

**IN THE EIGHTEENTH JUDICIAL CIRCUIT OF FLORIDA  
IN AND FOR SEMINOLE COUNTY  
SANFORD, FLORIDA**

Case No: \_\_\_\_\_

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**Charles Dewey Tobias, Jr.,**  
Plaintiff,

vs.

**Van E. O'Neal,**  
Respondent.

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**COMPLAINT TO SHOW CAUSE FOR CLAIM OF LIEN  
AND TO DISCHARGE BY CANCELLATION**

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State: Florida            )  
                                  ) SS. Affidavit by Charles Dewey Tobias, Jr.  
County:SEMINOLE    )

I, Charles Dewey Tobias, Jr., your affiant herein, being an adult and qualified to testify and having first hand knowledge of the facts as set forth herein, state that this declaration is true and correct and held to under the penalties of perjury under the laws of the United States of America, and state as follows:

**I. JURISDICTION AND VENUE**

1. That for subject matter jurisdiction the Plaintiff relies upon Florida Statutes (F.S.) 713.21 in that the actions of the Respondent relevant hereto constituted the filing of papers in the SEMINOLE County official records department which is within the venue of this court and

requires an order from the circuit court in the EIGHTEENTH Judicial Circuit of Florida for the correction required pursuant to F.S. 713.21 subsection (4), and cancellation pursuant thereto.

2. That for personal jurisdiction Plaintiff relies upon F.S. 48.193(c) in that the Respondent has an office and a claim of "lien" filed within this state and the actions thereby affect the name and property of the Plaintiff.

## II. PARTIES

3. Plaintiff: Charles Dewey Tobias, Jr.  
Mailing location: c/o 1745 Markham Woods Road  
Longwood, Florida (32779)

4. Respondent and alleged lienor:  
Van E. O'Neal  
400 W BAY ST - P.O. Box 35045  
Jacksonville, Florida 32202

## III. FACTS

5. That the Plaintiff realleges 1 through 4 above as factual.

6. That the Plaintiff has no knowledge of a factual contract upon which a claim of lien or debt would be valid against Plaintiff in relation to the Respondent in this action and the Plaintiff claims that no such contract exists.

7. That the Plaintiff has no knowledge of an Act of Congress and published regulation thereto that would create a liability upon which the alleged lien/debt could be claimed by the Respondent and the Plaintiff claims that no such Act of Congress exists.

8. That the Respondent, Van E. O'Neal, hereafter "Respondent," filed liens in the county records department as follows:

A. That on July 18, 1994 a claim of debt/lien was filed against the names "CHARLES D & KAY M TOBIAS" by the Respondent in the SEMINOLE County

records department, **Official Records Book 2798, page 1952**, titled "Notice of Federal Tax Lien Under Internal Revenue Laws," a true and correct copy being attached as Exhibit "A."

B. That on July 18, 1994 , a claim of debt/lien was filed against the names "CHARLES D TOBIAS" by the Respondent in the SEMINOLE County records department, **Official Records Book 2798, page 1953**, titled "Notice of Federal Tax Lien Under Internal Revenue Laws," a true and correct copy being attached as Exhibit "B."

C. That on July 25, 1994, a claim of debt/lien was filed against the name "CHARLES D TOBIAS" by the Respondent in the SEMINOLE County records department, **Official Records Book 2801, page 1635**, titled "Notice of Federal Tax Lien," a true and correct copy being attached as Exhibit "C."

#### IV. CONTEST OF ALLEGED DEBT/LIEN FROM INCEPTION

12. That the Plaintiff contests the validity of all said Notices of lien/debt filed by Respondent in the SEMINOLE County records as identified above and Plaintiff claims such are void from inception.

13. That the Plaintiff applies to this court for cancellation of the alleged liens in the event the Respondent fails to show cause for the alleged claims of debt.

#### RELIEF SOUGHT

Wherefore, the Plaintiff seeks relief by applying for the following:

(1) For a hearing to be set for the Respondent to show cause why said claims of lien/debt should not be canceled of record; and

(2) For an order to discharge said claims of lien/debt by canceling such if Respondent fails to show cause why such should not be canceled.

Further your affiant sayeth naught.

Executed on this \_\_\_\_ day of \_\_\_\_\_, 2000.

\_\_\_\_\_  
Charles Dewey Tobias, Jr.  
Mailing location: c/o1745 Markham Woods Road  
Longwood, Florida (32779)

On this \_\_\_\_ day of \_\_\_\_\_, 2000, Charles Dewey Tobias, Jr. personally appeared before me, and is ( ) personally known to me, or ( ) proved by valid identification, to be the man whose name is subscribed to the above instrument, and acknowledged to me that by his signature thereon he executed the instrument.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

Notary Public

(seal)

Type of ID \_\_\_\_\_