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9 *Attorneys for the United States of America*

10  
11 IN THE UNITED STATES DISTRICT COURT  
12 DISTRICT OF ARIZONA

13 UNITED STATES OF AMERICA,

14 Plaintiffs,

15 v.

16 JAMES LESLIE READING, CLARE L.  
READING, FOX GROUP TRUST,  
17 MIDFIRST BANK, CHASE, FINANCIAL  
LEGAL SERVICES, STATE OF ARIZONA

18 Defendants.  
19  
20

Civ. No.

**COMPLAINT**

21 The United States of America, through undersigned counsel, claims and alleges against the  
22 defendants as follows:

23 1. This is a civil action to reduce to judgment outstanding federal tax assessments against  
24 James Leslie Reading and Clare L. Reading and to foreclose the statutory liens that arose from those  
25 assessments upon certain real property described below.

26 2. This action is commenced pursuant to 26 U.S.C. §§ 7401 and 7403 at the direction of  
27 the Attorney General of the United States, and at the request and with the authorization of the Chief  
28

1 Counsel of the Internal Revenue Service, a delegate of the Secretary of the Treasury of the United  
2 States.

3 3. Jurisdiction over this action is conferred on this Court by 28 U.S.C. §§ 1340 and 1345,  
4 and 26 U.S.C. § 7402.

5 4. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 and 1396  
6 because the liabilities that are the subject of this action accrued in this district and because the real  
7 property at issue herein is located in this district.

8 **IDENTIFICATION OF THE DEFENDANTS**

9 5. Defendant James L. Reading resides within the jurisdiction of this Court. He is  
10 made a party to this suit because he has unpaid federal tax assessments and has an ownership  
11 interest in the real property in question.

12 6. Defendant Clare L. Reading resides within the jurisdiction of this Court. She is  
13 made a party to this suit because she has unpaid federal tax assessments and has an ownership  
14 interest in the real property in question.

15 7. Fox Group Trust is named as a defendant since it might claim an interest in the  
16 Property.

17 8. MidFirst Bank is named as a party to this action pursuant to 26 U.S.C. Section  
18 7403(b) because it may claim an interest in the Property.

19 9. Chase is named as a party to this action pursuant to 26 U.S.C. Section 7403(b)  
20 because it may claim an interest in the Property.

21 10. Financial Legal Services is named as a party to this action pursuant to 26 U.S.C.  
22 Section 7403(b) because it may claim an interest in the Property.

23 11. The State of Arizona is named as a party to this action pursuant to 26 U.S.C.  
24 Section 7403(b) because it may have an interest in the Property.

25 **IDENTIFICATION OF THE PROPERTY IN QUESTION**

26 12. The property which is the subject of this action (hereafter “the Property”) is located  
27 at 2425 East Fox Street, Mesa, Arizona and bears the following legal description:

1 Lot forty-nine (49), BROWNMORE ESTATES, according to the plat of record in  
2 the office of the Maricopa County Recorder in Book 133 of Maps, page 41.

3 **ALLEGATIONS ABOUT THE PURCHASE, AND PURPORTED**  
4 **TRANSFER, OF THE PROPERTY**

5 13. On or about October 30, 1979, the Property was purchased by James L. Reading  
6 and Clare L. Reading as joint tenants with right of survivorship.

7 14. On or about June 10, 2005, the property was allegedly transferred by James L.  
8 Reading and Clare L. Reading to Fox Group Trust by quit claim deed.

9 **TAX AND RELATED ASSESSMENTS MADE AGAINST JAMES L.**  
10 **READING FOR HIS 1993-1995 AND 2008 INCOME TAX YEARS**

11 15. On the dates and in the amounts set forth below, a duly authorized delegate of the  
12 Secretary of the Treasury made timely assessments for federal individual income taxes, plus  
13 statutory penalties and interest accruing thereto, against James L. Reading, as follows:

