

Please Read Instructions on Reverse Side of Yellow copy

Arkansas State Claims Commission

Please print in ink or type

APR 16 2018

BEFORE THE STATE CLAIMS COMMISSION Of the State of Arkansas

RECEIVED

Mr. James Suber, Jr., #167529, Claimant

Do Not Write in These Spaces. Claim No., Date Filed, Amount of Claim \$, Fund.

vs. State of Arkansas, Respondent

COMPLAINT

James Suber, Jr., #167529, the above named Claimant, of [redacted] (Name) [redacted] (Street or R.F.D. & No.) [redacted] (City) [redacted] (State) [redacted] (Zip Code) (Daytime Phone No.) County of [redacted] represented by Pro se. (Legal Counsel, if any, for Claim)

of same as above (Street and No.) (City) (State) (Zip Code) (Phone No.) (Fax No.) says:

State agency involved: State of Arkansas Accessor Amount sought: \$10,000.00

Month, day, year and place of incident or service: On June 6, 2005 on or about

Explanation: On or about April 2015 it was discovered by the Claimant that a secret 'Special Warranty Deed' was filed with the State of Arkansas Accessor & Land Management giving Theodis Leonard and Ruby Bure Leonard ownership of a parcel of land Southwest Quarter of the Southeast Quarter (SW 1/4 of SE 1/4) of Section 12 Township 12 Range 5 west. Beginning @ southwest corner of SW 1/4 of SE 1/4 along the east boundary of 40 acre tract of 4.80 chains, running parallel westward with a south boundary of 9.10 chains of Selma Collins public road, run thence southerly along the east boundary of said road of 4.80 chains +/- to the south boundary of said SW 1/4 of SE 1/4 run thence east along the south boundary thereof a distance of 8.34 chains to the point of beginning and containing (4) acres more or less in Drew County. Being an heir of Amos Bure and Mary Bure (previous deed holders) the Claimant has a rightful and legal claim to the 'illegal Special Warranty Deed' on file with the State of Arkansas with the recorded names Theodis and Ruby Bure Leonard affixed upon. The claimant has paid the state taxes on this parcel of land and Maint./upkeep on this land within the borders of this State and the state of Arkansas has given 2 individuals ownership of this land without proper procedures followed. The State of Arkansas continues to collect land tax on this parcel of land and since this state is a financial benefactor of this land it has a interests in resolving this matter before the Commissioners of this Commission for this state

As parts of this complaint, the claimant makes the statements, and answers the following questions, as indicated: (1) Has claim been presented to any state department or officer thereof? No; when? N/A; to whom? N/A

and that \$ N/A was paid thereon: (2) Has any third person or corporation an interest in this claim? N/A; if so, state name and address

and that the nature thereof is as follows: N/A; and was acquired on N/A, in the following manner:

THE UNDERSIGNED states on oath that he or she is familiar with the matters and things set forth in the above complaint, and that he or she verify believes that they are true.

JAMES SUBER, Jr. (Print Claimant/Representative Name) James Suber, Jr. (Signature of Claimant/Representative)

SWORN TO and subscribed before me at Calico Rock AR. (City) (State)

on this 13th day of April, 2018 (Date) (Month) (Year)

[Signature] (Notary Public)

My Commission Expires: Sept. 9th 2025 (Month) (Day) (Year)



BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

JAMES SUBER, JR. (ADC 167529)

CLAIMANT

V.

CLAIM NO. 180834

STATE OF ARKANSAS

RESPONDENT

ORDER

Now before the Arkansas State Claims Commission (the “Claims Commission”) is the motion filed by the State of Arkansas (the “Respondent”) to dismiss the claim of James Suber, Jr. (the “Claimant”). Based upon a review of the motion, the argument of the parties, and the law of Arkansas, the Claims Commission hereby finds as follows:

1. Claimant filed its claim on April 16, 2018, seeking \$10,000.00 in damages from the “State of Arkansas Accessor” regarding a “special warranty deed” giving two named individuals ownership of a parcel of land in which Claimant claims an ownership interest.

2. Respondent moved to dismiss Claimant’s claim, arguing that Claimant has failed to state facts upon which relief can be granted and that dismissal is proper pursuant to Ark. R. Civ. Proc. 12(b)(6).

3. Claimant did not respond to the motion to dismiss, but he did file a “Request for Writ of Mandamus” regarding Respondent’s “factual default.”

