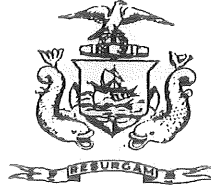


Zoning Division
Marge Schmuckal
Zoning Administrator



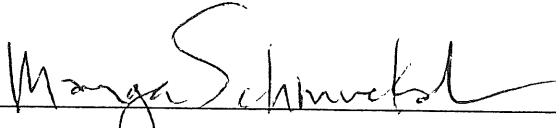
Department of Urban Development
Joseph E. Gray, Jr.
Director

CITY OF PORTLAND

Regarding the matter of 15 Orkney Street, Portland, Maine (Map 132, Block F, Lot 15) and the recently discovered encroachment onto the property known as 19 Orkney Street, Portland, Maine (Map 132, Block F, Lot 12), it has been determined that the quitclaim deed without covenant granted by Louise Tweedie on December 29, 1999, represents effective resolution of the previously existing encroachment.

Having reviewed the history of **Applications for permit** as related to the garage structure in question, the office of Zoning Administration, City of Portland, verifies that the sellers, David Smaha, Kimberley Watson and Frank Watson, have substantive proof that all previous owners exercised consistent good intent to make improvements on the property that conform to extant Zoning codes and statutes. The property will be designated legal non-conforming, to the satisfaction of the Department of Zoning Administration of the City of Portland and no further action regarding property line set-back will be pursued by the City of Portland or its agents

Further, buyers, Elizabeth and Henry Griffin III, may take occupancy at 15 Orkney Street, and may convey the property to their heirs and assigns with assurance of quiet enjoyment of the property as it relates to property line set-back issues that might arise now or in the future.



Zoning Administrator. 12/30/99
December 30, 1999

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December 30, 1999



Prudential Akers Real Estate
 386 Fore Street, Portland ME 04101
 Bus 207 774-8300 Fax 207 774-8347

December 29, 1999

Zoning Administration
 City of Portland
 389 Congress Street
 Portland, ME 04101

*Schmechel
 (sorry...)*

Dear Marge Schmechel:

David Smaha, seller, was in contact with you recently regarding **15 Orkney Street, Portland, ME (Map 132, Block F, Lot 15)**. In preparing the title for transfer by sale, it was discovered that the garage and driveway encroach onto the abutting lot (reference: 19 Orkney Street, (also Map 132).

History of permits for the garage is as follows:

Lot 12

May 12, 1919 Application for permit to build 15'X20' private garage w/concrete floor

July 30, 1925 Application for permit to build 7'X20' addition (convert to 2-car) private garage

March 25, 1929 Application for permit to partition section of garage for heated room.

April 3, 1990 Application for permit to demolish garage and construct new 21X 22'4" garage on same site.

Because there is no remaining evidence of the original garage foundation pad, it is not apparent whether the encroachment was created in 1990 rebuild or if it was in existence before. Because we do not have a clear 'grandfathered' right, the abutter was contacted.

The abutter (19 Orkney Street, Louise Tweedie) has conveyed a quitclaim deed without covenant for the area that the garage occupies and an easement to cover the driveway encroachment. A copy of the signed, notarized quitclaim deed, including reference to the driveway easement, is attached.

As the abutter was amenable to providing remedy, all that remains seems to be **property line set-back and the city of Portland's stance on that issue**. David Smaha stated that in his conversation with you, that you indicated that you could issue a 'waiver' letter regarding the set-back issue.

I represent the buyer and in their best interest, prior to closing today, I am seeking assurance that the city of Portland will waive future action regarding set-back requirements. As a possible method of expediting this matter, I have included a "waiver" letter for your perusal. As our time constraints are immediate (**closing is scheduled for 1:00pm today**), your earliest consideration of this matter is greatly appreciated.

Best regards,

Donna B. Male
 Relocation Director



QUITCLAIM DEED WITHOUT COVENANT

KNOW ALL BY THESE PRESENTS, That I, **LOUISE TWEEDIE**,
("Grantor") of 19 Orkney Street, Portland, Maine 04103, for consideration paid, release
to **FRANCIS J. WATSON** and **KIMBERLY J. WATSON**, whose mailing address is
147 Clinton Street, Portland, Maine 04103, and **DAVID B. SMAHA**, whose mailing
address is 72 Primrose Lane, Portland, Maine 04103, ("Grantees") the following property
with the buildings thereon located on the northerly side of Orkney Street, in Portland,
County of Cumberland and State of Maine, more particularly described as follows:

Beginning at a point being the northeasterly corner of the Grantor's
land as described in a deed recorded in the Cumberland County Registry
of Deeds in Book 2191, Page 445; said point also being the northwesterly
corner of Grantees' land as described in a deed recorded in said Registry of
Deeds in Book 15113, Page 181;

1. Thence, running in a southerly direction along the westerly line of
Grantee's land a distance of twenty-five (25) feet to a point;
2. Thence, turning and running in a westerly direction and parallel with
course 4 described herein a distance of two (2) feet to a point;
3. Thence, turning and running in a northerly direction and parallel to
course 1 described herein a distance of twenty-five (25) feet, more or
less, to the northerly line of Grantor's land;
4. Thence, turning and running in an easterly direction along the
northerly line of Grantor's land a distance of two feet, more or less, to
the point of beginning.

Meaning and intending to convey and hereby conveying a strip of land in
the northeasterly corner of Grantor's land being two feet wide and twenty-
five feet long adjacent to land of the Grantees. Also conveying a perpetual
right and easement to enter upon Grantor's land to maintain, inspect and
repair the garage on Grantee's land.

Also conveying a perpetual right and easement for ingress and egress by
foot and vehicle over, across and through the existing driveway located on

the southeasterly portion of Grantor's land. Also conveying the right to pave, use, maintain, inspect, repair, replace and improve said driveway.

Being a portion of the premises conveyed to the Grantor and Charles H. Tweedie by deed of Clara M. Collins, dated August 13, 1954, recorded in the Cumberland County Registry of Deeds in Book 2191, Page 445. The said Charles H. Tweedie died on 5-21-99, in Portland, Maine. Louise Tweedie conveys herein as surviving joint tenant.

WITNESS my hand and seal this 29th day of December, 1999.

Witness:

Louise Tweedie
Louise Tweedie

STATE OF MAINE
COUNTY OF CUMBERLAND, ss.

On December 24, 1999, personally appeared the above-named Louise Tweedie and acknowledged the foregoing instrument to be her free act and deed.

Before me,
Kathleen Profenno

Notary Public
Printed Name:

KATHLEEN PROFENNO,
Notary Public
My Comm. Expires 1/3/05

THIS IS NOT A BOUNDARY SURVEY

772-3171

MORTGAGE LOAN INSPECTION

No. 788-87

TO THE LENDER AND ITS TITLE INSURER
I hereby certify that the location of the dwelling shown on this plan did conform with the local zoning laws in effect at the time of construction. The property does not fall within a special flood hazard zone.

3' affact
mon
"

BOOK 16113 PAGE 161 COUNTY Cumberland

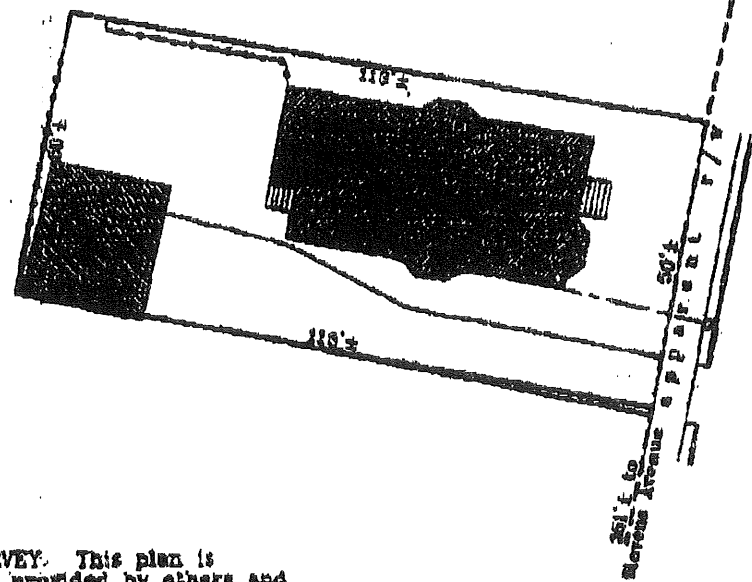
PLAN BOOK 9 PAGE 99 LOT 8

15 Orkney Street
Portland
Maine

Buyers
Elizabeth E. and Henry W. Griffin III
Sellers
Francis J. and Kimberly J. Watson
and
David B. Smaha

The dwelling is a two story wood framed structure on a brick foundation

" The driveway and garage encroach "



Handwritten signature

THIS IS NOT A BOUNDARY SURVEY. This plan is based strictly on information provided by others and does not take into consideration any conflicts which abutting descriptions may contain. This plan was not made from an instrument survey. The certifications are for mortgage purposes only. This plan applies only to conditions existing as of the date shown hereon. This plan is not for recording.

Date 12-7-98 Scale 1"=30' Drawn by AC

T Titcomb Associates Falmouth, Maine

Permit # _____ City of _____ BUILDING PERMIT APPLICATION Fee _____ Zone _____ Map # 7 Lot # _____
 Please fill out any part which applies to you. Plans & specs must accompany this.

Owner _____ Phone # _____
 Address _____
 LOCATION OF CONSTRUCTION _____
 Contractor _____
 Address _____ Phone # _____
 Est. Construction Cost _____ Proposed Use _____
 _____ Past Use _____
 # of Existing Res. Units _____ # of New Res. Units _____
 Building Dimensions L _____ W _____ Total Sq. Ft. _____
 # Stories: _____ # Bedrooms _____ Lot Size: _____
 Is Proposed Use: Seasonal _____ Condominium _____ Conversion _____
 Explain Conversion _____

PERMIT ISSUED

For Official Use Only
 Subdivision _____
 Date _____ 900232 _____
 APR 8 1990
 City of Portland

Zoning: Street Frontage Provided _____
 Provided Setbacks: Front _____ Back _____ Side _____ Side _____

Review Required:
 Zoning Board Approval: Yes _____ No _____ Date: _____
 Planning Board Approval: Yes _____ No _____ Date: _____
 Conditional Use: _____ Variance _____ Site Plan _____ Subdivision _____
 Shoreland Zoning: Yes _____ No _____ Floodplain: Yes _____ No _____
 Special Exception _____
 Other (Explain) _____

Foundation:
 1. Type of Soil: _____
 2. Set Backs - Front _____ Rear _____ Side(s) _____
 3. Footings Size: _____
 4. Foundation Size: _____
 5. Other _____

Floor:
 1. Sills Size: _____ Sills must be anchored.
 2. Girder Size: _____
 3. Lally Column Spacing: _____ Size: _____
 4. Joists Size: _____ Spacing 16" O.C.
 5. Bridging Type: _____ Size: _____
 6. Floor Sheathing Type: _____ Size: _____
 7. Other Material: _____

Exterior Walls:
 1. Studding Size _____ Spacing _____
 2. No. windows _____
 3. No. Doors _____
 4. Header Sizes _____ Spacing _____
 5. Bracing: Yes _____ No _____
 6. Corner Posts Size _____
 7. Insulation Type _____ Size: _____
 8. Sheathing Type _____ Size: _____
 9. Siding Type _____ Weather Exposure _____
 10. Masonry Materials _____
 11. Metal Materials _____

Interior Walls:
 1. Studding Size _____ Spacing _____
 2. Header Size: _____ Spacing _____
 3. Wall Covering Type _____
 4. Fire Wall if required _____
 5. Other Materials _____

Ceiling:
 1. Ceiling Joists Size: _____
 2. Ceiling Strapping Size _____ Spacing _____
 3. Type Ceilings: _____
 4. Insulation Type: _____ Size: _____
 5. Ceiling Height: _____

Roof:
 1. Truss or Rafter Size _____ Spacing _____
 2. Sheathing Type _____ Size _____
 3. Roof Covering Type _____

Chimneys:
 Type: _____ Number of Fire Places _____

Heating:
 Type of Heat: _____

Electrical:
 Service Entrance Size: _____ Smoke Detector Required Yes _____ No _____

Plumbing:
 1. Approval of soil test if required Yes _____ No _____
 2. No. of Tubs or Showers _____
 3. No. of Flushes _____
 4. No. of Lavatories _____
 5. No. of Other Fixtures _____

Swimming Pools:
 1. Type: _____
 2. Pool Size _____ Square Footage _____
 3. Must conform to National Electrical Code and State Law

Permit Received By _____

Signature of Applicant _____ Date _____

Signature of CEO _____ Date _____

Inspector Date: _____

MAR 20 1990



APPLICATION FOR PERMIT

March 25, 1929

STATE OF MICHIGAN
DEPARTMENT OF CONSERVATION
DIVISION OF FORESTRY
LANSING, MICHIGAN



Location, Ownership and detail must be correct, complete and legible.
 Separate application required for every building.
 Plans must be filed with this application.

Application for Permit for Alterations, etc.

Portland, Me., July 20, 1925 19

To the
 INSPECTOR OF BUILDINGS:

The undersigned applies for a permit under the following described building:

Location 15 Orkney Street Ward 6 in fire limits? no
 Name of Owner or Lessee Louise H. Soule Address 15 Orkney Street
 " " Contractor, S. E. Soule " " "
 " " Architect, _____ " _____
 Description of Present Bldg. Material of Building is wood Style of Roof, pitch Material of Roofing, asphalt
 Size of Building is 20ft feet long; 15ft feet wide. No. of Stories, 1
 Cellar Wall is constructed of _____ is _____ inches wide on bottom and batters to _____ inches on top.
 Underpinning is _____ is _____ inches thick; is _____ feet in height.
 Height of Building _____ Wall, if Brick; 1st, _____ 2d, _____ 3d, _____ 4th, _____ 5th, _____
 What was Building last used for? private garage 1 car No. of Families? _____
 What will Building now be used for? private garage 2 cars

Detail of Proposed Work

Build addition one story high 7x20feet with asphalt roof, this
garage will set two feet from the lot line including the eaves
to comply with the building ordinance

Estimated Cost \$ 100.

If Extends On Any Side

Size of Extension, No. of feet long _____ No. of feet wide _____ No. of feet high above sidewalk? _____
 No. of Stories high? _____ Style of Roof? _____ Material of Roofing? _____
 Of what material will the Extension be built? _____ Foundation? _____
 If of Brick, what will be the thickness of External Walls? _____ inches and Party Walls _____ inches.
 How will the extension be occupied? _____ How connected with Main Building? _____

When Moved, Raised or Built Upon

No. of Stories in height when Moved, Raised, or Built upon? _____ Proposed Foundations? _____
 No. of feet high from base of ground to highest part of Roof? _____

PERMIT MUST BE OBTAINED BEFORE BEGINNING WORK

