

June 11, 2012

Zoning Board of Appeals
City of Portland
389 Congress Street
Portland, ME 04101

Re: Sumner Court/Ron Gan Interpretation Appeal & Practical Difficulty Variance Request

Dear Chairman & Members of the Board:

We are concerned property owners and residents of the North Street and Cumberland Avenue neighborhood on Munjoy Hill who would be directly impacted by Ron Gan's proposed Sumner Court development. We are writing to inform you of our opposition to Ron Gan's Interpretation Appeal, Practical Difficulty Variance request, and to his overall Sumner Court development in general.

Regarding the Interpretation Appeal, Zoning Administrator Marge Schmuckal's Interpretation Letter to Ron Gan's Attorney, Tom Jewell (dated 02/24/12), states that Ron Gan's Lots 49 & 71 (per the City Zoning Map) had already merged into one lot before he purchased the property in June 2003, because they were already owned in common by the previous owner (Sheldon Ashby). This makes the property in question 12,479 sq. ft., which is well in excess of the 10,000 sq. ft. maximum lot size requirement of Section 14-139(2). This fact alone disqualifies the Sumner Court property for development under the current City of Portland Code of Ordinances.

Additionally, Mr. Gan's attorney makes contradictory arguments in his appeal letter: Although Ron Gan took title to both lots in common when he purchased them in June 2003, he apparently had a change of heart more than four (4) years later when he no doubt realized that having done so may not support his ultimate goal of developing the Sumner Court property. Thus, he directed his attorney at the time, Eric Schaeffer, to draft a "Corrective Deed," stating that it was Mr. Gan's original intent to take title to the two lots separately. This Corrective Deed was recorded in September 2007. Although it is highly questionable whether this maneuver is legitimate or legally binding -- Marge Schmuckal herself found it "troubling" in her Interpretation Letter (dated 02/24/2012) -- Mr. Gan is asking the Board to overturn Ms. Schmuckal's ruling and accept his retroactive corrective deed as legitimate. This argument is the only way that Lot 49 can be considered a lot under separate ownership as of June 1, 2005, and therefore qualify for development under Section 14-139(2). Since Lot 49 was clearly not a lot under separate ownership as of January 1, 2005, this is the second fact that disqualifies the Sumner Court property for development under the current City of Portland Code of Ordinances.

Even if the Board *were* to accept Ron Gan's corrective deed as legitimate, perhaps the bigger issue here is that the conveyance of one of the lots to another entity in Mr. Gan's Corrective Deed effectively split the merged lot into two (2) separate lots, thus creating a non-conforming lot (Lot 71), which violates Section 14-422 of the zoning requirements due to inadequate lot size and road frontage. This is the third fact that disqualifies the Sumner Court property for development under the current City of Portland Code of Ordinances.

Ron Gan's attorney states in his Interpretation Appeal letter (dated 03/23/12) "If the corrective deed is given its due retroactive effect, then these parcels would be under separate ownership as of January 1, 2005, and would clearly qualify as separate lots under Sec. 14-139(2)." Mr. Jewell then contradicts himself by going on to say, "We are not seeking to split the lots, which as pointed out by the Zoning Administrator is prohibited under Sec. 14-422..." By stating that Mr. Gan is not attempting to split the lots, Lots 49 & 71 must then obviously be considered as one lot, consisting of 12,479 sq. ft., which again disqualifies it for consideration under Section 14-139(2). This is the fourth fact that disqualifies the Sumner Court property for development under the current City of Portland Code of Ordinances.

Ron Gan cannot have his cake and eat it too. He either split the lots or he did not split the lots. It cannot be both. Under either scenario, there are clear City Code issues that disqualify Mr. Gan's Sumner Court property from being developed under the provisions of the R-6 Small Residential Lot Development as set forth in Sec. 14-139(2). Thus we, the Munjoy Hill neighbors directly impacted by this proposed development, respectfully request that the Board uphold Zoning Administrator Marge Schmuckal's original decision, and deny Ron Gan's Interpretation Appeal.

