

# In the Circuit Court of the State of Oregon for Clatsop County:

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We the below signatory People, being Constitutionally  
"Qualified Electors", do here-by bring forth this  
"Criminal Complaint", in Good Faith; &  
In the Best Interests Of & On Behalf Of Our Larger  
Body-Politics of "We the People" of this

**DeJure "Clatsop County"**  
**& "State of Oregon";**  
**"State Ex Rel".**

Individually & collectively, each of us to here-under  
Swear, Subscribe, & Verify; before all conscience-  
binding authorities which include the Supreme God  
Yhvh; that this Criminal Complaint is Absolutely  
Truthful & Righteous in Every Essential Accusation  
contained here-in. We are the Heirs of N.W. Bower & :

**Ruth Bower-Remington:**

**& more specifically "Et-All":**

**Phylis Ingram; Julia Ann, Stewart;**  
**Charles Bruce, Stewart; & the**  
**"Ocean Beach and Company"**

all of whom proceed: Rex, Sui-Juris, & Propria-Persona;

**Vs:**

**Sunset Lake Water Service District; aka:**  
**Municipal/DeFacto 'Clatsop County',**

**& 'The City of Warrenton';**

**& Many Past & Present Officers there-of, back to**  
**1976, in both their Private & Public Capacities, &**  
**their Personal Estates; Particularly: All County**  
**Commissioners; Attorney: Heather Reynolds;**

**Defacto Circuit-Judge Hugh C. Downer;**  
**Clerk: Nicole Williams; Surveyor: Carl F. Foeste;**  
**Cartographer: Walter Lindstrom;**  
**& John & Jane Does 1-10,000,**  
**many of whom are further named here-in.**

**Felony Criminal-Complaint**  
**& Class Action**  
**Counter-Complaint**

Proceeding in the nature of "State Ex Rel" &

**Quo Warranto**

(as recognizable under ORS 30.510 - 34.810),

Accusing the here-in named of:

**Racketeering, Conspiracy,**

**Abuse of Public Office & Official Misconduct,**  
**Perjury of Oath, Theft, Trespass, Bribery,**  
**Deception, Fraud, Injury, Damages,**  
**& Other Crimes.**

**Action at Law**

**Trial by Jury Demanded**

**This Felony Criminal Complaint is:  
Sworn, Subscribed & Verified:**

**Judges, Clerks, & Bailiffs:**

**On Behalf Of, & In the Interests of, the Common People  
of the “State of Oregon” & “Clatsop County”;  
We Demand All of Our Rights to Originally-Constitutionally-Intended  
“Due Course/Process of Law”, at All Times;  
& We Relinquish None of these Rights at Any Time, Nor for Any  
Reason !!!**

**Do Not Thwart this Well-Settled & Traditional  
American Course of Step-By-Step Procedures  
which is “Due” to Us,  
Or You Will be Named as a Criminal Conspirator  
in Future Amended Versions of this Complaint !!!**

All Parties take further notice that These Demandants are Not in the receipt of any Franchise of any Membership from any Exclusive Bar-Association for the ‘Privilege’ of ‘Practicing Law’, and here-under these Demandants Demand that All Parties note that: the Exact Proper Wording and Presentation of these Issues is Not to be Held to those Exacting Standards which are Demanded of Bar-Member Lawyers. There are “Liberal Rules of Pleading” under which We Non-Franchised Non-Bar Members have the Due Right to Proceed, & they are Recognized with-in the U.S. Supreme Court’s precedent of:

**Haines v. Kerner, 404 U.S. 519, 30 L. Ed. 2nd 652 (1972):**

**“ . . . the allegations of the pro se complaint, . . . we hold to less stringent standards than formal pleadings drafted by lawyers, . . . ”** \_\_\_\_ (Underlining added for emphasis)

**The Complaining Parties Are:**

Comes Now, the Common People of the “State of Oregon” & of “Clatsop County”; by way of Nathan Wesley Bower; & Ruth Bower-Remington; & (in turn) by way of their Surviving Heirs, “Et All”: Julia Ann, Stewart/Bower; Phylis Ingram/Bower; & Charles Bruce, Stewart.

We are proceeding under those ancient Laws which Our Anglo-American People/Ancestors held in “Common”, pursuant to their individual “Self-Governing” efforts after the American Revolution of 1776. Here-under, we are proceeding pursuant to the old Common-Law “Quo-Warranto” process, but just so far as is modernly amended to be useful to the “End Purpose” of All Anglo-American Constitutional Government, & there-by for the Securing of “Naturally Conscionable Justice” for the Common People, &

for the Protections of them form “Abuses of Power” by Corrupted Governmental Officers & Corporations. This Quo-Warranto “Process” is all spelled out efficiently under Oregon Revised Statutes (here-in-after ORS), at 30.510 - 30.640; & the case-law which is appurtenant there-to; & we will be proceeding there-in.

We obviously are merely humble “Private Parties”; but (and as is recognizable under Oregon Revised Statutes (here-in-after ORS) 30.610) we are “Having an Interest in the Question”. As is clearly stated in these “State-Ex-Rel” Statutes, this allows us to Proceed “In the Name of the State”. This is a “Process of Law” which is Constitutionally “Due” to Each & Every Honorable Oregonian & American, including our-selves; all For the Express Purpose of Coercing “Public Servants” into Obeying Their Duty to Secure “Naturally Conscionable Justice” for the Common People of this County & State; & we are Demanding it before you, here & now. Do Not Mess With Us.

We do not care what are the fashionable mis-conceptions of “Law”. We have been searching for our Constitutionally Guaranteed “Justice” by “Due Course of Law” for well over 30 years now. This epidemic lack of Constitutionally Secured “Justice” has caused the un-timely Death of our ancestor “Ruth Bower-Remington”, & it has added many painful years of age to ourselves & our accompanying family members. Though we do find pleasure in sharing these insights concerning our Anglo/American Constitutional-Law with sincere & minimally-intelligent seekers of truth, we have lost all tolerance for exhaustively explaining our position, including this Constitutionally Guaranteed “Process of Law”; to well-paid but disingenuous public-servants, & the numerous other forms of obfuscation specialists.

The statutes & case-law seems to us to make these fundamental legal procedural steps “Self-Evident”. We do admit that because of the unfashionableness of these procedural steps being followed in the courtrooms of the common people of this county & state, that there is bit of a learning curve involved here for many other-wise intelligent public-servants. We will attempt to set forth a “Memorandum of Law” soon, in which some of these concerns are more fully explained. But the best way for resolving sincere points of confusion by all concerned (including opposing parties), is to us through the EMail Addresses given at the end of this document. That modern invention seems to serve well to filter between disingenuous confusion generators, & sincere seekers of truth. Fax communication is also very effective. Phone contact will be indulged, as is normal bar-association practice; but such contacts should be kept brief & to the point.

Here-under, we now lay the Basic Foundation for our “Basis in Law” for proceeding in this admittedly un-fashionable manner “Quo-Warranto/State-Ex-Rel” manner. Please Note:

We are proceeding by virtue of our “Joint Tenants in the Sovereignty” Direct “Ex-Rel/Relationship” with “We the People” of our DeJure (Constitutionally-Lawful) “State of Oregon”, &/or of our “Political Sub-Division” there-under, of DeJure “Clatsop County”. This is all as is recognizably lawful in Oregon Revised Statutes (ORS) 30.510 - 30.640; & the case-law appurtenant there-to.

Although the Crimes complained of here-in have been directly committed against us as “Private Parties”, we are here-under moving forward in the “Best Interests Of” & “On Behalf Of” “the State”; & similarly for the “County”, each as separate “Bodies-Politic”. We are specifically recognized in these Statutes & accompanying case-law, as being “Co-Plaintiffs with the State”. This is True & Lawful because: Any Crime Against One Member of Our “Body-Politic”, is a Crime Against All Members of Our Body Politic. This is just precisely as the above statutes so recognize.

Footnote; None of we “Co-Plaintiffs with the State”, as listed here-in; are laboring under any form of “Legal Disability”, such as a “Master/Servant” Relationship. Such “Legal Disability” would be such as

those of the numerous “Public Servants” named here-in, & who are here-by accused of having Abused their Position of “Public Trust” to benefit them-selves & their subversive co-conspirators.

## **Criminal Complaint: Sufficiency:**

“We the People” of this State of Oregon, & We “Private Parties” Directly “Related” here-under, Make Oath so-as-to Solemnly Affirm under such “Penalties of Perjury” as may be Conscionable to the Jury under Constitutional “Due Process of Law”; that We Do Meet the Guidelines which have been Established by the Civil Legislature for the governing of the “Sufficiency” of “Criminal Complaints”. If any contest that we have “Met the Sufficiency if a Criminal Complaint”, then let them similarly Solemnly Affirm that to the Contrary. We are prepared to “Join Issue” on that particular point, is any are so bold as to dare it.

Phylis Ingram; Julia Ann, Stewart; & Charles Bruce, Stewart; Further here-by Proceed in the name of & on behalf of “We the People” of this good/dejure “State of Oregon”, & “Clatsop County” to File this Criminal Complaint, in full conformity with such statutory guidelines as ORS Title 14 governing the “Procedure in Criminal Matters Generally”; & at ORS 133.007, & 133.015.

Each of us do solemnly proceed before the face of “Almighty God”, to Swear, Subscribe, & Verify so-as-to make “Sufficient ... Complaint”, as follows:

Many of the Defendants have here-in been properly named, as above; at least so far as they are known to us, & with sufficient fullness so-as-to move forward with the prosecution of this criminal complaint. Other defendants, mostly of lesser roles in this conspiracy of evil but presently unknown, may be named at a later date. This should not hinder the practical ability of this court to move forward with this case.

These offences were committed with-in the jurisdiction of this court, or are triable here-in.

These offences have been committed prior to the filing of this complaint, on the dates alleged here-in.

### **The Situational “Facts”:**

Further explanation “in ordinary and concise language, without repetition, and in such manner as to enable a person of common understanding to know what is intended”, as outlined at ORS 133.007 & 133.015, & all so-as-to meet the Legislature’s guidelines of “Sufficiency” of a “Criminal Complaint”; is out-lined here now. Because, here-under; the “Acts Constituting the Offence” need to be set forth in “Ordinary & Concise Language”; & because further this is a very long and drawn out criminal conspiracy & racketeering scheme; we are generally going to first set forth the whole history of the case, and directly there-after we will much more briefly specify the specific “Acts Constituting the Offence”. We now proceed with this general historical background; as follows:

### **General Offense Count # 1:**

In the year, 1976; the case of “Sunset Lake Water Service District v, Remington; Case #: CC76-460”, was Maliciously & Feloniously Filed & Prosecuted against we plaintiffs. Here-under, proceeded the Municipal/Fictional Entities of “Clatsop County” & “Sunset Lake Water Service District” (here-in-after: “SLWSD”). Behind these Municipal/Fictional Entities was the “Clatsop County Commissioners”, & some other conspiring private natural-persons, many of whom are presently unknown. All of these did Maliciously Move Forward Under the Guise of “Public Necessity”, but under “Private Law” & for the “Private Purpose” of Their Own “Private Profit”. The then sitting “Clatsop County Commissioners”,

“Knew or Should Have Known” that this Entire Action was a “Criminal Theft” of the Private Property of We Bower Family Heirs.

This case forms the foundation up-on which this criminal complaint is based. Here-by, these SLWSD Private Party Conspirators Intended to Commit the “Class B Felony Crime” of “Aggravated First Degree Theft”, by using their Fictitious Quasi-Public Entity to Steal for Their Own Private Profit the Inherited Property of these Bower family heirs, all precisely as set forth under Oregon Revised Statutes (here-in-after ORS) at ORS 164.057.

The motivating force behind those Conspirators Complaint was the envious greed & jealousy of the natural property wealth which “Nathan Wesley Bower” had Secured for We Bower Heirs, all pursuant to an Agreement by way of a Property “Dedication” between him-self and the local “Clatsop County Government”, back in 1907. It is “No Excuse” that perhaps the these Conspirators did not know the “Law” with regard to these matters, because of the Common-Law Maxim that “Ignorance of the Law is No Excuse”. If they did not know the law, then they should have sat down and been quiet, &/or they should have asked competent legal council for advice which seemed to them reasonable. If they consult legal advisors who advise them to commit crimes, & they proceed forward with these crimes, it is no excuse that they had criminal legal advisors who so advised them. Crimes are Crimes regardless may be giving any stupid false “color of law” advice.

Because of the under-lying nature of the property in question, the mere presence of the Conspirators Malicious Law-Suit did create a “cloud on the title” to this property, in such manners as to Deprive we Bower heirs of our lawful Rights to the benefits of our ownership there-of. According to the precise wording of ORS 164.015, this in it-self does amount to a “Theft”; because by the mere filing of this complaint, these conspirators harbored a malicious “Intent to Deprive” we complaining parties of our property, all just as specifically defined on ORS 164.015.

Then in 1980, the “Oregon Court of Appeals”, in Case #: 12690; did Clearly Confirm the Rights of We Bower Family Heirs to the Ownership of the property in question. This fact is of large & on-going significance; because, in light of the continuing trespasses by the more modern successors in interest to those original criminal conspirators; this Court of Appeals Decision has been Conspiratorially Circumvented in such manners as to Clearly Evidence this “Malicious Intent” by them. And here-under, we need at least some actual Excerpts from the actual Appellate Court decision, as follows:

**“We start with the proposition that dedications should be construed so as to effect the intent of the dedicator. McCoy v. Thompson, 84 Or 141, 164 P 589 (1917). Here the language of the reservation makes it clear that N. W. Bower intended to carve out an interest in and separate from the dedicated land: he reserved the exclusive right to himself, his “associates and assigns,” to make certain uses in the streets included in the plat. There is no reason why a dedicator may not qualify his dedication, and if the dedication is accepted the public takes it subject to the uses reserved. Smith v Gardner, 12 Or 221, 6 P 771, 53 AR 342 (1885). Cf. Church v. The City of Portland, 18 Or 73, 22 P 528, 6 LRA 259 (1889). It is conceded here that the dedication was accepted.**

**“The real question is how the interest should be characterized. ...**

**“Here, N. W. Bower’s estate in the easement was not limited in duration either by his or another’s life, and was , therefore, in the nature of an interest in fee. The reservation is alienable and, although it does not specifically mention “heirs,” language of inheritance is not necessary to create a fee simple interest. ORS 93.120. Thus, the easement is in the nature of a fee simple estate, is inheritable, Ruhnke v. Aubert, 56 Or 6, 113 P 38 (1911), and passed directly to N. W. Bower’s heirs**

upon his death, State v. O'Day, 41 Or 495, 69 P 542 (1902), unless the reservation was not valid. ...

"Plaintiff has been unable to identify any public policy existing in 1907, which would prohibit this reservation, and we find no basis for concluding that the right to operate a water system was such an inherent part of the public use of streets in 1907 that the reservation of that right is inconsistent with the dedication of the streets. As the plaintiff's statutory arguments establish, the reservation does not strip municipal authorities of their control over the streets. See ORS 758.010(2), supra.

"The Oregon cases reflect a broad view of the "reasonable" restrictions which a dedicator may place on the public use. Church v The City of Portland, supra; Wessinger v. Mische, 71 Or 239, 142 P 612 (1914), Hyland v. City of Eugene, 179 Or 567, 173 P2d 464 (1946). Given this broad view, we hold that Bowers reservation is not clearly unreasonable, that it is not inconsistent with the dedication, and that it is valid.

It follows that the trial court erred in entering a judgement and decree for the plaintiff. N. W. Bower's heirs are the "assigns" of their ancestors valid reservation.

Reversed." (Underlining added for emphasis)

This all shows the under-lying lack of merit, of the defacto officers of Clatsop County, from the very start. If this were the only malicious attack against the Property Rights of we Bower Family Heirs, perhaps we would be content to ignore it, & let by-gones be by-gones. But as clearly set forth in the further "Offence Counts" in this Criminal Complaint; such is not the case. The successors in interest to these conspirators, continue this same "Racketeering " style "Pattern of Behavior" on into the present day.

To continue a summary of this "Offence Count # 1", a copy of the "Oregon Appellate Courts" resulting "Judgement and Mandate" is attached here-to as "Exhibit A". There-in, the clearly directed "Judgement & Mandate" that this "Clatsop County Circuit Court" be directed to facilitate "Further Proceedings Pursuant Law", is precisely Why we recently attempted to proceed as "Counter-Complaining" parties. The original complaining parties clearly have no further interest in "Further Proceedings Pursuant to Law", because that appellate decision did clearly scuttle their entire evil agenda. But we Bower Family Heirs have been "Damaged" buy this attempted Aggravated Theft of our Property Rights, all as mentioned above & further here-in below. Now, we do institute this Criminal Complaint, all for these precisely "Mandated", "Further Proceedings Pursuant Law".

Because Property was Not Permanently Deprived from we Bower Family Heirs by this specific First Count; only the 'Original Conspiratorial Private Parties' can actually be named as "Criminal Conspirators" in this specific First Count of this Criminal Complaint. These would so now more particularly be named as the then existing "Commissioners" & "County Attorneys", who were then moving forward municipally, & privately, & proceeding summarily, under the darkened guise of the DeJure/Public "Clatsop County", who were acting through the capacity of "Sunset Lake Water Service District" Officers.

Under this First Offence Count #1: the Present 'successors in interest' to those Original Conspirators, perhaps may have Not received any specific benefit. Those people would now be the Modern (& more specifically Prioritized & above accused) "Clatsop County" & "Warrenton Water" Officers. These Conspirators have only become attached to this complaint through their willful & lawless disregard of the previously mentioned & Original 'N.W. Bower Clatsop-County Dedication' Agreement, as well as the related 'Appellate Court Decision'; & their more successful modern & lawless efforts at circumventing the lawful requirements of those good precedents; all as set forth in the following counts.

This act constituted “Theft”, as defined within ORS 164.005; because it “Deprived” us of our Property “for so extended a period” of time & “under such circumstances” that the “major portion of its economic value or benefit” was “lost” to us. And here-under, this act also was the “Class B Felony” of “Aggravated Theft in the First Degree”; as recognizable under ORS 164.057; because “the value of the property” is “\$10,000 or more”.

**General Offense Count # 2:**

In 1984, & for the specific purpose of moving forward in a manner which would circumvent the previously mentioned Appellate Court Decision; the Conspiratorial Private-Persons behind the Quasi-Public Entities of SLWSD & their “successors in interest” of municipal “Clatsop County” (here-in-after “Conspirators”), did maliciously institute a New Complaint, Falsely Alleging there-in a “Public Necessity” for the ‘Eminent-Domain Powers’ of the Public County to be used for the “Condemnation” of a very significant portion of our Bower Family Inherited Estate. This evil was all accomplished through Clatsop County Circuit Court, under Case #: CC 83-445.

These Conspirators then Knew Full Well of Both the ‘Dedication’ & the ‘Appellate Court Decision’ stood in bar of their malicious claims. The ‘Appellate Court Decision’ was so clear, that it is precisely Why they instituted the ‘New Complaint’ & ‘New Case Number’; all so that the Conspirators Private Interests could be Advanced under this Guise of “Public Necessity”, so that they would have some “Color of Law” Authority to Circumvent that good Appellate Court Decision.

Through subversive manipulation of the judicial process (& lack of resources by we simple-honest working-class people), SLWSD & municipalized “Clatsop County” opportunistically took an Un-Fair Advantage, all so-as-to purposefully Circumvent the essence of the previously mentioned Appellate Court “Judgement & Mandate”, which rightfully commanded “Further Proceedings Pursuant Law”.

Those Conspirators were (at least temporarily) successful in their aim. In this Case #: CC 83-445; & by a form of procedure which did Not Follow the Appellate Courts Mandated “Further Proceedings Pursuant Law”, Nor did they follow the Originally Constitutionally Intended “Due Course/Process of Law” (as Guaranteed to us pursuant to Article 1 Section 10 of Oregon’s Constitution).

“Kenneth Eiler”, was the “Clatsop County Counsel” at that time, & he was the main attorney prosecuting that case. After that negative judgement against us, & near the time when he quit working for Clatsop County, Delores Hobizal/Bower & Phylis Ingram/Bower did go in to the “Clatsop County Counsel” Office where Mr Eiler was then removing his personal property from that Office. At that time, & with clear reference to participation in the Eminent-Domain proceeding against us, Mr Eiler Clearly Stated to we women, essentially as follows: “Everything we did out there was Illegal.” Here-by, Mr Eiler Admitted to us that this Eminent Domain proceeding against us was a Criminally Lawless Action. This statement is of such significance, that it is set forth more formally in two accompanying Affidavits from we women.

By these actions, we Bower Family Heirs have suffered an immensely negative & Lawless Decision against us. Here-then, the Private-Party Conspirators Behind the Eminent Domain Action of fictionally-municipal SLWSD & “Clatsop County”, & their successors in interest; did achieve immensely gross Private Profit from this Class B Felony Aggravated Theft of the Property of we Bower Family Heirs.

Here-under, the case mentioned in this individual criminal count, & numbered: CC 83-445; should properly be “Re-Tried”. It should be Merged In-To This Case, Numbered: CC76-460; all for the

Completion of the “Mandate” of the ‘Oregon Appellate Court’, which specifically commands “Further Proceedings in Pursuant Law”. A “Motion” is in accompaniment here-to, for that express purpose.

To further explain this count; the present “Clatsop County Commissioners”; & the “Warrenton City Commissioners” are the “Successors in Interest” to these Class B Felony Theft Crimes. The original Commissioners knew that we Bower Family Heirs were common working class people, not sophisticated in the ways of municipal/statutory scheming. Here-under, these modern ‘successors in interest’ have maliciously sought to take advantage of our simple but honest personalities, & to rob us of our inheritance from our grand-fathers hard-work for the Public Benefit by establishing the townsite at Sunset Beach.

More precisely, the funds resulting from the Lawless 1983 Eminent Domain proceeding, are being generated modernly, directly into coffers which are controlled by the present Clatsop County Commissioners. These funds are being used to commit further Criminal Thefts; as of our “Pacific Boulevard” property, as described in Count 3. This makes it another instance of “Racketeering”.

All of this is wrongful & lawless. It is all as the direct result of that Falsely-Stated “Public Necessity” of that Lawless Eminent Domain Proceeding, back in 1983; & the grossly un-conscionable settlement price given as token consideration for our property. Among others unknown, such companies as Pacific Power & Light Company, QWest Telephone Company (formerly Pacific Northwest Bell), Northwest Natural Gas Company, Cox Cable Television Company; are all paying approximately 5 % of their gross monthly revenues, to prop up this corrupted municipal government, & these defacto officers of Clatsop County. In other words, the present officers are directly benefitting now, all as a direct result of that mis-carriage of public justice under that ‘Eminent Domain’ proceeding back in 1983 - 1988.

Also, the defacto officers of the water supply system for the Municipal “City of Warrenton”, are similarly Committing Trespass & Felony Aggravated Theft of Our Property. Here-under, they are Economically Benefitting from Revenues which are being generated as a direct result of that Lawless 1983-1988 Eminent Domain proceeding. “Warrenton City” Commissioners are the direct “Successors in Interest” to “Sunset Lake Water Service District”. They are the Direct Beneficiaries of the Crimes Committed Against we Bower Family Heirs by SLWSD. They are Continuing in their “Trespass” up-on our Inherited Rights to this property. Here-by, Warrenton Commissioners are modern Co-Conspirators in this older 1983 Felony Crime against us, & here-under we Demand that our socially-compacted Rights be respected, by providing us with the forum (court) for the Prosecution of them to the full extent of the law.

