

FORBEARANCE AGREEMENT

This Agreement is entered into by and between the City of Portland (the "City") and Jennifer A. Defilipp and Marc Smith (together, "Owners"), effective February 20, 2017.

WHEREAS, the City issued multiple Notices of Violation for certain violations of the City of Portland Code of Ordinances at the multi-unit residential property located at 119 Winter Street in Portland, Maine (the "Premises");

WHEREAS, the City and Owners agreed to the terms of a Consent Agreement, which was fully executed by the parties (the "Consent");

WHEREAS, the Consent required Owners to complete certain work at the Premises by a date certain or be liable for civil penalties in the amount of \$10,000;

WHEREAS, Owners have not completed the work required by the Consent by the agreed-upon date;

WHEREAS, the parties wish to provide for additional time for Owners to complete the necessary work;

NOW, THEREFORE, the parties agree as follows:

1. The City will forbear from enforcing the terms of the Consent, so long as Owners meet all of the conditions of this Agreement.
2. Owners shall have installed sufficiently fire-rated doors as required, and bring the Premises into full compliance with Chapter 10 of the City of Portland Code of Ordinances, to the satisfaction of the City, no later than April 30, 2017.
3. By no later than March 10, 2017, Owners shall pay to the City civil penalties in the amount of \$500.
4. If Owners fail to meet all of the conditions of this Agreement, Owners shall pay to the City additional civil penalties of \$2,000, which shall be due and owing to the City within ten days of notice and demand. The penalties provided for in this paragraph, and in paragraph 3 above, shall be in addition to the civil penalties due and owing to it pursuant to paragraphs 4 and 5 of the of the Consent.
5. The parties agree that this Agreement does not waive or otherwise impact Portland's ability to enforce the Consent, except as specifically provided herein.

SEEN AND AGREED,

Date: 3/6/17

CITY OF PORTLAND

A/C Keith Gauntreau
By: Keith Gauntreau
Its: Assistant Fire Chief

Date: 3-3-17

JENNIFER DEFILIPP

Jennifer DeFilipp

Date: 3-3-17

MARC SMITH

Marc Smith