Regarding Ron Gan's request for a Practical Difficulty Variance, he is asking the Board to grant a variance reducing the forty (40) feet of minimum street frontage requirement on North Street to only twelve (12) feet. This argument is predicated on Mr. Gan's declaration that he owns Sumner Court. In fact, Mr. Gan does not own Sumner Court, despite his assertions to the contrary. Sumner Court abutter John Carolan (28 North Street) owns one half of Sumner Court adjacent to his property according to his deed. (ATTACHED HERE AS EXHIBIT A.) As a true and legitimate owner of Sumner Court, John Carolan has rights and thus should be consulted on any additional Sumner Court development, as it would directly affect his interests and property values. Mr. Gan has nothing more than a right of way to use Sumner Court to access his existing parking lot on Lot 49. There is no ownership of Sumner Court mentioned in Ron Gan's deed for Lots 49 and 71, nor is any portion of Sumner Court included in the legal description for the property. (ATTACHED HERE AS EXHIBIT B). Mr. Gan has never been assessed nor has he paid any property taxes for Sumner Court. The City of Portland has maintained Sumner Court by way of snowplowing in the winter and filling potholes and grading during the summer months. Mr. Gan plows his parking lot on Lot 49 during the winter months for his tenants, but does not plow or maintain Sumner Court.

Furthermore, since Mr. Gan does not own Sumner Court as referenced above, this Practical Difficulty appeal does not even apply, since Mr. Gan's street frontage for Lot 49 is actually on Sumner Court, and not on North Street. The City Tax Map shows that Lot 49 has 74.33 feet of frontage on Sumner Court. (ATTACHED HERE AS EXHIBIT C.) According to Sec. 14-403 of the City Code of Ordinances, "No building intended for use as a habitation shall be erected on a lot which has its only street frontage on a street less than thirty-five (35) feet wide. No building shall be erected on a lot, except on the islands in Casco Bay, which does not abut a street meeting the minimum requirements for street improvements set forth in this section." Since Sumner Court is only twelve (12) feet wide and is not a City-accepted street (nor will it ever be), it does not meet the minimum requirements for street improvements under this section of the Code. Therefore, Mr. Gan does not meet the zoning requirements necessary to build any dwelling on Lot 49 according to this section of the Code.

Aside from these important facts, our group of concerned neighbors has the following additional issues related to the eight (8) conditions listed on the Practical Difficulty Variance checklist:

#2: "Strict application of the provisions of the Ordinance would create a practical difficulty, meaning it would both (1) preclude a use of the property which is permitted in the zone in which it is located and also would (2) result in significant economic injury to the applicant. ("Significant economic injury" means the value of the property if the variance was denied would be substantially lower than its value if the variance were granted.)"

- Lot 49 has been a parking lot since the 1950s, when the last structure on it burned down. It was a parking lot when Ron Gan bought it in 2003 for \$20,000 (for Lots 41 & 71 combined). Mr. Gan's taxes on the lot are under \$300/year. Mr. Gan apparently uses the lot to rent parking spaces to his tenants at 1 Sumner Court, and to neighborhood residents, where parking is a premium in one of Portland's most densely populated neighborhoods. According to Mr. Gan's reported figures for parking fees (\$20/month), he can earn nearly \$2,000/year in parking fees alone. (It is worth noting that Mr. Gan's reported parking rate is significantly lower than other paid spots on Munjoy Hill, which average \$40 per month, thus perhaps he should consider raising his parking rates to market value, thereby increasing his current profit margin.)

According to Mr. Gan, Lot 49 is already being used to generate revenue as a paid parking lot. It is worth no less than what he paid for it if the variance is denied, thus no "significant economic injury" has been demonstrated and the request for a variance should be denied.

#4: "The granting of the variance will not produce an undesirable change in the character of the neighborhood and will not have an unreasonably detrimental effect on either the use or fair market value of the abutting properties."

- **PHYSICAL DAMAGE TO ABUTTING PROPERTIES:** Given that Sumner Court is only twelve (12) feet wide, the direct abutters on both sides of Sumner Court (John Carolan/28 North Street and the Cowie families/32 North Street) are very concerned about physical damage to the walls of their homes, foundations, siding, windows, pipes, retaining walls, fences, etc. due to increased vehicular traffic, as well as potential heavy use of the narrow dirt alley by large construction vehicles. John Carolan's bay window facing Sumner Court was removed for just this reason, to avoid being hit by vehicles passing inches from it. Blasting, pile-driving, etc. during construction is also of serious concern to all nearby property owners, since homeowners insurance does not cover any damage caused by "earth movement." Property damage to all adjacent homes is of high concern given the significant age and close proximity of all neighboring homes.
- **NO FIRE TRUCK ACCESS/FIRE & SAFETY HAZARD:** Sumner Court is only twelve (12) feet wide. It is a narrow dirt alley bordered on both sides by the brick walls of abutters' homes that have stood for over one hundred years since Sumner Court was created as a pedestrian passageway lit by gas lanterns. (PHOTOGRAPHS ATTACHED AS EXHIBIT D.) The Portland Fire Department cannot physically access Sumner Court with fire trucks due to the narrow width of the alley and the fact that they cannot make the turn onto Sumner Court because of cars always parked on both corners of and across

