

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

INSTRUCTIONS TO PREPARE AN APPLICATION REQUESTING THE UNITED STATES TO RELEASE ITS RIGHT TO

(Submit your prewritten application and all accompanying documents in triplicate. Please read additional information on back.)

Address notice or application to:

Give date of application:

the United States to release its right to redeem property under Internal Revenue Code section 7425(d).

1. Describe the property for which you are requesting the United States to release its right of redemption. Use of description in the title or deed to the property, or attach a copy of the title or deed. Include street address, city, and state. Indicate whether it was a personal residence, rental property, commercial property, etc., at the time of the nonjudicial sale.

2. Furnish the following information about the nonjudicial sale (such as a foreclosure, execution, or state or local tax sale):

- Date sale was held.
- Name and address of the ATF employee to whom notice of sale was sent.
- Name and address of purchaser.
- Purchase price.

3. If the property owner at the date of this application was not the purchaser at the nonjudicial sale give the owner's name and address.

4. List the encumbrances and charges you want to have considered. For each encumbrance show:

- Name and address of holder.
- Description of the encumbrance.
- Date it arose.
- If the encumbrance was recorded, give the date and place.
- The original principal amount of the encumbrance and the interest rate.

Only an original of a notice of sale is required. If a duplicate and a written request for acknowledgement are submitted with the original, the Chief, Tax Processing Center will indicate the date and time received on the duplicate, and return it to the sender.

When and How To Submit a Notice of Sale

A notice of sale shall be given, in writing, by registered or certified mail or by personal service, not less than 25 days before the sale. The 25 day period does not apply to sales reflected in item 4, above; in which case, the proceeds, exclusive of costs, shall be held as a fund subject to United States liens and claims on the property sold for not less than 60 days after the date of the sale.)

CONSENT TO SALE

Regardless of the foregoing instructions as to the adequacy and timeliness of a notice of sale, a nonjudicial sale of property shall divest the property of the United States liens or title if the Chief, Tax Processing Center consents to the Sale of the property free of the liens. Consent may be given when adequate protection is assured the liens or title. Adequate protection is adequate if:

1. The taxpayer has no equity in the property, or
2. The taxpayer's interest in the property is assigned to the Chief, Tax Processing Center, or
3. The proceeds in excess of prior encumbrances are assigned to title held Tax Processing Center, or
4. The Sale divests the taxpayer of all rights, and interest in the property, and the proceeds are to be held as a fund subject to United States liens and claims in the same manner and priority as the liens and claims were held on the discharged property, or
5. There are other circumstances acceptable to the Chief, Tax Processing Center.

The right of the United States to redeem the property remains, even though a consent to the sale is given.

APPLICATION FOR CONSENT

Any person desiring the Chief, Tax Processing Center's consent to ~~that~~ property free and ~~the~~ of a Federal tax lien or a title derived from the enforcement of that lien must submit an application in triplicate. The application must contain:

1. The same information that is required for a notice of sale,
2. The reasons the consent is desired,
3. A statement showing that adequate protection is given to the United States lien or title, and
4. A declaration that the information supplied in the application is made under penalties of perjury.