

**NOTE: Not an  
Information Return  
under 26 USC §6041**

**Affidavit of False or Fraudulent Form 1099 (MISC/R/DIV/S)**  
Send separately, in response to collection notice, or attach to W-8BEN or NON-STATUTORY return. For use by  
"nonresident aliens" not engaged in the "trade or business" excise taxable franchise and whose earnings are  
a "foreign estate" per 26 USC §7701(a)(31)

**YEAR:** \_\_\_\_\_

**1** Type or print your first name and middle initial.

Last name

**2** Nontaxpayer Identifying Number (NIN)

**3** Address (not the domicile or residence of Submitter; mail forwarding only)

**4** Status of Submitter

**LAM:** 1. A "nonresident alien" under [26 USC §7701\(b\)\(1\)\(B\)](#); 2. A "national" of the United States OF AMERICA described in [8 USC §1101\(a\)\(21\)](#) and [26 USC §873](#); 3. An "American National" pursuant to [8 USC §1502](#); 4. Domiciled and physically present outside the statutory geographical "United States" ([26 USC §7701\(a\)\(9\)](#) and [\(a\)\(10\)](#) and [4 USC §110\(d\)](#)); 5. A constitutional (or Fourteenth Amendment, Sect. 1) "citizen" AT THE TIME OF BIRTH OR NATURALIZATION (but not NOW) domiciled and working within the exclusive jurisdiction of the constitutional "United States" (states of the Union); 6. Not consensually doing business with the U.S. government or receiving a "benefit" or government property and thereby waiving sovereign immunity under [28 USC §1605](#) or becoming subject to federal civil statutory law under [5 USC §553\(a\)\(2\)](#); 7. "stateless person" pursuant to [28 USC §1332](#) because not domiciled in the STATUTORY "State" described in [26 USC §1332\(d\)](#).

**I DO NOT FALL WITHIN THE DEFINITION OF ANY OF THE FOLLOWING STATUTORY CIVIL STATUSES AND DO NOT CONSENT TO THESE CIVIL STATUSES UNDER THE FIRST AMENDMENT AND MY RIGHT TO NOT CONTRACT:** 1. NOT a STATUTORY "U.S. person" under [26 USC §7701\(a\)\(30\)](#); 2. NOT in receipt of "income" or "gross income" from the STATUTORY "United States" ([26 USC §7701\(a\)\(9\)](#) and [\(a\)\(10\)](#) and [4 USC §110\(d\)](#)); 3. NOT a public officer engaged in a STATUTORY "trade or business" per [26 USC §7701\(a\)\(26\)](#) or effectively connected with such STATUTORY "trade or business"; 4. NOT a statutory "U.S. citizen" as described in [8 USC §1401](#) or [26 CFR §1.1-1\(c\)](#); 5. NOT A "resident alien" as described in [26 USC §7701\(b\)\(1\)\(A\)](#); 6. NOT resident or domiciled within a federal enclave or federal territory and subject to federal law under [Federal Rule of Civil Procedure 17\(b\)](#); 6. NOT consenting to acquire the benefit or privilege of protection or a treaty benefit as an American National abroad under [8 USC §1502](#) and thus not liable to pay for said protection; 7. NOT consensually or knowingly representing a legal fiction domiciled in the statutory "United States" ([26 USC §7701\(a\)\(9\)](#) and [\(a\)\(10\)](#) and [4 USC §110\(d\)](#)) and thus subject to federal law under [Federal Rule of Civil Procedure 17\(b\)](#); 8. NOT a STATUTORY citizen under [8 USC §1401](#) or [26 CFR §1.1-1\(c\)](#) by virtue of applying for a USA passport. Passports are evidence of NATIONALITY, not STATUTORY (civil) citizenship. Statutory citizenship requires domicile on federal territory or at least consent in some form; 10. NOT eligible to participate in Social Security and notified Social Security of same (<https://sedm.org/Forms/06-AvoidingFranch/SSNotEligible.pdf>). Any numbers provided are therefore NOT STATUTORY Social Security Numbers but privately issued numbers that may not be put to a commercial use or benefit of any government and if they are, are subject to the Injury Defense Franchise and Agreement, Form #06.027. <https://sedm.org/Forms/06-AvoidingFranch/InjuryDefenseFranchise.pdf>.

