

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

* * * * *

CONSENT ORDER

UPON CONSIDERATION of the Defendants' Motion to Dismiss for Failure to Join Necessary Parties, the Plaintiffs' Opposition and Cross-Motion to Dismiss for Failure to Join Necessary Parties, the Defendants' Response thereto and the opportunity for the parties to be heard, it is this ____ day of ~~May, 2021~~

06/11/2021 10:04:03 AM

ORDERED that the Court finds that all property owners in the community of Arundel on the Bay who are not presently parties in this action are necessary parties to this action; and it is further

ORDERED that as a result of the agreement of counsel, this action will not be dismissed; instead, the parties shall be granted 60 days from the date of this Order to file amended pleadings that identify all property owners in the community of Arundel on the Bay as additional Plaintiffs and Counter-Defendants in this action; and it is further

ORDERED that the Plaintiff, Property Owners Association of Arundel on the Bay shall provide a copy of its comprehensive list of all property owners in the community to the Defendants, and the parties shall otherwise cooperate and make a good faith effort to identify any additional property owners who may not be included on the current list; and it is further

06/14/2021 DC

ORDERED that the parties shall cooperate to serve upon each identified property owner one packet of all relevant pleadings and papers; and it is further

ORDERED that the parties are directed to come to terms on an agreement and submit an order for the Court's review regarding the form and manner in which all prior pleadings and papers are served upon each identified property owner; and it is further

ORDERED that the parties shall cooperate and share in the cost of the service of process on all additional parties; and it is further

ORDERED that because the parties agree, and the Court concurs that the outcome of this litigation will not have an adverse effect upon the value of any individual's residential real property in the community of Arundel on the Bay, the lienholders or any other individual or entity that has a financial or secured interest in residential real property in the community of Arundel on the Bay are not required to be included as additional parties to this action; and it is further

ORDERED, acknowledged and agreed that the parties waive any right they may have to raise the issue of failure to join lienholders or others with a financial or secured interest in any individual residential lot, as necessary parties to this action at any time during the pendency of this action, including any appeal; and it is further

ORDERED, that because the parties agree and the Court concurs that this litigation does not have an impact on the title of the residential real property owned by the additional parties, this action is not to result in a cloud on the title of the residential real property owned by those property owners that have been determined to be necessary parties. The parties are directed to coordinate with and assist any property owner who may be

attempting to sell or refinance the mortgage on his/her residence during the pendency of this action; and it is further

ORDERED that the parties are directed to come to terms on an agreement concerning a form to be presented to each additional party, which would allow that party to opt out of participating in the ongoing litigation, as long as the party consents to being bound by the outcome; and it is further

ORDERED that the parties are directed to come to terms on an agreement and submit an order for the Court's review regarding the service of process upon additional parties as well as future pleadings and other court filings to additional parties that elect to participate in the action; and it is further

ORDERED that this case shall be referred to the Administrative Judge for the purposes of determining whether this matter should be specially assigned.

06/11/2021 10:03:43 AM



Judge Ronald A. Silkworth

Judge Ronald A. Silkworth
Circuit Court for Anne Arundel County