

§ 5-47 Sale or disposition of tax- or sewer-acquired properties.

A. Upon order of the Selectmen that a sale process shall be conducted for real property which the Town has acquired for nonpayment of taxes or sewer fees, the former owner, according to tax records, shall be notified by certified mail that said process has been ordered and that the owner has 30 calendar days from the date of receipt of the notice to pay all back taxes, sewer fees, accrued interest, lien fees, mailing fees and administrative fees and a penalty of \$300 in order to receive quitclaim title from the Town. Full payment must be made to the Town in cash or certified check. At their discretion, the Selectmen are authorized to enter into a payment plan with the former owner(s) on terms deemed acceptable to the Selectmen.

B. If the former owner(s) does not pay back all required taxes, sewer fees, accrued interest, lien fees, mailing fees and administrative fees and a penalty of \$300 within 30 calendar days of receiving notice, or in accordance with a payment plan, the Selectmen may elect to sell the property to a third party. The sale of tax/sewer acquired property held by the Town, including property that had been held by the town for a period exceeding 10 years from original foreclosure date, must conform to the requirements of 36 M.R.S. §943-C, including, but not limited to:

- i. providing written notice, at least 90 days prior to any sale, to the last known address of the former owner of the sale of the property pursuant to the processes outlined in 36 M.R.S. §943-C(3). Notice must be provided via United States Postal Service certified mail, first class, with a return receipt requested.
- ii. ensuring that the municipal officers or their designee:
 - a. list the property for sale at the highest reasonable price at which the property is anticipated to sell with a licensed real estate broker who is not employed by, or hold an elected or appointed office in, the Town;
 - b. sell the property via quitclaim deed to the successful buyer at the highest price the property is able to sell for within 12 months after listing; and
 - c. pay to the former owner any sale proceeds in excess of funds statutorily reserved for the Town pursuant to 36 M.R.S. §943-C(3)(C).

C. If, after three attempts, the Town is unable to contract with a real estate broker or agent for the sale of the property or the broker or agent is unable to sell the property within 12 months after listing, the Selectmen may sell the property through a sealed bid process, conducted at the discretion of the Selectmen in accordance with the following procedure:

- i. Notice of tax- and sewer-acquired properties for sealed bid sale shall be advertised in a minimum of two consecutive editions each in the Bethel Citizen and Lewiston Sun-Journal. Bids shall be publicly received and opened not less than 25 nor more than 35 days after initial advertisement.

- ii. The Selectmen, at their next regular meeting after bid opening, shall consider bids and take whatever action is deemed in the Town's interest. In the event a bid is accepted, the Town shall issue a quitclaim deed upon receipt of the bid amount in cash or certified check.
- iii. If the property is sold through a successful bid process, the Town shall pay to the former owner any sale proceeds in excess of amounts it is entitled to retain pursuant to 36 M.R.S. § 943-C(3)(C).

D. The Selectmen shall have the right to retain for any purpose and on behalf of the Town any property deemed to be in the Town's interest. If the Selectmen choose to retain the property for the Town's use, the Town shall procure an appraisal report from a licensed appraiser, showing the value of the tax-acquired property being retained. The appraiser may not hold an elected or appointed position in the Town and may not be otherwise employed by the Town. After providing notice pursuant to 36 M.R.S. § 943-C(8), the Town shall pay to the former owner any the value of the appraisal, less the value of funds statutorily reserved for the Town under 36 M.R.S. § 943-C(3)(C). The appraisal must be prepared within 120 days before the time the excess proceeds are paid.

E. If after the sale of a tax-acquired property there exist any excess sale proceeds, at least 30 days prior to disbursement of those excess sale proceeds to the former owner the Town shall send written notice of the Town's intent to pay the former owner the excess sale proceeds in accordance with 36 M.R.S. § 943-C(8) and (9).

F. If the Town is unable, after reasonable diligence, to locate the former owner of a tax-acquired property in order to send the notice required above, the Town, once a week for 3 consecutive weeks, shall place a notice in a newspaper of general circulation in the county in which the tax-acquired property is located, in accordance with 36 M.R.S. § 943-C(9).

G. If, after provision of notice under paragraph F, a former owner fails to claim the excess sale proceeds within 30 days of the final published notice, the Town shall transfer the excess sale proceeds to the Unclaimed Property Fund under Title 33, section 2141.

H. Notice of the payment of excess proceeds must be recorded with the Oxford County registry of deeds. This notice must include the name of the former owner, a description of the tax acquired property sold, and a statement that receipt of the sale proceeds by the former owner is deemed to be a waiver of the former owner's right to commence any action challenging the taking.