

1 TO THE HONORABLE SENATE:

2 The Committee on Judiciary to which was referred House Bill No. 300  
3 entitled “An act relating to the statute of limitations for recovery and  
4 possession of property actions against the grantee of a tax collector’s deed”  
5 respectfully reports that it has considered the same and recommends that the  
6 Senate propose to the House that the bill be amended by striking out all after  
7 the enacting clause and inserting in lieu thereof the following:

8 Sec. 1. 9 V.S.A. § 2293 is amended to read:

9 § 2293. EXTINGUISHMENT OF CLAIM FOR RELIEF

10 A claim for relief with respect to a transfer or obligation under this chapter  
11 is extinguished unless action is brought:

12 (1) under subdivision 2288(a)(1) of this title not later than four years  
13 after the transfer was made or the obligation was incurred or, if later, not later  
14 than one year after the transfer or obligation was or could reasonably have  
15 been discovered by the claimant;

16 (2) under subdivision 2288(a)(2) or subsection 2289(a) of this title not  
17 later than four years after the transfer was made or the obligation was  
18 incurred; ~~or~~

19 (3) under subsection 2289(b) of this title, not later than one year after  
20 the transfer was made or the obligation was incurred; or

1           (4) pursuant to the provisions of 32 V.S.A. chapter 133, subchapter 9 for  
2           a tax sale, not later than two years after the tax collector's deed is delivered to  
3           the successful bidder at the tax sale.

4           Sec. 2. 32 V.S.A. § 5263 is amended to read:

5           § 5263. LIMITATION OF ACTIONS AGAINST GRANTEE IN  
6                           POSSESSION

7           An action for the recovery of lands, or the possession thereof, shall not be  
8           maintained against the grantee of such lands in a tax collector's deed, duly  
9           recorded, or his or her heirs or assigns, when the grantee, his or her heirs or  
10          assigns have been in continuous and open possession of the land conveyed in  
11          such deed and have paid the taxes thereon, unless commenced within ~~three~~  
12          ~~years~~ one year after the cause of action first accrues to the plaintiff or those  
13          under whom he or she claims.

14          Sec. 3. 32 V.S.A. § 5252 is amended to read:

15          § 5252. LEVY AND NOTICE OF SALE; SECURING PROPERTY

16          (a) When the collector of taxes of a town or of a municipality within it has  
17          for collection a tax assessed against real estate in the town and the taxpayer is  
18          delinquent, the collector may extend a warrant on such land. If a collector  
19          receives notice from a mobile home park owner pursuant to 10 V.S.A.  
20          § 6248(c), the collector shall, within 15 days ~~of~~ after the notice, commence tax  
21          sale proceedings to hold a tax sale within 60 days ~~of~~ after the notice. If the

1 collector fails to initiate such proceedings, the town may initiate tax sale  
2 proceedings only after complying with 10 V.S.A. § 6249(f). If the tax  
3 collector extends the warrant, the collector shall:

4 (1) File in the office of the town clerk for record a true and attested copy  
5 of the warrant and so much of the tax bill committed to the collector for  
6 collection as relates to the tax against the delinquent taxpayer, a sufficient  
7 description of the land so levied upon, and a statement in writing that by virtue  
8 of the original tax warrant and tax bill committed to the collector for  
9 collection, the collector has levied upon the described land.

10 (2) Advertise forthwith such land for sale at public auction in the town  
11 where it lies three weeks successively in a newspaper circulating in the  
12 vicinity, the last publication to be at least 10 days before such sale.

13 (3) Give the delinquent taxpayer written notice by ~~registered~~ certified  
14 mail requiring a return receipt directed to the last known address of the  
15 delinquent of the date and place of such sale at least 10 days prior thereto if the  
16 delinquent is a resident of the town, and 20 days prior thereto if the delinquent  
17 is a nonresident of the town. If the notice by certified mail is returned  
18 unclaimed, notice shall be provided to the taxpayer by resending the notice by  
19 first-class mail or by personal service pursuant to Rule 4 of the Vermont Rules  
20 of Civil Procedure.

1           (4) Give to the mortgagee or lien holder of record written notice of such  
2 sale at least 10 days prior thereto if a resident of the town, and if a nonresident,  
3 20 days' notice to the mortgagee or lien holder of record or his or her agent or  
4 attorney by ~~registered~~ certified mail requiring a return receipt directed to the  
5 last known address of such person. If the notice by certified mail is returned  
6 unclaimed, notice shall be provided by resending the notice by first-class mail  
7 or by personal service pursuant to Rule 4 of the Vermont Rules of Civil  
8 Procedure.

9           (5) Post a notice of such sale in some public place in the town.

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11           Sec. 4. 32 V.S.A. § 5258 is amended to read:

12           § 5258. FEES AND COSTS ALLOWED AFTER WARRANT AND LEVY  
13   RECORDED

14           (a) The fees and costs allowed after the warrant and levy for delinquent  
15 taxes have been recorded shall be as follows:

16                               (1) levy and extending of warrant, \$10.00;

17                               (2) recording levy and extending of warrant in the town clerk's office,  
18 \$10.00, to be paid to the town clerk;

19                               (3) notices and publication of notices, actual costs incurred, including  
20 the costs of service pursuant to subdivisions 5252(a)(3) and (4) of this title;

1           (4) expenses actually and reasonably incurred by the town in securing a  
2           property for which property taxes are delinquent against illegal activity and fire  
3           hazards, to be paid to the town clerk, provided that the expenses shall not  
4           exceed 20 percent of the uncollected tax;

5           (5) when authorized by the selectboard, expenses actually and  
6           reasonably incurred by the tax collector for legal assistance in the preparation  
7           for or conduct of a tax sale, provided that the expenses shall not exceed 15  
8           percent of the uncollected tax;

9           (6) travel reimbursement at the rate established by the contract  
10          governing State employees;

11          (7) attending and holding the sale, \$10.00;

12          (8) making return and recording the return in the town clerk's office,  
13          \$10.00, to be paid to the town clerk;

14          (9) collector's deed, \$30.00;

15          (b) ~~the~~ The fees and costs allowed in subsection (a) of this section, together  
16          with a collector's fee of up to eight percent, shall be in lieu of all other fees and  
17          costs.

1       Sec. 5. EFFECTIVE DATE

2           This act shall take effect on July 1, 2018.

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5           (Committee vote: \_\_\_\_\_)

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Senator \_\_\_\_\_

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FOR THE COMMITTEE