

Tax Title Procedure Overview

Assessment of Taxes

- The Town's Assessing Department identifies taxable parcels and owners of property from the land records maintained at the Barnstable County Registry of Deeds and from taxpayer communications.
- The Town assesses the owner of record as of January 1, for the following fiscal year which begins six (6) months later on July 1.

Collection of Taxes

- The Assessing Department transmits ownership information to the Treasurer/Collector and the Treasurer/Collector mails out quarterly property tax bills twice a year on June 30th and December 31st. Tax payments are generally due within 30 days of the bill. In accordance with state law, any amounts not paid accrue interest at a rate of 14%.
- Any taxes that remain unpaid at the end of the fiscal year (June 30) will be demanded by the Town.
- If any amounts remain after the demanded period (14 days) they will be certified to the tax title account and, in accordance with state law, the interest rate increases to 16%.

Tax Taking

- After certification to a tax title account, the Treasurer/Collector issues a tax taking, also known as a tax lien, on the property and records the tax taking within 60 (sixty) days at the Barnstable County Registry of Deeds.
- The tax taking is a claim of legal ownership by the Town, subject to the right to redeem.

Petition to Foreclose

- If the tax is still not paid after six (6) months, the Town's legal representative files a complaint in the Land Court to foreclose the rights of redemption.
- Upon the filing of the petition, the Land Court assigns a title examiner to perform a title exam on the property for the purpose of identifying all persons with an interest in the property.
- The Land Court, through certified mail, then sends a citation or notice of the foreclosure proceedings to all interested persons identified in the title report.
- The citation or notice will state a return day, which is the deadline to file an Answer in the Land Court. An Answer can either be prepared by the taxpayer or a pro forma Answer may be obtained at the Land Court. By filing an Answer, the taxpayer ensures that he or she will be notified of all future Land Court proceedings.
- A party who fails to file an Answer can be defaulted and, accordingly, waive his or her right to contest the foreclosure and/or receive future notices from the Court.
- If all parties entitled to notice are notified and fail to file Answers, the Court may enter a General Default and issue a foreclosure judgment without any hearing.

- If one or more parties of interest file Answers with the Land Court, the Town legal representative will request a hearing for the purpose of seeking a Finding. A Finding is a ruling by the Land Court that a certain sum of money is due; the Finding sets forth a timeframe by which the tax title account must be paid.
- The Town cannot move forward with the case until the Finding period expires.
- If the Finding expires and the Tax Title account balance has not been paid in full, the Town will request a hearing for the purpose of obtaining a judgment of foreclosure against the parties who have filed Answers. A hearing on a motion for judgment is the final step in contested cases.
- As with uncontested cases, if the Court issues a Judgment, the Town becomes the owner of the property and the taxpayer loses all rights in the property.