

City of Portland, Maine - Building or Use Permit Application

389 Congress Street, 04101 Tel: (207) 874-8703. Fax: (207) 874-8716

Permit No: 09-1028	Issue Date:	CBL: 155 E007001
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Location of Construction: 46 BAY ST	Owner Name: MGW Consulting and Development,	Owner Address: 46 Irving Street	Phone:
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Business Name:	Contractor Name: Cassie Construction	Contractor Address:	Phone:
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Lessee/Buyer's Name	Phone:	Permit Type: Demolitions - Building	Zone: R-3
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Past Use: Single Family Home	Proposed Use: Vacant Land - Demolish Single family home for vacant space building permit to be applied for separately	Permit Fee: \$60.00	Cost of Work: \$3,500.00	CEO District: 4	220504
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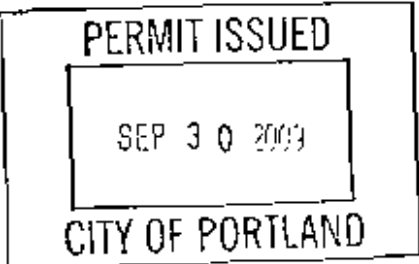
FIRE DEPT: <input type="checkbox"/> Approved <input type="checkbox"/> Denied	INSPECTION: Use Group: R3 Type: DEMOLITION
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Proposed Project Description: Demolish Single family home for vacant space building permit to be applied for separately	Signature: <i>[Signature]</i> Date: 9/30/09
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PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.)	
Action <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied	Signature: _____ Date: _____

Permit Taken By: L. Dobson	Date Applied For: 09/17/2009	Zoning Approval	
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<p>1. This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules.</p> <p>2. Building permits do not include plumbing, septic or electrical work.</p> <p>3. Building permits are void if work is not started within six (6) months of the date of issuance. False information may invalidate a building permit and stop all work..</p>	<p>Special Zone or Reviews</p> <p><input type="checkbox"/> Shoreland</p> <p><input type="checkbox"/> Wetland</p> <p><input type="checkbox"/> Flood Zone</p> <p><input type="checkbox"/> Subdivision</p> <p><input type="checkbox"/> Site Plan</p> <p>Map <input type="checkbox"/> M1 <input type="checkbox"/> M2 <input type="checkbox"/> MM <input type="checkbox"/></p> <p>Date: <i>9/17/09</i></p>	<p>Zoning Appeal</p> <p><input type="checkbox"/> Variance</p> <p><input type="checkbox"/> Miscellaneous</p> <p><input type="checkbox"/> Conditional Use</p> <p><input type="checkbox"/> Interpretation</p> <p><input type="checkbox"/> Approved</p> <p><input type="checkbox"/> Denied</p> <p>Date: _____</p>	<p>Historic Preservation</p> <p><input checked="" type="checkbox"/> Not in District or Landmark</p> <p><input type="checkbox"/> Does Not Require Review</p> <p><input type="checkbox"/> Requires Review</p> <p><input type="checkbox"/> Approved</p> <p><input type="checkbox"/> Approved w/Conditions</p> <p><input type="checkbox"/> Denied</p> <p>Date: _____</p>
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CERTIFICATION

I hereby certify that I am the owner of record of the named property, or that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his authorized agent and I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in the application is issued, I certify that the code official's authorized representative shall have the authority to enter all areas covered by such permit at any reasonable hour to enforce the provision of the code(s) applicable to such permit.

SIGNATURE OF APPLICANT	ADDRESS	DATE	PHONE
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RESPONSIBLE PERSON IN CHARGE OF WORK TITLE	DATE	PHONE
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12-23-09 OK- Dmsr YCY



FILL IN AND SIGN WITH INK

PERMIT ISSUED

APPLICATION FOR PERMIT HEATING OR POWER EQUIPMENT

MAR - 4 2010

City of Portland

To the INSPECTOR OF BUILDINGS, PORTLAND, ME.

The undersigned hereby applies for a permit to install the following heating, cooking or power equipment in accordance with the Laws of Maine, the Building Code of the City of Portland, and the following specifications:

Location / CBL 46 Day St. Use of Building Home Date 2/25/10
 Name and address of owner of appliance Jared Rabse PO Box 1508
Windham, ME 04062
 Installer's name and address Builders Installed Prod.
515 Riverside End Pkwy Portland Telephone 878-6600

Location of appliance:
 Basement Floor
 Attic Roof

Type of Fuel:
 Gas Oil Solid

Appliance Name FME 36" Victorian
 U.L. Approved Yes No

Will appliance be installed in accordance with the manufacture's installation instructions? Yes No

IF NO Explain: _____

The Type of License of Installer:
 Master Plumber # _____
 Solid Fuel # _____
 Oil # _____
 Gas # PAT-3025
 Other _____

Type of Chimney:
 Masonry Lined
 Factory built _____ FEB 25 2010
 Metal
 Dept. of Building Inspections
 Factory Built U.L. Listing # of Portland, Maine
 Direct Vent
 Type Horizontal U.L. _____

Type of Fuel Tank
 Oil
 Gas

Size of Tank N/A

Number of Tanks N/A

Distance from Tank to Center of Flame _____ feet.

Cost of Work: \$ 1225.00
 Permit Fee: \$ 190

RECEIVED

Approved

Approved with Conditions

Fire: _____
 Ele.: _____
 Bldg.: _____

See attached letter or requirement

Inspector's Signature

Date Approved

Signature of Installer Bill Rabse

City of Portland, Maine - Building or Use Permit

389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

Permit No: 10-0176	Date Applied For: 02/25/2010	CBL: 155 E007001
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Location of Construction: 46 BAY ST	Owner Name: MGW CONSULTING AND DEVE	Owner Address: 46 IRVING ST	Phone:
Business Name:	Contractor Name: Builders Insulation/ Builders Install	Contractor Address: 515 Riverside Industrial Parkw Portland	Phone: (207) 878-6600
Lessee/Buyer's Name	Phone:	Permit Type: HVAC	

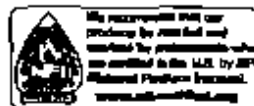
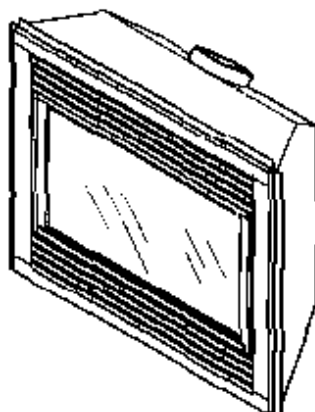
Proposed Use: Single Family Home - install a FMI 36" Victoria in living room	Proposed Project Description: install a FMI 36" Victoria in living room
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Dept: Zoning	Status: Approved	Reviewer: Marge Schmuckal	Approval Date: 02/26/2010
Note:			Ok to Issue: <input checked="" type="checkbox"/>
Dept: Building	Status: Approved with Conditions	Reviewer: Tammy Munson	Approval Date: 03/02/2010
Note:			Ok to Issue: <input checked="" type="checkbox"/>

1) The installation must comply with the State of Maine Gas Regulations.



