

TOWN OF HAMPDEN  
DISPOSITION OF TOWN OWNED REAL ESTATE ORDINANCE

ARTICLE I - DISPOSITION OF TOWN OWNED REAL ESTATE

1.1 AUTHORITY

In accordance with Article II, Section 212 (b) of the Town Charter the Town Council shall be authorized to convey or lease any lands of the Town within the limitations fixed by the Constitution and statutes of the State of Maine as they now or may hereafter apply to said Town of Hampden.

1.1.1 SALE BY TOWN

Real estate shall be sold by the Town only after the adoption by affirmative vote of a majority of all the members of the Town Council of a Resolution calling for the sale of real estate owned by the Town; the resolution shall contain a reasonably accurate description of the property which is proposed to be sold.

1.2 DISPOSAL

After the Town Council has voted to sell real estate, notices shall be sent to each landowner abutting the proposed parcel to be sold as well as to each landowner within three (300) feet of any property line of said parcel. Landowners shall be considered to be those to whom property taxes are assessed. Failure of any landowner to receive a notice of public sale shall not necessitate another sale or invalidate any action of the town council. In the case of tax acquired property, notices shall be sent to the previous owner, heirs, devisees, or personal representatives of the previous owner in the manner outlined in 1.4 below.

In addition, notice of the proposed sale shall be published as specified in Article II, Section 213 (d) of the Charter, such publication to be not less than seven (7) days before the Council's final action on such sale. The notice shall contain a reasonably accurate description of the property to be sold and shall provide a day and place when and where bids for said property shall be submitted to the Town Office.

1.3 BID PROCEDURE

All bids shall be submitted in writing and shall clearly identify the purchaser and the price bid for the property. Bids shall be placed in sealed envelopes and given to the Town Clerk who shall hold all such bids until the close of business on the day designated in the notice, when the bids shall be opened by the Town Clerk. The results of the bidding shall then be submitted to the Town Council at its next regular meeting; after proponents and opponents if any, to said proposed sale have been heard, the Council may by the affirmative vote of a majority of all the members of the Council vote to convey the property. Highest bid shall not be the sole consideration for awarding the bid. The Council reserves the right to reject or accept any bid; furthermore, the Council reserves the right to withdraw the offer to sell the property.

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1.3.1. DEED EXECUTION

The Town Treasurer is hereby authorized for and on behalf of the Town of Hampden to make, execute and deliver a Quitclaim Deed to convey title to the purchaser.

1.4 TAX ACQUIRED PROPERTY

The Town Treasurer shall give written notice to the prior owner of record of real estate acquired by the Town by way of foreclosure of tax lien mortgage of the Town's intent to sell said real estate at public sale. Said notice shall be given in writing and sent via U.S. first class certified mail, return receipt requested to the property owner's last known address at least 90 days before notice of public sale is given. In the event that the prior owner is deceased, incarcerated, or otherwise cannot be located, the Town Treasurer shall make reasonable attempts to contact any known heirs, devisees, or personal representatives. Failure of any prior owner to receive such notice shall not necessitate another sale or invalidate any action of the Town Council.

Under 36 M.R.S. § 943-C, upon notice of intent to sell tax acquired property, the former owner has the right to require that the Town of Hampden hire a real estate broker to list and sell the property via quitclaim deed and pay the former owner any proceeds in excess of:

- 1.) The sum of all taxes owed on the property;
- 2.) Property taxes that would have been assessed on the property during the period following foreclosure when the property is owned by the municipality;
- 3.) All accrued interest;
- 4.) Fees, including property listing and real estate broker's fees
- 5.) Any other expenses incurred by the municipality in selling or maintaining the property, including, but not limited to, an administrative fee equal to 10% of the property taxes owed, prorated insurance expenses for building coverage while owned by the town, and reasonable attorney's fees;
- 6.) The cost to the municipality 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 fees imposed by the municipality.

After receiving proceeds from the sale of the tax acquired property, former owner will be required to execute a quitclaim deed conveying any interest formerly vested in the property to the Town of Hampden and shall have no further right to challenge the foreclosure by the Town.

Notice of intent to sell and former owners written demand included in this ordinance as Exhibit A.

If the prior owner of record makes full payment of all sums due on the said tax claim, including the amount of tax, interest and costs, before notice of public sale is given, the Town Treasurer shall release title to said real estate to its record owner.

