

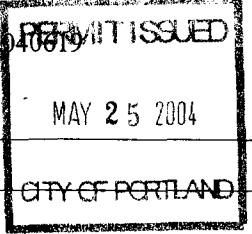
DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK

CITY OF PORTLAND

BUILDING INSPECTION

PERMIT

Permit Number: 040619



Please Read Application And Notes, If Any, Attached

This is to certify that Tiberii Thomas/Drew Leslie

has permission to Restaurant/Pub w/tenant fit-in

AT 46 Market St

032 E010001

provided that the person or persons, firm or corporation accepting this permit shall comply with all of the provisions of the Statutes of Maine and of the Ordinances of the City of Portland regulating the construction, maintenance and use of buildings and structures, and of the application on file in this department.

Apply to Public Works for street line and grade if nature of work requires such information.

Notification of inspection must be given and written permission procured before this building or part thereof is occupied or closed-in. THIS NOTICE IS REQUIRED.

A certificate of occupancy must be procured by owner before this building or part thereof is occupied.

OTHER REQUIRED APPROVALS
Fire Dept. [Signature]
Health Dept.
Appeal Board
Other
DepartmentName

[Signature] 5/24/04
Director - Building & Inspection Services

PENALTY FOR REMOVING THIS CARD

04-0619

<i>Market</i>		
Total Square Footage of Proposed Structure <i>approx 4000 SF</i>		Square Footage of Lot
Tax Assessor's Chart, Block & Lot Chart# <i>032</i> Block# <i>E</i> Lot# <i>010</i>	Owner: <i>Milk St. Group LLC</i>	Telephone:
Lessee/Buyer's Name (If Applicable)	Applicant name, address & telephone: <i>Drew Leslie</i> <i>807-1050 93 Mountfort Rd N. Yarmouth Me</i>	cost Of Work: <i>\$15,000.</i> Fee: \$
<hr/> <hr/> <hr/> <hr/>		

Contractor's name, address & telephone: *Drew Leslie 93 Mountfort Rd N. Yarmouth Me. 04097*

Who should we contact when the permit is ready: *Drew Leslie*

Mailing address: *PO Box 105 Yarmouth, Me 04096*

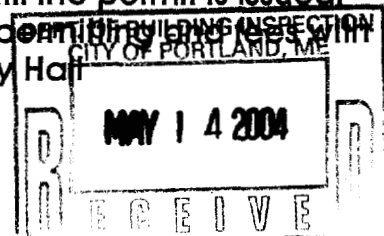
We will contact you by phone when the permit is ready. You must come in and pick up the permit and review the requirements before starting any work, with a Plan Reviewer. A stop work order will be issued and a \$100.00 fee if any work starts before the permit is picked up. PHONE: *807-1050*

IF THE REQUIRED INFORMATION IS NOT INCLUDED IN THE SUBMISSIONS THE PERMIT WILL BE AUTOMATICALLY DENIED AT THE DISCRETION OF THE BUILDING/PLANNING DEPARTMENT, WE MAY REQUIRE ADDITIONAL INFORMATION IN ORDER TO APPROVE THIS PERMIT.

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Code Official's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

Signature of applicant: <i>Drew Leslie</i>	Date: <i>5-13-04</i>
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This is NOT a permit, you may not commence ANY work until the permit is issued. If you are in a Historic District you may be subject to additional permit requirements with the Planning Department on the 4th floor of City Hall



BUILDING PERMIT INSPECTION PROCEDURES

Please call 874-8703 or 874-8693 to schedule your inspections as agreed upon

Permits expire in 6 months, if the project is not started or ceases for 6 months.

The Owner or their designee is required to notify the inspections office for the following inspections and provide adequate notice. Notice must be called in 48-72 hours in advance in order to schedule an inspection:

By initializing at each inspection time, you are agreeing that you understand the inspection procedure and additional fees from a "Stop Work Order" and "Stop Work Order Release" will be incurred if the procedure is not followed as stated below.

DL **Pre-construction Meeting:** Must be scheduled with your inspection team upon receipt of this permit. Jay Reynolds, Development Review Coordinator at 874-8632 must also be contacted at this time, before any site work begins on any project other than single family additions or alterations.

X **Footing/Building Location Inspection;** Prior to pouring concrete

X **Re-Bar Schedule Inspection:** Prior to pouring concrete

X **Foundation Inspection:** Prior to placing ANY backfill

DL **Framing/Rough Plumbing/Electrical:** Prior to any insulating or drywalling

DL **Final Certificate of Occupancy:** Prior to any occupancy of the structure or use. NOTE: There is a \$75.00 fee per inspection at this point.

Certificate of Occupancy is not required for certain projects. *Your* inspector can advise you if your project requires a Certificate of Occupancy. All projects DO require a final inspection

DL If any of the inspections do not occur, the project cannot go on to the next phase, **REGARDLESS OF THE NOTICE OR CIRCUMSTANCES.**

CERIFICATE OF OCCUPANICES MUST BE ISSUED AND PAID FOR, BEFORE THE SPACE MAY BE OCCUPIED

Don Z...
Signature of Applicant/Designee

5/25/04
Date

Kevin K...
Signature of Inspections Official

5/25/04
Date

CBL: 032 Building Permit #: 040619

Book 21229, Page 141
2:57pm 5/5/04

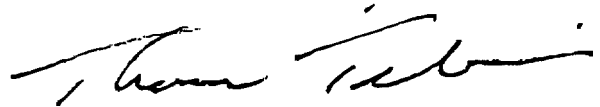
QUITCLAIM DEED WITH COVENANT
(Maine Statutory Short Form)

KNOW ALL BY THESE PRESENTS, that I, THOMAS J. TIBERII, of Portland, County of Cumberland and State of Maine, for consideration paid, GRANT to MILK STREET GROUP, LLC, a Maine limited liability company, the mailing address of which is 25 Pearl Street, Portland, Maine 04101, with QUITCLAIM COVENANT, certain real estate located in Portland, County of Cumberland and State of Maine, which is more particularly described in Exhibit A attached hereto and made a part hereof.

This conveyance is made SUBJECT, HOWEVER, to real estate taxes which are not yet due and payable, which, by acceptance hereof, Grantee assumes and agrees to pay.

WITNESS my hand and seal this 4th day of May, 2004.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF



Witness

Thomas J. Tiberii

STATE OF MAINE
County of Cumberland:ss

May 4, 2004

Then personally appeared the above-named Thomas J. Tiberii and acknowledged the foregoing instrument to be his free act and deed.

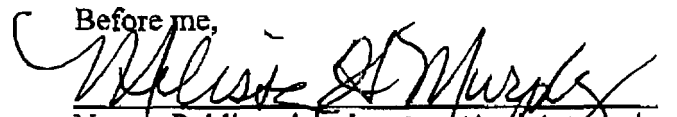
Before me,

Notary Public - Melissa H. Murphy
Printed Name: Attorney at Law

EXHIBIT A
PROPERTY DESCRIPTION

A certain lot or parcel of land, with the **buildings** thereon, situated at the **corner** of Market and **Milk Streets** in the City of Portland, **County** of Cumberland and State of Maine, being bounded and described as follows:

BEGINNING at the intersection of the northerly line of said Milk Street and the westerly sideline of Market **Street**, being the corner of the granite plinth of the building **on the premises** herein described;

Thence, by the northerly line of **said Milk Street and by** said building line on a course of S 53° 22' 36" W a distance of **41.08** feet to the outside face of the steel plate on the granite plinth of the **said building, and land now or formerly of Ruth S. Baker et al.;**

Thence, by said land **now or formerly of Ruth S. Baker et al** on a course of N 37° 53' 08" W a distance of 53.24 feet to a point in the center of a brick party wall, said point **being** 0.50 feet southwesterly from the southwesterly face of the **brick building on the premises** herein described;

Thence, along the center of said brick party wall on a course of N 51° 28' 17" E a distance of 0.50 feet to the face of said brick building, **and** thence continuing on **same** course **along** the center of said brick party wall **an** additional 35.09 feet to the westerly sideline of said Market Street, **being on the face of said brick building on the premises** herein described;

Thence, by the westerly sideline of said Market Street and along the **brick face of said building on a course of S 43° 37' 06" E** a distance of 54.82 feet to the point of beginning.

The above-described **courses are** on the Maine State Grid System West **Zone ,**

To the extent transferable, this conveyance is made together with **any** easements **and** other appurtenances appertaining to the premises, including but not limited to, Agreement dated September 16, 1993, and recorded **in** the Cumberland **County** Registry of Deeds in Book 10959, Page 222.

This conveyance is made subject to the following:

- 1) Leases listed on Affidavit of **Thomas Tiberii** dated February **26, 1999** and recorded in **Book 14577**, Page 119, including especially **unrecorded** lease between Toni Tiberii and Malone's Steak House **and** Irish Pub, Inc.
- 2) Notice of Federal Tax Lien against Malone's **Steak House and Irish Pub, Inc.** in the original face amount of **\$44,788.05**, dated July 16, 2002 and recorded **at Book 17870**, Page **247** (to the extent that it may attach fixtures **and equipment** attached to the premises);

