

Tax Deeded Property Policy

The Board of Selectmen of the Town of Holderness hereby establishes the following policies to implement statutory requirements regarding real estate which is deeded to the Town of Holderness on or after June 25, 1998, as a result of nonpayment of property taxes.

Section 1. General Statement of Policy.

As a general policy, the Selectmen shall dispose of tax deeded property in the manner required by RSA Chapter 80 in accordance with this policy.

- (A) If the Selectmen determine that property shall not be retained by the Town, the provisions set forth in this policy governing disposition of the property shall apply.
- (B) If the Selectmen deem it appropriate that the Town retain for municipal purposes any property acquired by the Town by Tax Collector's Deed, the Selectman shall, at such time as they deem it appropriate to do so, seek confirmation of that decision at the annual Town Meeting.

Section 2. Retention Prior to Disposition/Alternate Means of Disposition.

The Selectmen may retain property prior to its disposition when they deem it appropriate to do so pursuant to State and Federal law.

The Selectmen may seek to obtain the consent of the former owner and others with potential interest in the property to convey property in a manner other than generally set forth in this policy, so long as the legal interests of directly affected parties are not adversely affected.

Section 3. Repurchase by Former Owner.

- (A) If the Town has not otherwise disposed of the property in accordance with State law and this policy, a former owner may serve written notice of an intent to repurchase within 3 years from the date that the tax deed was recorded. In such event, the owner shall pay all back taxes, interest, costs and statutory penalties in accordance with RSA 80:88- 80:91. Upon payment thereof, the Selectmen shall reconvey the property by quitclaim deed. If the former owner does not thereafter tender the amount due within 15 days after service of such written notice, or such longer period as may be acceptable to the Selectmen, that notice shall be void and a new notice from the former owner shall be required. In the event of failure to do so, the Selectmen may also dispose of the property in accordance with this policy.

- (B) If the Selectmen wish to dispose of the property within 3 years of the date that the tax deed was recorded, the Selectmen shall provide notice of its intent to do so not more than 120 nor less than 90 days prior to offering the property for sale. Notice shall be sent by certified mail, address service requested, return receipt requested, to both the last owner and to any lien holders who received notice of intent to deed. When appropriate to the circumstances, the Selectmen may update a title search to the property, the costs of which shall be added to any other fees to which the Town is entitled. The former owner or any mortgage holder may serve, within 30 days of receipt of the notice of intent from the Selectmen, notice of an intent to repurchase the property. The consideration for such repurchase shall include all back taxes, interest, cost and statutory penalties. Said amount shall be tendered to the Selectmen within 15 days. Such tender shall be in the form of cash, certified check or other means acceptable to the Selectmen.
- (C) If the property is reconveyed to the former owner or mortgage holder, the title of the owner shall be subject to all liens and encumbrances which existed at the time of the deeding.
- (D) If the former owner or mortgage holder does not wish to have the property reconveyed, the Selectmen may proceed to sell the property in such manner as they deem appropriate in accordance with RSA 80:80 and Town Meeting authorizations. Within 60 days after such sale, the Selectman shall file a bill of interpleader in Grafton County Superior Court in accordance with RSA 80:88 for distribution of proceeds from the sale. No bill of interpleader, however, is necessary where at the time of the tax deed execution there were no record lien holders and one only record owner of joint owners existed. In the event that no former owner, lien holder, mortgage holder or other person with an interest in the property claims excess proceeds, then the Town shall retain all proceeds of the sale, unless otherwise ordered by the Court.
- (E) Pursuant to RSA 80:89, VIII, upon the expiration of 3 years from the date of recording of the tax deed:
- (1) the Town shall not be obligated to notify former owners (or other interested parties) of intent to sell tax deed properties;
 - (2) the former owners' and others' rights of repurchase shall expire; and
 - (3) the Town shall be under no obligation to distribute proceeds of the sale and the Town shall retain all such proceeds.

Section 4. Town Obligations and Liability Limited.

In Accordance with RSA 80:91, upon issuance and acceptance of a tax deed, the Town may handle the property as the fee owner thereof, including exercise of the rights of occupancy, encumbrance, leasing, altering, or otherwise taking actions that may affect the property. If the Town leases the property to another person, it shall require payment of property taxes to the Town in accordance with RSA 72:23, I.

TITLE 5
Taxation

CHAPTER 80
Collection of Taxes
Real Estate Tax Liens

Section 80:80

80:80 Transfer of Tax Lien.- I. No transfer of any tax lien upon real estate acquired by a town or city as a result of the execution of the real estate tax lien by the tax collector for nonpayment of taxes thereon shall be made to any person by the municipality during the 2-year period allowed for redemption, nor shall title to any real estate taken by a town or city in default of redemption be conveyed to any person, unless the town, by majority vote at the annual meeting, or city council by vote, shall authorize the selectmen or the mayor to transfer such lien or to convey such property by deed.

II. If the selectmen or mayor are so authorized to convey such property by deed, either a public auction shall be held, or the property may be sold by advertised sealed bids. The selectmen or mayor shall have the power to establish a minimum amount for which the property is to be sold and the terms and conditions of the sale.

II-a. If the selectmen or mayor are authorized to transfer such liens during the 2-year redemption period, either a public auction shall be held, or the liens may be sold by advertised sealed bids. The selectmen or mayor may establish minimum bids, and may set the terms and conditions of the sale. Such liens may be sold singly or in combination, but no fractional interest in any lien shall be sold. Such transfer shall not affect the right of the owner or others with a legal interest in the land to redeem the tax lien pursuant to RSA 80:69, or make partial payments in redemption pursuant to RSA 80:71, but the transferee shall become the lienholder for purposes of RSA 80:72 and 80:76.

III. The selectmen may, by a specific article in the town warrant, or the mayor, by ordinance, may be authorized to dispose of a lien or tax deeded property in a manner than otherwise provided in this section, as justice may require.

IV. Such authority to transfer or to sell shall continue in effect for one year from the date of the town meeting or action by the city or town council provided, however, that the authority to transfer tax liens, or to sell real estate acquired in default of redemption, or to vary the manner of such sale or transfer as justice may require, may be granted for an indefinite period, in which case the warrant article or vote granting such authority shall use the words "indefinitely, until rescinded" or similar language.

V. Towns and cities may retain and hold for public uses real property the title to which has been acquired by them by tax collector's deed, upon vote of the town meeting or city council approving the same.

VI. For purposes of this section, the authority to dispose of the property "as justice may require" shall include the power of the selectmen or mayor to convey

the property to a former owner, or to a third party for benefit of a former owner, upon such reasonable terms as may be agreed to in writing, including the authority of the municipality to retain a mortgage interest in the property, or to reimpose its tax lien, contingent upon an agreed payment schedule, which need not necessarily reflect any prior redemption amount. Any such agreement shall be recorded in the registry of deeds. This paragraph shall not be construed to obligate any municipality to make any such conveyance or agreement.

Source. 1987, 322:1. 1992, 173:3, 4. 1993, 176:10, eff. Aug. 8, 1993. 1997, 266:4, eff. Jan. 1, 1998.