

Alabama's Supreme Court

A Constitutional Article III Court (not a corporation court)

(Was # 2140173 in Civil Appeals Court; # 1140431 in Alabama's Supreme Court)

Wish and Demand for Trial by Jury as of Right.¹

James Frederick; Graveling and Lori-Jane; Graveling²

(Appealing party)

v.

Roll Tide Homes LLC

(Party appealed against)

Affidavit of James and Lori Graveling re House and Prayer for Supreme Court

Affiants James and Lori Graveling two of the people reserving all rights swear (without the US) that the following statements are true, correct and not misleading to the best of their knowledge with the caveat that Lori did not pray with James for 911 but heard about it from

- 1 Bill of Rights, Article VII: "In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law." Cf. Alabama Code 12-2-7 - "The Supreme Court shall have authority:....(4) To make and promulgate rules governing the administration of all courts and rules governing practice and procedure in all courts; provided, that such rules shall not abridge, enlarge, or modify the substantive right of any party nor affect the jurisdiction of circuit and district courts or venue of actions therein; and provided further, that the right of trial by jury as at common law and declared by Section 11 of the Constitution of Alabama of 1901 shall be preserved to the parties inviolate." Cf. UCC 1-103.6 defines how contract law must be in compliance with the rules of the common law providing there is made a knowing reservation of common law rights: "The Code is complimentary to the Common Law, which remains in force, except where displaced by the code. A statute should be construed in harmony with the Common Law, unless there is a clear legislative intent to abrogate the Common Law." The record shows and this court is given judicial notice that we entered this suit on the common law and consistently preserved our rights on the common law. So, we reserve our rights and analogously request this matter and case be governed according to the laws of our domicile, which laws (Cf. Federal Rules of Civil Procedure Rule 17(b)(1)) and first and foremost in terms of final authority the Word of God as inscriptured in the Holy Bible (Geneva version). We declare on due process grounds our ongoing objection to any purported personal jurisdiction over us from any admiralty or maritime court as we have never sought nor entered such a court. We expressly have reserved our rights also not to be compelled to perform under any contract or commercial agreement that was fraudulent or that we did not enter knowingly, voluntarily and intentionally after having been given full and complete disclosure of all aspects and workings of said contract, God's word and man's law alike agreeing that fraud vitiates all claimed rights of contract.
- 2 Non domestic to the US; redeemed and owned by our Lord Jesus from Nazareth, Israel, the Christ, our Kinsman-redeemer and Surety as established by Scriptures such as Exodus 12, Leviticus 25, Psalm 49, Nehemiah 5, Jeremiah 50, I Corinthians 7, Galatians 5, et al.

him later. However she has no doubt about this whatsoever since she has known her husband, his integrity and his super sensitive conscience as well as how God has answered other prayers of his, which He would not do were James lying about 911 (cf. Psalm 66:16-20; Isaiah 1:15; I Peter 3:7 et al)

1. Given how moving a family from one house to another was time consuming and difficult, Lori and James prayed together while in Minnesota and asked God to make our next move an easy one. IF it was truly His will for us to serve Him in pastoral ministry in Alabama, we asked God would give us a home with a master bedroom, boys room, girls room, teaching room, exercise room, lots of storage space, a ranch style for Lori (whose knees had gotten worn on stairs), and all during the three days while we were down to be interviewed by the Presbytery. Wanting God to show us clearly where there was no question, we specifically put a time limit on it: please bring it to us BEFORE we leave Alabama”.
2. During nearly the entire time we were in Alabama those three or so days there was a ton of rain. So much so that when we did try to look for houses, we could not even see them well enough. After the interview and meeting with families interested to consider starting a church plant with us, James remarked as we entered the van how everything looked A+ but the LORD had not brought us to any house, at least not yet, because, after all, he reasoned, we had prayed that He would do it BEFORE we leave Alabama, and we had not yet left it. Maybe He'll do so now yet James remarked.
3. We headed out down the road to reconnect to the highway to return to Minnesota. Wouldn't you know it, due to the extreme rainfall amounts, the road was closed and we

were detoured, causing us to have to go down a road which had a HOUSE FOR SALE sign pointing us to the left. We followed its direction and pulled into the driveway, but after seeing what appeared to be too small a house to match our needs and our prayer, we were ready to back up and continue our road trip home, except that a man on the property had seen us and had started to walk toward us. Not wanting to be rude, James waited for him but then said to him, "I'll cut to the chase, we're looking for something with at least four bedrooms." "Well", he replied, "how's five or six suit you?" We agreed to look but thought they must be awfully tiny rooms for that size house. We could not see from the road a large addition behind the front appearance of the house.