congested North Street. (This information comes from the Munjoy Hill firehouse.) Since the last structure at the end of Sumner Court burned down more than 50 years ago -- the "twin sister" to Ron Gan's 6 unit building at 1 Sumner Court -- no structure has been rebuilt on the lot since, for obvious practical and safety reasons. Those two buildings were erected in 1920, long before cars, big ladder fire trucks, sprinkler systems and city zoning laws came into being. Clearly the fire prevention methods in place in the 1950s were not adequate to save the 6 unit building that was destroyed by fire. Sumner Court has not gotten any wider, and although Ron Gan's 6 unit structure at 1 Sumner Court is grandfathered, it would be negligent to allow the construction of additional non-conforming dwelling units on Sumner Court under these unsafe conditions. The current buildings are already so close to each other that there is a big concern among residents that fire would quickly jump from one building to the next. None of the existing buildings adjacent to the proposed development have sprinkler systems. When contacted for comment regarding Ron Gan's proposed development, acting City Fire Chief Stephen Smith stated: "I support the City Codes as written." Additionally, City Fire Prevention Officer, Captain Chris Perone, stated that at only twelve (12) feet wide, Sumner Court certainly does not meet the minimum standards for a city street.

- **NO ACCESS FOR OTHER LARGE SERVICE TRUCKS:** In addition to fire trucks being unable to fit down Sumner Court, the ever-present cars parked on congested North Street at the mouth of Sumner Court prevent other large trucks from properly serving current tenants as well. Heating oil trucks, large trash trucks, delivery trucks, etc. all struggle to squeeze down this narrow dirt alley, and most simply double-park on North Street because they cannot make the turn onto Sumner Court. This issue is exacerbated in winter when snow/ice accumulation narrows the alley even more. Currently, only small snowplows can access Sumner Court, and where to put the accumulated snow is already an issue. As previously stated, the owners of the properties that abut Sumner Court are very concerned about damage caused by any increase in large vehicle traffic. Clearly all of these issues would be exacerbated even further if additional dwellings were built on Sumner Court, thus making an already congested and unsafe situation worse.
- **PEDESTRIAN SAFETY:** There are no sidewalks on Sumner Court, nor is there a stop sign at the end of this narrow passageway where it "intersects" with North Street. Current tenants race vehicles in and out of this dirt alley, already causing a hazard to pedestrians, bicyclists, and motor vehicles alike. As one of the East End's busiest arteries, North Street services the East End Elementary School, a high school bus stop at the "intersection" of Sumner Court and North Street, the Sumner Court Trail, etc. and has long been on the list of areas to improve by former City Councilor Will Gorham, current City Councilor Kevin Donohue, and the Munjoy Hill Neighborhood Organization. Granting a variance to add more dwelling units on Sumner Court will guarantee an increase in traffic and thereby increase the threat to pedestrian and overall public safety.
- **SUMNER COURT TRAIL:** Sumner Court is the trailhead of the Sumner Court Trail, which the immediate neighborhood maintains in conjunction with Portland Trails. This is a regular pedestrian path up/down Munjoy Hill that connects Sheridan Street to Sumner Court and on to North Street. This hiking path is used regularly by pedestrians, hikers, and students who catch their school bus at the intersection of Sumner Court and North Street. Ron Gan's proposed development would adversely affect this established hiking trail, and

the increased vehicular traffic on narrow Sumner Court would pose serious safety concerns to the pedestrians in the area who use this trail.

- **QUALITY OF LIFE:** The quiet enjoyment and quality of life of all property owners and residents adjacent to Mr. Gan's proposed development would most certainly be negatively impacted during the year-long construction phase of his building, and permanently beyond. Many buildings are only a few feet away from the proposed construction site. The property owners and residents of 28 & 32 North Street would be most directly impacted by the increase in cars and large trucks squeezing down the Sumner Court alley along the lengths of both buildings. The construction of any additional dwelling units would bring an increase not only in the number of cars onsite, but would also forever increase traffic and commotion due to guests, delivery vehicles, service and maintenance vehicles, snow plows, trash and recycling vehicles, etc.
- **FAIR MARKET VALUES:** The property values of 28 & 32 North Street would be permanently and most negatively impacted by the development of new dwelling units on Sumner Court due to the permanent increase in noise, commotion and traffic alongside their buildings on Sumner Court. In addition, any new building constructed on Lot 49 would effectively serve to create the "fourth wall," surrounding the small single family home that exists between the 3-story buildings at 39 Cumberland Avenue and 1 Sumner Court. (SEE ATTACHED CITY TAX MAP AS EXHIBIT C.) This single family home was previously owned by Mr. Gan until he sold it in December 2009. The area on Lot 49 is currently the only open space adjacent to this tiny structure. Completely surrounding the single family home with tall buildings would have a negative and permanent impact on its value.

