

THE TOWN OF MILO

POLICY FOR SALE OF TAX ACQUIRED PROPERTIES

Pursuant to 36 M.R.S. § 943-C (2023), the Town of Milo (“Town”) hereby adopts the following policy governing the sale of tax acquired properties.

- I. **SALE OF TAX-ACQUIRED PROPERTIES.** This policy applies to all property obtained by the Town under 36 M.R.S. §§ 942, 943. A property may be sold pursuant to this policy only if the property is authorized to be sold by the Town Meeting.

- II. **PROCEDURAL NOTICE.** Ninety (90) days prior to the sale of the tax-acquired property to anybody other than the former owner, the Town, its officers, or designate(s) shall notify the former owner(s) of record at the time of automatic foreclosure under 36 M.R.S. §943, or if deceased, the former owner’s heirs, devisees, or personal representatives. The State Tax Assessor shall prescribe the form of the notice to be used by the Town under this section, and it shall be sent by United States Postal Service certified mail, return receipt requested, and first-class mail to the last known address of the former owner(s).
 - A. If a planned sale to the former owner is not completed, the property shall be disposed of in accordance with this policy and 36 M.R.S. §§ 942, 943.

- III. **SALE PROCESS.** This sale process must be followed for the sale of tax-acquired properties to anybody other than the former owner or Town:
 - A. Provide the required notice as provided by the State Tax Assessor in Section II;
 - B. List the property for sale at the highest reasonable price at which the property is anticipated to sell with a real estate broker or agent licensed under Title 32, Chapter 114. Said real estate agent or broker may not hold an elected or appointed office in the Town or be otherwise employed by the Town;
 - C. Convey the property via quitclaim deed to the successful buyer at the highest price at which the property is able to sell within 12 months after listing;
 - D. Provide notice of intent to pay excess sale proceeds, or make notice by publication, and distribute the excess sale proceeds as calculated in Section V; and
 - E. Record a notice of payment of proceeds in the Piscataquis County Registry of Deeds within ten (10) days of payment of said proceeds to the former owner(s).

IV. RETENTION OF PROPERTY FOR TOWN USE. If the Town decides to retain the tax-acquired property for municipal use, the Town shall:

- A. Obtain an appraisal report from an appraiser licensed to provide real estate appraisals in the State of Maine. The appraiser may not hold an elected or appointed office in the Town or be otherwise employed by the Town;
- B. Provide the required notice as provided by the State Tax Assessor in Section II;
- C. Provide notice of intent to pay excess sale proceeds, or make notice by publication, and distribute the excess sale proceeds as calculated in Section V, using the appraisal amount as the sale price; and
- D. Record a notice of payment of proceeds in the Piscataquis County Registry of Deeds within ten (10) days of payment of said proceeds to the former owner(s).

V. SALE PROCEEDS. After the sale of a tax-acquired property, the former owner(s) shall be paid the excess of the sale minus all approved expenses under 36 M.R.S. § 943-C.

- A. Payments to the former owner(s) include any sale proceeds in excess of:
 - 1. The sum of all taxes owed on the property;
 - 2. The sum of all taxes that would have been assessed on the property during the period following foreclosure when the property is owned by the Town;
 - 3. All accrued interest;
 - 4. Fees, including advertising, mailing, recording, property listing, and real estate broker's or agent's fees, to the extent that those fees are not included in the broker or agent fee agreement;
 - 5. Any other expenses incurred by the Town in selling or maintaining, or improving, the property, including, but not limited to, documented administrative costs and reasonable attorney's fees;
 - 6. The cost to the Town of the lien and foreclosure process, including but not limited to, reasonable attorney's fees; and

7. Unpaid sewer, water, or other utility charges and reasonable fees imposed by the Town.

B. Upon request of the former owner(s), provide a written accounting of the amount of excess sale proceeds itemizing any deductions made pursuant to Section V., Paragraph A.

