without, or outside, the venue and jurisdiction of the corporate United States, that entity occupying Washington DC and any of its territories or possessions.

Now how does this relate to the Common Law Declaration of Trust, reduction of taxes, increase privacy, and the elimination of government interference in your life. If we know that the laws of the United States of America apply to us and not the codes, the 50 different United States Codes regulating the activities of Washington DC and its territories and possessions, then we have substantial freedom if we can properly place ourselves outside the venue and jurisdiction of the United States.

Let's go back into the IRS Code for just a minute and see if we can find some interesting definitions again in section 7701 (a) (you have printed this one out.) tells us who a domestic person is, and it states,

(30) United States Person, the term "United States Person" means =

(A) a citizen or resident of the United States

(B) a domestic partnership

(C) a domestic corporation

(D) any estate (and here is the key) (other than a foreign estate, within the meaning of paragraph (31) and

(E) any trust if—a court within the United States is able to exercise primary supervision over the administration of the trust.

So what does 7701 (a) (31) state. 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. (A is the graduated income tax)

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

This states, if a foreign trust, a trust set up outside of Washington DC and not domestic to it and receives income, it is not taxable the same way a United States citizen is taxable.

The Trust is not subject to the same rules and regulations and can shut its door and papers from the prying eyes of the United States. What a wonderful concept, you have tax freedom, reduction

of government interference and regulation and you have complete privacy from the United States, as to its operations and papers.

In one fell swoop you have gone overseas without leaving our home, as long as we are in one of the 50 States. Now obviously this won't work in Washington DC, or any territory or possession of the United States.

So as long as we don't involve ourselves with a trade or business of the United States or ask for a trade secret protection of the United States or ask for its patent or copy write protection or do business on its territory, we don't have an income that the United States can lawfully tax. The Trust is not an entity that the United States can lawfully regulate or pry into its business affairs. This doesn't mean that we have no ability to protect our ideas, inventions and work, we can still do things under the Common Law, to affect our patents and copy write protections.

How does this affect a Common Law Declaration of Trust at law and how can we use the law to perfect our foreign venue and jurisdictional status to the United States. We can look into your State Law and find where it will state That no retrospective law, or law impairing the obligation of contracts, shall be made. You should have found this in your State Constitution already.

Black's law dictionary 5th Edition, defines Foreign estate or trust. A trust which owes its existence to foreign law and is treated for tax purposes as a nonresident alien individual

Black's law dictionary 8th Edition defines Foreign Law. (1) Generally, the law of another country. (2) Conflict of laws. The law of another state or of a foreign country.

Black's law dictionary 8th Edition defines Common-Law Trust- See Business Trust

Black's law dictionary 8th Edition defines Business Trust- A form of business organization, similar to a corporation, in which investors receive transferable certificates of beneficial interest (instead of stock shares). – Also termed Massachusetts trust; common-law trust.

Now let's go back over to IR Code 26 sec. 7701 (a) (48) where we find at (b) Definition of resident alien and nonresident alien. Under subparagraph (B) it states, (you should have this printed).

nonresident alien. An individual is a nonresident alien if such individual is neither a citizen of the United States nor a resident of the United States (within the meaning of subparagraph (A)

Well this trust is not a citizen of Washington DC, nor does it reside in Washington DC, so it truly has a foreign venue jurisdiction to the United States. Now that we know we are a nonresident alien for tax purposes, we now go to the code section which is 871 of the IR Code Part 2 which describes the taxes that a nonresident alien or foreign corporation pay. You know the drill.

At 871 (lower case letters for some reason, most likely confusion, is the main sections so go down to the lower case (b).

In 871 (b) Income connected with United States business – graduated rate of tax.

In (b) (1) Imposition of tax. A nonresident alien individual engaged in trade or business within the United States during the taxable year shall be taxable as provided in section 1

In (b) (2) Determination of taxable income. In determining taxable income for purposes of paragraph (1), gross income includes only gross income which is effectively connected with the conduct of a trade or business within the United States.

Now I know you must be thinking that could mean just about anything. Well it could mean just about anything unless the United States tax code redefines that term. They are such wonderful people at 7701 (a) (26) they define just what the trade or business means. OK back to 7701 at 26. (26) Trade or business. The term “trade or business” includes the performance of the function of a public office.

What we have learned here is a nonresident alien that does not perform a function of a public office either being elected, appointed or employed by the Federal Government or getting its income from within the territorial jurisdiction of the United States has no tax liability for any money it makes from any other sources Period. END OF STORY.

It should be very clear by this time that any entity that is lawfully outside the District of Columbia and not within the territorial jurisdiction of the United States it is then foreign to the United States. It is in fact in the United States of America by way of domicile itself, or placing itself, in any one of the 50 States. All 50 States can claim common law status through their own States Constitution and adoption of the common law of the Federal common law. Both guarantee a status at law, this is backed up by a court case called *Hail v. Hinkle* which is cited at 201 U.S. 43 (1906) Go back 2 clicks on back arrow and select US Supreme Court, enter 201 Us 43, Go down to number 4 and count back 3 paragraphs and read that paragraph and most of the next.

It said, clearly the difference between a legal entity such as a corporation or taxpayer or resident of the United States and a lawful individual such as a State Citizen and one not relying on the United States for protection or help, was clearly put forth in the opinion of this court.

The Justices said in their report, we are in the opinion that there is a clear distinction in this particular between an individual and a corporation. Now as we go on, when it says individual (think trust) and when it says corporation (think of your self), and that the latter has no right to refuse to submit its books and papers for examination at the suite of the State. The individual may stand upon its Constitutional rights as a Citizen, he is entitled to carry on his private business in his own way. His power to contract is unlimited; he owes no duty to the State or his neighbor to divulge his business or to open his doors to an investigation so far as it may tend to incriminate him. He owes no such duties to the State since he receives nothing there from beyond the protection of his life and property. His rights are such, as is existed by the law of the land, long and accepted to the organization of the State and can only be taken from him by due process of law and in accordance with the Constitution. Among his rights are a refusal to incriminate himself and immunity of himself and his property from arrest or seizure except under

a warrant of the law. He owes nothing to the public so long as he does not trespass on their rights.

This is the essence of a Common-Law Declaration of Trust. It asks nothing from the State or the Federal Government beyond the protection of his life and property.

On the other hand the federal citizen goes asking for benefits from the United States Government are described next.

Upon the other hand the corporation is a creature of the State and presumed to be incorporated for the benefit of the public. It receives special privileges and franchises and holds them subject to the laws of the State and the limitations of its charter. Its powers are limited by law and cannot contract if not authorized by its charter, its right to act as a corporation is only preserved so long as it obeys the laws of its creator. There is a reserved right in the legislature to investigate its contracts and find out whether it has exceeded its powers. It would be a strange anomaly to hold that a State having chartered a corporation to make use of certain franchises could not in the exercise of its sovereignty inquire how these franchise have been employed and whether they had been abused and demand the production of the corporate books and papers for that purpose.

Very clearly the justices of the Supreme Court of the United States of America, know the difference between one that does not ask for, or request anything from the United States Government or its State Government and the ones that do ask and request things from the United States Government or the State Government. The latter are the tax payers.

When you analyze the trust you can clearly see it operates in a foreign venue and jurisdiction to the United States. This Trust can do anything that any trust or any foreign corporation or any foreign bank can do for you. It's done by simply stepping outside of Washington DC.

The trust can operate in any one of the 50 States and its venue is foreign as respect to the United States and operates outside the 50 code laws of the United States, unless specifically brought into that by definition or act. This means that government interference with the trust is almost nonexistent. Therefore there are no income taxes, Social Security taxes, capital gains taxes or estate taxes on the money made outside the jurisdiction of the United States. This gives the users of these trust extreme advantages over statutory trust or entity.

By now, you should have an appreciation for the Common-Law Trust being the safest place for your personal and business assets. The only thing left is the cost and the time to have your Common-Law Trust written and delivered to better function in our world today. More proof by US Supreme Court Cases for your enjoyment.

## A SUMMARY OF SOME COURT DECISIONS RELATING TO PURE TRUST ORGANIZATION CONCEPTS AND ISSUES

The following court cases are the results of many months of intensive study and research. This outline list is but a few of the hundreds of court cases dealing with the Pure Business Trust



Organization. Most of the case law on the Pure Trust Organization was decided approximately 50 or more years ago, as they became more known and were becoming more widespread in their use by the wealthy. These cases have withstood the test of time concerning the important legal aspects. As the reader probably knows, the truly valuable court cases are older.

The longer a case remains without being overturned, the more solid is its legal basis and reasoning. While the following cases are quoted more for the use of attorneys and CPAs to review some of the legal issues involved in statutory trusts versus business trusts, we believe the variety of cases below will offer those unfamiliar with tax laws at least some confidence in both the legality as well as the viability of unincorporated business trust organizations, known as the Pure Trusts and Common Law Trust.

To the non-professional, we again affirm that the business trust is viewed as being a different lawful entity than the statutory trust. The many laws and statutes which offer so much restriction of and requirements for statutory trusts generally do not apply to the business trust. The reason, in a nutshell, is simple: the business trust or “pure trust” is really not a trust as much as it is a common-law contract functioning in the form of trust.

As the government agencies, especially the IRS, became familiar with the business trust, they attempted to treat them as if they were statutory trusts subject to the many tax laws and legal restrictions to which statutory trusts were subject. The early business trusts had to wage legal war against the IRS so we wouldn't have to today.

Valid and Legal Instrument:

*Crocker v. Malley*, 249 U.S. 223 (1924): The United States Supreme Court upheld the Massachusetts Trust as a valid legal entity. In this case the court held that the trust organization was not an association, but was in fact a Pure Trust Organization.

*Hecht v. Malley*, 265 U.S. 144 (1924): It is distinguishable from other express trusts, and these trust organization instruments are held to create “pure trusts” if trustees are the principals and are free from the control of the certificate holders. The Hecht R. E. Trust was established by the members of the Hecht family and was primarily a family affair, according to the United States Supreme Court.

*Schumann-Heink v. Folsom*, 159 N.E. 250 (1927): This type of trust organization is also sometimes referred to as a “common-law trust” because it finds its basis in the law of contract and does not depend upon any statute for its existence.

*Hill et al. v. Reynolds*, 75 F.Supp. 408 (1948): The character of the trust for income tax purposes is dependent upon the phraseology of the trust organization instrument (i.e., whether or not the instrument creates a “pure trust”).

*Bouchard v. First Peoples Trust*, 148 N.E. 895 (1925): The Supreme Judicial Court of Massachusetts stated that “the declaration of trust in the case at bar is different from any hitherto considered by this court” (not a statutory trust) and was a valid legal entity.

Goldwater v. Qitmun, 292 P. 624 (1930): The California Supreme Court stated that a business trust is lawful “in a state the statutes of which permit trusts to be created for any purpose for which a contract may lawfully be made.” (NOTE: This includes all states, as the U.S. Constitution forbids any State to enact laws inhibiting the formation and execution of contracts for any and all legal purposes.)

Smith vs. Morse, 2 CA 524: “A pure Trust is established by contract, and any law or procedure in its operation denying or obstructing contract rights, impairs contract obligation and is, therefore, violative of the United States Constitution.”

Navarro Savings Assn. v. Lee, 446 U.S. 458 (1980): “...a business trust is a citizen of every State in which its shareholders reside...”

