

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

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ANSWERS TO INTERROGATORIES

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

From: _____Marian L. Kratage_____, 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: Marian L. Kratage, 3452 Rockway Avenue, Annapolis, MD 21403

Home Phone: 410-295-9332

Cell Phone: 310-518-1564

I am retired.

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: I discussed the deadline for the interrogatories with Donna Watts-Lamont who resides at 3510 Cohasset Avenue, Annapolis, MD 21403. Phone is 410-268-4130. I did not seek advice or receive advice.

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: I own the property at 3452 Rockway Avenue, Annapolis, MD 21403. Lots G and F, Block 60 in Arundel on the Bay. There are no co-owners. I do not remember how it is titled. Date of acquisition is 7/30/2001. The date I acquired my interest in 7/30/2001. There is no current lien, deed of trust, or mortgage.

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.

Answer: The property is used for my personal residential purposes. My husband, William Semenuk, resides with me on the property. The property is my primary personal residence.

- 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.
- 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.

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: The prior owners were David and Heather Strang. I do not know their current address or phone. I have no ongoing relationship with the Strangs.

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: I assume the Property Owners Association of Arundel on the Bay, Inc., is such a person, but I do not fully understand the question so I am not sure.

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: I do not expect to call any expert witnesses 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: My reference is the "Rules and Regulations" document for Arundel on the Bay (the version in effect on July 30, 2001).

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: I have never served as an officer, director, committee chair or member, or in any other leadership role for the 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: I have never had such communication.

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: I have no such knowledge.

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: I have no such knowledge.

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: At the time I purchased the property I thought the AOTB community owned the Disputed Roads. I reached that conclusion after reading in the “Rules and Regulations” document for AOTB (approved with revisions on September 27, 1997) which states in Section I on Community Property/Recreational Areas:

- “1. Only property owners, residents and identified guests shall have access and use of community property and recreational areas.
2. These areas are defined as the beach, boat ramp, pier, playgrounds, and unimproved roads commonly referred to as paper roads or walks.”

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: I have no response.

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: Since 2002 I have used the Disputed Roads at least an average of ten times per year. When the weather has been pleasant, I have walked from the paved road of Magnolia Avenue onto the grass-covered Disputed Roads as I strolled through the AOTB community; I have paused at several of the street ends, including Magnolia Avenue, to view the water.

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: I have no response.

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: My use of the Disputed Roads continued after December 1, 2015 in the same manner as before 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: I have no response.

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: I have no response.

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: I have no response.

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: I contend that I have a right as a property owner in Arundel on the Bay to use the Disputed Roads because the “Rules and Regulations” document for AOTB (approved with revisions on September 27, 1997), a companion document of the The Property Owners Association of Arundel on the Bay, Inc. Constitution and Bylaws (ratified on September 27, 1997), states in Section I on Community Property/Recreational Areas:

“1. Only property owners, residents and identified guests shall have access and use of community property and recreational areas.

2. These areas are defined as the beach, boat ramp, pier, playgrounds, and unimproved roads commonly referred to as paper roads or walks.”

I received the two documents in 2001 when I was considering purchasing the AOTB property; I purchased the property on July 30, 2001 and still own it.

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: I have no response.

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: I have no response.

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: I have knowledge of the Sherry Bellamy, et al. vs. Property Owners Association of Arundel on the Bay, Inc. case from reports provided by the AOTB officers and board members as that legal action was underway and after it was concluded. I cannot recall anything specific about the Amended Opinion and Order issued on January 8, 2008.

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: I have no response.

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: I have no response.

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

Date: June 19, 2017

Marian L. Kratage
SIGN YOUR NAME HERE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the _19th_ day of June, 2017, a copy of the foregoing document was served by hand delivery upon the following:

Eileen E. Powers, Esq.
Barbara J. Palmer, Esq.
Blumenthal, Delavan, Powers & Palmer, P.A.
888 Bestgate Rd, Ste 413
Annapolis MD 21401

Marian L. Kratage
SIGN YOUR NAME HERE