

✓ P.O. 17784
So. LAKE Tahoe @ Alt
95706

AFFIDAVIT

STATE OF, NEVADA)
) :SS
COUNTY OF, DOUGLAS)

NOTICE OF INVALID LEVY

I, Finley G. Smith, an inhabitant of the State of California,
County of, El Dorado, do hereby declare that any Internal Revenue
Service/U.S. Treasury/U.S.A. lien/levy against Affiant or his property
is invalid.

This instrument applies to any lien filed by the I.R.S./U.S.A./
Secretary of Treasury et al as affects the Affiant and the following
property described as: (see exhibit(A) attached hereto)

- (1) All wages and salary for personal service performed ...
- (2) All income, including tips and tokens ...

for the following reasons to wit:

- 1. The Rights of Affiant, as recognized and so stated by our
forefathers in the Declaration of Independence, are unalienable.
- 2. The Right of Affiant to be Secure in his person, house,
papers, and effects is recognized and so stated in the fourth Amend-
ment of the U.S. Constitution.
- 3. The Right of Affiant to be protected against ineffectual
liens is recognized and so stated in the fifth Amendment of the U.S.
Constitution: in pertinent part-- "no person shall be deprived of
life, liberty, or property, without due process of law;"

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4. The Rights of Affiant as recognized and so stated in the first ten Amendments to the U.S. Constitution are Rights because the first ten Amendments are known as The Bill of Rights (if the first ten Amendments were priviledges they would have been called The Bill of Priviledges).

5. The I.R.S./Secetary of Treasury/U.S.A., et al have failed to show that they have title to said described property.

6. The I.R.S./Secetary of Treasury/U.S.A., et al have failed to show that they have jurisdiction over the Affiant.

7. The Affiant has not been served Judicial due process of law concerning this matter in a competent court of record to date.

8. The I.R.S./Secetary of Treasury/U.S.A., et al cannot place said described property of Affiant into custodia legis with an un-authorized levy.

9. The I.R.S./Secetary of Treasury/U.S.A., et al have failed to show why the here within matter should be removed from the bar provided by the statute of limitations.

10. The Assessment of Affiant's said described property, by the I.R.S./Secetary of Treasury/U.S.A., et al is arbitrary and excessive.

The facts attested to herein are ultimate facts absent evidence to the contrary and there exists no evidence to the contrary. Hence any I.R.S./Secetary of Treasury/U.S.A., et al lien/levy against Affiant or his property is void.

This instrument is intended in Good Faith to protect, secure, and defend the Rights, Immunities, and property of Affiant.

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Know all men by these presents, this is to verify by Affiant that all statements contained herein are true and correct to the best of my knowledge and belief and upon information.

FURTHER AFFIANT SAIETH NOUGHT.

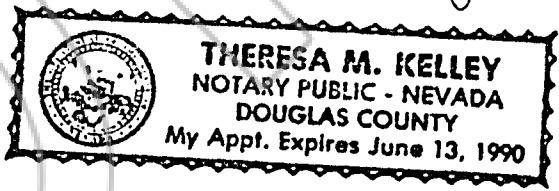
DATED: July 28, 1986 s/s Finley G. Smith
AFFIANT

JURAT:

STATE OF Nevada
COUNTY OF Douglas

ON THIS 28th DAY OF JULY, 1986 BEFOR ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED FINLEY G. SMITH PERSONALLY KNOWN TO ME (OR PROVEN TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THIS INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED IT.

X Theresa M. Kelley
NOTARY



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Department of the Treasury - Internal Revenue Service
**Notice of Levy on Wages,
Salary, and Other Income**

The taxpayer named at the bottom of this notice owes the United States
▶ \$ **19,391.28**

To

Lakeside Inn & Casino
P.O. Box 5640
Stateline, NV 89449

VOID

See Part 8—Instructions for responding
Date
July 16, 1986
Originating district
Sacramento

Kind of Tax	Tax Period Ended	Date of Assessment	Taxpayer Identifying Number	Unpaid Balance of Assessment	Statutory Additions	Total
1040	12-31-77	11-03-82	██████████4609	\$ 579.37	\$ 4522.42	\$ 5101.79
1040	12-31-78	11-03-82	"	7682.67	6084.25	13,766.92
55	12-31-84	3-31-86	"	500.00	22.57	522.57
<p>This levy attaches to all income, including tips and tokes. If these are managed separately, please provide this information by July 24, 1986.</p>				<p>Total amount due ▶ \$ 19,391.28</p>		

Interest and late payment penalty have been figured to 9-15-86. Additional interest and late payment penalty will continue to be charged until the balance is fully paid.

Demand for the above total amount due was made on the taxpayer, who neglected or refused to pay. The amount is unpaid and still due.

