

# The Notary Certificate of Default Method

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## THE NOTARY CERTIFICATE OF DEFAULT METHOD

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The Notary Protest Method (NPM) is an administrative technique based on the Uniform Commercial Code (UCC) that involves the presentment of strictly commercial negotiable instruments to financial institutions such as banks, creditors, mortgage companies, etc. Commercial negotiable instruments include things such as promissory notes, bills of exchange, bonds, and checks. The NPM method provides an administrative, nonjudicial method that uses a notary public to create certified, court-admissible evidence that the financial institution has dishonored a financial instrument that you want them to accept. Statutes exist on the law books in many states documenting and regulating how and under what circumstances this method may be used in several states. If you go on the internet and search for the phrase "notarial protest", you will find that this is a procedure used all over the world.

In the tax honesty movement, the most commonplace situation you will have to deal with is the stubborn, overworked, and incompetent government bureaucrat or agency that either ignores or refuses to respond to your correspondence relating to nonliability. The Notary Protest method has been adapted and modified for use in such situations against the IRS and your state taxing authorities in a revised process we call the "Notary Certificate of Default Method (NCDM)".

**WARNING:** We caution that you should be very careful *not* to mistakenly call this modified administrative procedure the "Notary Protest Method" because it does *not* relate to commercial negotiable instruments and because if you do, you could actually cause the state to pull the license on the notary you are using. State laws regulating notary publics are very specific and a notary can get in trouble with the state for improperly executing the Notary Protest Method documented in their statutes. When you also consider that you may attempt to use the notary protest method against state taxing authorities and these are the same authorities who license notaries, then you want to keep your notary public's whistle very clean so they aren't the object of state retribution for any reason. Therefore, be very careful in the language you use to describe what you are doing by not calling it the "notary protest method".

Several individuals claim a 100% success rate against state taxing authorities and the IRS using the Notary Certificate of Default Method, and we therefore encourage its use. The reason it works is because it is the same technique used by the IRS! There are several approaches similar to it, which are called such names as:

- Nihil dicit judgment
- Default judgment

The approach is most effective within the administrative realm, but it is also effective in a litigation environment as well when properly used following a court judgment. The basis of this approach is the Bible and common law. Jesus said in the Bible in Matt. 5:25 the following:

*“Agree with your adversary quickly, while you are on the way with him, lest your adversary deliver you to the judge, the judge hand you over to the officer, and you be thrown into prison.” [Matt. 5:25, Bible, NKJV]*

When Jesus said above to agree with your adversary, He didn't necessarily mean to unconditionally agree with them: you can always conditionally agree with the person you have issues with. When you make a conditional agreement, then you in effect have honored their request but imposed conditions to your performance of their request. If they respond by saying that they won't meet your conditions, then they have defaulted and dishonored your presentment and you are then legally entitled in a court of law to a default judgment or summary judgment in your favor and against them. To further explain how this technique works under the Uniform Commercial Code, if a person presents a financial claim against you under commercial law, then you have exactly four options for responding as follows and you must pick one:

Table 8-2: Responses to a claim under the UCC

#	<b>Result of your action</b>	<b>Your Response</b>	<b>Obligation on claimant to get his claim satisfied</b>
1	Honor	Perform or provide what is demanded	None.
2	Honor	Conditional acceptance	Must perform under the conditions you set in order to have a claim against you and if the claimant won't, then they have dishonored your offer and defaulted, and must also surrender the right to their claim against you.
3	Dishonor	Say you won't perform and raise a legal issue	Since you have defaulted and not disputed the basis for their claim, then the claimant can get a court judgment against you for the amount demanded.

#	<b>Result of your action</b>	<b>Your Response</b>	<b>Obligation on claimant to get his claim satisfied</b>
4	Dishonor	Remain silent	Since you have defaulted and not disputed the basis for their claim, then they can get a court judgment against you for the amount demanded.