VI. INABILITY TO SELL THE PROPERTY – SALE BY SEALED BID. If the Town, its officers, or those designated to, is unable to contract with a licensed real estate broker or agent for the sale of property or the broker or agent after three (3) attempts, or is unable to sell the property within twelve (12) months after listing, the Town may retain the property under Section IV, or sell the property by sealed bid, so long as the Town, its officers, or those designated to do so, pay the former owner(s) any excess sale proceeds as calculated in Section V.

VII. WAIVER OF FORMER OWNER(S). Receipt of excess sale proceeds by the former owner(s) pursuant to Section V is deemed to be a waiver of any right of the former owner(s) to commence any action pursuant to 36 M.R.S. § 946-B . The Town's failure to file the notice required by Section VIII does not nullify or otherwise affect the validity of the waiver under this Section. This Section may not be construed to prevent the former owner(s) from commencing an action for damages relating to the effective conveyance of excess sale proceeds or the amount of excess sale proceeds.

VIII. NOTICE OF INTENT TO PAY EXCESS SALE PROCEEDS. If after the sale of a tax-acquired property there exists any excess sale proceeds as described in Section V, at least thirty (30) days prior to disbursement of those excess sale proceeds to the former owner(s), the Town officers shall send written notice of the Town's intent to pay the former owner(s) the excess sale proceeds. The notice must be sent by first-class mail and certified mail, return receipt requested, to the last known address of the former owner(s), and the last known address of each record holder of an interest in the tax-acquired property. This notice does not limit the right of a lienholder to pursue any claims to the excess sale proceeds against the former owner(s) otherwise available by law.

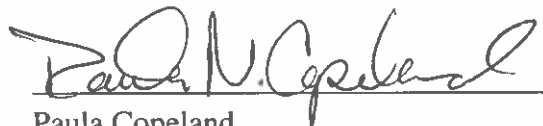
A. **Notice by Publication.** If the Town is unable, after reasonable diligence, to locate the former owner(s) of a tax-acquired property in order to send the required notice of intent to pay sale proceeds, the Town, once a week for three (3) consecutive weeks, shall place a notice in a newspaper of general circulation in Piscataquis County. The notice must include the name of the former owner(s), a description of the tax-acquired property that was sold, the amount of the excess sale proceeds, and the date by which the excess sale proceeds must be claimed.

B. Transfer of Proceeds After Notice by Publication. If, after giving notice under Section VIII, a former owner(s) fails to claim the excess sale proceeds within thirty (30) days of the final published notice, the Town shall transfer the excess sale proceeds to the Unclaimed Property Fund pursuant to 33 M.R.S. § 2141.

IX. NOTICE OF PAYMENT OF PROCEEDS. The Town, within ten (10) days of payment of any excess sale proceeds to the former owner(s) under this section, shall record in the Piscataquis County Registry of Deeds a notice signed by the Town officers. The notice must include the name of the former owner(s) to whom the excess sales were paid, the amount of the excess sales proceeds, the date on which the excess sales proceeds were paid to the former owner(s), a description of the tax-acquired property that was sold, and a statement that receipt of the excess sale proceeds by the former owner(s) is deemed to be a waiver of the former owner's rights to commence any action challenging the taking pursuant to 33 M.R.S. § 946-B. The State Tax Assessor shall prescribe the form of the notice to be used the Town.

TOWN OF MILO SELECT BOARD

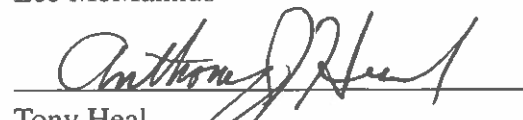
Dated: 12-11-2024



Paula Copeland

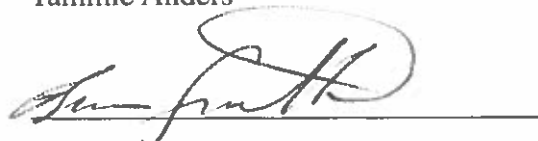


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