

# PORTLAND MAINE

*Strengthening a Remarkable City, Building a Community for Life • [www.portlandmaine.gov](http://www.portlandmaine.gov)*

Jeff Levine, AICP, Director  
Marge Schmuckal, Zoning Administrator  
July 23, 2013

Royal C. Mulkern  
62 Lawson Road  
Scituate, MA 02066

RE: 62 Upper A Street, Peaks Island – 087-HH-006 – IR-2 Zone – Determination

Dear Royal,

I am in receipt of your request for a determination letter concerning your property located at 62 Upper A Street, Peaks Island. This property is located in an IR-2 residential zone that requires a minimum lot size of 20,000 square feet of land area (14-145.11(a)1). It is understood that your lot is approximately 11,424 square feet in size.

Section 14-433 allows development for lots of record existing on the islands located in the IR-2 zone which can be shown to be an existing described lot and that is held under separate and distinct in ownership from adjacent lots since July 15, 1985. Such lot must also be at least 6,500 square foot in size. In addition, the lot must also meet the applicable street frontage requirements of that time (50 feet). All applicable yard dimensions must also be met. If all such conditions are met, the lot may be considered a buildable.

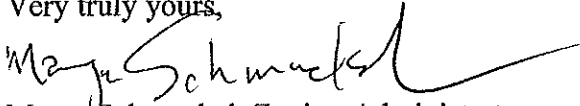
I have reviewed the chains of title for the lot in question and all adjoining lots. I have found that 087-HH-006 has been held separate and distinct in ownership since July 15, 1985. The lot has more than the minimum land area allowed of 6,500 square feet, indicating approximately 11,424 square feet. The requirement of at least 50 feet of street frontage is being met at approximately 82 feet along the road. The lot is shown to be able to meet the setbacks as outlined in the IR-2 Zone.

Therefore, it is my determination that 62 Upper A Street on Peaks Island is shown to be meeting all the requirements of section 14-433 and may be considered a buildable lot.

Please note that this letter does not intend to grant the ability to begin construction without the required permits and review as required.

If you have any questions regarding this subject, please do not hesitate to contact me at (207) 874-8695.

Very truly yours,

  
Marge Schmuckal, Zoning Administrator

6/25/13

Dear Marge,

With this letter I am requesting confirmation as to whether a parcel of land that is 11,424 square feet, which I own on Peaks Island, is considered by the Zoning Department as a "Lot of Record" based on Portland zoning ordinance 14-433. I have enclosed a check made out to the City of Portland for the sum of \$150.00 to cover the associated fee.

The legal description of my lot located at 62 Upper A Street is: 87-HH-6. The CBL description is: 087 HH006 and is bounded by A Street and three abutting lots: 087 HH004, 087 HH005 and 087 HH007.

My goal is to determine whether or not this lot qualifies as a legal building lot under Portland's zoning laws. It is my understanding that the first step in this process is to determine if the lot meets the Lot of Record criteria.

I have included copies of deeds for my lot and the three abutting lots dating back before 1985. As far as I can tell, this lot has not been divided or added to since my parents purchased the property from the City of Portland in 1969.

I inherited lot 087 HH006 from my parents, Thomas & Mary Mulkern on February 28, 2001 as witnessed by the provided deed. This lot was purchased from the City of Portland by my parents September 9, 1969. The City acquired it for back taxes February 2, 1931.

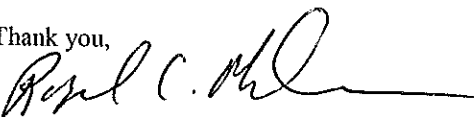
#### Abutting lots history

Starting at present and working back in time, lot 087 HH007 is owned currently by Sallie Clarke. Ms. Clarke purchased this property from Muriel Brackett on November 3, 1997. Muriel Brackett purchased this property from Jack and Joyce Hutchins on June 26, 1986. Jack and Joyce Hutchins purchased 087 HH007 Margaret Franco on October 28, 1977. This lot has remained at 11,424 square feet throughout all of these transactions and was never divided.

Starting at present and working back in time, lots 087 HH004, 087 HH005 are presently owned by Jeanann Alves. She acquired them from Federal National Mortgage Association on March 14, 2007. Federal National Mortgage Association acquired them in a foreclosure settlement from Martin and Rolina Mulkern dated October 18, 2006. Martin & Rolina Mulkern purchased these two parcels from Jacqueline Early on April 25, 1985. Jacqueline Early purchased the properties from Reno Tardiff on April 25, 1985. Reno Tardiff purchased both parcels from Elsie Tardiff on March 26, 1971. As far as I can see, neither lot 087 HH004 nor 087 HH005 was divided or increased in size during any of these transactions.

I believe that my lot, 087 HH006, meets the criteria set forth in Section 14-433 of the City of Portland Land Use Zoning Ordinance as a Lot of Record as of July 15, 1985. Please let me know if I left out any required information or if you have any questions.

Thank you,



Royal C. Mulkern  
62 Lawson Road  
Scituate, MA 02066  
781-775-9663 (cell ph)  
781-545-8619 (home)

RECEIVED  
JUL 15 2013  
Dept. of Building Inspections  
City of Portland Maine

however, that less restrictive zoning requirements which meet the requirements contained within 14-139(b) for residential small lot development shall apply:

a. R-1, R-2:

Rear yard: Ten (10) feet.

Side yard: Five (5) feet.

b. R-3, R-4, R-5, R-5A, R-6:

Rear yard: Five (5) feet.

Side yard: Five (5) feet.

Any detached or accessory structure in the R-4 or R-6 zones, with a ground coverage exceeding two hundred fifty (250) square feet and which was in existence on January 1, 1940, may be converted to dwelling uses without meeting front, side or rear yard set backs, provided there is no enlargement of any nonconforming portion of the existing building footprint and provided the conversion will conform to the minimum land area per dwelling unit.

*ISLANDS* Any lot of record as of July 15, 1985, and held under separate and distinct ownership from adjacent lots and meeting the applicable street frontage requirements of that time may be considered a buildable lot in the IR-1 and IR-2 zones, provided that the applicable yard dimensions can be met and provided further that a lot in the IR-1 zone shall have a minimum area of ten thousand (10,000) square feet and a lot of the IR-2 zone shall have a minimum area of six thousand five hundred (6,500) square feet unless it is served by both public sewer and public water, in which case it shall have a minimum area of five thousand (5,000) square feet. *50*

A lot in the IR-1, IR-2 and I-B zones that was described in a subdivision plat approved by the Planning Board after July 15, 1982, shall be considered a buildable lot, provided that the applicable yard dimensions can be met.  
(Code 1968, § 602.19.L; Ord. No. 539-84, 5-7-84; Ord. No. 32-85, § 1, 7-15-85; Ord. No. 91-88, 7-19-88; Ord. No. 310-89, 1-30-89; Ord. No. 166-89, 12-11-89)

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\*Editor's note—Ord. No. 91-88, adopted July 19, 1988, amended § 14-433 to read as herein set out. See also the editor's note to Art. III of this chapter

62 UPPER A STREET PEAKS ISLAND

087HH-006

IR-2 Zone with approx.. 11,424 sq. ft.

**087-HH-006** - subject property

Thomas & Mary Mulkern - BK 16155 PG 132 – Feb. 28, 2001 Inherited by Royal C. Mulkern (current owner)

City of Portland - BK 3101 PG 276 – Sept 9, 1969 – sold to Thomas & Mary Mulkern

**087-HH-007** – abutter @ 54 Upper A Street, Peaks Island

Muriel Brackett -BK 1341 PG 296 – November 3, 1997 sold to Sallie B. Clarke (current owner)

Jack & Joyce Hutchings – BK 7240 PG 246 – June 26, 1986 – sold to Muriel Brackett

Margaret Franco – BK 4125 PG 106 – October 28, 1977 – sold to Jack & Joyce Hutchings

**087-HH-004 & 005** – abutter on two sides called 113 Herman Avenue, Peaks Island

Federal National Mortgage Assoc. – BK 24934 PG 171 – March 14, 2007 – sold to Jeanann Alves (current)

Martin & Rolina Mulkern – BK 24530 PG 62 – October 18, 2006 – foreclosure to Federal Nat'l Mortgage

Jacqueline Early – BK 6743 PG 74 – April 25, 1985 – sold to Martin & Rolina Mulkern

Reno Tardiff – BK 6743 PG 72 – April 25, 1985 – sold to Jacqueline Early

Elsie Tardif – BK 3164 PG 86 – March 26, 1971 – sold to Reno Tardiff

Section 14-433 determines a lot of record in the IR-2 zone by showing separate and distinct ownership from any adjoining lot since July 15, 1985 along with other considerations listed

# 62 Upper A Street



**DEED OF DISTRIBUTION BY PERSONAL REPRESENTATIVE**

Catherine E. Plante, of Peaks Island, Cumberland County, State of Maine, duly appointed and acting personal representative of the estate of Thomas Royal Mulkern deceased, whose will was duly admitted to probate in the Probate Court for Cumberland County, Maine, by the power conferred by law, and every other power, grants to Royal C. Mulkern of 62 Lawson Road, , Plymouth County, State of Massachusetts whose mailing address is 62 Lawson Road, Scituate, Massachusetts being the person entitled to distribution, the real property in Peaks Island, Cumberland County, Maine, described as follows:

Parcel 1

A certain lot or parcel of land with the buildings thereon situated on Peaks Island within the limits of said Portland, in the said County and State, containing about 13,500 square feet, and bounded and described as follows:

Beginning at a stake in the boundary line between land now or formerly of the heirs of Mary A. Brackett and that formerly owned by the late Josiah Sterling, which said stake is distant Easterly by said boundary fifty (50) feet from land now or formerly of Frank G. Small, and running Northerly parallel with said Small's land, one hundred and thirty-five (135) feet, more or less, to a stake in the Southerly line of a road forty (40) feet wide; thence Easterly by said road, one hundred (100) feet to a stake; thence Southerly at right angles, and parallel with the first line, one hundred and thirty-five (135) feet, more or less, to a stake and said Brackett land, and from these Westerly, by said Brackett land, one hundred (100) feet to a point of beginning.

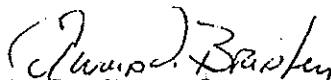
Parcel 2

A certain lot describes as follows:

Land N side A Street, Lot 23, Peaks Island

Plan 87-HH-6 Area 11424 sq. ft.

Witness my hand and seal this 28 day of February 2001.

  
Witness

  
Catherine E. Plante

STATE OF MAINE  
CUMBERLAND, ss.

February 28, 2001

Mulkern  
PROPERTY  
RECORD ✓

Then personally appeared the above named Catherine E. Plante and  
acknowledged the foregoing instrument to be her own free act and deed.

Before me,

*Jennifer L. Anthony*  
Notary Public/Attorney at Law

Jennifer L. Anthony  
Notary Public  
State of Maine  
Commission Expires 03/02/2007

SEAL

RECEIVED  
RECORDED REGISTRY OF DEEDS  
2001 APR -2 PH 1:26  
CUMBERLAND COUNTY  
*John B. Coburn*

278

deed.

SEP 12 1969

Before me,

*Carl G. Baker*

REGISTRY OF DEEDS, CUMBERLAND COUNTY, MAINE

Received at 10 R 36 M<sup>04</sup>, and recorded in

Justice of the Peace

BOOK 3101 PAGE 276 *Edward R. Taylor* Registrar

15319

**Know all Men by these Presents,**

That The City of Portland, a body politic and corporate, and located at Portland, in the County of Cumberland and State of Maine, in consideration of one dollar and other valuable considerations paid by Thomas R. Milkern and Mary E. Milkern

of Portland, in the County of Cumberland and State of Maine, the receipt whereof it does hereby acknowledge, does hereby render, release, bargain, sell and convey, and forever quit-claim unto the said

Thomas R. Milkern and Mary E. Milkern

as joint tenants and not as tenants in common, their

Heirs and Assigns forever, all its right, title and interest in and to the following described real estate situated in Portland in the County of Cumberland and State of Maine and more particularly described as, viz:

Land N side A Street, Lot 23, Peaks Island Plan 87-101-6 Area 11424 sq.ft.



Meaning and intending to convey the same land and building 279  
which the said grantor acquired by tax deed dated February 24, 1931

The deed above referred to is recorded in the Cumberland  
County Registry of Deeds in Book 1770 Page 21

This property was assessed to Seldon A. Sterling Dev.

and was sold February 2, 1931 for the non-payment of  
the 1930 tax. ~~It was again sold~~  
~~for the non-payment of the~~ ~~tax~~

such  
At each tax sale the City of Portland was the Purchaser.

