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IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF ARIZONA (PHOENIX DIVISION)

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. 2:09-cv-00444-SRB

ANSWER TO SECOND
AMENDED COMPLAINT

The Arizona Department of Revenue ("Defendant"), by and through its undersigned counsel, hereby files its Answer to the Second Amended Complaint filed February 5, 2010, by United States of America.

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CAUSE OF ACTION

1. The Defendant admits the allegations contained in paragraph 1 of Plaintiff's Complaint.

JURISDICTION AND VENUE

2. The Defendant admits the allegations contained in paragraphs 2-4 of Plaintiff's Complaint.

DEFENDANTS

3. As to paragraphs 5-7 of Plaintiff's Complaint, the Defendant has insufficient knowledge to admit or deny the allegations at this time.

4. The Defendant admits the allegations contained in paragraph 8 of Plaintiff's Complaint. On July 27, 2006, the Defendant recorded with the County Recorder of Maricopa County, Arizona, a Notice of State Tax Lien with respect to an assessment against Defendant Maria D. Forman for tax years 1995, 1996, 1997, 1998, 1999, 2001, and 2002. (Attached as Exhibit 1).

Defendant's lien is junior to the Plaintiff's April 4, 2004 and August 25, 2005 liens, but senior to the September 22, 2008 lien.

As of August 24, 2009, the total amount of the Defendant's claim is computed as follows:

Lien No.	Tax	Penalty	Interest	Total
0601582	\$1,201.85	\$307.06	\$985.76	\$2,494.67

1 DESCRIPTION OF REAL PROPERTY SHOUGHT TO BE FORCLOSED

2 5. The Defendant admits the allegations contained in paragraph 9 of
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4 Plaintiff's Complaint.

5 TAX LIABILITES AND LIENS

6 6. As to paragraph 10 of Plaintiff's Complaint, the Defendant incorporates
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8 all prior answers.

9 7. As to paragraphs 11-24 of Plaintiff's Complaint, the Defendant has
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11 insufficient knowledge to admit or deny the allegations at this time.

12 TRANSFERS OF THE SUBJECT PROPERTY

13 8. As to paragraphs 25-28 of Plaintiff's Complaint, the Defendant has
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15 insufficient knowledge to admit or deny the allegations at this time.

16 COUNT I

17 REDUCE TO JUDGMENT FEDERAL INCOME TAX

18 ASSESSMENTS

19 9. As to paragraph 29 of Plaintiff's Complaint, the Defendant incorporates
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21 all prior answers.

22 10. As to paragraphs 30-32 of Plaintiff's Complaint, the Defendant has
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24 insufficient knowledge to admit or deny the allegations at this time.
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COUNT II

SET ASIDE FRADULENT CONVEYANCE OF THE SUBJECT
PRPERTY OR ESTABLISH DLP LT 13 TRUST AS NOMINEE

11. As to paragraph 33 of Plaintiff's Complaint, the Defendant incorporates all prior answers.

12. As to paragraphs 34-39 of Plaintiff's Complaint, the Defendant has insufficient knowledge to admit or deny the allegations at this time.

COUNT III

FORECLOSE THE FEDERAL TAX LIENS AGAINST THE SUBJECT
PROPERTY

13. As to paragraph 40 of Plaintiff's Complaint, the Defendant incorporates all prior answers.

14. As to paragraphs 41-44 of Plaintiff's Complaint, the Defendant has insufficient knowledge to admit or deny the allegations at this time. Affirmatively allege that Defendant's lien is senior to Plaintiff's September 22, 2008 lien and its lien attached to the property and should be paid prior to the September 22, 2008 lien.

AFFIRMATIVE DEFENSES

15. Defendant's lien is senior to Plaintiff's September 22, 2008 lien.

16. Defendant reserves the right to set forth additional affirmative defenses that appear in Rules 12(b) and 8(c) of the Federal Rules of Civil Procedure that

1 conform to evidence revealed by disclosure and discovery.

2 WHEREFORE, the Defendant requests that this Court:

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5 A. Determine that Defendant has a valid lien against Defendant Maria D.

6 Forman.

7 B. That the Defendant's lien is senior to the Plaintiff's September 22, 2008

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9 lien and should be paid prior to this junior lien.

10 C. That the Defendant be awarded its costs and other such relief as is just

11 and proper.

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13 D. Grant such further relief as the Court may deem proper.

14 RESPECTFULLY SUBMITTED: February 16, 2010.

15 TERRY GODDARD
16 Attorney General

17 /s/ Denise Ann Faulk
18 DENISE ANN FAULK
19 Assistant Attorney General
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EXHIBIT “1”

STATE OF ARIZONA

Department of Revenue



Janice K Brewer
Governor

Gale Garriott
Director

Date August 26, 2009
Name FORMAN, MARIA
Address 5640 E DUANE LN
CAVE CREEK, AZ 85331

Name(s):

ID Number(s): xxx-xx-0302

RE: PAYOFF REQUEST

Pursuant to your inquiry, we submit the following summary of the amount required paying the referenced lien(s) listed below:

LIEN ID	LIABILITY #	TAX	PENALTY	INTEREST	TOTAL	PER DIEM	TO DATE
0601582	\$1,201.85		\$307.06	\$985.76	\$2,494.67	\$0.23	08/24/09

Upon receipt of a cashier's check or certified funds in the amount of **\$2,494.67** (interest through **August 24, 2009**) this office will process a release of this lien(s) immediately. Payment made by any other method will require a **sixty (60)** day waiting period for release of lien.

To ensure proper credit please include the taxpayer identification number, license number and lien number. Please remit payment to the **Arizona Department Of Revenue at the above address.**

Sincerely,

Arizona Department of Revenue



ARIZONA DEPARTMENT OF REVENUE
 P.O. BOX 29070
 PHOENIX, ARIZONA 85038-9070

Unofficial
 Document

NOTICE OF STATE TAX LIEN

FORMAN MARIA
 5640 E DUANE LN
 CAVE CREEK AZ 85331

IMPORTANT RELEASE INFORMATION:
 For each assessment listed below, unless this Notice of Lien is extended by the date given in column (2), this notice shall, on the day following such date, operate as a Certificate of Release.

Pursuant to the Arizona Revised Statutes Section 42-1152, Notice is hereby given that the following named taxpayer owes the Arizona Department of Revenue such unpaid amounts as are herein set forth and that pursuant to Section 42-1151 the Department has a lien against all the property or rights to property belonging to the taxpayer for such unpaid amount, plus accruing interest.

TYPE OF TAX: INCOME

ID NUMBERS: [REDACTED]

PLACE OF FILING: MARICOPA

LIEN NUMBER: 0601582

DATE OF ASSESSMENT	LAST DAY TO EXTEND LIEN	TAX PERIOD	TAX BALANCE	PENALTY	INTEREST THRU 08/31/06	UNPAID BALANCE OF ASSESSMENT
12/22/00	12/22/06	01/96-12/96	325.90	81.48	285.28	692.66
12/22/00	12/22/06	01/97-12/97	352.83	88.21	254.20	695.24
12/22/00	12/22/06	01/98-12/98	506.28	126.57	302.28	935.13
06/25/04	06/25/10	01/95-12/95	293.94	73.49	305.63	673.06
06/25/04	06/25/10	01/99-12/99	360.25	90.06	172.19	622.50
02/27/04	02/27/10	01/01-12/01	247.00	61.75	66.32	375.07
02/27/04	02/27/10	01/02-12/02	327.00	81.76	65.25	474.01
TOTAL						4,467.67

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DATED AT PHOENIX, ARIZONA THIS 26 DAY OF JULY, 2006

Signature

Title: Administrator

For additional information call: Phoenix (602) 542-5551 / Tucson (520) 628-6442
 East Valley (480) 545-3500