1.5 CONVEYANCE BY GIFT OR NON MONETARY TRANSFER

There may be circumstances that warrant the occasional transfer of property as a gift, to dispose of an abandoned right of way, cul-de-sac, open space, or any other de minimus property for any other reason as determined by the Council in which there is limited or no benefit to the general

*Disposition of Town Owned Property Ordinance*

public. The Town Council is granted the authority to do so by the affirmative vote of a majority of all the members of the Council.

ADOPTED: November 19, 1979  
EFFECTIVE: December 19, 1979

AMENDED: July 6, 1987  
EFFECTIVE: August 4, 1987

AMENDED: November 7, 2022  
EFFECTIVE: December 8, 2022

AMENDED: October 16, 2023  
EFFECTIVE: November 15, 2023

EXHIBIT A

STATE OF MAINE, TOWN OF HAMPDEN  
NOTICE OF INTENT TO SELL YOUR FORMER PROPERTY  
(36 M.R.S. § 943-C)

IMPORTANT: DO NOT DISREGARD THIS NOTICE. YOU HAVE 90 DAYS TO RESPOND OR YOUR RIGHTS UNDER THIS ALTERNATIVE SALE PROCESS MAY BE FORFEITED

TO: \_\_\_\_\_

Date: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Notice of sale of foreclosed property**

A real estate tax lien held by Town of Hampden for unpaid real estate taxes on your former property located at \_\_\_\_\_ was foreclosed on \_\_\_\_\_. The Town of Hampden now owns this property. You are receiving this notice because the municipality intends to sell this property. As the former owner of this property, you have a right to request that the municipality hire a real estate broker to sell your former property via quitclaim deed and pay to you, as the former owner, any sale proceeds in excess of:

- 1) The sum of all taxes owed on the property;
- 2) Property taxes that would have been assessed on the property during the period following foreclosure when the property is owned by the municipality;
- 3) All accrued interest;
- 4) Fees, including property listing and real estate broker's fees;
- 5) Any other expenses incurred by the municipality in selling or maintaining the property, including, but not limited to, an administrative fee equal to 10% of the property taxes owed and reasonable attorney's fees;
- 6) The cost to the municipality 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 fees imposed by the municipality.

Pursuant to 36 M.R.S. § 943-C, "former owner" means the owner or owners of record at the time of foreclosure or, if deceased, the former owner's heirs, devisees or personal representatives.

YOU HAVE 90 DAYS TO RESPOND TO THIS NOTICE OR YOUR RIGHTS TO THIS ALTERNATIVE SALE PROCESS MAY BE FORFEITED.

You may respond to this notice by filing a written request to the Town of Hampden before \_\_\_\_\_.  
You may file the written request by mailing it to:

Town of Hampden  
106 Western Ave.  
Hampden, Me. 04444

Or by delivering it in person  
to: Treasurer, Town of  
Hampden

If you have any questions, please contact me at 207-862-3034 or

townmanager@hampdenmaine.gov to discuss this notice.

\_\_\_\_\_, Town Manager/Treasurer

**Written Demand by Former Owner to Require the Town of Hampden to Use the Alternative Sale Process for Sale of Tax Acquired/Foreclosed Property**

Property address: \_\_\_\_\_

Tax Map & Lot: \_\_\_\_\_

*PROVIDE INFORMATION FOR ALL OWNERS OF RECORD AS OF FORECLOSURE DATE  
(Attach extra sheets if necessary)*

**OWNER 1**

Name: \_\_\_\_\_ Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Current Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**OWNER 2**

Name: \_\_\_\_\_ Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Current Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

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If the owner(s) of record is deceased, and you are filing this demand as their heir, devisee, or personal representative, check here and enter your information below.

**By signing this form, I declare under penalties of perjury that I was the owner of record of the property described above at the time of the foreclosure ( or I am the heir, devisee, or personal representative of the owner of record) and am demanding that the Town of Hampden use the alternative sale process under 36 M.R.S. § 943-C. I understand that I may be asked to verify my ownership or status, and my signature on this application shall serve as authorization for the Tax Collector or their designee(s) to investigate and verify any information contained herein.**

Dated: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Signed: \_\_\_\_\_

Town of Hampden: \_\_\_\_\_, Treasurer