

*Linda A. Senez, CPCU
341 Worton Rd.
Baltimore, Maryland 21221
410-409-5154 Cell Phone*

August 10th, 2014

The Honorable Judge Susan Souder
Circuit Court for Baltimore County
County courts Building
401 Bosley Avenue, Room 504
Towson, Maryland 21204

RE: Collins, et al v. Senez
Case No. 03-C-04-010227 OC

Dear Judge Souder,

I respectfully request a new trial. The entire lawsuit filed against me by the Collinses was fraudulent; it was vexatious litigation designed to have me take down my boat house so the Collinses could have a better view across my property.

Attached are twelve signed affidavits from people who have knowledge of the properties and the property walls. The affidavits support Mr. Myers's position that he believed he owned the property up to the wall including the boat ramp and that he was selling the property along with the entire boat ramp. Mr. Myers spoke to Bruce Covahey, Esq., now Judge Judy Ensor, Rusty Bergen, Esq., and Mr. Carney, Esq. Mr. Myers never changed his story from the initial contact by counsel all the way through his deposition.

The affidavits clearly indicate that the Cookses and Rodgerses discovered the walls weren't on the property lines in 1975 when the Rodgerses had a property survey done. All the parties involved agreed to let the walls be the property lines. This was 25 years prior to my purchasing the property.

The Affidavits:

Sharon Danielczyk, daughter of George and Madeline Cook.
Iris P. Wallis, daughter of George and Madeline Cook.
George Cook, III, son of George and Madeline Cook.
Dennis Danielczyk, Sr., Son-In-Law of George and Madeline Cook.
Dennis Danielczyk, Jr., grandson of George and Madeline Cook.
John M. Rodgers, his family owned 337 Worton Rd., located on the other side of the Cooks.

Dennis Duke, lives at 327 Worton Rd.
Joseph J. Michaels, lives at 403 Worton Rd.
Ronald L. Jacoby, lives at 405 Worton Rd.
James T. Peters, lives at 406 Worton Rd.
Beverly Kidd, lives at 407 Worton Rd.
Sharon E. Gebhardt, lives at 346 Sassafras Rd.

I asked Mr. Myers if I could put the fence up before we went to settlement. I had the fence put up while Mr. Myers still owned the property. The affidavits and confirmation of the fence support that Mr. Myers believed the property to the wall was his property. There was no reason for me to believe anything different. The physical characteristics of the property alone seemed to support the fact that the property up to the wall was owned by Mr. Myers.

I met all the elements of adverse possession according to the Court of Special Appeals. The only issue was the "question" Ann Collins said I asked: "can my fence follow the wall instead of the property line?" I never asked that question, it's a ridiculous question. I believed, just as Mr. Myers, my predecessor, did that I owned the property. The Collins's 1st Court Of Special Appeals brief dated 12/21/07 contradicts their testimony about a co-owned boat ramp.

Besides the fact that I believed my property went to the wall, this would have been the dumbest question I could have asked. That question wasn't in Collins's Complaint, Collins's Answer to the Counterclaim, Collinses Interrogatories or Mr. Myers's deposition.

- 1- It would give Collinses full access to my entire yard and boat ramp once they crossed the fence line to access their property. I didn't even know the Collinses at the time.
- 2- I've had Labrador Retrievers for the last 30 years. I had two Labrador Retrievers at the time I purchased 341 Worton Rd. I couldn't have the Collinses, their family, friends, grandchildren and pets coming in my yard, wandering around whenever they felt like it.
- 3- Their free access would be a huge liability issue. If I had known about the property line it would have been a deal breaker on buying the house and I'm sure for others as well.
- 4- If Collinses came back and said "no," I would have to take the fence down, after I just paid to have it put up.

In Addition:

- 5- The Collinses never said anything to Mr. Myers about the fence being on their property. They were all there for about four months and both stated they were friendly.
- 6- Mr. Myers never said anything to me about where the fence was placed and he was still living there. He recommended the contractor who installed the fence. No one said anything to the contractor.
- 7- Mr. Covahey and Ms. Judy Ensor, now Judge Ensor, never knew about the "question." It's not in any documentation.
- 8- Mr. Carney never told me about the supposed question and what it would mean to my case.

- 9- Why did the Collinses make up so many other accusations if they knew the property line and I asked permission? Why didn't they say it earlier? The Collinses remembered every other supposed "fact" but not to tell their attorneys I asked permission?
- 10- Collinses filed suit 9/28/04. Trial court 12/08/06 was the first time I heard the Collinses say that I asked that question. That's 21 months after they filed suit. This question was something the Collins came up with as they learned more about Adverse Possession.

Drainage: The Collinses accused me of directing massive amounts of water from my property onto their property causing damage to their property and bulkhead. The sump pump drain they so adamantly protested runs to the my property line wall which is 12 inches inside my property line according to our surveys. Nothing has changed on my property since 2004. November 2013 the Collinses repaired the area where the wall fell by slopping their side up to the height o my property, approximately 30 inches or more. This would allow all the fictitious drainage to flow onto their property. The Collinses aren't worried about the drainage now, because there never was a drainage problem! Pictures attached.

The damage to Collinses bulkhead was primarily on the far side from my property. I believe the Collinses made those accusations in an effort to have me pay for their failing bulkhead. The Collinses have never taken any measures to protect their bulkhead from the winter ice. Baltimore County's files will show that the continuous complaints to inspection and zoning were nothing more than harassment by Neil Lanzi, one of Collinses attorneys. Baltimore County stated they would testify on my behalf at the trial. But, instead, I was subjected to approximately 40 questions on drainage during the trial by Mr. Carney – done to suggest that I did something wrong.

Permits: I followed all of Baltimore County's guidelines at the time. The Collinses knew about Baltimore County's fast track for permits after Hurricane Isabel. All of my permits and the zoning variance were filed before the Collinses filed their lawsuit. There were no citations or violations. The County didn't have a problem with the construction of the wall, so why did the Collinses continuously complain to the County? It was to harass me to take down the boathouse!

Baltimore County testified on my behalf at the zoning variance hearing. Even after I won the variance on a motion to reconsider the Collins continued to protest the variance. Baltimore County was willing to testify on my behalf at the civil trial but instead Mr. Carney chose to subject me to approximately 43 questions on permits and zoning during the trial, again with implication of wrong doing on my part.

Ladder ramp: The Collinses built a ramp in 2001. They used the ladder ramp the whole time; it was there until June 2014. In court the Collinses said they built the ladder ramp after I obtained the peace order on 6/25/04. A picture of the ladder ramp is enclosed. That picture was taken on 9/20/03 right after Hurricane Isabel. The old creosote railroad tie wall was torn down

12/20/03. I have a 2002 GIS aerial map which shows the ladder ramp. If the Collinses thought they had access to my boat ramp they wouldn't have needed a ramp and they certainly wouldn't have to lie about when they built it!

Lights: The Collinses accused me of "light pollution." Steve Collins finally admitted on page 44 of the trial transcript that there was only one light on the north side of my house, the Collins side. It's a 100 watt max bulb dusk to dawn and is 87 feet from the closest corner of the Collins house. The Collinses stated in court that I didn't have any lights on the other side of my house. Enclosed is a picture that was taken April 2001. There are two lights, a flood light and a coach light. The same lights are still there to this day.

My property was never lit up like, "looking into the sunshine in the middle of the night," and I don't need lights to, "find my way home" as the Collinses stated in court.

Measurements: Every measurement or height the Collinses gave in court was wrong; all in support of their fabricated story of a co-owned boat ramp. The narrowest point down to the boat ramp is between my chimney and the concrete slab the Collinses shed sits on. The retaining terrace wall on my property isn't any higher than the ground level was prior to the construction. The jog in the property line wall was only 19 inches and 10 of those inches are on my property; not 3 feet as the Collinses stated.

Trespass: The Collinses side of the boat ramp is so narrow it would be more likely that they would be trespassing on my property. It's only 18 inches at my bulkhead. However, the Collins sued me for trespass. If the property was co-owned, as they allegedly believed, how was I trespassing?

Survey: The Collinses said their location survey in 2000 had the corners marked. This "survey" was never introduced in court. Collins boundary survey was done on 6/25/04. In court the Collinses said they knew the property in the front was theirs in 2000 however they didn't know they were on my property in the back until Mr. Myers deposition on 10/25/06. This is also contradictory to a letter Neil Lanzi sent to my counsel, dated 4/5/05. I was on the Collinses property by 291 sq. ft. and the Collinses were on my property in the back by 347 sq. ft. The Collinses didn't file for adverse possession in the back until the day before trial, 12/8/06. Copies of their location surveys are on my website.

Collins timeline was off.

- Collins prior address was, 1402 Malvern Ave. Towson, Md. 21204. Collins didn't sell that property until almost a year later July, 2001.
- I wrote the Collins insurance on 11/7/02 to 11/7/05.
- The creosote railroad tie wall was replaced 12/20/03
- We were friends until 4/28/04.
- The Collinses never said in court why all of a sudden after four years, I stopped them from using my boat ramp. I could have saved myself a lot of money and aggravation by letting the Collinses use the boat ramp like they said they always did!
- The Collinses exhibits don't even support their position. An outline is on the website.

- The jog in the property line wall had nothing to do with a co-owned boat ramp. The property line wall was there when Mr. Myers bought the property. Mr. Myers put the terrace retaining wall in afterwards. So it was of no consequence and Collins story was impossible.
- The Collinses became aware of the property lines from an aerial photo in the Department of Environment Protection Resource Management files in April or May of 2004.

Cameras: The Collinses concerns over the cameras were grossly exaggerated. The Vector cameras were installed after my property was vandalized. I work 50 – 60 hours a week and I was renovating my house. From 2002 to 2010 I took care of my sick father who had asbestosis. It's ridiculous to think I would want to spend any spare time watching the Collinses on the cameras.

Spite fence: There was no "spite fence" as the Collinses said. See the trial exhibits. The fence extensions were only put in areas where Collins property was higher, to keep our dogs apart. The Collinses thought it was funny to have their dog run to the fence and bark, stirring up my dogs. And, contradictory to the Collinses testimony, I have two places in my yard where the extensions are on the fence. The extensions were put there by my father in an effort to minimize tension.

Caution tape: The caution tape was put on the fence right after the wall fell and before I was having a party so no one would lean on the fence and get hurt; not to harass the Collinses.

Wires cut: My brother's boat wasn't towed in because it was swamped, everyone was still onboard. The boat wasn't totaled after the wires were cut. In fact he didn't even put in an insurance claim. This can all be verified.

Old house picture: The Collinses said that the court exhibit picture of my old house was taken prior to the Collinses purchasing their house in August 2000 because there were no plants along the wall. I took that picture the end of January 2001.

I believe the whole purpose of Calvin Jenkins, Esq., taking my trial testimony instead of Rob Thompson was to put me in a negative light; to give the impression I was difficult. The Collinses were the ones misbehaving as evidenced by their lies and testimony remarks.

The Collinses lied and made up a story that the boat ramp was a cooperative effort for a co-owned boat ramp. Their statements directly contradicted Mr. Myers deposition and our surveys which were entered in entirety as exhibits. In view of that I certainly think they could make up a story that I asked if my fence could follow the wall instead of the property line. Things aren't always as they appear.

Judge Souder, in the remanded hearing you stated you wrote the opinion before you heard oral argument. You didn't however seem to know that I had the fence put up before I settled on the property. Trial Transcript page 18 & 36 Ann Collins states the fence was there before I moved in. Steve Collins page 65 & 66 – states the fence was up before she settled. Trial transcript page 99, 100 & 148 – I stated that I had the fence built before I settled on the property. The

Honorable Judge Susan Souder

August 10th, 2014

Page 6

Court of Special Appeals Opinion said it on page 12. And Mr. Covahey had it on page 2 of the remanded hearing brief.

I asked Mr. Myers if I could put up the fence so that when I settled and started moving in I wouldn't have to worry about my dogs. The contractor started in the front because Mr. Myers had a Winnebago and he wanted to make sure that he would be able to get in and out of the driveway when the time came.


You also didn't seem to know that Mr. Myers never actually says he showed me a survey. You and Rob Thompson were insistent that I saw a survey. The Court of Special appeals opinion noted on page 17, that it's not conclusive that he showed me a survey. Remanded Hearing transcript rebuttal is on the website. I never saw a survey! The property wasn't on the market when I had the realtor approach Mr. Myers. HSA, the realty company doesn't have and never had a copy of the survey!

How can you make a ruling if you don't know the facts? You ruled on the remanded hearing from the bench without filing an order, only a docket entry. This has dragged on for 10 years. It has cost me a lot emotionally, financially in addition to a tremendous amount of time to defend bogus and fraudulent accusations. Mr. Myers's deposition and the affidavits are pretty clear; Collinses story of a co-owned boat ramp and claims to the property on my side of the wall are all lies!

Even criminals get a second chance. Attorneys fail to provide the expected representation, which is what Mr. Carney did in my case. I have a Sixth Amendment right and this is a gross miscarriage of justice! I'm entitled to a fair trial and not one based on lies by the Collinses.

This case is fraudulent and the Court of Special Appeals, Reported Opinion, Senez v. Collins, 182 Md. App. 300 (2008) Senez v. Collins, 957 A.2d 1057, needs to be removed from the law library. This case is all a farce perpetrated by the Collinses for their own selfish gains. Sadly, the farce has been endorsed by the courts. The Collinses committed perjury and perjury is a crime whether it's a criminal suit or a civil suit!

Sincerely,



Linda A. Senez

www.senezvscollinsrebuttal.com

- Encl: 1- 12 Affidavits
2- Copy of a letter from now Judge Judy Ensor to mediator Betty Stemley 6/2/05
3- Picture of house & wall, Collins plants along wall 5/15/04, current slope.
4- Picture of lights on the other side of my house January 2001.

- 5- Picture of house January 2001.
- 6- Picture of the ladder ramp from 9/20/03.

Note: I have the negatives from the film pictures and I have the disks from the digital cameras to document the authenticity of all of my pictures.

CC: Honorable Judge Kathleen Gallogly Cox, Circuit Court for Baltimore County
CC: Honorable Judge H. Patrick Stringer, Jr. Circuit Court for Baltimore County
CC: Honorable Judge John F. Fader, II Circuit Court for Baltimore County
CC: Honorable Judge Judy Ensor, Circuit Court for Baltimore County
CC: Honorable Judge Peter B. Krauser, Courts of Special Appeals
CC: Honorable Patrick L. Woodward, Court of Special Appeals
CC: Honorable Mary Ellen Barbera, Chief Judge Court of Appeals
CC. Mrs. Kelly Lippincott, Carr Maloney P.C.
CC. Mr. Thomas F. McDonough Esquire, Royston, Mueller, McLean & Reid, LLP
CC: Mr. Bradford Carney, Esquire, Royston, Mueller, McLean & Reid, LLP
CC: Mr. Rusty Bergen, Esquire
CC. Mr. J. Calvin Jenkins, Esquire
CC: Mr. Robert Thompson, Esquire
CC: Mr. Neil Lanzl, Esquire
CC: Mr. Brice Dowell, Esquire
CC: Mr. Bruce Edward Covahey, Esquire, Covahey & Boozer
CC: Mr. John B. Gontrum Esquire, Whiteford, Taylor & Preston, LLP
CC: Mr. & Mrs. Collins

AFFIDAVIT OF SHARON C. DANIELCZYK

I hereby certify under penalty of perjury that I am over the age of eighteen, I am competent to testify, I have personal knowledge of the facts set forth herein and that they are true.

My name is SHARON C. DANIELCZYK and I reside at 7338 A, Manchester Rd. Dundalk, Md., 21222. My parents, George and Madeline Cook, bought 339 Worton Road in 1973. I recall that there were concrete block walls which separated 339 and 341 Worton Rd and the 337 and 339 Worton Rd. properties, which my family built around 1975. There was a boat ramp located on 341 Worton Road at the time.

I recall that the owners of 337 Worton Road, John Rodgers and his wife, had their property surveyed around the time my parents were putting up the block wall between the two properties. The wall between 339 and 341 ran down to our bulkhead. All parties discovered at that time the walls weren't on the actual property lines. All parties and properties involved agreed to let the walls continue as the property lines and that nothing further was to be done. My family never considered the properties on the other side of the walls as being owned or co-owned including the boat ramp.


Sharon C. Danielczyk


Date

AFFIDAVIT OF IRIS P. WALLIS

I hereby certify under penalty of perjury that I am over the age of eighteen, I am competent to testify, I have personal knowledge of the facts set forth herein and that they are true.

My name is IRIS P. WALLIS and I reside at 255 S. Ocean Dr. Ocean City, MD., 21842. My parents bought 339 Worton Road in 1973. I recall that there were concrete block walls which separated 339 and 341 Worton Road and the 337 and 339 Worton Rd properties, which my father built around 1975. There was a boat ramp located on 341 Worton Road at that time.

The parties discovered right around the time the wall was built that the walls weren't on the actual property lines. All parties involved agreed to let the walls continue as the property lines and that nothing further was to be done.

Witness

Iris P. Wallis
Iris P. Wallis

Date

5/19/14
Date

AFFIDAVIT OF GEORGE W. COOK, III

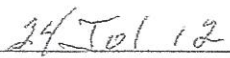
I hereby certify under penalty of perjury that I am over the age of eighteen, I am competent to testify, I have personal knowledge of the facts set forth herein and that they are true.

My name is George W. Cook, III and I reside at 8905 Hawbottom Road, Middletown, MD 21769. My parents bought 339 Worton Road in 1973. I recall that there was a concrete block wall which separated the 339 and 341 Worton Road Baltimore, MD properties in 1973. There was a boat ramp located on 341 Worton Road in 1973.

I also recall that the owners of 337 Worton Road had their property surveyed once my parents started to put up a block wall between the two properties. At that point in time 1975-77 the owners (Rodgers) of 337 Worton Road realized that the property line between 339 and 337 was closer to the front door (at that time) then was realized. Which meant that the property line between 339 and 341 was off and the owners of 341's line was about 4 feet over at one point (lower half of lot towards water) on 339's property. At this time all parties agreed that nothing was to be done in reference to the actual property lines.



George W. Cook, III




Date

AFFIDAVIT OF DENNIS J. DANIELCZYK, SR.

I hereby certify under penalty of perjury that I am over the age of eighteen. I am competent to testify, I have personal knowledge of the facts set forth herein and that they are true.

My name is DENNIS J. DANIELCZYK, SR and I reside at 7338 A, Manchester Rd. Dundalk, Md., 21222. My In-Laws, George and Madeline Cook, bought 339 Worton Road in 1973. I recall that there were concrete block walls which separated 339 and 341 Worton Rd and the 337 and 339 Worton Rd. properties, which they built around 1975. There was a boat ramp located on 341 Worton Road at the time.

I recall that the owners of 337 Worton Road, John Rodgers and his wife, had their property surveyed around the time my In-Laws, George Cook and his wife Madeline were putting up the block wall between the two properties. The wall between 339 and 341 ran down to the bulkhead. All parties at that time discovered the walls weren't on the actual property lines. All parties and properties involved agreed to let the walls continue as the property lines and that nothing further was to be done. To my knowledge the Cook family never considered the properties on the other side of the walls as being owned or co-owned including the boat ramp. We did occasionally launch boats from the boat ramp with permission from the owners of the 341 property.


Dennis J. Danielczyk, Sr.

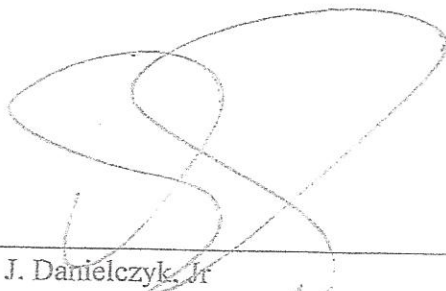

Date

AFFIDAVIT OF DENNIS J. DANIELCZYK, JR.

I hereby certify under penalty of perjury that I am over the age of eighteen. I am competent to testify, I have personal knowledge of the facts set forth herein and that they are true.

My name is DENNIS J. DANIELCZYK, JR and I reside at 1600 Shore Rd. Middle River, Md., 21220. My grandparents, George and Madeline Cook owned 339 Worton Road in 1973. I recall there were concrete block walls which separated 339 and 341 Worton Rd and the 337 and 339 Worton Rd. properties, which my grandparents built around 1975. There was a boat ramp located on 341 Worton Road at the time.

The wall between 339 and 341 ran down to the bulkhead. To my knowledge my Grandparents or parents never considered the properties on the other side of the walls as being owned or co-owned including the boat ramp. We occasionally launched boats from the boat ramp with permission from the owners of the 341 property.



Dennis J. Danielczyk, Jr

8/5/19

Date

Affidavit of John M. Rodgers

I certify under penalty of perjury that I am over the age of eighteen, I am competent to testify. I have personal knowledge of the facts set forth herein, and that they are true.

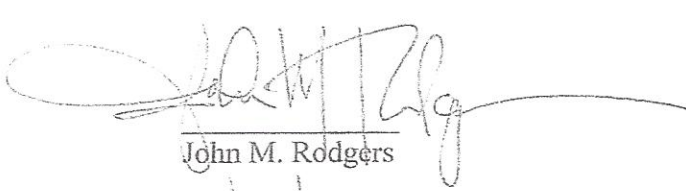
I am John M. Rodgers and I reside at 125 Evans Street, Rockville, Maryland 20850. My parents (John A. and Bertha F. Rodgers) purchased 337 Worton Road, Essex Maryland 21221 (The Property) in 1971. I became the owner of The Property through inheritance upon the death of my father in 1992. I sold the Property to Roy and Susan Williams in 2007.

I have no memory of a discussion with either of my parents during the time of their occupancy (1971 to 1992) concerning the property line between The Property and 339 Worton Road, an adjacent property. Further, I have no memory of a discussion during the period of my ownership of the Property (1992 to 2007) with either George Cook or Steven and Ann Collins (sequential owners respectively of 339 Worton Road) concerning the property line between The Property and 339 Worton Road.

During the period of our occupancy of 337 Worton Road, my parents and I maintained The Property to the wall separating The Property and 339 Worton Road.

I possess four documents (labeled surveys or plats) that provide detailed information on the location and boundaries of The Property and its relation to neighboring properties. These documents are listed below:

1. Worton Road, Plat of Middleborough, Key Sheet I SE, position Sheet 3 & 4, Sheet 6 of 9, J.O. 1-2-202, 63-817 File A-10, Baltimore County, Department of Public Works, Bureau of Engineering, dated 6-2-1964. microfilmed, copy dated February 17, 1977
2. Property Survey, Lot 137 – Middleborough, Worton Road No. 337, Baltimore County, Maryland, Prepared May 30, 1975, Edward V Coonan and Company, Civil Engineers and Surveyors, 1209 E. 36th Street, Baltimore, Maryland
3. Plat to Accompany Petition for Zoning, 337 Worton Road, Middleborough, Plat book 4, folio 191, lot number 137, Prepared January 9, 2006 by Buck Jones. Freestate General Contractors, 500 Vogts Lane, Baltimore, Maryland
4. Location Survey, 337 Worton Road, Lot 137 Middleborough, Baltimore County, Maryland, prepared September 2, 2006, Central Drafting and Design, Inc., 601 Charwood Court, Edgewood, Maryland


John M. Rodgers

5/10/2014

Date

AFFIDAVIT OF DENNIS H. DUKE

I hereby certify under penalty of perjury that I am over the age of eighteen, I am competent to testify, I have personal knowledge of the facts set forth herein and that they are true.

My name is Dennis H. Duke and I reside at 327 Worton Road, Essex, MD 21221. I recall that there was a concrete block wall which existed in the late 1960's to early 1970's which separated the 339 and 341 Worton Road Essex, MD properties.

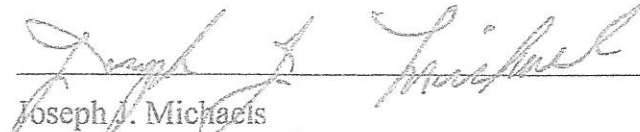
Dennis H. Duke
Dennis H. Duke

5-8-14
Date

AFFIDAVIT OF JOSEPH J. MICHAELS

I hereby certify under penalty of perjury that I am over the age of eighteen, I am competent to testify, I have personal knowledge of the facts set forth herein and that they are true.

My name is Joseph J. Michaels and I reside at 403 Worton Road, Essex, MD 21221. I recall that there was a concrete block wall which existed in the late 1960's which separated the 339 and 341 Worton Road Essex, MD properties. I also recall that there was a boat ramp located on 341 Worton Road in the late 1960's.



Joseph J. Michaels

5/10/14

Date

AFFIDAVIT OF RONALD L. JACOBY

I hereby certify under penalty of perjury that I am over the age of eighteen, I am competent to testify, I have personal knowledge of the facts set forth herein and that they are true.

My name is Ronald L. Jacoby and I reside at 405 Worton Road, Essex, MD 21221.

I recall that there was a concrete block wall which existed in the late 1960's which separated the 339 and 341 Worton Road Essex, MD properties.



Ronald L. Jacoby



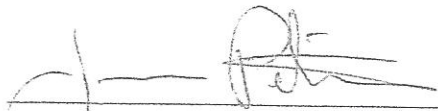
Date

AFFIDAVIT OF JAMES T. PETERS

I hereby certify under penalty of perjury that I am over the age of eighteen, I am competent to testify, I have personal knowledge of the facts set forth herein and that they are true.

My name is James T. Peters and I reside at 406 Worton Road, Essex, MD 21221.

I recall that there was a concrete block wall which separated the 339 and 341 Worton Road Baltimore, MD properties in the 60's. I also recall that there was a boat ramp located on 341 Worton Road in 1960's.



James T. Peters
05/08/2014

Date

AFFIDAVIT OF BEVERLY KIDD

I hereby certify under penalty of perjury that I am over the age of eighteen. I am competent to testify, I have personal knowledge of the facts set forth herein and that they are true.


My name is Beverly Kidd and I reside at 407 Worton Road, Essex, MD 21221. I recall that there was a concrete block wall which existed in the late 1960's which separated the 339 and 341 Worton Road Essex, MD properties.

Beverly M. Kidd
Beverly Kidd
5-9-94
Date

AFFIDAVIT OF SHARON E. GEBHARDT

I hereby certify under penalty of perjury that I am over the age of eighteen, I am competent to testify, I have personal knowledge of the facts set forth herein and that they are true.

My name is Sharon E. Gebhardt and I reside at 346 Sassafras Road, Essex, MD 21221. I recall that there was a concrete block wall which existed in the early 1970's which separated the 339 and 341 Worton Road Essex, MD properties.



Sharon E. Gebhardt
5/9/14

Date

WHITEFORD, TAYLOR & PRESTON L.L.P.

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-9700
FAX 410 752-7092

20 COLUMBIA CORPORATE CENTER
10420 LITTLE PATUXENT PARKWAY
COLUMBIA, MARYLAND 21044-3528
TELEPHONE 410 884-0700
FAX 410 884-0719

JUDITH C. BNSOR
DIRECT NUMBER
410 832-2078
jensor@wtplaw.com

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515

410 832-2000
FAX 410 832-2015
www.wtplaw.com

1025 CONNECTICUT AVENUE, NW
WASHINGTON, D.C. 20036-5405
TELEPHONE 202 659-6800
FAX 202 331-0573

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

June 2, 2005

Ms. Betty A. Stemley
27 Overbrook Road
Catonsville, Maryland 21228

Re: Collins, et al. v. Senez
Circuit Court for Baltimore County
Case No. 03-C-04-010227 OC

Dear Ms. Stemley:

I represent Linda Ann Senez in defense of the above-referenced matter, which arises out of a dispute between adjoining neighbors. Please allow the following to serve as my client's confidential mediation statement.

Linda Ann Senez ("Ms. Senez") owns the property located at 341 Worton Road, in the eastern portion of Baltimore County. The Plaintiffs own the property known as 339 Worton Road, immediately next door and to the left of Ms. Senez's property (as you face the water). At the outset, the parties were friends. Indeed, they had keys to each other's home. The relationship has deteriorated to the point where the Plaintiffs have filed a multi-count Complaint in the Circuit Court for Baltimore County, alleging all manner of things which, according to my client, have no basis in fact or in law. Indeed, it is painfully clear that the Plaintiffs are simply unhappy with the fact that, in their estimation, their view of the water has been limited by improvements made to the Senez property. It is evident that the Plaintiffs' main gripe is that Ms. Senez's property is improved with a covered boathouse. The boathouse has been present for decades and is entirely "legal." The Plaintiffs want the boathouse destroyed and have made clear, in no uncertain terms, that they will dismiss their lawsuit and all of its petty allegations if Ms. Senez agrees to remove the boathouse. My client has absolutely no interest in doing so. The boathouse conforms with all State and County regulations, adds value to the Senez property, and is used on a daily basis. To put it bluntly, when

the Plaintiffs purchased their property in August, 2000 and began construction of their home, the boathouse was present. If the existence of the boathouse was a significant issue for the Plaintiffs, they should have taken its location into account when planning their construction.

Unable to require Ms. Senez to destroy the boathouse, the Plaintiffs have searched for other ways to extract compromises from Ms. Senez. For instance, they now claim that a boat ramp constructed by Art Meyers (the prior owner of the Senez property) is jointly owned. The Plaintiffs seek access to and use of Ms. Senez's private boat ramp. It is Ms. Senez's contention that, to the extent any portion of the boat ramp is actually located on the Collins' property, my client now owns that land and the boat ramp via adverse possession.

I have spoken at length with Art Meyers. He confirmed that he built the boat ramp and bulk head in approximately 1981. The work was done at Mr. Meyers' request and expense by a pile driver from Ocean City, Maryland. George Cook, who owned the Plaintiffs' property at the time, did not contribute financially or in any other fashion to the construction and/or maintenance of the ramp. Moreover, according to Mr. Meyers, the Cook family did not use the ramp. That said, Mr. Meyer's occasionally allowed neighbors to launch their boats from his private ramp. That only occurred with Mr. Meyers' specific permission. Any suggestion by the Plaintiffs to the contrary is incorrect.

Similarly, there is a concrete wall dividing the property owned by Ms. Senez and that owned by the Plaintiffs. According to a recently provided survey, the concrete wall does not follow exactly the property boundary line. The parties, however, essentially have accepted the concrete wall as the boundary between their properties. According to Mr. Meyers, the wall was built some time in the 1930s.

Ms. Senez recently constructed a small fence which she put up along the concrete wall. Portions of that fence appear to be on property originally owned by Mr. Cook. As with the boat ramp, that property now belongs to Ms. Senez via adverse possession.

Moving on, it is the Plaintiffs' contention that improvements made to the Senez home now block their view of the water. Ms. Senez's home was severely damaged as a result of Hurricane Isabelle. _____ railroad ties which had at one time served as a retaining wall became dangerous. Ms. Senez replaced the railroad ties with a high quality, attractive, stone wall. This particular repair did nothing to change the Plaintiffs' view of the water. In addition, while the Plaintiffs complain bitterly about the railing, it is essential for safety reasons and meets code specifications.

Ms. Betty A. Stemley
June 2, 2005
Page 3

With respect to other matters, the Plaintiffs claim that Ms. Senez's sump pump drains on to their property. I recently visited the site; there is no indication that the Plaintiffs' claim is in any way accurate. Similarly, the Plaintiffs' claims regarding flood lights and security cameras are ridiculous.

In our estimation, it is difficult to conceive of a scenario in which the Plaintiffs will prevail on any claim asserted in their Complaint. The majority of their allegations are baseless. In addition, have spoken with Mr. Meyers, I am confident that Ms. Senez's claim for adverse possession has merit. That said, there is an issue with respect to a "deck" constructed by Ms. Senez. She has requested a variance, to which the Plaintiffs have objected. The matter is stayed pending resolution of the current lawsuit. At most, the Plaintiffs may succeed in having Ms. Senez take down a small wooden "out cropping," overlooking the water. Contrary to their wishes, the Plaintiffs can not prohibit Ms. Senez from planting trees on her property and potentially obstructing their view.

Ms. Senez realizes that litigation is expensive. She would certainly prefer to resolve her differences with her neighbors but has not found them to be at all reasonable. If their number one concern is their view, the Plaintiffs can not obtain the protection they desire by proceeding with the instant lawsuit.

I trust that this information will prove helpful to you in mediating this case. Should you have any questions or require any additional information, please do not hesitate to ask.

Most sincerely,

COPY

Judith C. Ensor

JCE:sll

cc: Ms. Linda A. Senez

336068

House in January 2001.
The property line wall had 10 weep holes.



The Collinses front grass area has looked the same the entire time; 2000 to this day.

Property line wall May 2004. The wall and 10 weep holes are lined with plants. The Collinses said in court that massive amounts of drainage from my property damaged their property and bulkhead.



Property in 2014.
Nothings changed in my yard since 2004.
Now there's no wall, no plants and the Collins are no longer worried about the drainage because there never was a drainage issue.

Collins said in court that I didn't have lights on the south side or opposite side of my house, from them. Picture #6 on the photo card. This picture as you can see was taken in April 2001. There's a flood light on the top and a coach light by the door. The house was painted beige the summer of 2002.



cv1 Hour
Photo

Subject:
Date:
Processed: 23-APR-2001



Picture #6 is the above picture.

Picture taken in
January 2001.

Collins said in court
that this picture must
have been taken before
they bought their house
because there were no
plants along the wall.



CVS1 Hour Photo

Subject:

Date:

Processed: 02-FEB-2001



Picture #1 is the
above picture.

The Collinses said in court that they built the ladder ramp after I obtained the peace order against them in June 2004. This picture was taken on 9/20/03, after Hurricane Isabel. The old creosote railroad tie wall was torn down December 20, 2003. If the Collins had free access to my boat ramp they wouldn't have needed a ladder ramp and they certainly wouldn't have to lie about when they built the ramp.

