



## MREMA Training Update - Mark Your Calendars

MREMA's Bylaws state the "purpose of The Maine Real Estate Managers Association is to promote professional real estate asset management through effective trainings and workshops for its membership." This year MREMA and our partner organizations are scheduling training opportunities that cover a wide area of interests.

April 20, 2011: The Management and Maintenance Seminar at the Augusta Civic Center will include **Keep Those Toilets Flushing!** and **Communicating with Residents with Mental Disabilities**. Registration deadline is April 13<sup>th</sup>.

May 24, 2011: **EIV - Beyond The Theory To The Practical**, cosponsored by NEAHMA and MaineHousing, will provide owners and managers with *"a firm grasp of all current requirements to ensure that your property is in full EIV compliance."* Registration deadline is May 19<sup>th</sup>.

October 17 - 19, 2011: **Crossing the Line**, a combined conference of the Maine, Vermont, and New Hampshire Housing Managers Associations, will cover a wide range of issues facing property managers today.

Mark your calendars and send in your registrations!

## 2011 Toys for Tots and Teens by Kelly Campbell

As I look back on the success of the Annual Conference at Sugarloaf, I am again amazed at the generosity of our membership. To all of those who took an ornament from the Giving Tree, and in turn promised to purchase the item requested on the ornament - my sincerest thanks on behalf of all of the kids who woke up to something special on Christmas morning.

Believe it or not, preparations for the **2011 Toys for Tots and Teens** event are already underway. The date of the event is tentatively scheduled for December 2, 2011, we hope that moving the event to a Friday evening will allow more people to participate. In addition, we're also looking into a new conference facility on the Portland waterfront to hold the event. In June we'll be scheduling our first Toys for Tots and Teens committee meeting and hope to have representative from both the Marines and the

children's group homes at the meeting to share with the committee information about their respective programs.



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If you have comments, ideas, or suggestions, please email [WWard@midmaine.com](mailto:WWard@midmaine.com).

## MREMA Membership News by Cathie Whitney

MREMA's membership renewals were sent out in early January and I'd like to send our thanks to all who promptly completed their renewals! At this time we have 117 member organizations *Welcome to our new Regular Members Mack Management LLC and Mexico Senior Housing Corporation as well as our new Associate Members Barkan Compliance Solutions, EXO Elevator LLC and Strategic Energy Group.*

### Renewing Regular Members:

Affordable Housing of New England  
 Alpha Management  
 Asset Real Estate Management, Inc.  
 Auburn Housing Authority  
 Avesta Housing  
 Barkan Management  
 Brewer Housing Authority  
 C&C Realty Management  
 C.S. Management  
 CB Mattson, Inc.  
 Clark Young Associates  
 Coastal Enterprises, Inc.  
 Community Concepts, Inc.  
 Community Health & Counseling Services  
 Community Housing of Maine  
 Compliance Matters  
 Diocesan Bureau of Housing  
 Dover-Foxcroft Housing Devel Corp  
 Elderly Housing Devel ) Operations Corp  
 Elderserve  
 Emerald Management  
 Federal Management  
 Fickett Property Management  
 Foothills Management  
 Foreside Real Estate Management  
 Frye School Housing Development, Inc.  
 Gary Buck Property Management  
 Goodwill Development Corp.  
 Group Home Foundation  
 Guilford Development Corp.  
 Harbor Management  
 Hillside Apartments  
 Housing Authority of the City of Old Town  
 Housing Management Resources  
 Independence Association  
 Jack Marshall Associates  
 Kathryn Hughes Associates  
 Kinney Rentals  
 L&L Management  
 LaBrecque Property Management

Laplante Apartments  
 Lewiston Housing Authority  
 LGW Property Management  
 Liberty Management  
 Madison Avenue Associates  
 Maine Development Associates  
 Matthew Sherman Mem Apts  
 Megunticook Management  
 Mike Eon Associates  
 Military Street Associates  
 Mt. David, Mt. Blue, Stony Brook Housing  
 Mt. Desert Island & Ellsworth Housing  
 Authorities  
 Phoenix Management  
 Portland Housing Authority  
 Preservation Management  
 PropSys  
 R&K Oxford Management  
 R.L.W. Management, LLC  
 Realty Resources Management  
 Riverbend Property Management  
 S.I. Associates  
 Sanford Housing Authority  
 Seton Village  
 Shalom House, Inc.  
 SHP Management  
 South Portland Housing Authority  
 Spear Management  
 St. John Valley Realty  
 Stanford Management  
 Stella Maris Housing Devel Corp  
 Sterling Management, Inc.  
 Stewart Property Management  
 Targeted Management Company  
 The Caleb Foundation  
 The Housing Foundation  
 United Pejepscot Housing, Inc.  
 Volunteers of America  
 Washburn Realty Company  
 Waterville Housing Authority  
 Westbrook Housing  
 Weston Associates Management Co., Inc.

