

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 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) 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