§946. Action for equitable relief after period of redemption; procedure

A municipality that has become the purchaser at a sale of real estate for nonpayment of taxes or that as to any real estate has pursued the alternative method for the enforcement of liens for taxes provided in sections 942 and 943, whether in possession of such real estate or not, after the period of redemption from such sale or lien has expired, may maintain an action for equitable relief against any person who claims or may claim some right, title or interest in the premises adverse to the estate of such municipality. [PL 2025, c. 113, Pt. D, §49 (AMD).]

Any purchaser or successor of a purchaser in interest from a municipality of real estate or lien on real estate acquired by a municipality as a purchaser at a sale of that real estate for nonpayment of taxes, or acquired under the alternative method for the enforcement of liens for taxes provided in sections 942 and 943, whether in possession of such real estate or not, after the period of redemption from such sale or lien has expired, may maintain an action for equitable relief against any person who claims or may claim some right, title or interest in the premises adverse to the estate of such municipality or purchaser. [PL 2025, c. 113, Pt. D, §49 (AMD).]

A municipal officer may not, while holding municipal office, acquire from that municipality any interest in real estate acquired by that municipality on account of nonpayment of taxes, unless such sale occurs by sealed bid after duly advertising the same at least twice during a 7-day period prior to the acceptance of bids. A municipal officer who submits a sealed bid may not take part in the bid acceptance process except that a municipal officer may purchase tax-acquired property if the property was owned by the municipal officer's child, spouse or parent immediately prior to its acquisition by the municipality and if the purchase is authorized by the municipality. [PL 2025, c. 113, Pt. D, §49 (AMD).]

1. Service. Service must be made as in other actions on all defendants who can with due diligence be personally served within the State. If any defendant cannot be so served or is described in the complaint as being unascertained, service must be made by publication as in other actions in which publication is required. A copy of the published notice must be mailed to all known defendants at their last known addresses if they have not been personally served.

If, after notice has been given or served as ordered by the court and the time limited in such notice for the appearance of the defendants has expired, the court finds that there is or may be a defendant who has not been actually served with process and who has not appeared in the action, the court may of its own motion, or on the representation of any party, appoint an agent, guardian ad litem or next friend for any such defendant, and if any such defendants have or may have conflicting interests, the court may appoint different agents, guardians ad litem or next friends to represent them. The cost of appearance of any such agent, guardian ad litem or next friend, including the cost of compensation of that appointee's counsel, must be determined by the court and paid by the plaintiff, against whom execution may issue in the name of the agent, guardian ad litem or next friend.
[PL 2025, c. 113, Pt. D, §49 (AMD).]

2. Decree; effect. The plaintiff in an action under this section shall pray the court to establish and confirm its title to the premises described in the complaint as against all the defendants named or described in the action, and, if upon hearing the court finds the plaintiff's title to be good, the court shall make and enter its decree accordingly; the decree when recorded in the registry of deeds for the county or district where the real estate lies has the effect of a deed of quitclaim of the premises involved in the action from all the defendants named or described in the action to the plaintiff.
[PL 2025, c. 113, Pt. D, §49 (AMD).]

3. Jury. If an action under this section is tried in the Superior Court, issues of fact may be framed upon application of any party to be tried by a jury whose verdict has the same effect as the verdict of a jury in other civil actions.
[PL 2025, c. 113, Pt. D, §49 (AMD).]

SECTION HISTORY

PL 1965, c. 281 (AMD). PL 1973, c. 646 (AMD). PL 1975, c. 54, §2 (AMD). PL 1975, c. 347 (AMD). PL 2023, c. 523, Pt. A, §9 (AMD). PL 2025, c. 113, Pt. D, §49 (AMD).

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