

AGENDA

ITEM

4.b.



Town of Clinton

27 Baker Street

426-8511 phone

Clinton, ME 04927

426-8323 fax

MEMORANDUM

TO: HONORABLE BOARD OF SELECTMEN

FROM: James W. Rhodes, Town Manager

DATE: February 5, 2009

RE: Agenda Item 4.b. Tax Acquired Property Minimum Bids

The attached list describes the minimum bids for the four (4) properties that the Town of Clinton has tax acquired effective 4:01 PM January 26, 2009 through the automatic foreclosure process due to non-payment of 2006 taxes (principal), interest and costs.

In addition, the following is attached:

- copy of the warrant article passed June 11, 2002 where the Town authorizes the Board of Selectmen, on behalf of the town, to dispose of any real estate acquired by the town for nonpayment of taxes.
- list that describes the total due for 2006, 2007, and 2008 taxes (principal), interest, and costs as of 3/24/09.
- property cards.
- the Municipal Officer's Role, with regard to tax acquired property, is attached in the rear of the packet.

Schedule of Events

2/10/09: Approve Tax Acquired Property (TAP) Advertisement for sealed bids and the minimum bid price for each property.

2/14/09: TAP Request for Bids in the legal ads of the Morning Sentinel.

3/9/09: Bids due to the Town Office by 3:00 PM

3/10/09: Board of Selectmen open sealed bids, read aloud and award bid.

3/24/09: Each successful bidder shall complete purchase by 3:00 PM.

3/24/09: Board of Selectmen vote to approve and sign QuitClaim Deeds without covenant for properties that have sales completed.

2009
TAX ACQUIRED PROPERTY
MINIMUM BID PRICE

1. Map 010 Lot 006
Location: 845 Battle Ridge Road
Former Owner: Raymond and Linda Batchelder
Building plus 61.40 acres

As of 3/24/2009

2006 Tax / Interest / Cost	1,795.21
2007 Tax / Interest / Cost	1,803.62
2008 Tax / Interest / Cost	1,753.71
Legal Ad	100.00
Quit Claim Deed Filing	<u>13.00</u>

TOTAL **\$ 5,465.54 Minimum Bid**

2. Map 005 Lot 017-A
Location: 39 Canaan Road
Former Owner: Darrold T. Johnston, Jr.
Building plus 2.0 acres

As of 3/24/2009

2006 Tax / Interest / Cost	1,078.44
2007 Tax / Interest / Cost	1,076.11
2008 Tax / Interest / Cost	1,025.99
Legal Ad	100.00
Quit Claim Deed Filing	<u>13.00</u>

TOTAL **\$ 3,293.54 Minimum Bid**

3. Map 002 Lot 057-ON
Location: 26 Wyman Road
Former Owner: Jamie & Neila Stanton
Mobile Home Only

As of 3/24/2009

2006 Tax / Interest / Cost	117.44
2007 Tax / Interest / Cost	110.80
2008 Tax / Interest / Cost	74.96
Legal Ad	100.00
Quit Claim Deed Filing	<u>13.00</u>

TOTAL **\$ 416.20 Minimum Bid**

4. Map 014 Lot 015-G
Location: Johnson Flat Road
Former Owner: Ellsworth Palmer
Land Only 3.78 acres

As of 3/24/2009

2006 Tax / Interest / Cost	214.20
2007 Tax / Interest / Cost	208.43
2008 Tax / Interest / Cost	171.78
Legal Ad	100.00
Quit Claim Deed Filing	<u>13.00</u>

TOTAL **\$ 707.41 Minimum Bid**

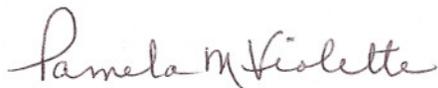
WARRANT ARTICLES UNTIL RESCINDED

Passed June 11 2002

Article 34: To see if the town will vote to authorize the Board of Selectman, on behalf of the town, to dispose of any real estate acquired by the town for nonpayment of taxes thereon, on such terms as they may deem advisable, and to execute quit claim deeds for such property provided that the properties be advertised in the local newspaper at least seven days prior to bid openings. This authorization will remain in effect until rescinded by a future Annual Town Meeting vote.

Yes 430 No 153

ATTEST: A true copy.



Pamela M. Violette
Town Clerk

February 4, 2009



**RE Account 304 Detail
as of 03/24/2009**

Name: BATCHELDER RAYMOND & LINDA
Location: 845 BATTLE RIDGE RD
Acreage: 61.4 Map/Lot: 010-006
Book Page: B3791P80

Land: 32,300
Building: 93,000
Exempt: 13,000

Total: 112,300

2008-1 Period Due:
1) 891.25
2) 862.46

Ref1: B3791P0080 FARMLAND
Mailing: 845 BATTLE RIDGE RD
Address: CLINTON ME 04927

Year	Date	Reference	P C	Principal	Interest	Costs	Total
2008-1 R	09/01/08	Original		1,724.93	0.00	0.00	1,724.93
		CURINT		0.00	-28.78	0.00	-28.78
		Total		1,724.93	28.78	0.00	1,753.71
2007-1 L	09/04/07	Original		1,628.35	0.00	0.00	1,628.35
	5/2/2008	DEMAND	A 3	0.00	0.00	-9.21	-9.21
			Demand Fees				
	06/10/08	Liened		1,628.35	50.43	35.21	1,713.99
		CURINT		0.00	-89.63	0.00	-89.63
		Total		1,628.35	140.06	35.21	1,803.62
2006-1 L	09/01/06	Original		1,684.50	0.00	0.00	1,684.50
	6/19/2007	DEMAND	A 3	0.00	0.00	-8.21	-8.21
			Demand Fees				
	07/24/07	Liened		1,684.50	66.22	21.21	1,771.93
	9/27/2007	CHGINT	1 I	0.00	-0.21	0.00	-0.21
	9/27/2007	ADJUST	A C	0.00	0.00	-13.00	-13.00
	12/11/2008	FCFEES	A L	0.00	0.00	-8.32	-8.32
			Lien Maturity Fee				
	12/11/2008	CHGINT	A I	0.00	-1.42	0.00	-1.42
		CURINT		0.00	-0.33	0.00	-0.33
		Total		1,684.50	68.18	42.53	1,795.21
2005-1 L	*			0.00	0.00	0.00	0.00
2004-1 L	*			0.00	0.00	0.00	0.00
2003-1 L	*			0.00	0.00	0.00	0.00
2002-1 L	*			0.00	0.00	0.00	0.00
2001-1 L	*			0.00	0.00	0.00	0.00
2000-1 L	*			0.00	0.00	0.00	0.00
1999-1 L	*			0.00	0.00	0.00	0.00
1998-1 L	*			0.00	0.00	0.00	0.00
1997-1 L	*			0.00	0.00	0.00	0.00
1996-1 L	*			0.00	0.00	0.00	0.00
Account Totals as of 03/24/2009				5,037.78	237.02	77.74	5,352.54

Per Diem

2008-1	0.1654
2007-1	0.3123
2006-1	0.0032
Total	0.4809

Exempt Codes: 01 - HOMESTEAD

Note: Payments will be reflected as positive values and charges to the account will be

Clinton
2:00 PM

RE Account 304 Detail
as of 03/24/2009

01/27/2009
Page 2

Name: BATCHELDER RAYMOND & LINDA

Location: 845 BATTLE RIDGE RD
Acreage: 61.4 Map/Lot: 010-006
Book Page: B3791P80

2008-1 Period Due:
1) 891.25
2) 862.46

Land:	32,300
Building:	93,000
Exempt	13,000
<hr/>	
Total:	112,300

Ref1: B3791P0080 FARMLAND
Mailing 845 BATTLE RIDGE RD
Address: CLINTON ME 04927

Year	Date	Reference	P	C	Principal	Interest	Costs	Total
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represented as negative values.

