§ 70.227  Suspension of running of period of limitation; wrongful seizure of property of third party.

The running of the period of limitations on collection after assessment prescribed in 26 U.S.C. 6502 (relating to collection after assessment) shall be suspended for a period equal to a period beginning on the date property (including money) is wrongfully seized or received by an appropriate TTB officer and ending on the date 30 days after the date on which the appropriate TTB officer returns the property pursuant to 26 U.S.C. 6343(b) (relating to authority to return property) or the date 30 days after the date on which a judgment secured pursuant to 26 U.S.C. 7426 (relating to civil actions by persons other than taxpayers) with respect to such property becomes final. The running of the period of limitations on collection after assessment shall be suspended under this section only with respect to the amount of such assessment which is equal to the amount of money or the value of specific property returned.

(26 U.S.C. 6503)

[T.D. ATF–301, 55 FR 47642, Nov. 14, 1990]

§ 70.231  Protection for certain interests even though notice filed.

(a) Securities. Even though a notice of a lien imposed by 26 U.S.C. 6321 is filed in accordance with §70.148 of this part, the lien is not valid with respect to a security (as defined in §70.143(d) of this part) against:

(1) A purchaser (as defined in §70.143(f) of this part) of the security who at the time of purchase did not have actual notice or knowledge (as defined in §70.144(a) of this part) of the existence of the lien;

(2) A holder of a security interest (as defined in §70.143(a) of this part) in the security who did not have actual notice or knowledge (as defined in §70.144(a) of this part) of the existence of the lien at the time the security interest came into existence or at the time such security interest was acquired from a previous holder for a consideration in money or money’s worth (as defined in §70.143(a) of this part); or

(3) A transferee of an interest protected under paragraph (a) (1) or (2) of this section to the same extent the lien is invalid against the transferor to the transferee. For purposes of this paragraph, no person can improve that person’s position with respect to the lien by reacquiring the interest from an intervening purchaser or holder of a security interest against whom the lien is invalid.

(b) Motor vehicles—(1) In general. Even though a notice of a lien imposed by 26 U.S.C. 6321 is filed in accordance with §70.148 of this part, the lien is not valid against a purchaser (as defined in §70.143(a) of this part) of a motor vehicle (as defined in §70.143(c) of this part) if:

(i) At the time of purchase, the purchaser did not have actual notice or knowledge (as defined in §70.144(a) of this part) of the existence of the lien, and

(ii) Before the purchaser obtains such notice or knowledge, the purchaser has acquired actual possession of the motor vehicle.