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

8 UNITED STATES OF AMERICA,
9 Plaintiff - Appellee,
10 v.
11 JOSEPH J. LIPARI, EILEEN H.
12 LIPARI and EXETER TRINITY
13 PROPERTIES, L.L.C.,
14 Defendants,
15 and
16 ELMER P. VILD,
17 Proposed
18 Defendant-Intervenor.

No. 3:10-CV-08142 JWS

**RESPONSE TO:
UNITED STATES' MOTION TO
STRIKE THE APRIL 3, 2013
MOTION TO INTERVENE
FILED BY ELMER P. VILD,
THE TRUSTEE OF TIMELESS
WINDSOR VENTURES**

Honorable John W. Sedwick

16 I, Elmer P. Vild, in my personal capacity respond to the United
17 States' "Motion to Strike" (short title) as stated in the caption above.

18 The United States in its Motion to Strike states:

19 *"The April 3, 2013 motion appears to be similar to the March 25,*
20 *2013 motion in all material respects in that in the April 3, 2013*
21 *motion, Mr. Vild makes it clear that he is the trustee of Timeless*
22 *and wants to litigate Timeless' interests in this case."*

23 Indeed, the April 3, 2013 motion is quite different from the March
24 25, 2013 motion in that in the April 3, 2013 motion I, Elmer P. Vild,

1 motioned this Court to intervene on my own personal behalf without
2 regard to what I may be labeled or called in the controlling instruments
3 of Timeless Windsor Ventures. In other words, it is I, Elmer P. Vild,
4 who have motioned the court to intervene regardless of what follows my
5 name between the commas as stated in the sentence on page 1 of the
6 April 3, 2013 motion.
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9 **“Elmer P. Vild, Trustee of Timeless Windsor Ventures (Timeless),**
10 **hereby moves, pursuant to Federal Rules of Civil Procedure-Rules**
11 **17(a) and 24, to intervene in this action.”**
(Bold and underlining added)

12 Proposed Intervenor-Defendant, Elmer P. Vild, will attempt to
13 clarify the reasoning in the rest of this Response to the Motion to Strike.
14 I, Elmer P. Vild, must be considered to be the owner and am personally
15 responsible for the property that the United States is trying to take from
16 my possession. The property is not owned by any state controlled entity
17 or an entity registered in any state. Any private contractual obligations
18 I may or may not have are not recorded with or subject to the control of
19 any state or government agency. Any possible obligations I may or may
20 not have are not in the contractual arrangement subject to court action
21 unless a party to the agreement brings an action. As the true owner of
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1 the subject property I am an indispensable party to any proceedings
2 regarding the subject property.

3 The United States alleges that I am barred by from the “practice of
4 law” where an attorney or someone represents “others” in a lawsuit. I,
5 Elmer P. Vild, am representing myself, not “others”. I represent myself
6 and my ownership interest. The United States, in their Motion to
7 Strike, failed to name any “others”. I, and if need be, Timeless must be
8 lawfully considered to be one and the same. Neither Timeless nor I,
9 Elmer P. Vild, are registered with the state or Federal Government as a
10 corporation, Limited Liability Company, or a Limited Partnership would
11 be. The statutorily defined entities are subject to the statutes whereas
12 Timeless and I are only subject to the contractual documents, which
13 neither the United States Attorney nor this Court have read.

14 I own and personally control the subject property in this case and I
15 personally evicted the taxpayers against which this case was later filed.
16 I have no outstanding tax debts and the United States tax code does not
17 allow for the taking of one person’s property for someone else’s tax debt.