Said premises are hereby conveyed subject to taxes thereon  
for the year 1969, and said grantee assumes and agrees to pay said  
taxes as part of the consideration for this conveyance.

To have and to hold the same, together with all the privi-  
leges and appurtenances thereunto belonging to the said

Thomas R. Kulkern and Mary E. Kulkern

as joint tenants and not as tenants in common, their

Heirs and Assigns, forever.

In Witness Whereof, the said City of Portland has caused  
this instrument to be executed and its corporate seal affixed by  
John G. DePalma, Director of Finance, thereunto duly authorized,  
this ninth day of September A. D. 1969.

Signed, Sealed and Delivered  
in presence of

Lucy M. DePalma

City of Portland

By John G. DePalma  
Director of Finance



State of Maine, } ss.  
Cumberland, }

September 9th, 1969

Then personally appeared the above named John G. DePalma  
and acknowledged the foregoing instrument to be his free act and  
deed in his said capacity, and the free act and deed of said City

280

of Portland.

Before me,

SEP 12 1969

REGISTRY OF DEEDS, CUMBERLAND COUNTY, MAINE

Received at 9 H 30 AM, and recorded in

BOOK 3101 PAGE 278

*Seward R. Hays* Register

*Gay Paul E. Talbot*  
Justice of the Peace,  
Notary Public.

(PLEASE GIVE REGISTRY REFERENCES)

15229

STATE OF MAINE

BUREAU OF TAXATION

CERTIFICATE OF DISCHARGE OF INHERITANCE TAX LIEN

Estate of Emily E. Chase

Late of Portland, Maine

Date of Death July 21, 1968

~~TESTAMENTARY~~ Intestate                     

Docket No. None

I, the State Tax Assessor, hereby certify that the real property described below has been and hereby is discharged of any lien for any inheritance and estate tax, with any interest thereon, due because of the death of the above named decedent. This certificate is to be recorded in the Registry of Deeds as provided by M. R. S. 1964, Title 36, Section 3404.

A certain lot or parcel of land, with the buildings thereon, situated on the northerly side of Orland Street in said Portland and bounded and described as follows:

Beginning at a point on said Orland Street at the southeasterly corner of land now or formerly of George E. Hodgkins; thence westerly by said Hodgkins land and land now or formerly of William W. Johnson to land of William C. France; thence southerly by said William C. France land ninety (90) feet, more or less, to said Orland Street; thence by said Orland Street to the point of beginning.

Being the same premises conveyed to Emily E. Chase and Katherine M. Bartlett as joint tenants by Charles A. Ball and Irene R. Ball by deed dated June 9, 1959 and recorded in the Cumberland County Registry of Deeds in Book 2476, Page 364.

Date signed SEP 11 1969

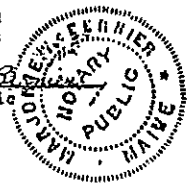
*Ernest H. Johnson*  
State Tax Assessor

State of Maine  
Kennebec, SS.

Augusta, SEP 11 1969

Personally appeared the above named Ernest H. Johnson and acknowledged the above instrument to be his free act and deed in his said capacity.

*Ernest H. Johnson*  
Notary Public



SEP 12 1969

REGISTRY OF DEEDS, CUMBERLAND COUNTY, MAINE

Received at 11 H 30 AM, and recorded in

BOOK 3101 PAGE 280

*Seward R. Hays* Register

WARRANTY DEED  
(Maine Statutory Short Form)

MAINE REAL ESTATE TAX PAID

Muriel Brackett, a/k/a Muriel M. Brackett of Phoenix, Arizona, for valuable consideration, grants to Sallie B. Clarke, with a mailing address of 54 Upper A Street, Peaks Island, Maine, 04108, with Warranty Covenants, the following described real property situated at 54 Upper A Street, Peaks Island, Portland, Maine, 04108, Cumberland County, Maine:

A certain lot or parcel of land with the buildings thereon, situated at Peaks Island, Portland, and being more particularly described on Exhibit A attached hereto and made a part hereof.

Meaning and intending to convey the same premises described in a deed from Jack E. Hutchins and Joyce B. Hutchins to Grantor dated June 26, 1986, and recorded in the Cumberland County Registry of Deeds in Book 7240, Page 246.

Witness my hand this 3rd day of November, 1997.

\_\_\_\_\_  
Witness

*Stephen A. Brackett P.O.D. for Muriel M. Brackett*  
Muriel Brackett  
By: Stephen A. Brackett  
Her Attorney-in-Fact

STATE OF MAINE  
CUMBERLAND, ss

November 3, 1997

Personally appeared the above named Stephen A. Brackett, as Attorney-in-Fact on behalf of Muriel Brackett, and acknowledged the foregoing instrument to be his free act and deed in said capacity.

Before me,

*Stephen V. Collins*  
Attorney at Law/Notary Public  
STEPHEN V. COLLINS  
NOTARY PUBLIC, MAINE  
COMMISSION EXPIRES AUGUST 14, 2001  
Printed Name

SEAL

CL-11931

✓  
*Clarke  
Property  
Record*

OK 13418PG297

EXHIBIT A

A certain lot or parcel of land, with the buildings thereon, situated on Peaks Island, City of Portland, County of Cumberland and State of Maine, being more particularly bounded and described as follows:

BEGINNING at a point in the southerly boundary line of land of Eliza Littlejohn, formerly known as land of Daniel Trott, at a point easterly from the southerly side line of Island Avenue, a distance of 1,319 feet, more or less; thence continuing easterly along said southerly side line of said Littlejohn land 82 feet, more or less, to a point; thence southerly 149 feet, more or less, to the northerly side line of "A" Street as delineated on Plan #87 of Peaks Island on file in the office of the Board of Assessors of the City of Portland; thence westerly along said northerly side line of "A" Street 82 feet, more or less, to a point; thence northerly 150 feet, more or less, to the point of beginning. Meaning and intending hereby to convey to #22 as shown on said plan. Said lot containing 11,424 square feet, more or less.

