

## **Received** 10/15/21

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Paul Kenneth Cromar,

Petitioner

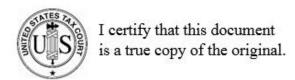
v.

Docket No. 15701-21

Commissioner of Internal Revenue

Respondent

Objection to Motion to Dismiss for Lack of Jurisdiction



Ostephanie A. Oservess, Clerk of the Court

Certificate of Service

Submitted for

the court record

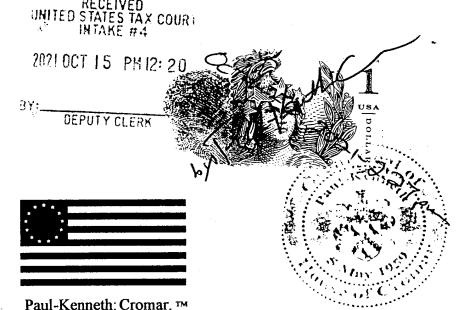
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Oct 6,2021

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copy only.



Faul-Neilletti, Clothai, '\*\*
Evecutor of the name ©"PAUL KENNETH CRO

Executor of the name ©"PAUL KENNETH CROMAR", c/o 9870 N. Meadow Drive

Cedar Hills, Utah-State: usA [84062]

# UNITED STATES TAX COURT WASHINGTON, D.C.

Paul Kenneth: Cromar Sole Executor Petitioner,

VS.

COMMISISIONER OF INTERNAL REVENUE,

Respondent,

\*Affidavit\*:
OBJECTION to Respondent's
Motion to Dismiss
for Lack Of Jurisdiction

Docket No. 15701-21 Chief Judge Maurice B. Foley

(Filed Electronically)

### \*Affidavit\*:

## **OBJECTION** to Respondent's Motion to Dismiss for Lack Of Jurisdiction

I, a living man, Paul-Kenneth: Cromar, , of age, of sound mind and body, and sole Executor of the Paul-Kenneth: Cromar Estate, *sui juris*, *in propria persona*, state national of Utah known as a

Utahn, in under the flag of the *Original Jurisdiction*, by Special Appearance, respectfully and *in honor* do hereby file this \*Affidavit\*: OBJECTION to Respondent's Motion to Dismiss for Lack Of Jurisdiction (hereafter Petitioner's OBJECTION) for reasons explained but not limited those provided hereunder.

#### INTRODUCTION

The Respondent Commissioner of the IRS filed a Motion to Dismiss for Lack of Jurisdiction dated September 7, 2021 (hereafter **Respondent's Motion**). On page 2, paragraph 4 of Respondent's Motion part of the testimony of the Commissioner comes in the form of a threat that he might "impose penalty under I.R.C. § 6673", as follows:

(4) this Court warn petitioner in its Order of Dismissal that it may impose a penalty under I.R.C. § 6673 if petitioner continues to file similar petitions.

Respondent's citing of I.R.C. § 6673 is NOT listed in the Parallel Table of Authorities and Rules authored and enacted by Congress (see Exhibit A), hence proving there is no implementing regulation under I.R.C. § 6673. In citing I.R.C. § 6673, the Respondent's attorney proves he doesn't know the law, as required in this court. This apparent error in understanding of foundational law makes the Respondent counsel's rationale within Respondent's entire Motion irrelevant and possibly frivolous. But, this is not the only example of error.

Additionally, Respondent's Motion makes numerous cites of I.R.C. § 6212 (at numerous times on various pages) which is also NOT listed on the Congressionally enacted **Parallel Table of Authorities And Rules**, and hence has no lawful implementing regulations.

Also, Respondent's Motion cites I.R.C. § 6213(a) (numerous times on various pages) which is listed by the Parallel Table of Authorities and Rules as Title 27 part 70, which cannot pertain

to me in an IRS matter within the IRS Code of Title 26. Title 27 is not Title 26 IRS Code, and hence has no relation to the IRS claims being challenged before this court.

I.R.C. § 6673, I.R.C. § 6213, nor I.R.C. § 6213 cannot pertain to me, Paul-Kenneth: Cromar, because they are either not listed in the Congressionally enacted **Parallel Table of Authorities** And Rules leaving it void of any implementing regulation, OR, it's listed in Title 27 which is NOT title 26, and also clearly does <u>not</u> apply to me within any IRS claims of jurisdiction over me during the 30+ year period from 1990 through 2020.

This Respondent's counsel also provides legal cites that are not listed in the Congressionally authored Parallel Table of Authorities And Rules (again see Exhibit A), again demonstrating lack of understanding of Congressionally enacted law, and an inability to mount a lawful and successful defense in behalf of the Respondent Commissioner of the IRS.

