

October 22, 2003

Luly Massaro, Clerk  
Rhode Island Public Utilities Commission  
89 Jefferson Boulevard  
Warwick, Rhode Island 02888

Subject: Revision to Narragansett Bay Commissions Service Fee Schedule

Dear Ms. Massaro:

In accordance with the Public Utilities Commission's Rules of Practice and Procedure we are transmitting these revisions to the established Service Fee Schedule for the Narragansett Bay Commission. We have attached two copies of the required documentation (i.e., documents showing changes).

These revisions reflect amendments to the Rhode Island General Laws that now require NBC to record deeds and redemption certificates instead of the lien purchasers (see Attachments 1 & 2). Due to the fact that all costs listed on NBC's Service Fee Schedule are costs passed through to the customer, these revisions are necessary.

Please let me know if you have any questions or require any additional information on this matter.

Sincerely,

Karen L. Giebink  
Director Administration and Finance

Enclosures

CC: Paul Pinault, Executive Director  
Peter McGinn, Esq.

**Narragansett Bay Commission**  
**Terms & Conditions**  
**Service Fee Schedule**

(Effective ~~July 8, 2003~~ November 22, 2003)

SERVICE	FEE
<b><u>Returned Check Fee</u></b>	\$20.00 per returned check
<b><u>Lien Sale Fees:</u></b>	
Certified Mail	\$10.00 each
Title Fee	\$90.00 each
Newspaper Ad	Billed at advertising cost in relation to number of lien sales
Deed Fee	\$75.00 each
Recording of Deed	\$80.00 each
Recording of Redemption Certificate	\$45.00 each
Recording of Duplicate Redemption Certificate	\$45.00 each
Auctioneer Fee	Billed at auctioneer costs in relation to the number of lien sales
<b><u>Water Shut Off Fees:</u></b>	
Letter to Inform	\$5.00
Posting Property	\$10.00
Water Shut Off Fee	\$64.00
Water Reconnect Fee	\$43.00
<b>* Special Requests for services not listed above that do not benefit all customers</b>	Billed at actual costs plus overhead rates in effect

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**Terms & Conditions**  
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2003 -- H 6412 SUBSTITUTE A AS AMENDED

LC03217/SUB A

**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2003**

A N A C T

RELATING TO TAX SALES

Introduced By: Representative William San Bento

Date Introduced: May 06, 2003

Referred To: House Finance

It is enacted by the General Assembly as follows:

1           SECTION 1. Sections 44-9-3, 44-9-4, 44-9-5, 44-9-6, 44-9-9, 44-9-11, 44-9-12, 44-9-13,  
2           44-9-19, 44-9-21, 44-9-24, 44-9-25, 44-9-35 and 44-9-43 of the General Laws in Chapter 44-9  
3           entitled "Tax Sales" are hereby amended to read as follows:

4           ~~44-9-3. Lien of fire district and lighting district taxes. --~~ ~~44-9-3. Lien of fire district,~~  
5           ~~lighting district and other district taxes. --~~ **44-9-3. Lien of fire district, lighting district,**  
6           **water district, sewer district and road district. - -** All taxes ,charges, assessments, assessed  
7           against any person in any fire district, water district, sewer district, road district and ~~in any~~  
8           lighting district within this state, pursuant to the act of incorporation of the district, for either real  
9           or personal estate, shall constitute a lien upon that person's real estate in the district for the space  
10          of three (3) years after the assessment, and, if the real estate is not ~~aliened~~ alienated, then until the  
11          taxes are collected.

12          ~~44-9-4. Powers of fire district and lighting district collectors. --~~ ~~44-9-4. Powers of~~  
13          ~~fire district, lighting district and other collectors. --~~ **44-9-4. Powers of**  
14          **fire district, lighting district and other collectors. --** The collector of taxes of every fire  
15          district, water district, sewer district, road district and ~~of every~~ lighting district shall have all the  
16          powers and privileges and be subject to all the duties and liabilities which are conferred or  
17          imposed upon collectors of taxes in towns.