RECEIVED  
RECORDED REGISTRY OF DEEDS

1997 NOV -4 AM 10:30

CUMBERLAND COUNTY

*John B. O'Brien*

BK 7240PG0246

29321

WARRANTY DEED

**Know all Men by these Presents,**

**That** Jack E. Hutchins and Joyce B. Hutchins

in consideration of one dollar and other valuable consideration

paid by Muriel Brackett of Norway, Maine

~~whose name and address is~~

the receipt whereof we do hereby acknowledge, do hereby give, grant, bargain, sell and convey unto the said Muriel Brackett

her heirs and assigns forever,

A certain lot or parcel of land with the buildings thereon, situated on Peaks Island, City of Portland, County of Cumberland and State of Maine, being more particularly bounded and described as follows: Beginning at a point in the southerly boundary line of land of Eliza Littlejohn, formerly known as land of Daniel Trott, at a point easterly from the southerly side line of Island Avenue, a distance of one thousand three hundred nineteen (1,319) feet, more or less; thence continuing easterly along said southerly side line of said Littlejohn land eighty-two (82) feet, more or less, to a point; thence southerly one hundred forty-nine (149) feet, more or less, to the northerly side line of "A" Street as delineated on Plan #87 of Peaks Island on file in the office of the Board of Assessors of the City of Portland; thence westerly along said northerly side line of "A" Street eighty-two (82) feet, more or less, to a point; thence northerly one hundred and fifty (150) feet, more or less, to the point of beginning. Meaning and intending hereby to convey Lot #22 as shown on said plan. Said lot containing 11,424 square feet, more or less.

Being the same premises conveyed to the grantors herein by Margaret E. Franco by warranty deed dated October 28, 1977 and recorded in the Cumberland County Registry of Deeds at Book 4125, Page 106.

DK 7 2 4 0 PG 0 2 4 7

To have and to hold the aforegranted and bargained premises, with all the privileges and appurtenances thereof, to the said Muriel Brackett

her heirs and assigns, to them and their use and behoof forever.

And we do covenant with the said Grantee, her heirs and assigns, that we are lawfully seized in fee of the premises, that they are free of all encumbrances

that we have good right to sell and convey the same to the said Grantee to hold as aforesaid; and that we and our heirs shall and will warrant and defend the same to the said Grantee, her heirs and assigns forever, against the lawful claims and demands of all persons.

In Witness Whereof, we, the said Jack E. Hutchins

and Joyce B. Hutchins

husband/wife of the said Jack E. Hutchins

joining in this deed as Grantor, and relinquishing and conveying all rights by descent and all other rights in the above described premises, have hereunto set our hands and seals this 26<sup>th</sup> day of the month of June, A.D. 19 86.

Signed, Sealed and Delivered in presence of

Witnesses: Muriel Brackett, Jack E. Hutchins, Joyce B. Hutchins

State of Maine, County of Cumberland ss: June 26, 1986.

Then personally appeared the above named Jack E. Hutchins and Joyce B. Hutchins

and acknowledged the foregoing instrument to be their free act and deed.

Before me,

Michael J. Poirce, Notary Public, Attorney at Law

RECEIVED RECORDED DEPT. OF REEDS 1986 JUN 26 PM 3:58 CUMBERLAND CO. ME

Know all Men by these Presents, That

I, Margaret E. Franco, of Peaks Island, City of Portland, County of Cumberland and State of Maine,

in consideration of one dollar and other valuable consideration paid by Jack E. Hutchins and Joyce B. Hutchins, both of Portland, County of Cumberland and State of Maine,

the receipt whereof I do hereby acknowledge, do hereby give, grant, bargain, sell and convey unto the said Jack E. Hutchins and Joyce B. Hutchins, as joint tenants and not as tenants in common, their heirs and assigns forever, the following described real estate:

A certain lot or parcel of land with the buildings thereon, situated on Peaks Island, City of Portland, County of Cumberland and State of Maine, being more particularly bounded and described as follows: Beginning at a point in the southerly boundary line of land of Eliza Littlejohn, formerly known as land of Daniel Trott, at a point easterly from the southerly side line of Island Avenue, a distance of one thousand three hundred nineteen (1,319) feet, more or less; thence continuing easterly along said southerly side line of said Littlejohn land eighty-two (82) feet, more or less, to a point; thence southerly one hundred forty-nine (149) feet, more or less, to the northerly side line of "A" Street as delineated on Plan #87 of Peaks Island on file in the office of the Board of Assessors of the City of Portland; thence westerly along said northerly side line of "A" Street eighty-two (82) feet, more or less, to a point; thence northerly one hundred and fifty (150) feet, more or less, to the point of beginning. Meaning and intending hereby to convey Lot #22 as shown on said plan. Said Lot containing 11,424 square feet, more or less.

The grantor herein derived title to the above described premises under the Estate of Charles Franco, an abstract of his will is recorded in Cumberland County Registry of Deeds in Book 3929, Page 34.

To Have and to Hold the aforegranted and bargained premises, with all the privileges and appurtenances thereof, to the said Jack E. Hutchins and Joyce B. Hutchins, as joint tenants and not as tenants in common, their

heirs and assigns, to them and their use and behoof forever. And I do covenant with the said Grantee as their heirs and assigns that I am lawfully seized in fee of the premises; that they are free of all incumbrances, that I have good right to sell and convey the same to the said Grantee as to hold as aforesaid; and that I and my heirs and assigns shall and will warrant and defend the same to the said Grantees, their heirs and assigns forever, against the lawful claims and demands of all persons.

In Witness Whereof, I, the said Margaret E. Franco, being unmarried

going to this deed as Grantor, and in the presence of the undersigned Notary Public, have hereunto set my hand and seal this 28th day of October in the year of our Lord one thousand nine hundred and seventy-seven.

Signed, Sealed and Delivered in presence of

Thomas A. Franco

Margaret E. Franco

State of Maine, Cumberland ss. Oct. 28, 1977. Personally appeared the above named Margaret E. Franco

and acknowledged the foregoing instrument to be her free act and deed.

Before me, Sister Ann Murphy, Notary Public, Justice of the Peace

STATE OF MAINE, CUMBERLAND COUNTY, SS. REGISTRY OF DEEDS Received NOV 1 1977 at 3 o'clock 37 m. P. M., and recorded in BOOK 4125 PAGE 106. Attest: Margaret E. Franco Register.




GWEN ANN MURPHY, SIND. ASW, NOTARY PUBLIC, Expire Sept. 1983







 = 62 UPPER A ST  
 = ABUTTERS

Revised 01/02/92

REO #P062572

MAINE  
QUIT-CLAIM DEED WITH COVENANT  
(Special Warranty Deed)

FEDERAL NATIONAL MORTGAGE ASSOCIATION, a corporation with a place of business at Philadelphia, in the County of Philadelphia and State of Pennsylvania, for consideration paid, GRANTS to *Jeanann Alves*, whose mailing address is 108 Herman Avenue, Peaks Island, Portland, Maine WITH QUITCLAIM COVENANT, the land and buildings situated in Portland, on Peaks Island, County of Cumberland and State of Maine, commonly known as 113 Herman Avenue, City of Portland, County of Cumberland and State of Maine and is more particularly described as follows:

Parcel First:

Beginning at a point in a line making an angle of ninety degrees with Central Avenue, at a point distant easterly from Island Avenue 1563.73 feet, said point of beginning being 213 feet southerly from said proposed street 150 feet, more or less, to land now or formerly of Edgar E. Rounds; thence southerly line of said Rounds land 83.06 feet, more or less, to land now or formerly of the Sterling heirs; thence easterly by line of said Sterling heirs land 150 feet, more or less, to a point in the westerly line of a proposed street; thence northerly by said westerly line of said proposed street 77.56 feet more or less, to the point of beginning.

087-HH-005

Meaning and intending to convey three lots numbered 77, 78 and 79 respectively as shown on a plan of the Eliza B. Littlejohn Estate made by Jordan and Richardson, September 1895 and recorded in the Cumberland County Registry of Deeds in Plan Book 12, Page 86.

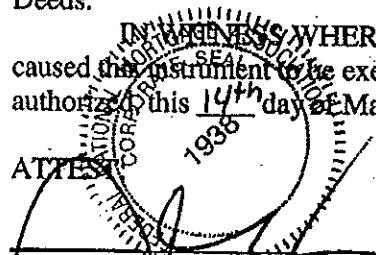
Parcel Second:

That certain lot or parcel of land conveyed to Elsie M. Tardif by deed dated July 7, 1948 and recorded in the Cumberland County Registry of Deeds in Book 1921, Page 42 and described in said deed as follows: "Land North side A Street and West side Daniel Street, part of Lot 24, Recd. Plan Luthor Sterling, Peaks Island, Portland, Maine, City Assessors Plan 87 Block HH/ Area 5775 square feet."

Reference is made to a Default Judgment and Summary Judgment For Foreclosure and Sale dated June 26, 2006 and recorded in Book 24530, Page 62, of the Cumberland County Registry of Deeds. Being the same premises conveyed in a deed recorded in Book 24751, Page 134, said Registry of Deeds.

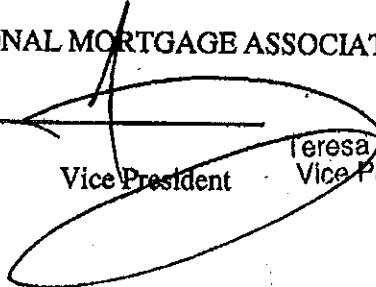
IN WITNESS WHEREOF, FEDERAL NATIONAL MORTGAGE ASSOCIATION has caused this instrument to be executed by Teresa M. Foley, its Vice President, thereunto duly authorized, this 14<sup>th</sup> day of March 2007.

ATTEST:

  
Cheryl Young

FEDERAL NATIONAL MORTGAGE ASSOCIATION

BY:

  
Teresa M. Foley  
Vice President

MAINE REAL ESTATE TAX PAID

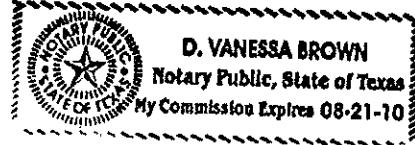
STATE OF TEXAS :  
COUNTY OF DALLAS:

March 14<sup>th</sup> 2007

Personally appeared the above named Teresa M. Foley, Vice President of FEDERAL NATIONAL MORTGAGE ASSOCIATION and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said corporation.

Before Me,  


Notary Public



It is hereby certified that the address of the within named grantor is:  
Fannie Mae, National Property Disposition Center,  
International Plaza II, 14221 Dallas Parkway, Suite 1000  
Dallas, Texas 75254  
Ph 972-773-7515 - Fax 972-676-0211

Received  
Recorded Register of Deeds  
Mar 19 2007 03:56:38P  
Cumberland County  
Pawela E. Lovley

STATE OF MAINE  
Cumberland, SS.

DISTRICT COURT  
Location: PORTLAND  
DOCKET NO: POR-RE-05-188

MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS,  
INC.,

Plaintiff

v.

MARTIN N. MULKERN and  
ROLINA S. MULKERN,

Defendants

DEFAULT JUDGMENT AND  
SUMMARY JUDGMENT FOR  
FORECLOSURE AND SALE

Title to Real Estate  
is Involved

After review ~~[and hearing]~~ ~~or~~ [without hearing and no opposition pursuant to Rule 7(c)], the Court finds that there is cause for granting Plaintiff's Motion for Summary Judgment and Default Judgment and the Court specifically finds:

1. Venue is properly laid in this Court.
2. There is no genuine issue as to any material fact involving the Plaintiff's Complaint, and that the Plaintiff is entitled to judgment as a matter of law.

3. This action is based upon a note dated April 30, 2004 in the original principal amount of \$245,000.00 and a mortgage of even date recorded in the Cumberland County Registry of Deeds at Book 21200, Page 247. The Defendants, Martin N. Mulkern and Rolina S. Mulkern, signed the aforementioned note, pledging their real

property pursuant to said mortgage as collateral for said note. The property that is the subject of this action is described in Exhibit A, attached.

4. There is due on said note and mortgage the principal amount of \$243,045.99, plus interest to December 20, 2005 in the amount of \$12,447.75, late charges to December 20, 2005 in the amount of \$186.21, real estate taxes to December 20, 2005 in the amount of \$2,279.05, title update fees to December 20, 2005 in the amount of \$275.00 and property inspections to December 20, 2005 in the amount of \$37.50, for a balance of \$258,271.50, with additional interest accruing on the principal at a rate of \$30.38 per day, plus attorneys fees and costs in the amount of \$700.92, plus any additional fees, costs and expenses incurred through and including the sale of the property.

5. The Plaintiff anticipates that additional disbursements will be made for real estate taxes, hazard insurance, property maintenance expenses and attorneys fees for services rendered during the foreclosure process and all other expenses allowed under the note and mortgage.

6. Because the Note and Mortgage entitle Plaintiff to reasonable attorneys fees and costs related to the collection of all sums due thereunder, if the Report of Sale discloses a deficiency, and if the sum provided herein for attorneys fees and costs is insufficient, Plaintiff shall be entitled to move in this

Court for additional fees and costs reasonably expected to be incurred in the collection of such deficiency.

7. The Defendants, Martin N. Mulkern and Rolina S. Mulkern, are presently in default on the note, the last payment made thereon being the payment due November 1, 2004, and therefore they have breached the conditions of the mortgage.

8. On or about July 20, 2005, the Plaintiff mailed a demand letter to the Defendants, Martin N. Mulkern and Rolina S. Mulkern, stating their mortgage was in arrears and that they had the right to reinstate said mortgage.

9. Parties and counsel to the within action:

	<u>Parties</u>	<u>Counsel</u>
PLAINTIFF:	Mortgage Electronic Registration Systems, Inc. 7105 Corporate Drive Plano TX 75024	Dan W. Thornhill, Esq. PO Box 360 Kittery ME 03904
DEFENDANTS:	Martin N. Mulkern 77 Tapley Road Saco ME 04072	defaulted <u>6/21/06</u>
	Rolina S. Mulkern 77 Tapley Road Saco ME 04072	defaulted <u>6/21/06</u>

10. Pursuant to Rule 4(c)(2) of the Maine Rules of Civil Procedure, the Defendants, Martin N. Mulkern and Rolina S. Mulkern, were served by a sheriff in the county in which they reside with the Complaint for Foreclosure by Civil Action. The Defendant, Martin N. Mulkern, was served upon Crystal Mulkern, a person of suitable age and discretion then residing at the Defendant's usual place of abode, on November 2, 2005\_ with a copy of said Complaint;

Defendant, Rolina S. Mulkern, was served upon Crystal Mulkern, a person of suitable age and discretion then residing at the Defendant's usual place of abode, on November 2, 2005 with a copy of said Complaint.

11. The order of priority of the liens is:

a. First to Mortgage Electronic Registration Systems, Inc. on its mortgage dated April 30, 2004 in the principal amount of \$243,045.99, plus interest, costs and attorneys fees as set forth in Paragraph 4 above.

12. The promissory note contains an interest rate of 4.50 percent per annum. Pursuant to 14 M.R.S.A. §1602-C, the pre-judgment interest rate is 7.36 percent and the post-judgment interest rate is 10.36 percent per annum.

13. The Defendants, Martin N. Mulkern and Rolina S. Mulkern, have not appeared and answered, and default was entered against said Defendants by the Clerk on 6/2/06.

14. This Court finds there is satisfactory evidence that the Defendants, Martin N. Mulkern and Rolina S. Mulkern, were properly served with a copy of the Summons and Complaint according to the Maine Rules of Civil Procedure and that the Defendants have failed to plead, appear or otherwise defend any aspect of this action. The Court also finds that the default of the Defendants has been duly and properly entered by the Clerk as requested by the Plaintiff and that the Defendants have not taken any action since the entry of the respective defaults. Accordingly, Summary Judgment

and Judgment by Default shall be and is hereby entered in favor of the Plaintiff, Mortgage Electronic Registration Systems, Inc., and against the Defendants, Martin N. Mulkern and Rolina S. Mulkern, and as hereinafter set forth.

WHEREFORE, it is hereby expressly directed that an entry of Default and Judgment of Foreclosure and Sale be made in favor of the Plaintiff, Mortgage Electronic Registration Systems, Inc., on its Complaint for Foreclosure by Civil Action and, therefore, it is hereby ordered and decreed that if the Defendants, their heirs and assigns, do not pay to the Plaintiff, its successors and assigns, the amount of the total claim due together with accrued interest, costs, attorneys fees and other charges as set forth above within ninety (90) days of the date hereof, then the Plaintiff, its successors and assigns, shall be entitled to exclusive possession of the real estate, that a Writ of Possession shall issue and Plaintiff may sell Defendants' real estate pursuant to 14 M.R.S.A. §6321 et seq. and disburse the proceeds of the sale, after deducting the expense thereof, first to the Plaintiff, Mortgage Electronic Registration Systems, Inc., its successors and assigns, in the amount of the total claim due plus accrued interest and other charges to the date of the sale on its mortgage, then to the junior lien holders as proceeds may allow as their obligations are noted above. Then, should there be any surplus funds remaining, said surplus shall be turned over to the Defendants.

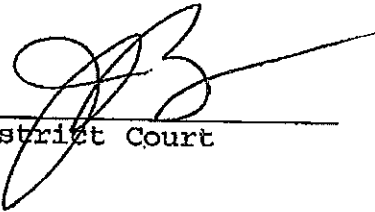


The Plaintiff shall be responsible for preparing and providing the Court with the recording of the Judgment.

An execution shall issue against the Defendants for any deficiency, provided that the statutory requirements are met.

This order may be incorporated by reference on the docket pursuant to Rule 79(a) M.R.Civ.P.

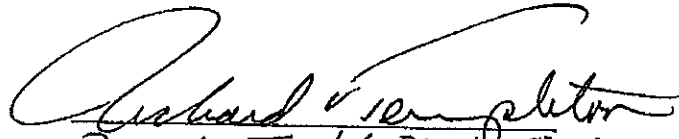
Dated: JUN 26 2006, 2006

  
\_\_\_\_\_  
Judge, District Court


DOCKETED: JUNE 29, 2006

I, Richard V Templeton Deputy Clerk of the Maine District Court, Division of Southern Cumberland, do hereby certify that the appeal period expired in this matter on July 25, 2006, with no appeal taken.

Dated: October 18, 2006

  
Richard V Templeton Deputy Clerk  
Maine District Court  
Division of So. Cumberland

A true copy attest:

  
\_\_\_\_\_  
Clerk

SEAL

EXHIBIT 'A'

A certain lot or parcel of land, with the buildings thereon, situated on Peaks Island in the City of Portland, County of Cumberland and State of Maine, bounded and described as follows:

PARCEL FIRST:

Beginning at a point in a line making an angle of ninety degrees with Central Avenue, at a point distant easterly from Island Avenue 1563.73 feet, said point of beginning being 213 feet southerly from said Central Avenue and distant southerly therefrom 173 feet; thence westerly by the southerly line of said proposed street 150 feet, more or less, to land now or formerly of Edgar E. Rounds; thence southerly by the easterly line of said Rounds land 83.06 feet, more or less, to land now or formerly of the Sterling heirs; thence easterly by line of said Sterling heirs land 150 feet, more or less, to a point in the westerly line of a proposed street; thence northerly by said westerly line of said proposed street 77.56 feet, more or less, to the point of beginning.