4. The house was perfect for us. We were able to compare it to the way God had led us to our Minnesota home, another striking story of His gracious answer to prayer.
5. We were very interested in the home and considered it an answer to prayer from all we could tell, yet given the amount the church plant would be able to give to take care of our financial needs, we felt constrained. How could we afford that? James asked Lori as budget director to cut out everything that we could live without to see if we could navigate our way to purchasing the house. She did, but it was a no go. Convinced by the exceedingly clear and striking way God had so amazingly answered such a pointed prayer, James was sure God had graciously led them to that house and wanted them to purchase it. But how without the right amount of funds? James encouraged Lori to go even further and cut everything down to the very bone financially in our budget. There's got to be some way we can do this since God led us to it we felt.
6. But Lori's report was not encouraging. After she had poured over all the numbers again,

she was convinced there was utterly no way to do it. Jim didn't know what else to do. It had seemed so clear and unmistakable that the Lord had led them to this house as a way of confirming that God wanted us to minister in Alabama. Well then, how was this to be understood? On the one hand, we have to seek to obey God's leading, especially after such a clear leading. On the other hand, we can't, I figured, violate the principle of being a good steward, could I? Would it be right to take a house where we could be in over our heads? No, I thought, that could not be right. Poised on the horns of a dilemma, I wondered: what did God want me to do in all of this? In retrospect I should have called on the Lord and waited patiently for His answer, but finances there were evaporating and we needed a way to make ends meet for the family. Everything looked great about the Alabama church plant. And, God did use the house and the answer to prayer in order to lead us there. Hey, maybe that was all it was intended to be. Maybe its just that God answered that prayer in such a striking way in order to show us that He wanted us to go to Alabama, but does not necessarily want us to buy that house. So we concluded (like Abraham we should have waited on God and not operated according to our own understanding -Proverbs 3:5-6). We should have trusted God to part the Jordan that looked overwhelming circumstantially since He had called us to go forward.

7. So, on a return trip to Alabama we looked at other houses and located one which we thought would suit our family's needs even though our heart and eye still desired the one God had so strikingly led us to. Then James was called by the presbytery to be a church planter. We had a located another house and everything looked like it would go smoothly. So, we packed up all our belongings from our Minnesota home into the back

of a semi and headed down the road.

8. Once in Alabama, we began to feel what we later determined was God's chastening for our failure to follow Him into the Jordan. We received a call that the second house we had located would not, could not possibly work. James made other calls, being sure there must be some way possible, something?! But the wall would not move. So, now here we were, in Alabama, no place for all our belongings packed tight in the back of a semi, no place to land, no place to call home, no spot to school, no office from which to minister. Could we go back to Minnesota? No, the saints in Alabama needed me to preach and pastor and care for the little flock God was gathering. So, greatly distressed, we still turned to the Lord in prayer to care for us and He surely did. After explaining our dilemma to the saints there, they graciously took us in. Being the end of summer (August) there were a number who were on vacation, etc. so that this one or that family were able to open their home to us for a couple days, a week, etc.
9. Though they were gracious, we felt the difficulties. We found ourselves bumped around from again and again from place to place for weeks. We had hoped for a honeymoon beginning to our ministry there, but it was not that. Going from place to place, hardly having the ability to use his books, sermon materials or computer proved very challenging for James. What seemed a long wait finally resulted in a place for our belongings to land. We were able to pick through the hundreds of boxes and try to recall where we put homeschooling materials, sermons, commentaries, and so on. So these we carried around with us from place to place like sojourners. Yet it proved a very hard pace and way to live, just getting settled down, just started homeschooling and ministry and

learning how to navigate from one location to the next and we had to pack everything back up again and relearn a new place. Time consuming and frustrating. Other trials also attended our way (fire ants in the Corolla trunk along with rainwater so James' ministry books and papers were damp. Various trials afflicted us and I was not counting it as all joy as much as I should have.

10. On the morning of September 11, 2001, things were brought to a boiling point. James felt God was chastening. It seemed part of the tapestry of life as well. And it was SOO frustrating. Here I was trying to serve the Lord out of love to Him, and we were encountering difficulty upon difficulty. We had tried to live for the Lord and seemed to have little success attend our way. Trial after trial, for years, it seemed, were our only lot in life. I couldn't understand it. Meanwhile the wicked in our nation were prospering and flourishing though they had no fear of God. It make me feel like Asaph in Psalm 73. He said: "Truly God is good to Israel" – yes His steadfast love and gracious kindness towards His people is everlasting! – yet he was tempted to envy the wicked. Why? Because though they have no fear of God, their circumstances didn't seem to indicate it, for they bulged with abundance and ease, while he, who continually sought to "wash his hands in innocence" felt as though he were "chastened every morning" by God.

11. Asaph's psalm helped James regain a steady control of my spirit. The Holy Spirit through him reminded me of the truth of the gospel he had heard in the sanctuary: 1) our Creator is "very good" (Genesis 1:31), lovingly making man in His own image in righteousness and holiness and with every blessing; yet how man most unreasonably

rebelled against God. 2) we all as sinners deserved the terrors of hell eternally – to be “utterly consumed with terrors”. 3) God’s Son Jesus had –in His infinite grace towards James as one of His redeemed- suffered those terrors in his place. 4) Those trusting God’s Messiah Savior are guided by God in this life, and “afterward received” to glory.

12. These truths comforted James that though chastened he was on the right track to keep fearing God and obeying His commandments. Yet he dealt with such anguish and frustration of soul we wanted more Scriptural answer. James recounted how his mother also had gone through so many tribulations and also felt chagrined by the wicked and their deeds while she had sought to lovingly serve the Lord with a loyal heart. How much James wanted my nation to turn back to and be blessed by God. For decades! we had prayed, worked, voted, written public servants, rallied to end abortion, preached, witnessed, yet seemingly all to no avail. We had spent ourselves seeming for nothing it seemed, while the wicked prospered.

13. While feeling like the Psalmist who wrote: “It is time for You to act, for men regard Your law as void” James turned from Psalm 73 to 79. There he came across an imprecatory prayer. James knew from previous study that Scripture teaches us there is a time to pray such prayers. The New Testament records in James 5:16-18 how God answered Elijah’s imprecatory prayer for a terrible drought that took the lives of untold numbers: “The effective, fervent prayer of a righteous man avails much. Elijah was a man with a nature like ours, and he prayed earnestly that it would not rain; and it did not rain on the land for three years and six months. And he prayed again, and the heaven gave rain, and the earth produced its fruit.” As a God-fearing man, Elijah loved God and

his country, but recognized in light of Moses' law that she had fallen into apostasy.

Undoubtedly Elijah took no delight in asking God for judgment. Yet, out of love for his country's ultimate well-being, and, pre-eminently for YHWH his God's glory, he prayed according to the terms of God's covenant for a judgment on his people. Such judgment played a role in eventually bringing Israel back to God and vindicating His name. God used it to bring His people to repentance, after which abundant showers came from heaven (I Kings 18). Scripture teaches and fully approves of such prayers and leaves it up to God to answer according to His own sovereign, wise, and good will. He "works all things according to the counsel of His will" (Ephesians 1:11). (For Scriptural proof that imprecatory prayers are righteous and necessary to pray at times, see Luke 18, Revelation 6:9-11 (where saved martyrs in heaven cry out to God for vengeance) as well as www.anchoroftruth.org).