CLINTON - MAINE

MAP 10 LOT 6

ACCOUNT NO. 304

ADDRESS

B

CARD NO. OF

BATCHELDER RAYMOND & LINDA 304
 845 BATTLE RIDGE RD
 CLINTON ME 04927 010
 B3791P0080 FARMLAND 006

PROPERTY DATA		ASSESSMENT RECORD				
EXEMPT CODE	YEAR	LAND	BUILDINGS	EXEMPT	TOTAL	
TRANCODE	04/05	31,800	85,400	7,000	110,200	
LAND CODE	05/06	31,900	84,200	13,000	103,100	
BUILDING CODE	AC 06/07	32,300	93,000	13,000	112,300	
NEIGHBORHOOD CODE	07/08	32,300	93,000	13,000	112,300	
LAND USE	ACCT: 304-1 Map/Lot:010-006					
11. Residential						
12. Commercial						
13. Industrial						
14. Rural						
15. Waterfront						
16. Resource Protection						
17. Dairy						
SECONDARY ZONE						
TOPOGRAPHY						
1. Level	5. Low					
2. Rolling	6. Swampy					
3. Above Street	7. Steep					
4. Below Street	8. Rough					
UTILITIES						
1. All Public	5. Dug Well					
2. Public Water	6. Septic					
3. Public Sewer	7. Cess Pool					
4. Drilled Well	9. No Utilities					
STREET						
1. Paved	4. Proposed					
2. Unpaved	5. Private					
3.	9. No Street					

		LAND DATA				
		TYPE	EFFECTIVE		INFLUENCE	
			Frontage	Depth	Factor	Code
FRONT FOOT					%	
11. Regular Lot					%	
12. Delta Triangle					%	
13. Nable Triangle					%	
14. Rear Land					%	
SALE DATA					%	
DATE(MM/YY)					%	

		LAND DATA				
		TYPE	EFFECTIVE		INFLUENCE	
			Frontage	Depth	Factor	Code
SQUARE FOOT					%	
16. Regular Lot					%	
17. Secondary					%	
18. Excess Land					%	
19. Condo.					%	
20.					%	
FRACT. ACRE					%	
21. Homesite		21	4.00	100	%	
22. Baselot		23	10.00	100	%	
23. Waterfront		23	10.00	100	%	
ACRES					%	
24. Homesite		23	10.00	100	%	
25. Baselot					%	
26. Secondary					%	
27. Frontage		46	37.40	100	%	
28. Rear 1					%	
29. Rear 2					%	
30. Rear 3					%	
31. Tillable					%	
TOTAL ACRES			61.40			

- INFLUENCE CODES**
- 1=Vacancy
 - 2=Excess frontage
 - 3=Topography
 - 4=Size / Shape
 - 5=Access
 - 6=Restrictions
 - 7=Corner / Location
 - 8=View / Environmental
 - 9=Fractional Share

- ACRES (cont.)**
- 34. Pasture
 - 35. Horticultural
 - 36.
 - 37. Softwood
 - 38. Mixed Wood
 - 39. Hardwood
 - 40. Waste
 - 41. Gravel Pit
- SITE**
- 42. Moho Site
 - 43. Condo Site
 - 44. Lot Improvements

INSPECTION WITNESSED BY:

X: _____ DATE: / /

PRICE	

SALE TYPE	
1. Land	4. Mohp only
2. Land & Bldg.	
3. Building Only	5. Other
FINANCING	
1. Conventional	5. Private
2. FHA/VA	6. Cash
3. Assumed	7. FMHA
4. Seller	9. Unknown
VERIFIED	
1. Buyer	6. MLS
2. Seller	7. Family
3. Lender	8. Other
4. Agent	9. Confid.
5. Record	
VALIDITY	
1. Valid	5. Partial
2. Related	6. Exempt
3. Distress	7. Changed
4. Split	8. Other

**RE Account 781 Detail
as of 03/24/2009**

Name: JOHNSTON DARROLD T JR
Location: 39 CANAAN RD
Acreage: 2 Map/Lot: 005-017-A
Book Page: B8710P279

Land: 17,000
Building: 48,700
Exempt 0

Total: 65,700

2008-1 Period Due:
1) 521.42
2) 504.57

Ref1: B8710P0279
Mailing 39 CANAAN RD
Address: CLINTON ME 04927

Year	Date	Reference	P C	Principal	Interest	Costs	Total
2008-1 R	09/01/08	Original		1,009.15	0.00	0.00	1,009.15
		CURINT		0.00	-16.84	0.00	-16.84
		Total		1,009.15	16.84	0.00	1,025.99
2007-1 L	09/04/07	Original		952.65	0.00	0.00	952.65
	5/2/2008	DEMAND	A 3	0.00	0.00	-9.21	-9.21
			Demand Fees				
	06/10/08	Liened		952.65	29.50	41.53	1,023.68
		CURINT		0.00	-52.43	0.00	-52.43
		Total		952.65	81.93	41.53	1,076.11
2006-1 L	09/01/06	Original		985.50	0.00	0.00	985.50
	6/19/2007	DEMAND	A 3	0.00	0.00	-13.42	-13.42
			Demand Fees				
	07/24/07	Liened		985.50	38.74	26.42	1,050.66
	9/27/2007	CHGINT	1 I	0.00	-0.12	0.00	-0.12
	9/27/2007	adju	A C	0.00	0.00	-13.00	-13.00
	12/11/2008	FCFEES	A L	0.00	0.00	-13.64	-13.64
			Lien Maturity Fee				
	12/11/2008	CHGINT	A I	0.00	-0.83	0.00	-0.83
		CURINT		0.00	-0.19	0.00	-0.19
		Total		985.50	39.88	53.06	1,078.44
2005-1 R				0.00	0.00	0.00	0.00
2004-1 R				0.00	0.00	0.00	0.00
2003-1 L *				0.00	0.00	0.00	0.00
2002-1 L *				0.00	0.00	0.00	0.00
2001-1 L *				0.00	0.00	0.00	0.00
2000-1 R				0.00	0.00	0.00	0.00
1999-1 R				0.00	0.00	0.00	0.00
1998-1 R				0.00	0.00	0.00	0.00
Account Totals as of 03/24/2009				2,947.30	138.65	94.59	3,180.54

Per Diem

2008-1	0.0968
2007-1	0.1827
2006-1	0.0019
Total	0.2814

Note: Payments will be reflected as positive values and charges to the account will be represented as negative values.

**RE Account 781 Detail
as of 03/24/2009**

Name: JOHNSTON DARROLD T JR

Location: 39 CANAAN RD

Acreage: 2 Map/Lot: 005-017-A

Book Page: B8710P279

2008-1 Period Due:

- 1) 521.42
- 2) 504.57

Land:	17,000
Building:	48,700
Exempt	0
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Total:	65,700

Ref1: B8710P0279
Mailing 39 CANAAN RD
Address: CLINTON ME 04927

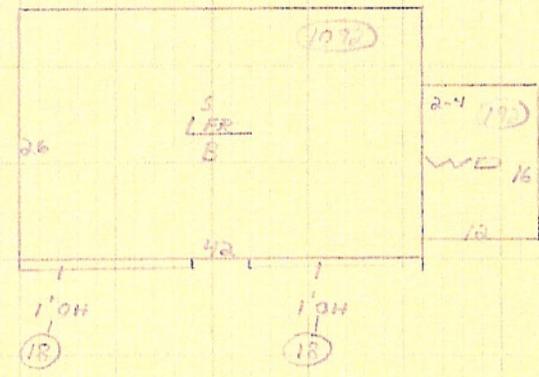
Year	Date	Reference	P	C	Principal	Interest	Costs	Total
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CLINTON, MAINE

