

1994

# Leonard Shyrl Brown and Ila D. Brown v. Quinn Christensen : Reply Brief

Utah Court of Appeals

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## Recommended Citation

Reply Brief, *Leonard Shyrl Brown and Ila D. Brown v. Quinn Christensen*, No. 940320 (Utah Court of Appeals, 1994).  
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IN THE COURT OF APPEALS FOR THE STATE OF UTAH

Shyrl Brown and Ila D. :  
 :  
 : Number 940693-CA  
 Plaintiffs, Appellants, :  
 : Priority No 12 or 15  
 v :  
 :  
 Quinn Christensen, :  
 :  
 Defendant, Appellee.

APPELLANT'S REPLY TO APPELLEE'S BRIEF

Petition for Writ of Mandamus or Appeal of Right to/from the  
Sixth Judicial District Court for Sevier County, Judge David  
L. Mower.

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UTAH COURT OF APPEALS

940693

FILED  
Utah Court of Appeals

DEC 31 1994

Marilyn M. Branch  
Clerk of the Court

IN THE COURT OF APPEALS OF THE STATE OF UTAH

Number 940693-CA

Leonard Shyrl Brown and Ila D. Brown, Plaintiffs, Appellants,

v

Quinn Christensen, Defendant, Appellee.

ON APPEAL FROM THE SIXTH DISTRICT COURT OF SEVIER COUNTY, JUDGE  
DAVID L. MOWER.

PETITION FOR WRIT OF MANDAMUS TO JUDGE MOWER -or- APPEAL OF  
RIGHT

APPELLANTS REPLY TO BRIEF OF DEFENDANT-APPELLEE

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I. SUMMARY OF ARGUMENT. The foreign judgment is not entitled Full Faith and Credit until it is properly filed and domesticated in Utah. It is unlawful to go to the police to enforce a foreign judgment prior to filing the foreign judgment in a Utah court. The foreign court is NOT a court of general jurisdiction in Utah. It is a federal court created by statute and granted jurisdiction ONLY by statute, which statutory jurisdiction has not been found. The foreign jurisdiction judgment can be attack in this quiet title action on grounds of fraud, lack of jurisdiction and lack of due process. The Supreme Court or the Court of Appeals does have jurisdiction. Defendant's arguments are in violation of the law, opposed to previous decisions of higher courts without grounds, outrageous or false.

II. ARGUMENT.

(a) ENFORCEMENT OF FOREIGN AND DOMESTIC JUDGMENTS DISTINGUISHED. Defendant appears to argue only that foreign judgments and domestic judgments are precisely the same as to procedure and enforcement within Utah. We now distinguish between foreign judgments and domestic judgments to prove (as admitted by Defendant) the law has not been followed and actions of Defendant were clear violations of our rights to due process of law.

Our argument is on the basis of clearly established law and precedent which we, in good faith, rely upon for our appeal and petition. Thus, we deny that our appeal is frivolous and allege that Defendant's Brief and arguments are frivolous, in

violation of the law, and in clear violation of our rights to due process of law.

We request the court NOTICE that none of the cases cited by Defendant concern themselves with foreign judgments, full faith and credit, or enforcement proceedings of foreign judgments within Utah. Defendant would have us believe that enforcement of foreign judgments in Utah is automatic. This is clearly false under the law in Utah. DEFENDANT IS DELIBERATELY OFF POINT.

The cases which are on point are the cases upon which we rely, Holm v Smilowitz, 840 P2d 157 (Utah App. 1992); Pan Energy v Martin, 813 P2d 1142 (Utah 1991); Data Management Systems v EDP Corp, 709 P2d 377. (Ut. 1985)

Defendant admits at p. 10 that the U.S. District Court judgment is a FOREIGN JUDGMENT which must seek full faith and credit to be enforced in Utah and is so defined in Utah Code, 78-22a-2(2).

The court teaches that a foreign judgment can not be enforced in another jurisdiction until it has been domesticated.

"An order of a judge in one state is simply not enforceable in another state until that order has been domesticated in the second state." Holm, supra, p. 163

It is most distressing to see Defendant continue to refute the law and prior decisions of the Court of Appeals and the Supreme Court sustaining the law, which decisions are on point and applicable in this civil action.

Defendant claims the foreign judgment is automatically enforceable in Utah. The Appeals Court disagrees, stating that

with regard to full faith and credit,

"...it is equally clear that a foreign judgment must first be filed in Utah in order for it to become an enforceable Utah order, and furthermore, that the parties are, in most circumstances, entitled to a hearing on the foreign order to examine the narrow issue of whether the other state court had jurisdiction when it rendered its order. Neither occurred here, resulting in denial of Holm's substantive due process rights." Holm, supra, p. 163

The foreign judgment has never been properly filed in the Utah Court. We were denied our rights to due process of law on the jurisdiction of the foreign court when it rendered its order. Judge Mower simply refused to hear and decide our jurisdiction arguments, which we believe conclusively proves that the federal court could not possibly have jurisdiction over the real property nor over our persons nor over the subject matter, point by point, when it rendered its judgment. Fraud and lack of due process of law in addition to jurisdiction are grounds for attack upon the foreign jurisdiction judgment as we have previously shown. We attack the foreign judgment on all three grounds. We are entitled to a hearing and an unprejudiced finding of fact and law on all issues we raised. In the face of the law and previous decisions of higher Utah Courts, foreign judgments can be attack on these and possibly other grounds (See Data Management, supra, at p. 379), Defendant's argument is frivolous.

"Thus, enforcement of a foreign custody decree pursuant to the UCCJA must be accomplished in compliance with provisions of the Utah Foreign Judgment Act, which governs the procedure for ENFORCEMENT OF ALL FOREIGN JUDGMENTS." Holm, supra, p. 163, emphasis added.

We have shown that Defendant went straight to the Richfield City police with a criminal trespass complaint to enforce his foreign judgment. This is in violation of the law and due process

of law. Judge Mower ruled that the word "may" in Utah Code, 78-22a-2(2) (record p. 128) rendered the foreign judgment act voluntary; directly in opposition to higher court decisions.

The court quotes §78-22a-2(2) and states: "Smilowitz argues that the use of "may" suggests that the method undertaken here, simply taking the foreign judgment straight to the police, is also an acceptable alternative. We disagree. The Utah Supreme Court explained the history of the Utah Foreign Judgment act in *Pan Energy v Martin*, 813 P2d 1142, 1143 (Utah 1991), and noted that its purpose was 'to simplify the enforcement of foreign judgments by sparing the judgment holder the burden of further litigation and allowing enforcement in this state by the simple expedient of filing the judgment with a county clerk in Utah. The judgment holder still has the option, however, to commence an enforcement action under the older, tradition approach.' Id. (citation omitted). Thus, use of the word "may" merely conveys that the judgment holder may file it with a district court clerk or use the prior approach, not that he may proceed without docketing the judgment whatsoever." Holm, supra, footnote 3, p. 163

Thus, Defendant clearly circumvented the law and violated our rights to due process of law by his act of going straight to the police with his criminal trespass complaint rather than (1) filing the foreign judgment with the clerk of the court or (2) commencing an enforcement action in the 6th district court. These are the two recognized lawful methods whereby a foreign judgment can be enforced in Utah.

The court continues stating our rights to due process of law are mandatory.

"The demands of due process rest on the concept of basic fairness of procedure and demand a procedure appropriate to the case and just to the parties involved." Holm, supra, p. 164

"It is well settled that '(a) foreign judgment rendered without jurisdiction over the defendant or under circumstances which amount to a lack of due process is not entitled to full faith and credit in Utah'." Holm, supra, p. 164.



