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OCT 23 2009	
CLERK U S DISTRICT COURT DISTRICT OF ARIZONA	
BY _____	Z DEPUTY

D L P LT13
 Elmer P. Vild, Trustee
 989 S. Main St., #A-269
 Cottonwood, AZ 86326
 Ph. (928) 634-5669
 Fax (928) 634-5631
 E-Mail: trustoneil@commspeed.net
 Elmer P. Vild is the Trustee for the
 D L P LT13 contractual entity.

**IN THE UNITED STATES DISTRICT COURT FOR THE
 DISTRICT OF ARIZONA**

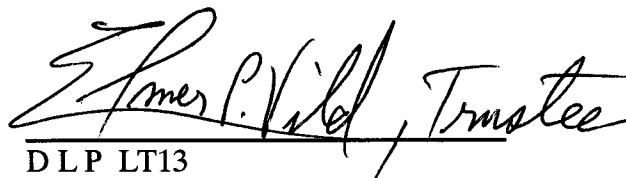
United States of America,)	
)	Civil No. CV 09-00444-PHX-SRB
Plaintiff,)	
)	
v.)	MOTION FOR APPOINTED
)	COUNSEL UNDER THE AMERICAN
Maria D. Forman; Jimmy C. Chisum and)	DISABILITIES ACT
Elmer P. Vild, also known as Phillip O'Neil,)	
as Trustees for the DLP LT 13 Trust; and)	
Arizona Department of Revenue,)	
)	
Defendants.)	
)	

COMES NOW Elmer P. Vild, Trustee for the D L P LT13 contract in the form of a trust proceeding without the assistance of counsel relying on Haines v. Kerner and other U.S. Supreme Court decisions that hold pro se litigants cannot be held to the same standards as an attorney and the lower courts must point out any defects and allow a pro se litigant sufficient time to correct any defects. And, that the pro se litigants' pleadings are sufficient to call for an opportunity to be heard.

Defendant D L P LT13's only asset is one lot with a home on it which is the subject of this lawsuit. With the government's lien against said property, Defendant D L P LT13 is unable

to obtain a loan on its only asset. Therefore, the Defendant D L P LT13 has no funds with which to defend itself. Additionally, the trustee acting for Defendant D L P LT13, is unable to hear things said directly to him by other people. The trustee acting for Defendant D L P LT13 would not be able to hear any proceedings which were held in court. Therefore, because the Defendant D L P LT13 is without funds to defend, and under the American Disabilities Act and in the interest of justice, Defendant D L P LT13, requests this Court appoint counsel who is familiar with the Court's rules and procedures as well as being familiar with tax and contractual law to act on Defendant's behalf to insure a fair and impartial proceeding.

Executed this 22nd day of October, 2009.


D L P LT13
Elmer P. Vild, Trustee

CERTIFICATE OF SERVICE

Original for the Clerk of the Court
and one copy for the Honorable
Susan R. Bolton mailed this 22nd day
of October, 2009 via first class mail to:

Clerk of the Court
Sandra Day O'Connor U.S. Courthouse
SPC 1
401 W. Washington Street, Suite 130
Phoenix, AZ 85003-2118

Copies mailed this 22nd day of October,
2009 via first class mail to:

DIANE J. HUMETEWA
United States Attorney
District of Arizona
Evo A. DeConcini Courthouse
405 West Congress St., Suite 4800
Tucson, Arizona 85801-5040

ALEXIS V. ANDREWS
Trial Attorney, Tax Division
U.S. Department of Justice
P.O. Box 683, Ben Franklin Station
Washington, D.C. 20044-0683

Maria D. Forman
5640 East Duane Lane
Cave Creek, Arizona 85331-6492

Arizona Department of Revenue
1600 W. Monroe
Phoenix, AZ 85007

Jimmy Chisum, 84388-008
FCI Herlong, Satelite Camp
P.O. Box 800
Herlong, CA 96113

A handwritten signature in black ink, appearing to read "Elmer P. Vild, Trustee". The signature is written in a cursive style with a horizontal line underneath the name.

Elmer P. Vild
D L P LT13, Trustee