

NOTICE OF FEDERAL INTEREST

LEGAL NOTICE: THE PROPERTY NAMED IN THIS DOCUMENT WAS ACQUIRED OR IMPROVED USING FEDERAL FUNDING. THEREFORE, FEDERAL LAW GOVERNS ITS USE, ENCUMBRANCE, AND/OR DISPOSITION. BEFORE ATTEMPTING TO PURCHASE, SELL, OCCUPY, TAKE A MORTGAGE INTEREST IN OR OTHERWISE ENCUMBER, OR FORECLOSE UPON THIS PROPERTY, YOU MUST NOTIFY THE RESPONSIBLE U.S. DEPARTMENT OF THE INTERIOR, OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT OFFICIAL LISTED BELOW.

Federal law directs the United States Department of the Interior, Office of Surface Mining Reclamation and Enforcement (OSM) to provide Abandoned Mine Land Economic Revitalization (AMLER) grant funding to *[State AML Program]* for economic and community development in conjunction with the reclamation of abandoned mine lands as described in section 403(a) of the Surface Mining Control and Reclamation Act of 1977. The *[State AML Program]* then uses this funding to provide subawards to eligible subrecipients to be used to carry out AMLER projects.

On *[date]*, the OSM awarded Grant Number *[grant number]* in the amount of \$ *[amount]* to *[State AML Program]* to carry out the AMLER program. The *[State AML Program]* selected and subawarded AMLER funds to *[subrecipient]*, hereinafter referred to as the AMLER Award Subrecipient on *[date]* in the amount of *[amount]*, to be used, in part, for the purchase, improvement, and/or renovation of the property located at *[address]* and further described on Exhibit A, attached hereto (hereinafter referred to as the "Property"). Future grant awards may also be used for this purpose.

By providing the grant award funds used to purchase, improve, and/or renovate the Property, OSM has an interest ("Federal Interest") in the Property, which is equal to the dollar amount that is the product of: (1) the percentage of OSM's participation in the total cost of the real property (cost of the original purchase and/or any improvements), and (2) the current fair market value of the property, improvements, or both. See 2 C.F.R. §§ 200.1 and 200.311(d).

The AMLER grant award that funded the purchase and/or improvements of the Property includes, among other things, the following conditions on the use of the Property:

- (1) The Property must be held in trust by the non-Federal entity as trustee for the beneficiaries of the project or program under which the property was acquired or improved;
- (2) The Property may not be used for any purpose inconsistent with the AMLER award and applicable regulations or guidance;
- (3) The Property may not be mortgaged or used as collateral, sold, or otherwise transferred to another party, without written permission from the responsible OSM official or his or her designee;

- (4) The Property may not be subordinated, diminished, nullified, or released through the encumbrance of the property, transfer of the property to another party, or any other action the [State AML Program] or AMLER Award Subrecipient takes without written permission from the responsible OSM official or his or her designee;
- (5) When the Property is no longer needed for the originally authorized purpose, the non-Federal entity must obtain disposition instructions from OSM or the [State AML Program], which must provide for one of the following alternatives:
 - a. retain title after compensating OSM;
 - b. sell the Property and compensate OSM; or
 - c. transfer title to OSM or to a third party designated/approved by OSM.

See 2 C.F.R. §§ 200.311 and 200.316; OSM's AMLER Guidance for the fiscal year of the AMLER grant award; and the terms and conditions of the AMLER grant award. As the Federal Interest in the Property is calculated by applying OSM's percentage of participation in the total cost of the real property to the fair market value of the property, the amount owed to OSM at disposition may exceed both the cost of the original purchase and the cost of any improvements. The Federal Interest in the Property persists until disposition is complete.

In accordance with 2 C.F.R. § 200.311(d), any party seeking to change the ownership or approved use(s) of the Property must submit a written request at least [??] days in advance of any proposed change to the responsible OSM official at the following address:

[locality] Field Office
Office of Surface Mining Reclamation and Enforcement
U.S. Department of the Interior,
[address, email inbox, phone number]

The AMLER Award Subrecipient confirms that its governing body, if any, received a copy of this Notice of Federal Interest on [date].

The person(s) executing this Notice of Federal Interest on behalf of the AMLER Award Subrecipient hereto represent and warrant that he or she has been duly authorized by the AMLER Award Subrecipient and all legal owners of title to the subject property to so execute this Notice of Federal Interest.

IN WITNESS WHEREOF, the following have executed this Notice of Federal Interest pursuant to authority duly given, as of the dates indicated.

AMLER Award Subrecipient.

[Signature] _____
[Name],
[Title]
[Entity].

Date: _____

On this the _____ day of _____ 20__, before me, the undersigned Notary Public in and for said [locality], personally appeared _____, who is known to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that they executed the same in their capacity, and that by their signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Seal

Notary Public

My Commission Expires: _____

Owner of Record of the Property.

[Signature] _____
[Name],
[Title]
[Entity].

Date: _____

On this the _____ day of _____ 20 __, before me, the undersigned Notary Public in and for said [locality], personally appeared _____, who is known to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that they executed the same in their capacity, and that by their signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Seal

Notary Public

My Commission Expires: _____

EXHIBIT A

The property legal description from public records is: