

BERNSTEIN SHUR

COUNSELORS AT LAW

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Mary E. Costigan
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June 15, 2015

Barbara Barhydt
Development Review Manager
City of Portland
389 Congress Street
Portland, ME 04101

Re: 400 Riverside Street, Minor Subdivision Amendment

Dear Barbara:

Enclosed is an application for a minor amendment to the Donald O. Butler Subdivision. I am submitting this application on behalf of Orman "Rick" Cummings III, Domiciliary Foreign Personal Representative of the Estate of Orman Cummings, Jr., the owner of the subject property at 400 Riverside Street. The amendment to the subdivision plan consists of a slight alteration in the southern boundary line of Lot 5 (400 Riverside Street).

In February 2005, the prior owners of 400 Riverside Street purchased a triangular parcel of land along the southern boundary from the abutting property owner. See attached deed dated February 1, 2005 and recorded at Book 22290, Page 17. Unfortunately, the subdivision plan was not amended at that time to reflect the boundary alteration. Orman Cummings, Jr. bought the property in October 2005. See attached deed dated October 13, 2005 and recorded at Book 23269, Page 67. Orman Cummings, Jr. passed away in March of this year. The Estate of Orman Cummings is now in the process of selling 400 Riverside Street and the prospective buyer discovered that the subdivision plan had not been amended. Obtaining this subdivision amendment is a condition precedent to closing on the property.

Enclosed herewith are a completed application form; evidence of right, title and interest, including the two deeds referenced above and a probate document naming Orman Cummings, III as Personal Representative; one full-sized plan; one plan reduced to 11 x 17.

Please let me know if you have any questions or if I can provide any further information.

Sincerely,


Mary E. Costigan



Jeff Levine, AICP, Director
Planning & Urban Development Department

Electronic Signature and Fee Payment Confirmation

Notice: Your electronic signature is considered a legal signature per state law.

By digitally signing the attached document(s), you are signifying your understanding this is a legal document and your electronic signature is considered a **legal signature** per Maine state law. You are also signifying your intent on paying your fees by the opportunities below.

I, the undersigned, intend and acknowledge that no Site Plan or Historic Preservation Applications can be reviewed until payment of appropriate application fees are **paid in full** to the Inspections Office, City of Portland Maine by method noted below:

- Within 24-48 hours, once my complete application and corresponding paperwork has been electronically delivered, I intend to **call the Inspections Office** at 207-874-8703 and speak to an administrative representative and provide a credit/debit card over the phone.
- Within 24-48 hours, once my application and corresponding paperwork has been electronically delivered, I intend to **call the Inspections Office** at 207-874-8703 and speak to an administrative representative and provide a credit/debit card over the phone.
- I intend to deliver a payment method ^{in person} ~~through the U.S. Postal Service mail~~ once my application paperwork has been electronically delivered.

Applicant Signature: 

Date: 6-15-15

I have provided digital copies and sent them on:

Date: 6-15-15

NOTE: All electronic paperwork must be delivered to buildinginspections@portlandmaine.gov or by physical means i.e. a thumb drive or CD to the Inspections Office, City Hall, 3rd Floor, Room 315.



Level III – Preliminary and Final Site Plans Development Review Application Portland, Maine

Planning and Urban Development Department
Planning Division

Portland's Planning and Urban Development Department coordinates the development review process for site plan, subdivision and other applications under the City's Land Use Code. Attached is the application form for a Level III: Preliminary or Final Site Plan. Please note that Portland has delegated review from the State of Maine for reviews under the Site Location of Development Act, Chapter 500 Stormwater Permits, and Traffic Movement Permits.

Level III: Site Plan Development includes:

- New structures with a total floor area of 10,000 sq. ft. or more except in Industrial Zones.
- New structures with a total floor area of 20,000 sq. ft. or more in Industrial Zones.
- New temporary or permanent parking area(s) or paving of existing unpaved parking areas for more than 75 vehicles.
- Building addition(s) with a total floor area of 10,000 sq. ft. or more (cumulatively within a 3 year period) except in Industrial Zones.
- Building addition(s) with a total floor area of 20,000 sq. ft. or more in Industrial Zones.
- A change in the use of a total floor area of 20,000 sq. ft. or more in any existing building (cumulatively within a 3 year period).
- Multiple family development (3 or more dwelling units) or the addition of any additional dwelling unit if subject to subdivision review.
- Any new major or minor auto business in the B-2 or B-5 Zone, or the construction of any new major or minor auto business greater than 10,000 sq. ft. of building area in any other permitted zone.
- Correctional prerelease facilities.
- Park improvements: New structures greater than 10,000 sq. ft. and/or facilities encompassing 20,000 sq. ft. or more (excludes rehabilitation or replacement of existing facilities); new nighttime outdoor lighting of sports, athletic or recreation facilities not previously illuminated.
- Land disturbance of 3 acres or more (includes stripping, grading, grubbing, filling or excavation).

Portland's development review process and requirements are outlined in the Land Use Code (Chapter 14) which is available on our website:

Land Use Code: <http://me-portland.civicplus.com/DocumentCenter/Home/View/1080>

Design Manual: <http://me-portland.civicplus.com/DocumentCenter/View/2355>

Technical Manual: <http://me-portland.civicplus.com/DocumentCenter/View/2356>

Planning Division
Fourth Floor, City Hall
389 Congress Street
(207) 874-8719

Office Hours
Monday thru Friday
8:00 a.m. – 4:30 p.m.

PROJECT NAME: Minor Amendment to Donald O. Butler Subdivision

PROPOSED DEVELOPMENT ADDRESS:

400 Riverside Street

PROJECT DESCRIPTION:

This amendment corrects the boundary of Lot 5 which was altered when the prior owners of 400 Riverside Street purchased a small triangle of property from the abutting property.

CHART/BLOCK/LOT: 320/A/4

PRELIMINARY PLAN
FINAL PLAN

N/A (date)
06/12/15 (date)

CONTACT INFORMATION:

Applicant – must be owner, Lessee or Buyer Name: Orman "Rick" Cummings, III Business Name, if applicable: Personal Representative of the Estate of Orman Cummings, Jr. Address: 17 Rocklinn Drive City/State: Windham, ME Zip Code: 04062	Applicant Contact Information Work # Home# 207-892-6365 Cell # Fax# e-mail: ocummings@roadrunner.com
Owner – (if different from Applicant) Name: Address: City/State : Zip Code:	Owner Contact Information Work # Home# Cell # Fax# e-mail:
Agent/ Representative Name: Mary E. Costigan Bernstein, Shur Address: PO Box 9729, 100 Middle St. City/State : Portland, ME Zip Code: 04104	Agent/Representative Contact information Work # 207-228-7147 Cell # e-mail: mcostigan@bernsteinshur.com
Billing Information Name: Address: City/State : Zip Code:	Billing Information Work # Cell # Fax# e-mail:

Engineer Name: Bill Shippen Address: Sebago Technics 75 John Roberts Rd., Suite 1A City/State : So. Portland, ME Zip Code: 04106	Engineer Contact Information Work # 207-200-2100 Cell # _____ Fax# _____ e-mail: bshippen@sebagotechnics.com
Surveyor Name: Address: City/State : _____ Zip Code: _____	Surveyor Contact Information Work # _____ Cell # _____ Fax# _____ e-mail: _____
Architect Name: Address: City/State : _____ Zip Code: _____	Architect Contact Information Work # _____ Cell # _____ Fax# _____ e-mail: _____
Attorney Name: Address: City/State : _____ Zip Code: _____	Attorney Contact Information Work # _____ Cell # _____ Fax# _____ e-mail: _____

APPLICATION FEES:

Check all reviews that apply. (Payment may be made by Credit Card, Cash or Check payable to the City of Portland.)

Level III Development (check applicable reviews) <input type="checkbox"/> Less than 50,000 sq. ft. (\$500.00) <input type="checkbox"/> 50,000 - 100,000 sq. ft. (\$1,000) <input type="checkbox"/> 100,000 – 200,000 sq. ft. (\$2,000) <input type="checkbox"/> 200,000 – 300,000 sq. ft. (\$3,000) <input type="checkbox"/> over 300,00 sq. ft. (\$5,000) <input type="checkbox"/> Parking lots over 11 spaces (\$1,000) <input type="checkbox"/> After-the-fact Review (\$1,000.00 plus applicable application fee) Plan Amendments (check applicable reviews) <input checked="" type="checkbox"/> Planning Staff Review (\$250) <input type="checkbox"/> Planning Board Review (\$500) The City invoices separately for the following: <ul style="list-style-type: none"> • Notices (\$.75 each) • Legal Ad (% of total Ad) • Planning Review (\$40.00 hour) • Legal Review (\$75.00 hour) Third party review fees are assessed separately. Any outside reviews or analysis requested from the Applicant as part of the development review, are the responsibility of the Applicant and are separate from any application or invoice fees.	Other Reviews (check applicable reviews) <input type="checkbox"/> Traffic Movement (\$1,000) <input type="checkbox"/> Stormwater Quality (\$250) <input type="checkbox"/> Subdivisions (\$500 + \$25/lot) # of Lots _____ x \$25/lot = _____ <input type="checkbox"/> Site Location (\$3,000, except for residential projects which shall be \$200/lot) # of Lots _____ x \$200/lot = _____ <input type="checkbox"/> Other _____ <input type="checkbox"/> Change of Use <input type="checkbox"/> Flood Plain <input type="checkbox"/> Shoreland <input type="checkbox"/> Design Review <input type="checkbox"/> Housing Replacement <input type="checkbox"/> Historic Preservation
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APPLICATION SUBMISSION:

1. All site plans and written application materials must be submitted electronically on a CD or thumb drive with each plan submitted as separate files, with individual file which can be found on the **Electronic Plan and Document Submittal** page of the City's website at <http://me-portland.civicplus.com/764/Electronic-Plan-and-Document-Submittal>
2. In addition, one (1) paper set of the plans (full size), one (1) paper set of plans (11 x 17), paper copy of written materials, and the application fee must be submitted to the Building Inspections Office to start the review process.

The application must be complete, including but not limited to the contact information, project data, application checklists, wastewater capacity, plan for fire department review, and applicant signature. The submissions shall include one (1) paper packet with folded plans containing the following materials:


1. One (1) full size site plans that must be folded.
2. One (1) copy of all written materials or as follows, unless otherwise noted:
 - a. Application form that is completed and signed.
 - b. Cover letter stating the nature of the project.
 - c. All Written Submittals (Sec. 14-525 2. (c), including evidence of right, title and interest.
3. A stamped standard boundary survey prepared by a registered land surveyor at a scale not less than one inch to 50 feet.
4. Plans and maps based upon the boundary survey and containing the information found in the attached sample plan checklist.
5. One (1) set of plans reduced to 11 x 17.

Please refer to the application checklist (attached) for a detailed list of submission requirements.

APPLICANT SIGNATURE:

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 Planning Authority and Code Enforcement'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.

This application is for a Level III Site Plan review. It is not a permit to begin construction. An approved site plan, a Performance Guarantee, Inspection Fee, Building Permit, and associated fees will be required prior to construction. Other Federal, State or local permits may be required prior to construction, which are the responsibility of the applicant to obtain.

Signature of Applicant: 	Date: 06/15/2015
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PROJECT DATA

The following information is required where applicable, in order to complete the application.

Total Area of Site	118,030	sq. ft.
Proposed Total Disturbed Area of the Site		sq. ft.
If the proposed disturbance is greater than one acre, then the applicant shall apply for a Maine Construction General Permit (MCGP) with DEP and a Stormwater Management Permit, Chapter 500, with the City of Portland.		
Impervious Surface Area		
Impervious Area (Total Existing)		sq. ft.
Impervious Area (Total Proposed)		sq. ft.
Building Ground Floor Area and Total Floor Area		
Building Footprint (Total Existing)		sq. ft.
Building Footprint (Total Proposed)		sq. ft.
Building Floor Area (Total Existing)		sq. ft.
Building Floor Area (Total Proposed)		sq. ft.
Zoning		
Existing		
Proposed, if applicable		
Land Use		
Existing		
Proposed		
Residential, if applicable		
# of Residential Units (Total Existing)		
# of Residential Units (Total Proposed)		
# of Lots (Total Proposed)		
# of Affordable Housing Units (Total Proposed)		
Proposed Bedroom Mix		
# of Efficiency Units (Total Proposed)		
# of One-Bedroom Units (Total Proposed)		
# of Two-Bedroom Units (Total Proposed)		
# of Three-Bedroom Units (Total Proposed)		
Parking Spaces		
# of Parking Spaces (Total Existing)		
# of Parking Spaces (Total Proposed)		
# of Handicapped Spaces (Total Proposed)		
Bicycle Parking Spaces		
# of Bicycle Spaces (Total Existing)		
# of Bicycle Spaces (Total Proposed)		
Estimated Cost of Project		

PRELIMINARY PLAN (Optional) - Level III Site Plan

Applicant Checklist	Planner Checklist	# of Copies	GENERAL WRITTEN SUBMISSIONS CHECKLIST
X		1	Completed Application form
X		1	Application fees
X		1	Written description of project
X		1	Evidence of right, title and interest
N/A		1	Evidence of state and/or federal approvals, if applicable
N/A		1	Written assessment of proposed project's compliance with applicable zoning requirements
N/A		1	Summary of existing and/or proposed easement, covenants, public or private rights-of-way, or other burdens on the site
N/A		1	Written requests for waivers from site plan or technical standards, if applicable.
N/A		1	Evidence of financial and technical capacity
N/A		1	Traffic Analysis (may be preliminary, in nature, during the preliminary plan phase)
Applicant Checklist	Planner Checklist	# of Copies	SITE PLAN SUBMISSIONS CHECKLIST
		1	Boundary Survey meeting the requirements of Section 13 of the City of Portland's Technical Manual
		1	Preliminary Site Plan including the following: (information provided may be preliminary in nature during preliminary plan phase)
			Proposed grading and contours;
			Existing structures with distances from property line;
			Proposed site layout and dimensions for all proposed structures (including piers, docks or wharves in Shoreland Zone), paved areas, and pedestrian and vehicle access ways;
			Preliminary design of proposed stormwater management system in accordance with Section 5 of the Technical Manual (note that Portland has a separate applicability section);
			Preliminary infrastructure improvements;
			Preliminary Landscape Plan in accordance with Section 4 of the Technical Manual;
			Location of significant natural features (including wetlands, ponds, watercourses, floodplains, significant wildlife habitats and fisheries or other important natural features) located on the site as defined in Section 14-526 (b) (1);
			Proposed buffers and preservation measures for significant natural features, as defined in Section 14-526 (b) (1);
			Location , dimensions and ownership of easements, public or private rights of way, both existing and proposed;
			Exterior building elevations.

FINAL PLAN - Level III Site Plan			
Applicant Checklist	Planner Checklist	# of Copies	GENERAL WRITTEN SUBMISSIONS CHECKLIST (* If applicant chooses to submit a Preliminary Plan, then the * items were submitted for that phase and only updates are required)
		1	* Completed Application form
		1	* Application fees
		1	* Written description of project
		1	* Evidence of right, title and interest
		1	* Evidence of state and/or federal permits
		1	* Written assessment of proposed project's specific compliance with applicable Zoning requirements
		1	* Summary of existing and/or proposed easements, covenants, public or private rights-of-way, or other burdens on the site
		1	* Evidence of financial and technical capacity
		1	Construction Management Plan
		1	A traffic study and other applicable transportation plans in accordance with Section 1 of the technical Manual, where applicable.
		1	Written summary of significant natural features located on the site (Section 14-526 (b) (a))
		1	Stormwater management plan and stormwater calculations
		1	Written summary of project's consistency with related city master plans
		1	Evidence of utility capacity to serve
		1	Written summary of solid waste generation and proposed management of solid waste
		1	A code summary referencing NFPA 1 and all Fire Department technical standards
		1	Where applicable, an assessment of the development's consistency with any applicable design standards contained in Section 14-526 and in City of Portland Design Manual
		1	Manufacturer's verification that all proposed HVAC and manufacturing equipment meets applicable state and federal emissions requirements.

Applicant Checklist	Planner Checklist	# of Copies	SITE PLAN SUBMISSIONS CHECKLIST (* If applicant chooses to submit a Preliminary Plan, then the * items were submitted for that phase and only updates are required)
		1	* Boundary Survey meeting the requirements of Section 13 of the City of Portland's Technical Manual
		1	Final Site Plans including the following:
			Existing and proposed structures, as applicable, and distance from property line (including location of proposed piers, docks or wharves if in Shoreland Zone);
			Existing and proposed structures on parcels abutting site;
			All streets and intersections adjacent to the site and any proposed geometric modifications to those streets or intersections;
			Location, dimensions and materials of all existing and proposed driveways, vehicle and pedestrian access ways, and bicycle access ways, with corresponding curb lines;
			Engineered construction specifications and cross-sectional drawings for all proposed driveways, paved areas, sidewalks;
			Location and dimensions of all proposed loading areas including turning templates for applicable design delivery vehicles;
			Existing and proposed public transit infrastructure with applicable dimensions and engineering specifications;
			Location of existing and proposed vehicle and bicycle parking spaces with applicable dimensional and engineering information;
			Location of all snow storage areas and/or a snow removal plan;
			A traffic control plan as detailed in Section 1 of the Technical Manual;
			Proposed buffers and preservation measures for significant natural features, where applicable, as defined in Section 14-526(b)(1);
			Location and proposed alteration to any watercourse;
			A delineation of wetlands boundaries prepared by a qualified professional as detailed in Section 8 of the Technical Manual;
			Proposed buffers and preservation measures for wetlands;
			Existing soil conditions and location of test pits and test borings;
			Existing vegetation to be preserved, proposed site landscaping, screening and proposed street trees, as applicable;
			A stormwater management and drainage plan, in accordance with Section 5 of the Technical Manual;
			Grading plan;
			Ground water protection measures;
			Existing and proposed sewer mains and connections;

- Continued on next page -

		Location of all existing and proposed fire hydrants and a life safety plan in accordance with Section 3 of the Technical Manual;
		Location, sizing, and directional flows of all existing and proposed utilities within the project site and on all abutting streets;
		Location and dimensions of off-premises public or publicly accessible infrastructure immediately adjacent to the site;
		Location and size of all on site solid waste receptacles, including on site storage containers for recyclable materials for any commercial or industrial property;
		Plans showing the location, ground floor area, floor plans and grade elevations for all buildings;
		A shadow analysis as described in Section 11 of the Technical Manual, if applicable;
		A note on the plan identifying the Historic Preservation designation and a copy of the Application for Certificate of Appropriateness, if applicable, as specified in Section Article IX, the Historic Preservation Ordinance;
		Location and dimensions of all existing and proposed HVAC and mechanical equipment and all proposed screening, where applicable;
		An exterior lighting plan in accordance with Section 12 of the Technical Manual;
		A signage plan showing the location, dimensions, height and setback of all existing and proposed signs;
		Location, dimensions and ownership of easements, public or private rights of way, both existing and proposed.

QUITCLAIM WITH COVENANT DEED
Short Form Deeds Act
33 M.R.S.A. Section 761 et seq.

KNOW ALL PERSONS BY THESE PRESENTS, that the **UNITED STATES POSTAL SERVICE**, AN INDEPENDENT ESTABLISHMENT OF THE EXECUTIVE BRANCH OF GOVERNMENT OF THE UNITED STATES OF AMERICA, whose mailing address is Main Post Office, Room 2007, Two Washington Square, Haverhill, MA 01830 for consideration paid, grants to **MARTIN RIST AND BONNIE BRUNET, AS TRUSTEES OF THE RIST/BRUNET FAMILY TRUST DATED MARCH 27, 1997**, a trust with an address c/o The Galloway Group, 400 Riverside Street, Ste. A-7, Portland, Maine 04103, with **QUITCLAIM COVENANT** the following described real property located in the City of Portland, County of Cumberland and State of Maine and more particularly described in Exhibit A attached hereto and made a part hereof.

IN WITNESS WHEREOF, the **UNITED STATES POSTAL SERVICE** has caused this instrument to be executed by Christopher J. Madden its RES./C.O., duly authorized, on this 1st day of ~~January~~ February 2005.

MAINE REAL ESTATE TAX PAID


Witness

UNITED STATES POSTAL SERVICE

By: Christopher J. Madden
Print Name: Christopher J. Madden
Title: RES./C.O.

SEAL

STATE OF Mass
COUNTY OF Middlesex, SS.

Feb
January 1, 2005

Then personally appeared the above named Christopher Madden,
the Representative of the **UNITED STATES POSTAL SERVICE**, and acknowledged the foregoing instrument to be their free act and deed in their said capacities.

Before me,
Kenneth Cunha
Notary Public
Print Name: Kenneth Cunha
My Commission Expires: 10-27-2011

Christopher Madden personally appeared before me, and proved his/her identification through satisfactory evidence, which were known and acknowledged he/she signed the foregoing instrument voluntarily for its stated purpose on this 1 day of Feb, 2005.
Kenneth Cunha
Notary Public
Commonwealth of Massachusetts
My Commission Expires October 27, 2011

EXHIBIT A

Parcel I

(Transfer Parcel from Lot 1 to Lot 1A)

A certain lot or parcel of land with the improvements thereon east of but not adjacent to McAlister Farm Road and north of but not adjacent to Riverside Street, in the City of Portland, County of Cumberland, State of Maine and being more particularly bounded and described as follows:

Beginning at the northeasterly corner of remaining land now or formerly of The United States Postal Service (10839/284) and the southeasterly corner of land now or formerly of Martin Rist and Barnysue J. Brunet (17989/330);

Thence S 15°-16'-00" E, along remaining land of said United States Postal Service and land of said Rist and Brunet, a distance of 86.83 feet to a 5/8 inch rebar to be set with Cap # 2170;

Thence S 79°-20'-45" W, through remaining land of said United States Postal Service, a distance of 158.98 feet to a 5/8 inch rebar to be set with Cap # 2170;

Thence N 10°-39'-15" W, through remaining land of said United States Postal Service, a distance of 74.28 feet to land of said Rist and Brunet;

Thence N 74°-44'-00" E, along land of said Rist and Brunet, a distance of 152.49 feet to the Point of Beginning.

The area of this parcel being approximately 12,525 square feet or 0.29 acres.

Meaning and intending to describe a parcel being a portion of land described in a deed recorded in the Cumberland County Registry of Deeds in Book 10839, Page 284.

Bearings herein are based on Magnetic 1988.

Reference is made to following plans:

"McAlister Farm Subdivision" by The Sheridan Corporation dated January 27, 1987, recorded January 4, 1989 recorded in Cumberland County Registry of Deeds in Plan Book 176, Page 44.

"Donald O. Butler Subdivision-Third Amended Recording Plat" by Land Use Consultants, Inc., Job # 1396, dated April 30, 1996, recorded June 6, 1996 in Cumberland County Registry of Deeds in Plan Book 197, Page 115.

"Survey Worksheet of Land Swap, 400 Riverside Street, Portland, Maine, For: The Galloway Group" made by Sebago Technics dated 9-5-03.

Parcel II

(Transfer Parcel from Lot 1 to 400 Riverside Street (Triangular Parcel))

A certain lot or parcel of land with the improvements thereon east of but not adjacent to McAlister Farm Road and north of and adjacent to Riverside Street, in the City of Portland, County of Cumberland, State of Maine and being more particularly bounded and described as follows:

Beginning at the southeasterly corner of remaining land now or formerly of The United States Postal Service (10839/284) and the southwesterly corner of land now or formerly of Martin Rist and Barnysue J. Brunet (14592/292), said point being on the northerly right of way line of Riverside Street;

Thence N 20°-54'-51" W, along remaining land of said United States Postal Service and land of said Rist and Brunet, a distance of 447.33 feet to a point, said point being N 87°-07'-38" W, a distance of 0.71 feet from a 5/8 inch rebar found;

Thence S 17°-58'-45" E, through remaining land of said United States Postal Service, a distance of 456.81 feet to the northerly right-of-way line of Riverside Street and a point of curvature;

Thence easterly along said right-of-way line, along said nontangential curve to the right having a radius of 1,672.27 feet, an arc length of 25.02 feet, and a chord bearing of N 48°-17'-17" E, with a distance of 25.02 feet to a point of compound curvature and the Point of Beginning.

The area of this parcel being approximately 5,231 square feet or 0.12 acres.

Meaning and intending to describe a parcel being a portion of land described in a deed recorded in the Cumberland County Registry of Deeds in Book 10839, Page 284.

Bearings herein are based on Magnetic 1988.

Reference is made to the following plans:

"McAlister Farm Subdivision" by The Sheridan Corporation dated January 27, 1987, recorded January 4, 1989 in Cumberland County Registry of Deeds in Book 176, Page 44.

"Donald O. Butler Subdivision-Third Amended Recording Plat" by Land Use Consultants, Job # 1396, dated April 30, 1996, recorded June 6, 1996 in Cumberland County Registry of Deeds in Book 197, Page 115.

City of Portland Public Works Engineering Department Archives, Sheet 3 of 11, 709/12.

"Survey Worksheet of Land Swap, 400 Riverside Street, Portland, Maine, For: The Galloway Group" made by Sebago Technics dated 9-5-03.

O:\LAWOFFICE\REALTY\RIST\USPS\Deed to Rist.doc

Received
Recorded Register of Deeds
Feb 02, 2005 02:26:12P
Cumberland County
John B O'Brien

QUITCLAIM WITH COVENANT DEED
(Maine Statutory Short Form)

KNOW ALL PERSONS BY THESE PRESENTS, that it, **Martin Rist and Barnysue J. Brunet a/k/a Bonnie Brunet, Trustees of the Rist/Brunet Family Trust**, under a declaration of Trust dated March 27, 1997, a trust with an address c/o The Galloway Group, 400 Riverside Street, Ste. A-7, Portland, Maine 04103, for consideration paid, grant to **ORMAN F. CUMMINGS**, an individual with an address of 202 U.S. Route 1, Box 366, Falmouth, ME 04105, with **QUITCLAIM COVENANT**, the real estate in Portland, Maine, more particularly described on Exhibit A attached hereto.

