

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

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

4 SECTION 1. G.S. 105-375 reads as rewritten:
5 "§ 105-375. In rem method of foreclosure.

6 ...

7 (c) Notice to Taxpayer and Others. –

8 (1) Notice required. – The tax collector filing the certificate provided for in
9 subsection (b) of this section, shall, at least 30 days prior to docketing the
10 judgment, send notice of the tax lien foreclosure to the taxpayer, as defined
11 in G.S. 105-273(17), at the taxpayer's last known address, and to all
12 lienholders of record who have a lien against the taxpayer (including any
13 liens referred to in the conveyance of the property to the taxpayer).

14 (2) Contents of notice. – All notice required by this subsection shall state that a
15 judgment will be docketed and the proposed date of the docketing, that
16 execution will be issued as provided by law, a brief description of the real
17 property affected, and that the lien may be satisfied prior to judgment being
18 entered.

19 (3) Service of notice. – The notice required by this subsection shall be sent to
20 the taxpayer by registered or certified mail, return receipt requested.

21 (4) Additional efforts may be required. – If within 10 days following the mailing
22 of the notice, a return receipt has not been received by the tax collector
23 indicating receipt of the notice, then the tax collector shall do both of the
24 following:

25 a. Make reasonable efforts to locate and notify the taxpayer and all
26 lienholders of record prior to the docketing of the judgment and the
27 issuance of the execution. Reasonable efforts may include posting the
28 notice in a conspicuous place on the property, or, if the property has
29 an address to which mail may be delivered, mailing the notice by
30 first-class mail to the attention of the occupant.

31 b. Have a notice published in a newspaper of general circulation in the
32 county once a week for two consecutive weeks directed to, and
33 naming, all unnotified lienholders and the taxpayer that a judgment
34 will be docketed against the taxpayer.

35 (5) Costs of notice added to lien. – All costs of mailing and publication, plus a
36 charge of two hundred fifty dollars (~~\$50.00~~)(~~\$250.00~~) to defray
37 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.

3 "

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