#### Non-Statutory in Nature

Crocker vs. Mac Cloy, 649 US SUP. 39 at 270: A Trust organization, consisting of a U.S. Constitutional right of contract, cannot be abridged. The agreement when executed becomes a Constitutionally protected organization and not under the laws passed by any of the several legislatures.

Elliot vs. Freeman, 220 US 178: A Pure Trust is not subject to legislative control. The United States Supreme Court holds that the Pure Trust Relationship comes under the realm of equity, based upon the common law, and is not subject to legislative restrictions as are corporations and other organizations by legislative authority.

U.S. vs. Carruthers, 219 F2d 21: “Concerning privacy, a Trust organization, created under the United States Constitutional right to contract, can not be abridged...The agreement, when executed, creates a Federal organization not under the laws passed by any of the several legislatures.”

Crocker v. Malley, 264 U.S. 144: “The Pure Trust derives no power, benefit, or privilege from any statute”.

Smith vs. Morse, 2 CA 524: A pure Trust is established by contract, and any law or procedure in its operation denying or obstructing contract rights, impairs contract obligation and is, therefore, violative of the United States Constitution.

13 Am Jur 2d, pg 379, Paragraph 51: “One of the objectives of Business Trusts is to obtain for the Trust associates most of the advantages of corporations, without the authority of any legislative act and with the freedom from the restrictions and regulations generally imposed by law upon corporations.”

#### Exchange of Property

Burnet v. Logan, 283 U.S. 404: The United States Supreme Court ruled that if property received in exchange has no fair market value, it does not represent taxable gain to the recipient. Hence, trusts can exchange trust certificates for property received without the exchange being taxable to either the exchanger or the trust.

American National Bank of St. Joseph v. U.S., 92 F.Supp. 403 (1950): “Market value” for the purpose of internal revenue law, is the price at which a seller willing to sell at a fair price and a buyer willing to buy at a fair price (both having reasonable knowledge of the facts), will trade.

C.I.R. v. Marshman, 279 F.2d 27: The gain is measured by the fair market value of the property received, not by the fair market value of the property transferred. The trust certificate had no established value and therefore specific gain could not be established.

#### Gift Tax Considered

Palmer et al. v. Taylor et al., 2699 S.W. 996 (1925): The organization of the common law (business) trust was held not unlawful. Subscription to stock in common-law trust was held to be not a gift but an investment.

Tyson v. Commissioner, 146 F.2d 50 (1944): Gift tax applies only to transfers by gift with less than full and adequate consideration. Exchanges with a business trust that involved a trust certificate could not be viewed as a gift.

Scanlon v. Commissioner, 42 U.S. Board of Tax Appeals 997 (1970): No gift tax applied when the property was transferred to a disconnected and isolated entity, where consideration was not lacking.

#### Estate Tax Considered

Old Ken Bank & Trust Company v. U.S., 430 F.2d 392 (1970): Federal estate tax is an excise on transfer of interests in property which occurs as a result of death. (Note: Interest in property is transferred to the Pure Trust Organization before death. Therefore, estate taxes cannot be involved.)

Second National Bank of New Haven v. U.S., 422 F.2d 49 (1970): The rationale of federal estate tax is not a levy on property of the estate, but on transfer at death.

Babb v. U.S., 349 F.Supp. 792 (1972): Property interest terminating on or before death is not a property subject of federal estate tax.

Igleheart v. Commissioner, 77 F.2d 704 (1935): The measure of estate tax is the value of all the property owned by the deceased at the time of his death. (Note: Property that is owned by the Pure Trust Organization cannot be included in a deceased estate.)

MaCaughn v. Fidelity Trust Company, 34 F.2d 443 (1929): The transfer tax is determined by the value of property or interest transferred at the decedent’s death. (Note: Property is transferred to a Pure Trust before death.)

Shaw vs. Paine, 12 Allen (Mass) 293: “A Trust, for probate avoidance, is a lawful, irrevocable, separate legal entity.”

