

***Charles Edward Lincoln
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Plaintiffs pro se, in propria persona***

***August 26, 2010
Thursday***

**Mr. Edmund G. "Jerry" Brown, Jr.
Office of the Attorney General
1300 "I" Street
Sacramento, CA 95814-2919
Phone: (916) 445-9555**

**Office of the Attorney General
455 Golden Gate, Suite 11000
San Francisco, CA 94102-7004
Phone: (415) 703-5500**

**Office of the Attorney General
300 South Spring Street
Los Angeles, CA 90013-1230
Phone: (213) 897-2000**

Dear Mr. Brown:

We are pro se litigants in the enclosed case, 09-cv-01072-DOC, with the Second Amended Complaint we recently lodged in the United States District Court for the Central District of California, Southern Division, before the Honorable David O. Carter in Santa Ana.

***Notice of Lawsuit and Request for Waiver of Service of Summons
August 26, 2010***

We are providing you with notice of our lawsuit, as we are required to do by Rule 5.1 of the Federal Rules of Civil Procedure, in that we are challenging the Constitutionality of certain California and Federal State statutes relating to the ownership of property and enforcement of contracts (and preservation of common law defenses to contracts) as a civil right protected by the United States Constitution.

We note that you have recently sanctioned a California attorney, Michael Roth, according to your own website, because:

After collecting up-front fees, Roth filed lawsuits on behalf of homeowners, pushing a novel legal argument that a borrower's loan could be deemed invalid because the mortgages had been sold so many times on Wall Street that the lender could not demonstrate who owned it.

<http://ag.ca.gov/newsalerts/release.php?id=1979&>

We are deeply disturbed by the message you are sending out because we firmly adhere to what you call a “novel legal argument” because it is in every way sound. In fact, allowing and enforcing this position will help preserve the family, restore confidence in the financial system, potentially keep millions of Americans independent and off the welfare rolls, and preserve the American dream of homeownership for those who worked hardest to achieve it. Traditional common law rights, protected by the United States Constitution and the Bill of Rights, as well as by 42 U.S.C. §1981-1982, required proof of “holder in due course” standing and regular “privity of contract” before contracts relating to the sale of land, homes, and other real estate could be enforced by foreclosure.

We demand the enforcement and protection of these our constitutional rights: that the State of California shall neither enact nor enforce any laws constituting an impairment nor abridgement of the rights of contract, or the right to keep and own property, that no law shall be made or enforced which grants privileges or immunities to any one social or economic class of individuals to the unequal disadvantage of other citizens (such as attorneys vs. non-attorneys)

and that the common law shall be preserved except when expressly repealed and abridged, and not merely by implications constituting a taking of rights without due process of law.

We claim that all such processes have occurred and continue to occur in California, as the direct and proximate and therefore legal result of state-enacted and state forced laws or programs, practices, and policies having the force or effect of law.

Accordingly, we ask you to join our lawsuit and assist us in seeking to have California Civil Code §§2924 et seq., relating to non-judicial foreclosure, and §1714.10 relating to attorney's conditional immunity from liability for participating in civil conspiracies to defraud, declared unconstitutional, along with §1946 and Code of Civil Procedure §§1161-1162, relating to unlawful detainer or forcible eviction lawsuits following non-judicial foreclosures.

We ask to meet with you personally concerning this lawsuit and that you make this lawsuit and its content the very highest priority of the Office of the Attorney General of the State of California.

We are all and each one of us

Yours very truly and respectfully,

**Charles Edward Lincoln, III
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Austin, Texas 78705
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Daniel Christian Mack

Richard Mendez

Joseph A. Cohen

COPIES OF LETTER, NOTICE OF LAWSUIT, AND REQUEST FOR WAIVE OF SERVICE OF SUMMONS WERE ALSO SENT TO:

**DEBORAH S. BOWEN
CALIFORNIA SECRETARY OF STATE
(To Waive Notice on Behalf of the State of California)
1500 11th Street
Sacramento, CA 95814**

**ARNOLD A. SCHWARZENEGGER
GOVERNOR OF THE STATE OF CALIFORNIA
Los Angeles Office
300 South Spring Street
Suite 16701 Los Angeles, CA 90013**