

*Authorized Person/Relator*  
Dean Marshall Spencer  
General Delivery  
Pleasant Grove, Utah state [84062]



Paul-Kenneth: Cromar. <sup>TM</sup>  
- Executor of the name ©“PAUL KENNETH CROMAR”, and,  
Barbara-Ann: Cromar. <sup>TM</sup>  
- Executrix of the name © “BARBARA ANN CROMAR”  
c/o 9870 N. Meadow Drive  
Cedar Hills, Utah state: uSA [84062]

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IN THE UTAH COURT OF APPEALS

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Dean Marshall Spencer,  
Authorized Person Relator

Paul-Kenneth: Cromar, the man, and,  
Barbara-Ann: Cromar, the woman

Thomas Fairbanks,  
Authorized Person |

applicants / complainants

vs.

Judge Christine Johnson,  
Magistrate Anthony Howell,  
Judge Darold McDade, et al.  
Utah County Sheriff Mike Smith  
American Fork PD Darren Falslev  
Utah County Attny David O. Leavitt  
Attorney Jared Perkins, et al.

**ANSWER TO RESPONSE**  
**AND AMENDMENT TO**  
**APPELLATE CASE NO(s)**

**20220593 - CAs**  
**20220594 - CA**

AMENDMENT TO USA (COPPER BIRCH)  
v. CROMAR CASE # 2:17-CV-0123-RJS

AMENDMENT TO COPPER BIRCH v.  
CROMAR CASE # 200400972

65B(a) Remedy (No Remedy is Available  
(See Vexatious Litigation Order)

65B(b) (Wrongful Use Of Judicial Authority  
Or Failure to Comply With Duty)

Judge Kraig J. Powell  
Judge Robert Lund  
Judge James M. Brady, et al.  
Attorney Nathan S. Dorius  
Attorney Andrew V. Collins

Judge Lynn W. Davis  
U.S. Solicitor General

US Chief Judge Robert J. Shelby  
DOJ/IRS attny Ryan Watson, et al.,

US District Judge Timothy DeGuisti  
US Attorney John Huber  
US Asst. Attny John Mangum

US District Judge David B. Barlow  
Magistrate Daphne Oberg  
Asst. Utah AG Heather Chesnut  
Utah Attorney General Sean D. Reyes

Defendants

(b)(2) (Commencement ... Court In District  
In Which Petitioner is Restrained – (See Initial  
65(B) Complaint Unanswered And Un-ruled  
On - Denied - No Remedy - No Relief)

(d)(2)(A) (Abuse Of Process) For An inferior  
Court, Administrative Agency Or Officer  
Exercising Judicial Function Has Exceeded  
Or Abused Its Discretion

(d)(3) (Proceeding On Petition) The Court may  
also Grant ... Rule 65(A) Injunctions – See Initial  
Pleading With Appeals Court

URAP Rule 19(A) (Petition For Extraordinary  
Writ To A Judge...) “An Application For  
Extraordinary Writ Referred To In 65(B),  
URCP Directed To A Judge... To The  
Appellate Court Clerk” **Correct Amended  
Copy To Chief Justice Matthew B. Durrant  
Utah State Supreme Court**

Merged Civil Action Ties With  
Cromars Criminal Case  
(In Violation Of Utah Code 68-3-4 Civil  
And Criminal Remedies Not Merged);

(Applicable to Provo Cases 201402860 & 68)

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**URAP RULE 19(a) PETITION FOR  
EXTRAORDINARY WRIT TO A JUDGE**

Dean Marshall Spencer, Authorized Person, in behalf of Allegedly Disabled of the above said Cromars, a living man and woman - Applicants (See Response Stacey R. Haacke, Addendum "C" Vexatious Litigants Order) applies to the Appellant Court Clerk under Rule 19(a) addressed to Chief Justice Matthew B. Durrant with this answer to the response by and through Counsel Stacey R. Haacke as an Amended Application.

In her response Haacke claims the Cromars were devoid of reference or relevance of court records. Haacke noted the criminal case pending in the trial court and attached the affidavit of Probable Cause (See Addendum A) Yet Haacke fails to note in Addendum B that three (3) other affidavits were filed. (See Officer Quinn Adams Affidavit, the affidavit/declaration filed on 9/27/2022 and the corrected affidavit filed on 9/27/2022).

Devoid of reference, Haacke states, "the Cromars were evicted from their home after the federal government forced the sale of their home to collect a tax debt." Haacke is wholly devoid of reference to, nor provides the inclusion of relevant portions of the court record that would support any of ... Haackes' claims of a lawful "tax debt" in the response, and the conclusion of this answer to Haackes response, is Abuse of Process and Judicial Authority. Haackes makes a determination, and thus an admission, that the case against the Cromars is a civil matter and not a criminal matter.

