

ROSALYNNE R. ATTERBEARY  
REVOCABLE TRUST *et. al.*

Plaintiffs/Counter-Defendants

v.

PROPERTY OWNERS ASSOCIATION  
OF ARUNDEL ON THE BAY, INC.

Defendant/Counter-Plaintiff  
Cross-Claim Plaintiffs

and

ALL PROPERTY OWNERS IN THE  
SUBDIVISION OF ARUNDEL ON THE BAY

Defendants/  
Cross-Claim Defendants

\* IN THE  
\* CIRCUIT COURT  
\* FOR  
\* ANNE ARUNDEL COUNTY,  
\* MARYLAND

Case No. C-02-CV-15-003736

\* \* \* \* \*

**INTERROGATORIES**

To: Arundel on the Bay Lot Owner(s) Identified on attached Memorandum, Defendant(s)

From: Rosalynne R. Atterbeary, Trustee, Rosalynne R. Atterbeary Revocable Trust, Plaintiff

**Instructions**

Pursuant to Rule 2-421, you are required to answer the following interrogatories **within 30 days** or within the time otherwise required by court order or by the Maryland Rules:

(a) In accordance with Rule 2-421(b), your response shall set forth the interrogatory, and shall set forth the answer to the interrogatory "separately and fully in writing under oath" or "shall state fully the grounds for refusal to answer any interrogatory." The response shall be signed by you. (Standard Instruction (a).)

(b) Also in accordance with Rule 2-421(b), your answers "shall include all information available" to you "directly or through agents, representatives or attorneys." (Standard Instruction (b).)

(c) Pursuant to Rule 2-401(e), these interrogatories are continuing. If you obtain further material information before trial you are required to supplement your answers promptly. (Standard Instruction (c).)

(d) If pursuant to Rule 2-421(c), you elect to specify and produce business records of yours in answer to any interrogatory, your specification shall be in sufficient detail to permit the interrogating party to locate and identify the records from which the answer may be ascertained. (Standard Instruction (d).)

(e) If you perceive any ambiguities in a question, instruction or definition, set forth the matter deemed ambiguous and the construction used in answering. (Standard Instruction (e).)

### Definitions

In these interrogatories, the following definitions apply:

(a) **Document** includes electronically stored information and any writing, drawing, graph, chart, photograph, sound recording, image, and other data or data compilation stored in any medium from which information can be obtained, translated, if necessary, through detection devices into reasonably usable form. (Standard General Definition (a).)

(b) **Identify, identity, or identification**, (1) when used in reference to a natural **person**, means that **person's** full name, last known address, home and business telephone numbers, and present occupation or business affiliation; (2) when used in reference to a **person** other than a natural **person**, means that **person's** full name, a description of the nature of the **person** (that is, whether it is a corporation, partnership, etc. under the definition of **person** below, and the **person's** last known address, telephone number, and principal place of business; (3) when used in reference to any **person** after the **person** has been properly **identified** previously means the **person's** name; and (4) when used in reference to a **document**, requires you to state the date, the author (or, if different, the signer or signers), the addressee, the **identity** of the present custodian of the **document**, and the type of **document** (e.g. letter, memorandum, telegram, chart, etc.) or to attach an accurate copy of the **document** to your answer, appropriately labeled to correspond to the interrogatory. (Standard General Definition (b).)

(c) **Person** includes an individual, general or limited partnership, joint stock company, unincorporated association or society, municipal or other corporation, incorporated association, limited liability partnership, limited liability company, the State, an agency or political subdivision of the State, a court, and any other governmental entity. (Standard General Definition (c).)

(d) **You and your** includes each and every person(s) to whom these interrogatories are addressed, and all of that person's agents, representatives, or attorneys. (Rule 2-421(b).)

(e) **Arundel on the Bay** is that subdivision shown on a plat created in 1890 entitled "Arundel on the Bay," which plat is recorded among the Land Records of Anne Arundel County, Maryland in Plat Book S.H. 34, folio 509, a copy of which is attached as Exhibit A to the

**Complaint**, and on a revised plat created in 1927 entitled “Revised Plat of Arundel on the Bay,” which plat is recorded among the Land records of Anne Arundel County, Maryland in Plat Book 9, folio 25, a copy of which is attached as Exhibit B to the **Complaint**.

(f) **Association** is the Property Owners Association of Arundel on the Bay, Inc.

