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To:

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Subject: Invalid POA/Authorization

This is to confirm our conversation regarding the taxpayers' Power of Attorney and Tax Authorization. As discussed, the Forms 2848 POA and 8821 Authorization should not be accepted by the IRS as a result of two flaws, each of which render the POA and Authorization invalid or at a minimum call into question the validity of the documents.

First, the taxpayers signed the documents as "Executor For" themselves. There are no estates or other entities involved in this case, only individual taxpayers. The taxpayers' names in Box 1 must match the names of the taxpayers in the signature box and be signed by the taxpayers on their own behalf. These taxpayers appear to be signing the forms on behalf of a trust rather than themselves (the personal trust being an argument and strategy used by tax defiers). For the POA and Authorization to be valid and accepted by the IRS there must be no question as to who is granting the POA/Authority and that person must unequivocally sign the documents attesting to the granting of the POA and Authority. These taxpayers have not done so and the Forms 2848 and 8821 should be rejected.

Second, the taxpayers have altered the Jurats on the forms by adding the phrase "All Rights Reserved UCC 1-308". UCC 1-308 states that:

A party that with explicit reservation of rights performs or promises performance or assents to performance in a manner demanded or offered by the other party does not thereby prejudice the rights reserved. Such words as "without prejudice," "under protest," or the like are sufficient.

The addition of this phrase to documents is another tax defier argument/strategy that is used for various arguments including the individual is a sovereign person not subject to federal law. In this case, it appears that the taxpayers do not intend to unequivocally grant authority to the named representatives, believe they are doing so under duress, etc., enabling them to argue in future court proceedings that the actions taken on their behalf by the POAs are invalid and unenforceable. This is a frivolous argument that would not prevail in a court proceeding. Regardless, the addition of the phrase puts the validity of the Forms 2848 and 8821 into question and, as such, should not be accepted by the IRS.

Treas. Reg. section 601.502(a) lists the requirements for a Power of Attorney and subsection (6) of that section requires "a clear expression of the taxpayer's intention concerning the scope of authority granted to the recognized representative(s)." The taxpayers' additions to the forms makes their intention unclear at a minimum. Based on the reasons discussed above we advise the IRS to reject the Forms 2848 and 8821 and advise the representatives that unaltered documents must be submitted before the IRS will discuss the taxpayers' case with the representatives or allow the representatives to act on behalf of the taxpayers.

Please let me know if you have any questions or would like to discuss further.