#### Rule Against Perpetuities

Liberty National Bank & Trust Company in New York v. New England Investors, Inc., 25 F.2d

493: Such trust organizations do not come within the rule against perpetuities, having no application to such a trust organization.

Baker v. Stern, 216 N.W. 147: Such a trust organization in personality does not fall within the condemnation of the rules where it is terminable at any time by the trust indenture articles. Legal and beneficial interest is vested immediately, and the rule against perpetuities does not apply to business trusts.

## Questions and Answers

Q. How do I not lose Control of my assets?

You will only lose the ownership, not the use or benefit, for the rest of your life. The arrangement of your designated trustees, protector and managers is how you control the assets within the trust.

Q. Can I be cheated out of everything?

No. Not with the proper people in the trust.

Q. Does any beneficiary have any control over the trust, or its operation?

No. They must wait until the disposition of the trust assets.

Q. Is it my trust?

No it is NOT. When the trust is created, it has a separate identity all its own.

Q. Does the IRS get upset when one of these trusts are being used?

Yes, Yes, and Yes. They have lost control of a good deal of assets and a lot of income. However there is nothing they can do about it.

Q. How many people do I need for the trust to form?

You will need at least 6. 4 trustees, a protector, and a beneficiary.

Q. Who keeps the records of the trust?

Anyone you wish, yourself, trustee, accountant, etc.

Q. Can we have bank accounts?

Yes and you can have brokerage accounts as well.

Q. Can I use my name (sir name) as the trust name?

No you do not want to appear to be a trust in Statutory law. Use a fiction name or maybe use acronyms', just make sure if using names that it's not apparent to your sir name.

**If you are ready to roll, then receive our gift!**

### **Our Three Trust Package GIFT to you:**

1. **Trust one—will contain your cash assets.**
2. **Trust two— will contain liabilities such as cars, trucks etc.**
3. **Trust three—will contain your business(s)**

**\*\*\*A love gift of \$2,500.00 (Common Law Money Order) is suggested for this package!\*\*\***  
*There is a tremendous amount of research and energy put into this section and into giving you this service. Our time and energy does have value just as yours! You understand that we the people give gifts to one another! This is a provisional blessing of life and our daily bread!*

### **Service Included in the creation of your Trust Package is:**

- Very powerful Trust Documents and the law backing it all up is provided to you for the creation and management of your Trust.
- An initial meeting (by phone or skype to):
- Explain in common terms how the Common Law Express Trust works and how to use your TRUST(s) in a simple manner to protect your body, your life, your family and your assets!
- Work with you on establishing your Trust management strategy and Trust related applications for banking, etc.
- Help you complete the Initial Trust Worksheet to gather the data we need for the all the documents.
- Ensure that precise Common Law Express Trust Creation guidelines are followed correctly in our work and in the simple part you will do!
- After your Trust is completed we will make plans for delivery and setup the next call!
- All of these Powerful Protection Documents are built for you delivered by Email complete and personalized for your review and for proper signing before witnesses.
- A second meeting (by phone or Skype to):
- Review all the documentation making sure everything is correct and understood and to address any and all remaining questions or concerns.
- Provide easy to follow instructions in common terms to help you gain the most benefit of protection from your new Common Law Express Trust!

- Guide you through the final signing process.

*No-one can touch you or your assets after your Common Law Express Trust is created and you will experience the most free feeling you have ever felt! It is wonderful to do as you please without permission (doing no harm of course!)*

## **Definitions**

### **Board of Trustees**

The People and or entities, who are entrusted with, receive and hold the properties and assets of the Trust.

### **Beneficiary**

The People, or entities, who receive and hold a capital unit and are the beneficiaries of the Trust. Receipt of a capital unit from the Trust is evidence of entitlement to receive disbursements of income, properties or assets from the Trust upon a distribution or upon the Trust's termination.