FMI PRODUCTS, LLC
DIRECT-VENT FIREPLACE
OWNER'S OPERATION AND INSTALLATION MANUAL



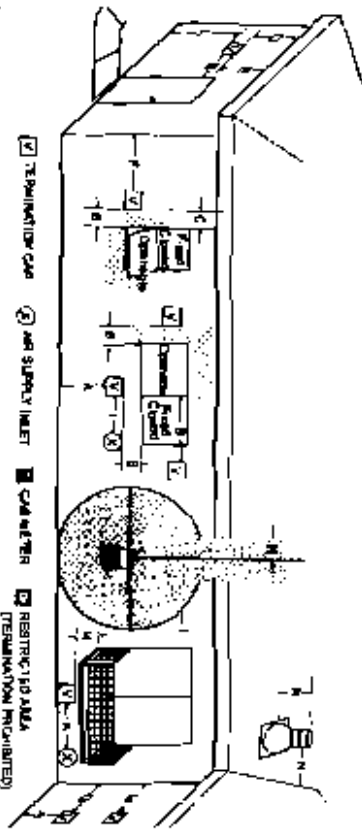
NATURAL GAS MODELS (V)VC34N AND C6CDV36NR SERIES
PROPANE/LP GAS MODELS (V)VC36P AND C6CDV36PR SERIES

⚠ WARNING: If the information in this manual is not followed exactly, a fire or explosion may result causing property damage, personal injury or loss of life.

- Do not store or use gasoline or other flammable vapors and liquids in the vicinity of this or any other appliance.
- **WHAT TO DO IF YOU SMELL GAS**
 - Do not try to light any appliance.
 - Do not touch any electrical switch; do not use any phone in your building.
 - Immediately call your gas supplier from a neighbor's phone. Follow the gas supplier's instructions.
 - If you cannot reach your gas supplier, call the fire department.
- Installation and service must be performed by a qualified installer, service agency or the gas supplier.

INSTALLER: Leave this manual with the appliance.
CONSUMER: Retain this manual for future reference.

LOCATION OF TERMINATION CAP



- A = Clearance above grade, veranda, porch, deck, or balcony (1" (25.4 mm) minimum)
- B = Distance to window or door that may be opened (18 cm) min. for 10,000 Btu or less, 6" (23 cm) or US (18 cm) min. for 10,000 Btu or less, 6" (23 cm) in US if between 10,000 and 50,000, 12" (30 cm) in Canada if between 10,000 and 100,000, 12" (30 cm) in US if greater than 50,000, 36" (91 cm) in Canada if greater than 100,000
- C = Distance to permanently closed window (minimum 12" (30.5 cm) recommended to prevent condensation on window)
- D = Vertical clearance to ventilated attic (toped above the dormer) with a horizontal distance of 24" (61 cm) from the centerline of the terminal (18" (45.7 cm) minimum)
- E = Distance to unventilated attic (12" (30.5 cm) minimum)
- F = Clearance to outside corner (see below)
- G = Clearance to inside corner (see below)
- H = Vent to be installed above a ridge/rafter assembly with 36" (91.4 cm) horizontally from the center line of the ridge/rafter
- I = Vent shall not terminate directly above a side/walk, or paved driveway, or paved driveway with a located between two slight slope, driveway and access hole, driveway
- J = Vent permitted if veranda, porch, deck or balcony is fully open on a minimum of 2 sides between the floor and roof
- K = All as specified in CAN/CSA-B148.1 (1 or 2) Installation Codes (1991) for Canada and U.S.A.
- L = Note: Lower levels of requirements may require different clearances
- M = Distance to non-mechanical air supply intake to building or the distribution air unit in any of the following (18 cm) min. for 10,000 Btu or less, 6" (23 cm) in US if between 10,000 and 50,000, 12" (30 cm) in Canada if between 10,000 and 100,000, 12" (30 cm) in US if greater than 50,000, 36" (91 cm) in Canada if greater than 100,000
- N = Distance to mechanical air supply, min. 1" in Canada, 6" (152 mm) minimum, in US 3" (76.2 mm) above with 10 ft. (3 m) horizontally
- O = Clearance above paved side-walk or paved driveway located on public property, 24" (61 cm) minimum
- P = Distance under veranda, porch, deck, or patio (1" (25.4 mm) minimum)
- Q = Clearance above a roof wall against a minimum of 24" (61 cm) above the highest point when it passes through the roof surface and any other obstruction within a horizontal distance of 18" (45.7 cm)
- R = Clearance above a roof wall against a minimum of 24" (61 cm) above the highest point when it passes through the roof surface and any other obstruction within a horizontal distance of 18" (45.7 cm)

Termination Clearances for Buildings with Combustible and Noncombustible Exterior Walls

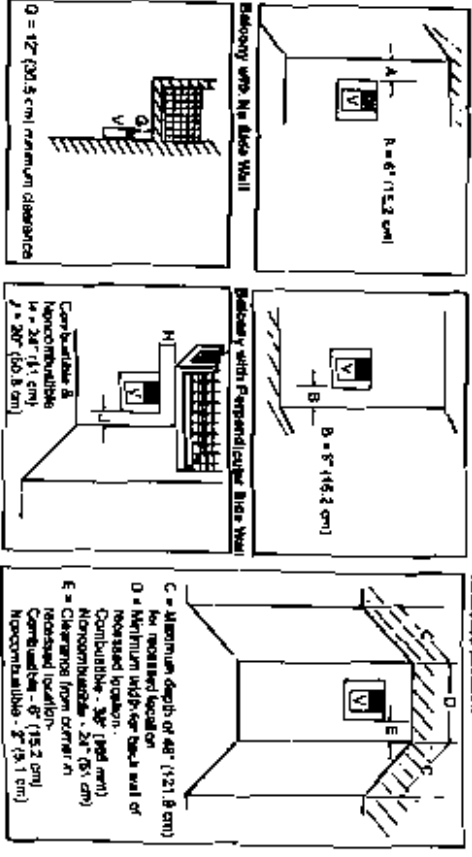


Figure 7 - Minimum Clearances for Termination Cap

www.fmi-products.ca 118200-01M

VENTING INSTALLATION

NOTICE: Read these instructions completely before attempting installation.

These models are tested and approved for use with FMI PRODUCTS, LLC (direct-vent) pipe components and terminations. The venting system must terminate on the outside of the structure and can not be attached to a chimney or flue system serving a separate solid fuel or gas burning appliance. A direct-vent appliance must have its own venting system. DO NOT connect vent to this appliance.

These models are approved to be vented either horizontally through an outside wall or vertically through a roof or chase enclosure using the following guidelines:

- When venting system terminates horizontally on an outside wall, you may install a standoff if the termination cap is to be installed directly on a combustible finish such as vinyl, wood, stucco, etc.
- Never run the vent downward as this may cause excessive temperatures which could cause a fire.
- Vent pipe air space clearances to combustibles are 1" on all sides except on the horizontal sections, which requires 2" clearance from the top of the pipe. Where the termination cap penetrates a combustible wall, 1" air space clearance is required.
- Smoke/terminations are required when minimum clearance to grade cannot be met (see Figure 16 on page 13).
- Have fireplace and selected vent components on hand to help determine the exact measurements when working or offsetting. Always use wall studs when penetrating walls and freestops when penetrating ceilings or attic spaces.
- If using a venting configuration of only horizontal venting with no vertical run, a 1/4" rise for every 12" of run toward the termination is required.
- For installation of fireplace at elevations of 4000 feet or greater, pay special attention to venting requirement recommendations.

WARNING: Read all instructions completely and thoroughly before attempting installation. Failure to do so could result in serious injury, property damage or loss of life.

NOTICE: Failure to follow these instructions will void the warranty.

NOTICE: Do not seal termination cap to vent pipe. Cap must be removable for vent inspection and maintenance.

INSTALLATION PRECAUTIONS

- Wear gloves and safety glasses for protection
- Use extreme caution when using ladders or when on roof tops
- Be aware of electrical wiring locations in walls and ceilings
- The following actions will void the warranty on your venting system:
 - Installation of any damaged venting component
 - Unauthorized modification of the venting system (Do not cut or alter vent components)
 - Installation of any component part not manufactured or approved by FMI PRODUCTS, LLC
 - Installation other than as instructed by these instructions

WARNING: This gas fireplace and vent assembly must be vented directly to the outside. The venting system must NEVER be attached to a chimney serving a separate solid fuel burning appliance. Each direct-vent gas appliance must use a separate vent system. Do not use common vent systems.

WARNING: Vent pipe air space clearances to combustibles are 1" on all sides except on the horizontal sections, which require 2" clearances from the top of the pipe. Where the termination cap penetrates a combustible wall, 1" air space clearance is required.

VENTING INSTALLATION

Continued

INSTALLATION PLANNING

There are two basic types of direct-vent installation:

- Horizontal Termination
- Vertical Termination

Horizontal Termination Installation

IMPORTANT: Horizontal square terminations require only one portion of wall freestop. Horizontal installations using round termination require exterior portion of wall freestop (see Figure 14, page 12).

1. Set fireplace in its desired location and determine route your horizontal venting will take. Do not secure fireplace until all venting has been installed. Some installations require sliding fireplace in and out of position to make final venting connection. Figures 14 through 18 on pages 12 through 14 show different configurations for venting with horizontal termination that will help you decide which application best suits your installation. Check to see if wall studs or roof rafters are in the path of your desired venting route. If they are, you may want to adjust location of fireplace.

2. Direct vent pipe sections and components are designed with special metal-lock necks.
 - Twist-Lock Procedure: Female ends of pipes have locking lugs (indentations). These lugs will slide straight into matching slots on male ends of adjacent pipes. Push pipe sections together and twist one section clockwise approximately one-quarter turn until sections are fully locked (see Figure 8).

Note: Horizontal runs of vent must be supported every three feet. Use wall straps for this purpose.

3. Use a 45° elbow to connect venting system to fireplace flue collar. The elbow is designed to be twist-locked onto flue collar as described in step 2. **IMPORTANT:** Do not attempt to alter configuration of elbow by cutting, twisting, bending, etc.
4. Assemble cleanest combination of pipe and elbows to fireplace flue collar. If there are long portions of venting run, pre-assembled pipe sections may be installed as subassemblies for convenience.

5. Carefully determine location where vent pipe assembly will penetrate outside wall. Center of hole should line up with center line of horizontal vent pipe. Mark wall for a 1 1/2" x 11 1/2" square hole. Cut and frame square hole in exterior wall where vent will be terminated. If wall being penetrated is constructed of non-combustible material, such as masonry block or concrete, a 8 1/2" hole with zero clearance is acceptable (see Figure 9).

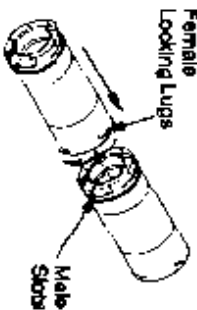


Figure 8 - Vent Pipe Connections

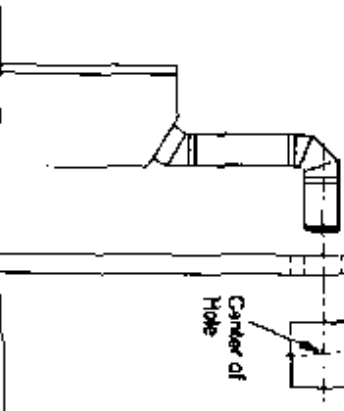
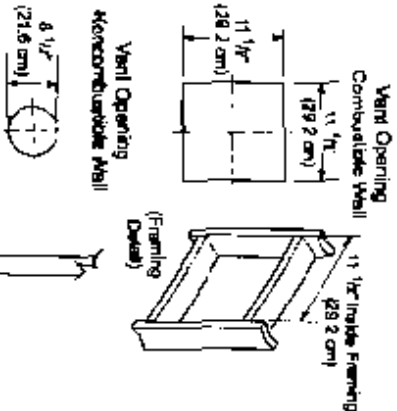


Figure 9 - Vent Opening Requirements

115200-01M

www.milproducts.com

VENTING INSTALLATION

Continued

WARNING: Do not recess vent termination into any wall. This will cause a fire hazard.

6. **Noncombustible Exterior Wall:** Position horizontal vent cap in center of 8 1/2" round hole and attach to exterior wall with four wood screws provided. Before attaching vent cap to exterior wall run a bead of non-hardening mastic (pliable sealant) around outside edge to make a seal between it and the outside wall.

Note: Four wood screws provided should be replaced with appropriate hardware for stucco, brick, concrete or other types of siding.

Combustible Exterior Wall: For vinyl siding, stucco or wood exterior, a sliding standoff may be installed between vent cap and exterior wall. Sliding standoff prevents excessive heat from damaging siding materials. Sliding material must be cut to accommodate standoff. Bolt vent cap to standoff. Apply non-hardening mastic around outside edge of standoff. Position standoff/cap assembly in center of 1 1/2" square hole and attach to exterior wall with wood screws provided (see Figure 11). Sliding standoff must sit flush against exterior fascia material.

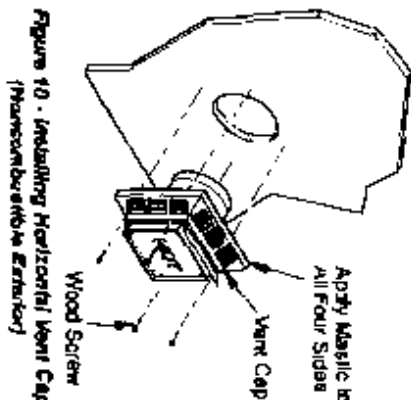


Figure 10 - Installing Horizontal Vent Cap (Noncombustible Exterior)

Connecting Vent Cap with Horizontal Vent Pipe: Slide wall freestop over vent pipe before connecting horizontal run to vent cap (see Figure 12).

7. **Connecting Vent Cap with Horizontal Vent Pipe:** Slide wall freestop over vent pipe before connecting horizontal run to vent cap (see Figure 12).

Carefully move fireplace, with vent assembly attached, toward wall and insert vent pipe into horizontal termination. Pipe overlap should be a minimum of 1 1/4" (see Figure 13 page 12).

Slide wall freestop against interior wall surface and attach with screws provided. See Figure 13, page 12, for horizontal termination details.

Place fireplace into position and shim with noncombustible material if needed. Nail or screw slide flanges to framing to secure unit in place. **IMPORTANT:** Make sure fireplace is level before securing. If fireplace is not level it will not work properly.

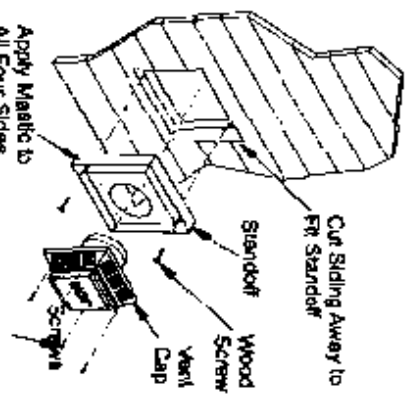


Figure 11 - Installing Sliding Standoff (Combustible Exterior Wall)

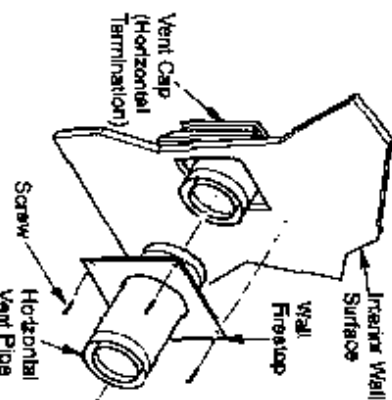


Figure 12 - Connecting Vent Cap with Horizontal Vent Pipe

115200-01M

www.milproducts.com

VENTING INSTALLATION

Continued

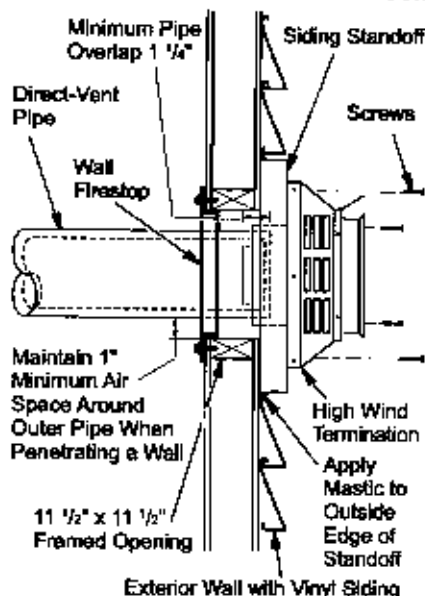


Figure 13 - Typical Horizontal Termination Cap Mounting with Additional Siding Standoff Installed

Horizontal Termination Configurations
 Figures 14 through 18 show different configurations and alternatives for venting with horizontal termination. Each figure includes a chart with critical minimum and maximum dimensions which MUST be met.

IMPORTANT: If using a venting configuration of only horizontal venting with no vertical run, a 1/4\"

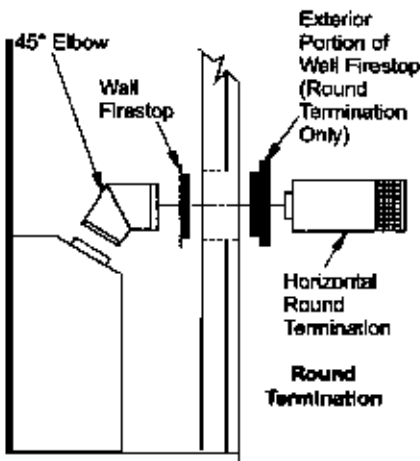
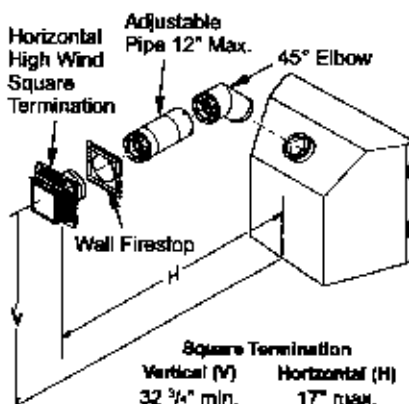
NOTICE: Do not seal termination cap to vent pipe. Cap must be removable for vent inspection and maintenance.

WARNING: Never run vent downward as this may cause excessive temperatures which could cause a fire. Operation of improperly installed and maintained venting system could result in serious injury, property damage or loss of life.

GROUND FLOOR INSTALLATION

Recommended Applications:

- Installation using cabinet surrounds
- Through the wall using round or square termination (up to 12\"
- NOT FOR CORNER INSTALLATION



* If installing this fireplace at altitudes of 4000 feet and above, it is recommended that an additional vertical height of 6\"

Figure 14 - Horizontal Termination Configuration for Square or Round Terminations

SPECIFICATIONS

VC36N, VVC36N AND CGCDV36NR

- Rating: 22,400/32,000 Btu/hr
- Gas Type: Natural Gas Only
- Ignition: Piezo
- Manifold Pressure: 3.5" w.c.
- Minimum Inlet Supply Pressure: 5.5" w.c.
- Firebox Dimensions (HxWxD) (Flanges and Standoffs Not Included in Measurement): 36" x 41" x 21 1/4" (91 x 104 x 54 cm)

VC36P, VVC36P AND CGCDV36PR

- Rating: 20,000/28,000 Btu/hr
- Gas Type: Propane/LP Gas Only
- Ignition: Piezo
- Manifold Pressure: 10" w.c.
- Minimum Inlet Supply Pressure: 11" w.c.
- Firebox Dimensions (HxWxD) (Flanges and Standoffs Not Included in Measurement): 36" x 41" x 21 1/4" (91 x 104 x 54 cm)

VC36N(B)-HA AND VVC36N-HA

- Rating: 22,400/32,000 Btu/hr
- Gas Type: Natural Gas Only
- Ignition: Piezo
- Manifold Pressure: 3.8" w.c.
- Minimum Inlet Supply Pressure: 5.5" w.c.
- Firebox Dimensions (HxWxD) (Flanges and Standoffs Not Included in Measurement): 36" x 41" x 21 1/4" (91 x 104 x 54 cm)

REPLACEMENT PARTS

Note: Use only original replacement parts. This will protect your warranty coverage for parts replaced under warranty.

PARTS UNDER WARRANTY

Contact authorized dealers of this product. If they can't supply original replacement part(s), call FMI PRODUCTS, LLC at 1-888-328-4537.

When calling, have ready:

- your name
- your address
- model and serial numbers of your heater
- how heater was malfunctioning
- purchase date

Usually, we will ask you to return the part to the factory.

SERVICE HINTS

When Gas Pressure Is Too Low

- pilot will not stay lit
- burners will have delayed ignition
- replace will not produce specified heat
- propane/LP gas supply might be low (propane/LP units only)

You may feel your gas pressure is too low. If so, contact your local gas supplier.

TECHNICAL SERVICE

You may have further questions about installation, operation, or troubleshooting. If so, contact FMI PRODUCTS, LLC at 1-888-328-4537. When calling please have your model and serial numbers of your heater ready.

You can also visit our web site at www.fmiproducts.com.

MONCURE & BARNICLE

ATTORNEYS AT LAW

P.O. Box 624
BOWDOIN, ME 04711
TELEPHONE 207-743-0850
TELEFAX 207-720-7790
DMAIL@moncure.com
WEBSITE: http://www.moncure.com

JOHN MONCURE*
JOHN F. BARNICLE
RICHARD L. HORNBECK
RICHARD REGAN
JESSICA L. KAHER**
THOMAS W. BELL
*ALSO ADMITTED IN NY & THE DISTRICT OF COLUMBIA
**ALSO ADMITTED IN MA

Street Address:
9 Bowdoin Mall (land)
Bowdoin, ME 04806

Fax

To: Danielle	From: Donna Taylor
Fax: (207) 874-8487	Pages: 3 (including cover sheet)
Phone:	Date: Thursday, July 30, 2009
Re: 46 Bay Street, Portland	CC:

Urgent For Review Please Comment Please Reply Original to follow by Mail

Danielle:

Attached hereto, please find a copy of the Quitclaim Deed from the closing which took place yesterday. The new owner is MGW Consulting and Development, LLC, which is a company operated by Michael Wilson. Mr. Wilson can be reached at 46 Irving Street, Portland. Although I do not have a phone number for him, you may want to contact the closing attorney, Carly Smith, to see if she has that information. Her number is 615-7834.

If you need anything else, please feel free to contact me.

Donna

8/3 wbt uc mgw 9:31
615-5000-Mike
8/4 spoke to Mike about
urgency He
will apply

THIS COMMUNICATION IS CONFIDENTIAL AND INTENDED TO BE PRIVILEGED PURSUANT TO APPLICABLE LAW. THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS MESSAGE IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE OR RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

QUITCLAIM RELEASE DEED
Maine Statutory Short Form

Know All Persons by these Presents, that **Francena B. Roberts**, of 318 Campbell's Pond Road, West Bath, Maine 04530, for consideration paid, grants and releases to **MGW Consulting and Development, LLC**, a Maine limited liability company, with a mailing address of 46 Irving Street, Portland, Maine 04103, the land in Portland, County of Cumberland, State of Maine, described as follows:

All that property conveyed to Llewellyn Leavitt by the following deeds:

- a. Deed recorded in the Cumberland County Registry of Deeds at Book 1727, Page 496;
- b. Deed recorded in the Cumberland County Registry of Deeds at Book 1862, Page 497; and,
- c. Deed recorded in the Cumberland County Registry of Deeds at Book 1887, Page 488.

Being all that property described in a deed from the City of Portland to Llewellyn A. Leavitt, dated February 26, 1998 and recorded in the Cumberland County Registry of Deeds at Book 13632, Page 136, and being further described in the Portland City Assessor's Plan on file in the Assessor's office in City Hall as 155-E-7-8, 156-B-15 Bay St. 38-48.

