

# Yes Sirie Bob

## Actual Notice versus Constructive Notice

Consider a suit is filed and a copy of the suit is tendered to the party being sued at the same time the court docket the suit, such could be seen as rendering “Actual Notice.” Where the court or judge or by any other lawful avenue notice of suit (lawsuit) in example is placed within a “local newspaper”, such could be seen as rendering “Constructive Notice.” Placing notice into a New York, New York paper to serve as notice to party in Podunk, California would not constitute lawful service.

Regardless of the method of notice, notice of the suit has been given, thus a judge who occupy’s the chair of the court has to then determine if the merits within the suit stand to the level to invoke court’s jurisdiction.

A judge may decide that jurisdiction is achieved or not achieved but where the judge refuses to inquire to the issue of whether jurisdiction is or is not applicable could place the judge in a position of lacking sovereign immunity, where as a judge refuses to lawfully act according to the oath taken to uphold the Constitution (Federal or State), such error could be seen by an appellate court that must correct the judge’s error to maintain the court’s integrity, where a judge only violates statutory or common law does not warrant the appellate court to take action for only violating the constitution is seen as being an error that must be corrected.

Similarly, for a judge to opine that they see not a crime would stand unless such opinion violates the oath of office taken to uphold the constitution.

One also must consider agent(s) or counsel who argue, actually lie, as being a conspirator to the criminal act, oh yea, law(s) in the penal world that deal with lawbreakers but is not addressed in this writing.

## Estoppel by Silence [Repose]

Shall apply this silence as it applies to 15 USC § 1635. Where as it is opined in *Wiser V Lawler*<sup>1</sup> verbiage is found that states:

*“To constitute an estoppel by silence, there must not only be an **opportunity**, but an **obligation** to speak, and the purchase must have been in reliance upon the conduct of the party sought to be estopped.”*

Appears that when Congress passed 15 USC § 1635, Congress applied the wisdom found in the court’s opinion. Once a party with notice fails to comply with 15 USC § 1635, Congress passed a law that 15 USC § 1640 provides the means and methods to state a private right of action due to a party inaction to comply with 15 USC § 1635.

Several have commented; who is liable for the underlying obligation, as to the tangible (homeowner obligation) such obligation according to Congress no longer exists, however the underlying intangible obligation pledged by the “Account Debtor” to the “Intangible Obligee” may still exist as to which the tangible obligor has not injured.

Where it is alleged to be true that the Statute of Repose cannot be tolled unlike Statute of Limitations which can be tolled is not really of an issue for if consummation of the tangible (homeowner) obligation did occur, then failure to follow the covenant that states all “Final Non Appealable” results in a “Breach of Contract.” However such opinion by a judge violates a party’s right by taking of property by “Due Process of Law” (Constitution) in an unlawful manner.

## **Unconscionable Contract**

This writer has written another article dealing with “Unconscionable Contracts”; however the writer did not dwell into when a judge considers the contract conscionable has a Constitutional Right guaranteed to the Maker/ Grantor been deprived.

## **Reversible Error**

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<sup>1</sup> <https://supreme.justia.com/cases/federal/us/189/260/>

Whereas if a judge opines incorrectly as to laws of equity (common law) or to statutory law is not of concern to an appellate court for a judge can make an error so long as that error does not rise to the level of violating the Constitution for a court to be allowed to violate the Constitution would place the court in a serious position of losing integrity.

Of Course the Federal Appellate Court's could choose to allow the violating of the Constitution which would destroy the Government's Court System and place this great nation in a 4<sup>th</sup> world light.

## **Unclean Hands Doctrine**

As explained above and with research one should be able to show "Beyond Any Reasonable Doubt" that opposing counsel has dirty hands and thus lacks the standing to invoke a court(s) equitable power. To hell in a hand basket the statutory law argument, for no court has equitable power to render any decision.

## **Global Issue**

You can leverage your backside, if truth reaches the people of the world all hell will rein down, pun intended.

## **Truth be Told**

Matthew 5:33; Again, you have heard that it was said to the people long ago, 'Do not break your oath, but keep the oaths you have made to the Lord.' Question presents: what about a judge's oath to office obtained.

## **Choose Wisely**

For eyes of humanity will come to bear.