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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**FILED**

DEC 12 2011

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MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

UNITED STATES OF AMERICA,  
PLAINTIFF

VS.

Docket Number: 11CR 0820  
Judge Leinenweber

SHARON ANZALDI  
PHILLIP DE SALVO and  
STEVEN LATIN,  
DEFENDANTS

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Sharon Alicia Anzaldi, Third Party Plaintiff IN ADMIRALTY

vs.

Rachel Marie Cannon-U.S. States Attorney  
FB I Special Agent -David White  
IRS Special Agent-Nick Zagotta

Third Party Defendants, Severally and Individually, All

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**AFFIDAVIT OF NEGATIVE AVERMENT, OPPORTUNITY TO CURE, AND COUNTERCLAIM**

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Comes now, Sharon Alicia Anzaldi, Third Party Plaintiff, by special visitation and not appearing generally, before this court seeking a remedy in Admiralty as is provided by "The Saving to the Suitors Clause" at USC 28 -1333(1). I am standing in my unlimited commercial liability as a Secured Party Creditor and request that the officers of this court do the same. I respectfully request the indulgence of this court as I am not schooled in law. This is provided by the precedent set by Haines vs. Kerner at 404 U.S. 519.



Doc#: 1134354007 Fee: \$52.00  
Eugene "Gene" Moore RHSP Fee:\$10.00  
Cook County Recorder of Deeds  
Date: 12/09/2011 02:26 PM Pg: 1 of 9

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**Comes now, Sharon Alicia Anzaldi, Third Party Plaintiff, under the Rule of "Rebuttable Presumption" emphatically rebut and deny ALL allegations, inferences, innuendo, allegations and pages of the Indictment presented to me on November 18<sup>th</sup>, 2011 by Magistrate Judge Jeffery Gilbert. All allegations and pages will be rebutted with evidence contrary to the allegations listed on the Indictment and will be presented in fact with supporting evidence, without presumption. Let me make myself perfectly clear, I did not enter a plea of Not Guilty on November 18<sup>th</sup>, 2011, "I said, "I am innocent of all these ridiculous charges." Magistrate Judge Gilbert entered the plea of Not Guilty without my consent.**

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**AS TO COUNT 1:** I, Sharon Alicia Anzaldi, the Third Party Plaintiff, Secured Party Creditor, a Natural woman, created by God am NOT the same as the Fictitious Entity, all capital letter named, SHARON ANZALDI that was created by the State. I did not give my consent, in any capacity, to this court to place upon me any responsibility for this all capital letter name Fictitious Entity that was created by the state. Simply put I am not the same and I believe that there is no evidence to the contrary. I have no contract with you and do not consent to any contract with you. If you presume that I have a contract with you I rebut any presumption of any contract that you may presume that I have with you. This is evidenced by documents that are on file with the ILLINOIS Secretary of State, Jesse White, the public records of Sharon Alicia Anzaldi County, records of United States District Court, US Department of Treasury, Internal Revenue Service, U.S. Department of Commerce, U.S. Department of Justice, and others. If the Third Party Defendants have any lawfully documented evidence to the contrary let them come forth now On and For the official Record and let the United States District Attorney, Rachel Marie Cannon certify their evidence, under their unlimited commercial liability, while under oath, and under penalties of the law including Perjury. Continued movement of this action without revealing the *true nature and cause* of this action, and proof of your claim is **Abuse of Process, Dishonor in Commerce, Abuse of Power, Kidnapping, Extortion, Coercion, Obstruction of Justice.** I don't believe there is any evidence to the contrary.

**AS TO COUNT 2:** On November 18<sup>th</sup>, 2011, an unknown, undocumented terrorist kidnapped me from my home with an assault rifle pointed directly at me that did not provide me with a Fourth Amendment Arrest Warrant. I was then handcuffed, taken to an FBI Center, Finger printed, Photographed and DNA stolen from me without my consent. This is Abuse of Power, Conspiracy, Collusion, Racketeering, Denial of Due Process, Extortion, Obstruction of Justice, and Dishonor in commerce, etc. I believe there is no evidence to the contrary.

**AS TO COUNT 3:** I Sharon Alicia Anzaldi On November 18<sup>th</sup>, 2011, was kidnapped at rifle point due to David White and Nick Zagotta making false statements and misrepresentation on or about August 20<sup>th</sup>, 2011. The Agents conspired to make several false statements to the District Attorney to entice her to file charges against the legal fiction SHARON ANZALDI, however, the devastating affect was realized by the actual Living Breathing, Sentient Woman, Sharon Alicia Anzaldi. The Agents also conspired, defamed, harassed and accused Sharon Alicia Anzaldi of Conspiracy against the UNITED STATES and Inflation of IRS 1099s filed on a 1040 form. This Indictment was based on false statements conveyed by DAVID WHITE and NICK ZAGOTTA and lacked an attached Affidavit of Truth, signed under Penalty of Perjury. This was an Act of Terrorism against an American on American Soil, Warring against the Constitution for the United States of America, Theft of Private Property, Denial of Due Process, Extortion, Obstruction of Justice, Dishonor in Commerce, Identity Theft, Securities Fraud and Kidnapping. I don't believe there is any evidence to the contrary.

**AS TO COUNTY 4:** I Sharon Alicia Anzaldi was raided by approximately eight Agents due to a bogus Search Warrant signed by Magistrate Jeffery Cole of February 11<sup>th</sup>, 2010. This Warrant was not issued to the proper name Sharon Alicia Anzaldi (lacking service) and granted under false statements, innuendo and half-truths, Conveyed by David White. I requested the Affidavit of Truth's (under penalty of perjury) and sent the request Registered Mail RA 392 232 063 US to Nick Zagotta and RA 392 232 085 US to David White. The Search Warrant, signed by Magistrate Judge Jeffery Cole to Seize personal property on February 17<sup>th</sup>, 2010. Had the deputies properly investigated, it would have been easily proven that no crime was committed. As a result of improper service and malicious actions, Sharon Alicia Anzaldi was denied Due Process of Law and held without cause. Sharon Alicia Anzaldi's family was traumatized by the actions of these unknown kidnappers. I believe that these Public Service Agents conspired with ATF Agent DAVID WHITE and IRS Agent NICK ZAGOTTA to illegally seize Property. I am the victim of Abuse of Process, Abuse of Power, Collusion, Conspiracy, Racketeering, Denial of Due Process, Extortion, Fraud, Identity Theft, Dishonor in Commerce, etc. I believe there is no evidence to the contrary.

**AS TO COUNT 5:** In answer and rebuttal to paragraph one of the Indictment (a) The IRS was an agency of the United States Treasury. **FACT:** The Internal Revenue Service (IRS) purports to be a Governmental Agency. It is actually an Agency of the IMF. (Diversified Metal Products v IRS et al. CV-93-405E-EJE. U.S.D.C.D.J. Public Law 94-564,

Senate Report 94-1148 pg. 5967, Reorganization Plan No. 26. Public Law 102-391. The IRS is also a PRIVATE-FOR PROFIT CORPORATION, REGISTERED IN DELAWARE AND physically located in Puerto Rico. I am a victim of Collusion, Conspiracy, Racketeering, Denial of Due Process, Extortion, Fraud, Identity Theft, Dishonor in Commerce, I believe there is no evidence to the contrary.

**AS TO COUNT 6:** In answer and rebuttal to paragraph's 1 (b) and (c) All 1099 Original Issue Discount are actually a Tax Credit that should have been prepared and sent to the respective homeowner, by the Accountant for the mortgage company. This 1099 OID was intentionally withheld from the true Lender/Creditor aka the HOMEOWNER. As

remedy and to correct the theft of tax credits, H.R. Block was hired as my Agent to represent me and approved my corrected Tax Credit after it was submitted to the Treasury Department for a second approval. H.R. Block was paid for their services as an IRS Agent, so I would expect the highest standard of performance on my behalf. H.R. Block's fiduciary responsibility was to make sure all entries were correct prior to submission and before a tax credit was approved or issued. Based upon all pertinent information, all entries were true and correct to the best of my knowledge. I am a victim of Collusion, Conspiracy, Racketeering, Denial of Due Process, Extortion, Fraud, Identity Theft, Dishonor in Commerce and Securities Fraud. I believe there is no evidence to the contrary. I did not receive ANY Tax Credits from the IRS because I Filed 1040X's to correct my error. I later filed the correct form on a 1041 and sent a confirmation letter from the IRS (11 months later) on July 22<sup>nd</sup>, 2010 apologizing for the delay, stating I could expect my overpayment of \$716,125.00 within four to eight weeks. That dollar amount was also reported by the IRS as income earned in 2009 by the Social Security Board, which clearly means A THEFT OF TAX CREDITS BY THE VERY SAME AGENTS THAT INITIATED THIS CASE. CLEARLY, IT IS DAVID WHITE FBI AGENT AND NICK ZAGOTA IRS AGENT THAT ARE THE CONSPIRATORS AGAINST MY CONSTITUTIONAL RIGHTS, OF LIFE, LIBERTY AND PURSUIT OF HAPPINESS. This fraud will be exposed in a Trial by Jury and definitely part of exculpatory evidence.

