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5 Iron Mountain Mines, Inc.; corporation property in the custody of the United States of America
6 P.O. Box 992867, Redding, CA 96099, T.W. Arman, sole stockholder, no parent corporation.*
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8 **IN THE UNITED STATES COURT OF FEDERAL CLAIMS**

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10 **TWO MINERS & 8000 ACRES OF LAND) Court of Federal Claims No. 09-207 L**
11 **IRON MOUNTAIN MINES, INC. et al,) Honorable Judge Christine O. C. Miller**
12 **T.W. ARMAN and JOHN F. HUTCHENS,) NOTICE: RELOCATION OF NOBLE & SCOTT**
13 **(real parties in interest), "Two Miners") MINING CLAIMS TO ARMAN & HUTCHENS**
14 *** Absence of Delectus Personae: Plaintiffs) "ARMAN CONSOLIDATED MINING CLAIMS"**
15 **v.) LAW OF THE APEX DISCOVERIES! ORDER**
16 **UNITED STATES Defendants) FOR JUNIOR LOCATION FORFEITURES**
17 **"NO IMMUNITY UNDER 1983") PLAINTIFFS' EMERGENCY ACQUISITIONS.**
18 **RIGHT OF PRESENT POSSESSION PRESUMED ON PRIORITY OF ABSOLUTE TITLE.**
19 **ACTUAL, PROXIMATE, SPECIAL, EXEMPLARY, FREEHOLD & PENAL DAMAGES**
20 **DIGEST OF THE SUPREME COURT OF CALIFORNIA, VOLUMES ONE...**

21 **V. Liens on Claims.**

22 1. Under section 1183 of the Code of Civil Procedure, giving a lien to persons who perform labor
23 on any "mining claim," land held under an agricultural patent from the United States is not subject
24 to a lien for the wages of laborers employed in working a mine upon it. Such land is not a "mining
25 claim" within the meaning of the section. (Morse v. De Ardo, 107 Gal. 622.)

26 **MISTAKE: ABUSE OF PROCESS**

27 2. When the legal rights of parties have been changed by mistake, equity restores them to their for-
28 mer condition when it can be done without interfering with any new rights acquired on the faith and

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1 strength of the altered condition of the legal rights, and without doing injustice to other persons.
2 (Shaffer v. McCloskey, 101 Cal. 576.)

3 3. An action to recover back money paid upon mistake of fact is one in which courts of law and eq-
4 uity had concurrent Jurisdiction, and the primary right and the remedy, where it seeks only to re-
5 cover the money thus paid, is cognizable in a court of law, and is a legal cause of action.
6 (Olmstead v. Dauphine, 1H Cal. 635.) Ejectment, 426 n. Quiet title, action to, 738.

7 Where the legatees in remainder make it appear there is danger that the estate will be impaired or
8 suffer waste if left in the possession of the life tenant without security, and it is necessary that their
9 rights in the property shall be protected or preserved, they must seek relief from the equity arm of
10 the superior court in order to demand that security be given. (Estate of Garrity, 108 Cal. 468.)

11 **LIBEL & SLANDER: STIGMATIC INJURY**

12 Libel is false and unprivileged publication which exposes any person to hatred, contempt, ridicule,
13 or obloquy, or which causes him to be shunned or avoided, or which has a tendency to injure him in
14 his business. (Taylor v. Hearst, 107 Cal.. 262.)

15 To “resume work,” within the meaning of section 2324 of the United States Revised Statutes, is to
16 actually begin work anew with a bona fide intention of prosecuting it as required by that section;
17 and whether work done by a prior locator was with such intention is for the jury to determine.
18 (McCormick v. Baldwin, 104 Cal. 227.)

19 Where the owner of a mining claim is wrongfully ousted, and work is done upon the claim by the
20 parties in possession, until an action of ejectment is brought, and successfully maintained by the
21 owner, the defendants in such action cannot insist that the mining claim was forfeited by reason of
22 the failure of the owner to perform the annual expenditure upon the claim required by the Revised
23 Statutes of the United States. (Trevaskis v. Peard, 111 Cal. 599.)

24 A mining claim is real estate, and under the statute of frauds can be transferred only by operation
25 of law or an instrument in writing. (Moore v. Hamerstag, 109 Cal. 122.)

26 Where the proprietor of a tract of mining ground which had been derived through several locations
27 disposes of the same in parcels, irrespective of the lines of the locations, the rights of his grantees
28 are measured by the terms of their deeds. Section 2336 of the Revised Statutes of the United States

1 providing that, when two veins intersect, priority of title shall govern as the ore or mineral con-
2 tained within the space of intersection, has not application to a conveyance of part of a mining
3 claim, in respect to which there is no priority of location, and was intended to limit or define the
4 rights of a person in possession of a tract of mining ground where there is more than one vein, or to
5 prescribe the effect of a conveyance by the locator of a claim of a portion of his location; but the
6 sole object of that section is to supplement the provisions of section 2332, and to prescribe rules
7 under which different locations by different proprietors should be held, and to determine the rights
8 of such proprietors in case of intersecting veins. (Stinchfield v. Gillis, 107 Cal. 84.)

9 **A deed to land given to secure a debt, at a time when the decisions in this state held that the**
10 **legal title to the land passed thereby, conferred a title, as part of the contract, subject only to**
11 **an equity of redemption, which a subsequent change in the law cannot effect; and when the**
12 **debt to secure which the deed was made became barred by the statute of limitations, the right**
13 **to redeem was also barred, and became vested absolutely in the grantee free from any equi-**
14 **ties, and the grantee may recover the land in ejectment. (Allen v. Allen, 106 Cal. 187).**

15 **86. The obvious purpose of section 726 of the Code of Civil Procedure is to compel one who**
16 **has taken a special lien to secure his debt to exhaust his security before having recourse to the**
17 **general assets of the debtor; and when he has done this, or when without his fault the security**
18 **has been lost, the policy of the law does not prohibit a personal action. *PEDIS POSSESSIO***
19 **(Merced Security Savings Bank v. Casaccia. 108 Cal 641.)**

20 MOTION TO STRIKE, VOID & VACATE LIENS! MOTION FOR EQUITY WITH HONOR.
21 MOTION IN SUPPORT OF THE CLERK OF THE COURT ISSUING ADVERSE CLAIMS
22 WRITS OF POSSESSION & EJECTMENT; MOTION FOR AN ACCOUNTING OF DAMAGES;
23 MOTION FOR DETINUE SUR BAILMENT: VACATE CONSENT DECREE; REMISSION &
24 REVERSION OF TRUSTS I & II; **VOID CERCLA AS UNCONSTITUTIONAL LAW.**
25 **BOUNTY WARRANTS FREEHOLD ESTATE PATENT TITLE LAW OF THE APEX**
26 **PREFERENCE RIGHTS GENERAL VERDICT.**

27 August 27, 2009

Signature: _____

28 **COUNSEL OF RECORD**; Iron Mountain Mines, Inc. s/ John F. Hutchens; grantee's agent.

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Motions for Adverse Claims Writs of Possession and Ejectment, Motion to Void and Vacate Liens.