

PROPERTY OWNERS ASSOCIATION OF ARUNDEL ON THE BAY, INC. <i>et. al.</i>	*	IN THE
	*	CIRCUIT COURT
Plaintiffs/Counter-Defendants	*	FOR
v.	*	ANNE ARUNDEL COUNTY
MAURICE B. TOSE', <i>et ux.</i>	*	Case No. <u>C-02-CV-19-003640</u>
Defendants/Counter-Plaintiffs	*	
* * * * *		

**INTERROGATORIES**

To: Property Owners Association of Arundel on the Bay, Inc., Plaintiff

From: Maurice B. Tose', Defendant

**Instructions**

Pursuant to Rule 2-421, you are required to answer the following interrogatories within 30 days or within the time otherwise required by court order or by the Maryland Rules:

(a) In accordance with Rule 2-421(b), your response shall set forth the interrogatory, and shall set forth the answer to the interrogatory "separately and fully in writing under oath" or "shall state fully the grounds for refusal to answer any interrogatory." The response shall be signed by you. (Standard Instruction (a).)

(b) Also in accordance with Rule 2-421(b), your answers "shall include all information available" to you "directly or through agents, representatives or attorneys." (Standard Instruction (b).)

(c) Pursuant to Rule 2-401(e), these interrogatories are continuing. If you obtain further material information before trial you are required to supplement your answers promptly. (Standard Instruction (c).)

(d) If pursuant to Rule 2-421(c), you elect to specify and produce business records of yours in answer to any interrogatory, your specification shall be in sufficient detail to permit the interrogating party to locate and identify the records from which the answer may be ascertained. (Standard Instruction (d).)

(e) If you perceive any ambiguities in a question, instruction or definition, set forth the matter deemed ambiguous and the construction used in answering. (Standard Instruction (e).)

**Definitions**

In these interrogatories, the following definitions apply:

(a) **Document** includes electronically stored information and any writing, drawing, graph, chart, photograph, sound recording, image, and other data or data compilation stored in any medium from which information can be obtained, translated, if necessary, through detection devices into reasonably usable form. (Standard General Definition (a).)

(b) **Identify, identity, or identification**, (1) when used in reference to a natural **person**, means that **person's** full name, last known address, home and business telephone numbers, and present occupation or business affiliation; (2) when used in reference to a **person** other than a natural **person**, means that **person's** full name, a description of the nature of the **person** (that is, whether it is a corporation, partnership, etc. under the definition of **person** below, and the **person's** last known address, telephone number, and principal place of business; (3) when used in reference to any **person** after the **person** has been properly **identified** previously means the **person's** name; and (4) when used in reference to a **document**, requires you to state the date, the author (or, if different, the signer or signers), the addressee, the **identity** of the present custodian of the **document**, and the type of **document** (e.g. letter, memorandum, telegram, chart, etc.) or to attach an accurate copy of the **document** to your answer, appropriately labeled to correspond to the interrogatory. (Standard General Definition (b).)

(c) **Person** includes an individual, general or limited partnership, joint stock company, unincorporated association or society, municipal or other corporation, incorporated association, limited liability partnership, limited liability company, the State, an agency or political subdivision of the State, a court, and any other governmental entity. (Standard General Definition (c).)

(d) **You and your** includes each and every person(s) to whom these interrogatories are addressed, and all of that person's agents, representatives, or attorneys. (Rule 2-421(b).)

(e) **Arundel on the Bay** is that subdivision shown on a plat created in 1890 entitled "Arundel on the Bay," which plat is recorded among the Land Records of Anne Arundel County, Maryland in Plat Book S.H. 34, folio 509, a copy of which is attached as Exhibit B to the **Complaint**, and on a revised plat created in 1927 entitled "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, a copy of which is attached as Exhibit C to the **Complaint**.

(f) **Association** is the Property Owners Association of Arundel on the Bay, Inc.

(g) **Tose'** refers to the Defendants, Maurice B. Tose' and Teresa M. Layden, who own the **Tose'-Layden Property** (also referred to as the **Tose' Property**).

(h) **Tose'-Layden Property** is the property located at 1290, 1299 and 1300 Magnolia Avenue, Annapolis, Maryland 21403, and identified as Lot L-1 Block 67, Lot A-R Block 66 and C-R Block 66, respectively in Arundel on the Bay.

(i) **Site Area** refers to those portions of the paper road and some area of macadam roadway on Magnolia Avenue and Saratoga Avenue that bind on the Tose' Property as shown on Exhibit D of the Counter-Complaint.

## **Interrogatories**

1. **Identify** the person(s) answering these interrogatories. Include in your answer the information set forth in Definition (b) (1) and (2) above.

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.

3. Describe by mailing address, and by lot and block, all property owned by the Association, or in which the Association has 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 the Association acquired its interest, and **identify** the holder of any current lien, deed of trust, or mortgage on the property.

4. For each property identified in the preceding Interrogatory No.3, describe how the property is used and include in your answer the following information:

(a) If the property is used for residential purposes **identify** all persons who reside there, state that individual's age and relationship to AOTB; state whether the property is a primary personal residence and, if not, how often and under what circumstances the property is used.

(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 community purposes, describe how and by whom the property is used.

5. **Identify** with specificity the area that is referred to as the Disputed Street in Paragraph 7 of the Complaint. Include in your Answer a survey or a metes and bounds description.

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.)

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.)

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.)

9. **Identify** all of the officers, directors, committee chairs or others in leadership roles for the **Association** over the past five years, the capacity in which each individual has served, the dates of service, and describe the duties of each while serving in that capacity.

10. If you dispute the claims by **Tose'** and **Layden** they own fee simple title to the **Site Area** that abut the **Tose'-Layden Property**, **identify** each **person** you contend does own fee simple title to the **Site Area** and state all facts and identify all documents upon which you rely to support your contention.

11. If you contend that members of the **Association** have used any portion of the **Site Area**, other than the area of the macadam roadway shown as **Exhibit D to the Counter-Complaint**, within the past twenty (20) years, describe with specificity, who, when, under what circumstances, and for what purpose the named individuals have used it.

12. If you contend that members of the Arundel on the Bay community have used any of the **Site Area** for riparian activities including but not limited to swimming, boating, sunbathing, boat launching and fishing, identify each person whom you contend participated in such activities, the date or approximate time said activities occurred and specifically what activity you contend said persons were doing.

13. If you contend that some or all residents of Arundel on the Bay are entitled to use the **Site Area** for any activities or any purpose, set forth in detail all activities or for what purposes you contend that the residents are entitled to undertake, and provide all of the support for your contention. Identify in your Answer any and all documentation you contend supports your position.

14. Describe in detail what rights you assert that the **Association** obtained in the Disputed Street or the Site Area as a result of the Chase Deed, referred to in Paragraph 8 of your Complaint. If you contend that the Association obtained riparian rights as a part of that deed, state the basis of this assertion.

15. What significance, if any, is the fact that "the **Association** is the record owner of certain real property in Arundel on the Bay known as Block 13, Lots C-1, and Block 32, Lots I, K, L and M" to the claim brought by the Association against Tose' and Layden in this action.

16. Set forth in detail all support for you statement contained in Paragraph 14 in the Complaint that "[t]he **Association**, at various times based upon the needs of the community, has maintained and improved the portions of the Disputed Streets..." Include in your Answer any and all maintenance or other work that has been performed by any individual or contractor on the Disputed Street, the name of the individual or contractor, the date said maintenance or other work

was performed and any and all contact that the **Association** had with Tose' and/or Layden prior to performing the maintenance or other work.

17. Set forth all acts of dominion or control that the **Association** has undertaken as it relates to the Disputed Street as defined in your Complaint or the Site Area as defined herein.

18. If you contend that the Disputed Street or the **Site Area** is an established fire drafting site, set forth all support for this contention and identify all documentation that supports your claim.

19. **Identify** all improvements the Association has installed in the **Site Area** or the Disputed Street in the past 20 years. Include in your response the individual(s) who performed said work and the cost associated with each improvement.

20. Set forth any and all support for the statement contained in the **Complaint** in Paragraph 18 that this paper road is available for passive recreational uses such as fishing, watching fireworks or observing maritime and marine life.

21. **Identify** each and every individual whom you contend has been told to leave the Disputed Street, as indicated in Paragraph 19 of the **Complaint**.

22. If the **Association** has ever taken any action to address erosion problems or install erosion control devices on property not owned or controlled by the **Association**, set forth in detail the property or properties that have been benefitted by actions of the **Association**.

23. If it is the contention of the **Association** in this **Complaint** that the members of the Association—but not the public in general—is entitled to use the Disputed Street as described in Paragraph 7 of the **Complaint**, as well as the Site Area as defined herein, set forth your basis for this assertion and explain how the Association contends that the uses is supposed to be or is monitored, contained or controlled by the Association.

24. If you have knowledge of any photograph, plat, plan, video, motion picture, drawing, model, or any other image made of the property at issue as described in the **Complaint** as the Disputed Street 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.

25. 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.

26. Set forth in detail the amount of money that has been spent by the **Association** on maintaining the Disputed Street or the Site Area over the past 20 years.