(g) **Atterbeary** refers to the plaintiff, Rosalynne R. Atterbeary, Trustee of the Rosalynne R. Atterbeary Revocable Trust, which owns the **Atterbeary Property**.

(h) **Atterbeary Property** is the property located at 3551 Narragansett Avenue, Annapolis, Maryland 21403, and identified as Lots A and B, Block 11, Arundel on the Bay.

(i) **Coble** is the plaintiff, Clyde T. Coble, Trustee of the Wilma L. Coble Qualified Personal Residence Trust, which owns the **Coble Property**.

(j) **Coble Property** is the property located at 3557 Narragansett Avenue, Annapolis, Maryland 21403, and identified as Lots K, L, and M, Block 12, Arundel on the Bay, which lots are shown as **Parcel 1** on the attached Exhibit 1, Special Purpose Boundary Survey by John J. Dowling dated January 12, 2016.

(k) **Complaint** refers to the Second Amended Complaint filed by Plaintiffs on January 13, 2017 and attached as a link on the websites for the Anne Arundel County Circuit Court and Arundel-on-the-Bay.

(j) **Disputed Roads** refers to those portions of Magnolia Avenue and Chesapeake Walk that bind on the Atterbeary Property and the Coble Property and are located between Narragansett Avenue and the waters of the Chesapeake Bay as shown on the **Arundel on the Bay** plats, and as more particularly shown as “Magnolia Avenue” and “Chesapeake Walk” on the Special Purpose Survey attached as Exhibit 1. Unless otherwise specified, **Disputed Roads** does NOT include **Parcel 1**, **Parcel 2** or **Parcel 3** as shown on the Special Purpose survey attached hereto as *Exhibit 1*.

### Interrogatories

1. **Identify** the person(s) answering these interrogatories. Include in your answer the information set forth in Definition (b) (1) and (2) above.

2. **Identify** each **person** with whom you consulted, sought advice from, or discussed the preparation of your answers to these interrogatories and identify any **document** which you reviewed in preparing your answers to these interrogatories.

3. Describe by mailing address, and by lot and block, all property you own or in which you have a property interest in **Arundel on the Bay**. For each property listed, **identify** any co-owner(s), state how it is titled, the date of acquisition, the date on which you acquired your interest, and **identify** the holder of any current lien, deed of trust, or mortgage on the property.

4. For each property identified in the preceding interrogatory, describe how the property is used and include in your answer the following information:

(a) If the property is used for your personal residential purposes **identity** all persons with whom you reside, state that individual's age and relationship with you; state whether the property is your primary personal residence and, if not, how often and under what circumstances you use the property.

(b) If the property is used for leasing or rental purposes, **identity** the current tenant(s) of the property and describe how often and under what circumstances the tenant uses the property.

(c) If the property is used for short-term vacation rental or home-sharing purposes, describe how and by whom the property is listed or advertised for rental and describe the number of days the property was rented during the preceding twenty-four (24) month period.

5. For each property identified in the previous interrogatory that you have owned for less than twenty (20) years, **identity** the prior owner of the property and describe any ongoing relationship you may have with the prior owner.

6. **Identify each person**, other than a person intended to be called as an expert witness at trial, having discoverable information that tends to support a position that you have taken or intend to take in this action, including any claim for damages, and state the subject matter of the information possessed by that person. (Standard General Interrogatory No. 1.)

7. **Identify each person** you expect to call as an expert witness at trial, state the subject matter on which the expert is expected to testify, state the substance of the findings and opinions to which the expert is expected to testify, and a summary of the grounds for each opinion, and with respect to an expert whose findings and opinions were acquired in anticipation of litigation or for trial, summarize the qualifications of the expert, state the terms of the publications written by the expert and any written report made by the expert concerning the expert's findings and opinions. (Standard General Interrogatory No. 2.)

8. If you intend to rely upon any **documents**, electronically stored information, or tangible things to support a position you have taken or intend to take in this action, including any claim for damages, provide a brief description, by category and location, of all such **documents**, electronically stored information, and tangible things, and **identity** all **persons** having possession, custody or control of them. (Standard General Interrogatory No. 3.)

9. If you have ever served as an officer, director, committee chair or member, or in any other leadership role for the **Association**, identify the capacity in which you served, the dates of service, and describe your duties while serving in that capacity.

