



Affidavit Explained

What is an Affidavit

The written affidavit dates back many centuries to the year 1590. *Affidavit* is from Medieval Latin and literally means “he has stated on oath”. Which was taken from the Latin word *Affidare*, meaning “to trust; to make an oath”.

The oath being made is to the Christian God and is part of Ecclesiastical Law, which is why people swear on the bible when in court today.

Ecclesiastical Law, which is still human law, makes reference to Divine Law, and to break it would be considered shameful and dishonourable.

Note: To break your word and violate your oath would make you an outcast to the rest of the people within the village or town, meaning you could no longer be trusted, and people would no longer do business with you.

Deeds today are founded on Ecclesiastical Law, as you have sworn an oath, under Divine Law and to God, that the property you have is yours. Most deeds are created through Affidavit.

If you wished to change your name, you would use Ecclesiastical Deed Pole; however this is your legal name and is controlled by the Vatican today.

Ecclesiastical Law is part of Equity Law, which is used in all forms of commerce today, but is part of the Vatican.

Note: Equity Law was developed over centuries in tandem with Common Law, and was used in areas where Common Law was lacking. Over time some crossover occurred.

Many of the tools within Equity Law, such as Trust Law, would not be required if we had a world of peace with all the people being sovereign. Law would be much more simple.

Written Declaration upon an Oath

An affidavit is a written statement from an individual which is sworn to be true. It is an oath to what the individual is saying is the truth.

Note: Truth does not necessarily mean fact.

However, an affidavit that has not been declared publically has no lawful or legal standing. For the document to become lawful, it must be filed with a court house, and ready to be put on the record.

Once filed an affidavit is “out of court” testimony, however it must be put on the court record by the person who swore to it, for it to be used as evidence. The person who wrote the affidavit must be in court.



Affidavits only have power in court if the person who wrote it is in court to be cross examined.

No witness, then no affidavit, meaning it is hearsay.

Affidavit vs Affirmation

The difference between an affidavit and an affirmation is that an affidavit is considered a legal and lawful document, with religious annotations, as the person who is declaring the affidavit has sworn an oath to God that it is true.

Whereas an Affirmation is swearing an oath, or making an affirmation before a person. In the legal system this person has to be one who is authorised by law to witness the affidavit.

Note: No one has the right to tell you what your definition of God is.

Affidavit vs Declaration of Truth

A Declaration of Truth, or sometimes referred to as a Statutory Declaration or Declaration of Fact, is very similar to an affidavit.

Note: Blacks Law details a different meaning behind a Declaration of Fact and Statement of Fact, and are part of the legal system.

There is very little difference between these two types of document, except for the method by which they were written and charged.

An affidavit has to be accompanied by an oath sworn by the person making it.

However, people without religious beliefs, often referred to as “nonconformists” and Quakers, objected to taking oaths on religious grounds. So in 1835 the Statutory Declarations Act was passed, enabling people to make a simple declaration confirming their statement.

The use of a statute should be noted: If you wish to go this route, you are confirming the validity of statutes.

A Statutory Declaration is only legally recognised if they include the following paragraph:

'... and I make this Solemn Declaration conscientiously believing the same to be true and by virtue of the provisions of an Act made and passed in the sixth year of the reign of His Majesty King William the fourth entitled "An Act to repeal an Act of the present Session of Parliament entitled An Act for the more effectual abolition of Oaths and Affirmations taken and made in various departments of the State and to substitute Declarations in lieu thereof and for the entire suppression of voluntary and extrajudicial oaths and Affidavits and to make other provisions for the abolition of unnecessary oaths".'



Affidavit vs Testimony

Prior to someone giving testimony, a witness in a court of law, with a jury, must swear that what they are about to say is true and correct under penalty of perjury.

An affidavit is a written version of this same form of sworn testimony and carries the same penalty of perjury. But it is written *before* entering court.

Written Testimony

Written testimony refers to testimony given out of court before the court date, by deposition or affidavit. In the case of a deposition, a witness is placed under oath and swears to tell the truth.

Depositions are usually recorded by someone else and can be either a written document, video or audio recording.

Affidavit Creation

In simple terms an Affidavit is a written sworn declaration, and for it to be recognised as such, it only needs to be titled Affidavit.

The details on an Affidavit can be anything, and can be written however the person decides it to be written, in whatever language and syntax. After all it is your affidavit and no one has the right to tell you how it should be written.

However, it must be noted that once it is on the court's records, you have sworn that what you have written to be true, under penalty of perjury. So only swear to the truth, and only truth that can be proven.

Note: Although it is your written sworn statement, it is strongly advised to follow the accepted and recognised layout of an Affidavit.

Once your affidavit has been drawn up, you will need to have it witnessed, as you sign it.

Two people, not related to you by marriage, shall witness you sign your declaration, and sign your affidavit stating so.

Note: An Affidavit of Marriage oath may violate the newly created Affidavit being submitted to court, as there could be a conflict of interests, meaning the Notary Public may not add the courts seal to the newly created affidavit as it maybe fraudulent.

Once signed, you will need to get it filed with a common law court. You will call upon the services of a Notary Public, who will check your identity, and stamp your affidavit with the courts seal.

Your affidavit shall now enter the ledger, and you shall be given a docket with a reference number referring to the filing.



Notary Public

Notary Public is an internationally recognised legal professional, with the jurisdiction to authenticate and certify the execution of globally recognised documents required for court or intended for use abroad. Such documents include affidavits, deeds, wills and testimonial documents.

Note: The term Notary Public only refers to common-law notaries and should not be confused with civil-law notaries; they may be referred to as just "notaries", "notarial officers", or "public notaries".

The people with these titles do not have the same legal standing or recognition as a Notary Public and hold a lesser authority and many do not even have the capacity to authenticate documents.

Some only have the ability to witness your signature and confirm your identity once you sign a document, such as a notary at a police station or post office.

Using the incorrect Notary could result in your documents being recognised by only 28 countries and not 193.

England and Wales have approximately 740 sworn Notary Publics.

A Notary Public, once sworn in, holds an office that can trace its origins back to the Ancient Rome, when they were called *scribae* meaning scribes.

A Notary Public will not process any documentation that is of a violent nature or is suspected of being fraudulent.

Legal Professionals

It is possible to hire the services of a lawyer, solicitor or attorney to get your documents notarised for you, but do not allow them to take control of your case.

Confirm what Notary service you require and oversee the entire process yourself.

A Commissioner for Oaths is a person commissioned by the Lord Chancellor to administer oath or accept any affidavit for the purposes of any court matter in England.

All solicitors that hold a valid practising certificate may also perform this function, providing oath or affidavit to be used in a court in England.



Deed of Trusts

The idea of a Deed originated within Common Law, with the earliest record being the year 1248 with Sir Malcolm the Earl of Lennox. A Deed declares property rights, whereas a Deed of Trust is a legal instrument.

In other words, a Deed is a full ownership interest whereas a Deed of Trust is a security interest.

A Recorder of Deeds or Deeds Registry is a court officer tasked with maintaining public records and documents that declare rights over property.

In the 1200s, only the monarch could grant the authority to hold land, usually in the form of a charter giving rights to land, crops, livestock, fishing and minerals.

Although your children are your property, you cannot apply a deed to children or in fact any other person.

Property

The word property comes from Middle English and from Anglo-Norman French variant of Old French *propriete*, which in turn comes from Latin *proprietas*, from *proprius*, meaning “one’s own, particular” or “the proper”.

Meaning, the *proper* mother and father are those who are bound by legal obligation or related by blood.

Your children belong to you, therefore they are your belongings, and are your property as you are the *proper* parents.

Certified Copy

When you wish to use your affidavit, such as your Affidavit of Status, send a certified copy to the person you are claiming against.

Never send an original copy of an affidavit. Create your original, notarise it, file it with the court and send a certified copy to the recipient. After 30 days, if it has not been rebutted, it is now law.

The copy of your original affidavit shall be stamped, by you, “Signed Certified Copy” with a space for you to initialise it in wet ink. You then send that recorded delivery, or have the recipient served.