Tax Period Ending	Tax Type	Assessment Date	Assessed Amount
12/31/1993	Income	4/23/2001	\$ 2,149.74 (ETP) 11,618.00 (LFP) 54,595.00 (T) 52,245.37 (I)
		10/20/2003	1,291.00 (LFP) 20,455.15 (I)
		10/27/2003	106.97 (I) 12,909.00 (FPP)
12/31/1994	Income	4/23/2001	\$ 3,271.72 (ETP) 14,186.02 (LFP) 63,049.00 (T) 52,467.51 (I)
		10/20/2003	1,576.23 (LFP) 22,982.40 (I)
		10/27/2003	120.89 (I) 15,762.24 (FPP)

12/31/1995	Income	4/23/2001	\$ 2,274.00 (ETP) 9,436.05 (LFP) 41,938.00 (T) 27,329.46 (I)
		10/20/2003	1,048.45 (LFP) 13,900.38 (I)
		10/27/2003	73.61 (I) 10,484.50 (FPP)
12/31/2008	Income	6/28/2010	\$ 162.32 (ETP) 1,136.48 (LFP) 5,051.00 (T) 304.94 (I) 378.82 (FPP)

T=Tax  
 LFP=Late Filing Penalty  
 FPP=Failure to Pay Tax Penalty  
 ETP=Estimated Tax Penalty  
 I=Interest

16. Timely notice has been given and demand for payment of the assessments described in paragraph 15, above, was made.

17. Despite timely notice and demand, James L. Reading, failed or refused to pay fully the assessments described in paragraph 15, above, plus accrued interest.

18. Since the date of the assessments described in paragraph 15, above, interest has accrued as provided by law. The total amount due and owing on the assessments described in paragraph 15, above, as of March 15, 2011 was \$663,592.33.

**TAX AND RELATED ASSESSMENTS MADE AGAINST  
CLARE READING FOR HER 1994 AND 1995 INCOME TAX YEARS**

19. On the dates and in the amounts set forth below, a duly authorized delegate of the Secretary of the Treasury made timely assessments for federal individual income taxes, plus

1 statutory penalties and interest accruing thereto, against Clare Reading, as follows:

2 Tax Period Ending	3 Tax Type	4 Assessment Date	5 Assessed Amount
6 12/31/1994	7 Income	8 4/23/2001	9 \$ 5,810.75 (FPP) 1,206.09 (ETP) 5,229.67 (LFP) 23,243.00 (T) 19,342.15 (I)
		10 9/5/2005	11 14,939.55 (I)
12 12/31/1995	13 Income	14 4/23/2001	15 \$ 3,122.25 (FPP) 677.18 (ETP) 2,810.02 (LFP) 12,489.00 (T) 8,138.62 (I)
		16 9/5/2005	17 7,421.07 (I)

18 T=Tax  
19 LFP=Late Filing Penalty  
20 FPP=Failure to Pay Tax Penalty  
21 ETP=Estimated Tax Penalty  
22 I=Interest

23 20. Timely notice has been given and demand for payment of the assessments  
24 described in paragraph 19, above, was made.

25 21. Despite timely notice and demand, Clare Reading, failed or refused to pay fully the  
26 assessments described in paragraph 19, above, plus accrued interest.

27 22. Since the date of the assessments described in paragraph 19, above, interest has  
28 accrued as provided by law. The total amount due and owing on the assessments described in  
paragraph 19, above, as of March 15, 2011 was \$120,774.53.

**TAX AND RELATED ASSESSMENTS MADE AGAINST JAMES L.  
READING AND CLARE READING FOR THEIR 2000 INCOME TAX YEAR**

29 23. On the dates and in the amounts set forth below, a duly authorized delegate of the  
30 Secretary of the Treasury made timely assessments for federal individual income taxes, plus  
31 statutory penalties and interest accruing thereto, against James L. Reading and Clare Reading, as  
32 follows:

Tax Period Ending	Tax Type	Assessment Date	Assessed Amount
12/31/2000	Income	5/17/2004	\$ 233.78 (LFP) 1,039.00 (T) 244.59 (I) 197.41 (FPP)
		10/9/2006	62.33 (FPP)

T=Tax  
LFP=Late Filing Penalty  
FPP=Failure to Pay Tax Penalty  
I=Interest

24. Timely notice has been given and demand for payment of the assessments described in paragraph 23, above, was made.

25. Despite timely notice and demand, James L. Reading and Clare Reading, failed or refused to pay fully the assessments described in paragraph 23, above, plus accrued interest.

26. Since the date of the assessments described in paragraph 23, above, interest has accrued as provided by law. The total amount due and owing on the assessments described in paragraph 23, above, as of March 15, 2011 was \$2,618.10.

**PENALTY ASSESSMENTS MADE AGAINST JAMES L.  
READING FOR HIS 1997-2000, 2002-2006 AND 2008 TAX YEARS**

27. On the dates and in the amounts set forth below, a duly authorized delegate of the Secretary of the Treasury made timely frivolous return penalty assessments under 26 U.S.C. § 6702 against James L. Reading, as follows:

Tax Period Ending	Assessment Date	Assessed Amount
12/31/1997	5/21/2007	\$ 500.00
12/31/1998	5/21/2007	500.00
12/31/1999	5/21/2007	500.00
12/31/2000	5/14/2007	500.00
12/31/2002	5/14/2007	500.00
12/31/2003	5/14/2007	500.00
12/31/2004	5/14/2007	500.00

12/31/2005	5/14/2007	500.00
12/31/2006	10/22/2007	5,000.00
12/31/2008	8/17/2009	5,000.00

28. Timely notice has been given and demand for payment of the assessments described in paragraph 27, above, was made.

29. Despite timely notice and demand, James L. Reading failed or refused to pay fully the assessments described in paragraph 27, above, plus accrued interest.

30. Since the date of the assessments described in paragraph 27, above, interest has accrued as provided by law. The total amount due and owing on the assessments described in paragraph 27, above, as of March 15, 2011 was \$16,100.14.

**PENALTY ASSESSMENTS MADE AGAINST CLARE  
READING FOR HER 1997-2006 AND 2008 TAX YEARS**

31. On the dates and in the amounts set forth below, a duly authorized delegate of the Secretary of the Treasury made timely frivolous return penalty assessments under 26 U.S.C. § 6702 against Clare Reading, as follows:

Tax Period Ending	Assessment Date	Assessed Amount
12/31/1997	4/9/2007	\$ 500.00
12/31/1998	4/9/2007	500.00
12/31/1999	4/9/2007	500.00
12/31/2000	4/9/2007	500.00
12/31/2001	4/9/2007	500.00
12/31/2002	4/9/2007	500.00
12/31/2003	4/30/2007	500.00
12/31/2004	4/30/2007	500.00
12/31/2005	4/9/2007	500.00
12/31/2006	10/22/2007	5,000.00
12/31/2008	8/17/2009	5,000.00

32. Timely notice has been given and demand for payment of the assessments

1 described in paragraph 31, above, was made.

2 33. Despite timely notice and demand, Clare Reading failed or refused to pay fully the  
3 assessments described in paragraph 31, above, plus accrued interest.

4 34. Since the date of the assessments described in paragraph 31, above, interest has  
5 accrued as provided by law. The total amount due and owing on the assessments described in  
6 paragraph 31, above, as of March 15, 2011 was \$16,786.16.

7 **FIRST CLAIM FOR RELIEF: REDUCE TAX AND RELATED**  
8 **ASSESSMENTS MADE AGAINST JAMES L. READING FOR**  
9 **HIS 1993-1995 AND 2008 INCOME TAX YEARS TO JUDGMENT**

10 35. The United States realleges paragraphs 1 through 34, above.

11 36. James L. Reading remains indebted for the balance of the assessments described in  
12 paragraph 15, above, above, plus accrued interest and statutory additions according to law, less  
13 any payments or credits.

14 **SECOND CLAIM FOR RELIEF: REDUCE TAX AND**  
15 **RELATED ASSESSMENTS MADE AGAINST CLARE READING**  
16 **FOR HER 1994 AND 1995 INCOME TAX YEAR TO JUDGMENT**

17 37. The United States realleges paragraphs 1 through 36, above.

18 38. Clare Reading remains indebted for the balance of the assessments described in  
19 paragraph 19, above, above, plus accrued interest and statutory additions according to law, less  
20 any payments or credits.

