

NHTCA  
New Tax Collector Training Series

Tax Liens

## RSA 76:11-b Notice of Arrearage

- ▶ The Tax Collector shall provide to the owner as of April 1 or current owner, if known, a summary of all **uncollected and unredeemed taxes** on the property. This summary may be included on or with the tax bill, or may be sent by separate mailing **within 90 days** of the due date of the final tax bill.



# Doolan Case – Bankruptcy Note

- ▶ The following should be on your arrearage notice **and** lien notice or included as a separate insert.
- ▶ **Please note:** If you are currently in bankruptcy and subject to the protections of the Automatic Stay provisions of Section 362(a) of the Bankruptcy Code, then the above language is hereby modified as follows:.....
- ▶ Full notice statement can be found on the NHTCA website:
  - <https://www.nhtaxcollectors.org/>

# RSA 80:19 Statutory Lien

- ▶ **80:19 Lien; Special Assessments and Agreements.** – The real estate of every person or corporation shall be holden for all taxes assessed against the owner thereof; and all real estate to whomsoever assessed shall be holden for all taxes thereon. All such liens shall continue until one year from October 1 following the assessment. All such liens imposed in accordance with this chapter shall have priority over all other liens. For the purposes of this chapter, the word "taxes" shall include special assessments and agreements in lieu of or in the nature of special assessments.

# Taxes Subject to Lien Procedure

- ▶ Property Taxes
- ▶ Betterment/Special Assessments
- ▶ Current Use Change Taxes (LUCT)
- ▶ Excavation Taxes – (excavated materials)
- ▶ Resident Taxes
- ▶ Sewer/Water Rents
- ▶ Yield Taxes
- ▶ Inconsistent Use Penalty (Conservation Restriction 79-B)
- ▶ Release or expiration of Easement (Discretionary Easements 79-C)
- ▶ Release or expiration of Easement (Discretionary Preservation Easements 79-D)
- ▶ Termination of Covenant (Community Revitalization 79-E)
- ▶ Use Change Tax (Farm Structures 79-F)



# RSA 80:60 Notice of Lien(Cont.)

- ▶ Notice shall:
  - State the **name** of the current owner, if known, or the person against whom the tax was assessed.
  - Description of the **property** as committed to the tax collector.
  - Date & time on which the **last payment** shall be accepted.
  - **Amount** of the tax, interest and costs to the date of execution.
- ▶ **Return receipt shall be prima facie evidence** that the collector has complied with the notice requirements of this section.

## RSA80:63 Right to Tax Lien

- ▶ Except under the provisions of RSA 80:80, II-a, (transfer of tax lien) only a **municipality** or **county** where the property is located or the **state** may **acquire a tax lien** against land and buildings for unpaid taxes.



## **RSA 80:61 Affidavit of Execution of Real Estate Tax Lien**

- ▶ An affidavit of the execution of the tax lien to the municipality, county or state shall be **delivered to the municipality by the tax collector on the day following the last date for payment of taxes as stated in the notice given in RSA 80:60.**

## **RSA 80:61 Affidavit of Execution of Real Estate Tax Lien(Cont.)**

- ▶ The collector shall execute to the municipality, county or state only a 100% common and undivided interest in the property and no portion thereof shall be executed in severalty by metes and bounds; Provided, however, that where distinct interests in the property have been separately assessed, the tax lien shall be for 100% of the separate distinct interest upon which the taxes have not been paid.

# RSA 80:64 Report of Tax Lien

- ▶ **Within 30 days after executing the tax lien.**
  - Deliver or forward to the **register of deeds** a statement of the following facts:
    - **Name** of person taxed.
    - Description of the **property** as appeared on the tax list committed.
    - Total **amount** of each tax lien, including taxes, interest, fees and costs incident to the tax lien process.
    - **Date and place of execution.**
  - **Certified under oath by the tax collector.**

## **RSA 80:65 Notice by Lienholder to Mortgagee**

- The municipality, county or state as lienholder shall:
  - Identify and notify all persons holding **mortgages** upon such property recorded in the office of the register of deeds.
  - Within **60 days** from the date of the execution of the lien.
  - May, if they determine mortgages exist, direct the collector to give such notice.

## **RSA 80:65 Notice by Lienholder to Mortgagee (Cont.)**

- Notice shall contain:
  - **Date** of execution of the lien.
  - **Name** of the delinquent taxpayer.
  - Total **amount** of the lien and the amount of costs for identifying and notifying mortgagees.
- Similar notice for subsequent payment.
- It is recommended that the tax collector get a **directive each year** from the Selectmen directing them to research and/or notify mortgagees.

## RSA 80:66 How Notice Shall be Given

- ▶ Notice shall be **in writing**.
- ▶ Copy given to **each mortgagee** as recorded at the registry of deeds
  - In hand,
  - Left at his usual place of abode, or
  - Sent by certified mail, return receipt requested, or registered mail to his last known post-office address.



## RSA 80:69 Redemption

- ▶ Any person with a legal interest may redeem by paying or tendering to the collector:
  - Before a deed is given.
  - Amount of real estate lien, with interest @ 14% per annum upon the whole amount of the recorded lien (18% for 2018 and prior levies).
  - From the date of execution to the time of payment in full.
    - Except in the case of partial payments in redemption.
    - Interest computed on the unpaid balance, together with redemption costs and costs for identifying and notifying mortgagees.

## **RSA 80:70 Notice of Redemption**

- ▶ When **full redemption** is made:
  - Tax Collector shall within **30 days** notify the register of deeds.
    - **Name** of the person **redeeming**.
    - **Date** when **redemption** was made.
    - **Date** of the **execution** of the tax lien.
    - Brief **description** of the real estate in question
    - **Name** of the person or persons against whom the tax was levied.



# RSA 80:71 Partial Payments in Redemption

- ▶ Any person with a **legal interest** in real estate upon which a real estate tax lien has been executed may make partial payments in redemption
  - Tax Collector receives the partial payment and gives a receipt therefor.
    - Pay over such sums to the town treasurer.
  - If **complete redemption is not made before a deed is given to the lienholder:**

## **RSA 80:71 Partial Payments in Redemption (Cont.)**

- Tax Collector shall within **10 days direct the selectmen to issue** an order upon the town treasurer to **refund** to the person making such partial payments or his heirs or assigns the sum so paid.
- Selectmen shall promptly issue such order.
- **If not issued within 30 days** of the time the collector directs that the order be issued, the sum to be refunded shall draw **interest at 6%** per annum from the date the sum was directed to be paid to the date of actual payment.

QUESTIONS?