DLS
DIVISION OF LOCAL SERVICES
MA DEPARTMENT OF REVENUE

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LAND OF LOW VALUE TAX TITLE FORECLOSURES

Applying for Commissioner's Affidavit

January 2017

LAND OF LOW VALUE FORECLOSURES
Applying for Commissioner's Affidavit

Table of Contents

Attachment	Title	Page
A	Land of Low Value Application Instructions	1
	• Exhibit 1 Gateway Parcel Information Records - Instructions and Validation Rules	5
	• Exhibit 2 Sample Data Extraction - Affidavit	10
	• Exhibit 3 Sample Data Extraction - Statement	11
B	Land of Low Value Application Review Checklist	13
C	Tax Takings and Foreclosures Timetable and Requirements	15

Attachment A

LAND OF LOW VALUE FORECLOSURE APPLICATIONS

INSTRUCTIONS FOR OBTAINING COMMISSIONER'S AFFIDAVIT

1. REVIEW VALIDITY OF TAX TAKING

A. Valid Assessment

- **Review for obvious assessment irregularities.**
- **Review "owner unknown" assessments.**
  - Assessments as of January 1, 1972-January 1, 2016 must have been authorized by Commissioner of Revenue.
  - If an assessment was made without authorization, the collector must disclaim, have assessors obtain authorization and reassess tax, then retake.
- **Review assessments to sole individual or heirs, devisees or estate of individual, or where source of title or tax title is 10 or more years old.**
  - Assessors should review registry and probate records to confirm there was no change in record ownership before the next January 1 assessment date that would invalidate assessment for year taken and any subsequent year certified into tax title account.
  - For proper party to assess after sole owner dies, see Section 7.2.1 of Chapter 1 of Assessors Course 101 Handbook.

B. Valid Taking

- **Review taking was made before lien(s) expired.**
- **Review taking was made according to statutory schedule.**
  - No earlier than May 2 of the tax year, demand is mailed to the assessed owner (assumes May 1 is the last day taxes are due). G.L. c. 60, § 16.
  - No earlier than May 17 and at least 14 days after the demand mailed, notice of the collector's intent to take is given in two ways by:
    - Advertising in a local newspaper, or if no local newspaper, in the county covering the municipality, and
    - Posting in two public places.
    - Posting date can be same or earlier than advertising date, so long as at least 14 days have elapsed between the demand and posting.

Example

Demand Made May 10
Land Advertised May 30
Notice of Intent to Take Posted May 28

- No earlier than June 1 and at least 14 days after the later of the notices, the taking is made. G.L. c. 60, §§ 42 and 53.
- Within 60 days of the date of taking, the instrument of taking is recorded. G.L. c. 60, § 54.

- **Review taking for errors.**
  - Review Instrument of Taking for errors.
  - Error in taking must be substantial or misleading to invalid tax title.

C. Takings for Multiple Years

- **Review taking to ensure it (1) was based on valid assessments for all years taken and (2) followed the statutory schedule based on the demand date for the latest year taken.**

2. DETERMINE IF LAND OF LOW VALUE

- **Assessors must be able to certify that parcel qualifies as of date of application based on land of low value limit for the calendar year of the application. Limit found in Informational Guideline Release (IGR) issued each year.**
- **Assessors must be able to demonstrate that a parcel qualifies with specific information about its characteristics.**
- **Application must include most current assessed valuation and assessors' best judgment of fair cash value as of the application date.**

3. REVIEW COLLECTION ACTIVITIES

- **Collector should review sufficiency of notices (tax bills, demands, etc.) before submitting application.**
- **Collector must certify all subsequent year delinquent taxes to the account before the application is made.**

4. APPLY FOR AFFIDAVIT

Applications are submitted to DOR (Bureau of Municipal Finance Law) through Gateway (Under Miscellaneous Forms Tab). Treasurers must wait **at least 90 days** after the taking to apply to foreclose tax title on a parcel with a current value under the land of low value limit.

