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LEWIS C. RUSH died at the age of 59 in Madisonville, Kentucky. He had practiced law in Denver for thirty years, and maintained offices in the E. & C. Bldg.. He had served as deputy district attorney under his cousin, John A. Rush, before World War I. He held bachelor and master degrees from the University of Michigan.

MORTON M. DAVID died at his Denver home of a heart attack. He was born in Aspen in 1888. From 1910 to 1917 he served as an officer for the Colorado State Humane Society. He graduated from Westminster Law School. He entered the army in 1917, and after his discharge helped to form the American Legion, in the affairs of which he was a national figure. He was the first adjutant of the Legion in Colorado and helped organize the Leyden-Chiles-Wickersham Post. In 1929 he was named national vice commander. He organized and conducted the junior American Legion baseball tournaments in the 1920's. He was a member of Temple Emanuel.

Inadequacy of Notice Provision for Obtaining Treasurers' Deeds

By LAWRENCE M. HENRY

of the Denver Bar, Member of the Colorado General Assembly

Section 255, Chap. 142, '35 C. S. A., defining conditions precedent to the issuance of treasurers' deeds requires notice of purchase for taxes "on every person in actual possession or occupancy of such lands, lots or premises," but the provision that such notice may be served "by personal service or by registered mail" in my opinion is inadequate. Nor does the publication requirement provide the necessary protection to the occupant owner, since such publications are so seldom read by lay people.

The alternative of serving by registered mail is too often followed. Since personal service is not the exclusive means of service the easier method of mailing a notice is more often used. Unlike the requirement of Rule 4 (g) (1) relating to service of summons and that of Section 253, Chapter 176, relating to probate citations and notices to sell real estate where service is not complete until there is filed a return receipt signed by the addressee, service has been held to be complete when the notice has been registered and deposited in the mail bearing the proper post office address (*Ford v. Genereaux*, 104 Colo. 17). There is no requirement that return receipt be obtained, let alone that it be signed by the addressee only. Since service is complete upon mailing it seems to me that the additional charge of registering the letter is sheer waste. Registering a letter is a method by which its progress and receipt might be checked and as the statute is now written receipt is not pertinent.

The statute's emphasis upon mailing and not upon receipt has caused this situation to arise and which is soon to be litigated outside of Denver. The county treasurer concerned directed the registered letter to the owner occupant giving as her address the postoffice of the community in which she actually lived. However, her mail was delivered to her house by the usage of her street address and a postal zone of a large city nearby. She in fact never collected her mail at the small postoffice and there were no delivery facilities from it. The registered letter in time was returned uncalled for and without serving its purpose of notifying the owner-occupant that a treasurer's deed had been requested by the tax certificate purchasers. But it is being argued that the envelope was properly addressed and the procedure entirely valid.

I cannot see any validity to the argument that the Rules and the section in the chapter on estates both relate to court procedures and therefore greater care to assure notice is required. Loss of ownership of property is just as serious notwithstanding the method involved.

I recommend that the next session of the legislature amend Section 255 to provide that service on the occupant of the premises be by personal service or by registered mail evidenced by a return receipt signed by addressee only.

Army Needs Attorney to Serve in Austria

The Department of the Army in connection with its work in supervising the administration of liberated countries is in urgent need of the services of an attorney-advisor to serve in Vienna, Austria. This position is under the protection of Civil Service although it does not confer permanent Civil Service status. It is rated under the Civil Service scale at P-5, the pay for which is \$5905.20, augmented by a 25% overseas differential, making a total annual salary of \$7381.50. Living conditions in Austria compare favorably to those of the U. S. All normal civilian facilities are available through Army sources. The Government will pay the employee's transportation from the U. S. to Austria and also the cost of return at the termination of his two-year contract. Dependents will be able to accompany the employee to Austria or to join him within a very short time at Government expense. The Government will make available adequate housing facilities at a reasonable cost.

The duties of this position are: to represent the U. S. element in the Quadripartite Legal Sub-Committee; to render legal opinions, either verbally or in writing, on questions involving Austrian law; to translate laws, legal documents and correspondence involving legal terminology from German into English and from English into German; to review cases tried by the Austrian courts in the U. S. Zone in order to assure that democratic principles of trial are observed; and to maintain liaison with the Austrian Ministry of Justice and Austrian court authorities.