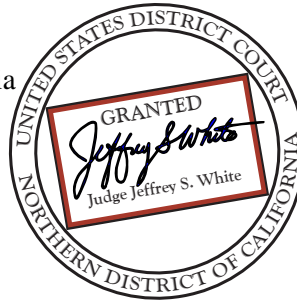


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Wednesday, July 27, 2011

Honourable Judge Jeffrey S. White  
Judge of the United States District Court of California  
UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
450 Golden Gate Avenue  
SAN FRANCISCO, CA



The hearing set for July 29, 2011 shall be continued to September 2, 2011 at 9:00 a.m.

Date: July 29, 2011  
Time: 9:00 A.M.  
Courtroom: 11, 19<sup>th</sup> Floor  
Judge: Hon. Jeffrey S. White

RE: Case No. 3:11-CV-1793 JSW United States of America and Jon Sustartich, Revenue Officer VS Ottovich; Request for Continuance.

To Honourable Judge Jeffrey S. White:

I, Mark Ottovich, declare that I am the defendant in the above captioned matter, that I am personally competent to testify to the facts stated herein, and that:

Mark Ottovich is requesting leave of this honorable court to grant a continuance to attend to a medical matter that is to schedule to be treated on July 29, 2011, as explained in the attached fax sent to Asst. United States Attorney Mr. Thomas M. Newman and leave to not comply with notice time requirements. Such continuance would allow me sufficient time to attend my evaluation and treatment appointment referenced in attached treating physician's clinic Exhibit in support of my absence in this upcoming court appearance.

#### Factual Issues

This case arises from an inaccurate tax calculation in Form 706 filed for Jeanette Ottovich. The IRS refuses to consider the corrected data subsequently filed in a second or amended Form 706 of which IRS alleges was filed late and that executors were unable to timely respond with supporting data to satisfy IRS agent Walter Butler. Except for the real property deeds of trust that were in Harvey Ottovich's ownership, the IRS is still trying to charge us for property alleging that it is part of the estate, and it is not part of the estate. The value of this property exceeds \$500,000 and in the IRS interview with Ms. Rayl, the interviewer lied or misspoke when he said that this property value would only amount to a difference of about \$20,000 contrary to the calculations by a CPA in the amended Form 706. This tax that they are trying to collect is outright fraud. In the Monday, 25 July 2011 IRS interview of executor Karen Rayl, the IRS demonstrated that their documentation collection exceeded the documents that Ms. Rayl knew had ever existed. It became evident in the interview with Ms. Rayl, that the IRS has more documents than any of the executors or Mark Ottovich could individually attest.

It is our prayer that this honorable court not issue a warrant and grant Mark Ottovich time to attend this important medical appointment and grant this request for continuance. Considering the volumes of documentation that is in the possession of the IRS and the refusal of the IRS to allow submission of the corrected data in the corrected Form 706 for deceased Jeanette Ottovich, no prejudice to the IRS is expected by the granting of this request and declaration for request and leave for a continuance. Unavailable dates are August 1, 12, 19, & 23, 2011.

We thank the honorable court, in advance, for its gracious consideration of this matter and we regret any inconvenience to the court caused by this request and prayer. I declare under penalty of perjury that the foregoing is true, correct, that I have read this document, and that this declaration was executed at Fremont, California on this date of Wednesday, July 27, 2011.

Sincerely,

Mark Ottovich