

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT
COUNTY OF WINNEBAGO

THE PEOPLE OF THE STATE OF ILLINOIS)	Judge: Richard W. Vidal
)	(retired)
Plaintiff,)	
)	Judge: J. Edward Prochaska
vs.)	(presiding)
)	
Clarence L. Vance,)	Case Nos. 01-CF-2701
)	01-CM 8121
Defendant,)	02-CM-637
)	02-CM-3066
)	02-CM-6438

**REQUEST TO TAKE JUDICIAL NOTICE OF
PERTINENT INDISPUTABLE FACTS OF RECORD**

Now comes the above named as Defendant, Clarence L. Vance, and requests this Court take Judicial Notice of the following pertinent indisputable facts of Record:

1. During the January 10, 2007 hearing, this Court stated to said Defendant that the filing his pending MOTION FOR ORDER CONSISTENT WITH THE EVIDENCE AND SUPPORTED BY PERTINENT ESTABLISHED LAW, as Amended, appears to be an attempt to "*relitigate*" issues previously "*decided*" by the courts and this Court also stated to said Defendant that, by filing said Motion, it appears that he is wasting the time and resources of this Court.

2. The state-court FINAL JUDGMENT ORDER, entered in Winnebago County Circuit Court Case 97-ED-1 on October 27, 1998, confirmed, judicially, the Winnebago County Public Title Records establishing categorically that said Clarence L. Vance has had NO Title or ownership interest in the real estate in question since 1983.

3. The above named as Plaintiff, in the person of Assistant State's Attorney Wendy Larson, acknowledged to Judge Vidal, during a hearing conducted in the above styled matters on April 28, 2004, that said Defendant has had no ownership interest in said real estate since 1983.

4. Said Plaintiff has been prosecuting, and this Court has allowed said Plaintiff to continue to prosecute, the above styled criminal charges against said Defendant based solely upon the "TRUSTEE'S DEED" issued to "*Alan Miller*", on September 26, 2000, as so "*authorized*" by the Bankruptcy Court Order dated "*AUG 16 2000*" in Bankruptcy Adversary Case 99-A-5023.

5. One of the attorneys for the State Bank of Davis, said Bank being a losing Party Defendant named in said previously rendered 97-ED-1 state-court FINAL JUDGMENT ORDER, prepared and, on February 24, 1999, filed the Adversary Complaint which initiated said 99-A-5023 Adversary Case from which said "TRUSTEE'S DEED" proceeded.

6. Said Adversary Complaint engaged parties to said October 27, 1998 state-court FINAL JUDGMENT ORDER and also claimed an ownership of the said real estate contrary to the ownership established by said Public Title Records and confirmed, judicially, by said previously rendered state-court FINAL JUDGMENT ORDER.

7. Said "AUG 16 2000" Bankruptcy Court Order "*authorized*" the Bankruptcy Trustee "*to conclude the sales of the property*" and "*to execute all appropriate deeds and other documents to transfer the property free and clear of all liens and encumbrances . . .*" based solely upon an ownership claim categorically contrary to the ownership of said real estate so confirmed by said previously rendered state-court FINAL JUDGMENT ORDER.

8. Contrary to said state-court FINAL JUDGMENT ORDER, said ownership claim, upon which said "TRUSTEE'S DEED" is based, stated Title to said real estate to be "*vested in: THOMAS LESTER, TRUSTEE IN BANKRUPTCY FOR CLARENCE L. VANCE, DEBTOR*", as if said Clarence L. Vance was the sole owner of said real estate.

9. Said state-court FINAL JUDGMENT ORDER previously confirmed said Public Title Records which establish categorically that said Clarence L. Vance has NEVER been a sole owner of said real estate.

10. United States Statute 28 U.S.C. 1257 divests the Bankruptcy Court, being a federal court of first instance, of subject matter jurisdiction to entertain the subsequent claim of ownership, of the said real estate, contrary to said previously rendered state-court FINAL JUDGMENT ORDER or to act upon said contrary ownership claim.

11. The said "AUG 16 2000" Bankruptcy Court Order, which "*authorized*" the Bankruptcy Trustee "*to execute*" said "TRUSTEE'S DEED", has drawn in question the validity of said 28 U.S.C. 1257 as is supported by the *Rooker-Feldman* doctrine of the United States Supreme Court.

12. The applicability of said 28 U.S.C. 1257 to said "AUG 16 2000" Order, which "*authorized*" the Bankruptcy Trustee "*to execute*" said "TRUSTEE'S DEED", was **NEVER** ruled upon, or "*decided*", in any Bankruptcy Court Order or in any federal reviewing court Order.

13. The filing and prosecuting of said criminal charges, based solely upon said "TRUSTEE'S DEED", has also drawn in question the validity of said 28 U.S.C. 1257 as is supported by said *Rooker-Feldman* doctrine.

14. The December 1, 2006 Order of this Court, signed by Judge Vidal, failed entire to rule

upon, or "*decide()*", the applicability of said 28 U.S.C. 1257 to the said "*AUG 16 2000*" Bankruptcy Court Order, or the executing of said "TRUSTEE'S DEED" pursuant thereto.

15. Said December 1, 2006 Order of this Court has further drawn in question the validity of said 28 U.S.C. 1257 as is supported by said *Rooker-Feldman* doctrine.

16. To date, the applicability of said 28 U.S.C. 1257 to the said executing of said "TRUSTEE'S DEED" has **NEVER** been ruled upon, or "*decided*", in any Order entered by any state or federal court.

17. In the absence of any such Order, said Defendant is not, and can not be, attempting to "*relitigate*" any issue(s) previously ruled upon, or "*decided*", by any Order of any state or federal court, as so stated by this Court on January 10, 2007.

18. Said Defendant, by filing his pending MOTION FOR ORDER CONSISTENT WITH THE EVIDENCE AND SUPPORTED BY PERTINENT ESTABLISHED LAW as Amended, is attempting to obtain a court order which, for the very first time, enters a ruling upon the applicability of said 28 U.S.C. 1257 to the said "*AUG 16 2000*" Bankruptcy Court Order, which therein "*authorized*" the Bankruptcy Trustee "*to execute*" the said "TRUSTEE'S DEED" upon which said criminal charges are based.

19. Said attempt by said Defendant is consistent with that which is provided to him by well established Law, in that:

"Every judgment of a court rendered without jurisdiction is a nullity -- not merely voidable but void -- and may be disregarded. It is subject to attack by any person at any time in any court and in any proceeding in which it is brought in question." People v. Miller, 1930, 339 Ill 573, 578, 579.

20. The validity of the said "*AUG 16 2000*" Bankruptcy Court Order, which "*authorized*" the Bankruptcy Trustee "*to execute*" the said "TRUSTEE'S DEED", was "*brought in question*" by the filing and prosecuting of said criminal charges by said Plaintiff and further "*brought in question*" by the ongoing prosecution of those charges as has been allowed by this Court.

21. Unless supported by established pertinent Law, a denial of said pending Motion, as Amended, will continue to further draw in question the validity of said 28 U.S.C. 1257, as is supported by said *Rooker-Feldman* doctrine.

THEREFORE, said Defendant requests this Court to take Judicial Notice of the pertinent indisputable facts of Record set forth hereinbefore when entering the ruling of this Court upon said pending MOTION FOR ORDER CONSISTENT WITH THE EVIDENCE AND SUPPORTED BY PERTINENT ESTABLISHED LAW, as Amended.

Dated: January 17, 2007

Respectfully submitted,

Clarence L. Vance
Named as Defendant

2203 Halsted Rd.
Rockford, IL 61103

AFFIDAVIT

Pursuant to 735 ILCS 1-109, the undersigned certifies that the statements set forth in the foregoing REQUEST TO TAKE JUDICIAL NOTICE are true and correct and that he will serve, either personally or by depositing in the U.S. Mail with postage prepaid, a true and correct copy of said REQUEST upon each of the following:

Paul A. Logli
Winnebago County State's Attorney
400 West State Street
Rockford, IL 61101

Lisa Madigan
Illinois Attorney General
100 West Randolph Street
Chicago, IL 60601

Executed: January 17, 2007

Clarence L. Vance