

085 (70-H-3-)

Herbert A. Melhorn
2 Preston Road
Lexington, MA
02420
08 Nov 2010
Phone (781) 862-6843

Ms Suzanne Hunt
Inspections Dept, Room 315
City of Portland, 389 Congress St.
Portland, ME 04101

Dear Ms Hunt:

Please find two items herewith. One is a copy from Plan Book 11, Page 99 of the Cumberland County Registry showing my Pecke Island neighborhood. I have highlighted details pertinent to the fence violation at 25 Oaklawn Road (You received the same Plan of Land, Book 11, Page 99 by FAX, from me at Pecke Island, on 21 Sept. 2010, without my newly added markings). The other item is the DEED for the FRANTZ land, lots A and 7 on the aforementioned Plan of Land. The DEED may be new to you.

You can see that the Frantz deed defines Frantz ownership entirely in terms of Book 11, Page 99. Specific citations of Oaklawn Road are included in the deed.

What I have not told you before is that in 2001 I had my land, called 'Juglovski', surveyed for reasons not related to the present fence issue. When you are next on Pecke Island (very soon I hope) kindly find the two surveyor's markers at the corners of my lot where it meets Oaklawn Road. (They are indicated by red circles on the Plan of Land provided herewith). They are close to the ground and an inch or so from the old iron pipe still standing there. They define the edge of Oaklawn Road, without ambiguity of any kind.

Those markers, with the Plan of Land, make it

PLAN OF LAND

ON
PEAKS ISLAND, MAINE

formerly known as the
SKILLINGS FARM

Belonging to
Hess of Vermont Skillings

PORTLAND HARBOR

Scale 180 ft to 1 inch

H.A. MEHLHORN
9 OAKLAWN ROAD
PEAKS ISLAND, ME. 04108

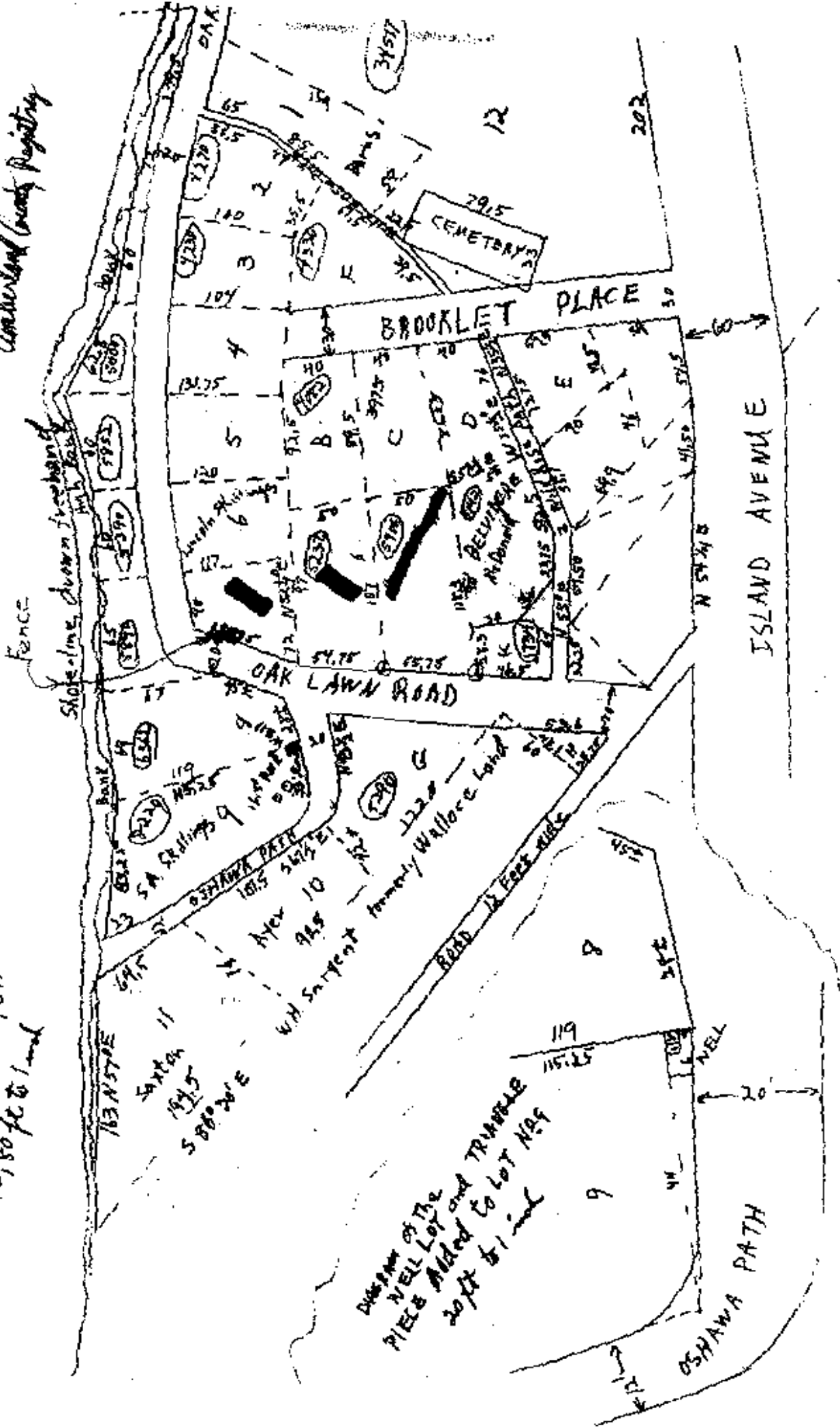
PLAN BOOK 11

Page 99

June 12, 1908

PLAN
Revised by
June 12

Concord County Registry



*11/08/10
for Josephine Hunt*

Know all men by these presents,

1953

THAT I, **MAZEL E. SKILLINGS**, of Portland in the County of Cumberland and State of Maine

