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H.597

Introduced by Representative Shaw of Pittsford

Referred to Committee on

Date:

Subject: Commerce and trade; mobile homes; tax sales

Statement of purpose of bill as introduced: This bill proposes to expedite the process for a municipality to conduct a tax sale of a mobile home.

An act relating to expediting the tax sale process for a mobile home

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 32 V.S.A § 5061 is amended to read:

§ 5061. FORCE AND EFFECT OF LIEN

(a) Commencing with the date of the filing by the listers of the grand list in the office of the town clerk of the town, taxes lawfully assessed upon real estate shall be a first lien thereon, underlying all mortgages, attachments, liens, or other encumbrances thereon, and all estates for the term of a natural life or lives, for a term of years or for any other duration. Such lien shall remain in full force and effect for a period of 15 years and it may be enforced separately against each parcel of real estate upon which a tax has been voted or assessed. Notice to all parties having an interest in such land shall be given as provided

1 by law or as directed by the Court. Courts at law may issue such execution as  
2 the facts warrant, to impress such lien on such real estate.

3 (b) ~~When~~ Except as provided in subsection (c) of this section, when the  
4 taxes secured by a lien in accordance with this section remain unpaid more  
5 than two years after the creation of such lien, such lien may be foreclosed in  
6 the same manner as provided by law for the foreclosure of mortgages on real  
7 estate. In such case, the parties having an interest in the land on record in the  
8 town clerk's office shall be given notice as directed by the presiding judge of  
9 the Superior Court. The judge in his or her final decree shall appoint a  
10 commissioner who shall be bonded before entering upon his or her duties in an  
11 amount set by the judge to sell with the approval of the judge the real estate  
12 after time for redemption has expired, which period of redemption shall run for  
13 one full year from the date of the decree. The commissioner shall be  
14 empowered to execute a conveyance to the purchaser, apply the proceeds of  
15 the sale to the amount found due the town, including costs, in the decree, the  
16 expense of the sale, which shall include the commissioner's compensation and  
17 expenses, and a reasonable fee for the town's solicitor. The commissioner  
18 shall first pay out of the proceeds, the expense of sale, the town solicitor's fee  
19 and the amount due the town with costs, in order named. The residue, if any,  
20 shall be disposed of by the commissioner, with the approval of the judge, in the  
21 same manner as proceeds from foreclosure of chattel mortgages. As directed

1 by the judge, the ~~Commissioner~~ commissioner shall report his or her doings to  
2 the judge, and such report shall be accepted by the judge and judgment  
3 rendered thereon before the commissioner is discharged from his or her duties.

4 (c) In the case of a mobile home located within a mobile home park:

5 (1) a municipality may commence an action pursuant to this section to  
6 foreclose a lien for unpaid taxes, for unpaid municipal utility charges that by  
7 law may be foreclosed in the same manner as a lien for unpaid taxes, or for  
8 both, beginning one year after the creation of the lien; and

9 (2) the period of redemption shall run for six months from the date of  
10 the Superior Court's final decree.

11 Sec. 2. EFFECTIVE DATE

12 This act shall take effect on July 1, 2020.