

1 John F. Hutchens, *grantee's agent; Tenant-in-Chief, Warden of the Forests & Stannaries, Curator*  
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3 T.W. Arman, *pro se*; sole stockholder: Iron Mountain Mines, Inc. President, Chairman, CEO  
4 P.O. Box 992867, Redding, CA 96099 530-275-4550, fax 530-275-4559  
5 Iron Mountain Mines, Inc.; corporation property in the custody of the United States of America  
6 P.O. Box 992867, Redding, CA 96099, T.W. Arman, sole stockholder, no parent corporation.  
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8 **IN THE UNITED STATES COURT OF FEDERAL CLAIMS**

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10 **TWO MINERS & 8000 ACRES OF LAND) USCFC #. 09-207 L Judge Christine O. C. Miller**  
11 **IRON MOUNTAIN MINES, INC. et al, ) APPLICATION FOR EX PARTE WRIT OF**  
12 **T.W. ARMAN and JOHN F. HUTCHENS,) POSSESSION EXECUTED UNDER OATH,**  
13 **(real parties in interest), "Two Miners" ) STATEMENTS OF ENTITLEMENT TO**  
14 **Under God, Indivisible! Plaintiffs ) POSSESSION, EVIDENCE OF TITLE,**  
15 **v. ) UNLAWFUL DETAINER AFTER NEGLECT**  
16 **UNITED STATES Defendants ) AND FAILURE TO PERFORM, EMERGENCY**  
17 **WRITTEN NOTICE TO TERMINATE. ) INTERVENTION WITH PROBABLE CAUSE.**

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19 **RIGHT OF PRESENT POSSESSION COMPELLED ON PRIORITY OF ABSOLUTE TITLE.**

20 **EX PARTE ADVERSE CLAIMS POSSESSION AND EJECTMENT EXECUTION**

21 **§ 6973. Imminent hazard**

22 (a) Authority of Administrator

23 Notwithstanding any other provision of this chapter, upon receipt of evidence that the  
24 past or present handling, storage, treatment, transportation or disposal of any solid  
25 waste or hazardous waste may present an imminent and substantial endangerment to  
26 health or the environment, the Administrator may bring suit on behalf of the United  
27 States in the appropriate district court against any person (including any past or pre-  
28 sent generator, past or present transporter, or past or present owner or operator of a

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Application for ex parte Writ of Possession Executed under Oath.

1 treatment, storage, or disposal facility) who has contributed or who is contributing to  
2 such handling, storage, treatment, transportation or disposal to restrain such person  
3 from such handling, storage, treatment, transportation, or disposal, to order such per-  
4 son to take such other action as may be necessary, or both. A transporter shall not be  
5 deemed to have contributed or to be contributing to such handling, storage, treatment,  
6 or disposal taking place after such solid waste or hazardous waste has left the posses-  
7 sion or control of such transporter if the transportation of such waste was under a sole  
8 contractual arrangement arising from a published tariff and acceptance for carriage  
9 by common carrier by rail and such transporter has exercised due care in the past or  
10 present handling, storage, treatment, transportation and disposal of such waste. The  
11 Administrator shall provide notice to the affected State of any such suit. The Adminis-  
12 trator may also, after notice to the affected State, take other action under this section  
13 including, but not limited to, issuing such orders as may be necessary to protect public  
14 health and the environment.

15 (b) Violations

16 Any person who willfully violates, or fails or refuses to comply with, any order of the  
17 Administrator under subsection (a) of this section may, in an action brought in the ap-  
18 propriate United States district court to enforce such order, be fined not more than  
19 \$5,000 for each day in which such violation occurs or such failure to comply continues.

20 (c) Immediate notice

21 Upon receipt of information that there is hazardous waste at any site which has pre-  
22 sented an imminent and substantial endangerment to human health or the environ-  
23 ment, the Administrator shall provide immediate notice to the appropriate local gov-  
24 ernment agencies. In addition, the Administrator shall require notice of such endan-  
25 germent to be promptly posted at the site where the waste is located.

26 (d) Public participation in settlements

27 Whenever the United States or the Administrator proposes to covenant not to sue or to  
28 forbear from suit or to settle any claim arising under this section, notice, and opportu-

1 nity for a public meeting in the affected area, and a reasonable opportunity to com-  
2 ment on the proposed settlement prior to its final entry shall be afforded to the public.  
3 The decision of the United States or the Administrator to enter into or not to enter  
4 into such Consent Decree, covenant or agreement shall not constitute a final agency  
5 action subject to judicial review under this chapter or chapter 7 of title 5.

6 **§ 706. Scope of review**

7 To the extent necessary to decision and when presented, the reviewing court shall decide all rele-  
8 vant questions of law, interpret constitutional and statutory provisions, and determine the meaning  
9 or applicability of the terms of an agency action. The reviewing court shall—

10 (1) compel agency action unlawfully withheld or unreasonably delayed; and

11 (2) hold unlawful and set aside agency action, findings, and conclusions found to be—

12 (A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;

13 (B) contrary to constitutional right, power, privilege, or immunity;

14 (C) in excess of statutory jurisdiction, authority, or limitations, or short of statutory right;

15 (D) without observance of procedure required by law;

16 (E) unsupported by substantial evidence in a case subject to sections 556 and 557 of this title or  
17 otherwise reviewed on the record of an agency hearing provided by statute; or

18 (F) unwarranted by the facts to the extent that the facts are subject to trial de novo by the reviewing  
19 court.

20 In making the foregoing determinations, the court shall review the whole record or those parts of it  
21 cited by a party, and due account shall be taken of the rule of prejudicial error.

22 **CALIFORNIA CODE OF CIVIL PROCEDURE 512.010.**

23 (b) The application shall be executed under oath and shall include all of the following:

24 (1) A showing of the basis of the plaintiff's claim and that the plaintiff is entitled to possession of  
25 the property claimed. If the basis of the plaintiff's claim is a written instrument, a copy of the in-  
26 strument shall be attached. **DEED ( BOUNTY WARRANTS, PATENT TITLE FILED)**

1 (2) A showing that the property is wrongfully detained by the defendant, of the manner in which  
2 the defendant came into possession of the property, and, according to the best knowledge, informa-  
3 tion, and belief of the plaintiff, of the reason for the detention.

4 **PETITIONERS HAVE SUBMITTED EVIDENCE THAT THE UNITED STATES EPA**  
5 **INVASION AND OCCUPATION OF IRON MOUNTAIN MINES, INC. PROPERTY TO**  
6 **PERFORM A CERCLA REMEDIAL ACTION WAS A FALSE CLAIM WHEN IN FACT**  
7 **THE EPA ACTION WAS A REMOVAL ACTION THAT HAS RESULTED IN AN**  
8 **IMMINENT HAZARD TO THE PETITIONERS, THE PROPERTY, THE PEOPLE, AND**  
9 **THE ENVIRONMENT. THE EPA HAS IN FACT CREATE AN IMMINENT AND**  
10 **SUBSTANTIAL ENDANGERMENT TO THE PROPERTY OWNERS; THIS IS A**  
11 **FELONIOUS UNLAWFUL DETAINER.**

12 (3) A particular description of the property and a statement of its value. **IRON MOUNTAIN**  
13 **MINES, INC. PROPERTIES INCLUDE 2772 ACRES IN OWNERSHIP, 8000 ACRES OF**  
14 **LAND IN DISPUTE, WITH AN ESTIMATED VALUE OF \$72 BILLION DOLLARS.**

15 (4) A statement, according to the best knowledge, information, and belief of the plaintiff, of the  
16 location of the property (**SHASTA COUNTY, CALIFORNIA**)

17 (5) A statement that the property has not been taken for a tax, assessment, or fine, pursuant to a  
18 statute; or seized under an execution against the property of the plaintiff; or, if so seized, that it is  
19 by statute exempt from such seizure.

20 **THERE IS NO SEIZURE ON THE PROPERTY FOR A TAX, ASSESSMENT, OR FINE.**  
21 **THE PROPERTY IS BY STATUTE EXEMPT FROM SUCH SEIZURE.**

22 (c) The requirements of subdivision (b) may be satisfied by one or more affidavits filed with the  
23 application.

24 512.020. (a) Except as otherwise provided in this section, no writ shall be issued under this chapter  
25 except after a hearing on a noticed motion.

26 (b) A writ of possession may be issued ex parte pursuant to this subdivision if probable cause ap-  
27 pears that any of the following conditions exists:

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Application for ex parte Writ of Possession Executed under Oath.

1 (1) The defendant gained possession of the property by feloniously taking the property from the  
2 plaintiff. **TRUE!**

3 (iii) The ex parte issuance of a writ of possession is necessary to protect the property. **TRUE!**  
4 512.070. If a writ of possession is issued, the court may also issue an order directing the defendant  
5 to transfer possession of the property to the plaintiff. Such order shall contain a notice to the defen-  
6 dant that failure to turn over possession of such property to plaintiff may subject the defendant to  
7 being held in contempt of court.

8 512.080. The writ of possession shall meet all of the following requirements:

- 9 (a) Be directed to the levying officer within whose jurisdiction the property is located.
- 10 (b) Describe the specific property to be seized.
- 11 (c) Specify any private place that may be entered to take possession of the property or some part  
12 of it.
- 13 (d) Direct the levying officer to levy on the property pursuant to Section 514. 010 if found and to  
14 retain it in custody until released or sold pursuant to Section 514.030.
- 15 (e) Inform the defendant of the right to object to the plaintiff's undertaking, a copy of which shall  
16 be attached to the writ, or to obtain redelivery of the property by filing an undertaking as prescribed  
17 by Section 515.020.

18 **Written notice to terminate & deliver possession at 12 noon Thursday, September 17, 2009.**

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20 **Date: September 9, 2009 under oath, Signature: \_\_\_\_\_**

21 **s/John F. Hutchens, Special Deputy Levying Officer grantee's agent Iron Mountain Mines, Inc.**

22 **WARDEN OF THE FORESTS AND STANNARIES FOR IRON MOUNTAIN MINES, INC.**

23 **Verification affidavit:**

24 I, John F. Hutchens, hereby state that the same is true of my own knowledge, ex-  
25 cept as to matters which are herein stated on my own information or belief, and as to  
26 those matters, I believe them to be true.

Affirmed this day: September 9, 2009

27 *Grantee's agent & counsel of record; Signature: \_\_\_\_\_*

28 s/ John F. Hutchens, authorized agent for T.W. Arman & Iron Mountain Mines, Inc.