The key to making this technique work is to make your counterclaim or the conditions of your acceptance reasonable and lawful in the opinion of a judge and a jury. The more conditions you place upon your acceptance, the more difficult it becomes for the claimant to comply and therefore the less likely it is that he will comply and thereby make it necessary for you to perform in accordance with his demands. When applying this method to the IRS, all you are wanting is verification that you owe the debt they say you owe, that they have lawful authority to collect the alleged debt and institute enforcement actions, and that they have followed all relevant law and administrative procedure in the process of establishing the assessment, notifying you of it, and collecting.

Several people and organizations have been using the Notary Certificate of Default Method. Victoria Joy from San Diego, California is one of them. She held a seminar in 2002 at the American Rights Litigators (ARL) office (<http://www.eddiekahn.com/>) on the Uniform Commercial Code (UCC) and Notary Protests. ARL had her do a seminar for them because she claimed to have a 100% success rate in court using her method of using the UCC and Notary Protests. October 2001 was when she started the process. Unfortunately, Ms. Joy's processes aren't documented because Ms. Joy had ARL sign a nondisclosure agreement that limits what they can sell or talk about.

When you boil it all down to its fundamental elements, dealing with the IRS or the government essentially becomes a game; and in this game whoever dishonors the other person *first* in commerce is the one who loses. There are two ways in which you can dishonor someone transacting with you. You do so by either giving them argument as to why they are wrong or you remain silent over the period of time that you can't be silent. Ms. Joy's strategy is to let your adversary dishonor you by getting them to argue with you or ignore you. Once they do that you can then go for an administrative judgment against them through the process called the Notary Certificate of Default Method. However, if you dishonor your opponent first then you are the one who loses. Thus, the premise is, you *must* respond to your adversary and you must agree with them conditionally at all times.

The Notary Certificate of Default Method has a way of almost forcing the IRS, any government agency or even a private individual to dishonor you in their interactions with you. This is done through a sequence of notarized correspondences between you and your opponent, which is akin to getting an administrative judgment against someone. The person granting the administrative judgment is the notary who is supervising and monitoring and enforcing your interactions with the third party that you are corresponding with. They provide legal proof that you sent the conditional acceptance to the third party and proof that there was no response. Since they are notaries and notaries are officers of the court, then an officer of the court certifies with a notarized affidavit provided to you that you sent the conditional acceptance to the claimant and that there was either no response or a dishonor of your offer. The notary is identified in your correspondence as the proper person for the claimant to respond to. The notary then awaits the response of the claimant and when they

refuse to respond, then a notarized affidavit from the notary is provided to you indicating they defaulting and granting an administrative law judgment against the claimant that you can take into a court of law to get a summary or default judgment against them.

The Notary Certificate of Default Method provides a very good way to keep your dealings with the IRS and your state taxing authorities at the administrative level and prevents them from needing to escalate to the court level for resolution. Whenever the IRS disagrees with our position on something we are supposed to be able to get an administrative law judge review, but it never happens. A NCD method is an administrative process done by a notary that one can use to get a remedy to a problem administratively. Notaries are officers of the court and as such they have much power in that position, although most notaries don't realize that.

There are many things that a conditional acceptance must request as a proof of claim from the IRS. Ms Joy, for instance, asks for something like 70-90 different proofs of claim. By making the proof of claim required exhaustive, you overwhelm the IRS by requiring them to produce so many things to meet the burden of proof that there is just no way they will ever respond. In that way, you can practically force the IRS or others to dishonor your conditional acceptance in their transaction or commerce with you.

