



Baltimore County
Department of Permits and
Development Management

Code Inspections and
Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmenforce@co.ba.md.us
pdinspect@co.ba.md.us

February 7, 2000

Mrs. Louise M. Fowble
201 West Timonium Road
Timonium, MD 21093

Mrs. Doris Otto
1301 Louisa Street
Williamsport, PA 17701

Mrs. Jean MacMaster
300 South Sykes Creek, Apt. 204
Merritt Island, FL 32952

Mrs. Mary Courtney
16606 Dubbs Road
Sparks, MD 21152

Dear Mss. Fowble, Otto, MacMaster and Courtney:

RE: Petition for Special Hearing
NW/S of Dubbs Road, SE/S of Yeoho Road
(Parcel 2 and Lots 1,2 and 3 of Parcel 1 of the Smith Property) 5th Election District
Special Hearing Case 97-74-SPH.
(Code Enforcement Case 00-0514)

It has come to our attention that a violation of Special Hearing Case 97-74-SPH (copy attached) may have occurred as relates to the above referenced parcels/lots. Specifically, it is alleged that the three (3) lots contained on Parcel 1 are being sold and/or utilized as separate building lots, in violation of the Zoning Commissioner's order issued in that case. While Parcel 2 (referenced above) was also included in the petition for Case 97-74-SPH, it is not the subject of the alleged violation nor the subject of this letter.

As mentioned in the Zoning Commissioner's order and Petitioner's Exhibit 4, Judge Edward A. DeWaters, Jr. of the Circuit Court for Baltimore County did issue a Consent Decree on June 28, 1984, that subdivided/conveyed by deed the parcel/lots that were the subject of Special Hearing Case 97-74-SPH. However, it is the contention of this department

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Ms. Fowble, Otto, MacMaster and Courtney
February 7, 2000
Page 2

that the Circuit Court decree governs private ownership only, and does not determine compliance with RC2 zoning or subdivision lot density regulations. This department further contends that the three (3) lots on Parcel 1 (created by Circuit Court partition) are unbuildable and must remain free of any structures. This point is reiterated in Director Arnold Jablon's letter of April 13, 1995 (copy enclosed) and in the Zoning Commissioner's Findings of Fact and Conclusion of Law contained in Special Hearing Case 97-74-SPH.

In conclusion, please be advised that a copy of this letter will be forwarded to all relevant division heads and bureau chiefs within the county to prevent the issuance of any building permits relative to the three (3) lots on Parcel 1. If a building permit is inadvertently obtained, an immediate order will be issued rescinding the permit and requiring the removal of any structures or structural elements built on the lots. Receipt of this letter shall be considered your formal notice to advise all future property owners of the unbuildable status of these lots.

If you have any questions, please contact me at 410-887-3351, ext. 7290

Sincerely,



Jeffrey Perlow
Code Enforcement Officer
Department of Permits & Development

JHT/mc

Enclosure

cc: Todd Morrell, Morrell Properties
David Smith

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Baltimore County
Zoning Commissioner

November 24, 1999

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

Mr. David R. Smith
16701 Yeoho Road
Sparks, Maryland 21152

RE: PETITION FOR SPECIAL HEARING
NW/S of Dubbs Road, SE/S of Yeoho Road
(Parcel 2 and Lots 1, 2 and 3 of Parcel 1 of the Smith Property)
5th Election District – 3rd Councilmanic District
Louise Fowble, Doris Otto, Jean MacMaster and Mary Courtney – Petitioners
Case No. 97-74-SPH

Dear Mr. Smith:

In response to your letters dated March 9, 1999 and November 8, 1999 concerning the above-captioned matter, the following comments are offered.

First, I do not recall receiving your letter of March 9, 1999 and cannot respond to the comments raised in that letter. However, I am in receipt of your more recent letter dated November 8, 1999 to which you attached a copy of your previous letter. In any event, it appears that the nature of both letters concerns an alleged violation of the decision I rendered in this case.

Please be advised that the Department of Permits and Development Management (DPDM) office has a Code Enforcement Division therein which is responsible for enforcing the Baltimore County Zoning and Building Code Regulations. Therefore, if a complaint is registered with that agency, an inspector will be dispatched to the site to determine if, in fact, a violation has occurred. Moreover, that agency is responsible for enforcing any restrictions or terms and conditions imposed in any Order issued by the Zoning Commissioner's Office.

Therefore, by copy of this letter, your correspondence is being forwarded to the Code Enforcement Division of DPDM for a response. In the event you have any further questions or concerns regarding this matter, please contact the Code Enforcement Division at 887-3351 and speak with the inspector for this area of Baltimore County, or Mr. Arnold Jablon, Director of DPDM, for further assistance. I trust that I have addressed all of your concerns.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
For Baltimore County

LES:bjs

cc: Code Enforcement Division, DPDM
Case File

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Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

April 13, 1995

Mrs. Louise Fowble
201 West Timonium Road
Timonium, Maryland 21093

Mrs. Doris Otto
1301 Louise Street
Williamsport, Pennsylvania 17701

Jean
Mrs. Joan MacMaster
300 South Sykes Creek, Apt. 204
Merritt Island, Florida 32952

RE: Partition of 11 acres
Yeoho and Dubbs Roads
5th Election District

Dear Mrs. Fowble, Mrs. Otto & Mrs. MacMaster:

It has recently been brought to the attention of this office that, in or about 1984, property currently owned by you was subdivided into three distinct parcels by court order. I apologize for having to write this letter to you, but I must provide you with notice that such a subdivision violates Baltimore County laws.

Although the court may have been within its right to partition the 11 acres located at Yeoho and Dubbs Roads, such a partition was in violation of the Baltimore County zoning regulations. The original parcel from which the 11 acres was separated, consisting of approximately 78 acres, could be subdivided into two buildable lots; however, neither the 67-acre or 11-acre parcel which were then created could be further subdivided.

The issue at hand is whether the three lots created by partition in 1984 are buildable and whether they are in compliance with county zoning and development regulations. The Baltimore County zoning regulations do not permit the 11 acres, zoned R.C.2, to be further subdivided. Therefore, in the opinion of this office, the lots created by the court order are unbuildable.

If you disagree, I suggest that you file a petition for special hearing for an interpretation as to whether this determination is correct. Please call 887-3391 for information on filing procedures. It is important that this issue be resolved.

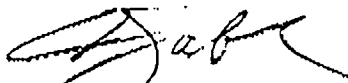
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Mrs. Louise Fowble
Mrs. Doris Otto
Mrs. MacMaster
Page Two
April 13, 1995

It is the responsibility of the county to ensure notice to subsequent purchasers that the lots are unbuildable. Therefore, if you fail to request such a hearing, the county will have no choice but to record such a notice in the land records office of Baltimore County.

If you have any questions regarding the above, please feel free to call this office.

Sincerely,



ARNOLD JABLON
Director

AJ:lb

c: Douglas G. Worrall, Esquire

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IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
NW/S Dubbs Road and SE/S Yeoho Road
(Parcel 2 and Lots 1, 2 and 3 of * ZONING COMMISSIONER
Parcel 1 of the Smith Property)
5th Election District * OF BALTIMORE COUNTY
3rd Councilmanic District *
* Case No. 97-74-SPH
Louise Fowble, Doris Otto, Jean MacMaster and
Mary Courtney - Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for four (4) separately described parcels of land located adjacent to Dubbs Road and Yeoho Road in north central Baltimore County. The Petition was filed by the owners of the property, Louise Fowble, Doris Otto, Jean MacMaster and Mary Courtney, through their attorney, Michael Gisriel, Esquire. The Petitioners seek approval of the designation of the subject property as four (4) separately described building lots of ground, pursuant to Court Order. Stated in another fashion, the Petitioners seek approval that the four (4) parcels in question, being separately owned by each Petitioner, can be sold and/or utilized as separate building lots. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were John F. Fowble, son of Louise Fowble, and Michael Gisriel, Esquire, attorney for the Petitioners. Appearing in opposition to the request were Mary P. Shaffer, Cindy Burton (sister of Thomas R. Coburn), R. Scott Stuart, and David R. Smith, all nearby property owners. Also appearing as a Protes-
tant in the matter was John Bernstein, a representative of the Valleys Planning Council.

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Although this case is somewhat unusual and complex as it relates to the issues presented, the material facts are not in dispute. As noted above, the subject properties are located in north central Baltimore County near the intersection of Dubbs Road and Yeoho Road. The properties are zoned R.C.2, a highly restrictive zoning classification. As is the case with many properties in the north County, the parcels were originally part of a large farm which has been subdivided over the years. This family farm was originally owned by the Gorsuch family and documents in the Land Records of Baltimore County disclose ownership by that family since the mid-1800s.

In 1944, approximately 137 acres of the original farm tract were conveyed to Grace Miller, and her daughter, Marjorie Smith. In addition, to Ms. Smith, Ms. Miller had four other daughters, namely, the Petitioners identified herein as Louise Fowble, Doris Otto, Jean MacMaster and Mary Courtney. The four sisters are now elderly, ranging in age from 76 to 82 years of age. None were present at the hearing due to frail health, but were represented by Dr. John Fowble, a veterinarian. Dr. Fowble is the son of Louise Fowble, and is a nephew to the other sisters.

Subsequent to their acquisition of the 137 acre parcel in 1944, Ms. Miller and her daughter, Ms. Smith, caused there to be several subdivisions of the property. Thus, new lots were created, some of which are in ownership of other family members, and others conveyed to third parties. In any event, it is clear that the property was comprised of three lots of record, as of November 23, 1979. This date is significant in that it is the date that the R.C. zoning classification was adopted in Baltimore County. It is the date utilized to determine the rights of subdivision available to rural properties which are zoned R.C. As is well-settled,

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[Signature]

the acreage of individual R.C. lots are determined as of that date and the applicable rights of subdivision computed by the size of that acreage.

As the testimony and evidence offered at the public hearing on this case made clear, it is undisputed that the old farm property, owned by Ms. Miller and her daughter, Ms. Smith, was comprised of three lots of record as of November, 1979. The first lot consists of 2.826 acres and is identified as Parcel 2 on the site plan. Parcel 2 is now owned by one of the Petitioners, Mary Courtney. The second lot has been identified as Parcel 3 and is unrelated to the instant Petition. The third lot, Parcel 1 is comprised of the balance of the property, roughly 78 acres, and includes the four lots which are the subject of this case. It is to be emphasized that these three parcels were the only lots of record which existed as of November, 1979, and thus, the rights of subdivision must be computed based on their designation as individual lots and the acreage of each.

Notwithstanding the County's zoning regulations and the impact of the R.C. zoning designation and enactment in November, 1979, Ms. Miller apparently wanted to make a provision for her four daughters in the early 1980s. Thus, she caused to be conveyed unto Ms. Courtney, Ms. Fowble, Ms. Otto and Ms. MacMaster, a portion of the property jointly owned by her and Ms. Smith. Specifically, the lot of record now owned by Mary Courtney and identified as Parcel 2, containing 2.826 acres, was conveyed, as well as a parcel located on the north side of the farm, comprised of approximately 11.7 acres, more or less. In 1983, Grace Miller died. Thus, Ms. Smith took title to the land jointly owned by her and her mother by operation of law. Her sisters, the Petitioners in this case, were joint owners of the 11.7 acres and Parcel 2 previously conveyed.

As noted above, and shown clearly on the site plan, the 11.7 acres and Parcel 2 were actually not one contiguous piece of land. Parcel 2, the Courtney property, is situated west of the 11.7 acres and separated by other properties and Dubbs Road. In 1984, Ms. Fowble filed a Bill of Complaint for Partition in the Circuit Court for Baltimore County (Petitioner's Exhibit 4). She sought a partition of the land acquired by her and her sisters in 1982 from their mother. The Bill of Complaint was answered by a joint Petition filed by the other three sisters, and ultimately, a Consent Decree was entered by the Court on June 28, 1994. This Decree subdivided the lands acquired by the Petitioners in 1982 into four parcels. Ms. Courtney retained the separate piece described above as encompassing 2.826 acres and known as Parcel 2. Ms. Fowble acquired a lot containing 3.535 acres in area, identified as Lot 1 of Parcel 1. Ms. MacMaster acquired a lot 3.746 acres in area, identified as Lot 2 of Parcel 1, and Ms. Otto acquired a lot containing 3.624 acres, identified as Lot 3 of Parcel 1.

In 1985, Ms. Courtney decided to construct a single family dwelling on her property. Thus, a building permit was issued and ultimately the house was constructed. The three alleged lots owned by the other sisters are unimproved.

The matter now comes before me as a request seeking confirmation of these transfers and the legitimacy of the creation of these lots. Mr. Gisriel proffered that Ms. Fowble, Ms. MacMaster and Ms. Otto have decided to sell their unimproved lots and desire confirmation that each can be marketed, sold and developed as a separate building lot. It is of particular relevance that the Fowble, MacMaster, and Otto lots are unimproved at this time.

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Opposition to the request comes from David R. Smith, the son of Marjorie Smith, and Grandson of Grace Miller. He believes that the 1982 subdivision and subsequent Consent Decree is illegal under the zoning regulations. His testimony was endorsed by John Bernstein on behalf of the Valleys Planning Council (VPC). A letter from VPC incorporating their position, as well as correspondence from the Office of People's Counsel, is found in the zoning case file established for this case, and duly noted.

The Petitioners concede that the subdivision which was attempted by Ms. Miller in 1982, and subsequently the subject of the Consent Decree in 1984, is illegal. Section 1A01.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) governs height and area regulations for R.C. 2 zoned land. Further on, Section 1A01.3.B.1 provides that "No lot of record lying within an R.C. 2 zone and having a gross area of less than 2.0 acres may be subdivided. No such lot having a gross area between 2 and 100 acres, may be subdivided into more than two lots (total). Such lot having a gross area of more than 100 acres may be subdivided only at a rate of 1 lot for each 50 acres of gross area." That Section then goes on to exempt from these requirements certain lots which were approved prior to November 27, 1979, the date of implementation of the R.C. zoning classification. Thus, it is clear under a reading of the zoning regulations that the entire tract owned by this family as of November 23, 1979 was comprised of only three lots of record. As noted earlier in this opinion, they are identified as Parcel 3, which is not a subject of this Petition, Parcel 2, which was subsequently acquired by Ms. Courtney, and the balance of the tract, or Parcel 1. Parcel 1 encompassed approximately 78 acres from which only one subdivision was allowed. That is, Ms. Smith and Ms. Miller could subdivide that property one time, so as to create two building lots; however, when

the tract now identified as Parcel 1 was conveyed to the four sisters, the one subdivision allowed occurred. The attempted resubdivision of that lot by way of the joint Partition was illegal under the zoning regulations.

Such a conclusion is buttressed by the plain meaning of the words used in the regulations, as construed by the Courts of this County. As the Petitioners concede, the Circuit Court for Baltimore County took up a similar issue in Case No. 88-CG-1510, namely, People's Counsel for Baltimore County v. Graziano, et al. In that case, Judge Dana M. Levitz held that an attempted subdivision by will was illegal when contrary to the area and density requirements of the B.C.Z.R. Moreover, Judge Levitz also noted that Section 22-42(4) of the Baltimore County Code (B.C.C.) (now Section 26-171(a)(4) of the renumbered B.C.C.) does not exempt such an attempted illegal subdivision from the reach of the B.C.Z.R. As is clear, the exemption contained in Section 26-171(a)(4) of the Code exempts only certain parcels from the development process and does not exempt same from the applicable provisions of the B.C.Z.R. Thus, as conceded by the Petitioners and argued by the Valleys Planning Council, the People's Counsel, and the Protestants, the subdivision of Parcel 1 by the Petitioners was illegal and cannot be sustained.

Although conceding such an obvious conclusion, the Petitioners request that the Zoning Commissioner approve the subdivision nonetheless, based on one of three legal theories. The theories advanced by the Petitioners are founded in the doctrines of estoppel, laches, and equity. As to the estoppel argument, this Zoning Commissioner draws the Petitioners' attention to the holding in a case recently pending before the Circuit Court for Baltimore County, namely, In Re: Long Green Valley Association Case No. 94-CV-10257. That case was initially before this Zoning Commis-

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sioner, and following an appeal through the County Board of Appeals, came before Judge James T. Smith, Jr. of the Circuit Court for Baltimore County. Judge Smith's well-reasoned opinion defined and discussed the issue of equitable estoppel. Quoting from Fitch v. Double "U" Sales Corporation, 212 Md. 324, Judge Smith defined equitable estoppel as "...the effect of the voluntary conduct of a party where he is absolutely precluded, both at law and in equity, from asserting rights which may have otherwise existed, either of property, of contract, or of remedy against another person who has in good faith relied upon such conduct and has been led thereby to change his position for the worse, and who, on his part, acquired some corresponding right, either of property, of contract, or of remedy." At Page 338. Although concluding that the Board of Appeals and the Zoning Commissioner had the authority to apply the doctrine, Judge Smith concluded that equitable estoppel should be applied sparingly. In applying the facts here, there is no basis to support an application of equitable estoppel. There was no building permit issued, at least as to Parcel 1, and no action taken by Baltimore County upon which the Petitioners can rely. The Decree entered by the Court was by consent of the parties, and I find no evidence of any act, misrepresentation or conduct by Baltimore County upon which the Petitioners relied.

The second basis suggested by the Petitioners is that of laches. Laches has been defined as a equitable defense to a claim, whereby an undue and unexpected delay caused by a party prohibits that party from recovering on its claim due to the injustice that would result. (See Connelley v. Connelley, 190 Md. 79 (1948) and Kerrigan v. Kerrigan, 642 A2d, 1324 (1994). Based on the record of this case, there is no

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factual basis upon which laches can be applied. Baltimore County did not cause any delay which worked an injustice upon the Petitioners.

Third, the Petitioners assert that fairness and equity demand that the subdivision be approved. The Petitioners' position is indeed unfortunate. Ms. Miller's attempt to provide building lots for her four daughters is understandable. Nevertheless, the subdivision is illegal. Arguably, her Counsel at that time should have been aware of the relevant provisions of the B.C.Z.R. when the subdivision was completed in 1982. Certainly, the impact of the B.C.Z.R. should have been the subject of investigation when the Petition for Partition was filed. Although the result is unfortunate, this Zoning Commissioner does not have the authority to blatantly disregard the clear meaning of the B.C.Z.R. in an attempt to adjust the rights of the parties. The attempted subdivision by Partition was clearly illegal and cannot be sustained.

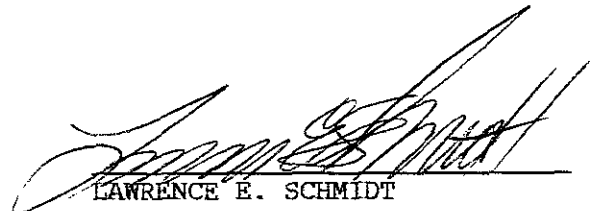
Moreover, in an effort to clarify the state of the property as a whole, the following findings are therefore offered. I make no judgment as to that land known as Parcel 3, which was not a subject of this hearing. However, it is clear that Parcel 2 (i.e. the Courtney lot) is a lot of record, duly created prior to 1979. On November 23, 1979 it was an independent, freestanding lot, which had been created by virtue of prior subdivisions. It does not abut the other lands then owned by Ms. Miller and Ms. Smith, and thus existed as an independent lot of record on November 23, 1979. It may be subdivided once so as to create two lots in that its area (2.826 acres) is between 2 and 100 acres in size. Obviously, a practical subdivision of that lot is not possible by virtue of the fact that a single family dwelling has been constructed thereon. As to the balance of the Smith/Miller lands, there has been a single subdivision

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BY [Signature]

which is permissible. The balance of the Smith/Miller properties, approximately 78 acres in 1979, has been subdivided once, so as to create Parcel 1 (approximately 11.7 acres in area) now owned by Fowble, Otto and MacMaster, and the remainder, owned by Ms. Smith and her son. This single subdivision is permissible, in view of the acreage of the property; however, neither the surviving Smith property or Parcel 1 may be subdivided further. Parcel 1 owned by Ms. Fowble, Ms. Otto and Ms. MacMaster can support but one principal use, either a single family dwelling or other use as permitted by the B.C.Z.R. However, as noted above, neither the property owned by Ms. Smith or the lot owned jointly by the other three sisters may be further subdivided.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 30th day of October, 1996 that the Petition for Special Hearing seeking approval that four (4) separately described building lots of ground, pursuant to Court Order the four (4) lots in question, being separately owned by each Petitioner, can be sold and/or utilized as separate building lots, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

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Date 10/31/96
By [Signature]

IN THE MATTER OF
THE APPLICATION OF
LOUISE FOWBLE, ET AL
FOR A SPECIAL HEARING ON
PROPERTY LOCATED ON THE NW/
SIDE DUBBS RD AND SE/S YEOHO
RD (PARCEL 2 & LOTS 1, 2 & 3
OF PARCEL 1 OF SMITH PROPERTY)
5TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 97-74-SPH

* * * * *

ORDER OF DISMISSAL

This matter comes to this Board on appeal from a decision of the Zoning Commissioner in Case No. 97-74-SPH in which Petitioners' request for special hearing relief was denied by Order dated October 30, 1996.

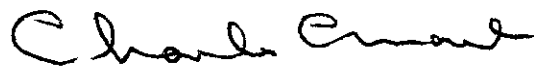
WHEREAS, the Board is in receipt of a dismissal of appeal filed by Louise M. Fowble, et al, Appellants /Petitioners, dated October 21, 1997 (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Petitioners /Appellants request that the appeal filed in this matter be dismissed as of this date;

IT IS HEREBY ORDERED this 31st day of October, 1997 by the County Board of Appeals of Baltimore County that said appeal be and the same is hereby DISMISSED.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY


Kristine K. Howanski, Chairman


Charles L. Marks


Donna M. Felling

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Louise M. Fowble
201 West Timonium Road
P. O. Box 32
Timonium, MD 21094-0032
(410) 252-1922
October 21, 1997

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
400 Washington Avenue
Towson, MD 21204

Re: Case #: 97-74-SPH

Dear Sir or Madam,

Please dismiss the above captioned appeal.

Thank you for your assistance with this matter.

Sincerely yours,

Louise M. Fowble

Louise M. Fowble for the Appellants/ Petitioners

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County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180

October 31, 1997

Louise M. Fowble
201 W. Timonium Road
P.O. Box 32
Timonium, MD 21094-0032

RE: Case No. 97-74-SPH
Louise M. Fowble, et al -Petitioners

Dear Ms. Fowble:

Enclosed please find a copy of the Order of Dismissal issued
this date by the County Board of Appeals of Baltimore County
in the subject matter.

Very truly yours,

Kathleen C. Bianco

Kathleen C. Bianco
Administrator

encl.

cc: John F. Fowble, VMD
David R. Smith
R. Scott Stuart
Thomas R. Coburn
Mary P. Shaffer
Sam Nitzberg
Stacey Sutton
Jack Dillon, Executive Director /VPC
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

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RE: PETITION FOR SPECIAL HEARING
Yeoho and Dubbs Road, E of Dubbs and W
of Yeoho Road, 5th Election District,
3rd Councilmanic

Louise Fowble, Doris Otto, Jean
MacMaster, and Mary Courtney

Petitioners

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* BEFORE THE
* COUNTY BOARD OF
* APPEALS OF
* BALTIMORE COUNTY
* Case No. 97-74

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MOTION TO DISMISS APPEAL

PEOPLE'S COUNSEL FOR BALTIMORE COUNTY moves to dismiss the
appeal, as a matter of law, based on uncontradicted material facts:

1. The subject property of 137 acres, zoned RC-2, agricultural,
comprised 3 lots of record (parcels) as of November 27, 1979 (the
effective date of relevant Bill 178-79), each between 2 and 100 acres
(78, 2.8, and 56).
2. Pursuant to Bill 178-79, the amended BCZR 1A01.3B allows
subdivision lot density of two for each lot of record between two and
one hundred acres. See attached BCZR.
3. Based on the law, and its consistent implementation, each of
the subject lots of record is entitled to be subdivided to a
resulting lot density of 2.
4. In or about 1982, the owners conveyed 11.7 acres of "Parcel
1," the 78-acre lot of record, to four sisters, the Petitioners
herein. This was the one allowed subdivision of Parcel 1, and no
others are allowed under the current zoning classification.
5. However, the Petitioners, by private law Petition for
Partition, obtained a Court Order further subdividing the 11.7 acres
into 3 lots. This exceeds by two the allowed subdivision lot density.

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6. The Petitioners now seek to establish, by Special Hearing, that these are all legitimate development lots.

7. In effect, they seek to elevate their private partition arrangements, as ratified by Court Order, over the public zoning law.

8. But the private partition case, under Md. Code Real Property Art. Sec. 14-107, governs private ownership only, and does not determine zoning or subdivision lot density. Neither interested citizens nor People's Counsel are notified of such cases, or are parties bound by the decision. Public law is not affected.

9. Therefore, the Petition for Special Hearing must be dismissed or denied.

10. It conflicts with basic RC-2 zoning law on subdivision lot density.

11. People's Counsel stated this position in the attached letter to the Zoning Commissioner dated October 15, 1996, and included a Circuit Court decision in a similar case. People's Counsel v. Graziano, 88-CG-1510.

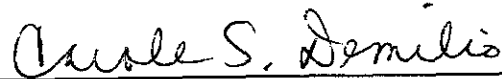
12. The Zoning Commissioner correctly denied the Petition.

13. There is, furthermore, no basis, as a matter of law, for Petitioners' fallback theories of estoppel, laches, or equity. Lipsitz v. Parr, 164 Md. 222 (1933); Board of Co. Comm'rs v. Snyder, 186 Md. 642 (1946); Delbrook Homes v. Mayers, 248 Md. 80 (1967); City of Hagerstown v. Longmeadow Shopping Center, 264 Md. 181 (1972); Sycamore Realty Co. v. People's Counsel, 344 Md. 57 (1996). See also In re Long Green Valley Assn. (Circuit Court No. 94-CV-10257), a CBA appeal.

WHEREFORE, People's Counsel requests that the County Board of Appeals dismiss the Petitioners' appeal.



PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of September, 1997, a copy of the foregoing Motion to Dismiss Appeal was mailed to Louise Fowble, 201 W. Timonium Road, Timonium, MD 21093, Doris Otto, 1301 Louisa Street, Williamsport, PA 17701, Jean MacMaster, 300 S. Sykes Creek, Merritt Island, FL 32952, and Mary Courtney, 16606 Dubbs Road, Sparks, MD 21152, Petitioners; and to David Smith, 16701 Yeoho Road, Sparks, MD 21152, Mr. and Mrs. Scott Stuart, 16616 Dubbs Road, Sparks, MD 21152, Thomas Coburn, 16619 Dubbs Road, Sparks, MD 21152, and Mary Shaffer, 16929 Yeoho Road, Parkton, MD 21120, Protestants.



PETER MAX ZIMMERMAN

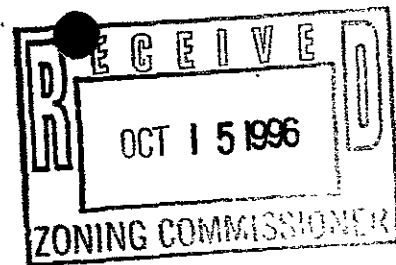


Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old Courthouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188



PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

October 15, 1996

Lawrence E. Schmidt, Esquire
Baltimore County Zoning Commissioner
Old Courthouse, Room 118
400 Washington Avenue
Towson, MD 21204

Hand-delivered

Re: Petition for Special Hearing
Yeoho and Dubbs Road, E of Dubbs
and W of Yeoho Road, 5th Election
District, 3rd Councilmanic
PETITIONERS: LOUISE FOWBLE, DORIS
OTTO, JEAN MacMASTER, MARY COURTNEY
Case No. 97-74-SPH
Hearing Date: 10/17/96, 9:00 a.m.

Dear Mr. Schmidt:

Upon citizen inquiry, we reviewed this case in light of the office's charter responsibility to defend the comprehensive zoning maps. Sec. 524.1.

We found there exists a legal issue of great public interest. An apparent question is whether a 1984 court-ordered partition of property between sisters pursuant to RP Art. Sec. 14-107(a) supersedes or displaces the 1979 agricultural (RC-2) zone designation, and subdivision lot density provision. BCZR 1A01.3B. Part of Bill 178-79, this key zoning provision states that lots of record between 2 and 100 acres in size may not be subdivided into more than 2 lots.

Briefly stated, a Circuit Court partition order cannot and does not preempt or supersede county zoning legislation. The property in question must be evaluated for compliance with RC-2 zone subdivision lot density independently of the privately instituted partition proceedings. Moreover, there does not appear to be any doctrine of equity or estoppel which defeats the comprehensive zoning ordinance.

The Circuit Court dealt with a somewhat similar issue in the attached Graziano case, 88-CG-1510, involving a will which

MICROFILMED

Lawrence E. Schmidt, Esquire
Baltimore County Zoning Commissioner
October 15, 1996
Page Two

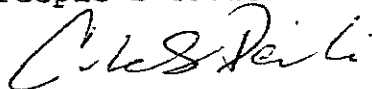
divided a tract into more lots than allowed in the RC zone. Reversing the County Board of Appeals, the Court held that the law prevailed, even though the will predated it. A property owner may not by will dictate the effectiveness of future public law. There is nothing in the filing of the private partition case here, subsequent to the zoning legislation, which would confer any greater authority to displace the public enactment.

In the absence of a rezoning, the petitioners must comply with the RC zone subdivision lot density. Otherwise, the entire RC-2 zone would be subject to private rearrangement, in effect, a rezoning by another name.

Very truly yours,



Peter Max Zimmerman
People's Counsel for Baltimore County



Carole S. Demilio
Deputy People's Counsel

PMZ/caf
Enclosure

cc: Michael Gisriel, Esq., 210 E. Lexington St., Suite 400,
Baltimore, MD 21202

Ms. Gloria Stuart, 16616 Dubbs Road, Sparks, MD 21152

John Bernstein, Valleys Planning Council, P.O. Box 5402,
Towson, MD 21285

FOR - E
-SP-

11-29-88-CLERK, CA, Reversed
CBA (thereby denying)

PCF! ✓
PMZ! ✓

PEOPLE'S COUNSEL FOR BALTIMORE
COUNTY

Appellant

vs.

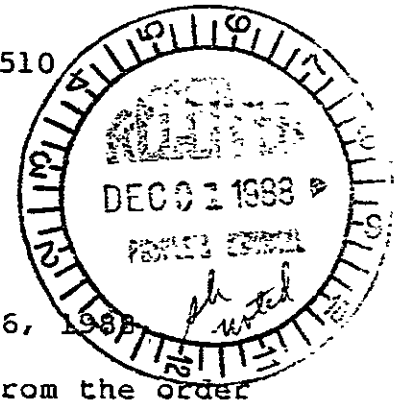
THOMAS JEROME GRAZIANO, et al

Appellees

* IN THE
*
* CIRCUIT COURT
*
* FOR
*
* BALTIMORE COUNTY
*
*
* 88 CG 1510
*

* * * * *

OPINION



This case came before the Court on November 16, 1988 on People's Counsel for Baltimore County's appeal from the order of the County Board of Appeals dated March 1, 1988. The Board's decision on this matter was that the Petition for Special Hearing should be granted, providing a stipulation be entered among the Land Records of Baltimore County that so long as the zoning remains R.C. 2 no further subdividing or building permits will be permitted.

The facts in this case are that Lizetta Bedgar owned a large farm in northern Baltimore County. In 1976, she parceled off through the subdivision process nine parcels, some of which were sold and some of which went to relatives. She retained title to what is known as Tract A, consisting of some 21.7 acres. At that time, she made known, through the preparation of her will, that upon her death two further parcels were to be allocated, one to her grandson and one to Mr. Graziano. In 1979, the R.C. 2 regulations took effect and Tract A containing the 21 plus acres thereupon became a single parcel, even though it was her avowed intention to allot the two six-acre parcels to her grandson and to her employee. In 1981 Mrs. Bedgar passed away. As was stated in her will, the

trustee of her estate distributed the lots, one to the grandson and one to Mr. Graziano. Mr. Graziano applied for a building permit and said permit was denied because Tract A was zoned R.C.2 and two houses had already been developed.

The County Board of Appeals reversed the Zoning Commissioner stating that since Mr. Graziano assumed in 1976 that he would receive a viable inheritance, that it would be arbitrary for the Board to deny him the building permit making the 5 plus acre parcel a viable use of land. The Appellee (Thomas Graziano) also argues that Section 22-42(4) of the Baltimore County Code exempts this property from the requirements of R.C. 2 zoning.

This Court, although sympathetic to Mr. Graziano under the facts, doesn't feel that the Board has properly interpreted the law. The controlling statutory authority is Baltimore County Zoning Regulation 1A01.3B1. It states that no lot of record lying within an R.C. 2 zone and having a gross area between 2 and 100 acres may be subdivided into more than 2 lots. Despite Mrs. Bedgar's intention, she has no right to change the law merely by writing a will which contains intentions contrary to the law existing at the time of her death. As to Appellee's argument that Section 22-42(4) of the Baltimore County Code exempts this property from R.C. 2 zoning requirements, this section exempts such properties from having to go through the County Review Group, but has no effect on the Baltimore County Zoning Regulations.

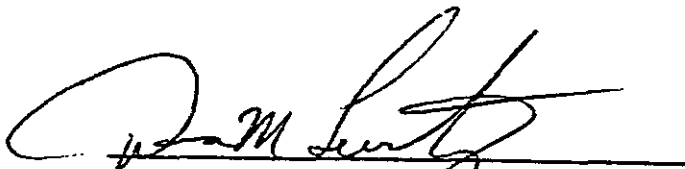
While the Board of Appeals could not legally grant Mr. Graziano the relief he desires under the law, he may yet be able to obtain permission to build a home on his property. Certainly,

Mr. Graziano can request a special exception to the zoning regulation in the form of a documented site plan.

In summary, on review of the evidence and the law this Court finds the County Board of Appeals' order to be contrary to the law. Accordingly the decision of the County Board of Appeals is reversed. Appellees to pay the costs.

Dated

11/29/88



DANA M. LEVITZ, Judge

Copies sent to:

Phyllis Cole Friedman, Esquire
Peter Max Zimmerman, Esquire
Jeffrey H. Gray, Esquire
County Board of Appeals



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

October 30, 1996

Michael Gisriel, Esquire
Gisriel & Brush, P.A.
210 E. Lexington Street, Suite 400
Baltimore, Maryland 21202

RE: PETITION FOR SPECIAL HEARING
NW/S Dubbs Road and SE/S Yeoho Road
(Parcel 2 and Lots 1, 2 and 3 of Parcel 1 of the Smith Property)
5th Election District - 3rd Councilmanic District
Louise Fowble, Doris Otto, Jean MacMaster, Mary Courtney - Petitioners
Case No. 97-74-SPH

Dear Mr. Gisriel:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. David R. Smith, 16701 Yeoho Road, Sparks, Md. 21152
Mr. R. Scott Stuart, 16616 Dubbs Road, Sparks, Md. 21152
Mr. Thomas R. Coburn, 16619 Dubbs Road, Sparks, Md. 21152
Ms. Mary P. Shaffer, 16929 Yeoho Road, Parkton, Md. 21120

People's Counsel
Case File

MICROFILMED

RE: PETITION FOR SPECIAL HEARING
Yeoho and Dubbs Road, E of Dubbs and
W of Yeoho Road, 5th Election District,
3rd Councilmanic

Legal Owner(s): Louise Fowble, et al.
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 97-74-SPH

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of September, 1996, a copy of the foregoing Entry of Appearance was mailed to Michael Gisriel, Esq., 210 E. Lexington Street, Baltimore, MD 21202, attorney for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

MICROFILMED

*** Mrs. Louise Fowble, Mrs. Doris Otto, Mrs. Jean MacMaster and Mrs. Mary Courtney.



Petition for Special Hearing

97-74-SPH

to the Zoning Commissioner of Baltimore County

for the property located at Yeoho and Dubbs Roads - North Central Baltimore County, Sparks, Maryland 21152 (5th Election District)

consisting of four (4) separately described Building lots of ground pursuant to Baltimore County Order belonging to *** which is presently zoned RC-2

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

said Four (4) separately described Building lots of ground pursuant to Court Order belonging to Mrs. Louise Fowble, Mrs. Doris Otto, Mrs. Jean MacMaster and Mrs. Mary Courtney. The said Four (4) Building lots total approximately 13.6 acres in toto. See attached.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Contract Purchaser/Lessee

N/A
(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner.

Michael Gisriel, Esq.
(Type or Print Name)

Signature

GISRIEL & BRUSH, P.A., Suite 400

539-0513

1202
Zipcode



Gisriel & Brush, PA, Of counsel

MICHAEL GISRIEL
Sr. Vice President

Legal Owner(s)

Mrs. Louise Fowble, Mrs. Doris Otto
(Type or Print Name)

Signature

Mrs. Jean MacMaster, Mrs. Mary Courtney
(Type or Print Name)

Signature

(see below)

Address

City

Name, Address and phone number of representative to be contacted

c/o Michael Gisriel, Esq.
210 E. Lexington Street, Suite 400

Name

Baltimore, MD 21202 (410) 539-0513

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: *JP*

DATE 8-12-96

Item # 72 MICROFILMED

The Issue presented by this special hearing is a follows:

97-74-SPT

Do four (4) building lots exist in the four (4) separately described lots of record owned respectively by the following four (4) sisters:

- (A) Louise M. Fowble - 3.595 acres Parcel 1 - lot 1,
- (B) Jean MacMaster - 3.746 acres Parcel 1 - lot 2,
- (C) Doris Otto - 3.624 acres Parcel 1 - lot 3,
- (D) Mary Courtney - 2.826 acres Parcel 2. (See attached Plat Exhibit No. 1)

These four (4) lots of ground were created by a Baltimore County Court Order signed on June 28th, 1984 by Judge Edward DeWaters to settle and conclude a partition suit filed pursuant to Section 14-107(a) of the Real Property Article, Annotated Code of Maryland. Judge DeWaters in said Decree ordered that "the real property which is the subject of these proceedings be subdivided and conveyed by Deeds duly executed by the parties hereto in accordance with the Plat attached to the Joint Petition as filed herein and labeled "Exhibit 1"

Pursuant to the aforesaid Circuit Court Order the four sisters then had Deeds executed and recorded which resulted in a Baltimore County Circuit Court ordered subdivision as aforesaid and consequently four (4) separately described Building lots of record. One of the sisters, Mary Courtney then applied for and received a Building Permit from Baltimore County and subsequently in 1985/1986 built a house on her 2.826 acre tract (i.e. Parcel No. 2). Mrs. Courtney is now contemplating selling her home and the other three sisters, i.e., Mrs. Jean MacMaster, Mrs. Louise Fowble and Mrs. Doris Otto have listed their respective lots of record for sale with O'Connor, Piper & Flynn (OPF) as separate building lots. They are seeking this Special Hearing and an Order from the Baltimore County Zoning Commissioner confirming the existence of the four (4) building lots on advice from the Baltimore County Office of Permits and Development Management.

At the time of the aforesaid Circuit Court ordered subdivision, i.e., June 28, 1984, Section 22-42(4) of the Baltimore County Zoning Regulations specifically deferred to the above-referenced code section by virtue of the following language (i.e. Exception)

"(4) The subdivision of property pursuant to Court Order, a bill or law of intestate succession."

Even though all the land in question is and has been zoned RC-2, it certainly appears that the law, the doctrine of estoppel in addition to simple fairness, equity and reasonableness all would support the result of four (4) building lots in each of the four sisters as contemplated by the June 28, 1984 Subdivision Order, the resulting four (4) Deeds as shown on the attached Plat and Ms. Courtney's obtaining of her building permit. Finally, I know of no local or community opposition to our request which would be in keeping with the general nature and character of the surrounding area. The Petitioners request that the Zoning Commissioner issue an order confirming the extreme of the four (4) building lots as shown on the attached plat which request is the subject of our Petition for Special Hearing.

MICROFILMED

EX #1

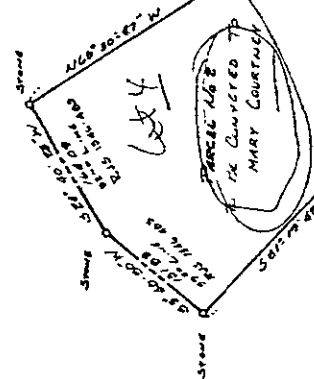
PLAT OF A SURVEY OF THE
THE PROPERTY OF
E. CORNELL MILLER, ET AL.,
8TH ELM in DIST. BARRA. C. NO.
1740' OCT 15, 1903

97-74-SPH

Note: fence
built on property
previously to a
fence built around Mrs. G's

ROAD

DOBS



2.886

GENERAL NOTES:

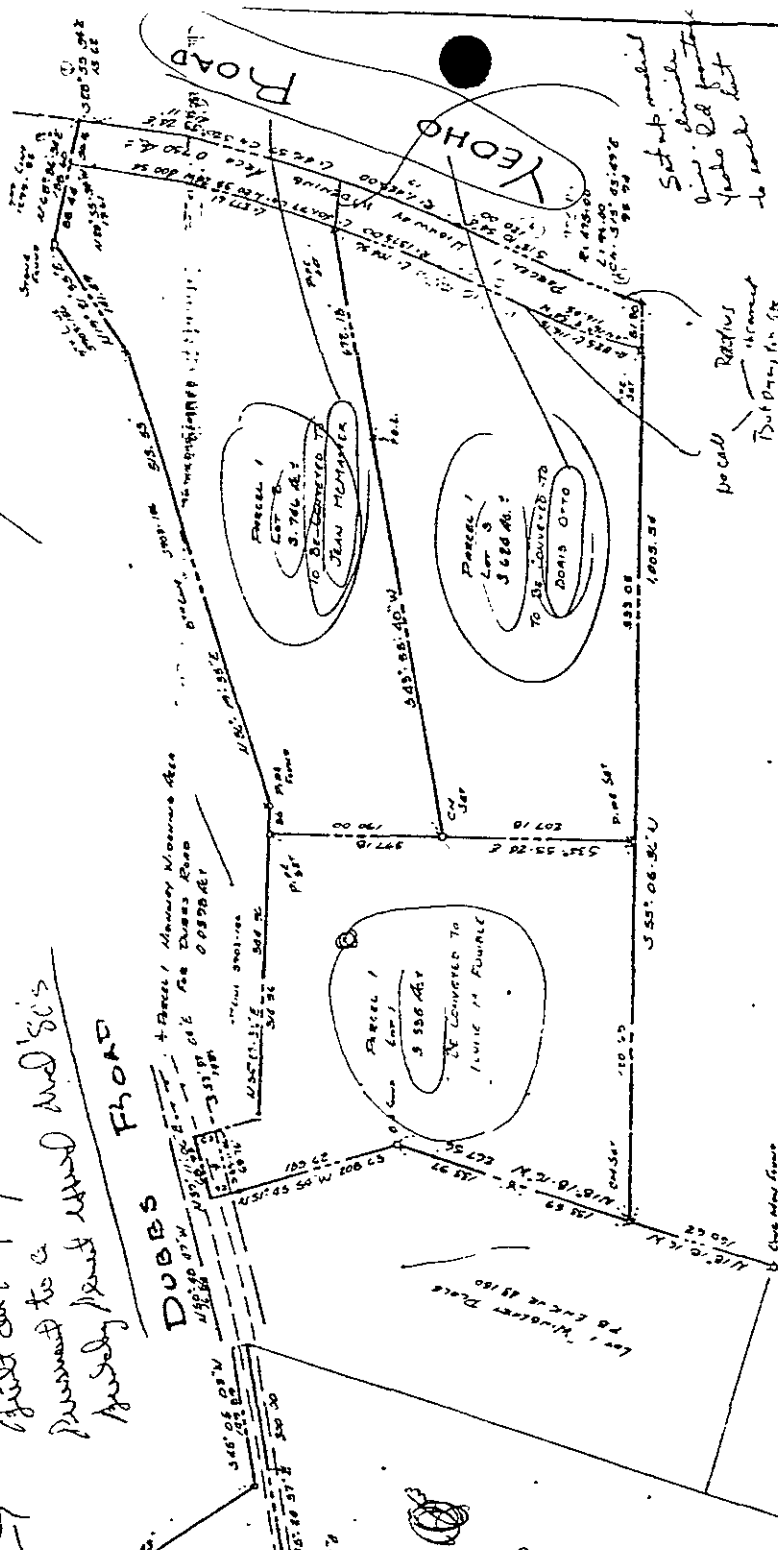
DEED INFORMATION:

Parcel 1 & Parcel 2

See LIBRARY FILE 5.16 1806 ROAD 483

LIONA E. A. JR., NO 6446 ROAD 110

MICROFILMED



REVISED JUNE 11, 1904

J. FINEY FANSON & ASSOCIATES
REGISTERED LAND SURVEYORS
P.O. Box 10140
TAMPA, FL 33615-0140

LOUISE M. FOWBLE : IN THE
 Plaintiff : CIRCUIT COURT
 v. : FOR
 JEAN MacMASTER : BALTIMORE COUNTY
 DOPIS OTTO : IN EQUITY
 and :
 MARY COURTNEY : 175/67/83E-14
 Defendants :

Consent DECREE

The Court having considered the Joint Petition of the Plaintiff and Defendants, being all parties to the above-entitled action, it is this 28th day of June, 1984 by the Circuit Court for Baltimore County sitting in Equity:

ADJUDGED, ORDERED AND DECREED that the real property which is the subject of these proceedings be sub-divided and conveyed by Deeds duly executed by the parties hereto in accordance with the Plat attached to the Joint Petition as filed herein and labelled "Exhibit 1", and it is further

ADJUDGED, ORDERED AND DECREED that the parties hereto each bear in equal proportions the costs of these proceedings.

Edward A. DeWaters
 JUDGE

EDWARD DEWATERS

True Copy Test

ELMER H. KAHLIN, JR., Clerk

Per

Elmer H. Kahl, Jr.
 Deputy Clerk

MICROFILMED

97-74-SPH

ZONING DESCRIPTION FOR: PARCEL NO. 1 - LOT NO. 1

As recorded in Deed Liber E.H.K., Jr. No. 6446, Folio 110 N. 18 18'16" W. 267.56 FT., N. 51 45'54" W. 208.62 FT., N. 39 11'06" E. 68.93 FT., S. 53 39'54" E. 74.23 FT., N. 56 27'36" E. 314.56 FT., S. 34 55'24" E. 397.18 FT., S 55 05'36" W. 420 FT to the place of beginning.

Item # 72

MICROFILMED

ZONING DESCRIPTION FOR : PARCEL NO. 1 - LOT NO. 2

97-74-SPH

As recorded in Deed Liber E.H.K., Jr. No. 6446, Folio 110 N. 56 27'36" E. 30FT., N. 36 19'35" E 513.53 FT., N 19 21'35" E. 141.49 FT., N 65 36'54" E. 88.44 FT., S 28 55' 54" E 19.61 FT., line curving to right radius 1,375 ft. 277.61 FT., S. 43 55'40"W. 672.18 FT., N 34 55'24" W. 190 FT. To the place of beginning.

MICROFILMED

ZONING DESCRIPTION FOR: PARCEL NO. 1 - LOT NO. 3

97-74-SPH

As recorded in Deed Liber E.H.K., Jr. No. 6446, Folio 110 N. 34 55'24" W. 207.18 FT., N. 43 55'40" W. 672.18 FT., line curving towards right with radius 1,375 ft. Arc of 124.36 FT., N 14 46'42" W. 124.32 FT., N 12 10'54" W 120 FT, line curving left with radius of 825 FT. Arc of 116.15 FT., N 55 05'36" E 533.05 FT. To place of beginning.

MICROFILMED

ZONING DESCRIPTION FOR : 16606 DUBBS ROAD - PARCEL NO. 2

97-74-SPH

As recorded in Deed Liber E.H.K., Jr. No. 6446 , Folio 110 S. 24 40'23" W. 164.09 FT., N.68 30'27" W. 531.43 FT., S.45 05'03" W. 149.89 FT.,N. 50 48'47" W. 16.56FT., N. 45 24'37" E. 300.00FT., N. 27 29'07" E. 45.38 FT.,S. 81 19'48"E. 461.41 FT., S. 3 48'50"W. 131.88 FT. To the place of beginning.

MICROFILMED

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

97-74

District: 503

Posted for: CASE # 97-74 SPR

Date of Posting: OCT. 1, 1996

Petitioner: B. MICHAEL GISKARD, ATTORNEY

Location of property: DUBBS ROAD & YEONDO RD.

Location of sign: DUBBS ROAD & YEONDO RD.

Remarks:

Posted by: Robert M. DeLoach

Signature

Date of return:

Number of Signs: 2

MICROFILMED



NOTICE OF HEARING

The Zoning Commission of Baltimore County, Maryland, is holding a public hearing on the property identified herein in Room 106 of the County of Baltimore Building, 111 West Baltimore Avenue, 1st Floor, Baltimore, Maryland 21204, on the following dates:

Case #97-74-SPH
Item 72

Yerpo and Duane Road
E. of Duane and W. of Verbo
Road

6th Electoral District
3rd Councilmanic
Legal Owner(s)

Louise Fowle, Doug Otto
Jean MacMaster, and Mary
Country

Special Hearing to approve
a separately described build-
ing lots of ground pursuant to
Court Order.

Hearing: Wednesday, Septem-
ber 26, 1998 at 2:00 p.m. in
Rm. 118, Old Courthouse.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County.

NOTES: (1) Hearings are
open to the public. For
special accommodations
please call 887-3363.
(2) For information concern-
ing the file and/or hearing,
please call 887-3361.

6/4/99 August 28, 1999
C7 8861

CERTIFICATE OF PUBLICATION

TOWSON, MD., 8/29, 1996

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/29, 1996.

THE JEFFERSONIAN,
A. H. Erickson
LEGAL AD. - TOWSON

MICROFILMED

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

no.

029839

DATE 12/9/96 ACCOUNT R-001-6150

AMOUNT \$ 210.00

RECEIVED FROM: Michael Bisriel, Esq.

FOR: Appeal Case # 97-74-SPH

MICROFILMED

01A00000263MICR

94 0009115AM12-10-96

\$210.00

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

VALIDATION OR SIGNATURE OF CASHIER
YELLOW - CUSTOMER

Rye

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No.

024715

97-14

DATE 12-12-96 ACCOUNT R-001-615-000

AMOUNT \$ 320.00

RECEIVED FROM: Mr. Michael Bisriel

040 -- SPH -- \$ 250.00

080 -- 2 Signs) \$ 70.00

ITEM # 72

Taken by: JRF

FOR:

**CSPH +
2 SIGNS**

\$ 320.00

MICROFILMED

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

VALIDATION OR SIGNATURE OF CASHIER
YELLOW - CUSTOMER

\$320.00

MICHAEL GISRIEL, ESQ. 7-81
ATTORNEY-AT-LAW
210 E. LEXINGTON ST., STE. 400
BALTIMORE, MD 21202

502

7-7026/2520

11/21/1996

PAY TO THE
ORDER OF

Baltimore County, Md.

\$ 175-

One Hundred Seventy-Five + 00/100 DOLLARS

AN American
National
Savings Bank, F.S.B.
Baltimore, MD 21201

MEMO

PA) Fourth Stalder
"Paul Stalder, Pres." [Signature]

MP

⑆ 252070260⑆ ⑆ 049100693⑆ 0502

SAFETY PAPER

MICROFILMED



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising: Mrs. Louise Fowble, Mrs. Doris Otto,
Item No.: 72 Petitioner: Mrs. Mary Courtney and Mrs. Jean MacMaster
Location: 13.6 acres at Yeoho and Dubbs Road, Sparks, Maryland 21152

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Michael Gisriel, Attorney for Petitioner

ADDRESS: 210 E. Lexington Street, Suite 400

Baltimore, Maryland 21202

PHONE NUMBER: (410) 539-0513



CERTIFICATE OF POSTING

RE: Case No.: 97-74 SPH

Petitioner/Developer: FOWBLE, OTTO, ETAL

Date of Hearing/Closing: OCT. 17, 1996

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at E. OF DUBBS RD. AND
W. OF YEOHO RD. - 5TH DIST.

