

**TOWN OF READFIELD  
POLICY FOR  
DISPOSITION OF TAX ACQUIRED PROPERTY**

Adopted: Jan. 8, 2007  
Amended: Jan. 4, 2010

**Article 1. General**

- 1.1 The purpose of this Policy is to establish procedures for the efficient and fair management, administration and disposition of real property acquired under the tax lien procedures set forth in Title 36 M.R.S.A. §§942 and 943, as amended. Nothing in this Policy shall be interpreted to (1) give additional substantive or procedural rights to owners or former owners of property forfeited for non-payment of taxes or (2) to limit the right of the Select Board to waive these guidelines if the Select Board deems it to be in the Town's best interest to do so.

**Article 2. Actions Concerning Tax-Acquired Property Pending Final Disposition**

- 2.1 Following the foreclosure of any tax lien mortgage, the Town Treasurer shall by first class mail, return receipt requested, notify the last known owner of record that his or her right to redeem the property has expired. The notification shall also state that the property will be disposed of in accordance with this Policy, a copy of which shall be included with the notification. The same shall be sent via US Mail, 1<sup>st</sup> Class with Certificate of Mailing.
- 2.2 Each year the Treasurer shall prepare a list of properties acquired due to non-payment of property taxes and foreclosure of tax liens and provide this list (the "Tax-Acquired Properties List") to the Town Manager.
- 2.3 The Town Manager and the Code Enforcement Officer, and as necessary in consultation with the Town Attorneys, shall review and inspect (if possible) each property prior to the last Select Board meeting before foreclosure, so that they may be identified on the Tax-Acquired Properties List and a determination may be made as to whether the foreclosure is in the best interest of the Town, based on the following criteria:
- A. The potential liabilities (environmental, structural safety, health or other hazards associated with the property) that the Town might assume by taking possession or by operating the property and whether the Town's interests in light of such potential liabilities would be best served by immediately disposing of the property or retaining it;
  - B. The level of insurance required to protect the Town's interest in the property and to protect the Town from liability in the event that the property is retained; and
  - C. Whether the property is currently occupied and the likelihood of requiring legal assistance (and estimated costs of the same) to require the occupants to quit the premises.
- 2.4 In the event that a tax-acquired property remains or becomes vacant for sixty (60) consecutive days following the date of foreclosure of the tax liens under which the Town

becomes the owner of a property, the Town Manager shall obtain liability coverage for the property.

### **Article 3. Review and Disposition of Tax-Acquired Properties**

3.1 The Town Manager will offer arrangements to the previous owner to secure just and prompt payment of outstanding and current taxes, related interests and costs to be paid within 30 days of foreclosure.

1. The Town Manager shall present the taxpayer with a written notice for payment of all past due and currently due taxes, interest, and costs under the tax lien process and all outstanding sewer charges, assessments and other lawful charges as are due and owing to the Town.
2. The Town's costs shall include all costs incurred or to be incurred by the Town in addition to those incurred in the tax lien process and shall include, but not be limited to, insurance costs, registry filing and mailing costs, advertisement costs, and attorney's fees.
3. Failure of an owner to respond within thirty (30) days of a written notice will result in a forfeiture of the property being either retained by the Town or sold under the other provisions of this Policy.

3.2 In the event any previous owner fails to respond and forfeits a property, the Town Manager will summarize the results of his or her Section 2.3 review of each property and make one of the following recommendations:

1. Retain the property for a particular public purpose. The Town Manager, in consultation with the Town Attorney shall review and pursue, if appropriate or required, judicial confirmation of the Town's right, title or interests in the subject property under 14 M.R.S.A. §6651 et seq.
2. Sell the property with or without conditions.
3. Take no action other than to set a date for further consideration by the Board, which shall occur at least annually.

The Town Manager shall forward his or her reviews, recommendations and determinations regarding each property to the Select Board. The Select Board may override a particular recommendation of the Town Manager to retain a property but shall otherwise direct that the property be processed in conformance with the terms of this Policy.