The narrow dirt alley on Munjoy Hill known as Sumner Court does not provide suitable access for any new development. Current City Codes require a minimum of forty (40) feet of street frontage for any new development in the R-6 zone. At only twelve (12) feet wide, Sumner Court does not even come close to this requirement. For anyone not familiar with Sumner Court, we urge you to make a site visit to see for yourself how inappropriate a development would be in this location. Ron Gan's proposed development would certainly produce an undesirable change in the character of the neighborhood, and would have an unreasonably detrimental effect on both the use and fair market value of abutting properties. Mr. Gan's request for a variance should be denied.

#5: "The practical difficulty is not the result of action taken by the applicant or a prior owner."

- As previously mentioned, Lot 49 has been a parking lot for over 50 years. It was a parking lot when Ron Gan bought the property in 2003. The zoning laws in place at that time are still in place today. Mr. Gan should have known that Lot 49 was not a suitable site for development at the time he purchased the property based on the zoning laws. Ron Gan is not entitled to develop a property that does not meet current zoning rules, nor is he entitled to a zoning rule change simply to accommodate his current desire to develop the property.

Mr. Gan's self-created hardship is not the responsibility of the City or the residents and property owners in the neighborhood to resolve. Mr. Gan's request for a variance should be denied.

#6: "No other feasible alternative is available to the applicant, except a variance."

- Although the neighbors of Mr. Gan's proposed development are very much against *any* development on Sumner Court for the reasons aforementioned, Mr. Gan has not disclosed in his variance request that he owns an abutting lot at 47 Cumberland Avenue that connects to Lot 49. Thus, Sumner Court is not Mr. Gan's only alternative. (SEE ATTACHED CITY TAX MAP AS EXHIBIT C.)
- Given the 2003 purchase price and current assessed value of Lot 49 (approximately \$16,200), several of the concerned neighbors near Sumner Court are possibly willing to buy Lot 49 for the purpose of creating a community garden and possibly connecting it to the adjacent City Green Space, if ever presented the opportunity. By doing so, this densely populated neighborhood would continue to have the open space, parking, Sumner Court Trail access, possible community garden, and the additional Green Space it truly needs. This would be a legitimate improvement to the neighborhood, as opposed to the development of more non-conforming buildings.

There are alternatives available to Mr. Gan that have not been explored, thus his request for a variance should be denied.

#7. "The granting of the variance will not have an unreasonable adverse effect on the natural environment."

- As previously mentioned, Sumner Court is the trailhead of the Sumner Court Trail, which the neighborhood maintains in conjunction with Portland Trails. This is a regular pedestrian path through the area's largest undisturbed natural habitat, which connects Sumner Court to Sheridan Street, and is used regularly by the general public and by students who catch their school bus at the intersection of Sumner Court and North Street. Ron Gan's proposed development would adversely affect this established hiking trail by cutting off access during a long, heavy construction process, and possibly forever. Further study would be necessary in order to determine whether the proposed development at the end of Sumner Court would disturb or permanently displace existing plants and wildlife in the area.
- In his letter to this Board dated 03/23/2012, Mr. Gan's attorney, Tom Jewell, states: "The property is currently a dirt parking lot, so most anything would be an improvement to the natural environment." Ron Gan is not a resident of our neighborhood, and has no direct knowledge of the negative impact his proposed development would have on our neighborhood and our quality of life. Mr. Gan is purely considering his own economic gain. As property owners and residents of the neighborhood, we have long appreciated and enjoyed the rare open space that Lot 49 has provided for over fifty years in an otherwise extremely densely populated area. We are not in favor of seeing this open space


turned into more buildings, especially since that cannot be accomplished without the City changing the current zoning rules in favor of Ron Gan's latest development.

The granting of a variance will indeed have an adverse effect on the natural environment around Sumner Court. Thus, Mr. Gan's request for a variance should be denied.

In conclusion, no property owner is entitled to develop his property simply because he desires to do so. As with any property owner, Ron Gan does have the right to develop his property, provided he can do so within the rules of the current City Codes. Mr. Gan clearly does not meet the necessary zoning criteria with his Sumner Court proposal. Established zoning rules that have long been in place specifically to protect residential neighborhoods from this very kind of inappropriate development should not be overridden, especially when it serves the needs of one individual to the clear detriment of dozens of surrounding neighbors.


