

TITLE XXXII
LIEN AND LEVY ACTIONS¹

RULE 330. GENERAL²

(a) Applicability: The Rules of this Title XXXII set forth the provisions that apply to lien and levy actions under Code sections 6320(c) and 6330(d). Except as otherwise provided in this Title, the other Rules of Practice and Procedure of the Court, to the extent pertinent, are applicable to such actions.

(b) Jurisdiction: The Court shall have jurisdiction of a lien or levy action under this Title when the conditions of Code section 6320(c) or 6330(d), as applicable, have been satisfied.

RULE 331. COMMENCEMENT OF LIEN AND LEVY ACTION³

(a) Commencement of Action: A lien and levy action under Code sections 6320(c) and 6330(d) shall be commenced by filing a petition with the Court. See Rule 20, relating to commencement of case; Rule 22, relating to the place and manner of filing the petition; and Rule 32, regarding the form of pleadings.

(b) Content of Petition: A petition filed pursuant to this Rule shall be entitled “Petition for Lien or Levy Action

¹New Title XXXII sets forth procedures for actions under Code sections 6320(c) and 6330(d), added by sec. 3401 of the Internal Revenue Service Restructuring and Reform Act of 1998, Pub. L. 105–206, 112 Stat. 746. Code sections 6320(c) and 6330(d) provide for judicial review of determinations made under Code sections 6320 and 6330 regarding liens or levies against property or rights to property. Those sections are effective with respect to collection actions initiated after January 18, 1999, and the Rules of this Title XXXII likewise are effective generally as to lien and levy actions commenced with respect to collection actions initiated after January 18, 1999; except that Rule 331(c) is effective as to proceedings commenced on or after December 21, 2000.

²New Rule 330 is effective as to lien and levy actions commenced with respect to collection actions initiated after January 18, 1999.

³New Rule 331 is effective as to lien and levy actions commenced with respect to collection actions initiated after January 18, 1999; except that paragraph (c) is effective as to proceedings commenced on or after December 21, 2000.

Under Code Section 6320(c) or 6330(d)", as applicable, and shall contain the following:

(1) In the case of a petitioner other than a corporation, the petitioner's name and legal residence; in the case of a corporate petitioner, the petitioner's name and principal place of business or principal office or agency; and, in all cases, the petitioner's mailing address and taxpayer identification number (e.g., Social Security number or employer identification number). The mailing address, legal residence, and principal place of business, or principal office or agency, shall be stated as of the date that the petition is filed.

(2) The date of the notice of determination concerning collection action(s) under Code section 6320 and/or 6330 by the Internal Revenue Service Office of Appeals (hereinafter the "notice of determination"), and the city and State of the Office which made such determination.

(3) The amount or amounts and type of underlying tax liability, and the year or years or other periods to which the notice of determination relates.

(4) Clear and concise assignments of each and every error which the petitioner alleges to have been committed in the notice of determination. Any issue not raised in the assignments of error shall be deemed to be conceded. Each assignment of error shall be separately lettered.

(5) Clear and concise lettered statements of the facts on which the petitioner bases each assignment of error.

(6) A prayer setting forth the relief sought by the petitioner.

(7) The signature, mailing address, and telephone number of each petitioner or each petitioner's counsel, as well as counsel's Tax Court bar number.

(8) As an attachment, a copy of the notice of determination.

A claim for reasonable litigation or administrative costs shall not be included in the petition in a lien and levy action. For the requirements as to claims for reasonable litigation or administrative costs, see Rule 231.

(c) Small Tax Case Under Code Section 7463(f)(2): For provisions regarding the content of a petition in a small tax case under Code section 7463(f)(2), see Rules 170 through 175.

(d) Filing Fee: The fee for filing a petition for a lien and levy action shall be \$60, payable at the time of filing.

RULE 332. DESIGNATION OF PLACE OF TRIAL¹

At the time of filing a petition for a lien and levy action, a designation of place of trial shall be filed in accordance with Rule 140.

RULE 333. OTHER PLEADINGS²

(a) Answer: The Commissioner shall file an answer or shall move with respect to the petition within the periods specified in and in accordance with the provisions of Rule 36.

(b) Reply: For provisions relating to the filing of a reply, see Rule 37.

RULE 334. JOINDER OF ISSUE IN LIEN AND LEVY ACTIONS³

A lien and levy action under Code sections 6320(c) and 6330(d) shall be deemed at issue as provided by Rule 38.

¹New Rule 332 is effective as to lien and levy actions commenced with respect to collection actions initiated after January 18, 1999.

²New Rule 333 is effective as to lien and levy actions commenced with respect to collection actions initiated after January 18, 1999.

³New Rule 334 is effective as to lien and levy actions commenced with respect to collection actions initiated after January 18, 1999.