Complete Form 452A (Treasurer & Assessors Statements) for each parcel (See Exhibit 1 "Gateway Parcel Information Record - Completion Instructions and Validation Rules.")

- The treasurer and assessors complete a "Parcel Information" record for each parcel on-line. They can enter and save information until the treasurer is ready to validate the parcels and apply by submitting a "group" of "validated" parcels. The parcel information becomes the statement (Form 452A) the treasurer records along with the affidavit (Form 452) issued by the Commissioner. **(For example of how the system draws data from the parcel information record to generate the affidavit and statement, see Exhibit 2 "Land of Low Value Affidavit – Gateway Data Extraction" and Exhibit 3 "Land of Low Value Parcel Statement – Gateway Data Extraction.")**
    - If due to passage of time or other reason, the treasurer cannot supply any of required information, an explanation should be provided in a document uploaded into the parcel information record. **See Exhibit 1 "Gateway Parcel Information Record - Completion Instructions and Validation Rules."**
- For each parcel, the following supporting documents must be uploaded into the parcel information record. **Please name files being uploaded using <u>letters and numbers only</u> and if possible, with 20 or fewer characters. Do <u>not</u> use any punctuation or symbols.**

    1 Recorded instrument of taking;

    2 Affidavit related to title if applicable ("Scrivener's error" affidavit by person with personal knowledge of facts relevant to title that assist in clarifying chain of title, certified by attorney and recorded - G.L. c. 183, § 5B);

    3 Property record card;

    4 Map with parcel, <u>with nearest right of way and any abutting parcels owned by taxpayer marked;</u> and

    5 Owner unknown authorization letter if applicable.

- The collector must have certified delinquent taxes for all subsequent years into the tax title account. All years subsequent to the **<u>first year taken</u>** must be listed in § 4 of the parcel information record. If there are gaps in the certifications for any of the years listed, include an explanation (e.g., paid, abated, not assessed). **See Exhibit 1 "Gateway Parcel Information Record - Completion Instructions and Validation Rules."**
- The assessors should explain the reason the assessed valuation of a parcel exceeded by more than 150% the land of low value maximum for any years listed in the subsequent year taxes section of the parcel information record (§ 4)(e.g., house on parcel destroyed by fire and demolished during FY____). **See Exhibit 1 "Gateway Parcel Information Record - Completion Instructions and Validation Rules.")**
- The treasurer and assessors (majority of board) must electronically sign their respective parts of the parcel information record.
    - A deputy or assistant assessor may sign on behalf of the board provided:

    - The board has authorized the deputy or assistant assessor to sign on its behalf, a document with that authorization is on file locally and a statement to this effect is included in the Comments section.
    - A majority of the board signs the actual statement for each parcel recorded with the affidavit issued by the Commissioner.

- Once parcel records are complete for all parcels being included in the application and have been signed, the treasurer validates each record, which locks it.
  - **Before validating** the data for each parcel, the treasurer must check the record for inconsistencies with the supporting documents. The statements being recorded with the affidavit issued by the Commissioner must be accurate, complete and consistent with other recorded documents.
    - **Discrepancies between parcel records and supporting documents, such as different demand, posting or taking dates, legal references, parcel descriptions, etc., cause most of the delays in approving applications.**
  - Gateway has automatic edits for completeness and logical chronology of events that run during the validation function.
    - If validation tests are met, the treasurer will be asked:

      "Do you really want to do the "Validate Form" action on this form?"

      If "Yes" is clicked, the parcel record is **locked** and parcel is listed in "Group Submit" as ready to submit.
    - **Once validated, local officials cannot edit or save the data in the parcel record until the Bureau unlocks the record for community action.**
- Treasurers apply for an affidavit for 1 or more validated parcels through the "Group Submit" function.
  - **The Bureau will notify the treasurer by email of any discrepancies or issues found in its review.**
- Once the application is approved and affidavit generated, the treasurer will receive an e-mail notice of the parcels in the affidavit. The treasurer must then print out the Form 452A for each parcel (in parcel record, click on "Print" in lower left corner to bring up pdf). The treasurer and a majority of the board of assessors must then sign their respective portions of the statements. The signed affidavit will follow in the mail. Upon receipt, the treasurer must record the signed affidavit and statements.
- The treasurer should complete the foreclosure by auction as soon as possible, but before the affidavit expires. The affidavit expires 2 years from the date signed.

