

## **Civil action for release of erroneous lien**

Dear Reader:

You recently informed me that the IRS had placed a lien on a parcel of real property that you own in order to collect a tax liability owed by your ex-husband, and you asked what steps could be taken to have the lien removed.

One way to resolve this matter is to request from the IRS a certificate of discharge from the lien. To obtain the certificate, you will need to make a cash deposit or furnish a bond sufficient to protect the lien interest of the government. A certificate of discharge will enable you to sell the property free and clear of the federal tax lien. After obtaining the certificate of discharge, you can bring a lawsuit against the IRS, and if it is determined in that lawsuit that the government does not have a lien interest or has a lesser lien interest than the amount initially determined, you will be entitled to a refund of all or part of the amount deposited plus interest, or the release of all or part of the bond.

The lawsuit against the IRS must be brought in a U.S. district court within 120 days after the day on which the certificate is issued. No extension of the 120 day deadline for reasonable cause or for any other reason is available.

Alternatively, if time is not of the essence (for example, if you have no immediate plans to sell the property), instead of seeking expedited review through the certificate of discharge procedure (which, as discussed above, entails a deposit or bond) you can bring an action to quiet title against the government.

If you are interested in pursuing either of these options, please do not hesitate to call.

