

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 112

Short Title: Notice Request Filing Fee.

(Public)

Sponsors: Representative Dawkins.

Referred to: Finance.

January 31, 1989

A BILL TO BE ENTITLED

AN ACT TO PROVIDE A FEE OF FOUR DOLLARS FOR FILING WITH THE
LOCAL TAX COLLECTOR A REQUEST FOR NOTIFICATION OF A TAX
FORECLOSURE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-375(c) reads as rewritten:

"(c) Notice Listing Taxpayer and Others. – The tax collector filing the certificate provided for in subsection (b), above, shall, at least 30 days prior to docketing the judgment, send a registered or certified letter, return receipt requested, to the listing taxpayer at his last known address, and to all lienholders of record who have filed with the office of the tax collector of the taxing unit or units in which the real property subject to his lien is located a request that he be notified of the docketing of a judgment under the procedure set forth in this section, stating that the judgment will be docketed and that execution will be issued thereon in the manner provided by law. A lienholder of record who files a request for notification of the docketing of a judgment under this section shall pay to the taxing unit for each request a fee of four dollars (\$4.00) to defray administrative costs. A notice stating that the judgment will be docketed and that execution will be issued thereon shall also be mailed by certified or registered mail, return receipt requested, to the current owner of the property (if different from the listing owner) if: (i) a deed or other instrument transferring title to and containing the name of the current owner was recorded in the office of the register of deeds or filed or docketed in the office of the clerk of superior court after January 1 of the first year in which the property was listed in the name of the listing owner, and (ii) the tax collector can obtain the current owner's mailing address through the exercise of due diligence.

1 The request from the lienholder shall be made on a form supplied by the tax collector
2 and shall describe the real property, indicate whose name it is listed in for taxation, and
3 state the name and mailing address of the lienholder. If within 10 days following the
4 mailing of said letters of notice, a return receipt has not been received by the tax
5 collector indicating receipt of the letter, then the tax collector shall have a notice
6 published in a newspaper of general circulation in said county once a week for two
7 consecutive weeks directed to, and naming, all unnotified lienholders and the listing
8 taxpayer that a judgment will be docketed against the listing taxpayer. The notice shall
9 contain the proposed date of such docketing, that execution will issue thereon as
10 provided by law, a brief description of the real property affected, and notice that the lien
11 may be paid off prior to judgment being entered. All costs of mailing and publication,
12 plus a charge of fifty dollars (\$50.00) to defray administrative costs, shall be added to
13 those set forth in subsection (b)."

14 Sec. 2. This act shall become effective July 1, 1989, and applies to requests
15 for notification filed on or after that date.