

## **AFFIDAVIT/DECLARATION OF TRUTH**

To: Dick Elsner, Acting as Board of County Commissioners, Chair, Park County, Colorado  
856 Costello Ave, PO Box 1373  
Fairplay, CO, 80440.

I, Kimberly Lynn Gregory, 1789 Lakeside Drive, PO Box 1081, Fairplay, Colorado, the undersigned, make this Affidavit/Declaration of Truth of my own free will, and I hereby affirm, declare and swear, under my oath and under the pains and penalties of perjury under the laws of the United States of America and of this state, that I am of legal age and of sound mind and hereby attest that the statements, averments and information contained in this Affidavit/Declaration are true and correct to the best of my knowledge.

This Affidavit/Declaration of Truth is lawful notification you, and is hereby made and sent to you pursuant to the national Constitution, specifically, the Bill of Rights, in particular, Amendments I, IV, V, VI, VII, IX and X, and The Bill of Rights of the Colorado State Constitution in particular, Article II, section 3 & 24, and requires your written rebuttal to me, in kind, specific to each and every point of the subject matter stated herein, within 15 days, via your own sworn and notarized affidavit, using true fact, valid law and evidence to support your rebuttal of the specific subject matter stated in this Affidavit/Declaration. You are hereby noticed that your failure to respond, as stipulated, and rebut, with particularity and specificity, anything with which you disagree in this Affidavit/Declaration, is your lawful, legal and binding tacit agreement with and admission to the fact that everything in this Affidavit/Declaration is true, correct, legal, lawful, and fully binding upon you in any court in America, without your protest or objection and that of those who represent you. *U.S. v. Tweel*, 550 F. 2d. 297. "Silence can only be equated with fraud where there is a legal or moral duty to speak or where an inquiry left unanswered would be intentionally misleading."

1. Any act committed by you, Dick Elsner, acting as Board of County Commissioner - Chair, Park County, Colorado, either supports and upholds the Constitutions, national and state, or opposes and violates them.
2. You have taken an oath to support and uphold the national and state Constitutions and are constitutionally mandated to abide by that oath in the performance of your official duties.
3. You have no constitutional authority, or any other form of valid, lawful authority, to oppose and violate the very documents to which you swore or affirmed your oath and under which you were delegated by the people the limited authority to conduct the duties of your office.
4. The above three positions are true, factual, lawful and constitutionally ordained.

However, despite the above-stated factual, lawful positions, your unconstitutional actions, as described throughout this Affidavit/Declaration of Truth, clearly demonstrate how you have violated all of the above lawful positions, the Constitutions, your oath of office, acted against the public good by violating the public trust and committing sedition and insurrection. Pursuant to your unlawful and unconstitutional actions, you have invoked the self-executing Sections 3 & 4 of the 14<sup>th</sup> Amendment to the national Constitution, thereby have lawfully vacated your office and forfeited all benefits thereof, including salary and pension. Please note that, as stated above and below, if you fail to specifically rebut, in kind, any of the charges, claims and positions set forth in this Affidavit/Declaration, then, you tacitly admit to them, and these admissions will be lawfully used against you. The following paragraphs and others throughout this Affidavit/Declaration describe some of your unlawful, unconstitutional actions, which have harmed me and others:

1. You have sworn an oath to uphold the national Constitution and the Colorado Constitution. You have violated that oath by passing a Public Health Order based upon an unconstitutional order issued by the state that violates my Constitutionally-secured rights. Despite your oath to uphold these Constitutions, your unconstitutional actions demonstrate that you violated that oath by passing the referenced Public Health Order, which violates the Constitutions and my inherent rights and due process guaranteed therein. In so doing, you willfully, wantonly and deliberately deny my inherent, unalienable rights and due process of law guaranteed to me in the Constitutions and perjured your oath. As an American Citizen, I have the right to redress my grievances to government, secured in the First Amendment to the national Constitution, and this Affidavit/Declaration is the form I have chosen by which to do so.
2. Jared Polis, acting as governor imposed executive orders that deprive the people of their natural rights, without due process, by his actions which attempted to unilaterally suspend constitutionally guaranteed rights. Polis, acting as governor, has NO lawful authority to suspend or attempt to suspend constitutionally guaranteed rights, whether by “mandate” or “suggestion”. This constitutes warring against the Constitutions by those acting as government officers who have sworn oaths to uphold the Constitutions;
3. You must abide by the Article VI oath the moment you take office and you have not. There was no due process when you issued the people of Park County (including myself) these orders of mask mandates, of social distancing, of physically restraining us to our homes in case of an illness, of prohibiting us to gather peacefully for any cause, prohibiting us to gather to worship and denying us freedom of speech. We are guaranteed life, liberty, property and happiness that cannot be taken from us without due process, and you violated that right. There was no due process of law.

