



Tax Collection

Tax Titles and Deferrals and Other Collection Issues

Workshop B 2018

TABLE OF CONTENTS

Workshop B

TAX COLLECTION

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	<u>Page</u>
DISCUSSION QUESTIONS	1
GENERAL LAWS	
Chapter 40, § 22A	10
Chapter 40, § 42A	10
Chapter 40, § 57	11
Chapter 44, § 53C	12
Chapter 44, § 53G	13
Chapter 59, § 5, Clause 18A	13
Chapter 59, § 5, Clause 41A	15
Chapter 60, § 2C	17
Chapter 60, § 3A	23
Chapter 60, § 15B	25
Chapter 60, § 16	26
Chapter 60, § 17	26
Chapter 60, § 23	26
Chapter 60, § 35	27
Chapter 60, § 37	27
Chapter 60, § 40	28
Chapter 60, § 42	28
Chapter 60, § 52	28
Chapter 60, § 53	29
Chapter 60, § 54	30
Chapter 60, § 65	30
Chapter 60, § 77B	30
Chapter 60, § 77C	32
Chapter 60, § 93	32
Chapter 60A, § 1	32
Chapter 60A, § 2A	33
Chapter 83, § 15	34
Chapter 83, § 15C	35
Chapter 83, § 15D	35
Chapter 83, § 16	35
Chapter 83, § 16B	35
Chapter 83, § 16E	36
Chapter 149, § 148	36

UNITED STATES CODE

31 USC 5103

38

DEPARTMENT OF REVENUE MATERIALS

Tax Takings Timetable and Requirements Chart

39

Tax Taking Timetable Example

41

Discussion Questions

1. Sarah is tax collector in Puddlesby, MA and a firm believer in Murphy's Law. She has seen a variety of errors in the printing of tax bills during her years of service, and knows exactly to respond to each. Here are some of the issues she has encountered:
 - A. The tax rate was not printed on some or all of the bills for the annual commitment.
 - B. The collector's name is not on the bills.
 - C. Last year's tax rates appear on the bills.
 - D. The wrong valuations appear on the bills.
 - E. The wrong amount due is reflected on the bills.
 - F. The wrong address was given for certain taxpayers.
 - G. The wrong date is given for the last day for filing abatement applications.

G.L. c. 60, § 3A

2. Elmer, who is 68 years old, invested his savings in the coal industry, but saw his fortunes decline when Massachusetts denied a license to a proposed coal-burning power plant on Cape Cod. He has seen his income and assets diminish. His property taxes have suddenly become more burdensome, and he is considering the possibility of a tax deferral.
 - A. His town has set the gross receipts threshold at the maximum amount allowed under Clause 41A of Chapter 59, § 5. How is this amount determined, and where does it stand in FY2019?
 - B. Elmer's gross receipts were less than the maximum required for eligibility for tax deferral. Elmer is wondering about the maximum amount in taxes he can defer in relation to the value of his property. What is this threshold?
 - C. Elmer applied for tax deferral by the deadline. What is the last day to apply for tax deferral?
 - D. Elmer's application for a tax deferral was approved by the assessors, but he did not sign the required Tax Deferral and Recovery Agreement until late August, after the 1st quarter payment of his preliminary tax was due. He paid the 1st quarter bill in a timely fashion. How is the first quarter payment treated when the deferral goes into effect?
 - E. How is the tax deferral account set up?
 - F. What rate of interest is charged?

- G. Elmer reapplies for tax deferral in the next two fiscal years. After he signs the agreement for the third fiscal year of tax deferral, his son asks that he put the property in trust of which he is a co-trustee, while reserving for himself a life estate. His lawyer prepares a declaration of trust and tells Elmer that he will remain eligible for tax deferral because he is a trustee of the ownership trust. What are the tax consequences of this transfer of the property into trust?
- H. Does Elmer remain eligible for tax deferral in the fiscal year following the transfer of the property to trust ownership?

G.L. c. 59, § 5, Clause 41A

- 3. Mudville, MA has decided to provide sewer service to its Northside neighborhood. The intention is to split costs between the tax levy and special assessments imposed on properties that will gain access to the town sewer system.
 - A. What is the procedure for ordering sewer special assessments?
 - B. When and for what properties must a lien be recorded?
 - C. When does the collector prepare a bill for the special assessment of benefitted properties? What information must the bill contain?
 - D. Does the taxpayer have to pay the entire liability in lump sum, or can the special assessment be divided up and paid over time with interest?
 - E. What are the options for apportionment of the special assessment that affected residents have? Who decides which apportionment method will be used?
 - F. How does the unpaid portion of the special assessment get added to the property tax bill?
 - G. How often is the special assessment billed on the taxpayer's property tax notice?
 - H. What rate of interest is charged?
 - I. What happens if the special assessment is added to the tax bill for the wrong parcel and paid?
 - J. Who is liable for the special assessment?
 - K. Is it possible for a taxpayer to prepay the balance of a special assessment that was apportioned? What is the procedure?

G.L. c. 83, §§ 15, 15C, 15D, 16, 16B and 16E

4. Roger Smith owned a property on Green Street in Harborside, MA for over a decade and was meticulous in paying his property taxes on time. In February of 2017, Carter Holiday purchased the property. Under the terms of the closing, the amount of taxes due for the fourth quarter of FY2017 was held in escrow and paid over to the town in April. Holiday hasn't paid property taxes since he moved in. He missed the first, second, third, and fourth quarterly payments for FY2018, and he has failed to pay his first quarterly bill for FY2019.
- A. What is the first step in collecting the delinquent taxes by enforcing the lien on the real property, and what is the earliest date that the collector should act?
 - B. Who should receive notice?
 - C. What is the next step in enforcing the lien, and what is the earliest date it can happen?
 - D. How soon can the collector sign the instrument of taking?
 - E. How long after executing the instrument of taking does the collector have to record it? What happens if the instrument of taking is not recorded during that period?
 - F. What happens after the instrument of taking is recorded?
 - G. How are taxes that arise subsequently to the year for which the property taken accounted for?
 - H. How long must the treasurer wait before filing a petition to foreclose the right of redemption?
 - I. What happens if Mr. Holiday pays off the entire liability for taxes, interest, and costs?
 - J. Once the Land Court issues a decree foreclosing the right to redeem the property, how long does party with an interest in the property have to seek relief from the decree?
 - K. How should the treasurer account for taxes that had not been certified to the tax title account before the foreclosure decree?
 - L. How is the shortfall accounted for if an auction is held and the proceeds of the sale are less than the amount of the liability?
- G.L. c. 60, §§ 37, 40, 42, 53 and 65

5. Witches' Brews Cosmetics, Inc. ("WBC") manufactures theatrical make-up for the use of stage, film, and television actors. Among its best known products is a heavy white paste which simulates the appearance of death, and a fierce red paint that looks uncannily like blood. WBC owns a chemical manufacturing and distribution plant in Dark Shadows,

MA, and on the same site a warehouse, a laboratory, an administrative office building, and underground storage tanks. WBC has been recognized as a manufacturing corporation since its inception.

There are eight underground storage tanks on the premises of the manufacturing site containing the commodity chemicals WBC uses to manufacture its specialty chemicals. The tanks hold between 1000 and 5000 gallons and are double-walled and steel-coated or glass-coated. When they are needed in the manufacturing process, the chemicals flow from the tanks to the main manufacturing facility through color-coded pipes. These pipes begin inside the tanks and travel to cylindrical reservoirs above ground. The pipes then travel above ground to tanks inside the manufacturing facility. By using pumps, WBC draws chemicals from the underground tanks through the color-coded pipes and into the above-ground tanks. The chemicals are then blended according to proprietary formulas for the creation of WBC's product line. The tanks include electronic monitoring equipment to provide readings, from a location outside the tanks, of the temperature and volume of stored commodity chemicals. There are also shut-off valves.

Each tank rests on a concrete pad located about twelve feet underground, to which it is joined by removable straps. The tops of the tanks are about three feet under the surface. Sand or peastone is placed above and around the tanks so that they can be removed quickly and easily. A small backhoe is used to dig out the sand or peastone surrounding the tanks. The removable straps are unfastened, then a crane with an attached hook draws the tank to the surface.

- A. Are the underground storage tanks real or personal property? Does it matter whether WBC owns the real estate? Why is the classification of the assessed property important?
- B. WBC argues that the underground storage tanks are personal property, but the assessor taxes them as part of the real estate. What characteristics do the storage tanks share with real property? With personal property?
- C. WBC refuses to pay the portion of the property tax bill that reflects the value if the underground storage tanks. They argue that the assessment of this equipment as real property is invalid. How should the collector respond?
- D. WBC bypasses the abatement process, intending to raise the allegedly excessive amount of the assessment as a defense to foreclosure proceedings. What is the collector's next step?
- E. Six months has passed since the taking. The treasurer is eager to get the WBC dispute resolved. What is the next step?
- F. In Land Court WBC argues that the assessment was excessive in amount because items of personal property were taxed as real property. It argues it should be able to redeem for a lesser amount. Is that a valid defense in a foreclosure proceeding?

G.L. c. 59, §§ 2A and 18; G.L. c. 60, § 65

6. Jane Parker owns an incorporated art gallery in leased space in Mountain View, MA called Exceptional Aesthetics, Inc. She sells the works of a variety of Western Massachusetts and Southern Vermont artists, almost all of which are priced under \$10,000. She is taxed on her personal property including antique furniture, special lighting equipment, a computerized art viewing portal which offered more complete collections of the works of featured artists, and a state of the art sound system which filled the space with the music of French impressionist composers

She is an energetic promoter of the creations of local artists and is highly regarded in the arts community. As a token of appreciation, a particular artist, Badger Drift, developed for the gallery space a contemporary work consisting of items of household junk assembled into a unique shape and pattern. The artist gifted the installation to her for display. Although the local assessor thought the installation was repulsive and warranted a low assessment, a New York arts publication reviewed the piece and pronounced it a work of genius. The publication estimated the value at \$100,000. The gallery owner failed to declare the contemporary art installation on her form of list but reported the rest of her personal property subject to tax. The assessor assessed a personal property tax on the property declared on the form of list, but assumed the installation was part of the inventory for sale. When the assessor read in the review that the work was owned by gallery for purposes of display, he issued a revised assessment. Ms. Parker was furious because she considered the installation as another piece of art on display, like the paintings for sale. Ms. Parker refused to pay the personal property tax assessed on her installation, but otherwise paid the personal property tax due on the other items situated in the gallery. She applied for abatement of the assessment on the installation, but the assessors denied her. She filed an appeal with the Appellate Tax Board.

The tax collector conferred with the assessment director as to options the town had for collecting the unpaid personal property tax.

- A. What are the means by which the collector can attempt to collect the unpaid personal property tax?
- B. The gallery requires an entertainment license to operate its sound system. Would it be possible to suspend or revoke the entertainment license if the tax remains unpaid?
- C. Ms. Parker is entitled to a tax abatement on her personal residence. Can the treasurer intercept the payment to Ms. Parker and have it applied it to the tax debt.
- D. The tax in dispute is less than \$7000 in amount. What recourse might the collector have in litigation?
- E. How might Ms. Parker legitimately avoid personal property tax on the installation?

G.L. c. 40, § 57; G.L. c. 60, §§ 35 and 93

7. Rhoda owns a small bungalow on a quiet street in Canterbury, MA. For most of fiscal years 2014 and 2015, she was unemployed and missed three quarterly tax payments that

fell due. In mid-2015 she found a new position, and began paying her taxes on time and in full going forward. However, she did not pay the arrearages due from fiscal years 2014 and 2015. On July 12, 2018, the collector sent out demands for the amounts due for FY 2014 and FY2015.

- A. When can the collector post and advertise the Notice of Intent to take?
- B. Assume that the demand named and was mailed to an abutting property owner by mistake. What is the effect of the misdirection of the demand?
- C. The demand was reissued on August 1, 2018. After posting and advertising the Notice of Intent to Take on August 17, 2018, the collector prepared an Instrument of Taking, which she executed on September 5, 2018. Is the lien for FY2014 still in effect for the subject property?
- D. Alternatively, Rhoda decided she wanted to offer her house for sale, and requested a municipal lien certificate (MLC). The MLC was issued in early September, but failed to list the liabilities for unpaid taxes from fiscal years 2014 and 2015. What is the effect of that omission? Can the taking proceed?
- E. Assume the MLC listed the FY2014 arrearages but failed to state the tax debt for FY2015. Rhoda sold her house in early October, 2018, with a closing on October 15, 2018. The collector proceeded to take the subject property on Halloween 2018. Is the taking valid?
- F. How might the collector have perfected her lien for FY2014?
- G. As a general rule, how does a collector ensure that the lien for unpaid taxes from a particular fiscal year is not lost?

G.L. c. 60, §§ 40, 53 and 65

- 8. Brunhilde is Collector-Treasurer for Sussex, MA. She has twenty properties with delinquent property taxes and interest owed, half of which have been taken into tax title. She is interested in assigning some or all of these outstanding receivables to a third party to collect.
 - A. What options for assignment of real estate tax receivables do collectors and treasurers have?
 - B. How does the assignment process work?
 - C. How are multiple receivables categorized for bulk assignment?
 - D. What amounts are included in an assignment?
 - E. Can assignees be offered a discount on interest? Can different rates of discount be offered on different receivables?

- F. How is an assignee chosen?
- G. What paperwork is required?
- H. What provisions are included in an assignment agreement?
- I. Whom should the taxpayer pay?

G.L. c. 60, §§ 2C and 52

- 9. Ned Conover, the treasurer-collector of Neuhardt, MA is working to assist a senior citizen with numerous tax payment issues. The assessors had entered into a hardship tax deferral agreement with the senior citizen. The senior's property was already in tax title, and there are prior year tax delinquencies. How does the treasurer-collector handle the simultaneous dual tax deferral agreement and tax delinquencies, including interest rates and ability to foreclose?

G.L. c. 59, § 5, Cl. 18

- 10. Waterville has a property in tax title consisting of three acres that is located next to its elementary school that the town is seeking to replace. The tax title property, located on a major thoroughfare, would be an ideal location on which to build a new elementary school to replace the existing one, while not interrupting the educational use of the existing elementary school. The town is concerned, however, that if it were to foreclose and conduct a tax title auction a developer wishing to purchase the property at a high value would thwart the effort of the town to use the property for its desired educational use. Does the town have any options by which to achieve its goals? If so, how would it handle the issue of outstanding taxes on the property?

G.L. c. 60, § 77B; G.L. c. 60, § 77C

- 11. The Mayor of Bainbridge MA appointed a Tax Title Custodian to manage and maintain properties acquired by the city through tax title foreclosures and to collect rents from the properties. The Bainbridge City Council accepted G.L. c. 60, § 15B and approved an ordinance creating a Tax Title Collection Revolving Fund. The ordinance provided that the collector may credit to the account fees, charges and costs emanating through the tax title process. The Mayor, seeking to find other revenue sources in a tight fiscal year, is requesting that the collector pay the salary of the Tax Title Custodian from the Tax Title Collection Revolving Fund. May he do so?

G.L. c. 60, § 15B; G.L. c. 60, § 77B

- 12. Lori Winward (Winward), the owner of the SpendBig Casino located in Gamblefield, MA received an offer she couldn't refuse to sell the casino to the Easy Money Real Estate Investment Trust (Easy Money), located in the Las Vegas. Winward also owns two hotels in the city that were not sold to Easy Money. The city, grateful for the tax revenue and

economic spin-off that the SpendBig Casino had brought to the city, and eager to develop a positive relationship with Easy Money, worked expeditiously to facilitate the property transfer. Bob Levy, the recently-hired collector for the city, without thoroughly vetting all possible taxes and other assessments and charges that Winward owed to the city, issued a MLC showing that Winward was current in all of her outstanding monetary obligations. Easy Money's attorney, Frank Feloney, overwhelmed by the enormity of the licensing, property vetting and other legal issues involved with the casino sale, placed the MLC in a file folder on his desk. Feloney eventually realized that the MLC must be recorded with the county registry of deeds. Feloney filed the MLC 149 days after the collector issued it.

In issuing the MLC, the collector reviewed real estate and personal property tax records and determined that Winward owed no outstanding taxes to the city. He failed, however, to contact other city departments. Six months after issuing the MLC, he received notifications from other city departments that Winward had not made payments owed to the city, totaling \$214,000, from the following sources:

- A. \$124,000, owed to the Police Department, representing private police details that city police officers had worked for casino construction details for which Winward had contracted. City police officers commenced a court action against the city for failure to pay the work detail compensation and were seeking triple damages and attorney fees under the State Wage Act.
- B. \$47,000, owed to the Building Inspector, representing payments made by the city for outside consultants to assist the Building Inspector in performing inspections of the casino buildings to assure expedited permitting of final building certificates and certificates of occupancy.
- C. \$8,000, owed to the Traffic and Parking Department for parking fines by the City's parking control officers for casino vehicles owned by Winward.
- D. \$35,000, owed to the Water Department for water used for the casino's fountains and reflecting pools. The Water Department had not yet issued the water bill before the MLC was issued.

How may the city collect the outstanding amounts owed? Is Winward or Easy Money liable for making payments, or did the city lose its ability to collect any or all of the outstanding sums?

G.L. c. 40, § 22A; G.L. c. 40, § 42A; G.L. c. 44, § 53C; G.L. c. 44, § 53G; G.L. c. 60, § 23; G.L. c. 149, § 148

13. The owner of Artie's Place, a financially struggling restaurant in Somertown, MA has routinely fallen behind in its payment of bills for police details ordered by the selectboard to handle the persistent disorderly conduct of its patrons and unpaid fine amounts resulting from State Sanitary Code violations discovered at the establishment. Artie's Place paid the outstanding police detail bills and State Sanitary Code violation fines that it owed for the previous year. However, over the past three months, Artie's Place has incurred additional police detail bills and State Sanitary Code violations totaling over

\$4,000. Motivated by the urge to target the liquor and meals licenses at Artie's Place, without going through a contentious selectboard license hearing involving the popular and litigious Artie, town meeting accepted G.L. c. 40, § 57, allowing municipalities to deny, revoke or suspend licenses on the basis of failure to pay municipal taxes or charges. How and when may the Town take action to revoke the licenses of Artie's Place on the basis of non-payment of the police detail bills and State Sanitary Code violation fines?

G.L. c. 40, § 57

14. Cody Grant is the former manager of a hedge fund for a New York investment bank. Grant owned a motor vehicle located in Doverborn, MA and he was assessed a motor vehicle excise and sent a bill for excise. Before Cody's timely payment of the motor vehicle bill, federal authorities arrested him for charges of embezzlement, insider trading and securities fraud. Eventually, a judge sentenced Cody to serve 10 years in federal prison, with no possibility of parole. Upon Cody's arrest, federal authorities impounded his motor vehicle and eventually returned the motor vehicle to his family without license plates. Doverborn continued assessing the excise and sending excise bills to Cody, issuing demands for each of the years after nonpayment of the bills. Two years later, Cody's brother registered the motor vehicle under his name. What is the remedy, if any, for the town's collection of the outstanding motor vehicle excise taxes owed by Cody?

G.L. c. 60, § 35; G.L. c. 60A, §§ 2 and 2A

15. Mary Shelton became disenchanted with the Greenham Selectboard's denial of a kennel license for her property in order to pursue her dream of raising and breeding show dogs for national dog championship shows. In demonstrating her dismay with the town, she began appearing in person in the tax collector's office to pay her tax and water bills using coins, eventually burdening the office staff by paying all of her bills with pennies. The collector, wearying of the long lines that resulted from Ms. Shelton's payment method as well as the physical demands placed upon her staff in carrying the coins, is seeking to establish a policy to prevent taxpayers from making any payment to the towns using coins. May she do so?

31 USC § 5103

PARKING METER FEES

General Laws Chapter 40, § 22A (Excerpt)

Section 22A. ...Any city or town acting under this section shall further regulate the parking of vehicles on ways within its said control by restricting certain areas thereon for the parking of any vehicle owned and driven by a disabled veteran or handicapped person whose vehicle bears the distinctive number plates authorized by section two of chapter ninety or for any vehicle transporting a handicapped person and displaying the special parking identification plate authorized by said section two of said chapter ninety, or for any vehicle bearing the official identification of a handicapped person issued by any other state, or any Canadian Province, or by prohibiting the parking or standing of any vehicles in such a manner as to obstruct any curb ramp designed for use by handicapped persons. Parking spaces designated as restricted under this paragraph shall be identified by the use of above-grade signs with white lettering against a blue background and shall bear the words "Handicapped Parking: Special Plate Required. Unauthorized Vehicles May be Removed at Owner's Expense". The spaces shall be as near as possible to a building entrance or walkway, shall be adjacent to curb ramps or other unobstructed methods permitting sidewalk access to a handicapped person and shall be at least 8 feet wide, not including the cross hatch access aisle as defined by the architectural access board established in section 13A of chapter 22. If parking spaces designated as restricted under this paragraph are made temporarily unavailable due to a construction project or other planned event, the city or town shall ensure that the nearest available nonreserved parking space, if any, shall be temporarily designated as restricted under this paragraph. The cost of acquisition, installation and maintenance and operation of any signs or other regulatory devices used to designate such restricted areas shall be considered as a necessary expense for the regulation of parking and shall be paid from appropriations authorized by this section. Any such ordinance, by-law, order, rule or regulation promulgated pursuant to this paragraph shall contain a penalty of not less than \$100 nor more than \$300 and shall provide for the removal of a vehicle in accordance with section 22D. This penalty shall not be a surchargeable offense under section 113B of chapter 175...

COLLECTION OF WATER RATES AND CHARGES; LIEN FOR DELINQUENT CHARGES

General Laws Chapter 40, § 42A

Section 42A. If the rates and charges due to a city, town or water district, which accepts this section and sections forty-two B to forty-two F, inclusive, by vote of its city council or of the voters in town or district meeting and, by its clerk, files a certificate of such acceptance in the proper registry of deeds, for supplying or providing for water or rendering service or furnishing materials in connection therewith to or for any real estate at the request of the owner or tenant are not paid on or before their due date as established by local regulations, ordinances or by-laws, which due dates shall be so established as to require payments at least as often as semi-annually, such rates and charges, together with interest thereon and costs relative thereto, shall be a lien upon such real estate as provided in section forty-two B. The register of deeds shall record such certificate of acceptance in a book to be kept for the purpose, which shall be kept in an accessible location in the registry. Sections forty-two B to forty-two F, inclusive, shall also apply to a water district which has accepted sections forty-two A to forty-two F, inclusive, and whose clerk has so filed the certificate of acceptance. Wherever in said sections the words "board or officer in charge of the water department" or their equivalent appear, they shall also mean and include the

officers exercising similar duties in any city, town or district. A fire district authorized to supply water shall, for the purposes of sections forty-two A to forty-two F, inclusive, be deemed to be a water district.

LOCAL LICENSES AND PERMITS; DENIAL, REVOCATION OR SUSPENSION FOR FAILURE TO PAY MUNICIPAL TAXES OR CHARGES

General Laws Chapter 40, § 57

Section 57. Any city or town which accepts the provisions of this section, may by by-law or ordinance deny any application for, or revoke or suspend a building permit, or any local license or permit including renewals and transfers issued by any board, officer, department for any person, corporation or business enterprise, who has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges, including amounts assessed under the provisions of section twenty-one D or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate whose owner has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges. Such by-law or ordinances shall provide that:

(a) The tax collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the tax collector, shall annually, and may periodically, furnish to each department, board, commission or division, hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.

(b) The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the licensing authority from the tax collector or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the tax collector; provided, however, that written notice is given to the party and the tax collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than fourteen days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The tax collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the license authority receives a certificate issued by the tax collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the municipality as the date of issuance of said certificate.

(c) Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.

(d) The board of selectmen may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in section one of chapter two hundred and sixty-eight A in the business or activity conducted in or on said property.

This section shall not apply to the following licenses and permits: open burning; section thirteen of chapter forty-eight; bicycle permits; section eleven A of chapter eighty-five; sales of articles for charitable purposes, section thirty-three of chapter one hundred and one; children work permits, section sixty-nine of chapter one hundred and forty-nine; clubs, associations dispensing food or beverage licenses, section twenty-one E of chapter one hundred and forty; dog licenses, section one hundred and thirty-seven of chapter one hundred and forty; fishing, hunting, trapping license, section twelve of chapter one hundred and thirty-one; marriage licenses, section twenty-eight of chapter two hundred and seven and theatrical events, public exhibition permits, section one hundred and eighty-one of chapter one hundred and forty.

