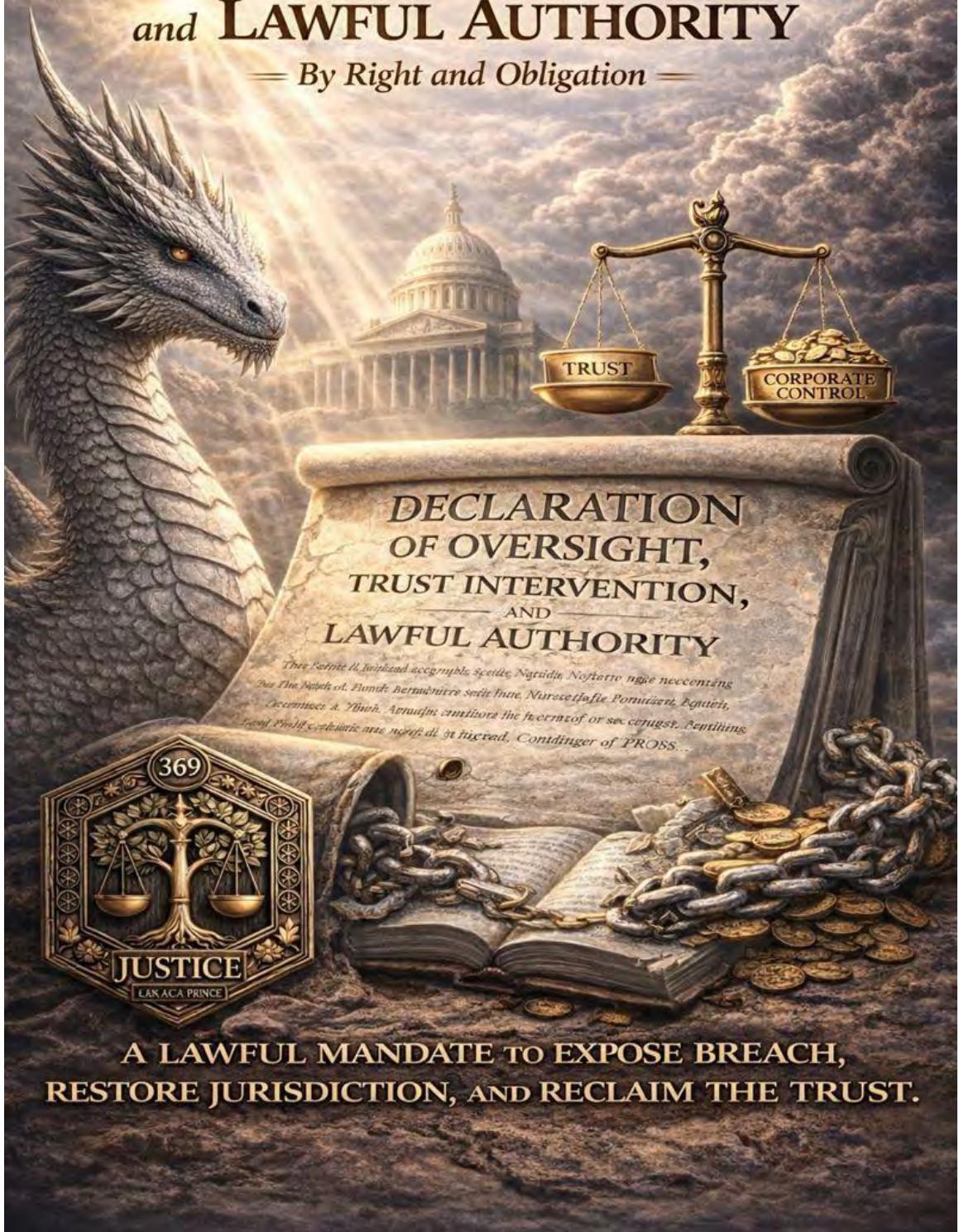


# DECLARATION OF OVERSIGHT, TRUST INTERVENTION, and LAWFUL AUTHORITY

— By Right and Obligation —



A LAWFUL MANDATE TO EXPOSE BREACH,  
RESTORE JURISDICTION, AND RECLAIM THE TRUST.

# TRUST vs. CORPORATE AUTHORITY

— Principles of Community Trust Governance —

**Trust-Based Community Trust Governance**

- Trust Doctrine of Community Capacity
- Resident Oversight Open Process
- Fiduciary Oath, Public Notice, Due Process
- Traditional Unalienable Rights
- Secured Equity Prohibited Conflict
- Additive Revenue Added to Community Using Community Resources

**Corporate-Devised Operational Authority**

- Enabling Statutes of Incorporation
- Diminished Standing Private Holdings
- Conflict Immunity Officer Bonding
- Bulk Permit/Monetized Rights
- Privatized Authority Preferred Creditors
- \$\$\$ Hidden Dealings Conflicts Unchecked

**VIOLATIONS FOR TRUST GOVERNANCE**

- Full Local Financial Disclosures
- Fiduciary Review & Oversight
- Public Hearings for Orders, Codes, Policies

**RESTORE COMMUNITY-BASED TRUST GOVERNANCE**

RECLAIM LOCAL STEWARDSHIP, EQUITY, AND LAWFUL OVERSIGHT

# Declaration of Oversight, Trust Intervention, and Lawful Authority by Right and Obligation

## Section I — Opening Declaration & Standing

### Opening Declaration of Oversight, Purpose, and Lawful Authority

This Opening Declaration stands as the formal, lawful, and irrevocable assertion of **intent, standing, and authority** to examine, redress, and correct any actions, omissions, or developments by city administrators, municipal agents, or affiliated third parties which affect the **Public Trust**, fiduciary duties, natural rights, and lawful interests of the People, without informed consent, full disclosure, or public oversight.

