

COMMONWEALTH OF MASSACHUSETTS  
SUFFOLK SUPERIOR COURT  
CIVIL CLERK'S OFFICE

SUFFOLK, ss.

2023 MAY 16 P 12: 55

SUPERIOR COURT DEPARTMENT  
OF THE TRIAL COURT

Docket no:

23-1124 A

JOHN E. POWERS III  
ACTING CLERK MAGISTRATE

In the matter of:

Nathan McGuire, Trustee  
Real Party in Interest  
ALIAH TRUST  
An Express Trust Organization  
*Petitioner,*

v

COMMONWEALTH OF MASSACHUSETTS  
NATHAN ALIAH MCGUIRE Agency

US DEPARTMENT OF THE TREASURY

MASSACHUSETTS DEPARTMENT OF REVENUE

FIDELITY INVESTMENTS BOARD OF TRUSTEES

Known and Unknown Nominal Auxiliary  
Beneficiaries

*Respondents*

“SUIT IN EQUITY”

FOR DECLARATORY AND  
PERMANENT INJUNCTIVE  
RELIEF AND OTHER  
PURPOSES

Comes Now ALIAH TRUST an Express Trust Organization, by and through the Trustee Nathan McGuire a real party in interest by special visitation and restricted appearance, the only true authorized representative of the Sole Contributing Grantor and Beneficial Owner of the COMMONWEALTH OF MASSACHUSETTS NATHAN ALIAH MCGUIRE agency, statutory ens legis US person, *cestui que* trust originated from the creation of Record of Birth representing a Certificated Security that was monetized and securitized into a Nonmortgage Widely Held Fixed Investment Trust and represents:

NATURE OF ACTION

1. This is a “Suit In Equity” to petition this court for Declaratory Judgment and Permanent Injunctive relief and other purposes with respect to the Creator given absolute substantive private rights of the Petitioner to life, liberty, property and the pursuit of happiness; (1) to make and enforce contracts under equal right to law which provides for the enjoyment of all benefits, privileges, terms, and conditions of the contractual relationship and provides protection against impairment by nongovernmental discrimination and impairment under color of State law, (2) to benefit from the enjoyment of the COMMONWEALTH OF MASSACHUSETTS NATHAN ALIAH MCGUIRE agency herein stated; and (3) to seek redress of grievances concerning certain governmental agencies; the security and protection of which is codified at 42 U.S. Code §1981, §1982 and §1983, conformable to the US Constitution, not limited to Article 1 §10 Clause 1, and laws of the United States as well as the Massachusetts Constitution and laws of the Commonwealth of Massachusetts which provides that “Every subject of the commonwealth ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property, or character. He ought to obtain right and justice freely, and without being obliged to purchase it; completely, and without any denial; promptly, and without delay; conformably to the laws,” Massachusetts Constitution Part the First Article XI.

2. This instant case raises the question of whether or not this Petitioner, in the exercise of the freedom of expression through contractual means with equal right to the law pertaining to the use of the COMMONWEALTH OF MASSACHUSETTS NATHAN ALIAH MCGUIRE agency with specific activity and transactions in commerce with the US Department of the Treasury, the Massachusetts Department of Revenue and Fidelity Investments along with several other state and federal governmental agencies, has a constructive legal disability

unknown to Petitioner impeding the assertion of such rights by the Petitioner that would warrant the arbitrary and capricious disregard, denial and deprivation of such rights by the US Department of the Treasury, the Massachusetts Department of Revenue and Fidelity Investments among other state and federal governmental agencies mentioned in the Affidavit of Truth herein fully incorporated by reference in its entirety in this Suit in Equity; the security and protection of which is codified at 42 U.S. Code §1981, §1983 and M.G.L. c. 12 §11I amongst other state and federal statutes.

