

CHAPTER 39

UNIFORM FEDERAL LIEN REGISTRATION ACT

§1901. Short title

This chapter shall be known and may be cited as the Uniform Federal Lien Registration Act. [PL 1989, c. 502, Pt. A, §121 (NEW).]

SECTION HISTORY

PL 1989, c. 502, §A121 (NEW).

§1902. Scope

This chapter applies only to federal tax liens and to other federal lien notices that under any Act of Congress or any federal regulation adopted pursuant to any Act of Congress are required or permitted to be filed in the same manner as notices of federal tax liens. [PL 2003, c. 518, §2 (AMD).]

SECTION HISTORY

PL 1989, c. 502, §A121 (NEW). PL 2003, c. 518, §2 (AMD).

§1903. Place of filing

1. Applicability. Notices of liens, certificates and other notices affecting federal tax liens or other federal liens must be filed in accordance with this chapter. [PL 1989, c. 502, Pt. A, §121 (NEW).]

2. Real property liens. Notices of liens upon real property for obligations payable to the United States and certificates and notices affecting the liens must be filed with the registry of deeds in the county or counties within which the affected property is situated. [PL 2003, c. 518, §3 (AMD).]

3. Personal property liens. Notices of federal liens upon personal property, whether tangible or intangible, except property of a type in which a security interest is perfected under Title 11, section 9-1501, subsection (1), paragraph (a), for obligations payable to the United States and certificates and notices affecting the liens, must be filed with the Secretary of State. [PL 1999, c. 699, Pt. D, §23 (AMD); PL 1999, c. 699, Pt. D, §30 (AFF).]

4. Timber, mineral and other liens. Notices of federal liens upon property of a type in which a security interest is perfected under Title 11, section 9-1501, subsection (1), paragraph (a), for obligations payable to the United States and certificates and notices affecting the liens, must be filed with the registry of deeds in the county or counties where a mortgage on the real estate concerned would be filed or recorded. [PL 2003, c. 518, §4 (AMD).]

SECTION HISTORY

PL 1989, c. 502, §A121 (NEW). PL 1999, c. 699, §D23 (AMD). PL 1999, c. 699, §D30 (AFF). PL 2003, c. 518, §§3,4 (AMD).

§1904. Execution of notices and certificates

Certification of notices of liens, certificates or other notices affecting federal liens by the Secretary of the Treasury of the United States or the secretary's delegate or by any official or entity of the United States responsible for filing or certifying of notice of any other lien is sufficient for filing purposes and no other attestation, certification or acknowledgment is necessary. [PL 1989, c. 502, Pt. A, §121 (NEW).]

SECTION HISTORY

PL 1989, c. 502, §A121 (NEW).

§1905. Duties of filing officer

1. Notices. If a notice of federal lien, a refiling of a notice of federal lien, or a notice of revocation of any certificate described in subsection 2 is presented for filing to:

A. The Secretary of State, the filing officer shall cause the notice to be marked, held and indexed in accordance with Title 11, section 9-1519, as if the notice were a financing statement within the meaning of the Uniform Commercial Code, except that if the property is of a type in which a security interest is perfected under Title 5, section 90-A, the Secretary of State shall cause the notice to be marked, held and indexed in accordance with the procedures established under Title 5, section 90-A, as if the notice were a financing statement within the meaning of that section; or [PL 2003, c. 518, §5 (AMD).]

B. A register of deeds, the filing officer shall receive, record and index the notice in the same manner as similar instruments are recorded and indexed. [PL 1989, c. 502, Pt. A, §121 (NEW).] [PL 2003, c. 518, §5 (AMD).]

2. Certificates. If a certificate of release, nonattachment, discharge, subordination or withdrawal of a filed notice of federal tax lien is presented for filing, the filing officer shall:

A. Cause a certificate of release, nonattachment or withdrawal of a filed notice of federal tax lien to be marked, held and indexed as if the certificate were a termination statement within the meaning of the Uniform Commercial Code; and [PL 2003, c. 518, §5 (AMD).]

B. Cause a certificate of discharge or subordination to be marked, held and indexed as if the certificate were a release of collateral within the meaning of the Uniform Commercial Code. [PL 2003, c. 518, §5 (AMD).] [PL 2003, c. 518, §5 (AMD).]

3. Refiled notices; register of deeds. [PL 2003, c. 518, §5 (RP).]

4. Filing; fees. [PL 2003, c. 518, §5 (RP).]

5. Method of communication. The filing officer shall accept liens described in this chapter in the method or medium authorized by the filing office in accordance with Title 11, Article 9-A, Part 5 and rule of the appropriate filing office. [PL 2003, c. 518, §5 (NEW).]

SECTION HISTORY

PL 1989, c. 502, §A121 (NEW). PL 1993, c. 616, §§9,10 (AMD). PL 1999, c. 699, §D24 (AMD). PL 1999, c. 699, §D30 (AFF). PL 2003, c. 518, §5 (AMD).

§1906. Fees

1. Filing; Secretary of State. For filing a lien or certificate or notice affecting any lien filed under this chapter, the fee is:

A. Fifteen dollars if the record is communicated in writing; and [PL 2003, c. 518, §6 (NEW).]

B. Ten dollars if the record is communicated by another method or medium authorized by filing office rule. [PL 2003, c. 518, §6 (NEW).]

[PL 2003, c. 518, §6 (NEW).]

2. Filing; registry of deeds. For filing a lien or certificate or notice affecting any lien filed under this chapter, the fee is governed by Title 33, sections 751 and 752.

The filing office receiving a filing under this subsection and subsection 1 shall bill the Internal Revenue Service or other federal agency on a monthly basis for the fees for liens, certificates or notice affecting any lien filed under this chapter.

[PL 2003, c. 518, §6 (NEW).]

3. Information; Secretary of State. For responding to a request for information from the filing office, including for communicating whether there is on file any lien, certificate or notice affecting any lien filed under this chapter naming a particular debtor, the fee is:

A. Twenty dollars if the record is communicated in writing; and [PL 2003, c. 518, §6 (NEW).]

B. Twelve dollars if the record is communicated by another method or medium authorized by filing office rule. [PL 2003, c. 518, §6 (NEW).]

The Secretary of State shall use the procedures set forth in Title 11, section 9-1523 to respond to a request for information from the filing office.

[PL 2003, c. 518, §6 (NEW).]

4. Information; registry of deeds. For responding to a request for information from the filing office, including for communicating whether there is on file any lien, certificate or notice affecting any lien filed under this chapter naming a particular debtor, the fee is governed by Title 33, section 751.

[PL 2003, c. 518, §6 (NEW).]

SECTION HISTORY

PL 1989, c. 502, §A121 (NEW). PL 1993, c. 616, §11 (AMD). PL 2003, c. 518, §6 (RPR).

§1907. Uniformity of application and construction

This chapter must be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this chapter among states enacting it and to permit the filing office to use a filing system to record and maintain notices of liens, certificates and other notices affecting federal tax liens or other federal liens in a manner authorized by the filing office and to permit federal officials to file notices of liens, certificates and notices affecting those liens upon real or personal property for obligations payable to the United States under the filing system authorized by the filing office. [PL 2003, c. 518, §7 (AMD).]

SECTION HISTORY

PL 1989, c. 502, §A121 (NEW). PL 2003, c. 518, §7 (AMD).

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