

Town of Shirley

BOARD OF SELECTMEN



7 KEADY WAY – SHIRLEY, MASSACHUSETTS - 01464-2812

Kendra J. Dumont, Chair

Robert E. Prescott, Vice Chair

Enrico C. Cappucci, Clerk

TEL: (978) 425-2600, x200

Fax: (978) 425-2602

Selectmen@shirley-ma.gov

BOARD OF SELECTMEN MINUTES October 17th, 2016 7:00 pm TOWN OFFICES

The Board of Selectmen convened its meeting on Monday, October 17th, 2016 at the Town Offices, Meeting Rooms A & B, Chairman Kendra J. Dumont presiding, with Selectmen Robert E. Prescott, Enrico C. Cappucci, and Town Administrator Patrice Garvin in attendance.

CALL TO ORDER

Chair Dumont called to Order the Board of Selectmen's Meeting at 7:00 pm.

Selectmen Cappucci announced that he would be recording the meeting on his own personal voice recorder.

TOWN ADMINISTRATOR REPORT

1. I had a meeting with the Finance Team regarding Town Meeting and the Free Cash certification. As the Board remembers members of the Finance Team were in front of you discussing their challenges closing out FY2016. I will give you a more in depth briefing at your meeting on Monday.
2. The Treasurer/Collector and I met with a resident interested in abutting property of unknown ownership in Tax Title. We are working with this resident and working towards placing this property in auction. The Treasurer/Collector and I have discussed focusing on property of unknown ownership for FY17.
3. The Finance Committee is meeting on Tuesday, October 18th. On their agenda is the Fall Town meeting warrant, which I will be discussing with the committee.
4. I met with Mike Fleming, the Conservation Agent regarding extra help in the Conservation Office. Mike stated that he was going to look into local colleges for interns. We also discussed the use of local High School students to volunteer in the

Conservation Office. I will report back to the Board on the progress of implementing interns.

5. Finally, the public hearing on the warrant is Tuesday, October 25th due to the Super Town Meeting being held on Monday, October 24th.

TREASURY WARRANTS

Selectman Cappucci *Motioned to accept the Treasury Warrants as presented. Selectman Dumont Seconded. Enrico C. Cappucci vote Aye, Kendra J. Dumont vote Aye and Robert E. Prescott, Jr. vote Aye.*

APPROVAL OF MINUTES

Selectman Prescott *Moves to accept the minutes of the Board of Selectmen of October 17th 2016 as presented. Selectmen Cappucci Seconds. Kendra J. Dumont vote Aye, Enrico C. Cappucci vote Aye and Robert E. Prescott, Jr. vote Aye. Motion Passes.*

OLD BUSINESS

1. Energy Committee Update

NEW BUSINESS

2. Electrical Fees Schedule

TA Garvin states we are currently running on a fee schedule from 2011 and technology has vastly improved since then. The Electrical Inspector checked with the state and other Towns and returned to propose a 2% fee of the Electrical piece that is being installed.

Selectmen Cappucci states that he remembers having to go to Town Meeting that last time they proposed a new fee.

Chair Dumont stated that the Selectmen approve license fees.

Selectmen Prescott motions to change the electrical fees schedule from a \$600 dollar fee to a fee of 2% of the unit being installed, Selectmen Cappucci seconds. Prescott vote Aye, Dumont votes Aye, Cappucci Votes Aye. Motion Passed.

3. Bill Cowen of Tallage to discuss tax title.

Bill Cowen from Tallage came forward to make a presentation in regards to tax title issues (Presentation Attached)

TA Garvin states that this was an issue that she would like to work on moving forward and Town Treasurer Collector Victoria Smith agrees.

4. Public Tree Hearing – 7:10

Selectmen Prescott read the following:

In accordance with Massachusetts General Laws (MGL), Chapter 87, Public Shade Tree Law, Section 3, the Town of Shirley Board of Selectmen will hold a Public Hearing regarding three requests for tree removals. This hearing will be conducted on **Monday, October 17, 2016 at 7:10 PM** at the Shirley Town Offices, 7 Keady Way, Shirley, MA. Any person interested or wishing to be heard on this matter should appear at the time and place designated.

The trees and locations of these removals are: 169 Leominster Road (Shirley Landfill area), 18 assorted Pines and Oaks, complete listing with sizes available in the Town Administrator's Office at Town Hall and DPW Office, 158 Great Road. (2) 65 Chapel Street, One 21" Oak and (3) 71 Front St., One 23" Ash.

Chair Dumont states that DPW Forman Paul Farrar would like the have the wood available to the residents after the trees are cut.

Tim Hatch asked if the trees are on property included in the lease.

TA Garvin states that the trees are included in the lease.

Selectman Prescott Motions to approve the removal of 18 trees on 169 Leominster Road and to take liability to offer the wood to the citizens of Shirley . Selectmen Cappucci, Seconds. Enrico C. Cappucci vote Aye, Kendra J. Dumont vote Aye, Robert E. Prescott votes Aye. Motion Passes.

Chair Dumont states that the tree on 65 Chapel Street is dying.

Selectman Prescott Motions to approve the removal of a tree on 65 Chapel Street. Selectmen Cappucci, Seconds. Enrico C. Cappucci vote Aye, Kendra J. Dumont vote Aye, Robert E. Prescott votes Aye. Motion Passes.

Chair Dumont states that the next tree is impeding upon a drive way and the home owner is asking for removal.

A neighbor on Front Street states he attests to the damage this is doing to this driveway and states it is the reason he does not re-pave his driveway.

Selectman Prescott Motions to approve the removal of a tree on 71 Front Street. Selectmen Cappucci, Seconds. Enrico C. Cappucci vote Aye, Kendra J. Dumont vote Aye, Robert E. Prescott votes Aye. Motion Passes.

5. Driveway Permits

Selectman Prescott Motions to approve the Driveway Permit for 36 Chapel Street. Selectmen Cappucci, Seconds. Enrico C. Cappucci vote Aye, Kendra J. Dumont vote Aye, Robert E. Prescott votes Aye. Motion Passes.

6. One-Day Liquor License, St. Anthony's Church, August 5th and 6th, Vote may be taken

Selectmen Prescott motions to approve the One Day Liquor license for the Ayer Shirley PTO. Selectmen Cappucci, Seconds. Prescott vote Aye, Dumont votes Aye, Cappucci Votes Aye. Motion Passed.

PUBLIC COMMENTS

ANNOUNCEMENTS

1. Next Meeting: Monday 10/25/16 at 7:00 p.m.
2. Super Town Meeting is 10/24/16 at 7:00p.m.

ADJOURNMENT

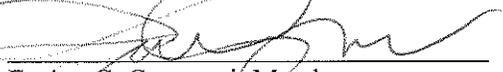
With no further business to discuss, *Selectmen Prescott motioned to adjourn at 7:56pm. Selectmen Cappucci Seconded ., Robert E. Prescott vote Aye, Kendra J. Dumont vote Aye, and Enrico C. Cappucci, vote Aye.*

Respectfully submitted,
Nathan Boudreau, Executive Assistant

Date Accepted: _____


Robert E. Prescott, Jr., Chair


Kendra J. Dumont, Clerk


Enrico C. Cappucci, Member

Pursuant to the 'Open Meeting Law,' G.L. 39, § 23B, the approval of these minutes by the Board constitutes a certification of the date, time and place of the meeting, the members present and absent, and the actions taken at the meeting. Any other description of statements made by any person, or the summary of the discussion of any matter, is included for the purpose of context only, and no certification, express or implied, is made by the Board as to the completeness or accuracy of such statements.

ELECTRICAL PERMIT FEE SCHEDULE
EFFECTIVE OCTOBER 1, 2011

James Thibault Electrical Inspector (978) 425-2600 Ext. 260
(978) 425-4677 (after 8:00 am)

RESIDENTIAL

New Single Family Dwelling - 100 AMP	\$ 125.00
New Single Family Dwelling - 200 AMP	\$ 150.00
Additions	\$ 100.00
Temporary Service	\$ 60.00
Service Change	\$ 75.00
Swimming Pools & Hot Tubs	\$ 75.00
Oil Burner	\$ 60.00
Alarm System	\$ 60.00
Minimum Fee	\$ 60.00
Water Heater	\$ 60.00
Air Conditioner	\$ 60.00
Solar	\$ 100.00

INDUSTRIAL/COMMERCIAL

100 AMP	\$ 150.00**
200 AMP	\$ 175.00**
400 AMP	\$ 225.00**
600 AMP	\$ 275.00**
1,000 AMP	\$ 375.00**
2,000 AMP	\$ 600.00**
Solar (Per Inverter)	\$ 600.00
Annual Maintenance Fee	\$ 125.00
Violation Fee	\$ 75.00
Equipment Installation	\$ 50.00

**Plus \$10.00 per 1,000 sq. ft. floor area

The Electrical Inspector requires a rough and final inspection on all new construction. All additional inspections required by the Electrical Inspector will be \$ 45.00 per inspection. Double fees will be charged for work done without a permit.

PERMITS TO PERFORM ELECTRICAL WORK SHALL BE
ISSUED TO LICENSED ELECTRICIANS ONLY

Town of Shirley

DEPARTMENT OF PUBLIC WORKS



158 GREAT ROAD - SHIRLEY, MASSACHUSETTS - 01464-2812

TEL: (978) 425-2628

Fax: (978) 425-2619

Memorandum:

To: Board of Selectmen
From: Paul Farrar – Foreman of Public Works
Date: October 6, 2016
Re: Public Tree Hearing, October 17, 2016

Dear Board Members,

This office has requested a public tree hearing on Monday, October 17, 2016 at 7:10 PM on behalf of Altus Power America, Ms. Maryanne Coulter, resident of 65 Chapel Street and Ms. Jessica Smith, resident of 71 Front St. Please see locations, types, sizes and reason for removal below. Pictures are also attached for your review.

<u>REQUEST FROM:</u>	<u>LOCATION AND SIZE/TREE TYPE</u>	<u>REASON</u>
1. Altus Power America	169 Leominster Road 18 Assorted Pines and Oaks (see attached letter)	Solar Farm Being Built (Removals at Altus' expense)
2. Ms. Maryanne Coulter	65 Chapel St. One (1) 21" Oak	When National Grid trimmed trees during their hazardous trimming project in January 2016, the tree was trimmed extensively on one side and is now leaning towards her house and is dangerous. Ms. Coulter is having other tree work in her yard and is requesting that this town tree be taken down as well. Removal is at Ms. Coulter's expense.