The undersigned, a living man/woman operating in full political and lawful capacity, **not as a corporate fiction or statutory person**, makes this Declaration with clean hands and by right, not by privilege. This is executed pursuant to the **Right of Petition** (First Amendment), **Right of Redress**, and by lawful agency as a **beneficiary, creditor, and trust overseer** of public fiduciary instruments and agencies.

This Declaration is issued **in propria persona**, invoking both **constitutional supremacy** and applicable trust, equity, and fiduciary doctrines to demand transparency, accountability, and remedy from any party acting in color of law, ultra vires, or in conflict with their fiduciary oath and bonding requirements.

### Legal Standing and Claim of Right

- **Law of Standing:** As affirmed in *Marbury v. Madison*, 5 U.S. 137 (1803), “A law repugnant to the Constitution is void.” All public servants and agencies remain bound to their **constitutional limits**, and any actions that undermine transparency or exceed jurisdiction may be challenged by rightful beneficiaries.
- **Right to Redress:** The First Amendment guarantees the right to petition government for redress of grievances. This Declaration fulfills that role and constitutes a **constructive notice and demand** for administrative compliance.
- **Public Trust Doctrine:** Government actors, city planners, and officials are trustees of the Public Trust. As such, they owe a **fiduciary duty of loyalty, full disclosure, good faith, and care** to the People. Breach of this duty, whether through omission or concealment, constitutes **constructive fraud and dereliction of duty**.
- **Obligation of Contracts:** U.S. Const. Art. I, § 10 prohibits any law impairing the obligation of contracts. Any municipal codes, plans, or developments that impair equitable interests or impose hidden commercial terms without public consent are null and void ab initio.
- **Conflict of Interest Prohibition:** South Dakota Codified Law (SDCL) § 3-16-7 mandates that public officers **must not act in matters where they have a personal or financial interest**, directly or indirectly. Non-disclosure of such interest voids the legitimacy of any related municipal action.

## Affirmation Under Oath and Reservation of Rights

This Declaration is made under penalty of perjury in accordance with 28 U.S.C. § 1746 and all applicable constitutional, statutory, and fiduciary provisions. All rights are reserved explicitly and without prejudice, pursuant to **UCC 1-308** and **common law maxims of equity**, including but not limited to:

“He who comes into equity must come with clean hands,” and  
“Fraud vitiates everything it touches.”

## Declared Roles and Function of Oversight Agent

The undersigned affirms lawful and moral standing as:

- Beneficiary of the Public Trust and equity creditor of all bonded officials;
- Oversight agent under constructive notice and superior interest;
- Informant, whistleblower, and claimant under securities, trust, and administrative fraud statutes;
- Private citizen entitled to full disclosure, participation, and consent in all matters affecting property, policy, or natural rights.



# WHAT IS A T3 TAKEOVER?

When Insolvent, "Mismanaged," or "Failing in Fiduciary Capacity."



A Tier 3 Takeover entails the state-appointed or creditor-led takeover of local governments deemed "insolvent," "mismanaged," or "failing in fiduciary capacity." This often allows Emergency Managers, Financial Consultants, or Bank Trustees to assume control of public assets without input from local residents.

## COMMON EXAMPLES of



## T3-TAKEOVER CONDITIONS

TRIGGERING	RESULTING ACTION	IMPACT
• Budget Deficits / Bond Downgrades 	Appointment of a State Fiscal Control Board or Emergency Manager 	Locally Elected Officials Lose Control 
• Pension Shortfalls 	State Legislation Mandating Restructuring 	Cuts to Retiree Benefits, Layoffs 
• Privatized Utilities Failures 	Takeover by Multinational Firm or Hedge Fund via Public-Private Partnership" (PPP) 	Water, Power, & Broadband Prices Increase 
• Zoning & Development Abuses 	External Developers Receive Eminent Domain Access 	Gentrification, Displacement, Extraction 
• Code & Licensing Violations 	Internal Conflicts of Interest Used to Suppress Locals or Control Contracts 	Nepotism, Monopolies on City Contracts 

## NO COMMUNITY CONSULTATION or *Oversight*

- Shadow Financing & Outside Control
- Undisclosed Benefits & Kickbacks
- Corporate/NGO Policy Engineering
- Sequestered Community Resources

BLOCK THE SEIZURES & RESTORE COMMUNITY CONTROL

# Corporate Municipal Model: Current Structure & Violations



## Section II — Declaration of Concern and Cause

### Context and Just Cause for Oversight and Intervention

This Declaration is submitted in response to an **alarming pattern of municipal operations**, decisions, and planning activities conducted without adequate public notice, lawful consent, or fiduciary accountability. It arises from specific acts and omissions, as well as broader structural practices, that violate the principles of **transparency, public trust, and fiduciary duty** expected from city officers, planners, administrators, and their contracted agents.