### JURISDICTION

3. Therefore this court has subject-matter jurisdiction pursuant to M.G.L. c. 212 §11I and M.G.L. c. 231A §1 venue is proper in the Superior Court of Massachusetts because the primary Respondent is located in the COMMONWEALTH OF MASSACHUSETTS and the Massachusetts Department of Revenue is an official state agency and Fidelity Investments is a financial Institution in the COMMONWEALTH OF MASSACHUSETTS.

### PARTIES

4. The primary necessary party to this suit is the COMMONWEALTH OF MASSACHUSETTS NATHAN ALIAH MCGUIRE Agency that contains a statutory eng legis person United States vessel *cestui que* trust represented by a Birth Record Certificated Security Nonmortgage Widely Held Fixed Investment Trust with a social security account number transmitting utility.

5. The permissive nominal parties that may exercise an auxiliary beneficial interest in the COMMONWEALTH OF MASSACHUSETTS NATHAN ALIAH MCGUIRE Agency are; US Department of the Treasury and the Massachusetts Department of Revenue, the Commonwealth of Massachusetts Department of Health Vital Statistics, and all other known and

unknown parties that may exercise a nominal auxiliary beneficial interest including without limitation ALL public and private business corporations, governmental offices, officers, officials, judicial, executive, legislative and otherwise in ALL States, cities, towns, counties, municipal areas in any federal area subject to the exclusive special maritime and territorial jurisdiction of the United States.

#### STATEMENT OF FACTS

6. Considering the origin and creation of COMMONWEALTH OF MASSACHUSETTS NATHAN ALIAH MCGUIRE Agency the *cestui que* trust by public officials and agents of the COMMONWEALTH OF MASSACHUSETTS UNITED STATES commercial power structure and the unconscionable particulars imposed on this Petitioner and those who are subjects to its creation through the hypothecation of future labor as security for the obligations of the United States subsequently being monetized and securitized while severely oppressing the unsuspecting to nothing short of commercial slavery, in which any attempt to deal with by anyone is a daunting fantastical feat of enormous proportions, this Petitioner, in good faith and with clean hands, has courageously with a fearless aptitude exercised a substantial amount of effort to assert Petitioner's Creator given absolute substantive private rights and has expressed this trust and exercises a complete, absolute, paramount, perfected security interest in the COMMONWEALTH OF MASSACHUSETTS NATHAN ALIAH MCGUIRE Agency statutory ens legis US person *cestui que* trust, the herein stated property entity registration number 2550 state file number 2056619 and social security account number 026-60-3211, herein after trust property, that has been irrevocably conveyed into trust for the benefit of the beneficial owner and certain beneficiaries evidenced by the following evidentiary facts; UCC1 Financing Statement, duly filed with the COMMONWEALTH OF MASSACHUSETTS Secretary of State

at filing location Number: 201954411890 with the Legal/Lawful Notice and Demand Statute Staple Securities Instrument with Security Agreement and Indemnity Bond USPS Post Registered RA 579 696 575 US, Affidavit of Copyright/Claim<sup>©</sup> USPS Post Registered RA 579 696 592 US, Authenticated Record of Birth number 15017737-2, Private, Non-Negotiable Bond for Set-off, numbered: RB 714 406 288 US, in the amount of: 300,000,000,000.00 (Three Hundred Billion) US Dollars, with Certified copy of NATHAN ALIAH MCGUIRE “Certificate of Vital Record” Birth Certificate, numbered: 2550 endorsed, Form W8, Grantor Status Notice, Declaration of Trust/Fiduciary Instructions, Affidavit of Status Correction with Notice of Intent–Fee Schedule, Claim of Rights Post Certified 7016 0910 0000 9662 0562, mcguire, nathan aliah W-8BEN, Post Certified 7017 1450 0001 5717 4515, Public Notice Affidavit of Truth Post Certified 7016 0910 0000 9662 0647, NATHAN ALIAH MCGUIRE Trademark registration number 88931867, Collateral Agreement for the Return of Equity, with Affidavit of Truth in Support of Collateral Agreement for Return of Equity, Clean Irrevocable Letter of Credit 153,000,000,000.00 US dollars Post Certified 7016 0910 0000 9662 0692, Maryland State UCC1 Financing Statement 201214-1432000 and 201214-1411000, Power of Attorney, Declaration of Private Seal, Deed of Acknowledgement and Acceptance, Certification of Trust and Bill of Sale on Personal Property.(See Exhibit A – J)

7. Pursuant to the foregoing Petitioner has exercised substantive private rights in good faith with clean hands by stipulating the terms and conditions under which Petitioner is to conduct business with any and all public officials with respect to the administration of the abovementioned trust property on July 5, 2015 in the Lawful/Legal Notice and Demand Statute Staples security instrument (Exhibit A) and updated such on October 18, 2019 with an Affidavit of Status Correction, Notice of Intent–Fee Schedule and Claim of Rights (Exhibit D) issued with

directives to correct and update certain records requiring an official response in this particular matter from the US Department of Justice Attorney General, FBI Director, Secret Service Director, Governor of Massachusetts, Attorney General of Massachusetts, Secretary of the Commonwealth of Massachusetts, Boston Police Commissioner, Superintendent of the Massachusetts State Police, the Mayor of the City of Boston, and the Suffolk County Sheriff to which only the Secretary of the Commonwealth of Massachusetts has responded. (See Exhibit D)

8. In good faith, Petitioner deposited a Private, Non-Negotiable Bond for Set-off, numbered: RB 714 406 288 US, in the amount of: 300,000,000,000.00 (Three Hundred Billion) US Dollars, a certified copy of "Certificate of Vital Record" Birth Certificate, numbered: 2550 endorsed for deposit to the US Department of the Treasury, with a Form 56 Termination NATHAN ALIAH MCGUIRE as Co-Trustee, Form 56 Appointment and Affirmation of Substitute Fiduciaries, Form W8, Grantor Status Notice, Declaration of Trust/Fiduciary Instructions, a copy of UCC1 Financing Statement, duly filed with the COMMONWEALTH OF MASSACHUSETTS Secretary of State at filing location Number: 201954411890, (Exhibit C) evidencing the position as Secured party, post registered and received on July 29, 2016, effectively recording and registering the security interest of the Petitioner with such agency.

9. Petitioner deposited with the US Department of Treasury a Collateral Agreement for the Return of Equity Post Certified 7016 0910 0000 9662 0692 with Affidavit of Truth in Support of Collateral Agreement for Return of Equity, Clean Irrevocable Letter of Credit 153,000,000,000.00 US dollars Post Certified 7016 0910 0000 9662 0692 which was registered received on December 31, 2020. (See Exhibit H)

10. On November 6, 2020, in good faith, Petitioner issued a Collateral Agreement as a private contractual express trust self-executing enforceable agreement for the purpose of

settlement and closure of all accounts held by the Massachusetts Department of Revenue, herein after MDOR, as a result of an attempt by MDOR to contract with the Petitioner through a particular correspondence alleging a debt obligation without the Petitioner's expressed or implied consent. Having no previous contractual nexus to the knowledge of the Petitioner, Petitioner adequately noticed MDOR of the express trust agency's Lawful/Legal Notice and Demand Statute Staple Security Instrument Notice of Intent—Fee Schedule a matter of public record and having an absolute duty to act according to official responsibility in this particular matter MDOR neglected to perform what the law requires. (See Exhibit M)

