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Book 2008 Page 785 Type 05 005 Pages 5
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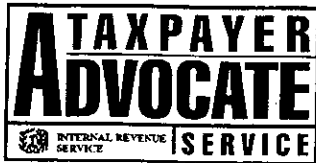
LISA SMITH. COUNTY RECORDER
MADISON IOWA

Miscellaneous Other

Preparer: Jerry McIntire
101 West Railroad
Afton, Iowa 50830

✓ Return to: Jerry McIntire
101 West Railroad
Afton, Iowa 50830

RE: Federal Tax Lien
Book 2005, Page--4544



REC'D FEB 19 AM

February 15, 2008

The Honorable Charles Grassley
United States Senator
721 Federal Building
210 Walnut Street
Des Moines, IA 50309

Attn: Janice Goode

Dear Senator Grassley:

This letter is a follow-up to a telephone conversation dated February 12, 2008, between Congressional Aide, Janice Goode, and Case Advocate, Sandi Murray, on behalf of your constituents, Martin Shady (deceased) and Kim Shady, concerning the release of a Federal Tax Lien. The Federal Tax Lien is filed only under Mr. Shady's name and social security number, and he is now deceased.

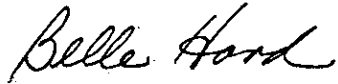
The Internal Revenue Service has not formally reviewed all of the documentation necessary to determine if the Notice of Federal Tax Lien does or does not attach to the property. The Taxpayer Advocate has been verbally advised that the property was titled joint tenancy with the right of survivorship. Based on that statement we can cite the general law as it applies to joint tenancy with right of survivorship.

The Internal Revenue Manual 5.17.3.8.1.1 states that in most cases, should the taxpayer-tenant predecease the surviving tenant, the tax lien is extinguished and does not attach to the estate in the survivor. This means that if the property was titled joint tenancy between husband and wife, and the spouse (taxpayer with the tax liability) died, the tax lien is extinguished and does not attach to the estate in the survivor in Iowa. No actions are needed to make it the surviving (non-liaible) spouse's property or to extinguish the federal tax lien. The residence would be a non-probate property that passes by operation of law. The residence would pass to the wife free of the federal tax lien.

So, a Certificate of Non-attachment, under Internal Revenue Code 6325(e), would not be needed nor would it be available under these circumstances, as there is no confusion or appearance that a notice of federal tax lien, filed under Internal Revenue Code Section 6323, attaches to the property. The Internal Revenue Service can refuse to issue a Certificate of Discharge of the federal tax lien under Revenue Code 6325(b)(2)(B) as no federal tax lien attaches to the property.

I hope this information is helpful in responding to Mrs. Shady. If we can be of further assistance, please contact Case Advocate, Sandi Murray of my staff at 515-564-6872. If you prefer, you can write to us at Internal Revenue Service, Stop 1005, 210 Walnut Street, Des Moines, Iowa 50309. I apologize for any inconvenience or misunderstandings this may have caused your constituent.

Sincerely,

A handwritten signature in cursive script that reads "Belle Hand".

Belle Hand
Acting, Local Taxpayer Advocate

REPLY TO:

- 135 HART SENATE OFFICE BUILDING
WASHINGTON, DC 20510-1501
(202) 224-3744
TTY: (202) 224-4479
e-mail: chuck_grassley@grassley.senate.gov
- 721 FEDERAL BUILDING
210 WALNUT STREET
DES MOINES, IA 50309-2140
(515) 288-1145
- 206 FEDERAL BUILDING
101 1ST STREET SE
CEDAR RAPIDS, IA 52401-1227
(319) 363-6832

REPLY TO:

- 103 FEDERAL COURTHOUSE BUILDING
320 6TH STREET
SIOUX CITY, IA 51101-1244
(712) 233-1860
- 210 WATERLOO BUILDING
531 COMMERCIAL STREET
WATERLOO, IA 50701-5497
(319) 232-6657
- 131 WEST 3RD STREET
SUITE 180
DAVENPORT, IA 52801-1419
(563) 322-4331
- 307 FEDERAL BUILDING
8 SOUTH 6TH STREET
COUNCIL BLUFFS, IA 51501-4204
(712) 322-7103

United States Senate

CHARLES E. GRASSLEY

WASHINGTON, DC 20510-1501

January 24, 2008

Mr. Jerry McIntire
Vice President
First National Bank in Creston
PO Box 127
Afton, Iowa 50830

Dear Mr. McIntire:

Thank you for providing the information to my Des Moines office regarding your efforts to assist Kim Shady in obtaining information regarding federal taxes and of the Federal Tax Lien, placed on her property in Macksburg.

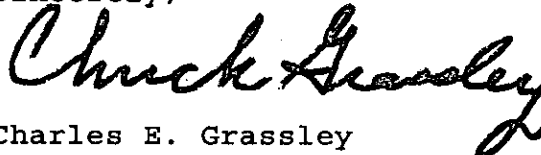
For your information I am enclosing a copy of the electronic e-mail from an IRS Revenue Officer to the Taxpayer Advocate Service, again stating no subordination or release is necessary since the property was jointly held and the assessment was only against the now deceased husband.

If you would like to pursue a release of the lien, enclosed is information from the Internal Revenue Service, *How to Prepare an Application for a Certificate of Nonattachment of Federal Tax Lien*. This request and accompanying attachments may be returned to my Des Moines office, to then be forwarded to the IRS

Also enclosed is the Certificate of Death for Martin Shady which was previously provided to my Des Moines office.

I hope that this information proves to be helpful to you. Please feel free to let me know if you have any questions.

Sincerely,



Charles E. Grassley
United States Senator

CEG/jg
Enclosures
RANKING MEMBER,
FINANCE

Committee Assignments:

BUDGET
JUDICIARY
AGRICULTURE

CO-CHAIRMAN,
INTERNATIONAL NARCOTICS
CONTROL CAUCUS



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8 SOUTH 6TH STREET
COUNCIL BLUFFS, IA 51501-4204
(712) 322-7103

February 22, 2008

Mr. Jerry McIntire
Vice President
First National Bank in Creston
101 West Adams, PO Box 445
Creston, Iowa 50801

Dear Mr. McIntire:

I am writing to forward a copy of the letter I received from the Taxpayer Advocate Service. This is in further reference to the request for release of the Federal Tax Lien. It appears that upon further review, the IRS has determined that a Certificate of Non-attachment is not applicable and not available under these circumstances as no federal tax lien attaches to the property.

I hope that this information proves to be helpful to you. Do feel free to let me know if you have any questions.

Please keep in touch.

Sincerely,



Charles E. Grassley
United States Senator

CEG/jg
Enclosure

CHAIRMAN,
FINANCE

Committee Assignments:

BUDGET
JUDICIARY
AGRICULTURE

CHAIRMAN,
INTERNATIONAL NARCOTICS
CONTROL CAUCUS