

Magistrate Court Catron County Main Street Reserve, New Mexico 87830	<p style="text-align: center;">▲ Court Use Only ▲</p>
STATE OF NEW MEXICO, Plaintiff in legal fiction v. ANDREA BAILEY, Alleged Defendant.	
Un-Re-Presented “in propria persona”: Andrea Rose Bailey General Delivery Reserve, New Mexico [near 87830] 575-533-6461	Citation Numbers: 5741106 8, 5741107 6, 5741108 4
FIRST AMENDMENT PETITION IN THE NATURE OF DEMAND FOR DECLARATORY JUDGMENT	

Andrea Rose Bailey, is a *child of 7 1 7 3* (YHVH), a sovereign Inhabitant of the New York Republic, currently domiciled in the **free Republic of New Mexico**; appearing by **special visit**, *not general appearance*, in propria persona (pro-se); and is of legal age, sound mind, speaks the truth and has first hand knowledge of the facts contained in this document; affirms and attests that the following information is true, correct, complete, not misleading and is made under the penalty of perjury, knowingly, unwillingly and under threat, duress and coercion hereby states for the record:

Demand for Declaratory Judgment

Whereas, The People of the Catron County free Settlement in the New Mexico Republic are uncertain of the de facto government’s intent and application of unconstitutional codes, statutes, rules and usages of purported legislative enactments as relates to the People, who have specifically and unequivocally denied any jurisdictional nexus thereof, Andrea Rose, Bailey and the free People of the Catron County free Republic hereby demand a Declaratory Judgment at the Magistrate Court level to resolve those uncertainties and to ascertain the legal relationship between the bankrupt corporation acting as the de facto government within the geographical boundaries of the De Jure Catron County free Settlement in the Republic for the free state of New Mexico.

In furtherance of a good will intent to reconcile and to maintain peaceful and mutually beneficial relationships between the De Jure Republic and the bankrupt corporate de facto governments, we rely upon your own colorable codes in order to establish the groundwork from whence to construct a viable relationship with all people of good will in Catron County.

1-057. Declaratory judgments.

A. Procedure. The procedure for obtaining a declaratory judgment shall be in accordance with these rules, and the right to trial by jury may be demanded under the circumstances and in the manner provided in Rules 1-038 and 1-039 NMRA. The existence of another adequate remedy does not preclude a judgment for declaratory relief in cases where it is appropriate.

The court may order a speedy hearing of an action for a declaratory judgment and may advance it on the calendar.

While it is obvious that a Declaratory Judgment will be the appropriate “first step” in normalizing relations between the de facto and the De Jure governments operating within the same geographic boundaries, the door should be opened for continuing good faith negotiations as events impacting the Rights and immunities of the People of the free Republic are identified.

B. Procedure when state a party. In all actions where the State of New Mexico is a party, the summons to be issued, together with a copy of the complaint or petition thereto attached, shall be personally served upon the governor and the attorney general of the State of New Mexico. The state shall thereupon be required to answer or plead to the complaint or petition and serve copy thereof within twenty (20) days after service upon the last served of the two officials above named.

The STATE OF NEW MEXICO, INC. is certainly an indispensable party to this controversy giving rise to the Demand for a Declaratory Judgment, so the People of the free Catron County Settlement hereby move the Court to issue a summons or subpoena for the appropriate STATE actors to be joined to this action in order to fully adjudicate this controversy and remove the uncertainty of the People.

44-6-3. Definition.

As used in the Declaratory Judgment Act [44-6-1 to 44-6-15 NMSA 1978], "person" means any person, partnership, joint stock company, unincorporated association or society or municipal or other corporation of any character whatsoever.

In this instant matter, “person” would designate a society known in reality as The People of the Catron County free Settlement in the Republic for the free state of New Mexico.

44-6-4. Power to construe.

Any person interested under a deed, will, written contract or other writings constituting a contract, or whose rights, status or other legal relations are affected by a statute, municipal ordinance, contract or franchise, may have determined any question of construction or validity arising under the instrument, statute, ordinance, contract or franchise and obtain a declaration of rights, status or other legal relations thereunder.

In this instant matter The People of the Catron County free Settlement seek clarity pursuant to the Original Constitution for the united States of America and the Articles in Amendment thereto known as the Bill of Rights, and specifically the First, Fourth, Sixth, Ninth and Tenth Amendments concerning the prohibition to government forbidding the intrusion into the Rights of the People granted by the Creator and secured and guaranteed inviolable by the Original Constitution for the united states of America and the unlawful and illegal custom and practice by the de facto government of erecting road blocks for the expressed purpose of harassing the People and stealing their belongings.

44-6-6. Enumeration not exclusive.

The enumeration in Sections 4 [44-6-4 NMSA 1978] and 5 [44-6-5 NMSA 1978] of the Declaratory Judgment Act does not limit or restrict the exercise of the general powers conferred in Section 2 [44-6-2 NMSA 1978], in any proceeding where declaratory relief is sought, in which a judgment or decree will terminate the controversy or remove an uncertainty.

We, The People, will seek further relief as current events dictate the necessity.

44-6-9. Supplemental relief.

Further relief based on a declaratory judgment or decree may be granted whenever necessary or proper. The application therefor shall be by petition to a court having jurisdiction to grant the relief. If the application be deemed sufficient, the court shall, on reasonable notice, require any adverse party whose rights have been adjudicated by the declaratory judgment or decree, to show cause why further relief should not be granted forthwith.

Due to the fact that this court hears cases instigated by unlawful roadblocks and traffick issues, it is the proper venue to seek Declaratory relief.

44-6-12. Parties.

When declaratory relief is sought, all persons shall be made parties who have or claim any interest which would be affected by the declaration, and no declaration shall prejudice the rights of persons not parties to the proceeding. In any proceeding which involves the validity of a municipal ordinance or franchise, the municipality shall be made a party and shall be entitled to be heard, and if the statute, ordinance or franchise is alleged to be unconstitutional, the attorney general shall also be served with a copy of the proceeding and be entitled to be heard.

Although this Declaratory Judgment will directly affect all the People of the free Catron County Settlement, it is not necessary that all be joined to this action unless they are present at the jury trial and express the desire to be heard by the jury.

44-6-13. State or official may be sued; construction of constitution or statute.

For the purpose of the Declaratory Judgment Act [44-6-1 to 44-6-15 NMSA 1978], the state of New Mexico, or any official thereof, may be sued and declaratory judgment entered when the rights, status or other legal relations of the parties call for a construction of the constitution of the state of New Mexico, the constitution of the United States or any of the laws of the state of New Mexico or the United States, or any statute thereof.

Although it is not the intent of the People of the Catron County free Settlement to individually sue any of the de facto corporate actors in the STATE OF NEW MEXICO, it would be acceptable to allow any of them to joinder this controversy should they desire to have their voice heard in this matter.

1-039. Trial by jury or by the court.

A. By the court. All issues not set for trial to a jury as provided in Rule 1-038 shall be tried by the court; but notwithstanding the failure of a party to demand a jury in an action in which such a demand might have been made of right, the court in its discretion upon motion may order a trial by a jury of any or all issues.

B. Advisory jury and trial by consent. In all actions not triable of right by a jury the court upon motion or of its own initiative may try any issue with an advisory jury; or the court, with the consent of both parties, may order a trial with a jury whose verdict has the same effect as if trial by jury had been a matter of right.

We, The People of the Catron County free Settlement and specifically I, Andrea Rose, Bailey hereby demand a trial by jury to adjudicate the issue of the Right of the People to freely travel upon the highways and byways of Catron County unimpeded by corporate militarized police of any nature.

Please be advised that these corporate police actors involved in the practice of setting up roadblocks in Catron County, et. al. are hereby noticed pursuant to 41-4-16 NMSA 1978 that I intend to file suit in Federal District Court citing civil damages in 42 USC §1983, §1985, §1986 and criminal charges in 18 USC §1961 et. seq., 18 USC §241 & §242.

Sovereign Inhabitant aggrieved requests that an appropriate scheduling of all hearings and movements in this court be made in order to allow for proper service and joinder of all interested persons and parties.

Respectfully presented in Good Faith,

Andrea Rose, Bailey - Sui Juris

Tuesday, 15 November, 2011

Certificate of Personal Service

I, Andrea Bailey, hereby certify that on Tuesday, 15 November, 2011, a true and correct copy of the foregoing **First Amendment Petition in the nature of Demand for Declaratory Judgment** was placed in the U.S. Postal Service with sufficient postage affixed and addressed to:

Magistrate Court
Main Street
Reserve, NM 87830

Andrea Bailey