Protocol Column

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Sale of Property for Payment of Back Taxes

This Protocol Column explains the procedure for the sale of property to satisfy the payment of back taxes. The rules for the collection of back taxes provides for notice and a period of time in which to pay the delinquent taxes prior to the legal transfer of real property. This procedure ensures that taxpayers are aware of any delinquency in taxes and given an opportunity to pay the tax.

Connecticut law requires the Board of Selectmen to levy taxes sufficient to pay the estimated expenses of the Town. If any person fails to pay any tax, the tax collector must make a personal or written demand for the payment of the tax. "Person" is defined in the law to mean any individual, partnership, company, corporation, association, society, trustee, executor or other fiduciary.

If the demand made by the tax collector is ignored, the tax collector may then levy for the amount of tax owed on any personal property of the person and may sell the personal property to satisfy the tax. If the tax collector cannot locate personal property sufficient enough to satisfy the tax bill, the collector may sell the person's real property to collect the tax owed.

A tax warrant is prepared when the tax collector levies on real estate. The tax warrant must contain the taxpayer's name, the amount of the tax owed, a description of the property levied upon, and the time and place of sale. One notice is posted in the town clerk's office and the other is filed with the town clerk. The town clerk records the notice as part of the land records of the town. This gives notice to anyone seeking to buy the property that there is a tax lien on the property. The posting and filing of the notice must be done not more than ten weeks and not less than nine weeks before the time of sale of the property. Four weeks before the sale, the tax collector must mail a similar notice to the delinquent taxpayer and each mortgagee, lienholder and other record encumbrancer whose interest in the property will be affected by the sale.

In addition to posting and filing the tax warrant with the town clerk, the tax collector must also publish the tax warrant once a week for three successive weeks in a newspaper having a general circulation in town.

At the sale, the tax collector may sell enough of the property to pay the interest on the tax, fees and other charges allowed by law. Or the tax collector may sell the property to the municipality if there is no bidder or the amount bid is insufficient to pay the amount due in back taxes.

Within one week after the sale, the tax collector must execute a deed to the purchaser or to the municipality and must "lodge" the deed in the town clerk's office. The term "lodge" is used rather than the term "file" because the deed remains unrecorded for one year from the date of the sale. In Connecticut, a deed is not effective until it is filed with the town clerk. Filing requires the town clerk to legally record the deed in the land records.

Within the one year period after the sale of the property but before the filing and recording of the deed, the delinquent taxpayer or any person interested in the property may obtain the deed to the property by paying the amount due, with [illegible]