Haacke further states, "At the pretrial conference held on June 2, 2022 the minutes of the hearing on the case docket indicates the public defender, Ms. Lisa Estrada, had concerns with going forward with the trial and stated that she may file a petition for competency. **No such petition was filed.**"

Haacke also states, "Although self-represented litigants are allowed leniency... they are held to standards that allow opposing parties to adequately respond." However, starting with Judge Robert J. Shelby's declaration that the Cromars are **Abusive Litigants** on 8/28/2018 and the restrictions placed on the Cromars from filing additional motions or other documents without first obtaining written permission from the court (See Civil Docket For Case # 2:17-cv-0123-RJS Item #74), which was parroted by Judge Christine Johnson, who declared the Cromars to be **Vexatious Litigants**, with similar restrictions, and then again parroted by Judge James M. Brady in the unresolved related case Copper Birch Properties v. Cromars Case # 200400972, (and also now with similar denial of remedy by US District Court Judge David A. Barlow – scc 2:20-cv-00224-DBB and 2:20-cv-00625-DBB) **the Cromars have been Denied Leniency and Remedy through the Wrongful Use of Judicial Authority or a Failure to Comply with Duty. The restrictions placed upon the Cromars have been intentionally used by the courts to ignore, evade, refuse and to reject the Cromar's Constitutional Common Law Appeals and Remedies, all of which is an Abuse of Process.**

## Merged Civil Action Ties With Cromar Criminal Case

The Violation of Utah Code 68-3-4 Civil And Criminal Remedies Not Merged began with Judge Robert J. Shelby's Case # 2:17-cv-0123-RJS where in Judge Shelby recognized Copper Birch Properties, LLC as a Movant, without standing, in that case.

While under an Appeal with the Tenth District Court (Civil Docket For Case # 2:17-cv-0123-RJS Item #112 5/17/2019), the Defendants discovered an ex parte Application for Writ of Assistance had been made by a "Copper Birch Properties, LLC", hereinafter "Copper Birch", who had made the application for a Writ of Assistance in the court without any factual involvement in the civil action and without personal involvement in the IRS auction sale of the property, which was made to a "Nathan Eddington", not "Copper Birch".

On September 10th, 2019 the Internal Revenue Service conducted an auction of the Cromar property located at 9870 N. Meadow Drive, Cedar Hills, Utah 84062-9430 (hereinafter, "the property"). By the sworn Declaration of Gary Chapman, IRS Property Appraisal and Liquidation Specialist, made on March 4, 2020 (Civil Docket Item 117 Attachment #1 Declaration of Gary Chapman), the winning bidder, a "Nathan Eddington", then failed to make the required 10% deposit of the winning bid of \$330,000, depositing only \$31,000 on September 10th, 2019 in violation of the applicable and controlling "Terms of Sale" as published by the U.S. Treasury.

Mr. Eddington then failed to pay the balance of the purchase price as required within 30 days of making the winning bid, in violation of the applicable and controlling "Terms of Sale" as published by the U.S. Treasury. Which according to "Terms of Sale" should have voided the acution sale, caused forfeit of inadequate \$31,000 paid at day of auction, and acceptance of 2<sup>nd</sup> place bidder. However, by the sworn Declaration of Gary Chapman, IRS Property Appraisal and Liquidation Specialist, made on March 4, 2020 (Civil Docket Item 117 Attachment #1 Declaration of Gary Chapman), the balance of the payment owed by Mr. Eddington was received by Mr. Chapman on January 21, 2020, over 130 days after the September 10th, 2019 auction, failing the 30 day purchase-contract fulfillment requirement.

Cooper Birch asked the district court to enforce a "private sale" of property to Copper Birch under Title 28 USC Section 2001(b) without conducting any hearing in the courtroom as

required by law thereunder, as ruled by the Tenth Circuit Court of Appeals in the dispute on appeal.

Copper Birch fraudulently claimed in its application for the Writ of Assistance, to have been the winning bidder at the IRS auction on September 10th, 2019 not “Nathan Eddington”, directly contradicting the factual record of this civil action (Civil Docket For Case # 2:17-cv-0123-RJS Item 117) and also contradicting the testimonial Declaration, sworn under penalty of perjury, of IRS Specialist Gary Chapman who conducted the IRS auction and whose sworn Declaration was used by this court as the basis for finalizing the sale and distributing the sale proceeds. (Ibid, see Item 117.1)

In stating a false pretense and making the fraudulent claim of being the winning bidder at auction, as an alleged foundational fact to the application for the Writ, in order to try and manufacture an otherwise non-existent legal standing in the court and civil action, the applicant absolutely strips the federal district court of its ability to legally establish and take a jurisdiction of the district court over the Application, necessary to act on the Application for the Writ in any manner other than to deny the Application for false pretenses.

"A void judgment is one that has been procured by extrinsic or collateral fraud or entered by a court that did not have jurisdiction over the subject matter or the parties." *Rook v. Rook*, 233 Va. 92, 95, 353 S.E.2d 756, 758 (1987)

By failing to truthfully explain how they allegedly have come to have a legal claim to the disputed property, Copper Birch fails to establish, and therefore lacks, legal standing in the civil action to seek the assistance of the federal district court through the Application for a Writ of Assistance that has been made, because they have not properly established that they have any legal interest in the Title, neither as a result of any “private sale”, nor as a result of the public auction that was conducted and won by “Nathan Eddington”, not Copper Birch, - and where Eddington failed to meet the terms and requirements for completion of the auction sale, i.e.: by first making a full 10% deposit of the purchase price on the day of the auction, and then subsequently failing to make full payment of the purchase price within 30 days of making the winning bid at auction), thus coloring, and making fatally defective, his (Eddington’s) claim to any deed or title based on the IRS auction.

By the language used by Copper Birch in its pleading for an Application for a Writ, stating that promises were made to Copper Birch by counsel for the United States Ryan Watson, it appears that the plaintiff United States improperly has secretly and improperly abandoned the results of the IRS public sale at auction, won by “Nathan Eddington”, not “Copper Birch”, and have replaced that public auction result with a “private sale” of the property to Copper Birch in violation of the Circuit Court ODER citing Title 28 U.S.C. Section 2001(b) which requires a hearing be conducted in the court before any private sale is made.

**§ 2001. Sale of realty generally...**

**(b) After a hearing**, of which notice to all interested parties shall be given by publication or otherwise as the court directs, **the court may order the sale** of such realty or interest or any part thereof at private sale for cash or other consideration and upon such terms and conditions as the court approves, if it finds that the best interests of the estate will be conserved thereby. Before confirmation of any private sale, the court shall appoint three disinterested persons to appraise such property or different groups of three appraisers each to appraise properties of different classes or situated in different localities. No private sale shall be confirmed at a price less than two-thirds of the appraised value. Before confirmation of any private sale, the terms thereof shall be published in such newspaper or newspapers of general circulation as the court directs at least ten days before confirmation. The private sale shall not be confirmed if a bona fide offer is made, under conditions prescribed by the court, which guarantees at least a 10 per centum increase over the price offered in the private sale.

The US District Court docket for 2:17-cv-01223-RJS shows no such hearing was ever held in this civil action (let alone any Hearing before Chief Judge Shelby despite Motion to do so), and no such court Order for any “private sale” was ever issued by the court, which is a violation of the required *due process of law* of a hearing, and of the required legal process, demanded by the statute that was invoked by this court itself as applicable and controlling. Without the *due process of law* of the statutorily required hearing, the “private sale” to Copper Birch is void.

"Judgment is a "void judgment" if court that rendered judgment lacked jurisdiction of the subject matter, or of the parties, or acted in a manner inconsistent with due process." Klugh v. U.S., D.C.S.C., 610 F.Supp. 892, 901.

"Due process of law implies the right of the person affected thereby to be present before the tribunal which pronounces judgment upon the question of life, liberty, or property, in its most comprehensive sense; to be heard, by testimony or otherwise, and to have the right of controverting, by proof, every material fact which bears on the question of right in the matter involved. If any question of fact or liability be conclusively presumed against him, this is not due process of law." Black's Law Dictionary 500 (6th ed. 1990); accord, U.S. Department of Agriculture v. Murry, 413 U.S. 508 (93 S.Ct. 2832, 37 L.Ed.2d 767) (1973); Stanley v. Illinois, 405 U.S. 645 (92 S.Ct. 1208, 31 L.Ed.2d 551) (1972)

An orderly proceeding wherein a person is served with notice, actual or constructive, and has an opportunity to be heard and to enforce and protect his rights before a court having power to hear and determine the case. Kazubowski v. Kazubowski, 45 Ill.2d 405, 259 N.E.2d 282, 190. Phrase means that no person shall be deprived of life, liberty, property or of any right granted him by statute, unless matter involved first shall have been adjudicated against him upon trial conducted according to established rules regulating judicial proceedings, and it forbids condemnation without a hearing. Pettit v. Penn, La.App., 180 So.2d 66, 69. The concept of "due process of law" as it is embodied in Fifth Amendment demands that a law shall not be unreasonable, arbitrary, or capricious and that the means selected shall have a reasonable and substantial relation to the object being sought. U.S. v. Smith, D.C.Iowa, 249 F.Supp. 515, 516. Fundamental requisite of "due process" is the opportunity to be heard, to be aware that a matter is pending, to make an informed choice whether to acquiesce or contest, and to assert before the appropriate decision-making body the reasons for such choice. Trinity Episcopal Corp. v. Romney, D.C.N.Y., 387 F.Supp. 1044, 1084. Aside from all else "due process" means fundamental fairness and substantial justice. Vaughn v, State, 3 Tenn.Crim.App. 54, 456 S.W.2d 879, 883." Black's Law Dictionary pg. 500 (6th ed. 1990); accord, U.S. Department of Agriculture v.

Murry, 413 U.S. 508 (93 S.Ct. 2832, 37 L.Ed.2d 767) (1973); Stanley v. Illinois, 405 U.S. 645 (92 S.Ct. 1208, 31 L.Ed.2d 551) (1972)

The statute further requires that “notice to all interested parties (of the hearing) shall be given” before the Order of the Court may issue. Again, no such statutorily required hearing, prerequisite to any “private sale” of the property, was ever scheduled, held, or conducted by the federal district court; - and no such required Notice was ever issued or given to any defendant in the litigation, or any other person or party with real interests in the property and its ultimate disposition and disposal by the court.

The conclusion that an unlawful “private sale” of the property has been conducted in violation of this law is certainly demonstrated and is factually supported by Copper Birch’s demands that the United States be the party that refunds their purchase costs, and not “Nathan Eddington”. As provided by counsel Nathan S. Dorius within his ex parte filing he provides a April 27, 202 at 10:52:28 am EMAIL from, “Bre? Belliston” [Brett Belliston of Copper Birch Properties LLC] to “Gary Chapman” [IRS auctioneer / PALs], which was CC’d to “Nathan Dorius, Ryan Watson, John R. Barlow, Ty B, Doug Gilmore, and Bucky Gay”, his complaint and apparent ultimatum:

**“Gary and Ryan,**

**“...At this point we would like to know**

**“1. Will you do anything to not only provide clear title but ensure that we have clear access to the property through restraining orders and other legal remedies as needed?**

**“2. Return our funds if the government cannot take care of this as we have been told you would?”**

(see 2:17-cv-1223-RJS Document 122 – Page 17 of 54)

By this demand of Copper Birch, it is clear that Copper Birch did not buy the property or acquire title or deed to it from “Nathan Eddington”, or they would be seeking a refund of their funds in Utah State court from Mr. Eddington, and not in federal district court, from the original plaintiff “United States of America”.



**The demand made by Copper Birch, that the United States and Ryan Watson refund the failed purchase price to Copper Birch, is clear evidence that an unlawful ex parte “private sale” has been secretly conducted by attorney Ryan Watson and the plaintiff United States** (without a “due process” hearing as required under Title 28 U.S.C. Section 2001(b)), in place of the public auction that was won by Nathan Eddington on September 10th, 2019, and not Copper Birch.

Therefore if a “private sale” has indeed been unlawfully perpetrated by the United States and Ryan Watson, in place of the IRS’ public auction conducted by IRS Specialist Gary Chapman, then the federal court lacks jurisdiction to enforce the secret unlawful private sale for lack of the *due process of law* of a hearing as required under IRC Section 2001(b), as just held by the Tenth Circuit Court of Appeals.

"A judgment is void if the court acted in a manner inconsistent with due process. A void judgment is a nullity and may be vacated at any time." In re Marriage of Hampshire, 261 Kan. 854, 862, 934 P.2d 58 (1997).

“If the right to notice and a hearing is to serve its full purpose, then, it is clear that it must be granted at a time when the deprivation can still be prevented. At a later hearing, an individual's possessions can be returned to him if they were unfairly or mistakenly taken in the first place. Damages may even be awarded to him for the wrongful deprivation. But no later hearing and no damage award can undo the fact that the arbitrary taking that was subject to the right of procedural due process has already occurred. "This Court has not ... embraced the general proposition that a wrong may be done if it can be undone." Stanley v. Illinois, 405 U.S. 645, 647.

"A full hearing is one in which ample opportunity is afforded to all parties to make, by evidence and argument, a showing fairly adequate to establish the propriety or impropriety, from the standpoint of justice and law, of the step to be taken." Boston and M.R.R. v. U.S., D.C. Mass. 1962, 208 Fsupp 661

On the other hand, if IRS Specialist Gary Chapman’s sworn Declaration that “Nathan Eddington” won the IRS auction on September 10th, 2019, is false, then the entire auction sale and result are impeached and rendered void for fraud by virtue of his false Declaration

made on the record in the federal district court at Civil Docket Item 117 Attachment #1 Declaration of Gary Chapman, filed with the court on March 4th, 2020, and sworn to under penalty of perjury.

“We think, however, that it can be reasoned that a decision produced by fraud on the court is not in essence a decision at all, and never becomes final.” *Kenner v. C.I.R.*, 387 F.2d 689, (7th CA, 1968)

"Federal courts are courts of limited jurisdiction. They possess only power authorized by Constitution and statute, which is not to be expanded by judicial decree. It is to be presumed that a cause lies outside this limited jurisdiction, and the burden of establishing the contrary rests upon the party asserting jurisdiction." *Kokkenen v. Guardian Life ins. Co. of America*, 511 US 375 (1994)

“However late this objection has been made, or may be made in any cause, in an inferior or appellate court of the United States, it must be considered and decided, before any court can move one further step in the cause; as any movement is necessarily the exercise of jurisdiction. Jurisdiction is the power to hear and determine the subject matter in controversy between parties to a suit, to adjudicate or exercise any judicial power over them; the question is, whether on the case before a court, their action is judicial or extra-judicial; with or without the authority of law, to render a judgment or decree upon the rights of the litigant parties.” *State of Rhode Island v. Com. of Massachusetts*, 37 U.S. 657, 718 (1838)

"Courts are constituted by authority and they cannot go beyond that power delegated to them. If they act beyond that authority, and certainly in contravention of it, their judgments and orders are regarded as nullities; they are not voidable, but simply void, and this even prior to reversal." *Williamson v. Berry*, 8 HOW. 945, 540 12 L.Ed. 1170, 1189 (1850)

"A court cannot confer jurisdiction where none existed and cannot make a void proceeding valid. It is clear and well established law that a void order can be

challenged in any court", *Old Wayne Mut. L. Assoc. v. McDonough*, 204 U. S. 8, 27 S. Ct. 236 (1907).

A court may not render a judgment which transcends the limits of its authority, and a judgment is void if it is beyond the powers granted to the court by the law of its organization, even where the court has jurisdiction over the parties and the subject matter. Thus, if a court is authorized by statute to entertain jurisdiction in a particular case only, and undertakes to exercise the jurisdiction conferred in a case to which the statute has no application, the judgment rendered is void. The lack of statutory authority to make particular order or a judgment is akin to lack of subject matter jurisdiction and is subject to collateral attack. 46 Am. Jur. 2d, *Judgments* § 25, pp. 388-89.

Whatever the form in which the Government functions, anyone entering into an arrangement with the Government takes the risk of having accurately ascertained that he who purports to act for the Government stays within the bounds of his authority... and this is so even though as here, the agent himself may have been unaware of the limitations upon his authority. *Federal Crop Ins. Corp. v. Merrill*, 332 U.S. 380 at 384 (1947).

A recent discussion of the Rule 60(b)(4) grounds for attack on a void judgment may be found in *Fisher v. Amaraneni*, 565 So. 2d 84 (Ala. 1990). The judgment was set aside for lack of personal jurisdiction based on improper service by publication. The court defined a judgment as void "only if the court rendering it lacked jurisdiction of the subject matter or of the parties, or if it acted in a manner inconsistent with due process." *Id.* at 86 (citing *Wonder v. Southbound Records, Inc.*, 364 So. 2d 1173 (Ala. 1978)). It should be noted here that a Rule 60(b)(4) motion involves a different standard of review than the other Rule 60(b) subsections since the court held "(when the grant or denial turns on the validity of the judgment, discretion has no place for operation. If the judgment is void it must be set aside ...." *Fisher*, 565 So. 2d at 87.

A void judgment is to be distinguished from an erroneous one, in that the latter is subject only to direct attack. A void judgment is one which, from its inception,

was a complete nullity and without legal effect. Lubben v. Selective Service System, 453 F.2d 645, 649 (1st Cir. 1972)

"The law is well-settled that a void order or judgment is void even before reversal", Valley v. Northern Fire & Marine Ins. Co., 254 U.S. 348, 41 S.Ct. 116 (1920)

**URCP Rule 11. Signing of pleadings, motions, affidavits,  
and other papers; representations to court; sanctions**

On May 29, 2020 a Notice of Appearance by Nathan S. Dorius on Behalf of Copper Birch Properties was Entered (Civil Docket for Case # 2:17-cv-01223-RJS Item # 121) followed by the ex parte Motion for Writ of Assistance in support of Cooper Birch Properties (Item #122). A Notice of Appearance by Andrew V. Collins on behalf of Copper Birch Properties as also entered (Item #123).

As part of Motion for Writ of Assistance, Nathan S. Dorius provided a "deed to real property" signed and sealed by Andrea Ventura Advisory Manager, Southwestern, on behalf of the Director, Southwestern Area Collection of the Internal Revenue Service as duly authorized delegate of the Department of the Treasury, on April 24, 2020 as grantor and Copper Birch Properties, LLC as grantee. (Civil Docket for Case # 2:17-cv-01223-RJS Item # 122 Exhibit A Page 10 of 54) The document was notarized on April 23, 2020 the day prior to the said signing of the "deed to real property."

Andrea Ventura witnessed stating, "WHEREAS, the United States District Court for the District of Utah, in a judicial order of sale entered on March 20, 2019 in the case of United States of America v. Paul Kenneth Cromar, et al. Defendants, ordered that the subject property located at 9870 N. Meadow Drive, Cedar Hills, Utah 84062-9430, the hereinafter described real property sold in order to pay delinquent Internal Revenue income tax liabilities assessed against Paul Kenneth Cromar. AND WHEREAS, the said property sold on September 10, 2019, to Copper Birch Properties, LLC, for the sum of \$331,000.00, the receipt of which is hereby acknowledged, does grant, bargain, and sell to Copper Birch Properties, LLC all rights, title and interest in the real property, in Cedar Hills, Utah County,

State of Utah." **(The Deed is in Complete Contradiction to the Sworn Statement of Gary Chapman - Civil Docket Item 117 Attachment #1 Declaration of Gary Chapman)**

Nathan Dorius also provided a Declaration in Support of the ex parte Application for Writ of Assistance dated May 29, 2020 (Civil Docket for Case # 2:17-cv-01223-RJS Item #122 Exhibit B Pages 13-15 of 54). In his declaration, under criminal penalty, Dorius stated, "On or about April 30, 2020, Copper Birch began working with (Ryan S. Watson (US Department of Justice), the American Fork Police Chief, and the Utah County Sheriff to enforce Utah's criminal trespass law and remove the Cromars and other occupants from the property to deliver possession to Copper Birch. Despite many broken commitments to help remove the Cromars from the Property, the local law enforcement ultimately refused to take any action to remove the Cromars from the property, asking that Copper Birch instead work with the federal government to resolve the situation. The federal government refused to take action to remove the Cromars, requesting Copper Birch instead to work with local authorities to resolve the situation... To date, the Cromars continue to defy the Court's Order of Foreclosure and Order Confirming Sale and remain in unlawful possession of the Property, the local law enforcement and the U.S. government representatives are refusing to forcibly remove the Cromars and deliver possession to the Property to Copper Birch despite the Court's Order of Foreclosure and Order Confirming Sale and despite the multitude of pleas from Copper Birch to assist them in gaining possession of their Property." **(A CIVIL MATTER)**

On July 13, 2020, Copper Birch Properties LLC filed a complaint in the Fourth District Court - Provo, Utah County, State of Utah case # 200400972, wherein Copper Birch Properties LLC failed to apply for a Writ of Execution in the state courts as per URCP Rule 64(E) Writ of Execution, chapter (e) Governed by Title 78B, chapter 6, part 9, and without lawful judgment or lawful order, filed civilly as an unlawful detainer as governed by above said rules under 78B – 6 – 802, thus placing Nathan S. Dorius and Andrew V. Collins of MITCHELL BARLOW & MANSFIELD under violation of URCP Rule 11 sanctions; by court for representation to the court that to the best of the person's knowledge for improper purpose, such as to harass or cause unnecessary delay or needless cost of litigation and/or frivolous claims, or other legal contentions, not warranted by existing law. Therefore, the allegations and other factual contentions have (not) evidentiary support or, if specifically so

identified, are likely to have (no) evidentiary support after a reasonable opportunity for further investigation or discovery.

On August 21, 2020, US District Court Judge Robert J. Shelby orders the unsealing of the Copper Birch Properties ex parte Application for Wirt of Assistance (**Civil Docket for Case # 2:17-cv-01223-RJS Item # 135 - It is hereby Ordered that the following documents be Unsealed, document numbers 122, 124, 125, 126, 129, and 131**).

On October 28, 2021, Utah Fourth District Court Judge James Brady made a Ruling Entry - SUA SPONTE VEXATIOUS LITIGANT ORDER (4th District Court - Provo, Utah County, State of Utah, Case #200400972) "The Court has been made aware that a vexatious litigant order was filed in case 201402860 on September 22, 2021 as docket item 264 by Judge Christine Johnson. That vexatious litigant order found that the defendant Paul Kenneth Cromar is a vexatious litigant and requires that any pleading submitted on his behalf must be submitted by qualified legal counsel in that case. Pursuant to rules 83(b) and 83(j), based on the findings in case 201402860, this court also finds Paul Kenneth Cromar to be a vexatious litigant and orders that in this case, the defendant Paul Kenneth Cromar may not file any pleadings with the court except through qualified legal counsel. Any pleadings filed that are not in compliance with this order may be stricken by the court." (**Judge Christine Johnson's Influence is a Violation of Utah Code 68-3-4 Civil And Criminal Remedies Not Merged - No Remedy is Available - Wrongful Use of Judicial Authority or Failure to Comply With Duty**)

Nathan Dorius has grossly, intentionally and fraudulently violated URCP 11:

(b) Representations to court. By presenting a pleading, written motion, or other paper to the court (whether by signing, filing, submitting, or advocating), an attorney or unrepresented party is certifying that to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances,

(b)(1) it is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;

(b)(2) the claims, defenses, and other legal contentions are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;

(b)(3) the allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and

(b)(4) the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on a lack of information or belief.

(c) Sanctions. If, after notice and a reasonable opportunity to respond, the court determines that paragraph (b) has been violated, the court may, subject to the conditions stated below, impose an appropriate sanction upon the attorneys, law firms, or parties that have violated paragraph (b) or are responsible for the violation.

### **Wrongful Use of Judicial Authority or Failure to Comply**

#### **With Duty Conflict of Interest**

It has been repeatedly alleged that the real property belonging to the Cromars was sold in order to pay delinquent Internal Revenue income tax liabilities assessed against Paul Kenneth Cromar. Many of the rejected filings by the Cromars included evidence from the Commissioner of the IRS showing that the case against the Cromars was dismissed because "no notices of deficiency or notices of determination had been issued" to the Cromars for the years 1990 through 2020. Thus in a rare admission, the Commissioner of Internal Revenue agreed that the Cromars never owed any federal income taxes from 1990 through 2020 due to lack of the required lawfully signed Notices of Deficiency and Notices of Determination! (see attached US Tax Court decisions wins for the Cromars in cases 15701-21 & 3063-21)

On April 15, 2020 Judge Robert J. Shelby signed an Order Confirming Sale and Distributing Proceeds (Civil Docket for Case # 2:17-cv-01223-RJS Item # 119) which stated, in part, "IT IS FURTHER ORDERED THAT the proceeds of the sale on September 10, 2019, of the property shall be distributed by the Clerk of the Court as follows:

1. First, by check made payable to the 'Internal Revenue Service' in the amount of \$683.80 for costs of sale, mailed to Internal Revenue Service.
2. Second, by way of check made payable to 'Utah County, Utah' in the amount of \$2,114.49, as of March 3, 2020 plus an additional \$0.44 for each day past March 3, 2020 mailed to Utah Count Treasurer.
3. Third, by way of check made payable to the 'United States Department of Justice' with 'United States v. Cromar, et al., Case No 2:17-cv-01223' written in the memo field, in the amount of the remaining proceeds from the sale, mailed to Department of Justice.

It is unclear as to how much of the \$31,000.00 deposit from Nathan Eddington's winning bid of \$330,000.00 or the alleged sale price to Copper Birch of \$331,000.00 was actually paid to the Department of Justice. Nor do we know how much of the proceeds from the sale of the Cromar home was actually paid against the Cromar's non-existent tax lien.

What is most troubling is that the Department of Justice, as indicated in the referenced Order, is the recipient of the remaining proceeds and it was the Department of Justice who brought the alleged tax claim against the Cromars in the first place. That fact certainly shows there has been a huge conflict of interest in the prosecution of these cases and a full accounting is required, including but not limited to a current and official declaration by I.R.S. to the current balance (including but not limited to all debits and/or credits that manifest a current accounting) for each Paul Kenneth Cromar and Barbara Ann Cromar.

**Sadly, Every Effort has been Employed by the Officers and Judges of the Court have participated in Abuse of Process in the Wrongful Use of Judicial Authority or Failure to Comply With Duty to Obfuscate, Hide, and Conceal Fraud Upon, In and Of the Court.**

**REQUESTED RELIEF:**

All Charges and complaints against the Cromars need to be dismissed with prejudice along with



full and immediate restoration of them to their home and property including an appropriately more dramatic ceremonial escort back into their home/property, than was the dramatic and unlawful public humiliation of "75-man SWAT" of September 24, 2020, complete with 2 helicopters, 2 MRAPs and snipers commandeering and terrorizing an otherwise peaceful neighborhood, wherein the Cromars were falsely arrested and dishonorably and without lawful cause falsely accused burglary of their own home, and their public honor irreparably trespassed and damaged beyond perfect restoration. They should also be awarded damaged and punitive damaged to guarantee that this kind of abuse will not be tolerated in Utah and against men and women of Utah, and sanctions should be given to those who have failed to uphold their Oaths of Office in the interest of justice. Justice demands it! (AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241 / Utah Rules of Civil Procedure Rule 65B)

### Declaration Under Penalty Of Perjury

We declare under penalty of perjury that we are the petitioners, we have read this petition or had it read to me, and the information in this petition is true and correct. We also understand that a false statement of a material fact may serve as the basis for prosecution for perjury. However, we reserve the right to correct and amend as desired.

*Dean Marshall Spencer*

Signature of Attorney or other authorized person,

~~Dean~~ Marshall Spencer Relator

General Delivery

Pleasant Grove, Utah state [84062]

Date: July 18, 2022

*Signing for Thomas H Fairbanks Dominic [Signature]*

Signature of Attorney or other authorized person,

Thomas H. Fairbanks Relator

345 N. 150 W.

Logan, Utah state [84321]

Date: July 18, 2022

FOR THE Heirs /Executors **ARE FOR THE AFFIRMATION**  
**OF THE DECLARATION OF THE**  
**TRUE BY THE FIRSTHAND KNOWLEDGE OF THE FACTS:**

Utah County )  
 )  
 Utah Republic )  
 )  
 united States of America )

Asseveration

L.S.

by: *Paul-Kenneth Cromar*

© Paul-Kenneth: House of Cromar™  
 Signed only in correct public capacity as  
 Sole Heir & Executor to the Paul-Kenneth: Cromar Estate  
 c/o 9870 N. Meadow Drive [or to: P.O. Box 942]  
 Cedar Hills, Utah [84062]



Asseveration

L.S.

by: *Barbara-Ann Cromar*

© Barbara-Ann: House of Cromar™  
 Signed only in correct public capacity as Sole Heir &  
 Executrix to the Barbara-Ann: Cromar Estate  
 c/o 9870 N. Meadow Drive [or to: P.O. Box 942]  
 Cedar Hills, Utah [84062]



Which are commonly known addresses for **LAND PATENT #392 part and parcel** thereof;

We *Stand* on our Metes and Bounds, having never abandoned them, which are as follows:

Beginning at the Northeast corner of Lot 3, Plat "C", Amended North Meadow Estates Subdivision, said point being S89°28'48"W 1129.68 feet along the Quarter Section line, and S0°00'00"W 773.49 feet from the East 1/4 corner of Section 6, Township 5 South, Range 2 East of the Salt Lake Base and Meridian, and running thence along said Lot 3 boundary line the following five (5) course: (1) S0°18'49"W 96.09 feet; (2) S89°59'43"W 149.21 feet; (3) along a curve to the right 23.50 feet through a central angle of 89°46'16" having a radius of 15.00 feet and a chord that bears N45°07'09"W 21.17 feet; (4) N0°14'01"W 80.49 feet; (5) N89°45'59"E 165.06 feet to the point of beginning, containing 0.361 acres.