14. James felt it was time for things to change. Since he had exhausted every other recourse, reading the imprecatory psalm there for God to pour out His wrath on the nations who do not know Him and call on His name, knowing the right circumstances to pray this (having taught it from this same psalm as a pastor to our Salem saints), James determined it was time to pray for a limited measure of judgment. It was a very sad decision to make. Wrath was accumulating against us. James was not going to ask for the life for life judgment God's word says we deserved- we had murdered over 30 some million innocent babies at that point!- but for just a day's worth- we had been murdering babies created in God's image day after day for years. Perhaps, so we would stop murdering them, it was time for God to send us some of the fury He warns about in His

word. James did not want to pray it. James felt sad and heavy inside. Even so, in order to wake it up, for it to again fear God, to see He does judge righteously, our sins will not go unpunished, so people learn there is a heaven and hell, to learn of His grace and love in giving His own Son to die in the place of sinners like us, so that people might turn in this life and not have to suffer unending and eternal torments in hell and the lake of fire forever, hoping people repent of their sins and trust Y'shua ha Maschiach to deliver them from their sins and God's righteous wrath, James with a strong, earnest and determined heart decided so to pray.

15. James writes: though I tremendously loved/love America, I saw that it obstinately went on thumbing its nose at God in stubborn rebellion against His laws and oppressing the innocent. For decades I'd prayed God would cause America to repent and bless America. I had preached, marched, written to judges, congressmen and Presidents, but all to no avail. We continued in our idiotic idolatry, murdering millions of innocent babies by abortion, and committing ever grosser immorality. Desiring then America's ultimate restoration and blessing, but knowing it would take God's judgment to get it there, I determined to pray a strong imprecatory prayer against it that morning.

16. Getting down on my knees, I cried out to God like the Psalmists did: "Almighty God, Creator of the heavens and earth, You who dwell between the cherubim, great, holy, and awesome are You! You deserve and are worthy of all the praise, love, obedience and thanks of all men and all nations for You created them and by Your will they exist! Lord, we owe You everything! But we have rebelled against You and yet You sent Your own beloved Son to die for us that we might have life forever! Lord, I was super frustrated

today. Because it seems that I and my mother too and others have sought to be and do what is right in Your sight and yet it feels that we get chastened every morning, while the wicked (I thought of/mentioned some institutions) seem to prosper with abounding ill gotten wealth and oppression! Lord, I'm convinced that my mother went to an early grave also because of all the stress and oppression weighing down on her that all these wicked people put her and the other saints in our nation under! Lord, I pray that You would not allow the righteous to suffer as a result of this prayer- but protect them, and instead cause the wicked to suffer if they will not repent! Lord, we've taken You and Your warnings lightly, have gone on murdering babies by abortion, and we think – "if there were a God in heaven like the One in the Bible – and He hated abortion, He'd have shown His anger by now!" Lord, You're so longsuffering. and I'm so grateful. I want You to save our nation. But we've forgotten and rejected You, and yet cry "God bless America!" The wicked say, "Christians say that God is angry with our nation for abortion, homosexuality, and compromise with idols. That He'll punish it! Where's the judgment?! Everything goes on just fine!" Lord, look- they murder babies, day after day, month after month, decade after decade! It seems You don't care. We don't think we need You Lord. We trust our military might and our economic accomplishments. O Lord, let us trust, fear and glorify You! Show them Your anger! Do something TODAY! Even now! Lord, how long have I and Christians prayed? Lord, please, in one sense I do not want to pray this, but as Your word also shows, Your Name is being trampled and people go on aborting and sinning, because they see nothing. They interpret Your longsuffering as though You don't care. Lord, we murder thousands everyday!

