

DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK CITY OF PORTLAND

BUILDING INSPECTION PERMIT

Please Read Application And Notes, If Any, Attached

Permit Number: 071422

PERMIT ISSUED
DEC 4

This is to certify that LEAPING FISH LLC

has permission to Change of use to 3 unit residential to 3 unit condominium

AT 369 CUMBERLAND AVE PL 033 020001

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 opened or occupied. **YOUR 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. Greg Gess
Health Dept. _____
Appeal Board _____
Other _____
Department Name

12/10/07 Chitpa S.R.
Director - Building & Inspection Services

PENALTY FOR REMOVING THIS CARD

Scanned

City of Portland, Maine - Building or Use Permit Application

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

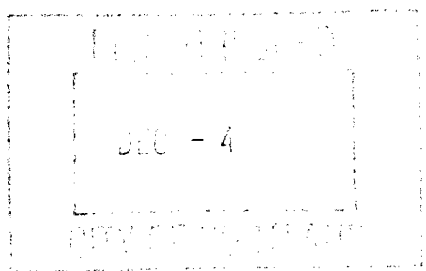
Permit No: 07-1422	Issue Date: 12/10/07	CBL: 033 J020001
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Location of Construction: 369 CUMBERLAND AVE	Owner Name: LEAPING FISH LLC	Owner Address: 377 CUMBERLAND AVE	Phone:
Business Name:	Contractor Name:	Contractor Address:	Phone:
Lessee/Buyer's Name	Phone:	Permit Type: Change of Ownership - Condo Conversion	Zone: B-3

Past Use: 3 Unit Residential	Proposed Use: 3 Unit Condominium - Change of use to 3 unit residential to 3 Unit condominium <i>Legal use: 3 du (BUS-077)</i>	Permit Fee: \$675.00	Cost of Work: \$675.00	CEO District: 1
Proposed Project Description: Change of use to 3 unit residential to 3 Unit condominium		FIRE DEPT: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <i>See Conditions</i>	INSPECTION: Use Group: R-2 Type: SB <i>IBC 2003</i>	
		Signature: <i>Greg Cass</i>	Signature: <i>Chris Hildner</i>	
PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.)				
Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied				
Signature: _____ Date: _____				

Permit Taken By: lmd	Date Applied For: 11/21/2007	Zoning Approval		
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- This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules.
- Building permits do not include plumbing, septic or electrical work.
- Building permits are void if work is not started within six (6) months of the date of issuance. False information may invalidate a building permit and stop all work..



Special Zone or Reviews	Zoning Appeal	Historic Preservation
<input type="checkbox"/> Shoreland	<input type="checkbox"/> Variance	<input checked="" 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>AMB 12/10/07</i>	Date: _____	Date: <i>AKB</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

City of Portland, Maine - Building or Use Permit

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

Permit No: 07-1422	Date Applied For: 11/16/2007	CBL: 033 J020001
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Location of Construction: 369 CUMBERLAND AVE	Owner Name: LEAPING FISH LLC	Owner Address: 377 CUMBERLAND AVE	Phone:
Business Name:	Contractor Name:	Contractor Address:	Phone:
Lessee/Buyer's Name:	Phone:	Permit Type: Change of Ownership - Condo Conversion	

Proposed Use: 3 Unit Condominium - Change of use to 3 unit residential to 3 Unit condominium	Proposed Project Description: Change of use to 3 unit residential to 3 Unit condominium
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Dept: Zoning **Status:** Approved with Conditions **Reviewer:** Ann Machado **Approval Date:** 12/04/2007

Note: **Ok to Issue:**

- 1) With the issuance of this permit and the certificates of occupancy, this property shall be three residential condominiums. Any change of use shall require a separate permit application for review and approval.
- 2) PLEASE NOTE: Under the City's Condominium conversion regulations, A) BEFORE a developer offers to convey a converted unit, a conversion permit shall be obtained. B) Rent may not be altered during the official noticing period unless expressly provided in a preexisting written lease. C) For a sixty (60) day period following the notice of intent to convert, the tenant has an exclusive and irrevocable option to purchase during which time the developer may not convey or offer to convey the unit to any other person. D) The developer shall post a copy of the permit in a conspicuous place in each unit, and shall make copies available to prospective purchasers upon request. E) If a tenant is eligible for tenant relocation payments, they SHALL be paid a CASH PAYMENT BEFORE the tenant is required to vacate.
- 3) This property shall remain a single family dwelling. Any change of use shall require a separate permit application for review and approval.

Dept: Building **Status:** Approved with Conditions **Reviewer:** Chris Hanson **Approval Date:**

Note: **Ok to Issue:**

- 1) Hardwired interconnected battery backup smoke detectors shall be installed in all bedrooms, protecting the bedrooms, and on every level.
- 2) This is a Change of Use ONLY permit. It does NOT authorize any construction activities.

Dept: Fire **Status:** Approved with Conditions **Reviewer:** Capt Greg Cass **Approval Date:** 12/05/2007

Note: **Ok to Issue:**

- 1) Two means of egress are required from every story. "State Law"
- 2) The entire structure shall comply with NFPA 101 "Existing Apartments"
Compliance shall be insured prior to the issuance of a Certificate of Occupancy.

Comments:

11/30/2007-amachado: Spoke to Ron Spinella. Told him that we needed a copy of the City's code regarding the protection of tenants that he gave each tenant with the notice to convert.

City of Portland, Maine - Building or Use Permit

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

Permit No: 07-1422	Date Applied For: 11/16/2007	CBL: 033 J020001
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Business Name:	Contractor Name:	Contractor Address:	Phone:
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Proposed Use: 3 Unit Condominium - Change of use to 3 unit residential to 3 Unit condominium	Proposed Project Description: Change of use to 3 unit residential to 3 Unit condominium
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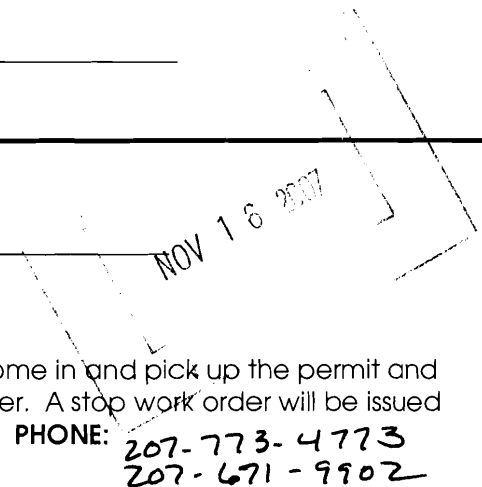
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All Purpose Building Permit Application

If you or the property owner owes real estate or personal property taxes or user charges on any property within the City, payment arrangements must be made before permits of any kind are accepted.

Location/Address of Construction: <u>369-371 CUMBERLAND AVE, PORTLAND, MAINE</u>		
Total Square Footage of ^{EXISTING} Proposed Structure <u>3110 SQ FT</u>	Square Footage of Lot <u>2207 SQ. FT.</u>	
Tax Assessor's Chart, Block & Lot Chart# <u>33</u> Block# <u>J</u> Lot# <u>20</u>	Owner: <u>LEAPING FISH, LLC</u>	Telephone: <u>207-773-4773</u>
Lessee/Buyer's Name (If Applicable) <u>NA</u>	Applicant name, address & telephone: <u>RONA CHRISTINE SPINELLA</u> <u>377 CUMBERLAND AVE</u> <u>PORTLAND, ME 04101</u>	Cost Of Work: \$ <u>NA</u> Fee: \$ _____ C of O Fee \$ _____ Total Fees: \$ _____
Current use: <u>3 UNIT RESIDENTIAL RENTAL</u>		
If the location is currently vacant, what was prior use: <u>NA</u>		
Approximately how long has it been vacant: <u>NA</u>		
Proposed use: <u>CONVERT TO 3 UNIT CONDOMINIUM</u>		
Project description:		
Contractor's name, address & telephone: <u>NA</u>		
Who should we contact when the permit is ready: <u>RON SPINELLA</u>		
Mailing address: <u>ABOVE</u>		
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: <u>207-773-4773</u> <u>207-671-9902</u>		



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: <u>Rona Spinnella</u>	Date: <u>11/12/2007</u>
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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 permitting and fees with the

Madeira

Submit with Condominium Conversion Permit Application

Project Data:

Address: 369-371 CUMBERLAND AVE

C-B-L: 33 - I - 20

Number of Units in Building: 3

Tenant Name	Tenant Tel#	Occup. Length	Date of Notice	Eligible for \$?
(369) BOB GIOVANNI Unit 1 BARBARA MASCARENHAS	221-6152	13 MONTHS		NA <input checked="" type="checkbox"/>
(371) NELSON WALKER Unit 2 LAURA ZIMMERMANN	650.7376	29 MONTHS	11-1-07	NA <input checked="" type="checkbox"/>
3 HANDOVER Unit 3 CECILIA GUECA	772-0720	14 MONTHS	10-3-07	NA <input checked="" type="checkbox"/>
Unit 4	<input checked="" type="checkbox"/> NO UNITS ARE FOR SALE. NO TENANTS ARE			
Unit 5	BEING ASKED TO MOVE.			
Unit 6				
Unit 7				
Unit 8				

If more units, submit same information on all units

Length of time building owned by applicant PURCHASED AUGUST 2004

Are any building improvements, renovations, or modifications being made associated with this conversion that requires a building, plumbing, electrical, or heating permit?

YES _____ NO X (check one)

Type and cost of building improvements associated with this conversion that do not require permits: NONE

\$ _____ Exterior walls, windows, doors, roof

\$ _____ Insulation

\$ _____ Interior cosmetics (walls/floors/hallways/refinishing, etc.)

\$ _____ Other (specify)

October 15, 2007

Cecilia Guecia
3 Hanover Street
Portland, ME 04101

Dear Cecilia,

As we discussed with you earlier this fall, Christine and I have plans to convert our property, 371-369 Cumberland Ave, and 3 Hanover Street to three individual condominiums. This does not change the use of the building but changes the way individual units can be owned. In order to accomplish this, we must show the City of Portland that we have met certain requirements. Some of these requirements are in place to protect the current tenants. Because of the length of time you have been in your unit (less than four years), we are required to give you 120 days notice of our intent to convert. That is the purpose and intent of this letter.

We have no plans to sell this property at this time. We are only doing the paperwork for conversion to allow us flexibility in the future.

Attached to this letter is a copy of the City of Portland's code regarding the protection of tenants when buildings are converted from rentals to condominium units. If you have any questions please feel free to call us.

Sincerely,

Ron Spinella

Cecilia Guecia, Rec'd 10/30/07

October 15, 2007

Nelson Walker
Laura Zimmerman
371 Cumberland Ave.
Portland, ME 04101

Dear Nelson and Laura,

As we discussed with you earlier this fall, Christine and I have plans to convert our property, 371-369 Cumberland Ave, and 3 Hanover Street to three individual condominiums. This does not change the use of the building but changes the way individual units can be owned. In order to accomplish this, we must show the City of Portland that we have met certain requirements. Some of these requirements are in place to protect the current tenants. Because of the length of time you have been in your unit (less than four years), we are required to give you 120 days notice of our intent to convert. That is the purpose and intent of this letter.

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Sincerely,

Ron Spinella

Laura Zimmerman

11-1-07

October 15, 2007

Bob Giovannini
Barbara Mascarenas
369 Cumberland Ave.
Portland, ME 04101

Dear Bob and Barbara,

As we discussed with you earlier this fall, Christine and I have plans to convert our property, 371-369 Cumberland Ave, and 3 Hanover Street to individual condominiums. This does not change the use of the building but changes the way individual units can be owned. In order to accomplish this, we must show the City of Portland that we have met certain requirements. Some of these requirements are in place to protect the current tenants. Because of the length of time you have been in your unit (less than four years), we are required to give you 120 days notice of our intent to convert. That is the purpose and intent of this letter.

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Sincerely,

Ron Spinella

Received
Rita A. J.
Ked

a rental unit, whether by lease, sublease, or otherwise.

Unit means any building, or portion thereof, used or intended to be used primarily as a separate dwelling.

(Ord. No. 213-81, § 608.3, 11-16-81)

Cross reference(s)--Definitions and rules of construction generally, § 1-2.

Sec. 14-568. Protection of tenants.