[for LOT "C", AMENDED NORTH MEADOW ESTATES SUBDIVISION within the SE ¼ of SEC. 6, T.5 S.,R.2 E. SLBM – 0.361 acres]

**Two Certified EXHIBITS**

From the U.S. Tax Court – Washington D.C.  
signed by  
Chief Judge Maurice B. Foley



United States Tax Court  
Washington, DC 20217

Paul Kenneth Cromar  
Petitioner

v.

Commissioner of Internal Revenue  
Respondent

Docket No. 15701-21

**ORDER OF DISMISSAL FOR LACK OF JURISDICTION**

This case is before the Court on respondent's motion to dismiss for lack of jurisdiction, filed September 9, 2021, on the grounds that: (1) no notices of deficiency or other notices of determination was issued to petitioner for taxable years 1991 through 1995, 1998, and 2006 through 2020; that would permit petitioner to invoke the Court's jurisdiction in this case; and (2) no notices of deficiency or notices of determination concerning collection action was issued in such time for taxable years 1996 through 1997, and 1999 through 2005, that would permit petitioner to invoke the Court's jurisdiction in this case. In his motion, respondent further requests that the Court warn petitioner it may impose an I.R.C. section 6673 penalty. That section authorizes the Court to require a taxpayer to pay to the United States a penalty not in excess of \$25,000 whenever it appears that proceedings have been instituted or maintained by the taxpayer(s) primarily for delay or that the position of the taxpayer(s) in such proceeding is frivolous or groundless.

On October 15, 2021, petitioner filed his objection to respondent's motion. Petitioner essentially does not object to the dismissal of the case upon the grounds stated in respondent's motion.

Taking into account statements made in the petition, statements made in petitioner's objection, and for reasons set forth in respondent's motion, it is

ORDERED that so much of respondent's motion that seeks dismissal of the case is granted. It is further

ORDERED that with respect to each year placed in issue in the petition, this case is dismissed for lack of jurisdiction upon the ground stated in respondent's motion.

Although an I.R.C. section 6673 penalty will not be imposed here, petitioner is admonished that the Court will consider imposing such a penalty in future cases commenced by petitioner seeking similar relief under similar circumstances.

**(Signed) Maurice B. Foley**  
**Chief Judge**



I certify that this document  
is a true copy of the original.

*Stephanie A. Connor*, Clerk of the Court

**Entered and Served 10/20/21**



United States Tax Court  
Washington, DC 20217

Barbara-Ann Cromar

Petitioner

v.

Commissioner of Internal Revenue

Respondent

Docket No. 3063-21

**ORDER**

Upon due consideration of the Motion To Dismiss for Lack of Jurisdiction, filed May 26, 2021, by respondent in the above-docketed case, it is

ORDERED that, on or before June 25, 2021, petitioner shall file an objection, if any, to respondent's just-referenced motion. Failure to comply with this Order may result in the granting of respondent's motion and dismissal of the instant case or other appropriate action by this Court.

**(Signed) Maurice B. Foley**  
**Chief Judge**



I certify that this document  
is a true copy of the original.

*Stephanie A. Senoss* Clerk of the Court

CERTIFICATE OF SERVICE

For the verification is for the true and correct-copy of the Original of the ANSWER TO RESPONSE AND AMENDMENT TO APPELLATE CASE and is of the delivery by the following manner:

Judge Christine Johnson	Certified Mail: #7022 0410 0002 9777 7726
Magistrate Anthony Howell	Certified Mail: #7022 0410 0002 9777 7733
Judge Darold McDade	Certified Mail: #7022 0410 0002 9777 7740
Judge Kraig J. Powell	Certified Mail: #7022 0410 0002 9777 7757
Judge Robert Lund	Certified Mail: #7022 0410 0002 9777 7764
Judge James M. Brady	Certified Mail: #7022 0410 0002 9777 7771
Judge Lynn W. Davis	Certified Mail: #7022 0410 0002 9777 7788

c/o UTAH FOURTH DISTRICT COURT  
137 North Freedom Blvd  
Provo UT 84601

Utah County Sheriff Mike Smith	Certified Mail: #7022 0410 0002 9777 7795
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c/o UTAH COUNTY SHERIFF DEPARTMENT  
3075 North Main  
Spanish Fork, UT 84660

AFPD Darren Falslev	Certified Mail: #7022 0410 0002 9777 7801
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c/o American Fork Police Department  
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American Fork UT 84003

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Boston Building  
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Salt Lake City, Utah 84111

U.S. Solicitor General	Certified Mail: #7022 0410 0002 9777 7856
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US Chief Judge Robert J. Shelby  
US District Judge David B. Barlow  
Magistrate Daphne Oberg  
c/o UNITED STATES DISTRICT COURT  
351 South West Temple  
Salt Lake City, Utah 84101

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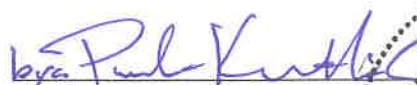
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Asst. Utah AG Heather Chesnut  
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Salt Lake City, Utah 84111

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Utah AG Sean Reyes  
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Paul-Kenneth: Cromar  
c/o 9870 N. Meadows Dr.  
Cedar Hills, Utah state [84062]

July 18<sup>th</sup>, 2022