Perhaps its time, day after day of murdering thousands of little humans and thinking nothing of it, for You to just one day, yes Lord, even THIS day, make it appear before them THIS day, how ghastly it is to You by taking the lives of thousands of ADULT Americans. We need again to FEAR You! Cause us to Lord! That we might turn back to You. Perhaps we should have our Pentagon attacked today, showing us NOT to trust in our military might, but in You. Perhaps we should have the Twin Towers attacked today, not just a scare after the bomb like years ago but actually having the towers come down showing us NOT to trust in our own economic might, but in You! (Lord, if You do, please, if it be Your will, cause those about to die to cry out to You for their soul's salvation!) Lord, for Your glory, not because I want to see anyone die, but because our nation won't listen, thumbing its nose at You, do something even NOW, in the next HOURS, if You think it is right and just and the right time to do it, in order that it might know that the God of the Bible is God, that He reigns over all nations through His Son Jesus, that they may know those who break covenant with You will suffer-unless they repent, that they might know You as the wonderful God and Savior You are! That Psalm 2 is true of You and Your Messiah Jesus! Lord, I've prayed so long for repentance so that we would not need Your judgments, but our nation has been so obstinate! Lord, to me it would seem better to have a judgment like this involving temporal deaths in order that MILLIONS might turn from their sins and unto You and so be saved from eternal death which is eternally worse! Lord, if it be righteous in Your judgment, cause our nation to fear You today by causing it to see only a little of Your wrath, not all we deserve, but enough to make us tremble and to call us back to You.

And then –if You do, I will tell the President and the media that we do see the God of the Bible’s wrath; that You are the one true and living God; that Your Word IS true; that we MUST as a nation repent of our abortion, sodomy, pluralistic idolatry and other sins, lest we suffer more of Your judgment! Yet that they need not run from You, for You delight in saving, for You sent Your Son Jesus into the world! Lord if You do, then I can tell how because You are so gracious You save all hell deserving sinners who come to You freely- not by works but by grace alone, through faith alone, in Christ alone! Lord, I don’t want anyone to suffer, but Your word teaches that sometimes we need to call down Your wrath, that men might fear You, for Your glory is most important. Hear me Lord, and do it in order to ultimately bless America. And Lord, if You answer, please use it somehow to bring about Israel’s salvation as well, since You promised that You would save Israel in Romans 11. And I prayed the Lord’s prayer for and in Jesus’ Name, Amen.”.

17. I prayed with the greatest earnestness and importunity I have ever prayed any prayer with. I was determined to have my answer! I would not let God go. I was giving heart and soul and mind and strength for it- pouring everything into that prayer. I was determined that if God would not grant the prayer I was asking, it would not be because I had not called on Him and poured out my soul as fully as I knew how seeking Him through Jesus. I figure it must have been approximately 30 minutes before the attacks that I prayed this under God’s blue skies in Ashville, Alabama.

18. I did not know if my Triune God would answer as I requested or not.

19. He did.

20. In connection with feeling chastened, I tried to retrace my steps, trying to figure out why God seemed to be chastening us, hoping to undo steps I perhaps should not have taken. I determined God had chastened us because He had led by clear, striking and an amazing answer to prayer regarding the house. Though He led us strikingly in answer to prayer, though His word shows we should step into the Jordan river even when it seems circumstances argue against it, I failed to give obedience to His direction. So I repented and amended my way by (I think it was the same day) contacting the owner and starting to investigate how to purchase the home.

21. When James later recalled this prayer for a measure of God's judgment, his insides melted. The same day, while on the road, James shared this with Lori (while on vacation in Gilbertville Kentucky area). Lori remembers him sharing how he had prayed for 911 before it occurred while on the road near Gilbertville and has no doubt about his claim whatsoever. Judging by God's word, the fact that James (an evangelical minister) prayed a prayer requesting a judgment involving the very events of 911 before the attacks on 911, and then the very same events happened on that same morning, we conclude that God answered his prayer.

22. Let all who hear learn from this testimony that confirms the truths of God's word: "If a trumpet is blown in a city, will not the people be afraid? If there is calamity in a city, will not the LORD have done it?....The Lord GOD has spoken! Who can but prophesy?" (Amos 3:8b) As Jesus showed (in Luke 13) after other such calamities had occurred in His day, such events call each and every one of us to turn from our sins and back to God through faith in Jesus lest we perish!