(b) FEDERAL JURISDICTION V UTAH JURISDICTION. Defendant claims that our appearance to defend (p. 12) in federal court conferred jurisdiction upon the federal court. That is absolutely false. No action or inaction by us could confer jurisdiction. (Our brief p. 1213). We were faced with the problem of appearing to defend or have summary judgment issued against us. Knowing that federal courts have only jurisdiction conferred upon them by STATUTE by Congress pursuant to the U.S. Constitution, and knowing there was no statute granting such jurisdiction over the real property or over our persons, we appeared to defend. Each and every appearance in the federal court was a "special" not a "general" appearance, each and every time denying the jurisdiction of the federal court over Ila's property and over our persons, individually. The record shows the issue was never fully litigated or decided or even considered.

Defendant claims (p. 10) Art III, Section 2, Cl. 1 confers jurisdiction over our persons and Ila's property but as usual it is misquoted.

"The judicial power shall extend to all cases in law and equity arising under this Constitution, the laws of the United States, and treaties made, or which shall be made under their authority;..." Art III, Sec 2, Cl 1, U.S. Constitution.

Defendant fails to state the portion of the U.S. Constitution or the laws of the United States which grants jurisdiction over real property located in Richfield, Utah. There are only two possibilities, none of which apply. (1) Art. IV, Sec 3, Cl 2, grants federal jurisdiction over territories. Federal

jurisdiction was ousted in 1896 when Utah ceased to be a territory and became a State on an equal footing with all other states. (2) Art I, Sec 8, Cl 17 grants exclusive jurisdiction to the federal government over lands purchased with the consent of the state legislature and accepted by Congress. The real property was not federally purchased by the consent of the Utah Legislature and therefore, does not apply. Jurisdiction runs to real property and the persons residing thereon. Therefore, the federal government could not possibly have jurisdiction over Ila's property nor over our persons individually. Defendant fails to prove federal jurisdiction. Defendant admits (p. 9) that court jurisdiction can be challenged at any time.

Defendant then claims that §1332 grants jurisdiction to the federal court by quoting, "The District Court shall have original jurisdiction of all civil actions..." As usual, Defendant falsely quotes the law, attempting to broaden jurisdiction far beyond congressional intent and constitutional authority, as seen in the law itself.

"(a) The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$50,000, exclusive of interest and costs and is between (1) citizens of different States; (2) citizens of a State and citizens or subjects of a foreign state; (3) citizens of different States and in which citizens or subjects of a foreign state are additional parties; and (4) a foreign state, defined in section 1603(a) of this title, as plaintiff and citizens of a State or of different states." 28 USC §1332.  
Defendant, through his attorney, deliberately lied claiming that §1332 is a grant of general federal jurisdiction in Utah when it is a highly qualified jurisdictional grant having absolutely no application to the instant action. The section

actually grants a portion of federal jurisdiction in Art III, Sec 2, Cl 1 of the U.S. Constitution with other jurisdiction going to other federal courts.

We request the COURT TAKE NOTICE (1) that this jurisdictional point was not raised in the lower court and (2) that there is no statement of federal jurisdiction on the record. The federal court failed to find jurisdiction. The Utah court and Defendant failed to find any statutory federal court jurisdiction. Federal court jurisdiction is entirely statutory, can not be presumed, and when challenged must be proven by the party alleging federal jurisdiction. Defendant is grasping at straws having no factual or lawful ground to prove federal jurisdiction.

"Only when the question of a sister state's (in the instant action, U.S. District Court's) jurisdiction is fully and fairly litigated in the foreign court, does such judgment have a res judicata effect on the matter of jurisdiction in Utah." Holm, supra, p. 164.

Thus, Defendant's claim of res judicata is false. The fact that Christensen relies solely upon a foreign judgment for his claim, immediately raises SUBSTANTIAL JURISDICTIONAL QUESTIONS which must be fully litigated. Relying upon the Holm case, it appears that the matter must be referred back to the U.S. District Court for a determination, at law, of the jurisdiction of the federal court. It is obvious from the record that the issues we raise here were never decided, otherwise, a jurisdictional statement of fact and law would appear on the record addressing each and every element of the judgment.

Next (p. 11), Defendant claims federal jurisdiction under

28 USC §125. This is not a grant of federal jurisdiction, rather is a description of federal court organization having no application to the instant action. We challenge federal court JURISDICTION not VENUE.

Next (p. 11), Defendant cites 26 USC §7402, with emphasis on NE EXEAT REPUBLICA writ, as a specific grant of general federal jurisdiction.

According to Black's Law Dictionary, Rev 4th Ed, NE EXEAT REPUBLICIA is a writ issued to prevent a defendant from leaving the jurisdiction of the court. No such writ was issued by the state or federal court. We were never under the jurisdiction of the federal court so we could not possibly leave the federal jurisdiction.

Again, §7402 is not a general grant of federal jurisdiction. The actual authority for federal courts to issue writs is under 28 USC §1651 which states:

"(a) The Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law." 28 USC §1651

§7402 is merely a wordy restatement of §1651. Use of federal writs are governed by §1651. The writ can only be issued in "aid" of the court's jurisdiction. No federal court or other court can issue writs outside of or in excess of its jurisdiction. Defendant failed to prove federal court jurisdiction. In the absence of jurisdiction, the writ is void.

Under Utah law and court precedents cited above, the writ of execution must be issued in the name of the State of Utah, with its court seal, based upon a properly filed foreign judgment

and directed to the Sevier County Sheriff. The court should NOTICE that p. 11 of our brief again informed the Defendant of the laws, rules and court precedents concerning foreign judgments. Rule 69, Federal Rules of Civil Procedure, clearly states that, "The procedure on execution, in proceedings supplementary to and in aid of a judgment, and in proceedings on and in aid of execution shall be in accordance with the practice and procedure of the state in which the district court is held." The Defendant now appears before this court (as he did in the lower court) advocating that the court ignore or nullify Utah law, relying on court cases which are off point.

The court should notice that §7402 does NOT authorize a federal writ of execution. That would be in violation of Rule 69, supra. recognizing that such a writ must comply with Utah law and procedure as we have clearly detailed.

Defendant claims (p. 11)"...enforcement of Internal Revenue laws..." The court should NOTICE, there is nothing in the record stating which "internal revenue laws" are being enforced. Therefore, the court can only conclude there is no law being enforced.

We further distinguish between enforcement of domestic and foreign judgments. Utah Code, 78-22-1 governs domestic judgments stating that when a judgment of a Utah district court is docketed in another Utah county district court, the judgment becomes a lien of the property of the judgment debtor and enforceable. The Utah Foreign Judgment Act, Utah Code, 78-22a-2(1), et seq similarly establishes a lien on the judgment

debtor's property upon the docketing of the foreign judgment with the appropriate county court. However, the judgment docketing requires notice and can not be enforced until 30 days after the docketing. Further, the foreign judgment must seek "full faith and credit", an additional step not required in domestic judgments. The higher courts have ruled that when a foreign judgment was fraudulent, the foreign court lacked jurisdiction or the foreign proceeding lacked due process of law the judgment is VOID and need not be accorded full faith and credit. Only when the sister jurisdiction's proceeding is shown to comply with these conditions is the foreign judgment accorded full faith and credit. (See Holm, supra, p. 164) Also the Supreme Court rejects Defendant's argument that the foreign judgment is immune from collateral attack.

"The Full Faith and Credit Clause does not prevent a judgment debtor from collaterally attacking a foreign judgment on the ground of fraud or the want of jurisdiction or due process of law. (citations) Data Management systems v EDP Corp, 790 P2d 377 (Utah 1985) at p. 379

Defendant's claims on p. 15 are obviously made, knowingly, in direct opposition to the higher court decision.

(c) DEFENDANT'S CASES AND FACTS ARE OFF POINT. Defendant deliberately creates confusion by citing cases which are OFF POINT. His cases were decided prior to the Utah Foreign Judgment Act of 1982 and are Utah cases decided in Utah courts. Foreign and domestic judgments have different rules.

Defendant relies upon Intermill v Nash, 75 P2d 157, at p. 13. This was a quiet title action in which both plaintiff and defendant were under Utah court jurisdiction. The case

was litigated in the District Court of Salt Lake County. Full Faith and Credit was not required as it is in this instant action. This case has no application here.

Defendant relies upon Bawden v Pearce, 414 P2d 578, at p. 14. Again, the property and parties are within Utah and apparently within the jurisdiction of a Utah court. This is not a foreign judgment case and has no application here.

Defendant relies upon Olsen v Board of Education, 571 P2d 1336 (Utah 1977), at p. 15. This was a condemnation proceeding in the Third District Court of Salt Lake County. Again, this has no application here because it did not involve a foreign judgment which must secure Full Faith and Credit to be enforced in Utah.

Defendant relies upon Edmonston v Sisk, 156 F2d 300 at p. 15. We are at a loss to know why this case was cited. It is an old case decided in 1946. The case relies upon 28 USC §838 (See p. 302). §838 has apparently been repealed as we can not find it in the federal code. The law governing foreign judgments and Full Faith and Credit was enacted in 1982. Therefore, that case is unreliable.

Defendant's "Statement of Facts" p. 4, clearly and openly admits that Defendant violated the laws of Utah and failed to follow the long settled procedure for enforcing foreign judgments in Utah. The Utah Supreme Court has settled the procedural issue of enforcing foreign judgments. If the Defendant wants his foreign judgment enforced in Utah he must either (1) file his foreign judgment in compliance with the Utah Foreign Judgment

act or (2) commence an enforcement action under the older traditional approach. (See Holm, supra, footnote 3, p. 163.) It appears, no other approach is lawfully acceptable in Utah. Higher courts have already decided that going to the police before properly filing and litigating the foreign judgment in a Utah Court is unlawful and a violation of our rights to due process (Holm, supra, p. 163).

Defendant makes two false statements on p. 10. (1) The foreign judgment WAS entitled to full faith and credit. This is false because the foreign judgment must be properly filed before it can gain full faith and credit in Utah and survive jurisdictional, fraud and due process attacks. (2) The federal court is a court of general jurisdiction in Utah. This is false because every federal court other than the Supreme Court is a court of LIMITED JURISDICTION, having only statutory jurisdiction granted by Congress (our brief, p. 26-7). The record is silent as to the alleged statutory jurisdiction and should be judged lacking or, at least, not fully litigated.

Defendant's Facts 1 and 2 are in clear violation of Rule 69(a) and (b), Utah Rules of Civil Procedure (URCP).

Defendant's Fact 3 is in clear violation of the long settled rule, "An order of a judge in one state (foreign jurisdiction in the instant action) is simply not enforceable in another state (Utah) until that order has been domesticated in the second state." Holm, supra, at 163. Judge Jenkins has never found his statutory jurisdiction to act. Even if we granted him the widest possible jurisdictional latitude, and if Defendant could



prove statutory jurisdiction, he could ONLY ISSUE JUDGMENT against L. Shyrl Brown. There is no lien on the record to foreclose. All other acts, the sale, foreclose the lien which does not exist, and the execution must proceed in a Utah Court, under the authority of a Utah Court and under the laws of Utah.

Defendant's other facts are irrelevant or immaterial because Judge Jenkins clearly acted outside of his jurisdiction and in violation of Utah and federal laws, as did the United States Marshal. LET THE BUYER BEWARE. The unlawful acts of Christensen, Judge Jenkins and Marshal Davis can not create a lawful interest in Ila's real property. Their acts are void and fraudulent.

(d) JURISDICTION. Procedure with our PETITION FOR WRIT OF MANDAMUS is governed by Rule 19, URAP not as Defendant claims at p. 7. Our original appeal was for a Writ of Mandamus and not intended as an Appeal of Right. The rule requires filing with the court, service upon the judge and interested parties. All requirements were complied with. The court should NOTICE that the Petition has not been timely answered nor contradicted in any manner by any person. The court should grant the writ and require decision on the numerous issues of Utah and Federal law we raised before Judge Mower.

The original intent of the NOTICE OF APPEAL was to obtain a WRIT OF MANDAMUS from the Court of Appeals to compel Judge Mower to NOTICE THE LAW and to DECIDE ALL ISSUES OF LAW raised by Plaintiffs.

Judge Mower circumvented the several issues of law by

falsely interpreting Utah Code, 78-22a-2(2). See record p. 128. He stated, "The Utah Foreign Judgment Act is not mandatory. It is permissive." This directly contradicts previous decisions of the Supreme Court and Court of Appeals as we have shown above. The foreign judgment MUST first be filed in Utah for it to become an enforceable Utah order. This mandatory language is found in Holm, supra, p. 163, also see footnote 3. Judge Mower's statement, "Hence, it is not exclusive." is correct in that the Supreme Court settled the interpretation in Pan Energy v Martin, 813 P2d at 1143 deciding "may" would give Christensen two methods of enforcing his foreign judgment in Utah. (1) The foreign judgment could be filed in compliance with Utah Code, 78-22a-1, et seq or (2) Christensen could commence an older, traditional method by commencing an enforcement action. Christensen's acts in the instant action are condemned and in violation of due process of law by the courts' stating,

"Thus, use of the word 'may' merely conveys that the judgment holder may file it with a district court clerk or use the prior approach, not that he may proceed without docketing the judgment whatsoever." Holm, supra, at p. 163, footnote 3.

Judge Mower further ruled (record p. 128) that Judge Jenkins could execute his own judgments, was not required to follow Utah law and to rule otherwise would leave that court potentially powerless to enforce federal laws in Utah. We are not talking about enforcing federal laws (none are cited), the discussion is enforcing a foreign judgment. Judge Mower's decision is in direct opposition to decisions of higher Utah courts. (a) The judgment must be filed to be enforceable. (b) All foreign

judgment enforcement in Utah is governed by the Foreign Judgment Act. (c) A foreign judge can not enforce his judgment in Utah. (d) A foreign judgment must be filed and domesticated to be enforceable. (e) U.S. Court judgments are not exempt from the general rules, rather, have legal status not distinguishable from Florida, New York or Ohio judgments.

Id. p 163.

Our desire was to have all issues of fact and law decided in the lower court to prevent multiple appeals.

We recognize the court has wide procedural latitude, in the interest of justice, to hear and decide the issues. The court has not decided whether to hear the appeal as a Petition for Writ of Mandamus or as an Appeal of Right. The Petition was filed. The Notice was filed. The court requested a brief be filed. It was timely filed. We have complied with rules, procedures and court requests to the best of our ability. We believe Christensen's Argument, point 1, frivolous.

(e) DEFENDANT'S FALSE OR UNSUPPORTED CLAIMS.

Christensen claims, p. 11, "...enforcement of Internal Revenue laws..." Which internal revenue law is being enforced? Is it 26 USC §5001? Or another internal revenue law? The record is silent. The claim is unsupported.

Christensen claims, p. 11, "...The...Federal...Court...did have jurisdiction over the subject matter and the parties."

Christensen claims, p. 11, that 28 USC §1332 granted that jurisdiction. No other statutory jurisdictional grant is cited. We show above that §1332 has no application to the instant

action. The claim is false.

Christensen claims, p. 12, the federal court "had general authority to adjudicate interests as between the Defendants in real property and to issue such supervised orders of sale or execution as were requires." Christensen relies upon 26 USC §1332 for jurisdictional authority as no other statutory authority is cited. We have shown above that enforcement of the foreign judgment in this manner is in direct violation of Utah law and procedure. The statement is unsupported and false.

