**THIS DOCUMENT IS FOR INFORMATIONAL PURPOSES ONLY AND NOT FOR THE PURPOSE OF PROVIDING LEGAL ADVICE. YOU SHOULD CONSULT YOUR ATTORNEY TO OBTAIN ADVICE WITH REGARD TO THE CONTENT, AND USE, OF THIS DOCUMENT.**

**AFTER RECORDING, RETURN TO:**

Matanuska-Susitna Borough C-PACER Program Administrators ATTN: Pamela Graham

350 E. Dahlia Avenue

Palmer, Alaska 99645

**NOTICE OF CONTRACTUAL ASSESSMENT LIEN PURSUANT TO**

**PROPERTY ASSESSED CLEAN ENERGY ACT**

**RECITALS**

1. The Municipal Property Assessed Clean Energy Act, Alaska Statutes 29.55, as amended from time to time (the **“PACER Act”**), authorizes the governing body of a local government to establish an energy improvement assessment program and designate a region within the local government’s jurisdiction within which the local government may enter into written contracts with record owners of existing privately owned commercial or industrial property to impose assessments on the property to finance the installation or modification of permanent improvements fixed to the property to achieve reduced energy consumption or demand, energy costs, or emissions affecting local air quality, including a product, device, or interacting group of products or devices that use energy technology to generate electricity, provide thermal energy, or regulate temperature. Unless otherwise expressly provided herein, all terms used herein have the same meanings ascribed to them in the PACER Act.
2. the Matanuska-Susitna Borough (**“Local Government”**) has established a program under the PACER Act (the **“PACER Program”**) pursuant to an ordinance dated September 27, 2022, adopted by the Matanuska-Susitna Borough Assembly (the “Ordinance”), and a resolution dated, October 9, 2021, (the “Resolution”), (the **“Resolution,” and together with the Ordinance, “the Mat-Su C-PACER Legislation”**). The Local Government is authorized to enter into and enforce the Assessment, Owner Contract and Capital Provider Contract described herein, and has designated the entire territory within the Matanuska-Susitna Borough as a region (**“Region”**) within which the Local

Government and the record owner of such real property may enter into written contracts to impose assessments to repay the financing by owners of qualified improvements on the owner’s property pursuant to the PACER Program.

1. (**“Property Owner”**) is the legal and record owner of the qualified real property, located within the Region at [PROPERTY ADDRESS], [CITY], Alaska and more particularly described in Exhibit A, attached hereto and incorporated herein (the **“Property”**).
2. Property Owner applied to participate in the PACER Program by installing or modifying on the Property certain permanent improvements which are intended to reduce energy consumption or demand, and which are or will be fixed to the Property as qualified improvements, as set forth in the PACER Act and PACER Program (the **“Qualified Improvements”**) described in Exhibit B attached hereto. The cost of installation or modification of such Qualified Improvements and all related eligible costs pursuant to the PACER Act and otherwise described in the PACER Program have been determined to be a qualified energy improvement project (the **“Project”)**. Property Owner has entered into a written contract (the “**Owner Contract**”) with Local Government pursuant to the PACER Act and the PACER Program and has requested Local Government to impose an assessment on the Property to repay the financing of such Project.
3. The financing of such Project will be provided to Property Owner by

(“**Capital Provider**”), a qualified capital provider selected by Property Owner, pursuant to a written contract executed by Capital Provider and Local Government as required by Section 29.55.105 of the PACER Act and by the PACER Program (the **“Capital Provider Contract”**).

THEREFORE, Local Government hereby gives notice to the public pursuant to Section

29.55.130 of the PACER Act that it has imposed an assessment on the Property in the amount of

$ , as set forth on Exhibit C attached hereto, which together with all interest, fees, penalties, costs and other sums due under, and authorized by, the PACER Act, PACER Program and the financing documents between Property Owner and Lender (the “**Financing Documents**”) is herein referred to as the “**Assessment**”.

Pursuant to Section 29.55.135 of the PACER Act,

1. The Assessment, together with all authorized fees, penalties and interest thereon,
   1. is a lien against the Property from the date on which this Notice of Contractual Assessment Lien is filed in the property records of the Matanuska-Susitna Borough until the financing secured by the Assessment, and all authorized fees, penalties and interest, are paid in full; and
   2. such lien is prior and paramount to all liens except municipal tax liens and special assessments, pursuant to Section 29.55.135 of the PACER Act.
2. The lien created by the Assessment runs with the land, and pursuant to Section 29.55.135 of the PACER Act, any portion of the Assessment that has not yet become due is not eliminated by foreclosure of a property tax lien. In the event of a sale or transfer of the Property, the obligation for the Assessment and the Property Owner’s obligations under the Financing Documents will, without further action by Local Government, be transferred to, and assumed by, the succeeding Property owner.
3. In the event of a default by Property Owner in payment of the Assessment or any installment thereof, the lien created by the Assessment will be enforced by Local Government in the same manner that a property tax lien against real property may be enforced by a local government as provided in AS 29.45.320 – 29.45.470.
4. After this Notice of Contractual Assessment Lien is filed in the property records of the Matanuska-Susitna Borough, the lien created by the Assessment may not be contested on the basis that the improvement is not a “Qualified Improvement” or the project is not a “Project” under the terms of the PACER Act or PACER Program.

EXECUTED on , .

LOCAL GOVERNMENT:

Matanuska-Susitna Borough

By:

|  |  |
| --- | --- |
| Name: |  |
| Title: |  |

**ACKNOWLEDGEMENT**

STATE OF ALASKA

THIRD JUDICIAL DISTRICT §

This certifies that on , 20 , before me, a Notary Public in and for the State of Alaska, personally appeared (signer), to me know to be

, of the Local Government and acknowledged to me that she/he knew the contents of Notice of Contractual Assessment Lien pursuant to Property Assessed Clean Energy Act and duly executed such instrument on behalf of the Local Government.

IN WITNESS WHEREOF, I hereunto set my hand and seal.

Notary Public in and for Alaska

My Commission Expires:

**EXHIBIT A PROPERTY DESCRIPTION**

**EXHIBIT B QUALIFIED IMPROVEMENTS**

**EXHIBIT C ASSESSMENT**

Assessment Payment Schedule

Assessment Total: Payment Frequency: Interest Rate:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Payment Date** | **Total Payment** | **Principal Paid** | **Interest Paid** | **Administration Fee** | **Remaining Balance** |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |