

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

REPLY TO UNITED STATES'
RESPONSE TO MOTION FOR
PROPER PROCEDURE

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's MOTION FOR PROPER PROCEDURE is to bring to everyone's attention on the record that proper procedures in this Court must be followed because Defendant is expecting to go to much higher levels than this Court regarding this ill advised lawsuit.

Defendant's Motion FOR PROPER PROCEDURE was an attempt to inform everyone that Plaintiff's motions to strike all of this Defendant's motions and pleadings did not mean anything until jurisdiction was decided. If the Court does not have jurisdiction, none of its rulings are of any consequence. Therefore, if the Court does not have jurisdiction and grants the Plaintiff's motions in this case, the rulings would be void *ab initio*. Perhaps the Plaintiff's lawyers missed this in law school because they still keep arguing that they want their motions to strike approved without addressing the fact they must provide FACTS of jurisdiction before the Court can proceed.

The Defendant's MOTION FOR PROPER PROCEDURE was a very polite way of informing everyone that this Defendant will not stand for improper procedures. After the jurisdiction issue is raised, jurisdiction must be decided before any other motion is considered. If the Court has no jurisdiction "common sense" and the law dictates that no other motions/pleadings made by anyone means anything.

The United States, a piece of paper if you will, through its lawyer, submitting paperwork to a Court does not qualify as a legal entity to qualify to sue when jurisdiction has been challenged. Live body accusers must be produced for the "piece of paper" to qualify for jurisdiction. It is the Plaintiff's burden of proof to provide the live bodies or produce irrefutable law that states that Plaintiff does not have to produce live bodies. Where is the case law? Not one legal case cite was submitted to back up Plaintiff's position that it does not have to provide live bodies to meet the jurisdictional issues. Thus far, all the Plaintiff's lawyer has accomplished

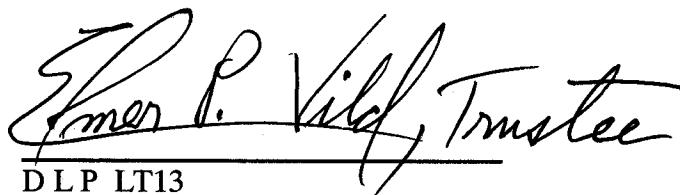
is to “complain” that this Defendant is not a lawyer. Also, no case law has been submitted regarding contracts and no facts submitted to attempt to prove D L P LT13 is a trust subject to any trust laws. Additionally, Plaintiff has not provided any proof that it has met the prerequisites to utilize the Internal Revenue Code statutes it cited for jurisdiction. No documents whatsoever.

Plaintiff has the burden of proof, yet, Plaintiff has put no proof before the Court. Plaintiff has not provided proof of jurisdiction nor has Plaintiff provided proof that D L P LT13 is a “trust”. So, “Where’s the beef?” Plaintiff, with the burden of proof on Plaintiff’s shoulders, must provide facts. Plaintiff has provided no proof or documents to support its allegations. The law requires proof. Defendant’s MOTION FOR PROPER PROCEDURE was putting the lack of facts by the Plaintiff on record.

To ask for proper procedures in order to insure justice and fair play is the backbone of the American justice system and needs no fancy quotes of law by a non-lawyer. Without jurisdiction this Court has no authority to rule on any motion or pleading.

This REPLY brief finalizes what the Defendant wanted to get on the record and hopes and prays the Court will do the obvious and dismiss this lawsuit because the Plaintiff has produced no facts upon which to rule on Plaintiff’s motions. Wherefore, the Defendant moves this Court to rule on D L P LT13’s jurisdictional issue and/or Plaintiff’s failure to produce live body plaintiff(s)/accuser(s) and dismiss the instant lawsuit with prejudice.

Executed this 19th day of January, 2010.

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

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 19TH day of January, 2010 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 19TH day of January, 2010 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 85701-5040

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

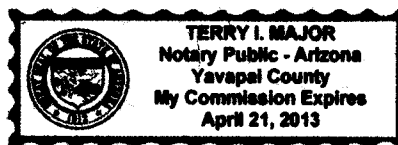
Maria D. Forman
5640 East Duane Lane
Cave Creek, Arizona 85331-6492

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

DENISE ANN FAULK
Assistant Attorney General
1275 West Washington St.
Phoenix, AZ 85007-2926

State of Arizona)
) ss.
County of Yavapai)

{Seal}



This document has thus been served.

Terry I. Major
Terry I. Major, Notary Public