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	U. S. DEPARTMENT OF THE INTERIOR OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT DIRECTIVES SYSTEM	Subject Number: AML-2 Transmittal Number: 302 Date: 11/21/86

Subject: Notarized Appraisal in Filing Lien Under Federal Reclamation Programs

Approval: Ted D. Christensen **Title:** Director

1. Purpose. This directive provides guidance to the Office of Surface Mining Reclamation and Enforcement (OSMRE) employees for complying with the statutory requirement for notarized appraisal in conjunction with filing a lien on reclaimed land.

2. Definitions.

a. Appraisal means a qualified appraiser's opinion of the estimated market value of the property in its unreclaimed condition and the subsequent market value of the property in its reclaimed condition.

b. Notarized, for this purpose, means attested to and certified by a licensed notary public that the appraisal is signed by the person(s) who conducted the appraisal.

3. Policy/Procedures.

a. Concept.

Where reclamation is conducted on private property, Section 408 of the Surface Mining Control and Reclamation Act (SMCRA) requires that a lien be placed for the increase in property value where the reclamation results in a significant increase in the value of the land reclaimed. SMCRA and the OSMRE rules require that the appraisal(s) be notarized. Although the notarized appraisal(s) provide a basis for filing a lien, appraisal(s) are not appropriate documents for filing in the land records. It is sufficient that the lien, which is an appropriate document for filing in the land records, state the before and after appraised valuations and the increase in value that forms the basis for the lien.

b. Responsibility.

The Eastern or Western Field Office, Realty Officer, is responsible for: (1) Reviewing appraisal(s) and accepting the notarized appraisal(s) as the basis for lien.

c. Procedures.

1. In ordering appraisal(s), OSMRE should inform the appraiser, in writing, that the appraisal(s) will be a matter of public record in conjunction with the lien.

2. OSMRE should request that the appraiser furnish a notarized summary of the appraisal report in addition to the notarized appraisal(s).

3. Notarized appraisal(s) should remain in the official file. Copies can be furnished to landowners after deletion of any information designated by the appraiser as privileged or confidential.

4. Reporting Requirements. None.

5. References. 30 CFR 882.12 and 882.13.

6. Effect on Other Documents. Supersedes AML-2, Transmittal Number 221, dated June 19, 1984.

7. Effective Date. Issuance.

8. Contact. Division of Abandoned Mine Lands (202) 343-7910.