

**LEVY PAID
UPU POSTMASTER**

**:FOR THE PUBLIC COURT OF RECORD
WITHOUT PREJUDICE TO ANY GOD GIVEN UNALIENABLE RIGHTS**

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FAO HMCTS
MANCHESTER JUSTICE CENTRE

18/11/2015
Sent By Email & Special Delivery

F.A.O: JUDGE PELLING & JUDGE HOVINGTON

**Re.: PANNONE LLP -v- MICHAEL CLARKE
CASE 2MA90015 DATED 14/1/2013**

NOTICE to VACATE YOUR ORDER

Thank you for your order emailed to me & addressed to my "NOM DE GUERRE" the late MICHAEL CLARKE which i; the living flesh and blood sentient being :Mike :Clarke am in receipt thereof. As the authorised representative and Executor of my "CORPORATE PERSONS" estate, I have the legal obligation to correctly audit, monitor and administer matters including all property, assets, rights, and interests pertaining to MICHAEL CLARKE (a foreign estate trust).

As the Executor I would be more than happy to settle any verified claim being brought against the MICHAEL CLARKE – ESTATE in full and thereby remain in honour as it is not now nor has it ever been the intention to avoid paying any obligation that my "PERSON" Lawfully owes. I therefore offer conditional acceptance upon proof of claim and in order that I can make arrangement to pay any obligation which my "PERSON" the late MICHAEL CLARKE may owe, I require "YOU" **MARK PELLING** and Your hybrid corporation to document and verify the obligation.

Furthermore, it is our belief that the hearings held by the MANCHESTER Civil Justice Centre was in fact a private Bar guild meeting that being; not on the public record and was in fact in breach of, and did not comply with Article 6.1, 6.2 and 6.9 of The European Convention on Human Rights:

- 1: In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a **fair** and **public hearing** within a reasonable time by an **independent** and **impartial** tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice

I refer to the matter at reference. TAKE NOTICE I am not dealing with PANNONE LLP
I am however, dealing with the above MARK PELLING

I refer to my emails and letters where I have requested:

1. All letters and correspondence be in writing and signed (blue Ink) by a flesh living soul with authority namely Mr PELLING
2. The Legal enforcement documentation (provided within 7 working days)
3. A copy of your public liability insurance Policy
4. A copy of the receipt in compliance with Practice directions 55(1)
5. And I also require the claimant to produce a copy of the Certificate mentioned below
6. A copy of the genuine bonafide Court Order that is Stamped, Sealed, and Hand Signed with a Wet Ink Signature from a judge which is absolutely MANDATORY to make this legal and lawful pursuant to CPR 2.6 and 40.2

I also wish to bring to your attention the: S T A T U T O R Y I N S T R U M E N T S 2014 No. 407 (L. 1) SENIOR COURTS OF ENGLAND AND WALES: COUNTY COURTS, ENGLAND AND WALES The Civil Procedure (Amendment) Rules 2014 Made - 24th February 2014 - Laid before Parliament - 27th February 2014 -Coming into force in accordance with rule 2

The Civil Procedure Rule Committee, having power under section 2 of the Civil Procedure Act 1997(a) to make rules of court under section 1 of that Act, after consulting in accordance with section 2(6)(a) of that Act, makes the following Rules:

“County Court certificate of judgment

40.14A. —(1) Any person who wishes to have a certificate of any judgment or order given or made in a claim in the County Court (“the applicant”) may make a request in writing to the court.

(b) is required for the purpose of enforcing the judgment or order in the High Court; or

(4) Where the certificate is required for the purpose of enforcing the judgment or order in the High Court, the applicant must also either—

(a) state that— (i) it is intended to enforce the judgment or order by execution against goods; or (ii) the judgment or order to be enforced is an order for possession of land made in a possession claim against trespassers; or (b) confirm that an application has been made for an order under section 42 of the County Courts Act 1984(a) (transfer to High Court by order of the County Court) and attach a copy of the application to the request for a certificate.

As I understand you have a duty and obligation to provide to me a member of the public with all the documents listed above. NO verified evidence has ever been provided by your client and furthermore, the fiduciary acted in dishonour and delinquency and failed to act in accordance with their duties. And regarding the matter of **PANNONE v MICHAEL CLARKE** in which I clearly instructed the honour bound and duty bound fiduciary to provide the required documentation that being:

1. A genuine complaint Affidavit
2. A genuine True Bill
3. A genuine complaint Notice
4. Any other witness statements (other than hearsay)
5. Disclosure of all evidence it intends to rely on in any further hearings (which **must be** given two (2) weeks prior to attending court)**NEVER DONE**
6. A copy of the lawful contract between the parties, and,
7. For the fiduciary to supply all legal instruments from court records including any and all documents/instruments and/or affidavits previously sent pursuant to CPR r5.4.(1) and CPR r5.4.(2)
8. A copy of your firms liability insurance

Unfortunately, once again the fiduciary was delinquent in his/her legal duties and obligations acting in dishonour and failed to send the required documentation, instruments and proof of claim.

Furthermore, it is my comprehension of the matter that: a De facto court does NOT have any inherent jurisdiction and in order for an inferior court to gain jurisdiction it needs to comply with the four corner rule that being it needs:

1. The subject matter
2. The Claimant
3. A verified Affidavit from the Claimant and,
4. A Defendant

I have never and will NEVER defend this unverified claim. On behalf of my "CORPORATE PERSON" I am most happy to offer conditional acceptance of PANNONE's claim the Maxim of Law being: "whoever makes the claim **MUST** prove it".

As the claimant was never present at the hearing on the 14th January 2013, and there has NEVER been any affidavits provided by the claimant, and as I have never defended the matter it is my belief that your inferior court NEVER had subject matter jurisdiction to act *in rem* or otherwise and, "No officer can acquire jurisdiction by deciding he has it. The officer, PELLING whether judicial or ministerial, decides at his own peril." Middleton v. Low (1866), 30 C. 596, citing Prosser v. Secor (1849), 5 Barb.(N.Y) 607, 608.

As the County Court had no jurisdiction and as the Court commenced with a hearing in the absence of the defendant; according to Halsbury's Laws of England it states that: the Oath does not authorize any Judge or Magistrate, in the Common Law Jurisdiction of England and Wales, to adjudicate any Hearing in which the matter is to be decided in any way other than by a Jury and, therefore the Common Law Oath under which the Judge/Magistrate has claimed authority is Unlawful and constitutes an offence contrary to Section 13 of the Statutory Declarations Act 1835. By the Judge/Magistrate sitting it is considered to be prima facie evidence of the offence.

"You" MARK PELLING must take Notice that Due Process has not been followed in this case with the Court acting "Ultra Vires" that being beyond the scope of its corporate power, therefore; any order made by the MANCHESTER HIGH COURT is in fact NULL and VOID *ab initio*.

You MARK PELLING **MUST** take NOTICE that: **You are Delinquent** in your legal duty's and obligations and that Due Process has not been followed in this case, with the Court acting "Ultra Vires" that being beyond the scope of its corporate power, therefore; any order made by the MANCHESTER Civil justice centre is in fact NULL and VOID *ab initio*.

A VOID order results from a fundamental defect in the proceeding (UPJOHN LJ in Re PRITCHARD (deceased) [1963] 1ch 502 and Lord Denning in FIRMIN v ELLIS [1978] 3WLR 1)

Or from a without jurisdiction/ultra vires act of a public body or judicial office holder (Lord Denning in PEARLMAN v GOVERNORS OF HARROW SCHOOL [1978] 3WLR736).

A fundamental defect includes a failure to serve process where process is required (Lord Green in CRAIG v kanssen [1943] 1 KB 256). Or where proceedings appear to be duly issued but fail to comply with statutory requirement (UPJOHN L.J. In Re PRITCHARD [1963]).

Failure to comply with a statutory requirement includes rules made pursuant to statute (SMURTHWAITE v HANNAY [1894] A.C.494).

In the MACAFOY v UNITED AFRICA CO LTD [1961] Lord Denning confirmed that:
A fundamental defect in the proceeding will make the whole proceeding a nullity
A nullity cannot be waived. It is never too late to raise the issue of a nullity.

If an order is void *ab initio* then there is no real order of the court (CRANE v DIRECTOR OF PUBLIC PROSECUTIONS) [1921].

To have one party take a case to court accusing another party of alleged wrong doing then have a judgement made and order given without the full and proper processes in place and ignoring all rights of the accused to have a fair, unbiased and just hearing, is not only ILLEGAL but TOTALLY UNLAWFUL and WHOLLY UNACCEPTABLE especially when the purported judge is acting under their oath to their Private BAR Guild which was Rebutted and NOT in the capacity of "public officials" who have sworn a solemn public oath remain bound by that oath and therefore bound to serve honestly, impartiality and fairly as dictated by their oath.

By breaching Due Process of the Law at the UNLAWFUL hearing and due to the demonstrable negligence of the Court and the “Mistaken” agents of the court which do not appear before the court with “Clean Hands” and given the inherent dishonesty of the “Complainants” professional negligence the tort of MALFEASANCE in public office, the tort of wilful neglect and FRAUD under FEDERAL LAW, breaches of Article 6 of The Human Rights Act 1998, the European Convention of Human Rights and, the Charter of Fundamental Rights of The European Union Article 47, neither the MANCHESTER Civil Justice centre (County court) are not entitled to seek equitable remedies as a result.

THEREFORE A NULL & VOID ORDER DOES NOT HAVE TO BE OBEYED.

