James A. Krage and Patricia A. Krage
Sole Owners/Assigns of the Private Land at [redacted]
near Lakewood, California [90713]
[redacted]

November 14, 2016

George Bouwens, Charles Carter, Patrick McGuckian, City Attorney Steve Skolnik
Members of the Planning and Environment Commission: Ms. Stuckey, Ms. Manis,
Ms. McKinnon, Mr. Quarto, Mr. Samaniego, City Prosecutor Jamaar Boyd-Weatherby
"City of Lakewood", Inc ("City", hereafter)
5050 Clark Ave
Lakewood, CA 90712

# NOTICE OF APPEAL OF PLANNING AND ENVIRONMENTAL COMMISSION RESOLUTION 14-2016
# NOTICE OF ACTION UNDER COLOR OF LAW BY THE CITY:
## CITY HAS NO JURISDICTION TO ABATE A PRIVATE NUISANCE
## CONTINUED DEMAND FOR BILL OF PARTICULARS
## CHALLENGE OF SUBJECT MATTER JURISDICTION
## CLAIM TO ALL EXCLUSIVE SOVEREIGN ALLODIAL LAND RIGHTS

To our Public Servants at the Municipal Corporation called "CITY OF LAKEWOOD":

The Property at issue is at [redacted] Street, which is Private Property within the City's outer borders but not actually city property.

James A. Krage and Patricia A. Krage are sole owners of the Private Property at [redacted] Street. The City has no ownership or even easement interest on the Private Property.

We received a "Notice to Abate Nuisance" which set a Hearing Date for Thursday, November 3, 2016 7 pm to show cause why our private property should not be declared a "public nuisance". As we stated in our Notice of Defense and verbally at the hearing, "It is not a nuisance, but if it were, it would be a "private nuisance", not public." A "Private Nuisance" is a tort to be filed by the person offended, not the city. Only a "Public Nuisance" could be a crime that the City can abate.

THE COMMISSION DETERMINED THAT OUR PROPERTY IS NOT A PUBLIC NUISANCE

We thank the Commission for determining that our property was NOT a Public Nuisance at the Hearing held November 3, 2016. At the recommendation of City Attorney Steve Skolnik, the Commission chose to downgrade the wording in the Resolution from "Public Nuisance" to "Nuisance". It's obvious that the Pet Door in our Garage Door and the "Objets d'Art" in our back yard are not Public, their abatement is not a "Municipal Affair" on our Private Property, and there is no "substantial and unreasonable interference" condition on our property that could rise to the level of an "immediate threat" to the public health and welfare or even to 1 neighbor that would compel action by the City regarding abatement of the subject property and its attendant state of affairs.

THERE IS NO TRASH OR DEBRIS IN OUR YARD, ONLY "OBJETS D'ART"

We hereby deny that there is any trash or debris in our back yard or anywhere on our property. All objects in our yard have value and they are placed there as "Objets d'Art", which are artistic expressions protected by the 1st Amendment to the Constitution for the United States of America. Our Objets d'Art are not Nuisance of any kind to the Public, nor are they a Nuisance of any kind to any neighbor. Michael Downs has admitted that he is the complainant. Michael Downs is not our neighbor, but lives many miles away. Michael Downs' mother is our neighbor at [redacted] Michael Downs' mother has not complained to us about anything, and we get along fine with her,

and if fact are glad to help her whenever she needs us. There is no window at [redacted] that overlooks our back yard. To see our property from [redacted] a person has to go in the back yard and make an effort to look over the fence. If Michael Downs doesn't make an effort to go into his mother's back yard and look over the fence he can't be offended by our Objets d'Art.

THE PET DOOR IN OUR GARAGE DOOR IS NOT A NUISANCE TO ANYONE

We hereby deny that the 9 inch by 9 inch opening in our garage door that we have provided to our cat as a Pet Door is a nuisance to anyone, not to the public, not to any neighbor.

CITY HAS FAILED TO PROVIDE PROOF OF A NUISANCE PROVIDING A THREAT

The Burden of Proof is on the City to prove that there is a "substantial and unreasonable interference" condition on our property that could rise to the level of an "immediate threat" to the public health and welfare. The City has failed to provide any evidence of a "substantial and unreasonable interference" condition on our property that could rise to the level of an "immediate threat" to the public health and welfare. We have repeatedly requested such evidence and we requested a Bill of Particulars, which the City has refused to provide.

