

## TOWN OF FRANKLIN

### Tax Taking

**Real estate** taxes which remain unpaid after the issuance of a Demand bill are subject to the following **tax taking** process, which, if carried to its conclusion, results in a municipal tax lien being placed on the property.

**Letters are sent out to all taxpayers** whose bills have a balance remaining after Demand. Taxpayers are alerted to the tax title process, for which the next step, by state law, requires advertisement in a local newspaper. This office generally sends between 200 and 300 letters to taxpayers in August advising as to the intent of tax taking. A notice is sent to any mortgage companies in October notifying them of our intent to advertise. A second and final notice (70-80 letters) is usually sent out to taxpayers in January. Notice is given of a due date to avoid advertisement. **From this point onward only cash, certified check, or cashier's check are acceptable forms of payment.** Partial payments may still be made on the account, but **only payment in full will prevent advertisement.**

**In March, the tax title advertisement,** including the prospective date of taking, is printed in a local newspaper. The Town of Franklin customarily uses *The Milford Daily News* for tax title ads. The ad triggers additional charges on the account, all of which are prescribed by statute. The prorated cost of the advertisement is also added to the account. **At this point, partial payments are no longer accepted.**

If payment is not made in full by the advertised tax taking date, a document called an **Instrument of Taking** is prepared by this office and signed by the Collector, after which it is recorded at the Registry of Deeds. The recording of the Instrument of Taking creates a **tax lien** on the property.

After the recorded Instruments have been received back from the Registry, this office sends a letter with a photocopy of the recorded Instrument to the owner of each affected property, advising them that a tax lien has been placed on their property. We always recommend prompt redemption of the tax lien, which has a negative impact on any efforts to sell or refinance the property.

After a tax taking, the responsibility for collection of the delinquent taxes and charges on the property no longer rests with the Tax Collector, but shifts to the Treasurer.

### Land Court Foreclosure

After a parcel has been in tax title for 180 days, the Town may choose to initiate foreclosure on the property through the Land Court in Boston. The Town of Franklin does have a vigorous and successful foreclosure program, and eventually every parcel in tax title will be scheduled for foreclosure.

If a taxpayer cannot immediately clear his delinquent taxes, but wishes to avoid foreclosure, he may choose to enter into a payment plan with the Treasurer to pay off the tax lien over a specified number of months. All payment plans have the following features in common:

- There must be a **signed agreement** between the taxpayer and the Treasurer.
- A certain **specified amount** must be paid each month.
- Payment of the **current tax bill** is incorporated into all tax title payment plans.
- All plans state that default on the plan will immediately **trigger foreclosure** by the Town.