Reference is further made to the probate of the Estate of Llewellyn A. Leavitt, Cumberland County Probate Court Docket Number 2000-80 and to a Deed of Distribution recorded in said Registry of Deeds at Book 26738, Page 227.

The remainder of this page has been intentionally left blank.

Witness my hand and seal this 29 day of July, 2009.

Signed, Sealed and Delivered
in presence of

Witness



Francena B. Roberts

State of Maine
Sagadahoc, ss.

July 29, 2009

Then personally appeared the above named Francena B. Roberts and acknowledged the foregoing instrument to be her free act and deed.

Before me,



Notary Public/Attorney at Law

Typed/Printed Name

DONNA J. TAYLOR
Notary Public, Maine
My Commission Expires June 18, 2012



PORTLAND MAINE

Strengthening a Remarkable City, Building a Community for Life - www.portlandmaine.gov

Lee Urban - Director of Planning and Development
Jeanie Bourke - Inspection Division Services Director

June 8, 2007

FRACENA ROBERTS
318 CAMPBELL'S POND RD
WEST BATH, ME 04530

CBL: 155 E007001
Located at 46 HAY ST

Certified Mail: 70033110000260641992

NOTICE OF VIOLATION

Dear Mr. Roberts:

An evaluation of the above-referenced property on the 8th day of June, 2007 revealed that the structure fails to comply with Section 6-120.1 of the Housing Code of the City of Portland.

Attached is a list of the violations.

Based on that list, and pursuant to Section 6-120.3, this office declares the dwelling unit is unfit for human habitation. A re-inspection of the premises will occur on the 18th day of June, 2007, at which time the vacant dwelling must be totally secured from vandalism.

Failure to comply will result in this office referring the matter to the City of Portland Corporation Counsel for legal action and possible civil penalties, as provided for in § 6-1 of the Code in Title 30-A of M.R.S.A § 4452.

This constitutes an appealable decision pursuant to § 6-127 of the Code. Please feel free to contact me if you have any questions or would like to discuss this matter further.

Sincerely,

Jon Rioux @ (207) 874-8702
Building Inspector

CITY OF PORTLAND
DEPARTMENT OF PLANNING & URBAN DEVELOPMENT

389 Congress Street
Portland, Maine 04101

Inspection Violations

Owner/Manager LEAVITT LLEWELLYN A		Inspector Jon Rioux	Inspection Date 6/8/2007
Location 46 BAY ST	CBL 155 E007001	Status Re-Inspected 10 Days	Inspection Type Complaint-Inspection

Code	Inv/Ext	Floor	Unit No.	Area	Compliance Date
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1) 6-120.1 thru 5

Violation: Posted against occupancy.

Notes: Secure the vacant building from vandalism.

(a) Properties which are either damaged, decayed, dilapidated, unsanitary, unsafe, or vermin infested in such a manner as to create a serious hazard to the health, safety, and general welfare of the occupants or the public.

Comments:

**City of Portland, Maine
Inspections Division
Inspection Schedule by Date**

Time	Inspector	Type	Address	Contact	Census	Parcel/AppID	Phone
Date 05/25/1995							
Comments:		Housing Inspection	House 46 Bay St			135 E007001	
Outcome:						AppID: 0	Status: Green 0-4 VI Score: 0
Date 10/20/2003							
6:00 AM	Arthur Rowe	Inspection	46 BAY ST	LEAVITT LEWELLYN A		135 E007001	
Comments:						AppID: 2169	Status:
Outcome:							Score:
Date 11/25/2003							
Comments:		Inspection	46 BAY ST	LEAVITT LEWELLYN A		135 E007001	
Outcome:						AppID: 2439	Status:
Score:							
Date 06/08/2007							
6:00 AM	Jon Rioux	Inspection	Complaint 46 BAY ST			135 E007001	
Complaint:						AppID: 9496	Status: Re-Inspect 1 Score: 0
Outcome:							
Score:							
8:00 AM	Jon Rioux	Inspection	Complaint 46 BAY ST			135 E007001	
Complaint:						AppID: 9451	Status:
Score:							

The house on 46 Bay Street is abandoned. It is tenng, has broken and missing windows. There have been animals and kids in and out of it. Someone is going to get hurt! The owner shows up occasionally in the summer months to cut the grass. Owner is Leavitt Leavitt - she lives in West Bath Maine (318 Cambella Pond Rd.)
Please check it out for yourself! This is not only a dangerous piece of property but an eye sore to the neighborhood. Please see what can be done to condemn this property to force the owners to clean it up and keep our neighborhood safe.

Came from complaint of Councilor Leavitt of unsecure abandoned house. The record shows the same in 2003
The house on 46 Bay Street is abandoned. It is rotting, has broken and missing windows. There have been animals and kids in and out of it. Someone is going to get hurt! The owner shows up occasionally in the summer months to cut the grass. Owner is Leavitt Leavitt - she lives in West Bath Maine (318 Cambella Pond Rd.)
Please check it out for yourself! This is not only a dangerous piece of property but an eye sore to the neighborhood. Please see what can be done to condemn this property to force the owners to clean it up and keep our neighborhood safe.

