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5 / 1 / 2024, 1900 hrs.

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF BENTON

OXEPH INVESTMENTS, INC.
Plaintiff

No. 24-2-00803-03

vs.

KATHY J. ESPINDA

**COUNTER-CLAIM FOR TRESPASS
& FRAUD**

Defendant

Verified

Kathy-Jean: [Espinda]
Counter-Claimant.

vs.

Jared Fielding
Eric Todd Jones
Ken Hohenberg
Counter-Defendant.

Counter-Claimants

Jared Fielding - [REDACTED]
[REDACTED], Kennewick, WA 99336
Eric Todd Jones - [REDACTED]
Street, Pasco, WA 99301
Ken Hohenberg - [REDACTED]
Street, Kennewick, WA 99337

COMES NOW Kathy-Jean: of the lawful family Espinda, one of the
People, Authorized Representative for KATHY J. ESPINDA, Ens

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[REDACTED]
Kennewick, Washington [REDACTED]

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it must be considered and decided, before any court can move one further step in the cause as any movement is necessarily the exercise of jurisdiction. 6 Peters, 709; 4 Russell, 415; 3 Peters, 203-7". Cited by STATE OF RHODE ISLAND v. COM. OF MASSACHUSETTS, 37 U.S. 657, 718 (1838).

6. Once challenged, jurisdiction cannot be assumed it must be proven to exist.

7. Counter Claimant Espinda demands that Counter Defendants provide proof of jurisdiction.

SECOND CAUSE OF ACTION

PROPERTY

8. There are two properties discussed here and it is imperative that both properties are properly identified in order to prevent them being commingled with the purpose of daylight robbery.

9. First property is known as Espinda Homestead© which is a **private property**, an actual land identified on the licensed surveyor's map herein.

SEE EXHIBIT B - Surveyors Map with the following metes and bounds:

My private property/land is held by Washingtonian, one of the People, and to be known hereinafter as "Espinda Homestead©" with the following metes and bounds:

Starting at found and held 3" brass cap in monument case, stamped: "JUB ENG PLS 36817 2011" go south at S06°59'54"W for 101.71' length/200.00' radius/29°08'21" delta/S07°34'16"E chord bearing/100.62' chord length until reaching set 3" brass cap in monument box marked "SHEA 33656 2018", then go 63.19' length/200.00' radius/18°06'10" delta/S31°11'32"E chord bearing/62.93" chord length until reaching set bar 3" brass cap in monument box marked 'SHEA 33656 2018" then continue 139.14'

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length/200.00' radius/39°51'43" delta/S20°18'45"E chord bearing/136.36' chord length until reaching set 3" brass cap in monument box marked "SHEA 33656 2018", then go 186.49' at S00°22'54"E until you reach set 3" brass cap in monument box marked "SHEA 33656 2018" then turn right and go for 20' to reach set 5/8" x 24" iron rebar with yellow plastic cap, marked 'SHEA 33656" which starts the private property number 14, then turn right and go 41.77' length/30.00' radius/79°46'08" delta/N39°30'10"E chord bearing/38.47' chord length until you reach set 5/8" x 24" iron rebar with yellow plastic cap, marked "SHEA 33656", then go 53.68' length/329.60' radius/9°19'55" delta/S74°43'17"W chord bearing/53.62' chord length until you reach set 3" brass cap in monument box marked "SHEA 33656 2018" then turn right and go at N19°56'41"W for 115.00' until you reach set 3" brass , then go 15.04' at N00°22'54"W until you reach set 3" brass cap in monument box marked "SHEA 33656 2018", then turn right at S89°37'06"W until you reach set 3" brass cap in monument box marked "SHEA 33656 2018", then turn right at S00°22'54"E until you reach set 3" brass cap in monument box marked "SHEA 33656 2018", which is the starting point.

And this private property, Espinda Homestead©, is secured under Land Patent WAWWAA 014660 Document No. 43 issued on January 30, 2024, which was perfected in Counter Defendant Espinda's name which is a matter of public record.

SEE EXHIBIT C - Certified Land Patent brought forth for Allodial Title which has now been perfected.

10. The above identified private property is located on the land of Washington state, a republic within the states united for America.

11. The second property is real property known as APN Number 1078920200002014 which has the address of 8575 W. 12th Avenue Kennewick, WA 99338 with the following legal description LOT 14, BLOCK 2, THE RIDGE AT HANSEN PARK-DIVISION 1, PHASE 1, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 15 OF PLATS, PAGE 574, RECORDS OF BENTON COUNTY, WASHINGTON THE RIDGE AT HANSEN PARK

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DIVISION 1, BLOCK 2, LOT 14 This real property is operating under the STATE OF WASHINGTON, a corporation D-U-N-S #079248936 (WA) within United States, a "Federal corporation" pursuant to 28 U.S.C 3002 § 15(a) which is located in the ninth-district (Zip Code 99338) of the District of Columbia pursuant to UCC Article 9-307(h).