<u>REQUEST FROM:</u>	<u>LOCATION AND SIZE/TYPE TREE</u>	<u>REASON</u>
3. Ms. Jessica Smith	71 Front St. One (1) 23" Ash	This tree is in the middle of 2 driveways (69 and 71 Front St.). The owner of 69 Front St is having driveway work completed and he would like this dying tree removed. Ms. Jessica Smith, 71 Front St has written a letter stating that several limbs have fallen in the past and she would like it removed for safety's sake since it is near the sidewalk that kids use to walk to school. The removal of this tree will be at the DPW's expense.

DPW's Comments and Recommendations:

#1. Altus Power America at 169 Leominster Road- This office has no issue with this request, however, we strongly request that any trees cut and removed be placed in the Town's Pit on Patterson Road for residents to use as firewood and not given to Altus or sold to an outside entity. Also, we would like to see a group of bushes be planted in the near vicinity of these trees. This area is visible from the road and it would help to beautify the area.

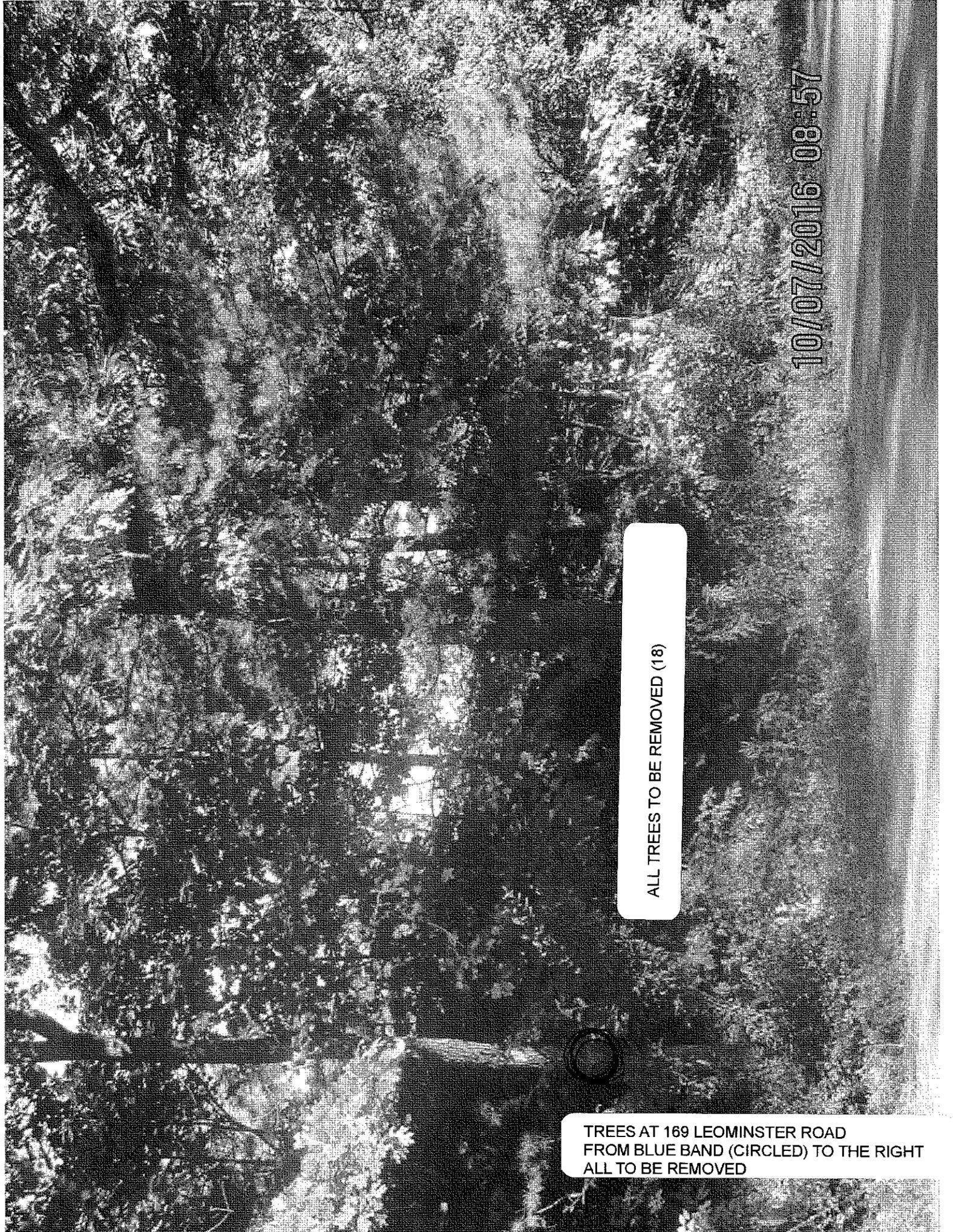
#2. Ms. Maryanne Coulter at 65 Chapel Street – this office has no issue with the removal of the tree.

#3. Ms. Jessica Smith at 71 Front Street – this office can understand and agrees with the reason Ms. Smith would like the tree to be removed, for safety reasons. However, I believe removing the tree will cause the stump system to possibly partially cave in and cause even more damage to Ms. Smith's driveway than what is already there (see pictures). We feel that this removal may cause Ms. Smith to seek some sort of recourse with the town if this happens, claiming we damaged her driveway by removing the tree.

If you have any questions, please feel free to contact this office.

Thank you,

Paul Farrar
DPW Foreman
Tree Warden



ALL TREES TO BE REMOVED (18)

10/07/2016 08:57

TREES AT 169 LEOMINSTER ROAD
FROM BLUE BAND (CIRCLED) TO THE RIGHT
ALL TO BE REMOVED

10/07/2016 08:58
10/07/2016 08:58
10/07/2016 08:58



ALL TREES TO BE REMOVED (18)



09/29/2016 14:34

TREE #2 - 65 CHAPEL ST.
21" OAK



09/29/2016 14:34

TREE #2 - 65 CHAPEL ST.
21" OAK



09/29/2016 14:37

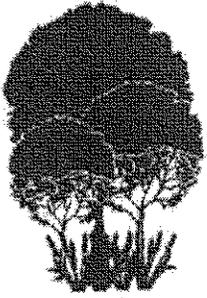
TREE #3 - 71 FRONT ST.
23" ASH

18171-9102/162/160

TREE #3 - 71 FRONT ST.
23" ASH

10/07/2016 09:44

DRIVEWAY OF 71 FRONT ST.



Caron Environmental Consulting

978-874-5469

Wetlands • Forestry • Permitting • Habitat Studies

September 12, 2016

Ms. Alana Chain
Altus Power America
102 Greenwich Avenue; 3rd Floor
Greenwich, CT 06830

Re: Tree Removal
Shirley landfill site
169 Leominster Road/Shirley

Dear Ms. Chain:

As requested I have quantified the trees that need to be removed for the above-referenced project along the route of the proposed electrical lines. We quantified the trees in the area that you identified; between the road and the recycling center, from the access driveway westward approximately 75 feet.

Within that area we have quantified each tree with a diameter at breast height (dbh) of 3.5 inches or greater. Each tree was identified to species, its diameter was measured with a diameter tape and its height was estimated. The heights of the tallest trees were measured with a clinometer. Blue flagging was tied around each tree and numbered. A total of eighteen trees with a dbh of greater than 3.5 inches occur in the area as tabulated below:

Tree Number	Species	DBH (inches)	Height (feet)
1	White Pine	5	15
2	Pitch Pine	4	15
3	White Pine	5	15
4	Red Oak	27	55
5	White Pine	5	15
6	Red Oak	5	30
7	Red Oak	4	30
8	White Oak	18	60
9	White Pine	6	15
10	Black Oak	4	30
11	White Oak	10	50
12	White Pine	4	15
13	Scarlet Oak	12	60
14	White Pine	7	15
15	White Oak	19	55
16	White Pine	5	15
17	White Oak	4	25
18	Black Oak	9	50

9/26/2016

To Whom It May Concern,

The tree located at the front left side of my property is dead. As it belongs to the town, it would be in everyone's best interest if it were removed. Since there are dead branches that not only hang over my property, but my neighbors' and the sidewalk. Which could fall and cause injury to anyone who might be walking under it.

Sincerely,

Justine M. Smith

Massachusetts Collectors & Treasurers School
August 18, 2016

Tax Title Sales & Tax Title Issues
Class # 1006

William P. Cowin
Daniel C. Hill

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Tax Title Assignments

- There are several ways that municipalities can collect delinquent real estate taxes – recording a tax taking and initiating a foreclosure action in Land Court is by far the most popular.
- Selling (“assigning”) a municipality’s interest in a tax taking (a “tax title”) is an alternative to the Land Court foreclosure process, giving towns the ability to immediately recover what is owed and to avoid the cost and delay of a foreclosure action. Assignments are expressly authorized and governed by G.L. c. 60, s. 2C and 52.
- The assignment of tax titles was popular in Massachusetts in the first half of the 20th century, but interest waned. Until recently, only a handful of communities, most notably Worcester, had been actively selling their tax titles. Over the last 6 years however, dozens of municipalities have entered the field by conducting their own tax title assignments.

Creation of the Tax Title Account

- Payment of property taxes automatically secured by lien attaching to real estate as of tax assessment (Jan. 1).
- Lien is perfected through execution and recording of “instrument of taking” or tax collector’s deed.
- Lien becomes a “tax title” and title to the property is vested with the municipality (or the purchaser of a tax collector’s deed), subject to the assessed owner’s “right of redemption” under Chapter 60.
- “Right of redemption” is foreclosed through entry of a foreclosure decree by the MA Land Court. Foreclosure petition takes approximately 14-18 months including a statutory 6 month waiting period from the creation of the tax title.

Administration of Tax Titles

- Interest accrues at 16% of the principal amount of taxes owed.
- When foreclosure petition is filed, Land Court gives all interested parties notice of the petition and generally 45 days to redeem or otherwise challenge legality of the taking.
- Tax liens cannot be discharged through bankruptcy, although enforceability may be stayed.
- If property is not redeemed, Land Court enters a foreclosure decree vesting absolute title to petitioner. Under rare circumstances, which usually involves a defect in notice, an interested party may petition the Court to vacate the decree and permit a late redemption.
- Tax title lien has super-priority status under the state law, and foreclosure of the “right of redemption” wipes out all previously-recorded liens such as mortgages and judgments.
- Unlike mortgage foreclosures and other debt collection proceedings, no requirement to sell the foreclosed tax possession, and surplus is retained by the holder of the tax title.