## MREMA Membership News con'td

Renewing Regular Members, con'td:

Yale Court, LP  
York County Shelter Programs  
York Housing Authority

Renewing Associate Members:

Bangor Savings Bank  
Basloe, Levin & Cuccaro/Adjusters  
International  
Benchmark  
Cross Insurance  
David J. Van Baars/DVB Law  
DKM Consulting, LLC  
First Class International  
First Protection Services, Inc.  
Fortin Construction  
HD Supply Facilities Maintenance  
Mac-Gray Services  
Maine State Housing Authority  
Nelson & Small, Inc.

Northern New England Housing Investment  
Fund  
Norton Insurance  
Otis | Atwell  
Ouellette & Associates  
Radon Check, Inc.  
Rent.com  
Rentgrow, Inc.  
ServPro of Portland-South Portland  
Shankman & Associates  
Spectrum Seminars  
US Housing Consultants  
USI Insurance Services of New England

### MREMA Board Members and Committee Chairs 2010-2012 Term

Mike Myatt - President, Web-site Chair, Toys for Tots Auction Co-Chair

([mmyatt@avestahousing.org](mailto:mmyatt@avestahousing.org))

Sara LaBrecque - Vice-President ([lp375@verizon.net](mailto:lp375@verizon.net))

Sherrin Vail - Secretary ([svail@avestahousing.org](mailto:svail@avestahousing.org))

Diane MacDonald - Treasurer ([macdonaldd@emeraldmanagement.biz](mailto:macdonaldd@emeraldmanagement.biz))

Susan Michaud-Bosse - Ex-Officio, Convention Chair ([smbosse@midmaine.com](mailto:smbosse@midmaine.com))

Cathie Whitney - Membership Chair ([cwhitney@ccrealtymanagement.com](mailto:cwhitney@ccrealtymanagement.com))

Sheila Malynowski - Education Chair ([smalynowski@presmgmt.com](mailto:smalynowski@presmgmt.com))

Kelly Campbell - Toys for Tots Auction Co-Chair ([kcampbell@housinginvestmentfund.org](mailto:kcampbell@housinginvestmentfund.org))

Gary Crowell ([gcrowell@maine.rr.com](mailto:gcrowell@maine.rr.com))

Tami Exchange ([texchange@westbrookhousing.org](mailto:texchange@westbrookhousing.org))

Sharon Pray ([spray@shpmanagement.com](mailto:spray@shpmanagement.com))

Mike Sprague ([Sprague\\_77@yahoo.com](mailto:Sprague_77@yahoo.com))



## Crossing the Line

*A combined conference of the Maine, Vermont,  
and New Hampshire Housing Managers Associations*

**SAVE THE DATE!!!!**  
**TRI STATE CONFERENCE**  
**OCTOBER 17<sup>TH</sup>, 18<sup>th</sup> & 19<sup>TH</sup>**  
**WILL BE HELD AT**  
**The Balsams Grand**  
**Resort Hotel**

**Meagan Johnson, a Keynote Speaker you don't want to miss!!**

We will be having a variety of trainings at this fabulous resort this fall. The trainings will include and more training will be added:

- ❑ Spectrum presents: Advanced Tenant Certification: auditors perspective on compliance & income/asset calculations
- ❑ NEAHMA presents: How to Deal with Multiple Subsidies
- ❑ Fair Housing Training with Brian Shaughnessy
- ❑ Join ME, NH & VT Human Rights for Case studies on 504/Fair Housing issues
- ❑ Living in Harmony: The challenges of elderly and disabled residents co-existing
- ❑ Roadmap for Housing Energy Affordability-what it takes to protect affordable housing from ever increasing energy prices in the future
- ❑ Human Resource/EEO with Chris Campbell
- ❑ Regulatory Agency Updates-HUD, RD, Maine Housing; NHHFA, VHFA

**Please join us at The Balsams for 2 ½ days of training, networking, & entertainment-a five star resort and dining experience not to be missed!!**

**Please mark your calendars for 10/17, 10/18 & 10/19!**

**See you all at The Balsams Grand Resort Hotel!!**

# ABANDONED PROPERTY LAWS SIMPLIFIED

BY: Neil S. Shankman, Esq.