Thus, we respectfully ask that the Zoning Board continue to protect the interests of the tax-paying property owners and residents in our Munjoy Hill neighborhood by upholding the current zoning rules in the City of Portland Code of Ordinances. We ask the Board to uphold Zoning Administrator Marge Schmuckal's original Interpretation Opinion, denying Mr. Gan's Interpretation Appeal. We further ask that Mr. Gan's request for a Practical Difficulty Variance also be denied.

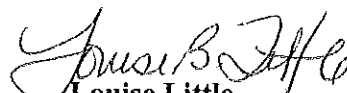
Respectfully,



Douglas Cowie
32 North Street, #1



Annie Cowie
32 North Street, #1


Brad Boehringer
35 Cumberland Avenue, #3


David Cowie
32 North Street, #3

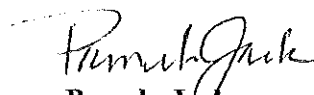

Louise Little
32 North Street, #3


John Carolan
28 North Street, #3



Hope Matthews
28 North Street, #3

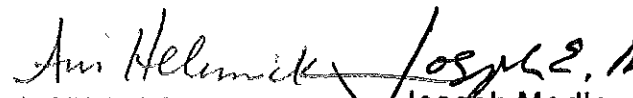

David Martin
49 Cumberland Avenue, #2


Devon Platte
26 North Street, #3


Pamela Jaek
26 North Street, #3


Lorraine Carroll
31 North Street


Gil Helmick
39 Cumberland Avenue, #C


Ani Helmick
39 Cumberland Avenue, #C


Joseph Medley
31 North Street

0050614

BK 14906P6339

WARRANTY DEED
Maine Statutory Short Form

Know all Persons by these Presents,

That I, Alfred T. Fuller, of Portland, County of Cumberland, State of Maine, for consideration paid, grant to:

John D. Carolan

of Portland, County of Cumberland, and State of Maine, whose mailing address is: 28 North Street, Portland, Maine 04101, with warranty covenants, the land in Portland, County of Cumberland, and State of Maine, described as follows:

See attached Exhibit A for legal description.

Witness my hand and seal this 14th day of July, 1999.

Signed, Sealed and Delivered
in the presence of

Rachel L. Bouchard

Alfred T. Fuller
Alfred T. Fuller

MAINE REAL ESTATE TAX PAID

State of Maine, County of Cumberland ss.

July 14, 1999

Then personally appeared before me the above named Alfred T. Fuller and acknowledged the forgoing instrument to be his free act and deed.

Rachel L. Bouchard
Attorney at Law/Notary Public
Printed Name: Rachel L. Bouchard

BK 4906 PG 340

EXHIBIT A

A certain lot or parcel of land with the buildings thereon, situated on the westerly side of North Street, in said Portland, and being premises numbered 28 on said street and being bounded and described as follows:

Commencing at the westerly side of said North Street at a point one hundred and seven (107) feet northerly from the northwesterly corner of North Street and Cumberland Avenue; thence westerly at right angles with North Street, eighty (80) feet; thence northerly parallel with North Street, forty (40) feet to a court or passageway leading westerly from said North Street and at right angles with said street; thence easterly by said passageway, eighty (80) feet to North Street; thence southerly by North Street, forty (40) feet to the point begun at; also one-half in common and undivided of a court or passageway twelve (12) feet wide on the northerly side of the above described land and between it and the land formerly of Anderson, running westerly at right angles with North Street to the northwesterly corner of the above described lot, to be kept open and unobstructed forever for the benefit of the adjoining and rear lots.

Being the same premises conveyed to Alfred T. Fuller and Assunta T. Fuller, as joint tenants, by virtue of a warranty deed from Annie H. Tobiasson, formerly known as Annie H. Johnson, and Ethel I. Bunting dated November 24, 1961 and recorded in the Cumberland County Registry of Deeds in Book 2645, Page 341. The said Assunta T. Fuller deceased August 1, 1989 leaving Alfred T. Fuller as surviving joint tenant.