A city or town may exclude any local license or permit from this section by by-law or ordinance.

SPECIAL DETAIL COMPENSATION AND SPECIAL FUND

General Chapter 44, § 53C

Section 53C. All money received by a city, town or district as compensation for work performed by one of its employees on an off-duty work detail which is related to such employee's regular employment or for special detail work performed by persons where such detail is not related to regular employment shall be deposited in the treasury and shall be kept in a fund separate from all other monies of such city, town or district and, notwithstanding the provisions of section fifty-three, shall be expended without further appropriation in such manner and at such times as shall, in the discretion of the authority authorizing such off-duty work detail or special detail work, compensate the employee or person for such services; provided, however, that such compensation shall be paid to such employee or person no later than ten working days after receipt by the city, town or district of payment for such services.

When necessary, a city, town or district may appropriate funds to be placed in the special fund authorized by this section to be used for the purpose for which the fund was established. A city, town or district may establish a fee not to exceed ten per cent of the cost of services authorized under this section, which shall, except in the case of a city, town, district or the commonwealth, be paid by the persons requesting such private detail. Any such fee received shall be credited as general funds of the city, town or district and shall not be used again without further appropriation.

Districts shall include regional school districts.

OUTSIDE CONSULTANTS FUND

General Laws Chapter 44, § 53G

Section 53G. Notwithstanding section 53, any city or town that provides by rules promulgated under section 9 or 12 of chapter 40A, section 21 of chapter 40B, section 81Q of chapter 41 or section 31 of chapter 111, or by rules promulgated by a conservation commission established by a city or town under section 8C of chapter 40 when implementing the authority conferred under said section 8C of said chapter 40, section 40 of chapter 131, or under any local wetlands ordinance or by-law, or by rules promulgated by any municipal permit or license granting officer or board when implementing authority conferred under any statute, ordinance or by-law, for the imposition of reasonable fees for the employment of outside consultants may deposit such fees in a special account. Such rules shall provide for an administrative appeal from the selection of the outside consultant to the city council or town board of selectmen. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum, required qualifications. The minimum qualifications shall consist either of an educational degree in or related to the field at issue or three or more years of practice in the field at issue or a related field. The required time limits for action upon an application by a municipal permit granting board shall be extended by the duration of the administrative appeal. In the event that no decision is made by the city council or the town board of selectmen within one month following the filing of the appeal, the selection made by the municipal permit granting authority shall stand. Such an administrative appeal shall not preclude further judicial review, if otherwise permitted by law, on the grounds provided for in this section. Any such account shall be established by the municipal treasurer in the municipal treasury and shall be kept separate and apart from other monies. The special account, including accrued interest, if any, shall be expended at the direction of the authorized board or authority without further appropriation; provided, however, that such funds are to be expended by it only in connection with carrying out its responsibilities under the law. Any excess amount in the account attributable to a specific project, including any accrued interest, at the completion of said project shall be repaid to the applicant or to the applicant's successor in interest and a final report of said account shall be made available to the applicant or to the applicant's successor in interest. The municipal accountant shall submit annually a report of said special account to the chief elected body and chief administrative official of the municipality for their review. Said report shall be published in the city or town annual report. The municipal accountant shall submit annually a copy of said report to the director of the bureau of accounts.

HARDSHIP TAX DEFERRAL

General Laws Chapter 59, § 5, Clause 18A

Section 5. The following property shall be exempt from taxation and the date of determination as to age, ownership or other qualifying factors required by any clause shall be July 1 of each year unless another meaning is clearly apparent from the context; provided, however, that any person who receives an exemption pursuant to clause Seventeenth, Seventeenth C, Seventeenth C 1/2, Seventeenth D, Twenty-second, Twenty-second A, Twenty-second B, Twenty-second C, Twenty-second D, Twenty-second E, Twenty-second F, Twenty-second G, Thirty-seventh, Thirty-seventh A, Forty-first, Forty-first B, Forty-first C, Forty-first C 1/2, Forty-second, Forty-third, Fifty-sixth or Fifty-seventh shall not receive an exemption on the same property pursuant to any other provision of this section, except clause Eighteenth or Forty-fifth.

...

Eighteenth A. Real property, to an amount determined as hereinafter provided, of a person who by reason of poverty, or financial hardship resulting from a change to active military status, not including initial enlistment is in the judgment of the assessors unable to contribute fully toward the public charges and which property is owned and occupied by him as his domicile or owns the same jointly with a spouse or jointly or as a tenant in common with a person not a spouse and is occupied by him as his domicile provided, that such person has been domiciled in the commonwealth for the preceding 10 years.

Any such person may, on or before the deadline for an application for exemption under section 59, apply to the board of assessors for an exemption of such real property from taxation during such year; provided, however, that in the case of real estate owned by a person jointly or as a tenant in common with a person not such person's spouse, the exemption shall not exceed that proportion of total valuation which the amount of such person's interest in such property bears to the whole tax due. The board of assessors may grant such exemption provided that the owner or owners of such real property have entered into a tax deferral and recovery agreement with the board of assessors on behalf of the city or town. The agreement shall provide:--

(1) that no sale or transfer of such real property may be consummated unless the taxes which would otherwise have been assessed on such portion of the real property as is so exempt have been paid, with interest at the rate of 8 per cent per annum or such lesser rate as may be determined by the legislative body of the city or town, subject to its charter, not later than the beginning of the fiscal year to which the tax relates;

(2) that the total amount of such taxes due, plus interest, thereon, does not exceed 50 per cent of the owner's proportional share of the full and fair cash value of such real property;

(3) that upon the demise of the owner of such real property, the heirs-at-law, assignees or devisees shall have first priority to said real property by paying in full the total taxes which would otherwise have been due, plus interest; provided, however, that if such heir-at-law, assignee or devisee in a surviving spouse who enters into a tax deferral and recovery agreement under this clause, payment of the taxes and interest due shall not be required during the life of such surviving spouse. Any additional taxes deferred, plus interest, on said real property under a tax deferral and recovery agreement signed by a surviving spouse shall be added to the taxes and interest which would otherwise have been due, and the payment of which has been postponed during the life of such surviving spouse, in determining the 50 per cent requirement of clause (2);

(4) that if the taxes due, plus interest, are not paid by the heir-at-law, assignee or devisee or if payment is not postponed during the life of a surviving spouse, such taxes and interest shall be recovered from the estate of the owner; and

(5) that any joint owner or mortgagee holding a mortgage on such property has given written prior approval for such agreement, which written approval shall be made a part of such agreement; and

(6) that the tax deferral and recovery agreement shall not exceed 3 tax years, that the total amount of the taxes due, plus interest, shall be paid in 5 equal payments over a 5-year period, and that the first payment shall be due 2 years after the last day of the tax deferral.

In the case of each tax deferral and recovery agreement entered into between the board of assessors and the owner or owners of such real property, the board of assessors shall forthwith

cause to be recorded in the registry of deeds of the county or district in which the city or town is situated a statement of their action which shall constitute a lien upon the land covered by such agreement for such taxes as have been assessed under this chapter, plus interest as provided hereinafter.

A lien filed pursuant to this section shall be subsequent to any liens securing a reverse mortgage, excepting shared appreciation instruments. The statement shall name the owner or owners and shall include a description of the land adequate for identification. Unless such a statement is recorded the lien shall not be effective with respect to a bona fide purchaser or other transferee without actual knowledge of such lien. The filing fee for such statement shall be paid by the city or town and shall be added to and become a part of the taxes due.

In addition to the remedies provided by this clause, the recorded statement of the assessors provided for in this clause shall have the same force and effect as a valid taking for nonpayment of taxes under the provisions of section 53 of chapter 60, except that: (1) interest shall accrue at the rate provided in this clause until the conveyance of the property or the death of the person whose taxes have been deferred, after which time interest shall accrue at the rate provided in section 62 of said chapter 60; (2) no assignment of the municipality's interest under this clause may be made pursuant to section 52 of said chapter 60; (3) no petition under section 65 of said chapter 60 to foreclose the lien may be filed before the expiration of 6 months from the conveyance of the property or the death of the person whose taxes have been deferred.

SENIOR TAX DEFERRAL

General Laws Chapter 59, § 5, Clause 41A

Section 5. The following property shall be exempt from taxation and the date of determination as to age, ownership or other qualifying factors required by any clause shall be July 1 of each year unless another meaning is clearly apparent from the context; provided, however, that any person who receives an exemption pursuant to clause Seventeenth, Seventeenth C, Seventeenth C 1/2, Seventeenth D, Twenty-second, Twenty-second A, Twenty-second B, Twenty-second C, Twenty-second D, Twenty-second E, Twenty-second F, Twenty-second G, Thirty-seventh, Thirty-seventh A, Forty-first, Forty-first B, Forty-first C, Forty-first C 1/2, Forty-second, Forty-third, Fifty-sixth or Fifty-seventh shall not receive an exemption on the same property pursuant to any other provision of this section, except clause Eighteenth or Forty-fifth.

...

Forty-first A, Real property, to an amount determined as hereinafter provided, of a person sixty-five years of age or over and occupied by him as his domicile, of a person who owns the same jointly with his spouse, either of whom is sixty-five years of age or over, and occupied as their domicile, or of a person who owns the same jointly or as a tenant in common with a person not his spouse and occupied by him as his domicile; provided, that such person has been domiciled in the commonwealth for the preceding ten years and

(1) has so owned and occupied as his domicile such real property or other real property in the commonwealth for five years; or

(2) is a surviving spouse who inherits such real property and has occupied such real property or other real property in the commonwealth as his or her domicile for five years and who otherwise qualifies under this clause; and provided further that such person, and such person

and his spouse, if married, had, during the preceding year, gross receipts from all sources not in excess of twenty thousand dollars. Any city or town may also, by vote of its legislative body, adopt a higher maximum qualifying gross receipts amount for the purposes of this section; provided, however, that such maximum qualifying gross receipts amount shall not exceed the amount of income determined by the commissioner of revenue for the purposes of subsection (k) of section 6 of chapter 62, for a single person who is not a head of household.

In determining the total period ownership of an applicant for exemption under this clause, the time during which the same property was owned by a husband or wife individually shall be added to the period during which such property was owned by said husband and wife jointly. In computing the gross receipts of such an applicant or of such an applicant and his spouse, if married, ordinary business expenses and losses may be deducted but not personal and family expenses.

Any such person may, on or before the deadline for an application for exemption under section 59, apply to the board of assessors for an exemption of such real property from taxation during such year; provided, however, that in the case of real estate owned by a person jointly or as a tenant in common with a person not such person's spouse, the exemption shall not exceed that proportion of total valuation which the amount of such person's interest in such property bears to the whole tax due. The board of assessors shall grant such exemption provided that the owner or owners of such real property have entered into a tax deferral and recovery agreement with said board of assessors on behalf of the city or town. The said agreement shall provide:

(1) that no sale or transfer of such real property may be consummated unless the taxes which would otherwise have been assessed on such portion of the real property as is so exempt have been paid, with interest at the rate of eight per cent per annum or such lesser rate as may be determined by the legislative body of the city or town, subject to its charter, no later than the beginning of the fiscal year to which the tax relates;

(2) that the total amount of such taxes due, plus interest, for the current and prior years does not exceed fifty per cent of the owner's proportional share of the full and fair cash value of such real property;

(3) that upon the demise of the owner of such real property, the heirs-at-law, assignees or devisees shall have first priority to said real property by paying in full the total taxes which would otherwise have been due, plus interest; provided, however, if such heir-at-law, assignee or devisee is a surviving spouse who enters into a tax deferral and recovery agreement under this clause, payment of the taxes and interest due shall not be required during the life of such surviving spouse. Any additional taxes deferred, plus interest, on said real property under a tax deferral and recovery agreement signed by a surviving spouse shall be added to the taxes and interest which would otherwise have been due, and the payment of which has been postponed during the life of such surviving spouse, in determining the fifty per cent requirement of subparagraph (2);

(4) that if the taxes due, plus interest, are not paid by the heir-at-law, assignee or devisee or if payment is not postponed during the life of a surviving spouse, such taxes and interest shall be recovered from the estate of the owner; and

(5) that any joint owner or mortgagee holding a mortgage on such property has given written prior approval for such agreement, which written approval shall be made a part of such agreement.