THE COMMISSION AGREED TO AMEND BECAUSE THERE IS NO PUBLIC NUISANCE

.**California Civil Code 3480** defines a Public Nuisance:

**Civil Code 3480**. "A public nuisance is one which affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal."

Count B of Section 5: **LMC 4323.I**: A pet door in a garage door, effectuated by deliberate removal of a 9 inch by 9 inch pane of glass from a 16-foot wide garage door, does not rise to the level of a Public Nuisance, because it does not affect a community or a neighborhood, and it is not a "substantial and unreasonable interference" condition on our property that could rise to the level of an "immediate threat" to the public health and welfare.

Count A of Section 5: **LMC 4323.C,1 and .**2: The Resolution complains of "Trash and Debris" in the rear yard. There is no Trash or Debris in our rear yard. There is a swingset, some exercise equipment, barbeque equipment, a few bicycles organized on racks, a few shovels, 2 childrens' playhouses, 2 small plastic enclosed storage chests, and a garden. Everything is organized as Objets d'Art that are pleasing to our eyes and we have a right to artistic expression protected by the 1st Amendment to the Constitution for the United States of America on our Private Property, which Privacy is protected by the 4th Amendment to the Constitution for the United States of America. Nothing in our back yard rises to the level of a Public Nuisance, because it does not affect a community or a neighborhood, and it is not a "substantial and unreasonable interference" condition on our property that could rise to the level of an "immediate threat" to the public health and welfare.

SOME MISCELLANEOUS COURT CITATIONS AS POINTS AND AUTHORITIES:

A municipality may not, either at common law or under statutory power, designate property use a nuisance by mere declaration, when in fact it is not. **City of Lake Forest v. Evergreen Holistic Collective, 138 Cal. Rptr. 3d 332** (Cal. App. 4th Dist. 2012), as modified, (Mar. 29, 2012) and review granted and opinion superseded, (May 16, 2012).

The existence of a nuisance cannot be predicated solely on violation of an ordinance, where the act prohibited is in itself indifferent and no duty exists apart from the ordinance. **Cook v. Normac Corp., 176 Md. 394**, 4 A.2d 747 (1939).

To be enjoinable as a public nuisance, an interference with collective social interests must be both substantial and unreasonable. M**onks v. City of Rancho Palos Verdes, 167 Cal. App. 4th 263**, 84 Cal. Rptr. 3d 75 (2d Dist. 2008), as modified on denial of reh'g, (Oct. 22, 2008)

and review denied, (Dec. 17, 2008).

A provision that the storage of abandoned junk including abandoned or junk motor vehicles is a nuisance is unconstitutional. The storage of abandoned automobiles may not be a nuisance per se but must be shown to be a nuisance on the basis of the danger to public health and welfare. **Kadash v. City of Williamsport, 19 Pa. Commw. 643**, 340 A.2d 617 (1975).

A public nuisance is one that injures the citizens generally who may be so circumstanced as to come within its influence. Whether an interference is unreasonable, in the public nuisance context, depends on whether the conduct involves a significant interference with the public health, the public safety, the public peace, the public comfort or the public convenience, or whether the conduct is proscribed by law. **Sinotte v. City of Waterbury, 121 Conn. App. 420**, 2010 WL 2036172 (2010).

A "public nuisance" is one which affects an entire neighborhood or community, while a "private nuisance" affects only a single person or a determinate **Yates v. Kemp, 979 N.E.2d 678** (Ind. Ct. App. 2012), transfer denied, 985 N.E.2d 338 (Ind. 2013).

A public nuisance consists of conduct or omissions which offend, interfere with or cause damage to the public in the exercise of rights common to all, in a manner such as to offend public morals, interfere with the use by the public of a public place or endanger or injure the property, health, safety or comfort of a considerable number of persons. **City of New York v. Smart Apartments LLC, 39 Misc. 3d 221**, 959 N.Y.S.2d 890 (Sup 2013).

