

Locating Property Owners!

2018

Spring workshop

RSA 76:11-b. Notice of Arrearage.

- The Tax Collector shall provide to the **owner as of April 1 or current owner, if known**, a summary of all uncollected and unredeemed taxes on the property. This summary may be included on or with the tax bill, or may be sent by separate mailing within 90 days of the due date of the final tax bill.



RSA 80:60. Notice of Lien.

- Collector shall give notice of impending lien.
 - At least 30 days prior to the execution of said lien.
 - Certified or registered mail return receipt requested **to last known post office address of the current owner, if known, or the person against whom the tax was assessed.**
- Notice shall:
 - State the name of the current owner, if known, or the person against whom the tax was assessed.
 - Description of the property as committed to the tax collector.
 - Date & time on which the last payment shall be accepted.
 - Amount of the tax, interest and costs to the date of execution.
- **Return receipt shall be prima facie evidence that the collector has complied with the notice requirements of this section.**

RSA 80:65. Notice by Lienholder to Mortgagee.

- The lienholder (municipality, county or state), within 45 days of execution of the lien, shall identify and notify all persons holding mortgages upon such property as recorded in the office of the register of deeds.
- In the event that a person holds a mortgage on more than one piece of property, a listing of the property may be forwarded by the lienholder.
- If it is determined that one or more outstanding mortgages exist, the selectmen may direct the collector of taxes to identify and give such notice.
- Notice shall contain the date of the execution of tax lien, name of delinquent taxpayer, total amount of lien and costs for identifying and notifying mortgagees.

RSA 80:66. How Notice Shall be Given.

- Notice shall be in writing.
- Copy given to each mortgagee as recorded at the registry of deeds.
 - In hand,
 - Left at his usual place of abode, or
 - **Sent by certified mail, return receipt requested, or registered mail to his last known post-office address.**

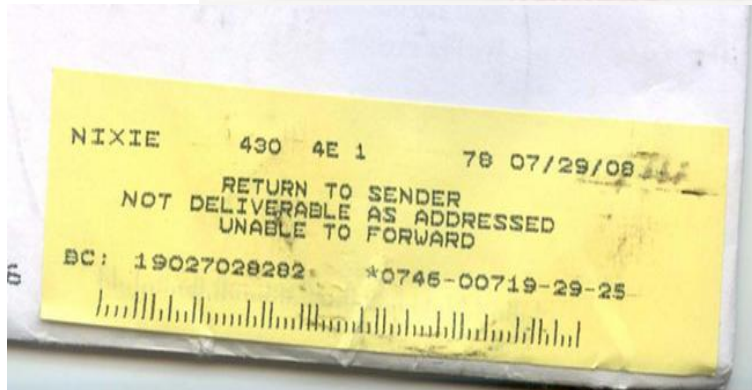


RSA 80:77 Notice to Current Owner.

RSA 80:77-a Notice to Mortgagee.

- **At least 30 days prior to executing the deed:**
 - Tax Collector shall notify the **current owner** of the property or his representative or executor.
 - By **certified mail**, return receipt requested.
 - Tax Collector shall notify each person holding a mortgage upon such property.
 - Any **mortgagee** whose mortgage was recorded in the office of the register of deeds at least 30 days prior to the mailing of the notice.
- Notice shall, at the minimum, contain:
 - Name of the delinquent taxpayer.
 - Description of the property subject to the tax lien.
 - Amount of the tax lien and the amount of tax collector's fee and expenses necessary for redemption.
 - Issue date of the tax lien deed.
 - Expiration date of the right of redemption.
 - Warning that the legal interest of the taxpayer and each mortgagee will be extinguished by the tax lien deed.

Now what?

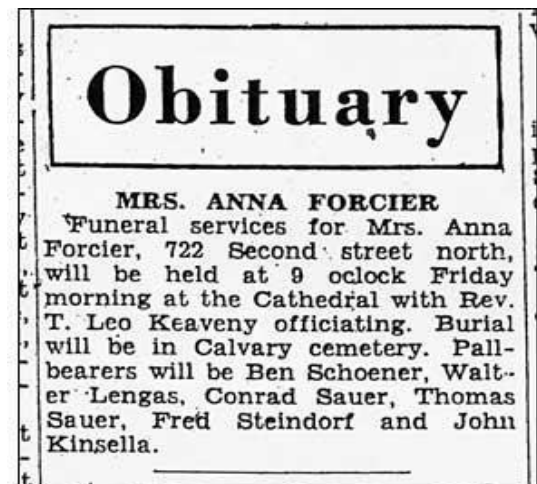


Deceased

Change the owner to:

“Heirs of

- Ask Town Clerk to provide you a copy of the death certificate.
- Look for obituary for name of heirs and their addresses.



Not Deliverable as Addressed

- Mail copy of notice to **property location** address if current owner mailing address is different than location address.
- Mail to **new address** provided on return sticker.



Due Process Notice

- The purpose of the mailings is to provide parties “**due process**” notice of a procedure which may deprive them of a property interest. See, *Mullane vs. Central Hanover Trust Company*, 339 U.S. 306 (1950).
- Generally **notice by mail is sufficient to satisfy due process**, even if it turns out the recipient did not receive it. *Appeal of City of Concord*, 161 N.H. 169 (2010).
- **HOWEVER**, if the municipality knows it was not received (i.e. returned unclaimed or undeliverable as addressed), then you must take “**additional reasonable steps**” to provide notice to the property owner. *Jones vs. Flowers*, 547 U.S. 220 (2006).

Is due process different for lien than deed?



- Lien send to owner of record.
- Deed notice must be received by owner.
 - Use people search tool(\$)
 - Hire an attorney to locate owners(\$)

What do you do?



THANK YOU

GRACIAS

ARIGATO

SHUKURIA

JUSPAXAR

DANKSCHEEN

TASHAKKUR ATU

YAQHANYELAY

SUKSAMA

EXHMET

TINGKI

BIYAN

SHUKRIA

GRAZIE

MEHRBANI

PALDES

BOLZIN

MERCI

GOZAIMASHITA

ECHABISTO

KOMHAP-SUSHENPA

E MBLAKE