I require this important information and legal instruments in compliance with Statutory rights under and pursuant to CPR r. 5.4(1) – Supply of documents from Court records - Any party to proceedings may be supplied from the records of the court with a copy of any document relating to those proceedings (including documents filed before the claim was commenced) and CPR r. 5.4(2) Supply of documents to parties including new parties (The documents should be supplied within 48 hours after a written request for them is received).

Furthermore, should you fail to disclose these important documents and instruments this is in breach of s.3 of the Fraud Act 2006 – Fraud by failing to disclose information. A person is in breach of this section if he – (a) dishonestly fails to disclose to another person information which he is under a legal duty to disclose, and (b) intends, by failing to disclose the information— (i) to make a gain for himself or another, or (ii) to cause loss to another or to expose another to a risk of loss.

For I the living sentient being did NOT knowingly and/or willingly agree to be a surety for a LEGAL FICTION and did NOT promise my life's efforts to the Crown, for this was an erroneous presumption which only remained un rebutted as I did not know of or, comprehend the ramifications at the time as; I had not reached the age of majority and was deliberately deceived

Furthermore, I the living sentient being have seen no evidence from any party that would order, represent or persuade or falsely present :Mike :Clarke as a UNITED KINGDOM citizen, vessel or PERSON directly or by deception, device, misnomer, mistaken identity, warrant or indictment, real or imagined and, will not be engaging in Enticement to Slavery, Perjury of Oath, assault on a Foreign Official and a violation of the Convention de La Haye du 5 Octobre 1961 (“Hague Convention”), and believes that no such evidence exists.

Notice is hereby given that should there be any further hearings regarding the matter: I the living sentient being will be strictly; in *Propria Persona – Sui Juris*, for I the living sentient being do NOT recognise or consent to *in rem* jurisdiction as: I am *compos mentis* that being of sound mind and reason and as previously stated I am NOT your property or a thing.

As aforesaid in order that I can make arrangements to settle any Lawful obligation I require the claimants to document and verify the obligation by providing the aforementioned documents and instruments, also under and pursuant to the Uniform Commercial Code §3-501 (2) Upon demand of the person to whom presentment is made, the person making presentment must (i) exhibit the instrument, (ii) give reasonable identification and, if presentment is made on behalf of another person, reasonable evidence of authority to do so” then as soon as I have received ALL the aforementioned documentation and instruments I will be most happy to settle the matter in full on behalf of my “CORPORATE PERSON” and, I hereby give the MANCHESTER High court, and/or “You” MARK PELLING seven (7) days to provide all the aforementioned documentation and instruments.

Should “You” MARK PELLING and your aforementioned hybrid corporation fail in your legal duty's and obligations again (in keeping with the officers of your court who have clearly shown a lack of *Jurisprudence*) to provide ALL the aforementioned documentation and instruments to prove and verify your claim You are hereby required to vacate the case with extreme prejudice and “You” MARK PELLING and your aforementioned hybrid corporation MANCHESTER High court are hereby given **NOTICE TO CEASE AND DESIST** your unlawful actions and the unlawful actions of your agents for: No one is above the Law and this has been clearly demonstrated in the case of the *Motu Propria* issued by Pope Francis on July 11th 2013, You Mark Pelling need to understand: that it is an instrument of several functions and layers.

In the first instance, it may be legally construed to apply to the local matters of the administration of the Holy See.

In the second instance, the document relates to the fact that the Holy See is the underpinning to the whole global system of law, therefore anyone holding an office anywhere in the world is also subject to these limits and that immunity no longer applies... and, it is my comprehension of the matter that You MARK PELLING are vicariously liable for the actions of your agents in the course of their duty or purported duty.

Furthermore, this is a matter for the public record as I have a duty of care and obligation to protect the public as this is a matter of public concern.

If you are in doubt regarding your position I suggest you take legal advice.

I require the above information within the next seven (7) working days of receipt of this letter, failure to do so will constitute a tacit agreement by acquiescence to the following terms: a)that you have no legal standing; b)no first-hand knowledge of this matter; c) your claim is fraudulent; d) any damages I suffer you will be held culpable.

All Unalienable God Given Rights Reserved

NOTICE: IMPLIED ADMISSION BY ABSENCE OF RESPONSE AND COMPLIANCE CREATES A LEGAL ACCORD AND SHALL CONSTITUTE SATISFACTION OF ALL CLAIMS

:AUTOGRAPH-COPYRIGHT/COPYCLAIM-

Yours sincerely



By:

:Mike -, of the family: Clarke Settlor/Authorised Representative
Private Persons Personal Representative and Authorised Agent for MR MICHAEL CLARKE™

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WITHOT PREJUDICE UCC 1-308" - WITHOUT RECOURSE – NON-ASSUMPSIT