It is the solemn duty of every public body to act **in trust** and in **good faith** on behalf of the People. Where this duty is breached—either by active misconduct or willful neglect—the People retain the lawful, equitable, and constitutional right to intervene, document injury, and initiate correction.

#### Cause for Concern

The following areas of concern are hereby identified as violations or failures of fiduciary oversight and trust obligations by city entities:

##### 1. Failure to Provide Full and Timely Disclosure

- Actions affecting land use, development codes, zoning shifts, utility management, and infrastructural changes have proceeded **without meaningful public notice** or informed consent.
- This constitutes a breach of **due process** and public participation standards guaranteed under the U.S. and State Constitutions.

##### 2. Lack of Independent Trust Oversight and Public Beneficiary Representation

- City governments increasingly act as self-regulating corporate entities, devoid of **third-party fiduciary review or public trustee input**.
- Public interest is subordinated to private development interests, often under economic development justifications that bypass lawful review.

##### 3. Operational Conflicts of Interest and Insider Benefit

- Decisions and funding allocations have occurred in instances where officials, developers, or agents stand to benefit directly or indirectly, without recusal or disclosure.
- Violations of **SDCL § 3-16-7** and public ethics codes apply.

##### 4. Breach of Fiduciary Duty and Dereliction of Public Trust

- Failure to safeguard communal lands, easements, and resources from misuse, privatization, or encumbrance without consent violates the **Public Trust Doctrine**.
- Fiduciary actors may be held liable under doctrines of **constructive fraud, gross negligence, and equitable estoppel**.

## 5. Use of Administrative Codes to Impose Private Corporate Policy

- Municipal codes are increasingly aligned with **corporate standards and trade association protocols**, without lawful adoption or constitutional alignment.
- This raises concerns of **private law masquerading as public regulation**, violating the **non-delegation doctrine** and the **prohibition of foreign governance**.

### Grounds in Law and Equity

This Declaration is supported by the following authorities and legal frameworks:

- **Constitutional Due Process**  
*Fifth and Fourteenth Amendments*, requiring proper notice, opportunity to be heard, and substantive fairness in governmental decisions.
- **Public Trust Doctrine**  
As clarified in *Illinois Central Railroad v. Illinois*, 146 U.S. 387 (1892): “The State holds title to the navigable waters and the lands under them in trust for the people...”
- **Fiduciary Liability in Public Administration**  
Public officers owe **affirmative duties of care, loyalty, and good faith**; breaches invite claims of negligence, ultra vires actions, and even **criminal misconduct** (see 18 U.S.C. §§ 654, 1001).
- **Contract and Trust Law Doctrines**  
Including *Restatement (Second) of Trusts*, which affirms that beneficiaries of public trusts may initiate action for breach where trustees act **contrary to the purpose or intent of the trust**.
- **South Dakota Codified Laws (SDCL)**
  - § 3-16-7: Conflict of interest prohibitions
  - § 1-27: Open records and transparency requirements
  - § 6-1-1: Municipal powers limitations and lawful purpose obligations

### Constructive Notice and Demand for Correction

This section serves as **constructive notice** to all involved parties that the People are aware of these issues and are invoking their right to **correct the record, seek redress, and demand restructuring** of oversight mechanisms consistent with the law of equity and the Constitution.

Where no voluntary correction or engagement is offered by the administrative parties addressed, it shall be construed as **willful default**, and further action shall be taken through public record, administrative complaint, or lawful remedy.

# TRUST vs. CORPORATE AUTHORITY

— Principles of Community Trust Governance —



**RESTORE COMMUNITY-BASED TRUST GOVERNANCE**

RECLAIM LOCAL STEWARDSHIP, EQUITY, AND LAWFUL OVERSIGHT

# Dual Bookkeeping Systems: Public vs Private Accounting

How Standard “Budget Reports” Hide True Municipal Wealth

**Public Budget Reports**

**Budget Report**

- Deficit -78 Million
- Infrastructure Needs (+ Tax Hikes)
- IOU
- Pension Shortfalls (IOU's)

Deficit Justification for TAXES & FEES

- Limited Funding (General Fund Only)
- Budget Shortfalls
- Constant Tax Increases

**Corporate Contractors Extract Profits from Both Sides**

**Private CAFR/ACFR Accounting**

Comprehensive Annual Financial Report

- \$3.8 Billion Liquid Investments
- \$950 Million Annual Net Earnings
- \$12.5 Billion in Undisclosed Funds

**Dual-Book Fraud Violations:**

• Concealed Cash & Fixed Assets	• Securitized Debt & Bond Holdings
• Securitized Debt & Bond Holdings	• Off-Ledger Funding Accounts
• Shadow Loan Agreements	• Shadow Loan Agreements