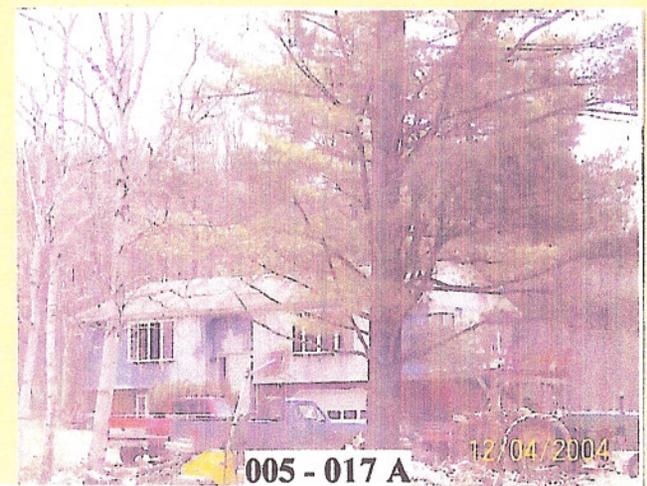
BUILDING RECORD

MAP LOT ACCOUNT NO. ADDRESS 1200 CARD NO. OF

BUILDING STYLE		S/F BSMT LIVING		LAYOUT	
1. Conventional 6. Split Level 2. Ranch 7. Contemporary 3. Doublewide 8. Log 4. Cape 9. Other 5. Garrison	<u>2</u>	FIN BSMT GRADE	---	1. Typical 2. Inadeq.	<u>1</u>
DWELLING UNITS	<u>1</u>	HEAT TYPE	<u>wood</u>	ATTIC	
OTHER UNITS	<u>0</u>	1. HW BB 6. Warm Air 2. Radiator 7. Electric 3. Radiant Floor 8. Units 4. Steam 9. No Heat 5. FWA	<u>7</u>	1. 1/4 Fin. 4. Full Fin. 2. 1/2 Fin. 5. Fl/Stairs 3. 3/4 Fin. 9. None	<u>2</u>
STORIES		COOL TYPE	<u>2</u>	INSULATION	
1. One 4. 1 1/2 2. Two 5. 1 3/4 3. Three 6. 2 1/2	<u>1</u>	1. Full 4. Minimal 2. Heavy 5. Partial 3. Capped 9. None		UNFINISHED %	<u>1</u>
EXTERIOR WALLS		GRADE & FACTOR	<u>100%</u>	1 E 4. B 2. D 5. A 3. C 6. AA	<u>0</u>
1. Clapboard 5. T-111 2. Shingles 6. BR/Stone 3. Composition 7. Novelty 4. Asbestos/Asphalt siding 9. Other	<u>5</u>	KITCHEN STYLE		SQ. FOOTAGE	<u>1022</u>
ROOF SURFACE		1 Good 3 Old Style 2 Typical 4 Obsolete	<u>2</u>	CONDITION	
1. Asphalt 4. Composite 2. Slate 5. Wood 3. Metal 6. Other	<u>1</u>	BATH(S) STYLE		1. Poor 5. Average + 2. Fair 6. Good 3. Average- 7. Very Good 4. Average 8. Excellent	<u>3</u>
S/F MASONRY TRIM	---	1. Good 3 Old Style 2 Typical 4. Obsolete	<u>2</u>	PHYS. % GOOD	---
		# ROOMS	<u>2 3</u>	FUNCT. % GOOD	<u>100%</u>
YEAR BUILT	<u>1973</u>	# BEDROOMS	<u>2 2</u>	FUNCT. CODE	
YEAR REMODELED	---	# FULL BATHS	<u>1</u>	1. Incomp. 3. C/D/U 2. Overbuilt 9. None	<u>9</u>
FOUNDATION		# HALF BATHS	<u>0</u>	ECON. % GOOD	<u>100%</u>
1. Conc. 4. Wood 2. C. Blk 5. Slab 3. Br/Stone 6. Piers	<u>1</u>	# ADDN FIXTURES	<u>0</u>	ECON. CODE	
BASEMENT		# FIREPLACES	<u>1</u>	1. Location 3. Services 2. Encroach. 9. None	<u>2</u>
1. 1/4 4. Full 2. 1/2 5. Crawl 3. 3/4 9. None	<u>4</u>	# HEARTH(S)	<u>0</u>	ENTRANCE CODE	
BSMT GAR # CARS	<u>1</u>			1. Int. Inspect 4. Vacant 2. Refused 5. Estimate 3. Info Only 6. No Show	<u>1</u>
WET BASEMENT				Information Source:	
1. Dry 3. Wet 2. Damp 9. None	<u>1</u>			1. Owner 4. Agent 2. Relative 5. Estimate 3. Tenant 6. Other	<u>1</u>
				INSPECTION DATE:	<u>03/15/04</u>



CODES	DESCRIPTION:	ADDITIONS, OUTBUILDINGS & IMPROVEMENTS					PERCENT GOOD	
		TYPE	YEAR	UNITS	GRADE	COND.	Phys.	Funct.
1. 15 Fr 2. 25 Fr 3. 15 Fr 4. 1 1/25 Fr 5. 1 3/45 Fr 6. 2 1/25 Fr								
21. OFF								
22. Garage								
23. Shed								
24. Bay Window								
25. Overhang								
26. Unf. Attic								
27. Fin. Attic								
61. Carport								
62. Patio								
63. Swimming Pool								
64. Tennis Court								
65. Stable w/ loft								
66. Greenhouse								
67. Natatorium								
68. Wood Deck								
69. Jacuzzi/Hot tub								
996. 10' Moho 997. 12' Moho 998. 14' Moho 999. Oblivio -20'	NOTES:							



VAN TUINEN ASSESSMENT SERVICES • MADISON, ME.

**RE Account 2170 Detail
as of 03/24/2009**

Name: STANTON JAMIE & NEILA
Location: 26 WYMAN RD
Acreage: 0 Map/Lot: 002-057-ON
Book Page:

Land: 0
Building: 4,800
Exempt: 0

Total: 4,800

2008-1 Period Due:
1) 38.10
2) 36.86

Ref1: 10 X 50 MOHO
Mailing 26 WYMAN RD
Address: CLINTON ME 04927

Year	Date	Reference	P	C	Principal	Interest	Costs	Total
2008-1 R	09/01/08	Original			73.73	0.00	0.00	73.73
		CURINT			0.00	-1.23	0.00	-1.23
		Total			73.73	1.23	0.00	74.96
2007-1 L	09/04/07	Original			69.60	0.00	0.00	69.60
	5/2/2008	DEMAND	A	3	0.00	0.00	-9.21	-9.21
								Demand Fees
	06/10/08	Liened			69.60	2.16	35.21	106.97
		CURINT			0.00	-3.83	0.00	-3.83
		Total			69.60	5.99	35.21	110.80
2006-1 L	09/01/06	Original			72.00	0.00	0.00	72.00
	6/19/2007	DEMAND	A	3	0.00	0.00	-8.21	-8.21
								Demand Fees
	07/24/07	Liened			72.00	2.83	21.21	96.04
	9/27/2007	CHGINT	1	I	0.00	-0.01	0.00	-0.01
	9/27/2007	adju	A	C	0.00	0.00	-13.00	-13.00
	12/11/2008	FCFEES	A	L	0.00	0.00	-8.32	-8.32
								Lien Maturity Fee
	12/11/2008	CHGINT	A	I	0.00	-0.06	0.00	-0.06
		CURINT			0.00	-0.01	0.00	-0.01
		Total			72.00	2.91	42.53	117.44
2005-1 L *					0.00	0.00	0.00	0.00
Account Totals as of 03/24/2009					215.33	10.13	77.74	303.20

Per Diem

2008-1	0.0071
2007-1	0.0133
2006-1	0.0001
Total	0.0206

Note: Payments will be reflected as positive values and charges to the account will be represented as negative values.

RE Account 2170 Detail
as of 03/24/2009

Name: STANTON JAMIE & NEILA

Location: 26 WYMAN RD

Acreage: 0 Map/Lot: 002-057-ON

Book Page:

2008-1 Period Due:

1) 38.10

2) 36.86

Land: 0

Building: 4,800

Exempt 0

Total: 4,800

Ref1: 10 X 50 MOHO

Mailing 26 WYMAN RD

Address: CLINTON ME 04927

Year	Date	Reference	P	C	Principal	Interest	Costs	Total
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CLINTON - MAINE

MAP 2 LOT 57-01

ACCOUNT NO. 417

ADDRESS

CARD NO. / OF /

MARIN GERARD & PATRICIA
RR 1 BOX 2455
CLINTON ME 04927
B2194P0230
MapLot: 002-057

91.8

PROPERTY DATA		ASSESSMENT RECORD				
XEMPT CODE	YEAR	LAND	BUILDINGS	EXEMPT	TOTAL	
TRANCODE	05/06	0	4,800	0	4,800	
AND CODE	06/07	0	4,800	0	4,800	
BUILDING CODE	07/08	0	4,800	0	4,800	
NEIGHBORHOOD CODE	ACCT: 2170-1 Map/Lot: 002-057-01					
LAND USE	2008	0	4,800	0	4,800	
	ACCT: 2170-1 Map/Lot: 002-057-01					
11. Residential	20					
12. Commercial	20					
13. Industrial	20					
14. Rural	20					
15. Waterfront	20					
16. Resource Protection	20					
17. Dairy	20					
SECONDARY ZONE						
TOPOGRAPHY						
1. Level	5. Low					
2. Rolling	6. Swampy					
3. Above Street	7. Steep					
4. Below Street	8. Rough					
UTILITIES						
1. All Public	5. Dug Well					
2. Public Water	6. Septic					
3. Public Sewer	7. Cess Pool					
4. Drilled Well	9. No Utilities					
STREET						
1. Paved	4. Proposed					
2. Unpaved	5. Private					
3.	9. No Street					

2170

002

057

ON

STANTON JAMIE & NEILIA
33 WYMAN RD
CLINTON ME 04927
10 X 50 MOHO

		LAND DATA				INFLUENCE CODES	
		TYPE	EFFECTIVE		INFLUENCE		
			Frontage	Depth	Factor	Code	
FRONT FOOT					%		1=Vacancy 2=Excess Frontage 3=Topography 4=Size / Shape 5=Access 6=Restrictions 7=Corner / Location 8=View / Environmental 9=Fractional Share ACRES (cont.) 34. Pasture 35. Horticultural 36. 37. Softwood 38. Mixed Wood 39. Hardwood 40. Waste 41. Gravel Pit SITE 42. Moho Site 39. Condo Site 44. Lot Improvements
11. Regular Lot					%		
12. Delta Triangle					%		
13. Nable Triangle					%		
14. Rear Land					%		
SQUARE FOOT					%		
16. Regular Lot					%		
17. Secondary					%		
18. Excess Land					%		
19. Condo.					%		
20.					%		
FRACT. ACRE					%		
21. Homesite					%		
22. Baselot					%		
23. Waterfront					%		
ACRES					%		
24. Homesite					%		
25. Baselot					%		
26. Secondary					%		
27. Frontage					%		
28. Rear 1					%		
29. Rear 2					%		
30. Rear 3					%		
31. Tillable					%		
TOTAL ACRES					%		

INSPECTION WITNESSED BY:

X:

DATE: / /

Moho conveyed to Stanton for 2008

PRICE	
SALE TYPE	
1. Land	4. Mohp only
2. Land & Bldg.	
3. Building Only	5. Other
FINANCING	
1. Conventional	5. Private
2. FHA/VA	6. Cash
3. Assumed	7. FMHA
4. Seller	9. Unknown
VERIFIED	
1. Buyer	6. MLS
2. Seller	7. Family
3. Lender	8. Other
4. Agent	9. Confid.
5. Record	
VALIDITY	
1. Valid	5. Partial
2. Related	6. Exempt
3. Distress	7. Changed
4. Split	8. Other

CLINTON, MAINE

BUILDING RECORD

MAP LOT

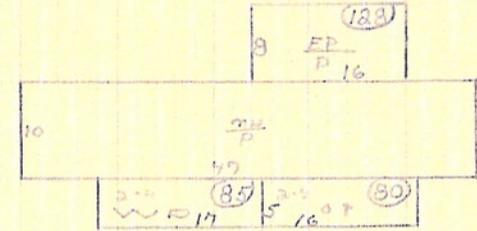
ACCOUNT NO.

ADDRESS

CARD NO. OF

BUILDING STYLE	<i>102</i>	S/F BSMT LIVING		LAYOUT	
1. Conventional 6. Split Level 2. Ranch 7. Contemporary 3. Doublewide 8. Log 4. Cape 9. Other 5. Garrison	<i>2</i>	FIN BSMT GRADE		1. Typical 2. Inadeq.	<i>1</i>
DWELLING UNITS	<i>1</i>	HEAT TYPE		ATTIC	
OTHER UNITS	<i>0</i>	1. HW BB 6. Warm Air 2. Radiator 7. Electric 3. Radiant 8. Units 4. Steam 9. No Heat 5. FWA	<i>1 0 0 %</i>	1. 1/4 Fin. 4. Full Fin. 2. 1/2 Fin. 5. Fl/Stairs 3. 3/4 Fin. 9. None	<i>2</i>
STORIES	<i>1</i>	COOL TYPE		INSULATION	
1. One 4. 1 1/2 2. Two 5. 1 3/4 3. Three 6. 2 1/2		1. Central Air Cond. 9. None	<i>2 0 0 %</i>	1. Full 4. Minimal 2. Heavy 5. Partial 3. Capped 9. None	<i>1</i>
EXTERIOR WALLS	<i>5</i>	KITCHEN STYLE		UNFINISHED %	<i>0</i>
1. Clapboard 5. T-111 2. Shingles 6. BR/Stone 3. Composition 7. Novelty 4. Asbestos 8. AL/Vinyl Asphalt siding 9. Other		1. Good 3. Old Style 2. Typical 4. Obsolete	<i>3 0 0 %</i>	GRADE & FACTOR	
ROOF SURFACE	<i>3</i>	BATH(S) STYLE		1. E 4. B 2. D 5. A 3. C 6. AA	<i>2</i>
1. Asphalt 4. Composite 2. Slate 5. Wood 3. Metal 6. Other		1. Good 3. Old Style 2. Typical 4. Obsolete	<i>3 0 0 %</i>	SQ. FOOTAGE	
S/F MASONRY TRIM		# ROOMS	<i>0 2</i>	CONDITION	
		# BEDROOMS	<i>2</i>	1. Poor 5. Average + 2. Fair 6. Good 3. Average- 7. Very Good 4. Average 8. Excellent	<i>3</i>
YEAR BUILT	<i>7-1966</i>	# FULL BATHS	<i>1</i>	PHYS. % GOOD	<i>100 %</i>
YEAR REMODELED		# HALF BATHS	<i>2</i>	FUNCT. % GOOD	<i>100 %</i>
FOUNDATION	<i>6</i>	# ADDN FIXTURES	<i>0</i>	FUNCT. CODE	
1. Conc. 4. Wood 2. C. Blk 5. Slab 3. Br/Stone 6. Piers		# FIREPLACES	<i>0</i>	1. Incomp. 3. C/D/U 2. Overbuilt 9. None	<i>2</i>
BASEMENT	<i>3</i>	# HEARTH(S)	<i>0</i>	ECON. % GOOD	<i>100 %</i>
1. 1/4 4. Full 2. 1/2 5. Crawl 3. 3/4 9. None		ENTRANCE CODE		ECON. CODE	
BSMT GAR # CARS	<i>0</i>	1. Int. Inspect 4. Vacant 2. Refused 5. Estimate 3. Info Only 6. No Show		1. Location 3. Services 2. Encroach. 9. None	<i>3</i>
WET BASEMENT	<i>9</i>	Information Source:		INSPECTION DATE:	<i>02/12/04</i>
1. Dry 3. Wet 2. Damp 9. None		1. Owner 4. Agent 2. Relative 5. Estimate 3. Tenant 6. Other			

SHED
6x85 (48)
2-2



CODES	DESCRIPTION:	TYPE	YEAR	UNITS	GRADE	COND.	PERCENT GOOD	
							Phys.	Funct.
1. 15 Fr	<i>SH</i>	<i>226</i>	<i>1966</i>	<i>2042</i>	<i>21.00</i>	<i>3</i>	<i>100</i>	<i>100</i>
2. 25 Fr	<i>EP</i>	<i>022</i>		<i>0128</i>			<i>100</i>	<i>100</i>
3. 15 Fr	<i>OP</i>	<i>027</i>		<i>0080</i>	<i>21.00</i>	<i>1</i>	<i>100</i>	<i>100</i>
4. 1 1/25 Fr	<i>WD</i>	<i>068</i>		<i>0085</i>	<i>21.00</i>		<i>100</i>	<i>100</i>
5. 1 3/45 Fr							<i>100</i>	<i>100</i>
6. 2 1/25 Fr							<i>100</i>	<i>100</i>
7. Off							<i>100</i>	<i>100</i>
8. EP							<i>100</i>	<i>100</i>
9. Garage							<i>100</i>	<i>100</i>
10. Shed							<i>100</i>	<i>100</i>
11. Bay Window							<i>100</i>	<i>100</i>
12. Overhang							<i>100</i>	<i>100</i>
13. Unf. Bsmt							<i>100</i>	<i>100</i>
14. Unf. Attic							<i>100</i>	<i>100</i>
15. Fin. Attic							<i>100</i>	<i>100</i>
16. Carpet							<i>100</i>	<i>100</i>
17. Patio							<i>100</i>	<i>100</i>
18. Swimming Pool							<i>100</i>	<i>100</i>
19. Tennis Court							<i>100</i>	<i>100</i>
20. Stable w/Loft							<i>100</i>	<i>100</i>
21. Greenhouse							<i>100</i>	<i>100</i>
22. Natatorium							<i>100</i>	<i>100</i>
23. Wood Deck							<i>100</i>	<i>100</i>
24. Jacuzzi/Hot tub							<i>100</i>	<i>100</i>
25. 10' Moho	NOTES:							
26. 12' Moho								
27. 14' Moho								
28. Doublewide-28'								



VAN TUINEN ASSESSMENT SERVICES • MADISON, ME.

