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

**Affidavit of Fraudulent Form 1099 (MISC/R/DIV/S) and Official Criminal Complaint**

**SEND SEPARATELY, in response to collection notice, or attach to W-BEN or NONTAXPAYER return. For use by “state” who are “non-filers”, “non-taxpayers”, and “non-individuals” under 26 CFR §1.1441-1(c)(3)**

<table>
<thead>
<tr>
<th>1</th>
<th>Type or print your first name and middle initial.</th>
<th>Last name</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Nontaxpayer Identifying Number (NIN)</td>
<td></td>
</tr>
</tbody>
</table>

### 4 Status of Submitter

**I AM:**
2. A “national” of the United States of America described in 8 USC §1101(a)(21) and 26 USC §6827.
3. An “American National” pursuant to 8 USC §6827.
4. Domiciled and physically present outside the statutory “United States” (26 USC §7701(a)(9) and (a)(10) and §6827(a))
5. A Constitutional (or Fourteenth Amendment, Section 1) “citizen” AT THE TIME OF BIRTH OR NATURALIZATION (but not now) domiciled and working within the exclusive jurisdiction of the “exclusive territory” of the United States.
6. Not consensually or knowingly represented by a legal fiction domiciled in the statutory “United States” (26 USC §7701(a)(9) and (a)(10) and §6827(b)(6)) and therefore not liable to pay for said protection; or
7. “stateless person” pursuant to 26 USC §1332 because not domiciled in the STATUTORY “State” described in 26 USC §1332(d).

**I AM NOT AND HAVE NEVER BEEN ANY OF THE FOLLOWING STATUTORY STATUTES:**
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 §6827(b)(6)) and 4 USC §1101(d).
3. NOT a public officer engaged in a STATUTORY “trade or business” per 26 USC §7701(a)(26) or effectively connected with such a STATUTORY “trade or business”.
4. NOT a statutory “U.S. citizen” as described in 26 USC §1401 or 26 CFR §1.1401-1(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).
7. NOT consenting to acquire the benefit or privilege of protection or a treaty benefit as an American National abroad under 26 USC §1352 and thus not liable to pay for said protection; or
8. NOT consensually or knowingly representing a legal fiction domiciled in the statutory “United States” (26 USC §7701(a)(9) and (a)(10) and §6827(b)(6)) and thus subject to federal law under Federal Rule of Civil Procedure 17(b).
9. NOT a statutory citizen under 8 USC §1001 or 26 CFR §1.17-1(b) by virtue of applying for a U.S. passport.
10. Passports are evidence of NATIONALITY, not STATUTORY (civic) citizenship.
11. Statutory citizenship requires domicile on federal territory or at least consist in some form: 10. NOT eligible to participate in Social Security and notified Social Security of same (https://sedm.org/Forms/O6-AvoidingFranchisingNonUSNotEligible.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, they are subject to the Injury Defense Franchise and Agreement, Form #04.027: https://sedm.org/Forms/O6-AvoidingFranchisingNonUS.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

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

| 6 | IR submitter’s identification number (if known) |

### 6 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):

| a | 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. |
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>b</td>
<td>It constitutes perjury under penalty of perjury to file Form 1099 information return against me. My income is noneconomic. I am a private, non-federal associates are NOT an “employer” under 26 USC §3401(d), or government instrumentalities, officers, or agents in the context of this private relationship. It is unlawful and a criminal offense for them to act as a public office of the government in violation of 4 USC §72 and 18 USC §912 outside the District of Columbia (excluding the States).</td>
</tr>
<tr>
<td>c</td>
<td>The government identifying number on the form is not mine and therefore not correct. It is based on false or incorrect information; and the form constitutes a DEMAND to void.</td>
</tr>
<tr>
<td>d</td>
<td>Earnings of nonresident aliens domiciled outside of and working outside the United States” (26 USC §7701(a)(31), 26 USC §661(a)(3)(C)), income, or “gross income” (26 USC §7701(a)(31), 26 USC §1402(b), 26 USC §3401(a), 26 USC §3406(g) Regulations: 26 CFR §1.872-2, 26 CFR §1.871-7(a)(4), 26 CFR §31.3401(a)-1, and 26 CFR §31.3406(g)-1(e); Pursuant to 26 USC §6041a, I cannot lawfully earn reportable “income” as defined in 26 USC §663(b) because I am not the public “trust” or “estate” described therein. IRM 5.1.11.6.8. 26 USC §6602(b) 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. Expression unus exilio alterius</td>
</tr>
<tr>
<td>e</td>
<td>I have no delegated authority to act on behalf of or contractually obligate myself and/or the private entity I represent to any obligation, franchise, or ‘benefit’ offered by any government. The authority to contract with any government is expressly forbidden in the entity definition documents and/or fundamental law and therefore all contracts or franchises arising out of my consent are void ab initio.</td>
</tr>
</tbody>
</table>

