

**EMERGENCY STAY**

No. 2019-\_\_\_\_\_

IN THE  
SUPREME COURT OF THE UNITED STATES

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In re: **MARILYNN THOMASON**,  
Petitioner, pro-se

-vs-

**BENEFICIAL FINANCIAL I INC.** (et al.),  
Respondent.

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On Petition for Writ of Certiorari to the Supreme Court of the United  
States from the Idaho Supreme Court, no. 46509-2018

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**MOTION FOR STAY OF EXECUTION PENDING CONSIDERATION  
OF  
THE PETITION FOR A WRIT OF CERTIORARI**

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**THIS IS A CIVIL CASE:  
EXECUTION OF WRIT IS SCHEDULED FOR OCTOBER 30, 2019 AT  
11:00 A.M.**

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MARILYNN THOMASON  
Mailing Address:  
2184 Channing Way, Box 251  
Idaho Falls, Idaho 83404  
208-419-5638

Physical Address, mail service not available:  
7276 W. 3200 S.  
Rexburg, Idaho 83440

## TABLE OF CONTENTS

Table of Contents .....	i
Table of Authorities .....	ii
Statement of the Case .....	1
Statement of Jurisdiction .....	2
Reasons for Granting a Stay of Execution .....	3-13
Prayer for Relief .....	13-14
Affidavit .....	15-16
Certificate of Compliance .....	16
Certificate of Service .....	17-18
Addendums .....	19
District Court Final Order .....	Ex A
Petition for Stay-District Court .....	Ex B
District Court Denial for Stay .....	Ex C
Petition for Stay-Idaho Supreme Court .....	Ex D
Court of the Clerk of the Idaho Supreme Denial of Stay .....	Ex E

## TABLE OF AUTHORITIES

<i>Enslin V Coca-Coca Co., 2015 US Dist., Lexis 133168, *8 (E.D. Pa. 2015)</i> .....	10
<i>Jasmine Networks, Inc. v Marvell Semiconductor, Inc. Super Court 180 Cal. App. 4<sup>th</sup> 980, 2009 – No. H034441, decided December 29, 2009</i> .....	14
<i>Krusi v S.J. Amorosa Construction Co., (2000) 81 Cal. App. 4<sup>th</sup> 995, 999, 97 Cal. Rptr. 2d 294</i> .....	15
<i>Lujan v Defenders of Wildlife, 504 U.S. 555 (1992); Massachusetts v Environmental Protection Agency, 549 US 497 (2007); Steel Company v Citizens for a Better Environment 523 US 83, 101-102 (1998)</i> .....	3, 13
28 USC §1251 .....	3-4
28 USC §1651(a) .....	3-4
28 USC §1651(b) .....	3-4
<i>Rule 12(b)</i> .....	3, 13
Article III of the Constitution of the United States .....	13
14 <sup>th</sup> Amendment United States Constitution .....	3, 12, 17
Due Process .....	3, 11, 12, 17
Equal Protection .....	3, 11, 12, 17

## STATEMENT OF JURISDICTION

Supreme Court of the United States [SCOTUS] has original jurisdiction in this matter under Article III of the Constitution of the United States, 28 USC §1251, the United States Constitution, Amendment 11, 28 USC §1651(a) and (b) [All Writs Act];

All Writ Acts [28 USC §1651(a) and (b)] grants [SCOTUS] the authority to issue a writ granting of stay as it does a writ to grant permission to petition for a writ of certiorari, which states in pertinent part: *“28 USC §1651(a) The Supreme Court ...established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdiction and agreeable to the usages and principles of law...(b) An alternative writ or rule nisi may be issued by a justice...of a court which has jurisdiction.”*

Jurisdiction applies in this Motion for Stay under necessary and appropriate aid in reviewing and ensuring Constitutional protective rights and Federal statutes are maintained evenly within every State when lower court records evidence the United States Judicial System has been and continues to be used in money and real estate deed laundering to persons/entities known within the United States as active money laundering facilitators for known enemies of the United States under enterprises that directly fund and aid drug cartels, human trafficking, and terrorism.

Marilynn Thomason hereby applies to the Supreme Court of the United States, pursuant to Supreme Court Rules 17 [original action], 20 [Petition for an Extraordinary Writ], 21 [Motion to the Court], 22 [Request to Individual Justices], 23

[Civil Stay of Execution], in this **MOTION for Stay of Civil Execution of Order to Sell, at public auction set for Wednesday, October 30, 2019 at 11 A.M.** by the Madison County Sheriff's Office, in addition to the Motion for Permission to Petition for a Writ of certiorari by the Supreme Court of the United States;

### **STATEMENT OF THE CASE**

In 1993 Byron Talmage Thomason obtained an open line of credit secured by a deed of trust;

Byron Talmage Thomason was the sole signer of the note and Marilyn Thomason and Byron Talmage Thomason signed the deed of trust;

In December, 2009 HSBC/Beneficial Financial, Inc. sent its last and final billing statement for any demand of payment to the line of credit borrower, Byron Talmage Thomason;

In December, 2009 the last and final payment was made by certified banker check to HSBC/Beneficial Financial, Inc.;

On or about January 2, 2010 HSBC/Beneficial Financial, Inc. posted the last and final payment to the line of credit account of Byron Talmage Thomason;

HSBC/Beneficial Financial, Inc. never sent any additional billing statement nor any demand for payment and no additional payment was made;

November 19, 2011, Byron Talmage Thomason died;

On or before December 19, 2011, Marilyn Thomason, testate named guardian and sole executor of the estate and Will of Byron Talmage Thomason sent notice of

death and filing of Testate Will Probate in the Madison County, Idaho Probate Division of the District Court to each and every known creditor (November 19, 2005 through November 19, 2011) of Byron Talmage Thomason;

No person/entity filed any claim in the Testate Probate Action of Byron Talmage Thomason;

On or about February 12, 2015, an entity calling itself Beneficial Financial I, Inc., claimed to be formed in California and directly associated with the law firm known as ALDRIDGE PITE, et al. filed a complete for a judicial foreclosure, never filing any action for a money judgement upon any alleged line of credit, contrary to Idaho "One Action Rule";

The complaint was never timely nor duly served upon deceased, his estate, his probate nor Marilyn Thomason, at any time;

Marilynn Thomason filed for a change of venue due to alleged names of other defendants named in the action by ALDRIDGE PITE and filed for timely motion for dismissal of foreclosure action being barred by statutes of limitation, fraud, failure to serve, etc.;

Of all the remaining named defendants, only Judge Gregory Moeller's former law firm attorney appeared and entered into a stipulation with ALDRIDGE PITE, for and in behalf of themselves and their client, Liberty Park Irrigation Company;

Marilynn Thomason did not enter into any stipulation;

ALDRIDGE PITE's first legal counsel responded to Marilyn Thomason's motions by claiming that "...we do not need standing...only and order...we get the money...you're out on the street...";

Sitting District Judge, Gregory Moeller, reasserted his threat to Marilyn Thomason, "...go along with the deal...or...you will pay....", referring to previous actions where Judge Gregory Moeller, Idaho Supreme Court Justice Burdick and Idaho Supreme Court Judge Gratton, under color of law, issued illegal judicial orders granting to Judge Gregory Moeller's personal and longtime friend, William Forsberg/Madison Real Property, LLC., launder deeds of the approx. 75 acres of land that was in the name of Charles and Doralee Thomason, who willed the land to their sole three daughters, of which Marilyn Thomason is not one of their daughters, which Marilyn Thomason directly filed records and evidence with the US DOJ and FBI when Judge Gregory Moeller knowingly laundered the deeds not with the true owners of the land, but in the names of Madison Real Property, LLC/William Forsberg (1/3), Nicholas and Sandra Thomason (1/3) and Byron and Marilyn Thomason, app. (1/3), which Byron and Marilyn Thomason refused to be part of;

The action of ALDRIDGE PITE went from February, 2015 through June 2019, during which time Marilyn Thomason evidenced that ALDRIDGE PITE had been falsifying filings in the court, filing documents that were completely different from what ALDRIDGE PITE was mailing to Marilyn Thomason;

Marilynn Thomason had also evidenced that Judge Gregory Moeller was directly instructing ALDRIDGE PITE on how to create and file an accounting under a hypnotical accounting basis, in violation to Idaho's Constitution;

Marilynn Thomason sent a judicial corruption complaint to the DOJ and FBI and was instructed to specifically send all supporting documents to the Director of the FBI, Mr. Comey, which was done;

In February, 2018, Marilynn Thomason place notice to the Idaho Attorney General, Governor Otter, Administrative Judge and filed it with the Madison County District Court, under action CV-2015-74, resulting in Attorney Stoddard to assert that Marilynn Thomason was acting vexatious, which Marilynn Thomason filed that such acts of reporting judicial acts that are criminal in nature was not vexatious by required under the law;

Attorney Stoddard continued to file repeated motion for summary judgment, which, under an action for jury by trial on all disputed facts is not allowed;

In June, July and August, 2018 Attorney Stoddard's repeated his attempts to get a decision from Judge Gregory Moeller for summary judgment, but was denied until Judge Gregory Moeller was in the running for the new Idaho Supreme Court Justice;

Marilynn Thomason filed evidenced she obtained showing that HSBC had been found laundering money for known drug cartels and that Attorney Stoddard was a member of a law firm in Washington State that was dismantled for judicial corruption



in similar legal counsels tactics;

Judge Gregory Moeller immediately asked Attorney Stoddard to write another motion to have Marilyn Thomason deemed vexatious and signed the order;

The second motion for vexatious behavior was not for any action of Marilyn Thomason in CV-2015-000074, but strictly for the first four (4) actions of deed laundering and watershare laundering by Judge Gregory Moeller, Justice Burdick and Judge Gatton, for Judge Gregory Moeller's personal friends, their businesses, Judge Gregory Moeller's former law firm and their client, Liberty Park Irrigation company of Rexburg, Madison County, Idaho;

Marilyn Thomason immediately filed an appeal, currently pending in the Idaho Supreme Court;

Within weeks Judge Gregory Moeller was named by Governor Butch Otter the new Idaho Supreme Court Justice;

Idaho Supreme Court issued an order for the District Court Clerk to prepare the court ROA-records. After delays the clerk mailed to Marilyn Thomason her records which Marilyn Thomason evidenced to the Court the records had been altered from what was in the file three months earlier, adding 100s of documents that were never served upon Marilyn Thomason and Marilyn Thomason's filings were removed from not only the files, but were deleted off the ROAs, which Marilyn

Thomason proved her filings had been deleted from the court records because Marilynn Thomason always had/has her copies also stamped, dated and signed by the clerk at the time of filing;

On December 31, 2018, on Judge Gregory Moeller's last day of being the District Judge and days before becoming the new Idaho Supreme Court Justice, Judge Gregory Moeller issued a Memorandum, with NO ORDER, dismissing all Marilynn Thomason's motions to dismiss and recuse, denying any trial by jury and granting ALDRIDGE PITE all relief;

A new District Judge made an appearance in the action CV-2015-74 immediately signed an order granting ALDRIDGED PITE all relief and order to sell, at auction the property in question;

Marilynn Thomason filed a final notice of appeal, along with a motion for disqualification of Justice Gregory Moeller, as well as, Justice Burdick and Judge Gratton, due to the fact that the last motion for vexatious behavior was not based upon actions Marilynn Thomason made during CV-2015-74, but in the action where Judge Moeller, Justice Burdick and Judge Gratton were laundering deeds and watershares for Judge Moeller's friends and watershare ownerships through his former law firm, Rigby Thatcher Rigby, of Rexburg, Madison County, Idaho along with Marilynn Thomason's Motion for Stay, which was solely denied by the clerk of the Idaho Supreme Court;

Upon the Clerk's denial of all Marilynn Thomason's Motions, ALDRIDGE

PITE filed with the Madison County records office a NOTICE of SALE via Sheriff Auction, resulting in the Madison County Sheriff's Office to deliver to Marilyn Thomason on Saturday, October 5, 2019, by postal service, a Notice of Sale, resulting in Marilyn Thomason to seek an Emergency Stay in the Sale set for October 30, 2019 and a Motion for Permission for Petition for Writ of Certiorari through the Supreme Court of the United States and its nine (9) Justices;

### **REASONS FOR GRANTING STAY OF EXECUTION**

The United States Constitution and Statutes grants the Supreme Court of the United States the authority to review lower courts decisions for errors in law and in facts, ensuring justice is fair, without bias or prejudice within all courts in the United States, well as, granting the Supreme Court of the United States the authority to stay the execution of any civil judgment, without posting of bond, of any and all lower courts' judgments that appear or are based upon illegal actions, in violation of Due Process and/or Equal Protection under the United States Constitution, without standing and without jurisdiction, rendered under statutes of fraud, collusion and criminal acts;

Marilynn Thomason hereby applies to the Supreme Court of the United States under rules, including Rules 17 [original action], 20 Petition for Extraordinary Writ], 21 [Motion for Certiorari], 22 [Review by Individual Justices], 23 Motion for Petition of Stay, without supersedeas bond/security;

Seeking Immediate Emergency Stay of Execution on writ to sell, via public auction set for Wednesday, October 30, 2019 at 11 AM by the Madison County Idaho Sheriff's Office;

A denial of an Immediate Emergency Stay of Civil Execution of Sale, the denial of the Motion for Stay without bond and a denial of the Motion for Permission to Petition for Writ of Certiorari would not only have an immediate grave and irreparable harm upon Marilyn Thomason and her handicap child, displacing them at the onset of winter in the mountain areas of the Western States, with less than 25 days of notice, the denials would further open the United States Federal and State civil courts to aid and abet in money laundering, real property and watershare right laundering schemes throughout the entire United States, opening the United States to financial chaos and irreparable harm to every business owner, real property owner, irrigation company, patent owner and intellectual property owner throughout the entire United States;

The matter and issues within the action CV-2015-74 all lay upon Federal and Constitutional Rights, demanding that any and all plaintiffs must have threshold standing and all court must have all personal and subject matter jurisdiction before rendering any order granting any party relief, including actions be without fraud, bias, prejudice, violations of Due Process and/or Equal Protection under the United States 14<sup>th</sup> Amendment Clauses;

Failing to grant an Emergency Stay, without bond and Permission for Petition

for Writ of Certiorari will establish within the United States precedent that the Supreme Court of the United States is willing and wantonly supporting illegal actions in money, real-estate deeds and watershare ownership laundering throughout the United States, via the United States Judicial Court Systems, ignoring its own well established decisions on threshold standing and courts' jurisdiction;

*Lujan v Defenders of Wildlife, 504 U.S. 555 (1992); Massachusetts v Environmental Protection Agency, 549 US 497 (2007); Steel Company v Citizens for a Better Environment 523 US 83, 101-102 (1998);*

*Enslin V Coca-Cola Co., 2015 US Dist. Lexis 133168, \*8 (E.D. Pa. 2015)* stating in pertinent part: "...A defendant may move to dismiss an action for lack of subject matter jurisdiction to Rule 12(b) if the plaintiff lacks standing under Art. III of the Constitution..." which the Idaho District and its Supreme Court has manipulated around such demanded criteria by openly ignoring the mandatory requirements of standing and all personal and subject matter jurisdiction, refusing to apply the requirements of the United States Constitution and Laws and States Laws on an equal and consistent basis, targeting widows, retirees and woman denying them equal due process of law, rights to a jury trial on all disputed facts, legal proceedings void of bias and prejudice, on a pick and choose basis, under color of law and in direct violation of Judicial Oaths of Office and Professional Code of Conduct requirements;

As in Idaho, the Ninth Circuit has also established its own standing criteria

that is based solely upon, if a complaint is filed that merely alleges an injury in fact, causation or redressability, not requiring any verification of genuine material facts to be filed, but merely filed upon the appearing legal counsel(s) complaint allegation, solely under his/her signature, voiding discovery and trial by jury on all disputed material facts, obtaining money and ownership judgments on summary judgment rulings, void of accountings, evidence and cross-examinations of any person claiming firsthand knowledge;

This deviation in laws by federal courts, states courts and their appellate courts are not only in real property disputes, water right disputes, but, in patent disputes and technology and intellectual disputes [*Jasmine Networks, Inc. v Marvell Semiconductor, Inc.*; *Super Court 180 Cal. App. 4th 980, 2009 – No. H034441, decided December 29, 2009*] crossing into areas of trade secrets, patent rights, real property rights, water ownership rights on mere void, not voidable orders and judgments;

Idaho and California have severely deviated from SCOTUS' standing rulings on threshold and jurisdictional issues, as well as, ignored United States Constitutional and Federal Statutes requirements;

Not only is the lower courts' rulings denying stay without bond oppressive, unlawful and abusive, before the lower court appeal is completed, it opens an avenue to direct laundering of money, real property, patents, technology, intellectual property to persons/entities outside the jurisdiction of the United States, as in the

action CV-2015-74, directly involving HSBC [Hong Kong, Shanghai Bank of China and John Patrick Grayken, of Ireland, sole owner of Lone Star Financial, aka (LSF-LSF10, plus)];

Unlike California, Idaho has incorporated into its Constitution and Statutes the standing requirements and jurisdictional laws and rules of the United States and the United States Constitution, yet Idaho District Courts, its Supreme Court and its Appellate Court has deviated from those requirements under self-chosen case law, under the Color of Law. *[Krusi v S.J. Amorosa Construction Co., (2000) 81 Cal. App. 4th 995, 999, 97 Cal. Rptr. 2d 294 [trial court characterized issue as 'standing' but it was probably more properly phrased as when a cause of action for design or construction defects occurs and who then owns it-or, as applied here who doesn't own it" – technological and patent rights];*

Before Idaho Supreme Court Justice Eismann had been forced into retirement for defending against the Idaho Supreme Court's pre-appeal decisions in selected cases, resulting in Justice Eismann to be publically humiliated and debased by Idaho media, repeatedly, for standing up for the laws of the United States and the State of Idaho, he publically stated that it was common practice for the Idaho Supreme Court and the Court of Appeals of the State of Idaho to predetermine who will win an appeal before the appeal even begins. No person, justice or judge in the United States should be subject to ridicule or forced into retirement or punished for standing up for the laws in the United States;

It would be an abuse of discretion and a grave injustice for not only Marilyn Thomason, but for every resident and property owner in the United States for the Supreme Court of the United States to deny Marilyn Thomason Motion for Stay without posting bond and denial of Marilyn Thomason's Motion for Permission to Petition for Writ of Certiorari;

It would also be an abuse of discretion and a grave injustice not only for Marilyn Thomason, but every resident and property owner in the United States for the Supreme Court of the United States to grant Marilyn Thomason's Motion for Permission to Petition for Writ of Certiorari without first granting the Motion for Emergency Stay without posting bond, when genuine material issues of fact and violations in standing and jurisdictional issues must first be decided before the granting of any monetary judgment or ownership judgment, it would be placing the cart before the horse;

#### **PRAYERS FOR RELIEF**

**THEREFORE:** Marilyn Thomason, petitioner, respectfully prays to the Supreme Court of the United States and to its nine (9) individual SCOTUS Justices for the following reliefs by **IMMEDIATE COURT ORDER**, to include:

- 1.) Marilyn Thomason, petitioner, is granted an Immediate Stay of Execution upon the house, driveway and 3 acres of land, known as 7276 W. 3200 S.,  
Rexburg, Idaho;



- 2.) Marilyn Thomason, petitioner, is granted the STAY without any need to post any supersedeas bond and/or security;
- 3.) The Madison County Sheriff will stay any and all acts and/or attempts in auctioning and/or selling of the house and 3 acres of lands, plus its 30 foot wide egress and ingress gravel driveway which runs from the house and 3 acres of lands, running continuously in a southerly direction, to the Madison County highway known as 3200 South, also known as the sole known entrance point of the property, known as 7276 West 3200 South, Rexburg, Madison County, Idaho and is identified as the real property that is set for foreclosure auction under civil action CV-2015-0000074, on October 30, 2019;
- 4.) Marilyn Thomason, petitioner, is further granted Permission to Petition for Writ of Certiorari;
- 5.) For the Supreme Court of the United States and/or Justice(s) to grant any and all other orders and/or relief to ensure and secure justice and to preserve the integrity of the United States Judicial System and to ensure Due Process and Equal Protection to Marilyn Thomason under the 14<sup>th</sup> Amendment of the United States Constitution, including null and voiding any sale and/or auction, and granting Marilyn Thomason full possession and occupancy, without cost, until State Appeal is completed and ruled upon.

**AFFIDAVIT**

STATE of IDAHO                     )  
  )ss.  
Madison County, Idaho            )

Upon first being sworn and deposed, I, Marilyn Thomason, petitioner in this action does state:

My statements and filings are true and correct;

I am a natural born citizen of the United States of America, in good standing;

Since 1995 I have resided at 7276 West 3200 South, Rexburg, Madison County, Idaho;

I am fully competent to make this affidavit, being of sound mind and body;

I make these filings and affidavit of my own free will, from personal and independent knowledge;

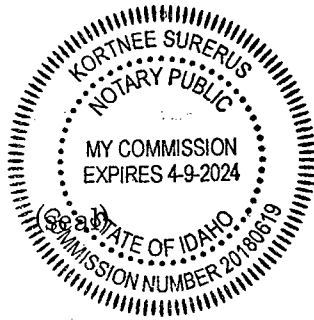
I have never been accused, arrested nor charged with any crime;

I testify the documents and my statements within my Motion for Stay and Motion for Permission to Petition for Writ of Certiorari and their attached exhibits are true and correct;

I do not make these Motions for any illegal nor improper purpose, nor to hinder, oppress, delay, cause any additional costs or burden upon the Courts of the United States or any person and/or entity;

I make this Affidavit, under the fullest penalty of law of the United States;

DATED this 8<sup>th</sup> of October, 2019.



Marilynn Thomason  
Marilynn Thomason, petitioner, pro-se

Kortnee Surerus  
Notary Republic

Residing at: Madison County

Commission Ends: 04-09-2024

### CERTIFICATE OF COMPLIANCE

I, Marilynn Thomason, petitioner in this action, certifies that this MOTION for STAY complies with the RULES of the Supreme Court of the United States. It was formatted under Word Perfect and contains 5,180 words, set at 12 point, double spaced under "Century" typeset.

Dated this 8<sup>th</sup> day of October, 2019.

Marilynn Thomason  
Marilynn Thomason, petitioner, pro-se

### **CERTIFICATE OF SERVICE**

I, Marilyn Thomason, petitioner, certify the following persons/entities have been duly and timely served petitioner's **MOTION for EMERGENCY STAY, MOTION for PERMISSION to PETITION for WRIT of CERTIORARI** and supporting exhibits, to the addresses noted herein and served by United States First Class, pre-paid postage in full compliance to Supreme Court of the United States rules:

SUPREME COURT of the UNITED STATES (40 copies and 1 original) plus the NINE (9) JUSTICES (3 copies each)  
Clerk of the Court  
1<sup>st</sup> First Street, N.E.  
Washington, DC 20543

US Dept. of Justice (One copy)  
USAG, Mr. William Barr  
950 Pennsylvania Ave, N.W.  
Washington, DC 20530-0001

US Dept. of Justice (One Copy)  
Civil Division  
Office of the Assistant Attorney General  
950 Pennsylvania Ave, N.W.  
Washington, DC 20530-0001

US Dept. of Justice (One Copy)  
Civil Rights Division  
950 Pennsylvania Ave, N.W.  
Washington, DC 20530-0001

US Dept. of Justice (One Copy)  
Civil Division  
950 Pennsylvania Ave, N.W.  
Washington, DC 20530-0001

US Dept. of Justice (One Copy)  
Special Litigation  
950 Pennsylvania Ave, N.W.  
Washington, DC 20530-0001

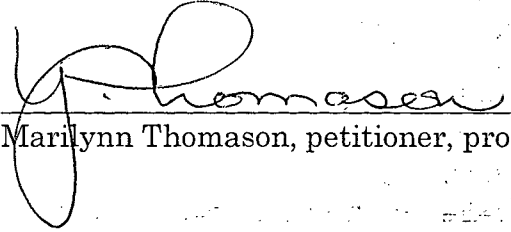
US Dept. of Justice (One Copy)  
Criminal Division  
950 Pennsylvania Ave., N.W.  
Washington, DC 20530-0001

FBI-Headquarters (One Copy)  
Director Christopher A. Wray  
935 Pennsylvania Ave., N.W.  
Washington, DC 20530-0001

Solicitor General of the United States (One Copy)  
Mr. Solicitor General  
Room 5616  
Dept. of Justice  
950 Pennsylvania Ave., N.W.  
Washington, DC 20530-0001

ALDRIDGE PITE, LLP (Three Copies)  
Lewis Stoddard (SBN 7766)  
13125 W. Persimmon LN, STE 150  
Boise, Idaho 83713

DATED this 8<sup>th</sup> day of October, 2019.

  
Marilynn Thomason, petitioner, pro-se

## ADDENDUMS

District Court Final Order .....	Ex A
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No. 2019-\_\_\_\_\_  
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In re: **MARILYNN THOMASON**,  
Petitioner, pro-se  
-vs-  
**BENEFICIAL FINANCIAL I INC.** (et al.),  
Respondent.

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On Petition for Writ of Certiorari to the Supreme Court of the United States from the Supreme Court of the State of Idaho, no. 46509-2018

---

**MOTION for APPLICATION for  
PERMISSION TO PETITION FOR WRIT OF CERTIORARI and  
EMERGENCY STAY of EXECUTION**

---

**THIS IS A CIVIL CASE:  
EXECUTION OF WRIT IS SCHEDULED FOR OCTOBER 30, 2019 AT  
11:00 A.M.**

---

MARILYNN THOMASON  
Mailing Address:  
2184 Channing Way, Box 251  
Idaho Falls, Idaho 83404  
208-419-5638

Ex A-E

Physical Address, mail service not available:  
7276 W. 3200 S.  
Rexburg, Idaho 83440

**EMERGENCY STAY**

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OF  
THE PETITION FOR A WRIT OF CERTIORARI**

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**THIS IS A CIVIL CASE:  
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11:00 A.M.**

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MARILYNN THOMASON  
Mailing Address:  
2184 Channing Way, Box 251  
Idaho Falls, Idaho 83404  
208-419-5638

Physical Address, mail service not available:  
7276 W. 3200 S.  
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Ex A-E



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Account 0110055820

Effect:10/08/19 Post:10/08/19 Tlr:0189

NO. 336341

See receipt for reference

Amount: \$300.00

SUPREME COURT OF  
THE UNITED STATES

THIS DOCUMENT HAS: ARTIFICIAL WATERMARK ON BACK, ENDORSEMENT BACKER, MICROPRINT SIGNATURE LINE

**EAST IDAHO**  
CREDIT UNION  
P.O. BOX 1865  
IDAHO FALLS, ID 83403  
208-523-9068  
Purpose of check: MARILYNN THOMASON, 2-MOTION

**CASHIER'S CHECK**

NO. 336341  
10/08/2019

**PAY THIS AMOUNT**  
**\$300.00**  
CHECK VOID AFTER 90 DAYS

PAY Three Hundred And 00/100 Dollars

TO  
THE  
ORDER  
OF  
SUPREME COURT OF  
THE UNITED STATES

*[Signature]*

MP

⑈336341⑈ 1:3241730821: 807000⑈

PETER J. SALMON (SBN 6659)  
LEWIS N. STODDARD (SBN 7766)  
ALDRIDGE PITE, LLP  
13125 W PERSIMMON LN, STE 150  
BOISE, ID 83713  
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E mail: [lstoddard@aldridgepite.com](mailto:lstoddard@aldridgepite.com)  
[psalmon@aldridgepite.com](mailto:psalmon@aldridgepite.com)

Attorneys for LSF10 Master Participation Trust

IN THE DISTRICT COURT OF THE SEVEN JUDICIAL DISTRICT  
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF MADISON

LSF10 MASTER PARTICIPATION TRUST,

Plaintiff,

v.

MARILYNN T. THOMASON; ET AL.,

Defendants.

Case No. CV-2015-0000074

ORDER OF SALE AND DECREE OF  
FORECLOSURE

COMES NOW Plaintiff LSF10 Master Participation Trust ("Plaintiff"), through its attorney of record; and the Summary Judgment having been entered against Marilynn T. Thomason, and non-responding Defendants having been served with Summons and Complaint, and having failed to appear or otherwise defend, the legal time for pleading or otherwise defending having expired, and Plaintiff having complied with 50 App. U.S.C. Section 521 regarding military status, and having set forth that to the best of its knowledge the Defendants are not infants or incompetents, and the default of Defendants having been duly entered herein according to law upon the application of Plaintiff or Defendants having stipulated, the Court having considered the motions and pleadings in this matter, hereby determines that Plaintiff is entitled to judgment against Defendants as hereinafter set forth;

~~A 880~~

E x A 1

**NOW, THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED:**

1. That Plaintiff in accordance with the Judgment rendered in this matter have a decree of foreclosure against the interests of Defendants in the real property at issue, and against the real property at issue as legally described herein and commonly known as 7276 W 3200 S, Rexburg, ID 83440 ("Subject Property"), in regard to the Deed of Trust recorded as instrument 273055 on June 30, 1998, in the official records of Madison County, Idaho, and Note executed on June 25, 1998 ("collectively referred to herein as the Subject Loan"), in an amount as follows:

- Amount due under the Subject Loan ..... \$142,833.81
- Reasonable attorney fees and costs..... \$33,357.00
- TOTAL AMOUNT DUE ON JUDGMENT ..... \$176,190.81

Interest accrues from the date of judgment at the rate set forth by Idaho Code Section 28-22-104 and the Idaho State Treasurer's Office. The repayment of the aggregate sums described herein is secured by a valid Deed of Trust and lien on the Subject Property in favor of Plaintiff.

2. Plaintiff has a first priority lien subject to the Deed of Trust on the Subject Property which is prior in time and superior in right to any right, title, claim, or interest that all Defendants, and all persons claiming under them, may have in the Subject Property, either as encumbrances, purchasers, or otherwise; said first priority mortgage lien being evidenced by the Deed of Trust recorded as instrument 273055 on June 30, 1998, in the official records of Madison County, Idaho.

3. The interests of Defendants are junior and subordinate to those of Plaintiffs, and that Defendants and all persons claiming under Defendants, either as encumbrances, purchasers or otherwise, shall be forever barred and foreclosed of all right, title and interest and equity of redemption they may have in and to the Subject Property, when the time for redemption has elapsed under Idaho Law.

**TO THE MADISON COUNTY, IDAHO SHERIFF:**

4. The following described mortgage real property shall be sold at public auction in the County of Madison, State of Idaho, by and under the direction of the Sheriff of Madison County, Idaho, subject to the statutory right of said Defendants to redeem the same in accordance with the laws of the State of Idaho, to-wit:

BEGINNING AT A POINT ON THE SECTION LINE THAT IS SOUTH 89°29'35" EAST 920.50 FEET FROM THE NORTHWEST CORNER OF SECTION 7, TOWNSHIP 5 NORTH, RANGE 39 EAST, BOISE MERIDIAN, MADISON COUNTY, IDAHO, SAID POINT IS A BLM BRASS CAP, AND RUNNING THENCE

SOUTH 01°05'00" EAST 361.5 FEET; THENCE

SOUTH 89°29'35" EAST 361.5 FEET; THENCE

NORTH 01°05'00" WEST 361.5 FEET; THENCE

NORTH 89°29'35" WEST 361.5 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH A 30 FOOT WIDE RIGHT OF WAY FOR INGRESS AND EGRESS FROM THE COUNTY ROAD ACROSS THE NORTH HALF NORTHWEST QUARTER OF SECTION 7 TO SAID PROPERTY.

MORE PROPERLY DESCRIBED AS:

**PARCEL I:**

BEGINNING AT A POINT ON THE SECTION LINE THAT IS SOUTH 89°29'35" EAST 920.50 FEET FROM THE NORTHWEST CORNER OF SECTION 7, TOWNSHIP 5 NORTH, RANGE 39 EAST, BOISE MERIDIAN, MADISON COUNTY, IDAHO, SAID POINT IS A BLM BRASS CAP, AND RUNNING THENCE

SOUTH 01°05'00" EAST 361.5 FEET; THENCE

SOUTH 89°29'35" EAST 361.5 FEET; THENCE

NORTH 01°05'00" WEST 361.5 FEET; THENCE

NORTH 89°29'35" WEST 361.5 FEET TO THE POINT OF BEGINNING.

**PARCEL II:**

TOGETHER WITH A 30 FOOT WIDE RIGHT OF WAY FOR INGRESS AND EGRESS FROM THE COUNTY ROAD ACROSS THE NORTH HALF NORTHWEST QUARTER OF SECTION 7 TO SAID PROPERTY.

Which may now be known as: 7276 W 3200 S, Rexburg, ID 83440

5. The Sheriff shall give notice of such sale in the manner provided by law.
6. Plaintiff shall be permitted to credit bid at such sale any amount up to and including the total amount of the Judgment as set forth herein.

7. Plaintiff or any party to the suit may become a purchaser at the sale and the Sheriff of Madison County, Idaho be directed to execute a certificate of sale and, subsequently, a deed to the purchaser of the Subject Property.

8. The proceeds of the sale under foreclosure shall be applied:

- a) First, in payment of the costs of the foreclosure sale;
- b) Second, in payment of the amounts due Plaintiff described in paragraph 1 above;

c) Third, upon completion of the foreclosure sale, if any, and after payment to Plaintiff, any surplus funds from the foreclosure sale will be deposited with the Clerk of the Court and distributed upon either further order of the Court or upon Stipulation of the appearing parties in this matter in accordance with Idaho Law.

9. The Sheriff shall make a report of such sale and file it with the Clerk of this Court within the time required by law.

10. The Sheriff will make, execute and deliver to the purchaser or purchasers a certificate of sale and, following the expiration of the period of redemption, a Sheriff's Deed of the premises so sold, and setting forth each tract or parcel of land so sold and the sum paid therefore.

11. That after the confirmation of the sale of the Subject Property, the purchaser or purchasers at such sale, or their heirs or assigns, be let into possession of the premises so sold on production of the certificate of sale or a duly authenticated copy thereof, and that each and every other party to this action who may be in possession of the premises, under them or either of them shall deliver to such grantee or grantees named in such certificate of sale possession of such portion of the premises as shall be described under the certificate of sale.

**IT IS FURTHER ORDERED AND ADJUDGED:**

That jurisdiction of this cause is hereby expressly reserved and retained for the purpose of making such further orders as may be necessary in order to carry this Judgment and Decree of Foreclosure into effect and correct any mathematical error, to grant any accrued credits, or for the purpose of making such further orders as may be necessary or desirable.

ENTERED \_\_\_\_\_

Signed: 6/12/2019 09:05 AM

DISTRICT COURT JUDGE



HONORABLE STEVEN BOYCE

A-884  
Ex A5



PETER J. SALMON (SBN 6659)  
LEWIS N. STODDARD (SBN 7766)  
ALDRIDGE PITE, LLP  
13125 W PERSIMMON LN, STE 150  
BOISE, ID 83713  
Telephone: (208) 908-0709  
Facsimile: (858) 726-6254  
E mail: [lstoddard@aldridgepite.com](mailto:lstoddard@aldridgepite.com)  
[psalmon@aldridgepite.com](mailto:psalmon@aldridgepite.com)

Attorneys for LSF10 Master Participation Trust

**IN THE DISTRICT COURT OF THE SEVEN JUDICIAL DISTRICT  
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF MADISON**

LSF10 MASTER PARTICIPATION TRUST,

Plaintiff,

v.

MARILYNN T. THOMASON; ET AL.,

Defendants.

Case No. CV-2015-0000074

**JUDGMENT**

**JUDGMENT IS ENTERED AS FOLLOWS:**

1. Foreclosure of the Deed of Trust issued on June 25, 1998, and recorded on June 30, 1998, in the official records of Madison County, Idaho as instrument number 273055 ("Deed of Trust"), IS HEREBY GRANTED in favor of Plaintiff LSF10 Master Participation Trust ("Plaintiff") against the interests of Defendants in the real property at issue and against the real property legally described herein, in an amount as follows:

- Amount due under the Subject Loan ..... \$142,833.81
- Reasonable attorney fees and costs..... \$33,357.00
- TOTAL AMOUNT DUE ON JUDGMENT ..... \$176,190.81

Interest shall accrue after the date of judgment at the rate set forth by Idaho Code Section 28-22-104 and the Idaho State Treasurer's Office.\

E x A 6 A. 887  
E x B

2. The following described real property (the "Subject Property"), which commonly may be known as 7276 W 3200 S, Rexburg, ID 83440 shall be sold at public auction in the County of Madison, State of Idaho, by and under the direction of the sheriff of Madison County, Idaho, under the direct of the Order of Sale and Decree of Foreclosure and Idaho Law, subject to the statutory right of said Defendants to redeem the same in accordance with the laws of the State of Idaho, to wit:

BEGINNING AT A POINT ON THE SECTION LINE THAT IS SOUTH 89°29'35" EAST 920.50 FEET FROM THE NORTHWEST CORNER OF SECTION 7, TOWNSHIP 5 NORTH, RANGE 39 EAST, BOISE MERIDIAN, MADISON COUNTY, IDAHO, SAID POINT IS A BLM BRASS CAP, AND RUNNING THENCE SOUTH 01°05'00" EAST 361.5 FEET; THENCE SOUTH 89°29'35" EAST 361.5 FEET; THENCE NORTH 01°05'00" WEST 361.5 FEET; THENCE NORTH 89°29'35" WEST 361.5 FEET TO THE POINT OF BEGINNING. TOGETHER WITH A 30 FOOT WIDE RIGHT OF WAY FOR INGRESS AND EGRESS FROM THE COUNTY ROAD ACROSS THE NORTH HALF NORTHWEST QUARTER OF SECTION 7 TO SAID PROPERTY.

MORE PROPERLY DESCRIBED AS:

PARCEL I:

BEGINNING AT A POINT ON THE SECTION LINE THAT IS SOUTH 89°29'35" EAST 920.50 FEET FROM THE NORTHWEST CORNER OF SECTION 7, TOWNSHIP 5 NORTH, RANGE 39 EAST, BOISE MERIDIAN, MADISON COUNTY, IDAHO, SAID POINT IS A BLM BRASS CAP, AND RUNNING THENCE SOUTH 01°05'00" EAST 361.5 FEET; THENCE SOUTH 89°29'35" EAST 361.5 FEET; THENCE NORTH 01°05'00" WEST 361.5 FEET; THENCE NORTH 89°29'35" WEST 361.5 FEET TO THE POINT OF BEGINNING.

PARCEL II:

TOGETHER WITH A 30 FOOT WIDE RIGHT OF WAY FOR INGRESS AND EGRESS FROM THE COUNTY ROAD ACROSS THE NORTH HALF NORTHWEST QUARTER OF SECTION 7 TO SAID PROPERTY.

That a Writ of Execution and Order For Sale and Decree of Foreclosure be issued to grant the power of sale of the Subject Property to the Madison County, Idaho Sheriff; and that the

E x A 7  
A-888

proceeds of such sale be paid to Plaintiff, its successors and/or assigns, in an amount due Plaintiff under this judgment, after deducting the amount of sheriff fees and expenses to carry out the foreclosure sale; and that each of the Defendants and all persons claiming under them be barred and foreclosed from all rights, claims, interest or equity of redemption in the Subject Property, when the time for redemption has elapsed under Idaho Law;

3. The Court hereby declares Plaintiff has a first priority lien on the Subject Property, as evidenced by the Deed of Trust recorded on June 30, 1998, as instrument 273055, in the official records of Madison County, Idaho, and all rights, claims, ownerships, liens, titles and demands of Defendants to the Subject Property are subsequent to and subject to Plaintiff's first priority lien, including but not limited to any homestead exemption.

4. That the Plaintiff may pay any taxes and insurance upon the Subject Property which shall hereinafter and before sale become due, and Plaintiff shall have a lien on such premises for the amount so paid, with interest thereon as provided by the laws of the State of Idaho, and in case of such payment and upon application to the Court, Plaintiff may have an order directing that the amount so paid, together with interest, be paid out of the proceeds of the sale of such premises.

5. That Defendants, and all persons claiming under them, shall be and hereby are enjoined from committing waste upon such mortgage premises, and from doing any other action that may impair the value of said premises, at any time between the date of the judgment and the date of such sale unless meanwhile such premises shall have been redeemed as provided by law.

6. Upon completion of the foreclosure sale, and after payment to Plaintiff, as the judgment creditor, any surplus funds from the foreclosure sale shall be deposited with the Clerk

EX 48  
A-889

of the Court for distribution pursuant to further order of the Court or by stipulation amongst the parties appearing in this action.

Dated: Signed: 6/12/2019 09:05 AM

  
JUDGE OF THE DISTRICT COURT

E x A9  
A. 890

PETER J. SALMON (ISBN 6659)  
LEWIS N. STODDARD (ISBN 7766)  
ALDRIDGE PITE, LLP  
4375 JUTLAND DRIVE, SUITE 200  
PO BOX 17935  
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[lstoddard@aldridgepite.com](mailto:lstoddard@aldridgepite.com)

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF MADISON

BENEFICIAL FINANCIAL I INC.,

Plaintiff,

v.

MARILYNN THOMASON, ET AL,

Defendants.

Case No. CV-15-74

ORDER RE: MOTIONS TO  
RECONSIDER

COMES NOW, the Court and having considered the Motion(s) of Marilynn Thomason filed on May 17, 2019, May 28, 2019 and June 10, 2019 which the Court classifies as Motions to Reconsider and having reviewed the Opposition filed by Plaintiff, the filings on record, having heard oral argument and good cause appearing therefore and no opposition having been filed,

IT IS HEREBY ORDERED that Defendant Mariyn Thomason's Motion(s) to Reconsider are DENIED.

DATED this \_\_\_\_ day of November, 2019.

By:

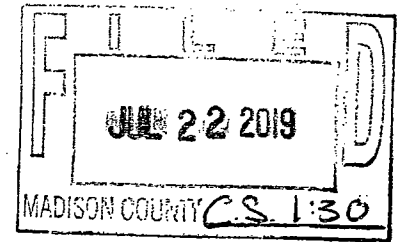
Signed: 6/12/2019 09:06 AM

  
HONORABLE STEVEN BOYCE

A. 893

Ex C

My copy 3/3 orig



MARILYNN THOMASON, pro-se  
2184 Channing Way, Box 251  
Idaho Falls, Idaho, 83404  
208-419-5638

IDAHO SUPREME COURT

From

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE STATE OF  
IDAHO, IN AND FOR THE COUNTY OF MADISON

BENEFICIAL FINANCIAL I INC., ) Idaho Supreme Court Appeal Number:  
Plaintiff-Respondent, ) Docket No. (Appeal No.) 46509-2018  
 ) Madison County District Court  
 ) CV-2015-74  
v. )  
 ) THOMASON'S HEARING-Oral Argument  
 ) I.R.C.P. Rules 59(a), 59(b), 59(d), 54(e) and  
MARILYNN THOMASON, ) Reconsideration Rule 11.2, Stay 62, I.A.R. 13  
NON-SERVED Named Defendant - )  
APPELLANT ) THOMASON'S MOTIONS STILL PENDING:  
and ) I.R.C.P. Rules 4(b)(2), (c), (d)(1)  
 ) FAILURE TO SERVE;  
The Unknown Heirs, Assigns and ) I.C. §§5-214(A), 5-216, etc., I.R.C.P. Rule4  
Devises of BYRON T, MADISON ) PLAINTIFF(S) LACKED STANDING;  
COUNTY, IDAHO; JOHN BAGLEY, ) I.R.C.P. Rule 12(b)(1)  
TERRENCE BAGLEY, BEARD ST. ) COURT LACKS ALL JURISDICTION;  
CLAIR GAFFNEY PA, GREG V. ) I.A.R. Rule 28(a), (b), (c), (e), (f), (g)(1), (h)  
THOMASON, DIANA THOMASON, ) STRIKE DECLARATIONS/ACCOUNTING;  
W. BRENT EAMES, LIBERTY ) I.R.C.P. Rule 12(f)  
PARK IRRIGATIONS COMPANY, ) OBJECTION TO CLERK'S SERVED R.O.A.;  
RIGBY, ANDRUS & RIGBY ) I.R.C.P. Rule 11 SANCTION Against  
CHARTERED, ABUNDANT LAND ) Attorney Lewis N. Stoddard and law firm;  
HOLDINGS, LLC, THOMAS C. ) I.R.C.P. Rule 38(a), (b) and (c)  
LUTHY, LAURA B. LUTHY, )  
FORSBERG LAW OFFICES, CHTD, )  
R. SAM HOPKINS, and DOES 1 ) ORAL ARGUMENT REQUESTED  
Through 20, )  
Defendants.<sup>(1)</sup> ) (Trial by Jury Action)

(1) Defendant names have been incorrectly listed as parties by the Idaho Supreme Court on 12/20/2018 and under Deputy A.G. Brian V. Church (CHURCH)'s documents created jointly by the Idaho Attorney General - Lawrence G. Wasden - Chief of Civil Litigation, Steven L. Olsen and (CHURCH) on Saturday, January 12, 2019, (Judicial Notice: Appellant's filing dated January 25, 2019 with attached EX C.1-16: Thomason's Objections and Denials to Deputy A.G. Brian Church's January 12, 2019 Motion-Memo, etc.) and on the 20<sup>th</sup> of March, 2019 Attorney Stoddard furthers the fraud upon the court when Attorney Stoddard fraudulent attempt to change the title page Plaintiff name from Beneficial Financial I. Inc. to John Patrick Grayken dba LSF10 Master Participation Trust.

APPEAL 46509-2018 from CV-2015-74  
THOMASON's JULY 22, 2019 ORAL ARGUMENT

Marilynn Thomason, (THOMASON) APPELLANT, pro-se  
2184 Channing Way, Box 251  
Idaho Falls, Idaho 83404  
208-419-5638

1 of 9

A.941  
Ex B.1-9

1 All (Thomason)'s filing in this action, are fully and completely incorporated herein, as if fully  
2 and completely re-stated, re-argued and re-evidenced, herein, including those in Volumes AI, AII, BI  
3 and BII;

4 (Thomason) is the sole party with a motion before this court, at this time including  
5 (Thomason)'s Motions under I.R.C.P. Rules 59, 60, I.A.R. 13, etc., and (Thomason)'s pleadings under  
6 denying (Thomason) equal protection under the 14<sup>th</sup> Amendment of the United States Constitution –  
7 Equal Protection and Due Process Clauses;

8 As plead, evidenced and argued in (Thomason)'s motions, alleged Plaintiff(s) and their legal  
9 counsel(s) have consented (failing to produce any valid argument, supporting authority or evidence in  
10 opposition) to (Thomason)'s motions before this court, waiving all rights to now argue for the denial  
11 of each motions' relief filed by (Thomason) by Plaintiff(s) legal counsel(s) not only failing to object,  
12 argue and support any objection in any timely manner...Plaintiff(s) legal counsel(s) sole 30 page filing  
13 for this hearing actual evidences additional fraud upon the court by Plaintiff(s) legal counsel(s), as  
14 stated herein;

15 *Bowler v Board of Trustees, Etc. 617 P.2d 841 (Idaho 1980), 101 Idaho 537 [I.R.C.P. Rule 12-*  
16 *Failure to Timely Object]* giving way to the court's broad discretion to grant (Thomason) all relief  
17 sought, including under *I.R.C.P. Rule 60(b); Eby v State. 148 Idaho 731, 734, 228 P.3d 998, 1001*  
18 *(2010) [I.R.C.P. Rule 60(b)]*;

19 Plaintiff(s) legal counsel(s) failure to timely object, failing to provide any contrary or rebuttal  
20 argument or evidence to support denial of any of (Thomason)'s motions, including for any fees and/or  
21 costs and stay, without added security, *Bailey v Bailey, 153 Idaho 526, 529, 284 P.3d 970, 973 (2012);*  
22 *Losser v Bradstreet, 145 Idaho 670, 672, 183 P.3d 758, 760 (2008); Smith v Mitton, 140 Idaho 893,*

APPEAL 46509-2018 from CV-2015-74  
THOMASON's JULY 22, 2019 ORAL ARGUMENT

Marilynn Thomason, (THOMASON) APPELLANT, pro-se  
2184 Channing Way, Box 251  
Idaho Falls, Idaho 83404  
208-419-5638

A. 942  
Ex B.2

23 897, 104 Idaho 893, 897, 104 P.3d 367, 371 (2004) 'At any time after final judgment [or a verdict by  
24 a jury] but not later than 14 days after final judgment, any party who claims costs/fees may file and  
25 serve on adverse parties a memo of all costs/fees, itemizing each expense, with an attached supporting  
26 affidavit in support of the memo.' [I.R.C.P. Rule 54(d)(4),(5)] Bailey v Birch, ID Supr. Ct, dkt. no.  
27 45451 (Feb. 8, 2019, pp.3-6)];

28 The court records are void of any granting of fees/costs before sole final judgment was entered.  
29 While rules permit for the filing an early memo of cost/fees, with a sworn affidavit, such memoranda  
30 are premature until any time after final judgment, and no party has any duty or requirement to address  
31 and/or object to any premature filing until 14 days after a final judgement is served upon the nonmoving  
32 party, which (Thomason) timely objected to – "Judge cannot award any fees/cost without providing  
33 the nonmoving party with an opportunity to raise relevant facts and legal principles in its defense."  
34 Bingham v Montane Res. Assoc's., 133 Idaho 420, 424, 987 P.2d 1035, 1039 (1999); The final  
35 judgment was not only illegal, it acted merely as a memo, asserting costs and fees, in violation of  
36 I.R.C.R. 54 and 60, nor as of this filing has (Thomason) ever been served any such alleged filing for  
37 fees and costs, after the final judgment has been served upon (Thomason), especially within 14 days of  
38 the asserted final judgment, adding to fraud upon the court by Plaintiff(s) legal counsel(s). The 30 page  
39 Objection by Plaintiff(s) legal counsel(s) is the sole documents received by (Thomason) from anyone;

40 The sole memo served upon (Thomason) not only was premature...it never had any supporting  
41 affidavit attached to it and/or served upon (Thomason)...there was never any memo with supporting  
42 affidavit for the added fees/cost, as well...but what legal counsel(s) did evidence was additional  
43 evidence of fraud upon the court when in the Plaintiff(s) legal counsel(s) objection to (Thomason)'s  
44 motions pending in this action, to be addressed in this hearing (July 22, 2019 @ 2:00 P.M.) they having

APPEAL 46509-2018 from CV-2015-74  
THOMASON's JULY 22, 2019 ORAL ARGUMENT

A-943  
Ex B.3



45 intrinsic and extrinsic knowledge maliciously and fraudulently assert that 100% of all fees/costs were  
46 solely a direct result due to (Thomason) and furthered their fraud to assert that no one ever appeared  
47 ... except (Thomason) deliberately attempting to lie to the court when in fact Liberty Park Irrigation  
48 and their legal counsels not only were named a party in this action by plaintiff(s) but appeared, and  
49 entered into two separate stipulations (the first being rejected due to fraud) in this action between  
50 Liberty Park and plaintiff(s) and their legal counsel(s), as well as the plethora of other defendants  
51 Plaintiff(s) not only named, but all (but Thomason, Byron T. Thomason's alleged heirs, etc.) were  
52 served and failed to appear;

53 Plus, Plaintiff(s) and their legal counsel(s) deliberately fail to show even one filing by  
54 (Thomason) that was without merit or was strictly being frivolously made, and by failing to evidence  
55 any meritless and/or frivolous filings by (Thomason) further prevents any award of fees/costs [*Seward*  
56 *v Musick Auction, LLC, 164 Idaho 149, 160, 426 P.3d 1249, 1260 (2018), I.C. 12-121, 122*];

57 Plaintiff(s) and their legal counsel(s) further fail in their sole argument in their Objection to  
58 (Thomason)'s motions with regards to stay...Idaho is a 'One Action Rule' state in foreclosures of all  
59 mortgages and deeds of trust...an any person/entity wishing to judicially foreclose must not only file  
60 its action for foreclosure...under 'One Action Rule' the plaintiff must also include, simultaneously,  
61 pleading for a ruling upon any amount due and owing, which the pleading [including complaint] must  
62 not only evidence its claim of debt owing...the complaint (which was not verified-prohibiting summary  
63 judgment relief) must ask for a specific ruling on all supporting accounting and claimed amount  
64 due...and seeing this action is an action by jury trial on all disputed facts, the court abused its authority  
65 and discretion when not only is the complaint void of pleadings or actions for a ruling upon the alleged

APPEAL 46509-2018 from CV-2015-74  
THOMASON's JULY 22, 2019 ORAL ARGUMENT

Marilynn Thomason, (THOMASON) APPELLANT, pro-se  
2184 Channing Way, Box 251  
Idaho Falls, Idaho 83404  
208-419-5638

A-944  
Ex B.4

66 debt, the court cannot grant foreclosure, further making grievous errors in laws and in facts, supporting  
67 (Thomason)'s motion for reversal of judgment, etc., which are before this court;

68 'One Action Rule' I.C. §§6-101, 6-101(3) does not include any exemption that are binding in  
69 this action, nor has (Thomason) waived, implied or consented to ignoring the 'One Action Rule'  
70 "...Every final judgment shall grant the relief plead...yet, if the court grants relief not specifically  
71 pled, then the issue(s) must be tried by expressed or implied consent of the parties." O'Conner v Harger  
72 Const. Inc., 145 Idaho 904, 911, 188 P3d 846, 853 (2008) I.R.C.P. Rule 15(b); M.K. Transp., Inc. v  
73 Grover, 101 Idaho 345, 349, 612 P.2d 1192, 1196 (1980)... this actions records are void of any consent  
74 and/or implied consent of any party, which all pleading are void of any Plaintiff(s) or their legal  
75 counsel(s) relief under I.C. §§6-101, 101(3)(b) citing under what authority, basis, statute, etc.  
76 Plaintiff(s) and/or their legal counsel(s) are entitled to any relief...deeds of trust...mortgages are mere  
77 security...failing to conform to the 'One Action Rule' the deed of trust or a mortgage is nothing more  
78 than a piece of paper...and Plaintiff(s) and their legal counsel(s) failing to jointly seek relief under both  
79 the note and deed of trust relief cannot be granted to Plaintiff(s) and/or their legal counsel, making the  
80 deed of trust worthless, the action further void, the court lacking all jurisdiction, the Plaintiff(s) lack  
81 any threshold standing, especially seeing (Thomason) was never served, as required under the laws and  
82 rules of Idaho, leaving the court only one option, in which it does not even have any discretion not to  
83 do, and that is the court must dismiss this action against (Thomason) in full, reverse / set aside its sole  
84 judgment, granting (Thomason) her sought relief;

85 I.C. § 6-101(1) "...[t]here can be only one action for the recovery of any debt, or the  
86 enforcement of any right secured by mortgage/deed of trust upon real estate in the State of Idaho."  
87 Elliott v Darwin Neibaur Farms, 69 P.3d 1035, 1042 (Idaho 2003)"...which applies to this judicial

APPEAL 46509-2018 from CV-2015-74  
THOMASON's JULY 22, 2019 ORAL ARGUMENT

Marilynn Thomason, (THOMASON) APPELLANT, pro-se  
2184 Channing Way, Box 251  
Idaho Falls, Idaho 83404  
208-419-5638

5 of 9

A. 945  
Ex B.5

88 action to foreclose upon a line of credit of the sole borrower – deceased Byron T. Thomason, barred by  
89 all statutes of limitations, who was never named nor served, which debt had been paid in full in  
90 December, 2009, secured by a deed of trust that has the incorrect legal description upon the deed;

91 Plaintiff(s) and its legal counsel(s) further fail in their assertion that (Thomason)'s filings are  
92 repetitive...inflammatory...conclusory...inaccurate...mere conspiracy theories, etc. [*Judicial Notice:*  
93 *STODDARD July 15, 2019 30 page Objection including 21 pages of exhibits A-D, delivered upon*  
94 *(Thomason) personally by the US Postal Service at 5:08 P.M. on Friday, July 19<sup>th</sup>, 2019*] knowing  
95 never has anyone ever evidenced, even citing one single filing (Thomason) has made in this action, or  
96 any action, that was inflammatory, conclusory, inaccurate, repetitive, mere conspiracy theory...was not  
97 required under Idaho Rules / Statutes that was not for the purpose to preserve (Thomason)'s issues and  
98 required to raise an objection, ask for a cure and secure a ruling;

99 Plaintiff(s), their legal counsel(s) nor anyone has ever once proven any of (Thomason)'s facts  
100 were not true and/or any of (Thomason)'s filings were meritless or without foundation, including  
101 Plaintiff(s) legal counsel(s) and former Judge Moeller's threats against (Thomason) and aiding and  
102 abetting in money and deed laundering;

103 (Thomason)'s filings all evidenced (Thomason) raised each objection, asked for a cure via  
104 sworn affidavits and timely motions/hearings, which the court refused to address, never making any  
105 final order denying even one of (Thomason)'s motions/objections, requiring (Thomason) to preserve  
106 each demand for relief otherwise such relief would be waived;

107 Plaintiff(s) and their legal counsel(s) further fail with their attacked 22 pages EX A-D...This  
108 action was for a judicial action for foreclosure upon an alleged line of credit, that had been paid in full  
109 in December, 2009;

APPEAL 46509-2018 from CV-2015-74  
THOMASON's JULY 22, 2019 ORAL ARGUMENT

Marilynn Thomason, (THOMASON) APPELLANT, pro-se  
2184 Channing Way, Box 251  
Idaho Falls, Idaho 83404  
208-419-5638

A-946  
Ex B.6

110 "One Action Rule" makes this action an action for judicial money judgment which the EX A-  
111 D exhibits and the Plaintiff(s) legal counsel(s) failed legal arguments for costs/rents/control/possession  
112 deliberately being meritless...knowing a posting of security for stay falls strictly under the 136% rule,  
113 not under any other arguments Plaintiff(s)' legal counsel(s) used in their 30 page objection, including  
114 under *I.A.R. 13(b)(4), 13(b)(14)*, as presented in pages 6-30 of Plaintiff(s) legal counsel(s) July 15,  
115 2019;

116 Every argument and every citation by Plaintiff(s)' legal counsel(s) are meritless, unfounded,  
117 were done to harass, add unnecessary costs and time in this illegal action to fulfill both threats directed  
118 at (Thomason) [Moeller-"...take the deal...or...you will pay...], [Plaintiff(s) legal counsel(s)- "...we  
119 don't need standing...only an order...we get the money...you're out on the street..."] (*I.R.C.P. Rule*  
120 *11(c)(1)-(5), I.C. §12-123 [Curzon v Hanson, 137 Idaho 420, 422, 49 P.3d 1270, 1273 Ct. App. 2002]*  
121 *- Sanctions*);

122 PRAYER

123 (Thomason) Prays to the Court, to immediately dismiss Plaintiff(s) action, in full, against  
124 (Thomason), reversing / set aside the sole final judgment in this action;

125 (Thomason)'s Prays to Deny any and all relief sought by Plaintiff(s) and their legal counsel(s);

126 (Thomason) Prays to grant sanctions against Plaintiff(s) and their legal counsel(s), as per

127 (Thomason) motions;

128 (Thomason) Prays to grant (Thomason) costs in this action;

129 (Thomason)'s Prays to Grant (Thomason)'s motions, in full.

130 AFFIDAVIT

STATE OF IDAHO )  
)

APPEAL 46509-2018 from CV-2015-74  
THOMASON'S JULY 22, 2019 ORAL ARGUMENT

Marilynn Thomason, (THOMASON) APPELLANT, pro-se  
2184 Channing Way, Box 251  
Idaho Falls, Idaho 83404  
208-419-5638


A. 947  
Ex B.7

County of Madison )

131 I, Marilynn Thomason, (named and unserved defendant/APPELLANT) upon first being sworn  
132 and deposed does herein state that I am an unserved but named defendant in this legal action, and do  
133 state that my ORAL ARGUMENT's statements, arguments and legal authority are true and correct, as  
134 of this filing and are from my own independent and personal knowledge, information and belief formed  
135 after an inquiry reasonable under the circumstances and is not being presented for any improper  
136 purpose, is not to harass, cause any unnecessary delay or needless increase in cost of litigation, and has  
137 been made in good faith and are supported by law, statutes and authority;

138 The aforementioned statements, objections and defenses, argument, authority and other legal  
139 contentions, are warranted by existing Idaho Law, Federal Law, Idaho and United States Constitution  
140 and Idaho and the U.S. Supreme Court opinions and I shall defend my arguments, statements and claims  
141 under the fullest penalty of law;

142 Dated this 22<sup>nd</sup> July, 2019.

143   
Marilynn Thomason, Appellant

144 I Leei Cooley certify, that on this 22<sup>nd</sup> day of July, 2019, before  
145 me appeared Marilynn Thomason, who identified herself to me with her Idaho photo  
146 identification/driver's license as being identified as Marilynn Thomason, who upon first being sworn  
147 and deposed stated the information she provided within this attached filing are true and correct, under  
148 the penalty of perjury, from personal knowledge, not made to harass, delay nor hinder, or for any  
149 improper purpose had been made of her own free will and without being forced or placed under duress  
150 to make her statements, and that she will defend her above statements to the fullest extent of the law.

APPEAL 46509-2018 from CV-2015-74  
THOMASON's JULY 22, 2019 ORAL ARGUMENT

Marilynn Thomason, (THOMASON) APPELLANT, pro-se  
2184 Channing Way, Box 251  
Idaho Falls, Idaho 83404  
208-419-5638

A-948  
Ex B.8

(seal)



Notary Public

Residing at: 655. Center St Rexburg, ID

Commission Expires: 7-5-25

83440

I. CERTIFICATION of SERVICE

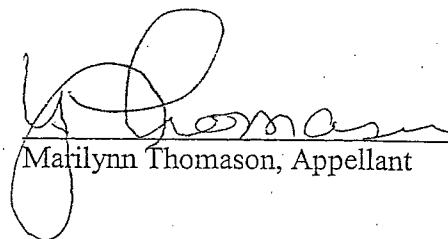
I, Marilynn Thomason, does certify that on or before the 22<sup>nd</sup> day of July, 2019 a true and correct copy of this notice of hearing, supporting brief/affidavit and certificate of service has been timely and duly served upon the following named person(s)/entities by United States Pre-paid mail, or as stated below:

Idaho Supreme Court has been directly served by mail this timely filing by (APPELLANT) and FBI and DOJ in the usual manner;

Plaintiff(s) alleged legal counsel (STODDARD) 13125 W. Persimmon Lane, Ste. 150, Boise, ID 83713); or at hearing (plus)

Liberty Park Irrigation Company, c/o Hyrum Erickson 25 North 2<sup>nd</sup> East, Rexburg, Idaho 83440 or at hearing;

DATED this 22nd of July, 2019.