002 - 057 ON

02/19/

**RE Account 2192 Detail
as of 03/24/2009**

Name: PALMER ELLSWORTH
Location: JOHNSON FLAT RD
Acreage: 3.78 Map/Lot: 014-015-G
Book Page: B8415P163

Land: 11,000
Building: 0
Exempt: 0

Total: 11,000

2008-1 Period Due:
1) 87.30
2) 84.48

Ref1: B8415P0163 (5/05)
Mailing: P O BOX 51
Address: HINCKLEY ME 04944

Year	Date	Reference	P C	Principal	Interest	Costs	Total
2008-1 R	09/01/08	Original		168.96	0.00	0.00	168.96
		CURINT		0.00	-2.82	0.00	-2.82
		Total		168.96	2.82	0.00	171.78
2007-1 L	09/04/07	Original		159.50	0.00	0.00	159.50
		DEMAND	A 3	0.00	0.00	-9.21	-9.21
			Demand Fees				
	06/10/08	Liened		159.50	4.94	35.21	199.65
		CURINT		0.00	-8.78	0.00	-8.78
Total		159.50	13.72	35.21	208.43		
2006-1 L	09/01/06	Original		165.00	0.00	0.00	165.00
		DEMAND	A 3	0.00	0.00	-8.21	-8.21
			Demand Fees				
	07/24/07	Liened		165.00	6.48	21.21	192.69
		CHGINT	1 I	0.00	-0.02	0.00	-0.02
	9/27/2007	adju	A C	0.00	0.00	-13.00	-13.00
	12/11/2008	FCFEES	A L	0.00	0.00	-8.32	-8.32
			Lien Maturity Fee				
	12/11/2008	CHGINT	A I	0.00	-0.14	0.00	-0.14
		CURINT		0.00	-0.03	0.00	-0.03
Total		165.00	6.67	42.53	214.20		
Account Totals as of 03/24/2009				493.46	23.21	77.74	594.41

Per Diem	
2008-1	0.0162
2007-1	0.0306
2006-1	0.0003
Total	0.0471

Note: Payments will be reflected as positive values and charges to the account will be represented as negative values.

Clinton
2:03 PM

**RE Account 2192 Detail
as of 03/24/2009**

01/27/2009
Page 2

Name: PALMER ELLSWORTH

Location: JOHNSON FLAT RD

Acreage: 3.78 Map/Lot: 014-015-G

Book Page: B8415P163

2008-1 Period Due:

- 1) 87.30
- 2) 84.48

Land:	11,000
Building:	0
Exempt	0
<hr/>	
Total:	11,000

Ref1: B8415P0163 (5/05)
Mailing P O BOX 51
Address: HINCKLEY ME 04944

<u>Year</u>	<u>Date</u>	<u>Reference</u>	<u>P</u>	<u>C</u>	<u>Principal</u>	<u>Interest</u>	<u>Costs</u>	<u>Total</u>
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Municipal Officers' Role

Generally

This chapter discusses what a municipality, through the municipal officers, may do with the property that it acquires through the tax lien foreclosure process. The municipal officers' role begins after the tax lien mortgage has foreclosed. The municipal officers are responsible for the care and management of the property, subject to the direction of the legislative body or the provisions of municipal charter or ordinance. In order to dispose of tax-acquired property, the municipal officers must be given authority by the legislative body. In a council-charter municipality, the municipal officers usually are the legislative body. In a selectman-town meeting municipality, the voters are the legislative body. Once the municipality has foreclosed on the property, it *owns* the property and can either retain the property or sell it. If it decides to sell the property, whether to the prior owner or some other party, the municipality may do so only by deed and in accordance with the direction of the legislative body or municipal charter or ordinance (by contrast, prior to foreclosure, the municipality would issue a discharge upon payment of back taxes, interest and costs). Appendix 8 contains sample warrant articles and ordinance provisions dealing with the disposal of tax-acquired property and a sample quitclaim deed. At the end of this chapter are frequently asked questions about the maintenance and sale of tax-acquired property.

Care and Management - Liability

The municipal officers must be concerned about the municipality's potential liability for holding or using tax-acquired property. A provision of the Maine Tort Claims Act, 14 M.R.S.A. § 8104-A (2)(B), specifically provides that the municipality is **immune** from liability for damages arising out of the ownership, maintenance or use of any building acquired for non-payment of taxes **until** the former owner (or his lessee or licensee) has given up possession for a period of 60 days. Because this protection is limited to the time of actual occupancy and the 60-day period thereafter, the municipal officers should act promptly to insure or sell any properties which are or become vacant. Also, if the municipal officers charge the occupants of the foreclosed property rent, the municipality may be deemed to have asserted possession over the property, thereby depriving it of immunity under the Maine Tort Claims Act. If people continue to live in tax-acquired property, the municipality can: (a) allow them to remain as occupants; (b) ask them to leave voluntarily; (c) bring a court action to have them evicted; or (d) sell the property and advise the purchaser that it is the purchaser's responsibility to deal with the occupants. (See the "Frequently Asked Questions" at the end of this chapter for additional discussion of this topic.)

Suit to Quiet Title

A person may bring an action to quiet title in order to clear any issues surrounding that person's ownership of the property and to remove any "clouds" on that title, thereby making the property more marketable and perhaps more valuable.

There are two situations in which a municipality may want to bring an action to quiet title (under 36 M.R.S.A. § 946) to property that it has acquired by tax lien foreclosure. One situation is when the municipality wants to build on or substantially improve the property and does not want to risk losing its investment due to a title defect. The other situation is when the municipality wants to sell the property by warranty deed, which typically commands a much better sale price than a sale by quitclaim deed.

A suit to quiet title requires the services of a private attorney and is brought against all persons who might claim an interest in the property. As a part of the process, the court examines the tax lien procedure used by the municipality and, assuming no errors are shown to exist, declares that the municipality has good and marketable title.

Sale of Property; Quitclaim Deeds

Before selling tax-acquired property, the municipal officers must examine the authority they have been given by the legislative body. If there is no article, ordinance, or charter provision authorizing the municipal officers or some other municipal official to sell or otherwise dispose of tax-acquired property, then it may not be sold—not even to the former owner.

Just as the decision to sell rests with the municipality, so does the choice of sale procedure. Most municipalities merely give the municipal officers the general authority to ". . . dispose of tax-acquired property on such terms and conditions as they deem advisable." Such authority gives the municipal officers the choice of several procedures, including the use of sealed bids, open auction or closed sale. However, some municipalities require that the property first be offered to the former owner (usually for back taxes plus interest and costs) or that a specific method of sale be used. In any event, the municipal officers must be certain of the authority they have been given. (see Appendix 8a for examples of warrant article language authorizing the sale of tax-acquired property.)

A municipal officer may not purchase tax-acquired property except through a competitive bid process where he or she does not take part in the bid acceptance process. However, if the property was owned by his or her son, daughter, spouse, or parent immediately before its acquisition by the municipality, the legislative body of the municipality may authorize the purchase by the municipal officer without a sealed bid. These requirements are found in 36 M.R.S.A. § 946.

The municipality is not obligated to sell the property back to the original owner, or to charge only an amount equal to the taxes, interest and costs owed. The property should be treated as other municipal property and sold for a total dollar amount, not as individual liens that need to be discharged. At a minimum, the municipality should sell tax-acquired property for the sum of the back taxes, the interest on such taxes, and the costs incurred in the tax lien process and in managing the property. Even better is to include in the sale price all outstanding taxes and current taxes, and not simply those which have gone to lien or foreclosure.

