



**LAW OFFICES OF SILVA, NAIDU, TANGAVELU CHAOUI  
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*(A Tribal Law Corporation under Section 17, Indian Reorganization Act of  
1934, committed to granting tribal jurisdiction to those who qualify as  
separate sovereigns)*

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**Wheeler-Howard Act, June 18, 1934 (The Indian Reorganization Act)**

An Act to conserve and develop Indian lands and resources; to extend to Indians the right to form business and other organizations; to establish a credit system for Indians; to grant certain rights of home rule to Indians; to provide for vocational education for Indians; and for other purposes.

("It is in the main, a measure of justice that is long overdue." – President FDR.

"An Indian nation possesses in the first instance all of the powers of a sovereign state. Those powers that are lawfully vested in an Indian nation are not, in general, delegated powers granted by express acts of Congress, but rather inherent powers of a limited sovereignty that has never been extinguished. This sovereignty preexisted the formation of the United States and persists unless diminished by treaty or statute or, in certain instances, by federal common law. Because of their retained sovereignty, the tribes have a "government-to-government relationship" with the United States. (*The Handbook of Federal Indian Law* by Felix S. Cohen, p.2)

- *USEFUL HINTS TO RECOVER YOUR MONEY IF YOU HAVE LOST HOMES TO FORECLOSURE/EVICTIONS;*
- *THOSE FACING FORECLOSURE WITHOUT NOTICE OF EVICTION POSTED AS YET;*

- *THOSE WHO ARE CURRENT IN THEIR MORTGAGE PAYMENTS, YET WISH TO EXTINGUISH THEIR MORTGAGES*
- *THOSE FACING CRIMINAL CHARGES AND PROSECUTIONS*

*(By Judge Navin-Chandra Naidu, Aug.16, 2014)*

1. It is an undeniable fact in the United States that almost all homebuyers are totally ignorant or unaware of their homeowner rights, or lack thereof, in the **Sale & Purchase Agreement (SPA)** which is the very first contract entered into between the Seller and the Homebuyer. The controlling law under which the SPA is concluded is the **Real Estate Settlement Procedures Act (RESPA)** which really only stipulates the fees and costs associated with the sale of the real estate property. It contains no disclosures, caveats, warnings, or rights and immunities for the Homebuyer who has expended his/her valuable consent by a signature and a down-payment.

The SPA has three crucial elements. *First*, it is a confession of judgment (cognovit note) that triggers a Trustee sale at the moment of default. This is a violation of the Due Process Clause of the **Fourteenth Amendment**. This defect also aids and abets the non-judicial foreclosure proceedings in a state court which requires only the signature of the Clerk of the Court, not a sitting judge. (Further injury and insult is assured by, for example, with **Section 2924 of the California Civil Code** which does not require a foreclosing agent to evidence actual physical ownership of the mortgage note! Other States have unconstitutional laws, too, that favor foreclosing/evicting brigades.)

*Second*, the SPA is a deed of trust with *no rights to title*.

*Third*, it is a Security Instrument which allows the seller, speculators, investors and holders in due course (the parties that purchase your mortgage note with whom you have no contract) to bundle mortgage-backed securities and earn hundreds of millions of dollars with no profit, benefit or advantage to the homebuyer(s). When you check the **Pooling & Servicing Agreement** and **Master Loan Schedule**, both public documents, through a mortgage

securitization analysis and report, you will discover how much you lost out in the profits that you are eligible for conveniently omitted in the SPA. ***For example, a \$700,000.00 (seven hundred thousand dollar) home fetched \$800 million. NO profit-sharing with the homebuyer(s) who signed away their rights during the SPA phase!***

2. The 20 states that are considered deed of trust states are: Alaska, Arizona, California, Colorado, Idaho, Maryland, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, Oregon, Tennessee, Texas, Utah, Virginia, Washington and West Virginia along with the District of Columbia. All other states use mortgages to secure debts except Georgia, which uses a security deed and Connecticut which uses a mortgage deed.

**FIGHTING FORECLOSURE FEARLESSLY, FIRMLY AND FAIRLY  
AS AN ENROLLED TRIBAL MEMBER – GET YOURSELF OUT OF  
THE EXISTING SYSTEM AND JURISDICTION:**

*The United States Supreme Court has vigorously agreed, decided and declared that a Tribe's right to define its own membership is sacrosanct because the US government has recognized the fact American Indian tribes and the Kingdom of Hawai'i Nationals are inherently sovereign. Blood quantum is not required. You can become a card-carrying Enrolled Tribal Member (ETM), and enjoy the benefits (court appearances only in tribal courts, taxation, educational, travel, employment, etc) of an ETM in a new jurisdiction.*

3. If in the Hawaiian Islands, as a native Hawaiian tribal member, you are entitled to initiate a lawsuit in the Kingdom of Hawai'i ***tribal court*** under, Article XII, Section 7, of the Hawaii Constitution that recognizes native title. **The lender banks CAN NEVER PROVE superior title (*ahupua'a*). Fee simple is inferior and is a component of rubbish law. Property taxes are not due to the State of Hawai'i.** If they (the lender bank or holder in due course) do not respond, the tribal court issues you a money judgment which can be factored, securitized or sold overseas under the **Uniform Foreign Money-Judgments Recognition Act**. Judgment awards are for a minimum of \$10 million. After factoring, the Homebuyer should and can expect at least **3-4 million dollars**. This has been an ongoing practice for many years now.

3. If in continental America, as a tribal member, we can sue on your behalf at the **Cherokee Nation tribal court**. Every inch of land and soil in continental America is in Indian country, 18 United States Code, § 1151. *UNLESS Congress extinguished customary native title, these lenders and banksters, foreclosing and evicting monkeys will NOT be able to evidence valid good and superior title.*

**You don't have to pay property taxes to the State if they cannot prove possession of valid title. There is no way the Tax Assessor can prove conveyance of Indian title into fee simple because it never happened. It only happened because the government said so ! Recall the *Credit River Case* in 1969 between Attorney Jerome Daly and the First National Bank of Montgomery, Minnesota. Daly proved that the plaintiff bank provided no consideration except for a bookkeeping entry which created money from thin air! The mortgage was deemed null and void. Daly proved the fraud, and saved his house from foreclosure.**

4. **Tribal courts** deserve full faith and credit since they are the court of an independent sovereign (Wis. Stat. § 806.245) ; in order to end confusion cases filed in state or tribal courts require mutual consultation. *Teague v. Bad River Band*, 236 Wis.2d384 (2000). According to the Restatement (Second) of Conflicts § 86, when courts of separate sovereigns both have jurisdiction over the same matter, the court **first rendering judgment** is commonly entitled to have its judgment receive full faith and credit by the other jurisdiction.

5. The U.S. Supreme Court held that the historical failure of the tribe to execute its powers **did not** bar a modern tribal assumption of jurisdiction in constituting a tribal court. It upheld exclusive jurisdiction of tribal courts and stating that such exclusive jurisdiction is justified because it is intended to benefit the Indians by furthering the congressional policy of Indian self-government. *Fisher v. District Court*, 424 U.S. 382 (1976) (Applicable to Native Hawaiians and Alaska Natives as well).

6. The United States Supreme Court, in a case decided in 1985 recognized the **jurisdiction** of tribal courts over lawsuits that involved non- **tribal members**. In *National Farmers Ins. Cos. v. Crow Tribe*, 471 U.S. 845 (1985), the Supreme Court ruled that any challenge to the jurisdiction of a tribal court had to first be presented to the tribal court; and, in 1997, in *Basil*

*Cook Enterprises Inc. v. St. Regis Mohawk Tribe*, 117 F. 3rd 61 (2d Cir. 1997), the US Court of Appeals for the Second Circuit applied this doctrine to uphold a challenge against the St. Regis Mohawk Tribal Court.

***Large numbers of litigants can make a huge difference.***

7. Wall Street owns Congress that make laws that favor the super-rich, powerful and influential who give away billions in campaign contributions. That's America. The jobber is just another slave whose signature is a consent. Be careful what and when you sign!! America is all about promise to pay built largely and solely on *credit*. Even our paper money is *unconstitutional* (check out Article 1, section 8, clause 5 & Article 1, section 10, clause 1, U.S. Constitution). See 31 United States Code, Section 5112 (real money is not paper money, only gold and silver Coin); check 26 Internal Revenue Code, Section 165(g) (worthless securities); see Public Law 90-269, Public Law 90-348, Public Law 95-147, Public Law 94-564. All this proves the fraud perpetrated by worthless paper money. That's why we went off the gold standard - to make the US dollar (paper money) almighty.

*If we have large numbers of litigants, THE KINGDOM OF HAWAII LAW OFFICES AND THE CHEROKEE NATION LAW OFFICES are willing to offer an affordable package for tribal membership and litigation fees.*

**8. PLEASE NOTE:** Tribal court money-judgments can be issued within 30 days. If the banksters refuse to acknowledge a federal tribal court's money-judgment, just as well. We will sell these money judgments in Hong Kong for say 40 cents on the dollar, which means you can end up with about 4 million dollars. Each judgment is for a minimum of ten million dollars. Our Hong Kong Partners are conducting ongoing collections activity.

The Hong Kong collections' banks uses the Uniform Foreign Money-Judgments Recognition Act 1963 to collect from the Federal Depository Insurance Corporation (FDIC), Lloyds of London, or any other private insurance firm that is the underwriter for these lenders. **Collections of Money-judgments can take as long as 365 days.**

**The FDIC is expected pay at least ten million dollars per property per money-judgment quantum, and then obtain a tax credit for twenty million dollars !! Business as usual, Wall Street fashion.**

9. For those still paying the mortgage, or staving off foreclosure while being pressured to do a loan-modification, or short-sale, your ETM status will be useful in fighting the lenders/mortgage servicers in state or federal courts where we raise federal Indian law issues which federal courts look upon very favorably because Indian tribes are “domestic dependent wards.”

**Send us an email at [truthjustice1950@yahoo.com.ph](mailto:truthjustice1950@yahoo.com.ph) for a detailed discussion on a case-by-case basis.**

Native American History, Rights, Issues of Sovereignty, Constitutional Status, etc., can be gleaned from sources such as:

- ~ *Indian Land Cession in the United States* – by Charles C. Royce
- ~ *Genocide-at-Law: A Historic and Contemporary View of the Native American Experience*, 34 U.Kan.L.Rev.713 (1986)
- ~ *A Bibliographic Guide to the history of Indian-White Relationship in the United States* (Univ. Chi. Press 1977) – by Francis Paul Prucha
- ~ *A History of the Indians of the United States* (Univ. Okla. Press, 1970) by Angie Debo
- ~ *Sources of American Indian Law*, Panel, 67 Law Libr. J. 494 (1974)
- ~ *Chronology of Native American History: from Pre-Columbian Times to the Present* (Duane Champagne ed., Gale Research, Inc. 1994)
- ~ *Timelines of Native American History: Through the Centuries with Mother Earth and Father Sky* (A Pedigree Book 1997) by Susan Hazen-Hammond
- ~ *In the Hands of the Great Spirit: The 20,000 Year History of American Indians* (Free Press 2003) by Jake Page
- ~ *Early American Indian Documents, Treaties and Laws, 1607-1789* (Alden T. Vaughan & Deborah A. Rosen eds., Univ. Publications 1998).
- ~ *Indian Affairs: Laws & Treaties* (Charles J. Kappler ed. GPO 1904-1941) (5 Vols.)
- ~ *Indian Law and the Reach of History*, 4 J. Contemporary L. 1, 1-13 (1977-1978) by Vine Deloria Jr.,
- ~ *Indian Law and Policy: A Historian's Viewpoint*, 54 Wash. L. Rev. 475 (1979)
- ~ *Original Indian Title*, 32 Minn.L.Rev.28, 46 (1947)
- ~ *The Spanish Origin of Indian Rights in the Law of the United States*, 31 Geo. L.J. 1, 1-2 (1942)
- ~ *The American Indian in Western Legal Thought: The Discourses of Conquest 13* (Oxford Univ. Press. 1990) by Robert A. Williams, Jr.
- ~ *De Indis et de Iure Belli Relectiones 115-128* (Ernest Nys ed., J. Bate trans., Carnegie Institution 1917) (orig. ed. 1557), by Franciscus de Victoria
- ~ *The Laws of Burgos of 1512-1513: Rights of Native Inhabitants in the Western Hemisphere* (L. Simpson trans., John Howell Books, 1960)



- ~ *They Came Here First* 122 (Harper & Row rev. ed. 1975) by D'Arcy McNickle
- ~ *In Defense of the Indians* (S. Poole trans., N. Ill. Univ. Press 1975) by Bartolome de Casas
- ~ Hugo Grotius, *The Law of War & Peace* 397 (Classics of International Law ed. 1925) (Francis W. Kelsey, trans., 1946 ed.) quoted in S. James Anaya, *Indigenous Peoples in International Law* 12 (Oxford Univ. Press 1996)
- ~ Emmerich de Vattel, *The Law of Nations, or the Principles of Natural Law* 116 (Classics of International Law 1916) (Charles G. Fenwick trans. Of 1758 ed.)
- ~ *Red Man's Land/White Man's Law* 29 (Charles Scribner's Sons 1971) by Wilcomb Washburn.
- ~ *Dutch Treatment of the American Indian, With Particular Reference to New Netherland*, in *Attitudes of Colonial Powers Toward the American Indian* 47 (H. Peckham & C. Gibson eds., Univ. Utah Press 1969)
- ~ *Puritan Justice and the Indian: White Man's Law in Massachusetts 1630-1763* at 50 (Wesleyan Univ. 1986)
- ~ *The Dark Side of Efficiency: Johnson v. M'Intosh and the Expropriation of American Indian Lands*, 148 U. Pa. L. Rev. 1065, 1077 (2000).
- ~ *Power Over this Unfortunate Race: Race, Power and Indian Law in United States*. Rogers, 45 Wm. & Mary L. Rev. 1957, 2026, 2029 (2004)
- ~ *At the Whim of the Sovereign: Aboriginal Title Reconsidered*, 31 Hastings L.J. 1215, 1224-1225 (1980)
- ~ *The Handbook of Federal Indian Law*, Felix S. Cohen