**AS TO COUNT 7:** There has to be an actual crime committed before one can be accused of a crime of any sort. Therefore, no crime was committed, as the filing of a 1099A Acquisition or Abandonment and 1099OID (original Issue Discount) are meant to be filed to assist all tax credit is returned to the rightful party aka known as the **Lender** of credit (me) verified by a 4506T. Only the living can be creditors and sign instruments. Dead entities, such as Banks or the IRS Corporation cannot be creditors.

Points of Reference are: Publication 1212, Publication 1220, Publication 550. Title 26 of the US Code, Section 1271-1275. I've also read American juris Prudence 33A 2D, Pages 695-715. 12430, 12431-Cash Method Debt Instrument. Except as provided in subparagraph (B), the term "debt instrument" means a bond, debenture, promissory note or certificate or other evidence of indebtedness.

- a. The OID Income is not FRAUD. First we identify the interest we have in those funds, which is related to the Promissory Note given to the Bank at a closing. By claiming the tax value on the 1099A-clearly reveals we are actually the lender-the bank is the borrower because they are withholding our interest in the security instrument that we authorized when we tendered payment for something. The payment comes from the instrument (promissory note) itself and not from our deposit account (transactional account set up by the bank prior to closing without our knowledge) The bank draws a check on the account that was just set up for us without our knowledge or consent, hands it to us for signature (proposed borrower) which is made out to us for us to endorse the back and then quickly taken away. The bank makes it appear that they have reimbursed us for the instant credit they received from our Promissory Note. The Bank, subsequently takes the credit and sets it aside in escrow and waits three years. If we do not claim the funds/credits in the form of a 1099A, the bank confiscates the funds as

abandoned through the IRS who has full knowledge and understanding of what is going on. Does this sound like fuzzy math to you-it is. Where does the conspiracy actually lie?

- b. Due to the fact that the UNITED STATES has actually been operating under Bankruptcy, since March 9<sup>th</sup>, 1933, there is no money. There is only a medium of exchange (quid pro quo) that is why we have a right to claim our Tax Credits. A 1099A should be filed first to claim the interest from the proposed abandoned funds from the transactional Bank Account set up without your knowledge or consent at the closing. If a 1099A is filed, it puts the Bank on notice that you intend to acquire the Tax Credits through acquisition. You are also giving the Bank time to do what is honorable, however, if the Bank ignores your request or notice, one has the right to file the 1099 OID to inform the IRS that we are the rightful owner, lender and true creditor. The tax credit actually belongs to the person that signed the Promissory Note at the closing. My transaction was submitted through H.R. Block is an Agent of the IRS. They are the professional and I hired them to assist and make sure all filings were done correctly. H.R. has failed in their fiduciary duty and responsibility to protect me. Furthermore, H.R. Block are responsible for negligence as an Authorized Agent for the IRS.
- c. **First** the 1099A claims the interest in the abandoned funds-we are acquiring them. **Second**-we identify the withholding on the 1099OID. The OID is the redemption price minus the issue price of the security. What was the issue price from the bank?-zero-the redemption price is the face amount of the instrument (promissory note) or whatever the amount of the transaction was. **Third**-we file for a return of that withholding on the 1040 IRS Form to give full disclosure. This is the most sensible way to acquire the tax credit due to **drawer of the note** that the Bank withholds. We are actually claiming the withheld amount as credit due. It is not Fraud to claim the tax credit as income. Refer to IRS.gov/irm Internal Revenue Manual Part 4, Section 10-Frivilous Filing.

**Again, I reiterate there was no crime committed, hence, no case.** My character has been defamed by both rogue Agents, David White and Nick Zagotta, which has had a devastating effect on my quality of life. I have filed Criminal Reports through the IRS on Form 3949A against both Agents. I am a victim of Collusion, Conspiracy, Racketeering, Denial of Due Process, Extortion, Fraud, Identity Theft, Dishonor in Commerce, I believe there is no evidence to the contrary.

**AS TO COUNT 8:** Title 18, 1341 and 1342 are based on Identity Theft. I am not a Corporation. The fact that the Indictment was presented in the FICTIONAL CHARACTER OF "SHARON ANZALDI" verifies your attempt to try to make me accountable for your deceptive practice. I will not accept the position as TRUSTEE FOR YOUR CREATION OF SHARON ANZALDI. I am the Executrix of the SHARON ALICIA ESTATE, GRANTOR AND SOLE BENEFICIARY OF THE TRUST. THAT MAKES THE COURT THE TRUSTEE. I am the God created woman and will only respond to my proper name of Sharon Alicia Anzaldi. I am a victim of Collusion, Conspiracy, Racketeering, Denial of Due Process, Extortion, Fraud, Identity Theft, Dishonor in Commerce, I believe there is no evidence to the contrary.