18          ~~44-9-5. Agreements between towns and fire districts. --~~ ~~44-9-5. Agreements between~~  
19          ~~towns and fire districts, water districts, sewer districts, road districts, lighting districts, and~~  
            lien priorities. -- Towns and fire districts , water districts, sewer districts, road districts and

1 lighting districts are authorized to make agreements with respect to the parcel of property upon  
2 which they respectively own tax liens in respect to the disposition of the liens, of the parcel of  
3 property subject to the liens, and of the proceeds of a tax sale of the property.

4 **44-9-6. Primary liability of life estate. --** In case of a life estate, the interest of the tenant  
5 for life shall first be liable for the tax- , and the remainderman, if assessed, shall be secondarily  
6 liable.

7 **44-9-9. Notice and advertisement of sale. --** Before the sale the collector shall give  
8 notice of the time and place of sale posted in two (2) or more public places in the town at least  
9 three (3) weeks before the time of the sale. The collector shall also cause to be published in some  
10 public newspaper published in the town, if there is one, and if there is no public newspaper  
11 published in the town, then in some public newspaper published in the county, a statement  
12 concerning the time and place of sale, the real estate liable for payment of taxes, and the name of  
13 the person against whom the real estate was assessed, with a list of the parcel or parcels to be  
14 offered for sale by the recorded plat and lot number, or by assessors' plat and lot number, or by  
15 other adequate description. The newspaper notice giving this full description shall be inserted,  
16 once, at least three (3) weeks prior to the date of the advertised sale, and thereafter a weekly  
17 formal legal notice, between the date of original advertisement and the time of sale specified in  
18 the notice, shall be inserted, stating that the collector will sell at public auction real estate thus  
19 advertised. The subsequent formal legal notice shall include reference to the original  
20 advertisement which gave full description. Whenever a advertised tax sale is continued or  
21 postponed, a formal legal notice giving the new date shall be inserted at least one week prior to  
22 the new date. Any notice of sale shall inform any party entitled to notice of its right of  
23 redemption and shall explain to such party the manner in which said right shall be exercised and  
24 inform said party of the penalties and forfeiture that may occur if the right of redemption is not  
25 exercised.

26 **44-9-11. Notice to mortgagees and other parties in interest. --** (a) In case the collector  
27 shall advertise for sale any property, real, personal, or mixed, in which any person other than the  
28 person to whom the tax is assessed has an interest, it shall not be necessary for the collector to  
29 notify the interested party, except for the following interested parties, provided that their interest  
30 was of record at least ninety (90) days prior to the date set for the sale: the present owner of  
31 record, mortgagees of record and mortgage assignees of record, former fee holders whose right to  
32 redeem has not been foreclosed, holders of tax title, federal agencies having a recorded lien on the  
33 subject property, holders of life estates of record, and vested remainder whose identity can be  
34 ascertained from an examination of the land or probate records of the municipality conducting the

1 sale, and/or their assignees of record who shall be notified by the collector either by registered or  
2 certified mail sent postpaid not less than twenty (20) days before the date of sale or any  
3 adjournment of the sale, to an agent authorized by appointment or by law to receive service of  
4 process, or to the address of the party in interest set forth in the recorded mortgage document or  
5 the recorded assignment, or to the last known address of the party in interest, but no notice of  
6 adjournments shall be necessary other than the announcement made at the sale. The posting and  
7 publication of the notice of the time and place of sale in the manner provided by section 44-9-9  
8 shall be deemed sufficient notice to all other interested parties. This provision shall apply to all  
9 taxes levied prior to and subsequent to 1896.

10 (b) Only a person or entity failing to receive notice in accordance with the provisions of  
11 this section and sections 44-9-9 and 44-9-10 shall be entitled to raise the issue of lack of notice or  
12 defective notice to void the tax sale. The right to notice shall be personal to each party entitled to  
13 it and shall not be asserted on behalf of another party in interest. If there is a defect in notice, the  
14 tax sale shall be void only as to the party deprived of adequate notice, but shall be valid as to all  
15 other parties in interest who received proper notice of the tax sale.

16 (c) Once a petition is filed under section 44-9-25, and any party in interest entitled to  
17 notice of the tax sale receives actual notice of the pendency of the petition to foreclose, the party  
18 must raise the notice defense in accordance with the provisions of section 44-9-31 or be estopped  
19 from alleging lack of notice in any action to vacate a final decree entered in accordance with  
20 section 44-9-30.

21 **44-9-12. Collector's deed -- Rights conveyed to purchaser -- Recording.** -- (a) The  
22 collector shall execute and deliver to the purchaser a deed of the land, stating the cause of sale,  
23 the price for which the land was sold, the places where the notices were posted, the name of the  
24 newspaper in which the advertisement of the sale was published, and the residence of the grantee.  
25 The deed shall convey the land to the purchaser, subject to the right of redemption. The conveyed  
26 title shall, until redemption or until the right of redemption is foreclosed, be held as security for  
27 the repayment of the purchase price, with all intervening costs, terms imposed for redemption,  
28 and charges, with interest, and the premises conveyed, both before and after either redemption or  
29 foreclosure, shall also be subject to and have the benefit of all easements and restrictions lawfully  
30 existing in, upon, or over the land or appurtenant to the land. The deed is not valid against  
31 intervening interests unless recorded within sixty (60) days after the sale. If recorded it is prima  
32 facie evidence of all facts essential to the validity of the title conveyed by the deed. It shall be the  
33 duty of the collector to record the deed within sixty (60) days of the sale and to forward said deed  
34 promptly to the tax sale purchaser. The applicable recording fee shall be paid by the redeeming

1 party. Except as provided, no sale shall give to the purchaser any right to either the possession, or  
2 the rents, or profits of the land until the expiration of one year after the date of the sale, nor shall  
3 any sale obviate or transfer any responsibility of an owner of property to comply with any statute  
4 of this state or ordinance of any municipality governing the use, occupancy, or maintenance or  
5 conveyance of property until the right of redemption is foreclosed.

6 (b) The rents to which the purchaser shall be entitled after the expiration of one (1) year  
7 and prior to redemption shall be those net rents actually collected by the former fee holder or a  
8 mortgagee under an assignment of rents. Rents shall not include mere rental value of the land.  
9 Nor shall the purchaser be entitled to any rents from owner-occupied, single-unit residential  
10 property. For purposes of redemption, net rents shall be computed by deducting from gross rents  
11 actually collected, any sums expended directly on behalf of the tenant from whom the rent was  
12 collected. Such expenditures shall include utilities furnished and repairs made to the tenanted  
13 unit.

14 (c) This tax title purchaser shall not be liable for any enforcement or penalties arising  
15 from violations of environmental or minimum housing standards prior to the expiration of one (1)  
16 year from the date of the tax sale, except for violations which are the result of intentional acts by  
17 the tax sale purchaser or his or her agents.

18 (d) In all cases where the redeeming party disputes the assessment of net rents by the tax  
19 title purchaser, the burden of proof shall be on the tax title purchaser to establish to the court the  
20 amount of the net rents. The tax title purchaser shall not be entitled to attorneys' fees incurred in  
21 establishing to the court the amount of the net rents.

22 ~~(b)~~(e) Upon the expiration of one year after the date of the sale, the tax title holder shall  
23 be jointly and severally liable with the owner for all responsibility and liability for the property  
24 and shall be responsible to comply with any statute of this state or ordinance of any municipality  
25 governing the use, occupancy, or maintenance or conveyance of the property even prior to the  
26 right of redemption being foreclosed. Nothing in this section shall be construed, however, to  
27 confer any liability upon a city or town which receives tax title as a result of any bids being made  
28 for the land offered for sale at an amount equal to the tax and charges.

29 **44-9-13. Entry by collector not required -- Recording of tax sale list.** -- (a) No entry  
30 upon the land by the collector shall be deemed necessary, but the collector in all cases of sales of  
31 real estate shall deliver to the clerk's or recorder's office a list of those properties sold at tax sale  
32 which the clerk or recorder shall record or post in the land evidence records for their city or town  
33 within ~~forty eight (48) hours~~ five (5) business days after the sale of real estate. The recorded or  
34 posted list shall include the assessed owner's name; the address of the property, and the assessor's

1 plat and lot, and the recorded or posted list shall be conclusive evidence of the facts stated in the  
2 list.

3 (b) No properties shall be sold at tax sale to any bidder who is delinquent in the paying  
4 of taxes or is an officer, more than ten percent (10%) shareholder or owner of a partnership or  
5 corporation or limited liability company that is delinquent in the paying of taxes on any property  
6 located within the city or town in which the tax sale is held, unless the bidder has agreed to a  
7 written payment plan approved by the collector and is current on any and all payments required  
8 by the plan. The collector may require a bidder or an authorized officer or partner of the bidder to  
9 execute an affidavit that the bidder is qualified under this provision.

10 **44-9-19. Right of redemption from town.** – (a) Any person having an interest in land  
11 sold for nonpayment of taxes, or his or her heirs or assigns, at any time prior to the filing of a  
12 petition for foreclosure under section 44-9-25, if the land has been purchased by the town and has  
13 not been assigned, may redeem the land by paying or tendering to the treasurer the sum for which  
14 the real estate was purchased, plus a penalty which shall be ten percent (10%) of the purchase  
15 price if redeemed within six (6) months after the date of the collector’s sale, and an additional one  
16 percent of the purchase price for each succeeding month, together with all charges lawfully added  
17 for intervening taxes, which have been paid to the municipality, plus interest thereon at a rate of  
18 one percent (1%) per month, and expenses assessed subsequently to the collector’s sale.

19 (b) The certificate of redemption shall be recorded by the treasurer on the land records  
20 within twenty (20) days after the entire redemption amount has been paid to the municipality.  
21 The recording costs for the certificate of redemption shall be paid by the redeeming party.

22 (c) The right of redemption may be exercised only by those entitled to notice of the sale  
23 pursuant to sections 44-9-10 and 44-9-11.

24 **44-9-21. Redemption from purchaser other than town.** -- Any person may redeem by  
25 paying or tendering to a purchaser, other than the town, his or her legal representatives, or  
26 assigns, or to the person to whom an assignment of a tax title has been made by the town, at any  
27 time prior to the filing of the petition for foreclosure, in the case of a purchaser the original sum  
28 and any intervening taxes which have been paid to the municipality plus interest thereon at the  
29 rate of one (1%) per month and costs paid by him or her, plus a penalty as provided in section 44-  
30 9-19, or in the case of an assignee of a tax title from a town, the amount stated in the instrument  
31 of assignment, plus the above-mentioned penalty. He or she may also redeem the land by paying  
32 or tendering to the treasurer the sum which he or she would be required to pay to the purchaser or  
33 to the assignee of a tax title, in which case the town treasurer shall be constituted the agent of the  
34 purchaser or assignee. The right of redemption may be exercised only by those entitled to notice

1 of the sale pursuant to sections 44-9-10 and 44-9-11.

2 **44-9-24. Title absolute after foreclosure of redemption -- Jurisdiction of**  
3 **proceedings.** -- The title conveyed by a tax collector's deed shall be absolute after foreclosure of  
4 the right of redemption by decree of the superior court as provided in this chapter.  
5 Notwithstanding the rules of civil procedure or the provisions of chapter 21 of title 9, no decree  
6 shall be vacated except in a separate action instituted within one year following entry of the  
7 decree and in no event for any reason, later than one year following the entry of decree.  
8 Furthermore, the action to vacate shall only be instituted for inadequacy of notice amounting to a  
9 denial of due process or for the invalidity of the tax sale. The superior court shall have exclusive  
10 jurisdiction of the foreclosure of all rights of redemption from titles conveyed by a tax collector's  
11 deed, and the foreclosure proceedings shall follow the course of equity in a proceeding provided  
12 for in sections 44-9-25 -- 44-9-33.

13 **44-9-25. Petition for foreclosure of redemption.** -- (a) After one year from a sale of  
14 land for taxes, except as provided in sections 44-9-19 -- 44-9-22, whoever then holds the title  
15 acquired may bring a petition in the superior court for the foreclosure of all rights of redemption  
16 thereunder. The petition shall set forth a description of the land to which it applies, with its  
17 assessed valuation, the petitioner's source of title, giving a reference to the place, book, and page  
18 of record, and other facts as may be necessary for the information of the court. Two (2) or more  
19 parcels of land may be included in any petition brought by ~~a town,~~ as any purchaser of a title or  
20 titles, if the parcels are in the same record ownership at the time of bringing the petition (Form 5).

