

JOHNDAVID BATTAGLIA
999412
3872 FM 350 South
Livingston, Texas 77351

october 25, 2005

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Internal Revenue Service
Memphis Appeals Campus
P.O. Box 622 Stpp 86
Memphis, TN 38101-0622

RE: Collection Due Process-Lien
SSN: [REDACTED]
Tax Period: 12/1996 & 12/1997

Mr. Chapman - ID: 49-10538

Thank you for your response. I am sorry my reply did not meet your requirements, in that I only understood you needed an immediate response to the time of your scheduled telephone call on Oct. 25, 2005 and whether I "disputed the issue of timely filing." I must have improperly inferred that the factual issues would be discussed during the telephone conference or written correspondence, my apology. I only wanted to reply immediately and be assured that you received my reply (as of this date I have not received the Return CERTIFIED MAIL CARD?) before the scheduled telephone conference.

The other information was so you could also reference my other contacts with the SERVICE regarding this issue which I have spelled out before on August 27, 2003 to TAYPAYER ADVOCATE SERVICE, CASE NUMBER: 3041452 & 3199551 and subsequently to IG Agent Sutton and Commioner Mark Everson. If it is still a game of "hide and seek" within the SERVICE as my filed FORM 211 turned out to be in 2000, then I do not know how to advise you, but I will try and explain again why the issue at hand is incorrect and I in fact do not owe any money to the SERVICE or Ms. Mary Jean Pearle since the amount at issue was my sepatete property at the time we signed and executed our PROPERTY SETTLEMENT and FINAL DECREE OF DIVORCE on August 30, 2000.

The 1996, 1997, 1998 & 1999 MFS FORM 1040s had been filed prior to the August 30, 2000 date as well as the receipt of the REFUND AMOUNTS for those years which appear to be in question. I had provided those RETURNS (copies) to Ms. Pearle's attorney, Mr. Edwin Davis, prior to the August 30, 2000 settlement date and had disclosed to Mr. Davis that I had applied for and received all of the ES-TAX PAYMENTS made for those years since the fundes were mostly my earned income and were the only moneys I knew were not involved in either my wife's criminal activities or fraudulent transfers per IRS-CID Agent Stone.

5/8 99 I had initially contacted IRS-CID Agent Bonnie Stone in November of 1998 at the recommendation of my friends James Young and allen Frakes and an IRS attorney we knew names Steven Chambliss because they and I were concerned about Ms. Mary Jean Pearle's threats against my life and my possible exposure to IRS actions because of her criminal activities and that I should obtain INNOCENT SPOUSE STATUS.

At that time there were not clear cut Regulations & Procedures for claiming **INNOCENT SPOUSE STATUS** prior to an enforcement action by the SERVICE, that I was aware of so we decided to initiate the contact. I now realize that this was a monumental mistake which has cost me and my two daughters, Faith & Liberty, our lives - so much for trusting anyone from the IRS or the Government and this is coming from a guy who served in the U.S.M.C. as a SGT E-5 for four years, 7½ years as an LG-14 with the FDIC and RTC, and 20 years as a CPA working mostly with the IRS. Don't take this personally, but if you are not part of the cure, then you know the rest.....

During my third and last meeting with IRS-CID Agent Stone in my Dallas CPA office in the summer of 2000 she advised me to file my outstanding federal income tax returns (FORM 1040) for 1996, 1997, 1998 & 1999 **Married Filing Separate** for the following reasons:

- she stated that my wife, Mary Jean Pearle, was going to be indicted for federal tax fraud and money laundering
- that if I took any of our current community property assets in a divorce settlement I could be indicted for tax fraud too
- that because of the large amounts of cash involved in her tax and money laundering transactions Agent Stone was also forwarding her investigation of Mary Jean Pearle and her family to the U.S. Secret Service (one transaction for the \$420,000 down payment on our home at 4315 Lorraine Ave., Highland Park, Texas 75205 was made by Ms. Pearle giving out bags of cash in \$10,000, \$20,000 and \$40,000 amounts to various parties who in turn gave Ms. Pearle cashiers checks for those amounts from various banks with there and other parties names and SSN on the cashiers checks and the notation of "GIFTS" placed on all of the checks and a Senior Dallas District Judge, John Marshall, was involved in the money laundering of these moneys used to purchase this home - currently fore sale at \$1,995,000 see www.adletafineproperties.com - and I was told at the time that all these "GIFTS" were from "loyal family friends of the Pearles."

