

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

Plaintiffs

v.

PROPERTY OWNERS ASSOCIATION
OF ARUNDEL ON THE BAY, INC.

Defendant

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IN THE
CIRCUIT COURT
FOR
ANNE ARUNDEL COUNTY,
MARYLAND

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

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INTERROGATORIES

To: Property Owners Association of Arundel on the Bay, Inc., Defendant

From: Rosalynne R. Atterbeary Revocable Trust, Plaintiff

Rosalynne R. Atterbeary Revocable Trust, Plaintiff, by its counsel, Eileen E. Powers, Barbara J. Palmer, and Blumenthal, Delavan, Powers & Palmer, P.A., pursuant to the Maryland Rules of Civil Procedure, submit the following Interrogatories to the Defendant, Property Owners Association of Arundel on the Bay, Inc.

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

As used in these interrogatories, the following terms are to be interpreted in accordance with these definitions:

(a) In accordance with Rule 1-202(t), the term "person" includes any 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.

(b) In accordance with Rule 2-421(b), the terms "you" and "your" includes the person(s) to whom these interrogatories are addressed, and all of that person's agents, representatives, or attorneys.

(c) The term “document” includes a writing, drawing, graph, chart, photograph, recording, and other data compilation from which information can be obtained, translated, if necessary, through detection devices into reasonably usable form.

(d) The terms “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” above), 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, 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.

(e) The “Atterbeary Property” refers to the property at 3551 Narragansett Avenue, Annapolis, Maryland 21403, and identified as Lots A and B, Block 11, Arundel on the Bay.

(f) The “Coble Property” refers to the property at 3557 Narragansett Avenue, Annapolis, Maryland 21403, and identified as Lots K, L, and M, Block 12, Arundel on the Bay.

(g) “Atterbeary” refers to the plaintiff, Rosalynne R. Atterbeary Revocable Trust, which is a Trust and Rosalynne R. Atterbeary is the Trustee of the Trust.

(h) “Coble” refers to the plaintiff, Wilma L. Coble Qualified Personal Residence Trust, which is a Trust and Cyde T. Coble is the Trustee of the Trust.

(i) The “Complaint” refers to the Complaint filed by Plaintiffs at the Circuit Court for Anne Arundel County on December 1, 2015.

(j) The “Disputed Area” 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.

(k) The “Coble Strip” refers to that portion of Magnolia Avenue described in Count VI of the Complaint.

(l) “Arundel on the Bay” refers to a 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 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.

(m) “The Association” refers to the Property Owners Association of Arundel on the Bay, Inc.

Interrogatories

1. 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.)

2. 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 each opinion, and attach to your Answers a copy of any written report made by the expert concerning those findings and opinions. (Md. Rule 2-402(e)) (Standard General Interrogatory No. 2.)

3. If you intend to rely upon any documents, or other 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 or other tangible things, and identify all persons having possession, custody or control of them. (Standard General Interrogatory No. 3)

4. Identify all current officers and directors of the Association and describe the number of years for each of their terms of office.

5. If you dispute the claims by Atterbeary and Coble that they own fee simple title to the Disputed Area that abuts their respective properties, state all facts and identify all documents upon which you rely to support your contention.

6. If you contend that Coble has failed to possess the Coble Strip for more than 20 years exclusively, openly, notoriously, or under a claim of right in a manner which evidences its claim of ownership by adverse possession, state all facts and identify all documents upon which you rely to support your contention.

7. If you dispute the claim by Atterbeary and Coble that the Disputed Area may not be used for recreational purposes, state all facts and identify all documents upon which you rely to support your contention.

8. If you contend that the Association has any interest in or ownership of the Disputed Area, state all facts and identify all documents upon which you rely to support your contention.

9. If you contend that the Disputed Area provides necessary access to the nearest public road or to the water for any lot owner in Arundel on the Bay, state all facts and identify all documents upon which you rely to support your contention.

10. Describe your understanding of any rights you contend that lot owners in Arundel on the Bay have to use the Disputed Area and identify all documents upon which you rely to support your understanding.

11. Describe your understanding of any rights you contend that the general public has to use the Disputed Area and identify all documents upon which you rely to support your understanding.

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

13. If you contend that at any time the entry to Magnolia Avenue from Narragansett Avenue that leads to Chesapeake Walk has not been blocked by permanent structures or other types of blocking mechanisms, state all facts and identify all documents upon which you rely to support your contention.

14. If you contend that at any time those portions of Magnolia Avenue and Chesapeake Walk that abut the Atterbeary and Coble Properties have been open and/or used for vehicular traffic, state all facts and identify all documents upon which you rely to support your contention.



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