

Zoning Division
Marge Schmuckal
Zoning Administrator

Department of Planning & Development
Lee Urban, Director



CITY OF PORTLAND

January 26, 2004

Gordon D. Simonds Trustee, RG Simonds Trust
104 West Street
Portland, ME 04102

RE: 50-52 Bramhall St. & 6-8 Russell St. – 054-D-003 – R-6 Zone – Legal use: three rental dwelling units

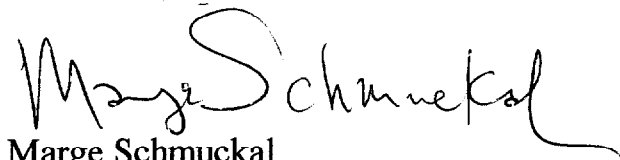
Dear Mr. Simonds,

A recent inspection of your building located at 52 Bramhall Street shows that you are marketing this property for condominiums. As you know the City of Portland has a Condominium conversion ordinance which specifically states (section 14-570), “Before conveying or offering to convey a converted unit, the developer shall obtain a conversion permit from the Building Inspections division...”. Our office has no record of such a required application. This is not an unknown requirement to you. I have had to notify you previously on several other properties that you own. This office considers this a willful disregard of the City’s Ordinances.

It appears that you have vacated the building of all tenants. The City’s court order inspection of this building on April 10, 2002 revealed that the building was completely occupied. All previous tenants who were vacated shall be notified of their protected rights under the condominium conversion ordinance as required by regulation. You possibly owe some of these tenants two months back rent. You are responsible for being aware of those rights afforded to your tenants under this ordinance.

This is a **STOP WORK ORDER**. All work, such as electrical, plumbing and building work shall cease immediately. All marketing shall cease relating to the selling of condominiums until a valid Condominium Conversion permit has been applied for and issued as required by ordinance. The sign advertising condos shall be removed immediately. You will be liable for all Stop Work Order fees and belated fees and any other fees relating to doing work without a valid permit along with the regular fees. You are required to come in immediately to apply for all the appropriate permits.

Very truly yours,

A handwritten signature in black ink that reads "Marge Schmuckal". The signature is written in a cursive style with a large, prominent 'S'.

Marge Schmuckal
Zoning Administrator

CC: File

Division
Schmuckal
ing Administrator

Department of Urban Development
Joseph E. Gray, Jr.
Director



CITY OF PORTLAND

Ruth G. Simonds
C/O Gordon Simonds
104 West Street
Portland, ME 04102

December 8, 2000

RE: 52 Bramhall Street - 054-D-003 - R-6 requirements

Dear Gordon,

Please note that a recent inspection of your property at 52 Bramhall Street showed that 10 rooming units have been established to this location. Our files show that only three (3) dwelling units are presently legal. There has been a change of use without the benefit of proper permits or approvals as required under section 14-463. Our Zoning Ordinance clearly defines the difference between a dwelling unit and a rooming unit within the definition section 14-47. You have already been supplied a copy of these definitions at our December 5, 2000 meeting.

