

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

<hr/> <b>ROBERT L. SCHULZ</b>	)	
	)	<b>DECLARATION #3</b>
<b>Plaintiff</b>	)	<b><u>BY ROBERT SCHULZ</u></b>
	)	
<b>-against-</b>	)	Case No. 06-MC-131
	)	DNH/DRH
	)	
<b>UNITED STATES; INTERNAL</b>	)	
<b>REVENUE SERVICE,</b>	)	
	)	
<b>Defendants</b>	)	

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**DECLARATION #3 BY PLAINTIFF ROBERT L. SCHULZ**

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I, ROBERT L. SCHULZ, declare under penalty of perjury:

1. I am the Plaintiff in the matter captioned above.
2. I make this Declaration in further support of the motion for temporary and preliminary relief.
3. On Tuesday, October 10, 2006, I received a telephone call from IRS Agent Elsie Addington. She had called me on Friday, October 6, 2006. I returned her call on Monday, October 9<sup>th</sup>, a holiday and left a message on her recorder.
4. During our conversation on October 10, 2006, Addington again admitted that she wanted my personal bank records to learn the identities of those people who were helping me with my household expenses so the IRS could examine those people to see if they were able to provide me with that assistance.

5. On October 10<sup>th</sup>, following the phone conversation with Addington, I faxed her a letter (copy attached hereto).
6. On October 12, 2006, Addington served a summons on my Bank (copy attached hereto), demanding my personal and private records for 2003 and 2004.
7. As I have been telling Addington during phone conversations she has been initiating since March of 2006, for years I have not been required to file tax returns. To support my household expenses I have been receiving money as personal gifts from family members and friends, and none for any services rendered.
8. For instance, for 2003, my "income" consisted of a yearly dividend from NY Life Insurance Company from a Whole Life Policy my wife and I obtained in 1963. The amount of the dividend was \$10.52. Other than that, neither my wife or I received any other money except personal gifts from three individuals. For 2003, my household expenses included \$8,730.22 for property taxes, \$1523.24 for health insurance and \$541.46 for medical and dental expenses.
9. For 2004, my "income" consisted of a yearly dividend from NY Life Insurance Company. The amount of the dividend was \$10.87. My wife and I started to receive Social Security payments in 2004. The amount received in

2004 was \$1547.60. Other than that, neither my wife or I received any other money except personal gifts from four individuals. For 2004, my household expenses included \$10,392.35 for property taxes, \$3447.34 for health insurance and \$585.33.46 for medical and dental expenses.

10. I would not object to an *in camera* disclosure of the evidence supporting the above, including copies of all my bank statements, deposits and withdrawals.

### **28 USC 1746 Unsworn Declarations**

I declare under of penalty of perjury that the foregoing is true and correct.

Executed on November 3, 2006.

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