18 When an attorney comes into court to protect a person or “others”,
19 the attorney cannot sell the subject property because he is not the owner
20 of the property he is defending. Such is NOT the case in the instant
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1 suit. I, Elmer P. Vild, am clearly designated as the owner of the
2 property and I am the person who must sign when I sell the property. I
3 am defending my personal position in the instant case where an
4 attorney in the "practice of law" is not defending his own personal
5 ownership in property. The cases the United States cites for their
6 conclusions do not apply in the instance suit.
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9 Why must I, Elmer P. Vild, hire an attorney to defend MY interest
10 in the property? My interest is personal but an attorney's interest
11 representing someone else or "others" would not be personal.
12 Additionally, an attorney's first duty is to the court. My first duty is not.
13 This is a main difference which cannot be ignored or converted to the
14 worn out argument of the Unites States that I, Elmer P. Vild, want to
15 engage in the "practice of law" and therefore must have an attorney. I,
16 Elmer P. Vild, wish to represent no one else but only my interest in the
17 subject property.
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20 I, Elmer P. Vild, am the real party in interest more so than if an
21 attorney was to represent me or the property in question. The reasoning
22 is simple and backed by common sense. I can sign a deed and sell the
23 subject property where a defending attorney cannot. I have contractual
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1 rights as protected by the United States Constitution, Article One,
2 Section Ten to defend and protect the subject property personally.

3 The United States attorney attacks the transfer of the subject
4 property from Exeter Trinity Properties, L.L.C. (Exeter) to Timeless
5 Windsor Ventures but the attack is meaningless. Neither the United
6 States' nor this Court controls the "ownership" or title of the subject
7 property. Only Arizona State Law controls "ownership" or title to
8 property and Arizona recognizes Timeless as the true owner.
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11 The United States closes its motion with the suggestion that Elmer
12 P. Vild and/or Timeless is not involved in the "transfer" of the instant
13 suit. E.g. "...*Timeless had nothing to do with the transfer that is at issue*
14 *in the complaint...*" However, there were two previous transfers. The
15 United States seems to want this Court to be concerned with only the
16 transfer it chooses but not the last one. The previous transfers are not
17 what is at issue in this motion. What is relevant to the Motion to
18 Intervene is that Elmer P. Vild and Timeless accepted the subject
19 property well aware of the instant suit and Elmer P. Vild, as the owner
20 of the property, is willing to defend his position in court. Additionally,
21 Exeter no longer exists and has filed for termination with the State of
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1 *“Designation of form of trust is not controlling; court will look to*
2 *substance of circumstances and **not labels placed on them by***
3 ***parties.**” *Johnson v. Hychyk* 517 P.2d 1079.*

(Bold and underlining added)

4 Therefore, the law requires that a written instrument must be read
5 before making any judgment for or against it. Timeless’ controlling
6 instruments differs from C.E. Pope in that Timeless is a non-statutory
7 contractual agreement in the “form” of a trust which specifically
8 provides for its controlling personnel to defend personally in a lawsuit.
9 This Contractual right is protected by Article One, Section Ten of the
10 United States Constitution which the rules and procedures of a court
11 cannot supersede. Specifically, the Timeless controlling instruments
12 clearly state that its Trustees may sue *pro per*.

13 In docket #106 of the United States Motion to Strike filed on April
14 9, 2013, the United States errors on Page #2 wherein it states:

15 *“...that Timeless had nothing to do with the transfer that is at issue*
16 *in the complaint and thus, its recent “purchase” of the property for a*
17 *de minimus amount is not relevant to the transfer.”*

18 However, the transfer to Timeless is relevant, lawful and the
19 amount reasonable under the circumstances. In addition nothing
20 changed for the ultimate beneficial recipient, The Guiding Eyes for the
21 Blind. I, Elmer P. Vild, Timeless, and/or the ultimate beneficiary become
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1 indispensable parties to any action that affects the title of the property
2 according to state law.

3 Regardless of prior transfers, according to Arizona State Law,
4 Timeless and/or Elmer P. Vild is the titled owner of the property and
5 state law must be followed by the courts regarding the state's statute of
6 limitations, ownership, alter ego and all the items mentioned by the
7 United States.
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10 *See Aquilino v. United States, 363 U.S. 509, 513, 80 S.Ct. 1277,*
11 *1280, 4 L.Ed.2d 1365 (1960); Morgan v. Comm'r of Internal*
12 *Revenue, 309 U.S. 78, 82, 60 S.Ct. 424, 426, 84 L.Ed. 585 (1940).*
13 *"[I]n the application of a federal revenue act, state law controls in*
14 *determining the nature of the legal interest which the taxpayer had*
in the property... sought to be reached by statutes." Id. At 82, 60
S.Ct. at 426.