Exhibit 1

GATEWAY PARCEL INFORMATION RECORD
Completion Instructions and Validation Rules

Please name files being uploaded using letters and numbers only and if possible, with 20 or fewer characters. Do not use any punctuation or symbols.

SECTIONS 1-5 – Completed by Treasurer

Section 1. Tax Taking (Documentation recorded instrument of taking)		
1a	Fiscal Year Taxes Taken	**If taking was for multiple years, insert earliest FY only**
1b	Date of Taking	**No earlier than June 1 of FY taxes taken in § 1a and at least 14 days after later of § 3c and § 3f**
1c	Instrument of Taking Signed By	
1d	Date Instrument of Taking Recorded	**No earlier than § 1b and no later than 60 days after § 1b**
1e	Recording Reference: Place Instrument Recorded If Recorded Land If Registered Land If Devised or Inherited	 _____ Book _____ Page _____ Certificate of Title No. _____ Document No. _____ Volume _____ Page _____ Probate Reference _____ **(Place and 1 reference type must be completed)**
1f	Supply **Recorded Instrument of Taking** to upload	**Must upload**
	Select **Treasurer Other file** to upload	**May upload other relevant document here or under "Current Documents"**

Section 2. Tax Assessment for Year Taken		
2a	Assessed Owner(s)	
2b	Title Reference Place Title Reference Recorded If Recorded Land If Registered Land If Devised or Inherited	 _____ Book _____ Page _____ Certificate of Title No. _____ Document No. _____ Volume _____ Page _____ Probate Reference _____ **(Place and 1 reference type must be completed)** **(If Unknown Owner, insert None in "Place" and N/A in "Book and Page")**
2c	Property Location and Description Street Number Street Alpha Street Name	 _____ _____ **(e.g., "A" "Rear")** _____
2d	Assessors' Map Identification for Property	
2e	Property Description	
2f	Date Tax Committed	**If taking was for multiple years, insert commitment date of tax for earliest FY only**

Section 3. Collection Notices		
3a	Date Demand Mailed	**If taking was for multiple years, insert date demand mailed for earliest FY only <u>and</u> in document uploaded under 1f "Select Treasurer Other" or "Current Documents" provide dates demands sent for other years (<u>unless</u> those dates are stated in Instrument of Taking)** **No earlier than May 2 of FY taxes taken in § 1a**
3b	Person Demand Made On	
3c	Date Notice of Taking Advertised	**No earlier than May 17 of FY taxes taken in § 1a <u>and</u> at least 14 days after § 3a**
3d	Newspaper Advertised	
3e	Property Description in Advertisement	
3f	Date Notice of Taking Posted	**No earlier than May 17 of FY taxes taken in § 1a <u>and</u> at least 14 days after § 3a**
3g	1st Place Notice of Taking Posted	
3h	2nd Place Notice of Taking Posted	

Section 4. Subsequent Taxes and Assessment				
Fiscal Year	**Assessed Owner(s)**	**Assessed Valuation**	**Date Certified**	**Amount Certified**
	List <u>all</u> years since year of taking. If gap in certification for any year listed, explain in this column (*e.g.*, paid, abated, not assessed). **If taking for multiple years, start list with <u>second year taken</u>. Insert date of taking in "Date Certified" column for all years in taking.**	**Must complete. If data unavailable due to passage of time, insert the number 1.**		**Must complete. If paid, abated or not assessed, insert 0.**

(This field is expandable)