23. We had learned well before 911 of wicked oppression involved in the Federal Reserve (e.g. their gradually making our dollar bills non redeemable in gold and silver; their not being part of the US government). In God's leading in the aftermath of 911's events, God revealed to us much more of their fraud. We learned of our having been deceived and defrauded by Castle Mortgage Corporation (and subsequent alleged holder Coastal States Mortgage Corporation) promising one thing and delivering another (breach of contract). So in good faith we asked Coastal for proof (assuring them we would resume funds to them or give them the house) that we had truly been given a lawful, valid loan of assets previously owned by them before we requested a loan and that we truly did owe them our funds. Rather than responding in honesty and good faith and providing such verified and validating proof of their claim (though laws like the Fair Debt Collection Practices Act require such validation), they continuously did us wrong since our dispute and request for honest proof of an honest loan. They obfuscated, defrauded, and oppressed. So, when Coastal and its attorneys sought to foreclose, we prayed to the God of the Christian Bible and asked Him to do three things: a) close Coastal down, b) expose them as fraudsters, c) imprison its President Patrick Mansell. We learned later that God did all three. The proof James prayed this comes by this affidavit and can be another of another individual who recalled praying for these three things against the wicked oppressor Coastal and its President. The results of the answer to prayer can be see in our expert witness William McCaffrey's affidavits as well as by going to such sites as <http://www.bizjournals.com/southflorida/news/2013/10/17/mortgage-executive-sentenced-to-prison.html>

24. This court needs to learn about the banking fraud occurring in our state and follow what God's word requires it to do about it: a) care; b) inform other branches of our state government; c) make sure it breaks any formal or informal covenants with those who are doing such defrauding (cf. Genesis 3:15; Isaiah 1:21-22); d) declare forgiveness based on the fraud (cf. US v. Throckmorton) of all such fraudulent loans in order to "do justice" (Psalm 82) as God's word requires. If we know of evil being done, but do not do our part to reprove, expose and overcome it, then we become guilty bystanders and incur liability and guilt before God (cf. Leviticus 19:17-18; Isaiah 1:16-18; Acts 20:26-27; Ephesians 5:8-14).

25. After 911, we have seen our nation experience more of God's wrath. This is in keeping with what God warns for nations that made covenant with Him and persistently break it: see Ezekiel 14, Leviticus 26, Deuteronomy 28, Amos 4, the prophets, Matthew 11, Romans 1, Jude 7, Revelation 18. It is our sincere desire that our nation which has apostasized from the Triune God of the Bible might soon return to Him and not have to suffer more of His judgments. The certainty of God's word is made known by various means, also by the prophecies God gave concerning His Son Jesus which He fulfilled (cf. Isaiah 52:13-53:12 and hundreds of others). **The good news** about Jesus Christ is that as God's eternal Son He became a man, living a life of keeping God's law and then suffered the full penalty for His people's breaking it. He is the Savior and Surety of all those who turn from their sins (and trusting in their own works or righteousness, or those of others) and look to God through Him to save them. "I am the Way, the Truth, and the Life, no man comes to the Father but by Me." John 14:6 "He who comes to Me

I will by no means cast out" – John 6:37.

Further affiants say not.

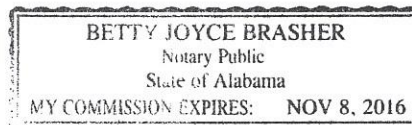
Signed with reservation of all rights on this the 27th day of February 2015 by:

James Graveling
Lori Graveling

James & Lori Graveling c/o 1670 Simpson Rd Odenville Alabama [near 35120] 205-629-5343

NOTARY PUBLIC'S JURAT

BEFORE ME, the undersigned authority, a Notary Public, of the county Saint Clair, Alabama, this 27th day of February, 2015, the above named natural person(s) did appear and was/were personally known by me, and who, upon first being duly sworn and/or affirmed, deposes/deposed and says/said that the foregoing asserveration is true to the best of his/her/their knowledge and belief.



WITNESS my hand and official seal.

/s/ Betty Joyce Brasher SEAL

My Commission Expires On: Nov 8, 2016



Certificate of Service:

Gravelings will attempt to get a copy that is for all intents and purposes the same as this one within approximately a day or two to Roll Tide Homes LLC. Reserving all rights this affidavit was signed on the date indicated herein this document by:

James Graveling
Lori Graveling