One of the most frustrating challenges faced by landlords and property managers has historically been the handling of abandoned property.

While landlords and property managers have traditionally been required to treat property with a fair market value of less than \$750.00 differently than property of greater value, this is no longer the case. In 2010 the Maine Legislature simplified the process by establishing a uniform system.

A tenant's personal property is considered abandoned if it is not removed from the premises within 48 hours after an eviction is completed by service of a Writ of Possession or upon the tenant otherwise vacating the premises. Property left behind by the tenant may not simply be taken by the landlord, left for the next tenant, sold, destroyed or thrown out. All items must be stored in a safe, dry and secured location.

The first challenge is deciding when a tenant has vacated the apartment. It is easy if they have given you notice. It is easy if you have completed an eviction. The challenge is when a tenant seems to have disappeared. While there are no simple rules for making this determination, a few basic questions are warranted. If the electrical service has been in the tenant's name, has it been disconnected? Inspect the refrigerator to determine if there is spoiled or outdated food. Are there any prescription medicines left behind? Are there working televisions, stereos, or game consoles? Did the tenant remove his or her clothing and personal items such as pictures and children's toys? While none of these questions are in and of themselves determinative as to whether the premises have been vacated and personal property has been abandoned, they are at least some indication.



If it is not highly probable that the tenant has vacated the premises, our general recommendation is that the tenant be served with a Notice of Termination for nonpayment of rent or other lease violation. If the tenant does not respond to the notice within the required time period, we then urge our clients to provide a Notice of Move Out Inspection. The notice includes a statement that the tenant is invited to be present during the inspection and if they do not attend the inspection, we will presume that they have vacated the premises and abandoned all personal property that remains.

Once you have reached the point that you concluded that there remains abandoned property, the first step is to identify all items of personal property that have been left behind by the tenant. The items should be listed, with as much detail as possible. If the tenant has left behind a box or bag of clothing (or any other conglomeration of items), it is sufficient to state that the property consists of one box of assorted clothing. The law does not require the landlord to estimate values of the items.

The landlord is required to send written notice to the tenant by first class mail "with proof of mailing to the last known address of the tenant". The letter must advise the tenant of the landlord's intent to dispose of the property that has been left behind. The notice must include an itemized list of the items and containers of items and advise the tenant that if he does not respond to the notice within fourteen days of the date of mailing, the landlord will dispose of the property pursuant to state law.

“Proof of mailing” consists of a Certificate of Mailing. This is not certified mail, but rather is an actual certificate obtained from the Post Office which indicates that a certain item was, in fact, mailed to a particular address. This is all that is necessary. If the tenant has provided a forwarding address, the notice should be sent to that address. If the landlord is aware of any lienholder or anyone claiming an interest in the property, then a copy of the notice should be sent to them as well.

If the tenant claims his property within fourteen days after the notice was sent (as proven by the Certificate of Mailing), the landlord is required to release the property to the tenant. The landlord may not condition the release of the property upon payment of any fee or any other amount that may be owed to the landlord for rent, damages or otherwise.

If the tenant responds to the notice within the fourteen-day period, the landlord is required to continue to store the property for a total of twenty-four days from the date that the original notice was sent.

If the tenant fails to respond to the original notice within fourteen days, or if he claims the property but fails to retrieve it by the twenty-fourth day after the original notice was sent, the landlord has the right to condition the release of the abandoned property to the tenant upon his payment of all rental arrearages, damages and costs of storage. At that point, the landlord is permitted to sell any abandoned property for a reasonable fair market price and apply all proceeds to rental arrearages, damages, costs of storage and sale. If there are any excess funds, the balance must be forwarded to the Office of the State Treasurer. Last, but not least, the landlord is specifically authorized to dispose of any abandoned property that has “no reasonable fair market value”.

The sale of certain items can be a bit more problematic. Even though the law allows them to be sold, mobile homes that are left behind must be addressed through contact with the Office of the State Treasurer. Vehicles that must be registered (cars, trucks, motorcycles, motor homes and travel trailers) are handled through the Bureau of Motor Vehicles. Boats, snowmobiles and ATVs are handled through the Bureau of Inland Fisheries & Wildlife.

To learn more log onto [www.shankmanlegal.com](http://www.shankmanlegal.com) or call Karen Cook @ 207.786.0311. You can also email her at [kcook@shankmanlegal.com](mailto:kcook@shankmanlegal.com).