12. Counter Defendant Ken Hohenberg and acting attorney Michelle Bertolino were served 'AFFIDAVIT OF DEFAULT AND FINAL JUDGMENT / RES JUDICATA' dated March 1, 2024, via USPS Certified Mail No's. 9589 0710 5270 0606 5469 54 to Michelle Bertolino and 9589 0710 5270 0606 5469 61 to Ken Hohenberg which was received and contractually accepted on March 8, 2024 & March 4, 2024 in which both attorney and Defendants admitted, stipulated and confessed that they did not loan anything of substance of theirs that Counter Claimant Espinda took full custody, care and control of for there to be a loan by definition; and that Claimant Espinda made a claim to her private property/land by perfecting Land Patent No. WAWWAA 014660 Document No. 43 dated January 30, 2024 posted for sixty (60) days in the Tri-City Herald a newspaper adjudicated by the Superior Court of Washington, County of Benton for anyone having interest and/or claim to this private property/land to come forth and object; and no one objected nor claimed any interest for which this Land Patent claim perfected in Counter Defendant Espinda's name which now serves as the only, true and superior Title over any Deed, which is only a color of title. This Land Patent claim has also been posted on four corners of Counter Defendant Espinda's private property/land as well as on the world wide web which can be viewed at <http://bit.ly/480Vo2t>

SEE EXHIBIT D - Affidavit of Default & Final Judgment/Res Judicata

SEE EXHIBIT E - Public Legal Notice in Tri-City Herald published for 60 days including Affidavit of Publication starting 2/1/2024 which is complete, un rebutted and now the Allodial Title process is perfected!

SEE EXHIBIT F - Proof of Recording & Filing of EXHIBIT's C & D.

13. Defendant Hohenberg, Fielding and Jones do not have any interest in Counter Defendant Espinda's private property; and it is very clearly stated that their only interest is in APN Number

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079248936 with the above stated legal description which is not the same as Espinda Homestead© with the description in metes and bounds.

14. Counter Defendants are fully aware of the above stated and are attempting to hide this crucial evidence by which they are committing fraud upon this honorable court.

THIRD CAUSE OF ACTION

FRAUD

15. Prior to this unlawful foreclosure of the APN Number 079248936 Espinda brought forth bank fraud committed by Counter-claimant Hohenberg along with bad actors at HAPO Community Credit Union abetting in fraud.

16. Consideration is the main element of a contract. Without consideration by both parties, a contract is not lawful and cannot be enforceable. For instance, if a person used the money to purchase an apple, the apple is the merchant's consideration, and the money is the person's consideration.

17. In the case of Espinda's home loan, no money or any type of consideration was provided by HAPO which breaks banking & security exchange laws. At no time was proof of consideration provided although multiple requests for this were made.

18. See Link and recorded line between Espinda and Cris Torres, VP of Asset Recovery for HAPO, where she admits that all credits for Espinda's "loans" came from the Federal Reserve, as well as all of their loans processed through HAPO:

See link for proof:

<https://rumble.com/v2yvoc4--red-alert-share-phone-call-between-kat-espinda-and-her-bank-on-the-mortgag.html>

19. Espinda has been completely ignored in this court system on

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the bank fraud including Judge Joseph Burrowes who pre-adjudicated against Espinda before allowing her to submit evidence of bank fraud on HAPO Community.

See link below for proof:

<https://rumble.com/v40ilpd-exposure-of-corrupt-judge-brand-new-8.3-million-dollar-lawsuit-time-to-figh.html>

20. Letter sent to Espinda by Torres on company letterhead, admitting that the funds for Espinda's credits came from the Federal Reserve. **SEE EXHIBIT G**

21. List provided to me by Torres on credits funded from the Federal Reserve amounting \$329,733.38 for line-item: "Espinda Wire" which was deposited into my bank account #650330, as the "Originator" of the credit. Espinda along with nineteen (19) other HAPO customers/members on July 13, 2018, received credits into our bank accounts as evidenced here equaling \$9,668,504.62 from the Federal Reserve. HAPO took in the "free credits" and provided \$0 towards all transactions. Ken Hohenberg with HAPO Community Credit Union has received multiple requests from me to provide proof of consideration that came from their "coffers". All proof indicates they provided \$0 consideration and to date have not proved otherwise after multiple requests.

