

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Docket no. 1:10-cv-499-GZS
)	
0.50 ACRES OF LAND, MORE OR)	
LESS, SITUATED IN TOWN OF VAN)	
BUREN, AROOSTOOK COUNTY,)	
MAINE & AROOSTOOK MAID FARMS,)	
INC.,)	
)	
Defendant.)	

ORDER REGARDING TITLE & JUST COMPENSATION

Before the Court is the United States’ Motion for Determination of Title and Hearing to Determine Just Compensation (ECF No. 29). On April 16, 2012, the Court set the Motion for a hearing to be held on July 9, 2012 at 11 A.M. Plaintiff published a notice of the hearing (ECF Nos. 37 & 38). Having held the hearing at which no one but Plaintiff appeared, the Court now GRANTS the Motion WITHOUT OBJECTION.

With respect to title, the undisputed evidence shows that prior to its taking by the United States, title to the subject 0.50 acre plot was held by Aroostook Maid Farms, Inc. Aroostook Maid Farms, Inc. obtained title in 1978 by way of a warranty deed. (See Pl. Ex. 3 (ECF No. 29-3).) As detailed in the United States’ Motion, the United States has been unable to locate a living corporate representative of Aroostook Maid Farms, Inc. Rather, the United States represents that this Maine corporation had two shareholders, Mason Mitchell and Walter Sage, both of whom are deceased. (See Pl. Mot. at 2.) While it is unclear when or whether Aroostook Maid Farms, Inc. was formally dissolved, even a dissolution would not have resulted in a transfer of title. See

13-C M.R.S.A. § 1406(2)(A). Therefore, the Court finds that Aroostook Maid Farms, Inc. is the prior owner entitled to just compensation for the Plaintiff's taking.

With respect to the amount of just compensation, the undisputed evidence consists of an appraisal report by the F.W. Bucklin Appraisal Company (ECF No. 29-1). According to this report, the subject property has a fair market value of \$8,500.00 as of December 6, 2010. In addition to this fair market value, the United States acknowledges owing statutory interest upon the deficiency in its initial estimate of just compensation. As a result of the partial delayed payment, the United States calculates an additional \$9.63 that is due as part of the just compensation payment. (See Pl. Ex. 8 (ECF No. 29-8).) Therefore, in accordance with Federal Rule of Civil Procedure 71.1(h)(1), the Court finds that Aroostook Maid Farms, Inc. is entitled to just compensation in the amount of \$8,509.63.

As indicated at the close of the hearing, the United States shall provide the Court with a proposed final judgment. To the extent that it appears the amount currently deposited with the Court may slightly exceed the just compensation award, the United States shall indicate in its proposed judgment what should happen with any remaining funds.

SO ORDERED.

/s/ George Z. Singal
United States District Judge

Dated this 9th day of July, 2012.

Plaintiff

USA

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V.

Defendant

VAN BUREN, 0.50 ACRES

Defendant

**AROOSTOOK MAID FARMS
INC**

Interested Party

**MONTREAL MAINE &
ATLANTIC RAILWAY LTD**

represented by **SARA ELIZABETH HIRSHON**
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TERMINATED: 12/15/2011

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