Therefore, if this case were to be dismissed for lack of jurisdiction over me, Paul-Kenneth Cromar from 1990 through 2020, it cannot be done so for the unlawful arguments provided in the Respondent's Motion. The Respondent's attorney is required to know the law when making his arguments against me before this court – but has failed to make relevant and non-frivolous cites in law on the record of this court.

Additionally, 10 CFR § 2.304 and 26 U.S. Code § 6065 require that court documents, such as a Notice of Deficiency and a Notice of Determination, which are in question by Petitioner in this instant case, must have lawful signatures under testimony given under penalty of perjury, in order to be considered as a valid court document:

10 CFR § 2.304 - Formal requirements for documents; signatures; acceptance for filing.

(d) Signatures. The original of each document must be signed by the participant or its authorized representative, or by an attorney having authority with respect to it. The document

must state the capacity of the person signing; his or her address, phone number, and e-mail address; and the date of signature. The signature of a person signing a pleading or other similar document submitted by a participant is a representation that the document has been subscribed in the capacity specified with full authority, that he or she has read it and knows the contents, that to the best of his or her knowledge, information, and belief the statements made in it are true, and that it is not interposed for delay. The signature of a person signing an affidavit or similar document, which should be submitted in accord with the form outlined in 28 U.S.C. 1746, is a representation that, under penalty of perjury, the document is true and correct to the best of that individual's knowledge and belief. If a document is not signed, or is signed with intent to defeat the purpose of this section, it may be struck.

Also, US Code Title 26, known as the IRS Code, which the Respondent Commissioner is to respond under, "requires" that the claims within a "document" shall be verified by "a written declaration that is made under the penalties of perjury."

#### 26 U.S. Code § 6065. Verification of returns

Except as otherwise provided by the Secretary, any return, declaration, statement, or other document required to be made under any provision of the internal revenue laws or regulations shall contain or be verified by a written declaration that it is made under the penalties of perjury.

(Aug. 16, 1954, ch. 736, <u>68A Stat. 749</u>; <u>Pub. L. 94–455</u>, <u>title XIX</u>, § <u>1906(a)(6)</u>, (b)(13)(A), Oct. 4, 1976, <u>90 Stat. 1824</u>, 1834.) - *emphasis added* 

Blacks Law Dictionary offers addition understanding to the meaning and power of the words "sign", "signature", "verify" and "verification".

<u>SIGN</u>. To affix one's name to a writing or instrument, for the purpose of authenticating it, or to give it effect as one's act. McCall v. Textile Industrial Institute, 189 N.C. 775, 128 S.E. 349, 353.

To attach a name or cause it to be attached to a writing by any of the known methods of

impressing a name on paper. In re Covington Lumber Co., D.C. Wash., 225 F. 444, 446.

To affix a signature to; to ratify by hand or seal; to subscribe in one's own handwriting. Webster, Dict.; Knox's Estate, 131 Pa. 230, 18 A. 1021, 6 L.R.A. 353, 17 Am.St.Rep. 798; In re Manchester's Estate, 174 Cal. 417, 163 P. 358, 359, L.R.A.1917D, 629, Ann.Cas. 1918B, 227. See, also, Miner v. Larney, 87 N.J.L. 40, 94 A. 26, 28.

To make any mark, as upon a document, in token of knowledge, approval, acceptance, or obligation. In re Manchester's Estate, 174 Cal. 417, 163 P. 358, 360, L.R.A.1917D, 62,9, Ann.Cas.1918B

Blacks Law - 4th Edition page 1552 - emphasis added

Black's Law Dictionary describes "signature" in this manner:

SIGNATURE. The act of putting down a man's name at the end of an instrument to attest its validity, the name thus written. A "signature" may be written by hand, printed, stamped, typewritten, engraved, photographed, or cut from one instrument and attached to another, and a signature lithographed on an instrument by a party is sufficient for the purpose of signing it; it being immaterial with what kind of instrument a signature is made. Smith v. Greenville County, 188 S.C. 349, 199 S.E. 416, 419. Maricopa County v. Osborn, 60 Ariz. 290, 136 P.2d 270, 274. And whatever mark, symbol, or device one may choose to employ as representative of himself is sufficient. Griffith v. Bonawitz, 73 Neb. 622, 103 N.W. 327, 339. See Sign.

Blacks Law - 4th Edition page 1553 - emphasis added

Black's Law Dictionary describes "verification" and "verify", in this manner:

<u>VERIFICATION</u>. Confirmation of correctness, truth, or authenticity by affidavit, oath, or deposition. McNamara v. Powell, Sup., 52 N.Y.S.2d 515, 527.

