

FILED

To:

The Clerk of the Supreme Court
Tracie K. Lindeman,
201 South Carson Street
Carson City, NV 89701

MAY 22 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

To all Justices,

I propose to the Nevada Supreme Court Justices that you possess the means to begin to behave as the competent tribunal necessary to impeach any and all officials perpetuating the violation of our constitutional rights. Therefore, please redress the shortsightedness in the alterations made to NRS 107.080 allowing for the idea of mediation or any type of Federal Settlement to displace due process and ultimately our constitutional right to trial by jury in matters of wrongful foreclosure, bogus assignments and theft through fraudulent behavior resulting in illegal takings.

The following definitions and citations may be helpful in deliberating what form of action each of us need take in the aforesaid matters.

In Article VII of the Constitution of the United States, it states:

Where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall otherwise be re-examined in ANY court of the United States than according to common law.

For our Nevada Supreme Court to entertain the idea of "Mediation" as a way to to displace and replace our Constitutional rights to Due Process and use it as the means to avoid holding those accountable for fraud and theft is unconscionable. After robo-signers have admitted to perpetrating forgery in empowering a cloaked dissemination of notices of default, often ending in foreclosure, their heinous crimes, by your avoiding certifying class action complaints and therefore eliminated expediting justice through trials by jury, you have elected to disgrace Nevada and the laws meant to define and uphold our State, Federal, and Individual rights defined through them.

In Nevada, our COMMON LAW as stated in the Nevada Revised Statutes stated in NRS 205.0832 states the following: Actions which constitute Theft are as follows,

1. Except as otherwise provided in subsection 2, a person commits theft if, without lawful authority, the person knowingly:
 - (a) Controls any property of another person with the intent to deprive that person of the property.
 - (b) Converts, makes an unauthorized transfer of an interest in, or without authorization controls any property of another person.
 - (c) Obtains real, personal or intangible property or the services of another person by a material misrepresentation with intent to deprive that person of the property or services. As used in this paragraph, "material misrepresentation" means the use of any pretense, or the making of any promise, representation or statement of present, past or future fact which is fraudulent and which, when used or made, is instrumental in causing the wrongful control or transfer of property. The pretense may be verbal or it may be a physical act.
 - (d) Comes into control of lost, mislaid or mis delivered property of another person under circumstances providing means of inquiry as to the true owner and appropriates that property to his or her own use or that of another person without reasonable efforts to notify the true owner.
 - (e) Controls property of another person knowing or having reason to know that the property was stolen.

Knowing that trustees empowered robo-signers as alleged agents to attempt and perpetrate wrongful takings based on thousands of fraudulent documents in our state, and for you to allow this, deny rightful certification of a class action complaint meant to adjudicate said fraud, so a group of Nevadans in the most efficient manner possible can be allowed to go forth to conduct a trial by jury, how are you not a party to attempted and perpetrated crimes which is simply THEFT?

Regardless of all of the recent changes your colleagues made to NRS 107.080 which now asserts that it is legal in our constitution to conduct "Mediation" (which according to Websters Dictionary means *intervention between conflicting parties or viewpoints to promote reconciliation*) in lieu of convicting mortgage bankers, banks, and their alleged agents for FRAUD, in cases such as this, the definition of theft is more appropriately applied to this situation, versus the need to promote reconciliation. We need you to balance this scale of justice back into the favor of the innocent, and punish those who knowingly have allowed such wrongful takings to occur. Any Judge, who is unwilling to prosecute perpetrators of this blatant fraud, must be considered parties to the crime and it is imperative that a reference to 205.0832 be made in 107.080 to address this disconnected loophole.

Therefore, please amend NRS 107.080 first by removing all reference to any ideas of mediation, government settlements, etc, and insert references to the statutes of theft NRS 205.0832, and include an individual's class, and courts' prosecutorial powers to adjudicate and punish criminals in matters of mortgage fraud as felons. Please insert the definitions, of *trustee*, and *fiduciary* which means *holding, having held in trust and confidence*, into NRS 107.080, and premise the entire Statute with verbiage explicitly explaining these ideas which inform our American Heritage based on stating these ideals in the Declaration of Independence and Constitution ratified by George Washington and our Founding Fathers premised on protecting homes and the rightful enjoyment of it for all citizens.

Please strike all verbiage inserted into NRS 107.080, which allows for immunity when such cases of theft are facilitated by "mediators". Do not punish said fraudulent lenders with mere misdemeanors but change the word *misdemeanor* to *felony*.

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Do not allow immunity to mediators, simply eliminate the idea that mediation is a way to address US Constitutional Article VII issues.

NRS 107.080 and 589D.110,

11. The Mediation Administrator and each mediator who acts pursuant to this section in good faith and without gross negligence are immune from civil liability for those acts.

How would one prove otherwise? How does one prove whether something was in good faith? Why layer up more legal jargon to stand between individuals and their self evident truths, and constitutional rights to have their property protected? How is any act of mediation, considered constitutional, where theft of property by banks, mortgage companies, and their alleged agents has been perpetrated?

in 1999 Statutes of Nevada, Page 2367 (Chapter 467, AB 400) enacted the following:

Sec. 488. NRS 163.060

A bank or other corporate trustee is subject to regulation by state or federal authorities [and] is held as fiduciary.....

and the definition of "agent" is not mentioned or applied anywhere in 107.080 in a banking/mortgage trustee context but is only found in NRS in matters of healthcare.(NRS 467.Sec. 6.)

Therefore, please consider, at the public hearing on "Mediation", to enact measures to remove everything referring to this idea and instead insert into the definitions of 107.080 the word of "Trustee" and the meaning of *fiduciary*, and refer to NRS. Sections, 488. and 163.060. Furthermore please plainly state the disallowance of the idea or definition of agent to be allowable or assigned to conduct fiduciary duties in matters of lending, mortgages, or commercial banking as trustee responsibilities are to be held sacred. The alleged Trustees controlling much of our properties without rightful proof of claim nor any legible legal chain of title, perpetuate this nightmare, when all they have to do is admit wrongdoing and pay for the damages instead of further defrauding us by claiming they have a right to our notes and deeds. They do not have our trust and confidence and we are relying on you, all of you, as Honorable Justices representing us, to recognize this and take the measures necessary to do something about it.

As a constituent, I implore you not to waste any more time and tax payer money on this bogus mediation process, and instead start setting up court to revise and remove any ideas of Mediation from our statutes as unconstitutional. Begin to try these cases of wrongful property takings immediately! Please require trials by jury, certify class action complaints, and do the forensic auditing necessary to those accountable for forgery and fraud by charging them with the crime of attempted and actual theft! Connect the theft Statute to the Mortgage Statutes. Define the terms trustee, fiduciary, disallow the idea of an agent to conduct any business for fiduciaries, and eliminate, and further disallow language using the word Mediation in these matters as being unconstitutional. It is time for you to call the game and behave as the honorable civil servants we expect.

The ruination of this country is happening on your watch, due to the apathy and fear found in civil servants who have not connected the dots and neglect to hold people accountable for their crimes. People who have abused their power, as trustees or their duties to uphold our Constitutional rights in their elected or appointed office need to be arrested, impeached and tried for treason. We expect you to be upstanding and do this.

Be the Nevadans we know you to be do not allow ideas of Mediation to replace our constitutional rights, but rather strike it from our statutes, and deem it unconstitutional. Do all you can in your power to enforce, arrest, imprison, and impeach those responsible for this tragic American debacle.

Signed with heart and hope,
The biggest Fan of Nevada and those serving our wonderful state!

ESPERANZA TOMÉ

Your Name & Address Here

Please feel free to make copies of this letter and send it to the court, the more of you who do, the less copying will be required. :

Feel free to copy this and send it on to the address below, or send copies or your own comments by July 3 2012 to:

Tracie K. Lindeman,
Clerk of the Supreme Court,
201 South Carson Street,
Carson City, NV 89701,

for more information on this issue go to : The Nevada Supreme COurt Website and click on the "Supreme Court considering amendments to Foreclosure Mediation Rules"

<http://www.nevadajudiciary.us/index.php/supnews/1533-supreme-court-considering-amendments-to-forecclosure-mediation-rules>

No return address



The Nevada Supreme Court Justices
c/o
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