

City of Lowell

Sale of Tax Titles Regulations for Auction Sale October 4, 2019

Prospective bidders should be aware that they will not be bidding to purchase marketable title to land. Essentially, the successful bidder will acquire all of the City of Lowell's rights in the subject Real Estate, specifically the right to institute or prosecute proceedings in land court to foreclose the rights of the delinquent taxpayer. No representation or warranty is made with respect to title or suitability of the premises covered by said accounts.

Property owners and parties-in-interest may still redeem after an assignment, up and until a foreclosure judgment has entered. Owners may redeem by paying the City of Lowell Treasurer up and until a foreclosure complaint has been filed in Land Court: after that, all redemptions must be processed through the assignee (bid winner).

The redemption price is the same as if the municipality still held the lien, assignees may not allocate premiums paid at auction to the redemption amount.

Assignees assume the same rights and obligations of the City of Lowell in the administration of tax titles under Massachusetts General Laws Chapter 60.

Assignees may "sell back" any defective liens to the municipality with interest.

1. Liens included in this sale are being sold pursuant to M.G.L. c. 60, §52
2. Any materials or documents concerning this auction prepared or furnished by the City or its employees are solely for informational purposes. No warranty or representation is made as to the accuracy or completeness of the information. Prospective purchasers should make their own investigations and draw their own conclusions.
3. The properties shall be conveyed subject to any environmental conditions, if any, including but not limited to hazardous waste conditions, which may or may not be in compliance with any applicable laws, policies or regulations.
4. The properties shall be conveyed subject to any person, if any, in actual occupancy. It will be the responsibility of the successful bidder and not the City to evict any former owner or any person upon the premises.
5. Any error, misstatement or omission in the description of the property shall not annul the sale, or be grounds for any abatement or compensation.
6. The Tax Title Custodian sets the minimum bid. The right is reserved to reject any and all bids. The minimum bid is the amount due for redemption on October 4, 2019. Any price paid in excess of the minimum bid may not be reimbursable by the assignee from the party redeeming the property.

7. The following person(s) shall not be qualified to be the successful bidder;
 - i. The prior owner of the property or his/her agent, representative, assign or straw.
 - ii. Any person currently delinquent in paying his/her own personal taxes or other charges to the City of Lowell.
 - iii. Any person who was the subject to a tax title by the City.
 - iv. Any City of Lowell employee as well as any company or trust that any City of Lowell employee has interest in is prohibited from bidding.
8. The purchaser must pay a 10% deposit at the time of the auction. The deposit shall be made in the form of cash or check and made payable to the City of Lowell.
9. The successful bidder will be required to execute a Disclosure Statement as required by M.G.L. C.7, §40J, a Memorandum of Sale, and a Certificate of Compliance pursuant to M.G.L. C.60 §77B
10. The requirements of M.G.L. C.44, §63A must be fully complied with regarding pro forma tax (sale price times the current tax rate).
11. After full payment is received, the Treasurer will issue an Instrument of Assignment and Purchaser's Statement for each lien assigned. Full payment must be received within 30 days of the date of the auction. If full payment is not received within such time, the lien will be offered to the next highest bidder, and the City of Lowell reserves the right to keep the deposit from the initial bidder.
12. If the Purchaser is entitled by law to recover subsequent tax payments and interest on such payments as part of the redemption price of the tax title purchased, the Purchaser must keep future taxes current until he/she forecloses the lien with the Massachusetts Land Court or the assigned tax title has been redeemed. Failure to keep taxes current shall render the Purchaser ineligible to participate in future tax lien auctions.

To the owners of the hereinafter described parcel of land situated in the City of Lowell in the County of Middlesex and the Commonwealth of Massachusetts and to all concerned:

On October 4, 2019 at 10:00 o'clock A.M. local time in Lowell City Hall, 375 Merrimack Street, Lowell, MA 01852 in the City Council Chamber, pursuant to the provisions of General Laws, Chapter 60 sec 52 the City of Lowell will be conducting a sale of Tax Titles.

The City will open the auction with the offer of a single bundle including all outstanding properties. If no offer is made, the City reserves the right to offer the three sub-bundles found below.

Please review the Regulations for Sale for rules and regulations.

PLEASE NOTE

Any Assignee of a Tax Title has no right to possession of the Real Estate until the Massachusetts Land Court has entered a Judgment of Foreclosure of the Right of Redemption.

The amount necessary to redeem is comprised of two parts, Principal and accrued statutory interest. Interest accrues on the principal amount only, at the statutory rate.

According to the Massachusetts Department of Revenue, any amount bid in excess of the amount due for redemption does not become part of the principal, and does not accrue interest. Further such an excess amount (or premium, or overbid, so called) does not become part of the amount necessary to redeem.