

Points and Authorities in Support of Affidavit for non-corporate status

1) The Federal Rule of Civil procedure Rule 52 applies in civil and criminal actions with equal force and effect because criminal is always civil in nature. No civil or criminal cause of action can arise lest there be a contract. See *Eads v. Marks* 249 P 2d 257, 260. There is always a presumption that a contract exists and that the responding party is a corporation. Under Rule 52 which is the same in all the states as in the federal rules, the Texas Court of Appeals has ruled on the finding of fact by the court that “the failure of an adverse party to deny under oath the allegation that he is incorporated dispenses with the necessity of proof of fact.” Thus, a presumption becomes a finding of fact by the court unless rebutted before trial.

2) A presumption is a rule of law, statutory or judicial, by which finding of a basic fact gives rise to the existence of presumed fact until presumption is rebutted. See *Van Wart v. Cook* 557 P 2d 1161, 1163. In the commercial law of all the states, a presumption means that the trier of fact must find the existence of the fact presumed, per court rule 52, unless and until evidence is submitted which would support a finding of its non-existence this states commercial code 1-201(31). Thus the affidavit for non-corporate status is for the purpose of rebutting any presumption that Thomas David House of Deegan is the corporation named in the alleged complaint.

3) When the complaint is lodged by a government for the collection of a fine, fee or a tax all of which are revenue, raising taxes, they are imposed only on corporations. See *Colonial Pipe Line Co. V. Traigle* 421 US 100 (1975), thus, the instant complaint for the collection of some

form of tax must have been lodged against a corporation by a name similar to mine. This respondent must rebut the presumption that he is the incorporated name, or it will appear to be a fact.

4) If it is not a corporation, it cannot as such appear and plead. See West Union Tel. Co. v. Eyser 2 Colo. 141 See Greenwood v. Railroad Co. 123 Mass. 32; Foster v. White Cloud 32 Mo. 505; Hobich v. Folger 20 Wall 1; Boyce v. M.E. Church 43 Md. 359; Folsom v. Star Union Etc. Freight Line 54, Iowa 490.

5) When brought into court by its corporate name, its existence as a corporation is admitted. See Mud Creek Drain Co. V. State 43, Ind. 28. And where an action is brought against a defendant by a name implying a corporation, and in that name such defendant forms an issue by general denial, and it goes to trial, it is not necessary for the plaintiff to introduce any evidence of the existence of the corporation. See Adams express Co. v. Hill 43 Ind. 157. See Johnson v. Gibson 73 Ind. 282; Ewing v. Robeson 15 Ind. 26; Callender v. Railroad Co 11 Ohio St. 516; Corn Ins. Co v. Taylor 8 S.C. 107; Compare Ware v. St. Louis Bagging and Robe Co. 47 Ala. 667.

6) Stating not facts, but a conclusion only, is insufficient. It has been held that where the representative of a railroad company is served with process, he may plead in abatement in his own name that the corporation is extinct. See Kelley v. Railroad Co. 2 Flip C.C.581; Callender v. Painsville Co. 11 Ohio St 516; Quarrier v Peabody Co. 1 W.Va.507; Evarts v. Killingworth Co. 20 Conn 447; Stewart v. Dunn 12 Mees. & W. 655; Stevenson v. Thorn 13 Mees & W. 149; where a

person is served with process he may by plea, deny that he sustains any such relation to the company as authorizes the service of process on him. See Kelley v. Railroad Co. 2 Flip C.C. 581.

I, Thomas David House of Deegan, under full liability and complete transparency, declare and attest that the foregoing is true, correct and complete, the truth, whole truth and nothing but the truth, to the best of my knowledge and ability, so help me God. On the fifteenth day of October, in the Year of my Lord two thousand fifteen.

In propria persona, sui juris, without recourse, without prejudice,
Beneficiary, Heir of the Creator, Administrator.

Thomas David House of Deegan _____

Any use of a notary is for verification only and does not grant authority, venue or jurisdiction.