### **Article 4. Property to be retained**

4.1 If the Select Board deems it to be in the Town's best interest, it may retain the acquired property for a specified purpose. By way of example, but not limitation, the Select Board may deem it to be in the Town's best interest to retain the property where:

- a. the property has or will have recreational value or economic value to the Town.

- b. the property has or will have potential for a public facility or additions to public facilities.
- 4.2 If the property is retained, the Select Board may pursue an action for equitable relief in accordance with the provisions of Title 36 M.R.S.A. §946, if desirable.
- 4.3 The Select Board shall cause the tax-acquired property retained to be managed and insured as it would any other municipal property.
- 4.4 If retained, the Town shall pay the outstanding unpaid sewer rates, assessments or other lawful charges.

**Article 5. Property to be Sold**

- 5.1 The Select Board shall determine the method of sale for properties acquired for non-payment of taxes. Methods may include but not be limited to brokerage sale, negotiated sale, or public bid process.
- 5.2 If the public bid process is utilized, the Town Manager shall cause to be published a notice of the sale of the tax-acquired property in a local newspaper. The notice shall be posted in a conspicuous place within the Municipal Building. The notice shall be sent to the person from whom the property was acquired and the property owners whose property immediately abuts the property to be sold. The notice shall specify the time and date bids are due and the general terms of the bid. It shall also contain information useful to prospective bidders and the terms of the sale as determined by the Town Manager.
- 5.3 All bids shall be submitted on forms prescribed by the Town Manager in an envelope clearly marked "Tax-Acquired Property Bid" and accompanied by a cashier's or certified check equal to the bid deposit. Bids shall be publicly opened and read on the date and at the time specified.
- 5.4 The Town Manager shall review all bids and make recommendations to the Select Board. The Select Board shall determine the successful bidder.
- 5.5 The Town of Readfield reserves the right to accept or reject any or all bids, and waive any of the requirements of this Policy should the Select Board, in its sole determination, judge such actions to be in the best interest of the Town of Readfield. Instances where this right may be invoked include, but are not limited to:
  - a. The Select Board may wish to sell the property to an abutting property owner rather than the highest bidder.
  - b. The Select Board may determine a use other than the use proposed by the highest bidder is in the best interests of the Town.
- 5.6 Should the Select Board reject all bids, the property may again be offered for sale.
- 5.7 Should the bidder fail to close, the Town shall retain the bid deposit. The Select Board may offer the property to the next highest or any other bidder, if it determines that it is in the best interest of the Town.

- 5.8 Title to tax-acquired property shall be transferred only by means of a Municipal Release Deed.
- 5.9 Unless the property is vacant at the time of sale, the successful bidder shall be responsible for the removal of occupants and contents in a manner according to law.
- 5.10 The proceeds of the sale shall be distributed in the following manner: (1) all taxes, interest and costs under the tax lien process shall be paid, (2) all outstanding sewer rates, assessments or other lawful charges shall be paid, and (3) any balance shall be placed in a General Fund account.

**Article 6. Waiver of Foreclosure**

- 6.1 In those situations where it has been determined that it would not be in the best interest of the Town to acquire the property, the Select Board may authorize the Treasurer to record a waiver of foreclosure in the Registry pursuant to 36 M.R.S.A. § 944, provided that this determination is made before the right of redemption expires.
- 6.2 In those situations where it has been determined that it would not be in the best interest of the Town to acquire the property, and this determination has been made prior to the issuance of the Impending Foreclosure Notice under 36 MRSA § 943, the Select Board may instruct the Treasurer not to send the Impending Foreclosure Notice, thereby preventing the foreclosure from occurring.

**Article 7. Taking Possession of Property**

- 7.1 At such time as it considers the proper disposition of a parcel of tax acquired property, or at such earlier time as may be recommended by the Town Manager, the Select Board shall consider whether it would be desirable for the Town to take immediate possession of the property in order to preserve the value of the property or otherwise protect the interests of the Town.
- 7.2 In making the determination under Section 7.1, the Select Board shall consider the condition of the property, the occupancy status, any potential risks to the value of the property, the status of insurance, any obstacles to exercising possession, the possible need for court assistance and any other factors that the Select Board deems appropriate.