The earlier conspirators here did purposefully abused the power of “Eminent Domain” to rob us of our property. If they can do this too us, they can do it to any member of the body-politic of Clatsop County. Here-under, we bring this complaint in the public interest, “Ex Rel” State & County.

As a secondary concern, the “Judgement “ which resulted from this “Eminent Domain” proceeding, was “Null, Void, & Lawless”; not only for the above reason; but also because: They Cited the Wrong Document in Their Complaint for the Taking of the Property. They Ignored the “Chain of Title”. Their Complaint moved to Take Title from the Original Deed from Taylor to NW Bower, as recorded in the Clatsop County Clerks Record Book 3, at Page 66 & 67. This is shown in the ‘Clatsop County Commissioners’ “Resolution & Order”, Dated the ‘19<sup>th</sup> of May, 1982’; & attached to that 2 page document, as a 3<sup>rd</sup> page entitled “Exhibit A”, in the first line of that last page.

But the Property was Sold Back and Forth Many Times Since Then. We Bower Family Heirs are the Recipients of this Property as the result of the Later Deeds, which culminate as the Deed Recorded in



Book 71 Page 501. When the Complaining Parties Stated Their Complaint Against Us, they Should have Cited This Latter Deed, from whence we immediately draw our inherited property rights.

But (and this is an important point here) These Later Warrantee Deeds between 1907 to the later 1930's or so, Would Have Shown the Full "Intent" (through the "Meeting of the Minds" of All Involved through-out the entire "Chain of Title" here), to Pass the Under-Lying "Fee Simple Title" of All of This Property to We Bower Family Heirs.

In This "Eminent Domain" Case, these Conspirators were Only Moving to Take the "Easements" Portion of our Property. Yet They Knew that (through their Conspiratorial Scheming), they may be able to weasel-out Even More of Our Property Rights; & they further Knew that the Wording in these Later Deeds revealed that We Bower Family Heirs had Very Solid Claims to this Property. These Conspiratorial-Schemers Obviously did Not Want That Evidence on the Public Record of these Proceedings. Not only would such information have probably Undermined their Ability to Complete the Eminent Domain "Taking", it also would quite probably have Increased the Price which they were eventually required to Pay for that same "Taking".

And probably of even greater significance, because this is a "Racketeering" Scheme, as here-in shown; these Conspiratorial Schemers, Knew that They would Later be Attacking & Attempting to Steal Our "Pacific Boulevard" Property; & also Attacking & Attempting to Steal the many Other Parts of Our Property, in a "piece-meal" fashion.

Here-under, it would have been a Major Disaster to Their Evil "Racketeering" Schemes, for these Later "Chain of Title" Deeds to have Made It In-To the "Public Record", where they could Easily have been Cited by We "Bower Family Heirs" as "Defenses".

And so, because the Complaining Parties "Failed to Correctly Identify the "Warrantee Deed" from whence this property flowed to we Bower Family Heirs, before "Taking" it from us; here-under, & for All of these well-founded Reasons stated here-in above; the "Judgement" in the "Eminent-Domain" Proceeding Must Be "Set-Aside", as "Null, Void, & Lawless".

The DeFacto/Municipal "County" Failed to Prove "Facts Sufficient to Constitute a Cause of Action". The "Gilberts Law Summaries" Textbook on "Civil Procedure", in Section 690; clearly states that: Claims of "Failure to state facts sufficient to constitute a cause of action, and the lack of subject matter Jurisdiction, are never waived."

The DeFacto/Municipal "County" Never Proved the "Necessity" of Taking of our Property. Judge McEllioit Erred in his Presumption that the Judgement of 'Necessity' the 'Clatsop County Commissioners' was Not Subject to Judicial Review by the Jury of the Court. Article 1 Sections 9 & 10 of Oregon's Constitution, Clearly Prohibit such Administrative/Summary Procedures; at least when "Remedy" from them was being sought, as it clearly was by we 'Bower Family Heirs' in this case.

Because of all of this "Fraud up-on the Court", "Newly Discovered Evidence", & "Excusable Neglect"; here-under we Bower Family Heirs do make Motion/Demand before this Court for the Re-Opening of this "Eminent Domain" Action, Case #: CC 83-445.

Here-under, we do seek Originally Constitutionally Intended "Trail by Jury"; following Full "Due Course/Process of Law", with the resulting Judgement that the Fee Title to the Easements with-in all of these Streets be "Quieted " in Our Names. This re-opening of this Case is proper, pursuant to General Rules of "Due Course/Process of Law" as preserved with-in Oregon's Constitution at Article 1 Section 10; & as further recognizably proper "Oregon Rules of Civil Procedure", at Rules 64-C, 71-B, & 71-C. And

of course, we now seek the further Criminal Penalties here-in mentioned, against those herein-named as having Committed these Crimes which have forced this re-hearing of these issues, because they are the Equivalent of an "Obstruction of Justice".

Here-under, we seek that All Collected Revenues from the various Utility Companies which have been Paid In-To the DeFacto/Municipal Clatsop County Treasury, should be immediately returned to We Bower Family Heirs. Further, the Utility Companies involved here-in, should immediately be Ordered to Re-Negotiate their Contracts, now with We Bower Family Heirs.

Further, the Conspiratorial Schemers involved here-in, should suffer such Punishment as is Conscionably in the Interests of Justice, & which will be a Strong Deterrent to Other Elitist/Aristocratic Racketeering Schemers. The Standard "Class A Felony" Punishments which are associated with "Racketeering" seems appropriate, at least as a partial Punishment, as rendered by the DeJure/Jury.

We also demand "Punitive Damages" from these Private/Individual Criminals, & from the "Clatsop County Treasury", & from the Treasury fo the "City of Warrenton".

"Judge" Michael J. McElligott, of Washington County, as well as the Utility Companies; may be named as Defendants in this Racketeering Scheme Complaint, in an "Amended" Version of this Complaint at a later date. But this is good for now.

DeFacto Clatsop County used a 2 prong attack against us the 1983 - 1988 proceeding. They Lost on their Quiet Title Action for the "Fee in the Streets" by Adverse Possession. But they colorably won on their secondary claim to Condemn our property through "Eminent Domain" proceedings. Eiler asked McElligott if he gave them the "Fee" as the result of the Eminent Domain decision. McElligott then publicly said "No". But he may have later signed a "Judgement" document, giving them the Fee. If so, he probably should be named.

### **General Offense Count # 3: "Pacific Boulevard"; "Quiet Title Action"; & Appeal:**

In 1999; an "Action to Quiet Title" was filed in the "Clatsop County Circuit Court", under Case # 99-2017.

On the date of: 10-March-2000; a DeFacto/Municipal Judge acting on behalf of the "Clatsop County Circuit Court", & who was named "Hugh C. Downer"; did Wrongfully, Un-Justly, & Lawlessly authorize the entry into the courts record of one "Order Granting Motion for Summary Judgement and Directing Entry of Final Judgement", Against We Bower Family Heirs. Here-under, & starting on the second page at lines 12 - 14 of this "Order..."; is set forth the following:

**"The Court of Appeals ... determined that plaintiffs and defendant Bower owned an easement in gross ... and not a fee interest. ... Clatsop County holds fee title to the land under Pacific Blvd ... . The rights of Clatsop County and the Rickeys in Pacific Blvd are subject to ... the easements in gross of the plaintiffs and defendant Jesse L. Bower. ... IT IS FURTHER ORDERED that judgement be entered quieting title in Pacific Blvd to defendants State of Oregon, Clatsop County and defendants Rickeys as their respective rights appear, subject to the rights of the public and the easements of plaintiffs and defendant Bower ..."** (Underlining added for emphasis)

Based there-on, on the 21<sup>st</sup> day of March, 2000; "Clatsop County Circuit Court" "Judge Downer" did Wrongfully, Un-Justly, & Lawlessly, sign one "Judgement" Against We Bower Family Heirs, which read, in relevant parts, as follows:

**“This matter came before the court on defendant Clatsop County’s Motion for Summary Judgement ... . The court granted said defendant’s Motion and directed that final judgement be entered for defendants. IT IS HEREBY ADJUDGED that title to: ... Pacific Boulevard, is vested in Clatsop County, ... all subject to ... the easements in gross of plaintiffs and defendant Jesse L. Bower for the construction and operation of telegraph, streetcar lines, and railroad lines”.** (Emphasis added)

Now, after close examination of these documents, We “Bower Family Heirs” have noticed an apparent discrepancy, in that both of these documents purport to render judgement of title in favor of “Clatsop County”: but directly there-after, each one caveats by stating clearly that such rendering of title to “Clatsop County” is “Subject to ... the Easements of the Plaintiffs”.

At first glance this wording seems technically self-contradictory. But when viewed in the larger light of so-called “Findings of Fact” that we Bowers owned “Not a Fee Interest”, then this all clearly indicates a Willful “Intent” to leave us Bower Family Heirs with Only the “Easements”.

But these “Findings of Fact” were “False”.

They were “False” because, they were Based Up-On the False Proposition that: In the first Appellate Decision (1980, SLWSD v. Remington); We Bowers had “Admitted” that We “did Not Own the Fee”. This False Proposition was set forth in a Letter by “Judge Downer” to the parties, Dated: 8 February, 2000; & under the letter head of the “Circuit Court of Curry County”. There-in, & about 1/3rd down on the 2<sup>nd</sup> page, “Judge Downer” clearly stated that:

**“Plaintiffs and all defendants except Jesse Bower agree that this case determined that in regard to any platted street, that the interests of the Bower heirs consist of an easement for utilities and not a fee interest.”** (Underlining added for emphasis)

This wording is Grossly False. This will be Unanimously Confirmed by soon to be submitted Affidavits or Sworn Testimony From Two or Three of the parties named in that letter. None of us ever stated in any way, or other-wise “Admitted”; at any time; that the 1980 Appellate decision related to this case, determined that our interests in these “platted streets” was “not a fee interest”. This full letter from Mr Downer, will soon be presented in this case, as an “Exhibit”.

In this wording, “Judge” Hugh C. Downer Jr. Did conspiratorially attempt to Evade his Constitutional Duty to “Administer Justice” by “Due Course of Law” for We Bower Family Heirs. This is true, because, rather than look directly at the case for himself, & make his decision based on the plain wording there-in; he attempted to Evade that good case’s plainly worded findings of fact, by basing his decision-making process on a supposed “Stipulation” between we parties. This is clear from his use of the word “Agree” at the middle of the first line in the above quotation there-in.

By this simple Mis-Direction, “Judge Downer” did conspiratorially Abuse his Public-Office for the express Purpose of granting a favorable decision to his Co-Conspirators. And this is quite probably the very seed of the Criminal Wrong-Doing which comprises this third count in this Criminal Complaint. And as shown here further below, there is much more. But for now, focus needs to be maintained on this False Statement in this letter.

Here-under; what we did “Admit”, was that the original 1980 Appellate-Court Decision Determined Only the “Easements” Issue, as between the parties. And so, this Appellate Decision did “Not” Determine Any-Thing Related To the “Fee” to the Under-Lying Landed-Property. This is all that we had “Agreed” to, & it was clearly a Very Different Thing than that which these words of “Judge Downer”

reflected.

“Judge Downer” clearly had the minimal levels of intelligence necessary in order to comprehend what he was doing here. You don’t get to be a circuit court judge without having minimal levels of intelligence. It would have been pure lunacy for us to go through all of the anguish of all this legal work, & to pay bar-monopoly lawyers approximately \$50,000.00; all to argue a case in which our central contention was that we owned the fee-title to the property under-lying Pacific Boulevard; and then skuttle that very argument by supposedly admitting that the previous Appellate case had decided that we actually did not own the fee title.

That would be certifiably insane. “Judge Downer” purposefully chose to mis-construe we plaintiffs communications. There is no other explanation than that this is Evidence of the Willful Participation by Hugh Downer in this “Conspiracy” to commit “Felony Theft” of our property. He must have become Tainted by a Prejudice, so-as-to “rush to judgement”, & there-by complete this Violation of the Property Rights of We “Bower Family Heirs”.

And further here-under, the fact that the final document was actually Drafted for Municipal “Clatsop County” by their “County Council: Heather Reynolds”, under the leadership of all of the “Clatsop County Commissioners”; this all clearly Evidences that all of these people were also “Willing Participants” in this Conspiratorially-Engineered Felony-Criminal “Theft” of Our Property Rights.

But that part being stated; this Lawless “Summary Judgment” was rendered against us, based in substantial part on a gross mis-characterization of a previous “Oregon Appellate Court” decision in our favor; as referenced above, in the first count in this complaint, in Case # CC76-460.

And so, now more modernly & under the current case referenced in this third count which concerns the under-lying Land & Property; the “Due Course of Law” Compels the Court to now examine our Central Point of this Third Count of this entire Criminal Complaint, which is:

The Oregon Appellate Court did correctly state in opening the 6<sup>th</sup> paragraph of their 1979 decision, & concerning the interests of we Heirs of N.W. Bower: “The real question is how that interest should be characterized.” In pursuit of this “Real Question” concerning the “Interests” of we “Heirs of N.W. Bower”; the following wording can be found in that previously referenced case (emphasis added):

**“... N. W. Bower’s estate in the easement was ... in the nature of an interest in fee. ... language of inheritance is not necessary to create a fee simple interest. ... Thus, the easement is in the nature of a fee simple estate, ... and passed directly to N. W. Bower’s heirs upon his death ... .”**

This immediately above quoted text clearly indicates a strong inference that the underlying “Estate” of N.W., Bower, & We as His Heirs, was a “Fee Simple Estate” & a “Fee Simple Interest”. In fact, this precise “Fee Simple Estate” Necessarily Concerns the Under-Lying Land, it-self. We challenge our opponents to show “Law” which declares other-wise.

And further here-under, & so far as we have diligently examined that 10 page document, it needs to be made quite Clear that there was & is No Other Mentioning in that Entire Document of “Fee” or “Fee Simple” estates or interests. Here-under; the “Order Granting Motion for Summary Judgement ...” of “Judge Donner” was a Totally Unsupported Fabrication; & thus Lawless, Null & Void. In that entire Appellate Decision, There Is No Other Mentioning of “Fee” or “Fee Simple”, up-on which “Judge Downer” could possibly base any such statement as contained on the second page of his “Order ...”.

We again challenge our opponents to show “Law” or “Fact” which proves other-wise.

It needs to be kept in mind, here-under; that the Older Decision properly Focused Sharply & Only on the “Easements” in the streets. When reading this older Appellate Court Decision, it needs to be kept clearly in mind that the specific Wording of the Appellate Courts Decision was Not at all Intended to Provide Any Focus on the Ownership of the under-lying Land & Property.

But when it is kept clearly in mind that this “Easement Context” Focus of that decision must be maintained, the above quoted text of this honorable decision does provide much beneficial light on our now current under-lying concerns for the “Fee Simple” Ownership of the under-lying Land & Property. That text contains wording which repeatedly indicates that these “Easement” “Interests” of N.W. Bower & his heirs, were all based on an Under-Lying “Fee Simple” Ownership of this Land & Property.

And this underscores the entire purpose of this entire “Action to Quiet Title”. We knew that the preceding Appellate Court Decision Focused Only on the “Easements”. We knew that we still needed a decision concerning the “Under-Lying” Landed-Property, it-self. That is precisely Why we filed the “Action to Quiet Title” in “Clatsop County Circuit Court”.

But instead of allowing “Due Process of Law” to be followed in this case, as was his Constitutionally Sworn Duty; “Judge Downer” took it upon him-self to Abort that “Due Process”, & in-place there-of to Substitute/Supplant His Own Opinion of what the Appellate Court had previously Decided. Here-under, he sloppily “Summarized” Our “Quiet Title” Complaint, in-to his own “Summary Judgement” Decision/Judgement, & We Bower Family Heirs there-by Suffered Irreparable Violation & Damage to Our Property Rights, & to Our Physical Health.

To proceed on now to this more modern “Action to Quiet Title” case, as referenced here-in this Criminal Complaint’s “Count # 3”; this is all now modernly concerned with Who Owns the underlying “Fee” Estate & Interest in the Under-Lying “Land & Property” in question; and of course now in addition there-to, the Conspiratorially Criminal Violation of our Rights to Due Process of Law in conscionably seeking Justice in response to our Complaint.

But to firstly maintain the focus on just the issue of Who Owns the “Fee Title” to the Under-Lying Property, it again needs to be kept clearly in mind that the previously discussed Ownership of the “Easements” in the streets (especially by the Appellate Court’s decision), are of a Vastly Different Nature than this current concern for the “Fee Simple” Ownership of the under-lying Land & Property it-self. And so by Logical Necessity, “Judge Downer’s” words in his above quoted 8-February-2000 Letter were False. That Appellate Court Decision could not possibly have “determined that in regard to any platted street, that the Interests of the Bower Heirs” was “Not a Fee Interest”. (emphasis added). It is clearly these “last 4 words” upon which the entire Lawless “Summary Judgment” of Judge Downer did hinge.

And unfortunately, this went on up the hierarchy, to be lent even more “color of legitimacy” by being affirmed by Oregon’s Appellate Court, & Supreme Court. And as every competent attorney knows, these appellate tribunals merely look to see if there are any clear “errors on the record”. They do not hear open argument from the litigants, as would be necessary to fully affirm whether “Justice” was actually rendered at the lower courts level. And because of a Breach of their Fiduciary-Duty to us, from Attorneys Gary Kahn & Peggy Hennessy, that lower/circuit Court Record was Not properly Made. This is at least part of the reason why the upper tribunals rendered judgement against us; because at the lower court level, our subversive legal counsel had Compromised their Fiduciary Duty to us to diligently “Make the Record” for our good-faith arguments.

And so, We Bower Family Heirs are now faced with a Lawless “Summary Judgement”, which is very entrenched & hindering our access to our Constitutionally Guaranteed “Justice”. The conspirators who are seeking to rob us of our property, are probably quite confident that their position is secure; that their Crime has been successfully completed.

But we are not done, as the un-fashionable but intense nature of this “Quo-Warranto/State-Ex-Rel” Criminal Complaint fully shows. And to get more intensely into just that, we proceed as follows:

“Judge Downer” either didnt look at the precedent-setting case to actually see if his falsely-cited wording was actually there (which is grossly reckless incompetence at minimum); or he was/is a willing Co-Conspirator in this Felony Theft of our property. We believe that the former proposition is so remote, that in considering this matter, a conscience-bound jury/court will decide in favor of the latter. The Original Appellate Court Decision was grossly Mis-Characterized by “Clatsop County Council Heather Reynolds”; as She Composed the pre-formatted “Order...” & “... Judgement” which Circuit Court “Judge Downer” signed.

And it was under the municipalized governmental authority & stewardship of the “Clatsop County Commissioners”, that “County Counsel, Heather Reynolds” formatted & composed this Criminally Lawless “Order...” & “... Judgement”. The “County Counsel” officers are the “Agents” of these “Clatsop County Commissioners”. “Principles” such as the Commissioners, are Responsible For the Lawless Actions of their “Agents”, such as Ms Reynolds. Here-by, both the Commissioners & Hugh Downer, in their private capacities, did Co-Conspire to Abuse their Public Offices, with “County Counsel Heather Reynolds”, all to accomplish the “Aggravated Theft” of the Property of We Bower Family Heirs.

These Commissioners who were Actively Participating in these Criminal Acts, are in part, as follows: Lylla Gaebel; Richard Lee; Samuel E. Patrick; & Robert Green. Mr Green is presently Retired as a Commissioner, and the rest are still Sitting Commissioners.

All of this “Justifies” our bringing forth this 3<sup>rd</sup> Count Complaint of Criminal Behavior on behalf of the “Ex Rel” Interest of the Common People of this County & State. The Common People of this County & State have a Constitutionally “Vested Interest” in Not being Harassed by “Swarms of Officers” (in Violation of the ‘Higher Laws’ of ‘Nature & Nature’s God’, just as mentioned in Americas ‘Declaration of Independence’ as one of their Justifications for Armed Revolution). These DeFacto Clatsop-County Criminal Syndicate Franchisees are clearly “Conspiring” to Harass we “Bower Family Heirs”, for the Express Purpose of Stealing our Rightfully-Inherited Real-Property Wealth. There is “No Other Reasonable Explanation” for the Purposely Falsely-Quoted Statement in the “Clatsop County Circuit Court” document entitled “Order Granting Motion for Summary Judgement and Directing Entry of Final Judgement”, where on the second page at lines 12 - 14, it is shown that they based their erroneous decision in part on their erroneous belief that:

**“The Court of Appeals ... determined that plaintiffs and defendant Bower owned an easement in gross ... and not a fee interest.”.**

And if these Co-Conspirators can do this to We Bower Family Heirs, then they can do it to any person or group of persons in this county & state. Here-under, No One Is Safe. Here-under, & to remedy this screaming Evil; we are proceeding in the “Public Interest” of the Common People of the County & State, by bringing forth this Felony Criminal-Complaint.

But, by “Due Process of Law” there are Others Involved in this Conspiracy whose Felony Crimes

also Need to be addressed. And so we now proceed to delve into one of the most serious accusations contained in this case.

### **Gary Kahn & Peggy Hennessy; Conspiratorial Roles in Count # 3; Void Appellate Decision;**

To further follow the chronological chain of events, in this particular “Action to Quiet Title” case, we do admit that the “Clatsop County Circuit Court”, & the “Oregon Court of Appeals”, & the “Oregon Supreme Court” did all find against us. But (at least in part), this was only able to happen because of a Malicious Conspiracy by Attorneys Gary Kahn & Peggy Hennessy, to Scuttle the Merits of our “Quiet Title Action” Complaint, & there-by to Aid & Abet in the “Aggravated Theft” of our Rightfully Owned Property. Here-under, the “Oregon Court of Appeals” came to the Wrong Decision because of this Malicious Conspiracy & “Breach of Fiduciary Duty” by these attorneys whom we had paid significant money to from we poor working class people, so that they would defend our rights.

In our efforts to honorably resolve this adverse claim against our inherited property rights, & as is further common practice in this County & State, we went to licensed bar-member attorneys to represent & argue our interests. In this case, we retained these professionally licensed bar-member Attorneys of “Gary Kahn” & “Peggy Hennessy”, of the “Law Firm” of “Reeves, Kahn, & Eder” (now “Reeves, Kahn, & Hennessy”), of Portland Oregon (here-in-after: “Kahn & Hennessy”); to prosecute an “Action to Quiet Title” complaint & protect our property rights.

Here-under, and after we began paying Kahn & Hennessy \$500.00 per month, plus retainers, for a total of approximately \$50,000.00; Attorneys Kahn & Hennessy established a “Fiduciary Duty” & “Trust Relationship” with we Bower Family Heirs, under which they Agreed to Prosecute this Case with sufficient Vigilance as to Insure that All Issues of Law & Fact under-lying our Lawful Claims were Fully & Competently Presented & Argued. Further here-under, & on our behalf; in 1999; Kahn & Hennessy filed an “Action to Quiet Title” in “Clatsop County Circuit Court”, under Case # 99-2017.

After accepting our money, & entering into Fiduciary Relationship with us; we had our first official meeting with Attorneys “Hennessy & Kahn”. They then immediately began dissipating their previous enthusiasm, & they then told us we did not have a strong case. We knew that all of this activity by “Clatsop County Commissioners” & “Sunset Lake Water Service District” was “Illegal”; but we were unable to get any other attorney that would agree to fight for our rights in a judicial proceeding.

At this time we gave Hennessy & Kahn our related documents, which included: a “Chain of Title” description from “Key Title Company”, various “Warrantee Deeds”, a “Land Patent” document; an “Abstract of Title” document, which contained a “Certificate of Title” document in-side of its back cover; the 1980 “Court of Appeals Decision”, & Judgement & Mandate, Case # CC76-460 & CA 12690; & the entire File on our “Eminent Domain” Conflict with Clatsop County, which was ostensibly resolved in Washington County Circuit Court.