- 3) Notice of Federal **Tax** Lien against Malone's Steak House **and Irish Pub, Inc.** in the original face amount of \$1,717.05, dated **October 28, 2002** and **recorded at Book 18426, Page 282** (to the extent that it may **attach fixtures and equipment attached** to the premises);
- 4) **Writ of Possession issued in favor of** Thomas Tiberii against Malone's Steak House and Irish **Pub, Inc.** and Endeavor Holdings Corp, d/b/a the Endeavor Foundation, dated March 30, 2004 **as it relates to the applicable appeal period.**
- 5) Rights **and** easements, all **as** set forth in **that** certain **Agreement** by **and** between **Ruth S. Baker and Joseph D. Casale, d/b/a B & C Limited**, dated **September 16, 1993** and **recorded in the Cumberland County Registry** of Deeds in Book 10959, Page 222 (the "Agreement") including but not limited to:
 - a) **Right of First Refusal** to **Ruth S. Baker and Joseph D. Casale, d/b/a B & C Limited**;
 - b) Rights, if **any**, resting in the estate/heirs/successors of Joseph D. **Casale** pursuant to the Agreement
- 6) **Such state of facts as** set forth or depicted on an unrecorded plan entitled "**Land Title Survey of Squire Morgans** in Portland, Maine", for Thomas Tiberii, by Owen **Haskell, Inc.** dated June 13, 1991, including but not limited to encroachment of stairway, roof **overhang, fire escape, vent, wood deck**, air conditioning units **and** electrical boxes onto property of **abutters.**
- 7) **Lease** between Thomas Tiberii **and Thomas W. Moulton**, dated March 28, 2002, as **amended by** Addendum to **46 Market Street Lease**, and by Second Amendment to Lease, dated December 31, 2003.
- 8) **Claims, if any, under the "Leases in Default" as defined in Purchase and Sale Agreement** between Grantor **and** Grantee, **dated April 5, 2004**
- 9) Terms **and conditions** of an agreement, **dated April 7, 1902** made by **and between Elias Thomas et al and Henry Deering et al**, **recorded** in said Registry of **Deeds in Book 1895, Page 347.**
- 10) Matters disclosed on a Mortgage **Loan Inspection Plan** dated November 5, 2002, prepared by Bruce **W. Goodwin, PLS # 11 18**, including **encroachment** of electrical **devices, exterior lights, conduits, roof overhangs and signs.**

Milk Street Group LLC
46 Market St.
Portland, Me.

1st floor

Remove walls as indicated on print to create more space in kitchen and dining area.

Build new walls to create one larger unisex bathroom and more space in existing kitchen.

All new walls to be 2x4 and 1/2" drywall both sides

Basement

Remove walls as indicated on print to create a larger kitchen

Build new walls to create larger kitchen and new bathroom.

City of Portland, Maine - Building or Use Permit

389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

Permit No: 04-0619	Date Applied For: 05/14/2004	CBL 032 E010001
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Location of Construction: 46 Market St	Owner Name: Tiberii Thomas	Owner Address: 46 Market St	Phone:
Business Name:	Contractor Name: Drew Leslie	Contractor Address: 93 Mountfort Rd. No. Yarmouth	Phone (207) 807-1050
Tenant/Lessee/Buyer's Name	Phone:	Permit Type: Alterations - Commercial	

Proposed Use: Restaurant/Pub with tenant fit-up	Proposed Project Description: Restaurant/Pub w/tenant fit-up
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Dept: Fire	Status: Pending	Reviewer:	Approval Date:
Note:			Ok to Issue: <input type="checkbox"/>



City of Portland, Maine - Building or Use Permit Application

389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

Permit No: 04-0619	PERMIT ISSUED Issue Date: MAY 25 2004	CBL: 032 E010001
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Location of Construction: 46 Market St	Owner Name: Tiberii Thomas	Owner Address: 46 Market St	Phone:
Business Name:	Contractor Name: Drew Leslie	Contractor Address: 93 Mountfort Rd. No. Yarmouth	Phone: 2078071050
Lessee/Buyer's Name	Phone:		Zone: B3
Past Use: Malone's Steakhouse and Pub/vacant	Proposed Use: Restaurant/Pub with tenant fit-up	Permit Fee: \$156.00	Cost of Work: \$15,000.00
			CEO District: 1
Proposed Project Description: Restaurant/Pub w/tenant fit-up		FIRE DEPT: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied	INSPECTION: Use Group: A-3 Type: 3B <i>5/2/04</i>
		Signature: <i>[Signature]</i>	Signature: <i>[Signature]</i>
PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.)			
Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied			
Permit Taken By: kwd		Date Applied For: 05/14/2004	Zoning Approval

Special Zone or Reviews	Zoning Appeal	Historic Preservation
<input type="checkbox"/> Shoreland	<input type="checkbox"/> Variance	<input type="checkbox"/> Not in District or Landmark
<input type="checkbox"/> Wetland	<input type="checkbox"/> Miscellaneous	<input type="checkbox"/> Does Not Require Review
<input type="checkbox"/> Flood Zone	<input type="checkbox"/> Conditional Use	<input type="checkbox"/> Requires Review
<input type="checkbox"/> Subdivision	<input type="checkbox"/> Interpretation	<input type="checkbox"/> Approved
<input type="checkbox"/> Site Plan	<input type="checkbox"/> Approved	<input type="checkbox"/> Approved w/Conditions
Maj <input type="checkbox"/> Minor <input type="checkbox"/> MM <input type="checkbox"/>	<input type="checkbox"/> Denied	<input type="checkbox"/> Denied
Date: <i>5/19/04</i>	Signature: <i>[Signature]</i>	Date: <i>Requires A</i> <i>Separate Review</i>

CERTIFICATION

I hereby certify that I am the owner of record of the named property, or that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his authorized agent and I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in the application is issued, I certify that the code official's authorized representative shall have the authority to enter all areas covered by such permit at any reasonable hour to enforce the provision of the code(s) applicable to such permit.

SIGNATURE OF APPLICANT	ADDRESS	DATE	PHONE
RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE		DATE	PHONE