**DEMAND FULL DISCLOSURE AND FIDUCIARY OVERSIGHT**

# Value Extraction & T3 Takeover Pipeline

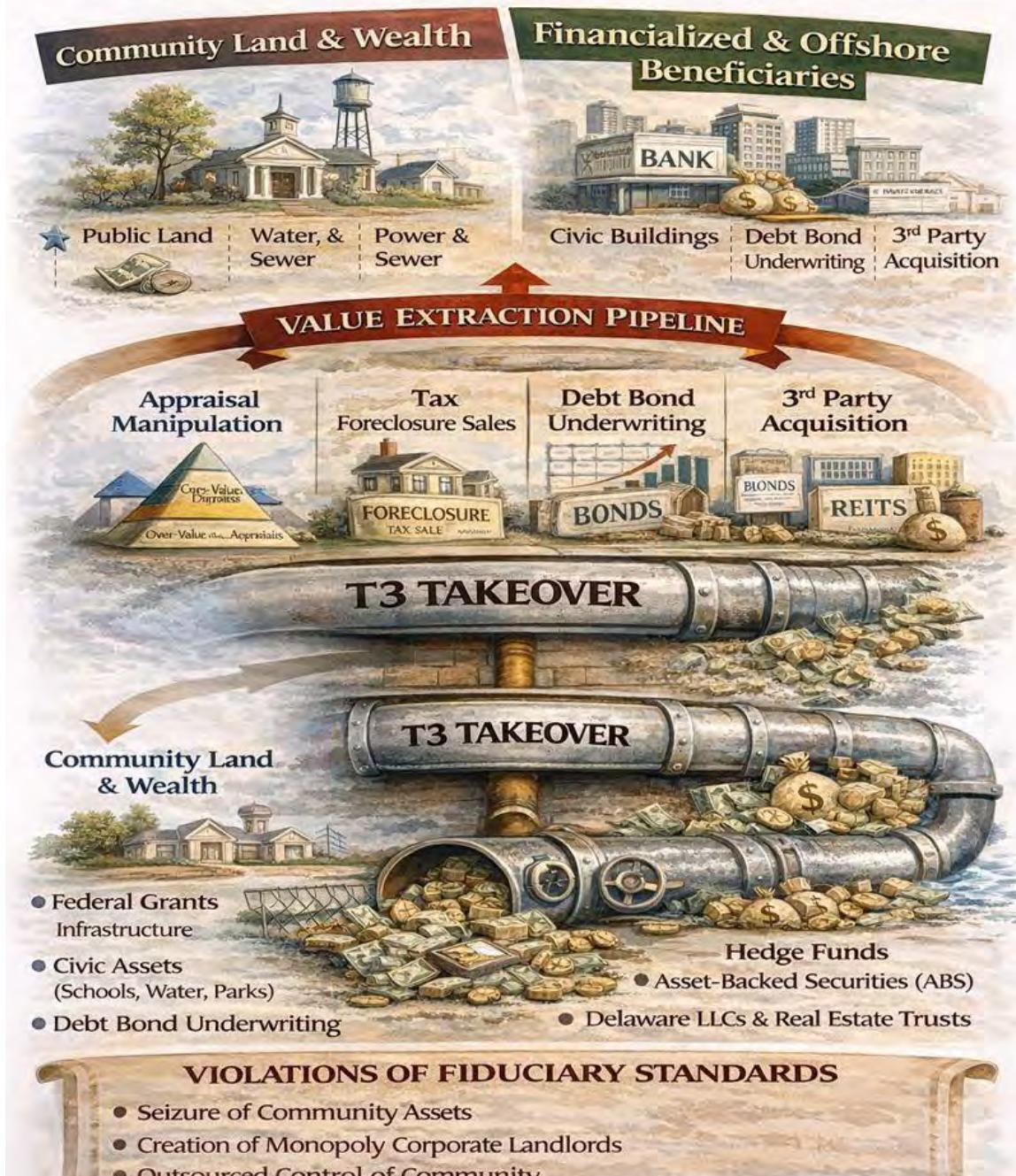
*How Financial Interests and Corporate Agents Exploit Municipal Distress*



**BLOCK THE LEAKS AND RESTORE LOCAL CONTROL**

# Asset Mapping & Community Domicile Value Extraction

How Local Community Assets Are Extracted Into Financialized & Foreign Beneficiaries



**RECLAIM YOUR ASSETS, PREVENT EMINENT DOMAIN FRAUD**

# T3 Takeover Architecture:

Converting Municipal Systems into Extractive Franchises



## Section III — Fiduciary and Oversight Demands

### Invocation of Equitable Standing and Lawful Oversight

By virtue of the principles articulated in the **Declaration of Purpose**, the undersigned parties hereby invoke their **lawful standing as public beneficiaries and equitable stakeholders** in all matters relating to city operations, development decisions, and land/resource management. Such standing arises under both **constitutional provisions** and **trust law doctrines** recognizing the right of beneficiaries to monitor, correct, and challenge fiduciary breach.

As such, the following **oversight demands** are made, not as requests subject to administrative discretion, but as **rights** secured under **common law, constitutional law, and statutory trust protections**. These demands are made with full reservation of rights under **UCC 1-308**, and with acknowledgment of the **Supreme Law of the Land** under **Article VI, Clause 2** of the Constitution.

#### A. Demand for Independent Fiduciary Oversight Board

We demand the **formation or recognition of an Independent Public Fiduciary Oversight Board** to be composed of members of the local citizenry, trust and ethics professionals, and individuals without direct ties to municipal contracts or administrative funding. This board shall:

- Conduct **pre-decisional review** of all land transfers, zoning amendments, public-private partnerships, and major infrastructure changes.
- Maintain **access to all records** relating to land use, budget allocations, planning decisions, and public trust assets.
- Operate as a **non-governmental fiduciary advisory body** under principles of **constructive trust, public beneficiary protection, and harm mitigation**.