Chapter 64 of the Internal Revenue Code provides a lien for the above tax and statutory additions. Items levied on to pay this liability are: (1) all wages and salary for personal services performed by this taxpayer that you now possess or for which you become obligated, from the date you receive this notice of levy until the liability is fully paid and a

release of levy is issued, and (2) other income belonging to this taxpayer that you now possess or for which you are obligated. The foregoing wages, salary, and other income are levied on only to the extent that they do not include amounts specified as exempt from levy under Code section 6334 (cited on back of this levy).

Demand is made on you for the amount necessary to pay the above tax liability. We will apply amounts received from you as payment on this liability. Please make your checks or money orders payable to the Internal Revenue Service and mail them to the Internal Revenue Service address shown below.

Signature *J. Janssen*
Title **J. Janssen**
Telephone number (916) 551-1195

Internal Revenue Service mailing address
ATTN: Janssen 2922
P.O. Box 846
Sacramento, CA 95804

Name and address of taxpayer

Finley G. Smith
P.O. Box 17784
So. Lake Tahoe, CA 95006-1784

VOID

Certification of Service
I certify that this notice of levy was served by delivering a copy of it to the person named below.
Name *Finley G. Smith*
Title *Manager*
Date and time *July 16, 1986*
Signature of revenue officer or Service representative *[Signature]*

Excerpts from the Internal Revenue Code

Sec. 6331. Levy and Distraint.

(b) **Seizure and Sale of Property.**—The term "levy" as used in this title includes the power of distraint and seizure by any means. Except as otherwise provided in subsection (d)(3), a levy shall extend only to property possessed and obligations existing at the time thereof. In any case in which the Secretary may levy upon property or rights to property, he may seize and sell such property or rights to property (whether real or personal, tangible or intangible).

(c) **Successive Seizures.**—Whenever any property or right to property upon which levy has been made by virtue of subsection (a) is not sufficient to satisfy the claim of the United States for which levy is made, the Secretary may, thereafter, and as often as may be necessary, proceed to levy in like manner upon any other property liable to levy of the person against whom such claim exists, until the amount due from him, together with all expenses is fully paid.

(e) **Continuing Levy on Salary and Wages.**—

(1) **Effect of Levy.**—The effect of a levy on salary or wages payable to or received by a taxpayer shall be continuous from the date such levy is first made until the liability out of which such levy arose is satisfied or becomes unenforceable by reason of lapse of time.

(2) **Release and Notice of Release.**—With respect to a levy described in paragraph (1), the Secretary shall promptly release the levy when the liability out of which such levy arose is satisfied or becomes unenforceable by reason of lapse of time, and shall promptly notify the person upon whom such levy was made that such levy has been released.

SEC. 6332. Surrender of Property Subject to Levy.

(a) **Requirement.**—Except as otherwise provided in subsection (b), any person in possession of (or obligated with respect to) property or rights to property subject to levy upon which a levy has been made shall, upon demand of the Secretary, surrender such property or rights (or discharge such obligation) to the Secretary, except such part of the property or rights as is, at the time of such demand, subject to an attachment or execution under any judicial process.

(c) **Enforcement of Levy.**—

(1) **Extent of personal liability.**—Any person who fails or refuses to surrender any property or rights to property, subject to levy, upon demand by the Secretary, shall be liable in his own person and estate to the United States in a sum equal to the value of the property or rights not so surrendered, but not exceeding the amount of taxes for the collection of which such levy has been made, together with costs and interest on such sum at an annual rate established under section 6621 from the date of such levy (or, in the case of a levy described in section 6331(d)(3), from the date such person would otherwise have been obligated to pay over such amounts to the taxpayer). Any amount (other than costs) recovered under this paragraph shall be credited against the tax liability for the collection of which such levy was made.

(2) **Penalty for violation.**—In addition to the personal liability imposed by paragraph (1), if any person required to surrender property or rights to property fails or refuses to surrender such property or rights to property without reasonable cause, such person shall be liable for a penalty equal to 50 percent of the amount recoverable under paragraph (1). No part of such penalty shall be credited against the tax liability for the collection of which such levy was made.

(d) **Effect of Honoring Levy.**—Any person in possession of (or obligated with respect to) property or rights to property subject to levy upon which a levy has been made who, upon demand by the Secretary, surrenders such property or rights to property (or discharges such obligation) to the Secretary (or who pays a liability under subsection (c)(1)) shall be discharged from any obligation or liability to the delinquent taxpayer with respect to such property or rights to property arising from such surrender or payment. In the case of a levy which is satisfied pursuant to subsection (b), such organization shall also be discharged from any obligation or liability to any beneficiary arising from such surrender or payment.

Sec. 6333. Production of Books.

If a levy has been made or is about to be made on any property, or right to property, any person having custody or control of any books or records, containing evidence or statements relating to the property or right to property subject to levy, shall, upon demand of the Secretary, exhibit such books or records to the Secretary.

Sec. 6334. Property Exempt From Levy.