Where does the NCD method come into play as far as IRS agents are concerned? Well, anytime an IRS agent contacts you it's always for one of two reasons. They will either be asking for performance if they are an examination agent or asking for money if they are a collection agent. So, when they contact you that means they have made a *presumption* that they have a claim on you. When you conditionally accept the agent's claim upon proof of claim that it is legitimate, they must either come up with the proof or dishonor it. If they dishonor it, then you send them a notarized "Notice of Default and Opportunity to Cure" letter notifying them that they have defaulted and thereby agreed to your position and you state in the notice that you are giving them one more opportunity to cure the default before the judgment is final and is not appealable. If they refuse to respond to the Notice of Default, then you send them a notarized certificate of default via certified mail. You retain the certified mail receipts for all correspondence you send, and the notary signature on the documents you send allow the documents to be directly admissible as evidence in a court of law.

What about past issues with the IRS? Let's say you argued with the IRS in the past where you already went against the biblical principle in Matt. 5:25 of not arguing with your adversary. Is there any way to go back and revisit that past issue using her method? Yes, it is possible. Nothing is ever closed, because you can always correct your mistake by doing a conditional acceptance. The way you reopen the past issue is by asking the IRS for an accounting of the particular tax year in question. They will give you what they say you owe and at that point you accept it conditionally and go through the notarial protest process.

At the UCC seminar described above, Ms. Joy showed a recent example of how she did a NCD on Budget Rent A Car. She rented a car from that company for a price that was supposed to be only \$45, but they charged her something like \$180 instead. Budget wouldn't refund the overage even when she showed them that what she signed said the price would only be \$45. So, she went through the NCD method just like she would with the IRS. She accepted the \$180 claim they made against her upon proof of claim that she did not sign that document that says it would only cost her \$45. There was more to it than that, but that is the gist of what she did. Anyway, now that she has her certificate of default in place, she is currently asking Budget Rent A Car to allow her to put them on a UCC-1 lien. Of course, the company is not going to agree to that. But after she asks them that

then she can go ahead and do it anyway since they will have lost at the administrative level. The amount that she is going to put on the lien will be much higher than the amount Budget charged her. Evidently, she will be including damages as part of her UCC-1 financing statement. Once she gets that UCC-1 filed, Budget's credit rating will go south. The fact that notaries can do an administrative adjudication like that represents a lot of power. That's why this process is kept low-key in the notary community.

Anytime you deal with the IRS it's entirely a commercial process because 27 CFR § 72.11 says violations of all revenue laws are commercial crimes. That means any interaction that you have with the IRS is a commercial process since it involves revenue laws. Therefore, the laws of the Uniform Commercial Code apply there. That's why the Fair Debt Collection Practices Act (FDCPA) applies when the IRS tries to come collect from you; it's all commercial. Thus, the Notary Certificate of Default Method is expected to be quite effective because it is so similar to the notary protest method that state government authorize in state statutes.

We encourage everyone to search on the internet for notarial protest and see how many times it comes up around the world. Here's another example of how powerful the process is in commerce. When searching the internet we found a court case where someone put a UCC lien on this ship after it docked in a harbor, which froze it from leaving. The captain went through the process of doing a notarial protest and won by default. That administrative judgment allowed him to take back his ship and sail out of the harbor free and clear without the hassle and expense of going to court. This just goes to show how effective the notarial protest can be and why we should be more familiar with it.

When it comes to tax matters we are supposed to have that kind of remedy with an administrative law judge review, but nobody can ever get it. American Rights Litigators, for instance, has often tried to get such a review for their clients, but the IRS would never give them one. It says in 26 U.S.C. §7429 of the Internal Revenue Code that we can get an administrative law judge review, but the IRS will just ignore you if you request one. They never say, yes, but they never say, no, either. The IRS did threaten to give Eddie Kahn an administrative law judge review once. He told them he would love to have it, but evidently when they saw how enthusiastic he was about it they never gave it to him. This occurred years ago when the IRS tried to say that the attorney American Rights Litigators (ARL) had at the time couldn't represent ARL's clients regarding tax matters. They based their argument on the fact that ARL's attorney wasn't filing any tax returns. The IRS tried to claim that he couldn't represent anyone who wasn't filing tax returns if he hadn't been filing his. So, Eddie and the former ARL attorney flew to Washington, D.C. where they met with a high ranking IRS person and his attorney. The IRS attorney threatened them repeatedly with an administrative law judge review for an official ruling on the matter. But every time he did Eddie and the former ARL attorney welcomed it. Well, after that meeting the IRS never redacted the former ARL attorney's CAF number. Also, ever since then they have never again tried to claim that ARL's attorney or CPA couldn't represent anyone due to being a non-filer.

If you want to do a Notary Certificate of Default yourself, you will have difficulty finding a notary who knows how to do the process. According to Victoria Joy, there are only four types of notaries that know how to do notary protests. They involve certain notaries who work with debt collection companies, banks, real estate companies. These people do notarial protests all the time, yet the process is kept hidden from most other notaries. If

they know how to do notarial protests, then you can have them apply the same process towards administrative dealings with the IRS, but just be sure you don't call it a "notarial protest" so you don't get your notary in trouble or cause him or her to lose their license.

When ARL began researching this NCD method, Eddie had one of their notaries call up the American Notary Association. He had her ask about how to properly do the notary protest process, but the association tried to tell her that notaries couldn't do anything like that. She pointed out the reference to notarial protests in the glossary of the handbook for notaries, but they just said that was for banks and nothing more. It quickly became evident that those people were not going to divulge any information. Yet, when you go to the Florida statutes it says that a notarial protest is one of the duties of a notary. ARL's notary called before she looked at the Florida statutes though, which is why she didn't mention anything about that.

Also, Ms. Joy talked in her seminar about how she found a notary in California to work with and educated her on how to do the Notary Certificates of Default. She had her notary call up their notary association in California to ask about how to do the notary protest procedure. The guy whom she talked to there told her she couldn't do that. She mentioned to him that she had already found it in the California statutes (see Commercial Code section §3505 and Commercial Code section 1207), but he just repeated that she couldn't do it. So, Ms. Joy had her notary call the California Notary Association the next day and try a different approach. This time she told the man that she had a client who was a non U.S. Citizen who needed to do a notarial protest. When she mentioned non U.S. Citizen he said, "Well, you didn't tell me that yesterday." Then he told her about a place to go where they teach notaries how to do the notarial protest procedure. This tells us that there is an effort to keep just about everyone in our country ignorant of this process.

If you would like to learn more about the UCC and how to use the Notary Certificate of Default Method, refer to a book called: Cracking the Code, Third Edition, available from:

<http://www.uccsg.com/>

The above website has several books you can buy on the Uniform Commercial Code.

### **HOW TO CRAFT GOOD CONDITIONS/QUESTIONS:**

In crafting your conditions for proof of the government's claim, try to follow the below guidelines:

1. The conditions should focus on demanding a proof and evidence of their claim that you are liable. This keeps the burden of proof on your opponent instead of you.
2. Avoid arguing the law and stick to the evidence and the facts. Remember that judges rule on the law and juries rule on the facts in any court trial. You want to keep the judge out of the dispute process and keep the jury in control of any legal proceeding that might result from the dispute. Below are some examples that show arguments about the law and a way to translate these arguments into arguments about fact:

Table 8-3: Legal arguments translated into arguments of fact

#	<b>Example argument about the law</b>	<b>Argument translated into an appropriate argument about facts</b>
1	I am not a “U.S. citizen”	I am not in receipt of evidence by the government demonstrating that I am a “U.S. citizen”
2	You do not have the legal authority to assess me.	<p>1. I am not in receipt of any statute and corresponding implementing regulation that together authorize you to assess me with a tax liability.</p> <p>2. I am not in receipt of the pocket commission or pocket commission serial number for the assessment officer showing that he has authority to do an assessment.</p>
3	You can’t demand a tax return from me because I can’t be compelled to incriminate myself in violation of the Fifth Amendment.	I am not in receipt of evidence from the government explaining how I can file a tax return without violating my Fifth Amendment right to not be compelled to incriminate myself.