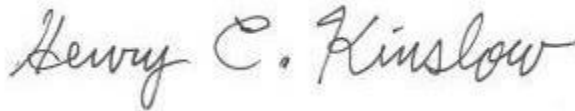
4. In reviewing this motion to dismiss, the Claims Commission must treat the facts alleged in the complaint as true and view them in a light most favorable to the Claimant. *See Hodges v. Lamora*, 337 Ark. 470, 989 S.W.2d 530 (1999). All reasonable inferences must be resolved in favor of the Claimant, and the complaint must be liberally construed. *See id.* However, the Claimant must allege facts, not mere conclusions. *Dockery v. Morgan*, 2011 Ark. 94 at *6, 380 S.W.3d 377, 382. The facts alleged in the complaint will be treated as true, but not “a plaintiff’s

theories, speculation, or statutory interpretation.” *See id.* (citing *Hodges*, 337 Ark. 470, 989 S.W.2d 530 (1999)).

5. Even under the liberal pleading standard in *Hodges*, the Claims Commission finds that dismissal is proper pursuant to Ark. R. Civ. Proc. 12(b)(6). If Claimant believes that he is the rightful owner of a parcel of land, Claimant has remedies through a court of general jurisdiction against the owners of record.

6. Respondent’s motion to dismiss is GRANTED, and Claimant’s claim is DISMISSED WITHOUT PREJUDICE. Claimant’s request is DENIED.

IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION

Dexter Booth
Henry Kinslow, Co-Chair
Bill Lancaster
Sylvester Smith
Mica Strother, Co-Chair

DATE: September 28, 2018

Notice(s) which may apply to your claim

- (1) A party has forty (40) days from the date of this Order to file a Motion for Reconsideration or a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(b). If a Motion for Reconsideration is denied, that party then has twenty (20) days from the date of the denial of the Motion for Reconsideration to file a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(b)(3). A decision of the Claims Commission may only be appealed to the General Assembly. Ark. Code Ann. § 19-10-211(a).
- (2) If a Claimant is awarded less than \$15,000.00 by the Claims Commission at hearing, that claim is held forty (40) days from the date of disposition before payment will be processed. *See* Ark. Code Ann. § 19-10-211(b). Note: This does not apply to agency admissions of liability and negotiated settlement agreements.
- (3) Awards or negotiated settlement agreements of \$15,000.00 or more are referred to the General Assembly for approval and authorization to pay. Ark. Code Ann. § 19-10-215(b).

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

JAMES SUBER, JR.

CLAIMANT

V.

CLAIM NO. 180834

STATE OF ARKANSAS

RESPONDENT

**ORDER ON CLAIMANT'S
MOTION FOR RECONSIDERATION**

Now before the Arkansas State Claims Commission (the "Claims Commission") is a motion filed by James Suber, Jr. (the "Claimant") for reconsideration of the Claims Commission's September 28, 2018, order denying and dismissing Claimant's claim against the State of Arkansas (the "Respondent"). Based upon a review of the pleading, the arguments made therein, and the law of Arkansas, the Claims Commission hereby unanimously finds as follows:

1. Claimant filed his claim on April 16, 2018, seeking \$10,000.00 in damages related to a "special warranty deed" giving two named individuals ownership of a parcel of land in which Claimant claims an ownership interest.

2. Respondent filed a motion to dismiss on May 15, 2018, arguing, *inter alia*, that Claimant failed to state a claim upon which relief can be granted.

3. On May 26, 2018, Claimant notified the Claims Commission of his paroled status and address change.

4. On September 28, 2018, the Claims Commission granted Respondent's motion and denied and dismissed the claim.

5. Claimant filed the instant motion for reconsideration on October 25, 2018, with the following statements:

- “I James Suber Jr. never receive [sic] the motion to dismiss until I contacted the Arkansas State Claims Commission office . . .”
- “I receive at my home address from . . . [counsel for Respondent] dated May 15th 2018 a motion to dismiss.”

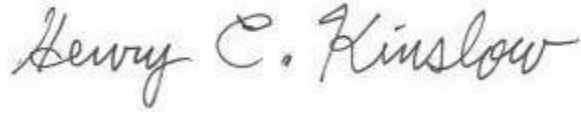
6. Despite the apparent contradiction in the two statements, the Claims Commission finds that absent from Claimant’s motion for reconsideration is any response to Respondent’s motion to dismiss. It remains undisputed that Claimant does not allege in his claim that Respondent was a party to the alleged “secret ‘Special Warranty Deed.’” Claimant’s motion does not address the fact that there is no state entity known as the “State of Arkansas Accessor & Land Management.”

7. Moreover, parties are responsible for ascertaining the status of his claim. Claimant did notify the Claims Commission of his new address on May 26, 2018, but he did not call to check to see whether anything had been filed until June 13, 2018. Even after Claimant received a copy of the motion to dismiss, Claimant did not respond to it. Instead, Claimant waited until the Claims Commission entered an order granting the motion to dismiss before he filed the motion for reconsideration.