(a) **Enumeration.**—There shall be exempt from levy—

(1) **Wearing apparel and school books.**—Such items of wearing apparel and such school books as are necessary for the taxpayer or for members of his family;

(2) **Fuel, provisions, furniture, and personal effects.**—If the taxpayer is the head of a family, so much of the fuel, provisions, furniture, and personal effects in his household, and of the arms for personal use, livestock, and poultry of the taxpayer, as does not exceed \$1,500 in value;

(3) **Books and tools of a trade, business, or profession.**—So many of the books and tools necessary for the trade, business, or profession of the taxpayer as do not exceed in the aggregate \$1000 in value.

(4) **Unemployment benefits.**—Any amount payable to an individual with respect to his unemployment (including any portion thereof payable with respect to dependents) under an unemployment compensation law of the United States, of any State, or of the District of Columbia or of the Commonwealth of Puerto Rico.

(5) **Undelivered mail.**—Mail, addressed to any person, which has not been delivered to the addressee.

(6) **Certain annuity and pension payments.**—Annuity or pension payments under the Railroad Retirement Act, benefits under the Railroad Unemployment Insurance Act, special pension payments received by a person whose name has been entered on the Army, Navy, Air Force, and Coast Guard Medal of Honor Roll (38 U.S.C. 562), and annuities based on retired or retainer pay under chapter 73 of title 10 of the United States Code.

(7) **Workmen's compensation.**—Any amount payable to an individual as workmen's compensation (including any portion thereof payable with respect to dependents) under a workmen's compensation law of the United States, any State, the District of Columbia, or the Commonwealth of Puerto Rico.

(8) **Judgments for support of minor children.**—If the taxpayer is required by judgment of a court of competent jurisdiction, entered prior to the date of levy, to contribute to the support of his minor children, so much of his salary, wages, or other income as is necessary to comply with such judgment.

(9) **Minimum exemption for wages, salary, and other income.**—Any amount payable to or received by an individual as wages or salary for personal services, or as income derived from other sources, during any period, to the extent that the total of such amounts payable to or received by him during such period does not exceed the applicable exempt amount determined under subsection (d).

(d) **Exempt Amount of Wages, Salary, or Other Income.**—

(1) **Individuals on weekly basis.**—In the case of an individual who is paid or receives all of his wages, salary, and other income on a weekly basis, the amount of the wages, salary, and other income payable to or received by him during any week which is exempt from levy under subsection (a)(9) shall be—

(A) \$75. Plus

(B) \$25 for each individual who is specified in a written statement which is submitted to the person on whom notice of levy is served and which is verified in such manner as the Secretary shall prescribe by regulations and—

(i) over half of whose support for the payroll period was received from the taxpayer,

(ii) who is the spouse of the taxpayer, or who bears a relationship to the taxpayer specified in paragraphs (1) through (9) of section 152(a) (relating to definition of dependents), and

(iii) who is not a minor child of the taxpayer with respect to whom amounts are exempt from levy under subsection (a)(8) for the payroll period.

For purposes of subparagraph (B)(ii) of the preceding sentence, "payroll period" shall be substituted for "taxable year" each place it appears in paragraph (9) of section 152(a).

(2) **Individuals on basis other than weekly.**—In the case of any individual not described in paragraph (1), the amount of the wages, salary, and other income payable to or received by him during any applicable period or other fiscal period (as determined under regulations prescribed by the Secretary) which is exempt from levy under subsection (a)(9) shall be an amount (determined under such regulations) which as nearly as possible will result in the same total exemption from levy for such individual over a period of time as he would have under paragraph (1) if (during such period of time) he were paid or received such wages, salary, and other income on a regular weekly basis.

Sec. 6343. Authority to Release Levy and Return Property.

(b) **Return of Property.**—If the Secretary determines that property has been wrongfully levied upon, it shall be lawful for the Secretary to return—

(1) The specific property levied upon,

(2) an amount of money equal to the amount of money levied upon, or

(3) an amount of money equal to the amount of money received by the United States from a sale of such property.

Property may be returned at any time. An amount equal to the amount of money levied upon or received from such sale may be returned at any time before the expiration of 9 months from the date of such levy. For purposes of paragraph (3), if property is declared purchased by the United States at a sale pursuant to section 6335(e) (relating to manner and conditions of sale), the United States shall be treated as having received an amount of money equal to the minimum price determined pursuant to such section or (if larger) the amount received by the United States from the resale of such property.

Applicable Sections of Internal Revenue Code

6321. Lien for taxes.

6322. Period of lien.

6325. Release of lien or discharge of property.

6331. Levy and distraint.

6332. Surrender of property subject to levy.

6333. Production of books.

6334. Property exempt from levy.

6343. Authority to release levy and return property.

7426. Civil actions by persons other than taxpayers.

For more information about this notice, please contact the person whose signature and title appear above the name and address of the taxpayer.

COPY

REQUESTED BY
Fidelity Smith
IN OFFICIAL RECORDS OF
DOUGLAS CO., NEVADA

'86 JUL 28 P3:20

SUZANNE BEAUDREAU
RECORDER

\$10.00 PAID *[Signature]* DEPUTY

[Stamp]
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