

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

Plaintiffs/Counter-Defendants

v.

MAURICE B. TOSE', *et ux.*

Defendants/Counter-Plaintiffs

* IN THE
* CIRCUIT COURT
* FOR
* ANNE ARUNDEL COUNTY
* Case No. C-02-CV-19-003640

* * * * *

LINE

Plaintiffs, Property Owners Association of Arundel on the Bay, Inc. (the “Association”) David Delia (“Delia”) and Lori Strum (“Strum”) (collectively “Plaintiffs”), by and through their counsel, Wayne T. Kosmerl, N. Tucker Meneely and Council, Baradel, Kosmerl and Nolan, P.A., and Defendants, Maurice B. Tose’ and Teresa Layden (“Tose” or “Defendants”), by and through their counsel, Barbara J. Palmer and Hyatt & Weber, P.A. jointly file this Line to provide the Court with the accompanying Notice and Proposed Order, and state:

1. This matter came before this Honorable Court for a Complex Motions hearing on February 28, 2022.
2. The Hearing Sheet was signed by the Honorable Pamela K. Alban as the Order of the Court following that hearing.
3. As part of that Order, the Court directed the undersigned Counsel Meneely and Counsel Palmer to jointly submit a proposed Notice, through MDEC to Case Management by end of business on March 4, 2022, to be delivered to the Necessary Parties, for the purpose of addressing the concerns of counsel and the Court, that were raised in the course of that hearing.
4. The Notice submitted with this Line, along with the Proposed Order, is in fulfillment of this requirement set forth in Paragraph 3, above.

Respectfully submitted,

/s/ N. Tucker Meneely

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of March, 2022, a copy of the foregoing Line was filed in accordance with the MDEC system and a copy will be electronically served upon:

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Attorneys for Counter-Defendants, John Davis and Laverne Davis, Trustees of the John C. and Laverne C. Davis Family Trust, and Melanie Moses and John R. Moses, Jr., Trustees of the John and April Moses Irrevocable Trust.

/s/

Barbara J. Palmer (AIS# 8501010468)

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* * * * *

NOTICE

To All Necessary Parties:

This action, involving competing claims filed by Plaintiffs/Counter-Defendants, Property Owners Association of Arundel on the Bay, Inc., David Delia and Lori Strum, and Defendants/Counter-Plaintiffs, Maurice Tose' and Teresa Layden (collectively with Plaintiffs/Counter-Defendants, the "Parties"), primarily involves issues of title to, and use of, the Disputed Streets and Site Area adjacent to the Tose' residential lots, as defined in this action.

An issue has been raised that the decision in this case could be referenced in future lawsuits, involving other property owners in Arundel on the Bay, with the potential of precluding those individuals from adjudicating issues relating to the title to, and use of, other paper roads or areas, adjacent to other property owners' residential lots. This could result in the outcome of this action affecting the rights and claims of other necessary parties in future lawsuits relating to the platted roads elsewhere in the community, even though they elected to opt out of this litigation.

This notification is intended to inform all Necessary Parties of this issue, so they are able to make a fully-informed decision regarding their participation in this lawsuit, and to give them additional time to file a responsive pleading in the case, should they elect to do so.

Should this Notice result in the desire of any necessary party to participate in this action, the date to file any responsive pleading has been extended to April ____, 2022.

The Court would encourage all those who elect not to participate in this action to execute the Line to Opt Out and provide a copy to counsel of record.

Judge, Circuit Court for Anne Arundel County

IN THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY, MARYLAND

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

Plaintiffs,

Case No. C-02-CV-19-003640

v.

MAURICE B. TOSE', et ux.

Defendants.

* * * * *

ORDER

UPON CONSIDERATION of the Motion to Dismiss filed by Counter-Defendants John Davis and Laverne Davis, in their capacities as Trustees of the John C. and Laverne C. Davis Family Trust (“Davis Trust”), and Melanie Moses and John R. Moses, Jr., in their capacities as Trustees of the John and April Moses Irrevocable Trust (“Moses Trust”) (collectively with the Davis Trust, “the Moses-Davis Parties”), the Response to the Motion to Dismiss filed by Defendants/Counter-Plaintiffs Maurice B. Tose’ and Teresa M. Layden (collectively, “Tose’-Layden”), the Response filed by Plaintiff-Counter Defendant Property Owners Association of Arundel on the Bay, Inc. (the “Association”), and the parties having had the opportunity to be heard in Open Court on February 28, 2022, it is, by the Circuit Court for Anne Arundel County, hereby:

ORDERED, that, in light of the agreement among the parties to provide necessary parties additional time to file a responsive pleading in this case or, if they have opted-out of the case, to withdraw their opt-out and file a responsive pleading, all necessary parties who were added to this case as a result of this Court’s Order dated June 14, 2021, shall have until April ____, 2022 to file

a responsive pleading in these proceedings or to execute a Line to Opt Out if they do not wish to participate in these proceedings; and it is further,

ORDERED, that the Clerk of this Court is directed to issue a copy of this Order along with the Notice attached as Exhibit A hereto to all of the parties in this action.

Date

Judge of the Circuit Court for
Anne Arundel County, Maryland