#### Authority Cited:

- *Restatement (Second) of Trusts §§ 173–174*: Duty to furnish information and permit inspection by beneficiaries
- *South Dakota Constitution, Article VI, §§ 2, 7, and 20* (Right to due process, petition, and accountability)
- *Illinois Central Railroad v. Illinois*, 146 U.S. 387 (1892): State as trustee of public resources
- *United States v. Lee*, 106 U.S. 196 (1882): Sovereign immunity does not shield officers who violate trust
- *SDCL §§ 1-27-1 to 1-27-45*: Transparency and public access rights

## **B. Demand for Mandatory Fiduciary Oath and Trust Affirmation for City Officers**

We demand that all city officers, council members, and administrators **formally execute and record a Fiduciary Oath and Trust Affirmation**, swearing under penalty of perjury:

- To act in the **best interest of the public beneficiaries**;
- To disclose all conflicts of interest and **avoid self-dealing** or benefit through inside access;
- To honor **fiduciary duties of loyalty, care, full disclosure, and accounting**.

Any refusal to sign such an oath shall be deemed **constructive notice of non-fiduciary status**, triggering community response and formal public objection.

### **Authority Cited:**

- *5 U.S.C. § 3331*: Oath of Office required for public officers
- *SDCL § 3-6-1*: Public officer oath requirements
- *18 U.S.C. §§ 654, 1001*: Criminal penalties for concealment, falsification, or misappropriation
- *Trust Law Principles*: Affirmed in *Scott on Trusts*, requiring full fiduciary acknowledgment and performance

## **C. Demand for Beneficiary Participation in All Rule-Making and Code Development**

Any amendment, adoption, or replacement of municipal codes, including **planning codes, zoning overlays, infrastructure ordinances, or environmental policy**, must include:

- **Public pre-hearing publication** of proposed texts;
- Opportunity for **line-by-line objection and correction** by public beneficiaries;
- Direct seats or speaking rights for **beneficiary representatives** at all relevant planning or commission meetings;
- Guarantee of **non-preemption of public authority** by corporate standards (e.g., ICLEI, APA, UN Agenda-based templates).

### **Authority Cited:**

- *SDCL § 11-4-4* and related municipal zoning statutes: Public hearing and participation rights
- *U.S. Constitution, First Amendment*: Right to petition government for redress
- *Chisholm v. Georgia*, 2 U.S. 419 (1793): Sovereignty rests with the People, not administrative bodies
- *Carter v. Carter Coal Co.*, 298 U.S. 238 (1936): Delegation of legislative authority to private actors is void
- *Public Law 95-454* (Civil Service Reform Act): Establishes ethical standards and accountability mechanisms

#### **D. Demand for Full Disclosure of All Financial Instruments, Bonds, and Fiduciary Agreements**

All financial instruments affecting the People—including **municipal bonds, trust indentures, public-private contracts, infrastructure loans, and ESG-linked assets**—must be disclosed in full, including:

- Terms of payment, underlying collateral, and security pledges;
- Bond counsel records and all **trustee agreements**;
- Statements of **risk, default provisions, and revenue implications**.

This applies particularly where **land, public easements, or community resources** are pledged or securitized.

#### **Authority Cited:**

- *31 U.S.C. §§ 9301–9309*: Requirements for sureties and fidelity bonds
- *28 U.S.C. §§ 2041–2042*: Fiduciary funds and proper deposits
- *Securities Act of 1933 & Trust Indenture Act of 1939*: Disclosure and fiduciary requirements for public securities
- *SDCL §§ 9-25 and 6-8*: Municipal borrowing and debt issuance procedures
- *Comprehensive Annual Financial Report (CAFR) and Annual Comprehensive Financial Report (ACFR)*: Required transparency on municipal assets and liabilities

#### **Conclusion**

These demands are made under the **law of equity, the law of trusts, constitutional principles, and statutory mandates**. A failure to acknowledge or respond in good faith to these demands shall be construed as **tacit consent to a presumption of default and fiduciary malfeasance**, triggering further lawful intervention and documentation.

### **Section IV — Notice to Municipal Officers, Bondholders, and Planners**

This formal notice is hereby given to all city council members, municipal officers, planners, administrative agents, underwriters, bondholders, surety providers, insurers, investment trustees, and other stakeholders operating within the jurisdiction of the undersigned that **constructive notice, fiduciary demand, and oversight invocation are now entered into the municipal record**. The actions, omissions, and patterns of operation that have unfolded under the color of authority are no longer tenable under public trust law, fiduciary accountability, and lawful consent of the governed.

This document serves as a **Public Declaration of Record and Fiduciary Inquiry**, compelling the immediate review and correction of any municipal action, code, ordinance, planning agreement, or bond issuance that:

- Lacks **full disclosure** to affected property owners, residents, and stakeholders,
- Operates **without lawful delegation of authority** as required by organic constitutional and statutory constraints,
- Engages in **public-private partnerships (P3s)** that privatize gains and socialize losses,
- Relies on **constructive fraud, coercive consent, or deceptive instruments** (e.g., adhesion contracts, unconscionable terms, or silent acquiescence),
- Leverages **securitized land titles, CAFR revenue derivatives, or bond trusts** for speculative revenue without lawful and informed approval from rightful landowners.

### **Standing of the Undersigned**

The undersigned issues this notice not as a petitioner of privileges, but as a party of **secured interest and lawful standing**, acting under the doctrine of **notice of claim**, and invoking well-established **principles of natural law, due process, and fiduciary remedy**. The undersigned and other harmed parties claim **irrevocable rights** to notice, disclosure, and remedy in all matters touching the use, transfer, securitization, or encumbrance of land, infrastructure, and public credit.

### **Supporting Authorities**

- **Public Trust Doctrine:** Mandates fiduciary responsibility over natural resources, land use, and infrastructure held in trust for the public. Violations trigger reversion and remedy. (See *Illinois Central Railroad Co. v. Illinois*, 146 U.S. 387 (1892)).
- **42 U.S.C. § 1983:** Establishes personal liability for municipal officials acting under color of state law when depriving individuals of federally protected rights.
- **South Dakota Codified Law § 3-16-7:** Prohibits officers from engaging in self-dealing, fraud, or private profiteering under public office.
- **31 U.S.C. § 3729 (False Claims Act):** Creates liability for knowingly submitting false or fraudulent claims to the government or benefiting from such claims (includes improper bonding or CAFR misrepresentation).
- **31 U.S.C. § 1301 & § 1341 (Anti-Deficiency and Purpose Statutes):** Restrict expenditure and debt obligations without lawful appropriation and defined purpose.
- **28 U.S.C. § 1746:** Allows unsworn declarations under penalty of perjury for matters asserted in affidavits and declarations submitted to public record.
- **Uniform Fiduciaries Act (UFA):** Defines fiduciary duty and liabilities of municipal officers, planners, and bond agents in matters of public trust and delegated financial stewardship.
- **UCC § 3-501 & § 9-210:** Authorize demand for disclosure of instruments, obligations, and authority in commercial or financial transactions, including municipal bonds, trust indentures, and property liens.

## **Mandate for Good Faith Review and Response**

You are hereby **compelled to investigate, disclose, and correct** any and all:

- CAFR accounts or derivative instruments tied to community infrastructure or land assets,
- Public-private planning agreements, zoning overlays, or conditional uses lacking public referendum,
- Surety or bond schemes involving securitization of fines, fees, taxes, or utility payments.

Failure to respond with transparency and good faith, under **estoppel and administrative default**, shall result in formal affidavits of default, public notices of malfeasance, and filing of records into state and federal jurisdiction, including but not limited to: County Recorders, State Attorneys General, the SEC, U.S. Treasury, and applicable judicial venues.



## **Section V — Implementation of Trust Oversight and Public Participation Requirements**

In recognition of the systemic fiduciary breaches, lack of public consent, and commercial exploitation of public trust assets outlined above, the undersigned now demands the **immediate implementation of a lawful oversight architecture grounded in trust law, public duty, and constitutional delegation of powers**. The following provisions are to be incorporated into all municipal planning, land use, zoning, financial management, and infrastructure development protocols.

### **A. Mandatory Establishment of Public Oversight Trust**

All affected assets—particularly public infrastructure, land titles, roadways, zoning designations, utility systems, and bond-financed projects—**shall be held and administered through a Public Fiduciary Trust** subject to constitutional limits, open recordkeeping, and fully informed public participation.

This trust must be:

- **Non-commercial in structure**, with no third-party beneficial interest or private equity interference;
- **Irrevocable in nature**, preserving the rights of current and future residents and landholders;
- **Locally administered**, with trustees appointed by public referendum or lawful delegation;
- **Transparent in operation**, subject to quarterly reporting and public accounting in conformance with **31 U.S.C. § 5311** and **state-level fiduciary statutes**.

**Authority:** See **Public Trust Doctrine**, **31 U.S.C. § 9304–9309** (Surety Bonds), **Restatement (Second) of Trusts** § 170 (Duty of Loyalty), and **28 U.S.C. § 1605(a)** (no immunity for commercial acts disguised as government).

### **B. Enactment of Citizens' Oversight Panel (COP)**

A Citizens' Oversight Panel, independent of all political officeholders, shall be instituted to:

- Conduct **review of all public-private agreements**,
- Investigate **CAFR disclosures, bond trust indentures, and municipal investment contracts**,
- Issue **findings, objections, or referrals** to county, state, or federal authorities,
- Hold **public hearings** and maintain **open records** of planning actions and fiduciary compliance.

This panel is to be **mandated in code**, not optional or advisory, and must contain no present or former officeholders, bond agents, or P3 participants.

**Authority:** See **Sunshine Act (5 U.S.C. § 552b)**, **Freedom of Information Act (5 U.S.C. § 552)**, and **South Dakota Open Meetings Law § 1-25-1**. Oversight is a constitutional right and not a discretionary act.

### **C. Public Participation and Referendum Requirements**

All significant changes to land use, zoning overlays, utility governance, bond-funded projects, or regional development compacts **shall be subject to mandatory public referendum or supermajority council approval with a minimum 60-day public comment period**.

This applies particularly where:

- Property encumbrance, condemnation, annexation, or rezoning is proposed;
- Financial instruments like **TIFs (Tax Increment Financing)**, **PIDs (Public Improvement Districts)**, or **special taxing districts** are created;

- Cross-jurisdictional agreements are entered (e.g., with developers, federal agencies, or foreign corporations).

Failure to observe this process constitutes **constructive fraud and estoppel by silence**, triggering corrective equity remedies and legal action.

**Authority:** See **U.S. Const. Art. I § 10** (prohibiting compacts without consent), **SDCL § 6-8B-2** (bonds by public vote), **42 U.S.C. § 1983**, and **28 U.S.C. § 1331** (federal question jurisdiction over rights violations).