If the property is sold for a sum which exceeds the back taxes, interest and costs, the municipality is entitled to retain the entire proceeds. There is no requirement to refund the former owner any of the "surplus" realized upon sale (see *City of Auburn v. Mandarelli*, 320 A.2d 22 (Me. 1974)), and indeed, there is no legal authority to allow the municipality to return any such "surplus."

The municipal officers should dispose of property acquired for taxes by a municipal quitclaim deed without covenant (also known as a "release deed"). A sample quitclaim deed without covenant is included as Appendix 8b. It is legal to sell the property by warranty deed, but this is not recommended since a warranty deed obligates the municipality to clear up title problems, including those that arose before the municipality acquired title.

We recommend that no release deed be given until *all* tax liability has been paid (including the current year's taxes or an amount equal thereto if no tax has been assessed for the current year). By following this practice, the taxpayer cannot rightly claim that he or she has been relieved of current tax liability or that the current year's taxes are not collectable because the property was town-owned (thus tax exempt) at the time of assessment or that the release deed was issued in satisfaction of all taxes due and owing.

Also, there may be instances in which a property that is being sold not only was foreclosed upon for nonpayment of one or more year's taxes but also was subject to outstanding liens for property taxes, assessed in other years, that had not foreclosed. While there is little case law on the issue, it is likely that once the municipality takes title to the property by tax lien foreclosure, all other existing lien rights are merged into that ownership interest. Because foreclosure occurs automatically, the municipality has no opportunity to express an intent that foreclosure not affect other existing tax liens. Therefore, when a municipality sells tax-acquired property, it most likely does so free and clear of any other real estate tax liens of record on that property, and cannot preserve its right to collect on those liens. A municipality may, however, issue discharges for the outstanding tax liens as well as the quitclaim deed; title attorneys may request the latter to ensure that no outstanding obligations remain.

Installment Sales

If the municipal officers decide to enter into an agreement with the former owner to sell back residential property on an installment basis where there will be five or more installments, the agreement must meet certain minimum requirements of State law (33 M.R.S.A. § 481, *et seq.*). Appendix 8d is a sample installment contract for the sale of real estate.

Assignment of Tax Lien Mortgage

A recorded tax lien certificate gives the municipality all the usual rights under a mortgage except possession of the real estate. Thus, the municipality may assign (sell) the tax lien mortgage before the expiration of the 18-month redemption period. This is not a common practice, but it is legally permissible.

Before a municipality assigns any tax lien mortgages, however, the legislative body of the municipality must vote to authorize someone, usually the municipal officers, to sell

woraea:

_____ will vote to authorize the Selectmen _____ to sell and assign _____ and all debts secured thereby on such _____ fit.

_____ based upon the statutory short form of a mortgage _____ these purposes is shown below:

Mortgage Assignment

_____ [assignor], a Maine _____ r of a tax lien mortgage certificate for _____ and dated, _____, _____ County Registry of Deeds, Book _____ signs said tax lien certificate, all debts _____ pertaining to said certificate and said _____ [assignee] for consideration received.
Town/City of _____

_____ and seal this _____ day of _____ (here add acknowledgment).

Article _____. To see if the Town _____ on behalf of the Town of _____ unmatured tax lien mortgages _____ terms and conditions as they see _____

A form of a mortgage assignment based upon the statutory short form of a mortgage assignment (33 M.R.S.A. § 775) for the _____

Tax Lien

Town/City of _____ municipality which is the holder of the real property assessed to _____ and recorded in the _____, Page _____ assigned to _____ secured thereby and all interests _____ debts to _____ [assignee].
By the Municipal Officers of the _____

Witness _____ hand _____

There is at least one unresolved issue regarding the assignment of a tax lien mortgage. If a tax lien mortgage assignment is recorded in the Registry before the 45-30 day notice of impending foreclosure is sent, it is unclear whether the assignment relieves the municipal treasurer of the obligation to provide the notice to the appropriate parties. In other words, is the purchaser of the unmatured tax lien mortgage responsible for sending the foreclosure notice, or is this still the duty of the treasurer? To relieve the treasurer of his or her statutory obligation by mere assignment seems to run contrary to the legislative intent to afford the taxpayer and mortgagees ample and certain notice before losing the right to redeem. To avoid a problem with this, language could be included in the assignment to specify that the treasurer shall send the 45-30 day notice, and the assignment price can include an amount to compensate the treasurer or municipality for this service and the mailing costs.

In such cases, if the taxpayer or a mortgagee wishes to obtain a discharge of the tax lien mortgage, he or she must deal with the assignee of the tax lien mortgage. The assignee of record, rather than the municipal treasurer, must discharge the tax lien mortgage upon payment.

Frequently Asked Questions

1. What is tax-acquired property?

Real estate (land and buildings) becomes tax-acquired by the municipality when three events occur. First, the assessors must properly assess and commit the taxes to the tax collector. Second, the tax collector and treasurer must strictly follow the recording and notice requirements in 36 M.R.S.A. §§ 942 and 943. Third, the period of redemption outlined in § 943 must expire without the total amount due having been paid. It is not necessary to take physical possession of the property, or to send a notice that foreclosure has occurred, or to record a statement in the Registry of Deeds that foreclosure has occurred—it happens automatically by operation of law.

2. What can the town do with tax-acquired property?

There are four general options: (a) do nothing and leave the occupants in possession of the property; (b) sell the property to a new owner; (c) continue to assess and tax the person in possession and work out a payment plan; or (d) take physical control of the property and use it for municipal purposes, such as a woodlot or park.

3. Who decides what to do with tax-acquired property?

The legislative body of the municipality (voters or council) determines what happens with tax-acquired property. The selectmen cannot on their own decide what to do with tax-acquired property.

4. How do the voters authorize the selectmen to dispose of tax-acquired property?

This can be done by article, ordinance or charter, and may be specific or general. A commonly-used article which vests broad authority in the selectmen is:

Article _____. To see if the Town will authorize the Selectmen to dispose of tax-acquired property in any manner which the Selectmen deem to be in the best interests of the Town.

The foregoing article allows the selectmen to choose from a range of options: sell the property by auction, by sealed bid or by some other method; make an arrangement with the former owner to repurchase it; or do nothing with it that particular year. The article does not require that any particular amount of money be received for the property, but a sound fiscal policy is to collect at least as much as is due in unpaid taxes, interest and costs.

5. Is the town required to sell the property back to the former owner within one year after foreclosure has occurred?

No, this is a common misconception. Many towns traditionally allow the former owner a grace period or right of first refusal to repurchase property after foreclosure, but it is not required by State law.

6. If we agree to sell the property back to the former owners (or even to another person) but they cannot pay it all at once, can we work out an installment payment agreement?

Yes. Any such agreement must be in writing as required by the Statute of Frauds (see 33 M.R.S.A. § 51). In addition, if the property is a residential dwelling and there will be five or more installment payments, 33 M.R.S.A. §§ 481 and 482 require that several particular items be addressed in the agreement. Appendix 8d to this manual contains a sample installment sale agreement. It is possible to structure the installment payments over several years, but in view of the taxpayer's financial track record the town might want to limit the payment period to one year. Note that 36 M.R.S.A. § 943 now provides that mortgages and liens which were extinguished by the municipal tax lien foreclosure may be revived if the property is sold back to the former owner or the former owner's successor (see Question 30).

7. What can we do if the purchaser fails to make timely payments according to an installment agreement?

The penalty or remedy for a breach of an installment agreement should be outlined in the agreement itself. An installment agreement is a contract, and the parties

should fully understand and agree to all the terms before signing it. If the installment plan says nothing about a breach, then the town may have a difficult time enforcing it. Typically, a default clause will allow termination of the contract and forfeiture of the buyer's earlier payments in the event of a breach by the buyer.

8. Can some tax-acquired parcels be sold and others retained by the town?

Yes, the town is not required by law to dispose of all its tax-acquired parcels in the same manner. Different properties have different attributes, and the voters and municipal officers have the discretion to determine how to treat each parcel.

9. May the town establish a policy that allows residents to repurchase their property but does not allow non-residents to do so?

We advise against this. Arbitrary discrimination between residents and nonresidents may violate the constitutional guarantee of equal protection of the laws (see *Aucella v. Town of Winslow*, 583 A.2d 215 (Me. 1990)). The voters or selectmen may decide to retain some properties and sell others, but each decision should be based on factors regarding the particular parcel and the town's needs, rather than on the personal attributes or residency of the former owner.

10. What procedure should we follow to sell a tax-acquired property by sealed bid?

A sealed bid process has three basic steps. First, post or publish the rules of bidding (time for bidding, deposit, completion of purchase, right of inspection, right to reject any and all bids and other threshold matters). Second, open and review the bids at a public meeting. Third, award the bids in accordance with the bid rules.

If you do not want to list all the rules in the notice (in order to keep publication costs down), make certain that the notice states where the rules can be reviewed or obtained. The biggest source of complaints regarding sealed bids is that not all bidders get the same information.

In addition to the other rules of bidding, the notice should state what will happen in the event that the accepted bid falls through. For example, if the high bidder fails to complete the deal, his deposit would be forfeited and the town could negotiate with unsuccessful bidders. This avoids the need of re-doing the entire bid process. Appendix 8c contains a sample bid notice ("Notice of Tax Sale").

11. Is it possible to auction the properties at a public auction, and if so how is this done?

Selling tax-acquired property by public auction is an option. The town is not required to use a licensed auctioneer for the sale of tax-acquired property (see

32 M.R.S.A. § 281(5)). However, you may want to consider a professional auctioneer since they have knowledge of the documents and practices used in a public sale of real estate.

An auction should be advertised, and that notice should indicate the terms of a sale (for example, the amount of down payment and time allowed for final payment). To reserve the right to reject all bids, specify that the auction is "with reserve." If you want the bidding to commence at a certain price, specify that price in the notice or announce it before the bidding begins.

Some arrangement should also be made for dealing with a high bid that falls through. For example, if the high bidder fails to complete the purchase in the time allotted, you may want to deal directly with the losing bidders until you find a buyer. This arrangement should also be stated in the notice or at the commencement of the auction. Otherwise, someone may argue that the town is required to hold a new public auction if a sale falls through.

12. If we sell tax-acquired property, what type of deed or other legal document should we use?

We recommend that the town sell tax-acquired property by a quitclaim deed without covenant (also called a release deed). A sale by warranty deed or by quitclaim with covenant may saddle the town with the responsibility of resolving title problems.

The safest practice is to require payment of all outstanding taxes before issuing a quitclaim deed to anyone. Some communities issue a quitclaim deed to a taxpayer who resides on the property even though later tax obligations (which have gone to lien) remain unpaid. However, when a municipality takes title to property through tax lien foreclosure, most likely all other outstanding real estate property tax liens are merged into that ownership interest, so that the municipality cannot reserve its rights to collect those delinquent taxes. Therefore, stating in the quitclaim deed that the property conveyance is only with regard to payment of a particular year's taxes and reserving other liens likely will not preserve the municipality's right to collect those amounts, and so municipalities should avoid this practice. If the taxpayer is unable to pay all back taxes at once, it would be far better to enter into an installment land sales agreement with the taxpayer than to issue a quitclaim deed for payment of only one year's back taxes, interest and costs.

13. Must the town clear the title to a tax-acquired parcel before selling it?

No. In fact, it is a waste of money to clear title to a parcel which the town intends to sell by quitclaim deed, since the purpose of a quitclaim is to sell without any warranties whatsoever. The only time a town might want to clear title is (a) if it intends to keep the property and perhaps improve it, or (b) if it wants to sell the

property at fair market value, which is more likely if title is clear and the sale is by warranty deed.

13a. What price should we sell the property for?

The amount of money which the municipality usually receives from the person buying tax-acquired property is an amount at least equal to all outstanding taxes, interest, and lien costs. You should also include an amount equal to estimated taxes for the current year if the sale will be by a lump sum payment and will occur after April 1, if the assessors will not be assessing the buyer as "person in possession" of the property as of April 1. If the sale will involve payments on an installment basis (see Question 6), then you may want to include estimated taxes for each year of the installment plan in the sale price if the property won't be assessed to the buyer as person in possession. However, this may be unrealistic if the buyer is the former owner who lost the property through the lien process (see Question 12 for another approach).

14. If we sell a tax-acquired property for more than the taxes owed, must we return the excess money to the former owner?

No. The town has no legal obligation or authority to return any excess funds to the former owner or taxpayer (*City of Auburn v. Mandarelli*, 320 A.2d 22 (Me. 1974)).

15. If we sell tax-acquired property and get less than is owed in back taxes, do we have a claim against the former owner for any deficiency?

No. The town elected to proceed with automatic foreclosure, and when title passed to the town the taxpayer's obligation was satisfied. Nothing in the law allows recovery of a deficiency, as there is in a traditional mortgage foreclose. For this reason, town officials should carefully consider whether to use the automatic foreclosure process for properties which have little resale value. In those cases, you may want to consider a civil action to collect the money due.

16. What should we do with people living on the tax-acquired property?

This depends on what the town wants to do with the property. If the town plans to sell the property, it can leave the people there and state in the sale notice that the premises are occupied and that the buyer is responsible for dealing with the occupants. The buyer may want to evict them, or he may want to treat them as tenants and charge rent. In either case, the town has passed the matter on to the buyer.

If the town plans on using the property and wants it vacant, it can bring an eviction action for this purpose. An eviction action will require the services of a lawyer.

Before filing an eviction action, we recommend sending a notice to the occupants demanding that they vacate by a certain date.

The municipality may simply allow the people to remain on the premises. In that event, the municipality is immune from liability for tort claims until 60 days after the former owner or occupants vacate the property (see Question 18, below).

17. If people are living on tax-acquired property, can we charge them rent?

This is allowed by law, but it is not recommended. Once the town treats the occupants as tenants and accepts rent, the town may be deemed the landlord and could be responsible for the duties imposed by law on landlords (see 14 M.R.S.A. § 6021 et seq.). Most towns do not want or need this additional responsibility. If you sell the property back to the occupants by installment agreement (see Question 6), be certain to call their monthly payments "installment payments" and not "rent."

18. What legal liability do we face regarding accidents or injuries occurring on tax-acquired property?

The Maine Tort Claims Act provides fairly good protection in this regard. 14 M.R.S.A. § 8104-A(2)(A)(1) states that a municipality is not liable for any claim arising from the use or maintenance of unimproved land. 14 M.R.S.A. § 8104-A(2)(B) states that a municipality is not liable for claims resulting from the ownership, maintenance or use of any building acquired by tax foreclosure, from the date of foreclosure until actual possession by the delinquent taxpayer (or his lessee or licensee) has ceased for a period of 60 days. After the 60 day period has run, the municipality should insure the premises or take other steps to safeguard it. Review your existing insurance policies to determine whether tax-acquired property is automatically covered, or whether additional coverage is needed.

19. What do we do with personal property which is left behind on a tax-acquired parcel?

When the municipality forecloses on land and buildings, it does not take title to various items of personal property which may be left behind. Unfortunately, municipalities have little guidance on how to treat this property. The Legislature repealed the Unclaimed Property Act, which dealt with both tangible property and intangible property (checks, stocks, bonds and other financial instruments), in 1998, and replaced it with the Uniform Unclaimed Property Act. (33 M.R.S.A. § 1951, et seq.), which concerns intangible property almost exclusively. Therefore, municipalities have no real statutory authority to dispose of the types of personal property most frequently left behind, such as furnishings and personal effects. The best advice we can provide is to call the State Treasurer's office at 287-2771, and ask how the property should be treated. (The State Treasurer's office is the

administrator of unclaimed property under the current law.) If the municipality wishes to remove personal property from real estate in order to sell tax-acquired property, the safest course of action is to inventory and store the personal property and to send notice of its location and availability to the property owner.

If the personal property can be sold, the proceeds should first be used to repay the municipality's costs of holding, moving, storing and selling (including mailing and publication costs). Any surplus should be paid to the owner if he or she can be located. If not, the municipality can retain any surplus.

20. If the tax-acquired parcel is landlocked, can we still sell it?

Yes. As a practical matter the only people interested in it may be the abutters, but it can be sold to anyone.

21. If the tax-acquired parcel is landlocked, how do town officials or others get to it?

An abutter may be willing to allow access at will (this is known as a mere license), or may be willing to give or sell a deeded easement. If no abutter will voluntarily allow access, the town may use its eminent domain power to create an easement for access. Eminent domain should only be used where the property will be used for public purposes.

