

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

Plaintiffs

v.

MAURICE B. TOSE, *et ux.*

Defendants

And

All Property Owners in Arundel on the Bay
(Attachment “A”)

Counter-Defendants

* IN THE CIRCUIT COURT
* FOR ANNE ARUNDEL COUNTY
* Case No. C-02-CV-19-3640
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**FIRST AMENDED COMPLAINT TO QUIET TITLE, FOR DECLARATORY RELIEF
AND FOR INJUNCTIVE RELIEF FOR WRONGFUL INTERFERENCE WITH
EASEMENT RIGHTS**

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 attorneys, Wayne T. Kosmerl, N. Tucker Meneely and Council, Baradel, Kosmerl and Nolan, P.A., file this First Amended Complaint against Defendants, Maurice B. Tose (“Tose”) and Teresa M. Layden (“Layden”) (collectively, “Defendants”) and in accordance with the provisions of the Order of this Court dated June 14, 2021, Plaintiffs are naming the approximately 400 property owners set forth in Attachment “A”¹ as necessary parties and additional Counter-Defendants, and in support thereof, state as follows:

¹ Pursuant to this Court’s Order, the Association provided its most-recent list of property owners in Arundel on the Bay to Defendants/Counter-Plaintiffs’ counsel. It is Plaintiffs’ understanding that Defendants/Counter-Plaintiffs created a new list based off available information from the Maryland State Department of Assessments and Taxation. To avoid confusion, Plaintiffs are attaching the same Attachment A as Defendants/Counter-Plaintiffs, which is intended to represent all property owners in Arundel on the Bay. To the extent that Plaintiffs determine that any named property owners or addresses are incorrect, they reserve the right to revise the information set forth in the list or add additional parties as necessary.

PARTIES

1. The Association is a corporation that was formed under the laws of the State of Maryland in 1949. The Association, among other things, provides maintenance and preservation benefit to the residential lots and property owned by the Association and platted streets within the subdivision known as Arundel on the Bay.

2. Delia is an adult individual who owns real property known as 1375 Walnut Avenue, Annapolis, Maryland 21403. Delia is the President of the Association.

3. Strum is an adult individual who owns real property known as 3515 Newport Avenue, Annapolis, Maryland 21403. Strum is a Board Member of the Association.

4. Tose and Layden are adult individuals who are married and together own real property known as 1290 Magnolia Avenue, 1299 Magnolia Avenue and 1300 Magnolia Avenue, Annapolis, Maryland 21403 (collectively, the “Tose-Layden Properties”). Tose and Layden reside at 1299 Magnolia Avenue, Annapolis, Maryland 21403.

5. This Court has jurisdiction pursuant to Md. Code, Courts & Judicial Proceedings Article §§ 6-102 and 6-103, because Defendants are domiciled in the State of Maryland and this cause of action concerns real property within the State of Maryland which is also the subject of this case.

6. Venue is appropriate in this Court pursuant to Md. Code, Courts & Judicial Proceedings Article § 6-201 because Defendants resides in Anne Arundel County, Maryland.

FACTS COMMON TO ALL COUNTS

7. This case pertains to a dispute between Plaintiffs and Defendants over the Defendants conduct in obstructing its easement rights and those of the lot owners within the community of Arundel on the Bay, which includes the Association, to use the street end of Magnolia Avenue. The street at issue is described to be the portion of the platted street known as Magnolia Avenue that abuts

the Tose-Layden Properties and is located between Saratoga Avenue and the waters of Fishing Creek (“Disputed Street”). Specifically, 1299 Magnolia Avenue and 1300 Magnolia Avenue abut the southern side of the Disputed Street and 1290 Magnolia Avenue abuts the northern side of the Disputed Street. Also at issue is one half of Saratoga Avenue which abuts 1299 Magnolia Avenue, which is referred to as the “Site Area” in Defendants/Counter-Plaintiffs’ pleadings and identified in Exhibit D to Defendants/Counter-Plaintiffs’ Amended Counter-Complaint.

8. In 1890, pursuant to a deed recorded at Liber SH., No. 37, folio 509, Richard M. Chase conveyed the land presently known as Arundel on the Bay to the Chesapeake and Columbia Investment Company (“Chase Deed”). *See* Exhibit A.

9. In connection with that deed, the Chesapeake and Columbia Investment Company (“Original Developer”) filed a plat depicting the Disputed Street as a platted street (“1890 Plat”). *See* Exhibit B.

10. A revised plat of Arundel on the Bay, also showing the Disputed Street, was filed by Arundel on the Bay’s then owners, Meredith Lumber Co., on August 15, 1927 (“Record Plat”). *See* Exhibit C.

11. The Association is the record owner of certain real property in Arundel on the Bay known as Block 13, Lots C-I, and Block 32, Lots I, K, L, and M, as shown on the Record Plat.

12. Delia is a record owner of real property known as 1375 Walnut Avenue, Annapolis, Maryland 21403.

13. Strum is a record owner of real property known as 3515 Newport Avenue, Annapolis, Maryland 21403.

14. The Association, at various times based upon the needs of the community, has maintained and improved the portions of the Disputed Street, as well as other platted streets in Arundel

on the Bay.

15. Since its inception in 1951, the Association has exercised dominion and control over the Disputed Street, the Site Area and other platted streets in Arundel on the Bay by filing suit when platted streets were blocked or encroached upon by residents. The Association has exercised dominion and control over the streets by regulating parking on the streets, establishing fire drafting sites, constructing a boat launching ramp and community pier on several waterfront street ends. The Association has also controlled waterfront development for residences abutting platted streets to ensure that any piers erected did not interfere with the Association's and lot owners' rights in the platted streets.

16. The Association has consistently regulated the use of certain streets (including the Disputed Street and the Site Area) for the benefit of all property owners. Among other things, the Association addressed erosion problems on platted streets, established street lights, regulated the construction of private piers on platted streets, constructed a community boat launching ramp and pier on street ends, and regulated the use of platted streets.

17. Pursuant to Anne Arundel County Code Section 4-7-202, the County Council established a Special Community Benefit Taxing District for the community of Arundel on the Bay. The Taxing District is administered by the Association. One of the enumerated purposes of the Taxing District is to provide for the maintenance of non-County owned roads in Arundel on the Bay.

18. The property owners in Arundel on the Bay, including the Plaintiffs, currently use, and historically have used, the Disputed Street for vehicular and/or pedestrian access and/or passive recreational uses such as walking, fishing, watching fireworks, or observing maritime and marine life on and about Fishing Creek.

19. Defendants have interfered with the Plaintiffs' and other lot owners' easement rights

by parking automobiles on and placing wooden pillars within the Disputed Street. The Association has also been informed that Defendants are telling lot owners to leave the Disputed Street.

20. On June 1, 2019, the Association requested that Defendants immediately take steps to terminate their obstruction of the Disputed Street by removing the automobiles and the wooden pillars, to no avail.

21. On August 15, 2019, the Association again requested that Defendants take steps to terminate their obstruction of the Disputed Street and provided a survey demonstrating that the wooden pillars placed by Defendants were within the Disputed Street.

22. Defendants' obstruction of the Disputed Street hinders free passage to the water's edge by lot owners of Arundel on the Bay and fire equipment in case of a fire. Despite the Association's demands, Defendants failed and refused to remove the obstructions they had placed within the Disputed Street.

23. Defendants/Counter-Defendants have asserted that they hold fee simple title to the Disputed Street and the Site Area pursuant to Md. Code, Real Property § 2-114. The Association disputes Defendants/Counter-Defendants' claim of title. Except with respect to platted streets in Arundel on the Bay or portions thereof which the Association has deeded to Anne Arundel County or other third parties, and specific platted streets in Arundel on the Bay the title of which has been previously determined by Court order, the Association claims title to all platted streets in Arundel on the Bay, including the Disputed Street and the Site Area. The Association's title to the platted streets stems from a Deed dated September 11, 1951 from Willa Gallagher, George E. Terrell, and Clarence W. Gosnell, Trustees to the Association, which Deed was recorded in the Land Records of Anne Arundel County at Liber 825, Folio 32 (the "1951 Deed"). The Association, at the very least, claims title to the platted streets (including the Disputed Street and the Site Area) under

adverse possession by color of title pursuant to the 1951 Deed.

COUNT I — QUIET TITLE
(Implied Easement)

24. Plaintiffs adopt and incorporate herein by reference the preceding paragraphs as if fully set forth herein.

25. Pursuant to Section 14-108, the Plaintiffs seek a determination that an implied easement exists in their favor and in favor of all property owners of Arundel on the Bay over the Disputed Street.

26. Arundel on the Bay is a waterfront development situated on a peninsula, and all the streets shown on recorded plats of Arundel on the Bay lead to the Chesapeake Bay, the waters of Fishing Creek and/or community waterfront recreation areas on the Chesapeake Bay. Further, Arundel on the Bay has historically been marketed to purchasers of lots within the community as a waterfront community or resort whose lot owners enjoy access to the Chesapeake Bay and/or the waters of Fishing Creek.

27. Access to the water in Arundel on the Bay is essential to the purpose of the community and the lots within it. Indeed, Plaintiffs, as property owners within Arundel on the Bay, and the other individual property owners in Arundel on the Bay, utilize the Disputed Street to reach the community waterfront areas and the waters of Fishing Creek, including but not limited to, for ingress and egress to the waterfront areas and for normal waterfront activities such as fishing, swimming, watching fireworks and Blue Angel performances, walking and enjoying Fishing Creek and scenery and the like, as well as for maintenance and preservation.

28. There is no readily perceptible reason to have all the streets shown on the recorded plats lead to the Chesapeake Bay and/or the waters of Fishing Creek and/or community waterfront recreation areas on the Chesapeake Bay except to give the lot owners of Arundel on the Bay access

to these waterfront areas for the activities described herein.

29. There clearly exists an implied easement for the benefit of the Plaintiffs and all of the lot owners within Arundel on the Bay to use the Disputed Street and the Site Area for the uses currently and/or historically made of the subject areas including pedestrian and/or vehicular use; and/or passive recreation such as walking, watching fireworks or generally enjoying the maritime and marine life of Fishing Creek.

30. The Defendants have interfered with the Plaintiffs' and other lot owners' easement rights over the Disputed Street and the Site Area. These actions include, but are not limited to, parking automobiles on and placing wooden pillars within the Disputed Street. The Association has also been informed that Defendants are telling lot owners to leave the Disputed Street.

31. All Arundel on the Bay lot owners, including the Plaintiffs, have a right of way in common over the platted streets within the community, including the Disputed Street and the Site Area, for access to lots, as well as to the Chesapeake Bay and Fishing Creek for normal waterfront activities, including walking, swimming and fishing, in accordance with well-established principles of Maryland property law.

32. Plaintiffs thus seek to remove any cloud from their title caused by Defendants actions and affirm their right to use the Disputed Street and the Site Area.

WHEREFORE, the Plaintiffs request that this Court grant the following relief:

A. Determine the rights and responsibilities of the Plaintiffs and the Defendants arising under the implied easement described herein;

B. Enter an Order declaring that the Plaintiffs and all lot owners within Arundel on the Bay have an implied easement to use the Disputed Street and the Site Area for the uses currently and/or historically made of the subject areas including pedestrian and/or vehicular use;

maintenance and regulation of the Disputed Street and the Site Area and the waterfront areas and/or passive recreation such as walking, watching fireworks or generally enjoying the maritime and marine life of Fishing Creek;

- C. Award the Plaintiffs costs of these proceedings.
- D. Grant the Plaintiffs such other and further relief as the interests of justice require.

COUNT II—DECLARATORY RELIEF

33. Plaintiffs adopt and incorporate herein by reference the preceding paragraphs as if fully set forth herein.

34. The Plaintiffs assert that they and all the lot owners in Arundel on the Bay have a lawful right to use the Disputed Street and the Site Area for the uses currently and/or historically made of the subject areas including pedestrian and/or vehicular use; maintenance and regulation of the Disputed Street and the Site Area and the waterfront areas and/or passive recreation such as walking, watching fireworks or generally enjoying the maritime and marine life of Fishing Creek. Defendants have denied and obstructed the rights of the Plaintiffs and lot owners of Arundel on the Bay.

35. In addition to the easement rights concomitant with the lots owned by the Association, the Association claims title to the Disputed Street and the Site Area either pursuant to the 1951 or under adverse possession by color of title pursuant to the 1951 Deed. Defendants/Counter-Plaintiffs claim title to the Disputed Street and Site Area pursuant to Md. Code, Real Property § 2-114.

36. There exists an actual controversy of a practicable issue between the parties within the jurisdiction of the court involving the rights of the parties which controversy may be determined by the judgment of this court.

WHEREFORE, the Plaintiffs request that this Court grant the following relief:

A. Enter a declaratory judgment determining the rights and responsibilities of the Plaintiffs and the Defendants arising under the implied easement described herein;

B. Find and declare that the Plaintiffs and all lot owners within Arundel on the Bay have an implied easement to use the Disputed Street and the Site Area for the uses currently and/or historically made of the subject areas including pedestrian and/or vehicular use; maintenance and regulation of the Disputed Street and the Site Area and the waterfront areas and/or passive recreation such as walking, watching fireworks or generally enjoying the maritime and marine life of Fishing Creek;

C. Find and declare that the Association holds fee simple title to the Disputed Street and the Site Area pursuant to the 1951 Deed or under adverse possession by color of title pursuant to the 1951 Deed and that Defendants/Counter-Plaintiffs (or their predecessors-in-title) failed to bring a claim within the 20 year statutory period, which passed in the 1970s.

D. Award the Plaintiffs costs of these proceedings.

E. Grant the Plaintiffs such other and further relief as the interests of justice require.

COUNT III—INJUNCTIVE RELIEF

55. The Plaintiffs adopt and incorporate herein by reference the preceding paragraphs as if fully set forth herein.

56. Defendants have interfered with the Plaintiffs' and other lot owners' easement rights by parking automobiles on and placing wooden pillars within the Disputed Street.

57. The Plaintiffs and the lot owners of Arundel on the Bay have an absolute right to use the Disputed Street and the Site Area as described herein. Defendants' interference is contrary to the Plaintiffs' and other lot owners' easement rights.

58. Defendants were requested to remove these obstructions to permit unfettered access on the Disputed Street, which has been refused.

59. The Plaintiffs and the lot owners of Arundel on the Bay have always used, maintained, and otherwise asserted and exercised their rights to the Disputed Street and the Site Area.

60. The acts of Defendants have caused the Plaintiffs immediate, substantial and irreparable injury and will continue to do so until abated.

WHEREFORE, the Plaintiffs request that this Court grant the following relief:

A. Enjoin Defendant from interfering with the Plaintiffs' and the other lot owners' use of the Disputed Street and the Site Area;

B. Enjoin Defendants from altering the physical appearance or condition of the Disputed Street and the Site Area;

C. Enjoin Defendants from controlling access and use to the Disputed Street by placing any obstructions within the Disputed Street and the Site Area;

D. Ordering Defendants to remove any obstructions placed by Defendants on the Disputed Street and the Site Area, including, but not limited to, the wooden pillars and any automobiles on the Disputed Street;

E. If Defendants fail to remove such obstructions from the Disputed Street within 30 days of the issuance of a permanent injunction, grant the Plaintiffs the right to remove any obstructions from the Disputed Street with Defendants bearing the costs of removal;

F. Award the Plaintiffs costs of these proceedings.

G. Grant the Plaintiffs such other and further relief as the interests of justice require.

Respectfully submitted,

COUNCIL, BARADEL,
KOSMERL & NOLAN, P.A.

By: /s/ N. Tucker Meneely
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N. Tucker Meneely (AIS# 1012150249)
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Kosmerl@CouncilBaradel.com
Meneely@CouncilBaradel.com
Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of August, 2021, a copy of the foregoing paper was served on all parties registered to receive electronic service via MDEC, including upon:

Barbara J. Palmer, Esq.
Hyatt & Weber, P.A.
200 Westgate Circle, Suite 500
Annapolis, MD 21401
bpalmer@hwlaw.com

*Attorney for Defendants/
Counter-Plaintiffs,
Maurice Tose' &
Teresa Layden*

/s/ N. Tucker Meneely
N. Tucker Meneely (AIS# 1012150249)

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

~~P.O. Box 4665~~

ARUNDEL COUNTY

Plaintiffs Annapolis, MD 21403

*

IN THE CIRCUIT COURT

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FOR ANNE

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Case No. **C-02-CV-19-3640**

v. _____

DAVID DELIA

~~1375 Walnut Avenue~~

~~Annapolis, MD 21403~~

*

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LORI STRUM

~~3515 Newport Avenue~~

~~Annapolis, MD 21403~~

*

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Plaintiffs

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v. _____

*

*

MAURICE B. TOSE, *et ux.*

~~TERESA M. LAYDEN~~

Defendants ~~1299 Magnolia Avenue~~

~~Annapolis, MD 21403~~

*

*

And

*

**All Property Owners in Arundel on the Bay
(Attachment "A")**

*

Counter-Defendants _____

*

**VERIFIED-FIRST AMENDED COMPLAINT TO QUIET TITLE, FOR
DECLARATORY RELIEF AND FOR INJUNCTIVE RELIEF FOR WRONGFUL
INTERFERENCE WITH EASEMENT RIGHTS**

Plaintiffs, Property Owners Association of Arundel on the Bay, Inc. (the "Association"), David Delia ("Delia") and Lori Strum ("Strum") (collectively, "Plaintiffs"), by and through ~~its~~ **their** attorneys, Wayne T. Kosmerl, N. Tucker Meneely and Council, Baradel, Kosmerl and Nolan, P.A., files this **First Amended** Complaint against Defendants, Maurice B. Tose ("Tose") and

Teresa M. Layden (“Layden”) (collectively, “Defendants”) **and in accordance with the provisions of the Order of this**

Court dated June 14, 2021, Plaintiffs are naming the approximately 400 property owners set forth in Attachment “A”¹ as necessary parties and additional Counter-Defendants, and in support thereof, state, ~~and states~~ as follows:

PARTIES

1. The Association is a corporation that was formed under the laws of the State of Maryland in 1949. The Association, among other things, provides maintenance and preservation benefit to the residential lots and property owned by the Association and platted streets within the subdivision known as Arundel on the Bay.

2. Delia is an adult individual who owns real property known as 1375 Walnut Avenue, Annapolis, Maryland 21403. Delia is the President of the Association.

3. Strum is an adult individual who owns real property known as 3515 Newport Avenue, Annapolis, Maryland 21403. Strum is a Board Member of the Association.

4. Tose and Layden are adult individuals who are married and together own real property known as 1290 Magnolia Avenue, 1299 Magnolia Avenue and 1300 Magnolia Avenue, Annapolis, Maryland 21403 (collectively, the “Tose-Layden Properties”). Tose and Layden reside at 1299 Magnolia Avenue, Annapolis, Maryland 21403.

¹ Pursuant to this Court’s Order, the Association provided its most-recent list of property owners in Arundel on the Bay to Defendants/Counter-Plaintiffs’ counsel. It is Plaintiffs’ understanding that Defendants/Counter-Plaintiffs created a new list based off available information from the Maryland State Department of Assessments and Taxation. To avoid confusion, Plaintiffs are attaching the same Attachment A as Defendants/Counter-Plaintiffs, which is intended to represent all property owners in Arundel on the Bay. To the extent that Plaintiffs determine that any named property owners or addresses are incorrect, they reserve the right to revise the information set forth in the list or add additional parties as necessary.

5. This Court has jurisdiction pursuant to Md. Code, Courts & Judicial Proceedings Article §§ 6-102 and 6-103, because Defendants are domiciled in the State of Maryland and this cause of action concerns real property within the State of Maryland which is also the subject of this case.

6. Venue is appropriate in this Court pursuant to Md. Code, Courts & Judicial Proceedings Article § 6-201 because Defendants resides in Anne Arundel County, Maryland.

FACTS COMMON TO ALL COUNTS

7. This case pertains to a dispute between Plaintiffs and Defendants over the Defendants conduct in obstructing its easement rights and those of the lot owners within the community of Arundel on the Bay, which includes the Association, to use the street end of Magnolia Avenue. The street at issue is described to be the portion of the platted street known as Magnolia Avenue that abuts the Tose-Layden Properties and is located between Saratoga Avenue and the waters of Fishing Creek (“Disputed Street”). Specifically, 1299 Magnolia Avenue and 1300 Magnolia Avenue abut the southern side of the Disputed Street and 1290 Magnolia Avenue abuts the northern side of the Disputed Street. **Also at issue is one half of Saratoga Avenue which abuts 1299 Magnolia Avenue, which is referred to as the “Site Area” in Defendants/Counter-Plaintiffs’ pleadings and identified in Exhibit D to Defendants/Counter-Plaintiffs’ Amended Counter-Complaint.**

8. In 1890, pursuant to a deed recorded at Liber SH., No. 37, folio 509, Richard M. Chase conveyed the land presently known as Arundel on the Bay to the Chesapeake and Columbia Investment Company (“Chase Deed”). *See* Exhibit A.

9. In connection with that deed, the Chesapeake and Columbia Investment Company (“Original Developer”) filed a plat depicting the Disputed Street as a platted street (“1890 Plat”). *See* Exhibit B.

10. A revised plat of Arundel on the Bay, also showing the Disputed Street, was filed by

Arundel on the Bay's then owners, Meredith Lumber Co., on August 15, 1927 ("Record Plat"). *See* Exhibit C.

11. The Association is the record owner of certain real property in Arundel on the Bay known as Block 13, Lots C-I, and Block 32, Lots I, K, L, and M, as shown on the Record Plat.

12. Delia is a record owner of real property known as 1375 Walnut Avenue, Annapolis, Maryland 21403.

13. Strum is a record owner of real property known as 3515 Newport Avenue, Annapolis, Maryland 21403.

14. The Association, at various times based upon the needs of the community, has maintained and improved the portions of the Disputed Street, as well as other platted streets in Arundel on the Bay.

15. Since its inception in 1951, the Association has exercised dominion and control over the Disputed Street, **the Site Area** and other platted streets in Arundel on the Bay by filing suit when platted streets were blocked or encroached upon by residents. The Association has exercised dominion and control over the streets by regulating parking on the streets, establishing fire drafting sites, constructing a boat launching ramp and community pier on several waterfront street ends. The Association has also controlled waterfront development for residences abutting platted streets to ensure that any piers erected did not interfere with the Association's and lot owners' rights in the platted streets.

16. The Association has consistently regulated the use of certain streets (including the Disputed Street **and the Site Area**) for the benefit of all property owners. Among other things, the Association addressed erosion problems on platted streets, established street lights, regulated the construction of private piers on platted streets, constructed a community boat launching ramp and

pier on street ends, and regulated the use of platted streets.

17. Pursuant to Anne Arundel County Code Section 4-7-202, the County Council established a Special Community Benefit Taxing District for the community of Arundel on the Bay. The Taxing District is administered by the Association. One of the enumerated purposes of the Taxing District is to provide for the maintenance of non-County owned roads in Arundel on the Bay.

18. The property owners in Arundel on the Bay, including the Plaintiffs, currently use, and historically have used, the Disputed Street for vehicular and/or pedestrian access and/or passive recreational uses such as walking, fishing, watching fireworks, or observing maritime and marine life on and about Fishing Creek.

19. Defendants have interfered with the Plaintiffs' and other lot owners' easement rights by parking automobiles on and placing wooden pillars within the Disputed Street. The Association has also been informed that Defendants are telling lot owners to leave the Disputed Street.

20. On June 1, 2019, the Association requested that Defendants immediately take steps to terminate their obstruction of the Disputed Street by removing the automobiles and the wooden pillars, to no avail.

21. On August 15, 2019, the Association again requested that Defendants take steps to terminate their obstruction of the Disputed Street and provided a survey demonstrating that the wooden pillars placed by Defendants were within the Disputed Street.

22. Defendants' obstruction of the Disputed Street hinders free passage to the water's edge by lot owners of Arundel on the Bay and fire equipment in case of a fire. Despite the Association's demands, Defendants failed and refused to remove the obstructions they had placed within the Disputed Street.

~~22-23.~~ Defendants/Counter-Defendants have asserted that they hold fee simple title

to the Disputed Street and the Site Area pursuant to Md. Code, Real Property § 2-114. The Association disputes Defendants/Counter-Defendants' claim of title. Except with respect to platted streets in Arundel on the Bay or portions thereof which the Association has deeded to Anne Arundel County or other third parties, and specific platted streets in Arundel on the Bay the title of which has been previously determined by Court order, the Association claims title to all platted streets in Arundel on the Bay, including the Disputed Street and the Site Area. The Association's title to the platted streets stems from a Deed dated September 11, 1951 from Willa Gallagher, George E. Terrell, and Clarence W. Gosnell, Trustees to the Association, which Deed was recorded in the Land Records of Anne Arundel County at Liber 825, Folio 32 (the "1951 Deed"). The Association, at the very least, claims title to the platted streets (including the Disputed Street and the Site Area) under adverse possession by color of title pursuant to the 1951 Deed.