RECEIVED
RECORDED REGISTRY OF DEEDS

1999 JUL 15 PM 3:24

CUMBERLAND COUNTY

John B. Owens

WARRANTY DEED

SHELDON ASHBY

of 37 William Street, Portland, ME 04103

for consideration paid, grants to

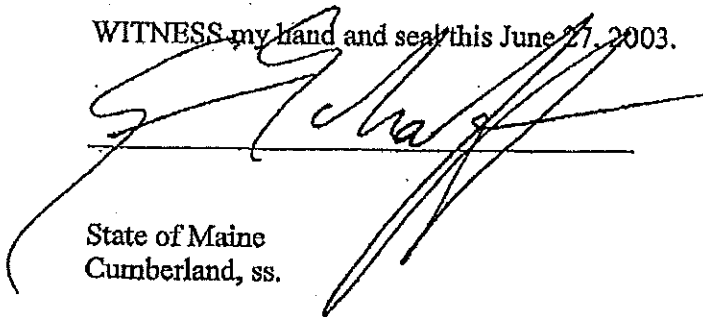
SUMNER COURT LAND COMPANY, LLC

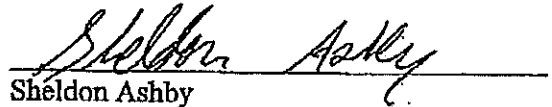
A Maine Limited Liability Company with a mailing address of 4646 North Hermitage, Chicago, IL 60640, with WARRANTY COVENANTS, the following described real property in Portland, County of Cumberland and State of Maine:

See Exhibit A attached hereto and made a part hereof

Also hereby conveying all rights, easements, privileges, and appurtenances, belonging to the premises hereinabove described.

WITNESS my hand and seal this June 27, 2003.



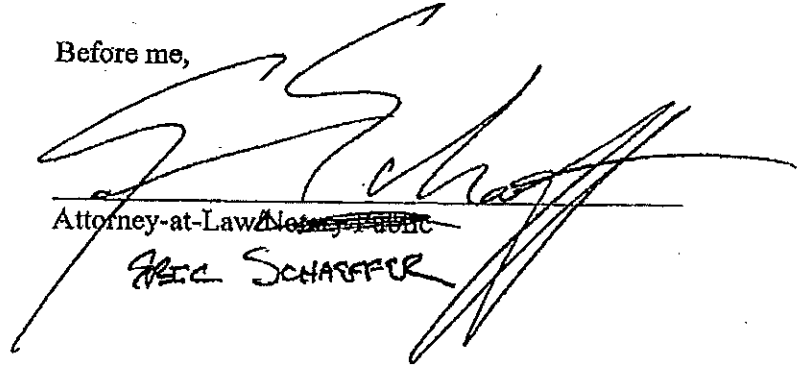

Sheldon Ashby

State of Maine
Cumberland, ss.

June 27, 2003

Personally appeared before me the above-named Sheldon Ashby and acknowledged the foregoing instrument to be his free act and deed.

Before me,



Attorney-at-Law ~~Notary Public~~
JILL SCHARFFER

SUMNER

EXHIBIT A

A certain lot or parcel of land situated on Sumner Court, in the City of Portland, County of Cumberland and State of Maine, bounded and described as follows:

Commencing on the southerly line of a passageway leading from North Street at right angles to said street at a point one hundred fifty-six (156) feet from North Street; thence

Southerly parallel with North Street eighty-nine and one-half (89 1/2) feet, more or less, to the southerly line of Lot No. 16, Plan A in the division of estate of Lemuel Dyer; thence:

Westerly by said line, ninety-seven (97) feet, more or less, to land Anderson called the covered way; thence

Northerly by said covered way, ninety-nine and five twelfths (99 5/12) feet, more or less, to the southerly line of passageway from North Street; thence

Along said line easterly, seventy-four and four twelfths (74 4/12) feet to the point of beginning.

Also the right of way and unobstructed use of a passageway leading from North Street, being part of a lot of land deeded to C.W. Baker by H.H. Shaw by deed dated April 21, 1884, recorded in the Cumberland County Registry of Deeds in Book 505, Page 395.

Also a certain lot or parcel of land situated on the southerly side of said Sumner Court in said City of Portland and being lot numbered 2 on a plan of lots of Fort Sumner Terrace, otherwise known as the Anderson Estate, which plan is recorded in the Cumberland County Registry of Deeds in Plan Book 11, Page 63, being the same lot as corrected by deed dated January 29, 1912, recorded in the said Registry of Deeds in Book 898, Page 183.