22. May the municipal officers (selectmen or councilors) purchase tax-acquired property?

Yes, but only if the purchase is by sealed bid and the municipal officer is not involved in the bid process (36 M.R.S.A. § 946). That law does allow a municipal officer, if authorized by the town, to repurchase property without a bid process if the property was owned by the municipal officer or his/her spouse, children or parents immediately before the foreclosure.

23. What should we do if we sell a parcel of tax-acquired property and, many years later, hear from a mortgagee who never received notice of the foreclosure, and now wants to redeem the property?

There is not much the municipality can do in this case. The aggrieved mortgagee can insist that it be allowed the opportunity to redeem the property. The town has no legal obligation to reimburse the purchaser as long as the sale was by quitclaim deed without covenant. Some towns do reimburse a purchaser in this situation, in order to maintain good public relations. 36 M.R.S.A. § 946-A sets a 15-year period (commencing at the time of foreclosure) in which the validity of a tax lien foreclosure can be contested.

- 24. We tax-acquired a mobile home which is located in a mobile home park. The taxpayer vacated the premises. The park owner now wants the town to pay the lot rental fee. Is the town liable for this?**

Yes. The town owns the mobile home and is responsible for lot rental fees. For this reason it is important that the town take fairly quick action to either sell the mobile home or move it out of the park. When you eventually sell the mobile home, be certain to add to the asking price all additional out-of-pocket expenses such as lot rental fees, transportation costs, sewer and water charges, and so on.

- 25. We tax-acquired a subdivision lot. The subdivision has a lot-owner's association which charges each lot-owner an annual fee for upkeep of roads and common areas. Is the town liable for this fee now?**

Yes, if the town is a lot-owner when the fee is assessed. When you sell the property, be certain to add to the asking price any such fees paid by the town.

- 26. We were recently told that the Town has a duty to investigate tax-acquired properties prior to sale and to remove any hazardous substances such as asbestos and lead-based paint. Is this true?**

No. The Maine Real Estate Commission has rules which require real estate brokers and agents to ask the seller about the existence of asbestos, radon, lead-based paint, underground storage tanks, insulation, and malfunctioning septic systems. Prospective buyers are entitled to this disclosure. There is no general duty on a land-owner who does not use a real estate broker to investigate or disclose the existence of hazardous materials, although an owner must disclose such items if he or she actually knows of them. In most cases, tax-acquired properties are sold directly by the municipality, so there is no duty to investigate or correct these problems. However, if municipal officials know or strongly suspect that hazardous materials are on the property, this should be disclosed to ward off a possible lawsuit for fraud or misrepresentation. Likewise, if a prospective buyer asks about the existence of hazardous materials, the municipality must disclose what it knows, if anything. The municipality has no duty to inspect or investigate the property for such materials, and in most cases municipal officials know nothing about a particular property. In that case, municipal officials should indicate that they have no knowledge of the presence or absence of any hazardous materials, and make no representations of any sort about safety, quality or habitability of the premises.

- 27. We have a tax-acquired property for sale which we know has asbestos insulation around the pipes. An interested buyer insists that the Town pay for removal of the asbestos before he buys the house. Are we required to do so?**

No. Even if asbestos is present, the law does not require the seller to remove it prior to sale. You may simply disclose the existence of the problem and tell the buyer that it is his responsibility to deal with it. This is a contract matter between buyer and seller. If no one is interested in buying the property because of the asbestos, then the municipality may have to clean it in order to sell it. If so, make certain that you add clean-up costs to your asking price.

28. If we tax-acquire land which is polluted by hazardous substances, are we automatically liable for clean-up costs?

No. State and federal laws have been amended in recent years to provide municipalities with some protection in this situation. The federal CERCLA law (42 U.S.C.S. § 9601 et seq.) excludes from the definition of "owner or operator" a municipality which acquired the property through tax delinquency. As long as the municipality did not place the materials on the site or cause their release, the municipality is not considered the owner or operator for clean-up purposes.

Likewise, the State hazardous substance clean-up law (38 M.R.S.A. § 1362) exempts the municipality from clean-up obligations for tax-acquired property, see 38 M.R.S.A. § 1367-B.

However, in the event that the municipality sells the property, the State can take from the sale proceeds any clean-up costs it incurred (less the municipality's out-of-pocket sale costs).

29. When the Town sells tax-acquired property, must we also prepare a Declaration of Value form and pay the "transfer tax"?

No. 36 M.R.S.A. § 4641-D allows a deed from a municipality to be recorded without a Declaration of Value, and 36 M.R.S.A. § 4641-C provides that the transaction is not subject to the transfer tax. However, many registries of deeds will refuse to accept a deed for recording from a municipality if it is not accompanied by a completed real estate transfer form that establishes the basis for the exemption from the tax.

30. When our tax lien forecloses, does it wipe out mortgages; if so can the former owner repurchase the property free and clear of any mortgages?

When a tax lien forecloses it will extinguish mortgages and most liens (certain federal and state liens may survive due to other laws) as long as the lienholders and mortgageholders were properly notified. Usually, banks will pay the taxes at the last moment to avoid this. Even if a mortgage or lien is "wiped out," however, it will be revived if the property is conveyed to the immediate former owner or his successor, see 36 M.R.S.A. § 943.

- 31. We tax-acquired a parcel of land that includes an easement across an abutting parcel. Our quitclaim deed (issued when we sell the property) does not mention the easement. When we sell by quitclaim deed, is the easement included?**

Yes. Most easements “run with the land.” This means that the easement is conveyed with the land, and is not limited to a particular owner at a particular time. An easement will continue to exist even if a deed fails to mention it. By the same token, if you tax-acquire property which is subject to an easement, the easement will continue to burden the land when you sell it, even if your quitclaim deed does not mention it.

- 32. Can we list tax-acquired property for sale through a real estate agent?**

Yes. Keep in mind that the town must pay any commission, so set your asking price accordingly.

- 33. We tax-acquired a large parcel. We have not been able to sell it as one parcel, but there has been interest in portions of it. Can we split the parcel and sell it in pieces?**

Yes, if the article or ordinance authorizing the sale of tax-acquired property does not indicate otherwise. However, if you split a parcel into three or more lots within a 5-year period, it may be a subdivision for which approval is needed (if none of the subdivision exemptions apply, see 30-A M.R.S.A. § 4401). Also, make certain that the lots created do not violate any local zoning or minimum lot size ordinances.

- 34. We heard that we are not supposed to sell tax-acquired property if the owner is an active member of the military. What is the law on this, and how can we find out if the person is in the military (particularly if it is a nonresident taxpayer)?**

Actually, you are not supposed to foreclose on the lien in the first place in this situation. The Soldiers and Sailors Relief Act of 1940 (see 50 U.S.C. § 525 in particular) effectively bars the automatic foreclosure of a tax lien if the taxpayer is an active member of the military (or a reserve member called into active duty) until 6 months after the person leaves the service or active duty. See also *Conroy v. Aniskoff, Town of Danforth et al*, 61 LW 4301, 507 US 511, 123 L.Ed. 2d 229 (1993). It is permissible to record the lien, but federal law suspends running of the redemption period. It may not be easy to find out if someone is in the military. You can ask the taxpayer directly if you can find him or her, or you can try the military “locator service.” For best results you need the social security number and/or date of birth of the taxpayer. For the locator services, visit the internet web site www.defenselink.mil/faq/pis/PC04MLTR.html or contact:

ARMY

Enlisted Records & Evaluation Center
ATTN: U.S. Army Locator
Fort Benjamin Harrison, IN 46249-5301

NAVY

Chief of Naval Personnel
Bureau of Naval Personnel (PERS-0216)
2 Navy Annex
Washington, DC 20370-0521

AIR FORCE

HQ AFMPC/RMIQL
550 C Street, West, Suite 50
Randolph AFB, TX 78150-4752

MARINES

Commandant of the Marine Corps
Headquarters MMSB-10
2008 Elliot Road, Suite 203
Quantico, VA 22134-5030

The locator service response takes about four weeks. Requests are free to government officials; businesses must pay \$3.50 per request. Make checks payable to the U.S. Treasury. It will expedite matters if you can provide the Social Security Number or date of birth of the taxpayer.