In consideration of one dollar and other valuable considerations paid by **TORALD R. THURTELL JR.**, and **STELLA I. PHIPPS**, of Tampa, Florida

do hereby sell, transfer, convey and assign unto the said **TORALD R. THURTELL JR.** and **STELLA I. PHIPPS** all my right, title and interest in and to the following described premises, to wit:

One certain lot of land situated in the City of Portland, Maine, and bounded on the north by the shore of the City of Portland, on the east by the shore of the City of Portland, on the south by the shore of the City of Portland, and on the west by the shore of the City of Portland, and containing one acre, more or less, and being the same as is more fully described in the plat of said lot of land filed in the County of Cumberland, Maine, under the name of **MAZEL E. SKILLINGS**, and being the same as is more fully described in the plat of said lot of land filed in the County of Cumberland, Maine, under the name of **MAZEL E. SKILLINGS**.

One certain lot of land situated in the City of Portland, Maine, and bounded on the north by the shore of the City of Portland, on the east by the shore of the City of Portland, on the south by the shore of the City of Portland, and on the west by the shore of the City of Portland, and containing one acre, more or less, and being the same as is more fully described in the plat of said lot of land filed in the County of Cumberland, Maine, under the name of **MAZEL E. SKILLINGS**, and being the same as is more fully described in the plat of said lot of land filed in the County of Cumberland, Maine, under the name of **MAZEL E. SKILLINGS**.

One certain lot of land situated in the City of Portland, Maine, and bounded on the north by the shore of the City of Portland, on the east by the shore of the City of Portland, on the south by the shore of the City of Portland, and on the west by the shore of the City of Portland, and containing one acre, more or less, and being the same as is more fully described in the plat of said lot of land filed in the County of Cumberland, Maine, under the name of **MAZEL E. SKILLINGS**, and being the same as is more fully described in the plat of said lot of land filed in the County of Cumberland, Maine, under the name of **MAZEL E. SKILLINGS**.

Being the same premises conveyed to this Grantor by Robert F. Skillings, by deed dated March 1, 1949, and recorded in said Registry of Deeds Book 1417, Page 144.



RECORDED
11/18/19
for Deposition

TO HAVE AND TO HOLD the above-mentioned and bequeathed premises with all the privileges and appurtenances thereof to the said
WILLIAM H. MAURER, JR., and STEVEN T. FRANKS
as joint tenants, and not in severalty, to them and their heirs and assigns, and the survivors and assigns of them, and the heirs and
assigns of the survivors of them, and their heirs and assigns forever.

AND I do COVENANT with the said Grantee, as aforesaid, 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 Grantee to hold as aforesaid; and that I and
my heirs and assigns and the heirs and assigns of the said Grantee shall defend the same to the said Grantee, their heirs and assigns
and the survivors of them, and the heirs and assigns of the survivors of them forever, against the lawful claims and demands of all
persons.

IN WITNESS WHEREOF, WE the said HAZEL E. SKILLINGS and THURTY F. SKILLINGS, being husband and wife,

and

Johnnie M. Moore, and relinquishing and conveying all rights by grant and all other rights to the
above-mentioned premises, have hereunto set our hands and seal this 17th day of September
1969.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 17th day of September 1969.

Johnnie M. Moore
H.M.S.

H.M.S. Hazel E. Skillings
H.E.S. *Thurty F. Skillings*

STATE OF MAINE, Cumberland, ME.
above named HAZEL E. SKILLINGS
and acknowledged the foregoing instrument to be his free act and deed.

September 17, 1969. Personally appeared the
above named HAZEL E. SKILLINGS
before me,
Johnnie M. Moore
Notary Public for the State of Maine.

free act and deed.

STATE OF MAINE, Cumberland
Recorded OCT 17 1969

REGISTRY OF DEEDS
Book 122, Page 124

Johnnie M. Moore
NOTARY PUBLIC

Luzerne Point

2

1/8/10

instantly apparent that the extension of any side of
Oaklawn Road down the hill past lot A (Fronty) and
along lot 7 (Fronty) past the Fronty fence, along
lot 7, on the edge of the road (even partly in the
road). It is not anywhere near 25 feet away
from the road as the Fence Code (sect. 14-434) requires.

Violation could not be more clear.

Violation of Corner Clearance requirement is clear also.

What further information could you possibly
need to bring about compliance??!

I would appreciate your getting this fence matter
settled in full accordance with sect. 14-436 and sect.
14-434 as promptly as possible.

Please realize that while there is little traffic on
Oaklawn Road right now there will be plenty of traffic
starting in May when "summer" water is turned on. Then there
will be lots of traffic during the summer: private cars,
tradesmen's pickups, landscapers towing big equipment
trailers, fuel trucks, frozen food vendors, postal US, and
FedEx vehicles, a small sightseeing "tour bus" several
times each day and bicycles in great numbers shooting
down the hill toward the water and past the fence at
issue, with many of the riders being very young.
Safety is a most serious concern.

Please cause the Fronty fence to
come into complete ~~compliance~~ compliance
with the Fence Code without any further delay.

Sincerely yours,
Herbert A. Muhlman

All this to say nothing of pedestrians
with baby strollers and children
in tow going to and from the beach!