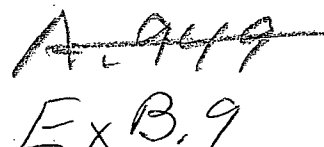
  
Marilynn Thomason, Appellant

///End of 9 page, 2,612 word, 163 line Document///

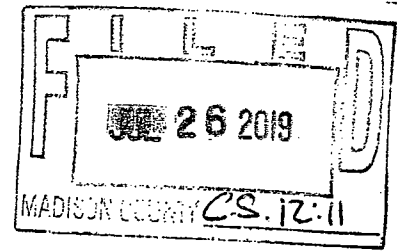
APPEAL 46509-2018 from CV-2015-74  
THOMASON's JULY 22, 2019 ORAL ARGUMENT

Marilynn Thomason, (THOMASON) APPELLANT, pro-se  
2184 Channing Way, Box 251  
Idaho Falls, Idaho 83404  
208-419-5638

9 of 9

  
A-949  
Ex B.9

my 3/3  
018



MARILYNN THOMASON, pro-se  
2184 Channing Way, Box 251  
Idaho Falls, Idaho, 83404  
208-419-5638

IDAHO SUPREME COURT

From

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN  
AND FOR THE COUNTY OF MADISON

BENEFICIAL FINANCIAL I INC.,	)	Idaho Supreme Court Appeal Number:
Plaintiff-Respondent,	)	Docket No. (Appeal No.) 46509-2018
	)	Madison County District Court
	)	CV-2015-74
v.	)	
	)	THOMASON'S MOTION FOR
	)	DISQUALIFICATION, I.R.C.P. Rule 40(d):
MARILYNN THOMASON,	)	
NON-SERVED Named Defendant -	)	IDAHO SUPREME COURT JUSTICES:
APPELLANT	)	Justice Roger Burdick;
and	)	Justice Gregory Moeller;
	)	
The Unknown Heirs, Assigns and	)	IDAHO APPELLATE JUDGE:
Devises of BYRON T, MADISON	)	David Gratton
COUNTY, IDAHO; JOHN BAGLEY,	)	
TERRENCE BAGLEY, BEARD ST.	)	
CLAIR GAFFNEY PA, GREG V.	)	
THOMASON, DIANA THOMASON,	)	
W. BRENT EAMES, LIBERTY	)	
PARK IRRIGATIONS COMPANY,	)	
RIGBY, ANDRUS & RIGBY	)	
CHARTERED, ABUNDANT LAND	)	
HOLDINGS, LLC, THOMAS C.	)	
LUTHY, LAURA B. LUTHY,	)	
FORSBERG LAW OFFICES, CHTD,	)	
R. SAM HOPKINS, and DOES 1	)	
Through 20,	)	
Defendants. <sup>(1)</sup>	)	(Trial by Jury Action)

(1) Defendant names have been incorrectly listed as parties by the Idaho Supreme Court on 12/20/2018 and under Deputy A.G. Brian V. Church (CHURCH)'s documents created jointly by the Idaho Attorney General - Lawrence G. Wasden - Chief of Civil Litigation, Steven L. Olsen and (CHURCH) on Saturday, January 12, 2019, (Judicial Notice: Appellant's filing dated January 25, 2019 with attached EX C.1-16: Thomason's Objections and Denials to Deputy A.G. Brian Church's January 12, 2019 Motion-Memo, etc.) and on the 20<sup>th</sup> of March, 2019 Attorney Stoddard furthers the fraud upon the court when Attorney Stoddard fraudulent attempt to change the title page Plaintiff name from Beneficial Financial I. Inc. to John Patrick Grayken dba LSF10 Master Participation Trust.

APPEAL 46509-2018 from CV-2015-74  
MOTION TO DISQUALIFY  
NOTICE of HEARING and MOTIONS and BRIEF/AFFIDAVIT and PROPOSED ORDER

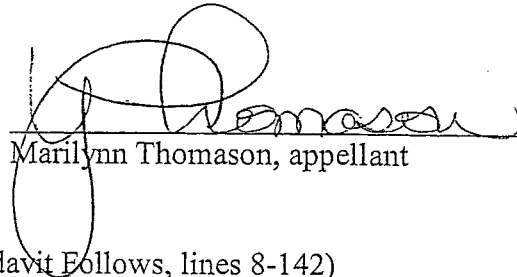
Marilynn Thomason, (THOMASON) APPELLANT, pro-se  
2184 Channing Way, Box 251  
Idaho Falls, Idaho 83404  
208-419-5638

1 of 11

A. 950  
B. 10

1 PLEASE TAKE NOTICE: Marilyn Thomason, Appellant/unserved named defendant,  
2 (THOMASON) does MOTION for DISQUALIFICATION of the following two Justices: Justice Roger  
3 Burdick and Justice Gregory Moeller, currently presiding in the Idaho Supreme Court, and if deemed  
4 to replace either Justice Burdick and/or Justice Gregory Moeller with a Judge from the Idaho Appellate  
5 Court, Judge David Gratton would also need to be disqualified under the attached sworn supporting  
6 brief to this Motion for Disqualification.

7 Dated this 26<sup>th</sup> day of July, 2019.

  
Marilynn Thomason, appellant

(Supporting Brief and Affidavit Follows, lines 8-142)

APPEAL 46509-2018 from CV-2015-74  
MOTION TO DISQUALIFY  
NOTICE of HEARING and MOTIONS and BRIEF/AFFIDAVIT and PROPOSED ORDER

Marilynn Thomason, (THOMASON) APPELLANT, pro-se  
2184 Channing Way, Box 251  
Idaho Falls, Idaho 83404  
208-419-5638

2 of 11

B.11  
A.951



MARILYNN THOMASON, pro-se  
2184 Channing Way, Box 251  
Idaho Falls, Idaho, 83404  
208-419-5638

**IDAHO SUPREME COURT**

From

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN  
AND FOR THE COUNTY OF MADISON

BENEFICIAL FINANCIAL I INC.,	)	Idaho Supreme Court Appeal Number:
Plaintiff-Respondent,	)	Docket No. (Appeal No.) 46509-2018
	)	Madison County District Court
	)	CV-2015-74
v.	)	
	)	THOMASON'S BRIEF / AFFIDAVIT
	)	DISQUALIFICATION, I.R.C.P. Rule 40(d):
MARILYNN THOMASON,	)	
NON-SERVED Named Defendant -	)	IDAHO SUPREME COURT JUSTICES:
APPELLANT	)	Justice Roger Burdick;
and	)	Justice Gregory Moeller;
	)	
The Unknown Heirs, Assigns and	)	IDAHO APPELLATE JUDGE:
Devisees of BYRON T, MADISON	)	David Gratton
COUNTY, IDAHO; JOHN BAGLEY,	)	
TERRENCE BAGLEY, BEARD ST.	)	
CLAIR GAFFNEY PA, GREG V.	)	
THOMASON, DIANA THOMASON,	)	
W. BRENT EAMES, LIBERTY	)	
PARK IRRIGATIONS COMPANY,	)	
RIGBY, ANDRUS & RIGBY	)	
CHARTERED, ABUNDANT LAND	)	
HOLDINGS, LLC, THOMAS C.	)	
LUTHY, LAURA B. LUTHY,	)	
FORSBERG LAW OFFICES, CHTD,	)	
R. SAM HOPKINS, and DOES 1	)	
Through 20,	)	
Defendants. <sup>(1)</sup>	)	(Trial by Jury Action)

(1) Defendant names have been incorrectly listed as parties by the Idaho Supreme Court on 12/20/2018 and under Deputy A.G. Brian V. Church (CHURCH)'s documents created jointly by the Idaho Attorney General - Lawrence G. Wasden - Chief of Civil Litigation, Steven L. Olsen and (CHURCH) on Saturday, January 12, 2019, (*Judicial Notice: Appellant's filing dated January 25, 2019 with attached EX C.1-16: Thomason's Objections and Denials to Deputy A.G. Brian Church's January 12, 2019 Motion-Memo, etc.*) and on the 20<sup>th</sup> of March, 2019 Attorney Stoddard furthers the fraud upon the court when Attorney Stoddard fraudulent attempt to change the title page Plaintiff name from Beneficial Financial I. Inc. to John Patrick Grayken dba LSF10 Master Participation Trust.

APPEAL 46509-2018 from CV-2015-74

MOTION TO DISQUALIFY

NOTICE of HEARING and MOTIONS and BRIEF/AFFIDAVIT and PROPOSED ORDER

Marilynn Thomason, (THOMASON) APPELLANT, pro-se  
2184 Channing Way, Box 251  
Idaho Falls, Idaho 83404  
208-419-5638

8 MOTION'S BRIEF with SUPPORTING AFFIDAVIT

9 Disqualification of any Justice of the Idaho Supreme Court or any Judge of the Idaho Court of  
10 Appeals is an action that is never to be taken lightly nor for the purpose of abuse, which as detailed  
11 herein will show that for the purest sake of justice the following three individuals must be disqualified  
12 for deliberate acts of bias and fraud upon the court, not only evidences and never disputed but their  
13 legal counsels, Idaho Attorney General refused to deny the following information to be untrue,  
14 misleading or inaccurate, which evidence gives rise to disqualification of each named individuals;

15 The Idaho Judicial Council (IJC) has not only required recusal of any judge/justice for not only  
16 bias and/or prejudice but also for the mere appearance, supporting the (IJC) with federal statutes and  
17 authority, stating:

18 If a replacement must be selected to replace Justice Burdick, Justice Moeller and/or Judge  
19 Gratton, any replacement cannot be any of the individuals noted herein, ["The entire Supreme Court of  
20 Idaho selects a replacement justice..." Idaho Supreme Court Legal Counsel, July 25, 2014, Bradbury  
21 v Idaho Judicial Council, no. 36175 (decided Sept. 10, 2009)];

22 Judicial Code states: "*A judge [justice] shall disqualify himself or herself in a proceeding where*  
23 *the judge [justice] impartiality might reasonably be question, including but not limited to instances*  
24 *where the judge [justice] has a personal bias or prejudice concerning a party or a party's lawyer or*  
25 *has personal knowledge of disputed evidentiary facts that might reasonably effect the judge's*  
26 *impartiality in the proceedings.*", *Sivak v State*, 112 Idaho 197, 206, 731 P.2d 192, 201 (1986), I.R.C.P.  
27 *R. rules 40(d)(1)(B), (2)(B); Microsoft Corp. v United States*, 530 U.S. 1301, 121 S.Ct., 25, 147 L.Ed.2d

APPEAL 46509-2018 from CV-2015-74  
MOTION TO DISQUALIFY

NOTICE of HEARING and MOTIONS and BRIEF/AFFIDAVIT and PROPOSED ORDER

Marilynn Thomason, (THOMASON) APPELLANT, pro-se  
2184 Channing Way, Box 251  
Idaho Falls, Idaho 83404  
208-419-5638

B-13  
A-953

28 1048 (2000), re: 28 U.S.C. §455 [“...not the reality of bias...but the appearance of bias...”], *Likely v*  
29 *United States*, 540, 548, 114 S.Ct. 1147, 127 L.Ed.2d 474 (1994);

30 The appeals and motions before the Idaho Supreme Court, 46509-2018, are a continuation of  
31 direct actions that each of the named individuals had direct involvement in:

32 Bagley v Thomason, 149 Idaho 799, 241 P.3d 972 (2010), Bagley I;

33 Bagley v Thomason, 149 Idaho 806, 241 P.3d 979 (2010), Bagley II;

34 Madison Real Property, LLC v Thomason no. 39799, 2013 WL 6008921, (MRP);

35 In (MRP) the Idaho Court of Appeal (Judge Gratton) ruled in favor of Judge Moeller’s decision  
36 that (MRP) could sue (Thomason) and prevail in laundering real estate deeds to a third party with  
37 certified county tax records and warrantee deeds evidencing the real estate Judge Gratton and Judge  
38 Moeller launder never belong to (Thomason) but to a Charles and Doralee Thomason, who had left the  
39 lands in the name of their three daughters, Lolita Thomason Shirley (1/3), Lynea Thomason Holley  
40 (1/3) and Ann Marie Thomason Neville (1/3) land value \$3,195,000 (2010);

41 Judge Moeller informed (Thomason) if she did not go along with a deal to have him (Moeller)  
42 issue an judicial decree to grant 1/3 of the land to Judge Moeller’s personal friend William Forsberg  
43 (MRP), and 1/3 of the land to a Nicholas and Sandra Thomason and (Thomason) 1/3 that Moeller would  
44 see to it that “...if you do not go along with the deal...you will pay...”;

45 (Thomason) refused to go along with a deal that would illegally use the Judicial System of the  
46 State of Idaho to be a facilitator in money and deed laundering and in direct violation of 18 U.S.C.  
47 1956, Money Laundering Act...which a criminal complaint has been filed with the 2019 (US – AG),  
48 DOJ and FBI, and a filing with the Idaho House of Representatives at the same time for impeachment  
49 of Justice Moeller;

APPEAL 46509-2018 from CV-2015-74  
MOTION TO DISQUALIFY  
NOTICE of HEARING and MOTIONS and BRIEF/AFFIDAVIT and PROPOSED ORDER

Marilynn Thomason, (THOMASON) APPELLANT, pro-se  
2184 Channing Way, Box 251  
Idaho Falls, Idaho 83404  
208-419-5638

B.14  
A.954  
5 of 11

50 Under the same parties involving (MRP) and (Thomason) Justice Moeller took additional steps  
51 to committing acts of money/deed laundering when Judge Gratton and Justice Moeller committed fraud  
52 upon the court when the land owned by Charles and Doralee Thomason had water shares solely in their  
53 names, never in (Thomason)'s name creating a judicial decree that laundered not only the true owners  
54 names off the alleged water companies name, off the warrantee deeds but changed the name of the  
55 water share company to a bogus water share company, named Liberty Park Irrigation, which Justice  
56 Moeller and his former law firm represented, in direct contradiction to warrantee deeds going back over  
57 85 years, fraudulently asserting the (Thomason) owned the water shares, which then Justice Burdick  
58 within weeks used to support in the cases before him, (Bagley I and Bagley II), in direct violation of  
59 I.C. §55-601, threshold standing and in violation of every authority of the Idaho Supreme Court  
60 regarding personal and subject matter jurisdiction, creating two forever null and void judgments;

61 Justice Burdick, in his footnote (Bagley I) re: I.C. §55-601 created a third null and void  
62 judgment by asserting that I.C. §55-601 is not considered when a question regarding standing and/or  
63 jurisdiction is asserted, in direct<sup>violation</sup> of Idaho Code and every Idaho Supreme Court authority with regards  
64 to I.C. §55-601 and standing/jurisdiction;

65 Justice Burdick further his bias, abuse and prejudice against (Thomason) when in (Bagley II)  
66 Justice Burdick used Judge Gratton's decision in (MRP) water share decision to fraudulently assert and  
67 create a fourth forever null and void judgment that in (MRP) watershare action the court found that  
68 (Thomason) owned watershares in Liberty Park Irrigation, with evidence before him from sworn  
69 affidavits from Liberty Park Irrigation that at no time did (Thomason) own any watershares in Liberty  
70 Park Irrigation;

APPEAL 46509-2018 from CV-2015-74  
MOTION TO DISQUALIFY  
NOTICE of HEARING and MOTIONS and BRIEF/AFFIDAVIT and PROPOSED ORDER

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2184 Channing Way, Box 251  
Idaho Falls, Idaho 83404  
208-419-5638

B15

A.955

71 In the action before this Idaho Supreme Court, currently, (Thomason) evidence that the  
72 plaintiff(s) never had standing to sue (Thomason) because: 1) she was never timely nor duly served, 2)  
73 the alleged debt had been paid over 5 years before the plaintiff ever filed any judicial foreclosure action  
74 and the action was commenced beyond the 5 year statutes of limitation, 3) the plaintiff never sued the  
75 sole signer of the sole note, but fraudulently named (Thomason) who solely signed a deed of trust,  
76 never the note, 4) the action also was barred by statutes of limitation because the plaintiff(s) never sued  
77 the deceased sole note signer or his estate, 5) Idaho is a one action rule state and the plaintiff, from CA,  
78 were under the belief that any deed of trust does not fall under the a one action rule, 6) the plaintiff(s)  
79 never filed any verified complaint, 7) plaintiff(s) never filed any accounting and when Justice Moeller  
80 stated these concerns to the plaintiff(s)' legal counsel(s) the legal counsel, Attorney Stoddard, self-  
81 created a fraudulent accounting, never under any sworn affidavit for a motion for summary judgment,  
82 8) when (Thomason) evidenced the deliberate fraud upon the court by plaintiff(s) legal counsels and  
83 after plaintiff(s) legal counsel stated directly to (Thomason), "...we do not need standing...we only  
84 need an order...we get the money...you're out on the street...", 9) (Thomason) evidenced that  
85 Attorney Stoddard and his former law firm had repeatedly committed money laundering for HSBC and  
86 other companies that directed<sup>ly</sup> benefited drug cartels, according the to the USDOJ and FBI, 10) in  
87 retaliation Attorney Stoddard, under Justice Moeller's direction issued a petition for a I.C.A.R. 59  
88 action against (Thomason), which resulted in evidencing that Justice Moeller had, under his control,  
89 court filing of (Thomason) removed from this lower court's action, resulting in the Court Clerk's  
90 inability to recreate a true and correct Court Records for the Appeals before the Idaho Supreme Court,  
91 under 46509-2018, 11) on the last day of Justice Moeller's day as being the District Judge in this  
92 action's lower civil action, December 31, 2018, Justice Moeller issued a memorandum (MEMO), never

APPEAL 46509-2018 from CV-2015-74  
MOTION TO DISQUALIFY  
NOTICE of HEARING and MOTIONS and BRIEF/AFFIDAVIT and PROPOSED ORDER

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2184 Channing Way, Box 251  
Idaho Falls, Idaho 83404  
208-419-5638

93 any final order and had the Court Clerk deliberately conceal the MEMO from (Thomason) and then  
94 had his legal counsel with the Idaho AG- Deputy Church make a spontaneous filing in this lower court  
95 action, with a one line entry asserting the existence of a MEMO, which after repeated request from  
96 (Thomason) to the Court Clerk was never served upon (Thomason) until Judge Schulinger had learned  
97 of the grievous error and ordered the clerk to print a copy of the MEMO and hand it to (Thomason) in  
98 his presence...these issues are pending in the current filed original notice of appeal, the first amended  
99 notice of appeal and the second notice of appeal;

100 Justice Burdick, Justice Moeller and Judge Gratton are three individuals that must not be  
101 allowed to preside in any part of this appeal or motion for stay under 46509-2018;

102 If allowed, (Thomason) will not be granted due process nor equal protection under the Idaho  
103 Statutes nor under the United States Constitution – will Equal Protection and Due process clauses and  
104 the openly applied bias and prejudice against (Thomason) continue against women and elderly.  
105 (Thomason) has no belief any of the three named individuals, herein will serve justice when it comes  
106 to (Thomason), that justice will be served or the laws, rules or authorities will be justly applied to  
107 (Thomason);

108 SUPPORTING AFFIDAVIT

STATE OF IDAHO )  
 )ss.  
County of Madison )

109 I, Marilyn Thomason, (APPELLANT) upon first being sworn and deposed does herein state  
110 that I am an unserved but named defendant in this legal action, and do state that my NOTICE of  
111 HEARING, MOTION and SUPPORTING BRIEF/AFFIDAVIT's statements, arguments and legal

APPEAL 46509-2018 from CV-2015-74  
MOTION TO DISQUALIFY  
NOTICE of HEARING and MOTIONS and BRIEF/AFFIDAVIT and PROPOSED ORDER


Marilynn Thomason, (THOMASON) APPELLANT, pro-se  
2184 Channing Way, Box 251  
Idaho Falls, Idaho 83404  
208-419-5638

B.17  
A.957  
8 of 11

112 authority are true and correct, as of this filing and are from my own independent and personal  
113 knowledge, information and belief formed after an inquiry reasonable under the circumstances and is  
114 not being presented for any improper purpose, is not to harass, cause any unnecessary delay or needless  
115 increase in cost of litigation, and has been made in good faith and are supported by law, statutes and  
116 authority;

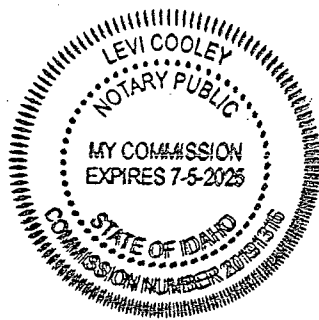
117 The aforementioned statement and defenses, argument, authority and other legal contentions,  
118 are warranted by existing Idaho Law, Federal Law, Idaho and United States Constitution and Idaho and  
119 the U.S. Supreme Court opinions and I shall defend my arguments, statements and claims under the  
120 fullest penalty of law;

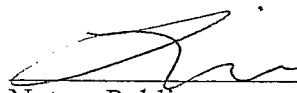
121 Dated this 26<sup>th</sup> July, 2019.

122   
Marilynn Thomason, Appellant

123 I Levi Cooley certify, that on this 26<sup>th</sup> day of July, 2019, before  
124 me appeared Marilyn Thomason, who identified herself to me with her Idaho photo  
125 identification/driver's license as being identified as Marilyn Thomason, who upon first being sworn  
126 and deposed stated the information she provided within this attached filing are true and correct, under  
127 the penalty of perjury, from personal knowledge, not made to harass, delay nor hinder, or for any  
128 improper purpose had been made of her own free will and without being forced or placed under duress  
129 to make her statements, and that she will defend her above statements to the fullest extent of the law.

(seal)



  
Notary Public

Residing at: 655 Center St Rexburg ID 83440  
Commission Expires: 7-5-25

APPEAL 46509-2018 from CV-2015-74  
MOTION TO DISQUALIFY  
NOTICE of HEARING and MOTIONS and BRIEF/AFFIDAVIT and PROPOSED ORDER

Marilynn Thomason, (THOMASON) APPELLANT, pro-se  
2184 Channing Way, Box 251  
Idaho Falls, Idaho 83404  
208-419-5638

130

CERTIFICATION of SERVICE

131

I, Marilyn Thomason, does certify that on or before the 26<sup>th</sup> day of July, 2019 a true and correct

132

copy of this notice of hearing, supporting brief/affidavit and certificate of service has been timely and

133

duly served upon the following named person(s)/entities by United States Pre-paid mail, or as stated

134

below:

135

Idaho Supreme Court has been directly served this timely filing by (APPELLANT) and

136

FBI and DOJ in the usual manner;

137

Plaintiff(s) alleged legal counsel (STODDARD) 13125 W. Persimmon Lane, Ste. 150, Boise,

138

ID 83713); (plus)

139

Liberty Park Irrigation Company, c/o Hyrum Erickson 25 North 2<sup>nd</sup> East, Rexburg, Idaho

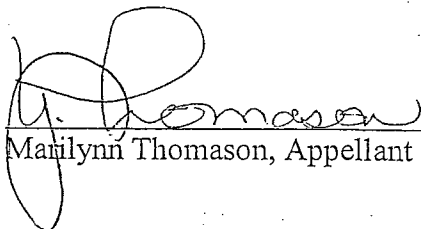
140

83440;

141

DATED this 26<sup>th</sup> of July, 2019.

142



Marilynn Thomason, Appellant

///End of 11 page, 142 line, 2,647 word Document///

PROPOSED ORDER FOLLOWS THIS PAGE

APPEAL 46509-2018 from CV-2015-74

MOTION TO DISQUALIFY

NOTICE of HEARING and MOTIONS and BRIEF/AFFIDAVIT and PROPOSED ORDER

Marilynn Thomason, (THOMASON) APPELLANT, pro-se  
2184 Channing Way, Box 251  
Idaho Falls, Idaho 83404  
208-419-5638

10 of 11

B-19  
A-959



PROPOSED ORDER

IT IS HEREBY ORDERED, for good cause:

The Idaho Supreme Court Justice Burdick, Justice Moeller and Judge Gratton shall DISQUALIFY themselves from this appeal and pending motion for stay filed by (Thomson);

DATED this \_\_\_\_\_, 2019.

\_\_\_\_\_  
Supreme Court Justice – Burdick

\_\_\_\_\_  
Supreme Court Justice - Moeller

\_\_\_\_\_  
Idaho Court of Appeal - Judge Gratton

APPEAL 46509-2018 from CV-2015-74  
MOTION TO DISQUALIFY  
NOTICE of HEARING and MOTIONS and BRIEF/AFFIDAVIT and PROPOSED ORDER

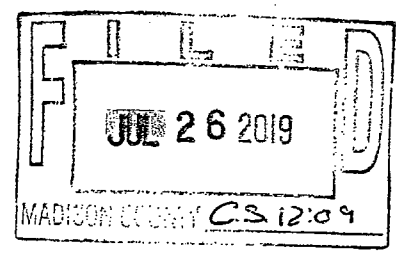
Marilynn Thomason, (THOMASON) APPELLANT, pro-se  
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Idaho Falls, Idaho 83404  
208-419-5638

B.20

A.960

my orig  
3083

pgs 1-2 Notice of Hearing  
" 3-2 Motion for Stay  
" 7-44 Brief/Aff/Prop. Order



MARILYNN THOMASON, pro-se  
2184 Channing Way, Box 251  
Idaho Falls, Idaho, 83404  
208-419-5638

IDAHO SUPREME COURT

From  
IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN  
AND FOR THE COUNTY OF MADISON

BENEFICIAL FINANCIAL I INC.,	)	Idaho Supreme Court Appeal Number:
Plaintiff-Respondent,	)	Docket No. (Appeal No.) 46509-2018
	)	Madison County District Court
	)	CV-2015-74
v.	)	
	)	THOMASON'S NOTICE OF HEARING:
	)	MOTION FOR STAY I.A.R. 13
MARILYNN THOMASON,	)	
NON-SERVED Named Defendant -	)	
APPELLANT	)	
and	)	
	)	
The Unknown Heirs, Assigns and	)	
Devisees of BYRON T, MADISON	)	
COUNTY, IDAHO; JOHN BAGLEY,	)	
TERRENCE BAGLEY, BEARD ST.	)	
CLAIR GAFFNEY PA, GREG V.	)	
THOMASON, DIANA THOMASON,	)	
W. BRENT EAMES, LIBERTY	)	
PARK IRRIGATIONS COMPANY,	)	
RIGBY, ANDRUS & RIGBY	)	
CHARTERED, ABUNDANT LAND	)	
HOLDINGS, LLC, THOMAS C.	)	
LUTHY, LAURA B. LUTHY,	)	
FORSBERG LAW OFFICES, CHTD,	)	
R. SAM HOPKINS, and DOES 1	)	WRITTEN ARGUMENT REQUESTED
Through 20,	)	
Defendants. <sup>(1)</sup>	)	(Trial by Jury Action)

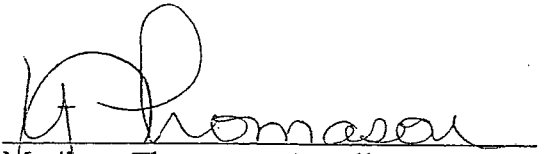
(1) Defendant names have been incorrectly listed as parties by the Idaho Supreme Court on 12/20/2018 and under Deputy A.G. Brian V. Church (CHURCH)'s documents created jointly by the Idaho Attorney General - Lawrence G. Wasden - Chief of Civil Litigation, Steven L. Olsen and (CHURCH) on Saturday, January 12, 2019, (Judicial Notice: Appellant's filing dated January 25, 2019 with attached EX C.1-16: Thomason's Objections and Denials to Deputy A.G. Brian Church's January 12, 2019 Motion-Memo, etc.) and on the 20<sup>th</sup> of March, 2019 Attorney Stoddard furthers the fraud upon the court when Attorney Stoddard fraudulent attempt to change the title page Plaintiff name from Beneficial Financial I Inc. to John Patrick Grayken dba LSF10 Master Participation Trust.

B.21  
A-961

1 PLEASE TAKE NOTICE: Marilyn Thomason, Appellant/unserved named defendant,  
2 (THOMASON) does NOTICE UP FOR HEARING the following I.A.R. 13(a), (b)(8, 13, 15, 16) - Stay  
3 of Execution, unless the Idaho Supreme Court will rule based upon documents attached herein;

4 (THOMASON) requests additional WRITTEN ARGUMENT at hearing if the Idaho Supreme  
5 Court does not decide upon Motion for Stay on the attached documents;

6 Dated this 26<sup>th</sup> day of July, 2019.

7  
8   
Marilynn Thomason, Appellant

///Motion/Supporting Brief/Affidavit/Certificate of Service/Proposed Order follows, lines 9-829///

B.22

A.962

MARILYNN THOMASON, pro-se  
2184 Channing Way, Box 251  
Idaho Falls, Idaho, 83404  
208-419-5638

IDAHO SUPREME COURT

From

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE STATE OF  
IDAHO, IN AND FOR THE COUNTY OF MADISON

BENEFICIAL FINANCIAL I INC.,	)	Idaho Supreme Court Appeal Number:
Plaintiff-Respondent,	)	Docket No. (Appeal No.) 46509-2018
	)	Madison County District Court
	)	CV-2015-74
v.	)	
	)	THOMASON'S
	)	MOTION FOR STAY I.A.R. 13
MARILYNN THOMASON,	)	
NON-SERVED Named Defendant -	)	
APPELLANT	)	
and	)	
	)	
The Unknown Heirs, Assigns and	)	
Devisees of BYRON T, MADISON	)	
COUNTY, IDAHO; JOHN BAGLEY,	)	
TERRENCE BAGLEY, BEARD ST.	)	
CLAIR GAFFNEY PA, GREG V.	)	
THOMASON, DIANA THOMASON,	)	
W. BRENT EAMES, LIBERTY	)	
PARK IRRIGATIONS COMPANY,	)	
RIGBY, ANDRUS & RIGBY	)	
CHARTERED, ABUNDANT LAND	)	
HOLDINGS, LLC, THOMAS C.	)	
LUTHY, LAURA B. LUTHY,	)	
FORSBERG LAW OFFICES, CHTD,	)	
R. SAM HOPKINS, and DOES 1	)	WRITTEN ARGUMENT REQUESTED
Through 20,	)	
Defendants. <sup>(1)</sup>	)	(Trial by Jury Action)

(1) Defendant names have been incorrectly listed as parties by the Idaho Supreme Court on 12/20/2018 and under Deputy A.G. Brian V. Church (CHURCH)'s documents created jointly by the Idaho Attorney General - Lawrence G. Wasden - Chief of Civil Litigation, Steven L. Olsen and (CHURCH) on Saturday, January 12, 2019, (*Judicial Notice: Appellant's filing dated January 25, 2019 with attached EX C.1-16: Thomason's Objections and Denials to Deputy A.G. Brian Church's January 12, 2019 Motion-Memo, etc.*) and on the 20<sup>th</sup> of March, 2019 Attorney Stoddard further the fraud upon the court when Attorney Stoddard fraudulent attempt to change the title page Plaintiff name from Beneficial Financial I. Inc. to John Patrick Grayken dba LSF10 Master Participation Trust.