At that time, we were not as confident in our documentation as we are today. This has been a painful education process for us. For instance; when we left the “Abstract of Title” in Hennessy & Kahn’s Law Office, we were unaware that there was a “Certificate of Title” in-side of the back cover. We lacked the legal knowledge to recognize the significant value of this document. Also; we were unaware that a railroad right-of-way remains in the dedicator. That is why in the “Eminent Domain Case”, Clatsop County Attorney Kenneth Iler did Not Move to Take the Railroad & Telegraph, along with the other utility rights. Both of these points increase the value of our inherited estate, immensely. These are just a couple of examples of how our lack of legal knowledge was working against us; but where Mr Kahn & Ms

Hennessy should have helped us; as they were trained professionals knowledgeable in these matters; & when we paid them to contract with us for them to provide us with professional counsel, that is what they agreed to do when they accepted our money.

Yet, Kahn & Hennessy never did allow for any form of a “Strategy Meeting” to occur, where-under we would have had an opportunity to review with them the relevant documents to the case, & to openly discuss their merits & possible defects, & to come to a well-reasoned “Consensus” concerning what kind of “Strategy” would best serve the interests of “Justice” in resolving the entire controversy.

We then became dismayed when we heard Mr Kahn say that our good “Appellate Court Decision” & “Mandate” had been “Superseded”. We concluded that he was probably referring to the “Judgement” which had been negatively rendered against us, in the later “Eminent-Domain” Action. Mr Kahn also then said that we had a “Weak Case”. Yet at this time he had not yet even had time to examine our documents. And actually, neither of them ever facilitated any opportunity for us to review with them & access the implications of the following documents: the “Abstract of Title”, our “Warrantee Deeds”, & Key Title Company’s “Chain of Title” Document.

And here-under, if Mr Kahn figured that the “Eminent-Domain Judgement” which was previously rendered against us, was a Hindrance to our Protecting these Later Rights, then He had a “Fiduciary Duty” to Clearly Say So to us. He Never Did That. Nor did Ms Hennessy, nor anyone-else in their Law Firm.

And both Ms Hennessy & Mr Kahn had Further “Fiduciary Duties” here-under, to Explore With Us the “Option” of Attacking the “Eminent-Domain Judgement”; either by Attacking the “Presumption” that the “Resolution” of the “Clatsop County Commissioners” was Lawful, &/or by Attacking the “Presumption” that the “Extra-Judicial” & “Summary” Process of “Judge McElligott” in Washington County was Lawful. Neither Mr Kahn Nor Ms Hennessy Honored Their “Fiduciary Duty” to Explain these ‘Options’ of Lawful Process to we simple & trusting country folk. They both had a ‘Fiduciary Duty’ to Clearly Explain These & Other Under-Lying “Issues of Law & Fact” to us, & their Law Firm similarly had a ‘Fiduciary Duty’ to Insure that such had been completed. Neither Mr Kahn, Ms Hennessy, Not anyone else in that Law-Firm did take the time or energy to so Explain these under-lying concerns to us.

To briefly jump ahead in time, after we had fired Kahn & Hennessy, & we had received our documents back from them; we Then Discovered some previously unrevealed (to us) documents, one of which was a “Title Search” document, from “Key Title” company; which focused on this precise property. This document revealed that, at the request of “Granite Company”, “Key Title Company” did issue this “Preliminary Report”, so-as-to affirm to Granite Company that Key Title Company was:

**“prepared to issue a title insurance policy ... insuring the title to ... PACIFIC BOULEVARD ... (as being) VESTED IN : CLATSOP COUNTY ...”**

This Document was of Great Significance to we Bower Family Heirs, & to this case. This Document shows that an institution of significant sociological & economic influence, “Key Title Company” was & is Directly Challenging our Bower Family Heirs Property Rights. Kahn & Hennessy had Purposefully Concealed from our vision & knowledge, the fact that soon after “Granite Company” had contacted us expressing interest in purchasing our property, that Granite Company then directly became further involved in our case by purchasing this “Preliminary Report” from “Key Title Company”.

Here-under, Kahn & Hennessy had a “Fiduciary Duty” to show us this Document as soon as it became available to them. This was necessary in order for us to Actively Participate in Making Responsible Decisions as to how this case should be conducted. Kahn & Hennessy Never Did Inform Us



of the Existence of this Document. We finally discovered it after we fired them, and when we finally re-took possession of all of the documents which they had with regard to our case.

A copy of this document will soon be submitted here-with as an Exhibit.

At that same later date, Kahn & Hennessy did Purposefully Conceal from us, a secondary but even more important document; called: "AFFIDAVIT OF WAYNE M GARDNER". Mr Gardner was the "Chief Cadastral Surveyor of Oregon/Washington for the Bureau of land Management", a Federal Governmental Agency. This document is attached as "Exhibit B".

Mr Gardner is surely qualified as an "Expert Witness", concerning the "Accreted Property" which then and now does comprise the in-questioned property of "Pacific Boulevard". With reference to the "Land Patent" underlying all of these claims, & of which Our Grandfather "N. W. Bower" was the unanimously recognized 1907 assignee; Mr Gardner clearly states in his affidavit:

**"Once the uplands were patented ... if land accretes to the original Donation Land Claim, it would belong to the patentee and subsequent heirs."**

Because the "Land Patent" is unanimously recognized by all concerned as having been Assigned To Our Grandfather "N. W. Bower", back in 1907; Mr Gardener's Affidavit was clearly of great support to our case. We Are the "Subsequent Heirs" to which Mr Gardner so honorably refers.

Here-under, Kahn & Hennessy had a "Fiduciary Duty" Inform Us of the Existence of this Affidavit, to Give us a Copy of it, to Discuss with us the implications it held for the deciding of our claims advantageously to us, & to Present It in-to the Court Record as "Expert Witness Evidence" concerning Our Lawful Right to the Ownership of this Property. Kahn & Hennessy did not do this.

Instead, Ms Hennessy concerned her-self with tying-up trivial loose-ends to the case, which in turn actually lent support to our opposing parties. In this instance, Ms Hennessy wrote a letter (dated sometime shortly before the 16<sup>th</sup> of March, 1999; & to be attached here-to as Exhibit when the Amended version of this complaint is filed.) to "Circuit Judge Paula Brownhill", where-under she did ask Paula Brownhill to Remove Mr Gardner's Affidavit from the file of this case. Even if it was technically proper under "Due Process" for the Gardner Affidavit to be removed from this case (at least temporarily, & because the United States was no longer a party here-to); the Affidavit was Still Relevant to the Conscionable & Just Settlement of this case. This is true because of Mr Gardner's Status as an "Officer of the United States Government"; & as an "Expert Witness" concerning these matters generally, & because he had studied & had commented insightfully on this case in particular.

Here-under, if Ms Hennessy somehow felt obligated to spend energies tidying-up the loose ends of this case; then, at the same time; she had a Higher "Fiduciary Duty" to us, to make similar but reversed motion to Re-Enter the 'Gardner Affidavit' back in-to the case, as an "Exhibit" from this fully-qualified "Expert Witness", showing that the "Fee Title" to the Under-Lying Property was then vested in We Plaintiffs. At minimum, Ms Hennessy was clearly grossly mis-placing her priority "Fiduciary Duties" in this case. Ms Hennessy should have placed significantly greater priority on insuring that the 'Gardner Affidavit' was properly entrenched into the courts record; well before wasting her the time (which we were paying her for) by Actively Aiding the Opposing Party by moving to Exclude that good document from the Court Record. With very little bother, the opposing party defendants could easily have made motion to exclude that document from the Court Record. They were the only ones who had any substantial interests or motive to benefit such a move. That move should have been made by them, if they were not to

embarrassed to make such an obviously self-serving & significantly prejudicial motion.

Here-under, & with Purposeful & with Malicious Intent to Manipulate we Bower Family Heirs, Kahn & Hennessy did Conceal from our viewing & knowledge of existence, the “Gardner Affidavit”, & the Key Title “Tile Report”. Each of these documents would have enabled us to make better informed strategic decisions concerning how this case was to be presented before the court, & it would have enabled each of these courts to become sufficiently aware of the relevant issues of fact & law, so-as-to render Constitutionally Imperative “Justice” with regard to this controversy.

On 23<sup>rd</sup> of March, 1999; Ms Hennessy sent a copy of Mr Gardner’s Affidavit to one “James Casterline” of “Pacific Title Company” in Seaside. In accompaniment there-to, Ms Hennessy sent a letter, in which she explained clearly that Mr Gardner’s Affidavit was issued, in part, “because accreted property vests in the patentee and his subsequent heirs.”.

Here-under, is Clearly Shown that Ms Hennessy Clearly Understood that Mr Gardner’s Affidavit was “Evidence” which Supported Our Claim that We Are (& were) the Owners of the Accreted Pacific Boulevard Property, because We Are the “Subsequent Heirs” of the “Patentee”.

Here-under, is “Evidence” that: Ms Hennessy had “Malicious Intent” to “Aid & Abet” in a “Conspiracy” to Complete the Crime of “Aggravated Theft” of Our Property, all as clearly defined with-in Oregon Revised Statutes, & Constitutional-CommonLaw. And it is reasonable to assume, that her immediate supervisor, Gary Kahn; was similarly an active participant in such “Aggravated Theft”. And further there-under, the entire Law Firm of what is now: “Reeves, Kahn, & Hennessy” was similarly Criminally Culpable for these obviously malicious & extremely damaging acts.

Further, under “Discovery” process & “Production of Documents” requests from our side, & concerning which Documents were Necessary for Justice to be Administered in this case & “Due” to us; “Clatsop County Attorney: Heather Reynolds” did Refuse to Produce these Documents for us. Here is a “Public Officer” who is actively defending the contested claim of a “Public Body” that They Own Property “Publicly”, but they are Refusing to Display Publicly the Paper-Work which they have which could bring rightful & just settlement to that contested claim.

Yet Disastrously, these attorneys, Kahn & Hennessy; Failed to bring to the court any “Motion to Compel Production of Documents”, or any “Motion for Directed Verdict” against them. All Evidence relevant to this case, which was (and continues to be) in the archives of Clatsop County, was just left laying there. This is Another Significant Disaster to the Interests of Justice for the Common People of this County & State; all as the direct result of the work (or lack there-of) by Attorneys Kahn & Hennessy.

Under all of this, Kahn & Hennessy did Actively & Passively “Aid & Abet” the Adverse Party in their “Felony Theft” of Our Property. It is beyond reason to suppose that this was all due to their merely other-wise possible “Incompetence”. “Malicious Conspiracy” in “Aggravated Theft” by Kahn & Hennessy is the “Only Explanation” for all of these Evil Actions. They are well trained attorneys. They can-not plead “Ignorance of the Law”.

Kahn & Hennessy Took Approximately \$50,000.00 in contractual exchange for establishing their ‘Fiduciary Duty’ based ‘Trust Relationship’ with us. They had a “Fiduciary Responsibility” to Present & Argue these “Points of Fact & Law” with Diligence. They made no such efforts at fulfilling their “Fiduciary Duty” to us, & “Malicious Intent” in a “Conspiracy” to accomplish the “Aggravated Theft” of Our Property is the Only Reasonable Explanation here. Here-under, the Only Reasonable Explanation is that Bar Monopoly Attorneys Peggy Hennessy, & Gary Kahn; did Actively Conspire to “Breach their

Fiduciary Duty” to We Bower Family Heirs, & there-by to Subvert the Interests of Justice with regard to our Lawful Claims concerning this case.

And we feel that we are fully capable of Proving this to a ‘Conscience-Bound Jury’, all pursuant of traditionally recognizable to “Due Course/Process of Law”, just as “Originally Intended” in Article 1 Section 10 of Oregons Constitution.