**AS TO COUNT 9:** It is a clear Conflict of Interest against the rights of all people before the court, especially when the Court is profiting from the very case before them. My Docket Number is already trading through Fidelity Total Bond Fund as CUSIP No 31617K881 and valued at \$11,696.38 Million. I am a victim of Collusion, Conspiracy, Racketeering, Denial of Due Process, Extortion, Fraud, Identity Theft, Dishonor in Commerce, I believe there is no evidence to the contrary.

**AS TO COUNT 10:** The Court failed to meet the seven elements of Competent Jurisdiction, which are as follows: 1. Fictional Identity is not acceptable-all capital name, 2. The Statute of offence must be identified by its proper name. 3. Facts must be stated, conclusions cannot be considered in the determination of probable cause. 4. Only another human being can be the accuser, as another person must take responsibility for making the accusation, cannot be an agency, dead entity or institution, 5. The accusation must be made under penalty of perjury, 6. Accuser must have complied with the law, procedure and form in bringing the charge. This includes court-determined probable cause, summons and notice procedure. If lawful process may be abrogated in placing a citizen in jeopardy, then any means may be utilized to deprive a man of his freedom, and all dissent may be stifled by utilization of defective process. "the essential elements of due process are notice and opportunity to defend" Simon v Craft, 182 US 427. 7. The court must be of competent jurisdiction to have valid process, the tribunal must be a creature of the constitution, in accord with the law of its creation i.e. Article III judge. Lacking any of the seven elements put the case in jeopardy and voidable. **This Court Lacks Competent Jurisdiction.** I am a victim of Collusion, Conspiracy, Racketeering, Denial of Due Process, Extortion, Fraud, Identity Theft, Dishonor in Commerce, I believe there is no evidence to the contrary.

**AS TO COUNT 11:** My Constitutional Right of freedom of movement, and right to privacy have been severely violated by Agents David White and Nick Zagotta, as I was Kidnapped at rifle point, handcuffed, detained, finger printed, photographed, DNA stolen, confined to the Northern District of Illinois, still being followed and wire tapped without due process of law. I have always been an upstanding woman, without a criminal past and never intentionally harmed another human being. I now have photos in an FBI data base which is absolutely absurd. The real criminals here are the two rogue agents and I will prove that in a court of law with a Trial by a Jury of my peers. I am a victim of Collusion, Conspiracy, Racketeering, Denial of Due Process, Extortion, Fraud, Identity Theft, Dishonor in Commerce, I believe there is no evidence to the contrary

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## OPPORTUNITY TO CURE

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The Third Party Defendants have 21 calendar days to cure their Dishonor by the Following:

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1. Dismiss any and all claims against the Third Party Plaintiff, Sharon Alicia Anzaldi and other two Defendants Listed on the Indictment as PHILLIP DE SALVO AND

STEVEN LATIN with prejudice and pay the Third Party Plaintiff \$150,000.00 (One Hundred Fifty Thousand US Dollars) and Remove all personal data from your files, of record, such as Photos, Fingerprints and DNA. OR,

2. Pay all damages as indicated by the counterclaim contained herein with Real Money, Surrender any and all Public Hazard Bonds, other Bonds, Insurance Policies, CAFR Funds, 801K funds, personal properties, land, real estate, etc. as needed to satisfy counterclaim herein, ...OR,

Prove your claims against me, and disprove my claims, by providing me with lawfully documented evidence that is certified by the States Attorney Rachel Marie Cannon, in her unlimited commercial liability, while Under Oath, On and For the Official Record, under penalties of the law including Perjury. This evidence must prove your case by preponderance or the greater weight of evidence and must answer each and every averment, Point by Point individually.

If any and all points are not answered fully and accompanied by lawfully documented evidence, as provided herein, that will be Default on the part of the Third Party defendants. Non Response according to the conditions herein will be default. Incomplete answers and/or lack of documented evidence as outlined herein will be Default. If the Third Party Defendants fail to respond as outlined herein, within 21 calendar days, will be Default. Default will be a Self Executing Confession of Judgment on behalf of the third party defendants, and complete agreement with all the statements in this claim. This is a contract in Admiralty.

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THE FOLLOWING DAMAGES HAVE BEEN ASESSED AGAINST YOU SHOULD YOU FAIL TO MEET THE REQUIREMENTS AS PROVIDED IN THE OPPORTUNITY TO CURE CONTAINED HEREIN:

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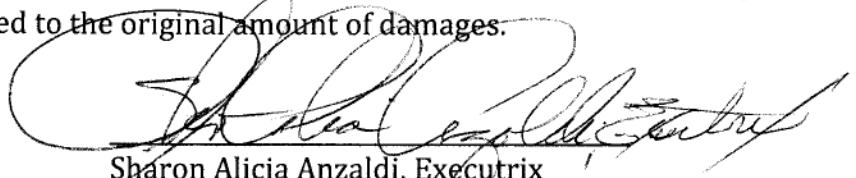
1. Failure to state a claim upon which relief can be granted. \$2,000,000.00 (Two Million US Dollars) per Third Party Defendant, per count, per violation, per occurrence.
2. Failure to respond as outlined herein. \$2,000,000.00 (Two Million US Dollars) per Third Party Defendant, per count, per violation, per occurrence.
3. Default by non response or incomplete response \$2,000,000.00 (Two Million Dollars) per Third Party Defendant, per count, per violation, per occurrence.
4. Dishonor In Commerce - \$2,000,000.00 (Two Million Dollars) per Third Party Defendant, per count, per violation, per occurrence.
5. Obstruction of Justice - \$2,000,000.00 (Two Million Dollars) per Third Party Defendant, per count, per violation, per occurrence.



6. Abuse of Authority - \$2,000,000.00 (Two Million Dollars) per Third Party Defendant, per count, per violation, per occurrence.
7. Denial of Due Process - \$2,000,000.00 (Two Million Dollars) per Third Party Defendant, per count, per violation, per occurrence.
8. Extortion - \$2,000,000.00 (Two Million Dollars) per Third Party Defendant, per count, per violation, per occurrence.
9. Unlawful Arrest - \$2, 000,000.00 (Two Million US Dollars) per Third Party Defendant, per count, per violation, per occurrence.
10. Trespass - \$2,000,000.00 (Two Million US Dollars) per Third Party Defendant, per count, per violation, per occurrence.
11. Conspiracy to Defraud - \$2,000,000.00 (Two Million US Dollars) per Third Party Defendant, per count, per violation, per occurrence.
12. Racketeering - \$2,000,000.00 (Two Million US Dollars) per Third Party Defendant, per count, per violation, per occurrence.
13. False Imprisonment - \$2,000,000.00 (Two Million US Dollars) per Third Party Defendant, per count, per violation, per occurrence.
14. Abuse of Power - \$2,000,000.00 (Two Million Us Dollars) per Third Party Defendant, per count, per violation, per occurrence.
15. Abuse of Process - \$2,000,000.00 (Two Million US Dollars) per Third Party Defendant, per count, per violation, per occurrence.
16. Coercion - \$2,000,000.00 (Two Million US Dollars) per Third Party Defendant, per count, per violations, per occurrence.
17. Failure to pay Counterclaim in full within (30) Thirty Calendar Days of Default as contained herein. \$1,000,000.00 (One Million US Dollars), per month, and interest of 1.5 % per month compounded daily for the first (30) Thirty Days from the date of default. After (30) Thirty Days, beginning on the (31<sup>st</sup>) Thirty first Day after Default, the penalties for Failure to pay will increase by \$1,000,000.00 (One Million Us Dollars Per Day) for each calendar day that this counterclaim is not paid in full, including interest. After (90) calendar days of the date of Default, the penalties for Failure to Pay

Counterclaim will increase by \$5,000,000.00 (Five Million US Dollars) per calendar day, that the Counterclaim is not paid in full, plus interest as indicated herein.

18. All Claims are stated in US Dollars which means that a US Dollar will be defined, for the purposes of this counterclaim as, a One Ounce Silver coin of .999 fine silver, or the equivalent par value as established by law or the exchange rate as set by the US Mint, whichever is the higher amount, for a certified One Ounce Silver Coin (US Silver Dollar) at the time of the first day of default as outlined herein. If the claim is to be paid in Federal Reserve Notes or other certified funds, these funds will only be accepted at Par Value as indicated above.
19. Punitive damages will be assessed as seven (7) times the original amount of damages. Punitive damages will be added to the original amount of damages.



Sharon Alicia Anzaldi, Executrix  
Secured Party Creditor, UCC 1 308  
Date:

Notices sent to the following;

PROSECUTOR Rachel Marie Cannon: RR 662 823 754 US

FBI Special Agent: RR 662 823 768 US - David White

IRS Special Agent Nick Zagotta: RR 662 823 771 US

Judge Harry Leinenweber: RR 662 823 785 US