

D L P LT13
Elmer P. Vild, Trustee
989 S. Main St., #A-269
Cottonwood, AZ 86326
Ph. (928) 634-5669
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,)
)
 Plaintiff,)
)
 v.)
)
 Maria D. Forman; Jimmy C. Chisum and)
 Elmer P. Vild, also known as Phillip O'Neil,)
 as Trustees for the DLP LT 13 Trust; and)
 Arizona Department of Revenue,)
)
 Defendants.)
 _____)

Civil No. CV 09-00444-PHX-SRB

DEMAND FOR DELAY

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 has received a copy of the November 30, 2009 letter written to the Court by Dulce F. Shimkus. A copy of the letter is attached. This Defendant believes that this Court's number one duty is to dispatch justice and avoid injustice. I repeat, dispatch justice and avoid injustice. It should now be obvious to this Court that justice cannot be dispensed

while the main Defendant, Maria D. Forman is unable to proceed and/or defend herself. This Court must avoid the injustice of the government attempting to take Mrs. Forman's only dwelling place while she is defenseless, not fully understanding English nor legal proceedings, while "doped up" on morphine for extreme pain, plus not having the money or the ability to defend herself against a formidable prosecution by the government. She truly is disabled, which no one can deny.

Clearly, Mrs. Forman is unable to defend herself in the instant proceedings. She has no money to have someone defend her, and the Internal Revenue Service has officially declared her so poor and indigent to be "uncollectible" for any federal taxes she may owe. Surely she comes under the Americans with Disabilities Act. Lack of money on the Court's part should not be a deciding factor or an excuse for denial of the justice due Mrs. Forman. Whether this Court has the money or not, the Court is still subject to the pursuit of justice and the Americans with Disabilities Act. The government is also duty bound to assist Mrs. Forman.

In the Americans with Disabilities Act we find its purpose as follows:

"It is the purpose of this chapter

- (1) **to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities;**
- (2) to provide clear, strong, consistent, enforceable standards addressing discrimination against individuals with disabilities;
- (3) **To ensure that the Federal Government plays a central role in enforcing the standards established in this chapter on behalf of individuals with disabilities;** and
- (4) To invoke the sweep of congressional authority, ..." (emphasis added)

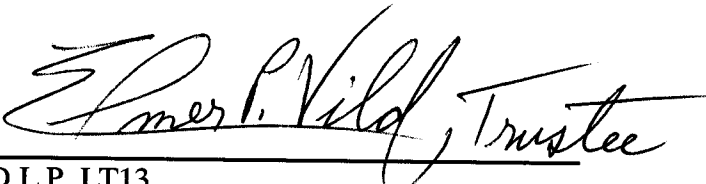
Both this Court and the government are in a quandary. Both the government and the Court are duty bound to delay the instant proceedings until this dilemma is resolved.

Additionally, financing cannot be a factor in any decision to disobey the law. The law has no provision that it can be ignored because of lack of funding. Through court costs and/or

levies, fines and other means this Court could easily provide funds for legal representation for Maria D. Forman. One only needs to look to the Judges' retirement fund to see the Court's power to raise funds. Further, each lawyer is a member of the court and duty bound to do its bidding. Attorneys could be ordered to assist Maria D. Forman *pro bono* and/or encouraged to do so to meet their *pro bono* obligations.

Therefore, the above arguments considered, Defendant, D L P LT13, states that under the Americans with Disabilities Act, justice cannot be served until the Defendant Maria D. Forman receives adequate legal representation to promulgate her defense and this Defendant requests this Court suspend all proceedings until that objective is obtained.

Respectfully submitted this 3rd day of December, 2009.


D L P LT13
Elmer P. Vild, Trustee

CERTIFICATE OF SERVICE

This document has been submitted into the court record as evidence by Terry I. Major, Notary Public, in and for the state of Arizona, County of Yavapai. My stamp is attached to identify me and my commission.

Original for the Clerk of the Court and one copy for the Honorable Susan R. Bolton mailed this 3rd day of December, 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 3rd day of December, 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

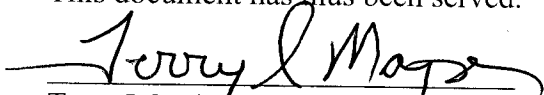
Jimmy Chisum, 84388-008
FCI Herlong, Satelite Camp
P.O. Box 800
Herlong, CA 96113

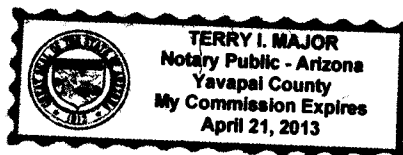
Arizona Department of Revenue
1600 W. Monroe
Phoenix, AZ 85007

State of Arizona)
) ss.
County of Yavapai)

{Seal}

This document has thus been served.


Terry I. Major, Notary Public



Dulce F. Shimkus
29620 N. 57th Street
Cave Creek, AZ 85331

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

November 30, 2009

Dear Clerk of the Court:

This letter is to inform you that my mother Maria Forman is under a doctor's care and taking morphine. The doctor has increased her dosage several times because of the constant pain she is in. It is my opinion that she is presently incapable of continuing her lawsuit. I am informed the caption is United States of America v. Forman, Case #: 2:09-cv-00444-SRB.

I have power of attorney for my mother. A copy is enclosed for your reference. I am told that the Court is aware that she is indigent and considered "uncollectible" by the Internal Revenue Service. I am also aware that she has asked the Court to provide legal assistance for her and the Court has refused.

I would like to know the Court's intentions now that the Court has been informed that my mother is physically and mentally unable to continue in this case.

I have been advised to go to my Congressman and the media with this problem. However, before I consider my options to assist my Mother I would like to know what the Court intends to do about this problem.

Please inform me as soon as possible whether the Court will now somehow find the means to provide legal assistance for her under these new developments or what else the Court has in mind regarding an indigent, incompetent Defendant who has been declared uncollectible by the IRS.

Yours truly,



Dulce F. Shimkus

Cc: D L P LT13
Maria D. Forman's landlord

Limited Durable Power of Attorney With Detailed Powers

I, Maria D. Forman, the Principal, whose address is 5640 East Duane Lane, Cave Creek, Arizona 85331-6492 hereby designate Dulce F. Shimkus whose address is 29620 N. 57th Street, Cave Creek, Arizona 85331, my attorney-in-fact and agent (subsequently called my agent), in my name and for my benefit:

1. General Grant of Power: To exercise or perform any act, power, duty, right, or obligation whatsoever that I now have or may hereinafter acquire relating to any property, real or personal, tangible or intangible, now owned or hereafter acquired by me, including, without limitation, the following specifically enumerated powers. I grant to my agent full power and authority to do everything necessary in exercising any of the powers herein granted as fully as I might or could do if personally present, with full power of substitution or revocation, hereby ratifying and confirming all that my agent shall lawfully do or cause to be done by virtue of this power of attorney and the powers herein granted.

A. Power of Collection and Payment: To forgive, request, demand, sue for, recover, collect, receive, hold all such sums of money, debts, dues, commercial paper, checks, drafts, accounts, deposits, annuities, pensions, profit sharing retirement, social security, insurance, and other contractual benefits and proceeds, all documents of title, all property, real or personal, tangible or intangible property rights and demands whatsoever, liquidated or not, now or hereafter owned by or due, owing, payable or belonging to me, or in which I have or may hereafter acquire an interest; to have use and take all lawful means and equitable and legal remedies and proceeding in my name for the collection and recovery thereof, and to adjust, sell, compromise, and agree for the same, and to execute and deliver for me, on my behalf and in my name, all endorsements, releases, receipts, or other sufficient discharges for the same;

B. Power to Acquire and Sell: To acquire, purchase, exchange, grant options to sell, and convey real or personal property, tangible or intangible, or interests therein, on such terms and conditions as my agent shall deem proper;

C. Management Powers: To maintain, repair, improve, invest, manage, insure, rent, lease, encumber, and in any manner deal with any real or personal property, tangible or intangible, or any interest therein, that I now own or may hereinafter acquire, in my name and for my benefit, upon such terms and conditions as my agent shall deem proper;

D. Banking Powers: To make, receive, and endorse checks and drafts, deposit, and withdraw funds, acquire and redeem certificates of deposit in banks, savings and loan associations, and other institutions, execute or lease such deeds of trust or other security agreements as may be necessary or proper in the exercise of the rights and powers herein granted;

E. Motor Vehicles: To apply for a Certificate of Title upon, and endorse and transfer title thereto, for any automobile, truck, pickup, van, motorcycle, or other motor vehicle, and to represent in such transfer assignment that the title to said motor vehicle is free and clear of all liens and encumbrances except those specifically set forth in such transfer assignment;

F. Business Interest: To conduct or participate in any lawful business of whatever nature for me and in my name; execute partnership agreements and amendments thereto, incorporate, reorganize, merge, consolidate, recapitalize, sell, liquidate, or dissolve any business; elect or employ officers, directors, and agents; carry out the provisions of any agreement for the sale of any business interest or the stock therein; and exercise voting rights with respect to stock, either in person or by proxy, and exercise stock options;

G. Tax Powers: To prepare, sign, and file joint or separate income-tax returns or declarations of estimated tax returns with respect to gifts made by me for any year or years; to consent to any gift and to utilize any gift-splitting provisions or other tax election; and to prepare, sign, and file any claims for refund of any tax;

H. Safety Deposit Boxes: To have access at any time or times to any safe deposit box rented by me, wherever located, and to remove all or any part of the contents thereof, and to surrender or relinquish said safe deposit box, and any institution in which any such safe deposit box may be located shall not incur any liability to me or my estate as a result of permitting my agent to exercise this power.

2. Interpretation and Government Law: This instrument is to be construed and interpreted as a limited general durable power of attorney. The enumeration of specific powers herein is not intended to, nor does it, limit or restrict the general power herein granted to my agent. This instrument is executed and delivered in the above named State, and the laws of said state shall govern all questions as to the validity of this power and construction of its provisions.

3. Third-Party Reliance: Third parties may rely upon the representations of my agents as to all matters, to any power granted to my agent, and no person who may act in reliance upon the representation of my agent, or the authority granted to my agent, shall incur any liability to me or my estate as a result of permitting my agent to exercise any power.

4. Disability of Principal: This Limited General Power of Attorney shall not be affected by my subsequent disability or incompetence.

5. **LIMITATION:** Notwithstanding all of the foregoing, I, Maria D. Forman, place the following single limitation upon this Power of Attorney. I am presently a defendant in a federal lawsuit cited as United States of America v. Forman, Case #: 2:09-cv-004444-SRB. My Attorney-in-Fact, Dulce F. Shimkus, is not to take my stead in this said lawsuit no matter how unable to take care of my affairs, sick or incompetent that I may become. She may inform the Court from time to time of my condition, but is not to take my place as a Defendant.

IN WITNESS WHEREOF, I have executed this Limited General Durable Power of Attorney, and I have directed that photographic copies of this power shall have the same force and effect as an original.

Maria D. Forman
Maria D. Forman, Principal

Attested and subscribed in the presence of the principal and subsequent to the principal subscribing same:

James H. Lewis
Witness Signature

JAMES H LEWIS
Witness Printed Name

7152 N 26 DRIVE
Witness Street Address

Phoenix AZ 85057
Witness City/State/Zip

Rebecca Ray
Witness Signature

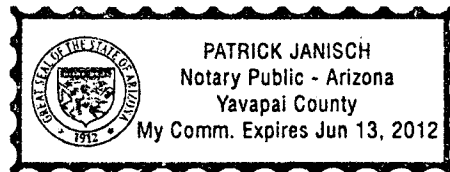
REBECCA RAY
Witness Printed Name

29601 N. 59th St
Witness Street Address

CAVE CREEK AZ
Witness City/State /Zip 85331

State of Arizona)
) ss
County of Maricopa)

On the 3rd day of September, 2009, personally appeared before me, Maria D. Forman, the Principal and the above listed witnesses, the signers of the within instrument, who duly acknowledged to me that they executed the same.



[Signature]
NOTARY PUBLIC

13 Jun 2012
My Commission Expires