
LAWS

LawLev	LawType	LawName
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International

Treaty Obligations

- 278** International Covenant on Civil and Political Rights Article 1 Section 1 - freely determine their political status
All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
- 280** International Covenant on Civil and Political Rights Article 1 Section 3 - The States Parties shall promote the realization of the right of self-determination
The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.
- 287** International Covenant on Civil and Political Rights Article 10 Section 1 - All persons deprived of their liberty shall be treated with humanity and with respect
All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.
- 288** International Covenant on Civil and Political Rights Article 12 Section 1 - right to liberty of movement and freedom to choose his residence.
Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.
- 289** International Covenant on Civil and Political Rights Article 17 Section 1 - interference with his privacy, family, home or correspondence or reputation
No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.
- 290** International Covenant on Civil and Political Rights Article 17 Section 2 - Everyone has the right to the protection of the law against such interference or attacks.
Everyone has the right to the protection of the law against such interference or attacks.

LawLev	LawType	LawName
281	International Covenant on Civil and Political Rights Article 2 Section 1	Each State Party respect and to ensure the rights recognized in the present Covenant Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
282	International Covenant on Civil and Political Rights Article 2 Section 3a	Each State Party to the present Covenant undertakes effective remedy Each State Party to the present Covenant undertakes: To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;
283	International Covenant on Civil and Political Rights Article 2 Section 3c	ensure that the competent authorities shall enforce such remedies when granted Each State Party to the present Covenant undertakes: To ensure that the competent authorities shall enforce such remedies when granted
291	International Covenant on Civil and Political Rights Article 23 Section 1	The family is the natural and fundamental group unit of society The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.
292	International Covenant on Civil and Political Rights Article 27	shall not be denied the right to enjoy their own culture In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.
284	International Covenant on Civil and Political Rights Article 5 Section 1	any State, group or person any right to any act aimed at the destruction of any of the rights Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognized herein or at their limitation to a greater extent than is provided for in the present Covenant.
285	International Covenant on Civil and Political Rights Article 8 Section 2	No one shall be held in servitude. No one shall be held in servitude.

LawLev	LawType	LawName
286	International Covenant on Civil and Political Rights Article 9 Section 5 - victim of unlawful arrest or detention shall have an enforceable right to compensation.	Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.
257	United Nations Declaration Of Human Rights Article 10 fair and public hearing by an independent and impartial tribunal	Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.
258	United Nations Declaration Of Human Rights Article 16 Section 3 family is the natural and fundamental group unit of society	The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.
259	United Nations Declaration Of Human Rights Article 17 Section 1 Everyone has the right to own property alone as well as in association with others.	Everyone has the right to own property alone as well as in association with others.
260	United Nations Declaration Of Human Rights Article 17 Section 2 No one shall be arbitrarily deprived of his property.	No one shall be arbitrarily deprived of his property.
261	United Nations Declaration Of Human Rights Article 19 freedom of opinion and expression	Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.
262	United Nations Declaration Of Human Rights Article 25 Section 1 Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family,	Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family,
253	United Nations Declaration Of Human Rights Article 3 Everyone has the right to life, liberty and security of person.	Everyone has the right to life, liberty and security of person.

LawLev	LawType	LawName
263		<p>United Nations Declaration Of Human Rights Article 30 perform any act aimed at the destruction of any of the rights and freedoms set forth herein</p> <p>Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.</p>
254		<p>United Nations Declaration Of Human Rights Article 4 Slavery and Servitude</p> <p>No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.</p>
255		<p>United Nations Declaration Of Human Rights Article 8 Right to an Effective Remedy</p> <p>Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.</p>
256		<p>United Nations Declaration Of Human Rights Article 9 arbitrary arrest, detention or exile.</p> <p>No one shall be subjected to arbitrary arrest, detention or exile.</p>
264		<p>United Nations Declaration on the Rights of Indigenous Peoples Article 1 - as a collective or as individuals</p> <p>Indigenous peoples have the right to the full enjoyment, as a collective or as individuals</p>
271		<p>United Nations Declaration on the Rights of Indigenous Peoples Article 18 - representatives chosen by themselves</p> <p>Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decisionmaking institutions.</p>
265		<p>United Nations Declaration on the Rights of Indigenous Peoples Article 2 - free from any discrimination based on indigenous identity.</p> <p>Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.</p>
272		<p>United Nations Declaration on the Rights of Indigenous Peoples Article 20 Section 1 - right to maintain and develop their political, economic and social systems</p> <p>Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.</p>

- 273** United Nations Declaration on the Rights of Indigenous Peoples Article 22 Section 1 - rights and special needs of indigenous elders, women
Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.
- 274** United Nations Declaration on the Rights of Indigenous Peoples Article 28 Section 1 - confiscated, taken, occupied, used or damaged
Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.
- 275** United Nations Declaration on the Rights of Indigenous Peoples Article 28 Section 2 - monetary compensation or other appropriate redress.
Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.
- 266** United Nations Declaration on the Rights of Indigenous Peoples Article 3 - self determination - freely determine their political status
Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
- 276** United Nations Declaration on the Rights of Indigenous Peoples Article 33 Section 1 - right to determine their own identity or membership
Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions. This does not impair the right of indigenous individuals to obtain citizenship of the States in which they live.
- 267** United Nations Declaration on the Rights of Indigenous Peoples Article 4 - right to autonomy or self-government - financing their autonomous functions.
Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.
- 277** United Nations Declaration on the Rights of Indigenous Peoples Article 40 - resolution of conflicts and disputes with States or other parties
Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.

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- 268** United Nations Declaration on the Rights of Indigenous Peoples Article 5 - retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.
Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.
- 269** United Nations Declaration on the Rights of Indigenous Peoples Article 8 Section 1 - right not to be subjected to forced assimilation
Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
- 270** United Nations Declaration on the Rights of Indigenous Peoples Article 9 - right to belong to an indigenous community or nation
Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may arise from the exercise of such a right.
- 31** Universal Declaration of Human Rights -Article 12 ; arbitrary interference with his privacy, family, home, reputation
No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation.

Federal

US Constitution

- 305** U.S. Constitution > 13th Amendment - Neither slavery nor involuntary servitude
Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.
- 341** U.S. Constitution Annotated LEGISLATIVE DEPARTMENT SECTION 10. Clause 1 - Impairment Of Contracts
The clause applies only to state legislation. It doesn't apply to court decisions. Let's say I make a contract with Bobby. Later, I decide I don't like the terms of the contract, and I don't want to perform the contract. I sue Bobby to get my money back. A state court can decide that my contract shouldn't be enforced and can order Bobby to return my money. This affects Bobby's rights under the contract, but it doesn't violate the Constitution's Contracts Clause.
- 49** US Constitution Amendment 1
Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech

33 US Constitution Amendment XIV Section 1. ; Due Process/Equal Protection Clause

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

1 US Constitution Article Six ; Supremacy Clause

Establishes the Constitution, laws and treaties of the United States as the supreme law of the land.

Congressional Resolution**2** House Joint Resolution 192 of June 5, 1933 ; Suspend the gold standard and abrogate the gold clause

On June 5, 1933, Congress passed House Joint Resolution (HJR) 192. HJR 192 was passed to suspend the gold standard and abrogate the gold clause in the national constitution. Since then, no one in America has been able to lawfully pay a debt.

16 HR 1491 PUBLIC LAW 1 48 STAT 1 ; Emergency Banking Relief Act

Emergency Banking Relief Act

308 S.178 - Elder Abuse Prevention and Prosecution Act

The Attorney General shall designate in each Federal judicial district not less than one Assistant United States Attorney to serve as the Elder Justice Coordinator for the district

US Code**352** 18 U.S. Code § 1506. Theft or alteration of record or process; false bail

Whoever feloniously steals, takes away, alters, falsifies, or otherwise avoids any record, writ, process, or other proceeding, in any court of the United States, whereby any judgment is reversed, made void, or does not take effect; or

Whoever acknowledges, or procures to be acknowledged in any such court, any recognizance, bail, or judgment, in the name of any other person not privy or consenting to the same—

Shall be fined under this title or imprisoned not more than five years, or both

360 18 U.S. Code § 1584. Sale into involuntary servitude

(a) Whoever knowingly and willfully holds to involuntary servitude or sells into any condition of involuntary servitude, any other person for any term, or brings within the United States any person so held, shall be fined under this title or imprisoned not more than 20 years, or both. If death results from the violation of this section, or if the violation includes kidnapping or an attempt to kidnap, aggravated sexual abuse or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title or imprisoned for any term of years or life, or both.

339 18 U.S. Code § 2071. Concealment, removal, or mutilation generally

(a) Whoever willfully and unlawfully conceals, removes, mutilates, obliterates, or destroys, or attempts to do so, or, with intent to do so takes and carries away any record, proceeding, map, book, paper, document, or other thing, filed or deposited with any clerk or officer of any court of the United States, or in any public office, or with any judicial or public officer of the United States, shall be fined under this title or imprisoned not more than three years, or both.

359 47 U.S. Code § 227. Restrictions on use of telephone equipment

The term “unsolicited advertisement” means any material advertising the commercial availability or quality of any property, goods, or services which is transmitted to any person without that person’s prior express invitation or permission, in writing or otherwise.

(e) Prohibition on provision of inaccurate caller identification information

(1) In general

It shall be unlawful for any person within the United States, in connection with any telecommunications service or IP-enabled voice service, to cause any caller identification service to knowingly transmit misleading or inaccurate caller identification information with the intent to defraud, cause harm, or wrongfully obtain anything of value, unless such transmission is exempted pursuant to paragraph (3)(B).

10 U.S. Code › Title 12 § 29 - Power to hold real property.

Power to hold real property (Mortgage No Longer Than 5 Years)

172 U.S. Code › Title 18 § 1001 (1) - Statements or entries generally; falsifies, conceals, covers up by any trick (Federal)

(a) Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully—

(1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

173 U.S. Code › Title 18 § 1001 (2) - Statements or entries generally; materially false, fictitious, or fraudulent statement or representation (federal)

(a) Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully—

(2) makes any materially false, fictitious, or fraudulent statement or representation;

160 U.S. Code › Title 18 § 1513 - Retaliating against a witness, victim, or an informant

(a)

(1) Whoever kills or attempts to kill another person with intent to retaliate against any person for—

(A) the attendance of a witness or party at an official proceeding, or any testimony given or any record, document, or other object produced by a witness in an official proceeding; or

(B) providing to a law enforcement officer any information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation, supervised release, parole, or release pending judicial proceedings,

shall be punished as provided in paragraph (2).

(2) The punishment for an offense under this subsection is—

(A) in the case of a killing, the punishment provided in sections 1111 and 1112; and

(B) in the case of an attempt, imprisonment for not more than 30 years.

(b) Whoever knowingly engages in any conduct and thereby causes bodily injury to another person or damages the tangible property of another person, or threatens to do so, with intent to retaliate against any person for—

(1) the attendance of a witness or party at an official proceeding, or any testimony given or any record, document, or other object produced by a witness in an official proceeding; or

(2) any information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation, supervised release, parole, or release pending judicial proceedings given by a person to a law enforcement officer;

or attempts to do so, shall be fined under this title or imprisoned not more than 20 years, or both.

(c) If the retaliation occurred because of attendance at or testimony in a criminal case, the maximum term of imprisonment which may be imposed for the offense under this section shall be the higher of that otherwise provided by law or the maximum term that could have been imposed for any offense charged in such case.

(d) There is extraterritorial Federal jurisdiction over an offense under this section.

(e) Whoever knowingly, with the intent to retaliate, takes any action harmful to any person, including interference with the lawful employment or livelihood of any person, for providing to a law enforcement officer any truthful information relating to the commission or possible commission of any Federal offense, shall be fined under this title or imprisoned not more than 10 years, or both.

(f) Whoever conspires to commit any offense under this section shall be subject to the same penalties as those prescribed for the offense the commission of which was the object of the conspiracy.

(g) A prosecution under this section may be brought in the district in which the official proceeding (whether pending, about to be instituted, or completed) was intended to be affected, or in which the conduct constituting the alleged offense occurred.

176 U.S. Code › Title 18 § 1952 (a) (3) - Interstate and foreign travel or transportation in aid of racketeering enterprises; using mail to conduct criminal activity

(a) Whoever travels in interstate or foreign commerce or uses the mail or any facility in interstate or foreign commerce, with intent to—

(3) otherwise promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on, of any unlawful activity, and thereafter performs or attempts to perform —

[(3) otherwise promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on, of any unlawful activity,]

163 U.S. Code › Title 18 § 505 - Seals of courts; signatures of judges or court officers

Whoever forges the signature of any judge, register, or other officer of any court of the United States, or of any Territory thereof, or forges or counterfeits the seal of any such court, or knowingly concurs in using any such forged or counterfeit signature or seal, for the purpose of authenticating any proceeding or document, or tenders in evidence any such proceeding or document with a false or counterfeit signature of any such judge, register, or other officer, or a false or counterfeit seal of the court, subscribed or attached thereto, knowing such signature or seal to be false or counterfeit, shall be fined under this title or imprisoned not more than five years, or both.

