

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
Chattanooga Division

UNITED STATES OF AMERICA,)
)
 Plaintiff,) Case No. 17-cv-54
)
 v.)
)
 JOHN C. and ESTHER R. HELTON)
 622 Georgia Ave.,)
 Chattanooga, TN 37402)
)
 Defendants.)
 _____)

COMPLAINT

The UNITED STATES OF AMERICA brings this action at the request of the Chief Counsel of the Internal Revenue Service, a delegate of the Secretary of the Treasury, and at the direction of the Attorney General of the United States to reduce to judgment assessments made against John C. Helton and Esther R. Helton for unpaid federal income taxes, and against John Helton for federal trust fund recovery penalties related to the unpaid federal employment taxes of Helton Law Firm, PLLC.

JURISDICTION AND VENUE

1. This Court has jurisdiction over this civil action pursuant to 28 U.S.C. §§ 1340 and 1345, and 26 U.S.C. § 7402(a).
2. Venue in this district is proper pursuant to 28 U.S.C. §§ 1391 and 1396. Defendants John and Esther Helton reside in Hamilton County, Tennessee.

PARTIES

3. Plaintiff is the United States of America.

4. Defendants John C. and Esther R. Helton reside in Chattanooga, Tennessee.

COUNT I

**REDUCE TO JUDGMENT FEDERAL INCOME TAX ASSESSMENTS
AGAINST JOHN C. HELTON**

5. The United States incorporates paragraphs 1 through 4 of this complaint as if fully set forth herein.

6. A delegate of the Secretary of the Treasury has made assessments against John C. Helton for unpaid federal income taxes as follows:

Tax Type	Tax Period Ending	Date of Earliest Assessment	Amount of Earliest Assessment	Outstanding Balance¹ (as of February 27, 2017)
1040	12/31/2004	05/26/2008	\$45,597.00	\$104,431.61
1040	12/31/2005	04/14/2008	\$68,049.00	\$142,545.50
1040	12/31/2006	04/21/2008	\$63,531.00	\$139,118.35
1040	12/31/2007	11/24/2008	\$11,797.00	\$19,026.61
1040	12/31/2009	11/24/2014	\$2,136.00	\$3,199.64
Total				\$408,321.71

7. A delegate of the Secretary of the Treasury gave Mr. Helton notice and demand for payment of the assessments described in paragraph 6 in accordance with 26 U.S.C. § 6303.

8. Statutory additions to tax have accrued and will continue to accrue on the unpaid balance of the assessments set forth in paragraph 6.

¹Includes statutory interest and penalties that have accrued, and which continue to accrue, on the unpaid taxes.

9. Mr. Helton has failed to pay the United States the full amount owed as a result of the tax assessments described in paragraph 6.

10. On account of the assessments described in paragraph 6, Mr. Helton is indebted to the United States in the amount of \$408,321.71 as of February 27, 2017, plus statutory additions that will continue to accrue thereafter until paid.

WHEREFORE, the United States prays:

- A. That the Court enter judgment in favor of the United States and against Defendant John Helton for unpaid federal income tax liabilities in the amount of \$408,321.71 as of February 27, 2017, plus statutory additions that will continue to accrue thereafter until paid; and
- B. That the Court award the United States such further relief that the Court deems appropriate, including the costs of this action.

COUNT II

REDUCE TO JUDGMENT FEDERAL INCOME TAX ASSESSMENTS AGAINST JOHN AND ESTHER HELTON

11. The United States incorporates paragraphs 1 through 10 of this complaint as if fully set forth herein.

12. A delegate of the Secretary of the Treasury has made assessments against John C. and Esther R. Helton for unpaid federal income taxes as follows:

Tax Type	Tax Period Ending	Date of Earliest Assessment	Amount of Earliest Assessment	Outstanding Balance² (as of February 27, 2017)
1040	12/31/2012	03/23/2015	\$3,653.00	\$1,813.47

²Includes statutory interest and penalties that have accrued, and which continue to accrue, on the unpaid taxes.

1040	12/31/2014	06/08/2015	\$18,865.00	\$18,838.22
Total				\$20,651.69

13. A delegate of the Secretary of the Treasury gave Mr. and Mrs. Helton notice and demand for payment of the assessments described in paragraph 12 in accordance with 26 U.S.C. § 6303.

14. Statutory additions to tax have accrued and will continue to accrue on the unpaid balance of the assessments set forth in paragraph 12.

15. Mr. and Mrs. Helton have failed to pay the United States the full amount owed as a result of the tax assessments described in paragraph 12.

16. On account of the assessments described in paragraph 12, Mr. and Mrs. Helton are indebted to the United States in the amount of \$20,651.69 as of February 27, 2017, plus statutory additions that will continue to accrue thereafter until paid.

WHEREFORE, the United States prays:

- C. That the Court enter judgment in favor of the United States and against Defendants John C. and Esther R. Helton for unpaid federal income tax liabilities in the amount of \$20,651.69 as of February 27, 2017, plus statutory additions that will continue to accrue thereafter until paid; and
- D. That the Court award the United States such further relief that the Court deems appropriate, including the costs of this action.

COUNT III

REDUCE TO JUDGMENT FEDERAL TRUST FUND RECOVERY PENALTY TAX ASSESSMENTS AGAINST JOHN C. HELTON

17. The United States incorporates paragraphs 1 through 16 of this complaint as if fully set forth herein.

18. A delegate of the Secretary of the Treasury has determined that Mr. Helton is a person responsible for remitting to the Internal Revenue Service the federal income and social security taxes withheld from the wages of Helton Law Firm, PLLC employees, and that Mr. Helton has willfully failed to remit those taxes to the United States.

19. At all times relevant to this complaint, Mr. Helton was the president and 100% owner of Helton Law Firm, PLLC. Mr. Helton signed the law firm’s federal employment tax returns, and had sole signatory authority over its checking account.

20. Helton Law Firm, PLLC accrued unpaid employment tax liabilities during tax periods ending in tax years 2013 and 2014. Mr. Helton failed to pay those liabilities, and instead paid wages to himself and to his wife.

21. A delegate of the Secretary of the Treasury has made assessments against Mr. Helton for federal trust fund recovery penalty taxes under 26 U.S.C. § 6672 as follows:

Tax Type	Tax Period Ending	Date of Earliest Assessment	Amount of Earliest Assessment	Outstanding Balance³ (as of February 27, 2017)
IRC 6672	09/30/2013	03/02/2015	\$4,477.46	\$42.10
IRC 6672	03/31/2014	03/02/2015	\$4,409.47	\$4,723.77
IRC 6672	06/30/2014	03/02/2015	\$4,497.64	\$4,818.22
Total				\$9,584.09

22. A delegate of the Secretary of the Treasury gave Mr. Helton notice and demand for payment of the assessments described in paragraph 21 in accordance with 26 U.S.C. § 6303.

³Includes statutory interest that has accrued, and which continues to accrue, on the remaining unpaid taxes.

23. Statutory additions to the trust fund recovery penalty tax have accrued and will continue to accrue on the unpaid balance of the assessments set forth in paragraph 21.

24. Mr. Helton has failed to pay the United States the full amount owed as a result of the assessments described in paragraph 21.

25. On account of the assessments described in paragraph 21, Mr. Helton is indebted to the United States for federal trust fund recovery penalty taxes in the amount of \$9,584.09 as of February 27, 2017, plus statutory additions that will continue to accrue thereafter until paid.

WHEREFORE, the United States prays:

- A. That the Court enter judgment in favor of the United States and against John C. Helton for federal trust fund recovery penalty taxes in the amount of \$9,584.09 as of February 27, 2017, plus statutory additions that will continue to accrue thereafter until paid; and
- B. That the Court award the United States such further relief the Court deems appropriate, including the costs of this action.

DATED: February 24, 2017

DAVID A. HUBBERT
Acting Assistant Attorney General

NANCY S. HARR
United States Attorney

/s/Joycelyn S. Peyton
JOYCELYN S. PEYTON
Trial Attorney, Tax Division
U.S. Department of Justice
Post Office Box 227
Washington, D.C. 20044
Tel: 202-514-6576
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Joycelyn.S.Peyton@usdoj.gov
Counsel for the United States

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

UNITED STATES OF AMERICA

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Joycelyn S. Peyton
P.O. Box 227, Ben Franklin Station, Washington, D.C. 20044
(202) 514-6576

DEFENDANTS

JOHN C. AND ESTHER R. HELTON

County of Residence of First Listed Defendant Hamilton County, TN
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 2 U.S. Government Defendant
- 3 Federal Question (U.S. Government Not a Party)
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input checked="" type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS			
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from Another District (specify)
- 6 Multidistrict Litigation - Transfer
- 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
26 U.S.C. § 7402

Brief description of cause:
Suit to reduce assessments of tax and trust fund recovery penalties to judgment

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$ 438,556.00

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE _____ DOCKET NUMBER _____

DATE 02/24/2017 SIGNATURE OF ATTORNEY OF RECORD
/s/ Joycelyn S. Peyton

FOR OFFICE USE ONLY

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suite codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

UNITED STATES DISTRICT COURT

for the

Eastern District of Tennessee

UNITED STATES OF AMERICA

Plaintiff(s)

v.

JOHN C. and ESTHER R. HELTON

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) JOHN C. HELTON
622 GEORGIA AVE.
CHATTANOOGA, TN 37402

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Joycelyn S. Peyton
P.O. Box 227, Ben Franklin Station,
Washington, D.C. 20044

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT

for the

Eastern District of Tennessee

UNITED STATES OF AMERICA

Plaintiff(s)

v.

JOHN C. and ESTHER R. HELTON

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) ESTHER R. HELTON
622 GEORGIA AVE.
CHATTANOOGA, TN 37402

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Joycelyn S. Peyton
P.O. Box 227, Ben Franklin Station,
Washington, D.C. 20044

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: