

Kim Mahone
129 Stevens Ave
Unit 2 04102

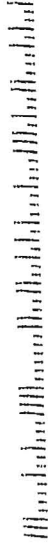
VERMONT, ME U4 104-0039

SO. MAINE PSDG 040
14 SEP 2011 PM 1 P



Inspector Donald McPherson
Inspection Division / City of Portland
389 Congress Street Rm 315
Portland, ME 04101

04101+3571



10/11/11 10:44:11

September 13, 2011

Lynn B Spensley
48 Booth Rd
Dedham, MA 02026

Re: Federal Express Overnight Mail

Dear Lynn,

Enclosed please find a written request for repair of the items Inspector McPherson discussed with you the week of August 26, 2011. Please complete the checklist and return to me within 14 calendar days. I have enclosed a self addressed stamped envelope.

Also enclosed is a demand for repair of the plumbing issues.

I am not happy it has come to this. When I moved in you stated to me the condo was smoke free. It was not. I delayed my moving in and painted the entire condo at my own expense except for the front hall. You told me you would paint the hall. Eight years later you painted the hall. In twelve years this is the only painting in the condo. The inside molding needs painting. Dirigo painters inform me the "bleeding" of the wood is not sap but nicotine bleeding though. I am happy to paint if you will provide the paint.

When I paid for a service professional to fix the washer/drier you were notified it was so old it could not be repaired as there were no longer parts available. You told me you were going to bring a unit from another unit you owned. A year went by. Two years after that you replaced the washer/dryer. For three years I brought my sheets and towels to the laundry mat in attempts to save the belt for my clothing.

For three years I've told you about the decks rotting. For three years I've told you I would paint or stain if you approve. I've heard nothing. Even Inspector McPherson could not understand why you choose to let it rot.

Four months you focused on the flashing around the chimney. You were unsuccessful in resolving with Dirigo but fortunately Phil's son was successful. All the while the water ran down the inside of the house all the way to the basement and into the electrical wiring. The roof was fixed but never the inside. The kitchen floor is peeling and the laundry room wall bubbled.

Each winter I end up shoveling the driveway because it isn't plowed and clearing water dams because the garage gutters are full. It is not my responsibility to maintain this property. It is your responsibility. You have been here six times in 12 years and when something does go wrong you have focused on who to blame instead of repairing or maintaining the property. I have planted flowers, installed gutters, cleaned, painted, regularly wash carpeting, minor repairs, etc. to name a few. I only ask you keep up your end of the contract. I have paid my rent in full, on time, always.

Sincerely,


Kathleen M Mahoney

✓ cc: Inspector Donald McPherson

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TRK# 7975 1176 1130
Ref# Spensley

Issue	Status	Anticipate date of repair or correction	LBS initial and date
Mice	pending		
Furnace	unfinished		
Furnace Chimney	pending		
Tub/Shower hot H2O	not done		
Toilet handle	not done		
Trashcan	not done		
Trash removal or bags	not done		
Carbon Monoxide	not done		
Fire Alarms	not done		
Central Vac	not done		
Central Air	not done		
Outlets	not done		
Water damage floor	not done		
Water damage gutters	not done		
Water damage deck	not done		
24 hour notification	pending		

Kathleen M Mahoney

Kathleen M Mahoney

Lynn B Spensley

9/13/2011

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NOTICE OF TENANT'S INTENTION TO REPAIR DEFECT AND DEDUCT COST OF REPAIRS FROM FUTURE RENTAL PAYMENTS

TO: Lynn B. Spensley

The unit which I rent from you is located at:

129 Stevens Ave, Unit 2, Portland ME

Pursuant to Missouri State Law, §441.234 RSMo, a landlord who fails to maintain a dwelling so as to detrimentally affect the habitability, sanitation or security of the premises in violation of building and housing codes, is subject to the rights of the tenant to make the repair and deduct the cost of the repair (up to \$300 or one-half of the rent, whichever is greater) from future rent payments.

The unit I rent from you has the following defects covered by this law:

- | | |
|--|--|
| <input type="checkbox"/> Faulty Heating System | <input type="checkbox"/> Insect Infestation |
| <input type="checkbox"/> Inadequate Heat | <input type="checkbox"/> Leaking Ceiling |
| <input type="checkbox"/> Faulty Sewage System | <input type="checkbox"/> Unfit Drinking Water |
| <input checked="" type="checkbox"/> Insufficient Hot Water or Water Pressure | <input type="checkbox"/> Faulty Electrical Wiring |
| <input type="checkbox"/> Clogged toilet | <input type="checkbox"/> Clogged disposal |
| <input type="checkbox"/> Unsafe Chimney | <input checked="" type="checkbox"/> Other <u>toilet/dishwasher</u> |

COMMENTS: (Describe the particular details of your situation; use other side if necessary.)

- ① repair/replace bathroom miping valve
- ② fix toilet handle
- ③ determine if mice in dishwasher

I hereby request that you correct this condition immediately. Please be advised that if you fail to do so within 14 days (or right away in the case of emergency), I will cause the repairs to be done and will deduct the amount of the repair costs from future rental payments.

SIGNED: Kathleen M. Mahoney DATED: 9/13/2011

PRINT NAME: Kathleen M. Mahoney

Deliver this notice in hand to your landlord, or send by certified mail, Return Receipt Requested. Keep a copy for your records.

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Ref# Spensley

Mahoney, Kathleen

From: trackingupdates@fedex.com
Sent: Wednesday, September 14, 2011 1:38 PM
To: Mahoney, Kathleen
Subject: FedEx Shipment 797511761130 Delivered

This tracking update has been requested by:

Name: Kathleen Mahoney
E-mail: Kathleen.Mahoney@wrightexpress.com

Our records indicate that the following shipment has been delivered:

Reference: Spensley
Ship (P/U) date: Sep 13, 2011
Delivery date: Sep 14, 2011 1:33 PM
Sign for by: Signature not required
Delivery location: NEEDHAM, MA
Delivered to: Residence
Service type: FedEx Standard Overnight
Packaging type: FedEx Envelope
Number of pieces: 1
Weight: 0.50 lb.
Special handling/Services: Deliver Weekday
Residential Delivery

Tracking number: [797511761130](https://www.fedex.com/track/797511761130)

Shipper Information	Recipient Information
Kathleen Mahoney	Lynn B Spensley
129 Stevens Ave Unit 2	48 Booth Rd
Portland	Dedham
ME	MA
US	US
04102	02026

Please do not respond to this message. This email was sent from an unattended mailbox. This report was generated at approximately 12:38 PM CDT on 09/14/2011.

To learn more about FedEx Express, please visit our website at [fedex.com](https://www.fedex.com).

All weights are estimated.

To track the latest status of your shipment, click on the tracking number above, or visit us at [fedex.com](https://www.fedex.com).

This tracking update has been sent to you by FedEx on the behalf of the Requestor noted above. FedEx does not validate the authenticity of the requestor and does not validate, guarantee or warrant the authenticity of the request, the requestor's message, or the accuracy of this tracking update. For tracking results and [fedex.com](https://www.fedex.com)'s terms of use, go to [fedex.com](https://www.fedex.com).

Thank you for your business.

Mice	Building Code Violation	Currently being addressed by Waltham Chemical.	<p>City Building Inspector McPherson indicated mice an issue, renter not cause of mice, landlord responsible. Tenant action to prevent mice from entering kitchen reasonable and not inappropriate or damaging to property. Mice have entered each spring and fall since central air conditioning broke. Landlord was notified of mice numerous times over six year period. June and August of 2011 latest notifications.</p> <p>Waltham Chemical identified dead adult mice in the basement first visit. Put out traps and would return in 10 days. Stated "excellent job" with the foam and steel wool blocking all entry points into kitchen. Tenant did such a good job they were not going to have to do any additional work closing off openings. There is a smell in the dishwasher which is probably mice in the insulation. The dishwasher needs to be pulled out by a professional and looked at. Central vacuum tube pulled apart in attic. That is how mice are getting in from attic. He pulled the vents together which will keep out mice but may not render the vacuum usable. Vents in attic open to elements. Recommended landlord place 1/4 screening over vents to prevent animals from entering. Shake Away product not useful inside a residence. Once the mice are in they are in. May be helpful outside at entry points. The amount of droppings in photo under kitchen drawers indicate all from one litter of mice. Small gray mice the "babies". That is what my cat was catching. Brown mice are the adult mice. Most likely one litter in the oven caused all that mess.</p> <p>Second visit from Waltham Chemical netted no mice in traps. Scheduled third visit in 12 days as nights are getting colder and mice have come in spring and fall in past.</p>
Furnace	Building Code Violation	Furnace recently cleaned but two elements need replacement.	Schedule and replace elements.
Furnace Chimney	Building Code Violation	Second year in a row ash at unsafe levels	Schedule chimney cleaning. Landlord indicates he has scheduled a cleaning for 9/15. (To my knowledge the furnace chimney has not been cleaned in the 12 years I've lived there.)
Hot water	Building Code Violation	Mixing value in shower/tub needs to be replaced.	There was no hot water in the shower or tub 3 or 4 years back. Mueller identified rebuilt furnace was not rebuilt that well. Instead of fixing the mixing value in the shower/tub, the hot water was turned up to 160 degrees. This resulted in hot showers, cold tub, and scalding faucets. Faucets are measuring 160 degrees and tub 90 degrees. This has also resulted in higher oil consumption with hot water at a setting much higher than it should be. Faucet hot water level unsafe. The bathroom mixing valve must be replaced within 14 days or I will have a plumber replace and reduce from my next month's rent.
Toilet	Building Code Violation	Toilet handle broken	Tenant did a temporary fix with a twist tie but landlord never addressed permanent fix. Handle must be manually pulled up or the water runs and does not shut off.
Trash Collection	Building Code Violation	Covered Trash can must be provided by Landlord	none provided

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Trash Collection	Lease/Contract Breach	Lease calls for trash removal	After private trash eliminated city trash bags not provided. Need to either provide bags or deduct purchase of bags from monthly rent. Issue discussed with landlord when Condo Association stopped private collection and went to city collection. Landlord refused to discuss.
Carbon Monoxide	Building Code Violation	Must be in all residences	none provided
Fire Alarms	Building Code Violation	Bedrooms must have hard wired fire alarms.	none provided
Central Vac	Lease/Contract Breach	Lease provides for Central Vac	Broke shortly after Central Air broke. Mice falling down vacuum tubes into house and dying. Purchased a Dyson vacuum when central vac no longer worked. Low concern for me except for the mice entering via the ductwork.
Central Air	Lease/Contract Breach	Lease provides for Central Air	Yearly mention broken central air. Never fixed.
Outlets	Building Code Violation	Outlets have been installed upside down.	Only an issue for three prong tools. Hallway biggest concern.
Water Damage	Building Code Violation	Kichen floor peeling up	Peeling up from water damage to second chimney running down wall. "Halo" around dishwasher ever since I've been here. Assumed previous dishwasher leaked.
Water Damage	Building Code Violation	Gutters full and leaking	Gutters have never been cleaned. Have sent photos of gutters full of pine needles and backing up and spraying water over and into house and garage. Basement floor and ceilings have significant water damage.
Water Damage	Building Code Violation	Mold on back deck	Third year moldy deck. Specificially told NOT to clean deck in May 2011 as it was Condo Associations responsibility. Six weeks later okayed to clean it. Offered to paint or stain to stop the decay of the deck. Deck is getting "spongy", railing wobbly, and nails prodruding. I pound the nails down 2x a year. I shovel the deck. I've washed the deck with bleach and deck cleaner. Will still offer to paint or stain if provided the paint or stain before 40 degree weather sets in and has to wait until spring.
24 Hour notice	Building Code Violation City Ordinance Violation	Landlord must give 24 hours notice except in instances of emergency upon entering unit.	Landlord must give 24 hours notice. This means 24 hours from time tenant receives the notice not 24 hours from when the landlord sent it. It must inclue time of day and must be at reasonable hours. At no time with 24 hours notice has the tenant ever denied access.

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