COUNT I— QUIET TITLE
(Implied Easement)

~~23~~**24.** Plaintiffs adopt and incorporate herein by reference the preceding paragraphs as if fully set forth herein.

~~24~~**25.** Pursuant to Section 14-108, the Plaintiffs seek a determination that an implied easement exists in their favor and in favor of all property owners of Arundel on the Bay over the Disputed Street.

~~25~~**26.** Arundel on the Bay is a waterfront development situated on a peninsula, and all the streets shown on recorded plats of Arundel on the Bay lead to the Chesapeake Bay, the waters of Fishing Creek and/or community waterfront recreation areas on the Chesapeake Bay. Further, Arundel on the Bay has historically been marketed to purchasers of lots within the community as a waterfront community or resort whose lot owners enjoy access to the Chesapeake Bay and/or the

waters of Fishing Creek.

~~26.27.~~ Access to the water in Arundel on the Bay is essential to the purpose of the community and the lots within it. Indeed, Plaintiffs, as property owners within Arundel on the Bay, and the other individual property owners in Arundel on the Bay, utilize the Disputed Street to reach the community waterfront areas and the waters of Fishing Creek, including but not limited to, for ingress and egress to the waterfront areas and for normal waterfront activities such as fishing, swimming, watching fireworks and Blue Angel performances, walking and enjoying Fishing Creek and scenery and the like, as well as for maintenance and preservation.

~~27.28.~~ There is no readily perceptible reason to have all the streets shown on the recorded plats lead to the Chesapeake Bay and/or the waters of Fishing Creek and/or community waterfront recreation areas on the Chesapeake Bay except to give the lot owners of Arundel on the Bay access to these waterfront areas for the activities described herein.

~~28.29.~~ There clearly exists an implied easement for the benefit of the Plaintiffs and all of the lot owners within Arundel on the Bay to use the Disputed Street **and the Site Area** for the uses currently and/or historically made of the subject areas including pedestrian and/or vehicular use; and/or passive recreation such as walking, watching fireworks or generally enjoying the maritime and marine life of Fishing Creek.

~~29.30.~~ The Defendants have interfered with the Plaintiffs' and other lot owners' easement rights over the Disputed Street **and the Site Area**. These actions include, but are not limited to, parking automobiles on and placing wooden pillars within the Disputed Street. The Association has also been informed that Defendants are telling lot owners to leave the Disputed Street.

~~30.31.~~ All Arundel on the Bay lot owners, including the Plaintiffs, have a right of way in common over the platted streets within the community, including the Disputed Street **and the Site**

Area, for access to lots, as well as to the Chesapeake Bay and Fishing Creek for normal waterfront activities, including walking, swimming and fishing, in accordance with well-established principles of Maryland property law.

~~31.32~~. Plaintiffs thus seek to remove any cloud from their title caused by Defendants actions and affirm their right to use the Disputed Street **and the Site Area**.

WHEREFORE, the Plaintiffs request that this Court grant the following relief:

A. Determine the rights and responsibilities of the Plaintiffs and the Defendants arising under the implied easement described herein;

B. Enter an Order declaring that the Plaintiffs and all lot owners within Arundel on the Bay have an implied easement to use the Disputed Street **and the Site Area** for the uses currently and/or historically made of the subject areas including pedestrian and/or vehicular use; maintenance and regulation of the Disputed Street **and the Site Area** and the waterfront areas and/or passive recreation such as walking, watching fireworks or generally enjoying the maritime and marine life of Fishing Creek;

C. Award the Plaintiffs costs of these proceedings.

D. Grant the Plaintiffs such other and further relief as the interests of justice require.

COUNT II—DECLARATORY RELIEF

~~32.33~~. Plaintiffs adopt and incorporate herein by reference the preceding paragraphs as if fully set forth herein.

34. The Plaintiffs assert that they and all the lot owners in Arundel on the Bay have a lawful right to use the Disputed Street **and the Site Area** for the uses currently and/or historically made of the subject areas including pedestrian and/or vehicular use; maintenance and regulation of the Disputed Street **and the Site Area** and the waterfront areas and/or passive recreation such

as walking, watching fireworks or generally enjoying the maritime and marine life of Fishing Creek. Defendants have denied and obstructed the rights of the Plaintiffs and lot owners of Arundel on the Bay.

~~33.35.~~ In addition to the easement rights concomitant with the lots owned by the Association, the Association claims title to the Disputed Street and the Site Area either pursuant to the 1951 or under adverse possession by color of title pursuant to the 1951 Deed. Defendants/Counter-Plaintiffs claim title to the Disputed Street and Site Area pursuant to Md. Code, Real Property § 2-114.

~~34.36.~~ There exists an actual controversy of a practicable issue between the parties within the jurisdiction of the court involving the rights of the parties which controversy may be determined by the judgment of this court.

WHEREFORE, the Plaintiffs request that this Court grant the following relief:

A. Enter a declaratory judgment determining the rights and responsibilities of the Plaintiffs and the Defendants arising under the implied easement described herein;

B. Find and declare that the Plaintiffs and all lot owners within Arundel on the Bay have an implied easement to use the Disputed Street **and the Site Area** for the uses currently and/or historically made of the subject areas including pedestrian and/or vehicular use; maintenance and regulation of the Disputed Street **and the Site Area** and the waterfront areas and/or passive recreation such as walking, watching fireworks or generally enjoying the maritime and marine life of Fishing Creek;

~~B.C.~~ Find and declare that the Association holds fee simple title to the Disputed Street and the Site Area pursuant to the 1951 Deed or under adverse possession by color of title pursuant to the 1951 Deed and that Defendants/Counter-Plaintiffs (or their

predecessors-in-title) failed to bring a claim within the 20 year statutory period, which passed in the 1970s.

~~C.D.~~ Award the Plaintiffs costs of these proceedings.

~~D.E.~~ Grant the Plaintiffs such other and further relief as the interests of justice require.

COUNT III—INJUNCTIVE RELIEF

55. The Plaintiffs adopt and incorporate herein by reference the preceding paragraphs as if fully set forth herein.

56. Defendants have interfered with the Plaintiffs' and other lot owners' easement rights by parking automobiles on and placing wooden pillars within the Disputed Street.

57. The Plaintiffs and the lot owners of Arundel on the Bay have an absolute right to use the Disputed Street **and the Site Area** as described herein. Defendants' interference is contrary to the Plaintiffs' and other lot owners' easement rights.

58. Defendants were requested to remove these obstructions to permit unfettered access on the Disputed Street, which has been refused.

59. The Plaintiffs and the lot owners of Arundel on the Bay have always used, maintained, and otherwise asserted and exercised their rights to the Disputed Street **and the Site Area**.

60. The acts of Defendants have caused the Plaintiffs immediate, substantial and irreparable injury and will continue to do so until abated.

WHEREFORE, the Plaintiffs request that this Court grant the following relief:

A. Enjoin Defendant from interfering with the Plaintiffs' and the other lot owners' use of the Disputed Street **and the Site Area**;

B. Enjoin Defendants from altering the physical appearance or condition of the

Disputed Street **and the Site Area**;

C. Enjoin Defendants from controlling access and use to the Disputed Street by placing any obstructions within the Disputed Street **and the Site Area**;

D. Ordering Defendants to remove any obstructions placed by Defendants on the Disputed Street **and the Site Area**, including, but not limited to, the wooden pillars and any automobiles on the Disputed Street;

E. If Defendants fail to remove such obstructions from the Disputed Street within 30 days of the issuance of a permanent injunction, grant the Plaintiffs the right to remove any obstructions from the Disputed Street with Defendants bearing the costs of removal;

F. Award the Plaintiffs costs of these proceedings.

G. Grant the Plaintiffs such other and further relief as the interests of justice require.

VERIFICATION

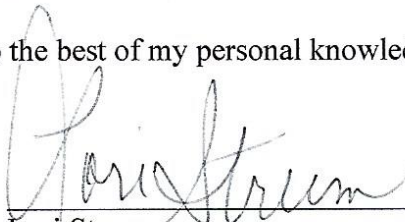
I, David Delia, am President of the Property Owners Association of Arundel on the Bay, Inc. and am duly authorized to execute this Verification under oath. I hereby swear and affirm under the penalties of perjury that the matters and facts contained herein are true and correct to the best of my personal knowledge, information and belief.