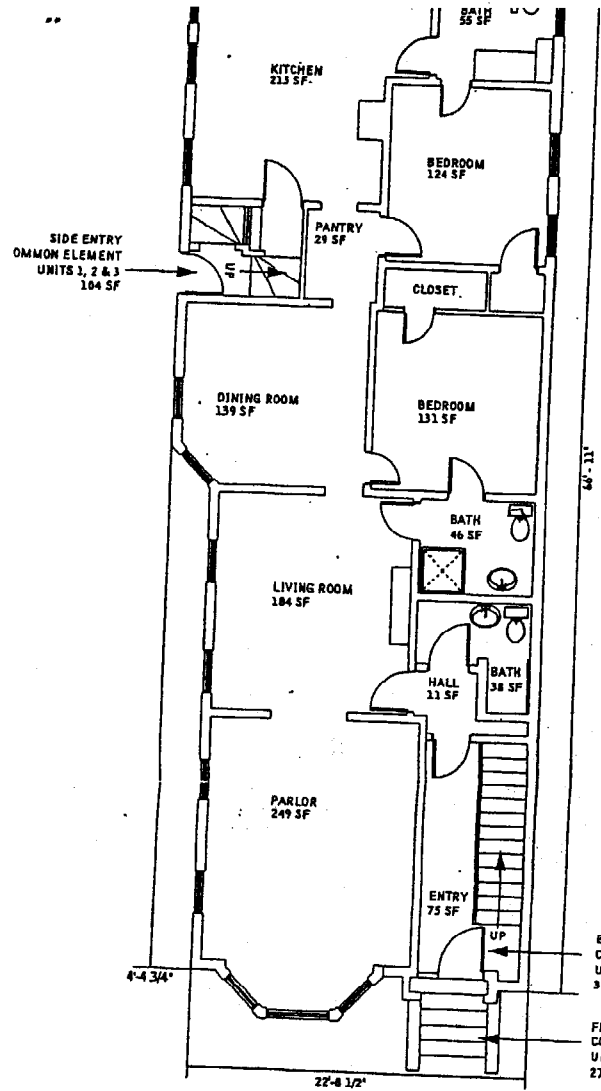
It will be necessary to bring your building into compliance with the requirements of the Portland Zoning Ordinance. You have 30 days from the date of this revised letter in which to bring this building into compliance. You have several options. First, you may remove the illegal units, and show us plans through a permit application of how the floor plans have changed and how the illegal units have been incorporated into the rest of the building. We shall require detailed floor plans with dimensions, egresses indicated, and specific room layouts.

Secondly, you have the right to appeal to the Zoning Board of Appeals to request a variance to allow the ten units. The R-6 zone requires 1,000 sq. ft. of land area per dwelling unit (section 14-139). Rooming units have separate requirements under the ordinance. Presently this land consists of 3,950 sq. ft. of land area. Please note that variance appeals are very difficult to have granted from the Zoning Board of Appeals. You have 30 days from the date of this revised letter in which to appeal. If you wish to exercise your right to appeal, please contact this office immediately for the required paperwork.

Very truly yours,

Marge Schmuckal
Zoning Administrator

CC: Mark Adelson, Neighborhood and Housing Services
Mike Nugent, Neighborhood and Housing Services
Jon Reed, Code Enforcement Officer
Corporation Counsel
File