3. Remember that if there are no disputes between you and the government over facts or evidence or proof, then judges have the discretion to deny you a jury trial because all the issues are legal! A trial without a jury is called a summary judgment and you want to avoid it at all costs! Once the government shoe horns your case into the summary judgment category, the judge has all the power, you are virtually guaranteed to lose because he will be so corrupt that he will always rule in their favor.

4. A favorite trick of the government is to stipulate to all the facts that you are in dispute with them on so that they can get rid of the jury and put the judge and the government completely in charge of the outcome. Therefore, you should pick evidence and proof that is so controversial that your government opponent would never want to stipulate to it. This will once again keep the power in the hands of the jury.

5. Keep the conditions and evidence demanded as simple as possible and very straightforward. This will ensure that even a jury can understand them and won’t become confused by them, because that is who you want to rule on your dispute. If the jury becomes confused and they have to ask the judge for direction, they will be misled because the judge will be on the government’s side in nearly all cases regarding taxes.

6. The purpose of the conditions is to eliminate damaging and incorrect “presumptions” and “assumptions” that the jury and the judge and the government are likely to have about the tax system. We know from our discussion of “presumptions” earlier in section 2.8.2 that there are many false presumptions people make about income taxes. Focus your questions on the core issues about these presumptions as much as possible so that the jury will be alerted to the cognitive dissonance that compliance with the tax laws puts you into. This will really get the jury interested and encourage them to demand answers from

the judge that will put the judge in a very compromising position. The jury will see that you as an American who just wants to follow the law can't follow all the laws because they are simply inconsistent with themselves if you follow the "presumption" that federal personal income taxes are lawful within the 50 states of the union.

If you are looking for good questions or facts to put into the affidavit you send the IRS as part of your notary protest, two good places to start on our website are, in decreasing order of value:

· [Tax Deposition Questions](http://famguardian.org/TaxFreedom/Forms/Discovery/Deposition/Deposition.htm)  
<http://famguardian.org/TaxFreedom/Forms/Discovery/Deposition/Deposition.htm>

· [Test for Federal Tax Professionals](http://famguardian.org/TaxFreedom/Forms/TestForTaxProf/TestForFedTaxProfessionals.htm)  
<http://famguardian.org/TaxFreedom/Forms/TestForTaxProf/TestForFedTaxProfessionals.htm>

### **EXAMPLE APPLICATION TO CALIFORNIA FRANCHISE TAX BOARD:**

Here is a simple explanation of how a Notary Certificate of Default Method works. Let's say the California Franchise Tax Board (FTB) sent you a letter saying they determined that you owe \$50,000. You send back a notarized affidavit with a proof of service saying that you conditionally accept their offer to pay that amount upon proof of claim. Then you give them a list of what you want to see as proof, which shows that you owed the money to begin with. By conditionally accepting their offer, you make it to where there is no controversy between the two of you. Below is a response that one of our readers sent to the California Franchise Tax Board as a conditional acceptance that successfully got him out of over \$100,000 in income tax liabilities! They avoided him like the plague after they got the below conditional acceptance:

*Dear Gerald Goldberg:*

*Upon receiving the first letter from FTB it asked for a 2000 California Tax return or provide an explanation why I was not required to submit one. I sent an Affidavit of Material Facts to explain why I was not required to submit a California Tax Return to FTB. FTB wrote back via a letter saying they were ignoring my Affidavit and demanded I file a California Tax Return. On 00/00/2002 FTB mailed a "NOTICE OF PROPOSED ASSESSMENT" to me. I am returning your original "NOTICE OF PROPOSED ASSESSMENT" as I do not want to retain FTB property unless Gerald Goldberg as agent for the FTB meets the conditions within this conditional acceptance offer.*

