

<input checked="" type="checkbox"/> FILED	<input type="checkbox"/> LODGED
<input type="checkbox"/> RECEIVED	<input type="checkbox"/> COPY
JAN 22 2010	
CLERK U S DISTRICT COURT DISTRICT OF ARIZONA	
BY _____	P DEPUTY

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,)	
)	Civil No. CV 09-00444-PHX-SRB
Plaintiff,)	
)	RESPONSE AND OBJECTION TO
v.)	PLAINTIFF'S [PROPOSED] SECOND
)	AMENDED COMPLAINT
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.)	

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 objects to Plaintiff's [PROPOSED] SECOND AMENDED COMPLAINT as being inaccurate regarding the amount claimed owed by the Defendant Maria D. Forman. On June 5, 2009, a check was sent to the Internal Revenue Service in the amount of

four thousand one hundred fifty six dollars and fifty eight cents (\$4,156.58). This Defendant on January 8, 2010, submitted proof of same in Defendant's MOTION TO DISMISS FOR HARASSMENT AND LACK OF FACTS. The proof was attached as Exhibit A and is submitted again with this responsive objection as Exhibit A. By cashing the check, the Internal Revenue Service (IRS) dismissed all claims as to the years 1986, 1987, 1988 and 1989 as clearly stated on the back of the check.

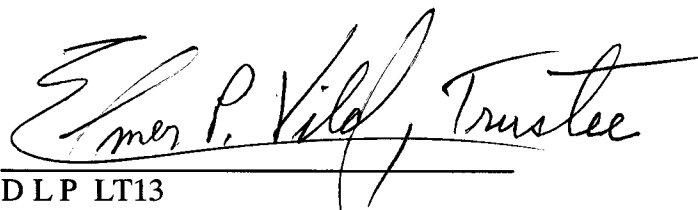
Since this payment took place over five months ago, Defendant does not understand why the Plaintiff wants to be paid twice. It is possible that Plaintiff's legal counsel is completely unaware of the details of this lawsuit and does not know who all the live bodies are behind this lawsuit or what they are doing in reference to the instant suit. Regardless, an attorney should not be asking for the same monies twice.

Additionally, Plaintiff has not provided proof of jurisdiction in any manner whatsoever and has purposely avoided addressing the question all together. Defendant objects to Plaintiff claiming jurisdiction without providing any proof after being challenged.

Therefore, above premises and Exhibit A considered, Defendant requests that the Court order the Plaintiff to correct the [PROPOSED] SECOND AMENDED COMPLAINT to reflect the IRS's dismissal of the claims for the years 1986, 1987, and 1988 and 1989 (\$4,156.59).

Further, after having been challenged, Defendant requests the Court order the Plaintiff to provide proof of jurisdiction before the Court approves any further amendment to the Complaint.

Respectfully submitted this 21st day of January, 2010.


D L P LT13
Elmer P. Vild, Trustee

By CASHING this check
 it satisfies all Federal
 Income TAXES DUE and owing
 for the Tax years 1986, 198
 1988 AND 1989

=====

Boulder Hills
 Phoenix, Arizona
 850509998
 0363680091-0098

06/11/2009 (800)275-8777 03:44:36 PM

=====

Sales Receipt			
Product Description	Sale Qty	Unit Price	Final Price
FRESNO CA 93888			\$0.44
Zone-4 First-Class Letter			
0.80 oz. Return Rcpt (Green Card)			\$2.30
Certified Label #:			\$2.80
	70081140000372084764		
Issue PVI:			\$5.54
\$8.80 Forever Stamp PSA Dbl-Sd Bklt	1	\$8.80	\$8.80
Total:			\$14.34

3378 91-8723/1221 Page 3 of 4

DATE 6/5/09

\$ 4,156.58

Four thousand One hundred fifty Six + 58/100 CENTS

DULCE F. SHIMKUS
 EDWARD B. SHIMKUS
 29620 N. 57TH ST. 480-542-8791
 CAVE CREEK, AZ 85031-5890

PAY TO THE ORDER OF Internal Revenue Service

DESERT SCHOOLS
 FEDERAL CREDIT UNION
 desertcschools.org

FOR SSN: 526 08 0323

Dulce Shimkus

3378

7008 1140 0003 7208 4764

U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$	\$0.44
Certified Fee		\$2.80
Return Receipt Fee (Endorsement Required)		\$2.30
Restricted Delivery Fee (Endorsement Required)		\$0.00
Total Postage & Fees	\$	\$5.54

06/11/2009

Sent To Dept of the Treasury IRS Center
 Street, Apt. No. or PO Box No. Fresno Ca
 City, State, ZIP+4 93888-0102 4:35pm

EXHIBIT "A"

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 21st 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 21st 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

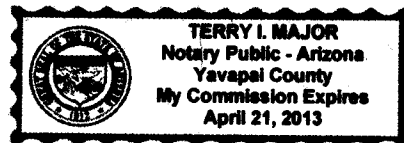
Jimmy Chisum, 84388-008
FCI Herlong, Satelite Camp
P.O. Box 800
Herlong, CA 96113

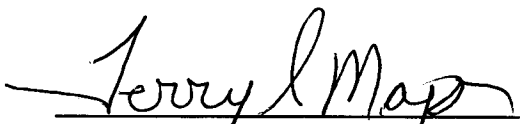
DENISE ANN FAULK
Assistant Attorney General
1275 West Washington St.
Phoenix, AZ 85007-2926

State of Arizona)
) ss.
County of Yavapai)

{Seal}

This document has thus been served.




Terry I. Major, Notary Public