Christensen claims, p. 12, "Appellants argue the judgment was not valid against them basically because it was oppressive and cite many federal cases which do not appear to be relevant." (a) The court should NOTICE, the judgment, Christensen's Appendix A-3, has never been properly filed. We show above the court can not CONSIDER the judgment until properly filed (Holm, supra, p. 163). Beyond that, and if the court reverses the Holm court, (b) The court should NOTICE, the judgment was against L. Shyrl Brown, not against "them". (c) The court should NOTICE, the property is owned by Ila, not "them". (d) We will contest the validity of the judgment as being fraudulent, issued lacking jurisdiction and lack of due process of law, if it ever is properly filed in a Utah court for enforcement. (e) The court should NOTICE, it is impossible to reply to Christensen's claim that many federal cases are not relevant. No cases are cited as irrelevant, therefore, the statement is false.

Christensen claims, p. 12, The federal court "...supervised an Order of Execution over the subject property." Whether or

not the federal court supervised the execution and sale is irrelevant. We show above that these acts were in direct violation of Utah law and procedure.

Christensen claims, p. 16, we seek an extraordinary writ directing Judge Mower to make decisions contrary to law. This statement is OUTRAGEOUS AND FALSE. We seek the Mandamus to compel Judge Mower to decide the issues of law presented to him. If we disagree, our course of action would be to seek relief in the higher courts. We CERTAINLY and ABSOLUTELY do NOT seek an order to make decisions contrary to law. Rather, we seek decisions in HARMONY WITH THE LAW. We believe we show above that Judge Mower unlawfully and falsely interpreted Utah Code, 78-22a-2(2)

III. CONCLUSION. The courts look with great disfavor upon briefs not grounded in fact, not warranted by existing law, not based on a good faith argument to extend, modify, or reverse existing law, or other improper purpose. Christensen's brief appears to fit neatly into the definition of frivolous brief.

We believe we have destroyed every argument of Defendant. We believe we correctly represent the authorities on the instant subject matter. We summarize that which we have previously proven by argument, the law and previous decisions of higher Utah Courts on the subject of foreign judgments. Christensen's judgment is clearly a foreign judgment as defined by law. Under the law, Christensen must either file his judgment in compliance with the Utah Foreign Judgment Act or commence an enforcement action to deprive Ila of her property. This governs enforcement

procedure of all foreign judgments in Utah. U.S. District Court's legal status within Utah, as defined by Utah law, is precisely the same as Missouri or Iowa or any other jurisdiction entitled to Full Faith and Credit in Utah. A foreign judgment must be properly filed in Utah before Utah will recognize and enforce it. Christensen violated the law and due process by going FIRST to the police to enforce his foreign judgment. Foreign judges can not enforce their judgments within Utah. All foreign judgments must survive collateral challenges as to jurisdiction, fraud and due process of law in Utah. This has been denied by Judge Mower due to his false interpretation of the law.

Judge Mower's decision and grant of summary judgment is in clear violation of the law, previous decisions of the higher courts and due process of law. There are numerous issues of law which remain undecided in the lower court, a further violation of due process of law.

Therefore, the court should grant our requested relief.

Christensen has had notice of the lawful procedure for enforcing his foreign judgment for more than six (6) months and continues to refuse to properly file the judgment for enforcement. He has also had notice of the applicable law and cases. He knows that going first to the police before filing his foreign judgment is a violation of law and practice in Utah. All of his actions strongly suggests contempt for the law and higher court decisions and are designed to harass Plaintiffs, cause needless delay and needless increase in cost of litigation.

  
Leonard Shyrl Brown

  
Ila Dell Brown

CERTIFICATE OF SERVICE

I certify I mailed two copies of this document to Tex R. Olsen,  
Attorney, P.O. Box 100, Richfield, Utah, 84701, postage prepaid,  
U.S. Mail, on December 31, 1994.

  
Leonard Shyrl Brown