In the case of each tax deferral and recovery agreement entered into between the board of assessors and the owner or owners of such real property, said board of assessors shall forthwith cause to be recorded in the registry of deeds of the county or district in which the city or town is situated a statement of their action which shall constitute a lien upon the land covered by such agreement for such taxes as have been assessed under the provisions of this chapter, plus interest as hereinafter provided. A lien filed pursuant to this section shall be subsequent to any liens securing a reverse mortgage, excepting shared appreciation instruments. The statement shall name the owner or owners and shall include a description of the land adequate for identification. Unless such a statement is recorded the lien shall not be effective with respect to a bona fide purchaser or other transferee without actual knowledge of such lien. The filing fee for such statement shall be paid by the city or town and shall be added to and become a part of the taxes due.

In addition to the remedies provided by this clause, the recorded statement of the assessors provided for in this clause shall have the same force and effect as a valid taking for nonpayment of taxes under the provisions of section fifty-three of chapter sixty, except that: (1) interest shall accrue at the rate provided in this clause until the conveyance of the property or the death of the person whose taxes have been deferred, after which time interest shall accrue at the rate provided in section sixty-two of chapter sixty; (2) no assignment of the municipality's interest under this clause may be made pursuant to section fifty-two of chapter sixty; (3) no petition under section sixty-five of chapter sixty to foreclose the lien may be filed before the expiration of six months from the conveyance of the property or the death of the person whose taxes have been deferred.

ASSIGNMENT OR TRANSFER OF TAX RECEIVABLES

General Laws Chapter 60, § 2C

Section 2C. (a) For the purposes of this section, the following words shall have the following meaning:

"Appropriate financial official", the treasurer or collector of a municipality.

"Available funds deficit", the amount by which the funds certified by the director of accounts as available on July first next preceding the date of appropriation pursuant to section twenty-three of chapter fifty-nine, reduced by the amount of all intervening appropriations from available funds and increased by such amounts as the director may authorize, is less than zero.

"Commissioner", the commissioner of the department of revenue.

"Current tax receivables", tax receivables sold on or before the first annual anniversary of the date that the entire amount an individual taxpayer receivable or related tax could have been paid without interest or penalty.

"Entity", any individual or business subject to the provisions of chapter sixty-two or chapter sixty-three.

"Individual taxpayer receivable", tax receivables that are owed to a municipality for single or multiple tax years by or on behalf of a taxpayer that constitute all or part of the tax receivables sold by an appropriate financial official to a purchaser pursuant to the provisions of this section.

"Municipality", any city or town within the commonwealth.

"Parcel", any piece of real or personal property subject to real property taxes or excise taxes.

"Purchaser", a person or entity that purchases tax receivables pursuant to the provisions of this section; provided, however, that any such entity must be registered with the state secretary and must be a party in good standing.

"Related Tax", the tax that gives rise to a tax receivable sold pursuant to the provisions of this section.

"Service agent", a person or entity employed by or acting on behalf of a purchaser, whether or not for a fee or other compensatory arrangement, for the purpose of collecting tax receivables purchased by said purchaser from a municipality in the manner provided herein.

"Statutory notice third party", a third party entitled to receive notices with respect to an individual taxpayer receivable pursuant to section thirty-eight or section thirty-nine or any other general or special law.

"Subsequent individual taxpayer receivable", an individual taxpayer receivable arising in connection with a parcel with respect to which an individual taxpayer receivable is presently outstanding.

"Tax receivable", the right to receive payment of taxes assessed and due on real and personal property, in one or more fiscal years and sold by assignment or transfer, either individually or in bulk, by an appropriate financial official to a purchaser pursuant to the provisions of this section.

"Taxpayer", a person or entity owning property, real or personal, against whom a municipality has assessed real property taxes.

"Taxes", taxes assessed by a municipality against real and personal property under chapters fifty-nine and sixty or any other charge added to and committed as part of the tax and secured by a tax lien.

(b) The appropriate financial official of a municipality may arrange for and assign or transfer to a purchaser the municipality's right to receive payments owed by a taxpayer on tax receivables after the date upon which the amounts so owed may be paid without interest or penalty; provided, however, that the municipality shall not arrange for and assign or transfer to a purchaser the right to receive payments if the treasurer or tax collector of the municipality receives notice before the transfer that the taxpayer is a veteran as defined in section 7 of chapter 4. If any taxes owed to a municipality include taxes assessed by a district located wholly or in part within the limits of such municipality, then such district may assign or transfer the right to receive payment of such taxes pursuant to this section in accordance with guidelines or regulations that the commissioner may issue. The assignment or transfer of individual taxpayer receivables by a municipality may be made either individually or in bulk. Prior to the assignment or transfer of individual taxpayer receivables, the appropriate financial official shall publish, in accordance with section 1, a list of all receivables that will be offered for assignment or transfer hereunder at least 60 days prior to the offer of such parcel for assignment or transfer and a municipality may not offer for assignment or transfer any parcel upon which a taxpayer has entered into and is in compliance with the terms of a payment agreement with the appropriate financial official. If the taxpayer fails to comply with such agreement, the appropriate financial official may assign or transfer such parcel in accordance with the provisions established hereunder. The appropriate financial official may assign or transfer any receivables either individually or in groups without regard to class, except for: (1) parcels with respect to which the taxpayer has entered into a payment agreement in accordance with the provisions of this section; (2) parcels which are part of the estate of a bankrupt; (3) parcels which the appropriate financial official has determined are or may be subject to a lien under the provisions of chapter 21E; and (4) such other categories of parcels as the commissioner may by guideline define or as the municipality, with the approval of the commissioner, may authorize by vote of its selectmen, town council, or city council and mayor. Two or more collectors, or 2 or more treasurers, may

jointly assign their respective municipalities' receivables in accordance with guidelines issued by the commissioner.

(c) Tax receivables so assigned or transferred by an appropriate financial official shall be sold subject to the following conditions:

(1) The sale of tax receivables shall be by public sale to the most responsible and responsive offeror taking into consideration the following evaluation criteria: (i) the price proposed by the offeror; (ii) the offeror's qualifications and experience; (iii) the offeror's plan for communicating with the taxpayers; (iv) whether the offeror has a regular place of business in the commonwealth; (v) whether the offeror is in good standing with the department of revenue; and (vi) other criteria determined by the commissioner and the municipality. The sale shall provide for the option to purchase subsequent tax receivables subject to subsection (h) and any regulations that may be promulgated by the commissioner pursuant thereto.

(2) The sale price shall be equal to not less than (i) the amount assessed and due from the face value of the tax receivables sold hereunder and (ii) any unpaid accrued interest, statutory fees, penalties and charges owed to the municipality as of the date of sale of the tax receivables. Tax receivables may, with the approval of the town meeting, town council or city council and mayor, be sold either at a discount of not more than 50 per cent of the interest on the receivable or at a premium, under such terms as the commissioner may determine by regulations that shall be promulgated pursuant to this section. Such sale price or discounted sale price may reflect any interest accrued on any individual taxpayer receivable or related tax to the date of the sale of the right to receive payment of such tax. Any unpaid statutory fees and charges as of the date of the sale with respect to such individual taxpayer receivable or related tax shall continue to be payable to the municipality and shall be paid to it by the purchaser from the first amounts collected by the purchaser on such tax receivable unless otherwise received by such municipality.

(3) The purchaser shall pay the sale price to the appropriate financial official by certified or bank cashier's check, or by such other transfer of funds authorized by the appropriate financial official under the terms of the sale.

(4) Any amounts paid, except amounts described in paragraph two if under a discount sale, subsequent to the satisfaction of the sale price for tax receivables in respect of an individual taxpayer receivable, by or on behalf of a taxpayer, shall be the sole property of the purchaser thereof, and if received by the municipality shall be paid promptly in accordance with the terms of the sale, to such purchaser. The municipality shall agree to receive payment of such amounts owing to the purchaser as are tendered to it by or on behalf of any taxpayer and to provide such payments to the purchaser in accordance with the terms of the sale and to issue municipal lien certificates with respect to the unpaid amounts of tax receivables.

(5) Any premium payment received by a municipality shall be deposited in the General Fund of such municipality and applied in such manner and for such purposes as provided by law for amounts in the General Fund.

(6) Any amounts paid by a purchaser to a municipality, exclusive of excess amounts received as described in paragraph (5), for any tax receivables that are not current tax receivables shall be segregated on the books of such municipality to the extent any such amount is in excess of any available funds deficit and shall be appropriated by the city council or town meeting or town council, as applicable, of such municipality only for purposes for which such municipality is authorized to borrow for a period of five years or more unless otherwise approved by the commissioner.

(7) The municipality shall provide the purchaser when tax receivables are sold with the name and address of each statutory notice third party to whom notice is due with respect to any taxpayer, individual taxpayer receivable or related tax.

(8) Whenever after the sale of any tax receivable the municipality shall receive a notice from a statutory notice third party in respect of the individual taxpayer receivable or related tax, the municipality shall make available to the purchaser a copy of such notice.

(9) A purchaser owning any tax receivable shall give notice to a taxpayer and to the appropriate municipality of the name, address, telephone number and preferred method of communication with said purchaser and any service agent acting on behalf of said purchaser within 12 business days of purchasing said tax receivable. Upon written request by the taxpayer in such form as may be determined by the municipality, the municipality shall furnish a copy of such information to the taxpayer within 12 business days of receiving such request. Whenever the purchaser or the service agent of such tax receivables shall change, the new purchaser or service agent shall provide the notice required herein within 12 business days of the effective date of such change.

(10) Except as provided for in the terms of the sale in accordance with regulations promulgated by the commissioner, no purchaser or service agent thereof may enter into an agreement with a taxpayer or with any party with interest in a parcel, that has the effect of requiring said taxpayer or interested party to pay more than said taxpayer or interested party could be required to pay to the municipality on account of the tax receivable owed to the municipality in accordance with the provisions of this chapter or chapter fifty-nine of the General Laws.

(d) The sale of tax receivables shall be without recourse to the municipality selling the same except as otherwise provided in this subsection.

(1) The agreement between a municipality and a purchaser for the sale of tax receivables may provide for the repurchase of such tax receivables that do not conform to the terms and conditions of such agreement for the amount paid by the purchaser plus actual costs incurred by the purchaser from the date of sale.

(2) The agreement between a municipality and a purchaser for the sale of tax receivables may provide for the repurchase at the election of the municipality of tax receivables inadvertently included in the sale that were excludable under the definition of the class to be assigned that was approved by the commissioner under subsection (b). Such repurchases at the option of the municipality shall take place not later than 6 months immediately following the assignment.

(3) If any individual taxpayer receivable (i) shall be abated or (ii) is less than the amount for which the tax receivable in respect thereof was purchased by the purchaser at the time of sale, then, in each case, the purchaser shall be reimbursed by the amount of such abatement or other reduction in the amount of the tax receivable. If such tax receivable was purchased for a discount as provided in paragraph (2) of subsection (c), the repurchase price or reimbursement shall be reduced by the same percentage by which the purchase price of the tax receivable was discounted. In lieu of any such repurchase or reimbursement, the municipality may provide a replacement tax receivable of the same fiscal year as the tax receivable to be replaced that, together with any cash provided by the municipality or the purchaser, shall equal such purchase price or reimbursement amount; provided, however, that a replacement tax receivable shall be of similar market value as the tax receivable that is being replaced. The replacement tax receivable shall be provided only after compliance with subsection (b).

(4) The reimbursement amount, pursuant to paragraph (3), shall include, in the case of abatement, interest accrued on such amount from the date of purchase by the purchaser to the date of repurchase or reimbursement by the municipality, calculated in accordance with the rate provided in section 69 of chapter 59.

(5) The obligation of the municipality to repurchase any tax receivable pursuant to paragraphs (1) and (2), or to reimburse the purchaser pursuant to paragraph (3), including any replacement tax receivable in lieu of such repurchase or reimbursement, shall be set forth in an agreement between the municipality and the purchaser thereof, and (i) such obligation shall not exceed 10 per cent of the aggregate purchase price received by the municipality from the purchaser,

inclusive of any interest and statutory fees paid by such purchaser to the municipality; but in the case of any reimbursement pursuant to said paragraph (3), such reimbursement amount shall not be charged to such percentage limitation; and (ii) the maximum period of time during which a municipality shall remain obligated to repurchase any tax receivable shall not exceed the lesser of: (a) 3 years from the date a tax receivable was purchased from the municipality, and (b) the period ending on the date 6 months prior to the date on which the lien securing the individual tax liability would terminate pursuant to section 37.