The sign(s) were posted on 10/1/96
(Month, Day, Year)

Sincerely,



(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE

(Printed Name)

523 PENNY LA.

(Address)

HUNT VALLEY, MD 21030

(City, State, Zip Code)

666-5366

(Telephone Number)

CERTIFICATE OF POSTING

RE: Case No.: 97-74-SPH

Petitioner/Developer: _____

Date of Hearing/Closing: _____

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at DUBBS RD 500± W OF
YEOTH RD. (2nd. Sign)

The sign(s) were posted on 5/28/97
(Month, Day, Year)

Sincerely,

Gay C. Jenkins 5/28/97

(Signature of Sign Poster and Date)

(Printed Name)

(Address)

(City, State, Zip Code)

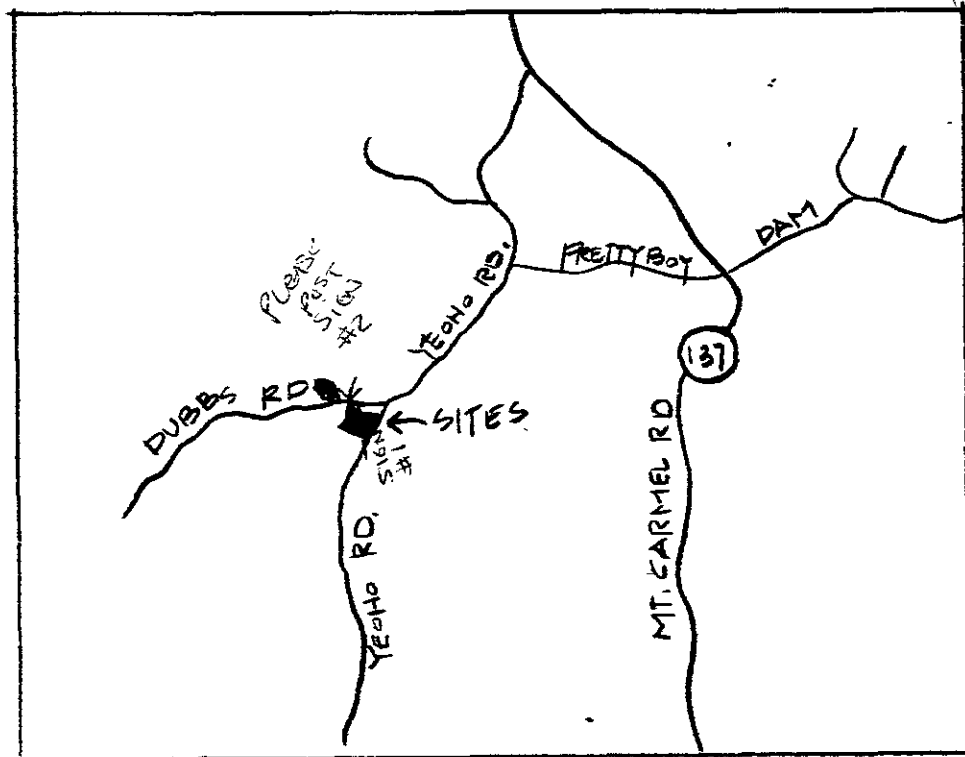
(Telephone Number)

posted (sign
on
year to 20)

12/31

4

MICROFILMED



VICINITY MAP
SCALE: 1" = 2000'

Posted 12/31/96

Hunter Cove

97-74-SPH

COPY

UNRECORDED

Case No. 97-74-SPH

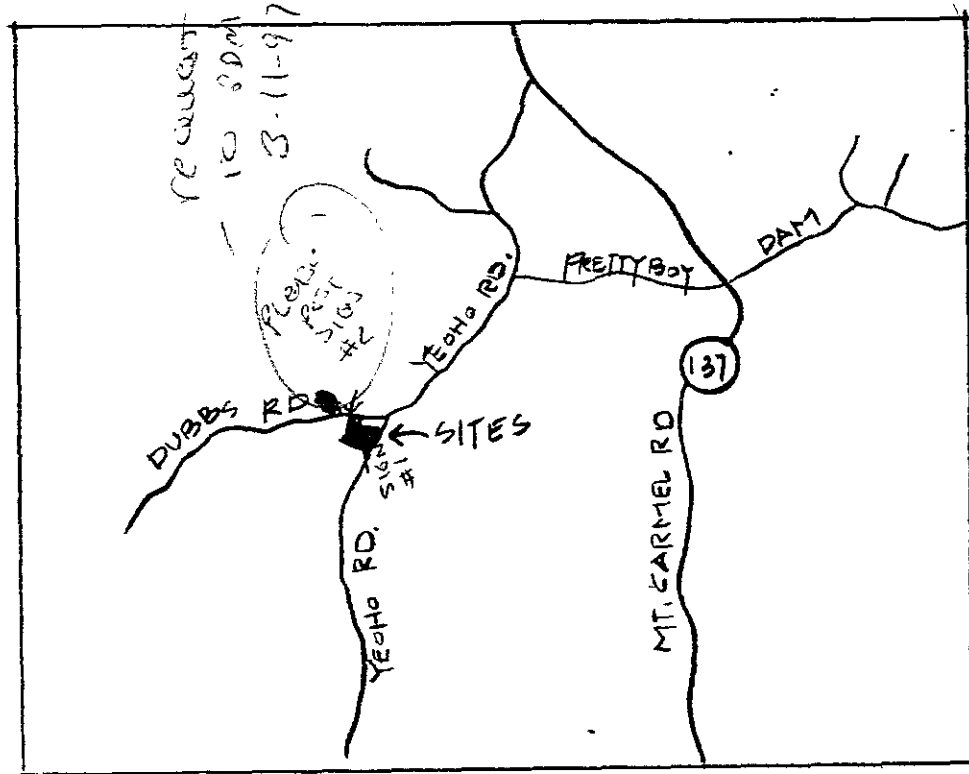
Louise Fowble, Doris Otto, Jean McMaster and
Mary Courtney - Petitioners

NW/s Dubbs Road and SE/s Yeoho Road (Parcel 2 and
Lots 1, 2 and 3 of Parcel 1 of the Smith Property)

5th Election District

Appealed: 11/22/96

(see attached copy of
vicinity map)



VICINITY MAP

SCALE: 1" = 2000'

Posted 12/31/96

Hunter Rose

97-74-SPH

COM

MICROFILMED

TO: PUTUXENT PUBLISHING COMPANY
September 5, 1996 Issue - Jeffersonian

Please forward billing to:

Michael Gisriel, Esq.
210 E. Lexington Street, #400
Baltimore, MD 21202
539-0513

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-74-SPH (Item 72)
Yeoho and Dubbs Road
E of Dubbs and W of Yeoho Road
5th Election District - 3rd Councilmanic
Legal Owner(s): Louise Fowble, Doris Otto, Jean MacMaster, and Mary Courtney

Special Hearing to approve 4 separately described building lots of ground pursuant to Court Order.

HEARING: WEDNESDAY, SEPTEMBER 25, 1996 at 2:00 p.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

MICROFILMED

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Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

August 27, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-74-SPH (Item 72)

Yeoho and Dubbs Road

E of Dubbs and W of Yeoho Road

5th Election District - 3rd Councilmanic

Legal Owner(s): Louise Fowble, Doris Otto, Jean MacMaster, and Mary Courtney

Special Hearing to approve 4 separately described building lots of ground pursuant to Court Order.

HEARING: WEDNESDAY, SEPTEMBER 25, 1996 at 2:00 p.m. in Room 118, Old Courthouse.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Michael Gisriel, Esq.

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

MICROFILMED



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 9, 1996

NOTICE OF REASSIGNMENT

Rescheduled from 9/25/96
CASE NUMBER: 97-74-SPH (Item 72)
Yeoho and Dubbs Road
E of Dubbs and W of Yeoho Road
5th Election District - 3rd Councilmanic
Legal Owner(s): Louise Fowble, Doris Otto, Jean MacMaster, and Mary
Courtney

Special Hearing to approve 4 separately described building lots of
ground pursuant to Court Order.

HEARING: THURSDAY, OCTOBER 17, 1996 at 9:00 a.m. in Room 118, Old
Courthouse, 400 Washington Avenue, Towson Maryland.

A handwritten signature in black ink, appearing to read "Arnold Jablon". The signature is fluid and cursive, with the first name "Arnold" and last name "Jablon" clearly distinguishable.

ARNOLD JABLON
DIRECTOR

cc: Michael Gisriel, Esq.



MICROFILMED

BALTIMORE COUNTY, MARYLAND
ELECTRICAL INSPECTION FEES SCHEDULE
EFFECTIVE APRIL 1, 1992

MINIMUM FEE FOR ELECTRICAL PERMITS IS \$17.00

PERMIT EXPIRATION

A permit shall expire one year from the date it was issued unless it is extended, in which case it can only be extended for one additional year. The maximum duration of an electrical permit is two years.

INVESTIGATION FEE

Whenever any work for which a permit is required under this code has been commenced without authorization of such permit, a special investigation shall be made before a permit may be issued for such work. In addition to the regular permit fee, an investigation fee of \$43.00 shall be collected.

ROUGH WIRING

FIXTURES

switches, receptacles, and lights to be counted as outlets:	
1 to 50 outlets . . .	\$17.00
For each additional 25 outlets or fraction thereof . . .	\$3.00
1 to 50 fixtures . . .	\$17.00
For each additional 25 fixtures or fraction thereof . . .	\$3.00

COMPLETE INSTALLATIONS, where wiring and fixtures are installed and can be inspected on one visit, apply rough wiring schedule based on total number of outlets.

FEES - NEW RESIDENCE - FLAT RATE - INCLUDES ALL APPLIANCES & SERVICE

Not over 100 amp. service \$44.00
Not over 200 amp. service \$52.00
Over 200 amp. service \$57.00

FEES - NEW APARTMENTS - INCLUDES ALL APPLIANCES - SERVICE ADDITIONAL

1 to 5 - Use Rough Wiring & Fixture Schedules, Service Additional 6 or more - \$17.00 per apartment, Service Additional

ADDITIONS & REMODELING - Use Rough Wiring and Fixture Schedules. Appliances such as electric ranges, range tops, ovens, air conditioners, water heaters, disposals, dishwashers, dryers, water pumps, electric heating units, etc., installed in dwelling occupancies: a charge of \$5.00 will be made for the first unit 20 KW or less, and \$2.00 for each additional unit or outlets.

INDUSTRIAL AND COMMERCIAL EQUIPMENT - such as air conditioners, motors, generators, commercial heaters, transformers, capacitors, welders and similar devices: Secondary Fee

Single unit or group not exceeding 5 motors whose total capacity does not exceed 1 HP or KW . . . \$17.00 -- \$5.00
1 HP to 40 HP, KW or KVA \$17.00 -- \$5.00
Over 40 HP to 75 HP, KW or KVA \$17.00 -- \$6.00
Over 75 HP, KW or KVA \$17.00 -- \$7.00

NOTE: Where above motor fees exceed \$75.00 and inspections can be completed within 90 days of filing application, apply 50% of the above fees for the amount over \$75.00.

NEW SERVICE - RELOCATION OR CHANGE IN SERVICE

Not over 400 amps \$17.00
Over 400, not over 800 amps \$25.00
Over 800 amps \$43.00

MODULAR HOMES OR PREFABRICATED STRUCTURES

Must bear a sticker of approval from the U.S. federal government, the state, a national testing facility, or other recognized inspection bureau. When this sticker is in evidence, a flat rate of \$43.00 will be charged.

TRANSFORMERS, VAULTS - OUTDOOR ENCLOSURES OUTDOOR SUB-STATIONS

Not over 200 KVA \$19.00
Over 200 to 500 KVA \$21.00
Over 500 KVA \$28.00

NOTE: Above applied to each bank of transformers.

SWIMMING POOLS

Bonding \$17.00
Filters & Pool Lights (Use fixture & appliance schedule)
REINSPECTION OR REINSTRUCTION OF CURRENT

Charge is in relation to amount of supervision, but no less than \$43.00
Any equipment not heretofore approved, the schedule covering classification to apply used.

ADDITIONAL INSPECTIONS

For reported correction of defects found in original installation (after notice of correction and second inspection) \$17.00

ELECTRIC SIGNS

Electric discharge sign lighting systems, charge based on amp. rating of each sign:
0 to 10 amp. \$17.00
Each additional 5 amp. or fraction thereof . . . \$7.00
For incandescent signs, divide total number of sockets by "4" applying rough wiring schedule for each sign,
minimum fee \$17.00

Charge for each combination incandescent and gas tube sign to be computed by adding charge for each class.

ELEVATOR INSTALLATIONS

single unit, non-automatic, 1 to 20 HP each \$17.00
single unit, non-automatic, Over 20 HP: apply primary motor schedule. Automatic elevators: Add \$5.00 to primary motor schedule.

RADIO OR TV APPARATUS

Minimum fee \$17.00
PROTECTIVE SIGNALING SYSTEMS, SOUND OR TIME SYSTEMS OUTLETS, TELEPHONES

1 to 15 devices \$17.00
Each additional 5 \$3.00

TEMPORARY INSTALLATIONS AND DECORATIVE DISPLAYS
Temporary installations for carnivals, Christmas decorations, halls churches, etc., where inspection is on a one-time basis, apply the following fees:

1 to 10 KW \$17.00
11 to 25 KW \$21.00
26 to 50 KW \$28.00
Over 50 KW \$34.00

Where inspection is not on a one-time basis, see Special Services below:

SPECIAL SERVICES

Special services (such as annual inspections, hospital operating floors, motion picture equipment, mobile homes, etc.) and/or conditions not provided for in the schedule shall be charged for on the basis of time required.
Minimum fee \$17.00

Temporaries and inspections requested after the first inspection, when work was not ready, EACH \$43.00

Issuance of duplicate certificate \$3.00

PRE-PURCHASE AND USE POSTCARD PERMITS (\$17.00) FOR SIMPLE, ONE-ITEM INSPECTIONS.



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

March 18, 1997

NOTICE OF ASSIGNMENT

CASE #: 97-74-SPH

IN THE MATTER OF: LOUISE FOWBLE, ET AL -Petitioners
NW/s Dubbs Rd and SE/s Yeoho Rd (Parcel 2 and
Lots 1, 2 and 3 of Parcel 1 of Smith Property)
5th Election District; 3rd Councilmanic

(Petition for Special Hearing DENIED.)

ASSIGNED FOR: THURSDAY, MAY 28, 1997 at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c). For further information, see Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

Kathleen C. Bianco
Legal Administrator

cc: Counsel for Appellants /Petitioners: Michael Gisriel, Esquire
Appellants /Petitioners : Louise Fowble, Doris Otto,
Jean MacMaster, & Mary Courtney

Protestants : David R. SMith
R. Scott Stuart
Thomas R. Coburn
Mary P. Shaffer

People's Counsel for Baltimore County

Pat Keller
Lawrence E. Schmidt

Arnold Jablon, Director /PDM
Virginia W. Barnhart, Co Atty



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

March 18, 1997

NOTICE OF ASSIGNMENT

CASE #: 97-74-SPH

IN THE MATTER OF: LOUISE FOWBLE, ET AL -Petitioners
NW/s Dubbs Rd and SE/s Yeoho Rd (Parcel 2 and
Lots 1, 2 and 3 of Parcel 1 of Smith Property)
5th Election District; 3rd Councilmanic

(Petition for Special Hearing DENIED.)

*Corrected 4/15/97
to reflect correct
date*
ASSIGNED FOR: THURSDAY, MAY 28, 1997 at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c). For further information, see Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

Kathleen C. Bianco
Legal Administrator

cc: Counsel for Appellants /Petitioners: Michael Gisriel, Esquire
Appellants /Petitioners : Louise Fowble, Doris Otto,
Jean MacMaster, & Mary Courtney

Protestants : David R. Smith
R. Scott Stuart
Thomas R. Coburn
Mary P. Shaffer

People's Counsel for Baltimore County

Pat Keller
Lawrence E. Schmidt

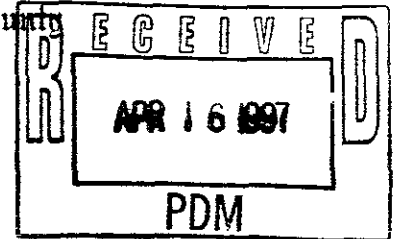
Arnold Jablon, Director /PDM
Virginia W. Barnhart, Co Atty





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180



Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

March 18, 1997
AMENDED April 15, 1997

AMENDED NOTICE OF ASSIGNMENT

**** /AS TO DAY OF WEEK ONLY /DATE REMAINS THE SAME ****

CASE #: 97-74-SPH

IN THE MATTER OF: LOUISE FOWBLE, ET AL -Petitioners
NW/s Dubbs Rd and SE/s Yeoho Rd (Parcel 2 and
Lots 1, 2 and 3 of Parcel 1 of Smith Property)
5th Election District; 3rd Councilmanic

(Petition for Special Hearing DENIED.)

**** Correct day of the week for this hearing is Wednesday, 5/28/97.**

ASSIGNED FOR: WEDNESDAY, MAY 28, 1997 at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c). For further information, see Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

Kathleen C. Bianco
Legal Administrator

cc: Counsel for Appellants /Petitioners: Michael Gisriel, Esquire
Appellants /Petitioners : Louise Fowble, Doris Otto,
Jean MacMaster, & Mary Courtney
Protestants : David R. SMith
R. Scott Stuart
Thomas R. Coburn
Mary P. Shaffer

People's Counsel for Baltimore County

Pat Keller
Lawrence E. Schmidt

Arnold Jablon, Director /PDM
Virginia W. Barnhart, Co Atty

LAW OFFICES

BOULAND, GISRIEL & BRUSH, LLC

SUITE 2400

6310 STEVENS FOREST ROAD
SUITE 100
COLUMBIA, MARYLAND 21046

201 N. CHARLES STREET
BALTIMORE, MARYLAND 21201-4105

120 SECOND STREET
LAUREL, MARYLAND 20707

300 FREDERICK ROAD
SUITE 100
CATONSVILLE, MARYLAND 21228

TEL: (410) 752-6000

702 RUSSELL AVENUE
SUITE 207
GAITHERSBURG, MARYLAND 20877

(410) 539-0513

(301) 585-1249 (WASH., D.C. AREA)

FAX: (410) 625-3859

May 7, 1997

County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204
Attn: Kathleen C. Bianco
Legal Administrator

RECEIVED
COUNTY BOARD OF APPEALS
97 MAY -8 PM 5:04

Re: Request for Postponement -
Case No.: 97-74-SPH
In The Matter of: Louise Fowble, et al.

Dear Ms. Bianco:

Pursuant to Rule 2(b) of the Board's Rules of Procedure, please consider this a Request for Postponement of the above captioned case (copy of Notice attached) by all the Appellants/Petitioners by and through Michael Gisriel, Esq., counsel for Petitioners. We ask that this case be postponed for at least 90 days for the following reasons:

1. Appellants/Petitioners have been attempting to obtain a transcript of a June 1984 Hearing before Judge DeWaters which will materially impact and affect this case. Said transcript has been delayed and will not be available by May 28, 1997; and

2. Also, several of the Appellants/Petitioners will be out of town and unable to attend the Hearing currently scheduled for Wednesday, May 28, 1997.

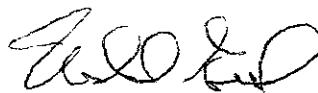
Therefore, the Appellants/Petitioners humbly request that this Board postpone the aforesaid Wednesday, May 28, 1997 Hearing date until sometime after 90 days from the said date of Wednesday, May 28, 1997. Please call if you have any questions or require any additional information. Please notify me of the rescheduled date and time and I'll notify the Appellants/Petitioners.

MICROFILMED

County Board of Appeals of Baltimore County
May 7, 1997
Page Two

Thank you for your kind consideration of this matter. I remain

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael Gisriel", written in a cursive style.

Michael Gisriel

MG:wlf
Enclosure

cc: People's Counsel for Baltimore County
All Appellants/Petitioners

MICROFILMED



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

March 18, 1997
AMENDED April 15, 1997

AMENDED NOTICE OF ASSIGNMENT

**** /AS TO DAY OF WEEK ONLY /DATE REMAINS THE SAME ****

CASE #: 97-74-SPH

IN THE MATTER OF: LOUISE FOWBLE, ET AL -Petitioners
NW/s Dubbs Rd and SE/s Yeoho Rd (Parcel 2 and
Lots 1, 2 and 3 of Parcel 1 of Smith Property)
5th Election District; 3rd Councilmanic

(Petition for Special Hearing DENIED.)

**** Correct day of the week for this hearing is Wednesday, 5/28/97.**

ASSIGNED FOR: WEDNESDAY, MAY 28, 1997 at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c). For further information, see Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

Kathleen C. Bianco
Legal Administrator

*pp'd @ reg
of Council
for Petitioners
next to
9/18/97.*

cc: Counsel for Appellants /Petitioners: Michael Gisriel, Esquire
Appellants /Petitioners : Louise Fowble, Doris Otto,
Jean MacMaster, & Mary Courtney

Protestants : David R. Smith
R. Scott Stuart
Thomas R. Coburn
Mary P. Shaffer

People's Counsel for Baltimore County

Pat Keller
Lawrence E. Schmidt

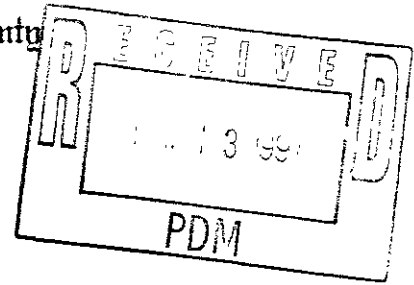
Arnold Jablon, Director /PDM
Virginia W. Barnhart, Co Atty





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180



Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

May 9, 1997

NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 97-74-SPH

IN THE MATTER OF: LOUISE FOWBLE, ET AL -Petitioners
NW/s Dubbs Rd and SE/s Yeoho Rd (Parcel 2 and
Lots 1, 2 and 3 of Parcel 1 of Smith Property)
5th Election District; 3rd Councilmanic
(Petition for Special Hearing DENIED.)

which was scheduled for hearing on 5/28/97 has been POSTPONED at the request
of Appellants /Petitioners, for reasons as stated in said request; and has
been

REASSIGNED FOR: THURSDAY, SEPTEMBER 18, 1997 at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should
consider the advisability of retaining an attorney.

No postponements will be granted without sufficient reasons; said
requests must be in writing and in compliance with Rule 2(b) of the
Board's Rules. No postponements will be granted within 15 days of
scheduled hearing date unless in full compliance with Rule 2(c). For
further information, see Board's Rules of Practice & Procedure,
Appendix C, Baltimore County Code.

Kathleen C. Bianco
Legal Administrator

cc: Counsel for Appellants /Petitioners: Michael Gisriel, Esquire
Appellants /Petitioners : Louise Fowble, Doris Otto,
Jean MacMaster, & Mary Courtney

Protestants : David R. Smith
R. Scott Stuart
Thomas R. Coburn
Mary P. Shaffer

John Bernstein, Exec. Dir. /Valleys Planning Council
Sam Nitzberg

People's Counsel for Baltimore County

Pat Keller
Lawrence E. Schmidt

Arnold Jablon, Director /PDM
Virginia W. Barnhart, Co Atty

MICROFILMED



LAW OFFICES

BOULAND, GISRIEL & BRUSH, LLC201 N. CHARLES STREET, SUITE 2400
BALTIMORE, MARYLAND 21201-4105

(410) 752-6000

(410) 539-0513

FAX: (410) 625-3859

FAX TRANSMISSION

To: Kathleen C. Bianco,
Legal Administrator
County Board of Appeals of
Baltimore County

Date: September 2, 1997

Fax #: (410) 887-3182

Pages: 1, including this cover sheet.

From: Michael Gisriel

Subject: **Strike Attorney Appearance and Request for Postponement**
Case No. 97-74-SPH
Louise Fowble, et al. NWS Dubbs and Yeoho Roads
Thursday, September 18, 1997 at 10:00 A.M.

COMMENTS: Dear Kathleen:

Pursuant to our telephone conversation regarding the above captioned matter, please strike my appearance as attorney for Louise Fowble, et al. in the above captioned matter and also please postpone the scheduled hearing currently set in for Thursday, September 18 at 10:00 A.M. to let the Fowbles, et al. secure another attorney. Please notify Louise Fowble, c/o her son, John F. Fowble, V.M.D., P.O. Box 32, Timonium, Maryland 21094-0032 (Tel. No. 410-252-1922).

Thank you for your kind attention to this matter. Continued best regards, I remain

Very truly yours,


Michael GisrielCONFIDENTIALITY NOTICE

The documents accompanying this facsimile transmission contain confidential information belonging to the sender which may be legally privileged. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or taking of any action in reliance of the contents of this transmission is strictly prohibited. If you have received this facsimile in error, please immediately notify us by telephone arrange for return of the original documents to us.

MICROFILMED

11/26/97 @ 1:25 PM



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

May 9, 1997

NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE # 97-74-SPH

IN THE MATTER OF: LOUISE FOWBLE, ET AL -Petitioners
NW/s Dubbs Rd and SE/s Yeoho Rd (Parcel 2 and
Lots 1, 2 and 3 of Parcel 1 of Smith Property)
5th Election District; 3rd Councilmanic
(Petition for Special Hearing DENIED.)

which was scheduled for hearing on 5/28/97 has been POSTPONED at the request of Appellants /Petitioners, for reasons as stated in said request; and has been

REASSIGNED FOR: THURSDAY, SEPTEMBER 18, 1997 at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c). For further information, see Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

Kathleen C. Bianco
Legal Administrator

cc: Counsel for Appellants /Petitioners: Michael Gisriel, Esquire
Appellants /Petitioners : Louise Fowble, Doris Otto,
Jean MacMaster, & Mary Courtney

Protestants : David R. Smith
R. Scott Stuart
Thomas R. Coburn
Mary P. Shaffer

John Bernstein, Exec. Dir. /Valleys Planning Council
Sam Nitzberg

Stacey Sutton /added to file 6/02/97

People's Counsel for Baltimore County

Pat Keller
Lawrence E. Schmidt

Arnold Jablon, Director /PDM
Virginia W. Barnhart, Co Atty

MICROFILMED





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180

*w/d evp
appellant
10/21/97*

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

September 3, 1997

SECOND NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 97-74-SPH

IN THE MATTER OF: LOUISE FOWBLE, ET AL -Petitioners
NW/s Dubbs Rd and SE/s Yeoho Rd (Parcel 2 and
Lots 1, 2 and 3 of Parcel 1 of Smith Property)
5th Election District; 3rd Councilmanic
(Petition for Special Hearing DENIED.)

which was scheduled for hearing on 9/18/97 has been POSTPONED at the request
of Appellants /Petitioners, for reasons as stated in said request; and has
been

REASSIGNED FOR: WEDNESDAY, NOVEMBER 26, 1997 at 1:00 p.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should
consider the advisability of retaining an attorney.

No postponements will be granted without sufficient reasons; said
requests must be in writing and in compliance with Rule 2(b) of the
Board's Rules. No postponements will be granted within 15 days of
scheduled hearing date unless in full compliance with Rule 2(c). For
further information, see Board's Rules of Practice & Procedure,
Appendix C, Baltimore County Code.

Kathleen C. Bianco
Legal Administrator

cc: Appellants /Petitioners : Louise Fowble, Doris Otto,
Jean MacMaster, & Mary Courtney

Protestants : David R. Smith
R. Scott Stuart
Thomas R. Coburn
Mary P. Shaffer

Jack Dillon, Exec. Dir. /Valleys Planning Council
Sam Nitzberg
Stacey Sutton

People's Counsel for Baltimore County

Pat Keller
Lawrence E. Schmidt

Arnold Jablon, Director /PDM
Virginia W. Barnhart, Co Atty

MICROFILMED





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180

*W/P dup
Appellant
10/21/97*

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

September 24, 1997

NOTICE OF ASSIGNMENT /MOTION ONLY HEARING

CASE #: 97-74-SPN

IN THE MATTER OF: LOUISE FOWBLE, ET AL -Petitioners
NW/s Dubbs Rd and SE/s Yeoho Rd (Parcel 2 and
Lots 1, 2 and 3 of Parcel 1 of Smith Property)
5th Election District; 3rd Councilmanic
(Petition for Special Hearing DENIED.)

Prior to the hearing scheduled on the merits of this case, the Board has scheduled a Motion Hearing for receiving oral argument only on the Motion to Dismiss filed by People's Counsel; no evidence or testimony to be received at this Motion Hearing, which has been

ASSIGNED FOR: WEDNESDAY, OCTOBER 22, 1997 at 10:30 a.m.

NOTICE: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

For further information, see Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

Kathleen C. Bianco
Legal Administrator

cc: Appellants /Petitioners : Louise Fowble, Doris Otto,
Jean MacMaster, & Mary Courtney

Protestants : David R. Smith
R. Scott Stuart
Thomas R. Coburn
Mary P. Shaffer

Jack Dillon, Exec. Dir. /Valleys Planning Council
Sam Nitzberg
Stacey Sutton

People's Counsel for Baltimore County

Pat Keller
Lawrence E. Schmidt

Arnold Jablon, Director /PDM
Virginia W. Barnhart, Co Atty

MICROFILMED



Case No. 97-74-SPH

Louise Powble, Doris Otto, Jean McMaster
& Mary Courtney - Petitioners

NW/s Dubbs Road and SE/s Yeoho Road (Parcel 2 and
Lots 1, 2 and 3 of Parcel 1 of the Smith Property)

5th Election District

(see attached copy
of vicinity map)

Appealed: 11/22/96



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 20, 1996

Michael Gisriel, Esquire
Gisriel & Brush, P.A.
210 E. Lexington Street, Suite 400
Baltimore, MD 21202

RE: Item No.: 72
Case No.: 97-74-SPH
Petitioner: Louise Fowble, et al

Dear Mr. Gisriel:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on August 12, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

MICROFILMED



RULE 21 VACATIONS

REGULATION 21.01

After the successful completion of the probationary period, or after three (3) months of continuous service in the case of entrance level deputy sheriff or correctional officer, all permanent County Classified Service employees shall be entitled to a paid vacation earned in accordance with the following schedule:

<u>YEARS' SERVICE</u>	<u>PAID VACATION</u>
-----------------------	----------------------

1st through 5th	12 workdays per year
6th through 10th	15 workdays per year
11th through 15th	20 workdays per year
16th and over	25 workdays per year

(Bill No. 17, 1990)

REGULATION 21.02

Subject to the express provisions of memoranda of understanding in effect at the time between Classified Service employees and the Administration, vacation earned may be accrued in accordance with the following schedule.

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: August 30, 1996

FROM: Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for September 3, 1996
Item No. 072

The Development Plans Review Division has reviewed the subject zoning item.

Yeoho Road is an existing road which shall ultimately be improved as a 40-foot street cross section on a 60-foot right-of-way.

Dubbs Road is an existing road which shall ultimately be improved as a 40-foot street cross section on a 60-foot right-of-way.

RWB:HJO:jrb

cc: File

ZONE24A

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM

DATE: September 4, 1996

FROM: Arnold F. "Pat" Keller, III, Director, OP

SUBJECT: Yeoho and Dubbs Road

INFORMATION:

Item Number: 72

Petitioner: Fowble, Otto, MacMaster and Courtney Property

Property Size: _____

Zoning: RC-2

Requested Action: Special Hearing

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

Based upon a review of the information provided, staff defers to the judgement of the Zoning Commissioner regarding an interpretation of the Court Order.

Prepared by: _____

Division Chief: _____

AFK:JL

MICROFILMED

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management
September 6, 1996

FROM: Robert A. Wirth *RAW/gp*
DEPRM

SUBJECT: Zoning Item #72 - Fowble Property
Yeoho & Dubbs Roads
Zoning Advisory Committee Meeting of August 26, 1996

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

Environmental Impact Review

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

Development of this property must comply with the Forest Conservation Regulations (Sections 14-401 through 14-422 of the Baltimore County Code).

Agricultural Preservation Program

This request should not be granted. The provisions of the RC-2 zone, especially the density factor, was implemented specifically to protect agriculture and reduce sprawl. Despite the merits of the appeal, the landowner may seek other avenues to meet the spirit of the will. This same issue was presented in the Graziano case on Middletown and Freeland Roads and in that case it was ultimately decided that the density prevails.

Any decision that would permit zoning to be exceeded by will would erode the efforts of the County to protect agricultural land and reduce sprawl.

RAW:PD:WL:sp

FOWBLE/DEPRM/TXTSBP

MICROFILMED



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Parker F. Williams
Administrator

8-30-96

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 072 (RT)

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for Bob Small
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

MICROFILMED

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 08/27/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF AUGUST 26, 1996.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 59, 70, 72, 73, 74, 75, 76, 77,
78, 79 AND 80.

2

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

MICROFILMED

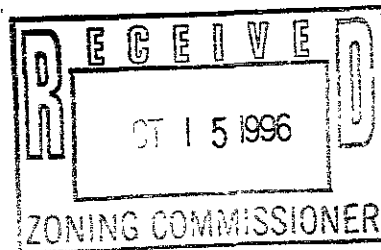


Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old Courthouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188



PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

October 15, 1996

Lawrence E. Schmidt, Esquire
Baltimore County Zoning Commissioner
Old Courthouse, Room 118
400 Washington Avenue
Towson, MD 21204

Hand-delivered

Re: Petition for Special Hearing
Yeoho and Dubbs Road, E of Dubbs
and W of Yeoho Road, 5th Election
District, 3rd Councilmanic
PETITIONERS: LOUISE FOWBLE, DORIS
OTTO, JEAN MacMASTER, MARY COURTNEY
Case No. 97-74-SPH
Hearing Date: 10/17/96, 9:00 a.m.

Dear Mr. Schmidt:

Upon citizen inquiry, we reviewed this case in light of the office's charter responsibility to defend the comprehensive zoning maps. Sec. 524.1.

We found there exists a legal issue of great public interest. An apparent question is whether a 1984 court-ordered partition of property between sisters pursuant to RP Art. Sec. 14-107(a) supersedes or displaces the 1979 agricultural (RC-2) zone designation, and subdivision lot density provision. BCZR 1A01.3B. Part of Bill 178-79, this key zoning provision states that lots of record between 2 and 100 acres in size may not be subdivided into more than 2 lots.

Briefly stated, a Circuit Court partition order cannot and does not preempt or supersede county zoning legislation. The property in question must be evaluated for compliance with RC-2 zone subdivision lot density independently of the privately instituted partition proceedings. Moreover, there does not appear to be any doctrine of equity or estoppel which defeats the comprehensive zoning ordinance.

The Circuit Court dealt with a somewhat similar issue in the attached Graziano case, 88-CG-1510, involving a will which

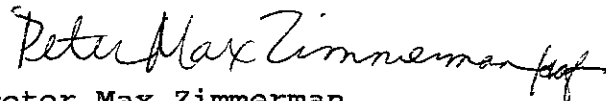
MICROFILMED

Lawrence E. Schmidt, Esquire
Baltimore County Zoning Commissioner
October 15, 1996
Page Two

divided a tract into more lots than allowed in the RC zone. Reversing the County Board of Appeals, the Court held that the law prevailed, even though the will predated it. A property owner may not by will dictate the effectiveness of future public law. There is nothing in the filing of the private partition case here, subsequent to the zoning legislation, which would confer any greater authority to displace the public enactment.

In the absence of a rezoning, the petitioners must comply with the RC zone subdivision lot density. Otherwise, the entire RC-2 zone would be subject to private rearrangement, in effect, a rezoning by another name.

Very truly yours,



Peter Max Zimmerman
People's Counsel for Baltimore County



Carole S. Demilio
Deputy People's Counsel

PMZ/caf
Enclosure

cc: Michael Gisriel, Esq., 210 E. Lexington St., Suite 400,
Baltimore, MD 21202

Ms. Gloria Stuart, 16616 Dubbs Road, Sparks, MD 21152

John Bernstein, Valleys Planning Council, P.O. Box 5402,
Towson, MD 21285

MICROFILMED

FOR FIVE
97-91-8P

11-29-88-CBA, CA, Reversed
CBA (thereby denying)

PCF ✓
PMZ ✓

PEOPLE'S COUNSEL FOR BALTIMORE
COUNTY

Appellant

vs.

THOMAS JEROME GRAZIANO, et al

Appellees

IN THE

CIRCUIT COURT

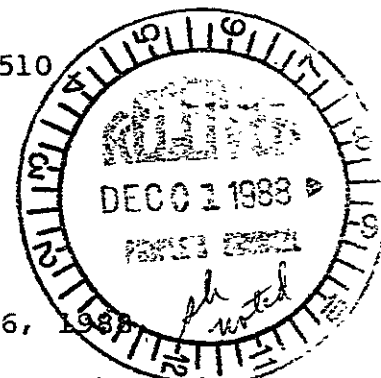
FOR

BALTIMORE COUNTY

88 CG 1510

* * * * *

OPINION



This case came before the Court on November 16, 1988 on People's Counsel for Baltimore County's appeal from the order of the County Board of Appeals dated March 1, 1988. The Board's decision on this matter was that the Petition for Special Hearing should be granted, providing a stipulation be entered among the Land Records of Baltimore County that so long as the zoning remains R.C. 2 no further subdividing or building permits will be permitted.

The facts in this case are that Lizetta Bedgar owned a large farm in northern Baltimore County. In 1976, she parceled off through the subdivision process nine parcels, some of which were sold and some of which went to relatives. She retained title to what is known as Tract A, consisting of some 21.7 acres. At that time, she made known, through the preparation of her will, that upon her death two further parcels were to be allocated, one to her grandson and one to Mr. Graziano. In 1979, the R.C. 2 regulations took effect and Tract A containing the 21 plus acres thereupon became a single parcel, even though it was her avowed intention to allot the two six-acre parcels to her grandson and to her employee. In 1981 Mrs. Bedgar passed away. As was stated in her will, the

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trustee of her estate distributed the lots, one to the grandson and one to Mr. Graziano. Mr. Graziano applied for a building permit and said permit was denied because Tract A was zoned R.C.2 and two houses had already been developed.

The County Board of Appeals reversed the Zoning Commissioner stating that since Mr. Graziano assumed in 1976 that he would receive a viable inheritance, that it would be arbitrary for the Board to deny him the building permit making the 5 plus acre parcel a viable use of land. The Appellee (Thomas Graziano) also argues that Section 22-42(4) of the Baltimore County Code exempts this property from the requirements of R.C. 2 zoning.

This Court, although sympathetic to Mr. Graziano under the facts, doesn't feel that the Board has properly interpreted the law. The controlling statutory authority is Baltimore County Zoning Regulation 1A01.3B1. It states that no lot of record lying within an R.C. 2 zone and having a gross area between 2 and 100 acres may be subdivided into more than 2 lots. Despite Mrs. Bedgar's intention, she has no right to change the law merely by writing a will which contains intentions contrary to the law existing at the time of her death. As to Appellee's argument that Section 22-42(4) of the Baltimore County Code exempts this property from R.C. 2 zoning requirements, this section exempts such properties from having to go through the County Review Group, but has no effect on the Baltimore County Zoning Regulations.

While the Board of Appeals could not legally grant Mr. Graziano the relief he desires under the law, he may yet be able to obtain permission to build a home on his property. Certainly,

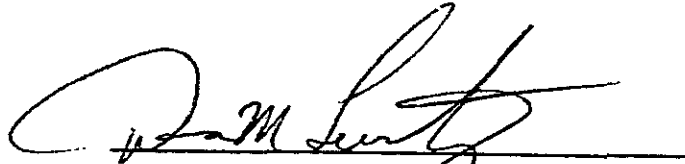
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Mr. Graziano can request a special exception to the zoning regulation in the form of a documented site plan.

In summary, on review of the evidence and the law this Court finds the County Board of Appeals' order to be contrary to the law. Accordingly the decision of the County Board of Appeals is reversed. Appellees to pay the costs.

Dated

11/29/88


DANA M. LEVITZ, Judge

Copies sent to:

Phyllis Cole Friedman, Esquire
Peter Max Zimmerman, Esquire
Jeffrey H. Gray, Esquire
County Board of Appeals

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Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

November 29, 1996

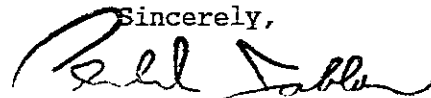
Mr. David R. Smith
16701 Yeoho Road
Sparks, MD 21152

RE: Petition for Special
Hearing
NW/S Dubbs Road and SE/S
Yeoho Road
(Parcel 2 and Lots 1, 2
and 3 of Parcel 1 of the
Smith Property)
5th Election District
3rd Councilmanic District
Louise Fowble, Doris Otto,
Jean MacMaster & Mary
Courtney - Petitioners
Case No. 97-74-SPH

Dear Mr. Smith:

Please be advised that an appeal of the above-referenced case was filed in this office on November 22, 1996 by Michael Gisriel, Esquire on behalf of Louise Fowble, Doris Otto, Jean MacMaster & Mary Courtney. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you have any questions concerning this matter, please do not hesitate to call 887-3180.