SEE EXHIBIT H

22. Proof showing that credits transferred into Espinda's account #650330 by the Federal Reserve was transferred back out of the bank account via wire transfer by agents of HAPO. At what point did HAPO provide any consideration for my loan? They did not and have admitted guilt as proven by my evidence.

SEE EXHIBIT I

23. Wire Details show that Espinda is the "Originator" of the credits, and employees of HAPO merely used their relationship with the Federal Reserve to sell the "promissory note" for an equal exchange of value in credits, while fraudulently "practicing" lending while providing no consideration to any of their members as admitted by Torres. **SEE EXHIBIT J & K**

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24. This same wire information listed above also shows that the receiving bank from Espinda's account as the "Originator" is Community First Bank in Kennewick, WA.

25. If all the credits came from the Federal Reserve into my bank account #650330, and the bank used my promissory note to secure these credits while providing \$0 "consideration" as required by banking laws, then what consideration did they provide if anything at all? What did they do other than service the loan and push buttons? They provided nothing and there was no full disclosure on this which makes it null and void. Unenforceable. Cancellable. It's pure fraud and is not only being perpetrated against Espinda but against the entire member base of HAPO that takes a loan since they do that with all their loans according to Torres. Fraud ends where fraud begins. Fraud vitiates everything and everything it touches.

26. Per the additional wire information provided by HAPO a transfer was from my account and as revealed by proof enclosed, was transferred to the Benton-Franklin Title Company that was tied to the Columbia First Bank account noted above.

SEE EXHIBIT L - Benton Franklin Title wire transfer.

27. At no time did Espinda understand the above as she thought HAPO Community Credit Union loaned the money, and that is why Espinda agreed to pay 30 years plus interest on the agreed upon "con"tract. At no time did Espinda understand that HAPO merely sold her promissory note to the Federal Reserve for an equal exchange of credits.

28. HAPO has not at any time proved any kind of consideration despite multiple attempts to retrieve and received all the information on Allodial Title which they have unlawfully ignored. This information continued to push forward with the help of bad actors in our court system and sheriff department who ignore evidence of fraud.

SEE EXHIBIT M

- a) Ken Hohenberg admitted guilt to providing no proof of consideration and fraud being committed via tacit acquiescence on an Affidavit of Truth served to him on July 7, 2023. Unrebutted.

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- b) Ken Hohenberg & Michelle Bertolino admitted to the facts presented within the Notice of Liability PRIVATE PROPERTY VS. REAL PROPERTY ALLODIAL FREEHOLD ESTATE TITLE served to them February 12, 2024. Unrebutted.
- c) Ken Hohenberg & Michelle Bertolino admitted to the facts presented on the Notice of Fault/Opportunity to Cure and Contest Acceptance. They admitted guilt by tacit acquiescence and remains unrebutted.

29. Espinda is the victim of bank fraud with multiple public officials ignoring evidence of fraud that I brought to their attention.

SEE EXHIBIT N - Affidavit of Truth on knowledge by Aaron Derrick notarized statement and willing to testify under oath.

FOURTH CAUSE OF ACTION

TRESPASS

30. Counter Defendant Bertolino hired a private auctioneer with the name "Timber" who refused to provide his full identify in order to avoid personal liability and prosecution; and who was later identified as Timber Burton who performed the so-called "Sheriff's/Notice of Trustee" sale/auction on March 29, 2024 at around 11:00am selling the 'real property' known as the Assessor's Parcel Number 'APN' 079248936 which is found only on the Assessor's map (created for taxation purposes of estates) and has the legal description of LOT 14, BLOCK 2, THE RIDGE AT HANSEN PARK-DIVISION 1, PHASE 1, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 15 OF PLATS, PAGE 574, RECORDS OF BENTON COUNTY, WASHINGTON THE RIDGE AT HANSEN PARK DIVISION 1, BLOCK 2, LOT 14 and address of 8575 W. 12th Avenue Kennewick, WA 99338 located in the United States, a 'Federal corporation' pursuant to 28 U.S.C 3002 § 15(a) which is located in ninth district 99338 of the District of Columbia pursuant to UCC Article 9-307(h); and this 'real property' is not the same as 'Espinda Homestead©', a private property/land only described in the above stated metes and bounds based the licensed surveyor's map.

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See link here:

<https://rumble.com/v4r0osn--welcome-to-schmucksville-unseen-raw-footage-from-unlawfulillegal-foreclosu.html>

31. Counter Defendants are commingling these two, completely different 'properties' in attempt to rob Espinda of her private property/land that she is the true and lawful Settlor of; and which Counter Defendants have absolutely no interest in.

32. On Friday, March 29, 2024, at around 1:00pm Counter Defendant Fielding and Jones trespassed upon Espinda Homestead© private property/land placing illegal and unlawful signs to coerce, harass and intimidate Espinda and her family to vacate their home that Fielding and Jones have absolutely no interest in.

33. Counter Defendant Fielding and Jones were served a 'LAWFUL NOTIFICATION' (SEE EXHIBIT O) dated April 4, 2024 herein attached to inform them that they purchased the Assessor's Parcel Number 079248936 which was trespassing on the Espinda Homestead© and has been successfully returned to Kenneth Spencer acting as Assessor for the County of Benton, a corporation D-U-N-S 083738997 on March 11, 2024 by Lenka Koloma, witness, via United States Post Office, that can serve as a federal witness. SEE EXHIBIT P

33. Counter Defendant Fielding and Jones were instructed to collect their newly purchased property at the Assessor's office and to stop harassing, coercing and intimidating Espinda and her family.

SEE EXHIBIT P

35. Counter Defendants have a duty to not to cause injury to people, in this case Counter Claimant Espinda and her family, without good cause. They breached that duty. Counter Defendants caused Espinda and her family extended period of tremendous stress, anxiety and fear over losing their private property which is not just some random thing but a beloved home.

36. Counter Defendants cannot produce a contract showing Espinda is a "tenant". A Landlord and Tenant must have their signatures on a mutually agreed upon contract which is not the case here.

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Therefore, Espinda is challenging jurisdiction before we can proceed forward.

DAMAGES

Damages are \$25,000. Further, because of the aggressive trespass, endangerment of private property, libel and public humiliation, \$150,000 in punitive damages should be awarded Counter Claimant Espinda.

Counter Claimant Espinda demands that Counter Defendants Ken Hohenberg, Jared Fielding and Eric Todd Jones pay the aforesaid damages for their trespass and excessive force.

Espinda also motions this case be dismissed without prejudice if proof of jurisdiction is not established in the inferior court, as

this is not a typical Landlord/Tenant Law case with a contract between two parties. There is no contract with Espinda or the Counter Defendants in a "Landlord" capacity. If so, this must be provided under proof of claim or dismissed without prejudice.

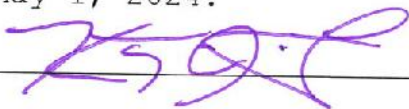
VERIFICATION

I am Kathy Jean Espinda. I am the Counter Claimant in this case. I have personal knowledge of the foregoing facts and am competent to testify as to the truth of those facts if called as a witness.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

This declaration was executed in Benton County, Washington on
May 1, 2024.

By: _____



Kathy-Jean: Espinda

Counter Claimant

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AFFIDAVIT OF SERVICE

State of **Washington**

County of **Benton**

1. I, the undersigned, of lawful age and sound mind and body, hereby affirm and attest as follows, as of May 1, 2024
2. My legal name is AARON LAWRENCE DERRICK
3. My mailing address is: c/o Aaron Derrick, [REDACTED], Kennewick, Washington [99336]
4. I am over the age of 18.
5. I have served the following:

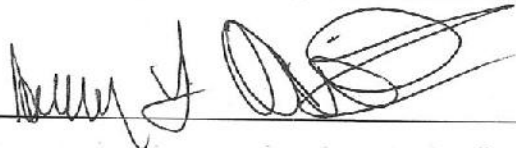
COUNTER CLAIMANT CASE NO. 24-2-00803-03 And Exhibits A - P to:

On behalf of Kathy-Jean: Espinda

- a. Rachel Woodard – Served Powell & Gunter 1025 Jadwin Avenue, Richland, Washington, 99352
 - b. Benton County Justice Center – Served Court Clerk to file with Benton County – 7122 W. Okanogan Place, Kennewick, Washington 99336
6. The foregoing information is true and correct as of the date hereof.

IN WITNESS THEREOF, the undersigned executes this Affidavit as of the date set forth above.

Signature: _____



Date: 5/1/2024

Printed Name: **Aaron Lawrence Derrick**

STATE OF WASHINGTON

COUNTY OF BENTON

The foregoing instrument was acknowledged before me this date this 1st day of May, 2024, before me, the undersigned Notary Public, personally appeared Aaron Derrick (name of document signer), proved to me through satisfactory evidence of identification, which was to be the person who signed the preceding or attached document in my presence, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of her knowledge and belief.

(Official signature of Notary)

x Shael Zamora-Coria

SEAL OF NOTARY HERE

My commission expires: NOV 30, 2027

