PROPERTY TAX LIEN OVERVIEW

Conference 2025

RSA 72:6 TAXABLE PROPERTY

ALL REAL ESTATE, WHETHER IMPROVED OR UNIMPROVED, SHALL BE TAXED EXCEPT AS OTHERWISE PROVIDED.

- RSA 76:2 NH Property Tax year: April 1st – March 31st
- RSA 76:15-a Semi Annual Collection of Taxes
- RSA 76:15-aa Quarterly Billing of Taxes

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.**

Bankruptcy (Doolan) **notice** must be included on this notice or as an insert with the notice.

DOOLAN CASE LANGUAGE
BANKRUPTCY CASES

REQUIRED LANGUAGE TO BE INCLUDED ON EVERY NOTICE OF TAX LIEN.

The exact language can be found on page 102 of our **RECOMMENDED POLICY & PROCEDURE MANUAL**.

Also, on our website under Technical References at **www.nhtaxcollectors.org**

TAXES SUBJECT TO LIEN PROCEDURE

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

RSA 80:63 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 80:60 NOTICE OF LIEN

Collector shall give notice of **impending lien.**

- At least **30 days prior to the execution** of said lien.
- **Certified or registered mail return receipt** requested to last known post office address of the current owner, if known, or the person against whom the tax was assessed.

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.

https://www.truepeoplesearch.com (please be cautious when searching the internet. Use secured sites.

RSA 80:60, 80:81 OWNER NOTICE OF LIEN FEES

Property Owner Notice of Impending Lien

Fee: $23.00

- Collector’s Fee for notice - $10.00
- Collector’s Fee per Parcel - $2.00
- Certified Postage Cost - $9.70
- Printing Fee - $1.30

NOTE: Fees subject to adjustment if postage rates change.

To be added to parcel BEFORE execution of lien & appear on the notice.

IMPENDING LIEN COLLECTION TIPS

As the impending lien collection deadline is approaching.

- Accept only cash, cashier's checks, or money orders **starting 2 weeks prior** to execution.

- Personal checks will **not** be accepted during this period.

This ensures all payments are guaranteed and clear before the lien execution.

Execute Tax Lien

Before Executing the Lien Affidavit

✅ **Verify all payments** have been entered and posted.

✅ **Balance the lien** to confirm accuracy.

✅ **Add lien costs** according to the NHTCA Schedule of Fees. *(RSA 80:81)*

After Executing the Lien

✅ **Provide a Copy** of the executed lien to the governing body **the day after execution.** *(RSA 80:61)*

✅ **Record the Lien** at the Registry of Deeds **within 30 days of execution.** *(RSA 80:64)*

RSA 80:61
AFFIDAVIT OF EXECUTION OF REAL ESTATE TAX LIEN

The breakdown……

1 Delivery of Affidavit

- The tax collector must give a copy of the executed lien affidavit to the municipality the day after the last payment date listed in the notice under RSA 80:60.

2 Scope of Lien

- The lien covers 100% of the properties' common and undivided interest, meaning it applies to the whole property, not a part of it measured by boundaries.

3 Separate Assessed Interests

- If the property has separately assessed interests (per RSA 75:2), the lien applies to 100% of the unpaid portion of that specific interest, and the affidavit should specify which part is liened.

80:81	Executing Real Estate Tax Lien	1st Parcel	2nd Parcel
I-c	Executing tax lien/delinquent taxpayer	$10.00	
I-d	Executing tax lien/parcel	$2.00	$2.00
I-e	Lien Redemption	$2.00	$2.00
80:82	**Register of Deeds**	**1st Parcel**	**2nd Parcel**
I-a	Indexing report of lien	$2.00	$2.00
I-b	Indexing redemption of lien	$2.00	$2.00
II	Incedental Expense:Pro rata as before	$1.00	
	Totals	**$19.00**	**$8.00**

TAX LIEN EXECUTION - FEES

**To be added to parcel AT TIME OF execution of lien.*

Collectors must report an executed tax lien to the county **Register of Deeds** within **30 days.**

The report must include……..

- *Name of Property Owner or Person Assessed, if known.*
- Description of the *property* as appeared on the tax list committed.

    (map/lot, address or deed reference)

- *Total amount* of each tax lien, including taxes, interest, fees and costs incident to the tax lien process.
- Date and place of the lien's execution.

Certified under oath by the tax collector.

RSA 80:64
REPORT OF TAX LIEN

THE MUNICIPALITY, COUNTY OR STATE AS LIENHOLDER SHALL:

RSA 80:65 NOTICE BY LIENHOLDER TO MORTGAGEE

Identify and notify all persons holding mortgages upon such property recorded in the office of the register of deeds.