David Delia, Individually and as President of
Property Owners Association of Arundel on the
Bay, Inc.

VERIFICATION

I, Lori Strum, hereby swear and affirm under the penalties of perjury that the matters and facts contained herein are true and correct to the best of my personal knowledge, information and belief.


Lori Strum

Respectfully submitted,

COUNCIL, BARADEL,
KOSMERL & NOLAN, P.A.

By: /s/ ~~Wayne T. Kosmerl~~ N. Tucker Meneely
Wayne T. Kosmerl (CPFAIS# 7302010002)
N. Tucker Meneely (CPFAIS# 1012150249)
125 West Street, 4th Floor
Annapolis, MD 21401
(410) 268-6600
(410) 269-8409 fax
Kosmerl@CouncilBaradel.com
Meneely@CouncilBaradel.com
Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of August, 2021, a copy of the foregoing paper was served on all parties registered to receive electronic service via MDEC, including upon:

**Barbara J. Palmer, Esq.
Hyatt & Weber, P.A.
200 Westgate Circle, Suite 500
Annapolis, MD 21401
bpalmer@hwlaw.com**

***Attorney for Defendants/
Counter-Plaintiffs,
Maurice Tose' &
Teresa Layden***

/s/ N. Tucker Meneely .
N. Tucker Meneely (AIS# 1012150249)

State of Maryland. Baltimore City, Md.

Clark Esq. before whom the aforesaid acknowledgments were made, and who has thereto subscribed his name, was at the time of so doing a Justice of the Peace of the State of Maryland in and for the City of Baltimore duly commissioned and sworn and authorized by law to administer oaths and take acknowledgments I further certify that I am acquainted with the hand writing of the said Justice and verily believe the signature to be his genuine signature. In testimony whereof I hereto set my hand and affix the seal of the Superior Court of Baltimore City this 6th day of September A. D. 1890.

Geo Bonds
Clerk of the Superior Court of
Baltimore City.

recorded. 16 September 1890.

rec'd 15/11/1890

1890
This Deed made this ~~seventeenth~~ day of September in the year one thousand eight hundred and ninety by and between Richard M. Chase (a bachelor) of the City of Annapolis, Anne Arundel County in the State of Maryland, party of the first part and the Chesapeake and Columbia Improvement Company, a body corporate, duly incorporated under the laws of the State of Virginia, party of the second part. It is witnessed, that in consideration of the sum of one dollar to the said party of the first part paid by the said party of the second part the receipt whereof is hereby acknowledged and of other good and valuable considerations to the said party of the first part coming from the said party of the second part the said party of the first part doth grant and convey unto the said party of the second part, the successors and assigns forever in fee simple all those tracts of land called 'The Fishing Creek' and 'Thomas Point Farm' the same being composed of the lands called 'Davidgo Purchase' and part of the lands called 'The Barrons' located in the second Election District of Anne Arundel County in the State of Maryland, and contained within the following metes and bounds, courses and distances, viz: to begin for the first at a bounded stone and post heretofore set in the Marsh at the head of Fishing Creek, said stone and post being at as a divisional boundary dividing the lands devised by Jeremiah Chase between his daughters Mrs Francis J. Lockerman and Weston Ann Chase by his last Will and Testament bearing date December 26th 1823 and opening from the said post and stone and bounding on the divisional line as defined by the said Will by a line drawn S. 70° 40' West 146 perches to a bounded stone heretofore set on the West edge of the public road leading from Thomas Point through the aforesaid lands towards Annapolis City, said stone being a boundary called for by the aforesaid Will and also the beginning boundary of part of 'The Barrons' heretofore conveyed by Benjamin Dyer Esq. to Jeremiah Chase by Deed dated May 14th 1799 and passing from the said stone and bounding on and with the Home line of said conveyance reversely by a line drawn S. 70° 15' E. 82 perches to a bounded stone on the edge of margin of Dyer's Creek, being at the end of the last line of the aforesaid conveyance thence running down and bounding on and with the Margin of said water of said Creek and with the aforesaid conveyance reversely by the following course

EXHIBIT
A
ALL-STATE LEGAL

Distances namely S. 17° 30' E. 22 perches S. 84° 30' E. 7 perches S. 12° E. 20 perches
 S. 48° E. 10 perches S. 44° E. 44 perches S. 84° E. 20 perches S. 61° E. 20 perches S.
 75° 15' E. 13 1/2 perches S. 18° 30' N. 2 1/2 perches thence S. 89° 30' E. 15 1/2 per-
 ches to a post set near the edge or margin of the Chesapeake Bay shore
 thence running down and bounding on and with the margin of tide water
 of said Bay shore by the following courses and distances in a body S. 5° E. 2 1/2
 perches S. 113° E. 3 1/2 perches S. 18° 30' E. 40 1/2 perches S. 114° 45' E. 26 perches
 S. 14° E. 23 perches S. 12° 15' E. 16 perches S. 16° 30' E. 22 perches S. 11° E. 20 1/2
 perches S. 5° E. 18 perches S. 6° E. 9 perches S. 12° 30' E. 30 perches S. 9° 45'
 E. 22 1/2 perches S. 13° 30' E. 32 perches S. 18° 30' E. 18 1/2 perches S. 28° 15' E. 32 1/2
 perches to the south end of the beach at the present outlet of Fishing Creek into
 the Chesapeake Bay thence leaving said Bay shore and running up and bounding
 on the North sides of said Fishing Creek and with the margin of tide water of
 the same by the following courses and distances namely N. 72° 30' West 8 perches
 S. 54° N. 18 perches S. 17° 15' N. 11 perches S. 5° N. 18 1/2 perches S. 34° 15'
 N. 10 1/2 perches S. 21° 15' N. 6 perches S. 2° N. 8 perches S. 20° 45' N. 12 1/2 per-
 ches S. 47° N. 7 perches S. 77° 30' N. 5 1/2 perches S. 83° 45' N. 6 perches S. 20° N. 14
 perches S. 29° 30' N. 5 1/2 perches S. 56° 45' N. 5 1/2 perches S. 77° N. 4 perches S. 22°
 45' N. 6 perches S. 86° 15' N. 11 perches S. 75° 15' N. 10 perches S. 68° N. 15 perches
 S. 77° N. 18 1/2 perches S. 60° N. 10 perches S. 44° 30' N. 7 perches S. 56° N. 6 perches
 S. 72° N. 6 perches S. 12° 15' N. 12 perches S. 61° 15' N. 7 1/2 perches S. 39° N. 8 1/2 per-
 ches S. 75° 30' N. 9 1/2 perches S. 22° 45' N. 6 perches S. 25° E. 12 perches S. 44° 30'
 E. 7 1/2 perches S. 21° E. 7 perches S. 4° 45' N. 6 perches S. 12° E. 3 perches S. 37° 45'
 N. 18 1/2 perches S. 17° N. 5 1/2 perches S. 24° E. 6 1/2 perches due North 10 1/2 perches S.
 54° 30' E. 6 1/2 perches S. 56° 15' N. 12 1/2 perches S. 18° E. 14 perches S. 4° E. 12 perches
 S. 29° N. 11 perches S. 49° 45' N. 9 perches S. 9° N. 10 perches S. 48° 30' N. 10 1/2
 perches S. 78° N. 14 perches S. 52° N. 18 1/2 perches due West 5 perches S. 34°
 30' N. 22 perches S. 31° N. 7 1/2 perches S. 57° E. 10 1/2 perches S. 6° 30' N. 17 perches
 S. 61° 30' N. 9 1/2 perches S. 14° 45' E. 10 perches S. 86° 30' N. 12 perches thence leav-
 ing said Creek and running up and through the marsh at the head of
 said Fishing Creek by a line drawn S. 15° 45' N. 28 perches to the beginning
 post and thence containing 273 1/2 Acres of lands to be The second tract is
 known as "Thomas South Island" and is composed of part of the lands called
 Davidge's Purchase and which part is contained within the following metes
 and bounds. Courses and distances namely. Beginning at a marked gum tree
 on the South side of Fishing Creek standing about 4 1/2 perches from the mar-
 gin or tide water of said Creek, said tree being a boundary of the lot of
 ground heretofore sold and conveyed by Abraham J. Chase to the United
 States by deed bearing date August 26th 1824 and running from the said gum
 tree and bounding on said lot of ground by a line drawn S. 35° N. 4 1/2 per-
 ches to the margin or tide water of the aforesaid Fishing Creek thence running
 down and bounding on the South side of said Creek and with the margin
 or tide water of the same by the following courses and distances. Namely
 S. 40° N. 17 1/2 perches S. 56° N. 6 perches S. 79° 30' N. 13 1/2 perches S. 68° 45'
 N. 17 1/2 perches S. 83° N. 8 perches S. 71° N. 8 perches S. 60° N. 15 perches
 S. 53° 30' N. 14 perches S. 46° N. 2 1/2 perches S. 39° 30' N. 45 perches S.
 84° N. 22 perches S. 49° 30' N. 14 perches S. 84° 45' N. 7 1/2 perches S. 64°
 15' N. 5 1/2 perches S. 49° 30' N. 7 1/2 perches S. 75° 15' N. 12 perches S. 52°
 N. 11 perches S. 70° 30' N. 4 perches S. 68° 15' N. 11 1/2 perches S. 88° N.
 S. 115° N. 1 perches S. 60° 30' N. 6 perches S. 31° 15' E.

3 1/2 perches N. 87° 15' E. 11 1/2 perches N. 24° 45' E. 4 perches N. 29° 30' N. 4 1/2 perches to the gut or original outlet of the aforesaid Fishing Creek into South River, thence running with the said outlet as follows N. 87° 30' N. 4 perches, N. 63° N. 1 1/2 perches to the aforesaid South River, thence running down, and bounding on and with the margin or tide water of said river by the following courses and distances namely, S. 18° 15' N. 11 perches N. 3° N. 34 perches N. 16° 15' N. 12 1/2 perches N. 23° 45' N. 11 1/2 perches N. 2° N. 8 perches to a point called Marohy Point, still bounding on said river N. 66° 15' E. 10 perches N. 81° E. 27 1/2 perches N. 73° 15' E. 46 perches N. 72° E. 46 perches S. 83° E. 17 perches N. 81° 30' E. 7 1/2 perches due East 17 perches N. 58° E. 9 perches N. 78° E. 22 1/2 perches N. 73° 30' E. 30 perches thence N. 74° 30' E. 40 1/2 perches to the aforesaid lot of ground sold and conveyed by Jeremiah S. Chase to the United States, thence running with and bounding on said lot by a line drawn N. 24° 15' N. 16 perches to the beginning again. Containing and laid off for 71 acres of land &c.

subject to the right of way granted to the United States by the aforesaid deed to it. Being the same tracts or parcels of land which were conveyed to Jeremiah S. Chase by the two following respective deeds viz Deed dated May 15th 1789 from David's Bridge to Jeremiah S. Chase for David's Purchase recorded in Liber S. S. to 1 folio 361 one of the Land Record books of the Old General Court of Maryland now preserved and remaining in the Land Office of Maryland, and Deed dated May 14th 1792 from Benjamin Ogil to Jeremiah S. Chase for a part of the lands called 'The Barren' recorded in Liber S. S. to 2 folios 512. also one of the Land Record books of the Old General Court of Maryland and remaining in the Land Office of Maryland being also the same parcels of land devised by the said Jeremiah S. Chase to his daughter Hester Ann Chase by his last Will and Testament bearing date December 26th 1823 and recorded in Liber S. S. folio 362 one of the record books of Wills in the office of the Register of Wills for Anne Arundell County; and the same parcels of land devised by the said Hester Ann Chase to her next Matilda Chase by her last Will and Testament bearing date March 17th 1872 recorded in Liber S. S. to 1 folio 289. one of the record books of Wills in the office of the Register of Wills for Anne Arundell County; and being also the same parcels of land which were inherited by Mrs Hester Ann Ridout formerly Chase, the only surviving heir at law of her sister Matilda Chase, and by the said Hester Ann Ridout devised to the said Richard M. Chase, the party of the first part hereto, by her last Will and Testament bearing date May 24th 1886. and recorded in Liber S. S. to 1 folio 300 one of the Record Books of Wills in the office of the Register of Wills for Anne Arundell County. Together with the buildings and improvements thereupon erected and the rights, ways, waters, water rights, privileges and appurtenances and advantages thereto belonging or in anywise appertaining. To Have and to Hold the tracts of lands and premises above described, and hereby mentioned to be granted and conveyed with the right and appurtenances aforesaid, unto the said party of the second part, its successors and assigns forever in fee simple. And the said party of the first part covenants that he will warrant specially the property hereby conveyed and that he will execute such further assurances of deed as may be requisite Witness the hand and seal of the above named grantor

Wm. H. Gapanay

Richard M. Chase Seal

510

not mailed to David A. ...
2 Oct 1890

State of Maryland, Anne Arundel County, Oct.
I Herely Certify that on this 17th day of September in the year one thousand
eight hundred and ninety before me the underscriber a Justice of the Peace
of the State of Maryland, in and for Anne Arundel County aforesaid
personally appeared Richard M. Chadwick the grantor in the foregoing Deed and
acknowledged the same to be his act.

A. H. Gapanay, J. P.

recorded 17th Sep 1890.

This Deed made this eleventh day of September A. D. 1890. between
John R. Lee and Mary E. Lee his wife his wife of Anne Arundel County
in the State of Maryland, of one part and William Martin of Baltimore
City in said State of the other part. Witnesses that for and in considera-
tion of the sum of one thousand dollars the receipt whereof is hereby
acknowledged, the said John R. Lee and Mary E. Lee, his wife do grant and
convey unto said William Martin his heirs and assigns in fee simple all
that lot or parcel of ground, situate and being in the eighth district of Anne
Arundel County in the State aforesaid and described as follows, that is to
say, all that lot of ground designated on a plan and survey filed in a
cause in the Circuit Court for Anne Arundel County, in Equity between
Harriet S. Parrish Complainant and Sarah A. Parrish et al defendants as
lot No 6, and beginning at a stake by the road corner of lots Nos 5, 6, 7 & 8
thence North 27° East 15 perches to a stake at the shore of Parrishs Creek, then
with the shore line of the Creek the five following courses, viz North 82° 15'
West 4 1/4 perches North 21° West 11 perches, South 88° West 7 perches, South 24° West
15 1/2 perches North 79° 30' West to a stake corner of lots Nos 3, 4, 5, & 6, then with
the road South 65° East 24 perches to the stake at corner of lots 5, 6, 7 & 8.
Containing one acre three rods and thirty two perches more or less being
the same lot of ground described in a deed from James Rindly trustee to said
John R. Lee, dated April 27, 1880, and recorded among the Land Records
of Anne Arundel County in Liber S. H. No 15 folio 535. Together with the imp-
rovements thereupon made or being and all the rights, advantages and
appurtenances thereto belonging or in any wise appertaining, do have
and do hold said described lot of ground and premises unto the said use
of said William Martin, his heirs and assigns forever in fee simple
and the said grantors covenant that they will warrant especially the property
hereby granted and that they will execute such further assurances as
may be requisite. Witness the hands and seals of said grantors.

not del to Mr. Shaffer
for Mr. Martin

John R. Lee }
Mary E. Lee }

John R. Lee (Seal)
Mary E. Lee (Seal)

State of Maryland, Anne Arundel County to wit
I Herely Certify that on this eleventh day of September A. D. 1890. before
me the underscriber a Justice of the Peace of the State of Maryland in and
for said County personally appeared John R. Lee and Mary E. Lee
his wife & regularly acknowledged the foregoing deed to be their respective
act recorded 18th Sept 1890.

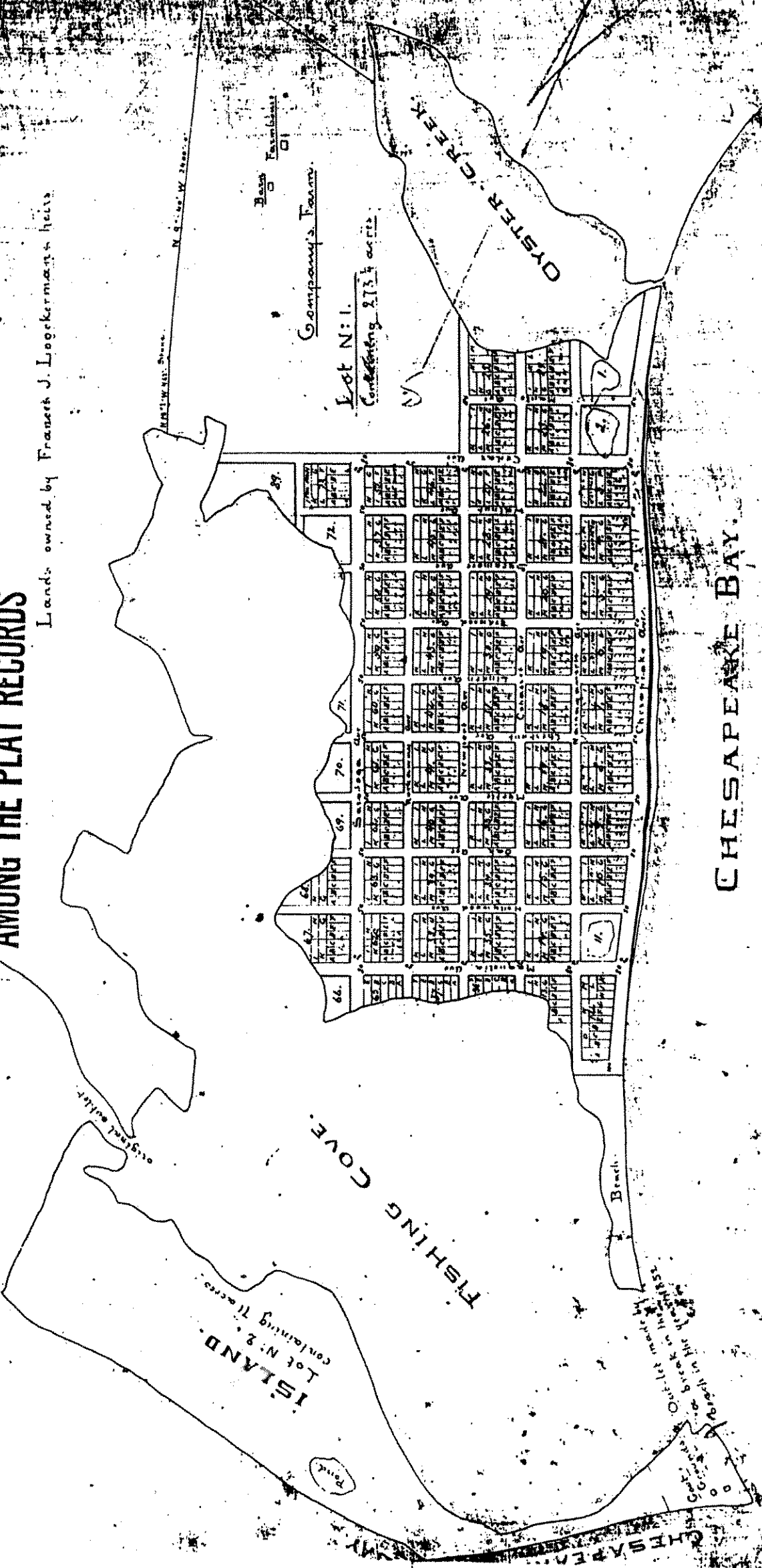
A. H. Gapanay, J. P.

SH 31 FOL. 201

ORIGINAL PLAT RECORDED AMONG THE PLAT RECORDS

Massby Point. SOUTH RIVER.

Lands owned by Francis J. Logskerman's heirs



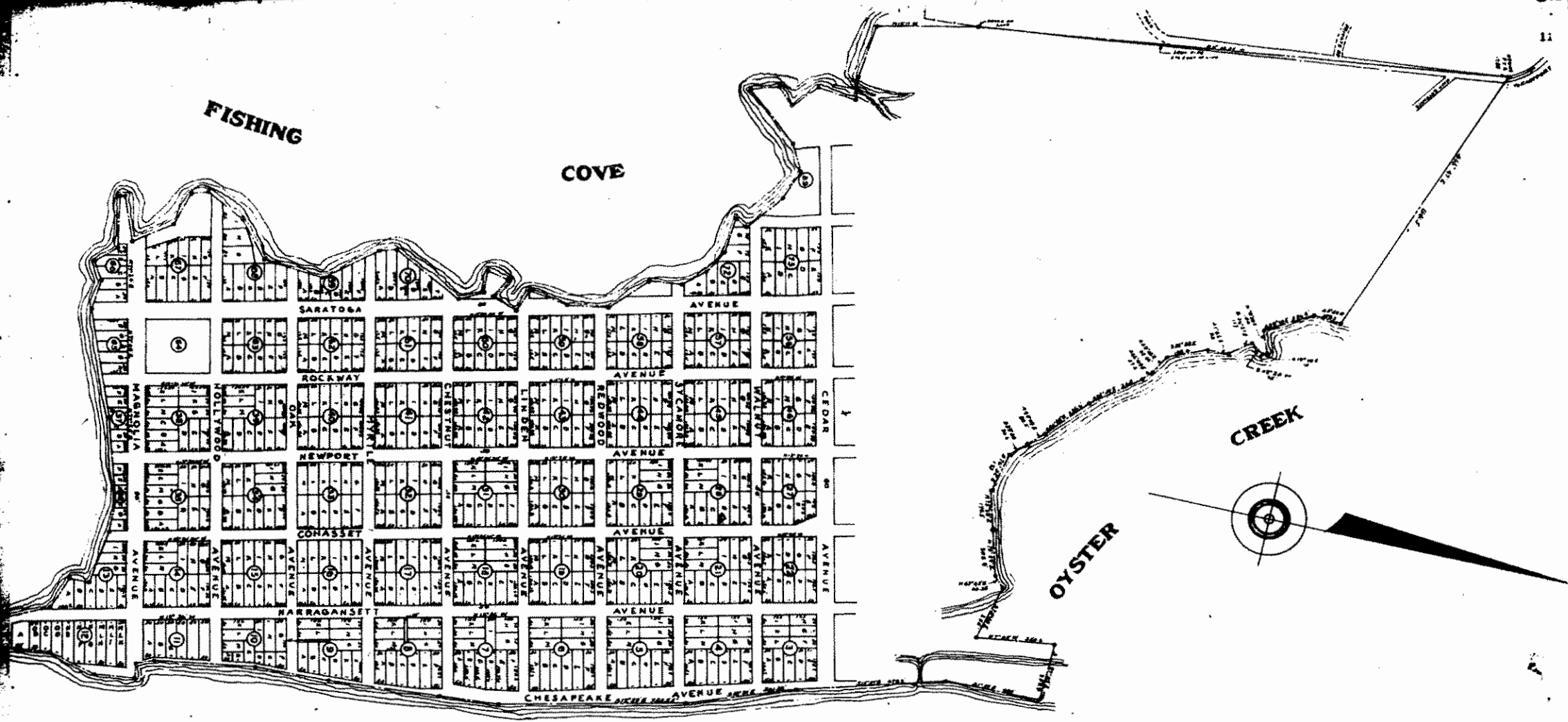
CHESAPEAKE BAY.

The Fishing Creek and Thomas Point Farm the same being composed of the lands called Daugages Purchase and part of The Beasons located in the 2d Election dist. of Anne Arundel County

The same lands devised by Jeremiah J. Chase to his daughter Hester Ann Chase, by his last will

ARUNDEL JON THE BA





FISHING

COVE

CREEK

OYSTER

CHESAPEAKE

BAY



CABINET No. /
 ROD No. A-3
 PLAT No. //
 Anne Arundel Co.

ARUNDEL ON THE BAY

"REVISED PLAT"
 ANNE ARUNDEL COUNTY, MD.

J. REVELL CARR, COUNTY SURVEYOR
 ANNAPOLIS, MARYLAND
 MAY 1892. SCALE 1"=100'

NEREDITH LUMBER CO

OWNERS
 ANNAPOLIS, MD.

Filed 15th Aug
 (No 442)

EXHIBIT C

ATTACHMENT "A"
NECESSARY PARTIES
ADDITIONAL COUNTER-DEFENDANTS

List of Property Owners within Arundel on the Bay

Mailing Address

Premises Address

3400 Niagara LLC
c/o Patrick O'Toole
3403 Niagara Road
Annapolis, MD 21403

3400 Niagara Avenue

Arundel on the Bay Prop Owners
P.O. Box 4665
Annapolis, MD 21403

Annapolis, MD 21403

Harry & Bernice Kelly
4225 Colorado Avenue NW
Washington, DC 20011

Saratoga Avenue

Joyce P. McManus
3430 Rockway Avenue
Annapolis, MD 21403

Private Road

Kenneth R. Fontanesi, Trustee
Dianne M. Fontanesi, Trustee
3460 Rockway Avenue
Annapolis, MD 21403

Daniel L. Ruegg, Trustee
Diane L. Ruegg, Trustee
3519 Saratoga Avenue
Annapolis, MD 21403

Michael W A Ivy
Harolyn J. Ivy
2909 N Lexington Street
Arlington, VA 22207

3458 Rockway Avenue

David J. Osias
Tedi S. Osias
8050 Glendale Road
Chevy Chase, MD 20815

3521 Saratoga Avenue

Lauren Chapman Bolin
Cynthia West Bolin
3538 Narragansett Avenue
Annapolis, MD 21403

Lonnie Allen, Jr.
3522 Rockway Avenue
Annapolis, MD 21403

Faye W. Allen, Trustee
1323 Magnolia Avenue
Annapolis, MD 21403

Juwann Arnold Smith
Renee Smith
1308 Washington Drive
Annapolis, MD 21403

3424 Narragansett Avenue

Rosalynne R Atterbeary Revocable Trust
3551 Narragansett Avenue
Annapolis, MD 21403

Carl H. Bittorf
1358 Oak Avenue
Annapolis, MD 21403

Corrine S. Boyd
Delante Scott
3522 Narragansett Avenue
Annapolis, MD 21403

David K. Brewer
Koren R. Brewer
1364 Linden Avenue
Annapolis, MD 21403

Joseph B. Ernest
3448 Cohasset Avenue
Annapolis, MD 21403

Edward W. Cassidy
Elizabeth M. Cassidy
1309 Magnolia Avenue
Annapolis, MD 21403

James W. Cummings
3450 Narragansett Avenue
Annapolis, MD 21403

Chimene Liburd Brown Trustee
1336 Magnolia Avenue
Annapolis, MD 21403

1337 Magnolia Avenue

Chimene Liburd Brown Trustee
1336 Magnolia Avenue
Annapolis, MD 21403

John C. Davis, Trustee
Alice L. Davis, Trustee
3406 Chesapeake Walk
Annapolis, MD 21403

3408 Chesapeake Walk

Michael A. Delaney
Eileen L. Delaney
3436 Rockway Avenue
Annapolis, MD 21403

Helen M. Dodson
1440 Leegate Road NW
Washington, DC 20012

1358 Hollywood Avenue

Charles T. Duncan, Trustee
Pamela T. Duncan, Trustee
1362 Myrtle Avenue
Annapolis, MD 21403

Carla M. Fleming
775 Windgate Drive
Annapolis, MD 21409

1320 Chestnut Avenue

Kristine S. Friend, Trustee
1685 Myrtle Street NW
Washington, DC 20012

3422 Chesapeake Walk

Roy H. Gamble IV
Tracey Gamble
1346 Magnolia Avenue
Annapolis, MD 21403

Pamela F. Strandquist
Mark J. Strandquist
3406 Cohasset Avenue
Annapolis, MD 21403

David E. Goroff
1306 Sycamore Avenue
Annapolis, MD 21403

3420 Saratoga Avenue

M. Brigid Haragan, Trustee
3420 Cohasset Avenue
Annapolis, MD 21403

Kevin L. Hawkins
Tyre A. Hawkins
1322 Magnolia Avenue
Annapolis, MD 21403

John S. Hazelbaker
Deborah A. Hazelbaker
3422 Rockway Avenue
Annapolis, MD 21403

John A. Herbert
Claire D. Herbert
3536 Saratoga Avenue
Annapolis, MD 21403

Edward E. Johnson
3538 Newport Avenue
Annapolis, MD 21403

Madeline M. Johnson
Alma M. Carlisle
c/o Alma M. Carlisle
2420 8th Avenue
Los Angeles, CA 90018

1362 Chestnut Avenue

Jennifer L. Jebo
3538 Cohasset Avenue
Annapolis, MD 21403

Vincent O. Leggett
Aldena L. Leggett
3436 Cohasset Avenue
Annapolis, MD 21403

Paul C. Lehman, Jr.
3552 Rockway Avenue
Annapolis, MD 21403

Theo H. Mavritte
S M Mavritte
1610 Portal Drive NW
Washington, DC 20012

3510 Newport Avenue

Kathleen M. McLean, Trustee
3510 Rockway Avenue
Annapolis, MD 21403

Jean Mitchell
Hans C. Wien
1294 Myrtle Avenue
Annapolis, MD 21403

Raymond J. Montini
3420 Newport Avenue
Annapolis, MD 21403

Sherry B. Eyer
1366 Walnut Avenue
Annapolis, MD 21403

Marshall Navy
P C Gordon
5225 Ames Street NE
Washington, DC 20019

3566 Narragansett Ave

Laura B. Nye
3536 Rockway Avenue
Annapolis, MD 21403

Nancy H. Hames
Ronald A. Hames
3448 Rockway Avenue
Annapolis, MD 21403

Ryan M. Peusch
Kelsey R. Peusch
1350 Magnolia Avenue
Annapolis, MD 21403

Debra A. Phillips
Joseph C. Phillips
3464 Narragansett Avenue
Annapolis, MD 21403

Steven D. Austin, Trustee
Laura A. Austin, Trustee
3448 Newport Avenue
Annapolis, MD 21403

James C. Schryver
3550 Saratoga Avenue
Annapolis, MD 21403

William N. Settle, Jr.
Jacqueline M. Rybacki
3436 Narragansett Avenue
Annapolis, MD 21403

Wallace J. Shaw, et al., Trustee
Koren Ray
3436 Chesapeake Walk
Annapolis, MD 21403

Leighunt P. Shiles
Sondra Shiles
3462 Cohasset Avenue
Annapolis, MD 21403

Robert J. Stafford
Barbara M. Stafford
1303 Providence Road
Towson, MD 21286

3510 Narragansett Ave

Clinton R. Stone II
Karina Stone
1358 Linden Avenue
Annapolis, MD 21403

James E. Taylor
Jennifer R. Taylor
203 Cedarcroft Road
Baltimore, MD 21212

3575 Narragansett Ave

Derrick Leon Cogburn
De Jesus Noemi Enchautegui
3510 Cohasset Avenue
Annapolis, MD 21403

Steven J. White
Tujuana P. White
1304 Magnolia Avenue
Annapolis, MD 21403

Diane S. Wilkerson, Trustee
3524 Cohasset Avenue
Annapolis, MD 21403

Bruce Zink, Trustee
Teresa Hunt, Trustee
3524 Newport Avenue
Annapolis, MD 21403

David K. Brewer
Koren R. Brewer
1362 Linden Avenue
Annapolis, MD 21403

Teresa O. Crawford
2474 Bell Branch Road
Gambrills, MD 21054

3508 Newport Ave

John C. Davis, Trustee
Alice L. Davis, Trustee
3406 Chesapeake Walk
Annapolis, MD 21403

Gude-Bud LLC
8523 Country Club Drive
Bethesda, MD 20817

3573 Narragansett Ave

Melanie K. Herr
3422 Narragansett Avenue
Annapolis, MD 21403

Benjamin H. Guess
Karen L. Guess
3508 Narragansett Avenue
Annapolis, MD 21403

Robert M. Krohn
Catherine L. Krohn
3508 Rockway Avenue
Annapolis, MD 21403

George H. McGhee
1305 Magnolia Avenue
Annapolis, MD 21403

Lionel G. Millard
6215 Kansas Avenue NE
Washington, DC 20011

3460 Newport Ave

Thomas C. Newkirk 5109 Westpath Way Bethesda, MD 20816	1334 Magnolia Ave
Gail L. Nichols 2120 Dasher Avenue Lusby, MD 20657	3418 Cohasset Ave
Betsy Elaine Read 137 Green Wood Creek Road Queenstown, MD 21658	3418 Newport Ave
Daniel L. Ruegg Diane L. Ruegg 3519 Saratoga Avenue Annapolis, MD 21403	3416 Saratoga Ave
Jacqueline M. Rybacki 3436 Narragansett Avenue Annapolis, MD 21403	3434 Narragansett Ave
Sockwell Family PTNSHP LP 1685 Myrtle Street NW Washington, DC 20012	Chesapeake Ave
Justyna M. Peaz Travis L. Peaz 3406 Narragansett Avenue Annapolis, MD 21403	
Robert A. Warner Juying X. Warner 3523 Narragansett Avenue Annapolis, MD 21403	
Diane S. Wilkerson 3524 Cohasset Avenue Annapolis, MD 21403	3522 Cohasset Avenue
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