21 **THIRD CLAIM FOR RELIEF: REDUCE TAX AND RELATED**  
22 **ASSESSMENTS MADE AGAINST JAMES L. READING AND CLARE**  
23 **READING FOR THEIR 2000 INCOME TAX YEAR TO JUDGMENT**

24 39. The United States realleges paragraphs 1 through 38, above.

25 40. James L. Reading and Clare Reading remain indebted for the balance of the  
26 assessments described in paragraph 23, above, above, plus accrued interest and statutory  
27 additions according to law, less any payments or credits.

28 **FOURTH CLAIM FOR RELIEF: REDUCE PENALTY**  
**ASSESSMENTS MADE AGAINST JAMES L. READING FOR**  
**HIS 1997-2000, 2002-2006 AND 2008 TAX YEARS TO JUDGMENT**

41. The United States realleges paragraphs 1 through 40, above.



1 42. James L. Reading remains indebted for the balance of the assessments described in  
2 paragraph 27, above, above, plus accrued interest and statutory additions according to law, less  
3 any payments or credits.

4 **FIFTH CLAIM FOR RELIEF: REDUCE PENALTY**  
5 **ASSESSMENTS MADE AGAINST CLARE READING FOR**  
6 **HER 1997-2006 AND 2008 TAX YEARS TO JUDGMENT**

7 43. The United States realleges paragraphs 1 through 42, above.

8 44. Clare Reading remains indebted for the balance of the assessments described in  
9 paragraph 31, above, above, plus accrued interest and statutory additions according to law, less  
10 any payments or credits.

11 **SIXTH CLAIM FOR RELIEF: FOX GROUP TRUST**  
12 **IS A NOMINEE/ALTER EGO OF JAMES L. AND CLARE READING**

13 45. The United States realleges paragraphs 1 through 44, above.

14 46. Defendants James L. Reading and Clare Reading received inadequate consideration  
15 for the purported conveyance of the Property described in paragraph 14, above, and have  
16 remained in continuous possession and enjoyment of the Property since they purchased it on or  
17 about October 30, 1979.

18 47. Defendants James L. Reading and Clare Reading have lived in the Property  
19 continuously since the purported conveyance thereof described in paragraph 14 and have enjoyed  
20 the benefits of living in the property to the exclusion of all others.

21 48. Defendant Fox Group Trust holds title to the Property described in paragraph 12,  
22 above, if at all, as a nominee and/or alter ego of defendants James L. Reading and Clare Reading.

23 49. The Property is encumbered with liens for the unpaid tax assessments described in  
24 paragraphs 15, 19, 23, 27 and 31, above.

25 **SEVENTH CLAIM FOR RELIEF: TO SET**  
26 **ASIDE A FRAUDULENT CONVEYANCE**

27 50. The United States realleges paragraphs 1 through 49, above.

28 51. The purported Property transfer described in paragraph 14, above, constituted a  
fraudulent transfer as to the United States under the Arizona Uniform Fraudulent Transfer Act,

1 A.R.S. § 44-1001, *et seq*, because the transfer were made with the actual intent to hinder, delay,  
2 or defraud the United States of present value, and future lawful taxes. As such, the purported  
3 conveyance has no effect as to the United States under the law of the State of Arizona, and the  
4 conveyance should be set aside.

5 52. James L. Reading and Clare Reading are the owners of the Property despite the  
6 purported conveyance described in paragraph 14, above.

7 **EIGHTH CLAIM FOR RELIEF: TO FORECLOSE**  
8 **FEDERAL TAX LIENS AGAINST THE PROPERTY**

9 53. The United States realleges paragraphs 1 through 52, above.

10 54. Pursuant to 26 U.S.C. §§ 6321 and 6322, on the dates of the assessments set forth  
11 in paragraphs 15, 19, 23, 27 and 31, above, liens arose in favor of the United States and attached  
12 to all property and rights to property of James L. Reading and Clare Reading, including their  
13 interest in the Property described in paragraph 12, above.

14 55. The tax liens arising from the assessments described in paragraph 15, 19, 23, 27  
15 and 31 continue to attach to the Property.

