

**Affidavit**

We, Henry-Dale Goltz and Evangelina-Salinas Goltz, each over the age of 21 years, and each of sound mind and body, knowing the facts first hand about the matters described in the attached document entitled “**AFFIDAVIT OF TRUTH**” and dated \_\_\_\_\_ , do solemnly affirm under oath that the facts presented in the said “**AFFIDAVIT OF TRUTH**” are true and correct, and that any verbal or written testimony obtained by the Government from the Goltzes by way of prior meetings or court hearings was obtained under duress and threat of confinement by the Government or the court. This is our true and correct sworn statement, SO HELP US, GOD.

Affirmed by: \_\_\_\_\_ Affirmed by: \_\_\_\_\_  
Henry-Dale; Goltz Evangelina Salinas; Goltz

Subscribed and sworn to before me this \_\_\_\_\_ day of December 2006.

\_\_\_\_\_  
SIGNATURE OF NOTARY OR AUTHORIZED OFFICIAL



from two to five attached sheets each identified as “FORM 4340” and titled “CERTIFICATE OF ASSESSMENTS, PAYMENTS, AND OTHER SPECIFIED MATTERS”.

On September 5, 2006, in response to that pleading, Goltzes, Defendants-in-error, denied the veracity of that pleading and demanded that Plaintiff produce proof - the original valid, legal assessments and the returns on which they were based. No such production of evidence was forthcoming. The Goltzes were and are of the belief that the allegations proffered by the Plaintiff must be proven by the Plaintiff. Mere statements by Plaintiff consisting of computer printouts are only evidence of the content of the computer files; they are NOT evidence of a “valid, legal assessment”, which is the summary record of assessment signed by a lawful assessment officer. See Code of Federal Regulations in Part 301 at 26 CFR 6203-1. “The assessment shall be made by an assessment officer signing the summary record of assessment.” Proof was not provided; only the illusion of proof was proffered.

On November 9, 2006, Plaintiff prepared and submitted to the Court, as part of “UNITED STATES’ MOTION FOR SUMMARY JUDGMENT”, an “APPENDIX TO THE UNITED STATES’ MOTION FOR SUMMARY JUDGMENT” consisting of an “STATEMENT OF UNDISPUTED MATERIAL FACTS” and a “DECLARATION OF LOLITA ELLIS PURSUANT TO 28 U.S.C. § 1746”. The “STATEMENT ...” and the Ellis “DECLARATION” are, and have always been disputed by Defendants-in-error. They are statements of third-party information filers who have NO first hand knowledge. Plaintiff stated that the Goltzes provided no controverting evidence. Apparently the sworn statements of the Goltzes, in many of their pleadings to the Court, are not sufficient. THIS SWORN AFFIDAVIT OF TRUTH IS CONTROVERTING EVIDENCE and is a basis for RECONSIDERATION.

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**DECLARATION OF HENRY-DALE GOLTZ  
AND EVANGELINA-SALINAS GOLTZ**

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1. We are Sovereign American Citizens, Defendants-in-error, and have first hand knowledge of the facts of this matter.
2. We prepared and submitted what is commonly referred to as Form 1040 Joint Income Tax Returns, from first hand knowledge, as indicated in the table under item 11 below.
3. We signed said Form 1040s under the jurat containing the words: “Under penalties of perjury, I [we] declare ....”
4. We know, from first hand knowledge, that the “tax” commonly known as the Federal Income Tax is a tax based on self-assessment and payment.

5. We affirm that the “assessment” alleged by the Plaintiff is NOT based on the self-assessment contained on the Form 1040s prepared, signed and submitted by us as required by law.

6. We know, from first hand knowledge, that according to the law at 26 USC 6020(b)(1) “If any person fails to make any return required by any internal revenue law or regulation made thereunder at the time prescribed therefor, ... the Secretary shall make such return ...”

7. As provided by law, we self-assessed ourselves as indicated in the table under item 11 below and submitted the returns, as indicated.

8. We know that if we self-assess and submit a tax return or statement, the Secretary is barred from preparing a “substitute return” as stated in 26 USC 6020(b), quoted above.

9. As provided by law and discussed in our JUDICIAL NOTICE AND MOTION FOR RECONSIDERATION OF ORDER, we know, from first hand knowledge, that in accordance with 26 USC 6201(a)(1) of the Internal Revenue Code, “The Secretary shall assess all taxes determined by the taxpayer or by the Secretary as to which returns or lists are made under this title.”

10. Exhibits of the Form 1040 Joint Income Tax Returns which we prepared, signed “under penalties of perjury” and submitted are attached and are the basis for our self-assessment.

11. Our Official “Certificate of Assessments, Payments and Other Matters” follows:

Exhibit Attached	Tax Year	Type Return	No. of Pages	Date Sent	Amount Withheld	Amount Assessed	Amount Due	Refund Due	Green Card
1	1999	1040 Joint	4 Pages	1/22/2000	\$9,191.43	\$0.00	\$0.00	\$9,191.43	No
2	2000	1040 Joint	4 Pages	2/01/2001	205.08	\$0.00	\$0.00	205.08	Yes
3	2001	1040 Joint	4 Pages	4/15/2002	\$0.00	\$0.00	\$0.00	\$0.00	Yes
4	2002	1040 Joint	5 Pages	4/01/2003	\$0.00	\$0.00	\$0.00	\$0.00	Yes
5	2003	1040 Joint	3 Pages	4/15/2004	2,071.90	\$0.00	\$0.00	2,071.90	Yes
6	2004	1040 Joint	6 Pages	4/01/2005	2,016.86	\$0.00	\$0.00	2,016.86	No
	Totals				\$13,485.27	\$0.00	\$0.00	\$13,485.27	

12. We have been and continue to be of the belief, and the Court has confirmed in its ORDER, that the “Court will abide by and respect the Constitution, and provide due process and equal protection.”

13. We have been and continue to be of the belief, and the Court has confirmed in its ORDER, that the “Court will read and rule upon all motions filed in this matter and honor its judicial oath.”

14. We have been and continue to be of the belief, that based on the principles espoused in the Court's ORDER that it will abide by the Constitution including the principles of due process and equal protection, and the Court's commitment to read all pleadings and honor its judicial oath, that this honorable Court will not knowingly render judgments based on allegations and assertions NOT founded in fact and sworn testimony.
15. We have been and continue to be of the belief that it is not necessary for the Defendants-in-error to provide evidence to controvert allegations and assertions, but rather for the Plaintiff to prove its allegations and assertions to be true.
16. Nevertheless, since Plaintiff, it seems, has presented to the Court assertions and allegations, which Plaintiff says have not been controverted, the Court may inadvertently view such allegations and assertions as fact in evidence.
17. **Defendants-in-error, in possession of first hand knowledge, state under oath that the assertions and allegations regarding the assessments and liens recorded against Defendants-in-error and presented to this Court by the Plaintiff are untrue as a matter of fact and law.**
18. Certifications attached to the assertions and allegations presented to this Court by the Plaintiff DO NOT affirm the veracity of the data contained in the Internal Revenue Service's computer files as truly representing valid, lawful assessments. Those certifications only attest to the fact that the computer OUTPUT documents fairly represents data contained in the computer files.
19. We know, as does this Court, that it is only the INPUT document to the computer which can represent a valid legal assessment.
20. We affirm that we requested of the Internal Revenue Service on many occasions between 2000 and 2005, and from the Plaintiff by way of several pleadings in this case, to produce the official Record of Assessment as required by law – 26 USC 6203, to wit: "Upon request of the taxpayer, the Secretary shall furnish the taxpayer a copy of the record of assessment", and regulation 26 CFR 301.6203-1, to wit: "The assessment shall be made by an assessment officer signing the summary record of assessment" and "The amount of the assessment shall, in the case of tax shown on a return by the taxpayer, be the amount so shown" and "If the taxpayer requests a copy of the record of assessment, he shall be furnished a copy . . . ." Plaintiff did not produce the record, but rather provided data of his own creation.

21. We know as a matter of fact and law, as does this honorable Court, that the “The assessment shall be made by an assessment officer signing the summary record of assessment.” Code of Federal Regulations, Part 301 at 26 CFR 6203-1.
22. We also know as a matter of fact and law, as does this honorable Court, that “The amount of the assessment shall, in the case of tax shown on a return by the taxpayer, be the amount so shown ....” See Part 301 of 26 CFR 6203-1
23. Furthermore, we affirm that, rather than owing the government tax and other various additions including penalties, the government owes the Goltzes, as a minimum, \$13, 485.27.
24. We based our lawful “tax returns” on the law and the relevant United States Supreme Court cases addressing the issue. A Memorandum of Law, originally filed in this Court in the case referred to as: SA-05-CA-1056-RF is attached as Exhibit 7. It contains more than 25 references supporting our contentions. None of these Supreme Court cases have been reversed. All federal courts are bound by decisions and opinions of the United States Supreme Court.
25. Statements made in this **AFFIDAVIT OF TRUTH** represent the truth, SO HELP US GOD.

Submitted *in propria persona*

Submitted *in propria persona*

By My Hand:

By My Hand:

Affirmed By: \_\_\_\_\_

Affirmed By: \_\_\_\_\_

Henry-Dale Goltz

Evangelina-Salinas Goltz

Date: \_\_\_\_\_

Date: \_\_\_\_\_