APPEAL 46509-2018 from CV-2015-74  
NOTICE of HEARING and MOTIONS and BRIEF/AFFIDAVIT and PROPOSED ORDER

Marilynn Thomason, (THOMASON) APPELLANT, pro-se  
2184 Channing Way, Box 251  
Idaho Falls, Idaho 83404  
208-419-5638

EX A and B (Judicially Noticed Documents)

B.23  
A.963

COMES NOW, Marilyn Thomason, Appellant / unserved but named defendant (THOMASON) does MOTION to the IDAHO SUPREME COURT, in this action, Stay I.A.R. 13, I.R.C.P. Rule 62, ...;

(THOMASON) requests additional WRITTEN ARGUMENT if the Court deems attached documents insufficient;

This action is an action, under timely noticed appeals by (THOMASON) that involves critical issues:

(1) Objection to the clerk of the district court's ROA, I.A.R. Rules 28 – 32 (and) I.A.R. Rule 28(a), (b), (c), (e), (f), (g)(1), (h) -- OBJECTION TO CLERK'S SERVED R.O.A.;

(2) I.R.C.P. Rule 11.2 - Post Judgment Stay;

(3) I.R.C.P. Rules 4(b)(2), (c), (d)(1), 12(b)(4-5) – Insufficient / failure to serve;

(4) I.C. §§5-214(A), 5-216, etc., I.R.C.P. Rule 4 - PLAINTIFF(S) LACKED STANDING;

(5) I.R.C.P. Rule 12(b)(1), (2) - COURT LACKS ALL JURISDICTION;

(6) I.R.C.P. Rule 12(f) – STRIKE DECLARATIONS & ACCT.;

(7) I.R.C.P. Rule 11(c)(1)-(5) I.C. §12-123 - SANCTION Against Attorney Lewis N. Stoddard and law firm;

(8) I.R.C.P. Rule 38(a), (b) and (c) – RIGHT to TRIAL BY JURY – including motioned under I.C.A.R. 59 / I.R.C.P. Rule 75;

(9) Preserved for Appeal I.R.C.P. Rule 40(b) - Disqualification with Cause – Judge Gregory Moeller;

B.24  
A.964

(THOMASON)'s evidence for sanctions, (*I.R.C.P. Rule 11(c)(1)-(5), I.C. §12-123 [Curzon v Hanson, 137 Idaho 420, 422, 49 P.3d 1270, 1273 Ct. App. 2002]*) arguments and supporting authority with regards to Attorney Lewis N. Stoddard and his associated law firm shall further be included within the forthcoming supporting brief and affidavit;

Not granting stay, with or without additional security would be a most grievous act of injustice and in direct violation to the Statutes of the Great State of Idaho and the 14<sup>th</sup> Amendment of the United States Constitution – Due Process and Equal Protection Clauses;

### PRAYER for RELIEF

(THOMASON) prayerfully request this court for the following relief:

- (1.) GRANT (Thomason)'s motion for stay, with or without additional bond;
- (2.) For the Idaho Supreme Court to dismiss the Plaintiff(s) action, for want of threshold standing;
- (3.) For the Idaho Supreme Court to dismiss the Plaintiff(s) action, for the court's lack of all personal and subject matter jurisdiction;
- (4.) For the Idaho Supreme Court to dismiss the Plaintiff(s) action, for failure to serve, timely and duly summon, complaint and exhibits upon (THOMASON);
- (5.) For the Idaho Supreme Court to order the required jury trial on all disputed material facts;
- (6.) For the Idaho Supreme Court to deny all costs and fees to plaintiff(s) legal counsel(s);
- (7.) For the Idaho Supreme Court to sanction Attorney Lewis N. Stoddard and his associated law firm for violations in this action's Appeal R.O.A. preparation, in violation under I.R.C.P. Rule 11, as detailed within this Motion(s)' forthcoming supporting brief and affidavit;

13.25  
A.965

(8.) Grant WRITTEN ARGUMENT on this MOTION for STAY, if the attached documents are not sufficient for the Idaho Supreme Court;

Dated this 27<sup>th</sup> of June, 2019.

  
Marilynn Thomason, Appellant

### CERTIFICATE OF SERVICE

I, Marilynn Thomason, does certify that a full copy of this NOTICE of HEARING and MOTION has been mailed, postage pre-paid via the United States Postal Service and mailed to each named person/entity, as noted below on the 27<sup>th</sup> of June, 2019:

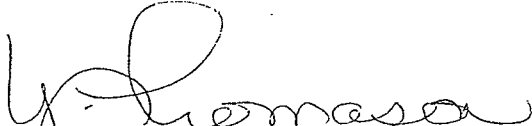
Idaho Supreme Court by certified mail;

District Court in Madison County, Idaho (in person) presiding judge has not been formally identified nor given notice of location outside the Madison County District Court;

Plaintiff(s) alleged legal counsel (STODDARD) 13125 W. Persimmon Lane, Ste. 150, Boise, ID 83713); (plus)

Liberty Park Irrigation Company, c/o Hyrum Erickson 25 North 2<sup>nd</sup> East, Rexburg, Idaho 83440;

DATED this 27<sup>th</sup> of June, 2019.

  
Marilynn Thomason, Appellant

///Supporting Brief/Affidavit/Certificate of Service/Proposed Order follows, lines 67-829///

B.26  
A.966

MARILYNN THOMASON, pro-se  
2184 Channing Way, Box 251  
Idaho Falls, Idaho, 83404  
208-419-5638

**IDAHO SUPREME COURT**

From

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE STATE OF  
IDAHO, IN AND FOR THE COUNTY OF MADISON

BENEFICIAL FINANCIAL I INC.,	)	Idaho Supreme Court Appeal Number:
Plaintiff-Respondent,	)	Docket No. (Appeal No.) 46509-2018
	)	Madison County District Court
	)	CV-2015-74
v.	)	
	)	<b>THOMASON'S BRIEF &amp; EXHIBITS for:</b>
	)	<b>MOTION FOR STAY I.A.R. 13</b>
MARILYNN THOMASON,	)	
NON-SERVED Named Defendant -	)	
APPELLANT	)	
and	)	
	)	
The Unknown Heirs, Assigns and	)	
Devisees of BYRON T, MADISON	)	
COUNTY, IDAHO; JOHN BAGLEY,	)	
TERRENCE BAGLEY, BEARD ST.	)	
CLAIR GAFFNEY PA, GREG V.	)	
THOMASON, DIANA THOMASON,	)	
W. BRENT EAMES, LIBERTY	)	
PARK IRRIGATIONS COMPANY,	)	
RIGBY, ANDRUS & RIGBY	)	
CHARTERED, ABUNDANT LAND	)	
HOLDINGS, LLC, THOMAS C.	)	
LUTHY, LAURA B. LUTHY,	)	
FORSBERG LAW OFFICES, CHTD,	)	
R. SAM HOPKINS, and DOES 1	)	WRITTEN ARGUMENT REQUESTED
Through 20,	)	
Defendants. <sup>(1)</sup>	)	(Trial by Jury Action)

(1) Defendant names have been incorrectly listed as parties by the Idaho Supreme Court on 12/20/2018 and under Deputy A.G. Brian V. Church (CHURCH)'s documents created jointly by the Idaho Attorney General - Lawrence G. Wasden - Chief of Civil Litigation, Steven L. Olsen and (CHURCH) on Saturday, January 12, 2019, (*Judicial Notice: Appellant's filing dated January 25, 2019 with attached EX C.1-16: Thomason's Objections and Denials to Deputy A.G. Brian Church's January 12, 2019 Motion-Memo, etc.*) and on the 20<sup>th</sup> of March, 2019 Attorney Stoddard furthers the fraud upon the court when Attorney Stoddard fraudulent attempt to change the title page Plaintiff name from Beneficial Financial I. Inc. to John Patrick Grayken dba LSF10 Master Participation Trust.

APPEAL 46509-2018 from CV-2015-74  
NOTICE of HEARING and MOTIONS and BRIEF/AFFIDAVIT and PROPOSED ORDER

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2184 Channing Way, Box 251  
Idaho Falls, Idaho 83404  
208-419-5638

EX A and B (Judicially Noticed Documents)

7 of 44

B.27  
A.967



SUPPORTING BRIEF – Under Sworn Affidavit

All (Thomason) filings, which (Thomason) had filed in this action, are fully and completely incorporated herein, as if fully and completely re-stated, re-argued and re-evidenced, herein, including those in Volumes AI, AII, BI and BII;

*NOTE: (Thomason's references [Judicial Notices] to filings, in this brief, are the true and correct filings in the court which have already been filed as Volumes AI, AII, BI, BII served upon, the Idaho Supreme Court, the District Court and Respondents due to the fact that Ms. Angie Wood is unable to recreate the court's docket records in this action, that will match the ROA printouts the court clerks' gave to (Thomason) when (Thomason) made her filings in the court clerk's office, which had been evidenced to the court during this action, as well as, fully evidenced to the Honorable Judge Schulinger, on May 13, 2019, identifying the specific and detailed filings by (Thomason) had been deliberately removed from the court docket and that added filings were placed upon the court docket, in this action, after the fact, never serving the added documents upon (Thomason), which at the June 10, 2019 at approx. 2:14 P.M. Attorney Stoddard (STODDARD) made the comment that ...Thomason accused me, ...the judge..., clerk ....of altering records..., while appearing on the phone and addressed his comment directly to the new presiding judge, furthering extrinsic fraud upon the court, by STODDARD, et al., including the added fraud upon the court, as noted herein;*

This Motion under I.A.R. 13 (Stay) or any claim that (Thomason) is merely restating facts already detailed in (Thomason)'s filings is viewed as denying (Thomason) a right to a fair and bias free proceeding, further denying (Thomason) equal protection under the 14<sup>th</sup> Amendment of the United States Constitution – Equal Protection and Due Process Clauses, based upon retaliation, gender prejudice and bias by legal counsels and judges towards (Thomason) – *Judicial Notice of Filings by*

APPEAL 46509-2018 from CV-2015-74  
NOTICE of HEARING and MOTIONS and BRIEF/AFFIDAVIT and PROPOSED ORDER

B.28  
A.968

opposing counsel in objection to motion for stay, July 15, 2019, page 1-30 attached herein EX A and Thomason's oral arguments at the July 22, 2019 2:00 P.M. Hearing attached herein EX B, pages 1-9;

I. MOTION FOR RECONSIDERATION and a STAY OF EXECUTION

All (Thomason) filings, which (Thomason) had filed in this action, are fully and completely incorporated herein, as if fully and completely re-stated, re-argued and re-evidenced, herein, including those in Volumes AI, AII, BI and BII;

As noted herein, (Thomason) had been denied every plead for relief with no court addressing critical issues of threshold standing or jurisdiction including under (seeking motion for reconsideration (I.R.C.P. Rule 11.2, 11.2(b)) on new discovered evidence of alleged lien holder defendants relief and fees and costs, with no motion ever being filed and not being served upon (Thomason) but merely attached to the sole final judgment and memo by Judge Boyce, denying (Thomason) the legal right to object and provide evidence in support of (Thomason)'s objection [*Bailey v Birch, Idaho Supr Ct. dkt. no. 45451, op. date February 8, 2019 pp 4-5*], further objecting and argues to any claimed fees and/or costs alleged in the sole final judgment and the solely served claim by legal counsel(s) for fees and/or costs and alleged lien holder defendants additionally under this Motion for Reconsideration, I.R.C.P. Rules 11.2(b) in which the court is to entertain on any and all new evidence and facts that occurred that were added at the immediate time of the final judgement and memo, *Arregui v Gallegos-Main, 153 Idaho 801, 808, 291 P.3d 1000, 1007 (2012); Massey v Conagra Foods, Inc., 156 Idaho 476, 480, 328 P.3d 456, 460 (2014) cited in Idaho Supreme Court, Idaho First Bank v Bridges, dkt. 44532 (Idaho 2018)*;

B.29  
A.969

110 Alleged Plaintiff(s) legal action, for fess and cost and foreclosure against (Thomason), fails to  
111 qualify for any fees and/or costs, as evidenced herein and in this action that was and remains threshold  
112 barred by Idaho Statutes of limitation;

113 (Thomason) was never a signer or co-signer to any note/loan alleged by Plaintiff(s) and their  
114 legal counsel(s), merely signing a deed of trust securing a line of credit that only Byron T. Thomason  
115 signed which Byron T. Thomason had paid off in full in December, 2009, over 5 years before  
116 Plaintiff(s) file their complaint solely against (Thomason);

117 Plaintiff never evidence any chain of title from the original deed of trust holder and no party  
118 ever attested by sworn affidavit that any continuous chain of title exists showing original Beneficial I  
119 Financial, Inc. held a clear chain of title to the deed of trust;

120 Plaintiff never sue Byron T. Thomason, at any time for default on any debt, thereby failing to  
121 obtain any money judgement to justify foreclosure upon the deed of trust;

122 Plaintiff fails to have standing to foreclose upon a deed of trust, because there is no debt, did  
123 not have chain of title to the deed of trust and was barred by statutes of limitation;

124 The deed of trust merely secures a debt, it is not the debt, only the note is the debt;

125 Plaintiff(s) and their legal counsel never had any standing to sue (Thomason) for any debt;

126 (Thomason) signature upon the deed of trust solely secured a line of credit / debt up to and not  
127 more than \$75,000 (total), which was paid in full in December, 2009;

128 (Thomason) was never a signer to any note / debt alleged in the complaint or in any of the  
129 accounting records created, after the fact by plaintiff(s) legal counsel, (Attorney Stoddard) (Stoddard);

B.30  
A.970

Plaintiff(s) claim for any alleged debt would have been solely against Byron T. Thomason, which Plaintiff(s) and their legal counsel(s) intentionally did not sue, waiving any legal claim to foreclosure upon a debt that is uncollectible;

Because Plaintiff(s) not only were barred by statutes of limitations to collect upon the sole note, Plaintiff(s) further are barred to collect upon any alleged interest/fees/costs directly associated with the note Byron T. Thomason, solely signed, because Plaintiff(s) failed to sue Byron T. Thomason, at any time, including his testate probate estate;

Any foreclosure is illegal because there was no legal debt Plaintiff could legally attach to the deed of trust;

Because there was no debt and because there are no legal added costs/fees/assessments to any note the amount of the judgment is \$0.00 (zero dollars);

Because there was no legal debt and there is no legal grounds for foreclosure, the Plaintiff(s) and their legal counsel(s) are not prevailing parties against (Thomason), thereby, any legal fees and costs are also illegal, over and above for cause stated herein;

The judgment amount is \$0.00 against both (Thomason) and against Byron T. Thomason;

Any fees and costs are also \$0.00 against both (Thomason) and against Byron T. Thomason;

Any stay bond to be posted would be \$0.00 total, *I.A.R. 15, I.R.C.P. Rule 62(a)*;

The property in this action is assessed (EX B) with value that exceeds the required 136% of the full illegal and void judgment, including the illegal assessments of fees and costs, leaving the court with the discretion to waive any required posting of bond to stay any execution of judgment and upon this motions for reconsideration and motions to set aside, amend judgment and vacate judgment, and for a trial by jury and dismissal of the action against (Thomason) as argued herein, the court will find

APPEAL 46509-2018 from CV-2015-74  
NOTICE of HEARING and MOTIONS and BRIEF/AFFIDAVIT and PROPOSED ORDER

Marilynn Thomason, (THOMASON) APPELLANT, pro-se  
2184 Channing Way, Box 251  
Idaho Falls, Idaho 83404  
208-419-5638

EX A and B (Judicially Noticed Documents)

11 of 44

B.31  
A.971

152 that not only is this action without any jurisdiction, that fees, cost and relief to alleged lien holder  
153 defendants are not only improper, but are illegal and fraudulent, a stay is warranted, without a bond;

154 SCOTUS has stated that all court have the inherent power and duty to investigate all judgments  
155 for fraud, *Universal Oil Products CO. v Root Refining CO.*, 328 US 575, 580, 66 S.Ct. 1176, 90 L.Ed  
156 1447, 1452 (1946); *Compton v Compton*, 101 Idaho 328, 333, 612 P.2d 1175, 1180 (1980); before  
157 such execution upon a judgment that evidences even one thread of fraud that would directly affect the  
158 integrity of the judicial process and proceedings, demands that a stay of execution, without bond, would  
159 be appropriate, especially, when the current assessed value exceeds the 136% requirement, the Idaho  
160 Supreme Court has control over the action, the property is not going anywhere, taxes are being paid,  
161 repairs/improvements were being made until the District Court final judgment/memo, plus, with the  
162 filed lis pendens on the real property and an amended appeal has been filed to include the sole final  
163 judgment/memo, any execution on the judgment would further be futile;

164 Under I.R.C.P. Rule 62(a), I.A.R. 16(b), no waiver was given to stay any forthcoming execution  
165 of judgment by plaintiff(s) alleged counsel(s) pending appeal, which was expected seeing plaintiff(s)  
166 alleged legal counsel specifically stated "...we don't need standing...only an order...we get the  
167 money...you're out on the street...";

168 However, as detailed herein, including (Thomason) request for motion for reconsideration, set  
169 aside judgment/memo, new trial etc. and the fraud upon the court that occurred in plaintiff(s) legal  
170 counsel(s) obtaining their desired judgment in this action against (Thomason), the value of the property,  
171 as assessed by Madison County Idaho (EX B) and the evidence that plaintiff(s) attorney(s) waived all  
172 fees and costs in this action, failing to timely serve required motion, evidence and required affidavit, in  
173 a timely manner, in addition to the action being barred by statutes of limitation, including lacking

APPEAL 46509-2018 from CV-2015-74  
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EX A and B (Judicially Noticed Documents)

12 of 44

B.32  
A.972

174 subject and personal jurisdiction, failing to be served, being denied a trial by jury, requiring an  
175 additional security, over and above the real property that far exceeds the required 136% would not only  
176 fail to do justice, impose grievous financial hardship and loss, it would further encourage additional  
177 feigned issues actions in Idaho, contrary to the Idaho Constitution V, sec 1, it would directly encourage  
178 any person/entity to also create bogus feigned actions, temporarily prevailing on fraud, obtaining a void  
179 judgment, further damaging a party, especially those of limited means, using the Idaho judicial system  
180 as an illegal means to force settlement, as in this action, creating a judicial freeway in laundering real  
181 estate deeds, including acts that aid and abet in laundering deeds for known money launderers of drug  
182 cartels, the Madison County District Court and the Idaho Supreme Court each have the discretion to  
183 waive any additional bond for security when the property, itself, far exceeds the 136% required bond;

184 As evidenced herein and in all the filings by (Thomason), (Thomason) will not be given equal  
185 protection under the Laws and Rules within the State of Idaho or be given equal treatment and  
186 guaranteed rights under the Unites States Constitution, especially when Judge Gregory Moeller  
187 specifically threatened (Thomason) when (Thomason) refused to go along with Gregory Moeller's joint  
188 plan to launder real estate deeds and water share deeds to his friends through his court, in which  
189 (Thomason) was informed if she went along with the plan (Thomason) would be given 1/3 of the land  
190 in Madison County Idaho, clear and free through a guaranteed judicial decree directly from Judge  
191 Gregory Moeller, of which the lands Judge Gregory Moeller was going to grant to his friends and  
192 (Thomason) was in the sole names of a Doralee and Charles Thomason, which (Thomason) never  
193 owned and (Thomason) refused to go along with, as recorded in the filings by (Thomason) and  
194 delivered under sworn affidavit to the US AG, FBI and DOJ;

APPEAL 46509-2018 from CV-2015-74  
NOTICE of HEARING and MOTIONS and BRIEF/AFFIDAVIT and PROPOSED ORDER

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EX A and B (Judicailly Noticed Documents)

13 of 44

B.33  
A.973

195 There exists no legal money judgment in this action against (Thomason), as noted above and  
196 herein, because Plaintiff(s) and their legal counsel(s) forever waived their rights to any fees and costs  
197 against (Thomason) as well as against defaulted alleged lien holder defendants, as argued herein;

198 Also this action fails to show that at any time there was any admissible evidenced by any  
199 Plaintiff(s) and/or legal counsel(s) that any money was due or owing, especially against (Thomason),  
200 which the Plaintiff(s) nor their legal counsel(s) never had any duly nor timely  
201 summons/complaint/exhibits served upon (Thomason), which (Thomason) evidenced the only person  
202 served was a man with black hair that did not even know who (Thomason) was or where she lived;

203 Nor had any Plaintiff and/or any legal counsel ever served upon (Thomason) any supporting  
204 motion, memorandum with required sworn affidavit for any fees and/or costs, as demanded under I.C.  
205 §§12-120, 12-121, I.R.C.P. Rules 54(d) and 54(e), denying (Thomason) equal protection under the 14<sup>th</sup>  
206 Amendment of the US Constitution and directly resulting in fraud upon the court;

207 Fraud upon the court is any act, or inaction that deprives a party to an action from a fair and  
208 unbiased litigation, it denies the party from putting on a <sup>fair</sup> ~~fair~~ and just defense, as argued herein;

209 It is undisputed, that (Thomason) was never any party to any alleged note/line of credit/  
210 agreement/loan, etc., (Thomason) was solely a signer of a deed of trust, having no legal obligation for  
211 the remittance of any funds and the deed of trust solely covers an amount that can't exceed the original  
212 line of credit in the amount of \$75,000.00, which at no time had any funds been dispensed under the  
213 alleged note that amounted to \$75,000.00, at any time, which the court abused its discretion, made  
214 grievous errors in law and facts when in its final judgement asserted that before it (the court) even  
215 signed the order that the court instructed Attorney Lewis Stoddard to prepare for the court a final  
216 judgment and memo for which Judge Boyce stated he would immediately sign, at the hearing on June

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10, 2019 that began at 2:07 P.M. which was solely notice up by (Thomason) for her objection motion to the December 31, 2018 memorandum (memo) that was never served upon (Thomason) until Judge Schulinger had the court clerk, Kris, print up the memo in the courtroom on May 13, 2019 at approx. 2:19 P.M., never being served notice of any other hearing on any motion by Plaintiff(s) or their legal counsel, for fees, costs, relief to alleged lien holder defendants, at any time;

United States Constitution, 14<sup>th</sup> Amendment – Equal Protection and Due Process, sec. 1 states in pertinent parts “*All persons are to be treated equally...No state shall make or enforce any law which shall abridge...nor shall any State deprive any person of ...property, without due process-of law; nor deny any person... equal protection of the laws...* ”;

(Thomason), in this action, was repeatedly denied due process and equal protection rights guaranteed under the United States Constitution, 14<sup>th</sup> Amendment deliberately depriving an elderly female natural born citizen of the United States due process and equal protection that requires the laws and procedures to be administered evenhandedly within the State of Idaho and the United States of America, so that all individuals, male or female are not subjected to the arbitrary exercise of the laws, including those regarding real property and contracts, and a litigant had the benefit of a fully, fair, and bias free trial in the court(s) of this nation; *Marchant v Pennsylvania R.R. 153 US 380, 386 (1894); Hagan v Reclamation Dist., 111 US 701, 708 (1884), Reed v Reed 404 US 71, no. 70-4, 93 Idaho 511, 465 P.2d 635 (1971) [application of law and process that protects all parties, white, black, hispanic, male, female, gender choice, religious, non-religious, equally]; Medina v California 505 US 437, 443, (1992)[threshold of due process requirements]; Fuentes v Shevin, 407 US 67, 81 (1972)[procedural rights to defend one's interest]; Nelson v Adams, 529 US 460 (2000)[fees and costs invalid without proper notice or opportunity to dispute]; Mathews v Eldridge 424 US 319, 333 (1976)[parties whose*

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EX A and B (Judicially Noticed Documents)

15 of 44

B.35  
A.975



239 rights are to be effected are entitle to be heard, fully, without bias, prejudice, injustice]; *Caperton* 556  
240 US \_\_\_, No. 08-22, slip op. at 1, 14, 17 [probability of bias...judges when recusal is constitutionally  
241 required]; *R.R. v Railroad Comm'n*, 324 US 548 (1945) [use of ex-parte evidence and prejudice to a  
242 party];

243 II. EXTRINSIC and INTRINSIC FRAUD UPON THE COURT – I.R.C.P. Rule 60(b)

244 In addition to the court required to set aside all orders/judgments in this action for lack of  
245 threshold standing – failure to serve (I.R.C.P. 12(b)(4, 5), barred by statutes of limitation (I.R.C.P.  
246 Rules (I.R.C.P. 5-214A); failure to state a claim, (I.R.C.P 12(b)(6)), failure to have subject and personal  
247 jurisdiction (I.R.C.P. 12(b)(1), (2)) with regards to (Thomason); failure to allow timely and duly notice  
248 jury trial (I.R.C.P. 38), failure to recuse (I.R.C.P. 40(d)(1));

249 I.R.C.P. Rule 60(b) further empowers the court to ‘set aside’ a judgment for [intrinsic and/or  
250 extrinsic] fraud upon the court by which, as done to (Thomason) in this action, the aggrieved party has  
251 been prejudiced and prevented from having a fair trial, by jury, *Robinson v Robinson*, 70 Idaho 122,  
252 212, P.2d 10031 (1949);

253 As in this action, where the important decisions turn on questions of facts, that are required to  
254 be decided by a jury trial before the court is allowed to apply the correct law, denying (Thomason)  
255 notice of hearings and jury trial, as has been timely and duly noticed in this action, never waived, in the  
256 underlying proceedings constitutes reversible error; *Hortonville Joint School Dist. V Hortonville Educ.*  
257 *Ass'n*, 416 US 134, 170 n.5 (1974);

258 The judge further made reversible errors in fact and law failing to solely rest on the legal rules  
259 and evidence adduced at the hearing and records and was required to state with particularity the reasons  
260 for his determination in signing a final judgment, that included fees and costs, without any required

B.36  
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261 motion and affidavit within 14 days from date of the final judgment, which the court had intrinsic and  
262 extrinsic knowledge that (Stoddard) never filed any supporting affidavit before final judgment with his  
263 memo on costs and fees, nor with his addendum filed at the time the final judgment was created, nor  
264 within the 14 days after the final judgment was signed and filed in the court records. Additional  
265 reversible errors in law and in facts. *Goldberg v Kelly*, 397 U.S. 254, 271 (1970);

266 As detailed in the Attached (EX A, B, C and D) the court rendered its decision, including fees  
267 and costs, before ever issuing any final judgment, based upon a December 31, 2018 MEMO, that never  
268 had gone to trial;

269 I.R.C.P. Rule 59(a)(1)(A-H) required reversing of the final judgment and a new trial, based  
270 upon the filings by (Thomason) in this action, including, but not limited to the new discovered evidence  
271 of (Stoddard) filing through the judgement, he authored under the judges direction on June 10<sup>th</sup>, 2019,  
272 in direct violation of I.R.C.P. Rule 54(b), (c), (d) with its inclusive attorney fees and costs fraudulently  
273 included within the judgment in violation of I.R.C.P. Rule 54(b)(3), and 54(c), 54(d)(1)(B), (C), etc.,  
274 further creating reversible illegal errors in fact and in law, as detailed in this supporting affidavit;

275 Which the evidence filed by (Thomason) evidenced the irregularity in the proceedings of the  
276 court, denial of jury trial and adverse to (Thomason) *I.R.C.P. Rule 59(a)(1)(A)* and the order(s) and  
277 judgment and the court's abuse of discretion and abuse of authority which directly denied (Thomason)  
278 due process and equal protection under the law, denying (Thomason) from having a fair and non-bias  
279 hearing on the issues and material facts in this action, of which are to solely be resolved by a jury trial  
280 *I.R.C.P. Rule 59(a)(1)(B)*, *I.R.C.P. Rule 59(a)(3)*;

281 When Judge Moeller acted, without any jurisdiction, as the trier of facts in an action required  
282 by a jury trial, resulting in Judge Boyce to further the abuse of discretion and authority, denying

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A 977

(Thomason) equal protection and due process under the 14<sup>th</sup> Amendment of the U.S. Constitution, further creating reversible error in fact and law which further creates a platform for immediate reversal of judgment under *I.R.C.P. Rule 59(a)(1)(C)*;

(Stoddard)'s and Judge Boyce's joint decision to deny (Thomason) due process under I.R.C.P. Rule 54(b), (c) and (d) by slipping into the final judgment costs and fees, including without due process and without the required supporting memo affidavit under I.R.C.P. Rule 54(d) and (e)(5) creating additional reversible error in law and in fact under I.R.C.P. Rule 59(a)(1)(D) [accident or surprise which ordinary prudence could not have guarded against] and I.R.C.P. Rule 59(a)(1)(E) [newly discovered evidence for a new trial – post judgment, of asserted lienholders in which (Stoddard) and Judge Boyce slip into (Stoddard)'s self-created judgment/memo, without any due process nor equal protection under the 14<sup>th</sup> Amendment Due Process and Equal Protection Clauses, creating additional reversible errors in fact and in law;

Judge Boyce further not only violated I.R.C.P. Rule 54, as noted herein, but added additional errors in law and in fact with intrinsic and extrinsic knowledge, deliberately and maliciously had (Stoddard) combine fees and costs within the final judgment, also creating reversible errors in law and facts under I.R.C.P. Rule 54(a)(1)(F)[excessive damage...influenced by prejudice and passion, (G) (with insufficient evidence to justify the verdict and his decisions in direct violation of laws and rules) and (H) (and errors in law occurring throughout this action which (Thomason) had timely and duly placed the court on notice of the deliberate acts contrary to the US Constitution, Idaho States, Supreme Court of Idaho's standing authority, Idaho Statutes and Rules, in which not only ignoring, but attempted to have (Thomason)'s filings removed from the court records, which Judge Boyce attempted to conceal

B.38  
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the fraud upon the court when he asserted on June 10, 2019, "...I will attribute the removal of records to clerk errors...";

Judge Boyce furthered fraud upon the court, not only having intrinsic and extrinsic knowledge the action was illegal, the orders/memo and his forth coming judgment after the June 10, 2019 hearing was void on inception, for lack of threshold standing, lack of personal and subject matter jurisdiction, for failing the have (Thomason) served any timely nor duly summon, complaint and alleged exhibits, which the complaint, per Judge Moeller, was never a verified complaint and under Idaho Supreme Court rulings, summary judgment is not allowed when the complaint is not verified, not supported by I.R.C.P. Rule 56(e) required affidavits, under I.R.E. 103(a)(1-2),(b), 201(a)-(e), 513, 601(b)(1-3) 201, 801(a)-(d) and supported by (Thomason) standing motion to preserve claim of errors under I.R.E. 103(a)(1-2), (b) further supporting these current motions for reversal, new trial and dismissal due to grievous errors in law and facts;

Not only is the court required to reverse judgment, grant dismissal, denying all relief to plaintiff(s), its legal counsel(s) and alleged defendants under (Stoddard)'s self-created judgment/memo after the June 10<sup>th</sup>. 2019 hearing under I.R.C.P. Rule 54(b)(3), (4) and 54(c) granting relief to defaulted defendants, which are supporting acts creating reversible errors of law, facts involving the void judgment (60(b)(4), fraud upon the court (60)(b)(3) and deliberate surprise and trickery, (I.R.C.P. Rule 60(b)(1-4, 6)) when without due process and equal protection, Judge Boyce not only had intrinsic and extrinsic knowledge the plaintiff(s) lacked all threshold standing, the court lacked all subject and personal jurisdiction from the onset of this actions, (Stoddard) and Judge Boyce furthered fraud upon the court when both had intrinsic and extrinsic knowledge that (Thomason) was never privy to any alleged claims by default parties to liens in this action, further creating reversible errors in law and in

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fact when (Thomason) was deprive putting on a fair and just defense when the very first time any action by the plaintiff(s) its legal counsel(s) and any judge was when Judge Boyce had (Stoddard) slip into the final memo relief to defaulted defendants;

Bringing the added issues regarding of reversible errors in law and in fact when the court had both intrinsic and extrinsic knowledge that the memo for fees and costs, which (Stoddard) never timely included any supporting affidavit, as noted in this filing, are required by law and standing authority to be denied and reversed, which (Stoddard) forever waived claim to any fees and costs in this action;

*I.R.C.P. Rule 54(c), (d) and (e)* requires the court to be restricted to findings of facts by a jury trial, including, including any declared relief by other defendants, who were in default in this action over 4 years and according to Judge Boyce's sole action in this case had (Stoddard) fraudulently added relief to the defaulted defendants, asserting illegal liens and deliberately altering the legal description on the property in this actions, in which (Thomason) has never been served any such alleged claimed liens to the property;

Judge Boyce further made required reversible errors in law and in fact when the court failed to allocate which defendants are required to pay costs and fees, illegally assessing a blanket order and applied 100% of all costs and fees upon the fraudulent final judgment, *I.R.C.P. Rule 54(d)(1)(C)*, failing to distinguish and separate the costs/fees (Stoddard) asserted upon his two (2) accounts of fees and costs to the appropriate parties;

Judge Boyce further made required reversible error in law and in fact when the court was required to assert and detail each of any acts by (Thomason) that created cause for fees and costs under *I.R.C.P Rules 54(d)(1)(C)(i-xi)*, including under *54(d)(1)(C)(xi)* including ruling if any of (Stoddard)'s filing, at any given time were made in bad faith, to increase costs, violated Idaho Constitution sec 1,

B.40  
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348 prohibiting feigned (hypothetical) issues actions, if any were done to harass or the costs/fees occurred  
349 in the action by plaintiff(s)/legal counsel(s) acting without threshold standing, were barred by any  
350 statutes of limitations, where made to launder real property deeds that directly aided and abetted HSBC  
351 in laundering money for known drug cartels...facts that also need to be declared, preserving those  
352 issues for appeal, Judge Moeller had intrinsic and extrinsic knowledge that plaintiff(s) in this action  
353 lacked all threshold standing, Judge Moeller had intrinsic and extrinsic knowledge that his court lacks  
354 any and all subject and personal jurisdiction, and Judge Moeller had intrinsic and extrinsic knowledge  
355 the very night he signed the December 31, 2018 he would deliberately not issues any appealable final  
356 order, leaving that for Judge Schulinger to issue, which in April, 2019 when (Thomason) evidence from  
357 the records that Judge Moeller had deliberately acted for over 4 years without jurisdiction and that at  
358 no time did any person, including plaintiff(s) alleged declarants that there existed any chain of title of  
359 the trustees from the original trustee, Judge Schulinger refused to issue any final order, even though he  
360 also stated in the sole April 2019 hearing that he was going to do so, he never did;