- If the selectmen determine mortgages exist, they may direct the collector to give such notice.

When it must be done:
Within **60 days** after the lien is executed and recorded.

- **Why it matters:**
- Ensures mortgage lenders are made aware that the town now holds a priority tax lien.
- Protects the municipality's lien rights and avoids disputes.
- Keeps the process transparent for all parties with an interest in the property

Notice shall contain:

- Date the lien was executed.
- Name of the delinquent taxpayer.
- Total amount of the lien.
- 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 governing body directing them to hire a research company to identify mortgagees.

RSA 80:65 NOTICE BY LIENHOLDER TO MORTGAGEE (CONT.)

RSA 80:67 MORTGAGEE SEARCH FEES

ALL MORTGAGEES MUST BE NOTIFIED.

THE LIENHOLDER (MUNICIPALITY) MUST FIRST SEARCH THE REGISTRY OF DEEDS TO SEE IF ANY MORTGAGEES EXIST ON THE PROPERTIES LISTED ON THE TAX LIEN.

THE COST OF THIS SEARCH SHALL BE TOTALED AND DIVIDED PRO RATA AMONG THE DELINQUENT ACCOUNTS.

Identifying Mortgagees:

Minimum Fee: $10.00

(You may charge whatever you pay for search/parcel)

Notice to Mortgagees

Fee: $21.00 (for each notice)

- Collector's Fee for notice - $10.00
- Certified Postage Cost - $9.70
- Printing Fee - $1.30

NOTE: Fees subject to adjustment if postage rates change.

To be added to parcel AFTER execution of lien.

BANK SEARCH TOOLS

National Information Center:

https://www.ffiec.gov/npw

NH Banking Department:

https://www.nh.gov/banking/

List of Bank Mergers in the US:

https://en.wikipedia.org/wiki/List_of_bank_mergers_in_the_United_States

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.

INTEREST ON LIENED TAXES

Property Tax after lien execution 14%.

(RSA 80:69)

Current Use Change Tax 18% 30 days after mailing.

(RSA 79-A:7, (d))

Excavation Tax 18% 30 days after mailing.

(RSA 72:B)

Yield Tax 18% 30 days after mailing.

(RSA 79:4-a)

[18 % for 2018 property tax levy and prior]

RSA 80:69 REDEMPTION

Any person with a legal interest in land subject to a real estate tax lien may redeem the same by paying or tendering to the collector, at any time before a deed thereof is given by the collector

Except that in the case of **partial payments** in redemption made under RSA 80:71, **interest at 14%** shall be computed on the unpaid balance, together with **redemption costs** and costs for **identifying and notifying mortgagees.**

(***18 % for 2018 levy and prior***)

RSA 80:69 REDEMPTION (CONT.)

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.

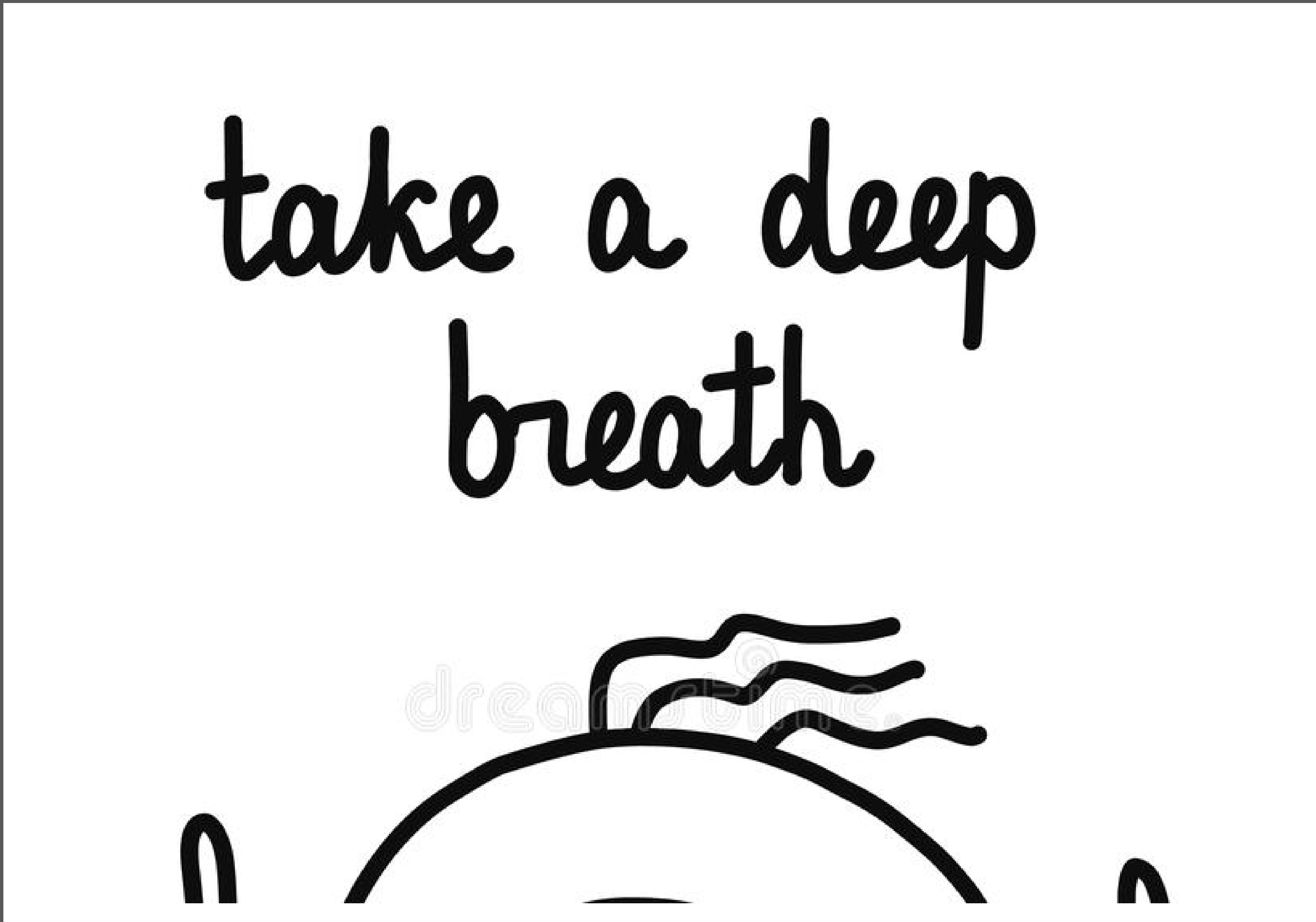
- Tax Collector receives the partial payment and gives a **receipt** therefor.
- Pay over such sums to the town treasurer.

RSA 80:70 NOTICE OF REDEMPTION

When full redemption is made:

The 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. (address, map/lot)
- Name of the person or persons against whom the tax was levied.


take a deep
breath

PROPERTY TAX DEED OVERVIEW

Conference 2025

RSA 80:76 TAX DEED

The collector, **after 2 years** from the execution of the real estate tax lien, **shall execute** to the lienholder (municipality) a **deed** of the land subject to the real estate tax lien and not redeemed. With the following exceptions:

RSA 80:76 TAX DEED

The governing body has deemed the property an environmental liability.

The governing body determined acceptance and ownership of the real estate would subject the municipality to undesirable obligations or liability risks, including obligations under real estate covenants or obligations to tenants, or for any other reason would be contrary to the public interest.

Such a decision **shall not be made solely for the benefit of a taxpayer.**

RSA 80:76 TAX DEED (CONT.)

- When a governing body has, under paragraph II or II-a, served notice (deed waiver) upon the collector it shall not accept the deed, the **tax lien shall remain in effect indefinitely**, retaining its priority over other liens. The taxpayer's **right of redemption** as provided by RSA 80:69 shall likewise be **extended indefinitely**, with interest continuing to accrue as provided in that section.

- The **tax lien may be enforced by the municipality by suit** as provided under RSA 80:50, and through any remedy provided by law for the enforcement of other types of liens and attachments.

- If, at any time, in the judgment of the municipal governing body, the **reasons** for refusing the tax deed **no longer apply**, and the tax lien has not been satisfied, the **governing body may instruct the collector** to issue the **tax deed**, and the collector shall do so after giving the notices required by RSA 80:77 and 80:77-a.

RSA 80:76. TAX DEED (CONT.)

PREPARE FOR TAX COLLECTOR'S DEEDING

Set Deed Date – be sure it coincides with the governing body's meeting date as well as the originating lien date.

Prepare a report for meeting to discuss properties with Council/Selectmen.

PREPARE FOR TAX COLLECTOR'S DEEDING (CONT.)

- Run reports listing all properties eligible for deed.
- Send list to search company; identify mortgagees.
- Check to see if any properties are in bankruptcy.

CAUTION: You shall not send an impending deed notice to any property in bankruptcy.

PREPARE FOR TAX COLLECTOR'S DEEDING (CONT.)

Compile deed folders for each property eligible.