56 U.S. Code › Title 18 §4 - Misprision of felony

Whoever, having knowledge of the actual commission of a felony cognizable by a court of the United States, conceals and does not as soon as possible make known the same to some judge or other person in civil or military authority under the United States, shall be fined under this title or imprisoned not more than three years, or both.

224 U.S. Code › Title 18 › Part I › Chapter 115 › § 2383 Rebellion or insurrection; Whoever incites, sets on foot, assists, or engages in any rebellion or insurrection against the authority of the United States or the laws thereof,

Whoever incites, sets on foot, assists, or engages in any rebellion or insurrection against the authority of the United States or the laws thereof, or gives aid or comfort thereto, shall be fined under this title or imprisoned not more than ten years, or both; and shall be incapable of holding any office under the United States

225 U.S. Code › Title 18 › Part I › Chapter 115 › § 2384 Seditious Conspiracy; or by force to prevent, hinder, or delay the execution of any law of the United States

If two or more persons in any State or Territory, or in any place subject to the jurisdiction of the United States, conspire to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them, or to oppose by force the authority thereof, or by force to prevent, hinder, or delay the execution of any law of the United States,

- 6 U.S. Code › Title 18 › Part I › Chapter 13 › § 245 ; Civil Rights: Federally protected activities
- (b) Whoever, whether or not acting under color of law, by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with—
- (2) any person because of his race, color, religion or national origin and because he is or has been—
- (B) participating in or enjoying any benefit, service, privilege, program, facility or activity provided or administered by any State or subdivision thereof;
- (C) applying for or enjoying employment, or any perquisite thereof, by any private employer or any agency of any State or subdivision thereof, or joining or using the services or advantages of any labor organization, hiring hall, or employment agency;
- 296 U.S. Code › Title 18 › Part I › Chapter 15 › § 287 - False, fictitious or fraudulent claims
- Whoever makes or presents to any person or officer in the civil, military, or naval service of the United States, or to any department or agency thereof, any claim upon or against the United States, or any department or agency thereof, knowing such claim to be false, fictitious, or fraudulent, shall be imprisoned not more than five years and shall be subject to a fine in the amount provided in this title.
- 297 U.S. Code › Title 18 › Part I › Chapter 47 › § 1001 - Statements or entries generally (lawyers can lie)
- Statements or entries generally (lawyers can lie)
- 174 U.S. Code › Title 18 › Part I › Chapter 47 › § 1001 (3); false writing or document; materially false, fictitious or fraudulent statement
- (a) Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully—
- (3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry;
- 298 U.S. Code › Title 18 › Part I › Chapter 47 › § 1002 - Possession of false papers to defraud United States
- Whoever, knowingly and with intent to defraud the United States, or any agency thereof, possesses any false, altered, forged, or counterfeited writing or document for the purpose of enabling another to obtain from the United States, or from any agency, officer or agent thereof, any sum of money, shall be fined under this title or imprisoned not more than five years, or both.
- 299 U.S. Code › Title 18 › Part I › Chapter 47 › § 1003 - Demands against the United States (fraud)
- Demands against the United States (fraud):
- Whoever knowingly and fraudulently demands or endeavors to obtain any share or sum in the public stocks of the United States, or to have any part thereof transferred, assigned, sold, or conveyed, or to have any annuity, dividend, pension, wages, gratuity, or other debt due from the United States, or any part thereof, received, or paid by virtue of any false, forged, or counterfeited power of attorney, authority, or instrument, shall be fined under this title or imprisoned not more than five years, or both; but if the sum or value so obtained or attempted to be obtained does not exceed \$1,000, he shall be fined under this title or imprisoned not more than one year, or both.

35 U.S. Code › Title 18 › Part I › Chapter 55 › § 1201 ; Kidnapping

(a) Whoever unlawfully seizes, confines, inveigles, decoys, kidnaps, abducts, or carries away and holds for ransom or reward or otherwise any person, except in the case of a minor by the parent thereof, when —

(1) the person is willfully transported in interstate or foreign commerce, regardless of whether the person was alive when transported across a State boundary, or the offender travels in interstate or foreign commerce or uses the mail or any means, facility, or instrumentality of interstate or foreign commerce in committing or in furtherance of the commission of the offense;

79 U.S. Code › Title 18 › Part I › Chapter 63 › § 1341 Frauds and swindles

Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises,.....for the purpose of executing such scheme or artifice or attempting so to do, places in any post office or authorized depository for mail matter, any matter or thing whatever to be sent or delivered by the Postal Service,...shall be fined under this title or imprisoned not more than 20 years, or both.

82 U.S. Code › Title 18 › Part I › Chapter 63 › § 1342 Fictitious name or address (use of USPO to do)

Whoever, for the purpose of conducting, promoting, or carrying on by means of the Postal Service, any scheme or device mentioned in section 1341 of this title or any other unlawful business, uses or assumes, or requests to be addressed by, any fictitious, false, or assumed title, name, or address or name other than his own proper name

206 U.S. Code › Title 18 › Part I › Chapter 63 › § 1346 Honest Services Fraud; scheme or artifice to deprive another of the intangible right of honest services.

Honest Services Fraud; “scheme or artifice to defraud” includes a scheme or artifice to deprive another of the intangible right of honest services.

37 U.S. Code › Title 18 › Part I › Chapter 73 › § 1510 ; Obstruction of criminal investigations

Obstruction of criminal investigations. ELEMENT OF BRIBERY REQUIRED

30 U.S. Code › Title 18 › Part I › Chapter 73 › § 1512 (b) [Obstruction] Tampering with a witness, victim, or an informant

(b) Whoever knowingly uses intimidation, threatens, or corruptly persuades another person, or attempts to do so, or engages in misleading conduct toward another person, with intent to—

(B) alter, destroy, mutilate, or conceal an object with intent to impair the object’s integrity or availability for use in an official proceeding;

© evade legal process summoning that person to appear as a witness, or to produce a record, document, or other object, in an official proceeding;

(3) hinder, delay, or prevent the communication to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense

- 81** U.S. Code › Title 18 › Part I › Chapter 73 › § 1519 Falsification of records in Federal investigations; Destruction, alteration, or falsification

Whoever knowingly alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in any record, document, or tangible object with the intent to impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of any department or agency of the United States or any case filed under title 11, or in relation to or contemplation of any such matter or case, shall be fined under this title, imprisoned not more than 20 years, or both.

- 182** U.S. Code › Title 18 › Part I › Chapter 73 › § 1519 Destruction, alteration, or falsification of records in Federal investigations

(Federal)

Whoever knowingly alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in any record, document, or tangible object with the intent to impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of any department or agency of the United States or any case filed under title 11, or in relation to or contemplation of any such matter or case, shall be fined under this title, imprisoned not more than 20 years, or both.

- 11** U.S. Code › Title 18 › Part I › Chapter 79 › § 1621 ; Perjury (federal)

Whoever—

(1) having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true

- 183** U.S. Code › Title 18 › Part I › Chapter 79 › § 1621 Perjury Generally

(1) having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true; or

- 304** U.S. Code › Title 18 › Part I › Chapter 95 › § 1957 - Engaging in monetary transactions in property derived from specified unlawful activity

(a) Whoever, in any of the circumstances set forth in subsection (d), knowingly engages or attempts to engage in a monetary transaction in criminally derived property of a value greater than \$10,000 and is derived from specified unlawful activity, shall be punished

- 175** U.S. Code › Title 18 › Part I › Chapter 96 › § 1961 Definitions: Racketeering; Racketeering includes: 1341 Mail fraud; 1510, 1512, 1513; 1503 Obstruction of Justice;

Racketeering includes: 1341 Mail fraud; 1510, 1512, 1513; 1503 Obstruction of Justice;

- 102** U.S. Code › Title 18 › Part I › Chapter 96 › § 1961 Racketeering Defined
1961 Racketeering Defined
kidnapping, robbery, extortion, section 659 (relating to theft from interstate shipment) if the act indictable under section 659 is felonious, section 664 (relating to embezzlement from pension and welfare funds), section 1341 (relating to mail fraud), section 1344 (relating to financial institution fraud), section 1503 (relating to obstruction of justice), section 1512 (relating to tampering with a witness, victim, or an informant), section 1513 (relating to retaliating against a witness, victim, or an informant), sections 1581–1592 (relating to peonage, slavery, and trafficking in persons)., [1] section 1951 (relating to interference with commerce, robbery, or extortion), section 2319 (relating to criminal infringement of a copyright), sections 2421–24 (relating to white slave traffic),
- 180** U.S. Code › Title 18 › Part I › Chapter 96 › § 1962 Pattern of Racketeering Activity ;COMPLETE
Pattern of Racketeering Activity ;COMPLETE
- 177** U.S. Code › Title 18 › Part I › Chapter 96 › § 1962 (b) Pattern of Racketeering Activity; acquire interest or control; collection of an unlawful debt
(b) It shall be unlawful for any person through a pattern of racketeering activity or through collection of an unlawful debt to acquire or maintain, directly or indirectly, any interest in or control of any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce.
- 178** U.S. Code › Title 18 › Part I › Chapter 96 › § 1962 (c) Pattern of Racketeering Activity as employee or associate; conduct or participate; pattern of racketeering activity or through collection of an unlawful debt; conduct or participate
(c) It shall be unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt.
- 179** U.S. Code › Title 18 › Part I › Chapter 96 › § 1962 (d) Pattern of Racketeering Activity as employee or associate; conspire
Pattern of Racketeering Activity as employee or associate; conspire
- 215** U.S. Code › Title 18 › Part I › Chapter 96 › § 1964 (a) Civil remedies; Fed Courts have RICO jurisdiction; can impose restrictions
Fed court has RICO jurisdiction; can impose restrictions
- 216** U.S. Code › Title 18 › Part I › Chapter 96 › § 1964 (b) Civil remedies; court can make restraining orders
The Attorney General may institute proceedings under this section. Pending final determination thereof, the court may at any time enter such restraining orders or prohibitions, or take such other actions, including the acceptance of satisfactory performance bonds, as it shall deem proper.

- 217** U.S. Code › Title 18 › Part I › Chapter 96 › § 1964 (c) Civil remedies; RICO treble damages
RICO treble damages: (c) Any person injured in his business or property by reason of a violation of section 1962 of this chapter may sue therefor in any appropriate United States district court and shall recover threefold the damages he sustains and the cost of the suit, including a reasonable attorney's fee,
- 218** U.S. Code › Title 18 › Part I › Chapter 96 › § 1964 (d) Civil remedies; Criminal judgement estops denial in civil
A final judgment or decree rendered in favor of the United States in any criminal proceeding brought by the United States under this chapter shall estop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding brought by the United States.
- 32** U.S. Code › Title 18 Chapter 115 - TREASON, SEDITION, AND SUBVERSIVE ACTIVITIES (ALL sections)
TREASON, SEDITION, AND SUBVERSIVE ACTIVITIES (Entire section)
- 28** U.S. Code › Title 18 Chapter 96 - RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS (ALL sections)
RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS (Entire)
- 34** U.S. Code › Title 25 › Chapter I › Subchapter B › Part 11 › Subpart D › Section 11.404 - False Imprisonment
A person commits a misdemeanor if he or she knowingly restrains another unlawfully so as to interfere substantially with his or her liberty.
- 26** U.S. Code › Title 28 › Part I › Chapter 21 › § 454 - Practice of law by justices and judges
Any justice or judge appointed under the authority of the United States who engages in the practice of law is guilty of a high misdemeanor.
- 27** U.S. Code › Title 28 › Part I › Chapter 21 › § 455 - Disqualification of justice, judge, or magistrate judge (Fed)
(a) Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.
- 162** U.S. Code › Title 28 › Part IV › Chapter 85 › § 1331 Federal question
Federal question-The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.

23 U.S. Code › Title 28 › Part IV › Chapter 85 › § 1361 ; Mandamus (Federal)

The district courts shall have original jurisdiction of any action in the nature of mandamus to compel an officer or employee of the United States or any agency thereof to perform a duty owed to the plaintiff.

22 U.S. Code › Title 31 § 3729 ; False claims

Officials' personal assets representing gains from illegal activity. Convict and confiscate. Govt gets 2/3 and PAG gets 1/3 as commission. NO PRO SE! :(

(A) knowingly presents, or causes to be presented, a false or fraudulent claim for payment or approval;
(B) knowingly makes, uses, or causes to be made or used, a false record or statement material to a false or fraudulent claim;

17 U.S. Code › Title 42 › Chapter 21 › Subchapter I › § 1983 - Civil action for deprivation of rights

PAG Basis

Civil action for deprivation of rights - except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity

184 U.S. Code › Title 42 › Chapter 21 › Subchapter I › § 1985 (2) Conspiracy to interfere with civil rights; Obs Just; in any State

if two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws;

185 U.S. Code › Title 42 › Chapter 21 › Subchapter I › § 1985 (3) Conspiracy to interfere with civil rights

If two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws;

158 U.S. Code › Title 42 § 1985 (3) - Conspiracy to interfere with civil rights; or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws

(3) Depriving persons of rights or privileges

If two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws;

161 U.S. Code › Title 42 § 1985 (2) - Conspiracy to interfere with civil rights; Obstructing justice; intimidating party, witness, or juror; impeding

or if two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws;

159 U.S. Code › Title 42 § 1986 - Action for neglect to prevent; having knowledge that any of the wrongs conspired to be done, and mentioned in section 1985 of this title, are about to be committed, and having power to prevent

Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in section 1985 of this title, are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such damages may be recovered in an action on the case; and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action; and if the death of any party be caused by any such wrongful act and neglect, the legal representatives of the deceased shall have such action therefor, and may recover not exceeding \$5,000 damages therein, for the benefit of the widow of the deceased, if there be one, and if there be no widow, then for the benefit of the next of kin of the deceased. But no action under the provisions of this section shall be sustained which is not commenced within one year after the cause of action has accrued.

