

## Notice of Maladministration and Unlawful Trespass of Guaranteed Rights

Notice to Agent is Notice to Principal and Notice to Principal is Notice to Agent

I, Joseph Dennis Divosevic Jr., one of the People (as seen in Pennsylvania Constitution Article I Section II), republican in form, *Sui Juris*, do Notice you Uday Palled, Robert Max Junker, Arvind Venkat, and Devlin J. Robinson this that you may provide immediate due care.

**Please take Notice** that we the People have assembled, learned, and become aware of our authority regarding the regulation of government servants.

**Please take Notice** that the Franklin Park Borough, Allegheny County, Pennsylvania **adoption of the amendment to chapter 184 of the borough code Subdivision and Land Development** is maladministration of government and a trespass on the People's guaranteed Right to Property. (See authorities below):

**Please take Notice** that borough administrators have no authority to interfere with the People's Right to Property, nor are they able to endanger the People of Franklin Park Borough, Allegheny County, Pennsylvania with maladministration. (See authorities below):

**Maxim: IIb.** The derivative power cannot be greater than the original from which it is derived. Noy, *Max.*; *Wing. Max.* 66; Finch, *Law*, b. 1, c. 3.

**Please take Notice** that Black's Law Dictionary (4<sup>th</sup> ed) defines maladministration as "wrong administration."

**Please take Notice** that the People have a guaranteed and absolute Right to Property, which includes the liberty to acquire, maintain, and use for their benefit and good, and there can be no rule, policy, plan, or the like that goes against the Right of the People, without our express written consent. (see evidence below):

**Miranda v. Arizona, 384 U.S. 436 (1966) page 491**

"Where Rights secured by the Constitution are involved, there can be no rule making, or legislation which would abrogate them."

**Please take Notice** that writing ambiguous policies like **the adoption of the amendment to chapter 184 of the borough code Subdivision and Land Development**, but not limited to this, has nothing to do with the common Rights of the People, derivative from the common law, that you swore as Trustees to protect as a condition for receiving employment as the People's servants. The comprehensive plan expresses the objective to alter land use, change the People's customs and historical understanding in Franklin Park Borough, and aligns governing objectives.

**Please take Notice** that you do not have the constitutional power, or authority to do any of these things.

**Maxim: 91aa.** No one can grant or convey what he does not own. *Seymour v. Canandaigua & N.F.R. Co.*, 25 Barb. (N.Y.) 284, 301. *Fassett v. Smith*, 23 N.Y. 252.

**Please take Notice** as "The People", we understand that you don't dictate Property use, acquisition, development, distribution, zoning, or classifications. You may have enjoyed attorney's opinions expressing your power to make this decision, or third party consultants whose job it is to persuade and convince you that this is for the public good, but the People are now educated and are no longer willing to acquiesce to their Servant's actions contrary to the Pennsylvania Constitution, or the free use of guaranteed Rights.

**John Locke, "Two Treatises of Government" (I, §126)** – "Tis true, the civil lawyers have pretended to determine some of these cases concerning the succession of princes; but by our author's principles, they have meddled in a matter that belongs not to them."

**Please take Notice** that Trustees, just by considering this and other policies, commit maladministration as it works against the fundamental principles of law and the guarantees of the Pennsylvania Constitution. (See evidence below):

**Pennsylvania Constitution Article I Section I – Inherent Rights of Mankind**

“All men are born equally free and independent, and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness.”

#### **Pennsylvania Constitution Article I Section II – Political Powers**

“All power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety and happiness. For the advancement of these ends they have at all times an inalienable and indefeasible right to alter, reform or abolish their government in such manner as they may think proper.”

#### **Pennsylvania Constitution Article I Section VI – Trial by Jury**

“Trial by jury shall be as heretofore, and the right thereof remain inviolate. The General assembly may provide, however, by law, that a verdict may be rendered by not less than five-sixths of the jury in any civil case.”

#### **Pennsylvania Constitution Article I Section VIII – Security from Searches and Seizures**

“The people shall be secure in their persons, houses, papers and possessions from unreasonable searches and seizures, and no warrant to search any place or to seize any person or things shall issue without describing them as nearly as may be, nor without probable cause, supported by oath or affirmation subscribed by the affiant.”

#### **Pennsylvania Constitution Article I Section XI – Due Course of Law**

: All courts shall be open; and every man for an injury done him in his lands, goods, person or reputation shall have remedy by due course of law, and right and justice administered without sale, denial or delay.”

#### **Pennsylvania Constitution Article VI Section III – Oath of Office**

“Senators, Representatives and all judicial, State and county officers shall, before entering on the duties of their respective offices, take and subscribe the following oath or affirmation before a person authorized to administer oaths. "I do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States and the Constitution of this Commonwealth and that I will discharge the duties of my office with fidelity." The oath or affirmation shall be administered to a member of the Senate or to a member of the House of Representatives in the hall of the House to which he shall have been elected. Any person refusing to take the oath or affirmation shall forfeit his office.”