WITNESS our hands and seals on this 13TH day of October, 2005.

WITNESS:

[Signature]

[Signature]

[Signature]
Martin Rist, Trustee of the Rist/Brunet Family Trust u/d/t dated March 27, 1997

[Signature]
Bonnie Brunet, Trustee of the Rist/Brunet Family Trust u/d/t dated March 27, 1997

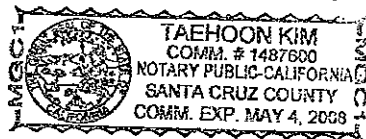
STATE OF California
COUNTY OF Santa Cruz ss.

October 13, 2005

Then personally appeared the above named Martin Rist and Bonnie Brunet, Trustee of Rist/Brunet Family Trust u/d/t dated March 27, 1997, and acknowledged the foregoing instrument to be their free act and deed in their said capacities.

Before me,

[Signature]
Notary Public
Print Name: TaeHoon Kim
My Commission Expires: 05/04/08



REAL ESTATE TAX PAID

EXHIBIT A
Lot 5

Parcel I

A certain lot or parcel of land situated northwesterly of Riverside Street in the city of Portland, Cumberland County, Maine, and being more particularly described as follows:

Lot #5 as shown on the third Amended Recording Plat of the Donald O. Butler Subdivision dated April 30, 1996 as approved by the City of Portland Planning Board on June 11, 1996, said subdivision plan being recorded in the Cumberland County Registry of Deeds in Plan Book 197 at Page 115, being a revision of the former plans recorded in Plan Book 161 at Page 15 and Plan Book 132, Page 13.

The above described premises are conveyed subject to easements and encumbrances reflected on said third Amended Subdivision Plats and with the reservations thereon stated, and are subject to any applicable terms and provisions of Site Location Order of the Department of Environmental Protection dated January 8, 1982 and recorded in said Registry of Deeds in Book 4916, Page 174, as amended April 10, 1985 and recorded in Book 6741, Page 223, and as further amended on 6/17/96, being #L-7696-39-C-M and as further amended on June 17, 1996 and recorded in Book 12605, Page 130.

Meaning and intending to convey and hereby conveying a portion of property described in a deed to Martin Rist and Barnysue J. Brunet a/k/a Bonnie Brunet, Trustees of Rist/Brunet Family Trust u/d/t dated March 27, 1997 from Riverside Properties LLC dated March 5, 1999 and recorded in the Cumberland County Registry of Deeds in Book 14592, Page 292

Parcel II

(Triangular Parcel)

A certain lot or parcel of land with the improvements thereon east of but not adjacent to McAlister Farm Road and north of and adjacent to Riverside Street, in the City of Portland, County of Cumberland, State of Maine and being more particularly bounded and described as follows:

Beginning at the southeasterly corner of remaining land now or formerly of The United States Postal Service (10839/284) and the southwesterly corner of land now or formerly of Martin Rist and Barnysue J. Brunet (14592/292), said point being on the northerly right of way line of Riverside Street;

Thence N 20°-54'-51" W, along remaining land of said United States Postal Service and land of said Rist and Brunet, a distance of 447.33 feet to a point, said point being N 87°-07'-38" W, a distance of 0.71 feet from a 5/8 inch rebar found;

Thence S 17°-58'-45" E, through remaining land of said United States Postal Service, a distance of 456.81 feet to the northerly right-of-way line of Riverside Street and a point of curvature;

Thence easterly along said right-of-way line, along said nontangential curve to the right having a radius of 1,672.27 feet, an arc length of 25.02 feet, and a chord bearing of N 48°-17'-17" E, with a distance of 25.02 feet to a point of compound curvature and the Point of Beginning.

The area of this parcel being approximately 5,231 square feet or 0.12 acres.

Meaning and intending to describe a parcel being a portion of land described in a deed recorded in the Cumberland County Registry of Deeds in Book 10839, Page 284.

Bearings herein are based on Magnetic 1988.

Reference is made to the following plans:

"McAlister Farm Subdivision" by The Sheridan Corporation dated January 27, 1987, recorded January 4, 1989 in Cumberland County Registry of Deeds in Book 176, Page 44.

"Donald O. Butler Subdivision-Third Amended Recording Plat" by Land Use Consultants, Job # 1396, dated April 30, 1996, recorded June 6, 1996 in Cumberland County Registry of Deeds in Book 197, Page 115.

City of Portland Public Works Engineering Department Archives, Sheet 3 of 11, 709/12.

"Survey Worksheet of Land Swap, 400 Riverside Street, Portland, Maine, For: The Galloway Group" made by Sebago Technics dated 9-5-03.

Being a portion of the premises conveyed to Martin Rist and Bonnie Brunet, as Trustees of the Rist/Brunet Family Trust dated March 27, 1997 by deed of the United States Postal Service dated February 1, 2005 and recorded in the Cumberland County Registry of Deeds in Book 22290, Page 17.