City of Portland, Maine
Inspections Division
Inspection Schedule by Date

Time	Inspector	Type	Address	Contact	Census Parcel/AppID	Phone
Date 06/18/2007						
9:00 AM	Jon Ribou	Inspection	46 BAY ST		153 E007001	
Comments:	From Councilor Leeman					
	The house on 46 Bay street is abandoned. It is rotting, bad broken and missing windows. There have been animals and kids in and out of it. Someone is going to get hurt! The owner shows up occasionally in the summer months to cut the grass. Owner is: Llewellyn Leavitt - she lived in West Bath Maine (318 Cambridge Pond Rd.)					
	Please check it out for yourself... this is not only a dangerous piece of property but an eye sore to the neighborhood. Please see what can be done to condition the property to these the owners to clean it up and keep our neighborhood safe.					
Outcome:						
Date 11/21/2008						
6:00 AM	Mike Mariano	Inspection	46 BAY ST		153 E007001	
Comments:	Roof collapsing esping holes in back of house become a home for raccoons and various animals no humans yet. 773-6938 Nancy 43 Road Neighbor in back					
Outcome:						
Date 01/12/2009						
11:00 AM	Michael Collins	Electrical Service	46 BAY ST		153 E007001	
Comments:	642-4481 Dobson - Please see me regarding this inspection Amm					
Outcome:						
Date 05/28/2009						
9:00 AM	Jeanie Bourke	Housing Inspection	46 BAY ST		153 E007001	
Comments:	Very Dangerous building See previous notes. Falling down in great disrepair, asbestos, lead paint etc. She has emailed Cheryl Leeman					
Outcome:	<p>Mid Gary R. On site at 9am, GSG reps came at 9:30 and said the meeting was at 9:30, the lawyer Jessica Maher (729-0856) arrived at 9:45. The left rear corner wall has caved, the rear hip dormer, roof and rear wall are all structurally unsound. The building is now open at ground level and is a safety hazard to anyone who enters the property, but not to the surrounding properties or the public ROW. There was a discrepancy between the owner and GSG on the agreement to demolish the house while they were working on the sewer separation project. GSG proposed to demolish and dispose of debris at the city facility with a year waiver to pay the cost of removal. I emphasized the urgency in demolition and will send a letter to the owner ordering the demolition. 9:00-10:23 7/18/08</p> <p>Received zoning from Donna at Myvacue and Bartlett saying that the property was under contract with a closing date of July 29 and they have 2 backup offers. Spoke with Terry and she advised to send the letter of abandonment for no action. 7/14/09 Sent letter ordering the demolition</p>					
Date 07/24/2009						

From: Danielle West-Chunta
To: Bourke, Jeanie; Munson, Tammy
Date: 7/24/2009 2:47 26 PM
Subject: 46 Bay Street

Jeanie/Tammy:

I left a message for the attorney re: 46 Bay Street. She is on vacation until Tuesday of next week (7/28/09). I hope to hear from her upon her return. I will keep you posted.

FYI - I have requested documentation of the closing so that we can know when things are happening and when we can expect the structure demolished.

Thanks,

Danielle

Danielle P. West-Chunta
Associate Corporation Counsel
City of Portland, Maine
(207) 874-8480



Demolition of a Structure Permit Application

If you or the property owner owes real estate or personal property taxes or user charges on any property within the City, payment arrangements must be made before permits of any kind are accepted.

Location/Address of Construction:		
Total Square Footage of Proposed Structure		Square Footage of Lot
Tax Assessor's Chart, Block & Lot: Chart# Block# Lot#	Owner:	Telephone:
Lessee/Buyer's Name (If Applicable)	Applicant name, address & telephone:	Cost Of Work: \$ _____ Fee: \$ _____
Current legal use: (i.e. garage, warehouse) _____ If vacant, what was the previous use? _____ How long has it been vacant? _____ Project description: _____		
Contractor's name, address & telephone: _____ _____		
Who should we contact when the permit is ready: _____ Mailing address: _____ Telephone: _____ _____		

Please submit all of the information outlined in the Demolition call list. Failure to do so will result in the automatic denial of your permit.

In order to be sure the City fully understands the full scope of the project, the Planning and Development Department may request additional information prior to the issuance of a permit. For further information or to download copies of this form and other applications visit the Inspections Division on-line at www.portlandmaine.gov, or stop by the Inspections Division office, room 315 City Hall or call 874-8703.

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Code Official's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

Signature of applicant: _____	Date: _____
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This is not a permit; you may not commence ANY work until the permit is issued.



Demolition Call List & Requirements

Site Address: _____

Owner: _____

Structure Type: _____

Contractor: _____

Utility Approvals	Number	Contact Name/Date
Central Maine Power	1-800-750-4000	_____
Northern Utilities	797-8002 ext 6241	_____
Portland Water District	761-8310	_____
Dig Safe	1-848-544-7233	_____

After calling Dig Safe, you must wait 72 business hours before digging can begin.

DPW/ Traffic Division (L. Core)	874-8891	_____
DPW/ Sealed Drain Permit (C. Merritt)	874-8822	_____
Historic Preservation	874-8726	_____
Fire Dispatcher	874-3576	_____
DEP – Environmental (Augusta)	287-2651	_____

Additional Requirements

- 1) Written notice to adjoining owners
- 2) A photo of the structure(s) to be demolished
- 3) A plot plan or site plan of the property
- 4) Certification from an asbestos abatement company

All construction and demolition debris generated in Portland must be delivered to Riverside Recycling Facility at 910 Riverside Street. Source separated salvage materials placed in specifically designated containers are exempt from this provision. For more information contact Troy Moon @ 874-8467.

U.S. EPA Region 1 - No Phone call required. Just mail copy of State notification to:

Demo / Reno Clerk
US EPA Region 1 (SFA)
JFK Federal Building
Boston, MA 02203

I have contacted all of the necessary companies/departments as indicated above and attached all required documentation.

Signed: _____

Date: _____

For more information or to download this form and other permit applications visit the Inspections Division on our website at www.portlandmaine.gov

LOCAL CODES

Install and use fireplace with care. Follow all local codes. In the absence of local codes, use the current *National Fuel Gas Code ANSI Z223.1/NFPA 54** (USA) or the current *CSA-B149.1 Installation Code* (Canada).

*Available from:

American National Standards Institute, Inc.
1430 Broadway
New York, NY 10016
National Fire Protection Association, Inc.
Barnesmarsh Park
Quincy, MA 02269

PRODUCT FEATURES

These are a few facts that can help you understand and enjoy your direct-vent fireplace:

- The venting system may be routed to the outside of your home in several ways. It may vent through the roof (vertical) or it may vent to an outside/exterior wall (horizontal). The vent pipe installation is very important to allow for proper operation. You must follow the venting instructions very carefully for either vertical or horizontal applications.
- This fireplace may be installed in any room of your house provided all local codes and these installation instructions are followed.
- This fireplace requires a wall switch, handheld remote or wall thermostat (millivolt) for operation (see *Accessories*, page 42).
- This fireplace does not require electricity to operate.

- Only the blower requires electricity if installed and if you plan to install the blower at a later date, do not forget to wire the outlet at the bottom of the fireplace when framing.
- A piezo ignitor and ceramic electrode create spark to ignite the pilot light. It does not require any matches, batteries or any other sources of ignition to light the pilot.
- Each time you turn on your fireplace, you may notice some amount of condensation on the inside of the fireplace glass. This is normal and will disappear after 10-20 minutes of operation.
- Your direct-vent gas fireplace system (fireplace and venting) is a balanced and sealed gas operating unit. It requires approximately 10-20 minutes of operating time before the flame pattern stabilizes.
- Fireplaces with the suffix of -HA have been designed to operate at altitudes of 4000 feet and above.