(a) *Notice of intent to convert.* A developer shall give to each tenant written notice of intent to convert at least one hundred twenty (120) days before the tenant is required by the developer to vacate. If a tenant has been in possession of any unit within the same building for more than four (4) consecutive years, the notice period shall be increased by thirty (30) additional days for each additional year, or fraction thereof, to a maximum of two hundred forty (240) additional days. The notice shall set forth specifically the rights of tenants under subsections (a) and (b) of this section and section 14-569, and shall contain the following statement:

If you do not buy your apartment, the developer of this project is required by law to assist you in finding another place to live and in determining your eligibility for relocation payments. If you have questions about your rights under the law, or complaints about the way you have been treated by the developer, you may contact the Building Inspection Division, Department of Planning and Urban Development, City of Portland, 389 Congress Street, Portland, Maine 04101 (telephone: 874-8703).

If the notice specifies a date by which the tenant is required to vacate, the notice may also serve as a notice of termination under the applicable law of forcible entry and detainer, if it meets the requirements thereof. The notice shall be hand-delivered to the tenant or mailed, by certified mail, return receipt requested, postage prepaid, to the tenant at the address of the unit or such other address as the tenant may provide. The notice shall be effective when actually received. No tenant may be required by a developer to vacate without having been given notice as required herein, except for the reasons specified in the applicable law of forcible entry and detainer, and in accordance with the procedures thereof. The terms of a tenancy, including rent, may not be altered during the notice period, except as expressly provided in a preexisting written lease. If, within one

hundred twenty (120) days after a tenant is required by a developer to vacate, the developer records a declaration of condominium without having given notice as required herein, the developer shall be presumed to have converted in violation of this article.

(b) *Option to purchase.* For a sixty-day period following the giving of notice as required in subsection (a), the developer shall grant to the tenant an exclusive and irrevocable option to purchase the unit of which the tenant is then possessed, which option may not be assigned. If the tenant does not purchase or contract to purchase the unit during the sixty-day period, the developer may not convey or offer to convey the unit to any other person during the following one hundred eighty (180) days at a price or on terms more favorable than the price or terms previously offered to the tenant, unless the more favorable price or terms are first offered exclusively and irrevocably to the tenant for an additional sixty-day period. This subsection shall not apply to any rental unit that, when converted, will be restricted exclusively to nonresidential use. If, within two (2) years after a developer records a declaration of condominium, the use of any such unit is changed such that but for the preceding sentence, this subsection would have applied, the developer shall be presumed to have converted in violation of this article.

(Ord. No. 213-81, § 608.4, 11-16-81)

Sec. 14-569. Relocation payments.

If the tenant does not purchase the unit, the developer shall, before the tenant is required by the developer to vacate, make a cash payment to the tenant in an amount equal to the amount of rent paid by the tenant for the immediately preceding two (2) months; provided that this requirement shall not apply to any tenant whose gross income exceeds eighty (80) percent of the median income of the Portland SMSA, adjusted for family size, as determined by the U.S. Department of Housing and Urban Development at the time notice is given as required in section 14-568(a). Additionally, the developer shall, upon demand, provide assistance to the tenant in the form of referrals to other reasonable accommodations and in determining the tenant's eligibility for relocation payments as provided herein.

(Ord. No. 213-81, § 608.5, 11-16-81)

Sec. 14-570. Conversion permit.

Before conveying or offering to convey a converted unit, the

City of Portland
Code of Ordinances
Sec. 14-570

Land Use
Chapter 14
Rev. 7-5-06

developer shall obtain a conversion permit from the building inspection division of the department of planning and urban development. The permit shall issue only upon receipt of a completed application therefor in a form to be devised for that purpose, payment of a fee of one hundred and fifty dollars (\$150.00) per unit, and a finding, upon inspection, that each unit, together with any common areas and facilities appurtenant thereto, is in full compliance with all applicable provisions of article II of chapter 6 (building code), article III of chapter 6 (electrical installations), article V of chapter 6 (minimum standards for dwellings) and article II of chapter 10 (fire prevention code) of this Code, and the Life Safety Code as adopted by the state. The developer shall post a copy of the permit in a conspicuous place in each unit, and shall make copies available to prospective purchasers upon request.

(Ord. No. 213-81, § 608.6, 11-16-81)

Sec. 14-571. Variation by agreement.

No provision of, or right conferred by, this article may be waived by a tenant, by agreement or otherwise, and any such waiver shall be void. Any attempt to require, encourage, or induce a tenant to waive any provision hereof, or right conferred hereby, shall be a violation of this article. Nothing herein shall be construed to void any term of a lease which offers greater rights than those conferred hereby.

(Ord. No. 213-81, § 608.7, 11-16-81)