Further; on Numerous Occasions, We Clearly Communicated to Kahn & Hennessy our desire for them to Present as “Evidence” in-to the “Court Record”, our “Certified Warrantee-Deeds”; all as those documents were originally recorded in the Office of the Clerk of the Clatsop County Court, back shortly after 1907 by our Grand-father “N.W. Bower” & his numerous respected business associates. These “Deeds” were signed & notarized by a significant number well-respected business-men & government officers back then. This was a Public “Meeting of the Minds” which Clearly “Evidenced” that All Honorable People of the Time Agreed that N.W. Bower was the Lawful Owner of the under-lying “Fee Title” to the “Pacific Boulevard” Property.

Yet, Kahn & Hennessy Refused to Present this Critically Important “Evidence” of these “Deeds” in-to the Court Record. Under these conditions, Kahn & Hennessy “Failed to Present Evidence” & “Failed to Make the Record” on our behalf, at the defacto Trial-Court Level. As every first year law student knows, the Appellate Tribunals Only Review the Record which comes up to them for Errors in that Previously-Made lower-tribunal’s Record. Because of these unfortunate realities of our modernly romanized civil/municipal court system, here-under the previous Appellate & Supreme Court Decisions which ruled against us Are Null & Void.

This is all “Evidence” that Mr Kahn, Ms Hennessy, & their Law Firm; were All involved in a ‘Conspiracy’ to Support the General “Racketeering” Scheme of the unknown Powerful Private Parties who were/are ‘behind the scenes’ & ‘pulling the strings’ of the ‘Clatsop County Commissioners’ & ‘County Counsel’; all as alleged further here-in. There is No Other Reasonable Explanation for these Purposefully Obstructive Modes of Procedure which were so Clearly ‘Intended’ to Limit our Available Options for Securing the Constitutionally-Guaranteed Justice & Rights of We Bower Family Heirs.

### **Conclusion, Count 3:**

“New Evidence” is Now Being Presented , & “New Issues of Law & Fact” are Now being presented. The Attorneys which we had hired in good faith to represent our interests, have obviously conspiratorially “sold us out”. The immediately preceding sworn testimony against them is clearly very Sufficient “Evidence” to Move this Court Forward along the Course of Inquiry which the Law Requires.

Here-under, Our Constitutionally Due “Justice”, & “Due Process of Law”, was Not Delivered to Us, either at the Trial Level, or at the Appellate or Supreme levels. And further here-under, the Appellate & Supreme Court Decisions which were previously rendered against us in this case, are not any form of a bar or obstruction to our now bringing this action to settle these claims based on this new evidence, because those Courts only reviewed the record for errors, and the corrupted attorneys which sold us out did not properly make that record. .

Because of all of this “Fraud up-on the Court”, & “Newly Discovered Evidence”, & “Excusable Neglect”, & because of the Sell-Out by our Bar Member Attorneys; here-under we Bower Family Heirs do make Motion/Demand before this Court for the Re-Opening of this “Quiet Title” Action, Case # 99-2017.

### **Relief Demanded; Count 3:**

Here-under, we Demand Originally Constitutionally Intended “Trail by Jury”; following Full “Due Course/Process of Law”; & here-under we do seek a resulting Judgement by that said Jury that ‘Fee Title’ to all of this “Pacific Boulevard” Property be “Quieted “ in Our Names. This re-opening of this Case is proper, pursuant to General Rules of “Due Course/Process of Law” as preserved with-in Oregon’s Constitution at Article 1 Section 10; & as further recognizably proper under Rules 64-C, 71-B, & 71-C; of the “Oregon Rules of Civil Procedure”.

Further here-under, & as recognizably Lawful pursuant to General Common-Law Principles of Open Government, Oregon’s Open Records & Open Meetings Statutes, & general rules of “Discovery”; we Demand Access to All Clatsop County Documents Possibly Relevant to this entire case; & we Demand that the Municipal/DeFacto County Provide Us with a Courteous & Respectful Clerk who has at least some familiarity with these archives; & we Demand a Photo-Copier with Full Paper & Toner supplies there-in, so that we may make as many copies as we deem in the interests of Justice for this case.

And of course, we now seek the further Criminal Penalties here-in mentioned, against those herein-named as having Committed these Crimes which have forced this re-hearing of these issues, because they are the Equivalent of an “Obstruction of Justice”.

Further, the 1980 Oregon Appellate Court Decision Case #: 12690U; Mandated that “Further Proceedings Pursuant Law” be accomplished in that case.

For Both of these very Lawful Reasons, our State & County’s Supreme Constitutional “Law” Requires that This Case be Re-Tried, precisely as Demanded here-in.

### **Racketeering Complaint; Pursuant to ORS 166.715 & 166.720:**

Each of the Natural Persons here-in named is also here-by Accused of being Guilty of “Racketeering”; either Directly or by way of “Conspiracy” to commit the same, as is properly recognizable with-in the provisions of ORS 161.450, & ORS 166.720 (4).

These Criminal Offenses were committed with-in Clatsop Country.

These Criminal Offenses were committed on or about the dates of the three general counts complained of above.

The above described three general counts constitute a “statement of the acts constituting each incident of racketeering activity in ordinary and concise language, and in a manner that enables a person of common understanding to know what is intended”.

The “Distinguishing Characteristics” which “Interrelate” these incidents of Racketeering Activity; are the “Abuse of Public Offices” & “Official Mis-Conduct” with-in the Judicial arena of the Clatsop County Circuit Court system, & with-in the “Clatsop County Commissioners Offices”, & the “Clatsop County Counsel” Offices. This is listed pursuant to ORS 166.715 (6 -a-D). Further Incidences of Racketeering is the Criminal Theft & Trespass here-in Complained of, pursuant to ORS 166.715 (6 -a-K). Further Incidences of Racketeering is the Business & Commercial offenses here-in Complained of, pursuant to ORS 166.715 (6 -a-Q).

These incidents were not isolated.

Because the “Racketeering” portion of this Complaint is More Complex to logically present, Due to its previously mentioned “Conspiratorial” Nature; here-under, it has been necessary to first lay the

foundation, by explaining the smaller Crimes as has now been done thus far here-in.

The underlying basis for this “Racketeering” complaint, is the Various “Aggravated First Degree Theft” Complaints, which have been presented above. From the wording of the “Racketeering” Statute, ORS 166.715 - 166.720; it is clear that Multiple “Incidents” of Similar Crimes needed to have been committed. This has been done through the above “Three General Counts” of Attempts to Steal the Property of we ‘Bower Family Heirs’. These are Three “Incidents” of Crimes which were Related by “Similar Intent, Results, Accomplices, Victims, or Methods of Commission”, & they are “Interrelated by Distinguishing Characteristics, including a Nexus to the Same Enterprise, and are Not Isolated Incidents”. And of course, each of these Three General Counts, contains Numerous Specific Individual Counts; which we reserve the right to cite at a later date, should the three general counts some-how be deemed by the trial jury to be in less than full sufficiency to satisfy the statutory &/or common-law intent behind these very important rules of social behavior.

Perhaps it would be good to Offer to some or many of the Co-Conspirators, some kind of a “Opportunity” for a Reduced Sentence; If They ‘Plead Guilty’ & Give Sworn Evidence of the Guilt of the Other Conspirators, especially the person or persons who are the Real Head or Heads Behind this entire “Racketeering” Scheme.

### **\*\*\* End of General Chronological History of Conspiratorial Crimes \*\*\***

#### **The Accused Parties, Specific Focus there-on, & the Remedies Sought from them:**

##### **Hugh C. Downer: (DeFacto Municipal Circuit-Court Judge)**

As further above shown & concerning “the Pacific Boulevard” Property; in the “Quiet Title” Action as brought by We Bower Family Heirs; the various Documents Rendered by “Judge Downer” which were related to the “Judgement” which he rendered against our interests, were Clearly “Intended” by him to Result In the “Class B Felony” Crime of “Aggravated First Degree Theft by Deception”; as is recognizable under ORS 164.057, & 164.085. This is plain from Mr Downer’s above described first letter; where-in he bold-facutely “Lied” concerning What We Complaining-Party Bower-Family-Heirs had “Admitted”.

Here-by, “Hugh Downer” did enter into a “Conspiracy”, as defined with-in ORS 161.450, because his “Judgement” was obviously “Intended” to “Cause the Performance” of the Taking of this “Pacific Boulevard” Property from we “Bower Family Heirs”. Here-under, we fully intend to Prove beyond all reasonable doubt to the Conscience-Bound Jury of the Court, that “Hugh C. Downer” did Conspire to Commit this ‘Class B Felony Theft’ Crime of the ‘Pacific Boulevard’ Property of We Bower Family Heirs.

Further, “Hugh Downer” did Commit the “Class A Misdemeanor” Crime of “Tampering with Public Records”, as recognizable under ORS 162.305; because through his issuance of this “Order” & “Judgement”, he did “knowingly” make “False Entry” in “Public Records”.

Further, “Hugh Downer” did Commit the “Class A Misdemeanor” “Abuse of Public Office” Crime of “First Degree Official Mis-Conduct”, as recognizable in ORS 162.415; & as recognizable as “Corruption & Malfeasance of Public Office”, pursuant to both versions of Article 7 Oregon Constitution, Section 19 in the Original Version, & Section 6 in the Amended/Supplanted Version. This “Abuse” & “Corruption” Exists, because Hugh Downer was a “Public Servant” who “Intended” to “Harm & Benefit” others through the “Performing an Act Constituting an Unauthorized Exercise of Official Duties”. Further,

by way of his “Judgements” secondary effect as a Dismissal of our “Quiet Title” Action, he did “Knowingly Fail to Perform a Duty Imposed on him as a Public Servant”. These are Two Counts of “Official Misconduct”, & “Abuse of Public Office”, & “Corruption & Malfeasance of Public Office”.

Further, & through the general “Conspiratorial” effect of his actions, ‘Hugh Downer’ did commit the “Class C Misdemeanor” Crime of “Second Degree Trespass”, as recognizable in ORS 164.245.

Further, “Hugh Downer” did Engage in an “Unlawful Trade Practice”, as recognizable under ORS 646.607 & 646.608. In the course of his occupation as a “Judge”, he did “Employ an Un-Conscionable Tactic” in connection with the “Disposition of Real Estate” which as the “Pacific Boulevard” Property, Belonged to We “Bower Family Heirs”. Through his False “Judgement” “Hugh Downer” did Fraudulently “Pass Of Real Estate” as belonging to “Another”; & cause likelihood of Confusion, and on and on ... .

Further, “Hugh Downer” did Violate Oregons “Anti-Trust” Laws, pursuant to ORS 646.715, 646.725, & 646.730; because his lawless “Judgement” did Obstruct “Free & Open Competition” in that portion of the “general welfare & economy of the state” which is concerned with “Land Sales”, & actually he did Support “Monopolistic & UnFair Practices Combination & Conspiracies in Restraint of Trade & Commerce”, & he Further Obstructed the “Means to Enjoin such Practices”, & “Remedies for Those Injured by Them”. For reference, We Bower Family Heirs have been “Injured” by these “Monopolistic & UnFair Practices, Combination & Conspiracies in Restraint of Trade”.

We Bower Family Heirs have approached numerous Officers of “Clatsop County” in our efforts to get them to Auction Off the lots & blocks in Sunset Beach, so that there would be a demand from local land owners, for the Utilities Services in the streets which we own.

Further, “Hugh C. Downer” did commit the “Class C Felony” Crime of “Perjury”, as recognizable under ORS 162.055 - 162.065. This is True because when “Judge Downer” signed his “Judgement” against us, he Made a “False Sworn Statement”, “Knowing it to be False”, with regard to the “Material Issue” of the Ownership of “Pacific Boulevard”. Mr Downer obviously “Knew” the Statement was False, because he “Lied” in his previous letter concerning What We Complaining-Party Bower-Heirs had “Agreed”. And this “Judgment “ was a “False Sworn Statement” because it “Reaches-Back” to his “Oath of Office” to “Support the Constitutions” of the USA & this good State of Oregon.

