



County Technical Assistance Service  
INSTITUTE *for* PUBLIC SERVICE

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# Tax Lien

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Dear Reader:

The following document was created from the CTAS website ([ctas.tennessee.edu](http://ctas.tennessee.edu)). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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# Tax Lien

Reference Number: CTAS-1588

To aid in the collection of property taxes, there exists a lien on the property to secure payment of the tax. The lien for taxes becomes a first lien on the property as of January 1 of the tax year, and takes priority over any pre-existing liens on the property;<sup>1</sup>the tax lien is superior to mortgage liens, regardless of whether the taxes accrue before or after the execution of the mortgage. This first lien is, however, superceded by prefiled federal tax liens.<sup>2</sup>There is no lien against leased personal property assessed to a lessee.<sup>3</sup>

While real estate contracts may alter liability between the parties to the contract, the owner as of January 1 is responsible for payment of the tax for the entire year.<sup>4</sup>The taxes are a lien on the fee in the property, and not merely upon the interest of the person to whom the property is or ought to be assessed, and includes any and all other interests in the property, whether in reversion or remainder, or of lienors, or interests of any nature whatsoever. Taxes are a lien on the land even if the owner is unknown or the land has been assessed in a wrong name. However, a lien for taxes which are assessed against a leasehold interest in real property, or against any improvements on real property where the owner is exempt from taxation, extends only to the leasehold interest.<sup>5</sup>

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<sup>1</sup>T.C.A. §§ 67-5-2101, 67-5-2102.

<sup>2</sup>*United States v. Dyna-Tex, Inc.*, 372 F. Supp. 278, 280 (Tenn. 1972).

<sup>3</sup>T.C.A. § 67-5-2102.

<sup>4</sup>Op. Tenn. Atty. Gen. 86-39 (February 21, 1986).

<sup>5</sup>T.C.A. § 67-5-2102; *See also* 23 *Tenn. Juris.* "Taxation" § 44 at page 69 (1985).

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