4. Mandatory lock down and mask wearing declarations in response to COVID-19 are not warranted; are an egregious overreach of power; and, a blatant violation of both Legislative and Executive powers, as well as, the Un-A-Lien-able Rights of the People. Further these declarations subject the people, in the instant case, me, to harmful effects from hypoxia/oxygen deprivation, which harms nerves and kills brain cells, as well as to the inhaling of carbon dioxide, the waste product humans, including me, expel, and to the accumulation of the various microbes contained in my microbiome, which can multiply and become toxic if not removed through exhalation, all of which effects can adversely impact my health on a permanent basis.
5. How your unconstitutional actions have harmed me further and one of the most severe ways is through economic violence; I have been deprived of my right to earn a living, to work, to support myself and to run a business without restrictions. This unconstitutional and unlawful tyranny constitutes economic violence perpetrated upon the people by those holding office in the people's servant government, in the instant case, me. This is an egregious violation of the people's constitutionally secured rights to earn a living, unlawfully imposed upon them without due process of law. Any action which denies due process renders the action without lawful jurisdiction, without lawful authority, therefore null and void and of no lawful force and effect upon the people, in the instant case, me;
6. We own our own body, and no one can tell us what we can do with our own body, yet you have done that, absent any lawful, constitutional authority to do so. Everything you do in your official capacity must be constitutionally compliant, specific to The Bill of Rights or your actions and orders are unlawful. Since I own my own body, and no one else owns my body, no other entity of any nature, whatsoever, can order me to harm my body by compelling me to obey unconstitutional orders, guidelines and suggestions that would subject my body to harm. Since American Citizens are guaranteed life, liberty and property, which cannot be taken from them except through due process of law, and since my body is my most sacred, precious property and my life, I have the inherent natural liberty to determine what I do with my body, as guaranteed in our Constitutions.
7. The man acting as governor has no constitutional authority or any other form of valid, lawful authority, whatsoever, to issue unconstitutional orders, mandates, suggestions and guidelines, based upon unconstitutional emergency powers delegated to him by the legislature, and no agency of government has the constitutional authority, or any other form of valid, lawful authority, to enforce those unconstitutional orders and suggestions upon me and the other Citizens of Colorado. No American or Colorado Citizen, in the instant case, me, has any lawful requirement or duty, whatsoever, to abide by unconstitutional orders, mandates, suggestions and guidelines. In the alternative, I have

the duty and responsibility to lawfully oppose all unconstitutional orders and the like and all enemies of our Republic, both foreign and domestic.

8. Emergency powers are to be delegated to the governor only under a true emergency, such as earthquakes, other natural disasters, invasion, war and significant destruction. Facts have clearly proven that this so-called “emergency” does not meet the criteria of a genuine emergency, but in fact, is a total fraud ruthlessly perpetrated upon the people, businesses, industries and the entire economy of Colorado. Fraud vitiates everything.

Lawful notification has been provided to you stating that if you do not rebut the statements, charges and averments made in this Affidavit/Declaration, then, you tacitly agree with and admit to them. Pursuant to that lawful notification, if you disagree with anything stated under oath in this Affidavit/Declaration of Truth, then rebut to me that with which you disagree, with particularity, within fifteen (15) days of receipt thereof, by means of your own written, notarized affidavit of truth, based on specific, true, relevant fact and valid law to support your disagreement, attesting to your rebuttal and supportive positions, as valid and lawful, under the pains and penalties of perjury under the laws of the United States of America and this state of Colorado. An un-rebutted affidavit stands as truth and fact before any court. Your failure to respond, as stipulated, is your tacit agreement with and admission to the fact that everything in this Affidavit/Declaration of Truth is true, correct, legal, lawful, and is your irrevocable admission attesting to this, fully binding upon you in any court of law in America, without your protest, objection and that of those who represent you.

Affiant further sayeth naught.

All Rights Reserved,

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Kimberly Lynn Gregory, Affiant/Declarant

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Date

### **NOTARY STATEMENT**

In the State of Colorado,

County of Park

I swear that on this \_\_\_\_ day of \_\_\_\_ 2021, the above named Affiant/Declarant, Kimberly Lynn Gregory, personally appeared before me, and of her own free will, signed and executed this Affidavit/Declaration of Truth.

\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_

Seal: