

<b>CITY OF PORTLAND,</b>	)
	)
Plaintiff,	)
	)
v.	)
	)
<b>SEAN KIRBY,</b>	)
	)
Defendant.	)

**CONSENT JUDGMENT  
(M.R. Civ. P. 80H)**

(Title to Real Estate Involved)

The parties, the City of Portland (“Portland”), and Sean Kirby (“Defendant”), hereby consent to the entry of judgment pursuant to 30-A M.R.S. § 4452, the City of Portland Code of Ordinances (“Portland Code”), and M.R. Civ. P. 80H.

WHEREAS, Defendant is the owner and manager of a multi-unit residential property located at 32 Lawn Avenue in Portland, Maine, shown as CBL 132 E009001 on the City of Portland Tax Maps (the “Premises”);

WHEREAS, Defendant was issued a Notice of Inspection Violations (the “NOV”) by the City of Portland Fire Department on August 27, 2015;

WHEREAS, Defendant was served with a Uniform Summons and Complaint for the violations described in the NOV; and

WHEREAS, the parties wish to settle this matter between them;

NOW THEREFORE, the parties agree to the following:

1. Judgment is granted to the City of Portland.
2. Defendant has already completed the following:
  - a. Removed all debris and storage from stairwells and hallways at the Premises, and will maintain those areas free and clear of debris and storage.

- b. Removed all grills from porches and balconies and shall not permit any grills to be located on porches or balconies.
  - c. Labeled all apartment doors with an appropriate unit number and shall maintain those labels.
  - d. Installed continuous handrails in all stairwells and shall maintain those in good condition.
  - e. Installed functioning Carbon Monoxide detectors in all apartment units in compliance with state law and local ordinances, and shall maintain those in working condition.
  - f. Installed functioning smoke alarms in all apartment units in compliance with state law and local ordinances, and shall maintain those in working condition.
  - g. Installed a sprinkler above the hot air furnace and will maintain the sprinkler in good working order.
  - h. The electrical system has been inspected, repaired, and certified, and covers have provided for all electrical boxes, and shall maintain the electrical system in good working order.
  - i. Repaired all holes in the sheetrock, and will maintain the fire barrier in good condition.
3. No later than January 23, 2017, Defendant shall install one-hour rated fire doors with self-closing assemblies, as required.
  4. The deadline contained in paragraphs 3 above may be extended with the consent of the Portland Fire Prevention Bureau, which shall be in their sole discretion to grant or deny.

5. Defendant shall immediately vacate the third floor apartment, and shall not allow that apartment to be occupied unless and until Defendant completes the work required by this consent, to the satisfaction of City.
6. Defendant shall be liable to the City for a civil penalty in the amount of \$10,000, all of which shall be waived so long as Defendant complies with the terms of this judgment. If Defendant fails to comply, the civil penalty shall be due within ten days of notice of noncompliance and demand by the City.

**SEEN AND AGREED,**

Date: 9/14/2016

CITY OF PORTLAND



By:  
Its:

Date:

SEAN KIRBY



**SO ORDERED,**

Date:

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