

**170.0070****Memorandum**

**To:** Mr. Rick Slater  
Supervisor of Collections, MIC:55

**Date:** October 19, 1993

**From:** Thomas Cooke, Staff Counsel  
Legal Division - MIC:82

**Subject:** **REQUEST FOR RELEASE OF LIEN  
REDACTED TEXT**

Gary Jugum has requested that respond to your memorandum to him dated October 7, 1993 concerning the above taxpayers.

The Board had filed a lien in Alameda County against the taxpayers in 1983 for a \$3,876.85 tax liability. Real property in Oakland belonging to one of the taxpayers had been seized in 1990 by the U.S. Government. A forfeiture order from the U.S. District Court specified that certain liens on the seized property would be paid upon its sale and all other claims would be barred. The Board was not advised of the seizure at the time and its lien was not included in those liens to be paid.

The Board has now received a letter from the U.S. Marshall's office advising of the seizure and the court's order. The letter advises that the property is now to be sold and the title company has requested that the Board release its liens. The letter notes that "the property is over-encumbered with many state and federal tax liens."

The Marshall's office has requested that the Board release its liens to make the title company "feel more secure."

There is no legal requirement that the board release liens until a tax liability has been paid. If the Board wishes to release liens as a courtesy to clear title, it may do so. If the Board adopted a policy whereby it would release liens only when the tax liability was paid in full, perhaps the Board would find that its liens would be ordered paid in court orders more often.

The Board should not expect that it will be paid anything upon the sale of the property whether the liens are released or not. The Marshall is not authorized to disburse funds to any parties other than those listed in the court's order.

TJC:plh