Sample can be found in the best practice manual on the NHTCA website: **http://nhtaxcollectors.org**

ADMINISTRATIVE CHECKLIST

Found on **PAGE 119**
Recommended Policy and Procedure Manual

Administrative Checklist for Tax Deeding

Owner: ______________________

Map/Lot: __________ __________

Lien Perfected: __________ RSA 80:64

		Item	Reference	Date:
☐		Current Assessing Card		
☐		Total Due as of Deed Date		Date:
☐	☐	Both tax bills	Second Issue Due Date	________
☐	☐	Notice of Delinquent Taxes	RSA 76:11-b	________
☐	☐	Notice of Impending Lien	RSA 80:60	________
☐	☐	Lien Mortgagee Search	RSA 80:65	________
☐	☐	Notice of Impending Deed	RSA 80:77	________
☐	☐	Deed Mortgagee Search	RSA 80:77-a	________
☐		Any Coorespondence - rtd mail, phone calls		
☐		Deed Waiver		
☐		Deed		

At least 30 days prior to executing the deed:

- Tax Collector shall notify the **current owner** of the property or his representative or executor.
- By **certified mail**, return receipt requested.
- Tax Collector shall notify each person holding a **mortgage** upon such property.
- Any mortgagee whose mortgage was recorded in the office of the register of deeds at least 30 days prior to the mailing of the notice.

RSA 80:77 NOTICE TO CURRENT OWNER
RSA 80:77-A NOTICE TO MORTGAGEE

RSA 80:77 NOTICE TO CURRENT OWNER, RSA 80:77-A NOTICE TO MORTGAGEE (CONT.)

Notice shall, at the minimum, contain:

Name of the delinquent **taxpayer(s).**

Description of the **property** subject to the tax lien.

Amount of the tax lien and the amount of tax collector's fee and expenses necessary for redemption.

Issue **date** of the tax lien **deed.**

Expiration date of the right of **redemption.**

Warning that the **legal interest** of the taxpayer and each mortgagee will be **extinguished** by the tax lien deed.

RSA 80:77
Notice to Current Owner

Impending Tax Deed to Current Owner Fees include:

Collector's Fee: $10.00
Certified Mail Fee: $9.70
Printing Fee: $1.30

NOTE: Fees subject to adjustment if postage rates change. Please reference the NHTCA website: http://nhtaxcollectors.org under "Technical References" for a current list of fees.

Add fees to amount owed prior to noticing!

RSA 80:77-A
NOTICE TO MORTGAGEE

Identify Mortgagee(s) (directed by governing body)

Impending Tax Deed notice to each identified Mortgagees
Fees include:

1) Minimum Fee for search: *$10.00
2) Mortgagee Notice Fee: $10.00
3) Certified Mail Fee: $9.70
4) Printing Fee: $1.30

Add fees to amount owed prior to noticing!

NOTE: Fees subject to adjustment if postage rates change. Please reference the NHTCA website: http://nhtaxcollectors.org under “Technical References” for a current list of fees.

*Or reimbursement of full cost of search service.

26 U.S.C. 7425. REAL ESTATE SUBJECT TO IRS TAX LIENS

Although *property tax liens* can take **priority** over *federal tax liens* (26 USC 6323 (b)(6),
a tax deeded property will be subject to the lien (26 USC 7425 (a)(1),
<u>unless</u> **appropriate notice** is provided to the **IRS**.

26 U.S.C. 7425. REAL ESTATE SUBJECT TO IRS TAX LIENS (CONT.)

The notice required **must:**

- Be sent at least **25 days** before the date of deeding
- Be sent registered or **certified mail** to the District Director (IRS Advisory Group), marked for the attention of the "**New England Advisory Group**"
- Include **your name and address**
- Include a **copy of the IRS lien**
- Provide a detailed description of the **property** to be deeded
- The **date,** time and place of the "sale" (notice of impending deeding should suffice)
- The **amount** of the obligation due from the taxpayer
- Even if notice is given, the IRS has a "***redemption right" for 120 days*** after the deeding to claim the property by paying the purchase the amount paid and taking title

If complete redemption is not made before a deed of the real estate is issued, the 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**. If the order is **not issued within 30 days,** the sum to be refunded shall draw interest at the rate of **6 percent** per annum.

RSA 80:71 PARTIAL PAYMENTS IN REDEMPTION

Scared?

Don't be. We can help!

- County Coordinators
- Executive Committee
- Neighboring Collectors
- Department of Revenue Administration Advisors
- NHTCA Google Group
- NH Tax Collectors' Facebook Group
- New Hampshire Municipal Association

https://www.facebook.com/groups/nhtaxcollectors