#### D. Fiduciary Registry and Oath Compliance

Each municipal officer, bond trustee, or planner involved in trust-implicating actions shall be required to:

1. **File a signed Oath of Office**, bond certificate, and Statement of Personal Interest with the oversight panel;
2. **Disclose conflicts of interest** or private affiliations with contractors, planners, bond insurers, or financiers;
3. Maintain full compliance with **Fiduciary Duty statutes**, including the **Uniform Fiduciaries Act, 31 U.S.C. §§ 3729–3733**, and **UCC 3-501 demand authority**.

This implementation framework shall be non-negotiable, with **public trust rights as foundational and supreme over corporate convenience, financial incentives, or bureaucratic expedience**. Refusal, delay, or failure to establish these mechanisms shall be deemed **willful default, breach of trust, and grounds for removal, prosecution, or lawful lien attachment**.



## Section VI — Notice of Legal and Equitable Remedies in Case of Noncompliance

Let this serve as **formal notice and constructive warning** that any failure, refusal, delay, or obstruction in fulfilling the mandates, duties, and fiduciary obligations set forth in this Declaration shall trigger both **legal and equitable remedies**, enforceable by constitutional right, common law authority, public trust doctrine, and statutory enforcement.

### A. Constructive Default and Administrative Estoppel

Failure to rebut, answer, or cure the concerns and demands herein within the lawful window shall constitute **administrative default**. All unrebutted declarations made in this instrument shall stand as:

- **Judicial admissions on the record,**
- **Tacit acquiescence by silence,**
- **Estoppel by non-response, and**
- **Binding notice under Federal Rules of Civil Procedure Rule 8(b)(6) and Rule 36(a)(3).**

Such default may be formally recorded and **used as prima facie evidence in future proceedings**, both in court and in administrative or equity jurisdiction forums.

**Authority:** See **FRCP 8(b)(6), FRCP 36(a)(3), United States v. Tweel**, 550 F.2d 297 (5th Cir. 1977) – “Silence can be equated with fraud when there is a duty to disclose.”

### B. Activation of Surety Bond and Fiduciary Liability Protocols

Upon default or dereliction of fiduciary duty, the following actions may be taken without further notice:

1. **Filing of commercial liability claims** against all known **surety bonds, fidelity bonds, and municipal performance bonds** under:
  - **31 U.S.C. §§ 9304–9309** (Surety Bond Law),
  - **SDCL § 3-5-3, § 3-5-5, and § 3-16-7** (South Dakota bonding laws),
  - **Uniform Fiduciaries Act** and **UCC § 3-501** (demand for presentment, disclosure, and authority validation).
2. **Submission of Notice of Liability to surety underwriters**, insurance carriers, and bonding agents as public record.
3. **Personal liability attachment to individual officers**, planners, or administrators who exceeded authority or concealed commercial interests in violation of public trust.

**Authority:** See **Title 28 U.S.C. § 2674** (Federal Tort Claims), **Restatement (Third) of Trusts § 95**, and **South Dakota Bar Rule 501, 502, 506** (fiduciary violations and professional misconduct).

### **C. U.S. Constitutional and Equity-Based Remedies**

All residents, landowners, and trust beneficiaries harmed by improper municipal action or omission retain full access to equitable relief and compensatory remedy through:

- **28 U.S.C. § 1331 and § 1343** (federal question and civil rights jurisdiction),
- **42 U.S.C. § 1983, § 1985, and § 1986** (civil action for deprivation of rights, conspiracy, and neglect to prevent harm),
- **Federal Rules of Civil Procedure Rule 65** (injunctions and restraining orders),
- **Declaratory Judgment Act (28 U.S.C. §§ 2201–2202)**.

In addition to federal paths, equitable estoppel, unjust enrichment, quiet title actions, and injunctions may be pursued in state equity courts **for violation of public trust, land title encroachment, or breach of fiduciary duty.**

### **D. Remedy through Administrative Complaint and Criminal Referral**

In addition to civil redress, parties may submit **formal complaints, affidavits, or notices of claim** to the following bodies:

- **U.S. Department of Justice Office of Inspector General**
- **U.S. Treasury Inspector General for Tax Administration (TIGTA)**
- **Office of the Comptroller of the Currency (OCC)** for bond misuse or financial irregularities
- **U.S. Postal Inspector or Universal Postal Union (UPU)** for misrepresentation in official mailings
- **State Attorney General Public Integrity Unit**
- **Securities and Exchange Commission (SEC)** under **17 CFR § 240.10b-5** if municipal securities are involved in deception, nondisclosure, or bond fraud

If acts of **constructive fraud, misrepresentation, ultra vires action, or unauthorized municipal bonding** are discovered, criminal referrals under:

- **18 U.S.C. § 241 (conspiracy),**
- **§ 242 (rights violations),**
- **§ 1341 (mail fraud),**
- **§ 1001 (false statements),**
- **§ 654 (public money conversion),**
- **§ 872 (extortion under color of law),**
- and **31 U.S.C. § 3729–3733 (False Claims Act)**

may be filed against responsible officers, legal counsel, developers, or financiers.

#### **E. Public Lien and UCC Commercial Remedy Enforcement**

Where no lawful remedy is obtained through administrative or judicial redress, affected beneficiaries may proceed with **filing of public liens, commercial affidavits of obligation, and notices of claim under UCC § 9-210, § 1-308**, and related provisions:

- All liens shall be based on **documented harm, breach, or trespass** to real property, public trust, or rights of the people;
- Lien amounts may include **equitable damages, fraud penalties, title cloud remedies, and restitution;**
- Lien affidavits and fee schedules shall be made a matter of **public and international record.**

#### **Summary and Final Warning**

**Noncompliance is not a neutral act; it is a knowing breach of trust**, a repudiation of fiduciary office, and a violation of both local and universal law. All responsible parties are now **placed on notice**, personally and corporately, and shall be **held accountable for all resulting harm** or denial of remedy.

## **Section VII — Closing Summary and Affirmation of Rights**

Let this **instrument stand as a full and final notice** that all parties identified herein—whether private individuals, corporate agents, municipal actors, or fiduciaries—are now formally and lawfully **bound by the declarations, demands, and remedies set forth above.**

The undersigned does solemnly affirm and verify under the penalties of perjury, under the laws of the United States of America and of the State of South Dakota, that:

#### **A. Authority, Standing, and Capacity Affirmed**

I, [Full Name]@™, **private attorney-in-fact and fiduciary**, do hereby reaffirm my standing in **full legal and lawful capacity**, acting in the good faith best interest of the public interest.

I act pursuant to **lawful power of attorney, equity jurisdiction, public trust duties, and unrebuted claims on the administrative record**, with full protection secured by:

- **Article IV, Section 4 and Article VI** of the Constitution for the United States of America,
- **Declaration of Independence** (1776), Law of Nations, and organic trust principles,

- **UCC § 1-308** reservation of rights and lawful notice of non-consent to unlawful contracts or presumptions.

## **B. Reservation of Rights and Protections**

All **unalienable rights, natural rights, and contractual protections** are hereby explicitly reserved:

- **Without prejudice**, under **UCC § 1-308 and § 1-103**,
- **No contract, presumption, or joinder** may be lawfully presumed absent explicit and knowing consent,
- **No agency, venue, or jurisdiction** may be assumed where constitutional and equitable standing is denied.

Any presumed authority claimed by **foreign agents, BAR actors, or administrative tribunals** over the land, estate, or people named herein is hereby **repudiated, rebutted, and rejected** in total.

## **C. Permanent Record and Constructive Notice**

This Notice shall be made **a matter of permanent record** and shall serve as **constructive notice to all parties** both named and unnamed. Said Notice may be:

- Entered into any lawful or judicial proceeding,
- Recorded in the public record or land title office,
- Submitted to federal and state regulatory agencies as evidentiary record,
- Delivered to bonding agents, title insurers, and fiduciaries.

Silence, failure to rebut, or continuation of any unlawful or ultra vires action after receipt of this Notice shall be deemed **willful trespass, fraud, and breach of trust**.

## **D. Declaration of Remedy Pathways Reserved**

All lawful, equitable, and administrative remedies are hereby preserved and reserved, including but not limited to:

- **Equity court actions, quiet title suits, and tort claims** for damages,
- **Commercial lien processes, bond claims, and administrative defaults**,
- **Referral to federal oversight bodies** for investigation and enforcement,
- **Public broadcast of unlawful conduct** and demand for redress under the First Amendment.

#### **E. Affirmation and Witness of Truth**

I affirm that the statements made in this instrument are **true, correct, complete, and not misleading**, and are made **knowingly, voluntarily, and intentionally** in honor, good faith, and lawful duty.

**"Let it be known that truth fears no investigation, and silence under challenge is admission of guilt. This record shall not die."**

**Let it be known that truth fears no investigation, and silence under challenge is admission of guilt. This record shall not die.**

Executed in full, on this \_\_\_\_\_ day of \_\_\_\_\_, 2026, on the land known as South Dakota, by:

[Full Name]©™

*Private Attorney General / Attorney-in-Fact / Fiduciary*

Authorized Agent for [ ]©™

All rights reserved, none waived.

UCC 1-308 without prejudice.

Autograph: \_\_\_\_\_

#### **Notarial Jurat**

**State of South Dakota**

**County of [ ]**

On this \_\_\_\_\_ day of \_\_\_\_\_, 2026, before me, the undersigned Notary Public, personally appeared [Full Name]©™, known to me (or satisfactorily proven) to be the living man who executed the foregoing instrument by **autograph**, and acknowledged that he executed the same for the purposes therein contained, acting in full lawful capacity as authorized agent and fiduciary.

In witness whereof, I hereunto set my hand and official seal.

Notary Public: \_\_\_\_\_

Printed Name: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

(Seal)

**Certificate of Service and Mailing**

I, [Full Name], hereby certify that a true, correct, and complete copy of this instrument titled:

**“Formal City Code Development Request with Fiduciary and Trust Oversight Provisions”**

has been served upon all relevant parties, officers, bondholders, agencies, and municipal planners by one or more of the following means:

- Certified U.S. Mail with Return Receipt
- First-Class Mail
- Electronic Mail with Read Receipt
- Hand Delivery with Witness
- Public Posting and Recording

Service was made on this \_\_\_\_ day of \_\_\_\_\_, 2026, to the following recipients:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

*(Additional lines may be attached as Exhibit A)*

Autographed: \_\_\_\_\_

Date: \_\_\_\_\_