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February 14, 2022

Kimberly A. Hallquist
 Town Administrator
 Town of New London
 375 Main Street
 New London, New Hampshire 03257
 TownAdmin@NewLondon.NH.gov

Re: Town Land at King Hill Road – Map 136, Lot 1
 Title Issue – Town Meeting Warrant

Dear Ms. Hallquist:

I am a title attorney at Hudkins Law PLLC, representing Nathaniel Stevens, Manager for SooNipi Land, LLC. Last year’s Town Meeting approved a warrant article selling to him a vacant Town lot on King Hill Road, New London, Assessors Map 136, Lot 1. The sale was contingent on Mr. Stevens annexing or combining this 0.45-acre parcel with the abutting SooNipi Land parcel so a single lot would result.

As you know, after the Town Meeting approval, our title research discovered a title defect that renders the title of the Town property unmarketable at this time. Until that defect can be rectified, combining the Town lot with SooNipi Land’s existing lot would make SooNipi Land’s property unmarketable as well, significantly impacting its value.

Although the Town may have properly handled the tax taking notice requirements to the owner when the property was taken for non-payment of taxes in 2008, the property’s title search revealed that the property was also involved in a prior tax taking in 1987.

The deed for that 1987 taking recorded in the Merrimack County Registry of Deeds at Book 1663, Page 62 lists the owner in 1984 as “Owner/Owners Unknown.” We have spoken to four different title insurance companies, and all four stated that they could not insure the title as is because there is no proof that the 1984 owners, whoever they were, were given proper notice under the applicable state statute. The insurers’ universal position is that the normal 10-year window to challenge the tax taking would not be considered to have run, and thus the property is still open to potential challenges from past would-be owners.

The insurers indicate that the only way to resolve this defect is to obtain a court order through a Petition to Quiet Title action, which, depending on the advertising requirements and research needed into trying to contact any potential heirs of the last known owner, would likely cost in excess of \$5,000 of legal fees. This is not the typical tax taking scenario in which time will eventually fix the issue.

BEDFORD, NH
 603-434-1770
 264 South River Road
 03110

CLAREMONT, NH
 603-434-1770
 131 Broad Street
 03743

CONCORD, NH
 603-225-1970
 124 Hall Street, Suite A
 03301

HAMPTON, NH
 603-434-1770
 1 Park Ave, Suite 4
 03842

KEENE, NH
 603-357-1007
 428 Main Street
 03431

NEW LONDON, NH
 603-434-1770
 420 Main Street
 PO Box 800, 03257

WINDHAM, NH
 603-434-1770
 25 Indian Rock Rd. #9
 PO Box 719, 03087

WILDER, VT
 802-649-9200
 144 Palmer Court
 05001

NEWBURYPORT, MA
 978-248-0111
 45 Pleasant Street #5
 01950



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Because of the questions about the unknown heirs, we believe this problem is permanent without a court order. Only the owner of the property can ask the court for such an order. We understand that the Town is not interested in doing this legal work, and while Mr. Stevens is willing to do so, he cannot until he is the property owner.

Moreover, were the Town property to be annexed to another lot, such as SooNipi Land's abutting lot, the other lot's title would be rendered unmarketable as well.

Therefore, the annexation condition in the warrant article the parties originally anticipated no longer makes sense. The buyer is still interested in acquiring the property but, understandably, does not want to compromise the title of his existing property. It is not advisable to annex the Town property to the neighboring lot until after its title could be cleaned up.

Therefore, we ask that Town Meeting vote to amend last year's warrant article to either remove the requirement that the Town Land be annexed to the abutter's land, or make the annexation contingent on successful completion of a Petition to Quiet Title action. We would be happy to work with the Town to come up with language that serves the Town's needs but also protects the buyer's other property.

Please let me know if any other information would be helpful. I may be reached by email at ted@hudkinslaw.com and my direct office line is (603)760-0955.

Respectfully,

Theodore P. Prizio, Esq.

Enclosures: 1987 tax taking deed 1663-62

BEDFORD, NH
603-434-1770
264 South River Road
03110

CLAREMONT, NH
603-434-1770
131 Broad Street
03743

CONCORD, NH
603-225-1970
124 Hall Street, Suite A
03301

HAMPTON, NH
603-434-1770
1 Park Ave, Suite 4
03842

KEENE, NH
603-357-1007
428 Main Street
03431

NEW LONDON, NH
603-434-1770
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PO Box 800, 03257

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802-649-9200
144 Palmer Court
05001

NEWBURYPORT, MA
978-248-0111
45 Pleasant Street #5
01950

BK1663 P60062

Know all Men by these Presents

That I, Lois E. Marshall, Collector of Taxes for the Town of New London, in the County of Merrimack and State of New Hampshire, for the year 19 87 by the authority in me vested by the laws of the State, and in consideration of One Dollar and other valuable consideration (\$1.00)

to me paid by the Town of New London successors / heirs and Do hereby sell and convey to the said Town of New London assigns, a certain tract or parcel of land situated in the Town of New London aforesaid. Taxed by the Selectmen/Assessors in 1984 to Owner/Owners Unknown and described in the Invoice Books as Land on King Hill Road

A more particular description of said property is understood to be as follows: .40 Acres of land located on King Hill Road and described on Tax Map #137.

049948

RECEIVED
1987 JUL 23 AM 8:13
MERRIMACK COUNTY
REGISTRY OF DEEDS

The whole ~~or~~ parcel of the above real estate was / ~~was~~ bought by the Town of New London at a Tax Collector's sale held at the Selectmen's Office, Whipple Memorial Hall in said Town of New London, New Hampshire, on the Tenth (10th) day of June 19 85

To have and to hold the said Premises, with the appurtenances, to the said Town of New London successors / heirs and assigns forever. And I hereby covenant with the said Town of New London that in making sale of the same I have in all things complied with the law, and that I have good right, so far as that right may depend upon the regularity of my own proceedings, to sell and convey the same in the manner aforesaid.

In Witness Whereof, I have hereunto set my hand and seal, the 20th day of July, in the year of our Lord one thousand nine hundred and eighty-seven.

Signed, Sealed and Delivered in the presence of:

Jeff P. Lynch
April Whittaker

Lois E. Marshall
Collector.

State of New Hampshire, Merrimack County ss. July 20, 1987
Personally appearing Lois E. Marshall above named,
and acknowledged the foregoing instrument to be his voluntary act and deed. Before me

Ralph S. Muel
Justice of the Peace
~~Notary Public~~

MERRIMACK COUNTY RECORDS
RECEIVED AND RECORDED
Kathi L. Quay
REGISTER