

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: J. David Lashar and Margaret C. Lashar, 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:
J. David Lashar
3414 Rockway Avenue, Annapolis, Maryland 21403
410-267-6147
Administrator, State of Maryland, 410-271-7284
Margaret C. Lashar
3414 Rockway Avenue, Annapolis, Maryland 21403
410-267-6147
Administrator, State of Maryland, 410-260-8427

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 have followed Arundel on the Bay newsletters, and we attended a General Membership Meeting of the Property Owners Association of Arundel on the Bay on January 28, 2017 where the lawsuit was discussed, and reviewed documents posted on the Arundel on the Bay website <http://arundelonthebay.org/documents.html> regarding this lawsuit. We have also read the past Bellamy decision.

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:

Owners: J. David Lashar & Margaret C. Lashar, tenants by the entirety
Property: 3414 Rockway Avenue, Annapolis, Maryland 21403
Lot E, Block 57, as shown on the "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
Date acquired: July 28, 2006
Mortgage: Xerox Federal Credit Union

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.

The property is the primary personal residence of the owners and minor child:
J. David Lashar, 53, Co-Owner
Margaret C. Lashar, 48, Co-Owner
Sarah Lashar, 9, minor child

- 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.

N/A

- 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.

N/A

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 property was acquired from Christopher Chiappone and Natalie Chiappone. We have no ongoing relationships with the prior owners.

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:

N/A

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:

N/A

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:

N/A

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:

N/A

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:

N/A

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:

N/A

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:

N/A

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:

Real Property records and Arundel on the Bay responses to this lawsuit, in particular, the information contained in the document "DEFENDANT/COUNTER-PLAINTIFF'S OPPOSITION TO PLAINTIFFS' MOTION TO DISMISS, OR IN THE ALTERNATIVE, MOTION FOR SUMMARY JUDGMENT, AND REQUEST FOR HEARING" and associated "AOTB EXHIBIT EXTRACT", which may be found on <http://arundelonthebay.org/documents.html>.

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:

Our personal experience since moving to Arundel on the Bay in July 2006 is that we have regularly accessed and enjoyed the properties in question as part of our walks around the Arundel on the Bay neighborhood. In summertime, access and use has been 2-3 times per month for ten years. We have never been questioned re our right to access and enjoyment.

We have reviewed:

Real Property records and Arundel on the Bay responses to this lawsuit, in particular, the information contained in the document "DEFENDANT/COUNTER-PLAINTIFF'S OPPOSITION TO PLAINTIFFS' MOTION TO DISMISS, OR IN THE ALTERNATIVE, MOTION FOR SUMMARY JUDGMENT, AND REQUEST FOR HEARING" and associated "AOTB EXHIBIT EXTRACT", which may be found on <http://arundelonthebay.org/documents.html>.

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:

Per the previous answer, we have accessed these properties or roads consistently and without objection since July 2006 for:

Walking (probably monthly on average with higher frequency during summertime).

Walking access to water (probably monthly on average with higher frequency during summertime).

Walking to view fireworks (twice annually for July 4 and New Year's).

Walking to view lunar / solar events (roughly once or twice per year).

Walking to view Blue Angels (annually during Navy Academy commencement week).

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:

Since July 2006, we have observed numerous neighbors on regular basis using the properties or roads for walking and access to water. Observations have been as we drove past the properties in addition to when accessing and enjoying the properties ourselves. During fireworks (July 4 and New Year's), we have typically been joined by other families.

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:

Our access and usage has not changed since Dec. 1, 2015. We have continued to enjoy the properties / roads as described above in other answers.

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:

Our observation is the common-sense and self-evident observation that the properties and roads have been restricted for the protection and privacy of residents and visitors to Arundel on the Bay, notably and foremost including the protection and privacy of the Atterbearys and Cobles.

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:

The Arundel on the Bay documents, which may be found on <http://arundelonthebay.org/documents.html>.

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:

The Property Owners Association of Arundel on the Bay has maintained and improved portions of the Disputed Road at issue, as well as other platted streets in Arundel on the Bay as needed over the years. The information contained in the document "DEFENDANT/COUNTER-PLAINTIFF'S OPPOSITION TO PLAINTIFFS' MOTION TO DISMISS, OR IN THE ALTERNATIVE, MOTION FOR SUMMARY JUDGMENT, AND REQUEST FOR HEARING" and associated "AOTB EXHIBIT EXTRACT", which may be found on <http://arundelonthebay.org/documents.html>, provides additional references.

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 maintain our right to access and enjoy the properties or roads as members of Arundel on the Bay Property Owners Association. For over 11 years, since moving to Arundel on the Bay, we openly and notoriously accessed the properties without objection from the Atterbearys or Cobles, and with no signage or information posted to the contrary.

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:

Please see our answer to Interrogatory No. 21.

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:

Real Property records and Arundel on the Bay responses to this lawsuit, in particular, the information contained in the document “DEFENDANT/COUNTER-PLAINTIFF’S OPPOSITION TO PLAINTIFFS’ MOTION TO DISMISS, OR IN THE ALTERNATIVE, MOTION FOR SUMMARY JUDGMENT, AND REQUEST FOR HEARING” and associated “AOTB EXHIBIT EXTRACT”, which may be found on <http://arundelonthebay.org/documents.html>.

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 were made aware of the existence of the Bellamy case by its posting on the Arundel on the Bay Property Owners Association website. We are not attorneys and undertook no analysis.

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 do possess photographs taken by ourselves on these properties with our cell phones and digital cameras, if they are of interest. We took these photos while enjoying access without any objection from the Atterbearys or Cobles.

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 cite the case and documents presented by Arundel on the Bay and its counsel, which may be found on <http://arundelonthebay.org/documents.html>.

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

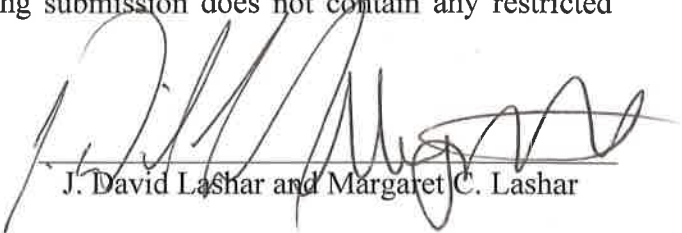
Date: 5.23.17



J. David Lashar and Margaret C. Lashar

RULE 20-201(F) (1) CERTIFICATE

I HEREBY CERTIFY that the foregoing submission does not contain any restricted information.

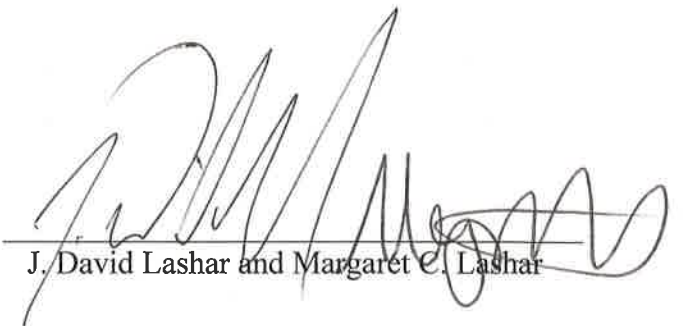


J. David Lashar and Margaret C. Lashar

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 23rd day of May, 2017, a copy of the foregoing document was served by first class mail, postage prepaid, upon the following:

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



J. David Lashar and Margaret C. Lashar