361 Judge Boyce makers further grievous and malicious errors in laws and facts, which requires  
362 immediate reversal, setting aside, amended judgment, dismissing the action in full, and/or new trial, for  
363 his deliberate and wanton abuse of discretion and authority;

364 Failing to comply to *I.R.C.P. Rule 54(d)(1)(D)* when the court failed to make the required  
365 expressed findings as to why Plaintiff(s) / Legal Counsel(s) and alleged lienholder defendants costs and  
366 fees are allowed, including any discretionally costs were required and how (Thomason) was the result  
367 of such costs;

368 Failing to comply to *I.R.C.P. Rules 54(d)(1)(E)*, never filing any motion or producing any  
369 evidence that (Thomason) ever filed any document with this court that was not strictly in compliance

B.41  
A-981

370 with Idaho Statutes and Rules or where (Thomason) at any time filed any document that was merely an  
371 act to harass, ~~cost~~ added litigation cost, where (Thomason) was barred from filing such document, that  
372 was not directly related to filings and hearing imposed upon (Thomason), that was void of any sound  
373 legal argument and/or evidence, contrary to (Thomason)'s pending motion for sanctions against  
374 Plaintiff(s) and their legal counsel for \$2.1 million (+) dollars, where not only did (Thomason) evidence  
375 precise acts by the Plaintiff(s) and their legal counsel(s), Plaintiff(s) and their legal counsel(s) failed to  
376 timely, duly or properly object to and/or show any error in any of (Thomason) filings for sanctions  
377 against Plaintiff(s) and their legal counsel(s), further evidencing deliberate and malicious bias and  
378 prejudice against (Thomason);

379 Failing under *I.R.C.P. Rule 54(d)(2)* where Judge Boyce failed to make expressed findings in  
380 fact as to how or why legal fees and costs are allowed against (Thomason), especially noting that Judge  
381 Boyce granted 100% of all claimed fees and costs to be assessed solely against (Thomason) when  
382 (Stoddard) fraudulent and unsupported claim for fees and costs included fees and costs alleged by  
383 (Stoddard) with regards to defaulted defendants and Liberty Park Irrigation and their counsel;

384 Failing under *I.R.C.P. Rule 54(d)(4)* where Judge Boyce furthered his abuse of discretion and  
385 authority by granting fees and costs at the exact same time of the entry of final judgment and memo,  
386 where *I.R.C.P. Rules 54(d)(4), 54(e)(1)-(8), I.C. §§12-120(1-5), 12-121* only allows fees and costs to  
387 be assessed if a verdict had come from a jury, not a judge, as well as, and (Stoddard) would have had  
388 to serve upon (Thomason) within 14 days after the final judgement was issued, not before and/or during  
389 the act of creating the final judgment and memo...(Stoddard) would have been required to serve upon  
390 (Thomason) any and all claims for fees and costs, within 14 days of final judgment memo, which he  
391 never did, in which the law grants (Thomason) a timely objection and a hearing on all objected fees

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392 and cost, which the court never allowed, and fees and cost would only be allowed if (Stoddard) had  
393 filed such memorandum and sworn affidavit, with his two demanded claims for fees and cost with its'  
394 attached filed/served affidavit, which (Stoddard) failed to file the required affidavit with either of the  
395 sole two pre-judgement alleged fees and cost, deliberately and forever waiving any rights to any fees  
396 and cost, further evidencing Judge Boyce's deliberate and malicious bias and prejudice against  
397 (Thomason) an elderly, widowed women for illegal, wanton and malicious intent, further requiring  
398 Judge Boyce to not only recuse himself, sua sponte, for his blatant prejudice and bias against  
399 (Thomason) but also for his deliberate disregard for the laws and the rules within the State of Idaho and  
400 under the United States Constitution, *State of Idaho v Freeman*, 478 F. Supp. 33 (D. Idaho 1979) [US  
401 Senate Judicial Committee, S. Rep. No. 93-419, 93d Cong., 1<sup>st</sup> Sess. 1973. P.5, warned judges "In  
402 assessing the reasonableness of a challenge to his impartiality, each judge must be alert to avoid the  
403 possibility that those who would question his impartiality are, in fact, seeking to avoid the consequences  
404 of his expected adverse decision."], I.C.J.C. Cannon Rules 1.1 [...comply with the laws and rules of  
405 Idaho]; 1.2 [ ...promote confidence in the Judiciary...]; 2.2 [...perform duties impartially...]; 2.3  
406 [...without bias, prejudice or harassment...]; 2.5 [...with competence...diligence...]; 2.6 [...ensuring  
407 the right to be heard...] 2.11 [...to self-disqualify for bias, prejudice or personal knowledge of the  
408 issues...] As detailed herein, as to Judge Boyce's abuse of authority and discretion, in itself would  
409 require any judge to self-disqualify himself, as the laws require, not only for Judge Boyce's abuse of  
410 discretion and authority with regard to fees and costs, but knowingly, wantonly and deliberately acting  
411 without any subject and personal jurisdiction, knowing Judge Boyce was deliberating denying  
412 (Thomason) due process – evenhanded treatment under the rules and laws in Idaho and under the United  
413 States Constitution, *Marchant v Pennsylvania R.R.* 153 U.S. 380, 386 (1894); and willing and wantonly

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EX A and B (Judicially Noticed Documents)

23 of 44

B, 413  
A, 983



414 acting without any subject or personal jurisdiction, *Medina v California* 505, 437, 443 (1992)  
415 [...Jurisdiction us a basic threshold issue...], *Carey v Piphus*, 435 US 247, 259 (1978) [(P)rocedural  
416 due process rules are meant to protect persons not from deprivation, but from the mistaken or  
417 unjustified deprivation of life, liberty, or real property...the core of the requirements is notice and a  
418 hearing before an impartial tribunal, including the required opportunity for confrontation and cross  
419 examination, discovery, and a decision solely based upon a jury trial and based upon a true  
420 record...affording them an opportunity to present their objections. *Richards v Jefferson County*, 517  
421 U.S. 793 (1996); *Mullane v Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950)], "...before  
422 depriving one of a right, of its property, a fair, unbiased, duly held hearing must be held..." *Mathews v*  
423 *Eldridge*, 424 U.S. 319, 333 (1976); *Baldwin v Hale*, 68 U.S. (1 Wall.) 223, 233 (1863); "...impartial  
424 judge is imperative in all civil cases..." *Goldberg v Kelly*, 397 U.S. 254, 271 (1970) "...which Due  
425 Process requires a judge to recuse himself in a case when he acted in violation of well-established laws  
426 and/or acted with bias or prejudice..." *Caperton v A.T. Massey Coal Co.*, (08-22) 556, U.S. – June 8,  
427 2009);

428        Though fees and cost motions, after judgment, do not stay execution, in this action Judge Boyce  
429 would further abuse his discretion and authority when Judge Boyce deliberately incorporated fees and  
430 costs into the final judgement, without any supporting affidavit, without any verdict from a jury trial,  
431 without any jurisdiction, in direct violation of *I.R.C.P. Rules 54 and I.C. §§12-120 and 121, 45-513* not  
432 only evidencing surprise and new evidence and denial to a just and fair proceeding, and in violation of  
433 Idaho authority, as stated herein, further evidencing that Judge Boyce is obligated to immediately  
434 reverse, set aside, void his sole judgment and memo, but must also deny any fees and costs to any party  
435 and their legal counsel(s) and relief to alleged lien holder defendants;

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B144  
A.984

436 Fees and costs also fail under *I.R.C.P. Rules 54(e)(4)(B), 120-121 and I.C. 45-513* in which  
437 plaintiff(s), their legal counsel(s) and alleged lien holder defendants never filed the required pleadings,  
438 including within the complaint, for fees and costs with specific pleadings for relief to include fees and  
439 costs, including the complaint failed to even plead specifics for default relief, resulting in plaintiff(s)  
440 and their legal counsel(s) forever waiving any rights for fees and costs, *Magleby v Garn, 154 Idaho*  
441 *194, 197, 296 P.3d 400, 403 (2013)* cited in *Regdar, Inc. v Graybill, 2019 – April, dkt. 45649, pp.3-4*  
442 *“Default fees and costs must be plead with in the complaint with specificity...including amounts...”*  
443 *Bailey v Bailey, 153 Idaho 526, 531, 284 P.3d 970, 975 (2012);*

444 In *Magleby, I.R.C.P. Rule 54(e)(4)* it states fees and costs *“...shall not be awarded unless the*  
445 *prayer for relief in the complaint states that the party is seeking attorney fees and costs and the dollar*  
446 *amount thereof in the case of default.” Id at 197 (emphasis added).* Not only did the complaint fail to  
447 pled for fees and costs with the required specificity, the complaint failed to plead that (Thomason)  
448 would be required to pay 100% of all fees and costs for everyone, as Judge Boyce’s sole judgment and  
449 memio orders, adding to the surprise, fraud, bias, prejudice, down right hateful acts by this court with  
450 total disregard to the laws and rules of the State of Idaho;

451 Plaintiff(s) and its legal counsel(s) further fail for fees and costs under *I.R.C.P. Rule 54(e)(4)(B)*  
452 which demands the complaint to fully *“...put [all] defendants / parties on notice of its full potential*  
453 *liability should it decide not to default the lawsuit...[Magleby, Id at 197, 296 P.3d at 403];*

454 Plaintiff(s) and their legal counsel(s) further failed to evidence, that all parties were put on  
455 notice in the complaint, that anyone who did default that (Thomason) would be required to defend  
456 against all alleged and or implied claims made in the complaint against any and all named defendants,  
457 including all those who defaulted, which Judge Boyce further evidences his bias, prejudice, hatred,

B, 45  
A, 985

disregard for the law and rules of the state of Idaho when in his sole judgement and memo he specifically order (Thomason) to pay plaintiff(s) and legal counsel(s) claimed fees and costs for everyone, not just (Thomason), adding to surprise, fraud upon the court, bias, prejudice, hatred and contempt for the laws and rules in the state of Idaho, which also requires Judge Boyce to sua sponte recuse himself, but to have the action's sole judgment and memo immediately reversed, set aside, and the action immediately dismissed for all lack of threshold standing and all lack of subject and personal jurisdiction over this action and over (Thomason), as fully and completely argued and cited herein and in all (Thomason) filings in this action, which are fully and completely restated and argued in full, fully and completely incorporating each and every one of (Thomason) filing in this pleading, as well;

Judge Boyce further abuses his discretion and authority by not only ignoring well established rules, statutes and authority, but does so with bias, prejudice, malice, wanton desire to abuse his discretion and authority while having full intrinsic and extrinsic knowledge that all request for fees and costs are not only in direct violation to Idaho statutes and laws, but were done deliberately to add unnecessary cost, hardship, fraud upon the court, bias, prejudice, harm and damages directly against (Thomason) assisting Judge Moeller in Judge Moeller's threat "...you will pay..." additionally knowing (*I.R.C.P. Rule 54*) was violated, forcing (Thomason) to timely file all objections to known states fees and costs (*I.R.C.P. Rules 54(d)(5), 54(e)*), as well as every other requirement under *I.R.C.P. 54* as stated herein;

*Washington Federal v Hulsey*, 162 Idaho 742, 749, 405 P.3d 1, 8 (2017); cited in *Regdab*, dkt. 45649, Idaho Supr Ct. (pp. 6-7) (June 13, 2019); *Schneider v Howe*, 142 Idaho 767, 771, 133 P.3d 1232, 1236 (2006); *Sun Valley Shopping Ctr., Inc. v Idaho Power Co.*, 119 Idaho 87, 94, 803 P.2d 993, 1000 (1991); *Zenner v Holcomb*, Idaho Supr Ct. dkt. no. 35034 (June 16, 2009) [54(e)(1) provides that

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B.46  
A.986

480 the court's prevailing party analysis for purposes of awarding costs is the same as its prevailing party  
481 analysis for attorney fees ...II (A)(b)(iii)(c) ¶4...";

482 In *Telfair v Greyhound Corporation*, 89 Idaho 385, 404, P.2d 875 (1965) the Idaho Supreme  
483 Court defined what constitutes fraud upon the court and cited: "*Fraud, including fraud with collusion,*  
484 *is perpetrated upon the court where the unsuccessful party has been prevented by fraud or deception*  
485 *from presenting all his/her case to the court.*" *United States Throckmorton*, 98 US 61, 25 L.Ed 93  
486 (1878), or where an unconscionable plan or scheme was used to improperly influence the decisions in  
487 the action." *England v Doyle*, 281 F.2d 304 (9<sup>th</sup> Cir. 1960);

488 Judge Boyce's sole action in this action was his act to order (STODDARD) to create Judge  
489 Boyce's memo for granting relief to alleged lienholder-defendants, who were served, who defaulted,  
490 who never made any appearance in this action, who allegedly entered into stipulation with plaintiff(s)  
491 and (Stoddard) only once and that occurred sometime in mid-2019, in anticipation of Judge Boyce's  
492 illegal and void final judgement, which, as stated and argued herein, further evidence Judge Boyce's  
493 judgment must be immediately reversed and the action must be dismissed against (Thomason), due to  
494 fraud upon the court, Judge Boyce's grievous and malicious errors in law and in facts, while having  
495 intrinsic and extrinsic knowledge that his act was not only against the laws of the state of Idaho, but  
496 were directly against the US' Article III required threshold standing and thereby had intrinsic and  
497 extrinsic knowledge that at no time did Judge Boyce or his court have any subject matter or personal  
498 jurisdiction over (Thomason);

499 Not only had the plaintiff(s) and their legal counsel(s) failed to evidence any Article III required  
500 standing in their action 2015-cv-0074, neither did any alleged lien holder defendant named in this  
501 action, served by plaintiff(s), never appearing in this action, allegedly entered into individual

502 stipulations with (STODDARD) and his alleged plaintiff(s), without any notice to (Thomason) or any  
503 appearance in this action, never evidenced any of them had any Article III standing to request any relief  
504 from this court against (Thomason), including as pseudo intervenor(s), quasi substitution and/or as  
505 alleged judgment lien holder defendants, failing to timely file any such required motion under I.R.C.P.  
506 Rules 25, 25(c), 25(e), 25(a)(3);

507 Idaho does not allow for any 'bootstrapping' an intervenor into any action. Each party must  
508 demonstrate in the action that his/her standing is independent of any others plaintiff and/or defendants  
509 claims for relief;

510 Article III standing: *Town of Chester New York v Laroe Estates, Inc., Supr. Ct. US, no. 16-605*  
511 *(June 5, 2017)*: As with intervenor(s), any alleged lien holder who fails to make any timely appearance,  
512 attempting to assert a lien via a court order and/or stipulation with any party, including those named  
513 and served defendants in this action, who were timely served, who defaulted, who never made any  
514 appearance in this action, in over (4)+ years, who surface only days before final order by Judge Boyce,  
515 is a manifest of injustice, fraud upon the court, violations of (Thomason)'s equal rights under the 14<sup>th</sup>  
516 Amendment — Due Process, Equal Protection Clauses under the United States Constitution is evidence  
517 of Judge Boyce's grievous errors in law and in fact, demands, as noted herein, immediate reversal/set  
518 aside and basis for a new trial (a trial by jury) on all the genuine material facts raised for the first time  
519 in Judge Moeller's December 31, 2018 memo and Judge Boyce's final order and memo in this action;

520 Judge Boyce had intrinsic and extrinsic knowledge the alleged lienholder-defendant(s) at no  
521 time evidenced any Article III standing, failed to evidence any alleged liens were within the statutes of  
522 limitation for asserting rights upon any alleged lien/judgment;

APPEAL 46509-2018 from CV-2015-74  
NOTICE of HEARING and MOTIONS and BRIEF/AFFIDAVIT and PROPOSED ORDER

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EX A and B (Judicially Noticed Documents)

28 of 44

B, 48  
A, 988

523 In 2015-cv-0074, because Plaintiff(s) lacked threshold standing under Article III, failing to  
524 defeat lack of standing, barred by statutes of limitations, failure to serve, failure to evidence: 1) they  
525 suffered any injury in fact [(Thomason) was never signer of any note and was never required to make  
526 any payments, never sue Byron T. Thomson, personally nor via his testate probate, as argued herein,  
527 being furthered barred by statutes of limitation;

528 Alleged lien holders seeking relief via alleged stipulations in which (Thomason) was never  
529 noticed of, nor was a party to any alleged lienholder defendant(s) relief and/or any pseudo-intervenor(s)  
530 *I.R.C.P. Rule 24(a)-(c) [including failing to serve notice and motion on intervenor]* as well as being  
531 void of any legal rights to any relief for costs and/or fees (*I.C. §§12-120, 12-121, I.C. 12-117(1) and/or*  
532 *(2)*, furthering Judge Boyce's grievous errors in law and fact, requiring Judge Boyce's immediate set-  
533 aside, reversal Judge Boyce's judgment and its accompanying memo and immediate dismissal of the  
534 action in full, for lack of threshold standing and lacking of any subject and personal jurisdiction;

535 *I.C. §12-117(1)* requires (lien holders, pseudo-intervenors), etc. to have appeared in the action,  
536 prior to any ruling affecting any/all their claims of relief, further demanding a timely notice of hearing  
537 on a motion for relief, timely and duly served upon (Thomason) and that the court ruled upon all alleged  
538 lien holder defendant(s) standing in the action, and that the court evidenced any nonprevailing party  
539 had acted without any reasonable basis in fact or in law, which Judge Moeller, Judge Schulinger nor  
540 Judge Boyce ever did, further evidencing fraud upon the court, grievous and malicious reversible errors  
541 in law and in fact that demand immediate reversal, setting aside the judgement Judge Boyce issued in  
542 this matter;

543 Judge Boyce had intrinsic and extrinsic knowledge that at no time did any alleged lien-holder-  
544 defendant ever evidence any valid liens against (Thomason) or Byron T. Thomason or the testate estate

B.49  
A.989

545 of Byron T. Thomason, nor were any such alleged liens ever serve upon (Thomason), Byron T.  
546 Thomason, and/or the testate estate of Byron T. Thomason, *I.C. §45-507*, never being filed against said  
547 property, in this action, nor under *I.C. §§10-1110, 6-101, 45-1505, 45-1503, 45-517, 45-1502(5)* or  
548 under any other statutes within Idaho, further failing to evidence that such judgment lien demands to  
549 be recorded and personally served upon any person whose real and/or personal property is being  
550 encumbered by any person/entity from any alleged judgment;

551 No alleged lien-holder ever served upon (Thomason) any alleged filed and/or recorded  
552 judgment lien upon (Thomason), Byron T. Thomason or the testate estate of Byron T. Thomason, at  
553 any time, including by certified mail, by sheriff, in a court setting, in person, by any server, etc., further  
554 evidencing fraud upon the court and gracious errors in fact and in law that demand the immediate  
555 reversal, setting aside Judge Boyce's final order and memo, further evidencing lack of threshold  
556 standing and lack of all subject and personal jurisdiction over (Thomason), etc.;

557 Any alleged lien would have failed and/or expired, long before the current void action, 2015-  
558 cv-0074, further being barred by statutes of limitation, no such alleged lien holder defendant filed any  
559 such required renewal of any alleged judgment/lien against (Thomason), Byron T. Thomason, or the  
560 testate estate of Byron T. Thomason, ever, including under *I.C. §§10-1110, 10-1302(1-2), 10-1306A*  
561 or any other statutes, thereby alleged lien holder defendant(s) failed to ever plead any genuine issue of  
562 material fact regarding any possible relief to any alleged defendant, further evidencing Judge Boyce's  
563 grievous and malicious errors in law and in fact, demanding immediate reversal / set aside of his alleged  
564 final judgement and demands immediate dismissal of this action, 2015-cv-0074 in full against  
565 (Thomason) for all lack of threshold standing, and all lack of personal and subject matter jurisdiction;

APPEAL 46509-2018 from CV-2015-74  
NOTICE of HEARING and MOTIONS and BRIEF/AFFIDAVIT and PROPOSED ORDER

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EX A and B (Judicially Noticed Documents)

30 of 44

B.50  
A.990

Alleged lien holder defendants failed on all prongs of an "action on a judgment" based on any legal theory, including any alleged action based on any alleged debt represented by any judgment, *G & R Petroleum, Inc. v Clements*, 127 Idaho 119, 122 n.4, 898 P.2d 50, 53 n.4 (1995); *Tingwall v King Hill Irrigation Dist.*, 66 Idaho 76, 82, 115 P.2d 605, 607 (1945);

In Idaho, any action on any judgment lien taken anywhere in the U.S. must be brought within (6) six years from the date of the judgment, *I.C. §5-215*, all judgement liens are distinct from any underlying judgment, therefore all actions against the judgement must be brought within (6) years from the date of the issuing (date of signing) of the original judgment, *Clements*, 127 Idaho at 121, 898 P.2d at 52 (1995); *Platts v Pac. First Fed. Sav. & Loan Ass'n of Tacoma*, 62 Idaho 340, 348-49, 111 P.2d 1093, 1096 (1941) [Expiration of the judgment – terminates the statutory security], *Gamles Corp. v Gibson*, 939 A.2d 1269, 1272 (Del. 2007) cited in Idaho Supreme Court *Grazer v Jones*, 2013 op. no. 15, dkt. 38852, not only did the alleged lien holder defendants, the plaintiff(s)/their legal counsel(s) fail to even alleged that the court has any jurisdiction to grant any relief to the alleged lienholder defendant(s) alleged liens, even the alleged lienholder defendants failed to ever appear and failed to even imply the court had any jurisdiction to grant any alleged lien defendant any relief, further failing to evidence any standing and any subject and personal jurisdiction in this action, *Cole v Cole*, 68 Idaho 561, 569-71, 201 P.2d 98, 103-04(1948); *Platts v Platts*, 37 Idaho 149, 151-53, 215 P.465 (1923); *Wells Fargo Bank Nat'l Ass'n v Kopfman*, 226 P.3d 1068, 1071 (CO. 2010) adding to the evidence showing grievous and malicious errors in law and in fact by Judge Boyce in this action against (Thomason) which further demands immediate reversal / setting aside of Judge Boyce's judgment and accompanying memo against (Thomason) and for the immediate dismissal of this action against

APPEAL 46509-2018 from CV-2015-74  
NOTICE of HEARING and MOTIONS and BRIEF/AFFIDAVIT and PROPOSED ORDER

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208-419-5638

31 of 44  
EX A and B (Judicially Noticed Documents)

B.51  
A.991



587 (Thomason), failing even under I.C. §5-215(1) for no action has ever been taken upon the renewal of  
588 the judgment, either;

589 Furthermore, there are no foreign judgments against (Thomason), Byron T. Thomason or the  
590 testate estate of Byron T. Thomason, further failing under I.C. §§5-214A, 5-215, 5-216, 10-1106, 10-  
591 1306A, 10-1110, 10-1111(1), 10-1301 or under any other statutes within the state of Idaho or the US,  
592 *Watkins v Conway*, 385 U.S. 188 (1966) (*per curiam*);

593 No one and/or entity ever filed any independent action and/or countersued (Thomason), Byron  
594 T. Thomason or the testate estate of Byron T. Thomason, ever, including within the past 5 years, 10  
595 years, 15 years, 20 years, etc., which under I.C. §5-215 demands: "...[a]n action upon any judgement  
596 requires any judgment creditor to file a completely new action against alleged debtor...", as in this  
597 action, alleged lien holder defendants fail to pass the I.C. §5-215 requirements, further evidencing  
598 Judge Boyce's grievous, illegal and malicious final judgment and memo, attempting to grant relief  
599 where the Idaho Statutes refuse to grant relief to alleged lien holder defendants who never made any  
600 appearance in this void action, for illegal, fraudulent and improper purposes, furthering fraud upon the  
601 court (I.R.C.P. Rule 60(b)(1)[...surprise...], (2) [...new discovered evidence...], (3)  
602 [...intrinsic...extrinsic fraud], (4) [...void judgment...], (6) [...justice requires...]) and in violation  
603 under I.C. §10-1110 [failing to renew judgments], deliberately denying (Thomason) equal protection  
604 and due process under the United States Constitution – Due Process and Equal Protection Clauses,  
605 evidencing direct bias against (Thomason) where Judge Boyce had at all pertinent times intrinsic and  
606 extrinsic knowledge there exists no Idaho or Federal Statutes that would grant the alleged lien holder  
607 defendants any relief, knowing no one had or has ever filed any motion to renew any alleged lien or  
608 judgment against (Thomason), Byron T. Thomason or the testate estate of Byron T. Thomason, as well

APPEAL 46509-2018 from CV-2015-74  
NOTICE of HEARING and MOTIONS and BRIEF/AFFIDAVIT and PROPOSED ORDER

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EX A and B (Judicially Noticed Documents)

32 of 44

B.52  
A.992

609 as, knowing the date of any renewal is calculated from the date of the original date upon the original  
610 judgement, not the date of any alleged filing, recording, service, writ of execution, for purposed of  
611 Idaho Statutes of Limitations (six year limitation) and for any filing of any motion and or new action,  
612 *I.C. §§10-1111, 10-1110, 5-215 Grazer v Jones, Idaho Supr. Ct. no. 38852, op.no. 15-2013 (Jan. 29,*  
613 *2013);*

614 No defendant can obtain any relief based on any alleged judgement lien based on any alleged  
615 liens that are barred by statutes of limitation, all alleged liens would have expired long before this action  
616 was filed...no money judgment, no writ of execution, no recording of any money judgement has ever  
617 been filed against (Thomason), or has ever been served any money judgement that would entitle any  
618 relief to the alleged lien holder defendants, in this action... not one single and/or joint alleged lien  
619 holder filed any actions, (new, cross, or counterclaim action, ...) against (Thomason), Byron T.  
620 Thomason or the testate estate of Byron T. Thomason, ever, and as in this action evidences Judge  
621 Boyce's final judgement and memo was solely, illegally and maliciously issued to deprive (Thomason)  
622 of any fair and just litigation and defense, evidencing reprehensible and unclean hands by plaintiff(s),  
623 plaintiff(s) legal counsel, alleged lien holder defendants, with intentional, deliberate, malicious,  
624 inequitable, unfair, dishonest, fraudulent, illegal, and deceitful behavior against (Thomason) and as to  
625 the controversy(ies) in issue, [*Ada Cnty. Highway Dist. V Total Success Invs., LLC, 145 Idaho 360,*  
626 *370, 179 P.3d 323, 333 (2008) quoting Gilbert v Nampa Sch. Dist., No. 131, 104 Idaho 137, 145, 65-*  
627 *70 P.2d 1, 9 (1983);*

628 Not one single alleged lien holder defendant exercised even the slightest level of reasonable  
629 diligence, nor did Judge Moeller nor Judge Boyce, Judge Boyce attempted to grant relief to alleged  
630 lien holder defendants via a known void order in an illegal action, knowing the original plaintiff(s)

B.53  
A.993

631 never had threshold standing and the court never had any personal nor subject matter jurisdiction in the  
632 action, is in itself evidence of Judge Boyce's bias and prejudice against (Thomason) and additional  
633 evidence of Judge Boyce's grievous errors in law and in fact that require immediate reversal / set aside  
634 of the sole final judgement and memo, which further requires immediate dismissal of this action, in  
635 full, against (Thomason) in this action, especially noting that no Idaho nor Federal rule nor statute exists  
636 that allows for even any sua sponte renewal of any judgment lien against anyone, including  
637 (Thomason), as well any renewal requires a new and separate action to be filed and served upon  
638 (Thomason), as does any renewal motion must be re-filed, re-recorded and re-served upon any alleged  
639 judgment debtor, which with regards to (Thomason), Byron T. Thomason or the testate estate of Byron  
640 T. Thomason, has never occurred;

641 As argued/filed in this action and herein, under Byron T. Thomason's testate probate, all alleged  
642 plaintiff(s) and any alleged lien holder defendants lost all legal rights to relief 90 days after (Thomason)  
643 filed Byron T. Thomason estate probate, as well as seeing he died on November 19, 2011 and at no  
644 time had any judgment been rendered against him, post mortem, nor was there any action against him  
645 or his estate was ever filed by any alleged lien holder defendant, resulting in a statutes of limitation  
646 deadline of December 10, 2017, further evidencing not only was this action 2015-cv-0074 barred by  
647 statutes of limitation five (5) years from the last payment demanded and made, December, 2009, which  
648 Judge Boyce had intrinsic and extrinsic knowledge that he had a duty to immediately dismiss the  
649 plaintiff(s) action when he took the bench, but any attempt to grant alleged lien holder defendants any  
650 alleged lien relief was not only going to evidence Judge Boyce's illegal and malicious errors in law and  
651 in fact, but would further evidence additional fraud upon the court, manifest injustice, bias, prejudice  
652 and aiding and abetting in fraudulent acts, including laundering real estate deeds and water share deeds,

APPEAL 46509-2018 from CV-2015-74  
NOTICE of HEARING and MOTIONS and BRIEF/AFFIDAVIT and PROPOSED ORDER

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208-419-5638

EX A and B (Judicially Noticed Documents)

34 of 44

B.54  
A.994

653 in direct violation to Idaho Statutes...such claims would generally not be asserted upon Judge Boyce,  
654 he being only first active in this action, 2015-cv-0074, accept for the fact that Judge Boyce specifically  
655 stated at the sole hearing he presided at on June 10, 2019 from approx.. 2:03 P.M. until 2:47 P.M., "...I  
656 have made myself aware of all the issues...", further evidencing Judge Boyce's grievous errors in fact  
657 and in law, requiring immediate reversal / set aside this actions sole judgment and dismissal of this  
658 action in full, for lack of all threshold standing and lack of all subject and personal jurisdiction in this  
659 action;

660 Judge Boyce is obligated under all statutes and rules to immediately void, reverse, set aside his  
661 sole judgment and memo in this action and is required under the U.S. Constitution, Art. III and Idaho  
662 statutes, rules and authority immediately dismiss this action against (Thomason), even though  
663 immediate dismissal is required under Idaho laws, Judge Boyce's sole judgment and memo created  
664 pseudo genuine material facts which (Thomason) has the deepest belief had been deliberately created  
665 by both Judge Moeller and Judge Boyce, fulfilling Judge Moeller's direct threat against (Thomason), "...take  
666 the deal...you will pay..."; aiding and abetting (STODDARD) and his alleged client(s) and fulfilling Attorney  
667 Magnuson's argument "...we don't need standing...only an order...we get the money...you're out on the  
668 street...", aiding and abetting in illegal feigned issues, in direct violation of the Idaho Constitution directly aimed  
669 to severely damage, oppress, enslave, deliberately and maliciously violating (Thomason)'s guaranteed  
670 rights under the United States Constitution 14<sup>th</sup> Amendment - Due Process and Equal Protection  
671 Clauses;

672 Additionally, no alleged lien holder defendant(s) ever filed for any fees and/or costs under any  
673 Idaho Statutes, including, but not limited to I.C. §§12-120, 12-121, 11-101, 11-105, I.R.C.P. Rules 54,  
674 54(e)(1-3) nor had any party pled any fees and costs under any valid Idaho authority, further evidencing  
675 that not only is Judge Boyce's sole final judgement void of any legal monetary relief, under the law,

APPEAL 46509-2018 from CV-2015-74  
NOTICE of HEARING and MOTIONS and BRIEF/AFFIDAVIT and PROPOSED ORDER

B.55  
A.905

676 Judge Boyce must immediately grant to (Thomason) immediate stay of execution, without any required  
677 bond, as evidence in this filing and in (Thomason)'s filings in this actions, a bond is not required if no  
678 monetary relief and/or order/judgement is not allowed and the judgement and memo are void, as further  
679 argued herein;

