

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

Plaintiffs/Counter-  
Defendants,

v.

PROPERTY OWNERS ASSOCIATION  
OF ARUNDEL ON THE BAY, INC., *et al.*

Defendants.

\* IN THE  
\* CIRCUIT COURT  
\* FOR  
\* ANNE ARUNDEL COUNTY  
\*  
\* Case No: C-02-CV-15-003736  
\*

\* \* \* \* \*

**ANSWERS TO INTERROGATORIES**

To: Rosalynne R. Atterbeary Revocable Trust, et. al., Plaintiffs

From: Lee Earl Dickey and Netta Ann Dickey, Defendant(s)

Defendant(s), in response to the Interrogatories propounded by the Plaintiffs,  
state(s) as follows:

**Interrogatory No. 1:** Identify the person(s) answering these interrogatories. Include in  
your answer the information set forth in Definition (b) (1) and (2).

**Answer:**

Lee Earl Dickey and Netta Ann Dickey are answering this.  
Our Address is 3428 Narragansett Ave, Annapolis, MD 21403.  
Our home phone number is 410-626-0914. Our business phone number is 410-802-8856.  
Our occupation is semi retired for Lee, Netta is fully retired. Lee teaches CPR part time at AACC  
when asked. Lee works part time at the Anne Arundel courthouse as a bailiff.

**Interrogatory No. 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.

**Answer:**

We consulted with Susan Cook, an attorney who assisted in the formatting to put this in order before submitting. No new documents were used. The only document reviewed was the USE AGREEMENT.

**Interrogatory No. 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.

**Answer:**

Our Mailing address is 3428 Narragansett Ave, Annapolis,MD. The lot number is E and the block number is 20. Land Installmnt Contract, Arundel on the Bay. Lee and Netta are co-owners. It is titled 3428 Narragansette Ave PTNSHP.  
The date of acquisition and acquiring interest was May 1992.  
The lien holder and mortgage holder is J&J Industries, INC. 1220 E . Churchville Rd, Bel Air, MD. J&J's Phone number is 410-879-7709.

**Interrogatory No. 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 identify all persons with whom you reside, state the 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.

It is used as our personal (only) residence. People residing here are Lee Earl and Netta Ann Dickey. Lee is 77 and Netta (wife) is 76 years old.

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

This house is not used for leasing or rental purposes.

- 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.

This house is not used for vacation, home sharing, or rental.

**Interrogatory No. 5:** For each property identified in the previous interrogatory that you have owned for less than twenty (20) years, identify the prior owner of the property and describe any ongoing relationship you may have with the prior owner.

**Answer:**

We have lived here for more than 25 years. The mortgage holder J&J. was also the builder and we pay monthly mortgage payments to J&J.

**Interrogatory No. 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).

**Answer:**

We do not know of any person to be called as a witness at trial. We do not know of any new discoverable information.

**Interrogatory No. 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).

**Answer:**

We do not expect to be calling anybody as an expert witness at trial.

**Interrogatory No. 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 identify all persons having possession, custody or control of them (Standard General Interrogatory No.3).

**Answer:**

We have no documents.

**Interrogatory No. 9:** If you have ever served as an officer, director, committee chair or [committee] 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.

**Answer:**

We have never served as an officer, director, committee chair or committee member or in any other leadership role for the AOTB Association.

**Interrogatory No. 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.

**Answer:**

We have never talked to, written to, or met any of the Atterbearys or the Cobles.

**Interrogatory No. 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.

**Answer:**

We have no knowledge of the Atterbearys problems or the Cobles problems.

**Interrogatory No. 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.

**Answer:**

IWe did not know the Atterbearys or Cobles existed until early 2017 when we started receiving these papers from the Atterbeary and Coble lawyers telling us we were defendants in a court trial.

**Interrogatory No. 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.

**Answer:**

We do not have any documents to support YES or NO for anybody.

**Interrogatory No. 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.

**Answer:**

We have no knowledge of anything, facts, or documents the Cobles may have.

**Interrogatory No. 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.

**Answer:**

We used the north side of the Atterbeary property by the bay when the Whit Bread racing was going on. We watched the vessels come up the bay and a few days later we watched the race restart down the bay towards Norfolk. This was in the 1990s we believe. The purpose was to stand and watch. The owners at that time invited residents onto the grass area to watch the boats.

**Interrogatory No. 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.

**Answer:**

We do not know if any other people used the Disputed Road for anything or when. We did not know any of the people there during the Chessie visit.

**Interrogatory No. 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 on December 1, 2015 and, if so, describe the frequency, nature, purpose, or other changes in use that occurred after December 1, 2015.

**Answer:**

We have no knowledge whether anyone has used the Disputed Roads or not since December 1, 2015.

**Interrogatory No. 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.

**Answer:**

We have no knowledge of facts or documents to confirm or deny any use of the Disputed Roads.

**Interrogatory No. 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.

**Answer:**

We have no facts or documents to confirm or deny.

**Interrogatory No. 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.

**Answer:**

We have no facts or documents to confirm or deny any care done or maintenance done by anyone.

**Interrogatory No. 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.

**Answer:**

We were shown a Use Agreement when we bought the house in 1992. It said that owners and guests could use all the roads to walk to the bay or river, and that owners and guests could walk along by the bay on what was called Cheaspeake Walk, a grassy area from the northern part of Arundel on the Bay to the southern part ending at the water where the land ran out.

**Interrogatory No. 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.

**Answer:**

We do not know of the general public other than guests of residents being allowed. We have no documents to confirm or deny.

**Interrogatory No. 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.

**Answer:**

The Use Agreement document covers the right of the Association to manage the use and maintenance of the Disputed roads and the Chesapeake Walk.

**Interrogatory No. 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.

**Answer:**

We do not have knowledge or documents to agree or disagree.

**Interrogatory No. 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.

**Answer:**

We have no documents, pictures, drawing, or other image of the property. There is no Exhibit 1 with this document. We have no information of people making any recordings or when such may have been made or who if they were made would have custody.

**Interrogatory No. 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.

**Answer:**

We have no new documents. The Use Agreement would be our reference. We do not know what knowledge, claims or defenses other people may have.

I SOLEMNLY AFFIRM under penalty of perjury that these interrogatory answers are true to the best of my knowledge, information and belief.

Date: 06/28/2017

Lee Earl Dickey  
NAME  
Netta Ann Dickey