11. Under the terms and conditions of the private contractual express trust agreement Petitioner issued a Notice of Fault/Opportunity to Cure, Notice of Commercial Tort Claim/Affidavit of Truth, True Bill in Commerce indicating the fees associated with said violations in accordance with the Lawful/Legal Notice and Demand Statute Staple Security Instrument Notice of Intent—Fee Schedule of Petitioner, a certification of non-response/non-performance on the Collateral Agreement For The Return of Equity with Affidavit in Support of Collateral Agreement For The Return of Equity, a Bankers Acceptance for discharge, two Form 56 for fiduciary appointment, a Notice of Default, a certification of non-response/non-performance on the Notice of Fault/Opportunity to Cure, a Request For Accounting and a certification of non-response/non-performance on the Notice of Default through notary presentment certification of service, completing an official verified adjudicatory proceeding under seal that has full faith and credit in this instant case in accordance with 80TH CONG., 2D SESS.—CH. 646—JUNE 25, 1948 62 STAT. page 945 Chap 115 § 1739 and THIRTY—FIRST CONGRESS. SESS. I CH. 52 1850 page 458. (See Exhibit M)

12. The foregoing provides the preponderance of the evidence of MDOR's neglect to acknowledge, respect and uphold the substantive rights of this Petitioner pertaining to the use of trust property without the expressed written consent of the Petitioner in violation of Petitioner's expressed will and agreement and laws of the United States which impairs the obligation of Petitioner's contract and caused Petitioner injury because of the use of trust property against the Petitioner without consent and just compensation while subjecting Petitioner to the color of law. (See Exhibit M)

13. Petitioner, in proper capacity as a Trustee of an Express Trust, who holds the property in trust, having the full right and authority under the indenture to administrate the property confirmed the appointment of the MDOR as Trustees *de son tort* for the extinguishment, discharge, settlement and closure of all accounts held by the Massachusetts Department of Revenue under the terms of the Collateral Agreement with the Form 56 received by MDOR on February 17, 2021 and with the deposit of the bankers acceptance conformable to M.G.L. c. 266 §57, M.G.L. c. 106 § 3-303(a)(1)(3)(b), M.G.L. c. 106 §3-311, M.G.L. c. 106 §3-601(a) and §3-603(b), M.G.L. c.106 §9-210, M.G.L. c. 107 §13, that obligates MDOR's performance on the issuance of the Bankers Acceptance for the discharge of any purported obligations of the trust property. MDOR neglected to perform what the law requires. (See Exhibit M)

14. The facts stated herein provide prima facie evidence of the negligence, omission, and malfeasance of MDOR. MDOR and its agents and public officials, without any doubt, had a statutory duty and official responsibility to act and did not, thereby breaching the fundamental duty of care which is therefore negligent as a matter of law. As an act of omission MDOR neglected to perform what the law requires by refraining taking obligatory actions and attempted



to induce the Petitioner into an agreement that the Petitioner did not consent to, forcing the Petitioner into a system of peonage and involuntary servitude classifying Petitioner as a peon in the liquidation of a debt which has been made null and void by the laws of the United States in violation of Petitioner's contracts.

15. MDOR engaged in official misconduct by disregarding the Petitioner's expression of Petitioner's substantive rights effectively depriving Petitioner of these rights, causing serious harm and personal and commercial injury, prompting Petitioner to seek the assistance of the public office of a notary to execute a verified adjudicatory proceeding by way of a notarial presentment perfecting an official non-judicial administrative judgment as a Certification of Commercial Tort Claim and Lien binding upon MDOR through their full agreement by tacit acquiescence pursuant to the certification of their non-response/non-performance under seal which is guaranteed, secured and protected by the Massachusetts Constitution Part the First Article IV, Article IV § 1 of the US Constitution and 42 U.S.C. §1981 and §1983 that has full faith and credit in this instant case in accordance with 80TH CONG., 2D SESS.—CH. 646—JUNE 25, 1948 62 STAT. page 945 Chap 115 § 1739 and THIRTY-FIRST CONGRESS. SESS. I CH. 52 1850 page 458. (See Exhibit M)

16. Petitioner issued a Notice of Demand for Performance to the US Department of Treasury on April 16, 2022 for performance on the Collateral Agreement for the Return of Equity. Under the terms of the this agreement Petitioner issued a Notice of Fault/Opportunity to Cure and Certification of non-response/non-performance on the Notice of Demand for Performance on May 10, 2022 and then issued a Notice of Default and certification of non-response/non-performance on the Notice of Fault/Opportunity to Cure of which Default was certified on May 29, 2022. (See Exhibit K)

17. Petitioner entered into a Security and Control Agreement with the Board of Trustees of Fidelity Investments on March 15, 2023. Under the terms of the agreement Petitioner submitted consideration for value to support the contract and indicated that Fidelity had every right to not accept the contract and if so were to return all value and consideration given. Under the law their silence constitutes acceptance and Petitioner is owed performance. Petitioner proceeded to issue a Notice of Fault/Opportunity to Cure and Certification of non-response/non-performance on the security agreement with a Certification of Trustee *De Son Tort* on March 21, 2023 and then issued Notice of Dishonor and Default and Certification of non-response/non-performance on the Notice of Fault/Opportunity to Cure whereby the Dishonor and Default have been certified on April 2, 2023. (See Exhibit N)

18. The issue and ultimate fact with respect to the trust property is conclusive. Petitioner demonstrates a priority security interest in the trust property and holds the property in trust. Therefore Petitioner exercises full rights and interest in the agency so named. The issue and ultimate fact pertaining to the obligation of performance on the Petitioner's agreements to the US Department of the Treasury, the Massachusetts Department of Revenue and Fidelity Investments is conclusive. The US Constitution, laws of the United States, Massachusetts Constitution and laws thereof secure and protect Petitioner's fundamental inalienable substantive Source and Creator God given rights which includes without limitation the right to contract. Therefore, as a result of the executed verified adjudicatory proceedings, conformable to Massachusetts Constitution Part the First Article IV and XI, as a proceeding for redress, the US Department of the Treasury, the Massachusetts Department of Revenue and Fidelity Investments and their agents are precluded from: (1) asserting rights under color of law to the detriment of the Petitioner, thus have no immunity (2) denying, alleging, or stating certain facts contrary to the

agreed on facts contained within the Petitioner's agreements and lawfully executed administrative adjudicatory proceedings. The US Department of the Treasury, the Massachusetts Department of Revenue and Fidelity Investments and their agents are not allowed to call into question any of the foregoing facts because they are in estoppels by judgment and acquiescence and as the matter has been decided by a adjudicatory proceeding within the jurisdiction of the Commonwealth under the protection of Article IV of the Massachusetts Constitution and Article IV §1 of the Constitution of the United States, it is *res judicata* and the only controversy before this court is the issue sought to remedy the violations of this Petitioner's substantive rights.

#### DEMAND FOR RELIEF

Justice and equity require that this Petitioner's substantive rights be protected in accord with the US Constitution and laws of the United States as well as the Massachusetts Constitution and the laws thereof. The US Department of the Treasury, the Massachusetts Department of Revenue and Fidelity Investments and their agents amongst other state and federal governmental agencies as well as public and private agencies have breached the basic duty of ordinary care in obstructing the obligation of this Petitioner's contracts by using trust property against the Petitioner and preventing Petitioner from exercising Petitioner's substantive rights to life, liberty and property secured and protected by the US Constitution and laws of the United States and the Commonwealth of Massachusetts Constitution and laws thereof. WHEREFORE this Petitioner, who is entitled to this remedy, humbly and respectfully demands the following relief:

1. Enter a declaratory Judgment finding that based upon the evidentiary facts outlined in this petition and Affidavit of Truth that Nathan McGuire's status is sui juris who has obtained the age of majority and demonstrates full claim as Secured party in the

COMMONWEALTH OF MASSACHUSETTS NATHAN ALIAH MCGUIRE agency with ALL legal disabilities removed and that there is a full restoration to the fundamental inalienable right of the Petitioner to benefit from the enjoyment of the agency property herein describe as the one and only true authorized representative of the Sole Contributing Grantor and Beneficial Owner of the COMMONWEALTH OF MASSACHUSETTS NATHAN ALIAH MCGUIRE agency and ALL associated property therein including the transmitting utility social security account number;

2. Enter a declaratory judgment that the herein provided evidence in this instant case represents the freewill, act and deed of the Petitioner as to the Petitioner's status and substantive rights, to ensure the protection and security of Petitioner's substantive rights and the exercise thereof under equal protection of the law and for the prevention of conspiracy against rights and deprivation of rights under color of law by any and all State and federal legislative, executive and judicial branches of government as it explicitly pertains to the use and administration of the aforementioned trust property and that NO court within the United States is able to exercise primary supervision over the administration of the trust, and that NO United States persons have the authority to control any substantial decisions of the trust without the expressed written consent of the grantor and beneficial owner for purposes of extinguishment of obligations and like matters;

3. Enter a permanent injunction enjoining MDOR its agents and officials as well as all other known and unknown auxiliary beneficiaries to the agency, represented by ALL public and private governmental offices, officers, officials, judicial, executive, legislative and otherwise in ALL States, cities, towns, counties, municipal areas in any federal area subject to the exclusive special maritime and territorial jurisdiction of the United States, including, but not

limited, to the Commonwealth of Massachusetts and the United States, including, without limitation, the US Department of the Treasury Internal Revenue Service, Social Security Administration and ALL corporations in the domain of the public and private including, without limitation, The Depository Trust and Clearing Corporation (DTCC) and The Depository Trust Company (DTC), the Federal Reserve Bank from the use of trust property against the Petitioner and without the expressed written consent of Nathan McGuire;

4. Enter an injunction compelling MDOR its agents and officials as well as all other known and unknown auxiliary beneficiaries to the agency including, without limitation, the US Department of the Treasury and any other federal, state, public and private agency to update and correct all records in ALL system of records across ALL agency's Computer Matching Programs to reflect to status of Nathan McGuire as Sui juris a secured party and that of the security interest of the Aliah Trust in the COMMONWEALTH OF MASSACHUSETTS NATHAN ALIAH MCGUIRE agency;

5. Enter an injunction compelling the performance of MDOR on the statutory legal obligations under the State and Federal statutory laws stated herein in paragraph 13 of this action including but not limited to the official fiduciary *de son tort* responsibility of MDOR to extinguish, discharge, settle and close all accounts held by MDOR with regard to trust property in accordance with Petitioner's contracts conformable to the law;

6. Enter judgment compelling specific performance on Petitioner's contracts with the US Department of the Treasury, Massachusetts Department of Revenue and Fidelity Investments;

7. Enter a declaratory Judgment affirming the right of the Petitioner to contract conformable to equal protection of the law and the means by which these contracts and

subsequent assessments and certifications will be registered in the court for confirmation of administrative action, assessment, award and/or judgment should there be any future violations of Petitioner's rights by the foregoing stated parties;

8. Grant any further relief the Court finds essential to redress the deprivation of rights that have caused injury to the Plaintiff and for the preservation, security and protection of said rights.

JURAT

COMMONWEALTH OF MASSACHUSETTS )  
PLYMOUTH COUNTY ) SS:

On this 15<sup>th</sup> day of May, 2023, before me, Leon Brownell, Nathan McGuire personally known to me appeared and signed the preceding document in my presence and who swore and affirmed to me that the contents of the document are truthful and accurate to the best of his knowledge and belief.

WITNESS my hand and official seal.

*Leon A. Brownell*  
Leon A. Brownell  
My Commission Expires June 15 2029

Respectfully Submitted,

By: *Nathan McGuire*  
Nathan McGuire, Trustee  
ALIAH TRUST  
An Express Trust Organization  
c/o 607 Boylston Street Suite 175  
Boston, Massachusetts near {02116}  
without the United States  
Non-Domestic, Non-Assumpsit  
(857) 939-7547

