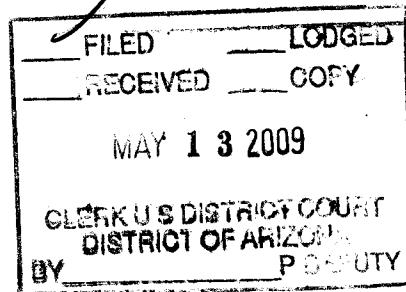


Maria D. Forman
c/o 5640 E. Duane Lane
Cave Creek, Arizona 85331
Defendant, In Propria Persona



UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

United States of America)
)
Plaintiff,)
)
v.)
)
Maria D. Forman; Jimmy C. Chisum, as)
Trustee for the DLP LT 13 Trust; and)
Arizona Department of Revenue,)
)
Defendants.)
)

Civil No. 2:09-CV-00444-SRB

ANSWER TO COMPLAINT

Request/Demand:

1. Defendant, Maria D. Forman, requests a *jury trial* in this case, which is her right.
2. Defendant's first language is not English and Defendant is indigent and thus requests that the Court *appoint counsel* to assist her in this case.

Answer to Complaint:

Defendant, Maria D. Forman, provides the following Answer to Complaint:

1. (1) ADMITTED: Defendant has been put on notice that this suit is an attempt to reduce to judgment *claimed federal tax assessments* against Defendant.

(2) DENIED: Allegation that the property is beneficially owned by defendant.

Note: Defendant is *not* the beneficiary of the DLP LT 13 Trust, nor is the DLP LT 13 Trust "a" or "the" nominee of the Defendant or a "fraudulent transferee".

2. - 4.
NEITHER ADMIT NOR DENY: Defendant has no information to determine the accuracy of this statement.

5. (1) ADMITTED: Defendant resides in the United States in Cave Creek, Arizona and has been made party to this suit because it is alleged she has unpaid federal tax assessments;

(2) DENIED: Allegation that Defendant has an ownership interest in the parcel of property sought to be foreclosed in this action.

Note: Defendant has *no ownership interest* in the parcel of property sought to be foreclosed in this action. Defendant has only a "*Life Tenancy*" in the property with *no ownership rights*" whatsoever.

6. (1) ADMITTED: Howard E. Forman passed away on or about April 16, 2008.

(2) DENIED: Allegation that Defendant Maria D. Forman's husband, Howard E. Forman, held an ownership interest in the parcel of property sought to be foreclosed in this action.

Note: Defendant's husband, Howard E. Forman, had *no ownership interest* in the parcel of property sought to be foreclosed in this action after May 15, 1990.
7. DENIED: Allegation that Jimmy C. Chisum is the current trustee for the DLP LT 13 Trust. NEITHER ADMIT NOR DENY FURTHER: Defendant has no information to determine the accuracy of the rest of this statement.

Note: Phillip O'Neil, aka, Elmer P. Vild is the current trustee of the DLP LT 13 Trust.
8. NEITHER ADMIT NOR DENY: Defendant has no information to determine the accuracy of this statement.
9. ADMITTED: Based upon the evidence of this suit, Defendant has been noticed as to the purpose of this action.
10. ADMITTED/DENIED/NEITHER ADMITTED NOR DENIED as stated, referencing paragraphs one (1) through nine (9) above.
11. NEITHER ADMIT NOR DENY: Defendant has no information to evaluate the accuracy of this statement.
12. NEITHER ADMIT NOR DENY: Defendant has no information to determine the accuracy of this statement.
13. ADMIT: Defendant submitted returns for the 1995, 1997, 1998, 1999, and 2001 tax years, reflecting the same tax liability as determined by the IRS.
14. ADMIT: Defendant submitted a return for the 2002 tax year. Defendant was informed that assessments were made based on this return.
15. ADMIT: Defendant Maria D. Forman submitted returns for the 2003 and 2004 tax years, and assessments were made based on these returns.
16. NEITHER ADMIT NOR DENY: Defendant has no information to determine the accuracy of this statement.
17. ADMIT: Defendant failed to pay the subject tax liabilities *due to inability to pay* and has been deemed "*uncollectable*" by the IRS.
NEITHER ADMIT NOR DENY: Defendant has no information regarding the validity or presence of statutory liens that may or may not have been filed against all property and rights to property owned by Defendant, including the Subject Property.

18. – 24.

NEITHER ADMIT NOR DENY: Defendant has no information to determine the accuracy of these statements.

25. ADMIT: On August 29, 1983, Defendant Maria D. Forman and Howard E. Forman acquired title to the Subject Property as joint tenants with right of survivorship.

26. ADMIT: On May 15, 1990, Defendant Maria D. Forman and Howard E. Forman signed a warranty deed conveying the Subject Property to “DLP LT 13 with Jimmy Chisum as Trustee”.

DENY: Allegation that the transfer was for little or no consideration and without receipt of reasonably equivalent value in exchange for the transfer.

Note: The transfer was *legally valid* and there was a *reasonably equivalent exchange* of value.

ADMIT: The deed was recorded on May 30, 1990, at recording number 90-239325.

27. DENY: Allegation that, upon the death of Howard E. Forman on or about April 16, 2008, his alleged interest in the Subject Property passed to Defendant Maria D. Forman.

Note: Howard E. Forman had *no interest* in the property to pass to Maria D. Forman.

28. DENY: Allegation that Defendant Maria D. Forman continues to occupy, possess, exercise dominion and control over, and have use and enjoyment of the property such that, to the extent that DLP LT 13 Trust purports to hold title to the Subject Property, it does so as a nominee of Defendant Maria D. Forman.

Note: Defendant, Maria D. Forman, continues to occupy and have usufructuary enjoyment of the property owned by the DLP LT 13 Trust as defendant holds a “*Life Tenancy*”.

29. ADMITTED/DENIED/NEITHER ADMITTED NOR DENIED as stated, referencing paragraphs one (1) through twenty-eight (28) above.

30. NEITHER ADMIT NOR DENY: Defendant has no information to determine the accuracy of this statement.

31. DENIED: Allegation that, despite timely notice and demand for payment of assessments described above, Defendant Maria D. Forman has neglected &/or refused to pay the assessments and there remains due and owing to the United States on those assessments the total of \$27,427.87, together with accrued but unassessed statutory interest and any other additions as of the dates listed in paragraph sixteen (16) above.

ADMITTED: Defendant *failed to pay* the subject tax liabilities *due to inability to pay* and has been deemed “*uncollectable*” by the IRS.

NEITHER ADMIT NOR DENY: Defendant has no information verifying the accuracy of the alleged assessments.

32. DENIED: Allegation that, under 28 U.S.C. § 7402(a), the United States is entitled to a judgment against Defendant Maria D. Forman for the unpaid balance of the assessed amounts described above, plus statutory interest and any other additions accruing to the date of payment.

Note: The United States *should not be entitled to judgment* as the IRS has already determined or should have determined that Defendant, Maria D. Forman, is “*uncollectable*” and has no means to pay any amounts *whether or not verified as valid*.

33. ADMITTED/DENIED/NEITHER ADMITTED NOR DENIED as stated, referencing paragraphs one (1) through thirty-two (32) above.

34. DENIED: Allegation that, at the time Defendant Maria D. Forman and Howard E. Forman purported to transfer the Subject Property to DLP LT 13 Trust in 1990, allegedly without consideration as described above, they knew or had reason to know that they had incurred and would continue to incur income tax liabilities despite and as a result of their failure to file timely Form 1040 returns.

Note: Subject property was transferred with consideration.

Note: Howard E. Forman handled the tax matters for the family. It has not been established whether the Formans had a legal obligation and/or requirement to file any Form 1040's for any years, let alone for years which were yet in the future at the time the Subject Property was transferred into Trust. According to the IRS, each “tax year” is taken separately and each “tax year's liability” is a separate event.

35. DENIED: Allegation that the purported transfer of the Subject Property as described above was made with the actual intent to hinder, delay, or defraud the United States as a creditor of Defendant Maria D. Forman and Howard E. Forman. Further allegation that the purported transfer is therefore of no effect as to the United States and the United States may therefore cause said transfer to be set aside pursuant to the Arizona Uniform Fraudulent Transfer Act, A.R.S. §§ 44-1004, 44-1005, and 44-1007.

Note: The transfer of the Subject Property was for “*Estate Planning Purposes*” and for “*Asset Protection*”.

36. DENIED: Allegation that, after the transfer is set aside as described above, legal and equitable title to the Subject Property should rest with the true owner, Defendant Maria D. Forman.

Note: The *true owner* of Subject Property is and remains the DLP LT 13 Trust.

37. DENIED: Allegation that, after the purported transfer of the Subject Property, Defendant Maria D. Forman, has continued to enjoy full beneficial ownership of, and to exercise dominion and control over, the Subject Property.

Note: Defendant, Maria D. Forman, continued to enjoy her “*Life Tenancy*” and did not retain any “*ownership*”, “*dominion and control over*”, or other “*beneficial interest*” in the Subject Property.

38. DENIED: Allegation that Defendant Maria D. Forman is using DLP LT 13 Trust in an improper attempt to shield the Subject Property from the federal tax liens.

Note: There was *no attempt* to shield Subject Property from federal tax liens or any other obligation.

39. DENIED: Allegation that DLP LT 13 Trust is the nominee of Defendant Maria D. Forman, the true beneficial owner of the Subject Property.

Note: The Trust is *not the nominee* of Defendant. Defendant has *never been listed* as a beneficiary of the Trust.

40. ADMITTED/DENIED/NEITHER ADMITTED NOR DENIED as stated, referencing paragraphs one (1) through thirty-nine (39) above.

41. DENIED: Allegation that, pursuant to 26 U.S.C. §§ 6321 and 6322, statutory liens for unpaid federal taxes arose in favor of the United States against all property and rights to property, whether real or personal, belonging to Defendant Maria D. Forman — including the Subject Property - as of the dates of the assessments described in paragraph sixteen (16) above.

Note: Defendant does not have sufficient information regarding the validity of the alleged assessments and/or liens purported to exist which indicate that a debt exists, however, Defendant has *no “rights to property and/or property interest”* in the Subject Property save a “*Life Tenancy*”.

42. DENIED: Allegation that the federal tax liens described in paragraphs seventeen (17) through twenty-four (24) above, attached to Defendant Maria D. Forman’s interest in the subject property sought to be foreclosed in this action, and remain on the Subject Property, despite *and* (sic) subsequent transfers.

Note: Federal Tax liens and/or other obligations attached to Maria D. Forman may not likewise attach to property in which Maria D. Forman has no “ownership interest”.

43. DENIED: Allegation that the federal tax liens have priority over all interests in the Subject Property acquired after the attachment of the tax liens, subject to 26 U.S.C. § 6323.

Note: The federal tax liens may not attach to property in which Maria D. Forman has no “ownership interest” to begin with.

44. DENIED: Under 28 U.S.C. § 7403(c), the United States is entitled to a decree of sale of the Subject Property to enforce its tax liens thereon.

Regardless whether 28 U.S.C. § 7403(c) applies to any alleged tax liability of Defendant, the United States would not be entitled to sale of Subject Property where Defendant holds no “ownership interest” in said property.

PRAYER FOR DISMISSAL

WHEREFORE, the defendant, Maria D. Forman, prays as follows:

- A. That judgment be entered in favor of Defendant Maria D. Forman and against the United States in the matter of any unpaid balance of the alleged federal tax liabilities which were allegedly assessed against Defendant, Maria D. Forman, as described in the complaint together with accrued but unassessed interest and other statutory additions, together with statutory interest and other additions, less any applicable credits and payments;
- B. That the Court determine that the United States has no valid and subsisting federal tax liens, by virtue of the alleged assessments set forth above, on all property and rights to property of Defendant, Maria D. Forman, both real and personal, tangible and intangible, including the Subject Property described above;
- C. That the Court determine that the purported transfer of the Subject Property from Defendant Maria D. Forman and Howard E. Forman was valid and thus Subject Property is excluded from the lien claims of the United States; or in the alternative, that the Court determine that DLP LT 13 Trust holds title to the Subject Property as is not the nominee of Defendant Maria D. Forman, and that the United States’ tax liens do not attach to the Subject Property;
- D. That the Court order that the United States’ tax liens do not encumber the Subject Property, and that any liability which may attach to Defendant shall have no effect on the Subject Property nor the “Life Tenancy” that defendant enjoys, and
- E. That Defendant, Maria D. Forman, be awarded costs and such other relief as is just and proper.

RESPECTFULLY SUBMITTED AND ATTESTED TO THIS 12TH DAY OF MAY 2009.



Maria D. Forman
c/o 5640 E. Duane Lane
Cave Creek, Arizona 85331
Defendant, In Propria Persona

**CERTIFICATE OF SERVICE BY MAILING
BY NOTARY PUBLIC**

I, Terry I. Major, a notary public in and for the state of Arizona, county of Yavapai, hereby certify that a copy of the ANSWER TO COMPLAINT in case number 2:09-CV-00444-SRB was mailed by certified, electronic return-receipt, postage prepaid mail on May 12, 2009:

For Filing with the Court an "Original" and a copy for Judge Bolton to:

Certified #: 7004 2890 0002 9205 9759
Clerk of the United States District Court
District of Arizona – Phoenix Division
Sandra Day O'Connor U.S. Courthouse, Suite 130
401 West Washington Street, SPC 1
Phoenix, Arizona 85003-2118

In addition, copies required for service and for notice were sent to the following:

Certified #: 7004 2890 0002 9205 9735
Alexis V. Andrews
Trial Attorney, Tax Division
U.S. Department of Justice
P.O. Box 683, Ben Franklin Station
Washington, D.C. 20044-0683
Phoenix, Arizona 85007-2650

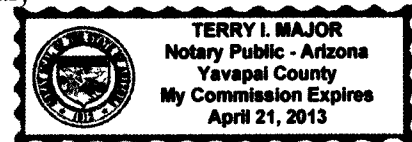
Certified #: 7004 2890 0002 9205 9742
Diane J. Humetewa
United States Attorney
District of Arizona
Evo A. DeCocini Courthouse
405 West Congress St., Suite 4800
Tucson, Arizona 85801-5040

Certified #: 7004 2890 0002 9205 9766
Former Trustee, DLP LT 13 Trust
Jimmy C. Chisum, 84388-008
FCI Herlong
Satellite Camp
P.O. Box 800
Herlong, California 96113

Certified #: 7004 2890 0002 9205 9773
Current Trustee, DLP LT 13 Trust
Elmer P. Vild
989 S. Main St., #A-269
Cottonwood, Arizona 86326

Certified #: 7004 2890 0002 9205 9780
Arizona Department of Revenue
1600 W. Monroe
Phoenix, Arizona 85007-2650

{Seal}



Dated: May 12, 2009

Terry I. Major
Terry I. Major, Notary Public
Commission Expires: 4/21/13