355 U.S. Code Title 18. CRIMES AND CRIMINAL PROCEDURE Part I. CRIMES Chapter 63. MAIL FRAUD AND OTHER FRAUD OFFENSES Section 1341. Frauds and swindles

Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises,....

for the purpose of executing such scheme or artifice or attempting so to do, places in any post office or authorized depository for mail matter, any matter or thing whatever to be sent or delivered by the Postal Service, or deposits or causes to be deposited any matter or thing whatever to be sent or delivered by any private or commercial interstate carrier, or takes or receives therefrom, any such matter or thing, or knowingly causes to be delivered by mail or such carrier according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, any such matter or thing, shall be fined under this title or imprisoned not more than 20 years, or both.

354 U.S. Code Title 18. CRIMES AND CRIMINAL PROCEDURE Part I. CRIMES Chapter 63. MAIL FRAUD AND OTHER FRAUD OFFENSES Section 1344. Bank fraud

Whoever knowingly executes, or attempts to execute, a scheme or artifice—

(1) to defraud a financial institution; or

(2) to obtain any of the moneys, funds, credits, assets, securities, or other property owned by, or under the custody or control of, a financial institution, by means of false or fraudulent pretenses, representations, or promises;

shall be fined not more than \$1,000,000 or imprisoned not more than 30 years, or both.

- 8 U.S. Code> Title 18 > Part I > Chapter 13 > § 241 ; Conspiracy against rights
If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States
- 7 U.S. Code> Title 18 > Part I > Chapter 13 > § 242 ; Deprivation of rights under color of law
Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States
- 295 U.S. Code> Title 18 > Part I > Chapter 15 > § 286 - Conspiracy to defraud the Government with respect to claims
Whoever enters into any agreement, combination, or conspiracy to defraud the United States, or any department or agency thereof, by obtaining or aiding to obtain the payment or allowance of any false, fictitious or fraudulent claim, shall be fined under this title or imprisoned not more than ten years, or both.
- 294 U.S. Code> Title 18 > Part I > Chapter 19 > § 371 - Conspiracy to commit offense or to defraud United States
If two or more persons conspire either to commit any offense against the United States, or to defraud the United States, or any agency thereof in any manner or for any purpose, and one or more of such persons do any act to effect the object of the conspiracy, each shall be fined under this title or imprisoned not more than five years, or both.
- 293 U.S. Code> Title 18 > Part I > Chapter 95 > § 1951 - Interference with commerce by threats or violence
(a) Whoever in any way or degree obstructs, delays, or affects commerce or the movement of any article or commodity in commerce, by robbery or extortion or attempts or conspires so to do, or commits or threatens physical violence to any person or property in furtherance of a plan or purpose to do anything in violation of this section shall be fined under this title or imprisoned not more than twenty years, or both.
- 29 U.S. Code> Title 18 Chapter 73 - OBSTRUCTION OF JUSTICE (ALL sections)
OBSTRUCTION OF JUSTICE: ALL sections
- 25 U.S. Code> Title 18 Part 1 Chapter 2 section 31 (a) 6 ; Motor vehicle definition - used for commercial purposes
Motor vehicle definition

- 9 U.S. Code> Title 26 > Subtitle A > Chapter 1 > Subchapter J > Part I > Subpart E ; Grantors and Others Treated as Substantial Owners
Grantors and Others Treated as Substantial Owners
- 50 U.S. Code> Title 28 > Part I > Chapter 5 > § 144 ; Bias or prejudice of judge (Federal judge)
Whenever a party to any proceeding in a district court makes and files a timely and sufficient affidavit that the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party, such judge shall proceed no further therein, but another judge shall be assigned to hear such proceeding.
- 5 U.S. Code> Title 28 > Part VI > Chapter 176 > Subchapter A > § 3002 ; US is a Corporation
(15) “United States” means—
(A) a Federal corporation;
(B) an agency, department, commission, board, or other entity of the United States; or
(C) an instrumentality of the United States.
- 4 U.S. Code> Title 31 > Subtitle IV > Chapter 51 > Subchapter II > § 5118 ; GOLD CLAUSE
GOLD CLAUSE: No one may demand payment in a specific currency. (codified version of HJR 192)
- 18 U.S. Code> Title 42 > Chapter 21 > Subchapter I > § 1988 - Proceedings in vindication of civil rights
In any action or proceeding to enforce a provision of sections of this title, , the court, in its discretion, may allow the prevailing party, a reasonable attorney’s fee as part of the costs, except that in any action brought against a judicial officer for an act or omission taken in such officer’s judicial capacity such officer shall not be held liable for any costs, including attorney’s fees, unless such action was clearly in excess of such officer’s jurisdiction.
- 319 U.S. Code> Title 42 Section 1981 - Equal rights under the law
All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other.
- 334 U.S. Code>Title 18 § 2384. Seditious conspiracy
If two or more persons in any State or Territory, or in any place subject to the jurisdiction of the United States, conspire to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them, or to oppose by force the authority thereof, or by force to prevent, hinder, or delay the execution of any law of the United States,

Code of Federal Regulations

21 Code of Federal Regulations 23 1250.4 ; POLITICAL SUBDIVISION PARTICIPATION
Embezzlement, Coercion, Federal Funding Fraud, Conspiracy

310 Code of Federal Regulations 25 11.403 - Unlawful restraint
§ 11.403 Unlawful restraint.

A person commits a misdemeanor if he or she knowingly:

(a) Restrains another unlawfully in circumstances exposing him or her to risk of serious bodily injury;
or

(b) Holds another in a condition of involuntary servitude.

311 Code of Federal Regulations 25 11.404 - False imprisonment

A person commits a misdemeanor if he or she knowingly restrains another unlawfully so as to interfere substantially with his or her liberty.

312 Code of Federal Regulations 25 11.411 - Criminal trespass.

(a) A person commits an offense if, knowing that he or she is not licensed or privileged to do so, he or she enters or surreptitiously remains in any building or occupied structure. An offense under this subsection is a misdemeanor if it is committed in a dwelling at night. Otherwise it is a petty misdemeanor.

340 Code of Federal Regulations 25 11.413 - Receiving stolen property - movable

A person is guilty of receiving stolen property, a misdemeanor, if he or she purposely receives, retains, or disposes of movable property of another knowing that it has been stolen, or believing that it has probably been stolen, unless the property is received, retained, or disposed with purpose to restore it to the owner. Receiving means acquiring possession, control or title, or lending on the security of the property.

309 Code of Federal Regulations 25 11.423 - Defrauding secured creditors.

A person commits a misdemeanor if he or she destroys, conceals, encumbers, transfers or otherwise deals with property subject to a security interest with purpose to hinder that interest.

3 Code of Federal Regulations 27 72.11 ; Meaning of Terms (All Crimes Are Commercial)

Any of the following types of crimes (Federal or State): Offenses against the revenue laws; burglary; counterfeiting; forgery; kidnapping; larceny; robbery; illegal sale or possession of deadly weapons; prostitution (including soliciting, procuring, pandering, white slaving, keeping house of ill fame, and like offenses); extortion; swindling and confidence games; and attempting to commit, conspiring to commit, or compounding any of the foregoing crimes. Addiction to narcotic drugs and use of marihuana will be treated as if such were commercial crime.

313 Code of Federal Regulations 42 483.10 - Resident rights.

(1) A facility must treat each resident with respect and dignity and care for each resident in a manner and in an environment that promotes maintenance or enhancement of his or her quality of life, recognizing each resident's individuality. The facility must protect and promote the rights of the resident.

2(b)Exercise of rights. The resident has the right to exercise his or her rights as a resident of the facility and as a citizen or resident of the United States.

(ii) The resident's wishes and preferences must be considered in the exercise of rights by the representative.

(4) The resident has a right to receive visitors of his or her choosing at the time of his or her choosing, subject to the resident's right to deny visitation when applicable, and in a manner that does not impose on the rights of another resident.

(ii) The facility must provide immediate access to a resident by immediate family and other relatives of the resident, subject to the resident's right to deny or withdraw consent at any time;

Case Law

241 CASE: Leskinen v. Halsey, 13-1157-CV; narrowly construed the probate exception

Nothing in the record demonstrates that [the plaintiff] seeks to reach a res in the custody of a state court. Insofar as she sues for racketeering, common law fraud, willful negligence, and negligent misrepresentation, the relief sought may be at odds with concluded state probate proceedings, but the claims do not themselves ask the district court to administer an estate, probate a will, or perform another purely probate matter. In such circumstances, we cannot conclude that federal jurisdiction is lacking.

236 CASE: Marbury v. Madison, 5 U.S. (1 Cranch) 137, 2 L. Ed. 60 (1803); law repugnant to the Constitution is void,

law repugnant to the Constitution is void,

LawLev	LawType	LawName
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240 CASE: Marshall v Marshall, 547 US 293, 299; 126 S Ct 1735; Limit of probate exception
Limit of probate exception

300 CASE: Strickland v. Washington, 466 U.S. 668 (1984) - Ineffective Assistance of Counsel
Ineffective Assistance of Counsel

Federal Rules Of Evidence

98 Federal Rule 106. Remainder of or Related Writings or Recorded Statements

Rule 106. (federal)

If a party introduces all or part of a writing or recorded statement, an adverse party may require the introduction, at that time, of any other part — or any other writing or recorded statement — that in fairness ought to be considered at the same time.

Federal Rules of Criminal Procedure

301 Federal Rules of Criminal Procedure › TITLE II. PRELIMINARY PROCEEDINGS › Rule 3. The Complaint

Federal Rules of Criminal Procedure › The Complaint

302 Federal Rules of Criminal Procedure › TITLE II. PRELIMINARY PROCEEDINGS › Rule 4a. Arrest Warrant or Summons on a Complaint

If the complaint or one or more affidavits filed with the complaint establish probable cause to believe that an offense has been committed and that the defendant committed it, the judge must issue an arrest warrant to an officer authorized to execute it.

Federal Rules Of Civil Procedure

303 Federal Rules of Civil Procedure › TITLE II. COMMENCING AN ACTION; SERVICE OF PROCESS, PLEADINGS, MOTIONS, AND ORDERS › Rule 5.1. Constitutional Challenge to a Statute

Constitutional Challenge to a Statute:

(a) Notice by a Party. A party that files a pleading, written motion, or other paper drawing into question the constitutionality of a federal or state statute must promptly:

(1) file a notice of constitutional question stating the question and identifying the paper that raises it, if:

(A) a federal statute is questioned and the parties do not include the United States, one of its agencies, or one of its officers or employees in an official capacity; or

(B) a state statute is questioned and the parties do not include the state, one of its agencies, or one of its officers or employees in an official capacity; and

(2) serve the notice and paper on the Attorney General of the United States if a federal statute is questioned—or on the state attorney general if a state statute is questioned—either by certified or registered mail or by sending it to an electronic address designated by the attorney general for this purpose.

(b) Certification by the Court. The court must, under 28 U.S.C. §2403, certify to the appropriate attorney general that a statute has been questioned.

(c) Intervention; Final Decision on the Merits. Unless the court sets a later time, the attorney general may intervene within 60 days after the notice is filed or after the court certifies the challenge, whichever is earlier. Before the time to intervene expires, the court may reject the constitutional challenge, but may not enter a final judgment holding the statute unconstitutional.

(d) No Forfeiture. A party's failure to file and serve the notice, or the court's failure to certify, does not forfeit a constitutional claim or defense that is otherwise timely asserted.

353 Federal Rules of Civil Procedure › TITLE VII. JUDGMENT › Rule 60. Relief from a Judgment or Order

(a) Corrections Based on Clerical Mistakes; Oversights and Omissions. The court may correct a clerical mistake or a mistake arising from oversight or omission whenever one is found in a judgment, order, or other part of the record. The court may do so on motion or on its own, with or without notice.

(b) Grounds for Relief from a Final Judgment, Order, or Proceeding. On motion and just terms, the court may relieve a party or its legal representative from a final judgment, order, or proceeding for the following reasons:

(1) mistake, inadvertence, surprise, or excusable neglect;

(2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b);

(3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party;

(4) the judgment is void;

State

State Constitution

306 ARTICLE VII: LOCAL GOVERNMENT § 1 Counties; corporate character, powers and immunities. Each organized county shall be a body corporate with powers and immunities provided by law.