10. If you have ever communicated, either orally, in writing, or in any other manner, with Rosalynne Atterbeary, Knowlton Atterbeary, Clyde Coble, or Wilma Coble, regarding title to or use of Magnolia Avenue or Chesapeake Walk, state the date, time, location, and manner of

the communication, **identify** any other **person** who was present during or had knowledge of the communication, and describe in detail the substance of the communication.

11. If you have any knowledge of the problems or concerns regarding title to and use of Magnolia Avenue and Chesapeake Walk experienced by Rosalynne Atterbeary, Knowlton Atterbeary, Clyde Coble, and/or Wilma Coble, that motivated them to file this action against the **Association** on December 1, 2015, describe in detail your understanding of those problems and/or concerns and state how, when, and under what circumstances you acquired that knowledge.

12. If you have any knowledge of the efforts by **Atterbeary** and **Coble**, and/or Rosalynne Atterbeary, Knowlton Atterbeary, Clyde Coble, and/or Wilma Coble, to resolve their concerns with the **Association** prior to filing this action on December 1, 2015, describe in detail your understanding of those efforts and state how, when, and under what circumstances you acquired that knowledge.

13. If you dispute the claims by **Atterbeary** and **Coble** that they own fee simple title to the **Disputed Roads**, **identify** each **person** you contend does own fee simple title to the **Disputed Roads** and state all facts and identify all documents upon which you rely to support your contention.

14. If you dispute the claim that **Coble** has possessed **Parcel 2** and/or **Parcel 3**, as shown on *Exhibit 1*, for more than (20) years exclusively, openly, notoriously, or under a claim of right in a manner which evidences Coble's claim of ownership by adverse possession, state all facts and identify all documents upon which you rely to support your contention.

15. If you contend that you use or have used the **Disputed Roads** within the past twenty (20) years, describe with specificity, where, when, under what circumstances, and for what purpose you use or have used them.

16. If you contend that any other **person(s)** does or has used the **Disputed Roads** within the past twenty (20) years, **identify** the **person(s)** and describe with specificity where, when, under what circumstances, and for what purpose the **person(s)** uses or has used them.

17. If you contend that you or any other **person** have/has used the **Disputed Roads** within the past twenty (20) years, describe whether that use changed after this lawsuit was filed in on December 1, 2015 and, if so, describe the frequency, nature, purpose, or other changes in use that occurred after December 1, 2015.

18. State all facts and identify all documents that support your denial of the allegations in Paragraphs 9 and 10 of the **Complaint** that the **Disputed Roads** are and have been open and undeveloped grass space and have never been used for vehicular purposes.

19. State all facts and **identify** all **documents** that support your claim in Paragraph 1 of your Answer to the **Complaint** that the **Complaint** fails to state a claim upon which relief can be granted.

20. If you contend that you or any **person(s)** other than **Atterbeary** and **Coble** maintains or has maintained the **Disputed Roads**, **identify** the **person(s)** and describe with particularity where, when, and under what circumstances the maintenance has been performed.

21. Describe your understanding of any rights you contend you have as a property owner in Arundel on the Bay to use the **Disputed Roads**, and identify all documents upon which you rely to support your understanding.

22. Describe your understanding of any rights you contend that the general public (other than owners of lots in Arundel on the Bay) has to use the **Disputed Roads**, and identify all documents upon which you rely to support your understanding.

23. If you contend that the **Association** has a right to manage or otherwise oversee the maintenance and use of the **Disputed Roads**, state all facts and identify all documents upon which you rely to support your contention.

24. If you have knowledge of a prior civil action litigated between the **Association** and individual lot owners in **Arundel on the Bay** captioned **Sherry Bellamy, et al. v. Property Owners Association of Arundel on the Bay, Inc.** (Civil Case No. 02-C-06-115184), describe when, how, and under what circumstances you obtained that knowledge and state whether you have reviewed or otherwise are aware of the Amended Opinion and Order issued in that action on January 8, 2008 declaring that the individual lot owners owned fee simple title to the platted roads that abut their properties and denying the **Association's** claims of title to the roads.

25. If you have knowledge of any photograph, plat, plan, video, motion picture, drawing, model, or any other image made of the property shown on *Exhibit 1*, attached hereto, describe the medium on which the image is recorded, **identify** each **person** who participated in that process, state the date when the image was made, and **identify** the **person** who has present custody of the image.

26. State all facts and **identify** all **documents** that support any claim or defense you have made or intend to make in this action not otherwise set forth in your answers to these interrogatories, and identify all **persons** with knowledge of those claims or defenses.



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Eileen E. Powers



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