Section 5. Owner		
5a	Does taxpayer own any other parcels within municipality?	Yes ____ No _____ **If "Yes," must answer § 5b "Yes" or "No"** **If No, § 5b and § 5c defaults to "Not Applicable"**
5b	If **5a** yes, is taxpayer current on taxes assessed on those parcels?	Yes ____ No _____ Not Applicable _____ **If "Yes," must answer § 5c "Yes" or "No"** **If "No," § 5c defaults to "Not Applicable"**
5c	If **5b yes**, were tax bills for those parcels mailed to same address as bill and demand for this property?	Yes ____ No _____ Not Applicable _____
5d	If **5c no**, provide mailing address used for this property, state whether bill or demand was returned as undeliverable and if yes, explain action taken when returned.	**If § 5c "No," must include explanation** **Leave blank otherwise**

SECTION 6 – Completed by Assessors

Section 6. Supply Property (Documentation Property Record Card and Map with parcel, nearest right of way and abutting parcels owned by taxpayer marked)		
	Select **Property Record file** to upload	**Must upload**
	Select **Map file** to upload	**Must upload**
	Select **Owner Unknown Authorization/other** to upload	**Must upload if § 2a Owner Unknown** **May upload other relevant document here or under "Current Documents"**
6a	Assessed Valuation (most recent)	January 1, _____ $_____
6b	Fair Cash Value (**as of application date**)	_____ , _____ $_____ **Must be equal/less than LOLV limit for year**
6c	Property Classification Code (most recent)	_____ January 1, _____ _____
6d	Zoning What is zoning classification? What uses are allowed? What are minimum dimensions for development?	 _____ **(Insert code, e.g., R1)** _____ **(Describe uses)** _____
6e	Parcel Dimensions What is the area in square feet or acres? What is the frontage in feet?	 _____ ____square feet/acres _____
6f	Access Is the parcel landlocked? Is the parcel part of paper subdivision? If yes to either, what is the distance to the nearest right of way?	 Yes ____ No _____ Yes ____ No _____ _____**(Required if "Yes" to either)**
6g	Other Legal Development Restrictions Is any land protected watershed or wetlands? Is any land subject to a recorded permanent restriction on its use? If yes to either, or land is subject to other legal restriction on use, describe the restriction and percentage of land area it covers.	 Yes ____ No _____ Yes ____ No _____ _____**(Required if "Yes" to either)**
6h	Topography Does the parcel contain a water body (e.g., lake, pond, marsh)? Does the parcel have a steep slope? Does the parcel contain ledge? If yes to any, or other adverse physical condition exists on parcel, describe the condition and percentage of land area it covers.	 Yes ____ No _____ Yes ____ No _____ Yes ____ No _____ _____**(Required if "Yes" to any listed condition, may be used for other condition)**

6i	Development Status (Choose any one option) Is the parcel developable (meets zoning requirements or buildable under grandfather provision)? Is the parcel potentially developable (may be buildable with special permit, acceptable percolation test or order of conditions)? Is the parcel undevelopable (not buildable due to zoning, other development restrictions or physical characteristics)?	Yes ____ No _____ Yes ____ No _____ Yes ____ No _____ **Must choose 1**
6j	Improvements Are there buildings on the parcel? Are there other improvements on the parcel? If yes to either, describe them.	Yes ____ No _____ Yes ____ No _____ _____**(Required if "Yes" to either)**
6k	Abutting Land Has a land of low value foreclosure application been submitted or approved for abutting land? Does taxpayer own any separately assessed contiguous land?	Yes ____ No _____ Yes ____ No _____ (**Answer "Yes" if any part of parcel touches another parcel owned by taxpayer, including land separated by a public or private way or waterway, e.g., land across the road that would touch but for the road. If "Yes," must complete next fields.)**
	If taxpayer owns **separately assessed** contiguous land, provide most recent assessed valuation(s) of all parcels that constitute contiguous land.	**Assessors Map Identification** / **Assessed Valuation**
	(This field is expandable)	
6l	Assessed Owner **(Section 6l only appears in parcel statements created after May 14, 2016. If not included, provide information in document uploaded under "Select Owner Unknown Authorization/other" or "Current Documents.)** Was the assessed owner for the year(s) taken, or for any of the subsequent years listed in Section 4, a sole individual or the heirs, devisees or estate of individuals? If **yes**, have the assessors reviewed probate records to confirm that the tax for each of those years was assessed to the proper party? If no, explain why the assessors believe the assessments for those years were valid.	Yes ____ No _____ **If "Yes," must answer next question.** **If "No" defaults to "Not Applicable."** Yes ____ No _____ **If "No," must include explanation below.** _____

TREASURER COMMENTS:

ASSESSORS COMMENTS: **Gateway On Behalf of Rules - If signing on behalf of board of assessors, include statement to that effect here, e.g., "Authorized to sign by BOA. Document bearing assessors authorization on file."**

CURRENT DOCUMENTS:

<u>Treasurers</u> – Upload documents here or under "Treasurer Other file:"

- **Recorded G.L. c. 183, § 5B affidavit**
- **Explanation of discrepancies between recorded instrument of taking and information on parcel statement to be recorded with LOLV affidavit, *e.g.*, Map ___ Parcel ___ is now identified as _____ due to remapping.**
- **If taking for multiple years, dates demands sent for years other than first year taken (<u>unless</u> those dates are stated in Instrument of Taking).**
- **Explanation for any required information that cannot be supplied due to passage of time or other reason.**

<u>Assessors</u>- Upload documents here or under "Select Owner Unknown Authorization/other:"

- **Explanation of discrepancies or variations in assessed valuation over the years the property has been in tax title, e.g., where valuation exceeded land of low value threshold in prior years by 150% or more and has been reduced to valuation below that threshold.**
- **If taxpayer owns separately assessed contiguous land (§ 6k), whether if merged into single parcel for assessment the dimensions of that parcel would result in a buildable lot, i.e., one that does not meet the land of low valuation limit.**
- **If assessed to sole individual or the heirs, devisees or estate of individuals, confirmation that registry and probate records have been reviewed before the application was submitted to verify that the assessment was valid for the fiscal year taken and all subsequent years listed in the statement (<u>unless</u> statement includes § 6l).**
- **If source of title or tax title is 10 or more years old, confirmation that registry and probate records have been reviewed before the application was submitted to verify that the assessment was valid for the fiscal year taken and all subsequent years listed in the statement.**

Exhibit 2

This affidavit must be filed for record or registration

State Tax Form 452

COMMONWEALTH OF MASSACHUSETTS
Affidavit To Foreclose Tax Title - Land of Low Value
General Laws Chapter 60, Section 79

To _____, Treasurer of _____

I, _____ , Commissioner of Revenue, hereby states that in my opinion (1) the value of each parcel of land held by the _____ of _____ under an instrument of taking or a tax title deed listed below is insufficient to meet the taxes, interest and charges, and all subsequent taxes and assessments thereon, together with the expenses of a foreclosure of the rights of redemption under General Laws Chapter 60, § 69, (2) the value of none of these parcels exceeds $ **_____,** and (3) the facts essential to the validity of the tax title on each of these parcels have been adequately established. The attached Statement Relative to Tax Title submitted under General Laws Chapter 60, § 79 for each parcel is made a part of this affidavit.

NO.	NAME OF PERSON ASSESSED IN THE YEAR OF THE TAX FOR WHICH THE LAND WAS SOLD OR TAKEN _____ LOCATION OF PARCEL	Year of Tax for which Land was Taken or Sold	Date of Taking or Sale	INSTRUMENT OF TAKING OR TAX TITLE DEED		
				RECORDED		REGISTERED
				Book	Page	Certificate of Title No.
	2a **2c** **2d**	**1a**	**1b**	**1e**	**1e**	**1e**

Signed under the pains and penalties of perjury this day of , .