And If there should be some problem with the application of this ORS 162.065 Statute to this specific factual situation; then the Trail Jury should be Instructed that All “Judgements” Issued by All Judges should be considered to be “Sworn Statements” (even if they do not clearly indicate in their written text such “Swearing”). This is True Generally Because these Judges are “Sworn to Support the Constitutions” of this State & Nation, through their “Oath of Office”; & Further Because of the “Public Necessity” of Insuring that the Critically Important Public-Offices of the Judges of this County & State, are Not Mis-Used for “Racketeering” or Other Criminally Lawless Purposes. These “Judgements” are routinely affecting literally “Live & Death” “Material Issues” for the Common People of this County & State. Any Person who Issues a Document which purports to be a “Judgement” signed by a Judge, should be made Subject to the Penalties of Perjury for Issuing False Sworn Statements, if that Judgement Document should later prove to be Knowingly Falsely Issued.

We are unclear of the Precedents in the particular ORS Statutes 162.055 - 162.065 here. But at this juncture, if the Statute presently does now encompass such “Purposeful Abuses of the Oath of Office” as was engaged in by “Judge Hugh Downer” here, then we do not here-by Invoke the Common-Law Principle which is embodied within “Oregon Rules of Civil Procedure” (ORCP) “17A”, that such is

“Warranted by Existing Law or a Good faith Argument for the Extension, Modification, or Reversal of Existing Law”.

Here-under, Constitutional “Conscience” of the Trial Jury should be used to Convict “Hugh Downer” of the Felony Crime of “Perjury” of “Oath of Office”. “Hugh Downer” Knew this Judgement was “False”, & that it would result in the “Aggravated First Degree Theft by Deception” of Our Property.

And as a specific secondary count towards the “Racketeering” statute (as complained of later here-in), “Hugh Downer” did also “Purge” his Oath of Office” when he maliciously issued his “Order Granting Motion for Summary Judgement ...” document.

Further here-under, & because through our Constitutional “Social-Compact”, We Are “Component Members” of this County & State; Mr Downer did also to Commit these Crimes Against the “State & Public Justice”, as well as Against the DeJure Body-Politic commonly known as “Clatsop County”. “A Crime Against One, is a Crime Against All”, as pursuant to the under-lying Constitutional Common-Law of this County & State; just precisely as preserved with-in the ORS 30.510 Quo-Warranto/State-Ex-Rel Statute, as cited at the very beginning of this Criminal Complaint.

**‘County Counsel’: Heather Reynolds;**

Ms Heather Reynolds, acting as ‘Clatsop County Attorney’, committed the following Crimes:

Count 1: By her role in actually Composing the ‘Order Granting Summary Judgement’ & the ‘Judgement’ it-self against us, as signed by “Judge Downer”; Ms Reynolds played a Leadership Role in this Criminal “Aggravated Theft” of our property, & based there-on, in the Class A Felony “Racketeering” scheme.

There were Other Crimes which Ms Reynolds participated in; which we will further itemize, once we begin to have faith that “Administration of Justice” will follow that “Conscionable” manner of “Due Process of Law”, as Recognizably Preserved to “We the People” in our US & Oregon-State Constitutions.

Jury Sentencing Requested: Under the statutory guidelines that ‘Racketeering’ is a ‘Class A Felony’, we here-by respectfully petition that the Jury Sentence Ms Reynolds to be a Debtor to the County to the sum of \$10,000,000.00, that all monies which she possesses should be taken into the County Treasury, at least after her fair share of the Compensatory & Punitive Damages to We Bower Family Heirs has been paid.

Further here-under, all of Ms Reynolds personal & real property should be sold to the highest bidder &/or given to we Bower Family Heirs, as Compensatory Damages for her Conspiratorial Crimes against us. She should be driven into total bankruptcy, & all excessive debt that she is not able to pay, should be converted directly into credit-debt instruments which can be used by the county treasury to cancel the counties out-standing debt obligations to larger financial institutions. The point is that this is how much Ms Reynolds has cost our local county populace, & she should be the vehicle to compensate us for it, & it is our understanding that UCC Commercial-Law encourages precisely this.

Further, Ms Reynolds should be sentenced to Twenty (20) Years in Prison for her knowing & willful participation in this “Class A Felony” Racketeering Scheme. She should be imprisoned in the local Astoria to Seaside area; & on regular occasions she should be displayed before the general public, as an example of what happens to Public-Officers who Criminally Conspire to Plunder the Common but Honest Working-Class People of this County & State, such as we Bower Family Heirs.

**Gary Kahn & Peggy Hennessy, Personally; & the Law Firm of “Reeves, Kahn, & Hennessy”:**

For their above described Conspiratorial Roles in Selling Us Out to complete the “Aggravated Theft” of Our “Pacific Boulevard” Property; Kahn & Hennessy did commit Class B Felony Crimes. Here-under, Kahn & Hennessy were Willing Conspirators in the “Racketeering” Scheme to Steal our Property from us; & here-by, they also are Guilty of this most serious “Class A Felony” Crime.

**Lou Larson; First “Clatsop County Counsel” during First Count above.**

Because of his participation in the First General Count of Racketeering & Theft as listed above; it is in the Interests of the States’s Justice that Mr Larson be Prosecuted for these Crimes, & Demand is here-by made that such now be done. Mr Larson told Julia Stewart/Bower that “We are going to break that Dedication”. He should be sentenced similarly to Ms Reynolds.

**Mr Littlehailes: Second County Counsel, Handling Appeal, During First Count.**

Because of his Willing Participation in the First General Count of Racketeering & Theft as listed above; it is in the Interests of the States’s Justice that Mr Littlehailes be Prosecuted for these Crimes, & Demand is here-by made that such now be done. He should be sentenced similarly to Ms Reynolds.

**All Clatsop County Commissioners, & County Counsel, in Office from the 1975 date when the first Complaint against “Ruth Bower/Remington” was filed,** until the time of the final Favorable Judgement to us was rendered by the Oregon Appellate Court; all as out-lined in the First General Count of this Complaint. These people are presently unknown. This time period would encompass all of the activities described in “General Offence Count # 1; as here-in above described.

Also one ‘Shirley Tinner’, who was the ‘Circuit Court Clerk’ during the same time periods outlined for this First Count here-in. Ms Tinner was a Purposefully Very Rude & Obstructive Clerk, Limiting our Access to the Law Library, so that we could effectively defend our claims; & causing us multitudes of other problems. Ms Tinner definitely committed “Abuse of Public Office”, & she was clearly a part of the general “Racketeering” Scheme. All of these people should be sentenced similarly to Ms Reynolds.

**All Clatsop County Commissioners & County Counsel in Office from the 1983 date when the “Eminent Domain” Complaint was filed** against we ‘Bower Family Heirs’, until the time of the final judgement in that case, around 1988 or so. Many of these people are presently unknown. This time period would encompass all of the activities described in “General Offence Count # 2; as here-in above described. These people Maliciously Issued Resolution “Condemning” Our Property when No “Public Necessity” Existed. Here-by they did Conspire to Commit Felony Aggravated Theft of Our Property Out-side of “Due Process of Law”. All of these people should be sentenced similarly to Ms Reynolds.

**All Clatsop County Commissioners & County Counsel in Office from the 1999 date when the “Quiet Title” Complaint was filed** by we ‘Bower Family Heirs’, until the time of the Oregon Supreme Court’s Last Affirmation of ‘Judge Downers Judgement’ in that case. Some of these people are still unknown. This time period would encompass all of the activities described in “General Offence Count # 3; as here-in above described. All of these people should be sentenced similarly to Ms Reynolds.

**Kenneth Eiler: Ex Clatsop County Counsel:**



Mr Eiler was the "County Counsel" Officer who was the main person behind wrongfully prosecuting the "Eminent Domain" case against us, between 1984 to 1988 or so. Mr Eiler willfully participated in this Class B Felony Theft of our Property, & he was a Co Conspirator in the over-all "Racketeering Scheme". He has caused this family and the common people of this county & state much grief and expense. He should be punished seriously, in full accord with the "Class A Felony" guide-lines of the "Racketeering" Statute. He should be made to pay economically a very serious amount of money, both to we 'Bower Family Heirs', & to the County & State Generally. Perhaps some of his debts to our family, & to society generally; can be recovered through the seizure of some or all of his property. The only mitigating circumstance there, which should serve for some degree of mitigation of the severity of his sentence, is that he did admit privately to Delores Hobizal/Bower & Phylis Ingram/Bower that the "Eminent Domain" activities which he & the DeFacto Municipal County engaged in were "Illegal".

Perhaps Mr Eiler should be offered some kind of a "Deal", if he Pleads Guilty, & gives Sworn Evidence of the Guilt of the Other Conspirators, especially the person or persons who are the Real Head or Heads Behind this entire "Racketeering" Scheme. From his previous comments, he did seem at least partially conscience-stricken for his participation in this evil scheme. We would be willing to entertain reducing his sentence significantly; if he were to become a "State Witness", State-Ex-Rel, of course.

He should be sentenced similarly to Ms Reynolds.

#### **Walter Lindstrom, Clatsop County Cartographer.**

With regard to Our "Pacific Boulevard" Property, Mr Lindstrom Lawlessly & Summarily Re-Drew (Moved) the Boundary Line in the Sunset-Beach Plat, From the West Row of Blocks Bordering 'Pacific Boulevard', to 110 feet even further West, towards the Ocean. There-by, Mr Lindstrom Took Considerable Acreage of Considerable Economic Value Out Of Our 'Pacific Boulevard' Property, & placed it next to the lots directly to the West of 'Pacific Boulevard', & there-by lending credence to claims of ownership of that property by DeFacto/Municipal "Clatsop County". Originally, the Commissioners "Took" these Lots From Our Family Estate, back in the depression years between 1927 & 1937, mostly by way of Tax-Foreclosure Sales.

So, Mr Lindstrom Purposefully "Altered" a "Written Instrument" which was a "Public Record" which "Affected" Our "Legal Right, Interest", & "Status". Here-by, Mr Lindstrom Purposefully Acted as a "Team Player" for the "Malicious Conspirators" who were then & now Infecting the Governmental Structure of Clatsop County, & there-by Scheming to Lawlessly Steal out Family-Estate Property from us. Here-by, Mr Lindstrom did Specifically Commit the "Class C Felony" of "First Degree Forgery", as recognizable in Oregon Revised Statutes (ORS) 165.007 & 165.013. Also, "Tampering with Physical Evidence", & "Tampering with Public Records", as recognizable under ORS 162.295 & 162.305 .

Also, First Degree "Abuse of Public Office" & "Official Misconduct", as in ORS 162.405; & as recognizable as "Corruption & Malfeasance of Public Office", pursuant to both versions of Article 7 Oregon Constitution, Section 19 in the Original Version, & Section 6 in the Amended/Supplanted Version.

Further here-under, Mr Lindstrom made Numerous Verbal (& Written ??) Public Declarations to the effect that We Bower Family Heirs were Not the Lawful Owners of much of the property in Sunset-Beach. Mr Lindstrom Insisted that the "Chain of Title" should come from "Plat-Book 3, Pages 66 & 67" in the County Records Office, where-as properly the "Chain of Title" should come off of "Book 71".

On Numerous Occasions, during the 1980's & 1990's, We complaining-party Bower Family Heirs did go to Mr Lindstrom's Office, & there we spoke with him about these discrepancies; Especially

concerning the matter that Him & the County were Proceeding Off Of the “Wrong Book & Page Number”. In Breach of his ‘Fiduciary Duty’ as a ‘Public Servant’ to us, Mr Lindstrom Refused to Discuss these matters with us. We will testify to this in open court proceedings, before the common-law Jury. This is still Another Count of First Degree “Abuse of Public Office” & “Official Misconduct”, as in ORS 162.405; & as “Corruption & Malfeasance of Public Office”, pursuant to both versions of Article 7 Oregon Constitution. Mr Lindstrom had a “Fiduciary Duty” to make “Good Faith Efforts” to come to a “Meeting of the Minds” with us. He did Not Do That. That was a Crime under these Constitutional & Statutory Guidelines. And it probably should properly be considered as “Multiple Counts”; because, with similar results, we went to his office to discuss these things with him on Multiple Occasions.

