

**Henry-Dale; Goltz
Evangelina; Goltz**

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) CASE NO. 5:06-cv-503
)
HENRY D. GOLTZ and)
EVANGELINE S. GOLTZ,)
)
Defendants, and)
)
WELLS FARGO HOME MORTGAGE,)
)
Defendant.)

**Answer Submitted by Henry-Dale; Goltz and Evangelina; Goltz to
“UNITED STATES OF AMERICA’S FIRST AMENDED COMPLAINT”,
MOTION TO DISMISS WITH PREJUDICE, and OTHER RELIEF**

Henry-Dale; Goltz and Evangelina; Goltz (hereinafter “the Goltzes”) do not understand the meaning of the Title of this Complaint. The “Goltzes” have no knowledge of the “COMPLAINT”, which this action has allegedly “AMENDED”. A prior similar action initiated in this Court by the Plaintiff’s representatives ended in **DISMISSAL**. This action appears to be a fraudulent attempt to deceive this Court, and to violate constitutional “**DUE PROCESS**” protections and the “**DOUBLE JEOPARDY**” prohibition contained in Article V of the Bill of Rights (1791), which has been made and is a part of the Constitution for The United States of America (1787), by flagrantly ignoring the aforementioned **DISMISSAL** and imply that this action is merely an Amendment to a previous (but non-existent) Complaint.

NATURE OF ACTION

1. Denied.

JURISDICTION AND VENUE

2. Denied.

3. Denied.

THE PARTIES

- 4. Denied.
- 5. Denied.
- 6. Denied.
- 7. Without Knowledge.

THE TAX LIABILITY

- 8. Denied.
- 9. Denied.
- 10. Denied.
- 11. Denied.
- 12. Denied.

THE SUBJECT PROPERTY

- 13. Denied.
- 14. Denied.

COUNT I

- 15. Denied.
- 16. Denied.

COUNT II

- 17. Denied.
- 18. Denied.
- 19. Denied.

COUNT III

- 20. Without Knowledge.

PRAYER & MOTIONS

FOR REASONS STATED ABOVE, “the Goltzes” move this honorable court to deny Plaintiff’s requests, enter an ORDER to dismiss Plaintiff’s Complaint with Prejudice, and, in accordance with Rule 41(d) of the Federal Rules of Civil Procedure, which states: “If a plaintiff who has once dismissed an action in any court commences an action based upon or including the same claim against the same defendant, the court may make such order for the payment of costs of the action previously dismissed as it may deem proper”, issue an ORDER to the Plaintiff to pay the defendant’s and court’s costs of the action previously dismissed [CIVIL NO. SA-05-CA-1056].

FURTHER, since there are no valid, legal assessments, based on a return, in existence and since “Notices of Levy” and “Notices of Lien” do not have any legal force and effect, except as to intimidate and imply that some action on the part of the recipient is required, “the Goltzes” MOVE this honorable court to correct prior injustices as follows:

1. ORDER the Internal Revenue Service to refund to “the Goltzes” with interest those withheld, but un-assessed, funds shown on Form 1040 tax returns for 1999 [US\$9,191.43], 2000 [US\$205.08], 2003 [US\$2,071.90], 2004 [US\$2,016.86], and 2005 [US\$3,028.70]. Funds which are not the subject of a valid, legal assessment cannot be collected. [26 USC 6201(a) and 26 USC 6501(a)];
2. ORDER the Internal Revenue Service to rescind, repeal, cancel, and annul **all** “Notices of Levy” issued by the Internal Revenue Service since 1 January 2000, including those recently sent to LUCENT PENSION SERVICE CENTER, CHARLES SCHWAB & CO INC, CHASE BANK OF TEXAS, FIRST FIDELITY BANK NA, FROST NATIONAL BANK, WACHOVIA BANK N.A., SECURITY SERVICE FEDERAL CREDIT UNION, and SOCIAL SECURITY ADMINISTRATION. Since several of these institutions have NO relationship with “the Goltzes”, and only served to discredit our name and reputation, we request that the ORDER require affirmative written communication to each recipient with an affirmed copy of such communication to “the Goltzes”;
3. ORDER the Internal Revenue Service to return to “the Goltzes” **all** funds, with interest, coerced by intimidation from banking and financial institutions to the Internal Revenue Service in the banks’ mistaken response to “Notices of Levy” received by them with no valid, lawful basis, court order, or permission from “the Goltzes” for the transfer of their funds to the Internal Revenue Service [Frost Bank: US\$3,150.93], Security Service Federal Credit Union: US\$31.91];
4. ORDER the Internal Revenue Service to return to “the Goltzes” **all** funds coerced by intimidation from, and mistakenly sent by, RMH, Inc. in response to an unlawful and continuing “Notice of Levy” on the property of Evangelina Goltz during 2004 and 2005, with no valid, lawful basis, court order, or permission from her for the transfer of her funds to the Internal Revenue Service;
5. ORDER the Internal Revenue Service to rescind, repeal, cancel, and annul, in writing with an affirmed copy to “the Goltzes”, **all** “Notices of Lien” unlawfully issued by the Internal Revenue Service since 1 January 2000 including those referring to “REAL PROPERTY” or “PERSONAL PROPERTY” and recorded in the public records of BEXAR COUNTY, TX 78205;

6. ORDER the Internal Revenue Service to rescind, repeal, cancel, and annul, in writing with an affirmed copy to “the Goltzes”, **all** the so-called debts, taxes, penalties, statutory interest, and additions that they allege in their complaint;
7. ORDER the issuance of a permanent injunction prohibiting **all** future actions against “the Goltzes” by the Internal Revenue Service and its agent, the U. S. Department of Justice as regarding the so-called income tax, except in the rare situation where “the Goltzes” receive **income**, which is defined as gain from corporate activity in numerous Supreme Court cases [*Stratton’s Independence v. Howbert*, 231 US 399; *Doyle v. Mitchell Brothers Co.*, 247 US 179; *Southern Pacific v. Lowe*, 247 US 330; *Eisner v. Macomber*, 252 US 189; *Merchant’s Loan & Trust Co. v. Smietanka*, 255 US at page 517; *Clark v. U. S.*, 211 F.2d 100]; and
8. ORDER that “the Goltzes” have such further relief as this honorable court may deem just and proper, including its costs herein, for the persistent and groundless oppression, lawless behavior, and abuse of power exercised by the Internal Revenue Service and its agent, the U. S. Department of Justice in violation of law, codes, rules, and regulations since 1 January 2000.

Henry-Dale; Goltz (pro per)

Evangelina; Goltz (pro per)

Affidavit of Truth

I, Henry-Dale; Goltz, do solemnly affirm that the “Answer” attached hereto is true and correct to the best of my knowledge and belief so help me God.

Date: _____

Affirmed by: _____

Henry-Dale; Goltz

Affidavit of Truth

I, Evangelina; Goltz, do solemnly affirm that the “Answer” attached hereto is true and correct to the best of my knowledge and belief so help me God.

Date: _____

Affirmed by: _____

Evangelina; Goltz

Certificate of Service

I, Henry-Dale; Goltz, hereby certify that a copy of the attached "Answer" has been mailed on the 5th of September 2006 by U.S.P.S. First Class Certified Mail bearing No. 7006 0810 0001 1241 4803 with Return Receipt Requested, to the Plaintiff's representative at the following address:

Michelle C. Johns

Tax Division

U.S. Department of Justice

717 N. Harwood, Suite 400

Dallas, TX 75201

Affirmed by: _____

Henry-Dale; Goltz