<u>VERIFY</u>. To confirm or substantiate by oath. S. B. McMaster, Inc., v. Chevrolet Motor Co., D.C. S.C., 3 F.2d 469, 471; Francesconi v. Independent School Dist. of Wall Lake, 204 Iowa 307, 214 N.W. 882, 885; Marshall v. State, 116 Neb. 45, 215 N.W. 564, 566. Particularly used of making formal oath to accounts, petitions, pleadings, and other papers.

Blacks Law - 4th Edition page 1732 - emphasis added

Our suit against the Commissioner of the IRS states that I've never received <u>lawful</u> Notices of Deficiency and Notices of Determination from 1990 through 2020. Remember, signatures are required to be considered lawful. Respondent counsel agrees, except for certain years "1996, 1997, 1999, 2000, 2001, 2002, 2003, 2004, and 2005", claiming that the certain documents did exist (inferring they are now destroyed), but never once proclaims within the various "EUP" "IMFLOT", and "IDRS" computer records and codes that <u>a lawful signature</u> was on any of those documents during those years. Have lawfully signed instruments ever existed? To be clear, without a lawful signature, any Notice of Deficiency and/or Notice of Determination <u>which</u> <u>cannot be verified</u> would be void, moot and of no merit – therefore nullifying the Respondent Commissioner's entire argument in the Respondent Commissioner's Motion to Dismiss.

Fraud vitiates any claim. The Respondent does NOT even claim that the Notices of Deficiency and a Notices of Determination were signed under penalty of perjury. Unless they can produce the actual instrument, or re-create one and have the current Commissioner of the IRS (or his lawful designee) is willing to sign in wet ink, signing under penalty of perjury any claim from 1990 through 2020 against me, Paul-Kenneth: Cromar, then until such time it must be assumed the claims were fraudulent. No lawful signature = no contract = fraudulent claim by IRS. Again, settled law declares that Fraud vitiates any claim. Fraud, if it exists in this case, requires immediate investigation and pursuit of criminal referrals upon any officials or officers of this court under USC Title 18 section 242 Depravation of Rights Under the Color of Lawe, and USC Title 18 section 241 Conspiracy to Deny Civil Rights, along with possibly R.I.C O. violations, and the harsh penalties thereunder that in some cases could include up to life imprisonment or the penalty of death.

The significance of having Notice of Deficiency and a Notice of Determination documents signed as per law under penalty of perjury, is highlighted by the criminal nature of forgery. Blacks Law Dictionary defines "forgery" as:

#### FORGERY - Criminal Law

The false making or material altering, with intent to defraud, of any writing which, if genuine, might apparently be of legal efficacy or the foundation of a legal liability. (People v. Routson, 354 Ill. 573, 188 N.E. 883, 885; 2 Bish. Crim. Law, § 523; McCornack v. Central State Bank, 203 Iowa 833, 211 N.W. 542, 545, 52 A.L.R. 1297.)

A fraudulent making and alteration of writing to prejudice of another man's right, or a false making, a making malo animo of any instrument, for the purpose of fraud or deceit. (see Iberville Trust & Saving Bank v. City Café, La.App., 143 So. 73. See Forge.)

Blacks Law – 4<sup>th</sup> Edition page 779 – emphasis added

The Petitioner / Executor of the Paul-Kenneth: Cromar estate, now asks the court, on and for the record, are forged documents allowed upon the record of this court? Is fraud upon the court permitted by the officers of this court? I MOVE the court to reply on and for the record, to these questions.

#### CONCLUSION

Therefore it appears that unless the current Commissioner of the IRS is willing to provide new and updated signed copies to Paul-Kenneth: Cromar the sole Executor and Petitioner, provided "under penalty of perjury" as per 10 CFR § 2.304 and 26 U.S. Code § 6065 (yes, based on the IRS's own records — with any potential claim of the "destruction" of originals notwithstanding) the Respondent Commissioner of the IRS's own Motion to Dismiss serves to provide admission that the IRS has never at any time claimed lawful jurisdiction over the Plaintiff, Paul-Kenneth: Cromar, from 1990 through 2020.

Therefore in order to prove that the Commissioner of the IRS's claim of lawful and valid Notices of Deficiency and Notices of Determination ("1996, 1997, 1999, 2000, 2001, 2002, 2003, 2004, and 2005") via attorney are NOT forgery of any kind, a simple recreation from the IRS's "EUP" "IMFLOT", and "IDRS" computer records and/or from whatever record source, must be reconstituted and provided anew to the Petitioner and signed (for the first time – as there is no

proof of any signatures previously) and be signed in wet ink under the pains and penalty of perjury.

As the sole Executor of the Estate by the name captioned above, Paul-Kenneth: Cromar, anointed king unto the Most High God, with a Divinely appointed inheritance outside the reach of any IRS claims as proven herein, do hereby MOVE the court to dismiss this case with prejudice on the grounds that the Commissioner of the IRS has admitted that Paul Kenneth Cromar has never received a lawful signed claim against him from 1990 through 2020, BE IT SO EXECUTED, and by this execution, be made to appear, in-deed, enacted, decreed, this the 6<sup>th</sup> day of the 10th month, anno Domini, two thousand and twenty-one, Amen.

I reserve the right to make any amendments or corrections.

Notice to Principal is notice to Agent. Notice to Agent is notice to Principal.

#### FOR THE AFFIDAVIT IS OF THE TRUTH:

FOR THE sole Heir /Executor ARE FOR THE AFFIRMATION
OF THE DECLARATION OF THE
TRUTH BY THE FIRSTHAND KNOWLEDGE OF THE FACTS:

| Utah County              |   |
|--------------------------|---|
|                          | ) Asseveration  |
| Utah Republic            |   |
|                          |   |
| united States of America | ) L.S. Gy. fall Lutt  |
|                          | Signed only in correct public capacity as   |
|                          | Sole Heir and Executor to the Paul-Kennette Cromar Estate.  |
|                          | Paul-Kenneth: Cromar.   |
|                          | c/o 9870 north meadow drive.  |
|                          | Cedar Hills of the Utah state [ 84062 ]   |
|                          |   |
|                          | المعرف والمرابع المرابع |

#### Exhibit A

## PARALLEL TABLE OF AUTHORITIES AND RULES

Table lists of rulemaking authority for regulations codified in the Congressionally enacted Code of Federal Regulations.

Also included are statutory citations which are noted as being interpreted or applied by those regulations.

## PARALLEL TABLE OF AUTHORITIES AND RULES

The following table lists rulemaking authority (except 5 U.S.C. 301) for regulations codified in the *Code of Federal Regulations*. Also included are statutory citations which are noted as being interpreted or applied by those regulations.

The table is divided into four segments: United States Code citations, United States Statutes at Large citations, public law citations, and Presidential document citations. Within each segment the citations are arranged in numerical order:

For the United States Code, by title and section;

For the United States Statutes at Large, by volume and page number;

For public laws, by number; and

For Presidential documents (Proclamations, Executive orders, and Reorganiza-

tion plans), by document number.

Entries in the table are taken directly from the rulemaking authority citation provided by Federal agencies in their regulations. Federal agencies are responsible for keeping these citations current and accurate. Because Federal agencies sometimes present these citations in an inconsistent manner, the table cannot be considered all-inclusive.

The portion of the table listing the United States Code citations is the most comprehensive, as these citations are entered into the table whenever they are given in the authority citations provided by the agencies. United States Statutes at Large and public law citations are carried in the table only when there are no corresponding United States Code citations given.

This table is revised as of January 1, 2014.

#### **Authorities**

| 26 U.S.C. (1986 I.R.C.)—Continued                             | CFR                | 26 U.S.C. (1986 I.R.C.)—Continued CFR                                |
|---|--------------------|--|
| 504427  |                    | 5411—541727 Part 25  |
| 5051—505427   | Part 25            | 5415   |
| 5051  | 6, 27, 28          | 5501—5505  |
| 5054  |                    | 5504   |
| 5061—5062   |                    | 5551—5555  |
| 5061  | 7. 28. 46          | 5551—5552  |
| 506627  | Part 19            | 555227 Parts 18, 20, 22  |
| 5111—511427 Par   | ts 17, 26          | 5555—5556  |
| 5121—512427   | Part 31            | 555527 Parts 20, 22, 26, 27, 28, 31, 70                              |
| 512127 Parts 19, 22, 24, 25, 2<br>5122—512427 Parts 19, 24, 2 | 5 26 27            | 5559   |
| 5122  | Part 28            | 5601 27 Parts 19, 29   |
| 5123  |                    | 5603   |
| 513127 Par  | ts 26, 31          | 560727 Part 20   |
| 513227 Par  |                    | 561227 Part 19   |
| 5171—517327 Par   |                    | 5613   |
| 5173 27<br>5175—5176 27                                       | Part 24<br>Part 10 | 5615 27 Part 29<br>5661—5662 27 Part 24                              |
| 5178—518127   |                    | 5671   |
| 5178—517927   |                    | 5673   |
| 517927  | Part 29            | 5681   |
| 518127  |                    | 568227 Part 19   |
| 5201—520427   | Part 19            | 568427 Parts 24, 25, 70  |
| 5201  | ts 27, 28          | 5687   |
| 5205  | ts 27. 28          | 5701   |
| 5206—520727 Par   | ts 19, 31          | 570227 Parts 41, 44, 45  |
| 520627 Parts 17, 2  | 20, 22, 24         | 570327 Parts 40, 41, 44, 45  |
| 520727 Parts 26, 2  | 27, 28, 70         | 570427 Parts 40, 41, 44, 45  |
| 5211—5215   | Part 19            | 5705   |
| 5214—5215   | ts 20, 22          | 5711   |
| 5221—5223   |                    | 5712   |
| 522227  |                    | 571327 Parts 40, 41, 44, 71  |
| 5231—523227   | Part 19            | 572127 Parts 40, 41, 44  |
| 5232  |                    | 572227 Parts 40, 41, 44  |
| 5235—5236   |                    | 5723   |
| 5241—524327<br>524227   | Part 21            | 5731   |
| 5271—5275   | ts 20. 22          | 5741   |
| 527127 Parts 1  | 19, 26, 71         | 575127 Parts 40, 44, 45, 46  |
| 527327 Parts 17, 19, 2  |                    | 5753   |
| 527527 Par  | ts 26, 70          | 27 Part 40<br>575427 Parts 41, 44, 46                                |
| 5276  | Part 26            | 5754   |
| 5301  |                    | 5762   |
| 5311—5313   | Part 19            | 5763   |
| 531127 Par  | ts 20, 22          | 580227 Part 70   |
| 531327 Par  | ts 27, 28          | 600126 Parts 1, 31, 41, 55, 156, 157                                 |
| 531427  | Part 26            | 27 Parts 19, 26, 46, 53  |
| 5351  | ts 18, 24          | 601126 Parts 1, 26, 31, 40, 55, 156, 157, 301<br>27 Parts 25, 53, 73 |
| 5353-5354   | Part 24            | 6015 26 Part 1   |
| 5354  | Part 18            | 6015. 26 Part 1<br>6020. 27 Parts 53, 70                             |
| 535627  | Part 18            | 602127 Parts 53, 70  |
| 5356—535727   |                    | 6033   |
| 5361—536227   | Part 24            | 603526 Part 1  |
| 5362  |                    | 6036   |
| 5364 - 5373   | Part 70            | 6038—6038B   |
| 5370  | Part 19            | 6038D  |
| 537327  |                    | 6039E22 Part 51  |
| 5381—538827   |                    | 6039I  |
| 5391—539227   | Part 24            | 604126 Part 1  |
| 5401—540327   | rart 25            | 604326 Part 1  |

#### **CFR Index**

| 26 U.S.C. (1986 I.R.C.)—Continued CFR                        | 26 |
|--|----|
|  | "  |
| 6045   | l  |
| 6046A  | i  |
| 6047   | 1  |
| 6049   | 1  |
| 6050E  | l  |
| 6050H-6050I-126 Part 1                                       | 1  |
| 6050K26 Part 1   | 1  |
| 6050M26 Parts 1, 301   | 1  |
| 6050P26 Part 1   | 1  |
| 6050S26 Part 1   | 1  |
| 605126 Part 31   |    |
| 605627 Part 22   | 1  |
| 605829 Part 2520   | 1  |
| 606026 Parts 1, 20, 25, 26, 31, 40, 41, 44,                  | 1  |
| 53, 54, 55, 56, 156, 157                                     | 1  |
| 606126 Parts 1, 156, 157, 301                                | 1  |
| 27 Parts 22, 25, 31, 40, 44, 53, 73                          | ł  |
| 6064   |    |
| 6065   | i  |
| 27 Parts 17, 18, 19, 20, 22, 24, 25,                         | 1  |
| 21 Farts 11, 18, 19, 20, 22, 24, 25, 31, 40, 44              | 1  |
|  |    |
| 607126 Parts 31, 40, 41, 55, 57, 154, 156, 157               | 1  |
| 27 Parts 31, 53  | Į. |
| 608126 Parts 1, 20, 25, 26, 31, 53, 156, 157,                | ł  |
| 301  | 1  |
| 27 Part 53   |    |
| 6090   | l  |
| 6091   |    |
| 27 Parts 17, 24, 25, 31, 53                                  | l  |
| 6101—610427 Part 53  |    |
| 610126 Part 40   | !  |
| 610227 Part 70   | i  |
| 610320 Parts 401, 402  | 1  |
| 26 Parts 1, 301, 602   | 1  |
| 27 Part 31   | 1  |
| 610426 Part 301  | 1  |
| 610926 Parts 1, 20, 25, 26, 31, 40, 44, 53,                  | 1  |
| 54, 55, 56, 150, 156, 157, 301                               | 1  |
| 27 Parts 17, 19, 22, 24, 25, 31, 40,                         | 1  |
| 53   | 1  |
| 6111   |    |
| 6112   | 1  |
| 6114   | 1  |
| 6151   |    |
| 27 Parts 22, 25, 40, 44, 53                                  | 1  |
| 6155   | 1  |
|  | 1  |
| 6157   | 1  |
| 6158   | 1  |
| 6159   | ŀ  |
| 6161   | 1  |
| 27 Part 53<br>27 Part 70                                     | 1  |
| £201   | 1  |
| 6203-6204  | l  |
| 620422 Part 504  | Į. |
| 620526 Part 31   | 1  |
| 622326 Part 301  | 1  |
| 623026 Part 301  | 1  |
| 623126 Part 301  | 1  |
| 623226 Part 150  | 1  |
| 623326 Part 301  | 1  |
| 6241   | 1  |
| 6245 26 Part 301   |    |
| 6245 26 Part 301<br>6301 27 Parts 24, 25, 26, 40, 41, 53, 70 | 1  |
| 6302   | 1  |
| 27 Parts 19, 24, 25, 26, 27, 28, 40,                         | 1  |
| 41, 53   | 1  |
| 11,00  | •  |

| 26 U.S.C. (1986 I.R.C.)-          | -Continued                              | CFR                        |
|-----------------------------------|---|----------------------------|
|                                   |   | 3 214 390                  |
| 6303                              | טו במונט בו                             | 30, 211, 300               |
| 0.343                             |   | arus os, 70                |
| 6311                              |   | o Part 301                 |
| Z                                 | 7 Parts 19, 24, 25                      | , 40, 53, 70               |
| 6313                              | 27 Parts 25, 40                         | , 41, 45, 70               |
| 6314<br>6321                      |   | 27 Part 70                 |
| 6321                              |   | 27 Part 70                 |
| 6323                              |   |                            |
|                                   |   | 27 Part 70                 |
| 6325                              |   |                            |
|                                   |   | 27 Part 70                 |
| 6326                              | 2                                       | 6 Part 301                 |
|                                   |   | 27 Part 70                 |
| 6331-6343                         |   | 27 Part 70                 |
| 6343                              | 2                                       | 6 Part 301                 |
| 6364                              |   | 26 Part 31                 |
| 6401—6404                         |   | 27 Part 70                 |
| 6402                              |   |                            |
|                                   |   | arts 15, 16                |
|                                   |   | Part 1208                  |
|                                   |   | arts 1, 301                |
|                                   | 27 Parts 25, 40                         | . 41, 44, 53               |
|                                   | 9                                       | 1 Dant 205                 |
| 6404                              | 2                                       | 6 Part 301                 |
|                                   | 27 Parts 40                             | ), 41, 44, 53              |
| 6407                              | 20120010                                | 27 Part 70                 |
| 6411                              | 26 P                                    | arts 1, 301                |
| 6416                              | 27 P                                    | arts 53, 70                |
| 6423                              |   |                            |
| 6426                              |   |                            |
|                                   |   |                            |
| 6427<br><b>6601</b> — <b>6503</b> |   | 27 Part 70                 |
| 6511                              | **************                          | 27 Part 70                 |
| 6513—6514                         |   | 97 Dont 70                 |
| 6532                              | • | 21 1 21 0 10<br>97 Dont 70 |
| 6601                              |   |                            |
| 6602                              |   | 27 Dont 70                 |
| 6611                              |   |                            |
| 6621                              |   |                            |
| 6000                              |   | arts 46 70                 |
| 6622<br>6651                      | 0112                                    | arus 40, 10                |
| 6653                              |   | 07 Domt 70                 |
| 0000                              |   | 21 Part 10                 |
| 6655                              |   |                            |
| 66566658                          |   |                            |
| 6656                              | • | 21 Part 25                 |
| 6662                              |   | 26 Part 1                  |
| 6665                              |   | 27 Part 70                 |
| 6671—6672                         |   | 21 Part 70                 |
| 6676                              | 27 Parts 19                             | 9, 24, 25, 40              |
| 6689                              |   | 6 Part 301                 |
| 669526 Part                       | s 1, 20, 22, 26, 31                     | , 40, 41, 44,              |
| 6701                              | 53, 54, 55,                             | 6, 156, 157                |
| 6701                              |   | 27 Part 70                 |
| 6723                              | 27 P                                    | arts 31, 70                |
| 6724                              |   |                            |
| 6801                              |   |                            |
| 6804                              |   | 27 Part 26                 |
| 6806                              |   |                            |
| 6851                              |   |                            |
| 6862—6863                         |   | 27 Part 70                 |
| 6901                              |   | 27 Part 70                 |
| 7011                              | 27 Part                                 | s 40, 44, 70               |
| 7101                              | 27 Parts 20                             | 6, 41, 70, 72              |
| 7102                              | 27 P                                    | arts 26, 70                |
| 7121—7122                         |   | 27 Part 70                 |
| 7207                              |   |                            |
|                                   |   |                            |