### **Protector**

The Person who acts in the best interest of the beneficiaries and ensures that the independent Trustees, of the Board of Trustees, act in accord with the Trust Contract and the intent of the creator.

### **Trustee**

The People or person(s) that hold the properties and assets of the Trust, subject to the terms and conditions of the Contract, for the benefit of Trust and the capital unit holders. Trustee refers to the single, multiple and successor Trustees who at any time may be appointed or elected and who act in a fiduciary capacity under the terms and conditions of the Contract.

Show these definitions to your proposed Trustee(s) to insure their comfort level as well as yours. The most asked question is, can I get in trouble or get sued by something I do or didn't do? This should answer those fears. If any other question comes up, feel free to contact us.

### **Trustees Duties and Responsibilities**

Section 10.3 The Trustees as a Board shall hold all properties and assets of the trust in allodium, in fee simple or in the highest form of absolute free title ownership available, in joint tenancy with the Trust. Such properties and assets shall not be owned by the Trustees in their own private character and capacity, but by them and in the Trusts name as fiduciaries for the benefit of the Trust and the Capital Unit Holders.

Section 10.4 The first Trustee, all executive Trustees, and all successor Trustees of the Trust shall maintain an independent Trustee status at all times. The Trustees shall be subject to the standards recognized in law regarding the performance of the duties on behalf of the Trust as provided by the Common law for fiduciaries.

Section 10.5 No Trustees, successor Trustees or agents shall be liable for any acts of or omissions of any other or prior trustees or agents. No successor Trustee shall be personally liable for any act of or the omission of any act required of him or her or his or her predecessor. With the approval of the Board, a successor Trustee may accept the accounts rendered and the property and assets received as a full and complete discharge to the predecessor Trustee without incurring any liability for doing so.

**Here is one of the sample docs in our package. It is for the appointment of Trustees:**

### **Certification and Acknowledgment of the Appointment of Trustee For Your Trust**

Know All Men By These Presents name has been appointed as Trustee for The Your Name Trust in accordance with the terms and conditions of the trust Contract as of the date indicated below.

The authority, duties, powers, and responsibilities of the Trustee are detailed in the Contract, its attachments and its minutes and must be referred to by the Trustee as the authority for any acts performed by Him, in said capacity.

Anyone and all third parties can rely on this document to establish the authority and powers of name and in so recognizing the authority and powers of the named Trustee will be held harmless from any acts done, acts purported to be done or omissions made in the name of The Your Name Trust, in His capacity as a Trustee.

The Creator of this Trust whose name, under seal, is subscribed to this document has, by such subscription, acknowledges that He has appointed to the office of Trustee name and has explained the obligations and duties thereof and acknowledges, as Creator, His intention to have name. serve as a Trustee subject to the terms and conditions of the Trust Contract as put forth by the undersigned Creator and thereby settles this Contract with this Trustee's acceptance of Twenty-One (\$21.00) Dollars of gold or silver coin, money of the Republic for the united States of America, as good and valuable consideration and the Trustee thereby exchanges to the Creator, or one designated by Him, all the Capital Units of this Trust for the properties and assets comprising the Trust corpus.

The name and seal of the Person named below is the Creator of The Your Name Trust.

Dated and executed this \_\_\_\_\_ day of the \_\_\_\_\_ Month in the Year of our Common Era, Two Thousand \_\_\_\_\_, and the Two Hundred Thirty Third year of the independence of the united States of America.

L.S

(seal) \_\_\_\_\_

Name , Creator

The below listed, as witnesses, hereby certify that they have witnessed the subscribing of the autograph of the Creator on this page. They have not read, nor do they comment on, the contents of this instrument.

\_\_\_\_\_  
\_\_\_\_\_

Witness Autograph  
of Witness

Printed Name

\_\_\_\_\_  
\_\_\_\_\_

Witness Autograph  
of Witness

Printed Name

\_\_\_\_\_  
\_\_\_\_\_

Witness Autograph  
of Witness

Printed Name