

Tax Title Foreclosure Procedures Summary

Event	Comments
Issuance of Tax Bill to Assessed Owner	Due date: 30 days from issuance [G.L.c.60, §3 and G.L. c.59, §57]
Issuance of 14-Day Demand Notice to Assessed Owner	Must first perform title search (including probate records search, as necessary) and Bankruptcy search to verify title and Bankruptcy status prior to issuance of Demand Notice to Assessed Owner on lien date of January 1 of year in which fiscal year commences (i.e., January 1, 2014 for FY 2015) [G.L. c.60, §§16 and 37]
Placing of Legal Notice in local newspaper giving notice of intent to execute Instrument of Taking in no less than 14 days; Post same Legal Notice in two or more convenient and public places	Legal Notices should name Assessed Owner as of lien date and, if applicable, Subsequent Owner if property is transferred following lien date [G.L.c.60, §53]
Execution of Instrument of Taking against Assessed Owner	Include name of Subsequent Owner if property is transferred following lien date; Instrument must be recorded/filed with Registry within 60 days of date of its execution to remain valid [G.L.c.60, §54]
Municipality holds legal title to the property subject to the right of redemption from Tax Title	With Instrument of Taking, title is held as security for payment of unpaid taxes until taxpayer redeems or rights of redemption are foreclosed by Land Court Judgment [G.L.c.60, §54]
Addition of subsequent taxes to Tax Title account	Once Instrument of Taking is on record, subsequent years' unpaid taxes may be added to tax title account without need to execute new Instruments of Taking [G.L.c.60, §61]
Redemption from Tax Title	Any person having an interest in property may redeem the property by paying the entire tax title account balance plus all interest, penalties, fees and reasonable costs of collection; Upon redemption, Treasurer executes and records/files Instrument of Redemption to release Instrument of Taking [G.L.c.60, §62]
Filing of Foreclosure Petition (Complaint) in Land Court	No earlier than 6 months following execution of Instrument of Taking [G.L.c.60, §65]
Land Court appoints outside Title Examiner to produce Title Report	Purpose is to verify the validity of the Instrument of Taking and further identify all parties with an interest in the property, including all lienholders, so that all parties can be notified of their right to redeem property [G.L.c.60, §66]

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Recording/filing of Notice of docketed Foreclosure Petition with Registry	Copy of recorded/filed Notice must then be submitted to Land Court by municipality
Land Court review of Title Report and service of case Citations on interested parties	Based on findings of Report, Court serves notice on interested parties by sending case Citations by certified mail; as needed, Court requests municipality undertake efforts to locate interested parties who are not successfully served on first attempt [G.L.c.60, §66]
Notice by Newspaper Publication	Court will allow notice to be provided to interested parties by newspaper publication if it determines municipality has exhausted efforts to locate parties [G.L.c.60, §66]
No Answer Filed	If all interested parties have been provided notice and none file an Answer to Complaint, municipality may file Motion for General Default to obtain Judgment [G.L.c.60, §67]
Answer Filed	If interested party files an Answer, municipality must file Motion for Finding in Land Court to set due date by which taxes, interest, fees and reasonable attorneys' fees must be paid; If no payment by due date, municipality may file Motion for Judgment [G.L.c.60, §68]
Judgment	Upon issuance of Judgment, municipality holds absolute title to property [G.L.c.60, §64]
One Year Right to Petition to Vacate Judgment	Former owner may petition Court to vacate Judgment within one year of its entry if property has not been sold to an innocent purchaser in the intervening time [G.L.c.60, §§69 and 69A]
Low Value Administrative Foreclosure through Application to the Department of Revenue	For qualifying low value properties, municipality may file application through DOR's Division of Local Services Gateway online software for administrative foreclose, avoiding a conventional Land Court foreclosure [G.L.c.60, §79]

Full Range of Tax Title Services

- Title, Probate and Bankruptcy research prior to commencement of foreclosure procedures
- Preparation of Demand Letters and Legal Notices
- Preparation and Recording of Instruments of Taking and Statements of Continuing Lien
- Preparation of Foreclosure Petitions and Notices of Filing Petition
- Court representation in Land Court foreclosure proceedings
- Assistance in preparation of low value tax title foreclosure applications to DOR
- Post-foreclosure eviction proceedings
- Post-foreclosure auction assistance, including preparation of documents and conduct of live auction