**Notice to principal is notice to agent; Notice to agent is notice to principal**

**Notice and Demand of Abatement**

To: ANY COUNTY CIRCUIT COURT

ANY COUNTY JUDICIAL BUILDING

123 ANY STREET

JOMAMA, WV 26101

From: Jon Smith

c/o 123 any street

Sharleston, West Virginia free state; non-domestic without U.S. inc.

Regarding: case # 134rf5; ALL papers filed by both parties are hereby incorporated as an integral part of this Petition for Abatement.

COMES NOW, John Smith, the flesh and blood Living Soul, by the Authority of the First Amendment to the Organic Constitution of the United States of America c1791, to petition this court to ABATE the above referenced accuser’s paperwork and case on the following grounds:

1. The commercial instrument/presentment/charge/etc. against JOHN SMITH, a civilly dead, fictional entity not created by, or with, my consent, was delivered by the U.S.P.S. on May 17th, 2011. As a prudent Living Soul who fears that his ignoring of the commercial instrument/presentment/charge/etc. will result in coercive, and quite possibly deadly, procedures and/or military tactics being used against him, I have chosen to approach this court with this Petition, that the court ABATE the commercial instrument(s) so it cannot, in its present form, further restrain My Liberties.

2. That the commercial instrument/presentment/charge/etc. was served on and/or delivered to me is evidence that this is a case of misnomer or mistaken identity. The commercial instrument/presentment/charge/etc. is against a civilly dead fictional entity, JOHN SMITH, of which I have no contract or dealings with and did not create. My given, Christian name is JOHN, with the initial letter capitalized as required by the Rules of English Grammar for the writing of the names for Living Souls. My family name is SMITH, with the initial letter capitalized. The commercial instrument/presentment/charge/etc. DOES NOT name me as a party.

3. If the accuser has ANY claim or argument against me, the accuser can bring a complaint or accusation against My real name. My objections herein will make it possible for the accuser to issue a corrected instrument/presentment/charge/etc., which is the primary purpose of matters in abatement.

4. Furthermore, the instrument/charge/complaint/etc. does not contain a Seal of a court of record nor a wet ink signature of a judge, thereby giving rise to fatal errors and flaws.

5. This is by content, grounds, intent and definition a Petition in Abatement, and not a plea in bar, and may not be construed as a motion for dismissal or for mere amendment of the instrument. It may be justly resolved only by Abatement.

When a Petition for Abatement is before a court, that court is charged with according to the Petitioner the benefit of the doubt. In addition, courts should take cognizance of the law that provides where conditions for its issuance exist, Abatement IS a matter of right, NOT of discretion; The misnomer of a party defendant is grounds for Abatement; And grounds for Abatements are the same for equity and law cases.

ALL words contained herein are as defined by JOHN SMITH.

FURTHER I SAYETH NOT

Signed on the twenty second of December in the Year of our Lord Jesus Christ two thousand twelve.

Executor; Custodian; Beneficiary; Principal by Divine Visitation; a flesh and blood Living Soul upon the Land; in propria persona; proceeding sui juris; **ALL** rights/privileges/immunities/properties/etc. reserved, as always; without recourse; not at **ANY** time and/or **ANY** place acting as, purporting to be or responsible as, financially or physically, a surety for **ANY** figment of someone’s imagination; with Clean Hands; without prejudice

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