



FIRST AMERICAN TITLE INSURANCE COMPANY

5775 Glenridge Drive, Suite A-200, Atlanta, GA 30328
404-250-1604 Fax: 404-250-1609

Date: October 17, 2002 **Underwriting Bulletin No. GA-88**

To: All Agents of First American Title Insurance Company and Attorney's Title Guaranty Fund

Subject: **DOJ Notice of Lien for Fine and/or Restitution Pursuant to the Anti-Terrorism and Effective Death Penalty Act of 1996**

Attached is a copy of the First American Home Office National Bulletin 135 regarding the above subject matter. Please distribute to all appropriate personnel in your office.

Please contact the Underwriting Department at the Georgia State Office at 800-328-2642 or 404-250-1604 if you have any questions.

Home Office Underwriting Department

Case No:	HONA 135	Filed: 10-11-2002	
Name:	DOJ Notice of Lien for Fine and/or Restitution Pursuant to the Anti-Terrorism and Effective Death Penalty Act of 1996		
Written By:	Keith Pearson		

The Home Office has received numerous questions regarding liens under the above-referenced act that are recorded in the real property records. A copy of one of the liens is attached as a link to this bulletin.

These liens are enforced in the same way that civil judgments in favor of the United States are enforced, and attach to all property and rights to property (including the interest of one tenant by the entirety). The lien continues for the later of 20 years from entry of judgment or 20 years after the release from prison of the person fined, or upon the death of the individual fined. The lien is filed in the same manner as a IRS lien.

The questions that have arisen are:

Whether these liens can be foreclosed out by a prior lien.

The lien can be wiped out in a judicial foreclosure.

How do you foreclose out these liens.

28 USC 2410(b) allows for the United States to be made a party to an action to foreclose a mortgage or other lien upon real or personal property on which the United States has or claims a mortgage or other lien. Section 2410 only contemplates judicial foreclosure.

Is there a redemption period for these liens.

28 USC 2410(c) and the Federal Debt Collection Procedures Act provide for a one year redemption period.

Whether these liens attach to the interest of one tenant by the entirety.

Yes.

Attachments:

DOJ – Notice of Lien Imposed Pursuant to Anti-Terrorism and Effective Death Penalty Act of 1996

DEPARTMENT OF JUSTICE

NOTICE OF LIEN FOR FINE AND/OR
RESTITUTION IMPOSED PURSUANT TO
THE ANTI-TERRORISM AND EFFECTIVE
DEATH PENALTY ACT OF 1996

FOR OPTIONAL USE BY RECORDING OFFICE

RECEIVING # 1289882
FILED 5/21/1999 AT 09:08 AM FEDERAL JUDGEMENT LIEN
LORETTA BAILIFF, CLERK OF SWEETWATER COUNTY, WYOMING

UNITED STATES ATTORNEY'S OFFICE
District of Wyoming
PO Box 668
Cheyenne, WY 82003-0668

SERIAL NUMBER

WY-99-022

FILED AT: Sweetwater County Clerk/Recorder
Courthouse
Green River, WY 82935

NOTICE is hereby given of a lien against the property of the defendant named below. Pursuant to Title 18, United States Code §3613(c), a fine or an order of restitution imposed pursuant to the provisions of subchapter C of chapter 227 is a lien in favor of the United States upon all property belonging to the person ordered to pay restitution. Pursuant to §3613(d), a notice of lien shall be considered a notice of lien for taxes for the purposes of any State or local law providing for the filing of a tax lien. The lien arises at the time of the entry of judgment and continues until the liability is satisfied, remitted, or set aside, or until it becomes unenforceable pursuant to §3613(b).

NAME OF DEFENDANT/SOCIAL SECURITY NUMBER: Milton Sherrill Albaugh/520-88-2696

RESIDENCE: 1465 Arizona Street
Green River, WY 82935,

TOTAL AMOUNT OF JUDGMENT: \$2100.00

COURT NUMBER/DISTRICT: 99CR002-1J /District of Wyoming

DATE OF ENTRY OF JUDGMENT: March 25, 1999

UNITED STATES ATTORNEY NUMBER: 99Z0060

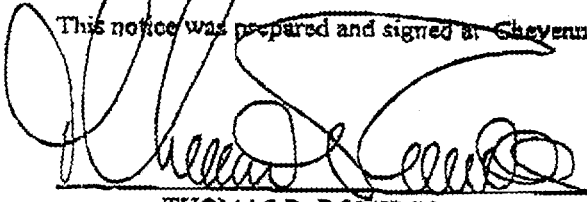
RATE OF INTEREST: 0

If payment becomes past due, penalties totaling up to 25 percent of the principal amount past due may arise. 18 U.S.C. §3612(g).

IMPORTANT RELEASE INFORMATION—With respect to the lien listed above, this notice shall operate as a certificate of release pursuant to 18 U.S.C. §3613(b) by operation of law 20 years after date of sentence or service of incarceration.

PLACE OF FILING

This notice was prepared and signed at Cheyenne, Wyoming on this 11th day of May, 1999


THOMAS D. ROBERTS
Assistant United States Attorney
(307-772-2124)