The following authorities expressly exempt the earnings of “nonresident aliens” domiciled and working outside the United States” (26 USC §7701(a)(31), 26 USC §661(a)(3)(C)), income, or “gross income” (26 USC §7701(a)(31), 26 USC §1402(b), 26 USC §3401(a), 26 USC §3406(g) Regulations: 26 CFR §1.872-2, 26 CFR §1.871-7(a)(4), 26 CFR §31.3401(a)-1, and 26 CFR §31.3406(g)-1(e); Pursuant to 26 USC §6041a, I cannot lawfully earn reportable “income” as defined in 26 USC §663(b) because I am not the public “trust” or “estate” described therein. IRM 5.1.11.6.8. 26 USC §6602(b) 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. Expression unus exilio alterius
9 Efforts to notify IRS and person filing false 1099 (MISC/R/DIV/S) to correct these reports (check all that apply)

<table>
<thead>
<tr>
<th>Check</th>
<th>Action</th>
<th>Date(s) accomplished</th>
<th>Details/Contact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a</td>
<td>Submitted IRS Form W-8BEN</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b</td>
<td>Submitted Affidavit of Citizenship, Domicile, and Tax Status, Form #02.001; <a href="http://sedm.org/Forms/FormIndex.htm">http://sedm.org/Forms/FormIndex.htm</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c</td>
<td>Submitted the following with Certificate of Service or Certified Mail, Legal Notice to Correct Fraudulent Tax Status, Reporting, and Withholding, Form #04.401; <a href="http://sedm.org/Forms/FormIndex.htm">http://sedm.org/Forms/FormIndex.htm</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>d</td>
<td>Initiated civil suit against withholding agent</td>
<td></td>
<td></td>
</tr>
<tr>
<td>e</td>
<td>Other (specify):</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

10 Specific actions demanded of recipient in responding to this submission

<table>
<thead>
<tr>
<th>Check</th>
<th>Action</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>a</td>
<td>Quit sending me collection notices based on the false information returns. I am NOT a &quot;taxpayer&quot; and your enforcement activities are a tort instigated outside of your territorial and subject matter jurisdiction.</td>
<td>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]. The latter are without their scope. No procedures are prescribed for non-taxpayers and no attempt is made to annual 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.</td>
</tr>
<tr>
<td>b</td>
<td>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</td>
<td>Not engaged in a &quot;trade or business /public office&quot; as required by 26 U.S.C. §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 &quot;trade or business&quot;, which is defined to include ONLY a public office in the government. Recipient is not lawfully engaged in a &quot;public office&quot; 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.</td>
</tr>
<tr>
<td>c</td>
<td>Return all unlawfully withheld earnings to their rightful owner under equity and not the I.R.C. All amounts withheld and paid were UNDER PROTEST, illegally, and fraudulently. Recipient of these funds is engaged in money laundering in violation of 18 USC §1956.</td>
<td>I.R.C Subtitle A is civil law that cannot be enforced against nonresident parties not domiciled on federal territory within the statutory but not constitutional &quot;United States&quot; (26 USC §7701(a)(9) and (a)(10)), and who are not &quot;taxpayers&quot; (26 USC §7701(a)(14)). Submitter is neither a &quot;taxpayer&quot; nor a &quot;nonresident alien individual&quot; subject to the I.R.C. Subtitle A private law franchise agreement. Supreme Court has held that government MUST return unlawfully withheld or received monies regardless of whether victim is subject to the statutes or not. The United States, we have held, cannot, as against the claim of an innocent party [nonresident taxpayer] hold his money which has gone into its treasury in a manner 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 to 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'.</td>
</tr>
<tr>
<td>d</td>
<td>Notify submitter of false information returns (in block 5) that they will be criminally prosecuted if they do not stop filing false reports.</td>
<td>One count under 26 USC §7206(1), 18 USC §912, 18 USC §654 for each false information return. One count under 18 USC §§1001 and 1621 (penalty) for each IRS form 1096 or W-3 accompanying the information return.</td>
</tr>
<tr>
<td>e</td>
<td>Clandestinely prosecute submitter of false information return (in block 5) if they do not stop filing false reports and correct the ones referenced herein.</td>
<td>One count under 26 USC §7206(1), 18 USC §912, 18 USC §654 for each false information return.</td>
</tr>
<tr>
<td>f</td>
<td>Inform owner 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</td>
<td>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.</td>
</tr>
</tbody>
</table>

Sign

Here

Under penalty of perjury from WITHOUT the "United States" and from within the "United States of America" and a foreign state pursuant to 26 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 §6861 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 a 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-S form that the Submitter KNOWS is false and fraudulent and done so only in order to get 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 worker 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 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 licenses subjects to the recipient to the following liabilities for infracion:

- 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 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).