



COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF REVENUE

Notice Date: 10/01/05  
Levy Number: 0450 5002 1810  
Case Number: 005  
Amount Due: \$114,118.74  
Taxpayer ID Number:

## NOTICE OF LEVY

(Massachusetts General Laws Chapter 62C, Sections 53-54)

### Taxpayer's Name and Address

DAVID P. FONTAINE 140

### To:

ETRADE SECURITIES LLC  
10951 WHITE ROCK RD.  
RANCHO CORDOVA, CA 95670

Notice and demand have been made on the taxpayer by the Massachusetts Department of Revenue for **\$114,118.74**. The taxpayer has refused or neglected to pay. The amount is currently due, owing and unpaid. Chapter 62C, or Chapter 65 or Chapter 65C of the Massachusetts General Laws provides a lien for the taxes and statutory additions listed on the enclosed Detail of Taxes Due page.

You are hereby notified that all property, or rights to property, monies and credits belonging to the taxpayer, for which you are obligated to the taxpayer, and currently in your possession or coming into your possession **WITHIN SIXTY (60) DAYS FROM THE DATE YOU RECEIVE THIS NOTICE OF LEVY**, is levied upon for payment of tax plus all statutory additions. **This levy will also attach to any Safe Deposit Box, Individual Retirement Account (IRA), retirement plan benefiting self employed individuals, or any other qualified plan in your possession or control.**

Demand is hereby made for the payment set forth above, or for such lesser amounts, from the taxpayer's property, monies and credits levied upon and currently in your possession.

You are directed to immediately freeze such property, monies and credits and hold them for a period of twenty-one (21) days (45 days in the case of mutual fund shares or securities). Unless otherwise directed by the Department of Revenue you are to remit payment to the Department at the end of this period. Should the amount due on this notice not be paid in full after the twenty-one (21) day (45 days in the case of mutual fund shares or securities) hold period, demand is also made on any taxpayer property, monies and credits **for a period of sixty (60) days from the date you received this notice** for the amount set forth above, or for such lesser amounts that will satisfy the unpaid tax.

Statutory additions (penalties and interest) on the unpaid tax have been calculated to **OCTOBER 31, 2005**. These statutory additions will continue to accrue until the liability is satisfied or becomes unenforceable.

Teresa O'Brien-Horan  
Deputy Commissioner

Questions concerning this levy may be addressed to **NICHOLAS COSMOS** at (413) 784-1000.

Taxpayer's Copy

**Excerpts from the Massachusetts General Laws  
Pertaining to the Collection of Taxes by Levy**

**Applicable Section:**

M.G.L. c. 62 C 50	Lien for Taxes	M.G.L. c. 62 C 58	Redemption of Property
M.G.L. c. 62 C 51	Sale of Assets	M.G.L. c. 62 C 59	Certificates of Sale
M.G.L. c. 62 C 53	Levy	M.G.L. c. 62 C 60	Effect of Certificates of Sale and Deeds
M.G.L. c. 62 C 54	Surrender of Property Subject to Levy	M.G.L. c. 62 C 61	Record of Sales and Redemption of Real Property
M.G.L. c. 62 C 55	Production of Books	M.G.L. c. 62 C 62	Expenses of Levy and Sales
M.G.L. c. 62 C 55A	Property Exempt from Levy	M.G.L. c. 62 C 63	Disposition of Money
M.G.L. c. 62 C 56	Seizure of Property	M.G.L. c. 62 C 64	Release of Levy
M.G.L. c. 62 C 57	Disposition of Hard to Keep Property		

**M.G.L. c. 62C 53(a)** - If any person liable to pay any tax neglects or refuses to pay the same within ten days after demand, it shall be lawful for the Commissioner to collect such tax, and such further sum as shall be sufficient to cover the expenses of levy upon all property and rights to property belonging to such person or on which there is a lien provided in this chapter or in chapter sixty-five or sixty-five C for the payment of such tax. If the Commissioner makes such a finding that the collection of such tax is in jeopardy, notice and demand for immediate payment of such tax may be made by the Commissioner and, upon failure or refusal to pay such tax, collection thereof by levy shall be lawful without regard to the ten-day period provided in this section.

**M.G.L. c. 62C 53(d)** - The effect of a levy on salary or wages payable to or received by a taxpayer shall be continuous from the date such levy is first made until the liability out of which such levy arose is satisfied or becomes unenforceable by reason of lapse of time. The effect of a levy on any other property or rights to property shall remain in effect for six months from the date of such levy is first made until the liability out of which such levy arose is satisfied or becomes unenforceable by reason of lapse of time. With respect to a levy described in this subsection, the Commissioner shall promptly release the levy when the liability out of which such levy arose is satisfied or becomes unenforceable by reason of lapse of time, and shall promptly notify the person upon whom such levy was made that such levy has been released.

**M.G.L. c. 62C 55A(a)**

- There shall be exempt from levy the following property:

- (1) Such items of wearing apparel and such schoolbooks as are necessary for the taxpayer or for the members of his/her family.
- (2) If the taxpayer is the head of a family, so much of the fuel, provisions, furniture and personal effects in his/her household, and of the arms for personal use, livestock, and poultry of the taxpayer, as does not exceed fifteen hundred dollars in value.
- (3) So many of the books and tools necessary for the trade business or profession of the taxpayer as do not exceed the aggregate one thousand dollars in value.
- (4) Any amount payable to an individual with respect to dependents, under an employment compensation law of the United States, or of any state.
- (5) Mail, addressed to any person, which has been delivered to the addressee.
- (6) Annuity or pension payments under the Railroad Retirement Act, benefits under the Railroad unemployment Insurance act, special pension payments received by a person whose name has been entered on the Army, Navy, Air Force and Coast Guard Medal of Honor Roll 38 USC 562, and annuities based on retired or retainer pay under chapter seventy-three of title ten of the United States Code.
- (7) Any amount payable to an individual as workmen's compensation, including any portion thereof payable with respect to dependents, under a workmen's compensation law of the United States, or of any state
- (8) If the taxpayer is required by judgement of competent jurisdiction entered prior to the date of levy to contribute to support, of his/her minor children, so much of his/her salary, wages or other income as is necessary to comply with such judgement.
- (9) Any amount payable to or received by an individual as wages or salary for personal services or as income derived from other sources, during any period, to the extent that the total of such amounts payable to or received by him during such period does not exceed the applicable exempt amount determined under subsection (d).
- (b) The officer seizing property of the type described in subsection (a) shall appraise and set aside to the owner the amount of such property declared to be exempt. If the taxpayer objects at the time of the seizure to the valuation fixed by the officer making the seizure, the Commissioner shall summon three disinterested individuals who shall make the valuation.
- (c) Notwithstanding any other law, no property or rights to property shall be exempt from levy other than the property specifically made exempt by subsection (a)
- (d) (1) In the case of an individual who is paid or receives all of his wages, salary and other income on a weekly basis, the amount of wages, salary, and other income payable to or received by him/her during and week which is exempt from levy under paragraph (9) of subsection (a) shall be:
  - (A) Seventy-five dollars, plus
  - (B) Twenty-five dollars for each individual who is specified in a written statement which is submitted to the person whom notice of levy is served and which is verified in such manner as the Commissioner shall prescribe by regulation and:
    - (i) Over half of whose support for the payroll period was received from the taxpayer,
    - (ii) Who is the spouse of the taxpayer, or who bears a relationship to the taxpayer specified in paragraphs (1) to (9), inclusive, of section 152 (a) of the Code relating to definition of dependents, and
    - (iii) Who is not a minor child of the taxpayer with respect to whom amounts are exempt from levy under paragraph (8) of subsection (a) for the payroll period

For the purposes of clause (ii) of subparagraph (B) of the preceding sentence, "payroll period" shall be substituted for "taxable year" each place it appears in paragraph (9) of section 152 (a) of the Code.
- (2) In the case of any individual not described in paragraph (1), the amount of wages, salary and other income to or received by him during any applicable pay period or other fiscal period, as determined under regulations prescribed by the Commissioner which is exempt from levy under paragraph (9) of subsection (a) shall be an amount, determined under such regulations, which as nearly as possible will result in the same total exemption from levy for such individual over a period of such time as he would have under paragraph (1) of said subsections (a) if, during such period of time he were paid or received such wages, salary and other income on a regular weekly basis.



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RANCHO CORDOVA, CA 95670

**DETAIL OF TAXES DUE** Taxpayer's Copy

	Tax Type	Period End Date	Assessment Date	Assessment Amounts	Statutory Additions	Balance Due
1	INCOME	12/31/01	01/12/05	\$64,876.78	\$49,241.96	\$114,118.74
2	<b>Subtotal:</b>					<b>\$114,118.74</b>

**TOTAL AMOUNT DUE: \$114,118.74**