Meaning and intending to convey three lots numbered 77, 78 and 79 respectively as shown on a plan of the Eliza B. Littlejohn Estate made by Jordan and Richardson, September, 1895 and recorded in the Cumberland County Registry of Deeds in Plan Book 12, Page 86.

PARCEL SECOND:

That certain lot or parcel of land conveyed to Elsie M. Tardif by deed dated July 7, 1948 and recorded in the Cumberland County Registry of Deeds in Book 1921, Page 42, and described in said deed as follows:

"Land North side A Street and West side Daniel Street, part of Lot 24, Recd. Plan Luthor Sterling, Peaks Island, Portland, Maine, City Assessors Plan 87 Block HH, Area 5775 square feet."

Being the same premises described in a deed by Jacqueline Earley to Martin N. Mulkern and Rolina S. Mulkern herein dated April 29, 1985, and recorded in the Cumberland County Registry of Deeds in Book 6743, Page 74.

Received  
Recorded Register of Deeds  
Nov 02, 2006 08:34:30A  
Cumberland County  
John B O'Brien

John Tenancy

Know all Men by these Presents,

That I, JACQUELINE EARLEY, of Portland, County of Cumberland and State of Maine

In consideration of one dollar and other good and valuable considerations

paid by MARTIN N. MULKERN and ROLINA S. MULKERN

whose mailing address is Herman Avenue  
Peaks Island  
Portland, ME 04108

the receipt whereof I do hereby acknowledge, do hereby give, grant, bargain, sell and convey unto the said MARTIN N. MULKERN and ROLINA S. MULKERN

as joint tenants and not as tenants in common, their heirs and assigns forever.

A certain lot or parcel of land, together with the buildings thereon, situated on Peaks Island in said Portland, County of Cumberland and State of Maine, viz:

PARCEL FIRST: A certain lot or parcel of land bounded and described as follows:

Beginning at a point in a line making an angle of ninety degrees with Central Avenue, at a point distant easterly from Island Avenue 1563.73 feet, said point of beginning being 213 feet southerly from said Central Avenue and in the southerly side line of a proposed street 40 feet wide running parallel with said Central Avenue and distant southerly therefrom 173 feet; thence westerly by the southerly line of said proposed street 150 feet, more or less, to land now or formerly of Edgar E. Rounds; thence southerly by the easterly line of the said Rounds land 83.06 feet, more or less, to land now or formerly of the Sterling heirs; thence easterly by line of said Sterling heirs land 150 feet, more or less, to a point in the westerly line of a proposed street; thence northerly by said westerly line of said proposed street 77.56 feet, more or less, to the point of beginning.

Meaning and intending to convey three lots numbering 77, 78 and 79 respectively as shown on a plan of the Eliza B. Littlejohn Estate made by Jordan and Richardson September, 1895.

PARCEL SECOND: That certain lot or parcel of land conveyed to Elsie M. Tardif by deed, dated July 7, 1948 and recorded in said Registry of Deeds in Book 1921, Page 42, and described in said deed as follows:

"Land North side A Street and West side Daniel Street, part of Lot 24, Rec.-Plan Luthor Sterling, Peaks Island, Portland, Maine, City Assessors' Plan 87, Block HH, Area 5775 square feet."

Meaning and intending to convey, and hereby conveying, all and the same premises conveyed to Grantor by deed of Reno W. Tardif dated February 23, 1983 and recorded in Cumberland County Registry of Deeds in Book 6122 at Page 197 and by deed of the said Reno W. Tardif of even date herewith and to be recorded herewith in Cumberland County Registry of Deeds.

To have and to hold the aforegranted and bargained premises, with all the privileges and appurtenances thereof, to the said MARTIN N. MULKERN and ROLINA S. MULKERN as joint tenants and not as tenants in common, their heirs and assigns, to their own use and behoof forever.

And I do covenant with the said Grantees, their heirs and assigns, that I am lawfully seized in fee of the premises, that they are free of all encumbrances

that I have good right to sell and convey the same to the said Grantees to hold as aforesaid; and that I and my heirs shall and will warrant and defend the same to the said Grantees, their heirs and assigns forever, against the lawful claims and demands of all persons.

In Witness Whereof, I, the said JACQUELINE EARLEY

RRR

~~In presence of the said~~

~~Jacqueline Earley~~ and relinquishing and conveying all rights by descent and all other rights to the above described premises, have hereunto set my hand and seal this 25th day of the month of April, A.D. 19 85.

Signed, Sealed and Delivered in presence of

*Peter K. Sampson*  
Peter K. Sampson

*Jacqueline Earley*  
Jacqueline Earley

State of Maine, County of Cumberland ss. April 25, 19 85

Then personally appeared the above named JACQUELINE EARLEY

and acknowledged the foregoing instrument to be her free act and deed.

Before me,

*Peter K. Sampson*  
Peter K. Sampson

Attorney at Law

RECEIVED

1985 APR 29 PH 2:00  
RECORDED REGISTRY OF DEEDS  
CUMBERLAND COUNTY

*James J. Walsh*

14031

QUITCLAIM DEED  
Without Covenant

BOOK 6743 PAGE

72

## Know all Men by these Presents,

That I, RENO W. TARDIF, of Peaks Island, Portland, County of Cumberland and State of Maine

In consideration of one dollar and other good and valuable considerations

paid by JACQUELINE EARLEY

whose mailing address is 103 Sheridan Street  
Portland, ME 04101

the receipt whereof I do hereby acknowledge, do hereby renounce, release, bargain, sell and convey, and forever quitclaim unto the said JACQUELINE EARLEY,

her heirs and assigns forever,

All my right, title and interest in and to a certain lot or parcel of land, together with the buildings thereon, situated on Peaks Island in said Portland, viz:

PARCEL FIRST: A certain lot or parcel of land bounded and described as follows:

Beginning at a point in a line making an angle of ninety degrees with Central Avenue, at a point distant easterly from Island Avenue 1563.73 feet, said point of beginning being 213 feet southerly from said Central Avenue and in the southerly side line of a proposed street 40 feet wide running parallel with said Central Avenue and distant southerly therefrom 173 feet; thence westerly by the southerly line of said proposed street 150 feet, more or less, to land now or formerly of Edgar E. Rounds; thence southerly by the easterly line of the said Rounds land 83.06 feet, more or less, to land now or formerly of the Sterling heirs; thence easterly by line of said Sterling heirs land 150 feet, more or less, to a point in the westerly line of a proposed street; thence northerly by said westerly line of said proposed street 77.56 feet, more or less, to the point of beginning.

Meaning and intending to convey three lots numbering 77, 78 and 79 respectively as shown on a plan of the Eliza B. Littlejohn Estate made by Jordan and Richardson September, 1895.

PARCEL SECOND: That certain lot or parcel of land conveyed to Elsie M. Tardif by deed, dated July 7, 1948 and recorded in said Registry of Deeds in Book 1921, Page 42, and described in said deed as follows:

"Land North side A Street and West side Daniel Street, part of Lot 24, Rec. Plan Luthor Sterling, Peaks Island, Portland, Maine, City Assessors' Plan 87, Block HH, Lot 4, Area 5775 square feet."

Meaning and intending to convey all the right, title and interest in and to all and the same premises reserved to Grantor herein in deed to Grantee herein dated February 23, 1983 and recorded in Cumberland County Registry of Deeds in Book 6122 at Page 197.

To have and to hold the same, together with all the privileges and appurtenances

thereunto belonging, to the said JACQUELINE EARLEY,

her heirs and assigns forever.

In Witness Whereof, I, the said

RENO W. TARDIF

x300k

~~husband and~~

~~XXXXXX~~ relinquishing and conveying all rights by descent and all other rights in the

above described premises, have hereunto set my hand and seal this 25th

day of the month of April, A.D. 19 85 .

Signed, Sealed and Delivered  
in presence of

*Peter K. Sampson*  
.....  
Peter K. Sampson

*Reno W. Tardif*  
.....  
Reno W. Tardif

State of ~~Mass.~~ Cumberland ~~SS.~~ April 25, 19 85 .

Then personally appeared the above named RENO W. TARDIF

and acknowledged the foregoing instrument to be his free act and deed.

Before me,

*Peter K. Sampson*  
.....  
Peter K. Sampson  
Notary Public  
Attorney at Law

RECEIVED  
1985 APR 29 PM 1:59  
RECORDED REGISTRY OF DEEDS  
CUMBERLAND COUNTY

*James J. Walsh*

# Know all Men by these Presents,

That I, **ELSIE M. TARDIF**, of Portland in the County of Cumberland and State of Maine,

in consideration of one dollar (\$1.00) and other valuable considerations,

paid by **RENO W. TARDIF** and said **ELSIE M. TARDIF**, both of said Portland,

the receipt whereof I do hereby acknowledge, do hereby remise, release, bargain, sell and convey and forever quit-claim unto the said **Reno W. Tardif** and **Elsie M. Tardif**, as joint tenants and not as tenants in common, their

**Heirs and Assigns forever.**

the following described lots or parcels of land, together with the buildings thereon, situated on Peaks Island in said Portland, viz:

**PARCEL FIRST:** A certain lot or parcel of land bounded and described as follows:

Beginning at a point in a line making an angle of ninety degrees with Central Avenue, at a point distant easterly from Island Avenue 1563.73 feet, said point of beginning being 213 feet southerly from said Central Avenue and in the southerly side line of a proposed street 40 feet wide running parallel with said Central Avenue and distant southerly therefrom 173 feet; thence westerly by the southerly line of said proposed street 150 feet, more or less, to land now or formerly of **Edgar E. Rounds**; thence southerly by the easterly line of the said **Rounds** land 83.06 feet, more or less, to land now or formerly of the **Sterling** heirs; thence easterly by line of said **Sterling** heirs land 150 feet, more or less, to a point in the westerly line of a proposed street; thence northerly by said westerly line of said proposed street 77.56 feet, more or less, to the point of beginning.

Meaning and intending to convey three lots numbering 77, 78 and 79 respectively as shown on a plan of the **Eliza B. Littlejohn** Estate made by **Jordan and Richardson** September, 1895.

The above described parcel first being the same premises conveyed to the Grantor under her maiden name of **Elsie M. Reed** by **Annie G. Reed** by deed, dated December 24, 1940 and recorded in the Cumberland County Registry of Deeds in Book 1626, Page 172

**PARCEL SECOND:** That certain lot or parcel of land conveyed to the Grantor/by deed, dated July 7, 1948 and recorded in said Registry of Deeds in Book 1921, Page 42, and described in said deed as follows:

"Land North side A Street and West side Daniel Street, part Lot 24, **Geo. Plan Luther Sterling**, Peaks Island, Portland, Maine, City Assessors' Plan 87, Block 88, Lot 4, Area 5775 square feet."





**CITY OF PORTLAND**  
**DEPARTMENT OF PLANNING & URBAN DEVELOPMENT**

389 Congress Street  
 Portland, Maine 04101

**RECEIPT OF FEES**

<b>Application No:</b> 0000-1756	<b>Applicant:</b> MULKERN ROYAL C
<b>Project Name:</b> 62 UPPER A ST	<b>Location:</b> 62 UPPER A ST
<b>CBL:</b> 087 HH006001	<b>Application Type:</b> Determination Letter
<b>Invoice Date:</b> 07/16/2013	

<b>Previous Balance</b>	-	<b>Payment Received</b>	+	<b>Current Fees</b>	-	<b>Current Payment</b>	=	<b>Total Due</b>	<b>Payment Due Date</b>
\$0.00		\$0.00		\$150.00		\$150.00		\$0.00	On Receipt

**Previous Balance** **\$0.00**

<b>Fee Description</b>	<b>Qty</b>	<b>Fee/Deposit Charge</b>
Zoning Determinations	1	\$150.00
		<u>\$150.00</u>
	<b>Total Current Fees:</b>	+ <b>\$150.00</b>
	<b>Total Current Payments:</b>	- <b>\$150.00</b>
	<b>Amount Due Now:</b>	<b>\$0.00</b>

**CBL** 087 HH006001  
**Bill to:** MULKERN ROYAL C  
 62 LAWSON RD  
 SCITUATE, MA 02066

**Application No:** 0000-1756  
**Invoice Date:** 07/16/2013  
**Invoice No:** 41853  
**Total Amt Due:** \$0.00  
**Payment Amount:** \$150.00

Make checks payable to the *City of Portland*, ATTN: Inspections, 3rd Floor, 389 Congress Street, Portland, ME 04101.