21 (b) No more than one (1) foreclosure petition may be filed for each tax deed regardless of  
22 the number of tax title holders having an interest under such deed. If more than one (1) petition is  
23 filed the petitions shall be consolidated for hearing by the court. The court shall not award more  
24 than one (1) attorneys' fee to the petitioners.

25 **44-9-35. Errors and irregularities in proceedings.** -- No tax title shall be held to be  
26 invalid by reason of any error or irregularity which is neither substantial nor misleading, whether  
27 the error or irregularity occurs in the proceedings of the collector or the assessors or in the  
28 proceedings of any other official or officials charged with duties in connection with the  
29 establishment of the tax title, or in the proceedings to foreclose the rights of redemption as set  
30 forth in sections 44-9-25 to 44-9-33, inclusive. Failure of notice under sections 44-9-9, 44-9-10  
31 and 44-9-11 may only be raised by a party who was not sent notice, and, if failure of notice be  
32 proved, the collector's sale shall be invalid only as to that party and no other.

33 **44-9-43. Refund of purchase price when title based on sale without foreclosure**  
34 **adjudged invalid.** -- If, as the result of a petition, the petitioner's title is ~~adjudged~~ determined to

1 be invalid by the superior court because of errors or irregularities in the tax proceedings upon  
2 which it was based, the clerk, upon request, shall issue a certificate to that effect. The treasurer of  
3 the town where the land affected by the title is situated, upon receipt of a ~~release by the holder of~~  
4 ~~the title of all interest~~ deed from the petitioner conveying all of the interest which he or she may  
5 have under it, together with the certificate, shall refund to the holder the amount paid, but not  
6 exceeding the amount received by the city or town.

7 SECTION 2. This act shall take effect on January 6, 2004.

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LC03217/SUB A  
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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO TAX SALES

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- 1 This act would make numerous changes to the tax sales law.
- 2 This act would take effect on January 6, 2004.

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2003 -- H 6412  
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A N A C T  
RELATING TO TAX SALES

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Presented by

**34-13-7. General recording fees.** -- (a) The fees to the recording officers for recording the following described instruments relating to real estate shall be as follows:

Warranty deed	<del>\$25.00</del>	<u>\$80.00</u>
Quitclaim deed	<del>25.00</del>	<u>80.00</u>
Deed of executor, administrator, trustee, conservator, receiver or commissioner	<del>25.00</del>	<u>80.00</u>
Mortgage	<del>25.00</del>	<u>60.00</u>
Partial release of mortgage	<del>10.00</del>	<u>45.00</u>
Assignment of mortgage	<del>10.00</del>	<u>45.00</u>
Foreclosure deed under power of sale with affidavit	<del>25.00</del>	<u>80.00</u>
Lease	<del>25.00</del>	<u>60.00</u>
General assignment	<del>10.00</del>	<u>45.00</u>
Discharge of mortgage	<del>10.00</del>	<u>45.00</u>
Discharge of attachment or execution	<del>4.00</del>	<u>45.00</u>
Any other instrument not otherwise expressly provided for by statute	<del>10.00</del>	<u>45.00</u>
Lien - Federal tax	<del>4.00</del>	<u>7.25</u>
Lien - Federal tax, discharge of	<del>4.00</del>	<u>7.25</u>
Maps, plats, surveys, drawings (not attached to or a part of another recordable instrument)	<del>30.00</del>	<u>45.00</u>
Bill of sale	<del>25.00</del>	<u>45.00</u>
Power of attorney	<del>10.00</del>	<u>45.00</u>

Lis pendens ~~10.00~~ 80.00

(b) The recording officers shall be allowed to charge a rate of one dollar (\$1.00) for each additional page or fraction over.

(c) Ten percent (10%) of the recording fees provided for in this section shall be utilized by each city or town for the purposes of document preservation and technological upgrades.

SECTION 11. Sections 3-7-3, 3-7-7, 3-7-7.1, 3-7-8, 3-7-11 and 3-7-13 of the General Laws in Chapter 3-7 entitled "Retail Licenses" are hereby amended to read as follows: