

**LEWISTON CITY COUNCIL AGENDA  
CITY COUNCIL CHAMBERS  
MARCH 20, 2012**

**6:00 p.m. A) Executive Session** - To discuss a legal matter with the City Attorney.

**6:15 p.m. B) Executive Session** - To discuss a legal matter with the City Attorney.

**6:30 p.m. C) Executive Session** - To discuss a legal matter with the City Attorney.

**7:00 p.m. Regular Meeting**

Pledge of Allegiance to the Flag.

Moment of Silence.

Mayor's Proclamation - Celebrating the 100<sup>th</sup> Anniversary of Girl Scouts of America

Public Comment period - Any member of the public may make comments regarding issues pertaining to Lewiston City Government (maximum time limit is 15 minutes for all comments)

ALL ROLL CALL VOTES FOR THIS MEETING WILL BEGIN WITH THE COUNCILOR OF WARD 6.

CONSENT AGENDA: All items with an asterisk (\*) are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen so requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.

- \* 1. Annual appointment for the Lewiston-Auburn Railroad Company Board of Directors.
- \* 2. Authorization to accept transfer of forfeiture funds.

**REGULAR BUSINESS:**

- 3. Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for the Derby Athletic Association, 37 Park Street.
- 4. Condemnation Hearing for the building located at 10 College Street.
- 5. Condemnation Hearing for the building located at 305 Bates Street.
- 6. Resolve - Authorizing the Transfer of \$164,852 from the 2012 Sewer Jepson Brook Project to the 2012 Sewer Oak Street Separation Project and a \$164,852 Transfer from the 2012 Stormwater Jepson Brook Project to the 2012 Stormwater Oak Street Separation Project.
- 7. Reports and Updates:
  - A) Androscoggin County Dispatch
  - B) Proposed changes to the General Assistance Program.
- 8. Any other City Business Councilors or others may have relating to Lewiston City Government.
- 9. Executive Session to discuss a legal matter with the City Attorney.

**LEWISTON CITY COUNCIL**  
**MEETING OF MARCH 20, 2012**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. A (6:00pm)**

**SUBJECT:**

Executive Session to discuss a legal matter with the City Attorney.

**INFORMATION:**

The Maine State Statutes, Title 1, section 405, define the permissible grounds and subject matters of executive sessions for public meetings.

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**

The state statutes outline the issues that will be discussed in executive session.

*EAB/kmm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
---	---	---	---	---	---	---	---

To enter into an Executive Session pursuant to MRSA Title 1, section 405(6)(E) to discuss a legal matter with the City Attorney.

**LEWISTON CITY COUNCIL**  
**MEETING OF MARCH 20, 2012**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. B (6:15pm)**

**SUBJECT:**

Executive Session to discuss a legal matter with the City Attorney.

**INFORMATION:**

The Maine State Statutes, Title 1, section 405, define the permissible grounds and subject matters of executive sessions for public meetings.

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**

The state statutes outline the issues that will be discussed in executive session.

*EAB/kmm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
---	---	---	---	---	---	---	---

To enter into an Executive Session pursuant to MRSA Title 1, section 405(6)(E) to discuss a legal matter with the City Attorney.

# LEWISTON CITY COUNCIL

## MEETING OF MARCH 20, 2012

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. C (6:30pm)**

**SUBJECT:**

Executive Session to discuss a legal matter with the City Attorney.

**INFORMATION:**

The Maine State Statutes, Title 1, section 405, define the permissible grounds and subject matters of executive sessions for public meetings.

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**

The state statutes outline the issues that will be discussed in executive session.

*EAB/kmm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
---	---	---	---	---	---	---	---

To enter into an Executive Session pursuant to MRSA Title 1, section 405(6)(E) to discuss a legal matter with the City Attorney.

# LEWISTON CITY COUNCIL

## MEETING OF MARCH 20, 2012

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 1**

**SUBJECT:**

Annual appointment for the Lewiston-Auburn Railroad Company Board of Directors.

**INFORMATION:**

Each year, the City Council is asked to appoint people to serve as Lewiston's representatives on the Lewiston-Auburn Railroad Board of Directors.

The Nominating Committee of the Railroad Board has nominated the following Lewiston residents to serve on the Board: Richard Albert, 3 year term expiring April 2015 and Marc Pellerin, 3 year term expiring April 2015. The Board will hold its annual meeting in April. Passage is requested.

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**

The City Administrator recommends approval of the requested action.

*EATSKMM*

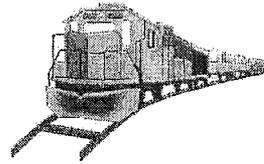
**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
---	---	---	---	---	---	---	---

To accept the nominations from the Lewiston Auburn Railroad Board of Directors and to elect the following residents to serve on the Lewiston Auburn Railroad Company Board of Directors:

- 1) Richard Albert, three year term expiring April 2015
- 2) Marc Pellerin, three year term expiring April 2015.

# LEWISTON AND AUBURN RAILROAD COMPANY



February 8, 2012

Mayor Robert Macdonald  
City of Lewiston  
70 Pine Street  
Lewiston, ME 04240

Dear Mayor Macdonald:

The current directors of the Lewiston and Auburn Railroad Company convened on February 8, 2012, to consider and recommend two Lewiston Citizens as directors of the Lewiston and Auburn Railroad Company.

Article VI, Section 2 and 4 of the Bylaws of the Lewiston and Auburn Railroad Company with incorporated Shareholders Agreement read as follows:

Section 2. Classes of Directors. Notwithstanding anything to the contrary contained in the Charter or Article V of these Bylaws, the members of the Board of Directors shall be divided into two classes, one from each City, as follows: (a) the first class of Directors shall be hereafter referred to as the "Lewiston Directors" and shall be composed of six (6) Directors, all of whom shall be and shall continue to be residents of the City of Lewiston during their term of office; and (b) the second class of Directors shall be hereinafter referred to as the "Auburn Directors" and shall be composed of three (3) Directors, all of whom shall be and shall continue to be residents of the City of Auburn during their term of office.

Section 4. Election of Directors by Class. Notwithstanding anything to the contrary in the Charter or Article V of these Bylaws, the Lewiston Directors shall be elected by the Lewiston City Council and the Auburn Directors shall be elected by the Auburn City Council.

The current Board of Directors acting as its nominating committee voted to recommend the following individuals to be reappointed to the Board of Directors and the term of office:

<u>Name:</u>	<u>Term:</u>
Richard Albert	3-Year Term Expiring April 2015
Marc Pellerin	3-Year Term Expiring April 2015

415 Lisbon Street, Suite 400, Lewiston, Maine 04240  
Phone: (207) 784-0161 ♦♦♦ Fax: (207) 786-4412

February 8, 2012

- 2 -

Upon election of the noted individuals, the Board of Directors of the Lewiston and Auburn Railroad Company will confirm the appointment. On behalf of the Board of Directors, I encourage prompt action on the nomination by the Lewiston City Council.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Gerald Berube", with a long horizontal flourish extending to the right.

Gerald Berube  
President

# LEWISTON CITY COUNCIL

## MEETING OF MARCH 20, 2012

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 2**

**SUBJECT:**

Authorization to accept transfer of forfeiture funds.

**INFORMATION:**

The Lewiston Police Department is requesting that the City Council authorize the acceptance of funds, in the amounts outlined below, as reimbursement for costs associated with assisting in a criminal investigation.

The funds are available to the Lewiston Police Department due to its substantial contribution to the investigation of this or a related criminal case.

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**

The City Administrator recommends approval of the requested action.

*EPB/kmm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
---	---	---	---	---	---	---	---

That pursuant to Title 15, Maine Revised Statutes Annotated, Section 5824(3) and Section 5822(4)(A), the City Council hereby acknowledges and approves of the transfer of the proceeds of the sale of one Smith & Wesson semi-automatic .40 cal. pistol, serial #TFF9813, less administrative fees, or any portion thereof, in the case of the State of Maine vs. Vincent Steed, CR-06-431; the transfer of \$989.00, less administrative fees, or any portion thereof, in the case of State of Maine vs. Alphonso Belnavis, CR-12-137; the transfer of 18% of \$6,300, less administrative fees, or any portion thereof, in the case of US Department of Justice Drug Enforcement Administration vs. Elizabeth Moustrophis, CE-11-0052, Ex N-4, 11-DEA-552565; the transfer of 10% fo \$6850 less administrative fees, or any portion thereof, in the case of the US Department of Justice Drug Enforcement Administration vs. Eric Czerwinski, CE-11-0061, Ex N-3, 12-DEA-556619 and the transfer of 7.25% of \$2,008, less administrative fees, or any portion there of, in the case of the US Department of Justice Drug Enforcement Administration vs. James Brichetto CE-11-0027, 12-DEA-559555. Being funds forfeited pursuant to court process. It is further acknowledged that these funds shall be credited to the 'City of Lewiston Drug Enforcement Program'.

STATE OF MAINE  
Androscoggin, ss

SUPERIOR COURT  
Criminal Action  
Docket No. CR-06-431

State of Maine	}	
	}	
v.	}	Municipality of Lewiston
	}	Approval of Transfer
Vincent Steed	}	15 M.R.S.A. §5824(3) & §5822(4)(A)
Defendant;	}	
	}	
And	}	
	}	
One Smith & Wesson semi-automatic	}	
.40 cal. pistol, Serial # TFF9813	}	
Defendant(s) In Rem	}	

NOW COMES the municipality of Lewiston, Maine, by and through its municipal officers, and does hereby grant approval pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) to the transfer of the above captioned Defendant(s) in Rem, or any portion thereof, on the grounds that the Lewiston Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the municipality of Lewiston, Maine does hereby approve of the transfer of the Defendant(s) In Rem, or any portion thereof, pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) by vote of the Lewiston municipal legislative body on or about

Dated: \_\_\_\_\_

\_\_\_\_\_  
Municipal Officer  
Lewiston, Maine  
(Impress municipal legislative body seal here)

STATE OF MAINE  
Androscoggin, ss

SUPERIOR COURT  
Criminal Action  
Docket No. CR-12-137

State of Maine	}	
	}	
v.	}	Municipality of Lewiston
	}	Approval of Transfer
Alphonso Belnavis	}	15 M.R.S.A. §5824(3) & §5822(4)(A)
Defendant;	}	
	}	
And	}	
	}	
989.00 U.S. Currency	}	
Defendant(s) In Rem	}	

NOW COMES the municipality of Lewiston, Maine, by and through its municipal officers, and does hereby grant approval pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) to the transfer of the above captioned Defendant(s) in Rem, or any portion thereof, on the grounds that the Lewiston Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the municipality of Lewiston, Maine does hereby approve of the transfer of the Defendant(s) In Rem, or any portion thereof, pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) by vote of the Lewiston municipal legislative body on or about

Dated: \_\_\_\_\_

\_\_\_\_\_  
Municipal Officer  
Lewiston, Maine  
(Impress municipal legislative body seal here)



# MEMO



Date: March 9, 2012  
To: Kelly Mercier, Deputy City Clerk  
From: Michael Bussiere, Chief of Police  
Re: Forfeiture funds

The following investigations are pending in federal court and upon a favorable final disposition, the funds in the cases listed below will be released to the Lewiston Police Department. Please make the necessary notifications to the City Council that would allow them to address the issue and consent to the acceptance of these funds. Please credit these funds to the Federal Drug Forfeiture Account, number 590-3514050.

<u>Name</u>	<u>Docket #</u>	<u>Asset ID#</u>	<u>Asset</u>
Elizabeth Moustrophis	CE-11-0052 Exhibit N-4 CE-11-0061	11-DEA-552565	18% of \$6,300 less administrative fees
Eric Czerwinski	Exhibit N-3	12-DEA-556619	10% of \$6850 less administrative fees
James Brichetto	CE-11-0027	12-DEA-559555	7.25% of \$2008 less administrative fees

**LEWISTON CITY COUNCIL**  
**MEETING OF MARCH 20, 2012**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 3**

**SUBJECT:**

Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for the Derby Athletic Association, 37 Park Street.

**INFORMATION:**

We have received a renewal application for a Special Amusement Permit for Live Entertainment from the Derby Athletic Association, 37 Park Street.

The Police Department has reviewed and approved the application. A copy of the Police Department log for this establishment, for the past year, is attached.

There was no reference to the business or property address in the Council Constituent Concern log, as maintained by the Administrator's Office.

The business owner has been notified of the public hearing and requested to attend.

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**

The City Administrator recommends approval of the requested action.

*EATB/kmm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
---	---	---	---	---	---	---	---

To grant a Special Amusement Permit for Live Entertainment to the Derby Athletic Association, 37 Park Street.

**CITY OF LEWISTON  
APPLICATION FOR SPECIAL AMUSEMENT PERMIT**

Date of Application: 03-07-2012 Expiration Date: 03-27-2012 License fee: \$116.00

- Class A - restaurants with entertainment, which does not have dancing
- Class B - lounges/bars with entertainment, which does not have dancing
- Class C - either restaurants or lounges/bars with entertainment, including dancing
- Class D - function halls with entertainment, including dancing
- Class E - dance hall or nightclub that admits persons under the age of 21
- Class F - "chem-free" dance hall or nightclub for patrons aged 18 years and older, with no liquor service

Renewal Applicants: Has any or all ownership changed in the 12 months?  Yes  No

\*\*\*\*PLEASE PRINT\*\*\*\*

Business Name: DERBY Athletic Association Business Phone: 207-782-9285

Location Address: 37 Park Street

(If new business, what was formerly in this location: \_\_\_\_\_)

Mailing Address: 37 Park Street, Lewiston, Me.

Contact Person: ROGER PLOURDE Home Phone: 207-782-9285

Owner of Business: NONE Date of Birth: \_\_\_\_\_

Address of Owner: \_\_\_\_\_

Manager of Establishment: ROGER PLOURDE Date of Birth: 12-01-1956

Owner of Premises (landlord): JUSTIN FLANNERY

Address of Premises Owner: 37 Park St. Lewiston, Me Suite 404

Does the issuance of this license directly or indirectly benefit any City employee(s)?  Yes  No  
If yes, list the name(s) of employee(s) and department(s): \_\_\_\_\_

Have any of the applicants, including the corporation if applicable, ever held a business license with the City of Lewiston?  Yes  No If yes, please list business name(s) and location(s): \_\_\_\_\_

Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of the law?  Yes  No If yes, please explain: \_\_\_\_\_

CORPORATION APPLICANTS: Please attach a list of all principal officers, date of birth & town of residence

Corporation Name: Derby Athletic Association

Corporation Mailing Address: 37 Park St, Lew. Me.

Contact Person: Roger Plouffe Phone: \_\_\_\_\_

Do you permit dancing on premises?  Yes  No (If yes, you must first obtain a dance hall permit from the State Fire Marshall's Office) If yes, do you permit dancing or entertainment after 1:00 AM?  Yes  No

What is the distance to the nearest residential dwelling unit both inside and outside the building from where the entertainment will take place? 200 ft.

Please describe the type of proposed entertainment:

- dancing
- stand up comedian
- piano player
- music by DJ
- karaoke
- other, please list \_\_\_\_\_
- live band/singers
- magician
- other, please list \_\_\_\_\_

If new applicant, what is your opening date?: \_\_\_\_\_

\*\*\*\*\*

Applicant, by signature below, agrees to abide by all laws, orders, ordinances, rules and regulations governing the above licensee and further agrees that any misstatement of material fact may result in refusal of license or revocation if one has been granted. Applicant agrees that all taxes and accounts pertaining to the premises will be paid prior to issuance of the license.

It is understood that this and any application(s) shall become public record and the applicant(s) hereby waive(s) any rights to privacy with respect thereto.

I/We hereby authorize the release of any criminal history record information to the City Clerk's Office or licensing authority. I/We hereby waive any rights to privacy with respect thereto.

Signature: Theresa Temple Title: Sec/Treas. Date 03-07-2012

Printed Name: Theresa Temple

\*\*\*\*\*

Sent to Code Enforcement: \_\_\_\_\_ Need reply by: \_\_\_\_\_ Approved: \_\_\_\_\_

Sent to Police & Fire: \_\_\_\_\_

\*\*\*\*\*

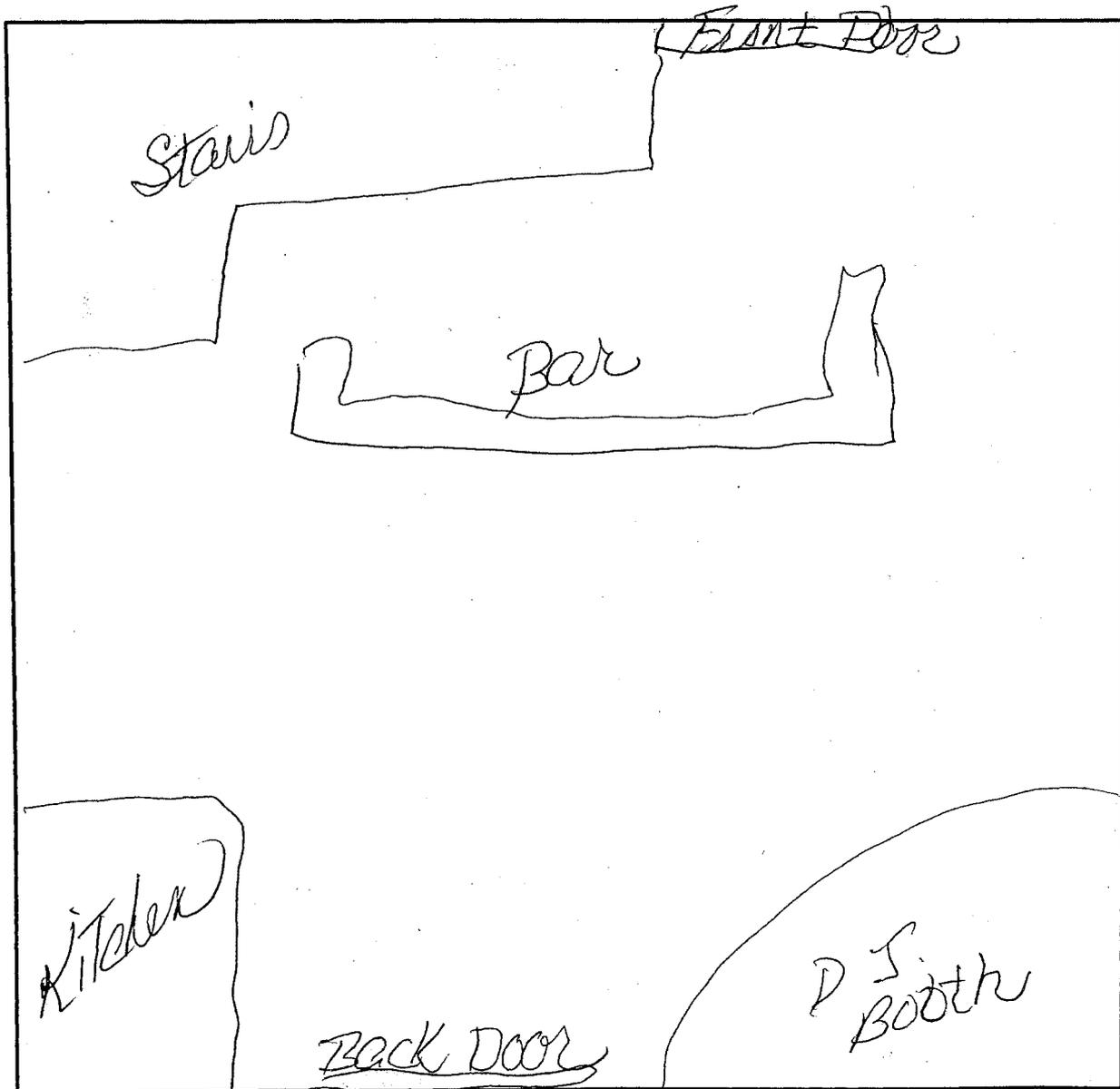
Hearing Date: \_\_\_\_\_ Approved by Council: \_\_\_\_\_ Vote No: \_\_\_\_\_

**SPECIAL AMUSEMENT PERMIT  
SUPPLEMENTAL APPLICATION FORM  
ON-PREMISE DIAGRAM**

---

In an effort to clearly define your licensed premise and areas that the entertainment is allowed, the City of Lewiston is requiring all applicants to submit a diagram of the premise to be licensed in addition to a completed license application.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas of your diagram showing where in the facility the entertainment will be, the direction of any speakers and where the dance floor, if any will be located.



CITY OF LEWISTON, MAINE  
Department of City Clerk

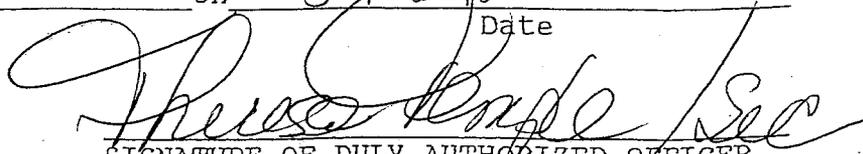
Supplementary Questionnaire for Corporate Applicants

1. Exact corporate name: DERBY ATHLETIC ASSOC
2. Date of incorporation: MARCH 27, 1938
3. State in which you are incorporated: MAINE
4. If not a Maine corporation, date corporation was authorized to transact business within the State of Maine: \_\_\_\_\_
5. List the names, addresses previous 5 years, birth dates, title of all officers, directors, and % of stock owned:

NAME	ADDRESS . . . . . PREVIOUS 5 YEARS	BIRTH DATE	% OF STOCK	TITLE
CONNIE LEVEQUE	9 ANN ST, LEW	3.4.52	-	DIRECTOR
Paul Roy	183 OAK ST, LEWISTON	5.15.55	-	PRESIDENT
Cindy Goslant	105 Blake St, Lewiston	10.6.58	-	Director
Ricky Gaudette	104 Blake St, Lewiston	1.8.50	-	Director
Roger Plourde	40 Walnut St, Lewiston	12.1.56	-	V. Pres.
Terry Temple	32 Walnut St, Lewiston	10.2.47	-	Sec/Treas.

6. What is the amount of authorized stock? 0 Outstanding stock? 0
7. Is any principal officer of the corporation a law enforcement official?  
no

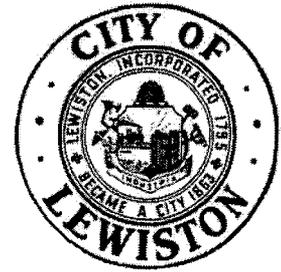
Dated at Lewiston on 3-7-2012  
City or Town Date

  
SIGNATURE OF DULY AUTHORIZED OFFICER



## ***POLICE DEPARTMENT***

Michael J. Bussiere  
Chief of Police



---

TO: Kelly Mercier, Deputy City Clerk

FR: Lt. Adam D. Higgins, Support Services

DT: February 2, 2012

RE: Liquor License/Special Amusement Permit – **Derby Athletic Association**

We have reviewed Liquor License/Special Amusement Permit Application and have no objections to the following establishment;

**Derby Athletic Association**  
**37 Park Street**



---

171 Park St • Lewiston, Maine • 04240 • Phone 207-513-3137 • Fax 207-795-9007  
[www.lewistonpd.org](http://www.lewistonpd.org)



*Professionalism*

*Integrity*

*Compassion*

*Dedication*

*Pride*

*Dependability*

# LEWISTON CITY COUNCIL

MEETING OF MARCH 20, 2012

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 4**

**SUBJECT:**

Condemnation Hearing for the building located at 10 College Street.

**INFORMATION:**

The City has begun the process for condemnation of the property at 10 College Street under the dangerous building classification. This property has been abandoned by the owner and upon inspection of city staff has been determined to be an unsafe structure.

Attached is background material regarding this property and it's condition. The City Attorney will be present on Tuesday evening to assist the City Council with the condemnation hearing and to advise accordingly.

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**

The City Administrator recommends approval of the requested action.

*EAB/Kmm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
---	---	---	---	---	---	---	---

1) To conduct a hearing to determine if the building located at 10 College Street has meet the dangerous building statutes as defined in Title 17, sec. 2851 et all.

*If it is determined that the building does meet the dangerous building criteria, then the Council is asked :*

2) To accept the Findings of Fact regarding the building at 10 College Street to be a dangerous building as defined by state statutes, to adopt the Order of Condemnation and to order the corrective action for the property owner which establishes the time frame in which the corrective action must be completed, and to authorize the City Administrator to take necessary actions to implement the corrective action as determined by the Municipal Officers, should the property owner fail to comply with the Council abatement order.

## MEMORANDUM

**To:** Mayor McDonald; Lewiston City Council  
**From:** Gildace Arsenault, Director, Lewiston Planning Department  
**Date:** March 15, 2012  
**RE:** Dangerous Buildings Hearings for 10 College Street and 305 Bates Street

---

Dear Mayor and City Council,

At the Council meeting on March 20, the Planning Department will be presenting evidence as to why 10 College Street and 305 Bates Street are dangerous buildings within the meaning of 17 M.R.S. § 2851. We will be requesting that the Council find that these properties are dangerous buildings and order that they be demolished.

To assist your decision I have included the following materials for each property:

- Documents establishing the identity of the current owner and any party in interest;
- The Notice of Hearing and proof of service on the owner and any party in interest;
- Previous correspondence, notices, or citations to the owner;
- Photographs depicting the dilapidation at the properties; and
- Other documentation that you might find useful in making your decision.

At the meeting, the Planning Department will present this evidence as well as testimony showing why these properties are dangerous and should be demolished. I will also prepare for the Council proposed findings of fact, conclusions of law, and a proposed order of demolition.

**10 College Street**

# **Deeds, Mortgages, and Other Ownership Documents**

FORECLOSURE DEED

KNOW ALL BY THESE PRESENTS, that Deutsche Banc AG New York, with a mailing address of 4708 Mercantile Drive N., Fort Worth, TX 76137 (GRANTOR), for consideration paid, the receipt of which is hereby acknowledged, does hereby give, grant, convey and release unto Deutsche Bank AG New York Branch with a mailing address of 4708 Mercantile Drive N., Fort Worth, TX 76137 (GRANTEE) successors, heirs and assigns forever, that certain lot or parcel of land, with any buildings thereon, located at 10 College Street, Lewiston, in the County of Androscoggin and State of Maine, as more fully described in Exhibit A attached hereto and fully incorporated herein by reference.

BEING THE SAME PREMISES described in a Mortgage Deed of Erwin May, dated August 8, 2005 and recorded in the Androscoggin County Registry of Deeds in Book 6445, Page 170, which mortgage was foreclosed by civil action pursuant to 14 M.R.S.A §6321 et seq. in Maine District Court, Lewiston Docket No. RE-08-392, entitled Deutsche Banc AG New York v. Erwin May.

Evidence of compliance with 14 M.R.S.A. §6323(1) is attached hereto.

GRANTOR does hereby assign to Grantee all rights and interest of Grantor as high bidder at the public foreclosure sale held in the above matter.

Notwithstanding the date of execution or acknowledgement, this deed shall not be deemed delivered and the conveyance of the subject property and assignment of rights shall not be effected until this deed has been recorded in the Androscoggin County Registry of Deeds.

IN WITNESS WHEREOF, the said Deutsche Banc AG New York by Saxon Mortgage Services, Inc. as the Attorney in Fact, has caused these presents to be signed and sealed this day of March, 2010.

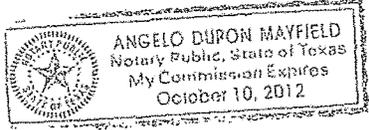
Deutsche Banc AG New York by Saxon Mortgage Services, Inc. as the Attorney in Fact

By Regina Alexander  
Print Name: Regina Alexander  
Its: Assistant Vice President

State of Texas  
County of Tarrant

Personally appeared before me this 16 day of March, 2010,  
Regina Alexander, Assistant Vice President on behalf of the above named Deutsche Banc AG New York by Saxon Mortgage Services, Inc. as the Attorney in Fact, and acknowledged the foregoing to be his/her free act and deed in said capacity.

Angelo Dupon Mayfield  
Notary Public  
Print Name:



MAINE REAL ESTATE  
TRANSFER TAX PAID

X08-009167

EVIDENCE OF COMPLIANCE WITH 14 M.R.S.A. §6323(1)

In accordance with the Judgment of Foreclosure and Sale entered October 31, 2009, Deutsche Banc AG New York caused a Notice of Public Sale to be published in the Lewiston Sun Journal on February 3, 2010, February 10, 2010 and February 17, 2010. This newspaper is of general circulation in Androscoggin County, and the first publication date was within 90 days of the expiration of the period of redemption. An affidavit of this publication is attached hereto.

Pursuant to the Notice of Public Sale, Deutsche Banc AG New York conducted a sale of the property at 10 College Street, Lewiston, ME 04240 on March 11, 2010 at the Law Office of Shapiro & Morley, LLP, 75 Market Street, Suite 505, Portland, Maine 04101.

At said sale, the property was sold to Deutsche Bank AG New York Branch, as the highest bidder.

Above information supplied by Shapiro & Morley, LLP, Attorneys for Deutsche Banc AG New York.

# Sun Journal

Connecting you with your community

02/19/10

SHAPIRO & MORLEY LLP  
ATTN: CHRISTIE A. LADD  
75 MARKET ST. SUITE 505  
PORTLAND, ME 04101

TO WHOM IT MAY CONCERN:

We hereby certify that the following:  
LEGAL AD DEUTSCHE BANK V. ERWIN MAY PO# 08-009167  
was published in the DAILY Sun-Journal a newspaper having its principal place of  
business in the County of Androscoggin. With general circulation in the Counties of  
Androscoggin, Franklin and Oxford.

Date(s) Published: 2/3, 2/10, 2/17/10

Tearsheet (s): ENCLOSED  
Invoice: ENCLOSED

Sun-Journal/SUNDAY  
Lewiston, Me



James A. Thornton  
Vice President/ Business Manager

Subscribed and sworn to before me this 19TH Day of FEBRUARY, 2010 at Lewiston, in the  
County of Androscoggin, in the State of Maine.

  
NOTARY PUBLIC

KAREN D. NYBERG  
Notary Public, Maine  
My Commission Expires August 4, 2012

104 PARK STREET • P. O. BOX 4400 • LEWISTON, MAINE • 04243-4400

(207) 784-5411 • toll free 1 800 482-0753 • advertising fax (207) 784-5955 • news fax (207) 777-3436

ing or for the Board of Environmental Protection to assume jurisdiction must be received by the Department, in writing, no later than 20 days after the application is accepted by the Department for processing.

The application and supporting documentation will be available for review at the Bureau of Air Quality (BAQ) DEP offices in Augusta, (207) 287-2437, during normal working hours. A copy of the application and supporting documentation will also be available at the municipal office in Auburn, Maine.

Written public comments may be sent to Marc Cook at the Bureau of Air Quality, State House Station #17, Augusta, Maine 04333.

NOTICE OF PUBLIC SALE

Notice is hereby given that in accordance with the judgment of Foreclosure and Sale entered October 31, 2009 in the action entitled Deutsche Banc AG New York v. Erwin May, by the Maine District Court, Lewiston, Docket No. RE-08-392, wherein the Court adjudged the foreclosure of a mortgage granted by Erwin May to New Century Mortgage Corporation dated August 8, 2005 and recorded in the Androscoggin County Registry of Deeds in Book 6445, Page 170, the period of redemption having expired, a public sale of the property described in the mortgage will be conducted on Thursday, March 11, 2010, commencing at 10:15AM, at the Law Office of Shapiro & Morley, LLP, 75 Market Street, Suite 505, Portland, Maine 04101.

The property is located at 10 College Street, Lewiston, Maine.

The sale will be by public auction. All bidders for the property will be required to make a deposit of \$5,000.00 in cash, certified or bank check at the time of the public sale made payable to Shapiro & Morley, LLP, which deposit is non-refundable as to the highest bidder. The balance of the purchase price shall be paid within thirty (30) days of the public sale. In the event a representative of Deutsche Banc AG New York is not present at the time and place stated in this notice, no sale shall be deemed to have occurred and all rights to reschedule a subsequent sale are reserved. Additional terms will be announced at the public sale.

Deutsche Banc AG New York, by its attorneys Shapiro & Morley, LLP, Leonard F. Morley, Jr., Esq. and William B. Jordan, Esq., 75 Market Street, Suite 505, Portland, Maine 04101, (207)-775-6223.

NOTICE OF PUBLIC SALE

Pursuant to the Order of Judgment of Foreclosure and Sale entered in District Court on November 2, 2009, Docket Number LEW-RE-09-253, located in Lewiston, ME, in an action brought by Federal Home Loan Mortgage Corporation ("Freddie Mac") against David J. Gregoire, Defendant, for the foreclosure of the Mortgage recorded in the Androscoggin County Registry of Deeds in Book 6637, Page 195, the statutory ninety-day period having elapsed without redemption, notice is hereby given that a public sale of the property described in the said mortgage will be conducted by Freddie Mac on Tuesday, March 16, 2010 at 10:30 am, at the offices of Drummond & Drummond, LLP, One Monument Way, Portland, Maine, and being all and singular the premises described in said Mortgage, to wit: 57 Jean Street, Lewiston, Maine. For a more particular description please refer to the Mortgage Deed.

Terms of Sale: All interested bidders must deposit Five Thousand Dollars (\$5,000.00) in cash for certified funds payable to Drummond & Drummond, LLP with the auctioneer prior to the commencement of the auction. The deposit is payable by the high bidder at the time and place of sale, which sum is non-refundable. The high bidder must also sign a purchase and sale agreement with Freddie Mac which arranges for a closing to take place within thirty (30) days of the public sale, at which time the remaining balance of the purchase price, plus closing costs, will be paid to Freddie Mac in cash or certified funds. Upon receipt of the full purchase price, Freddie Mac will deliver an executed quitclaim deed without covenant. The property is being sold "AS IS, WHERE IS, WITHOUT RECOURSE" and no representations are made as to the condition of the property. Freddie Mac expressly reserves the right to modify the terms of the sale set forth above and to add additional terms as it so wishes. Other terms and conditions of sale, including any modifications or additions of the terms set forth above will be announced at the time of the public sale. There will be no open house. Benjamin P. Campo, Jr. or another member of the law firm of Drummond & Drummond, LLP, One Monument Way, Portland, Maine 04101, (207) 774-0317 will conduct the auction.

Dated: February 5, 2010

Portland, ME 04102, until 10:00 a.m. on March 2, 2010. Bids will be accepted from Contractors prequalified by the Maine Department of Transportation for Highway and Bridge Construction Projects. All other bids may be rejected. Please visit our website at www.mdnemtlpk.com [Contract Bids] for information regarding the Contract, Schedule of Items, and plan holders list.

Susan Danforth  
Purchasing Manager

NOTICE OF INTENT TO FILE

Please take notice that Bates College, 215 College Avenue, Lewiston, ME 04240, Tel. (207) 786-6433 is intending on filing an application for an ABBREVIATED LICENSE RENEWAL with the Maine Department of Environmental Protection (DEP) pursuant to the provisions of Title 38 M.R.S.A., Section 13D1, et seq. for Precious Metal Recovery Unit on February 12, 2010. This application for the operation of a silver recovery unit (SRU) in the Old Arts Building located at 75 Russell Street in Lewiston, ME. The SRU removes silver from spent fixer solution generated from film processing and printing operations.

A request for a public hearing or a request that the Board of Environmental Protection assume jurisdiction on this application, must be received by the Department, in writing, no later than 20 days after the application is accepted by the Department as complete for processing. Public comment on the application will be accepted throughout the processing of the application. The application and supporting documentation are available for review at Department offices in Augusta, located in the Sky Building on the AMHIL Complex off Hospital Street during normal working hours. A copy of the application and supporting documentation may also be seen at the municipal office Lewiston, Maine.

Written public comments may be sent to Stacey Ladner, at the Maine Department of Environmental Protection, Bureau of Remediation and Waste Management, 17 State House Station, Augusta, Maine 05333-0017.

NOTICE OF PUBLIC SALE

Notice is hereby given that in accordance with the judgment of Foreclosure and Sale entered September 23, 2009 in the action entitled Judith K. Streeter, Trustee of the Judith K. Streeter Revocable Trust Dated 10/28/92 v. Donald P. Dufour and Michele A. Dufour a/k/a Michele A. Dufour as Defendants, and Capital One Bank Inc., and the inhabitants of the City of Lewiston, Maine as Parties in Interest by the Maine Superior Court, Docket No. RE-09-025, wherein the court adjudged the foreclosure of a mortgage granted by Donald P. Dufour and Michele A. Dufour a/k/a Michele A. Dufour to Judith K. Streeter, Trustee of the Judith K. Streeter Revocable Trust Dated 10/28/92, dated February 6, 2006 and recorded in the Androscoggin County Registry of Deeds in Book 6663, Page 314, and released a portion described in a Partial Release recorded in Book 6848, Page 106, the period of redemption having expired, a public sale of the property described in the mortgage will be conducted at 10:30 A.M. on March 9, 2010, at the office of James L. Audiffred, 374 Main Street, Saco, Maine.

The property consists of two parcels, one located at 6 Firelake Place, Lewiston, Maine (Tax Map 83, Lot 4) and a second parcel located at 423 College Road, Greene, Maine, (Tax Map 2, Lot 66).

The sale will be by public auction. All bidders for the property will be required to make a deposit of \$5,000.00 in cash, certified or bank check at the time of the public sale made payable to Judith K. Streeter, Trustee of the Judith K. Streeter Revocable Trust Dated 10/28/92, which deposit is non-refundable as to the highest bidder. The balance of the purchase price shall be paid within forty-five (45) days of the public sale. In the event a representative of Judith K. Streeter, Trustee of the Judith K. Streeter Revocable Trust Dated 10/28/92 is not present at the time and place stated in this notice, no sale shall be deemed to have occurred and all rights to reschedule a subsequent sale are reserved. Additional terms will be announced at the public sale. The premises are being sold without any warranties or guarantees and are sold as is. The successful bidder will be required to sign a Purchase and Sale Agreement. Additional terms will be announced at the sale.

Judith K. Streeter, Trustee of the Judith K. Streeter Revocable Trust Dated 10/28/92 by its attorney James L. Audiffred, P.O. Box 1005, Saco, Maine 04072.

LLC dated August 25, 2005 and recorded in the Androscoggin County Registry of Deeds in Book 6475, Page 129, the period of redemption having expired, a public sale of the property described in the mortgage will be conducted on Thursday, March 11, 2010, commencing at 10:00AM, at the Law Office of Shapiro & Morley, LLP, 75 Market Street, Suite 505, Portland, Maine 04101.

The property is located at 67 Hill Valley Road, Portland, Maine.

The sale will be by public auction. All bidders for the property will be required to make a deposit of \$5,000.00 in cash, certified or bank check at the time of the public sale made payable to Shapiro & Morley, LLP, which deposit is non-refundable as to the highest bidder. The balance of the purchase price shall be paid within thirty (30) days of the public sale. In the event a representative of HSBC Bank USA as trustee for OMAC 2005-4 is not present at the time and place stated in this notice, no sale shall be deemed to have occurred and all rights to reschedule a subsequent sale are reserved. Additional terms will be announced at the public sale.

HSBC Bank USA as Trustee for OMAC 2005-4, by its attorneys Shapiro & Morley, LLP, Leonard F. Morley, Jr., Esq. and William B. Jordan, Esq., 75 Market Street, Suite 505, Portland, Maine 04101, (207)-775-6223.

NOTICE OF PUBLIC FORECLOSURE SALE

Pursuant to 14 M.R.S.A. §6323

By virtue of and in execution of a judgment of Foreclosure and Order of Sale entered on October 29, 2009, in the Eighth District Court, Division of So. Androscoggin, Civil Action Docket No. RE-09-210 in an action brought by Chase Home Finance LLC, Plaintiff, against Heidi T. Clyne and Amber D. Lollar, Defendants, for the foreclosure of a mortgage dated July 31, 2007, and recorded in the Androscoggin County Registry of Deeds in Book 7222, Page 135, the statutory ninety (90) day redemption period having elapsed without redemption, notice is hereby given that there will be sold at a public sale at 2:00 p.m. on March 8, 2010, at the law offices of Paul E. Thelin, Esquire; AINSWORTH, THELIN & RAFFICE, P.A., Seven Ocean Street, South Portland, ME 04106, (207) 767-4824, all and singular the premises described in said mortgage and being a certain lot of land with the buildings thereon, situated in the City of Lewiston, County of Androscoggin, and State of Maine, described in said mortgage as being located at 474 College Street. (Note: The identification of the location of the property is as stated in the mortgage, which may have been subject to change and/or differ from the City records).

TERMS OF SALE

The property shall be sold to the highest bidder at the sale, who shall pay a deposit of Five Thousand and No/100 Dollars (\$5,000.00) in cash, certified check or funds acceptable to mortgagee at the time and place of sale. The successful bidder shall be required to execute a Purchase and Sale Agreement with said Chase Home Finance LLC with the aforesaid Five Thousand and No/100 Dollars (\$5,000.00) or sum equal to ten percent (10%) of the bid price, whichever is greater, as a non-refundable and non-interest bearing deposit thereon providing for a closing within thirty (30) days of the date of the public sale, at which time the balance of the bid price will be due and payable in cash, certified check or check acceptable to mortgagee upon presentation of the Deed. The property will be sold subject to all easements and rights of way either of record or otherwise existing. The property will be sold subject to real estate taxes assessed and due and payable to the City of Lewiston, water and sewer charges and any liens and encumbrances of greater priority than said mortgage. The property shall be sold AS IS, and WHERE IS without any warranties whatsoever expressed, implied or otherwise which warranties are disclaimed. Additional terms to be announced at the sale.

Prospective bidders are advised to contact Ainsworth, Thelin & Raffice, P.A. as close as possible to their departure to attend the sale in order to confirm the occurrence of the sale as scheduled. Prospective bidders who reside outside a fifty (50) mile radius of Portland, Maine, may participate at the sale via telephone upon approval obtained from Ainsworth, Thelin & Raffice, P.A. at least five (5) days prior to the sale and on such terms as are acceptable to mortgagee.

DATED: February 1, 2010

Paul E. Thelin, Esq.  
Attorney for Chase Home Finance LLC

AINSWORTH, THELIN & RAFFICE, P.A.  
P.O. Box 2412  
South Portland, ME 04116-2412  
(207) 767

EXHIBIT A

A certain lot or parcel of land situated in Lewiston, County of Androscoggin, State of Maine, bounded and described as follows:

Being lot number two on the Plan made by Reade & Moore for Sullivan Brothers and recorded in said Registry of Deeds, Book of Plans, Vol. 1, Book 2, Page 36, No. 41.

Reference is also made to the affidavit of Melissa Cummings recorded December 5, 2008 in Book 7581, Page 57.

Being the same premises as described in the deed from Cestio, LLC to Erwin May dated August 8, 2005 and recorded August 10, 2005 in Book 6445, Page 169 in the Androscoggin County Registry of Deeds.

ANDROSCOGGIN COUNTY  
TINA H. CHOUINARD  
REGISTER OF DEEDS

**Notice of Hearing  
and  
Certificates of Service**

**NOTICE OF HEARING**  
**Pursuant to 17 M.R.S. §§ 2851-59**  
**Dangerous Buildings**

Deutsche Bank AG, New York Branch  
60 Wall Street  
New York, New York 10005

**10 College Street, Lewiston, Maine**

You are hereby notified that the City Council of the City of Lewiston, Maine will hold a hearing on:

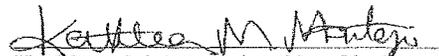
March 20, 2012  
7:00 pm  
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

This hearing is to determine whether the residential structure at 10 College Street, Lewiston, Maine, identified as Lot 484 on Tax Map 195, and further described in the deed recorded in the Androscoggin County Registry of Deeds at Book 7922, Page 195, is a dangerous building or nuisance within the meaning of 17 M.R.S. § 2851, and if so, what is the appropriate remedy.

If the City Council finds that the structure is dangerous or a nuisance, it may order the appropriate corrective action, including, but not limited to, demolition and removal of the structure. If the corrective action is not taken by the deadline established by the City Council's order, and no appeal is taken, the City may take the corrective action at the City's expense. The City may then recover all of its expenses, including reasonable attorneys' fees and costs, by means of a special tax or civil action.

This hearing is your opportunity to present evidence as to why the structure is not dangerous or a nuisance and to oppose any corrective action ordered by the City Council. Failure to attend may result in the waiver of certain rights with regard to this property.

Dated: February 9, 2012

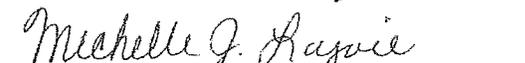
  
Kathleen M. Montejo, City Clerk

STATE OF MAINE  
ANDROSCOGGIN, ss

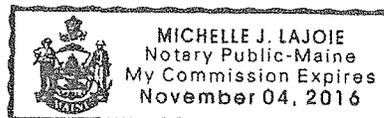
February 9, 2012

Before me this day personally appeared Kathleen M. Montejo who acknowledges the foregoing instrument to be her free act and deed.

SEAL

  
Notary Public / Attorney at Law

ANDROSCOGGIN COUNTY  
TINA M CHOUINARD  
REGISTER OF DEEDS



ABC PROCESS SERVICE, INC.  
Attorney:  
BRANN & ISAACSON  
Index No.  
Date Filed / /  
Office No. B9960W

CITY OF LEWISTON  
CITY COUNCIL

IN RE:  
CITY OF LEWISTON-DEUTSCHE BANK

STATE OF NEW YORK, COUNTY OF NEW YORK SS:

BRIAN RICKS being duly sworn, deposes and says  
that he is over the age of 18 years, not a party to the action, and resides in  
the State of New York:

That on the 15 day of February 2012 at 3:46 PM, at

60 WALL STREET; NEW YORK, NY 10005

he served the annexed NOTICE OF HEARING PURSUANT TO 17 M.R.S. 2851-59 DANGEROUS  
BUILDINGS upon

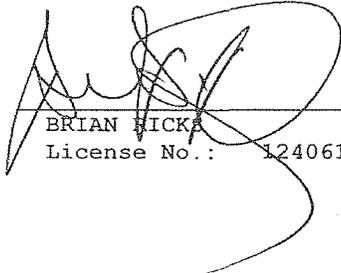
DEUTSCHE BANK AG, NEW YORK BRANCH in this action, by delivering to and leaving  
with said MS. DIANA HU, AUTHORIZED TO ACCEPT a true copy thereof.

Deponent describes person served as aforesaid to the best of deponents ability  
at the time and circumstances of service as follows:

Sex FEMALE, Color YELLOW, Hair BLACK, app.age 35 YRS, app.ht 5'3", app.wt  
140 LBS

DEPONENT FURTHER SAYS, that he knew the Corporation so served as aforesaid to be  
the Corporation mentioned and described in the said NOTICE OF HEARING PURSUANT  
TO 17 M.R.S. 2851-59 DANGEROUS BUILDINGS.

SWORN to before me this 16  
day of February 2012

  
BRIAN HICKS  
License No.: 1240612 :bb  
\*B9960W\*

JAY BRODSKY  
NOTARY PUBLIC, STATE OF NEW YORK  
NO. 31-4683271  
QUALIFIED IN NEW YORK COUNTY  
COMMISSION EXPIRES FEB 2, 2015

CITY OF LEWISTON  
CITY COUNCIL

RETURN OF SERVICE

NOTICE OF HEARING

Pursuant to 17 M.R.S. §§ 2581, *et seq.*

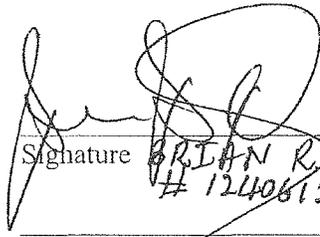
On February 15, 2012 (date), I served the above-referenced NOTICE OF HEARING, a copy of which is attached hereto, on a person authorized to accept service at Deutsche Bank AG, New York Branch by serving a copy of same at the following address:

Deutsche Bank AG, New York Branch  
60 Wall Street  
New York, New York 10005

Costs of Service:

Service: \$ \_\_\_\_\_  
Travel: \$ \_\_\_\_\_  
Postage: \$ \_\_\_\_\_  
Other: \$ \_\_\_\_\_  
  
TOTAL: \$ \_\_\_\_\_

JAY BRODSKY  
Notary Public, State of New York  
No. 31-4383771  
Qualified in New York County  
Renewed Expires Feb 2, 2018

  
Signature BRIAN ROCKS  
# 1240812, bb  
Agency \_\_\_\_\_

NOTICE OF HEARING  
Pursuant to 17 M.R.S. §§ 2851-59  
Dangerous Buildings

Deutsche Bank AG, New York Branch  
60 Wall Street  
New York, New York 10005

10 College Street, Lewiston, Maine

You are hereby notified that the City Council of the City of Lewiston, Maine will hold a hearing on:

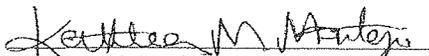
March 20, 2012  
7:00 pm  
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

This hearing is to determine whether the residential structure at 10 College Street, Lewiston, Maine, identified as Lot 484 on Tax Map 195, and further described in the deed recorded in the Androscoggin County Registry of Deeds at Book 7922, Page 195, is a dangerous building or nuisance within the meaning of 17 M.R.S. § 2851, and if so, what is the appropriate remedy.

If the City Council finds that the structure is dangerous or a nuisance, it may order the appropriate corrective action, including, but not limited to, demolition and removal of the structure. If the corrective action is not taken by the deadline established by the City Council's order, and no appeal is taken, the City may take the corrective action at the City's expense. The City may then recover all of its expenses, including reasonable attorneys' fees and costs, by means of a special tax or civil action.

This hearing is your opportunity to present evidence as to why the structure is not dangerous or a nuisance and to oppose any corrective action ordered by the City Council. Failure to attend may result in the waiver of certain rights with regard to this property.

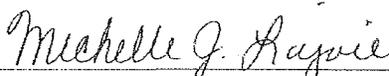
Dated: February 9, 2012

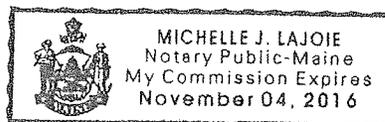
  
Kathleen M. Montejo, City Clerk

STATE OF MAINE  
ANDROSCOGGIN, ss

February 9, 2012

Before me this day personally appeared Kathleen M. Montejo who acknowledges the foregoing instrument to be her free act and deed.

  
Notary Public / Attorney at Law



# **City Correspondence**

CITY OF LEWISTON  
CODE ENFORCEMENT  
CITY BUILDING  
27 PINE STREET  
LEWISTON, MAINE 04240  
(207) 513-3125 EXT. 3226

NOTICE OF CONDEMNATION/PLACARDING  
VIA FIRST CLASS & CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
POSTED AT SITE

March 31, 2010

Deutsche Bank AG  
Saxon Mortgage Service 1761 E. Street  
Andrew Place  
Santa Ana, California 92705

RE: 10 College Street

Dear Owner(s):

It has come to the attention of this office that the building at 10 College Street is vacant and is unfit for occupancy due to violation(s) of the following provisions of Chapter 18, Article III, Property Maintenance Code, Sections 18-51 and 18-52, Article VI, Sections 18-200 & 18-201, as per The Code of Ordinances of the City of Lewiston hereafter referred to as the (Code). The building is without necessary facilities such as heat, hot potable water, electricity and has been abandoned. It has suffered severe deterioration and in need of substantial rehabilitation to be approved for occupancy.

I hereby condemn and placard the building at ~~158 Blake Street~~ as being unfit for occupancy pursuant to and in accordance with Chapter 18, Article III, Property Maintenance Code, Sections 18-51 and 18-52, PM 105.1, PM-105.2, PM 105.3, PM 105.4, PM-105.6, PM 107.1, PM 107.2, PM-107.3, PM-504.1 et seq, PM-903.1 of the Code of Ordinances of the City of Lewiston. You are hereby ordered to immediately ensure this building is secured from unauthorized entry. You are to make substantial repairs, with all appropriate permits issued by this office, or to demolish this building, leaving the property in manner to the satisfaction of this office by no later than May 31, 2010.

The City of Lewiston may order the demolition of this building pursuant to the provisions of the Maine Revised Statutes, Title 17, Chapter 91, Subchapter 4, Dangerous Buildings, Section 2851, if the building is not maintained secured or is a threat to public safety and a nuisance.

The above-mentioned property will be placarded and may not be re-occupied until proper abatement of all violations and rehabilitation has been completed. An inspection shall be conducted to confirm compliance. At such time the condemnation order and placarding shall be discontinued pursuant to the above referenced Code Section PM 107.3 stating "the code official shall remove the condemnation and placarding whenever the defect or defects upon which the Condemnation and Placarding were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code."

33

Your prompt attention to this matter is advised to avoid legal action. It is our sincere desire to work with you in devising an implementation schedule for the correction of these conditions. Please contact this office immediately if circumstances do not permit the timely compliance with this order and abatement of the violations or if you have any questions regarding this matter.

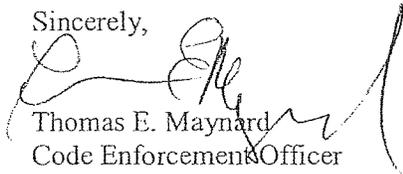
In the event that you do not comply with this order, this office may issue a citation pursuant to Chapter 50, Article II, and Section 50-36 thru 50-51 of the aforementioned Code. Said citation shall require you to pay a penalty of one hundred and ten dollars (\$110.00) for the first citation and you will be reordereed to abate the outstanding violations in the previous Notices and Orders. In the event that you do not comply with the first citation, additional citations may be issued. The second citation imposes a civil penalty of two hundred and twenty five dollars (\$225.00), the third is four hundred and twenty five dollars (\$425.00), the fourth and subsequent citations are eight hundred and fifty dollars (\$850.00), and penalties are cumulative. In the future, if any of the above violations are repeated, you are not entitled to receive any further notification, and this office may serve you with a citation.

In lieu of or in addition to the issuance of citations, this office may initiate a land use complaint pursuant to Rule 80-K of the Maine Rules of Civil Procedure and 30-A M.R.S.A. § 4452 et seq. and § 3758-A et seq. as amended. A judgment from such a lawsuit in the City's favor will result in a court order that any violations be abated, the imposition of a fine of up to two thousand, five hundred dollars (\$2,500.00) per violation, per day, the payment of court costs and the City's legal fees.

You may appeal this order and request a hearing before the Lewiston Board of Appeals by filing a written petition at the office of the Director of Planning and Code Enforcement within ten (10) days of receipt of this notice. This petition shall be submitted on a form provided by this office along with the one hundred and five dollar (\$105.00) appeal fee. Should you fail to appeal you will be barred from any opportunity to contest or challenge the terms of this Notice and Order in any further legal proceedings.

If you sell, transfer or lease this property, you must notify the grantee, mortgagee, transferee, or lessee of any outstanding code violations pursuant to Section PM-106.6 of the Property Maintenance Code. You must also furnish this office with a signed notarized statement from the grantee, mortgagee, transferee or lessee acknowledging receipt of any orders or notices and fully accepting responsibility for the abatement of said violations.

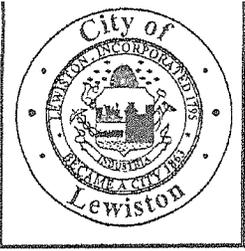
Sincerely,



Thomas E. Maynard  
Code Enforcement Officer

c: Gildace J. Arsenault, Director of Planning & Code Enforcement

The City of Lewiston is an EOE. For more information, please visit our website @ [www.ci.lewiston.me.us](http://www.ci.lewiston.me.us) and click on the Non-Discrimination Policy

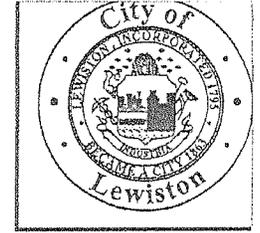


**DEPARTMENT OF PLANNING & CODE ENFORCEMENT**

CITY OF LEWISTON  
27 PINE STREET  
LEWISTON, MAINE 04240  
(207) 513-3125

GIL ARSENAULT, DIRECTOR OF PLANNING & CODE ENFORCEMENT

**10 COLLEGE STREET**



10 COLLEGE 012

**CONDEMNED**

**AS UNFIT FOR HUMAN OCCUPANCY OR USE**

PURSUANT TO THE ORDER DATED **March 31, 2010** BY **Thomas E. Maynard**, CODE ENFORCEMENT OFFICER

Pursuant to:

CHAPTER 18, ARTICLE III, PROPERTY MAINTENANCE CODE SECTIONS 18-51 AND 18-52, PMC SECTIONS 105.1, 105.2, 105.4, 107.01, 107.3 AS PER THE CODE OF ORDINANCES OF THE CITY OF LEWISTON

**OFFICIAL NOTICE--DO NOT REMOVE**

REMOVAL OF PLACARD: THE CODE OFFICIAL SHALL REMOVE THE CONDEMNATION PLACARD WHENEVER THE DEFECTS UPON WHICH THE CONDEMNATION AND PLACARDING ACTION WERE BASED HAVE BEEN ELIMINATED. ANY PERSON WHO DEFACES OR REMOVES A CONDEMNATION PLACARD WITHOUT APPROVAL OF THE CODE OFFICIAL SHALL BE SUBJECT TO THE PENALTIES PROVIDED BY THIS CODE.

**POSTED BY: Thomas E. Maynard** **DATE/TIME**

**CEO:** **TELEPHONE: 207-513-3125 ext 3226**

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	A. Signature X <span style="float: right;"><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</span>	
1. Article Addressed to:  DEUTSCHE BANK AG SAXON MORTGAGE SERVICE 761 E. STREET ANDREW PLACE SANTA ANA, CALIFORNIA 92705	B. Received by ( <i>Printed Name</i> )	C. Date of Delivery
2. Article Number <i>(Transfer from service label)</i>	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
	3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
	4. Restricted Delivery? ( <i>Extra Fee</i> ) <input type="checkbox"/> Yes	
PS Form 3811, February 2004	Domestic Return Receipt	102595-02-M-1540

**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
*(Domestic Mail Only; No Insurance Coverage Provided)*

For delivery information, visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

7008 2610 0001 7463 5958

code	Postage	\$
	Certified Fee	
	Return Receipt Fee (Endorsement Required)	
	Restricted Delivery Fee (Endorsement Required)	
	Total Postage & Fees	\$ 5.54

Postmark  
Here

Sent To Deutsche Bank AG  
 Street, Apt., Saxon Mortgage Service  
 or PO Box # 761 E. Street, Andrew Place  
 City, State, City, State, Santa Ana, CA 92705

CITY OF LEWISTON  
CODE ENFORCEMENT  
CITY BUILDING  
27 PINE STREET  
LEWISTON, MAINE 04240  
(207) 513-3125

---

**NOTICE OF VIOLATION**  
VIA FIRST CLASS & CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
CODE-1205-2011

April 22, 2011  
Deutsche Bank AG  
Saxon Mortgage Service 1761 E. Street, Andrew place  
Santa Ana, CA 92705

RE: 10 College Street  
Lewiston, ME 04240  
PID#: RE00005886

Dear Deutsche Bank AG:

It has come to the attention of this office that violation(s) of the Code of Ordinances of the City of Lewiston, hereafter referred to as the (Code), exist at:

10 College Street  
Lewiston, ME 04240  
PID#: RE00005886

Violation(s):

**Violation: PMC-303.3**

**Description:** Vacant structures and land

303.3 Vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

**Corrective Action:** SECURED THE BUILDING AND CLEAN UP THE PREMISES OF TRASH AND DEBRIS.

**Compliance Date:** 05/06/2011

Therefore, in accordance with the above referenced ordinance requirements, you are hereby ordered to complete the above corrective action by the compliance date given. Your prompt attention to this matter is advised to avoid legal action. It is our sincere desire to work with you in devising an implementation schedule for the correction of these conditions. Please contact this office immediately if circumstances do not permit the timely compliance with this order and abatement of the violations or if you have any questions regarding this matter.

In the event that you do not comply with this order, this office may issue a citation pursuant to Chapter 50, Article 11, and Section 50-36 thru 50-51 of the aforementioned Code. Said citation shall require you to pay a penalty of one hundred and ten dollars (\$110.00) for the first citation and you will be reordere to abate the outstanding violations in the previous Notices and Orders. In the event that you do not comply with the first citation, additional citations may be issued. The second citation imposes a civil penalty of two hundred and fifteen dollars (\$215.00), the third is four hundred and twenty-five dollars (\$425.00), the fourth and subsequent citations are eight hundred and fifty dollars (\$850.00), and penalties are cumulative. In the future, if any of the above violations are repeated, you are not entitled to receive any further notification, and this office may serve you with a citation.

You may appeal this order and request a hearing before the Lewiston Board of Appeals by filing a written petition at the office of the Director of Planning and Code Enforcement within ten (10) days receipt of this order for violations of the International Property Code cumulative. In the future, if the specific violation(s) is/are repeated you are not entitled to receive any further notification and this office may serve you with a citation.

If you sell, transfer or lease this property, you must notify the grantee, mortgagee, transferee, or lessee of any outstanding code violations pursuant to Section IPMC-106.1 of the International Property Maintenance Code. You must also furnish this office with a signed notarized statement from the grantee, mortgagee, transferee or lessee acknowledging receipt of any orders or notices and fully accepting responsibility for the abatement of said violations.

Please contact this office or me should you have any questions or concerns.

Sincerely,



Susan. Reny  
Code Enforcement Officer/Sanitarian

Cc: Gildace J. Arsenault, Director of Planning & Code Enforcement

The City of Lewiston is an EOE. For more information, please visit our website @ [www.ci.lewiston.me.us](http://www.ci.lewiston.me.us) and click on the Non-Discrimination Policy



City of Lewiston  
 Treasurer's Office  
 27 Pine Street  
 Lewiston, ME 04240

INVOICE: 4241000439 Page 1  
 Date: Jun 30, 2011 of 1  
 Service: PROTECTIVE INSPECTION

Total Invoice: 110.00  
 Payments/Adjustments: 0  
 Total Due: 110.00

Due Date: Aug 04, 2011

Cust No: 0000002206

Service Address:

DEUTSCHE BANK AG  
 SAXON MORTGAGE SERVICE  
 1761 E STREET  
 ANDREW PLACE  
 SANTA ANNA, CA 92705

DEUTSCHE BANK AG  
 SAXON MORTGAGE SERVICE  
 1761 E STREET  
 ANDREW PLACE  
 SANTA ANNA, CA 92705

Description	Qty	Unit Price	Total Price	Tax
NOTICE OF CIVIL PENALTY 10 COLLEGE STREET CODE VIOLATIONS	1.00	110.00	110.00	N

INTEREST ASSESSED ON DELINQUENT BALANCES

Total Charges:	110.00	Payments:	0.00
Total Tax:	0.00	Adjustments:	0.00
Total Invoice:	110.00	Total Due:	110.00

Account Number: 0000002206

Credit Card #: \_\_\_\_\_

Account Name: DEUTSCHE BANK AG

Credit Card Type: \_\_\_\_\_

Signature: \_\_\_\_\_

Expiration Date: \_\_\_\_\_

Amount Paid: \_\_\_\_\_

38

CITY OF LEWISTON  
CODE ENFORCEMENT  
CITY BUILDING  
37 PINE STREET  
LEWISTON, ME 04240  
(207) 513-3125, ext. 3228

FIRST CITATION  
NOTICE OF CIVIL PENALTY

July 11, 2011

Deutsche Bank AG  
Saxon Mortgage Service  
1761 E Street  
Andrew Place  
Santa Anna CA 92705

Dear Property Owner(s):

This office sent you a Notice of Violation regarding 10 College Street dated April 22, 2011 ordering you to correct violations of the Property Maintenance Code of the City of Lewiston. An inspection on this date revealed that some of these violations still exist. Therefore, in accordance with Chapter 50, Article II, Sections 50—36 thru 50—51 of the aforementioned Code of Ordinances you are hereby ordered to pay a civil penalty in the amount of one hundred and five dollars (\$110.00) to the City of Lewiston. **This penalty amount must be received by this office by no later than July 21, 2011.**

**You are further ordered to correct the attached violations as noted on the Notice of Violation issued on April 22, 2011 by no later than 4:00 p.m. on July 20, 2011.** Failure to correct the violations by the compliance date may result in the issuance of a second citation with a civil penalty in the amount of two hundred and fifteen dollars (\$215.00). If necessary a third and fourth citation may be issued carrying civil penalties in the amount of four and twenty five dollars (\$425.00) for the third and eight hundred and fifty dollars (\$850.00) for the fourth and subsequent citations. In addition, failure to abate the violation and/or to pay the required penalties when due may result in the initiation of a law suit.

You may appeal this order and request a hearing before the Lewiston Board of Appeals by filing a written petition at the office of the Director of Code Enforcement within ten (10) days of receipt of this notice. This petition shall be submitted on a form provided by this office along with the one hundred and fifty dollar (\$150.00) appeal fee.

Sincerely,

Sue Reny  
Code Enforcement Officer

The City of Lewiston is an EOE. For more information please visit our website @ [ci.lewiston.me.us](http://ci.lewiston.me.us) and click on the Non-Discrimination Policy.

CODE ENFORCEMENT CITATION FORM

ADDRESS OF PROPERTY: ST. NO. 10 STREET: College ST  
 OWNER'S NAME #1 DEUTSCHE BANK AG  
~~OWNER'S NAME #2~~ SAXON MORTGAGE SERVICE 1761 E. STREET  
 STREET ANDREW PLACE  
 CITY SANTA ANNA STATE TX ZIP 72708

NATURE OF VIOLATION Building UNSECURED

	DATE	FINE	COMPL. DATE	FEE DATE	FEE COLL'D
NOTICE					
1ST CITATION	<u>7/8/11</u>	<u>110.00</u>	<u>7/20/11</u>		
2ND CITATION					
3RD CITATION					
4TH CITATION					

# Photographs





*Thomas E. Maynard*



*All copper heating pipe removed.  
12-5-11  
10 College St*

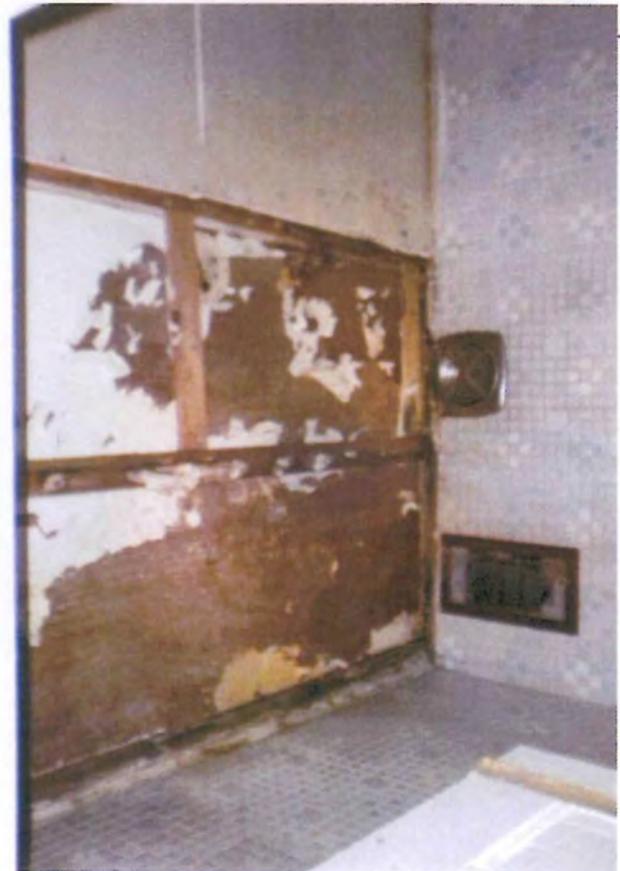


Thomas E. Hayward  
P. M.

Aborted damage from theft of copper piping & wiring.



12-5-11  
10 Miller



Thomas E. Hays  
R. P. Hays

Examples of Severe Deterioration of facilities and structural elements

12.5.11  
10 Gallons



Thomas E. Hayward  
D. E. E. E.

Severe Deterioration.

12-5-11  
10 Hollow St  
Damage as a result of Theft of Copper and Oil has leaked due to a cut copper oil line

# **Other Documentary Evidence**

# *Francis & Ellie Gagnon*

18 College Street  
Lewiston, Maine 04240  
207-783-2550

---

December 21, 2011

Dear City of Lewiston,

Nine year ago my wife and I decided to purchase 18 College street and move our family and business into the downtown neighborhood with the anticipation of raising our family and growing our business. A year later we decided to purchase a two unit building at 26 College street with the goal of keeping the property maintained and the neighborhood presentable and welcoming. However, in the past several years we have noticed a decline in our neighborhood. At first we thought it may be an attribute to the declining economy but upon further review we discovered it was the perception that we lived in a bad downtown neighborhood. Clients calling our business told us they were intimidated to visit our business because the area had a bad reputation.

Upon the realization of this interesting fact I decided to take another look at the perception of my properties and neighborhood. First, I decided to improve the landscaping of both my properties and give each home a warm and welcoming appearance. Second, I discovered that regardless of the improvements of my properties, the neighboring properties needed a facelift. Regardless of the improvements of my properties, which folks felt welcomed at, the buildings surrounding my properties where what people where frightened.

I investigate and discovered 10 College street had been abandoned and the city Code Enforcement had condemned the building. I had a representative from Century 21 provide me a tour of the property upon which I discovered all the copper plumbing had been stripped and stolen from the building. My plumber review the building to provide me an estimate. I gathered information from the City building and learned the property had been abandoned for several years. I decided to not purchase the building because it would cost several hundred thousand dollars or more to repair the plumbing and electrical and also deal with the EPA lead paint and safety hazards than to have the building demolished and removed.

However, this did not prevent me from cleaning and protecting the property. With all the research and time I placed into the property, I learned a lot about 10 College street. The building had been damaged, the copper and wiring had been stolen, homeless had stayed, folks had trespassed leaving garbage and neighbors had allowed their dogs to defecate on the property. 10 College street appeared to be a broken-down crack-house ready to burn. In the Spring of 2011 I decided to clean and maintain the property and make it appear less of an abandoned building. I mowed the lawn, boarded up the windows and entrances, removed bureaus, tires, brush and other trash. I received thanks from several neighbors and the appearance of 10 College street may currently look better but it is a hopeless and dangerous property. It once stood as a proud member of the neighborhood but because of neglect and theft this building is beyond repair. I urge you to improve our the appearance and safety of our community to demolish this property.

Sincerely,

*Francis Gagnon*

# LEWISTON CITY COUNCIL

MEETING OF MARCH 20, 2012

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 5**

**SUBJECT:**

Condemnation Hearing for the building located at 305 Bates Street.

**INFORMATION:**

The City has begun the process for condemnation of the property at 305 Bates Street under the dangerous building classification. This property has been abandoned by the owner and upon inspection of city staff has been determined to be an unsafe structure.

Attached is background material regarding this property and it's condition. The City Attorney will be present on Tuesday evening to assist the City Council with the condemnation hearing and to advise accordingly.

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**

The City Administrator recommends approval of the requested action.



**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
---	---	---	---	---	---	---	---

1) To conduct a hearing to determine if the building located at 305 Bates Street has meet the dangerous building statutes as defined in Title 17, sec. 2851 et all.

*If it is determined that the building does meet the dangerous building criteria, then the Council is asked :*

2) To accept the Findings of Fact regarding the building at 305 Bates Street to be a dangerous building as defined by state statutes, to adopt the Order of Condemnation and to order the corrective action for the property owner which establishes the time frame in which the corrective action must be completed, and to authorize the City Administrator to take necessary actions to implement the corrective action as determined by the Municipal Officers, should the property owner fail to comply with the Council abatement order.

## MEMORANDUM

**To:** Mayor McDonald; Lewiston City Council  
**From:** Gildace Arsenault, Director, Lewiston Planning Department  
**Date:** March 15, 2012  
**RE:** Dangerous Buildings Hearings for 10 College Street and 305 Bates Street

---

Dear Mayor and City Council,

At the Council meeting on March 20, the Planning Department will be presenting evidence as to why 10 College Street and 305 Bates Street are dangerous buildings within the meaning of 17 M.R.S. § 2851. We will be requesting that the Council find that these properties are dangerous buildings and order that they be demolished.

To assist your decision I have included the following materials for each property:

- Documents establishing the identity of the current owner and any party in interest;
- The Notice of Hearing and proof of service on the owner and any party in interest;
- Previous correspondence, notices, or citations to the owner;
- Photographs depicting the dilapidation at the properties; and
- Other documentation that you might find useful in making your decision.

At the meeting, the Planning Department will present this evidence as well as testimony showing why these properties are dangerous and should be demolished. I will also prepare for the Council proposed findings of fact, conclusions of law, and a proposed order of demolition.

**305 Bates Street**

# **Deeds, Mortgages, and Other Ownership Documents**

**WARRANTY DEED**  
Maine Statutory Short Form

KNOW ALL MEN BY THESE PRESENTS, That **Kenneth R. Tubbs** of South Portland, County of Cumberland, State of Maine, for consideration paid, grants to Kenneth R. Tubbs and Shirley Tubbs, husband and wife, whose mailing address is 7 Whitehall Avenue, South Portland, Maine 04106 with **WARRANTY COVENANTS**, the real property situated in Lewiston, County of Androscoggin and State of Maine and more particularly described in:

A certain lot or parcel of land situated at 305 Bates Street, Lewiston, County of Androscoggin, State of Maine, further bounded and described as follows:

Commencing at a point on the westerly side of Bates Street three hundred (300) feet southerly from the southwesterly corner of Bates and Birch Street; thence southerly on Bates Street fifty (50) feet; thence at right angles westerly one hundred (100) feet; thence northerly at a right angle fifty (50) feet; thence easterly at a right angle one hundred (100) feet to the point of beginning.

Subject to the restriction that no building erected on said land shall be placed nearer the street line than twelve (12) feet.

For Grantor's title see deed from KRT Properties, LLC to Kenneth R. Tubbs dated March 28, 2002 and recorded in the Androscoggin County Registry of Deeds in Book 4933, Page 109.

IN WITNESS WHEREOF, we have hereunto set our hands and seal(s) this 27<sup>th</sup> day of January, 2006.

NO MAINE R.E.  
TRANSFER TAX PAID

Yankis J. Tooby  
WITNESS

Kenneth R. Tubbs  
Kenneth R. Tubbs

STATE OF MAINE  
COUNTY OF Cumberland

01/26/06

Then personally appeared before me the above named Kenneth R. Tubbs and acknowledged the foregoing instrument to be his free act and deed.

L. Marie Guilont  
Notary Public/Attorney at Law

SEAL

L. MARIE GUILONT  
Notary Public, Maine

My Commission Expires July 19, 2010

My commission expires:

ANDROSCOGGIN COUNTY  
Tina K. Chouard  
REGISTER OF DEEDS

STATE OF MAINE  
ANDROSCOGGIN: ss.

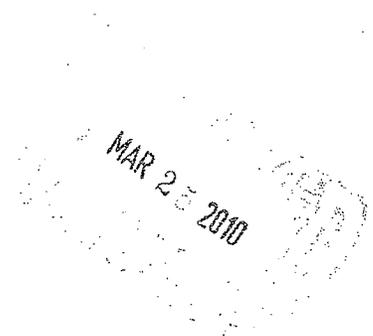
DISTRICT COURT  
DIVISION OF LEWISTON  
CIVIL ACTION  
DOCKET NO. RE-09-348

DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE UNDER NOVASTAR  
MORTGAGE FUNDING TRUST, SERIES 2007-1  
PLAINTIFF

V.

KENNETH R. TUBBS AND SHIRLEY TUBBS  
DEFENDANTS

DOWNEAST ENERGY CORPORATION  
PARTY IN INTEREST



AMENDED COMPLAINT FOR FORECLOSURE BY CIVIL ACTION  
TITLE TO REAL ESTATE IS INVOLVED

305 BATES ST, LEWISTON, Maine

Mortgage recorded in Androscoggin County Registry of Deeds in Book 7019, Page 305

NOW COMES the Plaintiff, Deutsche Bank National Trust Company, as Trustee under NovaStar Mortgage Funding Trust, Series 2007-1, by and through its attorneys, Bendett & McHugh, P.C., and complains against the Defendant(s) pursuant to 14 M.R.S. § 6321 et seq., saying further as follows:

PARTIES

1. Plaintiff, Deutsche Bank National Trust Company, as Trustee under NovaStar Mortgage Funding Trust, Series 2007-1, ("Plaintiff") is a national trust company, having a principal place of business located in Santa Ana, California.
2. Kenneth R. Tubbs along with Shirley Tubbs ("Defendant"), upon information and belief, resides at 7 Liberio Lane, Gorham, Maine.
3. Shirley Tubbs ("Defendant") is an individual who, upon information and belief, resides at 7 Liberio Lane, Gorham, Maine.

4. Downeast Energy Corporation is a corporation, upon information and belief is located at 18 Spring Street, Brunswick, ME 04011.

#### FACTS

5. Defendant(s) is/are the owner(s) of certain real property located at 305 BATES ST, LEWISTON, Maine (the "Premises") by virtue of a warranty deed from Kenneth R. Tubbs, dated January 26, 2006, and recorded January 27, 2006 in Androscoggin County Registry of Deeds in Book 6652 at Page 308.

6. On December 29, 2006, Defendant(s) executed and delivered to Novastar Mortgage, Inc. a certain promissory note in the original principal amount of \$164,000.00 (the "Note"). A true and accurate copy of the Note is annexed herein and attached hereto as Exhibit A.

7. To secure the Note, on December 29, 2006, Defendant(s) executed and delivered to Mortgage Electronic Registration Systems, Inc. a Mortgage Deed (the "Mortgage") of the Premises, in the amount of \$164,000.00, which Mortgage was recorded in the Androscoggin County Registry of Deeds in Book 7019 at Page 305. A true and accurate copy of the Mortgage is annexed herein and attached hereto as Exhibit B, to which reference is hereby made for a more particular description of the mortgaged real estate.

8. Plaintiff is the current holder of the Note and Mortgage by virtue of an assignment. A copy of said assignment is attached hereto as Exhibit C.

9. Downeast Energy Corporation claims or may claim an interest in the premises by virtue of a consensual lien against the Defendants in the amount of \$917.09, dated May 20, 2009 and recorded May 22, 2009 in Book 7699 at Page 90 of the Androscoggin County Registry of Deeds.

10. Defendant(s) is/are presently in default of the Note, having failed to make the monthly payment due November 1, 2008, and having failed to make all payments due thereafter. As a result thereof, Defendant(s) has/have breached a condition of the Mortgage.

11. In compliance with the Mortgage and/or 14 M.R.S. § 6111, on June 4, 2009, Plaintiff caused a Notice of Default to be sent to the Defendant(s) and all other signatories of the Note and Mortgage, by certified mail, return receipt requested and/or by regular mail, postage prepaid.

12. Defendant(s) has/have failed to cure the default, and in accordance with the Note and Mortgage, Plaintiff has declared the entire principal amount outstanding, accrued interest thereon, and all other sums due under the Note and Mortgage to be presently due and payable.

13. As of November 10, 2009, the amounts due to Plaintiff under the terms of the Note and Mortgage are:

Principal Balance	161,802.79
Accrued Interest	15,455.90
Late Charges	763.56
Escrow Advances	4,740.54
Other Fees	2,873.80
Recording Fees	16.00
TOTAL	185,652.59

Additional interest will accrue on said principal balance from sale date at a rate of \$38.12 per day, plus costs of collection, including reasonable attorneys' fees and costs.

14. Plaintiff anticipates that additional disbursements will be made for attorney's fees and other services rendered during the foreclosure and sale.

15. By virtue of Defendant(s)' breach of condition, Plaintiff hereby demands a foreclosure and sale of said real estate.

WHEREFORE, Plaintiff prays that this Honorable Court:

- A. Determine that there has been a breach of condition of the Mortgage;
- B. Determine the amounts due under the Note and secured by the Mortgage, including principal, interest, reasonable attorney's fees, court costs and other expenses;
- C. Find that the Defendant(s) is/are liable for any deficiency balance remaining due to Plaintiff after the sale of the mortgaged real estate and application of the proceeds of sale (unless a bankruptcy discharge has entered to void this relief);
- D. Issue a Judgment of Foreclosure and Sale in conformity with Title 14, M.R.S. § 6322;
- E. Order exclusive possession of the real estate to Plaintiff upon the expiration of the statutory ninety (90) day period of redemption and direct the clerk to issue a Writ of Possession at the request of Plaintiff; and

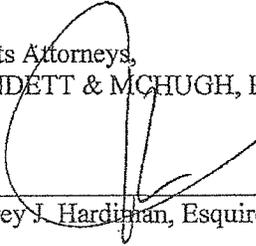
F. Grant such other and further relief as the Court may determine proper.

Respectfully submitted,

Deutsche Bank National Trust Company, as Trustee  
under NovaStar Mortgage Funding Trust, Series  
2007-1

By its Attorneys,  
BENDETT & MCHUGH, P.C.

Dated: 9.23.10

By:   
Jeffrey J. Hardiman, Esquire, #9876

Bendett & McHugh, PC  
160 Farmington Avenue  
Farmington, CT 06032  
800-626-5441

State of Maine  
Androscoggin, Ss.

District Court  
District VIII  
Location: Lewiston  
Dckt. No.: RE09-348

Deutsche Bank )  
Plaintiff )  
v. )  
Kenneth Stubbs )  
Defendant etals )

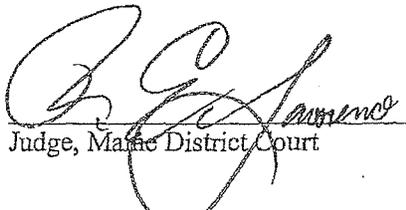
ORDER

This Case has been pending before the court without any activity for at least 6 months.

Accordingly it is ordered as follows:

1. Either party may advise the Court of the status of this case within 14 days of this Order.
2. If the Court does not hear from the parties within 14 days of this Order, the Clerk shall, without further order or notice, dismiss this matter. This dismissal shall be without prejudice.
3. The Clerk shall enter the following into the Docket: The Order dated 10/13/11 is incorporated into the docket by reference.

Dated: 10/13/11

  
Judge, Maine District Court

**Notice of Hearing  
and  
Certificates of Service**

**NOTICE OF HEARING**  
**Pursuant to 17 M.R.S. §§ 2851-59**  
**Dangerous Buildings**

Kenneth Tubbs  
Shirley Tubbs  
1229 Broadway  
South Portland, Maine 04106

Deutsche Bank National Trust Company  
1761 East St. Andrew Place  
Santa Ana, California 92705-4934

Downeast Energy Corp.  
c/o Sandra Morrell Rooney  
18 Spring Street  
Brunswick, Maine 04011

**305 Bates Street, Lewiston, Maine**

You are hereby notified that the City Council of the City of Lewiston, Maine will hold a hearing on:

March 20, 2012  
7:00 pm  
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

This hearing is to determine whether the residential structure at 305 Bates Street, Lewiston, Maine, identified as Lot 250 on Tax Map 196, and further described in the deed recorded in the Androscoggin County Registry of Deeds at Book 6652, Page 308, is a dangerous building or nuisance within the meaning of 17 M.R.S. § 2851, and if so, what is the appropriate remedy.

If the City Council finds that the structure is dangerous or a nuisance, it may order the appropriate corrective action, including, but not limited to, demolition and removal of the structure. If the corrective action is not taken by the deadline established by the City Council's order, and no appeal is taken, the City may take the corrective action at the City's expense. The City may then recover all of its expenses, including reasonable attorneys' fees and costs, by means of a special tax or civil action.

This hearing is your opportunity to present evidence as to why the structure is not dangerous or a nuisance and to oppose any corrective action ordered by the City Council. Failure to attend may result in the waiver of certain rights with regard to this property.

Dated: February 9, 2012

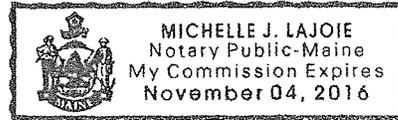
Kathleen M. Montejo  
Kathleen M. Montejo, City Clerk

STATE OF MAINE  
ANDROSCOGGIN, ss

February 9, 2012

Before me this day personally appeared Kathleen M. Montejo who acknowledges the foregoing instrument to be her free act and deed.

Michelle J. Lajoie  
Notary Public / Attorney at Law



SEAL

ANDROSCOGGIN COUNTY  
TINA M CHOUINARD  
REGISTER OF DEEDS

CITY OF LEWISTON  
CITY COUNCIL

ACKNOWLEDGMENT OF SERVICE

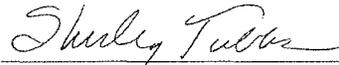
NOTICE OF HEARING  
Pursuant to 17 M.R.S. §§ 2851, *et seq.*

Due and sufficient service of the Notice of Hearing is hereby acknowledged for and on behalf of Kenneth R. Tubbs and Shirley Tubbs. All formal service of process is hereby waived.

Dated: February 13, 2012.



\_\_\_\_\_  
Kenneth R. Tubbs



\_\_\_\_\_  
Shirley Tubbs

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address)		TELEPHONE NUMBER	FOR COURT USE ONLY	
BRANN & ISAACSON 184 MAIN STREET LEWISTON ME 04243		207-786-3566		
ATTORNEY FOR PLAINTIFF		Ref. No. or File No.		
Insert name of court and name of judicial district and branch if any.				
SHORT TITLE OF CASE: CITY OF LESISTON : KENNETH TUBBS				
INVOICE NO.	DATE:	TIME:	DEP./DIV.	CASE NUMBER:
078112				

PROOF OF SERVICE

1. At the time of service I was at least 18 years of age and not a party to this action, and I served copies of the:

Notice of Hearing per 17 M.R.S. 2851-59

2. a. Party served: DEUTSCHE BANK NATIONAL TRUST COMPANY

b. Person served: SUZANNE PATTEN  
Title: AUTHORIZED AGENT

c. Address: 1761 E. ST. ANDREW PLACE  
SANTA ANA CA 92705

3. I served the party named in item 2

a. by personally delivering the copies on 02/10/12 at 04:10PM

4. Person serving: MARIO ALVAREZ

Fee for service:\$ 65.00

All Counties Attorney Service  
1625 E. 17th Street  
Santa Ana, CA 92705  
714-558-1403 FAX 714-558-0261

d. Registered California process server  
(1) [ ] Employee or [ X ] Independent Contractor  
(2) Registration No. 1436  
(3) County: LOS ANGELES  
(4) Expiration: 01/07/14

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

DATE: 02/14/12

SIGNATURE

*Mario Alvarez*

CITY OF LEWISTON  
CITY COUNCIL

RETURN OF SERVICE

NOTICE OF HEARING  
Pursuant to 17 M.R.S. §§ 2851, *et seq.*

On Feb 10<sup>th</sup>, 2012 (date), I served the above-referenced NOTICE OF HEARING, a copy of which is attached hereto, on a person authorized to accept service on Deutsche Bank National Trust Company by delivering a copy of same at the following address:

Deutsche Bank National Trust Company  
1761 East St. Andrew Place  
Santa Ana, CA 92705-4934

Costs of Service:

Service:	\$ _____
Travel:	\$ _____
Postage:	\$ _____
Other:	\$ _____
 TOTAL:	 \$ _____

Marw Alvarez  
Signature

\_\_\_\_\_  
Agency

**NOTICE OF HEARING**  
**Pursuant to 17 M.R.S. §§ 2851-59**  
**Dangerous Buildings**

Kenneth Tubbs  
Shirley Tubbs  
1229 Broadway  
South Portland, Maine 04106

Deutsche Bank National Trust Company  
1761 East St. Andrew Place  
Santa Ana, California 92705-4934

Downeast Energy Corp.  
c/o Sandra Morrell Rooney  
18 Spring Street  
Brunswick, Maine 04011

**305 Bates Street, Lewiston, Maine**

You are hereby notified that the City Council of the City of Lewiston, Maine will hold a hearing on:

March 20, 2012  
7:00 pm  
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

This hearing is to determine whether the residential structure at 305 Bates Street, Lewiston, Maine, identified as Lot 250 on Tax Map 196, and further described in the deed recorded in the Androscoggin County Registry of Deeds at Book 6652, Page 308, is a dangerous building or nuisance within the meaning of 17 M.R.S. § 2851, and if so, what is the appropriate remedy.

If the City Council finds that the structure is dangerous or a nuisance, it may order the appropriate corrective action, including, but not limited to, demolition and removal of the structure. If the corrective action is not taken by the deadline established by the City Council's order, and no appeal is taken, the City may take the corrective action at the City's expense. The City may then recover all of its expenses, including reasonable attorneys' fees and costs, by means of a special tax or civil action.

This hearing is your opportunity to present evidence as to why the structure is not dangerous or a nuisance and to oppose any corrective action ordered by the City Council. Failure to attend may result in the waiver of certain rights with regard to this property.

Dated: February 9, 2012

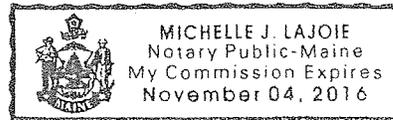
Kathleen M. Montejo  
Kathleen M. Montejo, City Clerk

STATE OF MAINE  
ANDROSCOGGIN, ss

February 9, 2012

Before me this day personally appeared Kathleen M. Montejo who acknowledges the foregoing instrument to be her free act and deed.

Michelle J. Lajoie  
Notary Public / Attorney at Law



CITY OF LEWISTON  
CITY COUNCIL

RETURN OF SERVICE

NOTICE OF HEARING  
Pursuant to 17 M.R.S. §§ 2851, *et seq.*

On Feb, 16, 2012 (date), I served the above-referenced NOTICE OF HEARING, a copy of which is attached hereto, on Downeast Energy Corp. as follows:

c/o Sandra Morrell Rooney  
18 Spring Street  
Brunswick, ME 04011

Costs of Service:

Service:	\$ <u>16.00</u>
Travel:	\$ <u>5.55</u>
Postage:	\$ <u>.65</u>
Other:	\$ <u>6.64</u>
TOTAL:	\$ <u>28.84</u>

  
\_\_\_\_\_  
Signature

Michael T. Walsh, Deputy  
Cumberland County Sheriff's Dept.  
Agency  
PO Box 553  
Brunswick, ME. 04011

**NOTICE OF HEARING**  
**Pursuant to 17 M.R.S. §§ 2851-59**  
**Dangerous Buildings**

Kenneth Tubbs  
Shirley Tubbs  
1229 Broadway  
South Portland, Maine 04106

Deutsche Bank National Trust Company  
1761 East St. Andrew Place  
Santa Ana, California 92705-4934

Downeast Energy Corp.  
c/o Sandra Morrell Rooney  
18 Spring Street  
Brunswick, Maine 04011

**305 Bates Street, Lewiston, Maine**

You are hereby notified that the City Council of the City of Lewiston, Maine will hold a hearing on:

March 20, 2012  
7:00 pm  
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

This hearing is to determine whether the residential structure at 305 Bates Street, Lewiston, Maine, identified as Lot 250 on Tax Map 196, and further described in the deed recorded in the Androscoggin County Registry of Deeds at Book 6652, Page 308, is a dangerous building or nuisance within the meaning of 17 M.R.S. § 2851, and if so, what is the appropriate remedy.

If the City Council finds that the structure is dangerous or a nuisance, it may order the appropriate corrective action, including, but not limited to, demolition and removal of the structure. If the corrective action is not taken by the deadline established by the City Council's order, and no appeal is taken, the City may take the corrective action at the City's expense. The City may then recover all of its expenses, including reasonable attorneys' fees and costs, by means of a special tax or civil action.

This hearing is your opportunity to present evidence as to why the structure is not dangerous or a nuisance and to oppose any corrective action ordered by the City Council. Failure to attend may result in the waiver of certain rights with regard to this property.

Dated: February 9, 2012

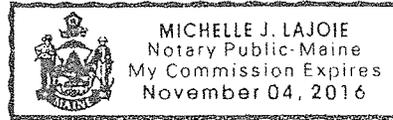
Kathleen M. Montejo  
Kathleen M. Montejo, City Clerk

STATE OF MAINE  
ANDROSCOGGIN, ss

February 9, 2012

Before me this day personally appeared Kathleen M. Montejo who acknowledges the foregoing instrument to be her free act and deed.

Michelle J. Lajoie  
Notary Public / Attorney at Law



# **City Correspondence**

CITY OF LEWISTON  
CODE ENFORCEMENT  
CITY BUILDING  
27 PINE STREET  
LEWISTON, MAINE 04240  
(207) 513-3125 EXT. 3226

NOTICE OF CONDEMNATION/PLACARDING  
VIA FIRST CLASS & CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
POSTED AT SITE

October 20, 2009

Kenneth R. Tubbs  
405 Western Ave. #15  
South Portland, Maine 04116

7 Whitehall Avenue  
South Portland, Maine 04106



RE: 305 Bates Street Lewiston, ME 04240

Dear Mr. Tubbs

The building at 305 Bates Street has been vacant, and continues deteriorate. During the last twelve years the condition of this property generated actions taken by this office resulting in numerous Notices of Violations, Civil Citations, Rule of 80K Civil Lawsuit judgments, and violations of the solid waste ordinance. The building is blighted and a nuisance. In its present state, it is unfit for human habitation or occupancy due to violation(s) of the following provisions of Chapter 18, Article III, Property Maintenance Code, Sections 18-51 and 18-52, Article VI, Sections 18-200 & 18-201 as per The Code of Ordinances of the City of Lewiston hereafter referred to as the (Code). The most recent inspection conducted on October 9, 2009, found that:

- Exterior materials, including but not limited to window sills, siding, and window trim, are severely deteriorated and in need of replacement and/or refinishing.
- Copper piping has been removed from the building.
- Loose and unsecured wiring in the basement.
- There is garbage about the property.
- Interior finish materials such are severely deteriorated and collapsing.
- Due to multiple water leaks and other sources of moisture, there is and abundances of mold in the building.

11/6

- The flooring is damaged throughout and in need of substantial replacement and repairs.
- The heating system is damaged.
- The kitchen cabinets and countertops are damaged and deteriorated.
- The bathroom fixtures are severely damaged and deteriorated.
- There are windows improperly installed, in need of replacement, and in need of substantial repairs.
- There are missing smoke detectors throughout the building.
- The basement stairs have collapsed.

As per the above mentioned violations I hereby condemn and placard the building at 305 Bates Street as being unfit for human habitation and occupancy pursuant to and in accordance with Chapter 18, Article III, Property Maintenance Code, Sections 18-51 and 18-52, PM 105.1, PM-105.2, PM 105.3, PM 105.4, PM-105.6, PM 107.1, PM 107.2, PM-107.3, of the Code of Ordinances of the City of Lewiston. Due to the threat to public safety you are hereby ordered to maintain this building secure from unauthorized entry in accordance with PM-105.6 of the Code. In accordance with PM-105.6, the City of Lewiston may cause the building to be secured by public agency, contract, or by private persons and the cost shall be charged to the owner. If such costs to the City are not reimbursed, the City shall initiate legal action to recover its expenses and any legal fees incurred. **You are hereby ordered to present to this office a plan to rehabilitate this property or demolish this building with a demolition permit issued by the City of Lewiston by no later than December 31, 2009.** The City of Lewiston may take legal action to order the demolition of this building pursuant to provisions of the Maine Revised Statutes, Title 17, Chapter 91 Subchapter 4, Dangerous Buildings, Section § 2851.

The above-mentioned property will be placarded and may not be re-occupied until proper abatement of all applicable violations have been completed. An inspection shall be conducted to confirm compliance. At such time the condemnation order and placarding shall be discontinued pursuant to the above referenced Code Section PM 107.3 stating "the code official shall remove the condemnation and placarding whenever the defect or defects upon which the Condemnation and Placarding were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code."

Your prompt attention to this matter is advised to avoid legal action. It is our sincere desire to work with you in devising an implementation schedule for the correction of these conditions. Please contact this office immediately if circumstances do not permit the timely compliance with this order and abatement of the violations or if you have any questions regarding this matter.

In the event that you do not comply with this order, this office may issue a citation pursuant to Chapter 50, Article II, and Section 50-36 thru 50-51 of the aforementioned Code. Said citation shall require you to pay a penalty of one hundred and ten dollars (\$110.00) for the first citation and you will be reordereed to abate the outstanding violations in the previous Notices and Orders. In the event that you

do not comply with the first citation, additional citations may be issued. The second citation imposes a civil penalty of two hundred and twenty five dollars (\$225.00), the third is four hundred and twenty five dollars (\$425.00), the fourth and subsequent citations are eight hundred and fifty dollars (\$850.00), and penalties are cumulative. In the future, if any of the above violations are repeated, you are not entitled to receive any further notification, and this office may serve you with a citation.

In lieu of or in addition to the issuance of citations, this office may initiate a land use complaint pursuant to Rule 80-K of the Maine Rules of Civil Procedure and 30-A M.R.S.A. § 4452 et seq. and § 3758-A et seq. as amended. A judgment from such a lawsuit in the City's favor will result in a court order that any violations be abated, the imposition of a fine of up to two thousand, five hundred dollars (\$2,500.00) per violation, per day, the payment of court costs and the City's legal fees.

You may appeal this order and request a hearing before the Lewiston Board of Appeals by filing a written petition at the office of the Director of Planning and Code Enforcement within ten (10) days of receipt of this notice. This petition shall be submitted on a form provided by this office along with the one hundred and five dollar (\$105.00) appeal fee. Should you fail to appeal you will be barred from any opportunity to contest or challenge the terms of this Notice and Order in any further legal proceedings.

If you sell, transfer or lease this property, you must notify the grantee, mortgagee, transferee, or lessee of any outstanding code violations pursuant to Section PM-106.6 of the Property Maintenance Code. You must also furnish this office with a signed notarized statement from the grantee, mortgagee, transferee or lessee acknowledging receipt of any orders or notices and fully accepting responsibility for the abatement of said violations.

Sincerely,

Thomas E. Maynard  
Code Enforcement Officer

c: Gildace J. Arsenault, Director of Planning & Code Enforcement

The City of Lewiston is an EOE. For more information, please visit our website @ [www.ci.lewiston.me.us](http://www.ci.lewiston.me.us) and click on the Non-Discrimination Policy

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	A. Signature X <span style="float: right;"><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</span>	
1. Article Addressed to:  Kenneth R. Tubby #15 405 Western Avenue South Portland, Me 04116	B. Received by (Printed Name)	C. Date of Delivery
2. Article Number (Transfer from service label)	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
	3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

CITY OF LEWISTON  
CODE ENFORCEMENT  
CITY BUILDING  
27 PINE STREET  
LEWISTON, MAINE 04240  
(207) 513-3125 EXT. 3226

 **FILE**

**NOTICE OF CONDEMNATION/PLACARDING**  
VIA FIRST CLASS & CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
POSTED AT SITE

October 20, 2009

Kenneth R. Tubbs  
405 Western Ave. #15  
South Portland, Maine 04116

7 Whitehall Avenue  
South Portland, Maine 04106

RE: 305 Bates Street Lewiston, ME 04240

*I spoke KRW on 10-21-09  
and he received the  
notice. He  
is losing the building  
per*

Dear Mr. Tubbs

The building at 305 Bates Street has been vacant, and continues deteriorate. During the last twelve years the condition of this property generated actions taken by this office resulting in numerous Notices of Violations, Civil Citations, Rule of 80K Civil Lawsuit judgments, and violations of the solid waste ordinance. The building is blighted and a nuisance. In its present state, it is unfit for human habitation or occupancy due to violation(s) of the following provisions of Chapter 18, Article III, Property Maintenance Code, Sections 18-51 and 18-52, Article VI, Sections 18-200 & 18-201 as per The Code of Ordinances of the City of Lewiston hereafter referred to as the (Code). The most recent inspection conducted on October 9, 2009, found that:

- Exterior materials, including but not limited to window sills, siding, and window trim, are severely deteriorated and in need of replacement and/or refinishing.
- Copper piping has been removed from the building.
- Loose and unsecured wiring in the basement.
- There is garbage about the property.
- Interior finish materials such are severely deteriorated and collapsing.
- Due to multiple water leaks and other sources of moisture, there is and abundances of mold in the building.

117

- The flooring is damaged throughout and in need of substantial replacement and repairs.
- The heating system is damaged.
- The kitchen cabinets and countertops are damaged and deteriorated.
- The bathroom fixtures are severely damaged and deteriorated.
- There are windows improperly installed, in need of replacement, and in need of substantial repairs.
- There are missing smoke detectors throughout the building.
- The basement stairs have collapsed.

As per the above mentioned violations I hereby condemn and placard the building at 305 Bates Street as being unfit for human habitation and occupancy pursuant to and in accordance with Chapter 18, Article III, Property Maintenance Code, Sections 18-51 and 18-52, PM 105.1, PM-105.2, PM 105.3, PM 105.4, PM-105.6, PM 107.1, PM 107.2, PM-107.3, of the Code of Ordinances of the City of Lewiston. Due to the threat to public safety you are hereby ordered to maintain this building secure from unauthorized entry in accordance with PM-105.6 of the Code. In accordance with PM-105.6, the City of Lewiston may cause the building to be secured by public agency, contract, or by private persons and the cost shall be charged to the owner. If such costs to the City are not reimbursed, the City shall initiate legal action to recover its expenses and any legal fees incurred. **You are hereby ordered to present to this office a plan to rehabilitate this property or demolish this building with a demolition permit issued by the City of Lewiston by no later than December 31, 2009.** The City of Lewiston may take legal action to order the demolition of this building pursuant to provisions of the Maine Revised Statutes, Title 17, Chapter 91 Subchapter 4, Dangerous Buildings, Section § 2851.

The above-mentioned property will be placarded and may not be re-occupied until proper abatement of all applicable violations have been completed. An inspection shall be conducted to confirm compliance. At such time the condemnation order and placarding shall be discontinued pursuant to the above referenced Code Section PM 107.3 stating "the code official shall remove the condemnation and placarding whenever the defect or defects upon which the Condemnation and Placarding were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code."

Your prompt attention to this matter is advised to avoid legal action. It is our sincere desire to work with you in devising an implementation schedule for the correction of these conditions. Please contact this office immediately if circumstances do not permit the timely compliance with this order and abatement of the violations or if you have any questions regarding this matter.

In the event that you do not comply with this order, this office may issue a citation pursuant to Chapter 50, Article II, and Section 50-36 thru 50-51 of the aforementioned Code. Said citation shall require you to pay a penalty of one hundred and ten dollars (\$110.00) for the first citation and you will be reordered to abate the outstanding violations in the previous Notices and Orders. In the event that you

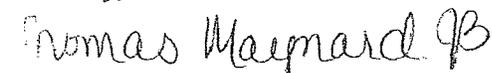
do not comply with the first citation, additional citations may be issued. The second citation imposes a civil penalty of two hundred and twenty five dollars (\$225.00), the third is four hundred and twenty five dollars (\$425.00), the fourth and subsequent citations are eight hundred and fifty dollars (\$850.00), and penalties are cumulative. In the future, if any of the above violations are repeated, you are not entitled to receive any further notification, and this office may serve you with a citation.

In lieu of or in addition to the issuance of citations, this office may initiate a land use complaint pursuant to Rule 80-K of the Maine Rules of Civil Procedure and 30-A M.R.S.A. § 4452 et seq. and § 3758-A et seq. as amended. A judgment from such a lawsuit in the City's favor will result in a court order that any violations be abated, the imposition of a fine of up to two thousand, five hundred dollars (\$2,500.00) per violation, per day, the payment of court costs and the City's legal fees.

You may appeal this order and request a hearing before the Lewiston Board of Appeals by filing a written petition at the office of the Director of Planning and Code Enforcement within ten (10) days of receipt of this notice. This petition shall be submitted on a form provided by this office along with the one hundred and five dollar (\$105.00) appeal fee. Should you fail to appeal you will be barred from any opportunity to contest or challenge the terms of this Notice and Order in any further legal proceedings.

If you sell, transfer or lease this property, you must notify the grantee, mortgagee, transferee, or lessee of any outstanding code violations pursuant to Section PM-106.6 of the Property Maintenance Code. You must also furnish this office with a signed notarized statement from the grantee, mortgagee, transferee or lessee acknowledging receipt of any orders or notices and fully accepting responsibility for the abatement of said violations.

Sincerely,



Thomas E. Maynard  
Code Enforcement Officer

c: Gildace J. Arsenault, Director of Planning & Code Enforcement

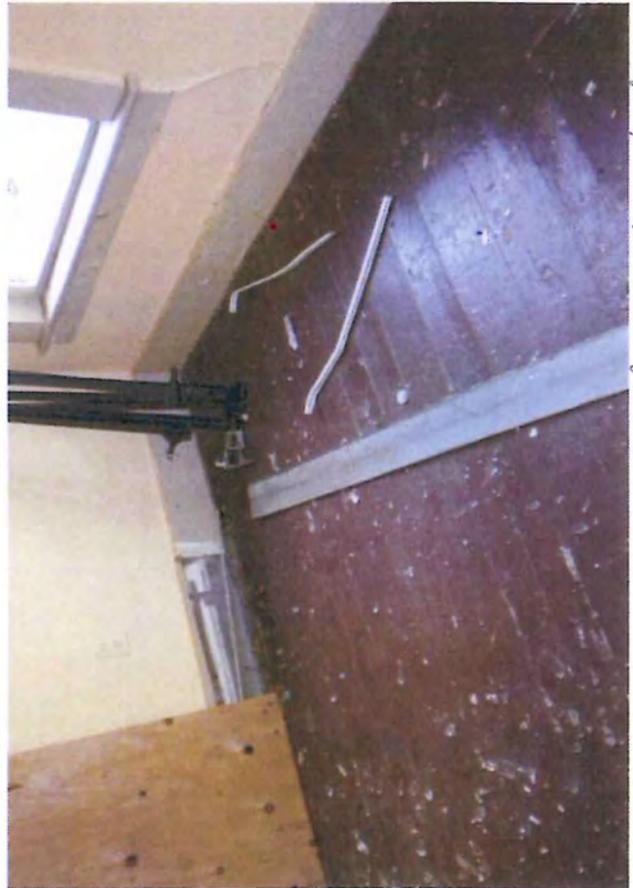
The City of Lewiston is an EOE. For more information, please visit our website @ [www.ci.lewiston.me.us](http://www.ci.lewiston.me.us) and click on the Non-Discrimination Policy

# Photographs



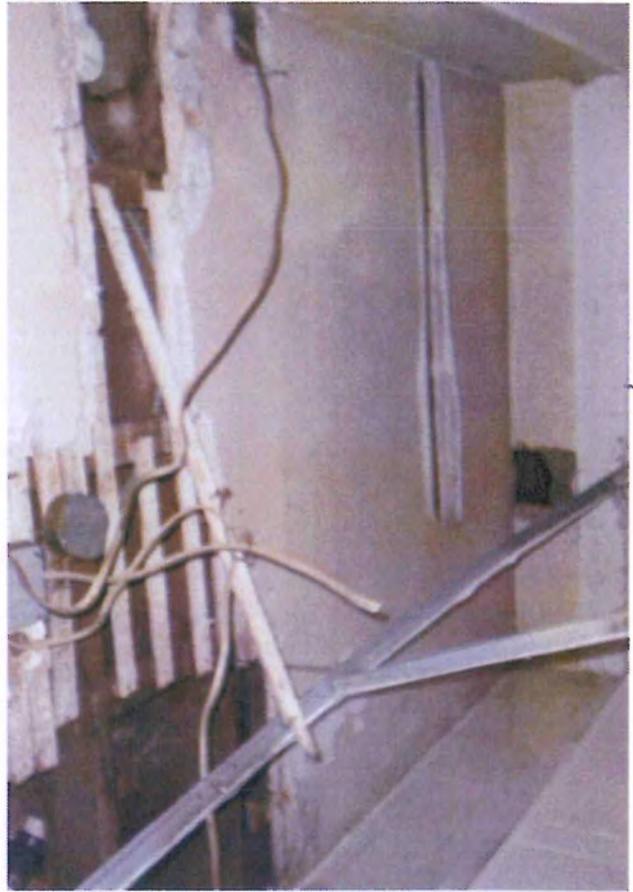


Thomas E. Hayward  
R. Bates



Damage from Copper heating pipe that

12-5-2011  
305 Bates



Thomas E. Maynard  
R. L. G. M. and



Damage from Copper theft

12-5-2011  
305 Bates



Thomas E. Reynolds  
P - photo

Damage from Copper Theft

12-5-2011 @ 10-01-2001-  
3rd Anter



Thomas E. Reynolds  
R. Fla.



Trash ; Debris.

12-5-11  
1 305 Bates

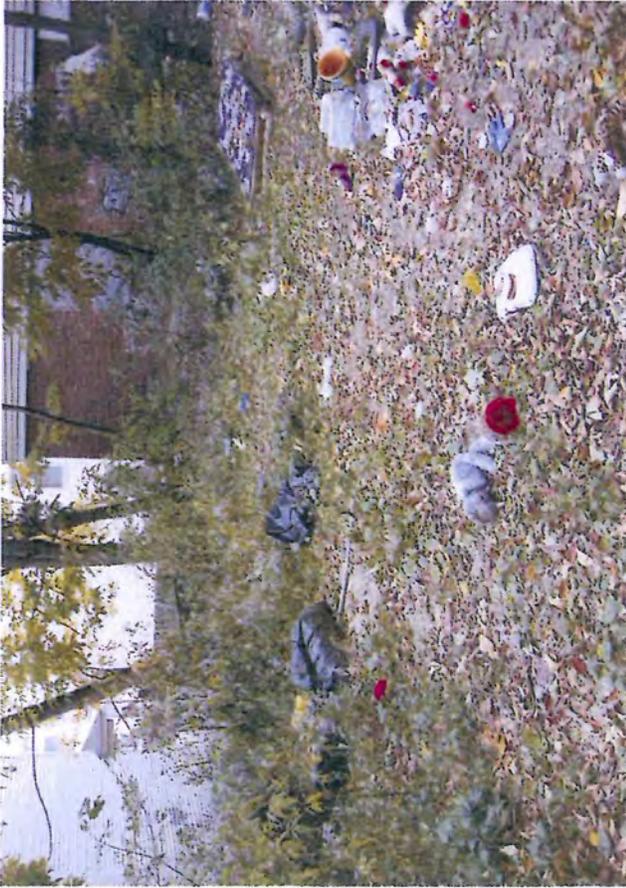
Example of mold



Porch posts from building next door



Thomas E. Maynard  
P.O. Box 111



12-5-11 305 Bates The property has trash about



4-15-11

Proximity to 299/301 Bates  
305 Bates

*L. O'Neal*

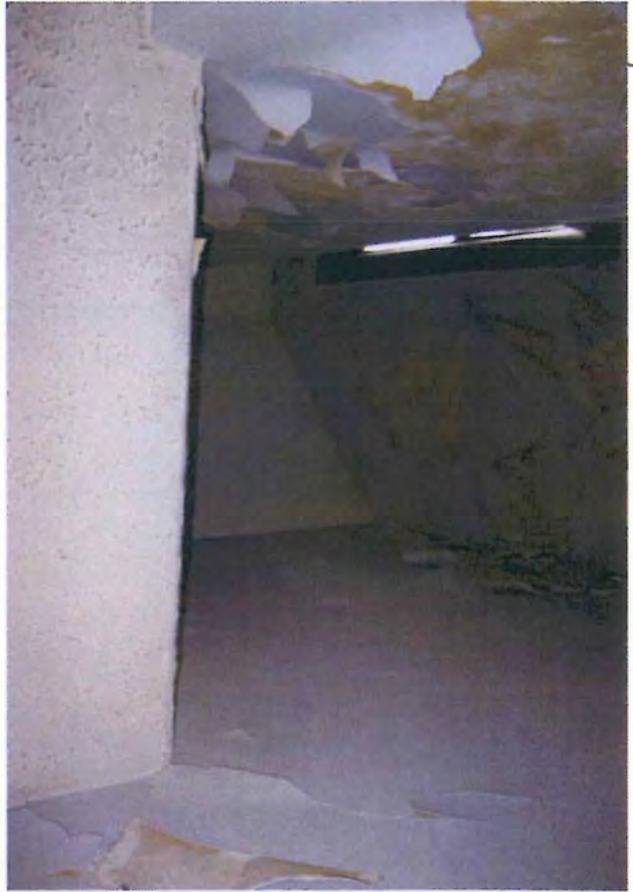


R. Elford

Examples of Severe Damage and Deterioration

305 Bates

12-5-11  
10-4-09



R. E. Allen

Damage & Deterioration

305 Bates

12-5-11  
10-9-09



R. E. M... ..

Damage and Deterioration

305 Bates

12-5-11  
10-9-09

# **Other Documentary Evidence**

**ROLAND CHABOT**

941 MINOT AVENUE  
AUBURN, MAINE 04210

Number: 1019

Date: November 21, 2011

**Bill To:**

JEFFREY BARIL  
CITY OF LEWISTON  
27 PINE STREET  
LEWISTON  
MAINE

**PO Number**

JEFFERY BARIL

Description	Amount
233 BLAKE ST. 8 SHEETS X \$8.00 = \$ 64.00 / LABOR 1 HR. X \$45.00=45.00	109.00
305 BATES 12 SHEETS X \$ 15.00=180.00 / LABOR 2 M3N=250.00	430.00
226 OAK 5 SHEETS X \$15.00=\$ 75.00 / LABOR 2 MEN=100.00	175.00
357 SABATTUS 2 SHEETS X \$ 15.00=\$ 30.00 / LABOR 2 MEN=100.00	130.00
147 SABATTUS 3 SHEETS X \$ 15.00=\$45.00 / LABOR 2 MEN=100.00	145.00
28 WAKEFIELD 3 SHEETS X \$ 15.00=\$45.00 / LABOR 2 MEN=100.00	145.00
SCREWS ( COPY ATTACHED)	23.07

THANK YOU  
ROLAND CHABOT  
D/BA ROLANDS DEMOLITION  
941-949 MINOT AVENUE  
AUBURN, MAINE 04210

01-0378-009

**Total \$1,157.07**

VEN# 951 P.O.# 23640

INV.# 1019

Cost Center # 5151000

Acct.# 51237

11/28/2011 U.B.  
Department Authorization

Finance Director / Controller

City Auditor

Partial Payment P.O. 23640

6227133 11/25/2011

# LEWISTON CITY COUNCIL

## MEETING OF MARCH 20, 2012

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 6**

**SUBJECT:**

Resolve - Authorizing the Transfer of \$164,852 from the 2012 Sewer Jepson Brook Project to the 2012 Sewer Oak Street Separation Project and a \$164,852 Transfer from the 2012 Stormwater Jepson Brook Project to the 2012 Stormwater Oak Street Separation Project.

**INFORMATION:**

The Public Works Department is planning a construction project to separate the stormwater and sewer line in the Oak Street area as a result of the numerous basement flooding issues in 2009 in the White Street, Nichols Street and Bardwell Street neighborhood area. The current authorized funding for the Oak Street Separation Phase III project is approximately \$750,000. The City opened bids on March 8 and the lowest bidder for the project was \$1,079,704, therefore creating a project funding shortfall of \$329,704.

The Public Works Director and the Finance Director are recommending a transfer of funds from the Jepson Brook project to the Oak Street Separation Project to cover the difference. The Public Works Director feels the planned work on the Jepson Brook CSO project can be postponed until additional funds are available for this project and he would recommend the transfer of funds to complete the Oak Street project.

Please see attached memorandums from the Public Works Director and the Finance Director for additional information.

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**

The City Administrator recommends approval of the requested action.

*ERB/kmm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
---	---	---	---	---	---	---	---

To approve the Resolve authorizing the transfer of \$164,852 from the 2012 Sewer Jepson Brook Project to the 2012 Sewer Oak Street Separation Project and a \$164,852 Transfer from the 2012 Stormwater Jepson Brook Project to the 2012 Stormwater Oak Street Separation Project.



**City of Lewiston Maine  
City Council Order  
March 20, 2012**

**RESOLVE,** Authorizing the Transfer of \$164,852 from the 2012 Sewer Jepson Brook Project to the 2012 Sewer Oak Street Separation Project and a \$164,852 Transfer from the 2012 Stormwater Jepson Brook Project to the 2012 Stormwater Oak Street Separation Project.

**WHEREAS,** the combined Oak Street project authorizations total \$750,000; and

**WHEREAS,** current estimated total project expenses amount to \$1,079,704, producing a \$329,704 project shortfall; and

**WHEREAS,** given the ability to defer parts of the Jepson Brook projects until future funding is available, currently authorized Jepson Brook funds are available to cover the Oak Street project deficit;

**NOW, THEREFORE, BE IT RESOLVED by the CITY COUNCIL of the CITY of LEWISTON**

That the transfer of \$164,852 from the 2012 Sewer Jepson Brook project and \$164,852 from the 2012 Stormwater Jepson Brook project to the 2012 Stormwater Oak Street Separation Project is hereby authorized.



## Department of Public Works

David A. Jones, P.E.  
Director



From: David A. Jones, P.E., Public Works Director  
To: Heather A. Hunter, MBA, Finance Director  
Re: Oak Street Separation Project Phase III

Date: March 12, 2012

The City projects to separate the stormwater and sewer lines in the Oak St area are a direct result of the severe basement flooding in the White St – Nichols St – Bardwell St area in 2009. Before that flooding occurred, the City lined 500 feet of the 28" x 48" sewer on Oak St between Middle St and Blake St. Soon after the basement flooding, work was done on the specific streets where flooding occurred and on College St to address the problems within those specific lines. The current project will separate the sewer lines on Oak St (Blake St to Sabattus St) and on Sabattus St (Oak St to Wood St). Another follow-on project is planned to be completed on Oak St (Sabattus St to White St) next year (FY2013), which will connect with the work already done. The current project must be completed before the next section of Oak St can be done.

The Oak Street Separation Phase III available funding is \$746,162 divided equally between sewer and storm sewer. Accounts 622 6222101 and 642 6422101 respectively.

Bids were opened March 8<sup>th</sup> 2012 for the subject project. The apparent low bidder was Gendron and Gendron at \$896,555 for the sewer portion of the project. The water portion of the project totals \$153,445, which will be paid with water funds from the distribution account.

Adding 10% contingency and 10% for engineering and inspection adds \$179,311 to the bid price for a total project cost of 1,075,866. This leaves a budget shortfall of \$329,704 (\$1,075,866 – \$746,162). We propose this additional funding come from Jepson Brook II which has a current \$1,100,000 balance available for planned Jepson Brook CSO work that can be postponed until additional funding becomes available.

Therefore, Public Works is requesting transfer of \$329,704, \$164,852 from acct's 622 6222202 and 642 6422202 respectively (Jepson Brook Phase II) to the Oak Street Separation Phase II Project.

AN EQUAL OPPORTUNITY EMPLOYER

The City of Lewiston is an EOE. For more information, please visit our website @ [www.lewistonmaine.gov](http://www.lewistonmaine.gov) and click on the Non-Discrimination Policy.

Department of Public Works • 103 Adams Ave • Lewiston, ME • 04240 • Voice Tel. 207-513-3003 • Fax 207-784-5647 •  
TTY/TDD 207-513-3007 – [www.lewistonmaine.gov](http://www.lewistonmaine.gov)



## Finance Department

Heather Hunter  
Director of Finance/Treasurer  
[hhunter@ci.lewiston.me.us](mailto:hhunter@ci.lewiston.me.us)



**TO:** Mayor Robert Macdonald  
And Members of the City Council

**FROM:** Heather Hunter, Finance Director

**SUBJECT:** **Project Budget Transfer Request**

**DATE:** March 14, 2012

Please find Public Works Director David Jones' attached explanatory memo detailing the project and the results of the bid proposals for the Oak Street Separation Project Phase III.

As outlined, Oak Street Phase III had a combined project authorization of \$750,000 split equally between the sewer and stormwater funds, of which \$746,162 remains available. After the recent project bid opening, total estimated project costs are \$1,075,866, resulting in a project deficit of \$329,704. Estimated project costs include both internal and outside engineering, separation construction, and paving over the completed area.

After reviewing various funding options and based upon the information provided in the supplemental memo enclosed from the Public Works Department, I am recommending that \$329,704, or \$164,852 each, be transferred from the 2012 Sewer and Stormwater LCIP Jepson Brook Phase II project. The current 2012 Jepson Brook project authorization is \$1,250,000 for both the sewer and stormwater funds and each fund has \$1,099,054 available.

The requested action is to approve a \$164,852 transfer from the 2012 Sewer Jepson Brook project to the 2012 Sewer Oak Street Separation Project and a \$164,852 transfer from the 2012 Stormwater Jepson Brook project to the 2012 Stormwater Oak Street Separation Project.

Dave Jones and I would be happy to address any questions or concerns you may have about this request.

**LEWISTON CITY COUNCIL**  
**MEETING OF MARCH 20, 2012**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 7**

**SUBJECT:**

Reports and Updates.

**INFORMATION:**

This agenda item is the opportunity for Councilors to share oral reports and updates with the full Council and the public regarding the various city committees on which they serve as the City Council's representative.

For the March 20 meeting, the City Administrator will be providing an update on the following items:

- 1) Androscoggin County Dispatch services
- 2) Proposed Changes to the General Assistance Program

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**

This is informational only to keep members of the City Council abreast of various activities.

*EATB/KMM*

**REQUESTED ACTION:**

1

2

3

4

5

6

7

M

**(NO ACTION REQUESTED)**

# LEWISTON CITY COUNCIL

## MEETING OF MARCH 20, 2012

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 9**

**SUBJECT:**

Executive Session to discuss a legal matter with the City Attorney.

(Note- This item is listed if needed and would be a continuation of the Item C Executive Session from 6:30pm.)

**INFORMATION:**

The Maine State Statutes, Title 1, section 405, define the permissible grounds and subject matters of executive sessions for public meetings.

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**

The state statutes outline the issues that will be discussed in executive session.

*EATB/kmm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
---	---	---	---	---	---	---	---

To enter into an Executive Session pursuant to MRSA Title 1, section 405(6)(E) to discuss a legal matter with the City Attorney.