SUMNER

Received
Recorded Register of Deeds
Jul 02 2003 02:41:46P
Cumberland County
John B. Brien

After Recording Return to:
Hopkinson, Abbonanza & Backer
511 Congress Street, Ste. 801
Portland, Maine 04101
(207) 772-5845

lot 4

lot 7

CORRECTIVE WARRANTY DEED

SUMNER COURT LAND COMPANY, LLC

a Maine limited liability company with a mailing address of 15 Longfellow Street, Portland, Maine 04103

for consideration paid, grants to

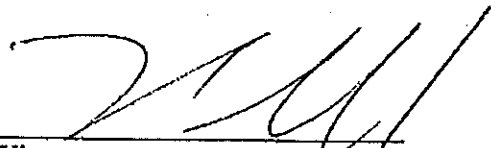
RONALD L. GAN and STEPHANIE A. EVANS

their mailing address being 15 Longfellow Street, Portland, Maine 04103, with WARRANTY COVENANTS, as Joint Tenants and not as tenants in common, the following described real property in the City of Portland, County of Cumberland and State of Maine:

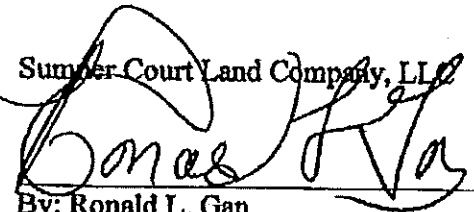
See Exhibit A attached hereto and made a part hereof

Also hereby conveying all rights, easements, privileges, and appurtenances, belonging to the premises hereinabove described.

IN WITNESS WHEREOF Sumner Court Land Company, LLC has caused this instrument to be signed in its corporate name and sealed with its corporate seal by Ronald L. Gan its duly authorized member this 3rd of August 2007.



Witness:

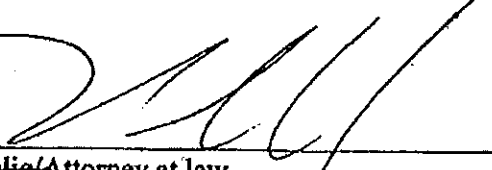
Sumner Court Land Company, LLC


By: Ronald L. Gan
Its: Member

State of Maine
County of Cumberland, ss.

August 3, 2007

Personally appeared before me the above-named Ronald L. Gan, Member of Sumner Court Land Company, LLC and acknowledged the foregoing instrument to be his free act and deed in his said capacity, and the free act and deed of Sumner Court Land Company, LLC.

Before me,


Notary Public/Attorney at law
Name: *Nicholas J. Merrill*
Commission Expiration: _____

EXHIBIT A

A certain lot or parcel of land situated on the southerly side of said Sumner Court in said City of Portland and being lot numbered 2 on a plan of lots of For Sumner Terrace, otherwise known as the Anderson Estate, which plan is recorded in the Cumberland County Registry of Deeds in Plan Book 11, Page 63, being the same lot as corrected by deed dated January 29, 1912, recorded in the Cumberland County Registry of Deeds in Book 898, Page 183. lot 7

Being a portion of the premises as conveyed by Sheldon Ashby to Sumner Court Land Company, LLC by virtue of a Warranty Deed dated June 27, 2003 and recorded in the Cumberland County Registry of Deeds in Book 19681, Page 46.

The purpose of this Corrective Warranty Deed is to vest title to the above-described parcel of land in the name of Ronald L. Gan and Stephanie A. Evans. It was the intent of Ronald L. Gan and Stephanie A. Evans, both individually and as Members of Sumner Court Land Company, LLC, on June 27, 2003 to take title to the above-described parcel of land in his individual name, while taking title to the other land described in the Warranty Deed recorded in the Cumberland County Registry of Deeds in Book 19681, Page 46 in the name of Sumner Court Land Company, LLC.

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Received
Recorded Register of Deeds
Sep 10 2007 03:34:34P
Cumberland County
Paola E. Lovley

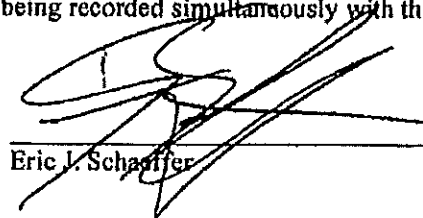
AFFIDAVIT OF ERIC J. SCHAEFFER

NOW COME the Affiant, Eric J. Schaeffer, and depose as follows:

1. My name is Eric J. Schaeffer, I am an attorney duly licensed to practice law in the State of Maine.
2. I have personal knowledge of each of the matters stated herein.
3. On June 27, 2003, I witnessed and acknowledged a Warranty Deed executed Sheldon Ashby, to my client, Sumner Court Land Company, LLC, said Warranty Deed being recorded in the Cumberland County Registry of Deeds in Book 19681, Page 46 (the "Deed").
4. As attorney for Sumner Court Land Company, LLC it was my understanding that the second parcel as described in the Deed, said second parcel being lot numbered 2 on Plan Book 11, Page 63 recorded in the Cumberland County Registry of Deeds, was to be vested in Ronald L. Gan and Stephanie A. Evans, and not Sumner Court Land Company, LLC.
5. To honor the intent of the transfer there has been prepared a Corrective Warranty Deed by Sumner Court Land Company, LLC to Ronald L. Gan and Stephanie A. Evans conveying the second parcel as described in Paragraph 4 of this Affidavit.
6. The purpose for this Affidavit is to outline the facts and circumstances surrounding the execution, delivery and recording status of the Deed.
7. The Corrective Warranty Deed by Sumner Court Land Company, LLC to Ronald L. Gan and Stephanie A. Evans is being recorded simultaneously with this Affidavit.

Dated: August 14 2007

Received
Recorded Register of Deeds
Sep 10, 2007 03:33:28P
Cumberland County
Pamela E. Lovley


Eric J. Schaeffer

STATE OF MAINE
COUNTY OF CUMBERLAND

August 14, 2007

Personally appeared before me the above-named Eric J. Schaeffer and made oath that the facts stated in this Affidavit are true to the best of his personal knowledge and belief and made oath that his signature on this document is his voluntary act and deed.

Before me,


Notary Public/Attorney-at-Law

MY COMMISSION EXPIRES 1/25/12

Exhibit C



North St.
62-41
08-81

Cumberland Ave.

SUMMER CT
GAN
013 K050
Summer 1 building
Court
4888

* Lot 49
parking lot

lot 71

Cumberland
2515

Cumberland
5640

EXHIBIT D

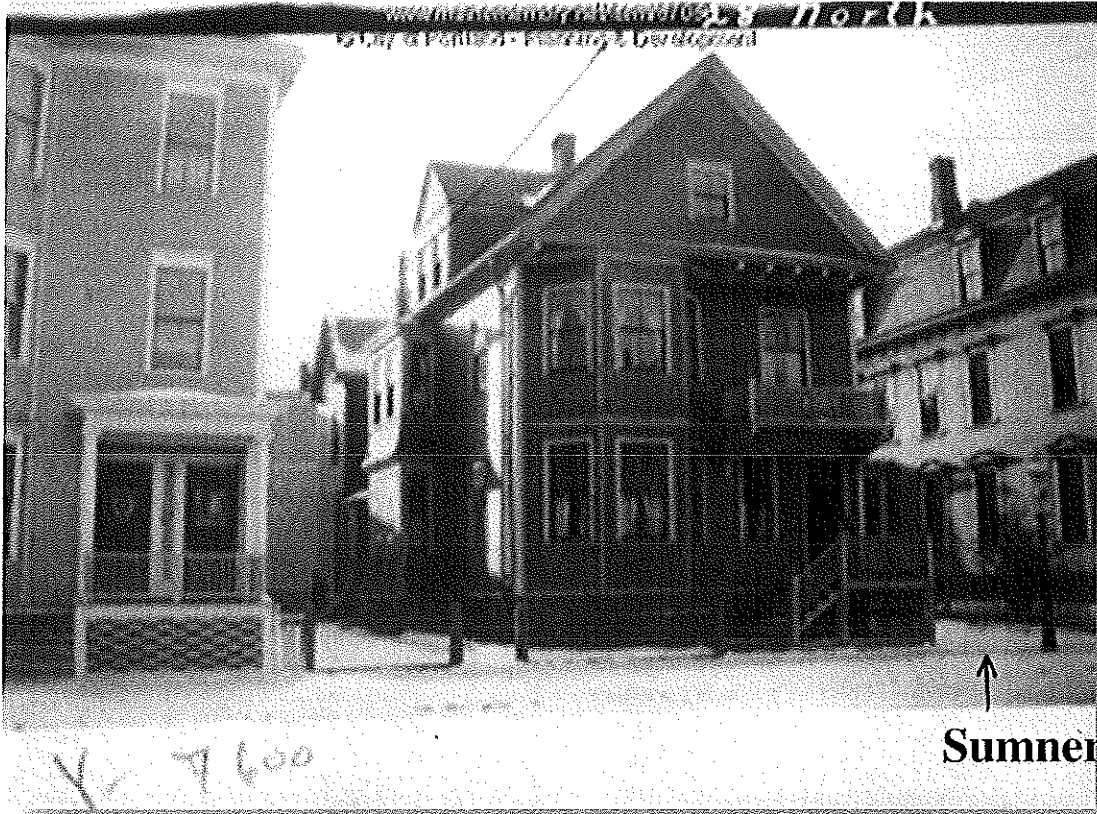


EXHIBIT D (CONT.)



EXHIBIT D (CONT.)



EXHIBIT D (CONT.)



EXHIBIT D (CONT.)



Sumner Court



41 Cumberland Ave. (this single family home would be completely walled in by Ron Gan's new building)