

FORBEARANCE AGREEMENT

This Agreement is entered into by and between the City of Portland (the "City") and Burnham Properties, LLC ("Burnham"), effective December 31, 2016.

WHEREAS, the City issued a summons to Burnham in a case captioned *City of Portland v. Burnham Properties, LLC*, Docket No. POR-CV-2015-1027 (the "Litigation");

WHEREAS, the Litigation was brought for certain violations of the City of Portland Code of Ordinances at the multi-unit residential property located at 17 Deering Street in Portland, Maine (the "Premises");

WHEREAS, the City and Burnham agreed to the terms of a Consent Judgment, which was executed by a judge in the Cumberland County District Court and entered as a judgment of that Court (the "Judgment");

WHEREAS, the Judgment required Burnham to complete certain work at the Premises by a date certain or be liable for civil penalties in the amount of \$100 per violation per day;

WHEREAS, Burnham has not completed the work required by the Judgment by the date certain;

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

NOW, THEREFORE, the parties agree as follows:

1. The City will forbear from enforcing the terms of the Judgment, so long as Burnham meets all of the conditions of this Agreement.
2. Burnham shall have installed a fully operational fire alarm system, and install a Knox box at the Premises to the satisfaction of the City, no later than February 17, 2017, and shall schedule a reinspection for that date.

If, upon inspection, the City finds that the fire alarm system or Knox box is not installed to its satisfaction, Burnham shall have until March 17, 2017 to cure any defects. If a reinspection is required, Burnham shall incur a \$75 fee.

3. By no later than February 10, 2017, Burnham shall pay to the City civil penalties in the amount of \$500.
4. If Burnham fails to meet all of the conditions of this Agreement, Burnham shall pay to the City additional civil penalties of \$5,000, 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 paragraph 5 of the of the Judgment.

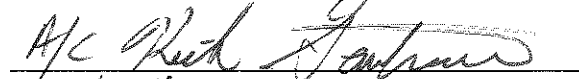
5. The parties agree that this Agreement does not waive or otherwise impact Portland's ability to enforce the Judgment, except as specifically provided herein.

SEEN AND AGREED,

Date:

2/10/17

CITY OF PORTLAND

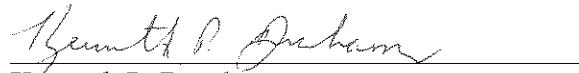


By: Keith Coantreau

Its: Asst. Fire Chief

Date: February 9, 2017

BURNHAM PROPERTIES, LLC



Kenneth P. Burnham

Its: Member