If you have any evidence to the contrary, please present it signed under penalty of perjury and rebut the questions at the end of the following within 30 days or be found in default and estoppel: Why you are a "national", "state national", and Constitutional but not Statutory Citizen, Form #05.006; <http://sedm.org/Forms/FormIndex.htm>. If you default, any attempt to treat me as OTHER than that described above is admitted and stipulated into evidence by you to be criminal identity theft as described in Government Identity Theft, Form #05.046; <http://sedm.org/Forms/FormIndex.htm>. The statutes in this block are product of my First Amendment right to associate and my right to contract or not contract. If I can't control my civil status, then I no longer own myself and am a slave. See: Your Exclusive Right to Declare or Establish Your Civil Status, Form #13.008; <http://sedm.org/Forms/FormIndex.htm>.

**5.** False information return (IR) submitter's name, address, and ZIP code

**6** IR submitter's identification number (if known)

**7** What this submission is NOT:

This submission does NOT constitute consent on the part of the submitter to: 1. A "self-assessment"; 2. Any kind of assessment on the part of the IRS under the authority of [26 USC §56014](#), [6020\(b\)](#), or [6201](#); 3. Become a "taxpayer" ([26 USC §7701\(a\)\(14\)](#)); 4. Become a statutory "resident" ([26 USC §7701\(b\)\(1\)\(A\)](#)) or a statutory "citizen" ([8 USC §1401](#)) domiciled on or physically present on federal territory in the "United States" ([26 USC §7701\(a\)\(9\)](#) and [\(a\)\(10\)](#)) or subject to federal civil law; 5. An election by a "nonresident alien" to become a "resident alien" pursuant to [26 USC §6013\(g\)](#) and [\(h\)](#); 6. Become an "individual" as described in [26 CFR §1.1441-1\(c\)\(3\)](#); 7. Accept or pay for any government "benefit" or property; 8. Become an officer, agent, or instrumentality of the "United States" in custody of government property and thereby forfeit status as a private human or entity. Recipient is NOT AUTHORIZED to provide, offer, or impute participation to the undersigned in any government "benefit" program now or at any time in the past, present, or future. Undersigned regards it as involuntary servitude in violation of Const. Amend 13 and human trafficking to impute any status to him/her under the civil law that he/she does not expressly consent to in writing absent duress. Submitter reserves the exclusive right to declare and establish whatever civil status he/she chooses as a nonresident foreign sovereign protected by the Foreign Sovereign Immunities Act, 28 USC Chapt. 97. ALL RIGHTS RESERVED BY UNDERSIGNED WITHOUT PREJUDICE PURSUANT TO UCC § 1-308 (1-207), 1-103.6, and 1-203

**8 Enter year in space provided and check one or more boxes.** For the tax year ending December 31, \_\_\_\_\_

The information returns you received for the above year from the source identified in item 5 and 6 above were false and fraudulent because (check all that apply):