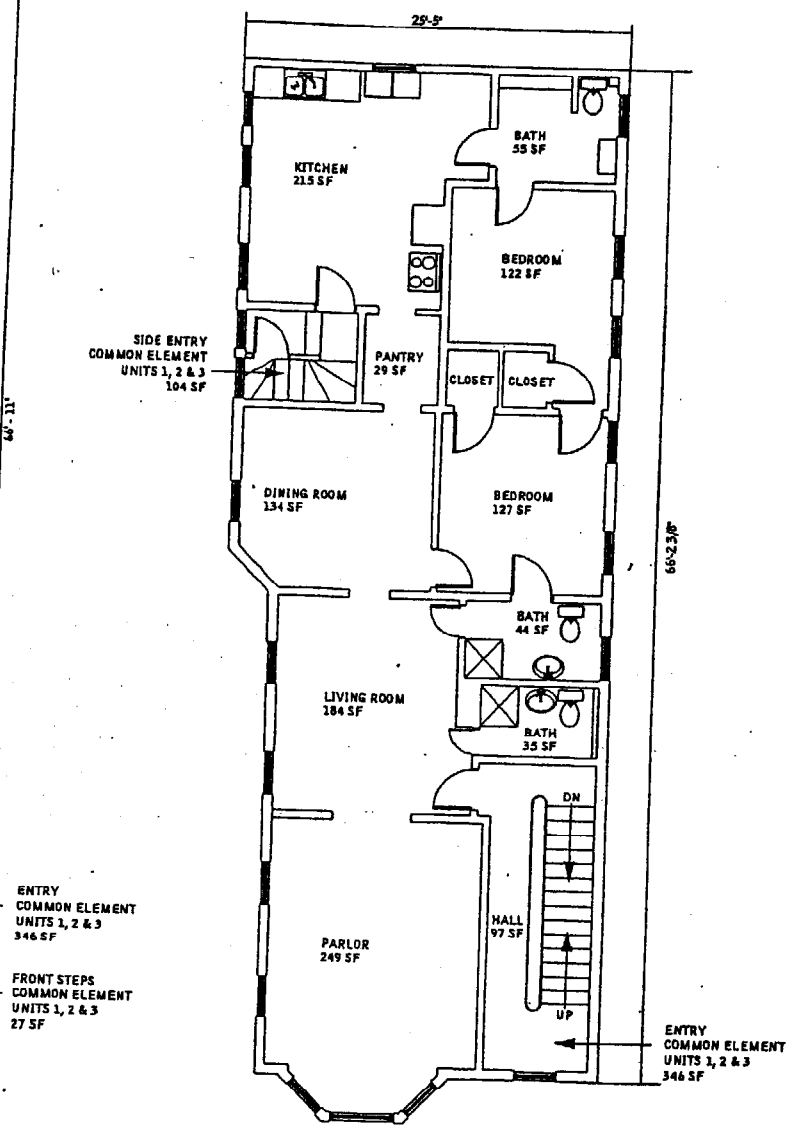


52 Bramhall
Unit One / First Floor

GROSS SF:	1507 SF
NET SF:	1219 SF
COMMON ELEMENT:	459 SF

- NOTES:
1. FIELD MEASUREMENTS BY MRLD, LLC. AND TURK TRACY AND LARRY ARCHITECTS
 2. DRAWINGS FOR CONDO DOCUMENTATION, NOT FOR CONSTRUCTION PURPOSES
 3. THIS PLAN DOES NOT INCLUDE POTENTIAL BASEMENT STORAGE

