

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

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SENATE BILL 537

Short Title: Increase In Rem Foreclosure Fee. (Public)

Sponsors: Senator Hartsell.

Referred to: Finance.

April 12, 2011

A BILL TO BE ENTITLED
AN ACT TO INCREASE THE IN REM FORECLOSURE FEE.
The General Assembly of North Carolina enacts:

SECTION 1. G.S. 105-375 reads as rewritten:
"§ 105-375. In rem method of foreclosure.

- ...
- (c) Notice to Taxpayer and Others. –
- (1) Notice required. – The tax collector filing the certificate provided for in subsection (b) of this section, shall, at least 30 days prior to docketing the judgment, send notice of the tax lien foreclosure to the taxpayer, as defined in G.S. 105-273(17), at the taxpayer's last known address, and to all lienholders of record who have a lien against the taxpayer (including any liens referred to in the conveyance of the property to the taxpayer).
 - (2) Contents of notice. – All notice required by this subsection shall state that a judgment will be docketed and the proposed date of the docketing, that execution will be issued as provided by law, a brief description of the real property affected, and that the lien may be satisfied prior to judgment being entered.
 - (3) Service of notice. – The notice required by this subsection shall be sent to the taxpayer by registered or certified mail, return receipt requested.
 - (4) Additional efforts may be required. – If within 10 days following the mailing of the notice, a return receipt has not been received by the tax collector indicating receipt of the notice, then the tax collector shall do both of the following:
 - a. Make reasonable efforts to locate and notify the taxpayer and all lienholders of record prior to the docketing of the judgment and the issuance of the execution. Reasonable efforts may include posting the notice in a conspicuous place on the property, or, if the property has an address to which mail may be delivered, mailing the notice by first-class mail to the attention of the occupant.
 - b. Have a notice published in a newspaper of general circulation in the county once a week for two consecutive weeks directed to, and naming, all unnotified lienholders and the taxpayer that a judgment will be docketed against the taxpayer.
 - (5) Costs of notice added to lien. – All costs of mailing and publication, plus a charge of two hundred fifty dollars ~~(\$50.00)~~(\$250.00) to defray administrative costs, shall be added to the amount of taxes that are a lien on



1 the real property and shall be paid by the taxpayer to the taxing unit at the
2 time the taxes are collected or the property is sold.

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4 **SECTION 2.** This act becomes effective July 1, 2011, and applies to in rem
5 foreclosure proceedings commenced on or after that date.