So you can maybe understand my dilemma if you can not yourself find or access any of the above and therefore, assume that I am a liar. Similar to the dilemma I faced in 2000 when I checked with the IRS call Center in Philly about my filed and pending **FORM 211** and then months later called again and no such pending **FORM 211** record on the computer systems or any way to contact IRS-CID Agent Stone when I was receiving threats over the phone to "have a bullit put in my head for talking to the IRS about her business like she did to a Mark Shawn Hutchins in her backyard in August 1982." Funny how she got that whole thing turned around like that and you chasing me down for a few grand when she is worth over \$10 million in cash and hard real estate assests and has never worked a day in her life or actually received any legal GIFTS or INHERITANCES per Agent Stone and my review of the Dallas County Probate Court Records of her father, Gene Harrison Pearle (if that is his real name) who died with **no will** and total assest (joint) of less than \$300,000 at time of death. I just guess she must have that 'money tree' ~~every~~ everyone is looking for.

So again, back to my timeline; after I was advised by Agent Stone I prepared and filed the FORM 1040's MFS for 1996, 1997, 1998 & 1999 and claimed as payments applied my and my wifes ES-PAYMENTS for those years since the moneys used to make those ES-Paymnets for both myself and my wife were in fact my earned and joint community property and I knew for sure that the moneys in both accounts had come from legal sources and had been properly reported on our prior and current federal tax returns.

So I claimed the only moneys or assets that I knew were not either involved in some criminal activity of my wife and her family and therefore not taxed at the federal and state levels or were involved in her fraudulent money laundering or structured transaction transfers. And again, I made the disclosure of what I had done directly to her attorney, Mr, Ed Davis because fore one I had a court order stating I could not speak to my wife because of false claims she had made on the initial filing of the divorce lawsuit and becasue Agent Stone had advised me not to have any contact with her directly about these moneys or assets. Plus Mr. davis was a prior tax attorney and partner of a large Dallas Law Firm before he began his family law practice to the very rich and problemed in Dallas and the Park Cities. He was not concerned with me taking the ES-PAYMENTS for those years; his primary focus was to keep me from filing any document in the Dallas Courts relating to Ms. Pearle's criminal activities or the involvement of Dallas Senior Judge John Marshall and to make sure I signed the **DEEDS OF TRUST** for the four Dallas real estate properties:

- 4315 Lorraine Avenue, Highland Park, Texas 75205 (FMV \$2 million)
- 2736 Routh Street, Dallas, Texas 75201 (FMV \$750,000)
- 4120 & 41?? Prescott Ave., Dallas, texas 75219 8 rentals (FMV \$1½mill)

and did not make any claim on Ms. Pearle's \$500,000 in bank accounts and approx. \$2 million in personal property most of which was jewelry and other luxury assests mostly purchased overseas and all for "cash."

Mr. Davis was thouroughly informed of my filing ~~the~~ these FORM 1040 returns and receiving the refunded amounts prior to his drafting the AGREED SETTLEMENT OF PROPERTY and FINAL DECREE OF DIVORCE which set out that I retain all property and moneys in my possession at and prior to the signing of these documents and their filing in the Dallas Courts on August 30 , 2000.

Any subsequent misunderstanding and claiming of these amounts is most likely due to Ms. Pearle retaining a third party tax preparer or CPA and not fully informing that party of the full circumstances of her tax fraud and money laundering activities. I had been contacted by one of these CPA's requesting records and I informed him of the fraud situation and advised the CPA to contact her attorney Mr. Davis for her tax records, but knew Mr. Davis would not fully disclose the documents I had provided him under his own court ordered subpoena, therefore, forcing Ms. Pearle to create another fiction like she did when I met her and she claimed to be a cousin of our current President Mr. G. W. Bush and not a cocain and herion drug addict and prostitute as I later discovered she had really been since she dropped out of high school and began sell drugs for her parents. Its very sad.

Sincerely,
JOHNDAVID BATTAGLIA