_____

On behalf of COMMISSIONER OF REVENUE

THE COMMONWEALTH OF MASSACHUSETTS

Suffolk County, ss. Date

On this _____ day of _____, _____, before me, the undersigned notary public, personally appeared _____ proved to me through satisfactory evidence of identification, based on my personal knowledge of ____ to be the person whose name is signed on the preceding document, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of ___ knowledge and belief.

_____

My commission expires _____

AFFIDAVIT EXPIRES 2 YEARS AFTER ITS DATE FOR ANY PARCEL FOR WHICH A TREASURER'S DEED IS NOT RECORDED

Exhibit 3

This statement must be filed for record or registration with State Tax Form 452

State Tax Form
452A

COMMONWEALTH OF MASSACHUSETTS
City/Town of _____
Office of the Treasurer

STATEMENT RELATIVE TO TAX TITLE - LAND OF LOW VALUE
General Laws Chapter 60, Section 79

The validity of the tax title on the parcel of land described below is established by the following information from the records of the assessors and collector of taxes and the parcel's valuation is established by the information in the certification of the assessors contained in this statement.

LAND WAS TAKEN OR SOLD FOR FISCAL YEAR 1a TAXES

Taxes Assessed to **2a**

Title Acquired by Deed Recorded/Registered with **2b (place)**

Book **2b** Page **2b** Certificate of Title No. **2b** Document No. **2b** Registration Volume **2b** Page **2b**

Other source of title **2b**

Property Address **2c** Assessors' Map Identification for Property **2d**

Tax Committed to Collector of Taxes on **2f**

Demand Made on **3b** on **3a**

Newspaper Land Advertised in **3d** on **3c**

Property Description as Appearing in Advertisement **3e**

Date Notice of Taking/Sale Posted **3f**

1st Place Notice of Taking/Sale Posted **3g** 2nd Place Posted **3h**

Taking Made on **1b**

Instrument of Taking Signed by Collector of Taxes **1c**

Instrument of Taking Recorded on **1d** with **1e (place)**

Book **1e** Page **1e** Certificate of Title No. **1e** Document No. **1e** Registration Volume **1e** Page **1e**

Subsequent Taxes and Assessments **4**

Year	Date Certified	Amount Certified

Under the pains and penalties of perjury, I declare that to the best of my information and belief, this statement is true, correct and complete.

_____
Signature of Treasurer

Date _____, _____

_____
Printed/Typed Name of Treasurer

Assessors' Certification – Land of Low Value

Assessed Valuation (most recent) January 1, _____ $_____ **6a**

Fair Cash Value (as of application date) _____ , _____ $_____ **6b**

Zoning 6d

What is the zoning classification?

What uses are allowed?

What are the minimum dimensions for development?

Parcel Dimensions 6e

What is the area in square feet or acres? What is the frontage in feet?

Access 6f

Is the parcel landlocked? Is the parcel part of paper subdivision?

If yes to either, what is the distance to the nearest right of way?

Other Legal Development Restrictions 6g

Is any land protected watershed or wetlands?

Is any land subject to a recorded permanent restriction on its use?

If yes to either, or land is subject to other legal restriction on use, describe the restriction and percentage of land area it covers.

Topography 6h

Does the parcel contain a water body (e.g., lake, pond, marsh)?

Does the parcel have a steep slope? Does the parcel contain ledge?

If yes to any, or other adverse physical condition exists on parcel, describe the condition and percentage of land area it covers.

Development Status 6i

Is the parcel developable (meets zoning requirements or buildable under grandfather provision)?

Is the parcel potentially developable (may be buildable with special permit, acceptable percolation test or order of conditions)?

Is the parcel undevelopable (not buildable due to zoning, other development restrictions or physical characteristics)?

Improvements 6j

Are there buildings on the parcel? Are there other improvements on the parcel?

If yes to either, describe them.

Abutting Land 6k

Has a land of low value foreclosure application been submitted or approved for abutting land?

Does taxpayer own any separately assessed contiguous land?

Under the pains and penalties of perjury, I declare that to the best of my information and belief, this statement is true, correct and complete.