15 But in the instant case the taxpayers have not been involved, in
16 any way, with the subject property since their eviction in 2007. They
17 gave up control over the property in 1992 when the property was placed
18 into the original trust and regardless of any claim by the Government of
19 a fraudulent transfer the statute of limitations in Arizona precludes any
20 discussion of that claim now. Indeed, the end result indicates that the
21 transfer was indeed lawful as the taxpayers have no interest in or
22 control over the subject property to this day.
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1 It is immaterial whether or not the former owner and taxpayers
2 owe or owed any income taxes because no taxes were owed when the
3 property was properly transferred in 1992 and officially recorded in
4 1993. Additionally, the said taxpayers were evicted and have no further
5 or current interest in the subject property as evidenced by the Liparis'
6 sworn testimony.
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9 *"The government minimizes the importance of legal title and legal*
10 *control, but the ancient law of trust is grounded in just such*
11 *distinctions." Dean v. United States, 987 F.Supp. 1160 (1997) at*
12 *Page 1166.*

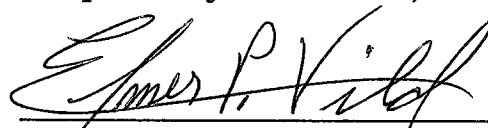
13 The fact is that currently Elmer P. Vild, through Timeless, holds
14 title to the subject property and full and complete control was exhibited
15 when the subject taxpayers were evicted in 2007.

16 CONCLUSION

17 The United States' Motion to Strike filed on April 9, 2013 (Doc.
18 106) should be denied and Elmer P. Vild should be allowed to intervene
19 in the instant case to protect and defend his ownership interest in the
20 property at 1001 S. 6th Street, Cottonwood, Arizona.

21 Dated this 19th day of April, 2013:

22 Respectfully Submitted,

23 
24 _____
25 Elmer P. Vild, in Pro Per

Certificate of Service

I HEREBY CERTIFY that on the 19th of April, 2013 the original of the **RESPONSE TO UNITED STATES' MOTION TO STRIKE THE APRIL 3, 2013 MOTION TO INTERVENE FILED BY ELMER P. VILD, THE TRUSTEE OF TIMELESS WINDSOR VENTURES** was mailed by Certified Mail Number: 7011 2970 0002 1714 7665 to be filed with the Clerk of Court. In addition, a copy was included in the package to the Clerk of Court for the Honorable Judge John W. Sedwick.

Mailed to:

Clerk of the Court
United States District Court
District of Arizona - Phoenix Division
Sandra Day O'Connor U.S. Courthouse, Suite 130
401 West Washington Street, SPC 1
Phoenix, AZ 85003-2118

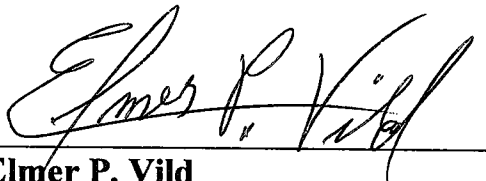
A copy of the documents was mailed by U.S. Postal Service on the same day to each of the attorneys listed below:

Charles M. Duffy
P.O. Box 683
Ben Franklin Station
Washington, D.C. 20044-0683

John Friedeman, P.C.
5103 E. Thomas Road
Phoenix, Arizona 85018

In addition, a copy of the documents was mailed by U.S. Postal Service on the same day to a party who is not represented by counsel:

Joseph J. Lipari
156 Johnson Hill Drive
Waynesville, NC 28786



Elmer P. Vild
Major, USAF, Ret.