Assignments of Tax Titles - Intro

- Municipalities holding tax collector's deeds or instruments of taking may "assign" their interests to private entities through an auction or bid process governed by statute.
- Two Options: G.L. c. 60, s. 2C or G.L. c. 60, s. 52.
- Under the simplified statute (Section 52), the treasurer holds a public auction after giving notice to the debtor, and sells the tax title, or bundles of tax titles, to the highest bidder. The minimum bid is the balance due on the account.
- Under Section 2C, the treasurer sells a bundle of tax titles through an RFP process, and the price may be discounted up to 50% of accrued interest.

Section 2C – Bulk Sales

- A. Eligibility
- B. Notice Requirements
- C. Assignment Amount / Discounts
- D. Assignment Agreement Terms
 - 1. Repurchases by Municipality
 - 2. Payments by Taxpayers, MLC, Redemptions
 - 3. Recording Requirements
 - 4. Right of First Refusal

Section 2C – Bulk Sales Cont.

- E. Assignment Instruments
- F. Joint Assignments
- G. Reporting Requirements

More Information:

- DOR Informational Guideline Release:
<http://www.mass.gov/dor/docs/dls/pub/igr/2005/igr05-208.pdf>
- Hopkinton Assignment Agreement (2008): Middlesex South Dist. Reg. of Deeds, Book 51469, Page 1.

Section 52 – Tax Title Auctions

- A. Eligibility
- B. Notice Requirements
- C. Assignment Instrument
- D. Redemption
- E. Subsequent Delinquent Taxes
- F. Repurchase of Defective Tax Titles

Common Validity Issues w Tax Takings

- A. Recording Requirement – 60 days
- B. Signature Blocks – Collector not Treasurer
- C. Notary Date – Same date as Collector signature
- D. Bankruptcy Check – Pacer and/or tax title counsel
- E. Owner of Record –
 - A. Registry of Deeds – taking only valid if correct assessed owner
 - B. Probate Court – Hardy v. Jaeckle, 371 Mass 573, 579 (1976)
- F. Probate Issues
 - A. Probate or no probate
 - B. Valid takings start with the Assessor

Common Validity Issues w Tax Takings – Quiz Show

TAX TITLE QUIZ SHOW!

THE FIVE MOST COMMON PROBLEMS IN TAX TITLE CASES

... and how to avoid them

Tax Title Legislation Update

- House Bill 2605 and Senate Bill 1463 - An Act Relative to the Improvement in the process for collecting delinquent property taxes
- Hearing held on June 9, 2015 before Joint Committee on Revenue
- Key proposed changes in the legislation:
 - Increase payment agreement period from 5 years to 10 years
 - Include notice in the five most common languages in the Commonwealth
 - Mandate that purchasers of tax titles register and be treated as “debt collectors” under the state debt collection statute
 - Require private holders of tax titles to hold any foreclosed property for a year after foreclosure, and then auction foreclosed property and to return any surplus to the former owner and the municipality.
- MCTA & MMA opposed the legislation
- Revised and much narrower bill reported favorably by Joint Committee on Revenue and referred to Senate Ways and Means as Senate bill #2192
- Senate Bill #2192 was not acted on in the current legislative session that ended 7/31/16

Section 52 - Tax Title Sale Timeline (Exhibit B)

One Month Prior to Auction

- Develop list of tax titles the municipality wants to sell (**Exhibit C**);
- Calculate tax title account balances through the date of the auction;
- Develop protocols, rules and forms for auction.

14 Days Before Auction*

- Advertise auction in newspaper of general circulation once, listing all tax liens for sale;
- Post notice in at least two public places.

10 Days Before Auction*

- Send pre-auction notification to all owners of affected properties.

1 Day Before Auction

- Generate revised list of tax liens for sale after pre-auction payoffs.

After Auction

- Collect deposit(s) from winning bidder(s);
- Prepare Assignment forms for winning bidder(s);
- Exchange Assignment forms for full payments.

*Statutory Minimum Requirement

Section 52 - Tax Title Sale Forms

- "Newspaper Legal Notice" & "Public Posting Legal Notice" are identical and both used for the 14 day notice requirements prior to the auction. The "Public Posting Legal Notice" must be posted in 2 or more convenient and public places in the municipality (city/town hall and post office or library for example). – **Exhibits D & E**
- "Pre-Sale Notice to Owners" is required at least 10 days prior to the auction to each of the property owners (does not have to be certified). – **Exhibit F**
- "Registration Form" for prospective bidders. – **Exhibit G**
- "Auction Rules and Prospectus" provided to prospective bidders the day of the auction. – **Exhibit H**
- After the auction, there is an "Assignment Instrument & Purchaser's Statement" that the municipality provides to the successful auction winner for each of the tax titles sold. The purchaser is required to record the assignment instrument & purchaser's statement individually at the Registry of Deeds at the cost of the winning purchaser. – **Exhibit I**
- A typical requirement of the winning purchaser is to keep the property taxes current, if the property owner does not, until the tax lien is redeemed. When such payments are made by the purchaser to the Collector at the end of the fiscal year but obviously before another taking would occur, a "Certificate of Tax Payment" is provided that is recorded at the purchaser's cost. – **Exhibit J**

Tax Title Assignments – Costs & Benefits

COSTS

- Lose 16% interest accrual on tax principal
- Learning curve of assignment process
- Pre and Post assignment administration
- Political environment

BENEFITS

- Raise Revenues
- Reduce Administrative Burden
- Reduce Municipal Liabilities
- Increase Property Tax Collection Rates
- Credit rating and bond audit benefits

Market Trends

- Worcester historically had been the only community that holds regular tax lien auctions dating back nearly 30 years.
- In the last six years nearly three dozen municipalities have sold tax titles under Section 52 including: Acushnet, Barre, Braintree, Brockton, Dartmouth, East Longmeadow, Easton, Fitchburg, Holyoke, Hopedale, Lowell, Mendon, Millis, New Bedford, Orange, Paxton, Pepperell, Pittsfield, Quincy, Sharon, Somerset, Spencer, Sterling, Sutton, Swansea, Templeton, Uxbridge, Ware, Warren, Westfield, Westport, West Springfield, Weymouth, Worcester & Yarmouth.
- MA Department of Revenue estimates there are \$343M in tax title in MA. This excludes accrued interest & fees as well as eligible takings not yet taken and subsequent year taxes not yet in tax title so the number is probably well north of \$500M.

Contact Information

- Department of Revenue – Division of Local Services
(617)-626-2400
DLSLAW@dor.state.ma.us
- Bill Cowin - Tallage, LLC
(617) 543-7214
Bill.Cowin@TallageLLC.com
- Daniel C. Hill - Hill Law
(617) 494-8300
DHill@DanHillLaw.com

Biography

Bill Cowin is a 2002 graduate of the Wharton School of Business at the University of Pennsylvania. Prior to founding Tallage, Bill worked for 7 years at Fidelity Investments. Bill grew up in Newton and now lives with his wife and two daughters in Boston.

Daniel C. Hill is a 1999 graduate of the Northeastern University School of Law. Dan is General Counsel to Tallage, and is the principal of Hill Law in Cambridge, which focuses on real estate development, permitting and litigation. Dan grew up on Cape Cod, and lives with his wife and three children in Wayland.

Q&A

EXHIBIT A
ASSIGNMENT SALE LEGAL OUTLINE

MCTA Amherst School
Tax Title Assignments under G.L. c. 60, §§ 2C and 52
Legal Outline
August 18, 2016

I. CREATION OF TAX TITLES – A PRIMER

- Municipal property taxes in Massachusetts are automatically secured by an automatic lien that attaches to real estate as of the date of tax assessment, which is January 1 of each year for the fiscal year beginning on the following July 1. The tax lien secures payment of all real estate taxes and other municipal charges such as water and sewer fees.
- The proper party to be assessed is the person appearing of record as the owner as of January 1 of the year preceding the fiscal year. G.L. c. 59, §11.
- The automatic lien endures for as long as the assessed owner continues to own the property, but it terminates 3 years and 6 months after the end of the fiscal year for which the tax was assessed if there has been a conveyance of the property. The Tax Collector avoids the loss of the lien by “perfecting” it - through the execution of an instrument of taking (G.L. c. 60, §54) or a tax collector deed (§45), at which point title vests in the holder of the tax title subject to the right of redemption.
- The collection of property taxes by sale of the assessed property through a tax collector’s deed was first introduced in Massachusetts in 1731 and expanded in 1878, and was, by 1938 at least, the predominant method of “collecting” real estate taxes in Massachusetts. G.L. c. 60, §§43-45; see, Philip Nichols, *Taxation in Massachusetts* (3d ed.) p. 385.
- The property tax is deemed *collected* when the property is sold (§§43-45), or when the tax title is sold (§§2C, 52).
- The concept of the modern “instrument of taking” was introduced in 1878, and has today become the primary method of tax collection enforcement by tax collectors across the Commonwealth. See, G.L. c. 60, §53 and Reporter’s Notes.
- A tax lien under Chapter 60 is superior to any other lien, including prior mortgages, but is probably subject to existing leases and easements. See Wiggin v. Lowell Five, 299 Mass. 518 (1938); Gaunt v. Arzoonian, 313 Mass. 38 (1943). A tax lien is superior to federal tax liens. Internal Revenue Code, §6323(b)(6). A tax title generally cannot be discharged through bankruptcy, although its enforceability may be stayed. Recovery of legal fees through the bankruptcy court is difficult.

- At any time after six months from the date of a tax taking, the holder (municipality or private party) may file a petition in the Land Court to foreclose all rights of redemption. G.L. c. 60, §65. There is no statutory distinction between a public or private plaintiff.
- Once real estate has been taken for nonpayment of taxes, it is unnecessary for the town to execute tax takings for subsequently unpaid taxes; subsequent unpaid taxes and charges should be certified to the tax title account by the Tax Collector, and is added to the balance due on the account.
- Until the right of redemption is foreclosed by the Land Court, the owner or any interested party such as a mortgagee can redeem by paying the outstanding taxes, interest and fees that have accrued on the account. G.L. c. 60, §62. Gaunt v. Arzoonian, *supra*.
- Once a tax lien becomes a tax title account, interest accrues on the principal amount of the taxes at a rate of 16% per annum. The holder of a tax title cannot impose any “exorbitant charges” on a party seeking to redeem the property, including any “premium” that a purchaser of a tax title may have paid to the municipality above and beyond the account balance as of the date of the sale. G.L. c. 60, §§62, 104; see also, Dep’t of Revenue IGR 05-208, p. 5.
- The Land Court has exclusive jurisdiction to resolve disputes concerning the terms of redemption, both before or after a foreclosure complaint is filed. G.L. c. 60, §§68, 76. The Court’s authority in this regard is limited, however, to “determining a party’s ownership interest in the property and his or her financial capability to redeem, and to setting the terms of the redemption.” Lynnfield v. Owners Unknown, 397 Mass. 470, 475 (1986) (rejecting the Land Court refusal to allow a party to redeem before the entry of a foreclosure decree).
- Upon the filing of a foreclosure petition, the Land Court must examine the title to identify all interested parties, and notice of the action is then sent to all parties by registered mail. G.L. c. 60, §66. The entry of a foreclosure decree vests “absolute title” in the holder of the tax title. Sandwich v. Quirk, 409 Mass. 380, 384 (1991), quoting, G. L. c. 60, §64. A motion to vacate the foreclosure decree brought more than a year after the date of the judgment will only be allowed in cases of due process deprivations, which are rare. G.L. c. 60, §69A; Town of Andover v. State Fin. Servs., 432 Mass. 571 (2000).¹ Even when brought within a year of the judgment, such motions are “extraordinary in nature and ought to be granted only after careful consideration and in instances where they are required to accomplish justice.” Lynch v. Boston, 313 Mass. 478, 480 (1943), quoting, Russell v. Foley, 278 Mass. 145, 148 (1932).

^{1/} There remains a question whether the conveyance of a foreclosed property to an innocent purchaser for value also serves as a bar to a motion to vacate. G.L. c. 60, §§69-69A. See, Kevin T. Creedon and David H. Morse, *Tax Titles – Review of Relevant Statutes*, Mass. Conveyancers’ Assoc., Nov. 28, 1988, §V(F)(2).

- The municipality/plaintiff must record a Notice of Filing in the Registry of Deeds after filing its tax foreclosure complaint (§75) – this puts the world on constructive notice that a foreclosure petition is active. The date the Notice is recorded serves as the cut-off date after which any new lienholder or creditor is on constructive notice and does not need to be served by the Court by registered mail (G.L. c. 60, §66) in order to satisfy due process requirements.
- A municipality may assign its rights in a tax taking or a tax collector deed (in either case, a “tax title account”), through either the submission of written bids (G.L. c. 60, §2C) or through a public auction (G.L. c. 60, §52). Upon purchasing a tax title account from a municipality, the purchaser acquires the same rights and responsibilities as a purchaser of a tax collector deed under Sections 43-45. G.L. c. 60, §52.
- Private holders of tax titles have no special rights or powers under Chapter 60 – all of the provisions governing tax title foreclosure apply equally to private and public tax title holders.
- The Land Court foreclosure petition process generally takes approximately 8 – 12 months, but could take several years depending on a number of factors.
- Unlike mortgage foreclosures and other debt collection proceedings, there is no requirement to sell the foreclosed tax possession, and any surplus from the sale of a tax possession is retained by the holder of the tax title.

II. SECTION 2C - BULK SALES OF TAX TITLES

A. Eligibility

- Under Section 2C, a tax collector may assign his or her tax *receivables* secured by the statutory lien (before they are put into tax title), and treasurers may assign *tax titles* secured by recorded instruments of taking. This outline is limited to the assignment of tax titles, but the rules for collectors are similar.
- A bundle of tax titles cannot include any parcels which the treasurer has already entered into a payment agreement with the taxpayer under G.L. Ch. 60 §2C(b).
- Bundles may be based upon categories of receivables, such as
 - Owner occupancy.
 - Delinquency age.
 - Receivable value.
 - Parcel characteristics (For example, single- or multi-family residential parcels).
 - Square footage, for commercial or industrial property.

B. Notice Requirements

- Before treasurers assign tax titles, they must publish a list of those accounts that may be assigned in a newspaper printed in the city or town. The list must include the names of the assessed owners and, in the case of real estate taxes, the addresses of the parcels involved. **The publication must precede the assignment by at least two months.**
- Payment Plans - During the grace period between the publication of the list and the assignment sale, taxpayers may enter into payment agreements with the treasurer. If a taxpayer has made such a payment agreement, and is in compliance with its terms on the date of the assignment sale, the taxpayer's delinquent taxes may not be included in that assignment. If the taxpayer later fails to comply with the terms of the payment agreement, the balance of the delinquent tax may then be assigned, either in accordance with the terms of the assignment contract, or under a separate assignment sale. Treasurers must offer equivalent payment plans to all taxpayers of the same category.

C. Assignment Amount; Discounts

- Tax titles must be sold through a Request for Proposals to the most responsible and responsive bidder taking into consideration the following evaluation criteria:
 - The price proposed by the offeror.
 - The offeror's qualifications and experience.
 - The offeror's plan for communicating with the taxpayers.
 - Whether the offeror has a regular place of business in the Commonwealth.
 - Whether the offeror is in good standing with the Department of Revenue.
 - The offerors' ability to supply timely information as required by the statute.
- Tax title may be sold at a discount of up to 50% of the amount of the accrued interest in the tax title account. The percent of the discount must be uniform for all the tax titles being assigned. The discount can apply to Collector's interest (14%), Treasurer's interest (16%) or both. The RFP must indicate which categories of interest may be discounted.
- Between the date of the RFP and the date a successful bidder is chosen, many tax title accounts will be redeemed (paid off). As such, bids should be in the form of a percentage of the total amount owed on the bundle of tax titles (the amount the taxpayer would have to pay to redeem). If the RFP allows interest to be discounted, bids should indicate the percentage discount it is proposing for each category of interest, if applicable (collector's and treasurer's).
- The amount paid by the winning bidder should be equal to what the taxpayer would have had to pay to redeem, reduced by any discount of interest, and increased by any premium paid by the assignee.

D. Assignment Agreement Terms

- DOR requires there to be an assignment agreement between the Treasurer and the Assignee as a condition of any sale. The Agreement must be binding upon subsequent transferees of the assignee. DOR regulations stipulate what sort of terms must be included in the Assignment Agreement.
1. Repurchases of Tax Titles by Municipalities
 - Agreements must provide for the repurchase of defective tax titles, such as (a) invalid assessments that are not cured by a reassessment under G.L. Ch. 59 §77; or (b) receivables for which the municipal lien has been lost through an error on the part of the municipality.
 - Instead of requiring cash payments from the municipality on a repurchase, the assignment agreement may provide for the substitution of a similar receivable.
 - Agreements must specify a time limit, which may not exceed three years, within which the municipality may be required to make adjustments and repurchases.
 - Agreements must also specify the maximum net amount of repurchases of, and adjustments to, tax titles receivables that the municipality may be required to make.
 2. Payments by Taxpayers; Municipal Lien Certificates; Redemption
 - The Agreement must require the assignee to furnish the treasurer and collector with copies of any instruments of redemption, petitions to foreclose, and other related filings. Similarly, the treasurer and collector must furnish the assignee with copies of any lien certificates or instruments of redemption issued by the municipality.
 - The Agreement must also make the municipal treasurer an agent of the Assignee (1) for the receipt of any payment made on account of a tax title, and (2) for issuing certificates of payment in accordance with G.L. Ch. 60 §63. A treasurer, before issuing a certificate of payment, must get a written statement of the balance due on the tax title account from the Assignee.

Editorial/Practice Pointer – it is recommended that once a foreclosure petition is filed by the Assignee in Land Court, all redemptions should be processed through the Assignee, and requests for payoff information received by the Treasurer be forwarded to the Assignee. As noted above, the Treasurer will have to request a statement from the Assignee for each payoff request, which is an unnecessary administrative burden that negates the cost savings of assigning tax titles.
 - The Agreement must require Assignees to report its collection activity at least as often as quarterly to the municipal accounting officer, and to the treasurer.

3. Recording Requirements

- The instrument of assignment together with a list of owners and parcels of land that are being sold, must be recorded or filed at the Registry of Deeds within 10 days of its execution.

4. Right of First Refusal

- The Assignee must be given a right of first refusal to purchase subsequent years' unpaid taxes and fees with respect to any parcels on which the Assignee has a prior year's tax title. Prior to assigning subsequent taxes under a new sale, at least two weeks' notice must be given to the Assignee.

E. Assignment Instrument

- An "instrument of assignment," separate from the "assignment agreement," must be recorded, and include a list of tax titles being assigned.

F. Joint Assignments

- Collectors or treasurers of two or more municipalities may make joint assignments of receivables. Collectors and treasurers intending to make such joint assignments must agree in advance how proposals will be evaluated, and whether any individual collector or treasurer can refuse to enter into an assignment agreement.

G. Reporting Requirements

- Within 30 days of entering into an assignment agreement under G.L. Ch. 60 §2C, the treasurer must file a report with the Bureau of Accounts.

III. SECTION 52 – TAX TITLE AUCTIONS

A. Eligibility

- The treasurer may assign tax titles individually, or in one or more bundles. The purchaser must be the highest bidder through a public auction.
- Tax titles for which foreclosure petitions are already pending in Land Court may be assigned.
- A treasurer may not assign tax titles subject to a payment agreement entered into under Section 62A.
- Tax titles on properties that are in bankruptcy may be assigned, but are probably not desirable to prospective bidders – the automatic stay provisions of the bankruptcy code prevent assignees from initiating foreclosure proceedings, and assignees must invest

resources to monitor active bankruptcy cases to protect their rights. Further, recovery of assignees' out-of-pocket expenses is not guaranteed in bankruptcy actions.

- The minimum price for an assignment of a tax title is the amount the taxpayer would have to pay to redeem the parcel on the date of the auction. Bidders may offer more than what is owed to the Town (a "premium"), but the premium cannot be collected by the Assignee from a party who is seeking to redeem. Thus, the payment of a premium by the assignee is at the sole risk of the assignee.

Editorial/Practice Pointer – Tax lien auctions often draw out hobby investors who are not familiar with tax foreclosure laws, and may not realize that the asset being assigned is a lien that is subject to a right of redemption. To minimize confusion and conflicts after an auction, it is recommended that the Treasurer provide all prospective bidders with a written advisory, stating that the lien must be foreclosed before the assignee can occupy the subject property, and that interested parties have a legal right to redeem the property and clear the title of the lien by paying the balance due on the tax title account, plus any legitimate fees and charges that may accrue. A premium paid by the assignee is not a legitimate charge, and therefore an assignee will forfeit any premium paid to acquire a lien that is subsequently redeemed. Recommended forms and practices are discussed later in this seminar.

B. Notice Requirements

- Notice of the public auction must be published at least 14 days before the auction in a newspaper printed in the city or town, if any, otherwise in a newspaper published in the county, and posted in at least 2 public places within the city or town. The notice must be made in the same manner and include the same information as the notice a collector gives of a proposed tax taking under G.L. c. 60, §40.
- Written notice must also be given to the "owner of record" at his last known address at least 10 days before the auction. Failure of the taxpayer to receive the notice will not affect the validity of the assignment.

Editorial/Practice Pointer – Land Court attorneys are beginning to pay closer attention to compliance with these notice provisions. The term "owner of record" is not defined by the statute, and could mean the owner of the most recent assessment date (January 1st of the preceding fiscal year), or the current record owner as appearing in the Registry of Deeds. Since the purpose of the notice requirement would be better served by noticing the current record owner, the better practice would be for the town to confirm record ownership for each tax title account that is being advertised for the assignment auction, and send notices to both the current record owner, and the assessed owner.

C. Assignment Instrument

- The winning bidder must make payment in full within 20 days of the auction, including interest that accrues between the date of the auction and date of payment. G.L. c. 60, §49.
- Upon full payment, the treasurer must execute an “Instrument of Assignment of Tax Title” (State Tax Form 431) for each parcel. The instrument must include the assignee’s full legal name and address and the amount for which the property is assigned.
- The instrument of assignment must be recorded within 60 days of execution.
- Proceeds from an assignment sale are treated in the same way as proceeds from a redemption for municipal finance purposes. See, G.L. c. 60 §43.
- The Assignee must file in the Registry of Deeds a statement of residence and place of business within the town, or, if not a resident, a resident agent authorized to release tax titles.

D. Redemption

- Prior to the filing of a foreclosure petition, the assessed owner or other persons with an interest in the property may redeem by paying the Assignee or the Treasurer the same amount they would have to pay to redeem if the tax title had not been assigned, *i.e.*, the amount for which the property was taken by the collector, all amounts subsequently certified to the tax title account, plus accrued tax title interest (16%) to the redemption date.
- If payment is made to the Treasurer, the person must pay the entire redemption amount, along with a \$10 handling fee, at once. Partial payments may only be accepted by the Assignee. The Treasurer then pays over the redemption amount to the Assignee and retains the \$10 fee as general revenue of the municipality.
- Once a foreclosure petition is filed in Land Court, redemptions should be handled by the Assignee exclusively, because the Treasurer will not have a record of the additional legal costs and fees that will have been added to the tax title account. The certificate of redemption prepared by the Assignee should reference any subsequent Certificates of Tax Payment (CTP) for subsequent unpaid taxes paid by the Assignee – title insurance companies in Massachusetts are now looking for express releases from Assignees for those CTP’s.

E. Subsequent Delinquent Taxes

- If the owner of a parcel whose tax title is assigned fails to pay subsequent taxes or other charges constituting a lien on the parcel, the collector may have to make a new taking. The Department of Revenue believes that the assigned tax title will be subordinate to the tax title created by the new taking for subsequent taxes and charges. This is probably the

correct interpretation, but there have been no legal rulings from a court on this issue. Unlike an assignee under §2C, an assignee under §52 has no automatic right to purchase the new tax title.

Editorial/Practice Pointer – Most communities that sell tax liens under Section 52 require as a condition of sale that the assignee pay any subsequent taxes that are unpaid by the assessed owner. This serves both the interests of the municipality in getting subsequent taxes paid, and the interests of the assignee to protect its position on the original assignment. In these communities, assignees that fail to pay subsequent taxes are barred from participating in any future tax lien auctions.

- Upon payment of subsequent unpaid taxes, the Collector should issue a “Certificate of Tax Payment” to the Assignee, which the Assignee should record to put all interested parties on notice that the balance on the original tax lien assigned has increased. See, G.L. c. 60, §60. Subsequent taxes paid by the Assignee are treated as principal and subject to the 16% statutory interest rate.

F. Repurchase of Defective Tax Titles

- An Assignee may sell back to the Treasurer any assignments of tax titles that are defective as a result of assessment errors within 6 months after the date of the assignment. The Assignee is entitled to be reimbursed what it paid to the Treasurer, with 8% interest.
- Takings against individuals who are deceased at the time of the taking are invalid if the estate of the deceased was adjudicated by the Probate Court at the time of the assessment. The term “administered” in this context means that a petition for allowance of a will, or for the appointment of an administrator/trix (where there is no will), has been signed as allowed by the Probate Court. Under the newly-adopted MUPC, an adjudication means an order appointing a personal representative regardless of whether the probate is being handled informally or formally. Assessors are considered to have constructive knowledge of the records of both the Registries of Deeds and Probate Courts for assessment purposes. If the estate has not been “probated,” the taking can be made generically against the “heirs of” the deceased, or the “estate of” the deceased.
- A taking is also invalid if it was not recorded at the Registry of Deeds within 60 days of the execution of the taking. The same rule applies to Tax Collector Deeds, except that the 60-day clock starts to run from the date of the sale (auction), even if the Deed itself is signed and dated later.
- For properties with existing tax title accounts, subsequent unpaid taxes must be certified to the tax title account. G.L. c. 60, §61. A subsequent tax taking against a property that is already in tax title is ineffective. If a subsequent tax taking is made by error, the Collector should “disclaim” the subsequent taking through a form recorded at the Registry of Deeds, and certify the subsequent taxes to the tax title account. If a prior tax

taking is redeemed but a redemption certificate is not recorded, the Land Court will require that a redemption certificate be recorded prior to the entry of a foreclosure decree.

- Where a deed conveys title to property subject to the reservation of a life estate, the life tenant is considered the record owner for tax assessment purposes, and therefore must be named on the tax taking.
- From time to time Collectors make insubstantial errors on their instruments of taking, which the Land Court may require to be cured prior to the entry of a foreclosure decree. Correcting such errors usually involves signing and recording a one-page affidavit.

TAX TITLE QUIZ SHOW!

THE FIVE MOST COMMON PROBLEMS IN TAX TITLE CASES ... and how to avoid them

Tallage has filed over one thousand tax title foreclosure petitions in Land Court for tax titles purchased in nearly 30 communities state-wide. The following are the 5 most common recurring issues Tallage sees in tax title cases, most of which can be avoided or mitigated.

1. Criminy, the Property Owner is in Bankruptcy!

- Joe Six-Pack owns a 10-acre parcel of land in Anytown, Massachusetts.
- He stopped paying his property taxes in 2010.
- The Tax Collector in Anytown sent a demand to Joe on August 1st that she would be taking the property for nonpayment of taxes.
- On August 2nd, Joe filed a Chapter 13 petition for bankruptcy protection.
- On August 15th, the Tax Collector executed a tax taking, and recorded it with the Registry of Deeds. What is the result?
 - a. the taking is invalid because it violated the automatic stay provisions of the federal bankruptcy code;
 - b. the taking is valid because the demand was sent to the debtor before the debtor filed for bankruptcy;
 - c. the taking is valid because no one with the last name "Six-Pack" has any right to claim that a taking is invalid.

Answers:

1. (a) – the taking is invalid. The Collector should disclaim the invalid taking and file a proof of claim with the Bankruptcy Court for the amount of the delinquency. The Collector should also file a continuation of lien in the Registry of Deeds. It is advisable that the Collector obtain legal advice in these situations.

2. Shucks, the Assessed Owner is Deceased with an Adjudicated Probate.

- Linda Loony-Tunes owned a two-family house in Hometown, Massachusetts. She died on December 2, 2013.
- Linda's son Jeremy filed a petition for allowance of Linda's will in Probate Court on December 30, 2013, which was allowed by the judge on January 8, 2014. Linda's will gave the house to Jeremy.
- The Hometown Assessor assessed the fiscal year 2015 taxes against Linda.
- Real estate taxes were unpaid for fiscal year 2015, and the Hometown Tax Collector executed a tax taking on July 10, 2015 against Linda, and recorded the taking at the Registry of Deeds. What is the result?
 - a. the taking is invalid because Linda died before January 1, 2014.
 - b. the taking is invalid because Linda died before January 1, 2014 and a petition to probate her estate was filed before said date.
 - c. the taking is valid because the Probate Court did not allow the will until after January 1, 2014.

Answers:

2. (c) – the taking is valid. The operative date for assessment of FY2015 taxes is January 1, 2014. Since Linda's will was not allowed until after that date, Linda was still the owner of record for tax assessment purposes for fiscal year 2015. If the will was allowed prior to that date, the taking would need to be disclaimed and a new taking executed. Since 3.5 years has not passed from the date of the assessment, the automatic lien is still enforceable even if title to the property passes to another party.

3. Oops, The Taking was Recorded 60 days After the Taking Date!

- Patty Procrastinator, the Tax Collector for the City of Slowville, executed an Instrument of Taking on November 2, 2013.
- Patty recorded the taking at the Registry of Deeds on January 2, 2014.
- Under G.L. c. 60, §54, a taking is not valid unless recorded within 60 days of the date of the taking. Is the taking valid?
 - a. the taking is invalid because January 2, 2014 is 61 days after the date of the taking (11/2/13);
 - b. the taking is valid because the 60th day after the taking fell on a legal holiday, which extended the deadline to the following day (January 2, 2014);
 - d. the taking is invalid because you include November 2 in the 60 days, and the 60th day would have been December 31, 2013.

Answers:

3. (b) – the taking is valid. Under G.L. c. 4, §9, if a deadline falls on a Sunday or legal holiday, the deadline is extended to the following day. The 60-day clock starts to run on the day following the date of the taking (in this case, November 3rd).