City and state nuisance laws were not unconstitutionally overbroad; nuisance laws did not prohibit property owner from storing, accumulating, or parking his personal property or the property of others on his real property, rather, they prohibited owner from storing the property in a manner that constituted a nuisance. **City of Fargo v. Salsman, 2009 ND 15**, 760 N.W.2d 123 (N.D. 2009).

NOTHING IN OUR YARD IS INJURIOUS TO HEALTH, OR OFFENSIVE TO INTERFERE WITH ENJOYMENT WITHOUT EFFORT TO LOOK OVER A BACK YARD FENCE

**California Civil Code 3479** defines a Nuisance:

**Civil Code 3479**. "Anything which is injurious to health, including, but not limited to, the illegal sale of controlled substances, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin, or any public park, square, street, or highway, is a nuisance."

ANY NUISANCE THAT IS NOT A PUBLIC NUISANCE IS A PRIVATE NUISANCE

**California Civil Code 3481** defines that any nuisance that is not a Public Nuisance under 3480 is a Private Nuisance. (There is no other)

**Civil Code 3481**. "Every nuisance not included in the definition of the last section is private."

The Pet Door to the Garage and our Objets d'Art in our back yard are not injurious to health or indecent or offensive to the senses (especially when out of view behind a wall) or an obstruction to the free use of property, or obstructing free passage, so they are not a Nuisance of any kind.

THE CITY CANNOT USE ITS POLICE POWER TO ABATE A PRIVATE NUISANCE THAT IS NOT A HAZARD OF ANY KIND

The City has no Jurisdiction to abate a "Private Nuisance" in this situation, because it is not a "Municipal Affair".

**Civil Code 3494** allows the City to abate a Public Nuisance, not a Private Nuisance.

> **Civil Code 3494**. "A public nuisance may be abated by any public body or officer authorized thereto by law."

**Code of Civil Procedure 371** allows a neighbor to sue for a Nuisance or the City to abate a Public Nuisance, but it does not allow the City to abate a Private Nuisance.

> **Code of Civil Procedure 371** "An action may be brought by any person whose property is injuriously affected, or whose personal enjoyment is lessened by a nuisance, as defined in Section 3479 of the Civil Code, and by the judgment in that action the nuisance may be enjoined or abated as well as damages recovered therefor. A civil action may be brought in the name of the people of the State of California to abate a public nuisance, as defined in Section 3480 of the Civil Code, by the district attorney or county counsel of any county in which the nuisance exists, or by the city attorney of any town or city in which the nuisance exists."

When the Commission determined that there was NO Public Nuisance, but nonetheless approved a Resolution that our property was a Nuisance (without Public, it could at the most be a Private Nuisance), the Commission went beyond its Jurisdiction and acted under Color of Law.

I suggest that the City of Lakewood, Inc got terrible legal advice from both City Attorney Steve Skolnik and City Prosecutor Jamaar Boyd-Weatherby. They have allowed the City of Lakewood to act on, at the most, a Private Nuisance, which is a civil tort that the City has no Standing or Capacity or Jurisdiction to act upon because it is not a Municipal Affair.

I would suggest that your 2 bad lawyers study the Municipal Law Handbook ("MLH", hereafter). MLH Chapter 1, Section C "Constitutional Grants of Municipal Authority **§1.14"** delineates the 5 powers of a Municipal Authority: 1) Police Power, 2) Taxing Power, 3) Eminent Domain Power, 4) Public Works Power, 5) Corporate Power. It explains how Police Powers can only be exercised when there is a Health or Safety Hazard. Obviously, the Taxing Power, Eminent Domain Power and Public Works Power do not obtain here. When the Police Power can't be used, because there is no Health or Safety Hazard, then the City can only use its Corporate Power, which is limited to "Municipal Affairs". There is nothing on our property that is a Health or Safety Hazard that could allow the City's Police Power on our Private Property, and nothing on our Private Property can qualify for a "Municipal Affair" to allow the City to use its Corporate Power. Anything the City does without the Capacity to use its Police Power or its Corporate Power for a Municipal Affair is without Jurisdiction or Capacity, and it is acting outside the law or "Under Color of Law". Then it acts under "Color of Law", the Commissioners, Councilmen, and other agents can be sued in their individual capacities for acting under Color of Law as Civil Rights Violations of 42 USC 1983, and possibly in Conspiracy.

If the City pursues private Nuisance Abatement on our property, it will be acting under Color of Law, and could be sued for direct Civil Rights Violations under **42 USC 1983**, and perhaps acting in conspiracy.

There are no Hazards to Health or Safety, no "Pollution" of any kind; there is nothing "public" about our premises, and the City of Lakewood, Inc has no ownership interest or easement on our private property.

A "Public Nuisance" is like unto a crime, which the City can legally move to abate.

A nuisance that is not a "Public Nuisance" is by default a "Private Nuisance" to a neighbor, which is a Civil Tort that the City has no Standing, Capacity or Jurisdiction to be involved in.

The City needs to get an Attorney that understands the Law on Public Nuisance – the City Commission was ill advised by City Attorney Steven Skolnik at the Commission meeting on

November 3. When it was obvious that the Commission could not declare our property a Public Nuisance, City Attorney Steven Skolnik recommended just taking the word "Public" from the Resolution, to merely make the property a "Nuisance" instead of a "Public Nuisance". When the Commission approved making our property a "Nuisance" after determining that it was not a "Public Nuisance", its further action was under color of law, without Jurisdiction.

As stated in our Notice of Defense: "There is nothing that rises to the level of public nuisance or hazard to health or safety on our property. Any aesthetic opinion about our Objets d'Art are just private aesthetic opinion, not public."

"Public nuisance has been defined by H. Luntz, A.D. Hambly and R. Hayes, Torts Cases and Commentary, (1980) 826 as: "

"Some act or omission likely to affect the comfort or safety of people generally which is such as to amount to a criminal offence punishable at common law or by statute and which causes greater damage or inconvenience to the plaintiff than to the generality of the public."

As this definition indicates, unlike private nuisance, which is only a tort, public nuisance is like a crime. Trivial nitpicking about backyard chipped paint and Objets d'Art is not a public nuisance. Even the pet door in the garage door is not a public nuisance.

Cf. http://www.austlii.edu.au/au/journals/UWALawRw/1983/8.pdf

Michael Downs has personally told us that he has complained many times. Michael Downs does not live next to us and does not even appear to live in Lakewood, but rather Michael Downs lives elsewhere. He visits his mother occasionally at [redacted] in Lakewood, but he does not have to look over our backyard fence or be "aesthetically impacted" by the petty things he complains about. He can just stay home or not look over the fence. Michael Downs obviously believes he can dominate neighbors to enforce his wishes by using the City as a tool.

We feel that Michael Downs is harassing us through the City: the City is being used as a pawn for a petty Harasser. Michael Downs actually submitted a false report to the City that there was dog mess in our back yard next to his mother's property at [redacted]. Our dog is not released unsupervised into the back yard, and SEAC, in response to a complaint about dog mess in our back yard, requested an unannounced inspection of the property, where they found no dog mess and closed the complaint. SEACA returned a week later in response to a second unfounded complaint about our dog – the SEACA officer said it looked like harassment.

Although we are not on City Property, and the City has no Jurisdiction to give citations on our private land unless there is a Health and Safety Hazard or imminent danger to the public, which there is not, we have tried to cooperate with City Representatives over and over again. We have moved bicycles to less offensive areas, we have painted, we have planted more flowers, we have fertilized the grass more, we have cooperated in multiple ways, even though the City does not have jurisdiction on our private land to force us to obey citations or municipal codes.

We have worked with City Representative George Bouwens over and over again (and Tony before him), but he keeps coming back because of "another complaint".

I'm aware that this is not harassment triggered by the City, but harassment through the City by Michael Downs - but it is harassment nonetheless, and now Commission Actions are under Color of Law, without Jurisdiction over a Private Nuisance.

As I have seen Judges rule in many court cases – the items complained about on our property "do not rise to the level of public nuisance". They are petty nitpicking complaints about aesthetic judgments by a man that lives many miles away, and are not public nuisances.

So far, Michael Downs' complaints have been about petty things he appears to be annoyed by, such as a tiny 9x9 inch pet door, a few specs of chipped paint, a back-yard garden that he finds aesthetically unpleasing, a vehicle that he finds unpleasing, grass that is not as green as his mother's (after we were asked not to water, because we are in a drought? Perhaps they have overwatered?).

There is no health or safety hazard, only complaints about aesthetics. Michael Downs even lied to complain that our dog left messes near his mother's yard. The City contacted SEACA, and SEACA visited our property without notice and saw that there was no dog mess in either the front, side or back yards. This report of dog mess was a knowingly false report and should be punished. He is accelerating, and told us that he was going to complain to the County and the District Attorney, because he believes his tantrums so far have had little effect. Michael Downs is a retired L.A. Police Officer, that may at one time have worked in the Rampart Division. Everyone has heard of the Rampart Scandal, where 70 officers were said to have taken the law into their own hands and planted evidence, perjured themselves and done other wrong things against the law. Of the 70, enough evidence was only found to try 24, so the others may have gotten free of prosecution, despite wrongdoing. Anyone working at Rampart would probably have been tainted with that mentality of abuse of laws to achieve personal goals, and that seems to be the case with Michael Downs and our property.

There is no substantial nuisance that can possibly be public. There is no interference with public health, with public safety, with public morals, with public peace or with public convenience. Any of those so-called pollutants would be private, not public, if they existed, but they don't even exist. There is no "Municipal Affair" associated with our Private Property.

A private nuisance would be a civil matter, not a public nuisance.

To be considered "public", a nuisance must affect an interest common to the general public, rather than peculiar to one individual, or several. **City of Phoenix v Johnson, 51 Ariz 115** (1938), **Pennsylvania Coal Co. Mahon, 260 US 393** (1922), **Higgins v Connecticut Light & Power Co, 129 Conn. 606** (1943), **People v Brooklyn & Queens Transit Corp**, 258 App. Div 753, 15 N.Y.S.2d 295, (1939), affirmed 283 N.Y. 484, 28 N.E.2d 925, (1940).

The condition must unlawfully obstruct the public in the free use of public property (Black's Law Dictionary, Sixth Edition, at 1230).

In **In re Zorn, 59 Cal.2d 652**, 652 (1963), the California Supreme Court held that a barber shop was a public place, stating: "'public' has been defined as "Common to all or many; general; open to common use," "and" "Open to common, or general use, participation, enjoyment, etc.; as a "public Place," I,e,, 'common to all or manyl general; open to common use."

It is well established that the City has the legal burden to prove there is an "immediate threat" to the public health, welfare, and safety. The City must prove that the type of harm the public nuisance is allegedly causing is the type of harm that the City needs to protect the public from. Additionally, the type of harm must also be of a type where "substantial and irreparable harm" would be suffered were it not for the action of the City. Such a finding has not been presented nor has it been supported by the facts, evidence, or testimony presented.

> "It is said that even at common law a city or town has power to abate a public nuisance. Usually it has statutory power, vested in its governing body, to declare and abate public nuisances. [8] But neither at common law nor under such express power can it, by its mere declaration that specified property is a nuisance, make it one when in fact it is not." (14 A.L.R.2d § 8, p. 82.)". **Leppo v. City of Petaluma (1971) 20 Cal.App.3d 711** at page 718

> "While we have not found authority in California that states where the burden of proof lies, other jurisdictions have held that the municipality has the burden of proof of the nuisance and the necessity for its immediate abatement. (See **Solly v. City of Toledo, supra**, at p. 466; **Crossman v. City of Galveston, 112 Tex. 303** [247 S.W. 810, 815, 26 A.L.R. 1210]; **Lawton v. Steele, 152 U.S. 133**, 135 [38 L.Ed. 385, 388, 14 S.Ct. 499].)
> We feel that the reasoning of these cases should be applied here. Such conclusion is

consistent with the rule requiring the state to have the burden of proving
**Leppo v. City of Petaluma (1971) 20 Cal.App.3d 711** at page 718

**Civil Code section 3480** provides: "A public nuisance is one which affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal."

For the entire community to be affected by the Krage back yard, the back yard would have to be plainly visible by, or accessible to, the general public or contain a health or safety hazard.

**The Krage back yard is surrounded on all sides by a tall, vision obscuring fence. Members of the general public are not allowed into the Krage back yard. The Krage back yard was inspected by SEACA, and was found to be free of any health and safety hazards.**

In the Calif. Supreme Court case People ex. rel. Gallo v. **Acuna (1997) 14 Cal.4th 1090** at page 1104: "**Civil Code sections 3480 and 3481** divide the class of nuisances into public and private. A public nuisance is one which "affects at the same time an entire community or neighborhood, or any considerable number of persons."

**People ex. rel. Gallo v. Acuna (1997) 14 Cal.4th 1090** at page 1105, "To qualify, and thus be enjoinable, the interference must be both substantial and unreasonable."

**There is no condition on our property that causes substantial or unreasonable interference with the public interest or even of the interest of more than one neighbor. In fact the aesthetic preferences of Michael Downs do not trump our right to free expression with our Objets d'Art. Michael Downs is simply using the City to harass us with Petty Objections to areas that nobody else can see, where our personal Objets d'Art are free expressions of our personal preferences, which are protected by the 1st Amendment to the Constitution for the United States of American, on our private property, which has privacy rights protected by the 4th Amendment to the Constitution for the United States of American.**

In Echevarrieta v. Rancho Palos Verdes (2001) 86 Cal.App.4th 472:
Echevarrieta was ordered to trim a tree in his back yard that was over 16 feet high and obscured the public view. It was a public nuisance because it was viewable by the general public

Matthew Bender, Cal. Forms of Pleading & Practice, Ch. 391, "Nuisances", states:
"Defendant may assert First Amendment rights as an affirmative defense if the injunction sought would restrict freedom of expression. This defense is most likely applicable in cases involving ``moral nuisances'' [see, e.g., **People ex rel. Busch v. Projection Room Theater (1976) 17 Cal. 3d 42**, 58-59, 130 Cal. Rptr. 328, 550 P.2d 600 ]."

This would apply to our miscellaneous Objets d'Art which are protected by the First Amendment and Fourteenth Amendment, and by the "substantial and unreasonable interference" test in People ex. rel. Gallo v. **Acuna (1997) 14 Cal.4th 1090** at page 1105.

We have the right to Due Process, protected by the 5th Amendment to the US Constitution and Article 8. As it affects our right not to be deprived of life, liberty or property without due process of law, the City must satisfy the strict scrutiny test and show that the law it wished to apply was necessary to achieve a compelling government purpose. Even though the Municipal Codes appear to have a proper legislative purpose for the public property it was intended for, their application to us appears to single us out for unrelated reasons. (Selective Enforcement) The intent of government legislation is to protect the public from an identifiable harm affecting the public's

health, welfare and safety. The purpose of such law(s) was not to protect a private citizen from himself on his own property, but rather to protect the public. Those Codes as applied to us appear to have the effect of arbitrarily discriminating against us, thus violating our due process.

Under all applicable tests, there is no "substantial and unreasonable" condition on our property that could rise to the level of an "immediate threat" to the public health and welfare that would compel action by the City regarding abatement of the subject property and its attendant state of affairs.

A legislative body may not, under the guise of the police power, impose restriction that are unnecessary and unreasonable upon the use of private property or the pursuit of useful activities (**McKay Jewelers v Bowron**).

"A man's house is his castle" was written by the famous jurist Sir Edward Coke in 1628, and still applies today.

## LACK OF JURISDICTION OVER OUR PRIVATE PROPERTY

The Municipal Corporation called the "City of Lakewood" has no rights to our private property, nor do they or the County have any easement past the sidewalk. A Bill of Particulars is hereby requested and required to show evidence of authority on our Private Land and to state what agreement you believe we have with you. At this point, we give you Notice that you are acting under color of law without any legal right to enforce municipal codes on our private property without any imminent danger to health and safety of the public.

Although you have no Legal Authority to issue any Notice of Violation of any Municipal Code on our Private Land, we also dispute your wrong evaluation of our Objets d'Art in violation of our Unalienable God-give right to Free Expression, further protected by the First Amendment to the Constitution for the united States of America and by the California Constitution. Your bogus allegations are actually ridiculous in themselves. you are acting as a "Nanny State" without Authority for minor paint chips or the window opening in the garage door for our cat. Again, you are acting under color of law without legal authority to try to enforce your aesthetic preferences on our Objets d'Art on our Private Land, and, if you do not Cease and Desist, we may feel forced to take legal action against your personally for acting under color of law without authority to threaten us.

James Krage and Patricia Krage are Assigns of the 1784 Spanish Land Grant of Rancho Los Nietos to Manuel Nieto and Assigns, Assigns of the 1834 Mexican Land Grant of Rancho Los Cerritos to Manuela Cota, daughter of Manuel Nieto, and Assigns, both of which were specifically honored by the 1848 Treaty of Guadalupe Hidalgo and its Protocol of Queretaro, which was further confirmed by the Act to Ascertain and Settle the Mexican Land Claims in California, passed May 3, 1851.

Further, James Krage and Patricia Krage are Assigns of the 1867 US Land Patent to John Temple and Assigns, which Quit-Claim transferred the sovereign allodial land ownership rights, title, interest, use and control directly from the United States [government] to John Temple and his Assigns, and confirmed the Spanish and Mexican Land Grants, without any such rights, title, interest, use, or control being transferred to any town, city, county parish or state.

Specifically, the Municipal Corporation that calls itself the "City of Lakewood" ("City", hereafter) has no such sovereign allodial land ownership rights, title, interest, use and control on this private land named as [redacted] near Los Angeles County.

We, James and Patricia Krage, are sole owners/assigns of the private land described in the 1951 Grant Deed recorded on [redacted] in the Los Angeles County Recorder's Office, with the Legal Description in that Grant Deed of [redacted] as per

map recorded in Book 375 Pages 33, 34, 35, 36 of Maps, in the office of the County Recorder of Los Angeles County, California and in later recordings.

Provide proof if you believe you are our public servant acting as agent for the Trustee for the Public Trust that we the People are both Executors and Beneficiaries of, within the restrictions of a government entity that is a republican form of government required under Article 4 of the Constitution for the United States of America: "The United States shall guarantee to every State in this Union a Republican Form of Government".

We assure you that our private land is not City land, and the City has no jurisdiction on our private land. If the City wishes to claim jurisdiction on our private land, we require Proof of Claim with Proof of Jurisdiction in a Bill of Particulars before the Hearing, and to accompany any future presentment.

We choose not to contract with the Municipal Corporation named the "City of Lakewood" except for the water and trash services that they have a monopoly on.

The above is our Claim of sovereign allodial land ownership rights, title, interest, use and control on this private land named as [redacted], and that the City has no such sovereign allodial land ownership rights, title, interest, use and control on this private land named as [redacted] and that the City has no in Rem Jurisdiction on this private land. If the City does not refute this claim with a proof of claim within 10 days, the City will default and that default will be deemed as acceptance of our claims, and preclude the City from making any claim to in rem jurisdiction or land rights on this private land in the future.

We have requested multiple times before, and hereby request again a "Bill of Particulars" and request Proof of Jurisdiction "Quo Warranto". The City has repeatedly refused our requests.

If plaintiff fails to furnish a bill of particulars after adequate demand is made or if plaintiff furnishes an inadequate bill and furnishes no supplemental bill after demand is made, a motion to exclude evidence relating to the items demanded in the bill of particulars should be granted if made in a timely fashion prior to trial (**Burton v. Santa Barbara Nat'l Bank (1966) 247 Cal. App. 2d 427**, 433, 55 Cal. Rptr. 529).

This is Notice to Cease and Desist your threats under Color of Law or force us to seek remedy under **42 USC 1983** for actions under color of law, and other laws.

We plan to issue Press Releases showing your illegal actions under color of law for petty harassment complaint, and may also seek co-plaintiffs for Class Action lawsuit to stop Cities from acting under Color of Law in similar circumstances. Someone needs to bring this kind of issue up on appeal, to the Supreme Court, if necessary to stop petty harassment of this kind by Cities.

We have severely limited income and have requested a waiver of the $300 Fee because it would be a hardship, but we were told that the City will not allow any waiver of Fees and will not accept our Appeal without the Fee at time of Application. We are therefore submitting this Appeal with Payment under Protest with extreme hardship.

Best Regards: [redacted]