STATE OF MAINE DISTRICT COURT

CUMBERLAND, ss CIVIL ACTION

DOCKET NO. CV-16-420

|  |  |  |
| --- | --- | --- |
| **CITY OF PORTLAND,**  Plaintiff,  v.  **LOIS BARTER,**  Defendant. | )  )  )  )  )  )  )  )  ) | **CONSENT JUDGMENT**  **(M.R. Civ. P. 80H)**  (Title to Real Estate Involved) |

The parties, the City of Portland (“Portland”), and Lois Barter (“Defendant”), hereby consent to the entry of judgment pursuant to 30-A M.R.S. § 4452, the City of Portland Code of Ordinances (“Portland Code”), and M.R. Civ. P. 80H.

WHEREAS, Defendant is the owner and manager of a multi-unit residential property located at 55 Kellogg Street in Portland, Maine, shown as CBL 017 A006001 on the City of Portland Tax Maps (the “Premises”);

WHEREAS, Defendant was issued a Notice of Inspection Violations (the “NOV”) by the City of Portland Fire Department on April 11, 2016;

WHEREAS, Defendant was served with a Uniform Summons and Complaint for the violations described in the NOV; and

WHEREAS, the parties have repeatedly continued the hearing in this matter to allow Defendant time to remedy the violations;

WHEREAS, Defendant requires additional time to complete the repairs, which Portland is willing to give her;

WHEREAS, the parties wish to settle this matter between them;

NOW THEREFORE, the parties agree to the following:

1. Judgment is granted to the City of Portland.
2. Defendant has already installed the required boiler protection and will maintain it in good working order.
3. No later than March 1, 2017, Defendant shall install one-hour (60 minute) rated fire doors with self-closing assemblies, as required.
4. The deadline contained in paragraph 3 above may be extended with the consent of the Portland Fire Prevention Bureau, which shall be in their sole discretion to grant or deny.
5. Defendant shall be liable to the City for a civil penalty in the amount of $1,000 (one thousand dollars) all of which shall be waived so long as Defendant complies with the terms of this judgment. If Defendant fails to comply, the civil penalty shall be due within ten days of notice of noncompliance and demand by the City.

**SEEN AND AGREED,**

Date: CITY OF PORTLAND

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

By:

Its:

Date: LOIS BARTER

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**SO ORDERED,**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

Date: Judge, District Court