

RULE

Department of Revenue Policy Services Division

Issuance and Cancellation of a Lien; Fees (LAC 61:I.5302)

Under the authority of R.S. 47:1511, R.S. 47:1577, and R.S. 47:1578 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, has amended LAC 61:I.5302 relative to the release of real property from the effect and operation of the recorded lien in cases where the tax, penalty, or interest secured by the lien has not been paid.

The Rule conforms LAC 61:I.5302.C.3 to R.S. 47:1578(B)(2), by providing that the Secretary of Revenue may release any real property from the lien when the value of the tax debtor's remaining real property upon which the lien will remain is at least equal to the amount of the remaining tax obligation, including penalties, interest, and costs plus the amount of all liens upon the remaining real property that have priority over the state tax lien.

Title 61

REVENUE AND TAXATION

Part I. Taxes Collected and Administered by the Secretary of Revenue

Chapter 53. Miscellaneous Fees

§5302. Issuance and Cancellation of a Lien; Fees

A. - C.2. ...

3. when the lien on the taxpayer's remaining real property is valued at not less than the amount of the remaining tax obligation, including all penalties, interest, and other costs incurred, plus the amount of all prior liens on the remaining property. This provision is subject to approval by the Board of Tax Appeals;

C.4. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:295, R.S. 47:1511, R.S. 47:1577, and R.S. 47:1578.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 28:347 (February 2002), amended LR 30:0000 (May 2004).

Cynthia Bridge
Secretary