	Check	Action	Explanation
a	<input type="checkbox"/>	The company submitting the information return unlawfully did one or more of the following: 1. Refused to accept my CORRECT withholding paperwork; 2. Forced me to submit withholding documents I now know to be false and fraudulent in its place.;3. Forced me to fill out the withholding form in a way that I know is false or fraudulent. See the next section.	My status must be accepted as I declare it under penalty of perjury. Otherwise, the company is engaging in witness tampering, practicing law without a license on my behalf without my consent, compelling me to contract with the government to participate in the "trade or business" franchise, and compelling me to associate in violation of the First Amendment. This is being done under the "color of law" as a quasi-government officer called a "withholding agent" ( <a href="#">26 USC §7701(a)(16)</a> ) and therefore are liable for a constitutional tort. See: <u>Your Exclusive Right to Declare or Establish Your Civil Status</u> , Form #13.008; <a href="http://sedm.org/Forms/FormIndex.htm">http://sedm.org/Forms/FormIndex.htm</a> .
b	<input type="checkbox"/>	It constitutes perjury under penalty of perjury to file Form 1099 information return against me or the private entity I represent. My private, non-federal associates are NOT government instrumentalities, officers, or agents in the context of this <u>private</u> relationship. It is unlawful and a criminal offense for them to act as a public office of the government in violation of <a href="#">4 USC §72</a> and <a href="#">18 USC §912</a> outside the District of Columbia ("United States").	The only thing the government can lawfully regulate under the civil statutory law is "public conduct" of "public officers" within the government as "publici juris". The Supreme Court has held that the ability to regulate private conduct is "repugnant to the constitution" and that where no government property, benefits, or privileges are involved, the ability to regulate and by implication TAX CEASES. Munn v. Illinois, 94 U.S. 113 (1876). Everything I do as a PRIVATE man or woman is PRIVATE conduct. By "assuming" that I am a "public officer" or enforcing the duties of the office upon me without compensation that I and not you deem satisfactory, you are engaging in involuntary servitude, human trafficking, and peonage.
c	<input type="checkbox"/>	The government identifying number on the form is not mine and therefore not correct. It is incorrect because my work associate compelled me to sign and submit a knowingly false and fraudulent W-7, W-9, SS-4, or SS-5 form and/or to use a government identifying number that does not belong to me by threatening to either not hire or to fire me if I did not sign it and provide a number I am not eligible for and cannot lawfully use. Anything done under the influence of duress becomes the act of the duressor and not my act and is voidable and this report constitutes a DEMAND to void it.	The reasons I am not eligible to apply for, receive, or use a Taxpayer Identification Number are identified in: <u>Why It is Illegal for Me to Request or Use a Taxpayer Identification Number</u> , Form #04.205; <a href="http://sedm.org/Forms/FormIndex.htm">http://sedm.org/Forms/FormIndex.htm</a> . Rebut with evidence signed under penalty of perjury within 30 days or be found in default and estoppel.
d	<input type="checkbox"/>	Earnings of nonresident aliens domiciled outside of and working outside the "United States" ( <a href="#">26 USC §7701(a)(9)</a> and <a href="#">(a)(10)</a> ) in other than a "trade or business"/"public office" within the U.S. government are not includible in "gross income" and a "foreign estate" pursuant to <a href="#">26 USC §7701(a)(31)</a> . They are "not subject" and "excluded" from "gross income", but at the same time not statutorily "exempt" nor am I an "exempt individual".	The following authorities expressly exempt the earnings of "nonresident aliens" domiciled and working outside the "United States" from "wages", "income", or "gross income". <u>Statutes</u> : <a href="#">26 USC §7701(a)(31)</a> , <a href="#">26 USC §861(a)(3)(C)(i)</a> , <a href="#">26 USC §1402(b)</a> , <a href="#">26 USC §3401(a)(6)</a> , <a href="#">26 USC §3406(g)</a> . <u>Regulations</u> : <a href="#">26 CFR §1.872-2(f)</a> , <a href="#">26 CFR §1.871-7(a)(4)</a> , <a href="#">26 CFR §31.3401(a)(6)-1</a> , and <a href="#">26 CFR §31.3406(a)-1(e)</a> . Pursuant to <a href="#">26 USC §6041(a)</a> , I cannot lawfully earn reportable "income" as defined in <a href="#">26 USC §643(b)</a> because I am not the public "trust" or "estate" described therein. IRM 5.1.11.6.8, <a href="#">26 USC §56020(b)</a> and 6201 forbids the IRS to do an assessment or SFR on me, and even if they do, it's still only a proposal that requires my CONSENT, which I DO NOT give and never have given. Expressio unius est exclusio alterius

e	<input type="checkbox"/>	I have no delegated authority to act on behalf of or contractually obligate myself and/or the private entity I am representing to any obligation, franchise, or "benefit" offered by any government. The authority to contract with any government is expressly forbidden in the entity formation documents and/or fundamental law and therefore all contracts or franchises arising out of my consent are void ab initio.	The rights of those domiciled in states of the Union and protected by the Constitution such as myself and/or the entity I represent are "unalienable", which legally means that they cannot lawfully be sold, bargained away, or transferred through any commercial process, INCLUDING franchises. Only those domiciled on federal territory may therefore lawfully enter into such contracts and I am not domiciled on federal territory but rather am present within a state of the Union and protected by the Constitution. See: 1. Unalienable Rights Course, Form #12.038; <a href="https://sedm.org/LibertyU/UnalienableRights.pdf">https://sedm.org/LibertyU/UnalienableRights.pdf</a> ; 2. Delegation of Authority Order from God to Christians, Form #13.007; <a href="https://sedm.org/Forms/13-SelfFamilyChurchGovnce/DeiOfAuthority.pdf">https://sedm.org/Forms/13-SelfFamilyChurchGovnce/DeiOfAuthority.pdf</a> .
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## 9 Efforts to notify IRS and person filing false 1099 (MISC/R/DIV/S) to correct these reports (check all that apply)

	Check	Action	Date(s) accomplished	Details/Contact
a	<input type="checkbox"/>	Submitted IRS Form W-8SUB <a href="https://sedm.org/Forms/04-Tax/2-Withholding/W-8SUB.pdf">https://sedm.org/Forms/04-Tax/2-Withholding/W-8SUB.pdf</a>		
b	<input type="checkbox"/>	Submitted <u>Affidavit of Citizenship, Domicile, and Tax Status</u> , Form #02.001; <a href="http://sedm.org/Forms/FormIndex.htm">http://sedm.org/Forms/FormIndex.htm</a>		
c	<input type="checkbox"/>	Submitted the following with Certificate of Service or Certified Mail. <u>Identity Theft Affidavit</u> , Form #14.020 <a href="http://sedm.org/Forms/FormIndex.htm">http://sedm.org/Forms/FormIndex.htm</a>		
d	<input type="checkbox"/>	Initiated civil suit against withholding agent		
e	<input type="checkbox"/>	Other (specify):		

## 10 Specific actions demanded of recipient in responding to this submission

	Check	Action	Explanation
a	<input type="checkbox"/>	Quit sending me collection notices based on the false information returns. I am NOT a person made liable and your enforcement activities are a tort instigated outside of your territorial and subject matter jurisdiction.	"Revenue Laws relate to taxpayers [instrumentalities, officers, employees, and elected officials of the Federal Government] and not to non-taxpayers [American Citizens/American Nationals not subject to the exclusive jurisdiction of the Federal Government]. <u>The latter are without their scope</u> . No procedures are prescribed for non-taxpayers and no attempt is made to annul any of their Rights or Remedies in due course of law. With them[non-taxpayers] Congress does not assume to deal and they are neither of the subject nor of the object of federal revenue laws." [Economy Plumbing & Heating v. U.S., 470 F.2d 585 (1972)]
b	<input type="checkbox"/>	Zero out all reports connected with the IRS Form 1099's submitted by the original submitter referenced in Block 5 of this form, which are ALL false and fraudulent and subject to criminal sanction if not corrected	Not engaged in a "trade or business"/"public office" as required by 26 USC §6041(a) and 7701(a)(26). 26 USC §6041(a) requires that Form 1099 may only be submitted in connection with payments associated with a "trade or business", which is defined to include ONLY a public office in the government. Recipient is not lawfully engaged in a "public office" and would be impersonating a public officer in criminal violation of 18 USC §912 to accept either the benefits or obligations associated with said office.
c	<input type="checkbox"/>	Return all unlawfully withheld earnings to their rightful owner under equity and <u>not</u> the I.R.C. All amounts withheld and paid were paid UNDER PROTEST, illegally, and fraudulently. Recipient of these funds is engaged in money laundering in violation of 18 USC §1956.	I.R.C Subtitle A is civil law that cannot be enforced against nonresident parties not domiciled on federal territory within the <u>statutory</u> but not <u>constitutional</u> "United States" (26 USC §7701(a)(9) and (a)(10)) per Federal Rule of Civil Procedure 17. Supreme Court has held that government MUST return unlawfully withheld or received monies regardless of whether victim is subject to the statutes or not. This form constitutes a substitute for IRS Form 843 requesting an abatement and return of all such withheld earnings. <b>"The United States, we have held, cannot, as against the claim of an innocent party [nonresident nontaxpayer] hold his money which has gone into its treasury by means of the fraud [or omission] of its agent. While here the money was taken through mistake without element of fraud, the unjust retention is immoral and amounts in law to a fraud of the taxpayer's rights. What was said in the State Bank Case applies with equal force to this situation. 'An action will lie whenever the defendant has received money which is the property of the plaintiff, and which the defendant is obligated by natural justice and equity to refund. The form of the indebtedness or the mode in which it was incurred is immaterial.' [Bull v. United States, 295 U.S 247, 261, 55 S.Ct. 695, 700, 79 L.Ed. 1421]"</b>
d	<input type="checkbox"/>	Notify submitter of false information returns (in block 5) that they will be criminally prosecuted if they do not stop filing false reports.	26 USC §7206(1) obligates the government recipient to prosecute all those who submit false information returns. 18 USC §654 makes it a crime for a "withholding agent" to convert private property to a public use, "public office", or public purpose without compensation and without consent of the owner. 18 USC §912 forbids anyone to use an information return to "elect" someone into a public office or enforce the obligations or benefits of the office upon a non-consenting party.
e	<input type="checkbox"/>	Criminally prosecute submitter of false information return (in block 5) if they do not stop filing false reports and correct the ones referenced herein.	One count under 26 USC §7206(1), 18 USC §912, 18 USC §654 for <u>each</u> false information return. One count under 18 USC §51001 and 1621 (perjury) for each IRS form 1096 or W-3 accompanying the information return.
f	<input type="checkbox"/>	Inform/warn submitter of false information returns (in block 5) that they MUST accept the withholding paperwork they are given and cannot compel submission of Forms W-7 or W-9	Workers may not be compelled what form to submit, to use government approved forms, or what to put on the forms. This is: 1. Witness tampering, since the forms are signed under penalty of perjury; 2. Compelled association in violation of First Amendment; 3. Extortion.

<b>Sign Here</b>	Under penalty of perjury from WITHOUT the "United States" and from within the "United States of America" and a foreign state pursuant to 28 USC §1746(1), I declare that I have examined this statement, and to the best of my knowledge and belief, it is true, correct, and complete
	Signature: _____ Date: _____

### Purpose of Form.

- is intended for use only by "nonresident aliens" who are "non-filers" (26 USC §6651 Notes defines), and not "taxpayers" (26 USC §§1313 and 7701(a)(14)).
- is a custom form because IRS does not have a form to only correct false original Forms 1099-MISC/R/DIV/S.
- is NOT a substitute for Forms 1099-MISC/R/DIV/S, but rather invalidates the corresponding form entirely by connecting it to fraud and criminal activity. Thus, the original false Form 1099 submission becomes "fruit of a poisonous tree" inadmissible as evidence and unusable as a basis for further probable cause in tax enforcement.
- is completed by a nonresident victim of a false and fraudulent Form 1099 when a private, non-federal company, or payer, either refuses their withholding form or compels them to submit a W-7, W-9, or SS-5 form that the Submitter KNOWS is false and fraudulent and done so only in order to get or keep a job, work relationship, or complete a private sector transaction.

If you satisfy the audience for this form, you should always attempt to get your private work associates to STOP submitting Form 1099-R, 1099-MISC, or 1099-DIV before contacting the IRS or filing this form. Generally, do not file Form 1099-CC before April 15 of the year in which it pertains.

**Note.** Retain a copy of this form for your records. Check your Social Security Statement (received at least a full year after the date shown on line 4) against this form. If the earnings fraudulently reported or withheld are not corrected by this form and promptly refunded under equity and not law, you should contact the Social Security Administration (SSA) at the telephone number shown on the statement.

**Submitters of this Form NOT Subject to Penalties.** Penalties against the Submitter of this form are unlawful. Only "U.S. persons" (26 USC §7701(a)(30)) domiciled on federal territory within the "United States" (26 USC §7701(a)(9) and (a)(10)) and who are subject to federal civil law may be penalized. Such "persons" may NOT use this form. Nonresident

parties who use this form are not "exempt", but rather "not subject" to either federal civil law or to the penalties that such law might impute.

**IRS Penalties for use or abuse of this form or accompanying tax return.** Information regarding the Submitter of this form and in the temporary possession or use of the recipient is: 1. Information about a private party who is NOT a "public officer" and who does not consent and has no capacity to consent to act as a public officer; 2. Protected by a franchise agreement to which the recipient indicates their consent by using, storing, or disclosing said information; 3. The exclusive property of the party who is described; 4. Subject to private copyright. Any abuse of this information without the express written consent of the Submitter to induce any flow of money or consideration to the recipient is protected by copyright and license and subjects the recipient to the following liabilities for infraction:

- Pay any tax or penalty assessments against the submitter out of their private pay and benefits if used for tax enforcement or collection.
- Substitute him/her self as the substitute defendant if this information is used to civilly or criminally prosecute the submitter.
- Allow the submitter to exercise power of attorney on their behalf of the recipient, and to file a contractual lien on any private property they own under said power of attorney.
- Compensate the Submitter for attorney's fees and/or costs required to recover penalties and/or assessments under this franchise agreement which the recipient refuses to pay voluntarily.

**WARNING: Interfering with or penalizing the submission of, or advising changes to this form is a CRIME!** This form constitutes a formal criminal complaint providing legally admissible evidence of fraud on the part of the original information returns submitted by the party identified in section(s) (5) and (6) of this form.

- Directing or advising what should go on this form constitutes perjury and conspiracy to commit perjury in violation of 18 USC §1001, 18 USC §1621 and subornation of perjury in violation of 18 USC §1622.
- Penalizing or threatening the submitter to withdraw this form constitutes threatening a protected federal witness in violation of 18 USC §1512 and obstruction of justice in violation of 18 USC Chapt. 73.
- Any IRS or state revenue employee or agent who receives this form and fails or omits to act promptly in correcting the false information described within government records could be prosecuted for the following crimes: accessory after the fact (18 USC §3), and misprision of felony (18 USC §4), computer fraud (18 USC §1030), and identity theft (42 USC §405(c)(2)(C)(i), 42 USC §408(a)(7), 18 USC §1028(a)(7), 18 USC §1028A, 18 USC §654).