4. Yikes! We Assessed the Wrong Party.

- Lou Bag-of-Doughnuts held title to Parcel A as trustee of the Bag-of-Doughnuts Realty Trust as of January 1, 2014 as joint tenants with his wife Sue.
- On January 15, 2014 the Trust's share of Parcel A was conveyed to Lou individually, so that Lou and Sue were joint tenants.
- On August 1, 2015, Mary Tax Collector executed and recorded a tax taking against Lou Bag-of-Doughnuts, without any reference to the Trust, for nonpayment of fiscal year 2015 taxes.
- In Land Court, Sue filed an Answer claiming that the taking was invalid because she was not named in the taking and was not assessed. Is Sue correct?
 - a. Sue is correct because all records owners must be assessed, and Sue was a co-owner as of the assessment date of January 1, 2014;
 - b. Sue is incorrect because only one record owner needs to be assessed, and the taking is still valid because Lou was assessed;
 - c. Sue is incorrect because only one record owner needs to be assessed, but the taking is invalid because Lou should have been assessed in his capacity as trustee of the Trust, not individually;
 - d. Sue should be thrown out of court for marrying someone named "Bag-of-Doughnuts".

Answers:

4. (c) – Sue is incorrect. Only one of multiple assessed owners needs to be assessed and named in the taking. However, the taking is invalid because as of the operative assessment date, Lou owned the property as trustee, not individually.

5. The Assessed Owner is a Defunct Corporation

- Parcel X was owned by Fly By Night, Corp. as of January 1, 2013.
- Fly By Night, which was based out of Boston, was involuntarily dissolved by the Secretary of State on December 30, 2012.
- Jerry Tax Collector executed and recorded a tax taking on Parcel X against Fly By Night for nonpayment of fiscal year 2014 taxes, and subsequently filed a foreclosure petition in Land Court.
- Mac Dodge, the company's sole officer and director, fled the country in 2014 to avoid his creditors and is living in Dublin. What does Jerry need to do?
 - a. Jerry needs to disclaim the taking and execute a new taking in the name of Mac Dodge;
 - b. The taking is valid, but Jerry will need to undertake a diligent search for Mr. Dodge's whereabouts and report his findings to the Land Court and ask the Land Court to serve notice of the foreclosure petition by publication in a newspaper in Boston.
 - c. The taking is valid, and Jerry need only ensure that the company is served the notice at its corporate offices in Boston.

Answers:

5. (b) – the taking is valid even though the company is dissolved, because the company is still the record owner as of the assessment date. However, under the Land Court’s practice standards, the Court will require the Tax Collector to perform a “diligent search” for the company’s last known officers, and will publish the notice in a newspaper where the company last conducted business – Boston. The Court may also require publication in Dublin if service on Mr. Dodge by certified mail is unsuccessful. Serving the dissolved company is insufficient.

EXHIBIT B
SECTION 52 – TAX TITLE SALE TIMELINE

SETTING UP A TAX TITLE ASSIGNMENT SALE AUCTION
M.G.L. c. 60, §52

<i>Date</i>	<i>Action Item</i>
One Month Prior to Auction	<ul style="list-style-type: none"> ✓ Develop list of tax titles the municipality wants to sell; ✓ Calculate tax title account balances through the date of the auction; ✓ Develop protocols, rules and forms for auction (see reverse side)
14 Days Before Auction*	<ul style="list-style-type: none"> ✓ Advertise auction in newspaper of general circulation once, listing all tax liens for sale; ✓ Post notice in at least two public places.
10 Days Before Auction*	<ul style="list-style-type: none"> ✓ Send pre-auction notification to all owners of affected properties
1 Day Before Auction	<ul style="list-style-type: none"> ✓ Generate revised list of tax liens for sale after pre-auction payoffs
After Auction	<ul style="list-style-type: none"> ✓ Collect deposit(s) from winning bidder(s); ✓ Prepare Assignment forms for winning bidder(s); ✓ Exchange Assignment forms for full payments.

*Statutory Minimum Requirement

Statutory Rules and Restrictions

- Tax liens may be sold individually or in bundles. The minimum bid must be the redemption payoff amount as of the auction date including all fees (legal, publication, recording, etc.).
- Property owners and parties-in-interest may still redeem after an assignment, up and until a foreclosure judgment has entered. Owners may redeem by paying the municipal treasurer up and until a foreclosure complaint has been filed in Land Court; after that, all redemptions must be processed through the assignee (winning bidder).
- The redemption price is the same as if the municipality still held the lien; assignees may not allocate any premiums paid at auction to the redemption amount.
- Assignees assume the same rights and obligations of the municipality in the administration of tax titles under Mass. General Laws Chapter 60.
- Assignees may "sell back" any defective tax title liens to the municipality with interest.

Assignment Auction Practice Tips

- Develop auction list well in advance of the auction and give prospective purchasers an opportunity to review the list and provide comment before finalizing the list for public notice. Municipal tax title inventories often have liens that are invalid due to assessment errors, or mistakes made in the tax taking. Many errors are capable of being fixed before the auction. Those liens that cannot be fixed should be taken off the list. A pre-auction comment period also

allows the municipality to "test the waters" to see whether the liens on the list are likely to attract buyers.

- Mail the required pre-auction notice to property owners at least a few weeks in advance of the auction to allow owners time to assemble funds for payoffs. On average between 30 – 40% of the liens on your auction list that are published will be redeemed between the mailing of the notices and the auction (excluding Land of Low Value).
- Require each bidder to sign a statement that he/she has read your Auction Rules and agrees to comply with them.

Recommended Auction Rules and Regulations

The liens being offered in an Assignment of Tax Title Auction have NOT been foreclosed by the City/Town of _____.

The City/Town of _____ reserves the right to reject any and all bids.

The minimum bid is the amount due for redemption on this date. Any price paid in excess of the minimum bid ("premium") may not be reimbursable by the assignee from a party redeeming the property. See, DOR IGR 05-208, p. 5.

The purchaser must pay a 10% deposit at the time of the auction. The deposit shall be made in the form of cash or a check made payable to the "City/Town of _____."

After full payment is received, the Treasurer will issue an Instrument of Assignment and Purchaser's Statement for each lien assigned. Full payment must be received within 20 days of the date of the auction. If full payment is not received within such time, the lien will be offered to the next highest bidder, and the City/Town reserves the right to keep the deposit from the initial bidder.

Any error, misstatement or omission in the description of the property shall not annul the assignment or be grounds for any abatement or compensation.

The Purchaser must pay for all recording fees. The Instrument of Assignment and the name of the person or agent authorized to release the lien (purchaser's statement) must be recorded at the _____ County Registry of Deeds.

The Purchaser must keep future taxes current until the lien is foreclosed with the Massachusetts Land Court or until the assigned tax title has been redeemed. Failure to keep taxes current shall render the purchaser ineligible to participate in future tax lien assignment auctions.

All bidders, if not a natural person, must be qualified to do business in the Commonwealth of Massachusetts, and provide documentation to that effect.

[For Bundles] All of the liens to be sold in this auction will be bundled and sold as one unit to the highest bidder. The minimum bid for this unit shall be announced the day of the sale. In the event that there are multiple parties bidding the same price, the person recognized first by the Treasurer will be selected as high bidder in accordance with standard auction procedures. The minimum incremental bid will be \$1,000.00.

To be eligible to participate in the auction, bidders must pre-register by 3PM on TBD, 2015 (FIVE days before the scheduled auction).

EXHIBIT C SAMPLE TAX TITLE LIST

TAKING YEAR	TITLE	PARCEL #	LOCATION	OWNER	PRINCIPAL	INTEREST	TOTAL	ASSESSED VALUE
1994	19940003	G090016016	112 ROBBINS AVE REAR	EASON SYLVESTER B	\$ 22,367.37	\$ 26,792.93	\$ 49,160.30	\$ 81,400.00
1998	19980003	G100016002	166 LINDEN ST	NATIONAL FUNDING TRU	\$ 36,190.15	\$ 27,318.03	\$ 63,508.18	\$ 119,900.00
2003	20030017	G100008001	62 JOHN ST	MOSMAN DOUGLAS F	\$ 26,059.06	\$ 13,416.95	\$ 39,476.01	\$ 96,600.00
1992	19920009	J090023004	SACKETT ST	WRIGHT VICTORIA P	\$ 12,188.58	\$ 13,390.21	\$ 25,578.79	\$ 64,700.00
1999	19990001	H120012012	191 LENOX AVE	JONES RAYMOND H E/O	\$ 9,574.06	\$ 9,745.02	\$ 19,319.08	\$ 50,900.00
1990	19900002	G070003008	FERN ST	BALDASARRE ERNEST	\$ 6,858.60	\$ 11,196.84	\$ 18,055.44	\$ 55,300.00
2001	20010001	G100020011	266 ONOTA ST	BIGELOW LOUIS F JR	\$ 20,429.90	\$ 17,033.39	\$ 37,463.29	\$ 116,900.00
2003	20030014	G100011010	105 DANIELS AVE	MCKIM EDWARD W E/O	\$ 13,696.74	\$ 9,005.06	\$ 22,701.80	\$ 75,200.00
2007	2006077	H090008002	35 FEDERAL ST	SANDHU NARINDER	\$ 36,179.14	\$ 13,857.17	\$ 50,036.31	\$ 171,730.00
2004	20040022	H100011009	35 LINCOLN ST	MARTELLO STAN D	\$ 19,378.30	\$ 11,578.05	\$ 30,956.35	\$ 109,200.00
2004	20040005	E080004014	21 ELEANOR RD	COYLE DOROTHY L	\$ 31,274.87	\$ 19,579.76	\$ 50,854.63	\$ 183,200.00
1996	19960006	G090009011	35 CIRCULAR AVE	WILLIAMSON JAMES I	\$ 13,162.92	\$ 10,739.59	\$ 23,902.51	\$ 105,100.00
2006	2006001	G100014044	90 TURNER AVE	AMLAW FRANK D 1/2	\$ 11,130.37	\$ 4,981.28	\$ 16,111.65	\$ 76,300.00
2007	2006063	J110006201	101 DALTON AVE	MAXAMILLIAN A VILOT	\$ 34,916.59	\$ 12,007.80	\$ 46,924.39	\$ 233,100.00
2006	2006007	G100007011	148 ONOTA ST	COSTELLO ANTHONOY J	\$ 16,367.31	\$ 7,274.96	\$ 23,642.27	\$ 124,700.00
2005	20050019	J020003011	94 STANTON AVE	MACKINNON GORDON C	\$ 12,403.90	\$ 5,860.71	\$ 18,264.61	\$ 104,500.00
2009	200905	D050003009	1201 W HOUSATONIC ST	BERKSHIRE STONE WORK	\$ 22,413.91	\$ 4,709.54	\$ 27,123.45	\$ 161,500.00
2010	2010082	I100012001	52 CHERRY ST	STOCKBRIDGE BOWL AFF	\$ 13,352.51	\$ 1,595.24	\$ 14,947.75	\$ 96,100.00
2006	2006028	J070007054	6 MARLBORO DR	SLATER MARY R L/E	\$ 16,657.83	\$ 6,461.32	\$ 23,119.15	\$ 151,400.00
2007	2006047	H020001003	900 SOUTH ST	BORGNIS ANGELINE	\$ 18,742.48	\$ 7,470.82	\$ 26,213.30	\$ 172,400.00
2006	2006008	G150016007	BEACON AVE	DEGESERO ANTONIO	\$ 5,681.85	\$ 2,580.53	\$ 8,262.38	\$ 55,000.00
2008	2008022	G130011005	30 LUCILLE ST	HILL NELLIE H E/O	\$ 9,073.34	\$ 3,060.03	\$ 12,133.37	\$ 87,200.00
2005	20050024	F150001005	HANCOCK RD	PELLEGRINO SARAH A	\$ 7,910.29	\$ 3,450.19	\$ 11,360.48	\$ 82,100.00
2007	2006088	F150004010	261 HIGHLAND AVE	WIXSOM ROBERT FRANCI	\$ 13,205.84	\$ 4,658.88	\$ 17,864.72	\$ 129,700.00
2009	200936	K100014001	1277 EAST ST	K & K REALTY CORPORA	\$ 24,405.19	\$ 4,710.01	\$ 29,115.20	\$ 215,660.00
2010	2010005	B030001006	1685 W HOUSATONIC ST	ARACE REALTY TRUST	\$ 78,430.76	\$ 9,504.59	\$ 87,935.35	\$ 688,530.00
2010	2010007	G120002002	70 ELMVALE PL	BBM REALTY COMPANY	\$ 15,294.97	\$ 2,204.80	\$ 17,499.77	\$ 138,400.00
2009	200944	G090015013	85 CIRCULAR AVE	MESSER JOSEPH M	\$ 9,431.07	\$ 2,391.81	\$ 11,822.88	\$ 94,700.00
2009	200918	H130006019	341 LENOX AVE	CRENNAN RON	\$ 6,464.54	\$ 2,330.49	\$ 8,795.03	\$ 70,500.00
TOTALS					\$ 563,242.44	\$ 268,906.00	\$ 832,148.44	\$ 3,911,920.00

EXHIBIT D
NEWSPAPER LEGAL NOTICE

ESTATE TO BE ASSIGNED FOR UNPAID TAXES
Commonwealth of Massachusetts
Town of East Longmeadow
Office of the Town Treasurer Thomas Florence

The owners of the hereinafter described parcel of land situated in the Town of East Longmeadow in the County of Hampden and the Commonwealth of Massachusetts and to all concerned:

You are hereby notified that on July 27, 2016 at 11:00 o'clock A.M. local time in East Longmeadow Town Hall, 60 Central Square, East Longmeadow , MA 01028 in the Hearing Room, pursuant to the provisions of General Laws, Chapter 60 §52 and by virtue of the authority vested in me as Treasurer, it is my intention to assign and transfer the Tax Title held by the Town of East Longmeadow covering the following described parcels to the highest bidder at public auction, for all taxes thereon with interest and all necessary and intervening charges of any balance of said taxes, unless the same has been paid in full before that date. All of the parcels described below will be bundled and sold as one unit to the highest bidder. The minimum bid for the unit will be the aggregate amount of taxes, interests and fees due on the accounts for the properties that remain on the list on the day of the Auction. In the event that there are multiple parties bidding the same price, the person recognized first by the Treasurer will be selected as high bidder in accordance with standard auction procedures. All Bidders must pre-register by 3:00 PM July 22, 2016 (FIVE days before the auction). To pre-register please contact the Treasurer's Office at (413) 525-5400 ext. 1001.

Parcel ID: 19-0-37
Location: 565 Sanford Road
Assessed Owner: Alan I. and Helene L. Korolenko

Balance Due as of July 27, 2016
\$9,545.24 plus applicable fees

A TAX LIEN PERFECTED ON 6/30/2010 SECURING ABOUT 1.9 ACRES OF LAND WITH BUILDINGS LOCATED AT 565 SANFORD ROAD BEING DESIGNATED ON ASSESSOR'S PLAN AS MAP 19 BLOCK 0 LOT 37 AND NOW OR FORMERLY OWNED BY SAID ALAN I. AND HELENE L. KOROLENKO

[list all tax title properties to be sold at auction in the same format as above]

EXHIBIT E
PUBLIC POSTING LEGAL NOTICE

ESTATE TO BE ASSIGNED FOR UNPAID TAXES
Commonwealth of Massachusetts
Town of East Longmeadow
Office of the Town Treasurer Thomas Florence

The owners of the hereinafter described parcel of land situated in the Town of East Longmeadow in the County of Hampden and the Commonwealth of Massachusetts and to all concerned:

You are hereby notified that on July 27, 2016 at 11:00 o'clock A.M. local time in East Longmeadow Town Hall, 60 Central Square, East Longmeadow, MA 01028 in the Hearing Room, pursuant to the provisions of General Laws, Chapter 60 §52 and by virtue of the authority vested in me as Treasurer, it is my intention to assign and transfer the Tax Title held by the Town of East Longmeadow covering the following described parcels to the highest bidder at public auction, for all taxes thereon with interest and all necessary and intervening charges of any balance of said taxes, unless the same has been paid in full before that date. All of the parcels described below will be bundled and sold as one unit to the highest bidder. The minimum bid for the unit will be the aggregate amount of taxes, interests and fees due on the accounts for the properties that remain on the list on the day of the Auction. In the event that there are multiple parties bidding the same price, the person recognized first by the Treasurer will be selected as high bidder in accordance with standard auction procedures. All Bidders must pre-register by 3:00 PM July 22, 2016 (FIVE days before the auction). To pre-register please contact the Treasurer's Office at (413) 525-5400 ext. 1001.

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[list all tax title properties to be sold at auction in the same format as above]

EXHIBIT F
PRE-SALE NOTICE TO OWNERS

TOWN OF EAST LONGMEADOW, MASSACHUSETTS - [LETTERHEAD]

July 13, 2016

ALAN I. AND HELENE L. KOROLENKO
565 SANFORD ROAD
EAST LONGMEADOW, MA 01085

Dear: ALAN I. AND HELENE L. KOROLENKO

The Town of East Longmeadow is preparing a tax lien assignment auction for the Tax Lien against the above-referenced property. In doing so, on July 7, 2016 the following legal advertisement appeared, in part, in The Republic:

ESTATE TO BE ASSIGNED FOR UNPAID TAXES
Commonwealth of Massachusetts
Town of East Longmeadow
Office of the Town Treasurer Thomas Florence

The owners of the hereinafter described parcel of land situated in the Town of East Longmeadow in the County of Hampden and the Commonwealth of Massachusetts and to all concerned:

You are hereby notified that on July 27, 2016 at 10:00 o'clock A.M. local time in East Longmeadow Town Hall, 60 Central Square, East Longmeadow, MA 01028 in the Hearing Room, pursuant to the provisions of General Laws, Chapter 60 §52 and by virtue of the authority vested in me as Treasurer, it is my intention to assign and transfer the Tax Title held by the Town of East Longmeadow covering the following described parcel to the highest bidder at public auction, for all taxes thereon with interest and all necessary and intervening charges of any balance of said taxes, unless the same has been paid in full before that date.

Parcel ID: 19-0-37
Location: 565 Sanford Road
Assessed Owner: Alan I. and Helene L. Korolenko

Balance Due as of July 27, 2016
\$9,545.24 plus applicable fees

A TAX LIEN PERFECTED ON 6/30/2010 SECURING ABOUT 1.9 ACRES OF LAND WITH BUILDINGS LOCATED AT 565 SANFORD ROAD BEING DESIGNATED ON ASSESSOR'S PLAN AS MAP 19 BLOCK 0 LOT 37 AND NOW OR FORMERLY OWNED BY SAID ALAN I. AND HELENE L. KOROLENKO

The effect of this sale will be to transfer the lien currently held by the Town of East Longmeadow to a third party who will pay the Town the amount owed. After that you will be required to pay the third party. This procedure is similar to a bank assigning a mortgage to a new holder who then receives all payments. You can prevent this action from happening by paying the amount owed \$9,545.24, plus applicable fees before July 27, 2016. If you have any questions on this matter, please contact the Treasurer's Office at (413) 525-5400 ext. 1001.

Sincerely,
Thomas Florence
Treasurer, Town of East Longmeadow

Town of East Longmeadow Tax Title Assignment Auction

Regulations for Assignment Auction July 27, 2016

1. The liens being offered in an Assignment of Tax Title Auction have **NOT** been foreclosed by the Town of East Longmeadow.
2. The Town of East Longmeadow reserves the right to reject any and all bids.
3. The minimum bid is the amount due for redemption on this date. Any price paid in excess of the minimum bid ("premium") is not reimbursable by the assignee from a party redeeming the property. See, DOR IGR 05-208, p. 5.
4. **The purchaser must pay a deposit of at least 10% of the price,** at the time of the auction. Such deposit shall be made in the form of cash or a check made payable to the "Town of East Longmeadow."
5. After full payment is received, the Treasurer will issue an Instrument of Assignment and Purchaser's Statement for each lien assigned. Full payment must be received within 14 days of the date of the auction. If full payment is not received within such time, the lien(s) may be offered to the next highest bidder at the price offered by that bidder, and the Town reserves the right to retain the deposit from the initial bidder.
6. Any error, misstatement or omission in the description of the property shall not annul the assignment or be grounds for any abatement or compensation.
7. The Purchaser must pay for all recording fees. The Instrument of Assignment and the name of the person or agent authorized to release the lien (purchaser's statement) must be recorded at the Hampden County Registry of Deeds.
8. The Purchaser must keep future taxes current until he/she forecloses the lien with the Massachusetts Land Court or the assigned tax title has been redeemed. Failure to keep taxes current shall render the purchaser ineligible to participate in future tax lien auctions.
9. All bidders, if not a natural person, must be qualified to do business in the Commonwealth of Massachusetts, and provide documentation to that effect.
10. All of the liens to be sold in this auction will be bundled and sold as one unit to the highest bidder. The minimum bid for this unit shall be announced at the time of the auction. In the event that there are multiple parties bidding the same price, the person recognized first by the Treasurer will be selected as high bidder in accordance with standard auction procedures. The minimum incremental bid will be \$1,000.00.
11. To be eligible to participate in the auction, bidders must pre-register by 3PM on July 27, 2016 (FIVE days before the scheduled auction).