_____ _____

_____ _____

_____ _____

Signature of Board of Assessors Printed/Typed Names of Board of Assessors

Date _____, _____

Attachment B

LAND OF LOW VALUE
APPLICATION REVIEW CHECKLIST

TREASURERS

- — Taking followed statutory timetable
- — If taking for multiple years, taking followed timetable that applies to last year taken
- — If change in ownership occurred after 1/1 assessment date(s) of year(s) in taking, taking made before lien(s) terminated
- — All outstanding taxes for years subsequent to the year(s) in taking through the current year have been certified into the tax title account
- — Instrument of Taking has been uploaded
- — If taking for multiple years, the dates inserted in Sections 1a, 2f and 3a of the on-line parcel statement are for the 1st year taken
- — Information inserted in Sections 1, 2 and 3 of on-line parcel statement matches information found in uploaded documents (Instrument of Taking, Property Record Card, Map, Other), including:
  - — Demand, taking and taking recording dates
  - — Recording references for Instrument of Taking and source of title
  - — Assessed owner(s)
  - — Parcel identification, location and description (including area)
- — Section 4 Subsequent Taxes and Assessments lists every year after the 1st year taken and shows explanation if taxes not certified for any of those years
- — Section 4 Subsequent Taxes and Assessments shows the assessed valuation for all years listed
  - — Assessed valuations match valuations for all of the same years shown on the Property Record Card
  - — Assessors have explained reason for assessed valuation for any year shown that is significantly greater (150%) than current Land of Low Value limit (in their Comments section or a document uploaded under “Current Documents”)
- — At least 90 days have elapsed since the taking was made

ASSESSORS

- Most current year's property record card and map have been uploaded
  - Map includes the entire parcel and parcel is marked for easy identification
- If property assessed to owner unknown for fiscal year 2017 or before, DOR approval letter has been uploaded
- If property assessed to sole individual, estate or heir(s), or in tax title for over 10 years, Registry of Deed and Probate records have been reviewed to verify assessments valid
- Property described in the deed, certificate of title or probate reference listed in Section 2b of on-line parcel statement is same property described in uploaded Instrument of Taking, Property Record Card and Map
- Information inserted in Section 6 of on-line parcel statement matches information found in uploaded Property Record Card and Map, including:
  - Parcel dimensions and access
  - Topography
  - Improvements
- If parcel has frontage on public way and no topographic or legal restrictions reported in Sections 6g and 6h, status of parcel has been reviewed to confirm parcel is not grandfathered, pre-existing non-conforming lot under G.L. c. 40A, § 6

BOTH

- Explanatory document(s) have been uploaded
  - Explanations by Treasurer uploaded under Section 1f "Treasurer Other file" or "Current Documents"
  - Explanations by Assessors uploaded under "Owner Unknown Authorization/Other" or "Current Documents"

Attachment C

TAX TAKINGS AND FORECLOSURES TIMETABLE AND REQUIREMENTS

For overall process, **review Tax Title** chapter of the Treasurer's Manual published by MCTA. It is found at: http://mcta.virtualtownhall.net/Pages/index - On left, click on Treasurer's Manual. Click on Chapter 5 - Also see IGR 05-208 – for a few changes in law since Chapter 5 issued.

NO.	ACTION	REQUIREMENTS AND CITATIONS
1.	Make Demand	When a real estate tax becomes past due, the collector sends a demand requesting payment. Sending a demand is a condition precedent to a valid tax taking. The demand can be sent no earlier than May 2 (or the day after last day for payment of tax for the fiscal year if later). G.L. c. 60, § 16.
2.	Advertise Delinquency and Intent to Take	The collector must wait at least 14 days after the demand is mailed (Step 1). If the taxes remain unpaid, the collector must give notice of intent to take the parcel. Notice of intent to take is given by publication in a newspaper in the municipality, or, if there is no paper published in the municipality, in a newspaper published in the county. *(An alternative to notice by publication is service of notice in the same way that subpoenas are served. However, this alternative is seldom used because of its cost and uncertainty.)* The notice must contain a description of the property to be taken, the amount of taxes and other charges for which the property will be taken, the names of all owners known to the collector, and the time and place of the taking. G.L. c. 60, §§ 17, 40 and 53.
3.	Post Intent to Take in 2 Places	The collector must also post the notice of intent to take in 2 public places in the municipality. The posting must be made at least 14 days after the demand is mailed (Step 1), but does not have to be the same date as the notice of intent to take is advertised (Step 2). G.L. c. 60, §§ 17 and 53.
4.	Make Taking	The collector must wait at least 14 days after the later of the notice of intent to take is advertised or posted (later of Step 2 and 3). The collector then makes the taking at the time and place in the notice. G.L. c. 60, § 53.

NO.	ACTION	REQUIREMENTS AND CITATIONS
5.	Record/Register Instrument of Taking	After the taking, the collector must record or register the instrument of taking at the Registry of Deeds within 60 days of the date of taking (Step 4). The instrument must include the property description, name of the assessed owner or owners, and taxes and charges for which the property was taken. If the land is recorded (book and page title reference), the instrument is recorded. If the land is registered (certificate number title reference), the instrument is registered with the Land Court section of the Registry of Deeds. G.L. c. 60, § 54.
6	Foreclose (Land Court)	After the taking, collection responsibility is transferred to the treasurer. With some exceptions, the treasurer must wait at least 6 months after the date of the taking (Step 4) to petition Land Court to foreclose the tax title. Exceptions are where: • A taxpayer has a payment plan under G.L. c. 60, § 62 (up to 2 years) or G.L. c. 60, § 62A (up to 5 years by bylaw/ordinance, with possible interest waiver of up to 50%). • A taxpayer has a tax deferral under G.L. c. 59, § 5(18A) (hardship) or G.L. c. 59, § 5(41A) (senior) (6 months after the property is sold or taxpayer dies). • The buildings on the parcel are abandoned (immediately, but **now requires recording of affidavit from building inspector, not DOR). G.L. c. 60, § 81A, as amended by St. 2016, c. 218, § 167, effective 11/7/2016.** • The redemption amount exceeds the assessed value (immediately, but requires recording of affidavit by treasurer). G.L. c. 60, § 81B.
7.	Foreclose (Administrative)	The treasurer must wait at least 90 days after the taking (Step 4) to apply to DOR to foreclose tax title on a parcel with a current value under the land of low value limit. The treasurer records the DOR affidavit and statements for each parcel included in the application. After the recording, the treasurer must hold an auction after newspaper advertisement and public posting in at least 1 place at least 14 days before auction. The treasurer records the deed to the accepted bidder within 15 days of the execution of the deed (or 60 days after the auction if the deed is to the municipality). G.L. c. 60, §§ 79-80.
8.	Vacate Foreclosure	Land Court – To redeem after foreclosure by Land Court, the prior owner must petition the court to vacate the foreclosure decree within 1 year of the decree (90 days of the decree if abandoned building or redemption exceeds value). G.L. c. 60, § 69A. Administrative – The prior owner cannot redeem after foreclosure by a land of low value sale. G.L. c. 60, § 80A.
9.	Accept Deed in Lieu of Foreclosure	Municipality may accept deed to a parcel subject to liens for outstanding municipal taxes or charges before or after a taking. Legislative body approval is required. G.L. c. 60, § 77C; IGR 02-206, Section II.

Example

Tax Taking Timetable

Last tax installment due	May 1	Earliest May 1
Demand Mailed	May 10	Earliest May 2 (at least 1 day after May 1 due date)
Notice of Intent to Take Posted	May 28	Earliest May 25 (at least 14 days after May 10 demand)
Notice of Intent to Take Published	May 30	Earliest May 25 (at least 14 days after May 10 demand)
Taking Made	June 20	Earliest June 14 (at least 14 days after May 30, later of publication and posting)
Instrument of Taking Recorded	June 20	Latest August 19 (within 60 days after June 20 taking)