#### **Authorities**

| 26 U.S.C. (1986 I.R.C.)—Continued                           | CFR                      |
|---|--------------------------|
| 7209  | 27 Part 70               |
| 721227 Parts 40, 41   | , 44, 45, 46             |
| 7213  |                          |
| 72145   | 15 Part 0                |
|   | 27 Part 70               |
| 72162   | 6 Part 301               |
| 7302  | 27 Part 24               |
| 7304  | 27 Part 70               |
| 7322—7326   | 27 Part 72               |
| 7325  | 27 Part 40               |
| 7327  | 44 45 46                 |
| 7342  | 27 Part 70               |
| 7403  | W Part 'U                |
| 7406  | 27 Part 70               |
| 7423—7426   | 27 Part 70               |
| 7429—7430   |                          |
| 7432  | 27 Fart 10 -             |
| 27 Parts 24, 40   | 53.70.73                 |
| 750327 Parts  | s 24, 40, 70             |
| 7505  | 27 Part 70               |
| 7506  | 27 Part 70               |
| 75082   | 6 Part 301               |
| 7510<br>7513  | 27 Part 19<br>27 Part 70 |
| 7520  | 20, 25, 301              |
| 7520  | 27 Part 70               |
| 760227 Ps   | arts 46, 70              |
| 7603  | 27 Part 70               |
| 7604<br>7605  | 27 Part 70               |
| 7606 97 Parts 94 95 40 41 44                                | 45 46 70                 |
| 760627 Parts 24, 25, 40, 41, 44                             | 27 Part 70               |
| 7609  | 27 Part 70               |
| 7610  | 27 Part 70               |
| 7622—7623   |                          |
| 7623  |                          |
| 7651 et seq   | 40 Part 76               |
| 765127 P.   | arts 26, 41              |
| 765227 Part   | s 17, 26, 41             |
| 7653  | 27 Part 70               |
| 7654  |                          |
| 770126 Part<br>7702   | 96 Part 1                |
| 7804  | ts 301, 602              |
| 7804 note2  | 6 Part 801               |
| 780519 Parts 1, 31, 40, 4                                   |                          |
|   | ts 606, 615              |
| 26 Parts 1, 2, 3, 4, 5, 50<br>8, 9, 11, 12, 13, 14a, 15, 15 |                          |
| 18, 19, 20, 22, 25, 26, 27,                                 |                          |
| 35, 35a, 36, 40, 41, 43, 44                                 |                          |
| 48, 49, 51, 52, 53, 54, 55,                                 | 56, 57, 141,             |
| 143, 145, 148, 156, 157, 30                                 |                          |
| 305, 400, 401, 403, 404, 42                                 | U, 502, 503,             |
| 509, 514, 516, 517, 601, 60<br>27 Parts 5, 13, 17, 18, 19,  |                          |
| 24, 25, 26, 27, 29, 30, 31,                                 | . 40, 41, 44,            |
| 45, 46, 53, 70,   | 71, 72, 479              |
| 7851  | 27 Part 24               |
| 7872  | 26 Part 1                |
| 7874  | 26 Part 1                |
| 900211  | rar (9002                |