Excepting and reserving to the Grantor, its successors and assigns, in common with the Grantee, his successors, heirs and assigns, a certain ten (10) foot wide easement in, on, over, under and across the area shown as "Reserved 10' Travel Easement to Lot 4" (the "Easement Area") on the third Amended Recording Plat of the Donald O. Butler Subdivision dated April 30, 1996 as approved by the City of Portland Planning Board on June 11, 1996, said subdivision plan being recorded in the Cumberland County Registry of Deeds in Plan Book 197 at Page 115, for the benefit of the following described remaining land of the Grantor:

Lot No. 4 as shown on the Third Amended Recording Plat of the Donald O. Butler Subdivision dated April 30, 1996, as approved by the City of Portland Planning Board on June 11, 1996, said Subdivision plan being recorded at the

Cumberland County Registry of Deeds in Plan Book 197, Page 115, being a revision of the former plans recorded in Plan Book 161, Page 15 and Plan Book 132, Page 13, as affected by Plan entitled "Subdivision Amendment, Lots 1, 1A, & 6 McAlister Farm and Lot 4 Donald O. Butler Subdivision" dated April 27, 2005 and recorded in the Cumberland Registry of Deeds in Plan Book 205, Page 398; and as further affected by Plan entitled "Subdivision, Revised Lot 6 of Lots 1, 1A & 6 McAlister Farm and Lot 4 Donald O. Butler Subdivision" dated May 6, 2005 and recorded in the Cumberland Registry of Deeds in Plan Book 205, Page 399 (the "Benefited Property").

Said easement shall be limited to the following rights in common with the Grantee, his successors, heirs and assigns (including without limitation tenants of the Benefited Property): (i) the right of ingress and egress by foot and by vehicle of any sort whatever, including without limitation, trucks and tractor trailers; (ii) the right to construct, maintain, repair, replace, grade, excavate, fill, plow and pave the full width of the Easement Area; (iii) the right to pass and repass, load and unload vehicles, including without limitation, trucks and tractor trailers; and (iv) the right to install, maintain, alter, operate, tie into, repair and replace pipes, ducts, sewer and water lines, wires, cables, drains and any all other utility services necessary or convenient for the use and enjoyment of the Benefited Property (the "Easement"). Neither party shall permanently or regularly hinder or obstruct passage along the Easement Area.

The Easement is not limited to any current use of the Benefited Property but shall serve any lawful purpose to which said Benefited Property may be put in the future. It is a condition of this easement that the Grantor herein shall contribute one-half (1/2) of the cost of maintaining, plowing, repairing or replacing the Easement Area or any facilities therein to be paid immediately upon presentation of an invoice from the Grantee.

The following provisions shall apply to any construction, maintenance or other work by the Grantor within the Easement Area: (i) once commenced, the work shall be diligently prosecuted to completion; (ii) all work shall be performed in a good and workmanlike manner, shall minimize any inconvenience to the operations conducted by the owner of the burdened property, and shall comply with all applicable laws, ordinances, and regulations; (iii) if, as a result of any work, any part of the impacted property is altered or disturbed (other than any area to be permanently altered as a result of such work to the extent such alterations are permitted hereunder) the disturbed area shall be promptly restored to as near its original condition as possible; and (iv) the Grantor shall not permit any liens to be placed on the burdened property as a result of the Grantor's use off or work on the Easement Area, and shall promptly cause any such liens to be discharged.

Further excepting and reserving to the Grantor, its successors and assigns, in common with the Grantee, his successors, heirs and assigns, a certain easement in, on, over, under and across the area described in **Exhibit B** attached hereto (the "Sign Easement Area"), for the benefit of the following described remaining land of the Grantor:

Lot No. 4 as shown on the Third Amended Recording Plat of the Donald O. Butler Subdivision dated April 30, 1996, as approved by the City of Portland Planning Board on June 11, 1996, said Subdivision plan being recorded at the Cumberland County Registry of Deeds in Plan Book 197, Page 115, being a revision of the former plans recorded in Plan Book 161, Page 15 and Plan Book 132, Page 13, as affected by Plan entitled "Subdivision Amendment, Lots 1, 1A, & 6 McAlister Farm and Lot 4 Donald O. Butler Subdivision" dated April 27, 2005 and recorded in the Cumberland Registry of Deeds in Plan Book 205, Page 398; and as further affected by Plan entitled "Subdivision, Revised Lot 6 of Lots 1, 1A & 6 McAlister Farm and Lot 4 Donald O. Butler Subdivision" dated May 6, 2005 and recorded in the Cumberland Registry of Deeds in Plan Book 205, Page 399 (the "Benefited Property").

Said easement shall be limited to the following rights in common with the Grantee, his successors, heirs and assigns (including without limitation tenants of the Benefited Property): (i) the right to construct, maintain, alter, repair and replace the existing sign and any replacement thereof located within the Sign Easement Area; and (ii) the right of ingress and egress by foot and by vehicle of any sort whatever for the purpose of constructing, maintaining, altering, repairing, replacing the existing sign and any replacement thereof located within the Sign Easement Area necessary or convenient for the use and enjoyment of the Benefited Property (the "Sign Easement").

It is a condition of this easement that each party herein shall contribute one-half (1/2) of the cost of constructing, maintaining, altering, repairing or replacing the signage located within the Sign Easement Area, unless such work is undertaken by one party for its sole benefit in which case that party shall bear the full cost of the same, to be paid immediately upon presentation of an invoice from the other party. The parties agree to use good faith efforts to cooperate in the design and maintenance of the signage located within the Sign Easement Area.

The following provisions shall apply to any construction, maintenance or other work by the Grantor within the Sign Easement Area: (i) once commenced, the work shall be diligently prosecuted to completion; (ii) all work shall be performed in a good and workmanlike manner, shall minimize any inconvenience to the operations conducted by the owner of the burdened property, and shall comply with all applicable laws, ordinances, and regulations; (iii) if, as a result of any work, any part of the impacted property is altered or disturbed (other than any area to be permanently altered as a result of such work to the extent such alterations are permitted hereunder) the disturbed area shall be promptly restored to as near its original condition as possible; (iv) all work shall be started only after reasonable advance notice to and consent of the other party, which consent shall not be unreasonably withheld, conditioned or delayed, shall be performed at reasonable times and shall be done in a manner so as to minimize disruption to the use and operation of the impacted property; and (v) neither party shall permit any liens to be placed on the burdened property as a result of their use or work on the Sign Easement Area, and shall promptly cause any such liens to be discharged.

EXHIBIT B
Sign Easement Area

Sign Easement on Lot 5 for the benefit of Lot 4

An easement over a certain parcel of land situated northwesterly of but not adjacent to, Riverside Street in the City of Portland, County of Cumberland and State of Maine as shown on the Third Amended Recording Plat of the Donald O. Butler Subdivision by Land Use Consultants, and recorded in the Cumberland County Registry of Deeds in Plan Book 197, Page 115, being further bounded and described as follows:

Commencing at the easterly corner of Lot 5 of said subdivision and the northwesterly side of Riverside Street;

Thence S 52°-00'-36" W along Riverside Street, a distance of 15.83 feet to the point of beginning.

Thence N 38°-06'-02" W through Lot 5, a distance of 20.00 feet;

Thence S 52°-00'-36" W through Lot 5, a distance of 20.82 feet;

Thence S 38°-06'-02" E through Lot 5, a distance of 20.00 feet to Riverside Street.

Thence N 52°-00'-36" E along Riverside Street, a distance of 20.82 feet to the point of beginning.

Meaning and intending to describe an easement approximately 10 feet around the existing sign.

Bearings are magnetic north.

MWE:mwe/jc
October 12, 2005

O:\LAWOFFICE\REALTY\LIST\RIVERSIDE\Sale - Lot 4 (Eastman)\Easements\QC - lot 5 deed (reserving road & sign easement).DOC

Received
Recorded Register of Deeds
Oct 14, 2005 03:36:24P
Cumberland County
John B O'Brien

STATE OF MAINE

Cumberland COUNTY PROBATE COURT

DOCKET NO. 2015-0765

ESTATE OF Orman F. Cummings, Jr., a/k/a
Orman F. Cummings
(Name of Decedent)
OF 3050 Champion Ring Road
(Domicile of Decedent)
Ft. Myers, FL 33905

NOTICE OF APPOINTMENT OF
DOMICILIARY FOREIGN
PERSONAL REPRESENTATIVE¹

The undersigned, whose name and address are:
Orman F. Cummings, III

was duly appointed personal representative of the estate of Orman F. Cummings, Jr., a/k/a
(Name and domicile of decedent)
Orman F. Cummings by Lee County Probate Court, 1700 Monroe Street
(Name and address of court making appointment)
Ft. Myers, FL 33901 on May 7, 2015
(Date)


Date of Death of the decedent: March 18, 2015

I, as foreign personal representative, hereby certify that to the best of my knowledge and belief:

1. Real property belonging to the decedent is located in (list each county and municipality):
Cumberland County, Portland
2. No local personal representative has been appointed, and no local administration, application or petition is pending in this state.
3. An authenticated copy of my appointment, which has not been modified or revoked by the appointing Court, is attached;
4. a. I was not required to give any bond or
 b. An authenticated copy of the bond filed in the appointing Court is attached.
5. A certificate, dated within 60 days, providing current authority is attached.

Wherefore, I request this court to accept and file this notice of appointment, and hereby submit personally to the jurisdiction of this court.

Dated May 22, 2015

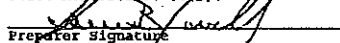

Domiciliary Foreign Personal Representative

Name, address, telephone number and Maine Bar Registration Number of licensed Maine attorney for foreign personal representative, if any.²

Karen B. Lovell, Bernstein Shur, PO Box 9729, Portland, ME 04104
207-774-1200 Maine Bar No. 2155

¹ See 18-A MRSA § 4-204. Ancillary proceedings are only necessary to transfer title to real estate. See 18-A § 4-201
² See 14 MRSA § 551
CumbProb

I certify that no alteration has been made to the official form as most recently approved and promulgated by the Supreme Judicial Court. I also certify that I have met the standards under M.R. Prob. P. 84 (b).

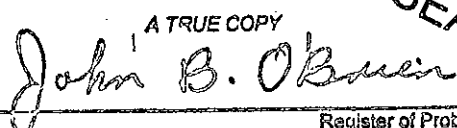

Preparer Signature

Karen B. Lovell
Typed or Printed Name of Preparer

STATE OF MAINE, COUNTY OF CUMBERLAND SS:
REGISTRY OF PROBATE & PROBATE COURT

Received
Recorded Register of Deeds
Jun 08, 2015 01:42:09P
Cumberland County
Nancy A. Lane

Attest

A TRUE COPY

Register of Probate

SEAL