680 Judge Boyce is legally obligated by Idaho and Federal statutes to immediately void, reverse, set  
681 aside his sole final judgment and memo, as stated herein, and within all (Thomason)'s filings in this  
682 action, and any further claims by any alleged lien holder defendants and or alleged plaintiff(s) and/or  
683 their legal counsel(s) that genuine material facts must be decided before such dismissal/reversal/set  
684 aside can occur, (Thomason) duly and timely motion for trial by jury, by a 12 panel jury remains and  
685 has never been waived;

686 In addition to the extrinsic and intrinsic fraud already detailed in this action by (Thomason) and  
687 within the *Final Memo and Judgment*, by (STODDARD), (MOELLER), (CLERKS), *inter alios*, this  
688 brief includes the newly discovered evidence and extrinsic and intrinsic fraud upon the court that was  
689 delivered to (Thomason) (EX A. 1-5) by US Mail, on June 17<sup>th</sup>, 2019, the same day as the final order,  
690 (8) eight days after the sole hearing, notice up for hearing on June 10, 2019;

691 Only two hearings had been noticed up since I.C.A.R. 59 final ruling, and those were by  
692 (Thomason) one on April 13, 2019 for Objection to R.O.A. appeal dockets and one on June 10<sup>th</sup>, 2019,  
693 at 2:00 P.M. that was subsequent to the April 13, 2019 which was timely noticed by (Thomason). There  
694 were never any hearings served upon (Thomason) by any alleged defendants nor by any of plaintiff(s)  
695 alleged attorneys, nor by the court, including for any renewal of summary judgment nor for defaults  
696 nor for attorney fees nor costs;

APPEAL 46509-2018 from CV-2015-74  
NOTICE of HEARING and MOTIONS and BRIEF/AFFIDAVIT and PROPOSED ORDER

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EX A and B (Judicially Noticed Documents)

36 of 44

B.56  
A.996

2019

697 Along with the final judgement received by (Thomason) from the court on June 18, 2018, dated  
698 June 12, 2019 at 9:05 A.M., filed June 13, 2019 at 14:17:50, there were three other documents, one for  
699 (STODDARD) to appear telephonically at (Thomason)'s June 10<sup>th</sup> 2019 2:00 P.M. hearing, notice of a  
700 new presiding judge, Steven Boyce, which Judge Boyce immediately informed (Thomason) at the June  
701 10, 2019 2:00 P.M. hearing after identifying himself to (Thomason) that he was going to sign a final  
702 order against (Thomason) and deliberately refused to address the issues regarding plaintiff's threshold  
703 standing, refusing to rule on jurisdiction, denying (Thomason) right to a trial by jury, and denied  
704 (Thomason) the right to rebut (STODDARD) deliberate and malicious fraudulent claims, including:

705 On June 10, 2019 (STODDARD) continued his personal perjury, when declaring that the  
706 I.C.A.R. 59 action against (Thomason) was for filings (Thomason) made in the action, 2015-cv-0074,  
707 when Judge Moeller and Judge Tingey never made any such claim, but sole asserted, fraudulently, it  
708 was due to filings in previous actions (*Judicial Notice: Thomason's Appeal Excepts, AI, pp. A.10-15;*  
709 *33*) along with his hypothetical issues and his self-created accounting, which not one single person or  
710 entity, including STODDARD, ever denied the sole accounting submitted in this action was created  
711 solely by STODDARD, over eight (8) years after the events, deliberately using the forged account  
712 (I.C. §18-3601) by STODDARD to obtain illegal funds under a court action where all funds were paid  
713 in full in December, 2009 and STODDARD's legal action was barred by statutes of limitation long  
714 before his action was filed in which STODDARD never filed any sworn affidavit as to the truth of  
715 STODDARD's forged accounting, which the new presiding judge used in his memo/final judgment,  
716 that was willfully and purposely used with regards to the issues to be tried (by jury) which directly  
717 controlled the results in this action, as well as, (STODDARD), on June 10, 2019 at approx. 2:29 P.M.  
718 stated: ... (Thomason) was found vexatious because of her filings in this action...., having extrinsic an

APPEAL 46509-2018 from CV-2015-74  
NOTICE of HEARING and MOTIONS and BRIEF/AFFIDAVIT and PROPOSED ORDER

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EX A and B (Judicially Noticed Documents)

37 of 44

B.57  
A.997

719 intrinsic knowledge that (MOELLER) and (TINGEY) both alleged it was solely based on  
720 (MOELLERS) claims in previous actions, [*Judicial Notice: Appellate Volume AI, pp.A.11, 12, 13*] in  
721 which no court nor entity ever, at any time, had anyone ever asserted, in those actions that (Thomason)'s  
722 filings were vexatious, which (MOELLER) used so to aided and abetted in the fraud upon the court;  
723 which (Thomason) will further evidence added fraud upon the court herein;

724         The sole declarants plaintiff(s) had to support their action were David...Melisa...and their two  
725 appearing attorneys, of which not one produced any admissible evidence or testimony, not one testified  
726 as an expert, not one produced any documentation that was admissible and/or deemed competent  
727 witnesses from personal knowledge, each of their filed declarations were merely hearsay (I.R.E. 802),  
728 failing to qualify as an admissible witness (I.R.E. 801(a-d)), each testimony was based sole on their  
729 perception, not based on any personal knowledge (I.R.E. 701, 701(a)), each lacking any competence to  
730 support the plaintiff(s) issues and/or alleged facts (I.R.E. 601(b)(1-3)), including (Stoddard)'s failed  
731 attempt to testify to the alleged amount due and owing when not only was the sole accounting submitted  
732 in this action solely created by (Stoddard) over (7)+ years after the line of credit was paid in full,  
733 (Stoddard) failed to produce one single document or testimony from anyone to support (Stoddard)'s  
734 claims that his self-created accounting, was true and correct, even (Stoddard) failed to testify under the  
735 I.R.E. 101-1008 that his accounting was a true and correct accounting of all payments, dates, advances,  
736 interest, fees, refunds, settlements...also failing to create any admissible evidence to support his clients  
737 (Plaintiff(s)) action in 2015-cv-0074 (I.R.E. 103(s)(1-2), (b), 201, 513, 601(b)(1-3), 701(a-c), 801,  
738 802);

739         Even Judge Gregory Moeller's failed attempt to infuse non-adjudicated documents in his memo  
740 under I.C.A.R. 59 against (Thomason) and his later attempt on December 31, 2018, which (Stoddard)

APPEAL 46509-2018 from CV-2015-74  
NOTICE of HEARING and MOTIONS and BRIEF/AFFIDAVIT and PROPOSED ORDER

B. 58  
A. 998

741 also failed when at the sole hearing held on June 10, 2019, attempted to add an additional layer of fraud  
742 upon the court to (Judge Moeller)'s failed evidence when (Stoddard) attempted to asserted that the  
743 I.C.A.R. 59 against (Thomason) was solely based upon filings (Thomason) made in 2015-cv-<sup>74</sup>~~2019~~ in  
744 direct violation to I.R.E. 201(a-e), 513, 601(b)(1-3), each having intrinsic and extrinsic knowledge that  
745 non-adjudicated documents, facts, testimony are never admissible, including under bogus or correct  
746 judicial notice (I.R.E. 201(a-e), 513, etc.) as argued herein and in 2015-cv-0074 when Judge Moeller  
747 used his I.C.A.R. 59 memo against (Thomason), in violation of I.R.E. 201(d) to get into the record of  
748 2015-cv-0074 documents his attorney(s), including D.A.G. Church, had failed to get judicially noticed  
749 in a federal action, still pending, then forwarding the illegal judicial noticed documents to Judge Tingey  
750 to have Adm. Judge Tingey rely on the documents for a final decision under I.C.A.R. 59 that Judge  
751 Moeller entered illegally into the docket of 2015-cv-0074;

752 When (Thomason) evidenced Judge Moeller's fraud upon the court and the illegal judicial  
753 notice documents became open to reversal under the pending appeal in this action, Judge Moeller  
754 furthered his fraud upon the court by rendering a memo, on December 31, 2018, again supporting his  
755 memo on illegal judicially noticed documents, never issuing any final order, leaving that for the next  
756 district judge that would replace Judge Moeller, for Judge Moeller's last day as district judge was  
757 December 31, 2018 where Judge Moeller would be taking a seat on the Idaho Supreme Court panel,  
758 that will be hearing the pending case under I.C.A.R. 59 – 2015-cv-0074;

759 Judge Schulinger refused to issue any final order after (Thomason) evidenced the fraud upon  
760 the court by (Moeller), (Stoddard), and though (Thomason) evidenced to Judge Boyce the fraud upon  
761 the court, Judge Boyce abused his discretion by deliberately ignoring the evidence of fraud upon the  
762 court and having intrinsic and extrinsic knowledge added to the fraud and violated rules of evidence,

APPEAL 46509-2018 from CV-2015-74  
NOTICE of HEARING and MOTIONS and BRIEF/AFFIDAVIT and PROPOSED ORDER

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EX A and B (Judicailly Noticed Documents)

39 of 44

B.59  
~~A.999~~



including under I.R.E. 201(d), willing abusing his discretion. I.R.E. 201(d) is governed under Newman v State, 149 Idaho 225, 226, 233 P.3d 156, 157 (Ct. App. 2010); Dachlet v State, 136 Idaho 752, 755, 40 P.3d 110, 113 [I.R.E. 201(d) abuse of discretion];

“[T]he plain language of I.R.E. 201 provides that a court may take judicial notice of a ...record...exhibit...transcript from the court’s [own] file...the party must identify the specific document(s) or items...or must offer to the court...and serve on all parties...copies of the specific documents or items I.R.E. 201(d) Larson v State, 91 Idaho 908, 909, 434 P.2d 248, 249 (1967) [201(d) requires specificity in identifying each document...]; Taylor v McNichols, 149 Idaho 826, 835, 243 P.3d 642, 651 (2010) [“I.R.E. 201(d) Where a party does not meet this requirement, it is improper for a court to take judicial notice of any document, under I.R.E. 201(d)], Taylor, 149 Idaho at 835, 243 P.3d at 652, just as Judge Moeller failed under I.R.E. Rules 201, 804;... (when Judge Moeller attempted to correct an illegal and grievous error in fact and law in four previous cases, where he aided in laundering real estate deeds and water share certificate deeds for some of his personal friends) through in his personal filings in 2015-cv-0074, and law by asserting that the Idaho Supreme Court, made a specific ruling under I.C. §55-601, when in fact, not only did Judge Moeller have intrinsic and extrinsic knowledge that his written statement was deliberately fraudulent, having personal knowledge the Idaho Supreme Court specifically stated that it did not need to rule upon I.C. §55-601 with regards to standing/jurisdiction, attempting to conceal evidence that the Idaho Supreme Court (two current and remaining former judges/justice) deliberately ignored a critical jurisdictional issue, leaving all the cases void, not voidable;

The court does not have the discretion to deny (Thomason) her motion to have all rulings / judgments in this action set-aside that were against (Thomason) including, but not limited to, final

B.60  
A.1000

judgment, fees, costs, even I.A.R. 13 or under I.C.A.R. 59, which is currently in the hands of the Idaho Supreme Court, which are waiting for the court dockets/ROA, which court clerk, Angie Wood continues to refuse to prepare, after being ordered by the Idaho Supreme Court Clerk and ordered by Judge Schulinger on May 13, 2019;

Denying (Thomason) the right for stay, under the critical issues that must be resolved before any claim for legal fees/cost/foreclosure would be the single most grievous and illegal decision the Idaho Supreme Court has ever made since statehood;

This brief/affidavit is in support of all (Thomason)'s filings including each of the notices of hearings and motions, exhibits filed on July 26<sup>th</sup>, 2019;

### III. AFFIDAVIT

STATE OF IDAHO )  
 )  
County of Madison )

I, Marilyn Thomason, (APPELLANT) upon first being sworn and deposed does herein state that I am an unserved but named defendant in this legal action, and do state that my two NOTICE of HEARINGS, my two MOTIONS' and their SUPPORTING BRIEF's statements, arguments and legal authority are true and correct, as of this filing and are from my own independent and personal knowledge, information and belief formed after an inquiry reasonable under the circumstances and is not being presented for any improper purpose, is not to harass, cause any unnecessary delay or needless increase in cost of litigation, and has been made in good faith and are supported by law, statutes and authority;

The aforementioned statement and defenses, argument, authority and other legal contentions, are warranted by existing Idaho Law, Federal Law, Idaho and United States Constitution and Idaho and

APPEAL 46509-2018 from CV-2015-74  
NOTICE of HEARING and MOTIONS and BRIEF/AFFIDAVIT and PROPOSED ORDER

Marilynn Thomason, (THOMASON) APPELLANT, pro-se  
2184 Channing Way, Box 251  
Idaho Falls, Idaho 83404  
208-419-5638

EX A and B (Judicially Noticed Documents)

41 of 44

B.61  
A.1001

the U.S. Supreme Court opinions and I shall defend my arguments, statements and claims under the fullest penalty of law;

26th July  
Dated this 27<sup>th</sup> June, 2019.

Marilynn Thomason  
Marilynn Thomason, Appellant

I Levi Cooley certify, that on this 27<sup>th</sup> day of April, 2019,

before me appeared Marilynn Thomason, who identified herself to me with her Idaho photo identification/driver's license as being identified as Marilynn Thomason, who upon first being sworn and deposed stated the information she provided within this attached filing are true and correct, under the penalty of perjury, from personal knowledge, not made to harass, delay nor hinder, or for any improper purpose had been made of her own free will and without being forced or placed under duress to make her statements, and that she will defend her above statements to the fullest extent of the law.

(seal)



Levi Cooley  
Notary Public

Residing at: 105 S. Center Rexburg, ID 83440  
Commission Expires: 7-5-2025

#### IV. CERTIFICATION of SERVICE

I, Marilynn Thomason, does certify that on or before the 27<sup>th</sup> day of June, 2019 a true and correct copy of this notice of hearing, supporting brief/affidavit and certificate of service has been timely and duly served upon the following named person(s)/entities by United States Pre-paid mail, or as stated below:

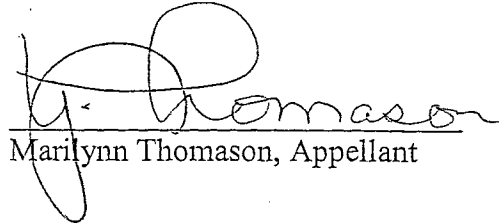
B.62  
A.1002

Idaho Supreme Court has been directly served this timely filing by (APPELLANT) and  
FBI and DOJ in the usual manner;  
Plaintiff(s) alleged legal counsel (STODDARD) 13125 W. Persimmon Lane, Ste. 150, Boise,  
ID 83713); (plus)

Liberty Park Irrigation Company, c/o Hyrum Erickson 25 North 2<sup>nd</sup> East, Rexburg, Idaho

83440;

DATED this 27<sup>th</sup> of June, 2019.

  
Marilynn Thomason, Appellant

///End of 44 page 13,107 word Document///

PROPOSED ORDER FOLLOWS THIS PAGE

APPEAL 46509-2018 from CV-2015-74  
NOTICE of HEARING and MOTIONS and BRIEF/AFFIDAVIT and PROPOSED ORDER

Marilynn Thomason, (THOMASON) APPELLANT, pro-se  
2184 Channing Way, Box 251  
Idaho Falls, Idaho 83404  
208-419-5638

EX A and B (Judicially Noticed Documents)

43 of 44

B.63

~~A-1003~~

PROPOSED ORDER

IT IS HEREBY ORDERED, for good cause:

The Idaho Supreme Court shall grant STAY, without any additional posting of security by Marilyn Thomason;

GRANT (Thomason)'s sua sponte motion for SANCTIONS *I.R.C.P. (11(c)(3))* in the amount of \$2,500.00 payable to Marilyn Thomason against Attorney Stoddard and his law firm for the malicious and fraudulent insertion of their repeated and failed attempts for judicial notice, via the court clerk;

GRANT (Thomason)'s sua sponte motion for SANCTIONS in the amount of \$2,295,020.00 payable to the Great State of Idaho – Judicial Division and/or judicial misconduct proceedings before the Idaho Judicial Board of Review against Attorney Stoddard and his law firm for their fraudulently inserted repeated and failed attempts for judicial notice into the appeal court records, via the aid of the court clerk and/or judicial misconduct proceedings before the Idaho Judicial Board of Review, seeking permanent disbarment from any legal practice within the Great State of Idaho;

DISMISS this action against (Thomason) in full;

GRANT any and all other relief against legal counsel Lewis Stoddard and his law firm the Idaho Supreme Court deems necessary and proper to preserve justice and the integrity of the judicial machinery within the Great State of Idaho;

DATED this \_\_\_\_\_, 2019.

\_\_\_\_\_  
Supreme Court Justice

APPEAL 46509-2018 from CV-2015-74  
NOTICE of HEARING and MOTIONS and BRIEF/AFFIDAVIT and PROPOSED ORDER

Marilynn Thomason, (THOMASON) APPELLANT, pro-se  
2184 Channing Way, Box 251  
Idaho Falls, Idaho 83404  
208-419-5638

EX A and B (Judicially Noticed Documents)

44 of 44

B.64  
A.1004

IN THE SUPREME COURT OF THE STATE OF IDAHO

BENEFICIAL FINANCIAL I, INC.,

Plaintiff-Respondent,

v.

MARILYNN T. THOMASON,

Defendant-Appellant,

and

The Unknown Heirs, Assigns and Devisees  
of BYRON T, MADISON COUNTY, IDAHO;  
JOHN BAGLEY, TERRENCE BAGLEY,  
BEARD ST. CLAIR GAFFNEY PA, GREG  
V. THOMASON, DIANA THOMASON, W.  
BRENT EAMES, LIBERTY PARK  
IRRIGATION COMPANY, RIGBY,  
ANDRUS & RIGBY CHARTERED,  
SECURITY FINANCIAL FUND, LLC,  
MERRILL & MERRILL CHARTERED,  
ABUNDANT LAND HOLDINGS, LLC,  
THOMAS C. LUTHY, LAURA B. LUTHY,  
FORSBERG LAW OFFICES, CHTD, R.  
SAM HOPKINS, and DOES 1 through 20,

Defendants.

Order Denying Objection

Docket No. 46509-2018


Madison County District Court  
CV-2015-74

On August 26, 2019, this Court entered an Order Re: Motions. Thereafter, THOMASON'S BRIEF/OBJECTION TO COURT CLERK'S FRAUDULENT ORDER was filed by Appellant Marilyn Thomason on September 9, 2019. Therefore, after due consideration,

IT IS HEREBY ORDERED that THOMASON'S BRIEF/OBJECTION TO COURT CLERK'S FRAUDULENT ORDER be, and is hereby, DENIED.

Dated September 18, 2019.

By Order of the Supreme Court



Karel A. Lehrman  
Clerk of the Courts

cc: Marilyn Thomason, pro se Appellant  
Counsel of Record

ORDER DENYING OBJECTION – Docket No. 46509-2018

Exc. 1

PETER J. SALMON (ISBN 6659)  
LEWIS N. STODDARD (ISBN 7766)  
ALDRIDGE PITE, LLP  
4375 JUTLAND DRIVE, SUITE 200  
PO BOX 17935  
SAN DIEGO, CA 92177-0935  
Telephone: (619)-326-2404  
Email: [psalmon@aldridgepite.com](mailto:psalmon@aldridgepite.com)  
[lstoddard@aldridgepite.com](mailto:lstoddard@aldridgepite.com)

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF MADISON

BENEFICIAL FINANCIAL I INC.,

Plaintiff,

v.

MARILYNN THOMASON, ET AL,

Defendants.

Case No. CV-15-74

ORDER DENYING DEFENDANT  
MARILYNN THOMASON'S  
MOTIONS UNDER I.R.C.P. 59,  
I.R.C.P. 60 AND I.A.R. 13  
REQUEST FOR STAY PENDING  
APPEAL

COMES NOW, the Court and this matter having come before it for oral argument on Marilynn Thomason's motion(s) for relief under I.R.C.P. 59, I.R.C.P. 60, and I.A.R. 13, on July 22, 2019 and having reviewed the Opposition filed by Plaintiff, the filings on record, the arguments of the parties and good cause appearing therefore,

IT IS HEREBY ORDERED AS FOLLOWS for the reasons more fully set forth on the record:

Defendant Marilynn Thomason's request for relief under I.R.C.P. 59 is DENIED;

Defendant Marilynn Thomason's request for relief under I.R.C.P. 60 is DENIED;

Defendant Marilynn Thomason's request for stay of execution or enforcement of the Judgment entered in this matter pending appeal is DENIED.

Signed: 7/22/2019 04:38 PM

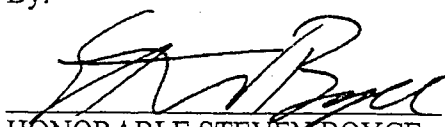
DATED this \_\_\_\_\_

Ex C.2

A. 898  
Ex D

By:

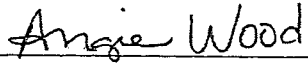
Signed: 7/22/2019 04:38 PM

  
HONORABLE STEVEN BOYCE

**CLERK'S CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on Signed: 7/22/2019 05:40 PM, I caused a true and correct copy of this document to be mailed, postage prepaid, to:

Marilynn Thomason 2184 Channing Way, Box 251 Idaho Falls, ID 83404 Defendant <i>pro se</i>	<input checked="" type="checkbox"/> US Mail
Lewis N. Stoddard ALDRIDGE PITE, LLP 13125 W. Persimmon Ln., Ste 150 Boise, ID 83713 <a href="mailto:lstoddard@aldridgepite.com">lstoddard@aldridgepite.com</a> Attorney for Plaintiff	<input type="checkbox"/> US Mail <input checked="" type="checkbox"/> Electronic
Brian V. Church Deputy Attorney General PO Box 83720 Boise, ID 83720 <a href="mailto:Brian.church@ag.idaho.gov">Brian.church@ag.idaho.gov</a> Attorney for Justice Moeller and Judge Tingey	<input type="checkbox"/> US Mail <input checked="" type="checkbox"/> Electronic

  
Deputy Clerk

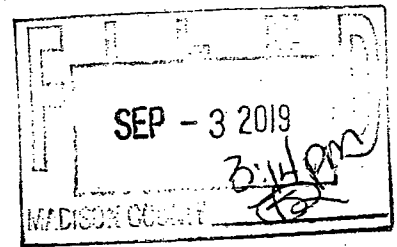
EX C.3

A-899  
~~EX D~~



mb corp 10/3  
or

MARILYNN THOMASON, pro-se  
2184 Channing Way, Box 251  
Idaho Falls, Idaho, 83404  
208-419-5638



**IDAHO SUPREME COURT**

From

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN  
AND FOR THE COUNTY OF MADISON

BENEFICIAL FINANCIAL I INC.,  
Plaintiff-Respondent,

v.

MARILYNN THOMASON,  
NON-SERVED Named Defendant -  
APPELLANT

and

The Unknown Heirs, Assigns and  
Devisees of BYRON T, MADISON  
COUNTY, IDAHO; JOHN BAGLEY,  
TERRENCE BAGLEY, BEARD ST.  
CLAIR GAFFNEY PA, GREG V.  
THOMASON, DIANA THOMASON,  
W. BRENT EAMES, LIBERTY  
PARK IRRIGATIONS COMPANY,  
RIGBY, ANDRUS & RIGBY  
CHARTERED, ABUNDANT LAND  
HOLDINGS, LLC, THOMAS C.  
LUTHY, LAURA B. LUTHY,  
FORSBERG LAW OFFICES, CHTD,  
R. SAM HOPKINS, and DOES 1  
Through 20,  
Defendants.<sup>(1)</sup>

) Idaho Supreme Court Appeal Number:  
) Docket No. (Appeal No.) **46509-2018**  
) Madison County District Court  
) CV-2015-74  
)  
) THOMASON'S OBJECTION & DENIAL  
) Lewis Stoddard alleged August 5, 2019 / Received  
) August 22, 2019

(Trial by Jury Action)

(1) Defendant names have been incorrectly listed as parties by the Idaho Supreme Court on 12/20/2018 and under Deputy A.G. Brian V. Church (CHURCH)'s documents created jointly by the Idaho Attorney General - Lawrence G. Wasden - Chief of Civil Litigation, Steven L. Olsen and (CHURCH) on Saturday, January 12, 2019, (*Judicial Notice: Appellant's filing dated January 25, 2019 with attached EX C.1-16: Thomason's Objections and Denials to Deputy A.G. Brian Church's January 12, 2019 Motion-Memo, etc.*) and on the 20<sup>th</sup> of March, 2019 Attorney Stoddard furthers the fraud upon the court when Attorney Stoddard fraudulent attempt to change the title page Plaintiff name from Beneficial Financial I. Inc. to John Patrick Grayken dba LSF10 Master Participation Trust.

EX D.1

B 100

1 On the 22<sup>nd</sup> day of August, 2019, the United States Postal Service delivered to Marilyn  
2 Thomason (Thomason) a 77 page document from Lewis Stoddard (Stoddard), objecting to  
3 (Thomason)'s proper and duly filed motions for disqualification and stay;

4 Among the 77 pages of (Stoddard) documents was 64 pages of documents that (Stoddard)  
5 claimed are "...true and correct..."...which (Thomason), at this time reserves objection and denial until  
6 the Madison County, 7<sup>th</sup> Judicial District clerk prepares a true and correct appellee court records, which  
7 (Thomason) has requested from the court in the third amended, Final Notice of Appeal...due to  
8 previously filed evidence by (Thomason) showing, without any dispute, that (Stoddard) deliberately  
9 will file documents with the court and then mail to (Thomason) different documents, of genuine  
10 material facts and evidence;

11 (Stoddard) objections failed to dispute (Thomason) supporting arguments and evidence for her  
12 motion for disqualification (which the Supreme Court) must first act upon and then her motion for  
13 stay...July 26, 2019 (Appellant's IV Appeal records, pp. A-950-1004);

14 (Stoddard) objections fail to argue that the Supreme Court, in Bradbury v Idaho, no. 36175  
15 (Sept. 10, 2009) made legal and/or factual errors when the Idaho Supreme Court sided with SCOTUS,  
16 stating "...August 5, 2009, Petitioner filed a motion with this court [Supreme Court of Idaho] ...  
17 seeking to Disqualify Justices...Chief Justice Eismann...I.R.C.P. Rule 40 is instructive rule as well as  
18 Code of Judicial Conduct, [as detailed in Thomason's July 26, 2019, supporting brief] Code of Judicial  
19 Conduct specifically states 'A judge shall disqualify himself or herself in a proceeding where the  
20 judge's impartiality might reasonable be questioned, including but not limited to instances where the  
21 judge(s) has a personal bias or prejudice concerning a party or a party's lawyer or has personal  
22 knowledge of disputed evidentiary facts that might affect the judge's impartiality in the proceedings ...  
23 Chief Justice Rehnquist in Microsoft Corp v United States, 530 U.S. 1301, 121 S. Ct. 25 147 L.Ed. 2d

24 1048 (2000) not binding but instructive because of the similar purpose and language in Canon 3 of the  
25 Idaho Code of Judicial Conduct ...” Idaho Supreme Court quoting Bradbury v Idaho, no. 36175 (Sept  
26 10, 2009, further stating “...28 USC §455(a) contains....a Justice “shall disqualify himself in any  
27 proceeding in which his impartiality might be reasonably questioned...As this Court [Idaho Supreme  
28 Court] has stated, what matters under §455(a) ‘is not the reality of bias or prejudice but its appearance  
29 of bias or prejudice...’ citing Likely v United States, 150 U.S. 540, 548, 114 S.Ct. 1147, 127 L.Ed 2.d  
30 474 (1994);

31 Recusal, in this action is required and the rule of necessity fails because two less of the five  
32 Justices makes the required requirements and Idaho allows an outside judge to be appointed if one or  
33 more of the remaining three Justices find that they, for some reason, must recuse themselves, which  
34 would prevent any claim of “absence of judicial machinery”, further quoting Higer v Hansen 67 Idaho  
35 45, 170 P.2d 411 (1946)”;

36 (Stoddard) further fails to dispute or support any right to have (Thomason) denied a stay (with  
37 or without bond)...especially were (Stoddard) has never proven nor denied that his alleged client(s)  
38 actions are barred by every statute of limitation, his alleged client(s) never proved any threshold  
39 standing, never provided any accounting that was not created solely by (Stoddard) over 5 years after  
40 the fact, that the court had any subject or personal jurisdiction, at any time, to their wrongful foreclosure  
41 and hopeful conversion, merely to fulfill (Stoddard)’s co-counsels’ direct and open threat to  
42 (Thomason)....”...we do not need standing...only an order...we get the money...you’re out on the  
43 street...” which Judge Moeller showed his open agreement to help (Stoddard) and his law firm “...take  
44 the deal...you will pay...” directly threatening (Thomason) if she did not go along with Judge Moeller,  
45 etc. fraudulent scheme to use the Idaho Judicial Court system to launder real estate deeds to Judge  
46 Moeller’s personal friends land and property through void and fraudulent court actions;

(Stoddard) further fails to deny that not only did his allege clients lack threshold standing or any standing to sue (Thomason) but that their action if also barred because (Stoddard) failed to apply Idaho's long standing rule 'One Action Rule' and its requirements...Houpt v Wells Fargo Bank, National, Idaho Supreme Court no. 41990, 2016 Op. No. 121, Dec. 29, 2015...I.C. 6-101 [One Action Rule], I.C. §6-101(1), especially seeing there was never any bankruptcy, etc. as required under I.C. §6-101(3) to relieve Stoddard from the requirements under I.C. §6-101(a);

Nor was there any implied or expressed consent that would waive a trial by jury on the fraudulent accounting that (Stoddard) created only after Justice Moeller instructed (Stoddard) to present an accounting to support the wrongful foreclosure over 5 years after the fact...quoted in O'Connor v Harger Const. Inc. 145 Idaho 904, 911, 188 P.3d 846, 853 (2008) citing I.R.C.P. Rule 15(b), M.K. Transp., Inc. v Grover, 11 Idaho 345, 349, 612 P.2d 1192, 1196 (1980);

(Stoddard) is fulfilling his firms threat that they only need an 'order' under their wrongful foreclosure, using not only Idaho's lower courts to be the fascinator of their money and real property laundering scheme, they also need the Idaho Supreme Court to complete the scheme, bringing the action into a conversion action...Williamson v Ysursa, 78 Idaho 473, 430, 305 P.2d 732, 736 (1956) ("Where a mortgage is foreclosed by summary proceedings and the requisite procedure is not complied with in material particulars...such action constitutes a conversion..." Peterson v Hailey Nat'l Bank, 51 Idaho 427, 431 6 P.2d, 145, 147 (1931) "The [alleged] mortgagee cannot lawfully seize [alleged] mortgaged property in any manner than that provided by [Idaho Statutes] and when he sells it [or those who authorize it to be sold] in any manner that is contrary to law / statutes 'are guilty of conversion and become liable to the owner...' Marchand v Ronaghan, 9 Idaho 95, 98, 72 P.731, 732 (1903), '...creating a cause of action which does not accrue when one first attempts a wrongful foreclosure [as in these actions] but when the property is [physically] taken from the owner of the property...' Peasley

70 Transfer & Storage Co. v Smith, 132, 210, 215 (1958), which Justices Moeller and Burdick and  
71 (Stoddard) are relying on...hence Justice Moeller and (Stoddard) fraudulent I.C.A.R. 59 action against  
72 (Thomason), as Justice Moeller evidenced while in the lower court after the I.C.A.R. 59 when  
73 (Thomason) gave to Clerk Angie a petition for eviction and was informed that "Judge Moeller has  
74 instructed me [Angie] that no new actions by you [Thomason] will be accepted nor reviewed for filing.  
75 You don't like it, sue me [Angie]";

76 Not only must the Idaho Supreme Court Justice disqualify themselves...then grant (Thomason)  
77 motion for stay, without added bond...the Idaho Supreme Court must dismiss the action for foreclosure  
78 and sale, with prejudice against and order sanctions, currently argued against (Stoddard) in the amount  
79 of the monetary sum stated in (Thomason) pending motions for sanctions against (Stoddard) and his  
80 law firm and alleged clients...The Idaho Supreme Court must allow the I.C.A.R. 59 Appeal to go  
81 forward, without any further delay, by ordering the Madison County District Court Clerk to  
82 immediately prepare the hard copy records for the I.C.A.R. 59 appeal.

83 AFFIDAVIT

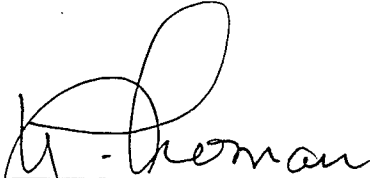
STATE OF IDAHO )  
 )ss.  
County of \_\_\_\_\_ )

84 I, Marilyn Thomason, (APPELLANT) upon first being sworn and deposed does herein state  
85 that I am an unserved but named defendant in this legal action, in sound mind and competent to testify  
86 from personal knowledge and do state that my DENIALS and OBJECTIONS to Attorney Lewis  
87 Stoddard's alleged August 5, 2019, 77 page document, received directly from the USPS by direct mail  
88 on August 22, 2019, and (Appellant)'s denials, objections, arguments and legal authority are true and  
89 correct, as of this filing and are from my own independent and personal knowledge, information and  
90 belief formed after an inquiry reasonable under the circumstances and is not being presented for any

improper purpose, is not to harass, cause any unnecessary delay or needless increase in cost of litigation, and has been made in good faith and are supported by law, statutes and authority;

The aforementioned statement and defenses, argument, authority and other legal contentions, are warranted by existing Idaho Law, Federal Law, Idaho and United States Constitution and Idaho and the U.S. Supreme Court opinions and I shall defend my arguments, statements and claims under the fullest penalty of law;

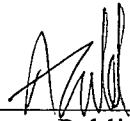
Dated this 29<sup>th</sup> August, 2019.

  
Marilynn Thomason, Appellant

I Austin N. Judd certify, that on this 29<sup>th</sup> day of August, 2019,

before me appeared Marilyn Thomason, who identified herself to me with her Idaho photo identification/driver's license as being identified as Marilyn Thomason, who upon first being sworn and deposed stated the information she provided within this attached filing are true and correct, under the penalty of perjury, from personal knowledge, not made to harass, delay nor hinder, or for any improper purpose had been made of her own free will and without being forced or placed under duress to make her statements, and that she will defend her above statements to the fullest extent of the law.



  
Notary Public  
Residing at: Pexborg, ID  
Commission Expires: 01/22/25

#### CERTIFICATION of SERVICE

I, Marilyn Thomason, does certify that on or before the 29th day of August, 2019 a true and correct copy of this notice of hearing, supporting brief/affidavit and certificate of service has been timely and

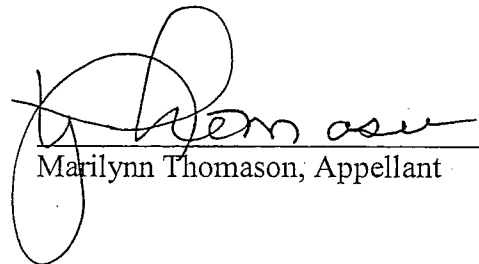
109 duly served upon the following named person(s)/entities by United States Pre-paid mail, or as stated  
110 below:

111 Idaho Supreme Court has been directly served this timely filing by (APPELLANT) and  
112 FBI and DOJ in the usual manner; <sup>1/3</sup> # 9505 5125 9748 9241 4447-  
113 Plaintiff(s) alleged legal counsel (STODDARD) 13125 W. Persimmon Lane, Ste. 150, Boise,  
114 ID 83713); (plus)

115 Liberty Park Irrigation Company, c/o Hyrum Erickson 25 North 2<sup>nd</sup> East, Rexburg, Idaho  
116 83440;

117 DATED this 29<sup>th</sup> of August, 2019.

118

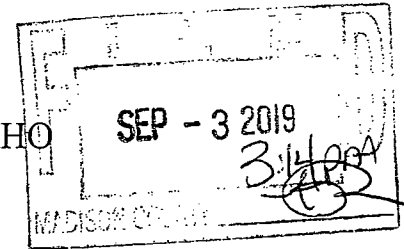


Marilynn Thomason, Appellant

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my copy 2/3  
or's

SUPREME COURT of the STATE of IDAHO  
Direct Appeal



from

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF MADISON

---

BENEFICIAL FINANCIAL I INC.,	)	Case No. CV-2015-74
	)	(Trial by Jury Action)
Plaintiff,	)	
	)	<b>APPEALANT's APPEAL</b>
(and)	)	<b>RECORD EXCERPTS (Vol IV)</b>
	)	
GREGORY MOELLER,	)	Taken By A Non-Served, Named
(District Judge),	)	Defendant – Marilynn Thomason
	)	
(and)	)	I.A.R. 17
	)	
JOEL TINGEY, (Adm. Judge),	)	
	)	
v.	)	
	)	
MARILYNN THOMASON, et al,	)	
	)	
Defendants.	)	

---

**APPEAL SUPPORTING RECORD EXCERPTS**  
**I.A.R. 17**

**VOLUME IV RECORD EXCERPTS INDEX**

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(I.A.R. 17) APPEAL SUPPORTING DOCUMENTS A.1-1004  
Taken From  
2015-cv-0074

Marilynn Thomason, (THOMASON) pro-se  
2184 Channing Way, Box 251  
Idaho Falls, Idaho 83404  
208-419-5638

Ex D. 8



## VOLUME IV

07/11/2019	Order Denying Defendant...I.R.C.P. 59, 60 And I.A.R. 13 Request for Stay Pending Appeal	(Ex D) A.898-899
06/13/2019	Order RE: Motions to Reconsider	(Ex C) A.893-897
06/13/2019	Judgment	(Ex B) A.887-892
06/13/2019	Order of Sale and Decree of Foreclosure	(Ex A) A.880-886
07/26/2019	Amended Notice of Appeal (Second) Including Thomason 07/22/2019 Argument	A.900-949
07/26/2019	Thomason Motion to Disqualify with supporting filings (pp. 1-11)	A.950-952
07/26/2019	Motion to Disqualify Supporting Brief and Affidavit and Proposed Order (pp.3-11)	A.952-957
07/26/2019	Thomason Notice of Hearing...I.A.R. 13 With supporting filings (pp.1-44)	A.961-962
07/26/2019	Thomason Motion For Stay I.A.R. 13 with supporting filings (pp. 3-6)	A.963-966
07/26/2019	Thomason Brief & Exhibits...I.A.R. 13 and Affidavit and Proposed Order (pp. 7-44)	A. 967-1004

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(I.A.R. 17) APPEAL SUPPORTING DOCUMENTS A.1-1004

Taken From  
2015-cv-0074

Marilynn Thomason, (THOMASON) pro-se  
2184 Channing Way, Box 251  
Idaho Falls, Idaho 83404  
208-419-5638

Ex D. 9

CERTIFIED COPY OF COURT R.O.A. has not been included within this Appellant's true and correct copies of court filings by Appellant when it had been evidenced the court R.O.A.'s had been altered, documents had been filed that were not listed upon the R.O.A.'s and evidence that the court had been filing documents to the R.O.A. but court and legal counsels failed to serve the documents upon Appellant.

### CERTIFICATION

Marilynn Thomason, Appellant, certifies the attached appellate filings by Appellant are the true and correct documents filed by Marilynn Thomason during the actions, 4-2015-CV-000100-00 and 2015-cv-0074 and the documents not created by Marilynn Thomason (as included herein) are a copy of the true and correct documents that had been served upon Marilynn Thomason during 4-2015-CV-000100-00 and 2015-cv-0074, and (Appellant) reserves all rights to amend, as needed to serve justice;

The filing of these documents are not to harass, oppress, cause added legal costs or expend added time or effort, but are required under I.A.R. 17 and are necessary to support Appellant's direct appeal action to the Idaho Supreme Court and to protect and ensure justice and prevent added bias, fraud upon the court, fraud, prejudice and manifest injustice;

---

(I.A.R. 17) APPEAL SUPPORTING DOCUMENTS A.1-1004

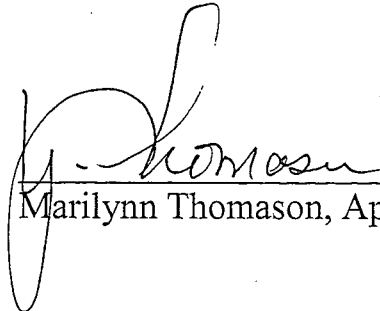
Taken From  
2015-cv-0074

Marilynn Thomason, (THOMASON) pro-se  
2184 Channing Way, Box 251  
Idaho Falls, Idaho 83404  
208-419-5638

Ex D. 10

The documents attached herein had been timely and duly served upon each named party and the court, and further support Appellant's timely and duly notice of appeal;

Dated this August 29, 2018.

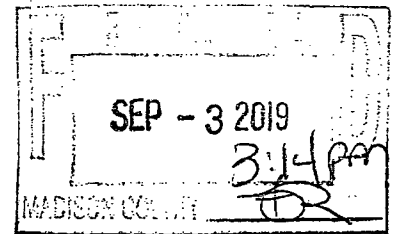
  
Marilynn Thomason, Appellant

///End of Notice of Appeal and I.A.R. 17 Supporting Excerpts of Records///

Delivered USPS  
9505512597489241444712  
Sept 3, 2019 @ 5 AM  
2/3

my dog 3 of 3

MARILYNN THOMASON, pro-se  
2184 Channing Way, Box 251  
Idaho Falls, Idaho, 83404  
208-419-5638



## IDAHO SUPREME COURT

From

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF MADISON

BENEFICIAL FINANCIAL I INC.	)	Idaho Supreme Court Appeal Number:
Plaintiff- <b>RESPONDENT(S)</b> ,	)	Docket No. (Appeal No.) <b>46509-2018</b>
	)	Madison County District Court
(and)	)	<b>CV-2015-74</b>
	)	
GREGORY MOELLER	)	<b>FINAL NOTICE OF APPEAL-</b>
(Former District Judge)	)	<b>(THIRD Amended)</b>
RESPONDENT – ICAR 59,	)	
	)	Taken By A Non-Served, Named
(and)	)	Defendant – Marilynn Thomason
	)	
JOEL TINGEY, (Adm. Judge)	)	
RESPONDENT – ICAR 59,	)	
	)	
v.	)	
	)	
MARILYNN THOMASON,	)	
NON-SERVED Named	)	
Defendant - <b>APPELLANT</b> ,	)	
and	)	
	)	
SERVED and APPEARING <sup>(1)</sup>	)	
DEFENDANTS	)	
LIBERTY PARK IRRIGATIONS	)	ALL APPEAL FEES and DEMANDED
COMPANY, RIGBY, ANDRUS &	)	DOCKET FEES PAID TIMELY and IN
RIGBY, CHARTERED,	)	FULL
Defendants, <b>RESPONDENTS</b> ,	)	
	)	

THIRD AMENDED - FINAL NOTICE OF APPEAL - Pending Appeal no. 46509-2018 from CV-2015-74

and )  
 )  
 SERVED and NON-APPEARING )  
 DEFENDANTS )  
 MADISON COUNTY, IDAHO; )  
 JOHN BAGLEY, TERRENCE BAGLEY, )  
 BEARD ST. CLAIR GAFFNEY PA; )  
 GREG V. THOMASON, DIANA )  
 THOMASON, W. BRENT EAMES, )  
 ABUNDANT LAND )  
 HOLDINGS, LLC, THOMAS C. )  
 LUTHY, LAURA B. LUTHY, )  
 FORSBERG LAW OFFICES, CHTD, )  
 R. SAM HOPKINS, )  
 Non-Appearing Defendants, )  
 )  
 and )  
 )  
 NON-SERVED, NON-APPEARING )  
 NAMED DEFENDANTS )  
 The Unknown Heirs, Assigns and )  
 Devisees of Byron T. (no last name noted) )  
 and DOES 1 Through 20, )  
 Non-served, Non-Appearing )  
 Named Defendants. )  
 )

(1) Defendant names have been incorrectly listed as parties by the Idaho Supreme Court on 12/20/2018 and under Deputy A.G. Brian V. Church (CHURCH)'s documents created jointly by the Idaho Attorney General - Lawrence G. Wasden - Chief of Civil Litigation, Steven L. Olsen and (CHURCH) on Saturday, January 12, 2019, (*Judicial Notice: Appellant's filing dated January 25, 2019 with attached EX C.1-16: Thomason's Objections and Denials to Deputy A.G. Brian Church's January 12, 2019 Motion-Memo, etc.*) and on the 20<sup>th</sup> of March, 2019 Attorney Stoddard furthers the fraud upon the court when Attorney Stoddard fraudulent attempt to change the title page Plaintiff name from Beneficial Financial I. Inc. to John Patrick Grayken dba LSF10 Master Participation Trust.

---

### THIRD AMENDED - FINAL NOTICE OF APPEAL

---

THIRD AMENDED - FINAL NOTICE OF APPEAL - Pending Appeal no. 46509-2018 from CV-2015-74

Marilynn Thomason, (THOMASON) APPELLANT, pro-se  
 2184 Channing Way, Box 251  
 Idaho Falls, Idaho 83404  
 208-419-5638

2 of 11

*Ex D.B*

1 TO: THE ABOVE NAMED RESPONENTS, BENEFICIAL FINAINCIAL I,  
2 INC, et. al., AND PARTIES NAMED LEGAL COUNSELS: ALDRIDGE PETE  
3 DUNCAN CONNORS, LLP, aka INC., (Elisa Magnuson, Lewis Stoddard), 435  
4 JUTLAND DR., SUITE 200, P.O. BOX 17935, SAN DIEGO, CA 92177-0935, (619-  
5 326-2404), 13125 W. PERISOMMON LN., SUITE 150, BOISE, ID 83713 (619-326-  
6 2404), and RIGBY, ANDRUS, RIGBY, CHTD., aka RIGBY, ANDRUS, RIGBY,  
7 CHTD., RIGBY, ANDRUS, RIGBY LAW, PLLC., (Hyrum Erickson) 25 NORTH 2<sup>nd</sup>  
8 EAST, REXBURG, ID 83440 (208-356-3633) and ATTORNEY GENERAL:  
9 LAWRENCE G. WASDEN, STEVEN L. ORSEN and BRIAN V. CHURCH, 954 W.  
10 JEFFERSON STREET, PO Box 83720, BOISE, ID 83720-0010 (208-334-2400);

11 **THIRD** ~~SECOND~~ AMENDED – **FINAL** NOTICE of APPEAL IS HEREBY  
12 GIVEN THAT:

13 The above named appellant, Marilynn Thomason, against the above named  
14 respondents to the Idaho Supreme Court from memorandums, orders, and final  
15 judgments stated herein:

16 **FINAL PENDING ORDER(s) no memorandum was issued or served only a**  
17 **final order denying Appellant** from hearing dated July 22nd, 2019 from (Appellant)'s  
18 scheduled hearing at 2:00 P.M., by Honorable District Judge Steven W. Boyce;

MEMORANDUM and ORDER from (Appellant)'s hearing on July 22<sup>nd</sup>, 2019 at 2:00 P.M., as of the creation of this Notice of ~~Second~~ **Third** Amended - **FINAL** Notice of Appeal, **No** MEMO/ORDER have yet **had** been served upon (Appellant), **only one final order (EX D)** denying (Appellant) of any and all relief, including denial stay with and without bond, denial to set aside, denial for New Trial, denial to Amend-Alter Judgment, denial for reconsideration, denial of sanctions, denial to dismiss for lack of standing, failure to be served, lack of all subject and personal jurisdiction, motions to strike, Objection to Clerk's Court Records, denial for sanctions against Plaintiff(s)/Legal Counsel(s) in addition to the denials against (Appellant) under the Original Notice of Appeal, I.C.A.R. 59 and the First Amended Notice of Appeal;

**Final Order on July 22, 2019 04:38 PM (EX D by Judge Boyce; (VOL. IV - A-D), pp. 880-1004;**

Final Order on June 13, 2019 14:17:54, (EX A) by Judge Boyce;

Judgement on June 13, 2019 14:37:50, (EX B) by Judge Boyce;

Denial for Motion for Reconsideration on June 13, 2019 14:36:20 (EX C) by Judge Boyce;

Memorandum dated December 31, 2018, former Honorable District Judge Gregory Moeller, included in Appeal Volume III, A.679-688 – Addendum to Vols. IA, IB, IIA, IIB, served with this Second Amended Notice of Appeal;

## 39 Appeal Volume III – Appellant’s Filings:

40	06/27/2019	Thomason’s Notice of Hearing	A. 689-690
41	06/27/2019	Thomason’s Motions	A. 691-695
42	06/27/2019	Thomason’s Brief/Affidavit	A. 696-741
43	06/17/2019	Amended Notice of Appeal	A. 742-751
44	06/10/2019	Thomason’s Supporting Arguments	A. 752-758
45	07/03/2019	Thomason’s Amended Notice of	
46		Hearing	A. 757-758
47	05/28/2019	Thomason’s Motions – Sanctions	A. 759-767
48	05/17/2019	Thomason’s Notice of Hearing	A. 768-769
49	05/17/2019	Thomason’s Motions, Brief, Affidavit	A. 770-795
50	05/03/2019	Thomason’s Notice, Objection, Denials	A. 796-802
51	04/25/2019	Thomason’s Motions, Brief, Affidavit	A. 803-825
52	04/25/2019	Thomason’s Motions	A. 826-828
53	04/25/2019	Thomason’s Notice of Hearing	A. 829-830
54	04/15/2019	Thomason’s Objections	A. 831-837
55	04/04/2019	Thomason’s Objections	A. 838-844
56	02/12/2019	Thomason’s Objections	A. 845-851



58 Final Order on 9<sup>th</sup> day of September, 2018 by Honorable Adm. Judge Joel Tingey;

59 Order on 17<sup>th</sup> day of August, 2018 by Honorable Adm. Judge Joel Tingey;

60 Order on 2<sup>nd</sup> day of July, 2018 by Honorable Judge Gregory Moeller;

61 Order on 12<sup>th</sup> day of March, 2018 by Honorable Judge Gregory Moeller;

62 Order on 23<sup>rd</sup> day of January, 2018 by Honorable Judge Gregory Moeller;

63 Order on 19<sup>th</sup> day of January, 2018 by Honorable Judge Gregory Moeller;

64 Order on 3<sup>rd</sup> day of November, 2017 by Honorable Judge Gregory Moeller;

65 Order on 25<sup>th</sup> day of August, 2015 by Honorable Judge Gregory Moeller;

66 Order on 21<sup>st</sup> day of July, 2015 by Honorable Judge Gregory Moeller;

67 R.O.A. dated 12<sup>th</sup> day of September, 2018, 12 pages is attached herein, and due to  
68 evidence within this action involving documents being filed by court and named  
69 plaintiff(s) legal counsel being materially different from documents being served to  
70 appellant, and documents being filed by appellant, and documents being filed by  
71 appellant with the court and appellant's documents being removed from court records,  
72 presenting the R.O.A. is not to be construed that appellant agrees with the attached  
73 R.O.A. nor what the entry asserts, i.e. 04/04/2018 filing never served upon appellant,  
74 etc.;

75 JURISDICTION

76 Appellant has a right to appeal directly to the Idaho Supreme Court and the  
77 asserted R.O.A. memorandums which directly relate to the order/judgments described  
78 and the above paragraphs are appealable and or directly connected to the all appealable  
79 final orders, I.A.R. 11(a)(4), 12, 14(a), I.R.C.P. 54(a)(1) and 54(b)(1);

80 This appeal does not qualify for expedition under I.A.R. 12.2. 12, no 11.1;

81 ISSUES to be PRESENTED ON APPEAL

82 This appeal is directly based upon appellant not being timely nor duly served, the  
83 action by named appellees (plaintiffs) as noted respondents action being barred by Idaho  
84 Statutes of Limitation and Statutes of Fraud and lack of threshold standing, the sitting  
85 judges in the action acting without any subject nor personal jurisdiction, even in a court  
86 of general (original) jurisdiction, fraud upon the court when it was evidenced within the  
87 action that appellees legal counsels were filing documents within the court's records that  
88 were deliberately different from what some respondents / appellees were serving upon  
89 appellant, alteration of records being filed after the fact, including deliberate tampering  
90 and falsification of court recordings, and as the evidence was presented to the court's  
91 sitting judge of the fraud, its lack of jurisdiction and the fraud upon the court that was  
92 being perpetrated within the proceedings before it, including direct threats against  
93 appellant, appellees legal counsels and judge(s), under color of law and in retaliation,  
94 without cause nor evidence, continued their joint threats against appellant "...take the

THIRD AMENDED - FINAL NOTICE OF APPEAL - Pending Appeal no. 46509-2018 from CV-2015-74

*E x D 15*

95 ~~dead~~ deal...or you will pay..”, “...we don’t need standing...only an order...we get the  
96 money...you’re out on the street...”, then proceeded against the appellant, and I.C.A.R.  
97 59 action, indirect violation of I.C.A.R. 59 and I.R.C.P. Rule 75 [contempt proceedings]  
98 and forth coming written appealable order from hearing June 10, 2019 at 2:00 P.M. and  
99 subsequent order(s) upon any motions for reconsider, the Idaho Constitution and the  
100 United States Constitution, Civil Rights and 14<sup>th</sup> Amendment Clauses;

101 No order has been issued to seal any portion or action within the lower court’s  
102 activity and/or the actions listed upon the attached R.O.A.’s in action 2015-cv-0074;

103 Hard Copies of all necessary and requested records, including any reporters’  
104 transcripts being requested by any party, are being requested (This appeal includes  
105 reporter(s)’ transcripts that bluntly differ from the actual hearing that occurred);

106 In addition to the required court records, appellant requests the following records,  
107 including each attached exhibits to the record to be submitted, which appellant shall  
108 provide verification of records or original documents, due to the evidence that  
109 documents being filed in the court records were not the same documents being served  
110 nor relied upon by appellant;

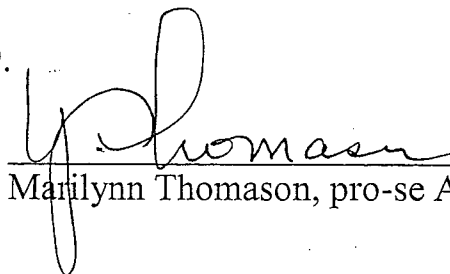
111 All appellant’s filings an any additional required filings received by appellant  
112 from September 28<sup>th</sup>, 2018 through ~~June 10<sup>th</sup>, 2019~~ ~~July 26<sup>th</sup>, 2019~~ July 22, 2019 shall  
113 be augmented into the appeal records ~~upon receiving the forthcoming~~ no final

114 memorandum issued or served only, the a final appealable order/judgment from the  
115 June 10<sup>th</sup>, 2019 July 22<sup>th</sup>, 2019 hearing, ~~an any forthcoming Appellant's motion for~~  
116 ~~reconsideration, etc.~~;  
117 09/27/2018 Appellant's required 2<sup>nd</sup> response to bench order; plus  
118 09/12/2018 Appellant's required 1<sup>st</sup> response to bench order;  
119 08/28/2018 Appellant's notice to the court;  
120 08/22/2018 Appellant's Argument  
121 08/06/2018 Appellant's Objection / Reply  
122 08/01/2018 Appellant's Request for Discovery, Objections...  
123 07/16/2018 Appellant's Objections  
124 04/09/2018 Appellant's Arguments  
125 03/29/2018 Appellant's Arguments  
126 03/23/2018 Appellant's Arguments  
127 02/28/2018 Appellant's Motions, etc.  
128 01/30/2018 Appellant's Motions, Arguments, etc.  
129 10/25/2017 Appellant's Motions, Arguments, etc.  
130 10/24/2017 Appellant's Objections  
131 10/05/2015 Appellant's Objection  
132 09/28/2015 Appellant's Objections

THIRD AMENDED - FINAL NOTICE OF APPEAL - Pending Appeal no. 46509-2018 from CV-2015-74

133 09/18/2015 Appellant's Objections  
134 09/01/2015 Appellant's Objections  
135 08/28/2015 Appellant's Objections  
136 07/31/2015 Appellant's Supplemental Objections  
137 07/29/2015 Appellant's Objections  
138 07/06/2015 Appellant's Motion to Recuse  
139 06/12/2015 Appellant's Objections  
140 03/16/2015 Appellant's Request for Removal to Federal Court

141 DATED this 29<sup>th</sup> day of August, 2019.

142   
Marilynn Thomason, pro-se Appellant

143 CERTIFICATION OF SERVICE

144 Copies of this full FINAL / Vol IV / Third Amended Notice of Appeal was mailed  
145 to each named person/entity, et al., on the 29<sup>th</sup> day of August, 2019, as required under  
146 Rule 20, sent, certified, directly to the Idaho Supreme Court plus Plaintiff(s) alleged  
147 legal counsels: 3/3 9505512597 48924 1444712  
USPS 9/3/19 @ 5 AM

148 PITE-DUNCAN-ALDRIDGE-CONNORS (P.O. Box 17935, San Diego, CA  
149 92177, secondary address: 13125 W. Persimmon Lane, Ste. 150, Boise, ID 83713);  
150 Rigby Andrus Rigby, CHDT, aka Law, PPL 25 N. 2<sup>nd</sup> E., Rexburg, ID 83440;

THIRD AMENDED - FINAL NOTICE OF APPEAL - Pending Appeal no. 46509-2018 from CV-2015-74

151 AG-Idaho, Lawrence G. Wasden, et al., 954 W. Jefferson St., P.O. Box 83720,  
152 Boise, ID 83720-0010;

153 DATED this 29<sup>th</sup> day of August, 2019.

154

State of Idaho

County of Madison

)  
)ss.  
)

Marilynn Thomason  
Marilynn Thomason, pro-se

155 I, Austin W. Judd certify, that on this 29<sup>th</sup> day  
156 of August, 2019, before me appeared Marilynn Thomason, who identified herself to me  
157 with her Idaho photo identification/driver's license as being identified as Marilynn  
158 Thomson, who upon being sworn and deposed stated the information she provided  
159 within this Amended Notice of Appeal are true and correct, under the penalty of perjury,  
160 from personal knowledge, not made to harass, delay nor hinder, had been made of her  
161 own free will and without being forced or placed under duress to make her statements,  
162 and that she will defend her above statements to the fullest extent of the law.



Austin N. Judd  
Notary Public  
Residing at: Rexburg, ID  
Commission Expires: 01/22/25

163 ///End of 11 pages, 164 lines, 1,953 word Third Amended - Final Notice of Appeal-  
164 Supporting Exhibits Vol. 1A ,1B, 2A and 2B; Vol II; Vol. III and Vol IV (EX A-D)///

THIRD AMENDED - FINAL NOTICE OF APPEAL - Pending Appeal no. 46509-2018 from CV-2015-74

*copy 3*  
MARILYNN THOMASON, pro-se  
2184 Channing Way, Box 251  
Idaho Falls, Idaho, 83404  
208-419-5638

**IDAHO SUPREME COURT**

From

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF MADISON

BENEFICIAL FINANCIAL I INC.	)	Idaho Supreme Court Appeal Number:
Plaintiff- <b>RESPONDENT(S)</b> ,	)	Docket No. (Appeal No.) <b>46509-2018</b>
	)	Madison County District Court
(and)	)	<b>CV-2015-74</b>
	)	
GREGORY MOELLER	)	<b>FINAL NOTICE OF APPEAL-</b>
(Former District Judge)	)	<b>(THIRD Amended)</b>
RESPONDENT – ICAR 59,	)	
	)	Taken By A Non-Served, Named
(and)	)	Defendant – Marilynn Thomason
	)	
JOEL TINGEY, (Adm. Judge)	)	
RESPONDENT – ICAR 59,	)	
	)	
v.	)	
	)	
MARILYNN THOMASON,	)	
NON-SERVED Named	)	
Defendant - <b>APPELLANT</b> ,	)	
and	)	
	)	
SERVED and APPEARING <sup>(1)</sup>	)	
DEFENDANTS	)	
LIBERTY PARK IRRIGATIONS	)	ALL APPEAL FEES and DEMANDED
COMPANY, RIGBY, ANDRUS &	)	DOCKET FEES PAID TIMELY and IN
RIGBY, CHARTERED,	)	FULL
Defendants, <b>RESPONDENTS</b> ,	)	
	)	

**ExD. 23**

THIRD AMENDED - FINAL NOTICE OF APPEAL - Pending Appeal no. 46509-2018 from CV-2015-74

and )  
 )  
 SERVED and NON-APPEARING )  
 DEFENDANTS )  
 MADISON COUNTY, IDAHO; )  
 JOHN BAGLEY, TERRENCE BAGLEY, )  
 BEARD ST. CLAIR GAFFNEY PA; )  
 GREG V. THOMASON, DIANA )  
 THOMASON, W. BRENT EAMES, )  
 ABUNDANT LAND )  
 HOLDINGS, LLC, THOMAS C. )  
 LUTHY, LAURA B. LUTHY, )  
 FORSBERG LAW OFFICES, CHTD, )  
 R. SAM HOPKINS, )  
 Non-Appearing Defendants, )  
 )  
 and )  
 )  
 NON-SERVED, NON-APPEARING )  
 NAMED DEFENDANTS )  
 The Unknown Heirs, Assigns and )  
 Devisees of Byron T. (no last name noted) )  
 and DOES 1 Through 20, )  
 Non-served, Non-Appearing )  
 Named Defendants. )  
 )

(1) Defendant names have been incorrectly listed as parties by the Idaho Supreme Court on 12/20/2018 and under Deputy A.G. Brian V. Church (CHURCH)'s documents created jointly by the Idaho Attorney General - Lawrence G. Wasden - Chief of Civil Litigation, Steven L. Olsen and (CHURCH) on Saturday, January 12, 2019, (*Judicial Notice: Appellant's filing dated January 25, 2019 with attached EX C.1-16: Thomason's Objections and Denials to Deputy A.G. Brian Church's January 12, 2019 Motion-Memo, etc.*) and on the 20<sup>th</sup> of March, 2019 Attorney Stoddard furthers the fraud upon the court when Attorney Stoddard fraudulent attempt to change the title page Plaintiff name from Beneficial Financial I. Inc. to John Patrick Grayken dba LSF10 Master Participation Trust.

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### THIRD AMENDED - FINAL NOTICE OF APPEAL

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THIRD AMENDED - FINAL NOTICE OF APPEAL - Pending Appeal no. 46509-2018 from CV-2015-74

Marilynn Thomason, (THOMASON) APPELLANT, pro-se  
 2184 Channing Way, Box 251  
 Idaho Falls, Idaho 83404  
 208-419-5638

2 of 11

Ex D. 24



1 TO: THE ABOVE NAMED RESPONENTS, BENEFICIAL FINANCIAL I,  
2 INC, et. al., AND PARTIES NAMED LEGAL COUNSELS: ALDRIDGE PETE  
3 DUNCAN CONNORS, LLP, aka INC., (Elisa Magnuson, Lewis Stoddard), 435  
4 JUTLAND DR., SUITE 200, P.O. BOX 17935, SAN DIEGO, CA 92177-0935, (619-  
5 326-2404), 13125 W. PERISOMMON LN., SUITE 150, BOISE, ID 83713 (619-326-  
6 2404), and RIGBY, ANDRUS, RIGBY, CHTD., aka RIGBY, ANDRUS, RIGBY,  
7 CHTD., RIGBY, ANDRUS, RIGBY LAW, PLLC., (Hyrum Erickson) 25 NORTH 2<sup>nd</sup>  
8 EAST, REXBURG, ID 83440 (208-356-3633) and ATTORNEY GENERAL:  
9 LAWRENCE G. WASDEN, STEVEN L. ORSEN and BRIAN V. CHURCH, 954 W.  
10 JEFFERSON STREET, PO Box 83720, BOISE, ID 83720-0010 (208-334-2400);

11 THIRD ~~SECOND~~ AMENDED – FINAL NOTICE of APPEAL IS HEREBY  
12 GIVEN THAT:

13 The above named appellant, Marilynn Thomason, against the above named  
14 respondents to the Idaho Supreme Court from memorandums, orders, and final  
15 judgments stated herein:

16 FINAL PENDING ORDER(s) no memorandum was issued or served only a  
17 final order denying Appellant from hearing dated July 22nd, 2019 from (Appellant)'s  
18 scheduled hearing at 2:00 P.M., by Honorable District Judge Steven W. Boyce;

MEMORANDUM and ORDER from (Appellant)'s hearing on July 22<sup>nd</sup>, 2019 at 2:00 P.M., as of the creation of this Notice of ~~Second~~ **Third** Amended - **FINAL** Notice of Appeal, No MEMO/ORDER have yet had been served upon (Appellant), only one final order (EX D) denying (Appellant) of any and all relief, including denial stay with and without bond, denial to set aside, denial for New Trial, denial to Amend-Alter Judgment, denial for reconsideration, denial of sanctions, denial to dismiss for lack of standing, failure to be served, lack of all subject and personal jurisdiction, motions to strike, Objection to Clerk's Court Records, denial for sanctions against Plaintiff(s)/Legal Counsel(s) in addition to the denials against (Appellant) under the Original Notice of Appeal, I.C.A.R. 59 and the First Amended Notice of Appeal;

Final Order on July 22, 2019 04:38 PM (EX D by Judge Boyce; (VOL. IV - A-D), pp. 880-1004;

Final Order on June 13, 2019 14:17:54, (EX A) by Judge Boyce;

Judgement on June 13, 2019 14:37:50, (EX B) by Judge Boyce;

Denial for Motion for Reconsideration on June 13, 2019 14:36:20 (EX C) by Judge Boyce;

Memorandum dated December 31, 2018, former Honorable District Judge Gregory Moeller, included in Appeal Volume III, A.679-688 – Addendum to Vols. IA, IB, IIA, IIB, served with this Second Amended Notice of Appeal;

THIRD AMENDED - FINAL NOTICE OF APPEAL - Pending Appeal no. 46509-2018 from CV-2015-74

Ex D.26

## 39 Appeal Volume III – Appellant’s Filings:

40	06/27/2019	Thomason’s Notice of Hearing	A. 689-690
41	06/27/2019	Thomason’s Motions	A. 691-695
42	06/27/2019	Thomason’s Brief/Affidavit	A. 696-741
43	06/17/2019	Amended Notice of Appeal	A. 742-751
44	06/10/2019	Thomason’s Supporting Arguments	A. 752-758
45	07/03/2019	Thomason’s Amended Notice of	
46		Hearing	A. 757-758
47	05/28/2019	Thomason’s Motions – Sanctions	A. 759-767
48	05/17/2019	Thomason’s Notice of Hearing	A. 768-769
49	05/17/2019	Thomason’s Motions, Brief, Affidavit	A. 770-795
50	05/03/2019	Thomason’s Notice, Objection, Denials	A. 796-802
51	04/25/2019	Thomason’s Motions, Brief, Affidavit	A. 803-825
52	04/25/2019	Thomason’s Motions	A. 826-828
53	04/25/2019	Thomason’s Notice of Hearing	A. 829-830
54	04/15/2019	Thomason’s Objections	A. 831-837
55	04/04/2019	Thomason’s Objections	A. 838-844
56	02/12/2019	Thomason’s Objections	A. 845-851

57 01/25/2019

Thomason's Objections

A. 852-879

58 Final Order on 9<sup>th</sup> day of September, 2018 by Honorable Adm. Judge Joel Tingey;

59 Order on 17<sup>th</sup> day of August, 2018 by Honorable Adm. Judge Joel Tingey;

60 Order on 2<sup>nd</sup> day of July, 2018 by Honorable Judge Gregory Moeller;

61 Order on 12<sup>th</sup> day of March, 2018 by Honorable Judge Gregory Moeller;

62 Order on 23<sup>rd</sup> day of January, 2018 by Honorable Judge Gregory Moeller;

63 Order on 19<sup>th</sup> day of January, 2018 by Honorable Judge Gregory Moeller;

64 Order on 3<sup>rd</sup> day of November, 2017 by Honorable Judge Gregory Moeller;

65 Order on 25<sup>th</sup> day of August, 2015 by Honorable Judge Gregory Moeller;

66 Order on 21<sup>st</sup> day of July, 2015 by Honorable Judge Gregory Moeller;

67 R.O.A. dated 12<sup>th</sup> day of September, 2018, 12 pages is attached herein, and due to  
68 evidence within this action involving documents being filed by court and named  
69 plaintiff(s) legal counsel being materially different from documents being served to  
70 appellant, and documents being filed by appellant, and documents being filed by  
71 appellant with the court and appellant's documents being removed from court records,  
72 presenting the R.O.A. is not to be construed that appellant agrees with the attached  
73 R.O.A. nor what the entry asserts, i.e. 04/04/2018 filing never served upon appellant,  
74 etc.;

75 JURISDICTION

EXD.28

76 Appellant has a right to appeal directly to the Idaho Supreme Court and the  
77 asserted R.O.A. memorandums which directly relate to the order/judgments described  
78 and the above paragraphs are appealable and or directly connected to the all appealable  
79 final orders, I.A.R. 11(a)(4), 12, 14(a), I.R.C.P. 54(a)(1) and 54(b)(1);

80 This appeal does not qualify for expedition under I.A.R. 12.2. 12, no 11.1;

81 ISSUES to be PRESENTED ON APPEAL

82 This appeal is directly based upon appellant not being timely nor duly served, the  
83 action by named appellees (plaintiffs) as noted respondents action being barred by Idaho  
84 Statutes of Limitation and Statutes of Fraud and lack of threshold standing, the sitting  
85 judges in the action acting without any subject nor personal jurisdiction, even in a court  
86 of general (original) jurisdiction, fraud upon the court when it was evidenced within the  
87 action that appellees legal counsels were filing documents within the court's records that  
88 were deliberately different from what some respondents / appellees were serving upon  
89 appellant, alteration of records being filed after the fact, including deliberate tampering  
90 and falsification of court recordings, and as the evidence was presented to the court's  
91 sitting judge of the fraud, its lack of jurisdiction and the fraud upon the court that was  
92 being perpetrated within the proceedings before it, including direct threats against  
93 appellant, appellees legal counsels and judge(s), under color of law and in retaliation,  
94 without cause nor evidence, continued their joint threats against appellant "...take the

95 ~~dead~~ deal...or you will pay..”, “...we don’t need standing...only an order...we get the  
96 money...you’re out on the street...”, then proceeded against the appellant, and I.C.A.R.  
97 59 action, indirect violation of I.C.A.R. 59 and I.R.C.P. Rule 75 [contempt proceedings]  
98 and forth coming written appealable order from hearing June 10, 2019 at 2:00 P.M. and  
99 subsequent order(s) upon any motions for reconsider, the Idaho Constitution and the  
100 United States Constitution, Civil Rights and 14<sup>th</sup> Amendment Clauses;

101 No order has been issued to seal any portion or action within the lower court’s  
102 activity and/or the actions listed upon the attached R.O.A.’s in action 2015-cv-0074;

103 Hard Copies of all necessary and requested records, including any reporters’  
104 transcripts being requested by any party, are being requested (This appeal includes  
105 reporter(s)’ transcripts that bluntly differ from the actual hearing that occurred);

106 In addition to the required court records, appellant requests the following records,  
107 including each attached exhibits to the record to be submitted, which appellant shall  
108 provide verification of records or original documents; due to the evidence that  
109 documents being filed in the court records were not the same documents being served  
110 nor relied upon by appellant;

111 All appellant’s filings an any additional required filings received by appellant  
112 from September 28<sup>th</sup>, 2018 through ~~June 10<sup>th</sup>, 2019~~ ~~July 26<sup>th</sup>, 2019~~ July 22, 2019 shall  
113 be are augmented into the appeal records ~~upon receiving the forthcoming~~ no final

114 memorandum issued or served only, the a final appealable order/judgment from the  
115 ~~June 10<sup>th</sup>, 2019~~ July 22<sup>th</sup>, 2019 hearing, ~~an any forthcoming Appellant's motion for~~  
116 ~~reconsideration, etc.;~~  
117 09/27/2018 Appellant's required 2<sup>nd</sup> response to bench order; plus  
118 09/12/2018 Appellant's required 1<sup>st</sup> response to bench order;  
119 08/28/2018 Appellant's notice to the court;  
120 08/22/2018 Appellant's Argument  
121 08/06/2018 Appellant's Objection / Reply  
122 08/01/2018 Appellant's Request for Discovery, Objections...  
123 07/16/2018 Appellant's Objections  
124 04/09/2018 Appellant's Arguments  
125 03/29/2018 Appellant's Arguments  
126 03/23/2018 Appellant's Arguments  
127 02/28/2018 Appellant's Motions, etc.  
128 01/30/2018 Appellant's Motions, Arguments, etc.  
129 10/25/2017 Appellant's Motions, Arguments, etc.  
130 10/24/2017 Appellant's Objections  
131 10/05/2015 Appellant's Objection  
132 09/28/2015 Appellant's Objections

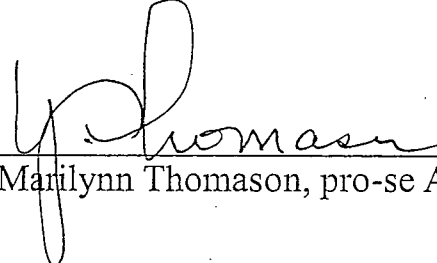
THIRD AMENDED - FINAL NOTICE OF APPEAL - Pending Appeal no. 46509-2018 from CV-2015-74

E x D, 31

133 09/18/2015 Appellant's Objections  
134 09/01/2015 Appellant's Objections  
135 08/28/2015 Appellant's Objections  
136 07/31/2015 Appellant's Supplemental Objections  
137 07/29/2015 Appellant's Objections  
138 07/06/2015 Appellant's Motion to Recuse  
139 06/12/2015 Appellant's Objections  
140 03/16/2015 Appellant's Request for Removal to Federal Court

141 DATED this 29<sup>th</sup> day of August, 2019.

142

  
Marilynn Thomason, pro-se Appellant

143 CERTIFICATION OF SERVICE

144 Copies of this full FINAL / Vol IV / Third Amended Notice of Appeal was mailed  
145 to each named person/entity, et al., on the 29<sup>th</sup> day of August, 2019, as required under  
146 Rule 20, sent, certified, directly to the Idaho Supreme Court plus Plaintiff(s) alleged  
147 legal counsels: *3/3 950551259748924 1444712*  
*USPS 9/3/19 @ 5 AM*

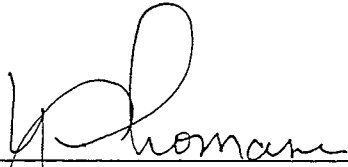
148 PITE-DUNCAN-ALDRIDGE-CONNORS (P.O. Box 17935, San Diego, CA  
149 92177, secondary address: 13125 W. Persimmon Lane, Ste. 150, Boise, ID 83713);  
150 Rigby Andrus Rigby, CHDT, aka Law, PPL 25 N. 2<sup>nd</sup> E., Rexburg, ID 83440;



151 AG-Idaho, Lawrence G. Wasden, et al., 954 W. Jefferson St., P.O. Box 83720,  
152 Boise, ID 83720-0010;

153 DATED this 29<sup>th</sup> day of August, 2019.

154

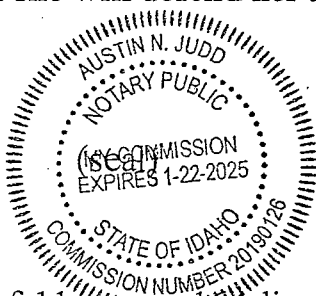
  
Marilynn Thomason, pro-se

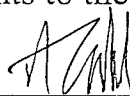
State of Idaho )

)ss.

County of Madison )

155 I, Austin N. Judd certify, that on this 29<sup>th</sup> day  
156 of August, 2019, before me appeared Marilyn Thomason, who identified herself to me  
157 with her Idaho photo identification/driver's license as being identified as Marilyn  
158 Thomson, who upon being sworn and deposed stated the information she provided  
159 within this Amended Notice of Appeal are true and correct, under the penalty of perjury,  
160 from personal knowledge, not made to harass, delay nor hinder, had been made of her  
161 own free will and without being forced or placed under duress to make her statements,  
162 and that she will defend her above statements to the fullest extent of the law.



  
Notary Public  
Residing at: Rexburg, ID  
Commission Expires: 01/22/25

163 ///End of 11 pages, 164 lines, 1,953 word Third Amended - Final Notice of Appeal-  
164 Supporting Exhibits Vol. 1A, 1B, 2A and 2B; Vol II; Vol. III and Vol IV (EX A-D)///

IN THE SUPREME COURT OF THE STATE OF IDAHO

BENEFICIAL FINANCIAL I, INC.,

Plaintiff-Respondent,

v.

MARILYNN T. THOMASON,

Defendant-Appellant,

and

The Unknown Heirs, Assigns and Devisees  
of BYRON T, MADISON COUNTY, IDAHO;  
JOHN BAGLEY, TERRENCE BAGLEY,  
BEARD ST. CLAIR GAFFNEY PA, GREG  
V. THOMASON, DIANA THOMASON, W.  
BRENT EAMES, LIBERTY PARK  
IRRIGATION COMPANY, RIGBY,  
ANDRUS & RIGBY CHARTERED,  
SECURITY FINANCIAL FUND, LLC,  
MERRILL & MERRILL CHARTERED,  
ABUNDANT LAND HOLDINGS, LLC,  
THOMAS C. LUTHY, LAURA B. LUTHY,  
FORSBERG LAW OFFICES, CHTD, R.  
SAM HOPKINS, and DOES 1 through 20,

Defendants.

Order Re: Motions

Docket No. 46509-2018

Madison County District Court  
CV-2015-74

1. THOMASON'S MOTION FOR DISQUALIFICATION, I.R.C.P. RULE 40(d), THOMASON'S MOTION FOR STAY I.A.R. 13 with THOMASON'S BRIEF & EXHIBITS FOR: MOTION FOR STAY I.A.R 13, and THOMASON'S NOTICE OF HEARING: MOTION FOR STAY I.A.R. 13 were filed by Appellant Marilynn Thomason on July 29, 2019.
2. An OPPOSITION TO APPELLANT'S MOTION TO DISQUALIFY, an OPPOSITION TO APPELLANT'S REQUEST FOR STAY, and an AFFIDAVIT OF COUNSEL IN SUPPORT OF RESPONDENT'S OPPOSITION TO APPELLANT'S REQUEST FOR STAY with attachments, were filed by counsel for Respondents on August 6, 2019.

The Court is fully advised; therefore, good cause appearing,

ORDER RE: MOTIONS – Docket No. 46509

E. I

B. 1


1

IT IS HEREBY ORDERED that THOMASON'S MOTION FOR DISQUALIFICATION be, and is hereby, DENIED. Justice Moeller has recused himself from this appeal, and Appellant has failed to state adequate grounds to support disqualification as to the remainder of the request.

IT IS FURTHER ORDERED that THOMASON'S MOTION FOR STAY be, and is hereby, DENIED, unless Appellant posts a bond in at least the amount of \$176,190.81.

Dated August 26, 2019.

By Order of the Supreme Court



Karel A. Lehrman  
Clerk of the Courts

cc: Marilyn T. Thomason, pro se Appellant  
Counsel of Record

E.2

~~B.2~~

~~E.2~~  
of 3

## NOTICE OF SHERIFF'S SALE

Under and by virtue of a Writ of Execution on Judgment of Foreclosure issued on \_\_09/13/2019\_\_\_\_\_, and an Order of Sale of Foreclosure issued on June 13, 2019, out of the District Court of the Seventh Judicial District of the State of Idaho, in and for the County of Madison in the case of:

LSF10 MASTER PARTICIPATION TRUST,

Plaintiff,

v.

MARILYNN T. THOMASON; ET AL.,

Defendants.

Case No. CV-2015-0000074

Sheriff Case No. 201900724

### NOTICE OF SALE

Date of Sale: Wednesday October 30, 2019

Time of Sale: 10:00 A.M.

Place of Sale: Madison County Courthouse  
(159 E. Main St. Rexburg, ID 83440)

NOTICE IS HEREBY GIVEN, that on the \_\_30th\_\_ day of \_\_October\_\_ 20\_\_19\_\_, at \_\_10\_\_ o'clock am/pm of said day, at \_\_Madison County Courthouse\_\_, I am commanded and required to proceed to notice for sale to sell at public auction the real property described in said Order for Sale of Foreclosure and Writ of Execution and to apply the proceeds of such sale to the satisfaction of said Judgment and Decree of Foreclosure with interest thereon and my fees and costs, all payable at time of sale to the highest bidder, for the following described property, situated in Madison County, Idaho:

**7276 West 3200 South, Rexburg, ID 83440** and legally described as follows:

BEGINNING AT A POINT ON THE SECTION LINE THAT IS SOUTH 89°29'35" EAST 920.50 FEET FROM THE NORTHWEST CORNER OF SECTION 7, TOWNSHIP 5 NORTH, RANGE 39 EAST, BOISE MERIDIAN, MADISON COUNTY, IDAHO, SAID POINT IS A BLM BRASS CAP, AND

E.3

RUNNING THENCE

SOUTH 01°05'00" EAST 361.5 FEET; THENCE

SOUTH 89°29'35" EAST 361.5 FEET; THENCE

NORTH 01°05'00" WEST 361.5 FEET; THENCE

NORTH 89°29'35" WEST 361.5 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH A 30 FOOT WIDE RIGHT OF WAY FOR INGRESS AND EGRESS FROM THE COUNTY ROAD ACROSS THE NORTH HALF NORTHWEST QUARTER OF SECTION 7 TO SAID PROPERTY.

MORE PROPERLY DESCRIBED AS:

PARCEL I:

BEGINNING AT A POINT ON THE SECTION LINE THAT IS SOUTH 89°29'35" EAST 920.50 FEET FROM THE NORTHWEST CORNER OF SECTION 7, TOWNSHIP 5 NORTH, RANGE 39 EAST, BOISE MERIDIAN, MADISON COUNTY, IDAHO, SAID POINT IS A BLM BRASS CAP, AND RUNNING THENCE

SOUTH 01°05'00" EAST 361.5 FEET; THENCE

SOUTH 89°29'35" EAST 361.5 FEET; THENCE

NORTH 01°05'00" WEST 361.5 FEET; THENCE

NORTH 89°29'35" WEST 361.5 FEET TO THE POINT OF BEGINNING.

PARCEL II:

TOGETHER WITH A 30 FOOT WIDE RIGHT OF WAY FOR INGRESS AND EGRESS FROM THE COUNTY ROAD ACROSS THE NORTH HALF NORTHWEST QUARTER OF SECTION 7 TO SAID PROPERTY.

The sale will be made without covenant or warranty regarding title, possession, or encumbrances to satisfy the obligation of Defendants pursuant to the Judgment entered in this matter, and recorded in the official records of Madison County.

The real property sold at the sale shall be subject to the redemption rights of redemptioners, as that term is defined in Idaho Code Section 11-402, may redeem the property from the purchaser within six months after the sale, upon paying the purchaser the amount of their purchase, with interest on that amount at the rate allowed by Idaho Code from the date of the sale to the date of redemption, together with the amount of any assessment or taxes which the purchaser may have paid after the commencement of the action and which are not included in the judgment and interest allowed pursuant to Idaho Code Section.

In the event the purchaser is a creditor having a prior lien to that of the redemptioners,

E. 9

other than the judgment under which the purchase is made, the purchaser will also be entitled to payment of that lien amount with interest at the rate allowed in Idaho Code Section 18-22-104(1).

The Sheriff, by Certificate of Sale, will transfer all right, title and interest of the judgment debtors in and to the property at the time of execution of attachment was levied.

DATED this 30 day of Sept, 2019.

DEPUTY SHERIFF OF MADISON  
COUNTY, IDAHO

By: 

NOTE: THE SHERIFF'S OFFICE DOES NOT GUARANTEE CLEAR TITLE OR GUARANTEE CONTINUED POSSESSORY RIGHTS.

EVERY PERSON WHO INTENTIONALLY DEFACES, OBLITERATES, TEARS DOWN OR DESTROYS THIS NOTICE, BEFORE THE EXPIRATION OF THE TIME FOR WHICH IT IS TO REMAIN SET UP, IS GUILTY OF A MISDEMEANOR (I.C. ' 18-3205).

e.s

*My copy*

MARILYNN THOMASON, pro-se  
2184 Channing Way, Box 251  
Idaho Falls, Idaho, 83404  
208-419-5638

**IDAHO SUPREME COURT**

From

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN  
AND FOR THE COUNTY OF MADISON

BENEFICIAL FINANCIAL I INC.,	)	Idaho Supreme Court Appeal Number:
Plaintiff-Respondent,	)	Docket No. (Appeal No.) 46509-2018
	)	Madison County District Court
	)	CV-2015-74
v.	)	
	)	THOMASON'S BRIEF / OBJECTION
	)	to Court Clerk's FRAUDULENT ORDER:
MARILYNN THOMASON,	)	
NON-SERVED Named Defendant -	)	
APPELLANT	)	
and	)	
	)	
The Unknown Heirs, Assigns and	)	
Devisees of BYRON T, MADISON	)	
COUNTY, IDAHO; JOHN BAGLEY,	)	
TERRENCE BAGLEY, BEARD ST.	)	
CLAIR GAFFNEY PA, GREG V.	)	
THOMASON, DIANA THOMASON,	)	
W. BRENT EAMES, LIBERTY	)	
PARK IRRIGATIONS COMPANY,	)	
RIGBY, ANDRUS & RIGBY	)	
CHARTERED, ABUNDANT LAND	)	
HOLDINGS, LLC, THOMAS C.	)	
LUTHY, LAURA B. LUTHY,	)	
FORSBERG LAW OFFICES, CHTD,	)	
R. SAM HOPKINS, and DOES 1	)	
Through 20,	)	
Defendants. <sup>(1)</sup>	)	(Trial by Jury Action)

(1) Defendant names have been incorrectly listed as parties by the Idaho Supreme Court on 12/20/2018 and under Deputy A.G. Brian V. Church (CHURCH)'s documents created jointly by the Idaho Attorney General - Lawrence G. Wasden - Chief of Civil Litigation, Steven L. Olsen and (CHURCH) on Saturday, January 12, 2019, (*Judicial Notice: Appellant's filing dated January 25, 2019 with attached EX C.1-16: Thomason's Objections and Denials to Deputy A.G. Brian Church's January 12, 2019 Motion-Memo, etc.*) and on the 20<sup>th</sup> of March, 2019 Attorney Stoddard furthers the fraud upon the court when Attorney Stoddard fraudulent attempt to change the title page Plaintiff name from Beneficial Financial I. Inc. to John Patrick Grayken dba LSF10 Master Participation Trust.

APPEAL 46509-2018 from CV-2015-74  
THOMASON'S OBJECTION to CLERK OF THE COURT'S ORDER

Marilynn Thomason, (THOMASON) APPELLANT, pro-se  
2184 Channing Way, Box 251  
Idaho Falls, Idaho 83404  
208-419-5638

1 of 5

*E.6*


1 On Tuesday, September 3, 2019 at 1:15 P.M. the United States Postal Service personally  
2 delivered to Marilyn Thomason (Thomason) a two (2) page document which the "Clerk of the Court"  
3 Karel A. Lehrman, (Clerk) self-created and signed 'Order', in direct violation of Idaho Constitution  
4 fraudulently acting as a Justice of the Idaho Supreme Court, issuing an illegal and fraudulent order,  
5 dated on August 26, 2019, delivered in an envelope with an 'in office post mark' of August 27, 2019,  
6 meter number 02 4W 000035917, with no post mark;

7 (Clerk)'s illegal/fraudulent 'Order' is in direct violation of every article of the Idaho  
8 Constitution and Statutes of Idaho regarding the duties of Clerk of the Courts, Judges, and Justices'  
9 appointments, duties, authorities and rights granted under the Idaho Constitution, Idaho Statutes and  
10 Idaho Rules, including, but not limited to Idaho Constitution, Article V, Secs 5, 26; Idaho Codes 1-402  
11 through 408; Idaho Codes 1-201 through 215; I.A.R. Rule 13(g); I.A.R. Rule 26(c);

12 There was/nor is any supporting decision nor memorandum nor judgment nor order, signed nor  
13 issued by any Justice and/or Judge, nor delivered to (Thomason), only a two page partial notice of  
14 filings by (Thomason) (page 1 of 2) the (Clerk)'s self-created, illegal and fraudulent 'Order' (page 2 of  
15 2) in direct violation of the US. Constitution, Article III; Idaho Constitution, Article V, sec 26; Idaho  
16 Codes 1-402 through 408, 1-201 through 215, 1-2401 through 2411; Idaho Court System, Chapter 9,  
17 duties of Justices, Judges and Clerk(s) of the Court, which states in pertinent parts: "...The Idaho  
18 Supreme Court hires and directs the clerk of the court's office...The Clerks ...process all appellate  
19 filings...distributes opinions and all order of the Idaho Supreme Court and the Idaho Court of Appeal  
20 [including under disqualification...change of venue...State Bar...Licensing...discipline...] and can  
21 administer the oath...to incoming attorneys.";

APPEAL 46509-2018 from CV-2015-74  
THOMASON's OBJECTION to CLERK OF THE COURT's ORDER

Marilynn Thomason, (THOMASON) APPELLANT, pro-se  
2184 Channing Way, Box 251  
Idaho Falls, Idaho 83404  
208-419-5638

  
2 of 5



22 Nowhere, in any authority of any court, justice or judge of the United States, is any clerk of any  
23 court given any authority to act as a judge or justice, to create any judicial order, including under  
24 disqualification, order for stay and/or assert and/or declare any allegation to issues of fact and/or law;

25 As has all too often occurred under clerk of the court usurps of authority, often times using their  
26 position for personal gain and resulting in aiding and abetting in criminal acts, (Clerk) evidences such  
27 usurp of authority in not only using the United States Postal Service to facilitate the (Clerk)'s fraud but  
28 usurps the (Clerk)'s authority by acting illegally and fraudulently as a self-appointed Justice / Judge of  
29 the Idaho Supreme Court and self-creates an order based upon some alleged claim of "The Court is  
30 fully advised, good cause appearing IT IS HEREBY ORDER...(solely signed by) Karel A. Lehrman  
31 Clerk of the Courts." [*Evans v Click*, 102 Idaho 443, 631 P.2d 614 (Idaho 1981) pg. 158 "F"; *Idaho*  
32 *Code Ann 13-202(4) Westlaw 2006*];

33 As detailed in (Thomason)'s filing since July 2019 that included and AMENDED NOTICE OF  
34 APPEAL, MOTION TO DISQUALIFY, MOTION FOR STAY, etc. Justice Burdick, Justice Moeller  
35 and Judge Gratton are three individuals that must formally disqualify from all issues before the Idaho  
36 Supreme Court / Idaho Court of Appeals, regarding any action in 46509-2018 and the remaining three  
37 (3) Idaho Supreme Court Justice must issue an order regarding (Thomason)'s motion for stay, which  
38 requires a supporting memorandum because motions for stay is an appealable action that requires  
39 findings of facts, law and final order as does motions for disqualification, not mere self-created  
40 fraudulent and illegal orders by a hired clerk of the court;

41 If the self-created fraudulent and illegal order by a clerk of the court is allowed, (Thomason)  
42 will not be granted due process nor equal protection under the Idaho Statutes nor under the United  
43 States Constitution – will Equal Protection and Due process clauses and the openly applied bias and

APPEAL 46509-2018 from CV-2015-74  
THOMASON's OBJECTION to CLERK OF THE COURT's ORDER

Marilynn Thomason, (THOMASON) APPELLANT, pro-se  
2184 Channing Way, Box 251  
Idaho Falls, Idaho 83404  
208-419-5638

E. 8

44 prejudice against (Thomason) continue against women and elderly, as well as fraudulent acts in  
45 violation of Federal – Aiding and Abetting Statutes in criminal activity directly involving money  
46 laundering and illegal conversion for and in behalf of known drug cartels associates, declared enemies  
47 of the United States. (Thomason) has no belief any of the three named individuals to be disqualified  
48 and the (Clerk) herein will serve justice when it comes to (Thomason), that justice will be served or the  
49 laws, rules or authorities will be justly applied to (Thomason);

50 UPON being served by **certified United States Postal Service** an ORDER with supporting  
51 memorandum of fact and law, signed by one or all of the three remaining Justices of the Idaho  
52 Supreme Court, which are Supreme Court Justice – Robyn M. Brody, Supreme Court Justice – G.  
53 Richard Bevan and/or Supreme Court Justice – John R. Stegners, (Thomason) reserves the right to  
54 respond to their Memorandum and Order within the allowed time frame;

55 The reason behind having the forthcoming Memorandum and Order served upon (Thomason)  
56 by certified mail is due to the fact that the clerk of the court has evidences that not only is counsel,  
57 Stoddard, deliberately falsifying mailing to (Thomason) but the clerk of the court has followed  
58 Stoddard's lead by holding onto mailing so mailing arrive barely within 7 days of a timely response  
59 and/or objection would be due, further denying (Thomason) equal protection and due process under  
60 the United States Constitution, 14<sup>th</sup> Amendment;

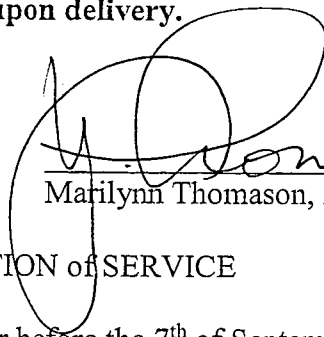
61 Case in point: Thomason has filed three Amended Notices of Appeal and a Final Notice of  
62 Appeal, and not once has the Clerk of the Court ever served upon (Thomason) any notice of such  
63 filings or filing by counsel accept one served upon (Thomason) after a response was required, hence  
64 why (Thomason) demands the Idaho Supreme Court to serve (Thomason) so to preserve justice,

APPEAL 46509-2018 from CV-2015-74  
THOMASON's OBJECTION to CLERK OF THE COURT's ORDER

Marilynn Thomason, (THOMASON) APPELLANT, pro-se  
2184 Channing Way, Box 251  
Idaho Falls, Idaho 83404  
208-419-5638

(Thomason) demands all mailings from any appearing legal counsel and the Clerk of the Court to be by certified mail, requiring a signature upon delivery.

Dated this 7<sup>th</sup> September, 2019.

  
Marilynn Thomason, Appellant

CERTIFICATION of SERVICE

I, Marilyn Thomason, does certify that on or before the 7<sup>th</sup> of September, 2019 a true and correct copy of this notice of hearing, supporting brief/affidavit and certificate of service has been timely and duly served upon the following named person(s)/entities by United States Pre-paid mail, or as stated below:

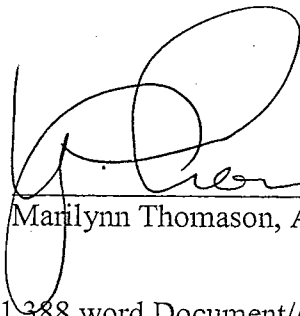
USPS # 9505-5125-9746-9250-4464  
Idaho Supreme Court has been directly served this timely filing by (APPELLANT) and 24

FBI and DOJ in the manner under USAG-Barr;

Plaintiff(s) alleged legal counsel (STODDARD) 13125 W. Persimmon Lane, Ste. 150, Boise, ID 83713); (plus)

Liberty Park Irrigation Company, c/o Hyrum Erickson 25 North 2<sup>nd</sup> East, Rexburg, Idaho 83440;

DATED this 7<sup>th</sup> of September, 2019.

  
Marilynn Thomason, Appellant

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