8. As such, the Claims Commission finds that Claimant is not entitled to reconsideration of his claim.

9. Claimant’s motion for reconsideration is DENIED as untimely, and the September 28, 2018, order remains in effect.

IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION

Courtney Baird
Dexter Booth
Henry Kinslow, Co-Chair
Paul Morris, Co-Chair
Sylvester Smith

DATE: July 30, 2019

Notice(s) which may apply to your claim

- (1) A party has forty (40) days from the date of this Order to file a Motion for Reconsideration or a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1). If a Motion for Reconsideration is denied, that party then has twenty (20) days from the date of the denial of the Motion for Reconsideration to file a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1)(B)(ii). A decision of the Claims Commission may only be appealed to the General Assembly. Ark. Code Ann. § 19-10-211(a)(3).
- (2) If a Claimant is awarded less than \$15,000.00 by the Claims Commission at hearing, that claim is held forty (40) days from the date of disposition before payment will be processed. *See* Ark. Code Ann. § 19-10-211(a). Note: This does not apply to agency admissions of liability and negotiated settlement agreements.
- (3) Awards or negotiated settlement agreements of \$15,000.00 or more are referred to the General Assembly for approval and authorization to pay. Ark. Code Ann. § 19-10-215(b).

Arkansas State Claims Commission
JAMES SUBER Jr. V State of Arkansas
Claim No. 180834

Order of Claimant's

Motion for Appeal

Date: 8-9-2019

Arkansas
State Claims Commission
AUG 12 2019

RECEIVED

To: Kathryn Irby

And: Ms. Patricia VanAusdall Bell

Re: JAMES SUBER Jr. V. State of Arkansas

Special Warrant: These Two Names?

Individuals lied To The Law by Claiming
Sole Heirs of my Decense Grandparents
Land

Attorney: James Ross Jr - Did not Do
Careful Research Regarding Special Warrant
Deed.

Hardship CAUSE To Me AS The Result
of False Special Warrant Deed Issue
By State of Arkansas.

A. Right To Enjoy my Real Estate + Personal
Property

B. My Life was Threaten While Attempting
To Trim Trees at one of my mobile Home
That Special Warrant Deed Does not Specify.

C. I was Sent To State of Arkansas
Prison - I Just Want Justice

Kathryn Irby:

According To My DECEASE Mother
I Was Born on The Land Where
This Special Warranty Deed Was
Issued Falsly and Without Careful
Re Search.

As A Citizen That Have chose To
Continue To Live, Work, Pay TAXES
Here In The State of Arkansas It IS
Sad not only For Me But Some of
Those That Took a Oath To Represent
our state. Theodius Leonard The MASTER
Mind Behind The Special Warranty Deed
Plot-Left The State of Arkansas OVER
Forthy YEARS Ago Came Back To The
State of Arkansas Tempwary Hire ATTORNEY
JAMES ROSS Jr. Plotting Sole Heir of my
Hard Work Here In The State of Arkansas
I Work For YEARS AS A Police OFFICER
Here In The State of Arkansas. I Was Born
Registered To Vote Attended College Here
In The State of Arkansas But When my Identity
AS A Citizen I Was Consider Dead According
To The Special Warranty Deed Issue By The
State of Arkansas. Theodius Leonard Lied To
OUR COURT and Have Move To Another
State- I Will Consult a Attorney.

Requesting A Appeal Because

A. I JAMES SUBER JR. AM A Live Heir

B. The Special Warranty Deed Was
Issue Base on Sole Heir: Theodius
Leonard and His Mother Ruby Bure
Leonard

C. Ruby Bure Leonard and my
Deceased Mother Willie Bure SUBER
ARE Sisters.

D. Amos + Mary Bure my mother
Parents and JAMES SUBER JR

Grandparents

E. I James Suber Jr. Have Two
Mobile Homes on Special Warranty
Deed property

F. My Grandparents Rural Mailing
Address Was [REDACTED]

[REDACTED] The law Change and 911
Access Change There Address To: [REDACTED]

G. YES - The Combine Seven Acres
Amos + Mary Bure 4.00 Acres, Mattie Ware
1.5 Acres and James Suber + Wife - 1.5 Acres

H. Combine Seven Acres noted Above IS
Where I Was Raise

I. These Acres noted Have False Address
[REDACTED]

J. False Address Because From 1964 until year 2000 The Combine Seven Acres noted Had The Same

K. Note: I Did Agree That .75 Acres Be Deeded To my Sister Omelia SUBER Walker

The .75 ACRES IS STILL PART of The Combine Seven ACRES That I Call Home.

L. According To my mother Maltie WARE Purchase The 1.5 ACRES For Her Three younger childrens which I was one of The Three.

M. I Started up-keep on This Land At Age Seven and I Continue To up-keep This Land In 2019.

N. My Mobile Home Located At

was Put There By me In ~~1996~~ 1996 I Do not Go Around or Inside This Mobile Home Because of The Special Warranty Deed ISSUE By The State of Arkansas. Also This IS Where my life WAS Threaten
O. I Should Be able To Enjoy my Life and Property

P. I Went To Arkansas State Prison Because of other Deeds - Lies.