He should be sentenced similarly to Ms Reynolds.

#### **Surveyor: Carl F. Foeste**

Carl F. Foeste made Numerous Verbal (&Written ??) Public Declarations to the effect that We Bower Family Heirs were Not the Lawful Owners of much of the property in Sunset-Beach. Mr Foeste Insisted that the “Chain of Title” should come from “Plat-Book 3, Pages 66 & 67” in the County Records Office, where-as properly the “Chain of Title” should come off of “Book 71”.

On Numerous Occasions ???, during the 1980's & 1990's, We complaining-party Bower Family Heirs did go to Mr Foeste's Office, & there we spoke with him about these discrepancies. Mr Foeste Arrogantly Refused to Discuss these matters with us. We will testify to this in open court proceedings, before the common-law Jury. This is still Another Count of First Degree “Abuse of Public Office” & “Official Misconduct”, as in ORS 162.405; & as “Corruption & Malfeasance of Public Office”, pursuant to both versions of Article 7 Oregon Constitution. Mr Foeste had a “Fiduciary Duty” to make “Good Faith Efforts” to come to a “Meeting of the Minds” with us. He did Not Do That. That was a Crime under these Constitutional & Statutory Guidelines. And it probably should properly be considered as “Multiple Counts”; because, with similar results, we went to his office to discuss these things with him on Multiple Occasions. He should be sentenced similarly to Ms Reynolds.

#### **The Municipal Officers of the City of Warrenton:**

John & Jane Does 1-994: Co-Conspirators presently Un-Known.

These people will soon be listed more fully, as this case proceeds. The Corporate/Municipal City itself is also here-by named as defendant. These Public Officials did “Give Aid & Comfort” to the “Enemies” of “We the People” of Oregon, whether by Direct Overt Acts, or by way of Refusing to do their Duties as “Civil-Servants” to Protect “We the People” from the here-in described Evils. They Directly Participated in the Criminal Theft of our Property, & Continue in Criminal Trespass there-in.

All of these people should be sentenced similarly to Ms Reynolds.

#### **“Clatsop County” as a Municipal Corporate Entity.**

We Demand a Full “Audit” of the Clatsop County Treasury. We Demand that the Clatsop County Treasurer & Administrator make available to us Copies of the Counties “Comprehensive Annual Financial Report”, which is a Secondary ‘Secret Set of Books’; which is frequently referred to as the “CAFR”. This is where the “Slush Funds” are commonly hidden, in all Municipal/DeFacto Governmental Bodies across our entire nation. This all has been well documented by Patriotic American Constitutionalist Researchers, on such Web Pages as: [http://members.aol.com/\\_ht\\_a/cafr1/CAFR.html](http://members.aol.com/_ht_a/cafr1/CAFR.html) & <http://www.cafrman.com/> .

Although such information does not seem to be available on-line for Clatsop County or the other Counties of Oregon, there is a general web page which documents how it is working at the Oregon State Level, at: <http://www.cafman.com/Articles/Art-OR-S1.htm> .

This Clatsop County “CAFR” Report is Needed, so that Investigations may be made to Document the “Slush Funds” used in the “Racketeering” Schemes alleged here-in. Here-under, “Bribery” & various other forms of “Kick-Backs” will quite probably be shown to be being used by Municipal DeFacto Clatsop County Officers to Fund the General “Racketeering” Scheme. Here-under, the Common People of Clatsop County are being Deceived, & there is So Much Extra Money Available Right Now, that Probably No Property Taxes or Other Coercive Revenue Collection Schemes are Needed, & All Revenue Necessary for the Running of Clatsop County can be Achieved From “Investments” which have been Made by the County Treasury. The Jury needs to be Empowered to “Inquisitorially Investigate” All of these Claims; & to put these extra “Slush Funds” to the Direct Use of the Common People of this County.

Further, the Jury considering this case is here-by respectfully motioned towards Administering Judgment that the present “Clatsop County Commissioners” Municipal Form of ‘County Government’ be “Abolished”; & that in its place be Established the Constitutionally Originally-Intended “Clatsop County Court” Form of County Government. This is all as is described in Oregons Constitution at ‘Original Article 7’ Section 1, & in ORS 203.111; & with Full Judicial Power as described in ORS 203.010, 203.035; & Acting with the Full Power of a “Court of Justice”, as described in ORS 1.010.

This is clearly With-In the Parameters of this State-Ex-rel/Quo-Warranto Mode of Procedure, as is Authorized through ORS 30.510 - 30.640 (& the anti-trust statutes). Also, it is clearly with-in the authority of a “Court of Justice”, as the again cited ORS 1.010 clearly affirms.

This move is Needed, because as shown by this complaint, the so-called “Clatsop County Commissioners” are Routinely Abusing their Quasi-Public Corporate Charter (Commission), with their mandate there-under to Responsibly Govern Clatsop County’s People. Rather than Assisting “We the People” of this County to Responsibly “Self-Govern”, they are now Coercively Imposing a Constitutionally-Lawless “Malum-Prohibitum” based Jurisdiction over us; & there-by they are Terrorizing Us with Multitudes Lawless Acts, Substantially Similar to the Causes of the American Revolution, just precisely as Listed in our “Declaration of Independence”. Here-under, No Pretense what-so-ever is maintained for concerns for Preserving Any Of Our ‘Originally Constitutionally Intended’ Rights to “Remedy by Due Course/Process of Law”.

Here-under, the above petitioned for Move to the “County Court” form of ‘County Government’, is Imperative. Such a Move is of Direct Benefit to the Common People of this County, it Needs to be Accomplished Immediately, & It Is So Moved For before This Court, “State Ex Rel”; Here & Now.

This entire process will be more fully explained in a soon forth coming Memorandum document.

#### **“City of Warrenton” as a Municipal Corporate Entity.**

Similarly as the above Demand for “Clatsop County Commissioners”, We Demand a Copy of the “Comprehensive Annual Financial Report” for the City of Warrenton, so that we may Document how the “Slush Funds” are being used to the Detriment of ourselves, & to the Detriment of the local people of the general Warrenton area.

Similarly again, the Jury considering this case is here-by respectfully motioned towards Administering Judgment that the present Municipal “City of Warrenton” Form of ‘County Government’ be “Abolished”; & that in its place be Established the Constitutionally Originally-Intended “County Court”

Form of County Government. The same basic reasons behind this demand apply.

This entire process will be more fully explained in a soon forth coming Memorandum document.

**Key Title Company & Officers:**

**Ticor Title Company & Officers:**

**Pacific Title Company & Officers:**

**The Officers of these Companies, in their Personal-Capacities :**

Each of these Title Companies, & the Individual Corporation Officers behind them, have “Willfully Participated”, one way or the other; in this “Conspiracy” & “Racketeering Scheme” to “Steal” Our Property. The “Corporate Veil” should be “Pierced” in order to reach these Officers. They should be sentenced similarly to Ms Reynolds. Their corporate treasuries should be fined very heavily for this willing participation in the Theft of the rights to ownership of property by the common people; perhaps sufficiently to drive them into bankruptcy. More details will be set forth in an “Amended Version” of this Complaint.

**John & Jane Does, 1 - 10,000:**

These are persons, presently unknown; many of whom are officers in larger corporations &/or governmental agencies. They have Co-Conspired in the Felony Criminal Racketeering Scheme; complained of here-in.

**Concluding Comments:**

There is much other materials available in this case. We will provide our copies of those materials as we are able. The Accused Corrupted Public-Servants have much of them, & they have Expense Accounts for Covering the Expenses associated with Copying & Producing these documents. We Demand Full Access to All Document Repositories Related in Any Way to Any of the General Counts of this case, & which are in the Possession or Accessibility of Any Clatsop County Officers or City of Warrenton Officers or Ex-Officers . We Demand that the County & City Provide us with Courteous & Respectful Clerks who are also Knowledgeable about these Repositories of Documents, & that Each of them Further Provide Sufficient Photo-Copy Machinery & Supplies to Facilitate our Copying of All Documents here-in which may be of Assistance in Administering Full Justice in this case. These Offices would include, but not be limited to, the following: the Offices of the Clatsop-County Circuit-Court Administrator, the Clatsop County Treasurer, County Clerk, County Administrator, & County Assessor.; & such other offices as we may later deem necessary. Similar Offices of the City of Warrenton are similarly Demanded to be Audited & Inspected for Documents Related to this Case. These Documents are Necessary so-as-to allow the Supreme Jury of this Court to become Sufficiently Competent of the Issues involved here-in, so-as-to render Constitutionally-Lawful & Unanimous Judgement. There-by ‘Naturally Conscionable Justice’ is sought to be achieved. Remember, please; under Quo-Warranto/State-Ex-Rel Actions; the Accused, as “Civil-Servants”, Carry the “Burden of Proof”.

We demand the right to argue these & all points contained here-in, on behalf of & in the interests of the Common People of this County & State; & to proceed before a ‘Conscience- Bound Jury’ composed of precisely such Common People; & all pursuant of traditionally recognizable to “Due Course/Process of Law”, just as “Originally Intended” in Article 1 Section 10 of Oregon’s Constitution.

We respectfully ask that Compensatory Attorney Fees for this case be awarded in the amount of

approximately \$50,000.00.

If & when Constitutionally-Recognizable “Due Process of Law” actually begins to flow in response to the Complaints made here-in; we will probably either Amended this Complaint, or submit supplementary documents & Exhibits, so-as-to provide more details.

We will seek Leniency for those Accused who Repent of their Evil Ways, & who Make Good-Faith Efforts to Make Things Right. We know that this form of State-Ex-Rel/Quo-Warranto Criminal-Complaint is Very Un-Fashionable in Modern America, & there-under, we do not desire to Shock or Provoke Poorly Contemplated or Hurried Responses from Any parties Involved In Any Way here-in.

Please note again though, that we do fully intend to name as co-defendants any who lawlessly obstruct this complaint from being adjudicated in such manners as contemplated by Oregon’s Constitution at Article 1 Sections 9 & 10, & pursuant to the Statutory & Case Precedent Authority behind ORS 30.510 to 30.640.

Copies of these Complaints, Evidence, & Proceedings; is being kept in a DeJure/Constitutionalist “Clatsop County Court Record”, on the following web pages: <http://clatsop.countycourt-oregon.us/> , & <http://clatsop.countycourt-oregon.us/PendingCases/04-0001-Bowers/Docket.htm> .

The Essential Allegations of Felony Criminal Acts, as set forth in this Complaint are True, So Help Us God. We bear Witness to the accuracy & validity of each-others signatures here-on.

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Phylis Ingram/Bower;

In my Personal Capacity, & as President of the “Ocean Beach Land Company, & on its behalf.

P.O. Box 1046 ; 90562 Lewis Road; Warrenton Oregon, [97146];

Phone: 503-861-0894

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Julia Ann, Stewart/Bower

In my Personal Capacity, & as Secretary/Treasurer of the “Ocean Beach Land Company.

19164 Barrington Avenue ; Sandy Oregon [97055]

503-668-3932; Voice & Fax (call first for Fax) ; [julaiann@stewartclan.us](mailto:julaiann@stewartclan.us)

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Charles Bruce, Stewart

19164 Barrington Avenue; Sandy Oregon [97055]

503-668-3932; Voice & Fax (call first for Fax) ; [charles@stewartclan.us](mailto:charles@stewartclan.us)

Each of us above named are also proceeding In the Name of & on the Behalf of the DeJure/Constitutional “State of Oregon”, & of DeJure/Constitutional “Clatsop County”

Signed by all above on the Date of: the 2<sup>nd</sup> of March, 2005.

This Felony Criminal Complaint is Sworn, Subscribed, & Verified; by All Above People.

Further We Saith Naught.