16 56. On or about October 25, 2005, a delegate of the Secretary of the Treasury recorded  
17 in the County Recorder's Office for Maricopa County, Arizona a Notice of Federal Tax Lien  
18 (NFTL) in the name of James L. Reading with respect to the income tax and related assessments  
19 made against him for his 1992 to 1996 and 2000 income tax years. This NFTL attached to all  
20 property and rights to property of James L. Reading, including his interest in the Property.

21 57. On or about March 6, 2006, a delegate of the Secretary of the Treasury recorded in  
22 the County Recorder's Office for Maricopa County, Arizona a NFTL in the name of Clare  
23 Reading with respect to the income tax and related assessments made against her for her 1994  
24 and 1995 income tax years. This NFTL attached to all property and rights to property of Clare  
25 Reading, including her interest in the Property.

26 58. On or about March 6, 2008, a delegate of the Secretary of the Treasury recorded in  
27 the County Recorder's Office for Maricopa County, Arizona a NFTL in the name of James Leslie  
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1 Reading with respect to the income tax and related assessments made against him for his 2001  
2 income tax year and the frivolous return penalty assessments made for his 1997 to 2000 and 2002  
3 through 2006 tax years. This NFTL attached to all property and rights to property of James L.  
4 Reading, including his interest in the Property.

5 59. On or about March 6, 2008, a delegate of the Secretary of the Treasury recorded in  
6 the County Recorder's Office for Maricopa County, Arizona a NFTL in the name of Clare L.  
7 Reading with respect to the frivolous return penalty assessments made for her 1997 to 2005  
8 income tax years. This NFTL attached to all property and rights to property of Clare Reading,  
9 including her interest in the Property.

10 60. On or about March 10, 2008, a delegate of the Secretary of the Treasury recorded  
11 in the County Recorder's Office for Maricopa County, Arizona a NFTL in the name of Clare L.  
12 Reading with respect to the frivolous return penalty assessment made for her 2006 income tax  
13 year. This NFTL attached to all property and rights to property of Clare Reading, including her  
14 interest in the Property.

15 61. On or about January 15, 2009, a delegate of the Secretary of the Treasury recorded  
16 in the County Recorder's Office for Maricopa County, Arizona a NFTL in the name of The Fox  
17 Group Trust as nominee/alter ego of James Leslie Reading with respect to the income tax and  
18 related assessments made against him for his 1993 to 1996 and 2000 income tax years and the  
19 frivolous return penalty assessments made for his 1997 to 2000 and 2002 through 2005 tax years.  
20 This NFTL attached to all property and rights to property of James L. Reading, including his  
21 interest in the Property.

22 62. On or about January 15, 2009, a delegate of the Secretary of the Treasury recorded  
23 in the County Recorder's Office for Maricopa County, Arizona a NFTL in the name of The Fox  
24 Group Trust as nominee/alter ego of James Leslie Reading with respect to the frivolous return  
25 penalty assessment made for his 2006 tax year. This NFTL attached to all property and rights to  
26 property of James L. Reading, including his interest in the Property.

27 63 On or about January 15, 2009, a delegate of the Secretary of the Treasury recorded  
28

1 in the County Recorder's Office for Maricopa County, Arizona a NFTL in the name of The Fox  
2 Group Trust as nominee/alter ego of Clare L. Reading with respect to the income tax and related  
3 assessments made against her for her 1994 and 1995 income tax years and the frivolous return  
4 penalty assessments made for her 1997 to 2006 tax years. This NFTL attached to all property  
5 and rights to property of Clare Reading, including her interest in the Property.

6 64. On or about October 14, 2009, a delegate of the Secretary of the Treasury recorded  
7 in the County Recorder's Office for Maricopa County, Arizona a NFTL in the name of James  
8 Leslie Reading with respect to the frivolous return penalty assessment made for his 2008 tax  
9 year. This NFTL attached to all property and rights to property of James L. Reading, including  
10 his interest in the Property.

11 65. On or about July 30, 2010, a delegate of the Secretary of the Treasury recorded in  
12 the County Recorder's Office for Maricopa County, Arizona a NFTL in the name of The Fox  
13 Group Trust, as nominee/alter ego of James L. Reading with respect to the income tax and related  
14 assessments made against him for his 2008 income tax year. This NFTL attached to all property  
15 and rights to property of James L. Reading, including his interest in the Property.