(6) The limitations set forth in this subsection shall not apply in any case involving fraud or misrepresentation.

(e) The sale of tax receivables pursuant to this section shall not affect (i) the legal authority of the municipality with respect to any taxpayer or individual taxpayer receivable or related tax, including the granting of abatements pursuant to law, (ii) the security for the payment of the individual taxpayer receivable and any related tax, (iii) the accrual of interest or the rate thereof in respect of the delinquency of such individual taxpayer receivable and any related tax or (iv) the rights and remedies of each taxpayer in respect of such individual taxpayer receivable and any related tax. The rights and remedies of the purchaser of the right to receive payment of any individual taxpayer receivable shall be subrogated to all the rights and remedies of the municipality to receive and enforce payment of such individual taxpayer receivable and any related tax and interest accrued and to accrue thereon, including, without limitation, the right to take tax title in its own name in the same manner that the municipality is authorized to take tax titles. The said right to take tax title shall vest in the purchaser with the same force and effect as if such tax title had vested in the municipality, including the accrual of interest at the rate provided in section sixty-two for land taken or purchased by a town and not assigned; provided, however, that:

(1) For purpose of calculating a municipality's available funds, an individual tax receivable or related tax shall be treated as paid to the extent provided in guidelines or regulations issued by the commissioner upon the sale, assignment or transfer of such in accordance with the provisions of this section; provided, however, that for the purposes of issuance of municipal lien certificates, abatement and abatement appeal rights, the rights of the municipality with regard to the individual tax receivable or related tax are preserved in full.

(2) Notwithstanding the third paragraph of section sixty-two, subsequent to a duly authorized and executed sale or auction, a treasurer shall have no authority to adjust the amount of a tax title held by a purchaser on account of erroneous municipality utility bills or interest charges.

(3) The right of a municipality established under section twenty-nine shall remain with the municipality under the terms of any sale or auction pursuant to the provisions of this section and the purchaser shall not have the benefit of the assistance to collect taxes as authorized for a municipality by section thirty-three.

(4) A purchaser shall not have the right to take immediate possession of the land and collect the rent and income from such land as otherwise permitted under section fifty-three, except as necessary to meet a requirement of subsection (b), (c) or (e), as applicable, of the definition of "Owner", or "Operator" in section two of chapter twenty-one E.

(5) For the purposes of subsection (d) of the definition of "Owner", or "Operator" in section two of chapter twenty-one E, the taking of tax title by a purchaser shall be deemed a taking pursuant to section fifty-three, and the purchaser shall be deemed a city or town; provided, however, that the foregoing shall not prohibit the purchaser from the benefits of subsection (b) or subsection (c) of such definition, as otherwise applicable, to the extent that the purchaser meets the requirements thereof.

(6) No notice shall be required to be given to any statutory notice third party from the purchaser in connection with the taking of tax title by the purchaser unless and until the purchaser or its service agent receives actual notice of such statutory notice third party.

(f) A purchaser may use a service agent to act on its behalf, whether or not for compensation. The purchaser, or its service agent, shall maintain a record of all tax receivables so serviced, which shall contain the name and address of the taxpayer and the initial amount owing pursuant to each tax receivable, the amounts paid by or on behalf of the taxpayer liable for the individual tax receivable, the amount of any abatement thereof and of any amounts permitted by law to be added thereto, and the final disposition thereof. Such records shall be open to inspection by the appropriate financial official with respect to his municipality during normal business hours. Within seven business days of receipt by a purchaser of a request by an appropriate financial official, a purchaser or any service agent acting on its behalf shall provide a municipality with any and all records relating to any and all receivables sold, assigned or transferred to a purchaser by a municipality in the form provided for in the agreement between the municipality and the purchaser; provided, however, if such request by an appropriate financial official indicates that it is made on behalf of a taxpayer, such purchaser shall furnish the requested information within three business days by means of electronic transmission and follow such transmission, where appropriate, with information in the form provided for in the agreement between the municipality and the purchaser. Whenever a purchaser or the service agent shall perform any of the services for which a fee or charge is permitted by law and by the assignment or transfer agreement between the appropriate financial official and the purchaser to be added to the amount of the individual tax liability, the amount of the tax receivable may be increased by the amount of such fee or charge. All fees charged by a purchaser shall be established pursuant to a fee schedule approved by the commissioner and a copy of such fee schedule shall be provided to the appropriate financial official who shall maintain the same in the municipal office of the appropriate financial official. A copy of such shall be furnished to the taxpayer by the appropriate financial official upon request by the taxpayer. A municipality may charge the taxpayer for the actual cost of the copy.

(g) The sale agreement between a municipality and a purchaser shall include, but shall not be limited to, the following provisions:

(1) The sale of tax receivables shall be recorded on a written instrument of transfer upon receipt of the purchase price by the appropriate financial official: (i) reciting that it is an assignment and transfer to the purchaser of the right to receive payment of the taxes identified therein pursuant to this section (ii) identifying all such individual tax liabilities associated with such sale and specifying the name, address and phone number of such purchaser, (iii) specifying the amount of the purchase price and (iv) signed and dated by the appropriate financial official.

(2) Upon receipt of the purchase price by the appropriate financial official pursuant to paragraph (3) of subsection (c), said instrument of transfer shall establish that all rights, title and interest of the municipality in an individual taxpayer receivable and the right of the municipality to receive payment of the individual taxpayer receivable, including interest accruing thereon after the date of sale to the purchaser, and any statutory fees and charges arising after said date of sale, shall thereupon be transferred and assigned to such purchaser; provided, however, that the municipality may collect amounts owing to such purchaser according to the provisions of paragraph (4) of subsection (c).

(3) Tax receivables may be assigned and transferred successively under the same terms and conditions and in the same manner as originally assigned and transferred, provided, however, that the instrument (i) shall be signed by the assignor or transferrer and (ii) need not recite the purchase price.

(4) Each assignor or transferrer shall provide the municipality with an original record of each instrument of transfer and the municipality shall maintain such instrument of transfer with its official records.

(5) All tax receivables sold in bulk in a single transaction may be identified in a single instrument of transfer, and it shall not be necessary for each such tax receivable to be identified in a separate instrument of transfer; provided, however, that the instrument of transfer shall identify by name the individual taxpayers contained therein.

(6) Where an instrument of transfer has been lost or destroyed, the purchaser of said instrument may file a notarized affidavit with the appropriate financial official of the municipality from which the tax receivable was purchased attesting under the pains and penalty of perjury to the loss or destruction of said instrument. Upon presentation of the notarized affidavit, the appropriate financial official shall on payment of a fee of ten dollars issue to the holder thereof an exact duplicate of the instrument.

(7) A fee schedule of all fees to be charged by the purchaser or service agent, provided however, that no fee other than the fees established in accordance with the fee schedule approved by the commissioner shall be attributed to any taxpayer receivable or charged to any taxpayer and provided further, that all such fees shall be reasonable in relation to the actual cost of the transaction.

(h) The purchaser of an individual tax receivable on any parcel of real estate shall have the right to purchase any subsequent delinquent individual tax receivable on the same parcel in accordance with the terms of sale of the original agreement, except that there shall be no discount or premium; the price of such subsequent receivable shall be the amount assessed together with any accrued interest, charges and fees. There shall be no requirement of notice or publication with respect to the transfer of such subsequent receivables, notwithstanding the provisions of subsection (b).

(i) The amount owed by a taxpayer for an individual taxpayer receivable may be redeemed by said taxpayer upon payment to the purchaser then holding the right to receive said receivable in an amount equal to the sum of the following: (1) the amount of delinquent taxes, penalties, interest, charges and fees that stand charged against the parcel as shown on the instrument of transfer evidencing the tax receivable; and (2) interest at the rate provided by law accruing on said receivable from the date said tax receivable was purchased until the date said tax receivable is redeemed.

(j) The commissioner shall make and from time to time revise such rules, regulations and guidelines as he determines necessary and appropriate to implement the provisions of this section.

PROPERTY TAX BILL FORM, ELECTRONIC BILLS, NON-POLITICAL MUNICIPAL INFORMATIONAL MATERIAL

Chapter 60, Section 3A

Section 3A. (a) Each bill or notice shall be in a form approved by the commissioner and shall summarize the deadlines under section 59 of chapter 59 for applying for abatements and exemptions. Each bill or notice shall also have printed on it the last date for the assessed owner to apply for abatement and for exemptions under clauses other than those specifically listed in said section 59 of said chapter 59. Except in the case of a bill or notice for reassessed taxes under

section 77 of said chapter 59, each bill shall also have printed on it the last date on which payment can be made without interest being due. If a bill or notice contains an erroneous payment or abatement application date that is later than the date established under said chapter 59, the date printed on the bill or notice shall be the deadline for payment or for applying for abatement or exemption, but if the error in the date is the wrong year, the due date shall be the day and month as printed on the bill but for the current year. The commissioner may require, with respect to a city or town, that the tax bill or notice include such information as the commissioner may determine to be necessary to notify taxpayers of changes in the assessed valuation of the property. Each bill or notice for real or personal property tax shall have printed thereon in a conspicuous place the tax rate for each class within the town, as determined by the assessors. In addition, each bill or notice for a tax upon real property shall identify each parcel separately assessed by street and number or, if no street number has been assigned, by lot number, name of property or otherwise, shall describe the land, buildings and other things erected on or affixed to the property and shall state for each such parcel the assessed full and fair cash valuation, the classification, the residential or commercial exemption, if applicable, the total taxable valuation and the tax due and payable on such property. If the assessors have granted the owner an exemption under any clause specifically listed in said section 59 of said chapter 59, the bill or notice of such owner may also show the exemption and the tax, as exempted, that is due and payable on such property.

(b) The collector may issue the bill or notice required by section 3 in electronic form, provided that the electronic bill or notice meets the standards set forth in subsection (a). An electronic bill or notice issued shall be under voluntary programs established by the collector, with the approval of the board of selectmen or mayor, as the case may be. No political subdivision shall require a taxpayer to take part in an electronic billing system or program.

(c) The collector may include in the envelope or electronic message in which a property tax bill is sent those bills or notices for rates, fees and charges assessed by the city or town for water or sewer use, solid waste disposal or collection or electric, gas or other utility services as may be authorized by ordinance or by-law; provided, however, that the bills or notices shall be separate and distinct from the property tax bills. The ordinance or by-law may authorize the collector, upon vote of any municipal water and sewer commission established by the city or town under chapter 40N or by special act, to include bills or notices for rates, fees or charges assessed by the commission for water or sewer use.

(d) The collector may, with the approval of the board of selectmen or mayor, as the case may be, include in the envelope or electronic message in which a property tax bill is sent nonpolitical municipal informational material; provided, however, that if such nonpolitical municipal informational material is mailed, it shall not be included if the material causes an increase in the postage required to mail the tax bill.

(e) The collector may issue an electronic bill or notice for any other tax, excise, betterment or assessment committed by the assessors under a voluntary electronic billing program established for such tax, excise, betterment or assessment in the manner set forth in subsection (b). The electronic bill or notice issued under the program shall meet the standards required by law for such tax, excise, betterment or assessment bills or notices.

TAX TITLE COLLECTION REVOLVING FUND

General Laws Chapter 60, § 15B

Section 15B. (a) Notwithstanding sections 53 and 55 of chapter 44, a city or town that accepts this section may establish a tax title collection revolving fund pursuant to subsection (c) for 1 or more of the following officers: tax collector, treasurer and treasurer-collector. Such tax title collection revolving fund shall be accounted for separately from all other monies in the city or town and to which shall be credited any fees, charges and costs incurred by such officer under sections 15, 55, 62, 65, 68 or 79 and collected upon the redemption of tax titles and sales of real property acquired through foreclosures of tax titles. Expenditures may be made from such revolving fund without further appropriation, subject to this section; provided, however, that expenditures shall not be made or liabilities incurred from this revolving fund in excess of the balance of the fund nor in excess of the total authorized expenditures from this fund, nor shall any expenditures be made unless approved in accordance with sections 52 and 56 of chapter 41.

(b) Interest earned on a tax title collection revolving fund balance shall be treated as general fund revenue of the city or town. Expenditures from a tax title collection revolving fund authorized for the tax collector, treasurer or treasurer-collector shall be spent to pay expenses incurred by such officer under this chapter in connection with a tax taking or tax title foreclosure, including, but not limited to, fees and costs of recording or filing documents and instruments, searching and examining titles, mailing, publishing or advertising notices or documents, petitioning the land court, serving court filings and documents and paying legal fees.

(c) A city or town that accepts this section may establish a tax title collection revolving fund by: (i) by-law; (ii) ordinance; or (iii) a vote of the legislative body of a city or town taken upon the recommendation of the chief executive officer of a city or town or, in the case of a city with a Plan E form of government, the recommendation of the mayor or city manager. The establishment of such a fund shall be made not later than the beginning of the fiscal year in which the fund shall begin.

(d) The officer having charge of such tax title collection revolving fund shall annually report to the board of selectmen, the mayor of a city or city manager in a Plan E city or in any other city or town to the chief administrative or executive officer, the total amount of receipts and expenditures for the tax title collection revolving fund under its control for the prior fiscal year, by the date the by-law, ordinance or vote prescribes, together with other information as such by-law, ordinance or vote requires.

(e) Upon revocation of this section, or termination of any fund, the balance in the fund at the end of that fiscal year shall revert to surplus revenue.

(f) This section shall take effect in any municipality that accepts it by vote of the legislative body, subject to the charter of the municipality; provided, however, at any time after the expiration of 3 years from the date on which a municipality accepts this section, the municipality may revoke its acceptance in the same manner required for acceptance.

The director of accounts in the department of revenue may issue guidelines further regulating a tax title collection revolving fund established pursuant to this section.

DEMAND
General Laws Chapter 60, § 16

Section 16. The collector shall, before selling the land of a resident, or non-resident, or distraining the goods of any person, or arresting him for his tax, serve on him a statement of the amount thereof with a demand for its payment. If two or more parcels of land are assessed in the name of a resident, or non-resident, the statement of the aggregate amount of the taxes thereon may be made in one demand. Such demand may also include taxes due on account of tangible personal property and any motor vehicle excise tax. If the heirs of a deceased person, co-partners or two or more persons are jointly assessed, service need be made on only one of them. Such demand for the tax upon land may be made upon the person occupying the same on January first of the year in which the tax is assessed. No demand need be made on a mortgagee, unless he has given notice under section thirty-eight, in which case no demand need be made on the owner or occupant. Demand shall be made by the collector by mailing the same to the last or usual place of business or abode, or to the address best known to him, and failure to receive the same shall not invalidate a tax or any proceedings for the enforcement or collection of the same.

COLLECTION OF UNPAID TAXES
General Laws Chapter 60, § 17

Section 17. If any tax, betterment or special assessment remains unpaid fourteen days after demand therefor, the collector, in the case of any tax, betterment or special assessment upon real estate, within two years from April first in the calendar year in which the assessment was made, and, in case of any other tax, within three years from said April first, shall collect the tax, together with all incidental charges and fees, in the manner provided by law.

MUNICIPAL LIEN CERTIFICATES
General Laws Chapter 60, § 23

Section 23. The collector of taxes for any city, or for any town having more than five thousand inhabitants, as determined by the last preceding national or state census, shall, on written application by any person, and within ten days thereafter, excluding Saturdays, Sundays and holidays, furnish to such applicant a certificate of all taxes and other assessments, including water rates and charges, and charges due to municipal lighting plants, under the provisions of sections fifty-eight B to fifty-eight F, inclusive, of chapter one hundred and sixty-four which at the time constitute liens on the parcel of real estate specified in such application and are payable on account of such real estate. The collector of taxes for any town having five thousand inhabitants or less as determined by the last preceding national or state census shall, on written application by any person, and within twenty days thereafter, excluding Saturdays, Sundays and holidays, furnish to such applicant such a certificate. Such certificate shall be itemized and shall show the amounts then payable on account of all such taxes and assessments, rates and charges, so far as such amounts are fixed and ascertained, and if the same are not then ascertainable, it shall so be expressed in the certificate. Any town officer or board doing any act toward establishing any such tax, assessment, lien or charge upon any real estate in the town shall transmit a notice of such act to the collector of taxes. Such collector of taxes shall charge twenty-five dollars for each certificate so issued, and the money so received shall be paid into the city or

town treasury. The collector of taxes for any town having fewer than five thousand inhabitants as determined by the last preceding national census may, if permitted by local by-law, keep such certificate fee for his personal services. A certificate issued on or after January first, nineteen hundred and eighty-one, under this section may be filed for record or registration, as the case may be, within one hundred and fifty days after its date, and if so filed shall operate to discharge the parcel of real estate specified from the liens for all taxes, assessments, or portions thereof, rates and charges which do not appear by said certificate to constitute liens thereon, except taxes, assessments, or portions thereof, rates and charges with respect to which there has been filed for record or registration evidence of a taking or a sale by the municipality or concerning which a statement or order creating or continuing such lien has been so filed under any provision of law, if said lien can be discharged by the recording or registration of an instrument other than a certificate under this section; but a certificate issued under this section shall not affect the obligation of any person liable for the payment of any tax, assessment, rate, or charge by reason of being the assessed owner of such parcel of real estate at the time any such lien became effective. The register of deeds as such or as assistant recorder of the land court shall receive and record or register such certificate upon the payment of a fee of \$50.

No register of deeds or assistant recorder of the land court shall accept for recording or registration, as the case may be, a definitive subdivision plan unless it is accompanied by a municipal lien certificate, indicating that all taxes, assessments, and charges then assessed against the land shown on the plan have been paid in full. Failure to comply with this section shall not affect the validity of the subdivision plan, the recording of the plan, or any deed of any part or all of the land shown on the plan.

ACTIONS AGAINST DELINQUENT TAXPAYERS

General Laws Chapter 60, § 35

Section 35. If a tax which has been committed to a collector remains unpaid after it has become due and payable, it may be recovered in an action of contract or in any other appropriate action, suit or proceeding brought by the collector either in his own name or in the name of the town against the person assessed for such tax.

REAL ESTATE TAX LIEN

General Laws Chapter 60, § 37

Section 37. Taxes assessed upon land, including those assessed under sections twelve, thirteen and fourteen of chapter fifty-nine, shall with all incidental charges and fees be a lien thereon from January first in the year of assessment. Except as provided in section sixty-one, such lien shall terminate at the expiration of three years and six months from the end of the fiscal year for which such taxes were assessed, if in the meantime the estate has been alienated and the instrument alienating the same has been recorded, otherwise it shall continue until a recorded alienation thereof, but if while such lien is in force a tax sale or taking is made, and the deed or instrument of taking has been duly recorded within sixty days, but the sale or taking is invalid by reason of any error or irregularity in the proceedings subsequent to the assessment, the lien and also the lien or liens for any subsequent taxes or charges which have been added to the tax title account under authority of section sixty-one shall continue for ninety days after a surrender and

discharge under section forty-six or a release, notice or disclaimer under sections eighty-two to eighty-four, inclusive, has been duly recorded, or for ninety days after the sale or taking has been finally adjudged invalid by a court of competent jurisdiction. If at any time while a lien established by this section is in force, a sale or taking cannot in the opinion of the collector be legally made because of any federal or state law or because of any injunction or other action of, or proceeding in, any federal or state court or because of the action of any administrative body, the lien, if the statement provided for in section thirty-seven A is filed, shall continue as provided in said section thirty-seven A, subject, however, to any lawful action under any paramount authority conferred by the constitution or laws of the United States or the constitution of the commonwealth. Said taxes, if unpaid for fourteen days after demand therefor, may, with said charges and fees, be levied by sale or taking of the real estate, if the lien or liens thereon have not terminated. No tax title and no item included in a tax title account shall be held to be invalid by reason of any error or irregularity which is neither substantial nor misleading, whether such error or irregularity occurs in the proceedings of the collector or the assessors or in the proceedings of any other official or officials charged with duties in connection with the establishment of such tax title or the inclusion of such item in the tax title account.

TAX SALE NOTICE; ADVERTISEMENT

General Laws Chapter 60, § 40

Section 40. The collector shall give notice by publication of the time and place of sale of land for nonpayment of taxes. Such notice shall contain a substantially accurate description of the several rights, lots or divisions of the land to be sold, which shall be furnished to the collector by the assessors upon demand of the collector, the amount of the tax assessed on each, and the names of all owners known to the collector. Such notice of the sale of the undivided real estate of a deceased person assessed to his heirs or devisees or assessed in general terms to his estate shall contain the names of all the heirs or devisees interested in such real estate, if the probate records of the county where the land lies disclose their identity.

TAX SALE NOTICE; POSTINGS

General Laws Chapter 60, § 42

Section 42. The collector shall, fourteen days before the sale, post a notice similar to that required by section forty in two or more convenient and public places.

MANAGEMENT AND SALE OF LAND ACQUIRED FOR TAXES

General Laws Chapter 60, § 52

Section 52. Cities and towns may make regulations for the possession, management and sale of land purchased or taken for taxes, not inconsistent with law, regulations promulgated by the department of revenue or the right of redemption. The treasurer of any city or town holding 1 or more tax titles may assign and transfer such tax title or titles, individually or bundled, to the highest bidder after a public auction, after having given 14 days' notice of the time and place of such public auction by publication, which shall conform to the requirements of section 40, and having posted such notice in 2 or more convenient and public places in said city or town,

provided that the sum so paid for such assignment is not less than the amount necessary for redemption, and may execute and deliver on behalf of the city or town any instrument necessary therefor. The treasurer shall send notice of the intended assignment to the owner of record of each parcel at his last known address not less than 10 days prior to the assignment, but failure to receive such notice shall not affect the validity of the assignment. The instrument of assignment shall be in a form approved by the commissioner and shall be recorded within 60 days from its date and if so recorded shall be prima facie evidence of all facts essential to its validity. The instrument of assignment shall, for each parcel assigned thereunder, state the amount for which the tax title on the parcel could have been redeemed on the date of the assignment, separately stating for each parcel the principal amount and the total interest accrued until the date of assignment. The principal amount shall be the sum of the amounts for which the parcel was taken and amounts subsequently certified under section 61. Except as hereinafter otherwise provided, all provisions of law applicable in cases where the original purchaser at a tax sale is another than the city or town shall thereafter apply in the case of such an assignment, as if the assignee had been a purchaser for the original sum at the original sale or at a sale made at the time of the taking and had paid to the city or town the subsequent taxes and charges included in the sum paid for the assignment. Any extension of the time within which foreclosure proceedings may not be instituted granted by a city or town treasurer prior to assignment shall be binding upon the assignee.

TAX TAKING NOTICES; PROPERTY MANAGEMENT

General Laws Chapter 60, § 53

Section 53. If a tax on land is not paid within fourteen days after demand therefor and remains unpaid at the date of taking, the collector may take such land for the town, first giving fourteen days notice of his intention to exercise such power of taking, which notice may be served in the manner required by law for the service of subpoenas on witnesses in civil cases or may be published, and shall conform to the requirements of section forty. He shall also, fourteen days before the taking, post a notice so conforming in two or more convenient and public places.

Whenever the collector of taxes of a city or town shall have taken land therein he may, in the name and on behalf of said city or town, take immediate possession of such land and, until the tax title so acquired is redeemed, collect the rent and other income from such land, which rent and income, after the payment therefrom of all necessary expenses in the care, repair and management of such land, shall be applied on account of the taxes, assessments, rates, charges, interest and costs due said city or town on said land, with any balance remaining being paid to the person otherwise entitled thereto. Upon petition of any person having a right to redeem such tax title, the superior court for the county within which the land lies, if it adjudges justice and the circumstances so warrant, may, upon such terms as it shall deem equitable, enjoin a taking of possession under this section or command the surrender of a possession n taken.

Neither said city or town nor any of its officers, agents or employees shall be liable or accountable to the owner or to any other person having an interest in such land for failure to collect rent or other income therefrom; and neither said city or town nor any of its officers, agents or employees shall be liable for injury or damage caused by the possession of land under the section to such land or to the person or property of any person.

INSTRUMENT OF TAKING

General Laws Chapter 60, § 54

Section 54. The instrument of taking shall be under the hand and seal of the collector and shall contain a statement of the cause of taking, a substantially accurate description of each parcel of land taken, the name of the person to whom the same was assessed, the amount of the tax thereon, and the incidental expenses and costs to the date of taking. Such an instrument of taking shall not be valid unless recorded within sixty days of the date of taking. If so recorded it shall be prima facie evidence of all facts essential to the validity of the title so taken, whether the taking was made on or before as well as since July first, nineteen hundred and fifteen. Title to the land so taken shall thereupon vest in the town, subject to the right of redemption. Such title shall, until redemption or until the right of redemption is foreclosed as hereinafter provided, be held as security for the repayment of said taxes with all intervening costs, terms imposed for redemption and charges, with interest thereon, and the premises so taken, both before and after either redemption or foreclosure, shall also be subject to and have the benefit of all easements and restrictions lawfully existing in, upon or over said land or appurtenant thereto, and, except as provided in section seventy-seven, all covenants and agreements running with said premises either at law or in equity, when so taken.

TAX TITLE FORECLOSURE PETITIONS

General Laws Chapter 60, § 65

Section 65. Except as provided in section sixty-two, whoever then holds the title to land acquired by a sale or taking for taxes may bring a petition in the land court for the foreclosure of all rights of redemption of said land either after six months from the sale or taking, or in case of a city or town, at any time following the sale or taking if the buildings thereon have been found to be abandoned property pursuant to section eighty-one A, or there has been a certification pursuant to section 81B that the redemption amount as determined pursuant to section 62 exceeds the assessed value of the parcel; provided, however, a petition for the foreclosure of all rights of redemption may be filed at any time following the consent in writing of the record owner. Such petition shall be made in the form to be prescribed by said court and shall set forth a description of the land to which it applies, with its assessed valuation, the petitioner's source of title, giving a reference to the place, book and page of record, and such other facts as may be necessary for the information of the court. Two or more parcels of land may be included in any petition brought by a town, whether under a taking or as purchaser of such title or titles, if such parcels are in the same record ownership at the time of bringing such petition. The land court in each petition filed by a city or town may, upon motion, order the payment of legal fees to a city or town, which amount shall be added to the tax title account of the land to which the right of redemption is being foreclosed; in no event shall the legal fees awarded exceed the actual costs incurred and the judge shall consider the taxpayer's ability to pay said fees in any such fee award.

MANAGEMENT OF TAX POSSESSION PROPERTY

General Laws Chapter 60, § 77B

Section 77B. The mayor of any city or the selectmen of any town which holds property acquired by foreclosure of tax titles or acquired under section eighty may appoint a custodian who shall

have the care, custody, management and control of all property heretofore or hereafter so acquired by said city or town. The custodian shall serve during the pleasure of the mayor or selectmen and shall receive as his compensation, if any, a sum fixed by the mayor or by the selectmen.

The custodian, acting on behalf of the city or town, may, notwithstanding any provision of law, ordinance or by-law inconsistent herewith, sell at public auction any such property, first sending a notice thereof as herein provided to the owner of record immediately prior to the acquisition by the city or town of the title to such property. Such notice shall contain a description of the property to be sold sufficient to identify it, shall state the date, time and place appointed for the sale thereof and the terms and conditions of such sale, and shall be sent by registered mail to the address of such owner as appearing upon the records of the assessors of the city or town, at least fourteen days before such sale. The custodian shall also, not less than fourteen days before such appointed date, post a similar notice in two or more convenient and public places in the city or town. Failure to send or to post a notice as herein provided, or any insufficiency in the notice sent or posted, shall not invalidate the title to any property sold hereunder. The custodian may reject any and all bids at such sale or any adjournment thereof if in his opinion no bid is made which approximates the fair value of the property, and he may adjourn the sale from time to time for such periods as he deems expedient, giving notice thereof at the time and place appointed for the sale or for any adjournment thereof. After any such sale and upon payment by the purchaser to the city or town of the amount of a bid accepted by the custodian, the treasurer of said city or town shall, on its behalf, execute and deliver any instrument necessary to transfer the title of the city or town to any such property sold under this section. This section shall not be construed to prevent a city or town from disposing of such property under section three of chapter forty, or in any other manner authorized by law.

Any officer or board which executes a deed to convey property acquired by a city or town by foreclosure of a tax title or under section eighty, shall not execute such deed to any person unless such person has submitted to said board or officer a statement signed under the pains and penalties of perjury that neither he nor any person who would gain equity in the property as a result of such conveyance has ever been convicted of a crime involving the willful and malicious setting of a fire or of a crime involving the aiding, counseling or procuring of a willful and malicious setting of a fire, or of a crime involving the fraudulent filing of a claim for fire insurance; or is delinquent in the payment of real estate taxes to the city or town in which the property is being sold, or if delinquent, that a pending application for abatement of such tax, or a pending petition before the appellate tax board or the county commissioners has been filed in good faith. If there is more than one grantee of such deed, each grantee must file such statement, and no such deed shall be valid unless it contains a recitation that the board or officer granting the deed has received such statement.

If the custodian is of the opinion that a sale of any such property is not immediately practicable, the custodian, acting on behalf of the city or town, may, subject to the approval of the mayor or the selectmen, notwithstanding any provision of law, ordinance or by-law inconsistent herewith, lease such property for a term not exceeding three years, and may on behalf of the city or town execute and deliver such lease.

The custodian, subject to appropriation, may employ one or more assistants as may be necessary for the proper performance of his duties. Such assistants shall receive as compensation such amounts as may be approved by the mayor or by the selectmen.

DEEDS IN LIEU OF FORECLOSURE

General Laws Chapter 60, § 77C

Section 77C. Cities and towns, acting through their legislative bodies, may accept a deed, in which all persons who have an interest in title join as grantors, in lieu of foreclosure to any parcel of land within the city or town which meet the requirements set forth in this section. Upon acceptance and recording of that deed, any real estate taxes and other municipal charges and liens shall be treated as having been paid, and shall be accounted for by the city or town in the same manner as if a tax title foreclosure had been completed. The procedure provided for in this section shall apply only to property upon which there are no other liens or encumbrances other than the liens of the city or town. No grantor under this section may purchase or otherwise acquire from the city or town any parcel of land acquired by the city or town under this section.

SET-OFF

General Laws Chapter 60, § 93

Section 93. The treasurer or other disbursing officer of any town may, and if so requested by the collector shall, withhold payment of any money payable to any person from whom there are then due taxes, assessments, rates or other charges committed to such collector, which are wholly or partly unpaid, whether or not secured by a tax title held by the town, to an amount not exceeding the total of the unpaid taxes, assessments, rates and other charges, with interest and costs. The sum withheld shall be paid or credited to the collector, who shall, if required, give a written receipt therefor. The person taxed or charged may in such case have the same remedy as if he had paid such taxes, assessments, rates or other charges after a levy upon his goods. The collector's rights under this section shall not be affected by any assignment or trustee process or attorney's lien.

MOTOR VEHICLE EXCISE ASSESSMENT

General Laws Chapter 60A, § 1 (Excerpt)

...If a motor vehicle or trailer is stolen, the owner of such motor vehicle or trailer may apply for an abatement of excise, provided:

(1) The owner of the stolen vehicle or trailer has notified the local police authorities of the theft within forty-eight hours of discovery of the theft.

(2) The owner of the stolen motor vehicle or trailer has surrendered the certificate of registration of the stolen motor vehicle or trailer and has obtained a certificate, setting forth the facts, and signed by the registrar of motor vehicles or his authorized agent. Such surrender shall not be made sooner than thirty days subsequent to the date of the theft.

The excise may then be reduced by an abatement equal to that proportion of an excise under this section on such motor vehicle or trailer for the full calendar year which the number of months in said year remaining after the month in which such surrender of the certificate of registration occurs bears to twelve; provided, however, that should the motor vehicle or trailer be subsequently recovered and registered in the same calendar year by the same owner an additional

excise which shall be that proportion of the excise for the full year which the number of months in said year following the month preceding that in which the motor vehicle or trailer is registered bears to twelve, shall be paid, notwithstanding any provisions of this section to the contrary. The commissioner or the assessors, as the case may be, may require that the owner of the stolen motor vehicle or trailer exhibit the certificate of surrender of registration and provide them with a written statement from the local police authorities certifying that such authorities were notified of the theft and that the stolen motor vehicle or trailer has not been recovered.

Whoever falsely reports the theft of a motor vehicle or trailer for the purposes of securing an abatement of excise shall forfeit a sum not larger than three times the excise due on the vehicle for the entire year, such sum to be recovered in a civil action brought by the city or town to which the excise was payable.

MOTOR VEHICLE EXCISE COLLECTION

General Laws Chapter 60A, § 2A

Section 2A. If an excise assessed under this chapter remains unpaid for fourteen days after a demand therefor made more than one day after such excise becomes due and payable, and if the local tax collector or commissioner of revenue elects to utilize the services of a deputy collector, then said deputy collector or the local tax collector or commissioner of revenue, as the case may be, shall send a notice of warrant to the delinquent taxpayer. In the event that the delinquent taxpayer does not respond within thirty days to said notice of warrant then a service warrant shall be made. If the tax remains unpaid after the service of warrant then the deputy collector may, at the discretion of the local collector, return the uncollected warrants of those delinquent taxpayers to the local tax collector or commissioner of revenue. The local tax collector, the commissioner of revenue, or their designee, as the case may be, may at any time and from time to time not later than six years after the initial excise tax issuance was made, transmit to the registrar of motor vehicles, hereinafter in this section called the registrar, in such form as approved by the registrar, notice of such nonpayment, specifying the name and address of the person to whom the excise is assessed, the amount of the excise due and all interest thereon and costs relative thereto and such information as to the motor vehicle or trailer assessed as was transmitted by the registrar to the commissioner of revenue under section two; provided, however, that no notice shall be transmitted to the registrar under this section at a time when there is pending before the local board of assessors or the appellate tax board, as the case may be, a duly filed application for the abatement of such excise in whole or in part nor within thirty days after action upon any such application by the local board of assessors or the appellate tax board, as the case may be.

Upon receipt of such notification of nonpayment the registrar shall place the matter on record and not renew the license to operate a motor vehicle of the registered owner of said vehicle or the registration of said vehicle nor allow an exchange of the registration of such vehicle nor issue a new registration of such vehicle to the person to whom the unpaid excise tax was assessed until after notice from the local tax collector or the commissioner of revenue that the matter has been disposed of in accordance with law.

Upon such notification of nonpayment to the registrar, an additional twenty dollar charge payable to the registrar of motor vehicles shall be assessed against the registered owner of said vehicle. It shall be the duty of the local tax collector or commissioner of revenue to notify the registrar forthwith that such matters have been disposed of in accordance with law; provided

however, that a certified receipt of full and final payment from either the local tax collector or commissioner of revenue shall also serve as a legal notice to the registrar that the matter has been so disposed of.

Except as heretofore provided, the registrar shall approve such forms as he deems necessary to implement this section and said forms shall be printed and used by the cities and towns.

On or before September first of each year, the registrar of motor vehicles shall certify for each city and town in the commonwealth the total number of charges to be assessed pursuant to this section based upon the number of notices received by the registrar that have been disposed of in accordance with law. The registrar shall include such assessments in the warrants prepared in accordance with section twenty of chapter fifty-nine.

SEWER ASSESSMENTS

General Laws Chapter 83, § 15

Section 15. The city council of a city or a town may adopt a system of sewerage for a part or the whole of its territory, and may provide that assessments under section fourteen shall be made upon owners of land within such territory by a fixed uniform rate or a rate based upon a uniform unit method.

A fixed uniform rate shall be based upon the estimated average cost of all the sewers therein, according to the frontage of such land on any way in which a sewer is constructed, or according to the area of such land within a fixed depth from such way, or according to both such frontage and area; but no assessment in respect to any such land, which by reason of its grade or level or any other cause cannot be drained into such sewer, shall be made until such incapacity is removed. If the assessment is according to the area within such fixed depth, the lien therefor shall attach to the parcel assessed.

A uniform unit method shall be based upon sewerage construction costs divided among the total number of existing and potential sewer units to be served, after having proportioned the cost of special and general benefit facilities. Each sewer unit shall be equal to a single family residence. Potential sewer units shall be calculated on the basis of zoning then in effect. Existing and potential multifamily, commercial, industrial and semipublic uses shall be converted into sewer units on the basis of residential equivalents.

A city by ordinance or a town by by-law may separate the costs of general benefit facilities, including but not limited to pumping stations, trunk and force mains, from that of special benefit facilities, including but not limited to the sewer mains, serving adjacent properties. A portion of costs of the general benefit facilities may be apportioned by the uniform unit method on all areas to receive benefits within the pumping district or combination of districts. The cost of the general benefit facilities, attributable to undeveloped land not abutting a sewer street, may not be assessed until properties are serviced by public sewerage. The proportional cost of the special benefit and general benefit facilities may be assessed against all properties abutting a sewer street.

INTEREST ON UNPAID SEWER ASSESSMENT

General Laws Chapter 83, § 15C

Section 15C. Notwithstanding any general or special law to the contrary, a city or town that accepts this section may assess and collect interest on an unpaid balance of a sewer betterment assessment at a rate up to 2 per cent above the net rate of interest chargeable to the city or town for the project to which the assessment relates.

APPORTIONMENT OF SEWER ASSESSMENTS

General Laws Chapter 83, § 15D

Section 15D. Notwithstanding any general or special law to the contrary, a city or town that accepts this section may apportion all future sewer assessments or unpaid balances of assessments over a period not to exceed 30 years, and may structure the payments so that the amounts payable in the several years for principal and interest combined are as nearly equal as practicable. These equal payments may be further apportioned and collected by the city or town on quarterly tax bills at the option of the city or town. An owner of land assessed may pay the total remaining principal amount due without a prepayment penalty.

SEWER USER CHARGES

General Laws Chapter 83, § 16

Section 16. The aldermen of any city or the sewer commissioners, selectmen or road commissioners of a town, may from time to time establish just and equitable annual charges for the use of common sewers and main drains and related stormwater facilities, which shall be paid by every person who enters his particular sewer therein. The money so received may be applied to the payment of the cost of maintenance and repairs of such sewers or of any debt contracted for sewer purposes. In establishing quarterly or annual charges for the use of main drains and related stormwater facilities, the city, town, or district may either charge a uniform fee for residential properties and a separate uniform fee for commercial properties or establish an annual charge based upon a uniform unit method; but, the charge shall be assessed in a fair and equitable manner. The annual charge shall be calculated to supplement other available funds as may be necessary to plan, construct, operate and maintain stormwater facilities and to conduct stormwater programs. The city, town or district may grant credits against the amount of the quarterly or annual charge to those property owners who maintain on-site functioning retention/detention basins or other filtration structures as approved by the stormwater utility, conservation commission, or other governmental entity with appropriate authority.

SEWER CHARGE COLLECTION AND LIEN

General Laws Chapter 83, § 16B

Section 16B. Such lien shall take effect by operation of law on the day immediately following the due date of such rate or charge, and, unless dissolved by payment or abatement, shall continue until such rate or charge has been added to or committed as a tax under section sixteen C, and thereafter, unless so dissolved, shall continue as provided in section thirty-seven of

chapter sixty; provided, however, that if any such rate or charge is not added to or committed as a tax under section sixteen C for the next fiscal year commencing after the inception of the lien under this section, then said lien shall terminate on October first of the third year following the year in which such charge becomes due.

Notwithstanding such lien any such overdue rate or charge may be collected through any legal means, including the shutting off of a sewer connection, which may be deemed advisable; provided, that after the termination of such a lien, no city, town or sewer district shall attempt to enforce, by shutting off the sewer connection, collection of such rate or charge from any person, not liable therefor, who has succeeded to the title or interest of the person incurring such rate or charge. All such rates and charges excluded by court decree under section seventy-six B of chapter sixty shall, to the extent that they were properly chargeable to the person owning, or to the tenant occupying, the premises for which such rates and charges were incurred, be recoverable from such person or tenant, as the case may be, in an action of contract or otherwise. If at the time of the entry of such decree such person or tenant is still the owner or tenant of the premises, whether through redemption or otherwise, such rates and charges to the extent that they were properly chargeable to him, may be enforced in any other manner provided or available for collection and enforcement of sewer connection rates and charges.

REMEDIES OF AGGRIEVED REAL ESTATE OWNERS

General Laws Chapter 83, § 16E

Section 16E. An owner of real estate aggrieved by a charge imposed thereon under sections sixteen A to sixteen F, inclusive, in addition to such remedy as he may have under section ten of chapter one hundred and sixty-five, may apply for an abatement thereof by filing a petition with the board or officer having control of the sewer department within the time allowed by law for filing an application for abatement of the tax of which such charge is, or, if the property were not tax exempt, would have been, a part, and if such board or officer finds that such charge is more than is properly due, a reasonable abatement shall be made; and except as otherwise provided herein, the provisions of chapter fifty-nine relative to the abatement of taxes by assessors shall apply, so far as applicable, to abatements hereunder. If such petition is denied in whole or in part, the petitioner may appeal to the appellate tax board upon the same terms and conditions as a person aggrieved by the refusal of the assessors of a city or town to abate a tax.

PAYMENT OF WAGES

General Laws Chapter 149, §148

Section 148. Every person having employees in his service shall pay weekly or bi-weekly each such employee the wages earned by him to within six days of the termination of the pay period during which the wages were earned if employed for five or six days in a calendar week, or to within seven days of the termination of the pay period during which the wages were earned if such employee is employed seven days in a calendar week, or in the case of an employee who has worked for a period of less than five days, hereinafter called a casual employee, shall, within seven days after the termination of such period, pay the wages earned by such casual employee during such period, but any employee leaving his employment shall be paid in full on the following regular pay day, and, in the absence of a regular pay day, on the following Saturday; and any employee discharged from such employment shall be paid in full on the day of his

discharge, or in Boston as soon as the laws requiring pay rolls, bills and accounts to be certified shall have been complied with; and the commonwealth, its departments, officers, boards and commissions shall so pay every mechanic, workman and laborer employed by it or them, and every person employed in any other capacity by it or them in any penal or charitable institution, and every county and city shall so pay every employee engaged in its business the wages or salary earned by him, unless such mechanic, workman, laborer or employee requests in writing to be paid in a different manner; and every town shall so pay each employee engaged in its business if so required by him; but an employee absent from his regular place of labor at a time fixed for payment shall be paid thereafter on demand; provided, however, that the department of telecommunications and energy, after hearing, may authorize a railroad corporation or a parlor or sleeping car corporation to pay the wages of any of its employees less frequently than weekly, if such employees prefer less frequent payments, and if their interests and the interests of the public will not suffer thereby; and provided, further, that employees engaged in a bona fide executive, administrative or professional capacity as determined by the attorney general and employees whose salaries are regularly paid on a weekly basis or at a weekly rate for a work week of substantially the same number of hours from week to week may be paid bi-weekly or semi-monthly unless such employee elects at his own option to be paid monthly; and provided, further, that employees engaged in agricultural work may be paid their wages monthly; in either case, however, failure by a railroad corporation or a parlor or sleeping car corporation to pay its employees their wages as authorized by the said department, or by an employer of employees engaged in agricultural work to pay monthly the wages of his or her employees, shall be deemed a violation of this section; and provided, further, that an employer may make payment of wages prior to the time that they are required to be paid under the provisions of this section, and such wages together with any wages already earned and due under this section, if any, may be paid weekly, bi-weekly, or semi-monthly to a salaried employee, but in no event shall wages remain unpaid by an employer for more than six days from the termination of the pay period in which such wages were earned by the employee. For the purposes of this section the words salaried employee shall mean any employee whose remuneration is on a weekly, bi-weekly, semi-monthly, monthly or annual basis, even though deductions or increases may be made in a particular pay period. The word "wages" shall include any holiday or vacation payments due an employee under an oral or written agreement. An employer, when paying an employee his wage, shall furnish to such employee a suitable pay slip, check stub or envelope showing the name of the employer, the name of the employee, the day, month, year, number of hours worked, and hourly rate, and the amounts of deductions or increases made for the pay period.

Compensation paid to public and non-public school teachers shall be deemed to be fully earned at the end of the school year, and proportionately earned during the school year; provided, however, that payment of such compensation may be deferred to the extent that equal payments may be established for a 12 month period including amounts payable in July and August subsequent to the end of the school year.

Every railroad corporation shall furnish each employee with a statement accompanying each payment of wages listing current accrued total earnings and taxes and shall also furnish said employee with each such payment a listing of his daily wages and the method used to compute such wages.

This section shall apply, so far as apt, to the payment of commissions when the amount of such commissions, less allowable or authorized deductions, has been definitely determined and has become due and payable to such employee, and commissions so determined and due such employees shall be subject to the provisions of section one hundred and fifty.

This section shall not apply to an employee of a hospital which is supported in part by contributions from the commonwealth or from any city or town, nor to an employee of an incorporated hospital which provides treatment to patients free of charge, or which is conducted as a public charity, unless such employee requests such hospital to pay him weekly. This section shall not apply to an employee of a co-operative association if he is a shareholder therein, unless he requests such association to pay him weekly, nor to casual employees as hereinbefore defined employed by the commonwealth or by any county, city or town.

No person shall by a special contract with an employee or by any other means exempt himself from this section or from section one hundred and fifty. The president and treasurer of a corporation and any officers or agents having the management of such corporation shall be deemed to be the employers of the employees of the corporation within the meaning of this section. Every public officer whose duty it is to pay money, approve, audit or verify pay rolls, or perform any other official act relative to payment of any public employees, shall be deemed to be an employer of such employees, and shall be responsible under this section for any failure to perform his official duty relative to the payment of their wages or salaries, unless he is prevented from performing the same through no fault on his part.

Any employer paying wages to an employee by check or draft shall provide for such employee such facilities for the cashing of such check or draft at a bank or elsewhere, without charge by deduction from the face amount thereof or otherwise, as shall be deemed by the attorney general to be reasonable. The state treasurer may in his discretion in writing exempt himself and any other public officer from the provisions of this paragraph.

An employer paying his employees on a weekly basis on July first, nineteen hundred and ninety-two shall, prior to paying said employees on a bi-weekly basis, provide each employee with written notice of such change at least ninety days in advance of the first such bi-weekly paycheck.

Whoever violates this section shall be punished or shall be subject to a civil citation or order as provided in section 27C.

LEGAL TENDER

31 United States Code § 5103

United States coins and currency (including Federal reserve notes and circulating notes of Federal reserve banks and national banks) are legal tender for all debts, public charges, taxes, and dues. Foreign gold or silver coins are not legal tender for debts.

TAX TAKINGS AND FORECLOSURES TIMETABLE AND REQUIREMENTS

NO.	ACTION	REQUIREMENTS AND CITATIONS
1.	Make Demand	<p>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.</p> <p>The demand can be sent <u>no earlier than May 2</u> (or the day after last day for payment of tax for the fiscal year if later).</p> <p>G.L. c. 60, § 16</p>
2.	Advertise Delinquency and Intent to Take	<p>The collector must wait <u>at least 14 days</u> after the demand is mailed (Step 1). If the taxes remain unpaid, the collector must give notice of intent to take the parcel.</p> <p>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. <i>(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.)</i></p> <p>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.</p> <p>G.L. c. 60, §§ 17, 40 and 53</p>
3.	Post Intent to Take in 2 Places	<p>In addition, the collector must post the notice of intent to take in <u>2 public places</u> in the municipality. The posting must be made <u>at least 14 days</u> 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).</p> <p>G.L. c. 60, §§ 17 and 53</p>

NO.	ACTION	REQUIREMENTS AND CITATIONS
4.	Make Taking	<p>The collector must wait at <u>least 14 days</u> after the <u>later</u> 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.</p> <p>Errors and irregularities in the assessment or proceedings for collection will not invalidate a tax title unless they are substantial or misleading.</p> <p>G.L. c. 60, § 53</p>
5.	Record/Register Instrument of Taking	<p>After the taking, the collector must record or register an instrument of taking at the Registry of Deeds <u>within 60 days of the date of taking</u> (Step 4); otherwise, the taking is not effective.</p> <p>The instrument must include a description of the property, the name of the assessed owner or owners, and the taxes and charges for which the property was taken. If the land is recorded (title reference is a book and page number), the instrument should be recorded. If the land is registered (title reference is a certificate of title number), the instrument must be registered with the Land Court section of the Registry of Deeds.</p> <p>G.L. c. 60, § 54</p>

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)