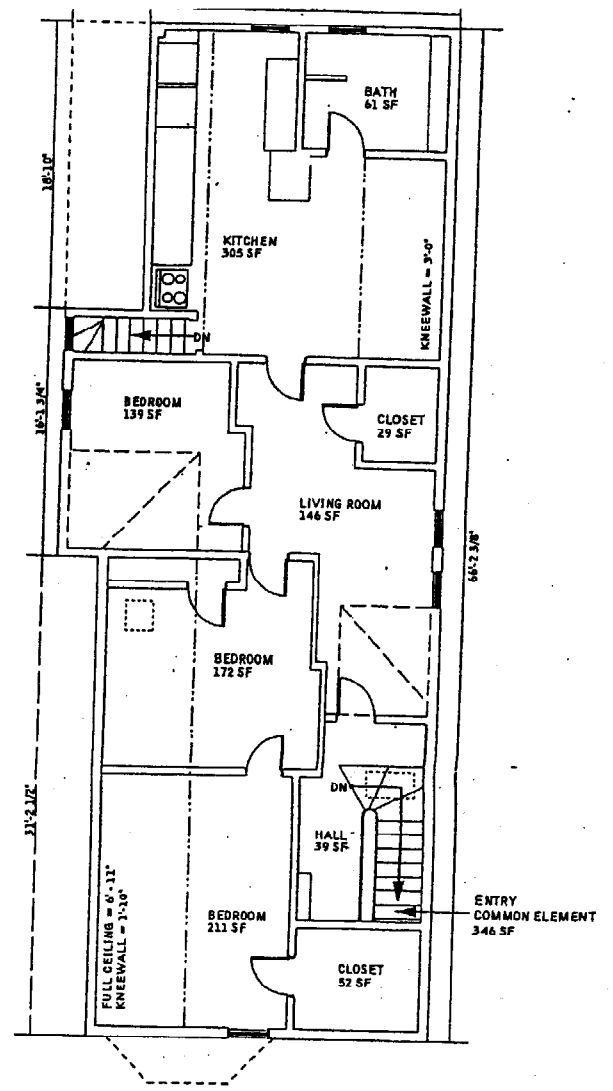
03.24.03



52 Bramhall
Unit Two / Second Floor

GROSS SF:	1507 SF
NET SF:	1219 SF
COMMON ELEMENT:	459 SF

- NOTES:
1. FIELD MEASUREMENTS BY MRLD, LLC. AND TURK TRACY AND LARRY ARCHITECTS
 2. DRAWINGS FOR CONDO DOCUMENTATION, NOT FOR CONSTRUCTION PURPOSES
 3. THIS PLAN DOES NOT INCLUDE POTENTIAL BASEMENT STORAGE



52 Bramhall
Unit Three / Third Floor

GROSS SF:	1386 SF
NET SF:	1089 SF
COMMON ELEMENT:	346 SF

- NOTES:
1. FIELD MEASUREMENTS BY MRLD, LLC. AND TURK TRACY AND LARRY ARCHITECTS
 2. DRAWINGS FOR CONDO DOCUMENTATION, NOT FOR CONSTRUCTION PURPOSES
 3. THIS PLAN DOES NOT INCLUDE POTENTIAL BASEMENT STORAGE

03.24.03

April 1, 2004

VIA HAND DELIVERY

Marge Schmuckal
Zoning Administrator
City of Portland
389 Congress Street
Portland, Maine 04101

RE: 52 Bramhall Street, Portland, Maine

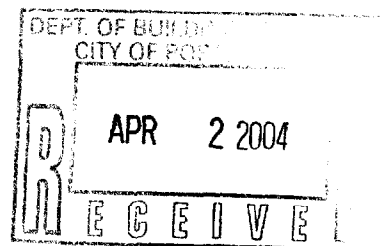
Dear Marge:

This is in response to your letter of March 15, 2004. I will again emphasize that the occupants of 52 Bramhall Street were not "in lawful possession of a rental unit" as determined by the City itself in a letter to Mr. Simonds. I reiterate Mr. Simonds' position that the City of Portland Ordinance requiring notices to occupants in condominium conversions does not apply to 52 Bramhall Street in light of the discussion above. You should not construe Mr. Simonds acquiescence in sending the notices as his agreement that the requirement is applicable to this property. We reserve his right to contest any such requirement.

I will answer your last question first. The building is not vacated of all occupants as Mr. and Mrs. Kissel continue to occupy the second floor.

As for the other tenants in the building at March 2003, the relocation date for each is as follows:

Jeanette Ayon	March 10, 2003
Donna King	July 17, 2003
Daniel Shaw	July 17, 2003
David Rundin	June 15, 2003
Dorothy Fickett	July 10, 2003
Michael Belanger	August 1, 2003
Joel Harris	July 4, 2003



PORT: 524620.1

PRETI FLAHERTY
Marge Schmuckal
Zoning Administrator
April 1, 2004
Page 2

I would also like to correct a typographical error on page 2 of the conversion application – under the heading “Date of notice”, please move the notation “[left Portland]” next to the name of Daniel Shaw. It does not apply to Mr. & Mrs. Kissel as they continue to reside in the property. I regret any inconvenience this may cause you.

The balance of your letter seemed to suggest that Mr. Simonds was unable to identify who was occupying the property in March of 2003 when the condominium was created. That is not the case – such occupants are listed on the building permit application. Rather, locating some of the folks now is the problem. For those occupants that moved out of 52 Bramhall Street and for whom Mr. Simonds had no forwarding address or other information, he or someone on his behalf (i) called the emergency telephone number, if any, that was provided in the occupant’s application and left a message if that was possible (in some cases the number had been disconnected); and (ii) called the work telephone number, if any, that was provided in each occupant’s application (in Mr. Rubin’s case, he is no longer employed by such employer). In addition, Mr. Shaw left the property on his own without paying the considerable amount of money he owed Mr. Simonds for his occupancy of the property. Obviously, Mr. Shaw left no forwarding information.

On redoubling his efforts, Mr. Simonds was able to locate Ms. King and a copy of the condominium notice sent to her is attached to this letter. We have also sent a copy of the condominium notice to the remaining three occupants at their last known address. A copy of each of their notices is enclosed.

Mr. Simonds has paid all of the fees demanded by the City and has otherwise complied with the City’s condominium ordinance even though the application of the notice requirement does not properly apply to this property. I respectfully request that Mr. Simonds’ application be promptly processed and the condominium permit issued.

Please contact me with any questions you may have regarding the enclosed.

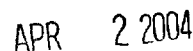
Very truly yours,



Bonnie L. Martinolich

Enclosures

cc: Gordon D. Simonds, Trustee



April 1, 2004

VIA REGULAR MAIL

Daniel Shaw
52 Bramhall Street
Portland, Maine 04101

RE: Notice of Condominium

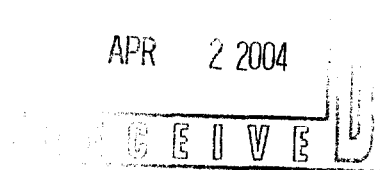
Dear Mr. Shaw:

I am writing on behalf of Gordon Simonds, in his capacity as sole Trustee of the R.G. Simonds Trust, in order to provide you with proper notice of your rights as a condominium occupant under both Maine law and the ordinances of the City of Portland. Mr. Simonds is first obligated to inform you that the condominium, known as 52 Bramhall Street Condominium (the "Condominium"), was created by the conversion of a rental property. On behalf of Mr. Simonds, I have enclosed a copy of the Public Offering Statement for the Condominium.

Furthermore, because the application for conversion has not yet officially been processed by the Inspector of the City of Portland, Mr. Simonds must also formally offer you the opportunity to purchase the condominium that you were occupying in March of 2003. Unit 2 is offered to you at the purchase price of \$240,000. This offer must be open to you for up to 60 days. This offer is an exclusive to you and the other occupants of your unit as of March 1, 2003 and is an irrevocable option to buy that is not assignable. If you do not accept the offer within 60 days, Mr. Simonds, for 180 days afterwards, may not offer or convey the condominium unit you occupied in March of 2003 to another person on terms more favorable than yours, unless he has first made the same offer to you and such other occupants as of March 1, 2003 and left it open for 60 more days. If you are still living at 52 Bramhall Street, Mr. Simonds could not alter the terms of your lease for 120 days. The law also requires that Mr. Simonds tell you the following:

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).

APR 2 2004



In addition, if for some reason you were to reject the unit and not purchase it, Mr. Simonds would have to make a cash payment to you if you meet the eligibility requirements for such payment. This payment would be equivalent to the amount of rent you paid (or would have) for the 2 months preceding your leaving your unit at 52 Bramhall Street. However, in order to be

PRETI FLAHERTY
Daniel Shaw
April 1, 2004
Page 2

eligible for such a payment your income must be less than 80% of the median income of the Portland SMSA as determined by the U.S. Department of Housing and Urban Development. Please also remember, as discussed above, that Mr. Simonds must assist you in determining your eligibility for relocation payments and, furthermore, upon your request, he must furnish you with referrals to other accommodations.

Finally, you have a right to a copy of Mr. Simonds' conversion permit for the Condominium once obtained. Please be aware that none of the rights discussed in this letter are waivable under any circumstances. I hope that I have made your rights sufficiently clear to you.

Very truly yours,



Bonnie L. Martinolich

Enclosure

INSPECTION
APR 2 2004

PretiFlaherty

BONNIE L. MARTINOLICH
bmartino@preti.com
Direct Dial: 207.791.3252

April 1, 2004

VIA REGULAR MAIL

Dorothy Fickett
245 High Street
Portland, Maine 04101

RE: Notice of Condominium

Dear Ms. Fickett:

I am writing on behalf of Gordon Simonds, in his capacity as sole Trustee of the R.G. Simonds Trust, in order to provide you with proper notice of your rights as a condominium occupant under both Maine law and the ordinances of the City of Portland. Mr. Simonds is first obligated to inform you that the condominium, known as 52 Bramhall Street Condominium (the "Condominium"), was created by the conversion of a rental property. On behalf of Mr. Simonds, I have enclosed a copy of the Public Offering Statement for the Condominium.

Furthermore, because the application for conversion has not yet officially been processed by the Inspector of the City of Portland, Mr. Simonds must also formally offer you the opportunity to purchase the condominium that you were occupying in March of 2003. Unit 3 is offered to you at the purchase price of \$140,000, provided that this purchase price reflects the Unit in its "as is" condition and prior to any rehabilitation. This offer must be open to you for up to 60 days. This offer is an exclusive to you and the other occupants of your unit as of March 1, 2003 and is an irrevocable option to buy that is not assignable. If you do not accept the offer within 60 days, Mr. Simonds, for 180 days afterwards, may not offer or convey the condominium unit you occupied in March of 2003 to another person on terms more favorable than yours, unless he has first made the same offer to you and such other occupants as of March 1, 2003 and left it open for 60 more days. If you are still living at 52 Bramhall Street, Mr. Simonds could not alter the terms of your lease for 120 days. The law also requires that Mr. Simonds tell you the following:

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).

In addition, if for some reason you were to reject the unit and not purchase it, Mr. Simonds would have to make a cash payment to you if you meet the eligibility requirements for such payment. This payment would be equivalent to the amount of rent you paid (or would have) for

APR 2 2004
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PRETI FLAHERTY
Dorothy Fickett
April 1, 2004
Page 2

the 2 months preceding your leaving your unit at 52 Bramhall Street. However, in order to be eligible for such a payment your income must be less than 80% of the median income of the Portland SMSA as determined by the U.S. Department of Housing and Urban Development. Please also remember, as discussed above, that Mr. Simonds must assist you in determining your eligibility for relocation payments and, furthermore, upon your request, he must furnish you with referrals to other accommodations.

Finally, you have a right to a copy of Mr. Simonds' conversion permit for the Condominium once obtained. Please be aware that none of the rights discussed in this letter are waivable under any circumstances. I hope that I have made your rights sufficiently clear to you.

Very truly yours,



Bonnie L. Martinolich

Enclosure

RECEIVED
APR 2 2004

April 1, 2004

VIA REGULAR MAIL

David Rundin
52 Bramhall Street
Portland, Maine 04101

RE: Notice of Condominium

Dear Mr. Rundin:

I am writing on behalf of Gordon Simonds, in his capacity as sole Trustee of the R.G. Simonds Trust, in order to provide you with proper notice of your rights as a condominium occupant under both Maine law and the ordinances of the City of Portland. Mr. Simonds is first obligated to inform you that the condominium, known as 52 Bramhall Street Condominium (the "Condominium"), was created by the conversion of a rental property. On behalf of Mr. Simonds, I have enclosed a copy of the Public Offering Statement for the Condominium.

Furthermore, because the application for conversion has not yet officially been processed by the Inspector of the City of Portland, Mr. Simonds must also formally offer you the opportunity to purchase the condominium that you were occupying in March of 2003. Unit 2 is offered to you at the purchase price of \$240,000. This offer must be open to you for up to 60 days. This offer is an exclusive to you and the other occupants of your unit as of March 1, 2003 and is an irrevocable option to buy that is not assignable. If you do not accept the offer within 60 days, Mr. Simonds, for 180 days afterwards, may not offer or convey the condominium unit you occupied in March of 2003 to another person on terms more favorable than yours, unless he has first made the same offer to you and such other occupants as of March 1, 2003 and left it open for 60 more days. If you are still living at 52 Bramhall Street, Mr. Simonds could not alter the terms of your lease for 120 days. The law also requires that Mr. Simonds tell you the following:

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).

APR 2 2004

In addition, if for some reason you were to reject the unit and not purchase it, Mr. Simonds would have to make a cash payment to you if you meet the eligibility requirements for such payment. This payment would be equivalent to the amount of rent you paid (or would have) for the 2 months preceding your leaving your unit at 52 Bramhall Street. However, in order to be

PRETI FLAHERTY
David Rundin
April 1, 2004
Page 2

eligible for such a payment your income must be less than 80% of the median income of the Portland SMSA as determined by the U.S. Department of Housing and Urban Development. Please also remember, as discussed above, that Mr. Simonds must assist you in determining your eligibility for relocation payments and, furthermore, upon your request, he must furnish you with referrals to other accommodations.

Finally, you have a right to a copy of Mr. Simonds' conversion permit for the Condominium once obtained. Please be aware that none of the rights discussed in this letter are waivable under any circumstances. I hope that I have made your rights sufficiently clear to you.

Very truly yours,



Bonnie L. Martinolich

Enclosure

APR 7 2004

PretiFlaherty

BONNIE L. MARTINOLICH
bmartino@preti.com
Direct Dial: 207.791.3252

April 1, 2004

VIA REGULAR MAIL

Donna King
10 Mellen Street
Portland, Maine 04101

RE: Notice of Condominium

Dear Ms. King:

I am writing on behalf of Gordon Simonds, in his capacity as sole Trustee of the R.G. Simonds Trust, in order to provide you with proper notice of your rights as a condominium occupant under both Maine law and the ordinances of the City of Portland. Mr. Simonds is first obligated to inform you that the condominium, known as 52 Bramhall Street Condominium (the "Condominium"), was created by the conversion of a rental property. On behalf of Mr. Simonds, I have enclosed a copy of the Public Offering Statement for the Condominium.

Furthermore, because the application for conversion has not yet officially been processed by the Inspector of the City of Portland, Mr. Simonds must also formally offer you the opportunity to purchase the condominium that you were occupying in March of 2003. Unit 1 is offered to you at the purchase price of \$240,000. This offer must be open to you for up to 60 days. This offer is an exclusive to you and the other occupants of your unit as of March 1, 2003 and is an irrevocable option to buy that is not assignable. If you do not accept the offer within 60 days, Mr. Simonds, for 180 days afterwards, may not offer or convey the condominium unit you occupied in March of 2003 to another person on terms more favorable than yours, unless he has first made the same offer to you and such other occupants as of March 1, 2003 and left it open for 60 more days. If you are still living at 52 Bramhall Street, Mr. Simonds could not alter the terms of your lease for 120 days. The law also requires that Mr. Simonds tell you the following:

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).

In addition, if for some reason you were to reject the unit and not purchase it, Mr. Simonds would have to make a cash payment to you if you meet the eligibility requirements for such payment. This payment would be equivalent to the amount of rent you paid (or would have) for the 2 months preceding your leaving your

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PRETI FLAHERTY
Donna King
April 1, 2004
Page 2

unit at 52 Bramhall Street. However, in order to be eligible for such a payment your income must be less than 80% of the median income of the Portland SMSA as determined by the U.S. Department of Housing and Urban Development. Please also remember, as discussed above, that Mr. Simonds must assist you in determining your eligibility for relocation payments and, furthermore, upon your request, he must furnish you with referrals to other accommodations.

Finally, you have a right to a copy of Mr. Simonds' conversion permit for the Condominium once obtained. Please be aware that none of the rights discussed in this letter are waivable under any circumstances. I hope that I have made your rights sufficiently clear to you.

Very truly yours,



Bonnie L. Martinolich

Enclosure

APR 2 2004

RECEIVED