| 26 | U.S.C. (1986 I.R.C.)—Continued CF             | R  |
|----|---|----|
|    |   |    |
|    | 900311 Parts 9003, 903                        |    |
|    | 900411 Part 900                               | )4 |
|    | 900511 Part 900                               | )5 |
|    | 900611 Part 900                               | )5 |
|    | 900711 Parts 201, 900                         |    |
|    | 9008  |    |
|    | 900911 Parts 201, 9001, 9002, 9003, 9004, 900 | _  |
|    |   |    |
|    | 9006, 9007, 900                               |    |
|    | 901211 Part 90                                |    |
|    | 903111 Part 903                               | 31 |
|    | 903211 Part 903                               | 32 |
|    | 903311 Part 903                               | 33 |
|    | 9034  |    |
|    | 9035  |    |
|    |   |    |
|    | 903611 Part 90                                |    |
|    | 903711 Part 903                               | 37 |
|    | 903811 Parts 201, 903                         | 38 |
|    | 903911 Parts 201, 9031, 9032, 9033, 9034, 903 | 5, |
|    | 9036, 9037, 9038, 903                         | 39 |
|    | 9701—970820 Part 45                           | 22 |
|    | 9801  |    |
|    | 9833  |    |
|    |   | 24 |
| 27 | U.S.C.  |    |
|    | 20227 Parts 6, 8, 10,                         | 11 |
|    | 203   |    |
|    |   |    |
|    | 27 Parts 1, 26, 2<br>204                      | 60 |
|    | 20427 Parts 1,                                | (1 |
|    | 20527 Parts 4, 5, 6, 7, 8, 9, 10, 11, 12, 1   |    |
|    | 16, 26, 2                                     | 28 |
|    | 20627 Part                                    | 1  |
|    | 21127 Part                                    |    |
|    | 215   |    |
|    | 218   | 16 |
|    |   | 10 |
| 20 | U.S.C.  |    |
|    | 5032 Part 5                                   | 16 |
|    | 41838 Part                                    |    |
|    | 501   |    |
|    | 503   |    |
|    |   |    |
|    | 509   |    |
|    | 21 Part 13                                    |    |
|    | 28 Parts 0, 1, 5, 8, 9, 11, 14, 15, 1         |    |
|    | 17, 21, 26, 27, 28, 29, 35, 36, 37, 3         | 8, |
|    | 42, 46, 47, 48, 50, 51, 55, 58, 61, 6         | 4. |
|    | 71, 73, 76, 80, 81, 115, 500, 501, 50         |    |
|    | 506, 511, 512, 513, 522, 523, 524, 52         |    |
|    | 540, 541, 542, 543, 544, 545, 547, 54         |    |
|    | 710, 711, 712, 713, 711, 710, 711, 71         | ٥, |
|    | 549, 550, 551, 552, 553, 570, 571, 57         |    |
|    | 600, 601, 602, 6                              |    |
|    | 5102 Part 28                                  |    |
|    | 8 Parts 3, 1003, 110                          | 03 |
|    | 21 Part 13                                    | 16 |
|    | 28 Parts 0, 1, 5, 8, 9, 11, 14, 15, 1         |    |
|    | 17, 21, 26, 27, 28, 29, 35, 36, 37, 3         |    |
|    |   |    |
|    | 42, 46, 47, 48, 50, 51, 55, 58, 61, 6         |    |
|    | 71, 73, 76, 80, 81, 115, 500, 501, 50         |    |
|    | 506, 511, 512, 513, 522, 523, 524, 52         |    |
|    | 540, 541, 542, 543, 544, 545, 547, 54         | 8, |
|    | 549, 550, 551, 552, 553, 570, 571, 57         |    |
|    | 600, 601, 602, 6                              |    |
|    | 48 Parts 2801, 2802, 2803, 2804, 280          |    |
|    |   |    |
|    | 2806, 2807, 2808, 2809, 2811, 2812, 281       |    |
|    | 2814, 2815, 2816, 2817, 2819, 2822, 282       |    |
|    | 2824, 2825, 2828, 2829, 2830, 2831, 283       |    |
|    | 2833, 2834, 2842, 2845, 2846, 28              |    |
|    | 51832 Part 5                                  | 16 |
|    |   |    |

#### CERTIFICATE OF SERVICE

FOR THE VERIFICATION IS FOR THE TRUE AND CORRECT-COPY OF THE ORIGINAL OF THE \*Affidavit\*: OBJECTION to Respondent's Motion to Dismiss for Lack Of Jurisdiction, AND IS OF THE DELIVERY AS INDICATED BELOW.

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Respectfully,

:Paul-Kenneth: Cromar

Executor of Paul-Kenneth: Cromar Estate

c/o 9870 N. Meadows Dr.

Cedar Hills, Utah state [84062]

October 6<sup>th</sup>, 2021

## Notary Public as JURAT CERTIFICATE

| <u>Utah</u> State  |        |
|--|--------|
| <u>Utah</u> County   |        |
| United States of America On this October 6 <sup>th</sup> , 2021 before | vra ma |
| On this October 6, 2021 bere   | ne me  |

a Notary Public, personally appeared <u>Paul-Kenneth: Cromar</u> who proved to me on the basis of satisfactory evidence to be the living man whose Name are subscribed to the within attached instrument and acknowledged to Me that he executed the same in his authorized capacity, And that by his autograph(s) on the instrument the man executed, the instrument known as

"\*Affidavit\*: OBJECTION to Respondent's Motion to Dismiss for Lack Of Jurisdiction"

I certify under PENALTY OF PERJURY under the lawful laws of

<u>Utah</u> state that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

of Notary / Jurat

CHERYL LYNNE DAVIS
NOTARY PUBLIC-STATE OF UTAH
COMMISSION# 698040
COMM. EXP. 01-09-2022

seal