**EXHIBIT H
AUCTION RULES AND PROSPECTUS**

**TOWN OF EAST LONGMEADOW
Tax Title Assignment Auction
July 27, 2016
11:00 A.M.**

Thomas Florence
Town Treasurer
Town of East Longmeadow

Town of East Longmeadow Tax Title Assignment Auction

Regulations for Assignment Auction July 27, 2016

1. The liens being offered in an Assignment of Tax Title Auction have **NOT** been foreclosed by the Town of East Longmeadow.
2. The Town of East Longmeadow reserves the right to reject any and all bids.
3. The minimum bid is the amount due for redemption on this date. Any price paid in excess of the minimum bid ("premium") is not reimbursable by the assignee from a party redeeming the property. See, DOR IGR 05-208, p. 5.
4. **The purchaser must pay a deposit of at least 10% of the price,** at the time of the auction. Such deposit shall be made in the form of cash or a check made payable to the "Town of East Longmeadow."
5. After full payment is received, the Treasurer will issue an Instrument of Assignment and Purchaser's Statement for each lien assigned. Full payment must be received within 14 days of the date of the auction. If full payment is not received within such time, the lien(s) may be offered to the next highest bidder at the price offered by that bidder, and the Town reserves the right to retain the deposit from the initial bidder.
6. Any error, misstatement or omission in the description of the property shall not annul the assignment or be grounds for any abatement or compensation.
7. The Purchaser must pay for all recording fees. The Instrument of Assignment and the name of the person or agent authorized to release the lien (purchaser's statement) must be recorded at the Hampden County Registry of Deeds.
8. The Purchaser must keep future taxes current until he/she forecloses the lien with the Massachusetts Land Court or the assigned tax title has been redeemed. Failure to keep taxes current shall render the purchaser ineligible to participate in future tax lien auctions.
9. All bidders, if not a natural person, must be qualified to do business in the Commonwealth of Massachusetts, and provide documentation to that effect.
10. All of the liens to be sold in this auction will be bundled and sold as one unit to the highest bidder. The minimum bid for this unit shall be announced at the time of the auction. In the event that there are multiple parties bidding the same price, the person recognized first by the Treasurer will be selected as high bidder in accordance with standard auction procedures. The minimum incremental bid will be \$1,000.00.
11. To be eligible to participate in the auction, bidders must pre-register by 3PM on July 22, 2016 (five days prior to the scheduled auction).

ESTATE TO BE ASSIGNED FOR UNPAID TAXES
Commonwealth of Massachusetts
Town of East Longmeadow
Office of the Town Treasurer Thomas Florence

The owners of the hereinafter described parcel of land situated in the Town of East Longmeadow in the County of Hampden and the Commonwealth of Massachusetts and to all concerned:

You are hereby notified that on July 27, 2016 at 11:00 o'clock A.M. local time in the East Longmeadow Town Hall, 60 Central Square, East Longmeadow , MA 01028 in the Hearing Room, pursuant to the provisions of General Laws, Chapter 60 §52 and by virtue of the authority vested in me as Treasurer, it is my intention to assign and transfer the Tax Title held by the Town of East Longmeadow covering the following described parcels to the highest bidder at public auction, for all taxes thereon with interest and all necessary and intervening charges of any balance of said taxes, unless the same has been paid in full before that date. All of the parcels described below will be bundled and sold as one unit to the highest bidder. The minimum bid for the unit will be the aggregate amount of taxes, interests and fees due on the accounts for the properties that remain on the list below on the day of the Auction. In the event that there are multiple parties bidding the same price, the person recognized first by the Treasurer will be selected as high bidder in accordance with standard auction procedures.

All Bidders must pre-register by 3:00 PM July 22, 2016 (five days prior to the scheduled auction). To pre-register please contact the Treasurer's Office at (413) 525-5400 ext. 1050.

PLEASE NOTE:

Any assignee of a tax title has no right to possession of the real estate until the Massachusetts Land Court has entered a Judgment of Foreclosure of the Right of Redemption. The amount necessary to redeem is comprised of two parts, principal and accrued statutory interest. Interest accrues on the principal amount only, at the statutory rate. According to the Massachusetts Department of Revenue, any amount bid in excess of the amount due for redemption does not become part of the principal, and does not accrue interest. Further, such an excess amount ("premium") does not become part of the amount necessary to redeem.

***ATTACH REMAINING LIST OF TAX TITLES TO BE SOLD
FOR AUCTION***

EXHIBIT I
INSTRUMENT OF ASSIGNMENT AND PURCHASER STATEMENT

This instrument must be filed for record or registration within 60 days from its date-

State Tax Form 431
Revised 5/2004

G.L.Ch 60 §52

COMMONWEALTH OF MASSACHUSETTS

Town of East Longmeadow

Office of the Treasurer

INSTRUMENT OF ASSIGNMENT

I, Thomas Florence, Treasurer of the Town of East Longmeadow, hereby assign to Tallage Lincoln, LLC the tax title securing the taxes and charges on the parcel described below, which tax title was created by an Instrument of Taking dated 4/9/2015 and filed for record/registration with the Hampden County Registry of Deeds in Book 20660 Page 66.

The assignment is for the amount of the winning bid at an auction held on July 27, 2016, plus interest accruing since the date of the auction. The total is \$3622.85, consisting of the principal amount of \$195.24, accrued interest and fees to the date of the auction of \$168.61, accrued interest since the date of the auction of \$14.00, and premiums of \$5.00, the receipt of which sums is hereby acknowledged. The principal amount and the accrued interest and fees to the date of the auction, together, represent the sum for which the property could have been redeemed on the auction date.

DESCRIPTION OF PROPERTY

ABOUT 0.68 ACRES OF LAND WITH ANY BUILDINGS LOCATED AT 33 PIONEER CR BEING DESIGNATED AS PARCEL ID 87-22-27 AND NOW OR FORMERLY OWNED BY SAID ANCTIL DANIEL R & JAQUELINEA WITH SUBSEQUENT OWNER MARTIN, JESSE R. DEED REFERENCE: BOOK 3073 PAGE 199.

On July 13, 2016 notice of the intended assignment was sent to the owner(s) of records as follows:

KOROLENKO, ALAN I. AND HELENE L. 565 SANFORD ROAD EAST LONGMEADOW,
MA 01028

Notice was also given by publication in The Republican on July 7, 2016 and was posted at the Town Hall and Town Library in the Town of East Longmeadow.

An extension of time within which foreclosure proceedings may not be instituted was NOT GRANTED.

Executed as a sealed instrument August 11, 2016

Thomas Florence, Treasurer

THE COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, s.s.

August 11, 2016

On this 11th day of August, 2016, before me, the undersigned notary public, personally appeared Thomas Florence, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person whose name is signed on the preceding document and acknowledged to me that she signed it voluntarily for its stated purpose as Treasurer for the Town of East Longmeadow.

Before me, _____

, Notary Public

My Commission expires

Redemption of this Tax Title can be accomplished through payment of the amount needed to redeem to the holder of this Tax Title or through the Town of East Longmeadow pursuant to M.G.L. Ch 60 §63.

LOCATION: 33 PIONEER CR
BOOK/PAGE: 3073/199
PARCEL ID: 87-22-27

TOWN OF EAST LONGMEADOW

Chapter 60 §52 Assignment Sale

July 26, 2016

PURCHASER'S STATEMENT – PURSUANT TO CH 60 §47

RESIDENT - EAST LONGMEADOW

Name:

Address:

Town/State/Zip:

Telephone Number:

Signature: _____

NON-RESIDENT

Name: Tallage Lincoln, LLC

Address: 165 Tremont Street, Suite 305

Town/State/Zip: Boston, MA 02111

Telephone Number: 617-543-7214 / Bill.Cowin@TallageLLC.com

Signature: _____

William P. Cowin – Managing Member

AGENT AUTHORIZED TO RELEASE LAND

Name/Address: Jim Smith / 125 Main Street, East Longmeadow, MA 01028

Telephone Number: 413-555-1212

This statement must be filed with the Town Treasurer and with the Hampden County Registry of Deeds

**EXHIBIT J
CERTIFICATE OF TAX PAYMENT**

**TOWN OF EAST LONGMEADOW
CERTIFICATE OF TAX PAYMENT**

PURSUANT TO MGL CH. 60, §60

PROPERTY ADDRESS: SMITH AVENUE
DEED REFERENCE: 9098/579
TAK TAKING REFERENCE: 21139/163
ASSESSOR'S IDENTIFICATION: 3B-62-131
ASSESSED OWNER(S): SHEILA CARDAROPOLI
CURRENT OWNER(S): SHEILA CARDAROPOLI

I, Thomas Florence, Collector of Taxes of the Town of East Longmeadow, hereby certify that on July 27, 2016 Tallage Lincoln, LLC holder of a Tax Title on the above referenced property paid the amount of \$905.72 for Fiscal Year 2016 on the above reference property. Said amount is the outstanding, unpaid Fiscal Year 2016 taxes with all accrued interest and fees on the property.

Thomas Florence

Collector of Taxes, Town of East Longmeadow

August 11, 2016

THE COMMONWEALTH OF MASSACHUSETTS

Hampden, ss

August 11, 2016

On this 11th day of August, 2016, before me, the undersigned notary public, personally appeared Thomas Florence, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person whose name is signed on the preceding document and acknowledged to me that she signed it voluntarily for its stated purpose as Collector of Taxes for the Town of East Longmeadow.

Before me, _____

, Notary Public

My Commission expires