

ROSALYNNE ATTERBEARY, ET AL.

Plaintiff

v.

PROPERTY OWNERS ASSOCIATION
OF ARUNDEL ON THE BAY, INC.

Defendant

* IN THE
* CIRCUIT COURT
* FOR
* ANNE ARUNDEL COUNTY
*
* CASE NO.: C-02-CV-15-3736

* * * * *

ORDER

Upon consideration of the Defendant's Motion to Dismiss, any opposition thereto, and after hearing arguments and testimony on August 22, 2016, it is this 18 day of November, 2016, by the Circuit Court for Anne Arundel County, hereby

ORDERED, that the Defendant's Motion to Dismiss is **GRANTED** in part; and it is further

ORDERED, that pursuant to the holdings of *Korbrine v. Metzger*, 380 Md. 620 (2004); *Williams Realty Co. v. Robey*, 175 Md. 532 (1938); and *Singleton v. Hillsmere Shores Improvement Association Inc*, 182 Md. App. 667 (2008), this Court finds that property owners in the subdivision Arundel on the Bay and mortgagees and trustees under deeds of trust of those properties are necessary parties to this suit; and it is further

ORDERED, that the Plaintiffs shall, within sixty (60) days of the Order, name all property owners in the subdivision Arundel on the Bay as party Defendants, including mortgagees and trustees under deeds of trust of those properties; and it is further

ORDERED, that as it would impracticable to serve all joined parties under Maryland Rule 2-121, the Plaintiffs shall serve the joined parties in the following

manner: (1) the Plaintiff shall served all joined parties by Certified Mail a copy of this Order; as long as the Certified Mail is sent to the party, the party shall be considered served; (2) if applicable, post this Order in any publication created by the Home Owner's Association or on the subdivision's website; and (3) post the Amended Complaint on the Courthouse's website, and note that all previously filed documents are available to view at the courthouse; and it is further

ORDERED, that failure to comply with this Order may result in dismissal of the case; and it is further

ORDERED, that the Court does not find that Anne Arundel County is a necessary party to this suit, and as such does not join Anne Arundel County in this suit.



Judge **Cathleen M. Vitale, Judge**
Circuit Court for
Anne Arundel County

Copies To:

All Parties and Counsel