16 66. On or about August 30, 2010, a delegate of the Secretary of the Treasury recorded  
17 in the County Recorder's Office for Maricopa County, Arizona a NFTL in the name of James L.  
18 Reading with respect to the income tax and related assessments made against him for his 2008  
19 income tax year. This NFTL attached to all property and rights to property of James L. Reading,  
20 including his interest in the Property.

21 WHEREFORE, plaintiff, the United States of America, respectfully prays:

22 A. For judgment in favor of the United States and against James L. Reading in the  
23 amount of \$663,592.33 based on the assessments described in paragraph 15, above, plus interest  
24 accruing after March 15, 2011 and any other statutory additions as provided by law, less any  
25 payments or credits;

26 B. For judgment in favor of the United States and against Clare Reading in the amount  
27 of \$120,774.53 based on the assessments described in paragraph 19, above, plus interest accruing  
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1 after March 15, 2011 and any other statutory additions as provided by law, less any payments or  
2 credits;

3 C. For judgment in favor of the United States and against James L. Reading and Clare  
4 Reading in the amount of \$2,618.10 based on the assessments described in paragraph 23, above,  
5 plus interest accruing after March 15, 2011 and any other statutory additions as provided by law,  
6 less any payments or credits;

7 D. For judgment in favor of the United States and against James L. Reading in the  
8 amount of \$16,100.14 based on the assessments described in paragraph 27, above, plus interest  
9 accruing after March 15, 2011 and any other statutory additions as provided by law, less any  
10 payments or credits;

11 E. For judgment in favor of the United States and against Clare Reading in the amount  
12 of \$16,786.16 based on the assessments described in paragraph 31, above, plus interest accruing  
13 after March 15, 2011 and any other statutory additions as provided by law, less any payments or  
14 credits;

15 F. That the Court determine that, by virtue of the assessments identified in paragraphs  
16 15, 19, 23, 27 and 31 above, the United States has valid and subsisting tax liens that attach to all  
17 property and rights to property of James L. Reading and Clare Reading, including their interest in  
18 the Property;

19 G. That the Court find that the Fox Group Trust holds title to the Property, if at all, as  
20 a nominee or alter ego of James L. Reading and Clare Reading;

21 H. That the Court set aside the fraudulent transfer of the Property described in  
22 paragraph 14, above;

23 I. That the Court order that the tax liens identified above be foreclosed against the  
24 Property, that the Property be sold pursuant to 26 U.S.C. § 7403 and 28 U.S.C. § 2001, and that  
25 the sales proceeds be distributed in accordance with the Court's findings as to the validity and  
26 priority of the parties in the Property; and  
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J. For such other and further relief as the Court deems just and proper.

DATED this 6th day of April, 2011.

DENNIS K. BURKE  
United States Attorney

/s/ Charles M. Duffy  
CHARLES M. DUFFY  
Trial Attorney, Tax Division  
U.S. Department of Justice  
*Attorneys for the United States of America*

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

UNITED STATES OF AMERICA,

(b) County of Residence of First Listed Plaintiff (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number) Charles M. Duffy, US Dept. of Justice, Tax Division, PO Box 683. Ben Franklin Station, Washington DC 20044 (202) 307-6406

DEFENDANTS JAMES LESLIE READING, CLARA L. READING, FOX GROUP TRUST MIDFIRST BANK, CHASE, FINANCIAL LEGAL SERVICE, STATE OF ARIZONA

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation.

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Large table with categories: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from another district (specify)
6 Multidistrict Litigation
7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

26 U.S.C. §§ 7401 and 7403

Brief description of cause:

Reduce federal assessments to judgment and foreclose federal tax liens

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ 819,871.26 CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE SIGNATURE OF ATTORNEY OF RECORD

04/06/2011

/s/ Charles M. Duffy

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE



## INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

### Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

**I. (a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

**II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

**III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

**IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

**V. Origin.** Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

**VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553

Brief Description: Unauthorized reception of cable service

**VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

**VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.