307 ARTICLE VII: LOCAL GOVERNMENT § 17 Townships; corporate character, powers and immunities.

Each organized township shall be a body corporate with powers and immunities provided by law.

246 Michigan Constitution Article 1 Section 1 Government is instituted for their equal benefit, security and protection.

All political power is inherent in the people. Government is instituted for their equal benefit, security and protection.

249 Michigan Constitution Article 1 Section 11 Searches and Seizures

The person, houses, papers and possessions of every person shall be secure from unreasonable searches and seizures. No warrant to search any place or to seize any person or things shall issue without describing them, nor without probable cause, supported by oath or affirmation.

LawLev	LawType	LawName
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- 250** Michigan Constitution Article 1 Section 13 Conduct of suits in person or by counsel.
A suitor in any court of this state has the right to prosecute or defend his suit, either in his own proper person or by an attorney.
- 248** Michigan Constitution Article 1 Section 9 Slavery and involuntary servitude.
Neither slavery, nor involuntary servitude unless for the punishment of crime, shall ever be tolerated in this state.
- 247** Michigan Constitution Article 1 Section 2 No person shall be denied the equal protection of the laws
Sec. 2. No person shall be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of religion, race, color or national origin.
- 106** Michigan Constitution Article 11, Section 1; Oath of public officers (shall take)
All officers, legislative, executive and judicial, before entering upon the duties of their respective offices, shall take and subscribe the following oath or affirmation
- 251** Michigan Constitution Article 3 Section 2 Separation Of Powers
The powers of government are divided into three branches: legislative, executive and judicial. No person exercising powers of one branch shall exercise powers properly belonging to another branch except as expressly provided in this constitution.
- 252** Michigan Constitution Article 5 Homestead and personalty, exemption from process
A homestead in the amount of not less than \$3,500 and personal property of every resident of this state in the amount of not less than \$750, as defined by law, shall be exempt from forced sale on execution or other process of any court.
- 345** Michigan Constitution Article 6 - JUDICIAL BRANCH § 15 Probate courts; districts, jurisdiction.
In each county organized for judicial purposes there shall be a probate court. The legislature may create or alter probate court districts of more than one county if approved in each affected county by a majority of the electors voting on the question.
- 344** Michigan Constitution Article I- DECLARATION OF RIGHTS § 5 Freedom of speech and of press.
Every person may freely speak, write, express and publish his views on all subjects, being responsible for the abuse of such right; and no law shall be enacted to restrain or abridge the liberty of speech or of the press.

350 Michigan Constitution: Article 11 - PUBLIC OFFICERS AND EMPLOYMENT - § 1 Oath of public officers.

Sec. 1. All officers, legislative, executive and judicial, before entering upon the duties of their respective offices, shall take and subscribe the following oath or affirmation:

346 Michigan Constitution: Article 6 - JUDICIAL BRANCH § 16 Probate judges; nomination, election, terms.

One or more judges of probate as provided by law shall be nominated and elected at non-partisan elections in the counties or the probate districts in which they reside and shall hold office for terms of six years

347 Michigan Constitution: Article 6 - JUDICIAL BRANCH § 20 Removal of domicile of judge.

Whenever a justice or judge removes his domicile beyond the limits of the territory from which he was elected or appointed, he shall have vacated his offic

State Compiled Laws

15 Michigan Act 170 of 1964: Section 691.1407 ; Immunity from tort liability

Immunity from tort liability; intentional torts; immunity of judge, legislator, official- if he or she is acting within the scope of his or her judicial, legislative, or executive authority. Or, The officer's, employee's, member's, or volunteer's conduct does not amount to gross negligence that is the proximate cause of the injury or damage

333 Michigan Compiled Laws 330.1726 Communication by mail and telephone; visits.

(1) A resident is entitled to unimpeded, private, and uncensored communication with others by mail and telephone and to visit with persons of his or her choice, except in the circumstances and under the conditions set forth in this section.

(2) Each facility shall endeavor to implement the rights guaranteed by subsection (1) by making telephones reasonably accessible, by ensuring that correspondence can be conveniently and confidentially received and mailed, and by making space for visits available. Writing materials, telephone usage funds, and postage shall be provided in reasonable amounts to residents who are unable to procure such items.

(4) The right of a resident to communicate by mail or telephone or receive visitors shall not be further limited except as authorized in the resident's individual plan of services.

101 Michigan Compiled Laws 600.2919a Recovery of damages, costs, and attorney's fees (Conversion)
Treble damages

Conversion is an interference with another's ownership of property. It is a general intent tort, not a specific intent tort. That means that the intent to take or otherwise deal with the property is enough to support the claim, and it doesn't matter whether the defendant knew that the act would constitute interference with the property of another. Therefore, the defendant's innocent reasons for the act cannot be used as an excuse. It does not matter if the defendant made a mistake. The standard remedy for conversion is a judgment for damages in an amount equal to the fair market value of the property. Punitive damages are also possible, because conversion is an intentional tort.

The standard remedy in a detinue action is an order that the property be returned. The standard remedy in an action for trespass to chattels is a judgment for an amount equal to the value of loss of use of the property. Damages from a trespass claim are based on the harm caused to the plaintiff, rather than the value of the chattel. Many actions can constitute both conversion and trespass. In these cases, a plaintiff must eventually choose which claim to press based on what damages they seek to recover. It is the difference between forcing a rental fee and a total sale upon a defendant.

In some cases the exercise of the dominion may amount to an act of trespass or to a crime, e.g. where the taking amounts to larceny, or fraudulent appropriation by a bailee or agent entrusted with the property of another (Larceny Acts of 1861 and 1901). Fraudulent conversion by any person to his own use (or that of persons other than the owner) of property entrusted to him is a crime in the case of custodians of property, factors, trustees under express trusts in writing (Larceny Act 1861, ss. 77-85; Larceny Act 1901)

314 Michigan Compiled Laws 600.812 Oath Of Office - Probate Judge

A judge of probate after being elected or appointed shall qualify by taking the constitutional oath of office and shall subscribe the same and file it in the office of the county clerk or, in the instance of a probate court district created pursuant to law, file it with the secretary of state.

107 Michigan Compiled Laws 15.1 BONDS OF STATE OFFICERS AND EMPLOYEES

officers and employees of all state departments and agencies; Bond

114 Michigan Compiled Laws 15.151 Constitutional oath of office; employees and persons in service of state.; shall, as a condition of their employment, take and subscribe to the oath or affirmation required

All persons now employed, or who may be employed by the state of Michigan or any governmental agency thereof, and all other persons in the service of the state or any governmental agency, shall, as a condition of their employment, take and subscribe to the oath or affirmation required of members of the legislature and other public officers by section 2 of article 16 of the constitution of 1908 of the state of Michigan.

- 117** Michigan Compiled Laws 15.442 ENHANCED ACCESS TO PUBLIC RECORDS ACT
(a) "Enhanced access" means a public record's immediate availability for public inspection, purchase, or copying by digital means. Enhanced access does not include the transfer of ownership of a public record.
- 109** Michigan Compiled Laws 15.91 Official bonds; certificate of filing; those appointed by Gov or Senate
That when any civil officer appointed by the governor, or senate, or by the governor with the advice and consent of the senate of this state, is required by law to give bond and to file the same with any other officer than the secretary of state, he shall procure the certificate of such officer that such bond has been duly filed with him, and file the same with the secretary of state.
- 108** Michigan Compiled Laws 15.92 Official bonds; place for filing; Sec of State
When any such officer is required by law to give bond for the faithful performance of the duties of his office, and no provision is made by law, for filing the same with any particular officer, such bond shall be filed with the secretary of state.
- 12** Michigan Compiled Laws 168.936 Perjury; penalty. (Michigan)
Sec. 936.
Any person found guilty of perjury under the provisions of this act shall, unless herein otherwise provided, be punished by a fine not exceeding \$1,000.00, or by imprisonment in the state prison for a term not exceeding 5 years, or by both such fine and imprisonment in the discretion of the court.
- 315** Michigan Compiled Laws 600.1645 Improper venue; judgment.
No order, judgment, or decree shall be void or voidable solely on the ground that there was improper venue.
- 219** Michigan Compiled Laws 600.2911 (1) Action for libel or slander.; uttering or publishing of words imputing the commission of a criminal offense
(1) Words imputing a lack of chastity to any female or male are actionable in themselves and subject the person who uttered or published them to a civil action for the slander in the same manner as the uttering or publishing of words imputing the commission of a criminal offense.
- 220** Michigan Compiled Laws 600.2911 (2) (a) Action for libel or slander; recover only for the actual damages which he or she has suffered in respect to his or her property, business, trade, profession, occupation, or feelings
recover only for the actual damages which he or she has suffered in respect to his or her property, business, trade, profession, occupation, or feelings
- 221** Michigan Compiled Laws 600.2911 (2) (b) Action for libel or slander; Exemplary and punitive damages shall not be recovered unless the plaintiff gives notice to the defendant to publish a retraction
(b) Exemplary and punitive damages shall not be recovered in actions for libel unless the plaintiff, before instituting his or her action, gives notice to the defendant to publish a retraction

- 222** Michigan Compiled Laws 600.2911 (3) Action for libel or slander; Damages not awarded if fair and true report of matters of public record
- Damages shall not be awarded in a libel action for the publication or broadcast of a fair and true report of matters of public record, a public and official proceeding
- 223** Michigan Compiled Laws 600.2911 (6) Action for libel or slander; no action based upon a communication involving public officials or public figures unless the claim is sustained by clear and convincing proof
- (6) An action for libel or slander shall not be brought based upon a communication involving public officials or public figures unless the claim is sustained by clear and convincing proof that the defamatory falsehood was published with knowledge that it was false or with reckless disregard of whether or not it was false.
- 338** Michigan Compiled Laws 600.2919a Recovery of damages, costs, and attorney's fees by person damaged; remedy cumulative.
- (1) A person damaged as a result of either or both of the following may recover 3 times the amount of actual damages sustained, plus costs and reasonable attorney fees:
- (a) Another person's stealing or embezzling property or converting property to the other person's own use.
- (b) Another person's buying, receiving, possessing, concealing, or aiding in the concealment of stolen, embezzled, or converted property when the person buying, receiving, possessing, concealing, or aiding in the concealment of stolen, embezzled, or converted property knew that the property was stolen, embezzled, or converted.
- 316** Michigan Compiled Laws 600.4501 Quo warranto; attorney general; private party
- The attorney general shall bring an action for quo warranto when the facts clearly warrant the bringing of that action. If the attorney general receives information from a private party and refuses to act, that private party may bring the action upon leave of court.
- 320** Michigan Compiled Laws 600.4511 Usurpation of office; damages.
- When an action is brought against a person for usurping an office and the person rightfully entitled to the office is a party and avers his right to it, and judgment is rendered in his favor, he is entitled to any damages sustained because of the usurpation by the defendant of the office from which the defendant has been evicted.

- 226** Michigan Compiled Laws 600.5807 Damages for breaches of contract; specific performance; fiduciary bonds; deeds; mortgages; surety bonds; appeal bonds; public obligations.
- (7) The period of limitations is 10 years for actions on bonds, notes, or other like instruments which are the direct or indirect obligation of, or were issued by although not the obligation of, the state of Michigan or any county, city, village, township, school district, special assessment district, or other public or quasi-public corporation in the state of Michigan.
- (8) The period of limitations is 6 years for all other actions to recover damages or sums due for breach of contract.
- 321** Michigan Compiled Laws 750.530 Larceny of money or other property; felony; penalty; “in the course of committing a larceny” defined.
- (1) A person who, in the course of committing a larceny of any money or other property that may be the subject of larceny, uses force or violence against any person who is present, or who assaults or puts the person in fear, is guilty of a felony punishable by imprisonment for not more than 15 years.
- (2) As used in this section, “in the course of committing a larceny” includes acts that occur in an attempt to commit the larceny, or during commission of the larceny, or in flight or attempted flight after the commission of the larceny, or in an attempt to retain possession of the property.
- 94** Michigan Compiled Laws 764.1a Complaint; allegations; swearing before magistrate or clerk; finding of reasonable cause; testimony; supplemental affidavits; Magistrate shall issue warrant (assault)
A magistrate shall issue a warrant upon presentation of a proper complaint (assault)
- 118** THE HOME RULE CITY ACT 279 of 1909 Sec. 117.1 Body corporate.; Cities=Body corporate
Cities=Body corporate
- 335** Uniform Commercial Code ARTICLE 3 - NEGOTIABLE INSTRUMENTS (2002) > PART 5. DISHONOR > § 3-501. PRESENTMENT.
- (2) Upon demand of the person to whom presentment is made, the person making presentment must (i) exhibit the instrument, (ii) give reasonable identification and, if presentment is made on behalf of another person, reasonable evidence of authority to do so, and (iii) sign a receipt on the instrument for any payment made or surrender the instrument if full payment is made.
- (3) Without dishonoring the instrument, the party to whom presentment is made may (i) return the instrument for lack of a necessary indorsement, or (ii) refuse payment or acceptance for failure of the presentment to comply with the terms of the instrument, an agreement of the parties, or other applicable law or rule.

State Court Rules

- 51** Michigan Court Rule 2.003 B (Disqualification of a judge) ; who may raise
A party may raise the issue of a judge's disqualification by motion or the judge may raise it.
- 54** Michigan Court Rule 2.003 D (1) (a) Time for Filing in the Trial Courts. (Disqualification of a judge)
Time for Filing in the Trial Courts. To avoid delaying trial and inconveniencing the witnesses, a motion for disqualification must be filed within 14 days of the discovery of the grounds for disqualification.
- 55** Michigan Court Rule 2.003 D (2) (Disqualification of a judge) ; All Grounds to be Included; Affidavit.
(2) All Grounds to be Included; Affidavit. In any motion under this rule, the moving party must include all grounds for disqualification that are known at the time the motion is filed. An affidavit must accompany the motion.
- 99** Michigan Court Rule 2.003 D (3) (Disqualification of a judge) Ruling
(a) For courts other than the Supreme Court, the challenged judge shall decide the motion. If the challenged judge denies the motion,
(i) in a court having two or more judges, on the request of a party, the challenged judge shall refer the motion to the chief judge, who shall decide the motion de novo;
(ii) in a single-judge court, or if the challenged judge is the chief judge, on the request of a party, the challenged judge shall refer the motion to the state court administrator for assignment to another judge, who shall decide the motion de novo.
- 52** Michigan Court Rule 2.003C (1) (a) (Disqualification of a judge); biased or prejudiced for or against a party or attorney
(1) Disqualification of a judge is warranted for reasons that include, but are not limited to, the following:
(a) The judge is biased or prejudiced for or against a party or attorney.
- 53** Michigan Court Rule 2.003C (1) (b) (Disqualification of a judge) bias
(b) The judge, based on objective and reasonable perceptions, has either
(i) a serious risk of actual bias impacting the due process rights of a party
- 58** Michigan Court Rule 2.503 (B) Motion or Stipulation for Adjournment.; for good cause; by whom; how many times
(1) Unless the court allows otherwise, a request for an adjournment must be by motion or stipulation made in writing or orally in open court and is based on good cause.

- 57** Michigan Court Rule 2.503 (D) Order for Adjournment; Costs and Conditions.
- (1) In its discretion the court may grant an adjournment to promote the cause of justice. An adjournment may be entered by order of the court either in writing or on the record in open court, and the order must state the reason for the adjournment.
- 59** Michigan Court Rule 2.503 (E) Rescheduling.; proceeding must be rescheduled for a specific date and time
- (E) Rescheduling.
- (1) Except as provided in subrule (E)(2), at the time the proceeding is adjourned under this rule, or as soon thereafter as possible, the proceeding must be rescheduled for a specific date and time.
- (2) A court may place the matter on a specified list of actions or other matters which will automatically reappear before the court on the first available date.
- 61** Michigan Court Rule 5.102 Notice of Hearing (Probate Court)
- A petitioner, fiduciary, or other moving party must cause to be prepared, served, and filed, a notice of hearing for all matters requiring notification of interested persons.
- 62** Michigan Court Rule 5.104 (A) (1) Proof of Service
- (1) Whenever service is required by statute or court rule, a proof of service must be filed promptly and at the latest before a hearing to which the paper relates or at the time the paper is required to be filed with the court if the paper does not relate to a hearing.
- 63** Michigan Court Rule 5.105 Manner and Method of Service (Probate)
- (1) Service on an interested person may be by personal service within or without the State of Michigan.
- (2) Unless another method of service is required by statute, court rule, or special order of a probate court, service may be made to the current address of an interested person by registered, certified, or ordinary first-class mail. Foreign consul and the Attorney General may be served by mail.
- 64** Michigan Court Rule 5.119 (B) Objection to Pending Matter.
- B) Objection to Pending Matter. An interested person may object to a pending petition orally at the hearing or by filing and serving a paper which conforms with MCR 5.113. The court may adjourn a hearing based on an oral objection and require that a proper written objection be filed and served.

65 Michigan Court Rule 5.121 (D) Evidence (Guardian Ad Litem; Visitor); Any interested person shall be afforded an opportunity to examine and controvert reports received into evidence.

(1) Reports, Admission Into Evidence.

Oral and written reports of a guardian ad litem or visitor may be received by the court and may be relied on to the extent of their probative value, even though such evidence may not be admissible under the Michigan Rules of Evidence.

(2) Reports, Review and Cross-Examination.

(a) Any interested person shall be afforded an opportunity to examine and controvert reports received into evidence.

(b) The person who is the subject of a report received under subrule (D)(1) shall be permitted to cross-examine the individual making the report if the person requests such an opportunity.

70 Michigan Court Rule 5.408 Review and Modification of Guardianships of Legally Incapacitated Individuals

Review and Modification of Guardianships

69 Michigan Court Rule 5.411 Bond of Conservator; court may require a bond

In all conservatorships in which there are unrestricted assets, the court may require a bond in the amount the court finds necessary to protect the estate or as required by statute.

68 Michigan Court Rule 5.732 Attorneys (Probate Rules); must serve as an advocate for the individual's preferred position.

Rule 5.732 Attorneys

(A) Continuing Appointment of Attorney. The attorney of record must represent the individual in all probate court proceedings under the Mental Health Code until the attorney is discharged by court order or another attorney has filed an appearance on the individual's behalf.

(B) Duties. The attorney must serve as an advocate for the individual's preferred position. If the individual does not express a preference, the attorney must advocate for the position that the attorney believes is in the individual's best interest.

100 Michigan Court Rule 5.734 Service of Papers; Notice of Subsequent Petitions; Time for Service
Notice of Subsequent Petitions; Time for Service

67 Michigan Court Rule 5.735 Adjournment (Probate); only for good cause

A hearing may be adjourned only for good cause. The reason for an adjournment must be submitted in writing to the court and to the opposing attorney or stated on the record.

State Rules of Evidence**48 MCR Rule 106 Remainder of or Related Writings or Recorded Statements**

When a writing or recorded statement or part thereof is introduced by a party, an adverse party may require the introduction at that time of any other part or any other writing or recorded statement.

State Codes of Judicial Conduct**142 Michigan Code of Judicial Conduct Canon 2(c) advance personal business interests or those of others**

A judge should not allow family, social, or other relationships to influence judicial conduct or judgment. A judge should not use the prestige of office to advance personal business interests or those of others,

143 Michigan Code of Judicial Conduct Canon 3(a) (1) A judge should be faithful to the law

A judge should be faithful to the law and maintain professional competence in it..

144 Michigan Code of Judicial Conduct Canon 3(b) (5) should not approve compensation beyond the fair value

(5) A judge should not approve compensation beyond the fair value of services rendered.

141 Michigan Code of Judicial Conduct Canon 1 A Judge Should Uphold the Integrity and Independence of the Judiciary

A Judge Should Uphold the Integrity and Independence of the Judiciary

An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining, and enforcing, and should personally observe, high standards of conduct so that the integrity and independence of the judiciary may be preserved. A judge should always be aware that the judicial system is for the benefit of the litigant and the public, not the judiciary. The provisions of this code should be construed and applied to further those objectives.

351 Michigan Code of Judicial Conduct Canon 2: Section F. A judge should not allow activity as a member of an organization to cast doubt on the judge's ability to perform

A judge should not allow activity as a member of an organization to cast doubt on the judge's ability to perform the function of the office in a manner consistent with the Michigan Code of Judicial Conduct, the laws of this state, and the Michigan and United States Constitutions. A judge should be particularly cautious with regard to membership activities that discriminate, or appear to discriminate, on the basis of race, gender, or other protected personal characteristic

LawLev	LawType	LawName
38	Michigan Code of Judicial Conduct Canon 2B ;	A judge should respect and observe the law.; treat every person fairly, with courtesy and respect.; integrity and impartiality A judge should respect and observe the law.; integrity and impartiality; a judge should treat every person fairly, with courtesy and respect.
39	Michigan Code of Judicial Conduct Canon 2D ;	judge should not appear as a witness judge should not appear as a witness
43	Michigan Code of Judicial Conduct Canon 3A (10) ;	a judge and staff should treat every person fairly, with courtesy and respect a judge should treat every person fairly, with courtesy and respect; a judge should require staff, court officials, and others who are subject to the judge's direction and control to provide such fair, courteous, and respectful treatment to persons who have contact with the court.
41	Michigan Code of Judicial Conduct Canon 3A (5) ;	A judge should dispose promptly of the business of the court. A judge should dispose promptly of the business of the court.
42	Michigan Code of Judicial Conduct Canon 3A (8) ;	judge should avoid a controversial manner or tone; undue interference, impatience judge should avoid a controversial manner or tone; undue interference, impatience
40	Michigan Code of Judicial Conduct Canon 3A(3) ;	A judge should be patient, dignified, and courteous A judge should be patient, dignified, and courteous; and should require similar conduct of lawyers, and of staff, court officials, and others subject to the judge's direction and control.
44	Michigan Code of Judicial Conduct Canon 3B (1) ;	A judge should diligently discharge administrative responsibilities A judge should diligently discharge administrative responsibilities
45	Michigan Code of Judicial Conduct Canon 3B (2) ;	high standards of fidelity, diligence, A judge should direct staff and court officials subject to the judge's control to observe high standards of fidelity, diligence, and courtesy to litigants, jurors, witnesses, lawyers, and others with whom they deal in their official capacity.

LawLev	LawType	LawName
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46 Michigan Code of Judicial Conduct Canon 3B (3) ; initiate appropriate disciplinary measures against a judge or lawyer

A judge should take or initiate appropriate disciplinary measures against a judge or lawyer for unprofessional conduct of which the judge may become aware.

47 Michigan Code of Judicial Conduct Canon 3B (4) ; unnecessary appointments

(4) A judge should not cause unnecessary expense by making unnecessary appointments. All appointments shall be based upon merit.

95 Michigan Code of Judicial Conduct Canon 3B (5) ; A judge should not approve compensation beyond the fair value of services rendered.

(5) A judge should not approve compensation beyond the fair value of services rendered.

Case Law

66 CASE: People v Unger, 278 Mich App 210, 217; 749 NW2d 272 (2008); Abuse of Discretion
An abuse of discretion occurs when the court chooses an outcome that falls outside the range of reasonable and principled outcomes.” People v Unger, 278 Mich App 210, 217; 749 NW2d 272 (2008).

238 CASE: Alexander v. Bosworth, 26 Cal.App. 589, 147 P. 607, 608; a party cannot be bound by a contract that he has not made or authorized
a party cannot be bound by a contract that he has not made or authorized

239 CASE: Cohens v. Virginia, 6 Wheat. 264, 404 (1821); We have no more right to decline the exercise of jurisdiction
We have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given

237 CASE: DANIEL GROSS ET AL. v. M. JODI RELL ET AL. (SC 18548); conservators appointed by probate court only have limited immunity and “quasi-judicial immunity” does not extend to lawyers appointed in probate proceedings
conservators appointed by probate court only have limited immunity and “quasi-judicial immunity” does not extend to lawyers appointed in probate proceedings; Connecticut Supreme Court

Uniform Commercial Code

- 358** U.C.C. - ARTICLE 1 - GENERAL PROVISIONS (2001) › PART 3. TERRITORIAL APPLICABILITY AND GENERAL RULES › § 1-308. Performance or Acceptance Under Reservation of Rights.
- (a) A party that with explicit reservation of rights performs or promises performance or assents to performance in a manner demanded or offered by the other party does not thereby prejudice the rights reserved. Such words as "without prejudice," "under protest," or the like are sufficient.
- (b) Subsection (a) does not apply to an accord and satisfaction.
- 357** U.C.C. § 1-103. Construction of Uniform Commercial Code to Promote its Purposes and Policies: Applicability of Supplemental Principles of Law.
- (a) The Uniform Commercial Code must be liberally construed and applied to promote its underlying purposes and policies, which are: (1) to simplify, clarify, and modernize the law governing commercial transactions; (2) to permit the continued expansion of commercial practices through custom, usage, and agreement of the parties; and (3) to make uniform the law among the various jurisdictions.
- (b) Unless displaced by the particular provisions of the Uniform Commercial Code, the principles of law and equity, including the law merchant and the law relative to capacity to contract, principal and agent, estoppel, fraud, misrepresentation, duress, coercion, mistake, bankruptcy, and other validating or invalidating cause supplement its provisions.
- 24** Uniform Commercial Code 1-304. Obligation of Good Faith; act in good faith and deal fairly without breaking their word
- a general assumption of the law of contracts, that people will act in good faith and deal fairly without breaking their word, using shifty means to avoid obligations, or denying what the other party obviously understood.
- 343** Uniform Commercial Code 9-315. SECURED PARTY'S RIGHTS ON DISPOSITION OF COLLATERAL AND IN PROCEEDS.
- (a) [Disposition of collateral: continuation of security interest or agricultural lien; proceeds.]

342 Uniform Commercial Code 9-607. COLLECTION AND ENFORCEMENT BY SECURED PARTY

If so agreed, and in any event after default, a secured party:

(1) may notify an account debtor or other person obligated on collateral to make payment or otherwise render performance to or for the benefit of the secured party;

(2) may take any proceeds to which the secured party is entitled under Section 9-315;

(3) may enforce the obligations of an account debtor or other person obligated on collateral and exercise the rights of the debtor with respect to the obligation of the account debtor or other person obligated on collateral to make payment or otherwise render performance to the debtor, and with respect to any property that secures the obligations of the account debtor or other person obligated on the collateral;

State Probate Law (EPIC)**72** EPIC 700.1212 Fiduciary relationship.; impartiality between heirs, devisees, and beneficiaries

Sec. 1212. (1) A fiduciary stands in a position of confidence and trust with respect to each heir, devisee, beneficiary, protected individual, or ward for whom the person is a fiduciary. A fiduciary shall observe the standard of care described in section 7803 and shall discharge all of the duties and obligations of a confidential and fiduciary relationship, including the duties of undivided loyalty; impartiality between heirs, devisees, and beneficiaries;

73 EPIC 700.1214 Fiduciary; prohibited conduct.; profit in personal capacity or business

A fiduciary in the fiduciary's personal capacity shall not personally derive a profit from the purchase, sale, or transfer of the estate's property.

78 EPIC 700.1306 Oath or affirmation on filed documents.

Sec. 1306. Except as otherwise specifically provided in this act or by supreme court rule, a document, including an application, petition, or demand for notice, filed with the court under this act is considered to include an oath, affirmation, or statement to the effect that the document's representations are true as far as the individual executing or filing the document knows or is informed, and penalties for perjury may follow deliberate falsification in the document.

74 EPIC 700.1308 Breach of duty; remedies; order for accounting

(1) A violation by a fiduciary of a duty the fiduciary owes to an heir, devisee, beneficiary, protected individual, or ward for whom the person is a fiduciary is a breach of duty. To remedy a breach of duty that has occurred or may occur, the court may do any of the following:

(c) Compel the fiduciary to redress a breach of duty by paying money, restoring property, or other means.

(i) Subject to other provisions of this act protecting persons dealing with a fiduciary, void an act of the fiduciary, impose a lien or a constructive trust on property, or trace property wrongfully disposed of and recover the property or its proceeds.

- 75** EPIC 700.1309 Appointment of special fiduciary or injunction; enjoin; risk of waste, unnecessary dissipation of an estate's or trust's property
- Sec. 1309. Upon reliable information received from an interested person, county or state official, or other informed source, including the court's files, the court may enter an order in a proceeding to do either or both of the following:
- (a) Appoint a special fiduciary to perform specified duties.
- (b) Enjoin a person subject to the court's jurisdiction from conduct that presents an immediate risk of waste, unnecessary dissipation of an estate's or trust's property, or jeopardy to an interested person's interest. Under this subdivision, the court shall not enjoin a respondent in a proceeding to appoint a guardian or conservator or enjoin a ward or protected individual.
- 83** EPIC 700.1401 Notice; method and time of giving (EPIC)
- Notice; method and time of giving (EPIC); by mail=14; in person=7; Proof of notice must be filed before or at hearing.
- 76** EPIC 700.2501 Will; maker; sufficient mental capacity.
- Will; maker; sufficient mental capacity.
- 77** EPIC 700.2502 Execution; witnessed wills; holographic wills.
- 2513, a will is valid only if it is all of the following:
- (a) In writing.
- (b) Signed by the testator or in the testator's name by some other individual in the testator's conscious presence and by the testator's direction.
- (c) Signed by at least 2 individuals, each of whom signed within a reasonable time after he or she witnessed either the signing of the will as described in subdivision (b) or the testator's acknowledgment of that signature or acknowledgment of the will.
- 84** EPIC 700.2515 Deposit of will with court in testator's lifetime. (EPIC)
- Deposit of will with court in testator's lifetime.
- may be deposited by the individual making the will, or by a person for him or her, with the court in the county where the testator resides.
- 85** EPIC 700.2519 Statutory will.
- 700.2519 Statutory will.
- Sec. 2519. (1) A will executed in the form prescribed by subsection (2) and otherwise in compliance with the terms of the Michigan statutory will form is a valid will. A person printing and distributing the Michigan statutory will shall print and distribute the form verbatim as it appears in subsection (2). The notice provisions shall be printed in 10-point boldfaced type.

- 71** EPIC 700.5106 Appointment or approval of professional guardian or professional conservator
- (2) The court shall only appoint a professional guardian or professional conservator as authorized under subsection (1) if the court finds on the record all of the following:
- (a) The appointment of the professional guardian or professional conservator is in the ward's, developmentally disabled individual's, incapacitated individual's, or protected individual's best interests.
- (b) There is no other person that is competent, suitable, and willing to serve in that fiduciary capacity in accordance with section 5212, 5313, or 5409.
- (3) The court shall not appoint a professional guardian or professional conservator as authorized under subsection (1) unless the professional guardian or professional conservator files a bond in an amount and with the conditions as determined by the court. For a professional conservator, the sureties and liabilities of the bond shall be as provided in sections 5410 and 5411.
- 186** EPIC 700.5302 Guardianship proceedings; venue.
- 700.5302 Guardianship proceedings; venue.; The venue for a guardianship proceeding for an incapacitated individual is in the place where the incapacitated individual resides or is present.
- 187** EPIC 700.5303 (2) Court appointment of guardian of incapacitated person; petition; alternatives to appointment of full guardian; hearing.
- Court appointment of guardian of incapacitated person; petition; alternatives to appointment of full guardian; hearing.
- 164** EPIC 700.5303 (2) Court appointment of guardian of incapacitated person; provide the person intending to file the petition with written information that sets forth alternatives to appointment of a full guardian
- Before a petition is filed under this section, the court shall provide the person intending to file the petition with written information that sets forth alternatives to appointment of a full guardian
- 165** EPIC 700.5303 (3) Court appointment of guardian of incapacitated person; the court shall set a date for hearing on the issue of incapacity.
- (3) Upon the filing of a petition under subsection (1), the court shall set a date for hearing on the issue of incapacity. Unless the allegedly incapacitated individual has legal counsel of his or her own choice, the court shall appoint a guardian ad litem to represent the person in the proceeding.
- 188** EPIC 700.5303 (3) Court appointment of guardian of incapacitated person; Upon the filing of a petition under subsection (1), the court shall set a date for hearing on the issue of incapacity.
- Upon the filing of a petition under subsection (1), the court shall set a date for hearing on the issue of incapacity.

- 189** EPIC 700.5304 (2) Evaluation and report; hearing.; independent evaluation
(2) The alleged incapacitated individual has the right to secure an independent evaluation, at his or her own expense or
- 166** EPIC 700.5305 (2) Guardian ad litem; duties; compensation; legal counsel.; shall not order compensation of the guardian ad litem unless the guardian ad litem states on the record
(2) The court shall not order compensation of the guardian ad litem unless the guardian ad litem states on the record or in the guardian ad litem's written report that he or she has complied with subsection (1).
- 167** EPIC 700.5305 (3) Guardian ad litem; duties; compensation; legal counsel.; incapacitated wishes to contest the petition, to have limits placed on the guardian's powers, or to object to a particular person being appointed
(3) If the individual alleged to be incapacitated wishes to contest the petition, to have limits placed on the guardian's powers, or to object to a particular person being appointed guardian and if legal counsel has not been secured, the court shall appoint legal counsel to represent the individual alleged to be incapacitated.
- 168** EPIC 700.5305 (5) Guardian ad litem; duties; compensation; legal counsel.; lawyer appointed then GAL terminates
(5) If the individual alleged to be incapacitated has legal counsel appointed under subsection (3) or (4), the appointment of a guardian ad litem terminates.
- 169** EPIC 700.5306 (1) Court appointment of guardian of incapacitated person; clear and convincing evidence
Sec. 5306. (1) The court may appoint a guardian if the court finds by clear and convincing evidence both that the individual for whom a guardian is sought is an incapacitated individual and that the appointment is necessary as a means of providing continuing care and supervision of the incapacitated individual, with each finding supported separately on the record. Alternately, the court may dismiss the proceeding or enter another appropriate order.
- 170** EPIC 700.5306 (2) Court appointment of guardian of incapacitated person; demonstrated need
(2) The court shall grant a guardian only those powers and only for that period of time as is necessary to provide for the demonstrated need of the incapacitated individual. The court shall design the guardianship to encourage the development of maximum self-reliance and independence in the individual. If the court is aware that an individual has executed a patient advocate designation under section 5506, the court shall not grant a guardian any of the same powers that are held by the patient advocate. A court order establishing a guardianship shall specify any limitations on the guardian's powers and any time limits on the guardianship.

- 171** EPIC 700.5306 (3) Court appointment of guardian of incapacitated person; some but not all; shall not appoint a full guardian
- (3) If the court finds by clear and convincing evidence that an individual is incapacitated and lacks the capacity to do some, but not all, of the tasks necessary to care for himself or herself, the court may appoint a limited guardian to provide guardianship services to the individual, but the court shall not appoint a full guardian.
- 136** EPIC 700.5306a (1) (aa) Rights of individual for whom guardian is sought or appointed; choose the person who will serve as guardian
- (aa) To choose the person who will serve as guardian, if the chosen person is suitable and willing to serve, as provided in section 5313.
- 137** EPIC 700.5306a (1) (bb) Rights of individual for whom guardian is sought or appointed; consult with the guardian
- (bb) To consult with the guardian about major decisions affecting the individual, if meaningful conversation is possible, as provided in section 5314.
- 120** EPIC 700.5306a (1) (d) Rights of individual for whom guardian is sought or appointed; Counsel of choice
- d) To have legal counsel of his or her own choice represent him or her on the petition to appoint a guardian, as provided in sections 5303, 5304, and 5305.
- 138** EPIC 700.5306a (1) (ee) Rights of individual for whom guardian is sought or appointed; return to self-management at the earliest possible time
- (ee) To have the guardian secure services to restore the individual to the best possible state of mental and physical well-being so that the individual can return to self-management at the earliest possible time, as provided in section 5314.
- 121** EPIC 700.5306a (1) (f) Rights of individual for whom guardian is sought or appointed; indy psych eval
- (f) To an independent evaluation of his or her capacity by a physician or mental health professional, at public expense if he or she is indigent, as provided in section 5304.
- 139** EPIC 700.5306a (1) (ff) Rights of individual for whom guardian is sought or appointed; reasonable care of property
- (ff) To have the guardian take reasonable care of the individual's clothing, furniture, vehicles, and other personal effects, as provided in section 5314.
- 122** EPIC 700.5306a (1) (g) Rights of individual for whom guardian is sought or appointed; present at hearings
- g) To be present at the hearing on the petition to appoint a guardian and to have all practical steps taken to ensure this, including, if necessary, moving the hearing site, as provided by section 5304.

LawLev	LawType	LawName
123	EPIC 700.5306a (1) (h)	Rights of individual for whom guardian is sought or appointed; To see or hear all the evidence presented (h) To see or hear all the evidence presented in the hearing on the petition to appoint a guardian, as provided in section 5304.
124	EPIC 700.5306a (1) (i)	Rights of individual for whom guardian is sought or appointed; present evidence and cross-examine (i) To present evidence and cross-examine witnesses in the hearing on the petition to appoint a guardian, as provided in section 5304.
125	EPIC 700.5306a (1) (j)	Rights of individual for whom guardian is sought or appointed; trial by jury (j) To a trial by jury on the petition to appoint a guardian, as provided in section 5304
126	EPIC 700.5306a (1) (m)	Rights of individual for whom guardian is sought or appointed; explain nature, purpose, and legal effects (m) If a guardian ad litem is appointed, to an explanation by the guardian ad litem of the nature, purpose, and legal effects of a guardian's appointment, as provided in section 5305.
127	EPIC 700.5306a (1) (n)	Rights of individual for whom guardian is sought or appointed; explanation by the guardian ad litem (n) If a guardian ad litem is appointed, to an explanation by the guardian ad litem of the individual's rights in the hearing procedure, as provided in section 5305.
128	EPIC 700.5306a (1) (o)	Rights of individual for whom guardian is sought or appointed; attend, contest, choose who, limit (o) If a guardian ad litem is appointed, to be informed by the guardian ad litem of the right to contest the petition, to request limits on the guardian's powers, to object to a particular person being appointed guardian, to be present at the hearing, to be represented by legal counsel, and to have legal counsel appointed if the individual is unable to afford legal counsel, as provided in section 5305
129	EPIC 700.5306a (1) (p)	Rights of individual for whom guardian is sought or appointed; name those seeking appointment (p) To be informed of the name of each person known to be seeking appointment as guardian, including, if a guardian ad litem is appointed, to be informed of the names by the guardian ad litem as provided in section 5305.
130	EPIC 700.5306a (1) (q)	Rights of individual for whom guardian is sought or appointed; clear and convincing evidence (q) To require that proof of incapacity and the need for a guardian be proven by clear and convincing evidence, as provided in section 5306.

LawLev	LawType	LawName
131	EPIC 700.5306a (1) (r)	Rights of individual for whom guardian is sought or appointed; limitation of powers & time period (r) To the limitation of the powers and period of time of a guardianship to only the amount and time that is necessary, as provided in section 5306.
132	EPIC 700.5306a (1) (s)	Rights of individual for whom guardian is sought or appointed; maximum self-reliance and independence (s) To a guardianship designed to encourage the development of maximum self-reliance and independence as provided in section 5306.
133	EPIC 700.5306a (1) (t)	Rights of individual for whom guardian is sought or appointed; already held by a valid patient advocate (t) To prevent the grant of powers to a guardian if those powers are already held by a valid patient advocate, as provided in section 5306.
134	EPIC 700.5306a (1) (v)	Rights of individual for whom guardian is sought or appointed; modification or termination of the guardianship by informal letter (v) To, at any time, seek modification or termination of the guardianship by informal letter to the judge, as provided in section 5310.
135	EPIC 700.5306a (1) (z)	Rights of individual for whom guardian is sought or appointed; written notice of the nature, purpose, and legal effects z) To written notice of the nature, purpose, and legal effects of the appointment of a guardian, as provided in section 5311
190	EPIC 700.5310 (1)	Resignation or removal of guardian.; court shall accept the guardian's resignation court shall accept the guardian's resignation
140	EPIC 700.5310 (2)	Resignation or removal of guardian.; interested person may petition for removal of guardian (2) The ward or a person interested in the ward's welfare may petition for an order removing the guardian, appointing a successor guardian, modifying the guardianship's terms, or terminating the guardianship. A request for this order may be made by informal letter to the court or judge.
191	EPIC 700.5310 (2)	Resignation or removal of guardian; anyone can write informal letter to the court or judge (2) The ward or a person interested in the ward's welfare may petition for an order removing the guardian, appointing a successor guardian, modifying the guardianship's terms, or terminating the guardianship. A request for this order may be made by informal letter to the court or judge.

LawLev	LawType	LawName
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- 192** EPIC 700.5310 (3) Resignation or removal of guardian; hearing to be held within 28 days; may specify a minimum period, not exceeding 182 days
hearing to be held within 28 days; may specify a minimum period, not exceeding 182 days , during which a petition or request for a finding that a ward is no longer an incapacitated individual, or for an order removing the guardian, modifying the guardianship's terms, or terminating the guardianship, shall not be filed without special leave of the court.
- 193** EPIC 700.5310 (4) Resignation or removal of guardian; same procedures to safeguard the ward's rights as apply to a petition for a guardian's appointment
same procedures to safeguard the ward's rights as apply to a petition for a guardian's appointment
- 194** EPIC 700.5311 (1) Appointment or removal of guardian; notice of hearing.; notice given to (other than temp guard)
other than the appointment of a temporary guardian or temporary suspension of a guardian, notice of hearing must be given to each of the following
- 196** EPIC 700.5311 (2) Appointment or removal of guardian; (2) Notice must be served personally on the alleged incapacitated individual
(2) Notice must be served personally on the alleged incapacitated individual
- 197** EPIC 700.5311 (3) Appointment or removal of guardian; copy of the petition must be attached to the hearing notice
In a proceeding for a guardian's appointment under sections 5303 and 5304, a copy of the petition must be attached to the hearing notice, and the notice to the alleged incapacitated individual must contain all of the following information:
- 198** EPIC 700.5312 (1) Court exercise of power of guardian; temporary guardian.; no other person appears to have authority; shall provide notice to the individual alleged to be incapacitated and shall hold a hearing
(1) If an individual does not have a guardian, an emergency exists, and no other person appears to have authority to act in the circumstances, the court shall provide notice to the individual alleged to be incapacitated and shall hold a hearing. Upon a showing that the individual is an incapacitated individual, the court may exercise the power of a guardian, or appoint a temporary guardian with only the powers and for the period of time as ordered by the court. A hearing with notice as provided in section 5311 shall be held within 28 days after the court has acted under this subsection.
- 199** EPIC 700.5312 (3) Court exercise of power of guardian; temporary guardian.; provisions of this act concerning guardians apply to temporary guardians
(3) A temporary guardian is entitled to the care and custody of the ward, and the authority of a permanent guardian previously appointed by the court is suspended as long as a temporary guardian has authority. A temporary guardian may be removed at any time. A temporary guardian shall make reports as the court requires.

LawLev	LawType	LawName
200	EPIC 700.5313 (1) Guardian; qualifications.;	If the court determines that the ward's property needs protection, the court shall order the guardian to furnish a bond If the court determines that the ward's property needs protection, the court shall order the guardian to furnish a bond
201	EPIC 700.5313 (2) Guardian; qualifications.;	Priority of eligible (complete) 700.5313 (2) Guardian; qualifications.;
230	EPIC 700.5313 (2)(b) Guardian; qualifications.;	person the individual subject to the petition chooses (2) In appointing a guardian under this section, the court shall appoint a person, if suitable and willing to serve, in the following order of priority: (b) A person the individual subject to the petition chooses to serve as guardian.
202	EPIC 700.5313 (3) Guardian; qualifications.;	Priority of eligible: (complete) adult child; reside w/ for 6 mos (3) If there is no person chosen, nominated, or named under subsection (2), or if none of the persons listed in subsection (2) are suitable or willing to serve, the court may appoint as a guardian an individual who is related to the individual who is the subject of the petition in the following order of preference: Priority of eligible list 2: adult child; reside w/ for 6 mos
231	EPIC 700.5313 (3)(b) Guardian; qualifications.;	Priority of eligible: adult child (3) If there is no person chosen, nominated, or named under subsection (2), or if none of the persons listed in subsection (2) are suitable or willing to serve, the court may appoint as a guardian an individual who is related to the individual who is the subject of the petition in the following order of preference: (b) An adult child of the legally incapacitated individual.
232	EPIC 700.5313 (3)(d) Guardian; qualifications.;	Priority of eligible: reside w/ for 6 mos (3) If there is no person chosen, nominated, or named under subsection (2), or if none of the persons listed in subsection (2) are suitable or willing to serve, the court may appoint as a guardian an individual who is related to the individual who is the subject of the petition in the following order of preference: (d) A relative of the legally incapacitated individual with whom the individual has resided for more than 6 months before the filing of the petition.

LawLev	LawType	LawName
203	EPIC 700.5313 (4) Guardian; qualifications.;	IF none of the persons as designated or listed in subsection (2) or (3) are suitable or willing to serve IF none of the persons as designated or listed in subsection (2) or (3) are suitable or willing to serve
214	EPIC 700.5317 Guardianship proceedings; concurrent jurisdiction.	The court in the county where the ward resides has concurrent jurisdiction over resignation, removal, accounting, and other proceedings relating to the guardianship
204	EPIC 700.5401 (1) Protective proceedings.;	Upon petition and after notice and hearing (Conservtor) (1) Upon petition and after notice and hearing in accordance with this part, the court may appoint a conservator or make another protective order for cause as provided in this section.
205	EPIC 700.5401 (3) Protective proceedings.;	unable to manage property and business affairs effectively unable to manage property and business affairs effectively
207	EPIC 700.5403 (a) Venue. (for Conservator) ;	court at the place in state where person resides In the court at the place in this state where the individual to be protected resides whether or not a guardian has been appointed in another place.
208	EPIC 700.5404 (2) Original petition for appointment or protective order.;	address of the individual to be protected The petition must set forth to the extent known the petitioner's interest; the name, age, residence, and address of the individual to be protected;
209	EPIC 700.5406 (2) Procedure concerning hearing and order on original petition.;	no GAL if competent; psych eval NOT from same institution mentally competent but aged or physically infirm - no GAL; Psych preferably NOT from same institution
210	EPIC 700.5406 (4) Procedure concerning hearing and order on original petition;	GAL must report findings to court GAL MUST report to court findings

- 211** EPIC 700.5406 (5) Procedure concerning hearing and order on original petition; (conservator) ; present at hearing; present evidence; cross examine
(conservator) ; (5) The individual to be protected is entitled to be present at the hearing in person. If the individual wishes to be present at the hearing, all practical steps must be taken to ensure the individual's presence including, if necessary, moving the site of the hearing. The individual is entitled to be represented by counsel, to present evidence, to cross-examine witnesses, including a court-appointed physician or other qualified person and a visitor, and to trial by jury.
- 147** EPIC 700.5407 (1) Permissible court orders. ; orders only to the extent necessitated by the protected individual's mental and adaptive limitations
(1) The court shall exercise the authority conferred in this part to encourage the development of maximum self-reliance and independence of a protected individual and shall make protective orders only to the extent necessitated by the protected individual's mental and adaptive limitations and other conditions warranting the procedure. Accordingly, the court may authorize a protected individual to function without the consent or supervision of the individual's conservator in handling part of his or her money or property, including authorizing the individual to maintain an account with a financial institution. To the extent the individual is authorized to function autonomously, a person may deal with the individual as though the individual is mentally competent.
- 213** EPIC 700.5409(1) Appointment of conservator.; order of eligibility
Appointment of conservator.; order of eligibility
An adult child of the protected individual.; A relative of the protected individual with whom he or she has resided for more than 6 months before the petition is filed.
IF none of the persons listed in subdivisions (a) to (g) are suitable and willing to serve, any person that the court determines is suitable and willing to serve.
- 149** EPIC 700.5410 (1) (d) Bond of Conservator; The court states on the record the reasons why a bond is not necessary.
The court states on the record the reasons why a bond is not necessary.
- 112** EPIC 700.5410 Bond. (of conservator); court may require a conservator to furnish a bond
bond of conservator; court may require a conservator to furnish a bond
(d) The court states on the record the reasons why a bond is not necessary.
- 111** EPIC 700.5411 Terms and requirements of bonds. ; proceeding may be initiated against a surety for breach of the obligation of the conservator's bond.
Terms and requirements of bonds for conservator; On petition of a successor conservator or an interested person, a proceeding may be initiated against a surety for breach of the obligation of the conservator's bond.

LawLev	LawType	LawName
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- 146** EPIC 700.5416 General duty of conservator.
conservator shall act as a fiduciary and observe the standard of care applicable to a trustee
- 113** EPIC 700.5416 General duty of conservator.; shall act as a fiduciary and observe the standard of care applicable to a trustee.
In relation to powers conferred by this part or implicit in the title acquired by virtue of the proceeding, a conservator shall act as a fiduciary and observe the standard of care applicable to a trustee.
- 150** EPIC 700.5419 Conservators; title by appointment.; no transfer by prot indiv, or levy or garnishment
no transfer of prop by protected; not subject to levy or garnishment
- 156** EPIC 700.5423 (3) Powers of conservator in administration.; A conservator shall not sell or otherwise dispose of the protected individual's principal dwelling
(3) A conservator shall not sell or otherwise dispose of the protected individual's principal dwelling, real property, or interest in real property or mortgage, pledge, or cause a lien to be placed on any such property without approval of the court. The court shall only approve the sale, disposal, mortgage, or pledge of or lien against the principal dwelling, real property, or interest in real property if, after a hearing with notice to interested persons as specified in the Michigan court rules, the court considers evidence of the value of the property and otherwise determines that the sale, disposal, mortgage, pledge, or lien is in the protected individual's best interest.
- 153** EPIC 700.5426 Gifts; distribution to formerly protected individual;
the conservator shall pay over and distribute all money and property to the formerly protected individual as soon as possible.
- 119** EPIC 700.5428 Preservation of estate plan; right to examine.
court shall take into account the protected individual's estate plan (not applicable)
- 151** EPIC 700.5430 (2) Personal liability of conservator; torts committed in the course of estate administration
(2) A conservator is personally liable for an obligation arising from ownership or control of estate property or for torts committed in the course of estate administration only if personally at fault.

LawLev	LawType	LawName
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- 181** EPIC 700.5430 Personal liability of conservator.; torts committed in the course of estate administration only if personally at fault.
 (2) A conservator is personally liable for an obligation arising from ownership or control of estate property or for torts committed in the course of estate administration only if personally at fault.
- 103** EPIC 700.5430 Personal liability of conservator.; torts committed in the course of estate administration
 Personal liability of conservator.; torts committed in the course of estate administration
- 152** EPIC 700.5431 Termination of proceeding.; disability of the protected individual has ceased, the court shall terminate the conservatorship
 Upon determining, after notice and hearing, that the minority or disability of the protected individual has ceased, the court shall terminate the conservatorship
- 104** EPIC 700.5502 Durable power of attorney not affected by lapse of time, disability, or incapacity; legal description of real estate not required.
 Sec. 5502. An act done by an attorney in fact under a durable power of attorney during a period of disability or incapacity of the principal has the same effect and inures to the benefit of and binds the principal and the principal's successors in interest as if the principal were competent and not disabled. Unless the instrument states a termination time, the power is exercisable notwithstanding the lapse of time since the execution of the instrument.
- 105** EPIC 700.5503 Relation of attorney in fact to court-appointed fiduciary.
 IF appointed by court OF PRINCIPAL's DOMICILE, DPOA is sub to conservator
 The court shall make its appointment in accordance with the principal's most recent nomination in a durable power of attorney except for good cause or disqualification.
- 116** EPIC 700.7802 Duty of loyalty.; A trustee shall administer the trust solely in the interests of the trust beneficiaries.
 (1) A trustee shall administer the trust solely in the interests of the trust beneficiaries.

State Penal Code

361 750.213 Malicious threats to extort money.

Sec. 213.

Malicious threats to extort money—Any person who shall, either orally or by a written or printed communication, maliciously threaten to accuse another of any crime or offense, or shall orally or by any written or printed communication maliciously threaten any injury to the person or property or mother, father, husband, wife or child of another with intent thereby to extort money or any pecuniary advantage whatever, or with intent to compel the person so threatened to do or refrain from doing any act against his will, shall be guilty of a felony, punishable by imprisonment in the state prison not more than 20 years or by a fine of not more than 10,000 dollars.

317 Michigan Penal Code 750.157a Conspiracy to commit offense or legal act in illegal manner; penalty

Any person who conspires together with 1 or more persons to commit an offense prohibited by law, or to commit a legal act in an illegal manner is guilty of the crime of conspiracy punishable as provided herein:

235 Michigan Penal Code 750.159g "Racketeering" defined

"Racketeering" defined (Michigan)

As used in this chapter, "racketeering" means committing, attempting to commit, conspiring to commit, or aiding or abetting, soliciting, coercing, or intimidating a person to commit an offense for financial gain, involving any of the following:

(f) A violation of section 4, 5, or 7 of the medicaid false claim act, 1977 PA 72, MCL 400.604, 400.605, and 400.607, concerning medicaid fraud.

(m) A violation of section 93, 94, 95, or 96, concerning bank bonds, bills, notes, and property.

(t) A felony violation of section 174, 175, 176, 180, 181, or 182, concerning embezzlement.

(v) A violation of section 213, concerning extortion.

(w) A felony violation of section 218, concerning false pretenses.

(ee) A violation of section 349, 349a, or 350, concerning kidnapping.

(ff) A felony violation of chapter LII, concerning larceny.

(jj) A violation of chapter LXVIIA, concerning human trafficking.

(kk) A violation of section 529, 529a, 530, or 531, concerning robbery.

(ll) A felony violation of section 535 or 535a, concerning stolen, embezzled, or converted property.

(oo) A felony violation of the identity theft protection act, 2004 PA 452, MCL 445.61 to 445.77.

(qq) An offense committed within this state or another state in violation of a law of the United States that is substantially similar to a violation listed in subdivisions (a) through (pp).

328 Michigan Penal Code 750.176 Embezzlement by administrator, executor or guardian; penalty.

Embezzlement by administrator, executor or guardian—Any general or special administrator or any executor or guardian, who has been appointed by a judge of probate and who has collected any goods, chattels, money or effects of the deceased or ward, and who has wilfully appropriated the same to his own use and who has been ordered by the judge of probate forthwith to deliver to his successor in trust, ward or any person lawfully entitled thereto, all the goods, chattels, money or effects of the deceased or ward in his hands, and who shall wilfully omit, neglect or refuse for 60 days to obey said orders, shall be deemed to have committed the crime of embezzlement, and shall be guilty of a felony, punishable by imprisonment in the state prison for not more than 10 years, or by fine not more than 5,000 dollars

329 Michigan Penal Code 750.218 False pretenses with intent to defraud

(1) A person who, with the intent to defraud or cheat makes or uses a false pretense to do 1 or more of the following is guilty of a crime punishable as provided in this section:

(a) Cause a person to grant, convey, assign, demise, lease, or mortgage land or an interest in land.

(c) Obtain from a person any money or personal property or the use of any instrument, facility, article, or other valuable thing or service.

330 Michigan Penal Code 750.279 Personal property; fraudulent disposition.

Fraudulent disposition of personal property—Whenever money, or any goods, wares or merchandise or other personal property, shall be delivered, committed or entrusted to, or put in charge of any person as agent with written instructions, or upon any written agreement signed by the party so instructed as agent, or such written instructions shall be delivered or such written agreement shall be made, at any time after delivery to such agent, of any money or goods, wares, merchandise, or other personal property, which instructions or agreements shall express the appropriation, purpose, or use to which such money shall be applied, or the terms, mode or manner of the application or employment of such money, or which shall express or direct the disposition or use to be made by such agent, of any goods, wares, merchandise or other personal property, so delivered or entrusted to such agent; if the person to whom any such money or goods, wares, merchandise or other personal property shall be so delivered, committed or entrusted, shall purposely and intentionally apply, appropriate, dispose of,

244 Michigan Penal Code 750.280 Gross frauds and cheats at common law.; convicted of any gross fraud or cheat at common law, shall be guilty of a felony

Any person who shall be convicted of any gross fraud or cheat at common law, shall be guilty of a felony, punishable by imprisonment in the state prison not more than 10 years or by a fine of not more than 5,000 dollars.

322 Michigan Penal Code 750.356 Larceny; property; penalties; total value of property stolen; enhanced sentence;

(1) A person who commits larceny by stealing any of the following property of another person is guilty of a crime as provided in this section:

(c) A book of accounts for or concerning money or goods due, to become due, or to be delivered.

(2) If any of the following apply, the person is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than \$15,000.00 or 3 times the value of the property stolen, whichever is greater, or both imprisonment and a fine:

(a) The property stolen has a value of \$20,000.00 or more.

337 Michigan Penal Code 750.362 Larceny by conversion

Larceny by conversion, etc.—Any person to whom any money, goods or other property, which may be the subject of larceny, shall have been delivered, who shall embezzle or fraudulently convert to his own use, or shall secrete with the intent to embezzle, or fraudulently use such goods, money or other property, or any part thereof, shall be deemed by so doing to have committed the crime of larceny and shall be punished as provided in the first section of this chapter.

331 Michigan Penal Code 750.363 Larceny by false personation.

Larceny by false personation—Any person who shall falsely personate or represent another, and in such assumed character shall receive any money, or other property whatever, intended to be delivered to the party so personated, with intent to convert the same to his own use, shall be deemed by so doing, to have committed the crime of larceny, and shall be punished as provided in the first section of this chapter.

332 Michigan Penal Code 750.367 Taking or injuring trees, shrubs, vines, plants.

Taking or injuring fruit, shade, ornamental trees, shrubs, vines, etc.—Any person who shall wrongfully take and carry away from any place any fruit tree, ornamental tree, shade tree, ornamental shrub, or any plant, vine, bush, or vegetable there growing, standing or being, with intent to deprive the owner thereof, or who shall without right and with wrongful intent, detach from the ground or injure any fruit tree, ornamental tree, shade tree, ornamental shrub, or any plant, vine, bush, vegetable or produce shall be deemed by so doing to have committed the crime of larceny and shall be punished as provided in the first section of this chapter.

325 Michigan Penal Code 750.411a False report of crime

(1) Except as otherwise provided in subsections (2) and (3), a person who intentionally makes a false report of the commission of a crime, or intentionally causes a false report of the commission of a crime to be made, to a peace officer, police agency of this state or of a local unit of government, 9-1-1 operator, or any other governmental employee or contractor or employee of a contractor who is authorized to receive reports of a crime, knowing the report is false, is guilty of a crime as follows:

86 Michigan Penal Code 750.422 Perjury committed in courts;

Perjury committed in courts—Any person who, being lawfully required to depose the truth in any proceeding in a court of justice, shall commit perjury shall be guilty of a felony, punishable, if such perjury was committed on the trial of an indictment for a capital crime, by imprisonment in the state prison for life, or any term of years, and if committed in any other case, by imprisonment in the state prison for not more than 15 years.

92 Michigan Penal Code 750.423 Perjury; penalty; "record" and "signed" defined. ; Michigan Penal Code

(1) Any person authorized by a statute of this state to take an oath, or any person of whom an oath is required by law, who willfully swears falsely in regard to any matter or thing respecting which the oath is authorized or required is guilty of perjury, a felony punishable by imprisonment for not more than 15 years.

(2) Subsection (1) applies to a person who willfully makes a false declaration in a record that is signed by the person and given under penalty of perjury.

93 Michigan Penal Code 750.424 Subornation of perjury.

Subornation of perjury—Any person who shall be guilty of subornation of perjury, by procuring another person to commit the crime of perjury, shall be punished as provided in the next preceding section.

91 Michigan Penal Code 750.425 Inciting or procuring one to commit perjury.

Inciting or procuring one to commit perjury—Any person who shall endeavor to incite or procure any person to commit the crime of perjury, though no perjury be committed, shall be guilty of a felony, punishable by imprisonment in the state prison not more than 5 years.

90 Michigan Penal Code 750.426 Proceeding when court reasonably believes perjury has been committed. ; commit such witness

Proceeding when court reasonably believes perjury has been committed—Whenever it shall appear to any court of record that any witness or party who has been legally sworn and examined or has made an affidavit in any proceeding in a court of justice, has testified in such a manner as to induce a reasonable presumption that he has been guilty of perjury therein, the court may immediately commit such witness or party, by an order or process for that purpose, or may take a recognizance with sureties, for his appearing to answer to an indictment for perjury; and thereupon the witness to establish such perjury may, if present, be bound over to the proper court, and notice of the proceedings shall forthwith be given to the prosecuting attorney.

318 Michigan Penal Code 750.529 Use or possession of dangerous weapon; aggravated assault; penalty - ROBBERY

A person who engages in conduct proscribed under section 530 and who in the course of engaging in that conduct, possesses a dangerous weapon or an article used or fashioned in a manner to lead any person present to reasonably believe the article is a dangerous weapon, or who represents orally or otherwise that he or she is in possession of a dangerous weapon, is guilty of a felony punishable by imprisonment for life or for any term of years.

242 Michigan Penal Code 750.535 (1) Buying, receiving, possessing, concealing, or aiding in concealment of stolen, embezzled, or converted property; shall not buy, receive, possess

(1) A person shall not buy, receive, possess, conceal, or aid in the concealment of stolen, embezzled, or converted money, goods, or property knowing, or having reason to know or reason to believe, that the money, goods, or property is stolen, embezzled, or converted.

243 Michigan Penal Code 750.535 (2) Buying, receiving, possessing, concealing, or aiding in concealment of stolen, embezzled, or converted property; guilty of a felony , 3 times the value of the property purchased

(2) If any of the following apply, a person who violates subsection (1) is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than \$15,000.00 or 3 times the value of the property purchased, received, possessed, or concealed, whichever is greater, or both imprisonment and a fine:

(a) The property purchased, received, possessed, or concealed has a value of \$20,000.00 or more.

- 336** Michigan Penal Code 750.535 Buying, receiving, possessing, concealing, or aiding in concealment of stolen, embezzled, or converted property
- (1) A person shall not buy, receive, possess, conceal, or aid in the concealment of stolen, embezzled, or converted money, goods, or property knowing, or having reason to know or reason to believe, that the money, goods, or property is stolen, embezzled, or converted.
- (2) If any of the following apply, a person who violates subsection (1) is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than \$15,000.00 or 3 times the value of the property purchased, received, possessed, or concealed, whichever is greater, or both imprisonment and a fine:
- (a) The property purchased, received, possessed, or concealed has a value of \$20,000.00 or more.
- 323** Michigan Penal Code 750.552 Trespass upon lands or premises of another; exception; violation; penalty; "process server" defined.
- (1) Except as otherwise provided in subsection (2), a person shall not do any of the following:
- (a) Enter the lands or premises of another without lawful authority after having been forbidden to do so by the owner or occupant or the agent of the owner or occupant.
- (b) Remain without lawful authority on the land or premises of another after being notified to depart by the owner or occupant or the agent of the owner or occupant.
- 88** Michigan Penal Code 761.1 Definitions - (d) "Indictment" means: State Penal Code
- (d) "Indictment" means 1 or more of the following:
- (i) An indictment.
- (ii) An information.
- (iii) A presentment.
- (iv) A complaint.
- (v) A warrant.
- (vi) A formal written accusation.
- 89** Michigan Penal Code 761.1 Definitions - (n) "complaint" means: State Penal Code
- (n) "Complaint" means a written accusation, under oath or upon affirmation, that a felony, misdemeanor, or ordinance violation has been committed and that the person named or described in the accusation is guilty of the offense.
- 13** Michigan Penal Code Perjury Act 328 of 1931 CHAPTER LXII - PERJURY
- PERJURY - state (whole)
- Section 750.422 Perjury committed in courts.

326 Michigan Penal Code. 750.145n Vulnerable adult abuse; first degree; second degree

(1) A caregiver is guilty of vulnerable adult abuse in the first degree if the caregiver intentionally causes serious physical harm or serious mental harm to a vulnerable adult. Vulnerable adult abuse in the first degree is a felony punishable by imprisonment for not more than 15 years or a fine of not more than \$10,000.00, or both.