#### **Constitution of the United States Article IV Section IV – Republican Form of Government**

“The United States shall guarantee to every state in this union a republican form of government and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.”

**Maxim: 90a.** When anything is prohibited directly, it is prohibited also indirectly. *Co. Litt.* 223.

**Please take Notice** that the People understand your limited powers granted in the Pennsylvania Constitution in regards to Property and to a republican form of government, and would like to believe that you are not presenting **the adoption of the amendment to chapter 184 of the borough code Subdivision and Land Development**, and other codes, ordinances, policies, etc. as an attempt to block the People’s free enjoyment of Property. Privacy, or the genius of free government.

**Please take Notice** that, as the People, we recognize that you can’t use power against the People’s guaranteed Rights, nor can you make a rule that would infringe against the Right of the People or the sovereign powers that delegated you authority. It is understood that you may have had an oversight, that this and other amendments trespassed the Rights of the People you serve, but now you have Notice and the expressed will of the People.

**Please take Notice** that a failure to immediately reject, terminate and remove any and all considerations to **the adoption of the amendment to chapter 184 of the borough code Subdivision and Land Development**, or any plan that alters, or intends to alter, land use or the enjoyment of Property by the People will be considered a transgression against the People of the highest degree.

**Please take Notice** that the People reserved for themselves the power of initiative, which secures the People's power to make law in the Borough, County. No judge, commissioner, governor, or legislative body can stop the People's exercise of initiative.

**Please take Notice** that the People can use the initiative to abolish government, revoke powers, and construct law so long that is not repugnant to the Constitutions. The People can take away all of the Borough, County's power if we choose. (See evidence below):

### **Pennsylvania Constitution Article I Section XXV – Reservation of Powers in People**

To guard against the transgressions of the high powers which we have delegated, we declare that everything in this article is accepted out of the general powers of government and shall forever remain inviolate.

**Please take Notice** that Black's Law Dictionary (4<sup>th</sup> ed) defines initiative as: "the power of the People to propose bills and laws, and to enact or reject them at the polls, independent of legislative assembly."

**Maxim: 48t.** "He who has a right to give has the right to dispose of the gift." *Wing. Max.* 53; 2 *Coke*, 71; *Broom, Max.* 459, 461.

**Maxim: 70f.** "He who owns the soil has it even to the sky." *C.L.M.; Co. Litt.* 4a.

**Maxim: 70m.** "The situation and productiveness of the soil constitutes the value of the land." *West River Bridge v. Dix*, 6 Howard (47 U.S.) 507, 537.

**Maxim: 70n.** "The owner of a piece of land owns everything above and below it to an indefinite extent." *Co. Litt.* 4; 9 *Coke*, 54; *Shep. Touch.* 90; 2*Bl. Comm.* 18; *Broom, Max.* 395; 2 *Bouv. Inst.* nn. 15, 70.

**Maxim: 70w.** "Land comprehends any ground, soil, or earth whatsoever; as meadows, pastures, woods, moors, waters, and marshes." *Co. Litt.* 4a.

### **Pennsylvania Constitution Article I Section XX – Right of Petition**

The citizens have a right in a peaceable manner to assemble for their common good, and to apply to those invested with the powers of government for redress of grievances or other proper purposes by petition, address or remonstrance.

**Please take Notice** that it is the will of the People, that all officers and Trustees take action to prevent the maladministration and harms that would take place by enacting destructive plans, such as **the adoption of the amendment to chapter 184 of the borough code Subdivision and Land Development.**

**Please take Notice** that rejecting **the adoption of the amendment to chapter 184 of the borough code Subdivision and Land Development** benefits the People, secures our Rights, and demonstrates genius government. Failure to reject the comprehensive plan is evidence of maladministration and hostility towards the People's expressed will and contrary to the fundamental principles of law.

**Please take Final Notice** that if you believe I am wrong in the law, then you may submit a sworn affidavit within five (5) days showing the constitutional provision that authorizes you to enact **the adoption of the amendment to chapter 184 of the borough code Subdivision and Land Development** and other codes, ordinances and statutes (which are inferior to both the Commonwealth of Pennsylvania and the United States Constitutions) or, by tacit acquiescence, you agree to all statements herein and this Notice shall stand against you in all courts of record and no court may rehear this matter. This notice is sent in the love and peace of Jesus Christ, so that you and your agents, by necessity, may provide due care as the People restore this great republic.

**Maxim of Law: "Judicial notice is a form of evidence." Mann v. Mann, 172 P. 2d 369, 375, 76 Cal. App. 2d.**

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