*In an effort to settle this matter in the most efficient manner possible, I accept your demand to submit a California Tax Return and agree to mail **Gerald Goldberg agent for the FTB** a California Tax Return within fifteen (15) days after Gerald Goldberg of the FTB meets all three (3) of the following conditions:*

*Condition 1- I agree to submit a California tax return if **Gerald Goldberg representing the FTB** can show me how I can file a tax return without waiving any of my "unalienable" 5<sup>th</sup> amendment rights. I have received copies of my IRS IMF file showing my file was submitted to IRS CID which most likely means I am being criminally investigated. As a layman, there is no way I can be presumed to know if a piece of information reported on a tax return would be incriminating to me or not. Plus I have based my decision on advise from multiple legal professionals which have been unable to tell me how to file a tax return without waiving my rights.*

1. XXXXXXXXXX, Counselor at Law
2. XXXXXXXXXXXXX, retired judge
3. XXXXXXXXXXXXX, Attorney at Law
4. XXXXXXXXXXXX LL.D. of Independence Research Service
5. XXXXXXXXXXXX, Attorney at Law

Condition 2- I agree to submit a California Tax Return if **Gerald Goldberg representing the FTB** can show me how I can file a tax return without committing perjury when I do not understand all the tax laws and have know way to know if the tax return is true or correct even if a tax professional prepared it for me, therefore, I would be committing perjury to sign the tax return perjury statement when I do not understand all the tax laws.

Condition 3- I agree to submit a California Tax return if **Gerald Goldberg representing the FTB** can show me how I can file a tax return without committing perjury when I am specifically “without” the United States, therefore, any perjury statement I sign must match the perjury statement shown in 28 U.S.C. 1746(1). I can not be required to commit perjury to meet your demand to file a California Tax Return that uses the perjury statement format from 28 U.S.C. 1746(2) which declares I am specially “within” the United States, when I am not.

In a further effort to settle this matter in the most efficient manner possible, I also accept your “NOTICE OF PROPOSED ASSESSMENT” and agree to send **Gerald Goldberg agent for the FTB** full payment within fifteen (15) days after Gerald Goldberg of the FTB meets all of the following eight (8) conditions:

Condition 1- Provide the statute and enforcing regulation which clearly and unequivocally requires me a native born Citizen of the California Republic to submit a California Tax Return.

Condition 2- Provide the statute and enforcing regulation which clearly and unequivocally makes me a native born Citizen of the California Republic “liable” for California income tax when I specially DO NOT volunteer to submit a California tax return and DO NOT waive my 5<sup>th</sup> Amendment Rights by submitting and signing a California tax return.

Condition 3- Provide proof your “NOTICE OF PROPOSED ASSESSMENT” is authorized by statute and enforcing regulation proving FTB has authority to do a substitute return and issue a “Notice of Proposed Assessment” to a native born Citizen of the California Republic.

Condition 4- Provide proof your “NOTICE OF PROPOSED ASSESSMENT” as calculated by the FTB using the single individual status is accurate.

Condition 5- Provide proof your “NOTICE OF PROPOSED ASSESSMENT” as calculated by the FTB using no dependents is accurate.

Condition 6- Provide proof your “NOTICE OF PROPOSED ASSESSMENT” as calculated by the FTB relying on the National Investor Services Corp reported 1099 figures, as your basis of fact, does indeed contain accurate figures regarding me.

*Condition 7- Provide the statute which show clearly and unequivocally that the National Investor Services Corp 1099 is reporting a "privileged" activity that created a taxable "source" income for me a native born Citizen of the California Republic to be subject to California Income Tax.*

*Condition 8- Provide proof your "NOTICE OF PROPOSED ASSESSMENT" is supported by FTB Form 2966 Certificate of Tax Due and Delinquency which has been properly dated and executed by an authorized representative with the state seal affixed as required by law to provide a proper tax assessment liability.*

**Gerald Goldberg as representative for the FTB you have fifteen (15) days from receipt of this conditional acceptance to respond to this conditional acceptance, on a point by point basis, via sworn affidavit, under your full commercial liability, signing under penalty of perjury that the facts contained therein, are true, correct and complete and not misleading. Declarations are an insufficient response, as declarations permit lying by omission, which no honorable draft may contain.**

*Gerald Goldberg your failure to respond and any activity by FTB proceeding to secure payment on the "NOTICE OF PROPOSED ASSESSMENT" before responding to this Conditional Acceptance shall be deemed as agreement with the facts stated in the attached Affidavit and shall be deemed an automatic dishonor of this conditional acceptance, #7001 2510 0001 xxxx xxxx and agreement of Gerald Goldberg to the immediate payment of \$30,000.*

*Signed from "without" the "United States" in accordance with 28 U.S.C. §1746(1). All rights reserved without prejudice, UCC 1-207.*

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*Your Name*

*Encl: Verified Affidavit of Material Facts in Support of Conditional Acceptance*

Now, when someone sends the FTB a proof of claim like that, the agency usually will not respond to it. Anytime the FTB does respond though they will just send their "5th Amendment letter" that isn't signed so the person sending it can't be held liable. That is where they say they don't have to provide you anything and they aren't going to talk to you anymore. They say that the courts have ruled this or that and the 16th Amendment allows them to collect taxes, etc. Well, when they refuse to answer or give evasive responses like this that is what is called a dishonor. Once they dishonor you no matter whether it's done through silence or done through anonymous argument, either way it's a dishonor. The Uniform Commercial Code says that when there is a dishonor, they are in default and you can get a judgment against them in court if you have evidence of the default..

At that point, you can go to a notary and show them that you gave the FTB ten days to take your acceptance of their proposal, yet they dishonored it. You tell the notary that you want them to contact the FTB for you in their capacity as a notary and ask the FTB to accept your offer. So, the notary takes it upon themselves as an officer of the court to contact the FTB. They notify the FTB that you came before them and signed a statement declaring that they dishonored your conditional offer. Then the notary asks the FTB to send their acceptance of your offer back to them. When the FTB doesn't do it within the time allowed

the notary contacts them a second time. Then when the FTB dishonors the notary again with their silence the notary gives you a notarized certificate of default. Once you have such a certificate, it is equivalent to an administrative judgment.

You can then go to a specific individual at the FTB and tell that person they've dishonored; therefore, they've lost. Then you ask for the permission to put that person on a UCC-1 financing statement where you will now get your judgment from them. The FTB will usually ignore you here too, but it doesn't matter whether they give you permission or not. You can put the FTB agent's name on the UCC-1 financing statement anyway because you have an administrative judgment via a notarized certificate of default. With a notarized certificate of default in hand you can hit a specific person for damages with a UCC-1 lien. Note that you can't put a lien on the FTB as an organization, but upon a specific individual, such as the presiding officer as a person. In this case, that would be Gerald R. Goldberg, who is in charge of the FTB. Everything dealing with the UCC deals with individuals.

For reference, a proof of claim is any document signed under penalties of perjury or that is notarized which can be presented in a court of law as evidence of either acceptance or default. Signing under penalties of perjury means they swear that their presentment is true, correct and complete, yet the FTB never does that. The only time the FTB will ever sign a proof of claim is in bankruptcy court. However, ARL proved that anyone who signs a bankruptcy claim has no firsthand knowledge that everything put down on such a claim is true and correct. The FTB always claims to have a secured claim on a bankruptcy proof of claim; but all you have to do is challenge them to produce the UCC-1 financing statement or the ORIGINAL NOTE under the Fair Debt Collection Practices Act (FDCPA), which secures that claim. Guess what folks, they don't have it! They operate entirely on hearsay evidence that is inadmissible in court, and neither can the DOJ or FTB attorney act as a witness against you in court, as you will find out later in section 8.5.5.1.