

**Excerpts From Internal Revenue Code** 

Sec. 6321. Lien For Taxes.

If any person liable to pay any tax neglects or refuses to pay the same after demand, the amount (including any interest, additional amount, addition to tax, or assessable penalty, together with any costs that may accrue in addition thereto) shall be a lien in favor of the United States upon all property and rights to property, whether real or personal, belonging to such person.

Sec. 6322. Period of Lien.

Unless another date is specifically fixed by law, the lien imposed by section 6321 shall arise at the time the assessment is made and shall continue until the liability for the amount so assessed (or a judgement against the taxpayer arising out of such liability) is satisfied or becomes unenforceable by reason of lapse of time.

## Sec. 6323. Validity and Priority Against Certain Persons.

(a) Purchaser's, Holders of Security Interests, Mechanic's Lienors, And Judgment Lien Creditors. -

The lien imposed by section 6321 shall not be valid as against any purchaser, holder of a security interest, mechanic's lienor, or judgement lien creditor until notice thereof which meets the requirements of subsection (I) has been filed by the Secretary.

(I) Place For Filing Notice; Form -

(1) Place For Filing . The notice referred to in subsection (a) shall be filed -

(A) Under State Laws

(i) Real Property - In the case of real property, in one office within the State (or the country, or other governmental subdivision), as designated by the laws of such State, in which the property subject to the lien is situated; and

(ii) Personal Property - In the case of personal property, whether tangible or intangible, in one office within the State (or the county, or other governmental subdivision), as designated by the laws of such State, in which the property subject to the lien is situated; except that State law merely conforming to reenacting Federal law establishing a national tiling system does not constitute a second office for filing as designated by the laws of such State; or

(B) With Clerk Ol District Court - In the office of the clerk of the United States district court for the judicial district in which the property subject to lien is situated, whenever the State has not by law designated one office which meets the

requirements of subparagraph (A), or (C) With Recorder Of Deeds Of The District Of Columbia - In the office of the Recorder of Deeds of the District of Columbia, if the property subject to the lien is situated in the District of Columbia.

(2) Situs Of Property Subject To Lien . For purposes of paragraphs (1) and (4), property shall be deemed to be situated (A) Real Property - In the case of real property, at its physical location; or

(B) Personal Property - In the case of personal property, whether tangible or intangible, at the residence of the taxpayer at the time the notice of lien is filed.

For the purposes of paragraph (c(B), the residence of a corpo ation or partnership shall be deered to be the place at which the principal executive office of the business is located, and the residence of a taxpayer whose residence is without the United

States shall be deemed to be in the District of Columbia.

(3) Form - The form and content of the notice referred to in subsection (a) shall be prescribed by the Secretary. Such notice shall be valid notwithstancing any other provision of law regarding the form or content of a notice of lien.

Note: See section 6323(b) for protection for certain interests even though notice of lien imposed by section 6321 is filed with respect to:

1. Securites

Motor vehicles

Personal property purchased at retail

Personal property purchased in casual sale Personal property subjected to possessory lien Real property tax and special assessment liens

Residential property subject to a mechanic's lien for certain repairs and improvements

Attorney's liens

Certain insurance contracts

10. Passbook loans

(g) Refiling Of Notice. - For purposes of this

(1) General Rule. - Unless notice of tien is retiled in the manner prescribed in paragraph (2) during the required retiling period, such notice of lier shall be treated as filed on the date on which it is filed (in accurance with subsection (f) after the expiration of such reliting perod.

(2) Place For Filing. - A nerice of tien relited during the required reliling period shall be effective only -

(1) such notice of lien is retile; in the office in which the prior notice of lien was filed, 4-2

(ii) in the case of real properly, and the fact of reliding is entered and recorded in an incan to the extent required by ubsection (I) (4), and

(B) in any case in which, 90 days or more prior to the date of a refiling of notice of lien uriter subparagraph (A), the Secretary received written information (in the manner prescribed in regulations issues by the Secretary) concerning a change in the tarbayer's residence, if a notice of such tien is also filed in accordance with subsection (I) in the State in which such residence is located.

(3) Required Reliting Period. - in the case of any notice of lien, the term "required reliting period" means:
(A) the one-year period ending 30 days after the expiration of 10 years after the date of the assessment of the tax, and (B) the one-year period ending with the expiration of 10 years after the close of the preceding required reliling period for such netice of hen

Sec. 6325. Release Of Lien Or Discharge Of Property

(a) Release Of Lien. • Subject to regulations as the Secretary may prescribe, the Secretary shall issue a certificate of release of any lien imposed with respect to any internal revenue tax not later than 30 days after the day on

(1) Liability Satisfied or Unenforceable • The secretary linds that the liability for the amount assessed, together with all interest in respect theret, has been fully satisfied

or has become legally unenforceable; or

(2) Bond Accepted - There is furnished to the Secretary
and accepted by him a bond that is conditioned upon
the payment of the amount assessed, together with all interest
in respect therof, within the time prescribed by law (including any extension of such time), and that is in accordance with such requirements relating to terms, conditions, and form of the bond and sureties thereon, as may be specified by such regulations.

Sec. 6103. Confidentiality and Disclosure of Returns and Return Information.

(k) Disclosure of Certain Returns and Return Information For Tax Administration Purposes. -

(2) Disclosure of amount of outstanding lien. notice of lien has been filed pursuant to section 6323(1), the amount of the outstanding obligation secured by such lien may be disclosed to any person who furnishes satisfactory written evidence that he has right in the property subject to such lien or intends to obtain a right in such property.

REQUESTED BY IRS IN OFFICIAL RECORDS OF DOUGLAS CO., NEVADA

**192** AUG -5 P1:44

SUZANNE BEAUDREAU RECORDER PAIN KO DEPUTY Form 668(Y) (Rev. 1.91)

BOOK 892 PAGE 574