

STATE OF MINNESOTA
COUNTY OF SCOTT

IN JUSTICE COURT
TOWNSHIP OF CREDIT RIVER
MARTIN V. MAHONEY, JUSTICE

First National Bank of Montgomery,

Plaintiff

-vs-

P R P L Y

Jerome Italy,

Defendant

.....

Denies each and every allegation

WHEREFORE plaintiff prays that Defendant take nothing by his pretended Counterclaim and that plaintiff be awarded judgment against defendant pursuant to its complaint including attorneys fees, interest, costs and disbursements.

MCQUIRE & MULLRY

BY Theodore J. Melby
Theodore J. Melby
Attorney for Plaintiff
Montgomery, Minnesota 56069
Tel: (612) 364-7227

STATE OF MINNESOTA

COUNTY OF SCOTT

IN JUSTICE COURT

TOWNSHIP OF CREDIT RIVER
MARTIN V. MAHONEY, JUSTICE

First National Bank of Montgomery,

Plaintiff,

AMENDED

vs.

ANSWER AND COUNTERCLAIM

Jerome Daly

Defendant.

Defendant, Jerome Daly, for his Answer and Counterclaim herein states and alleges:

I.

Defendant denies generally each and every matter and thing in Plaintiff's Complaint except as is hereinafter alleged.

II.

Alleges that Defendant is now and has been at all times herein material the owner in fee of the premises described in the Complaint and now is in possession thereof.

III.

Alleges that on or about May 8, 1964 Defendant made and delivered a promissory note in the sum of \$14,000.00 along with a mortgage to secure payment of the alleged note, however, Defendant alleges that said Note and Mortgage are void because said Note and Mortgage are not supported by any lawful consideration nor did Defendant receive any lawful consideration for said Note and Mortgage.

IV.

Alleges specifically that the Plaintiff, through its agents, created, unlawfully, by bookkeeping entry upon the ledger books of said Bank, the sum of \$14,000.00 in money and credit by which it attempted to give and grant as a lawful consideration for said Note of \$14,000.00. That said activity by said Bank is unlawful, unconstitutional and void.

V.

That the Federal Reserve Banking Act and the National Banking Act, in so far as they are attempted legislation by the United States authorizing Federal Reserve and National Banks as Banking Corporations, is unconstitutional and void and not necessary and proper for carrying into execution the powers vested in the United States Gov. by the people. That on the contrary the said corporations

are set up, maintained and permitted to exist as artifices, tricks and devices for the purpose of swindle, fraud, forgery and theft and also usury and to further usurious practices. That all the foregoing unlawful practices apply to plaintiff in this case.

VI.

That Plaintiff is engaged with the Federal Reserve system of creating unlawfully, money and credit by bookkeeping entry upon its books as it did in this case, all of which is unconstitutional and void in violation of laws relating to forgery and usury.

VII.

That said Note dated on or about May 8, 1964 is all without lawful consideration and is void.

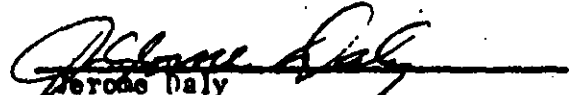
VIII.

That the recording of said Mortgage and the Sheriff's sale constitutes slander of title of ^{Defendant's} ~~Rxxxxxxx~~ property.

Wherefore, Defendant demands Judgment as follows:

1. That Defendant be adjudged not guilty, with Judgment entered for Defendant to that effect, together with Costs taxed against Plaintiff and that an execution issue therefore.
2. That the said \$14,000.00 Note be declared null and void as not founded upon a lawful consideration.
3. That said Mortgage and Sheriff's Sale be likewise declared null and void as not founded upon a lawful consideration.
4. That Plaintiff has no right, title or interest in said premises or lien thereon.
5. That Plaintiff is not entitled to recover the possession of the premises described in the Complaint.

November 30, 1968


Jerome Daly
28 East Minnesota Street
Savage, Minnesota

STATE OF MINNESOTA

COUNTY OF SCOTT

IN JUSTICE COURT

TOWNSHIP OF CREDIT RIVER
MARTIN V. MAHONEY, JUSTICE

First National Bank of Montgomery, Plaintiff,

vs.

ANSWER AND COUNTERCLAIM

Jerome Daly

Defendant.

Defendant, Jerome Daly, for his Answer and Counterclaim herein states and alleges:

I.

Defendant denies generally each and every matter and thing in Plaintiff's Complaint except as is hereinafter alleged.

II.

Alleges that Defendant is now and has been at all times herein material the owner in fee of the premises described in the Complaint and now is in possession thereof.

III.

Alleges that on or about May 8, 1964 Defendant made and delivered a promisory note in the sum of \$14,000.00 along with a mortgage to secure payment of the alleged note, however, Defendant alleges that said Note and Mortgage are void because said Note and Mortgage are not supported by any lawful consideration nor did Defendant receive any lawful consideration for said Note and Mortgage.

IV.

Alleges specifically that the Plaintiff, through its agents, created, unlawfully, by bookkeeping entry upon the ledger books of said Bank, the sum of \$14,000.00 in money and credit by which it attempted to give and grant as a lawful consideration for said Note of \$14,000.00. That said activity by said Bank is unlawful, unconstitutional and void.

V.

That the Federal Reserve Banking Act and the National Banking Act, in so far as they are attempted legislation by the United States authorizing Federal Reserve and National Banks as Banking Corporations, is unconstitutional and void and not necessary and proper for carrying into execution the powers vested in the United States Gov. by the people. That on the contrary the said corporations

are set up, maintained and permitted to exist as artifices, tricks and devices for the purpose of swindle, fraud, forgery and theft and also usury and to further usurious practices. That all the foregoing unlawful practices apply to plaintiff in this case.

VI.

That Plaintiff is engaged with the Federal Reserve system of creating unlawfully, money and credit by bookkeeping entry upon its books as it did in this case, all of which is unconstitutional and void in violation of laws relating to forgery and usury.

VII.

That said Note dated on or about May 8, 1964 is all without lawful consideration and is void.

VIII.

That the recording of said Mortgage and the Sheriff's sale constitutes Defendant's slander of title of ~~Rinkwikkfka~~ property.

Wherefore, Defendant demands judgment as follows:

1. That Defendant be adjudged not guilty, with Judgment entered for Defendant to that effect, together with Costs taxed against Plaintiff and that an execution issue therefore.
2. That the said \$14,000.00 Note be declared null and void as not founded upon a lawful ~~consideration~~ consideration.
3. That said Mortgage and Sheriff's Sale be likewise declared null and void as not founded upon a lawful consideration.
4. That Plaintiff has no right, title or interest in said premises or lien thereon.

November 30, 1968

James Daly
28 East Minnesota Street
Savage, Minnesota