PRE-INSTALLATION PREPARATION

LOCATION AND SPACE REQUIREMENTS

Determine the safest and most efficient location for your FMI PRODUCTS, LLC direct-vent fireplace. Make sure that rafters and wall studs are not in the way of the venting system. Choose a location where the heat output is not affected by drafts, air conditioning ducts, windows or doors. Figure 2 shows some common locations. Be aware of all restrictions and precautions before deciding the exact location for your fireplace and termination cap.

When deciding the location of your fireplace, follow these rules:

- Do not connect this fireplace venting to a chimney flue serving a separate solid-fuel burning fireplace or appliance.
- Due to high temperatures, do not locate this fireplace in high traffic areas, windy or drafty areas or near furniture or draperies.
- Proper clearances must be maintained.

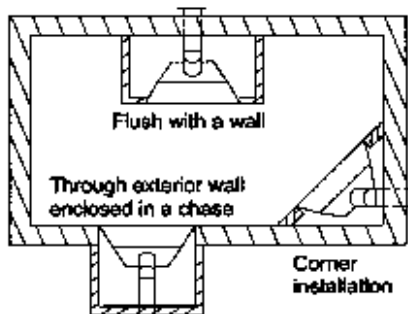


Figure 2 - Common Fireplace Locations

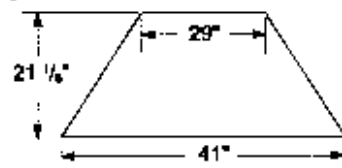


Figure 3 - Fireplace Bottom Dimensions

PRE-INSTALLATION PREPARATION

Continued

- If your fireplace is to be installed directly on carpeting, vinyl tile or any combustible material other than wood, it must be installed on a metal or wood panel extending the full width and depth of the fireplace. See Figure 2, page 5.
- Your fireplace is designed to be used if zero clearance installation. Wall or framing material can be placed directly against any exterior surface on the back, sides or top of your fireplace, except where standoff spaces are integrally attached. If standoffs are not attached to your fireplace, these spaces can be placed directly against wall or framing material. See framing details on page 7.
- If you plan on installing a television or entertainment center, recessed above your fireplace, it is recommended that you maintain a minimum 18" above top of louver opening.
- When locating termination cap, it is important to observe the minimum clearance shown in Figure 7, page 8.
- If necessary into a wall, you can avoid extra framing by positioning your fireplace against an already existing framing member.
- Do not recess termination cap into a wall or siding.
- You may paint the termination cap with 450° F (232° C) heat-resistant paint to coordinate with the exterior finish.
- There must not be any obstruction such as bushes, garden sheds, fences, decks or utility buildings within 24" from the front of the termination cap.
- Do not locate termination cap where escape snow or ice build up may occur. Be sure to clear vent termination area after snow falls to prevent accidental blockage of venting system. When using snow shovels, do not direct snow towards vent termination area.
- For horizontal installations above 2,000 feet, it is recommended that a 12" extension pipe be added between thermostat elbow and a round horizontal termination be used (see *High Altitude Installation*, page 17).

CLEARANCES

Minimum clearances to combustibles for the fireplace are as follows:

Back and sides	0"
Perpendicular walls	6"
Floor	0"
Calling to lower opening	42"
Front	36"
Top of Standoffs	0"
Vent	

(See venting instructions for specific venting clearances.)

Combustible material with a maximum thickness of 5/8" may be flush with the top front of fireplace.

- For back and sides of fireplace, do not pack with insulation or other materials. 0" clearance to combustible materials are for framing purpose only.

NOTICE: This fireplace is intended for use as supplemental heat. Use this fireplace along with your primary heating system. Do not install this fireplace as your primary heat source. If you have a central heating system, you may run system's circulating blower while using fireplace. This will help circulate the heat throughout the house. In the event of a power outage, you can use this fireplace as a heat source.

FRAMING AND FINISHING

Figure 4 shows typical framing of this fireplace. Figure 5 shows framing for corner installation. All minimum clearances must be met. For available accessories for this fireplace, see *Accessories* on page 42. If you are using a separate combustible mantel piece, refer to Figure 8 for proper installation. You can install noncombustible mantels at any height above the fireplace.

Note: Noncombustible mantels may discolor.

PRE-INSTALLATION PREPARATION

Continued

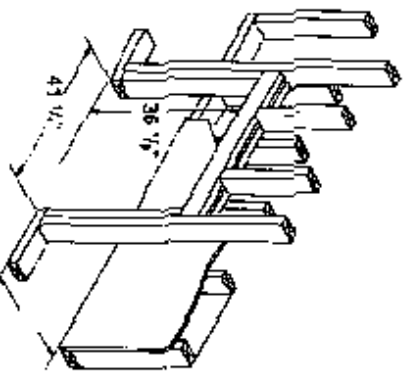


Figure 4 - Framing Clearances for Insulation Against an Exterior Wall

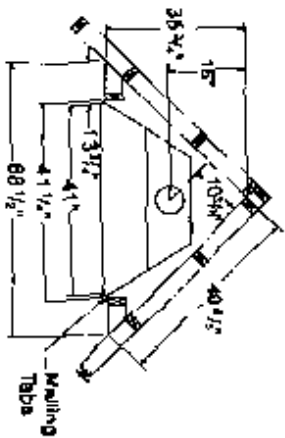


Figure 5 - Framing Clearances for Corner Installation

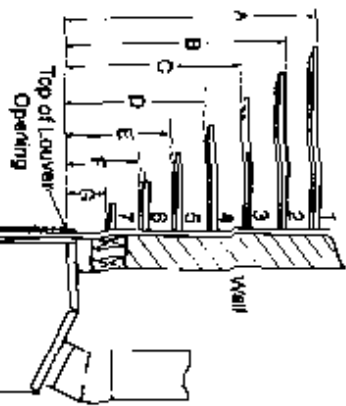


Figure 6 - Clearances for Combustible Mantel

Ref.	Mantel Depth	Ref.	Mantel from Top of Louver Opening
1	14"	A	18"
2	12"	B	14"
3	10"	C	12"
4	8"	D	10"
5	6"	E	8"
6	4"	F	6"
7	2"	G	4"