



Massachusetts
Land Court

THE TAX LIEN FORECLOSURE PROCESS

If you fail to pay your local taxes or water/sewer bills by their due date, it could result in foreclosure. Below are the general steps in the tax lien foreclosure process in Massachusetts.

There are other more detailed steps, requirements, options, and deadlines.

For more information, go to the Land Court website at

<https://www.mass.gov/land-court-tax-lien-foreclosure-cases-resources>

1

The Property Owner Fails to Pay



When a city or town assesses property taxes or water/sewer charges, it automatically obtains a lien on the property. If your property tax bill or water/sewer bill is unpaid for 30 days, the city or town can try to collect payment. It does this by sending a demand for payment to the last, best address of the property owner.

2

The City/Town Records a "Tax Taking" of the Property



If you do not pay within 14 days of the demand, the city or town can record a document called a "tax taking" or "instrument of taking" at the Registry of Deeds. The city or town gets title to the property, but will have to give the title back if you pay all that is due before a final foreclosure by the Court. The city or town then can pursue a legal claim against the property for the amount owed. This can include delinquent charges, fees, and interest. (See [FAQ #3](#))

3

A Private Party Can Become Owner of the Tax Taking



There are a number of ways that a private party can become the owner of your tax lien instead of the city or town. For example, the city or town can bundle tax bills together and sell them to a private party. The city or town can also auction off the tax title to a private party. (For a more detailed description of how a private party can become the owner of your property, see [FAQ #6](#))

4

The Plaintiff Files a Complaint



Usually, once six months have passed after the tax taking or sale of the tax title, the holder of your tax title (the plaintiff) may file a complaint in the Land Court. This begins a foreclosure case.

5

The Court Gives Notice to All Interested Parties



After the plaintiff files a complaint, the Court appoints an independent title examiner. The title examiner prepares and submits a title report to the Court. This report lists those parties with registered or recorded interests in the property. The Land Court then arranges for notice to all parties listed in the report. Sometimes, notice may need to be published in a newspaper.

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The Property Owner Can File an Answer



If you want to respond to the complaint, you must file an answer in the Land Court before the return date in the notice. You must also serve the answer on the plaintiff. This means notifying the plaintiff in the proper, legal way. After serving the plaintiff, you must also file a certificate of service. This tells the Court that you have, in fact, served the answer on the plaintiff. (See [FAQ #7](#) and [FAQ #13](#))

7

The Property Owner and the Plaintiff Attend One or More Court Hearings



If you file an answer, the plaintiff will ask the Court to determine the total amount you owe (issue a finding). The Court will then schedule a hearing. You will receive a copy of the plaintiff's request for a finding and a hearing notice. This notice will include the time, date, and location of the hearing. At the hearing, you can offer to redeem the property by paying all taxes, interest, and fees owed. You may also raise the issue of your ability to pay certain fees and request a payment plan. You can argue other points against the foreclosure case, too. After hearing both sides, the Court may issue a "finding" about how much you owe and the date by when you will need to pay it. This finding may allow you to get the property back ("redeem") by paying a certain amount by a certain date.

8

The Court Makes a Judgment



If you do not pay the amount back by a certain date, the plaintiff can file a motion for judgment and hearing notice. The Court will schedule a hearing on the Motion for Judgment. At this hearing, the Court may make a judgment of foreclosure. If the Court makes a judgment of foreclosure, your ability to get the property back ends, and the plaintiff gets full ownership of the property. If a judgment of foreclosure enters and you lose ownership of your property, you may seek to recover compensation if the property taken is worth more than you owe. (See [FAQ #18](#) and [FAQ #19](#))



MORE INFORMATION

For more information on tax lien foreclosures, including the FAQs, visit <https://www.mass.gov/land-court-tax-lien-foreclosure-cases-resources>