Sincerely,


ARNOLD JABLON
Director

AJ:rye

c: Mr. R. Scott Stuart
Mr. Thomas R. Coburn
Ms. Mary P. Shaffer
People's Counsel

MICROFILMED



APPEAL

Petition for Special Hearing
NW/S Dubbs Road and SE/S Yeoho Road
(Parcel 2 and Lots 1, 2 and 3 of Parcel 1 of Smith Property)
5th Election District - 3rd Councilmanic District
Louise Fowble, Doris Otto, Jean MacMaster & Mary Courtney - Petitioners
Case No. 97-74-SPH

Petition for Special Hearing

Description of Property

Certificate of Posting

Certificate of Publication not Found

Entry of Appearance of People's Counsel

Zoning Advisory Committee Comments

Protestants Sign-In Sheet

Petitioners' Exhibits:

- 1 - Plat to Accompany Petition for Special Hearing
- 2 - Title History
- 3 - Title Deed
- 4 - Circuit Court Bill of Complaint for Partition
- 5 - Copy of Deed
- 6A-6D - Four Copies of the Deed
- 7 - Building Permit
- 8 - Map
- 9 - Assessment Tax Map
- 10 - Exclusive Right to Sell Listing Contract

Nineteen Letters of Opposition

Opinion of Circuit Court for Baltimore County dated November 29, 1988

Last Will and Testament of E. Grace Miller

Letter from Arnold Jablon to Louise Fowble, Doris Otto, and Jean MacMaster dated April 13, 1995

Letter from Louise Fowble, Doris Otto, Jean MacMaster, and Mary Courtney to Baltimore County Zoning Commissioner dated July 11, 1996

Letter from Peter Max Zimmerman and Carole S. Demilio of People's Counsel for Baltimore County to Lawrence E. Schmidt dated October 15, 1996

Letter from David R. Smith to Lawrence Schmidt dated October 26, 1996

Zoning Commissioner's Order dated October 30, 1996 (Denied)

Notice of Appeal received on November 22, 1996 from Michael Gisriel, Esquire on behalf of Louise Fowble, Doris Otto, Jean MacMaster, and Mary Courtney

c: Michael Gisriel, Esquire, Gisriel & Brush, P.A., 210 E. Lexington Street, Suite 400, Baltimore, MD 21202
Mr. David R. Smith, 16701 Yeoho Road, Sparks, MD 21152
Mr. R. Scott Stuart, 16616 Dubbs Road, Sparks, MD 21152
Mr. Thomas R. Coburn, 16619 Dubbs Road, Sparks, MD 21152
Ms. Mary P Shaffer, 16929 Yeoho Road, Parkton, MD 21120
People's Counsel of Baltimore County, M.S. 2010

Request Notification: Lawrence Schmidt, Zoning Commissioner
Arnold Jablon, Director of PDM

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APPEAL

Petition for Special Hearing
NW/S Dubbs Road and SE/S Yeoho Road
(Parcel 2 and Lots 1, 2 and 3 of Parcel 1 of Smith Property)
5th Election District - 3rd Councilmanic District
Louise Fowble, Doris Otto, Jean MacMaster & Mary Courtney - Petitioners
Case No. 97-74-SPH

✓ Petition for Special Hearing

✓ Description of Property

✓ Certificate of Posting

Certificate of Publication not Found

✓ Entry of Appearance of People's Counsel

✓ Zoning Advisory Committee Comments

✓ Protestants Sign-In Sheet

✓ Petitioners' Exhibits: 1 - Plat to Accompany Petition for Special Hearing
2 - Title History
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5 - Copy of Deed
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8 - Map
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(18) (19 pages)
✓ Nineteen Letters of Opposition

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✓ Zoning Commissioner's Order dated October 30, 1996 (Denied)

✓ Notice of Appeal received on November 22, 1996 from Michael Gisriel, Esquire on behalf of Louise Fowble, Doris Otto, Jean MacMaster, and Mary Courtney

w/o appearance 9/02/97
c: * ~~Michael Gisriel, Esquire, Gisriel & Brush, P.A., 210 E. Lexington Street, Suite 400, Baltimore, MD 21202~~
Mr. David R. Smith, 16701 Yeoho Road, Sparks, MD 21152
✓ Mr. R. Scott Stuart, 16616 Dubbs Road, Sparks, MD 21152
✓ Mr. Thomas R. Coburn, 16619 Dubbs Road, Sparks, MD 21152
Ms. Mary P Shaffer, 16929 Yeoho Road, Parkton, MD 21120
People's Counsel of Baltimore County, M.S. 2010

Request Notification: Lawrence Schmidt, Zoning Commissioner
Arnold Jablon, Director of PDM

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Notices, etc. to Petitioner (Fowble)
c/o her son: John F. Fowble, VMD
P.O. Box 32
Timonium, MD 21094-0032

✓ INTERESTED PARTY:
Sam Nitzberg
16803 Yeoho Road
Sparks-Glencoe, MD 21152

Case No. 97-74-SPH

SPH -To approve four parcels in question, being separately owned by each Petitioner, to be sold and/or utilized as separate building lots.

10/30/96 -Zoning Commissioner's Order in which Petition for Special Hearing was DENIED.

3/18/97 -Notice of Assignment for hearing scheduled for Wednesday, May 28, 1997 at 10:00 a.m. sent to following:

Michael Gisriel, Esquire
Louise Fowble, Doris Otto,
Jean MacMaster, & Mary Courtney
David R. Smith
R. Scott Stuart
Thomas R. Coburn
Mary P. Shaffer
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt

Arnold Jablon, Director /PDM
Virginia W. Barnhart, Co Atty

4/15/97 -Pursuant to telephone call from David Smith regarding discrepancy between day of week and date of hearing, an Amended Notice was issued this date to correct that issued on 3/18/97. Date as shown on original Notice is correct; however, the day of the week is Wednesday.

- Spoke with both Mr. Smith and Michael Gisriel by telephone this date in this regard.

5/08/97 -Letter requesting postponement filed by Michael Gisriel, Esquire, on behalf of Appellants /Petitioners: requested document (CCT hearing transcript) not available by 5/28/97 and also schedule conflicts on behalf of his clients. To be PP'd without objection by PC and notice to be sent.

5/09/97 -Notice of PP and Reassignment sent to parties; matter rescheduled to Thursday, September 18, 1997 at 10:00 a.m.

6/02/97 -Letter from Stacey Sutton requesting placement in file as interested party for notification, etc.

8/29/97 -T/C from Petitioner's son; possibility there may be need for change in representation; also possible that request for postponement may be sent.

9/02/97 -Letter from Michael Gisriel, Esquire, striking appearance as attorney for Petitioners /Appellants; also requesting postponement to allow sufficient time for Petitioners to retain legal counsel.

- T/C to Dr. Fowble (son of Petitioner); advised of request and that we would schedule at first date on Board's docket.

9/03/97-Second Notice of PP and Reassignment sent to parties (amended notice to reflect Jack Dillon as Exec Director, VPC); matter rescheduled to Wednesday, November 26, 1997 at 1:00 p.m. - Hearing scheduled on merits

9/11/97 -Motion to Dismiss Appeal filed by People's Counsel.

9/24/97 -Notice of Assignment sent to parties; Motion only hearing scheduled for Wednesday, October 22, 1997 at 10:30 a.m. on Motion To Dismiss

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10/21/97 -T/C from John Fowble, VMD - Petitioners /Appellants in this matter will be withdrawing their appeal in Case No. 97-74-SPH; intend to begin "at the beginning" before the Zoning Commissioner; have consulted new counsel. Dr. Fowble will FAX a copy of the withdrawal letter this date; Motion Hearing scheduled for 10/22/97 to be pulled from docket; Board to be notified upon receipt of letter.

- Received FAX copy of dismissal letter from Louise Fowble et al; Order of Dismissal prepared /kcb. Notified panel; notified CP and Towson Reporting; also notified People's Counsel, as well as J. Dillon and the residence of Stacey Sutton; left messages for RS Stuart; TR Coburn; and S. Nitzberg. Unable to locate telephone numbers in white pages for Mr. DR Smith and Ms. MP Shaffer.

- Motion hearing of 10/22/97 pulled from docket, as well as hearing scheduled for Wednesday, 11/26/97. This matter has been withdrawn and dismissed. Order to be issued.

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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: August 11, 1998
Permits & Development Management

FROM: Charlotte E. Radcliffe *CR*
County Board of Appeals

SUBJECT: Closed File:
97-74-A /Louise Fowble, et al

As no further appeals have been taken in the above captioned case, which was dismissed by Order dated October 31, 1997, we are hereby closing the file and returning same to you herewith.

Attachment (Case File No. 97-74-A)

MICROFILMED

**THE VALLEYS
PLANNING COUNCIL, INC.**

212 Washington Avenue
P.O. Box 5402
Towson, Maryland 21285-5402
410-337-6877
410-296-5409 (FAX)

April 24, 1997

Mr. Robert Schuetz
Baltimore County Board of Appeals
Old Court House
Towson, MD 21204

Re: 97-74-SPH

Dear Mr. Schuetz:

The Valleys Planning Council opposes Petitioners' Request on Appeal to confirm the existence of four building lots at this site, and urges you to uphold the opinion of the Zoning Commissioner denying the Petition.

Simply put, we cannot see how an order of the Circuit Court can preempt the clearly stated zoning law of Baltimore County that was in force at that time. The RC-2 law and an analysis of this case indicate that only two lots may legally exist here.

Very truly yours,


John Bernstein
Executive Director

97 APR 29 PM 7:43
RECEIVED
COUNTY BOARD OF APPEALS

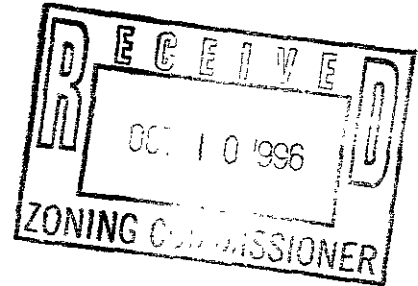
MICROFILMED

**THE VALLEYS
PLANNING COUNCIL, INC.**

212 Washington Avenue
P.O. Box 5402
Towson, Maryland 21285-5402
410-337-6877
410-296-5409 (FAX)

October 7, 1996

Mr. Timothy Kotroco
Deputy Zoning Commissioner
Room 112
Old Court House
Towson, MD 21204



Re: 97-74-SPH 11 Acres at Yeoho and Dubbs Roads

Dear Mr. Kotroco:

The Valleys Planning Council opposes the Petitioners' request to confirm 4 building lots at this site.

It is clear from the Baltimore County Zoning regulations, Sec. 1A01.3B, that any RC-2 lot of record which was in existence before 1979 and contains between 2 and 100 acres may be subdivided into at most 2 building lots.

In the present case, the Land Records show that the property originally consisted of 89 acres, more or less, in three record parcels of 78, 2.826, and 7.5 acres. Each of these parcels was separately described before November, 1979. On the 78-acre parcel, therefore, two building lots, at most, were allowable.

Pursuant to Baltimore County Court order, in 1984, 4 lots were created out of two of these parcels. One lot corresponded to the 2.826-acre parcel owned by Mary Courtney, which, as shown above, was never part of the 78-acre parcel and need not concern us further.

The other three lots, however, were created out of approximately 11 acres of the 78-acre parcel. This created four lots - the three lots belonging to Otto, Fowble, and McMaster, and the 67-acre remainder parcel, presently improved with a house - where only two are allowed under the BCZR. Therefore, an illegal subdivision occurred. See the attached letter from Arnold Jablon, Director of PDM, in corroboration of this.

RECORDED

Page 2

In support of the subdivision, petitioners advance the theory that Sec. 22-42 (4) of the 1978 Baltimore County Code, then in force, exempts this subdivision from the provisions of the Baltimore County Zoning Regulations. This is clearly mistaken. The first sentence of Section 22-42 states that the exemption in question is from Division 2 of the Development Regulations, which has to do only with the development review process. There is no implication that the section provides an exemption from the Zoning Regulations.

Further, it is unclear how the doctrine of estoppel applies. Petitioners have taken no action in reliance upon the Court order. They have not sold the three lots, nor have they built houses upon them. There is no equitable issue that would not be addressed by the sale of the parcels as one unit, with one building right, and subsequent distribution of the proceeds. In fact, all three of the unbuilt lots are on the market at this time.

Finally, this letter is evidence of community opposition to the Petition.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "John Bernstein".

John Bernstein
Executive Director

MICROFILMED

LAW OFFICES

GISRIEL & BRUSH, P.A.

SUITE 400

210 EAST LEXINGTON STREET
BALTIMORE, MARYLAND 21202-3514

TEL: (410) 539-0513

(301) 585-1249 (WASH., D.C. AREA)

FAX: (410) 625-3859

6310 STEVENS FOREST ROAD
SUITE 100
COLUMBIA, MARYLAND 21046

10840 LITTLE PATUXENT PARKWAY
SUITE 102
COLUMBIA, MARYLAND 21044

300 FREDERICK ROAD
SUITE 100
CATONSVILLE, MARYLAND 21228

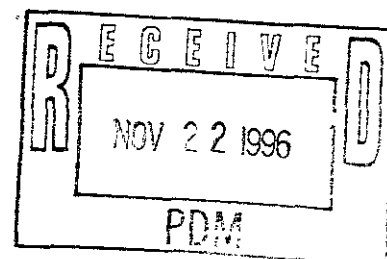
6001 MONTROSE ROAD
SUITE 301
ROCKVILLE, MARYLAND 20852

120 SECOND STREET
LAUREL, MARYLAND 20707

702 RUSSELL AVENUE
SUITE 207
GAITHERSBURG, MARYLAND 20877

November 21, 1996

Zoning Administration
and Development Office
of Baltimore County
111 W. Chesapeake Avenue, Room 111
Towson, Maryland 21204
Attn: Appeals Coordinator



Re: Petitioner's Notice of Appeal-
PETITION FOR SPECIAL HEARING
NW/S Dubbs Road and SE/S Yeoho Road
(Parcel 2 and Lots 1, 2 and 3 of Parcel 1 of the Smith Property)
5th Election District - 3rd Councilmanic District
Louise Fowble, Doris Otto, Jean MacMaster, Mary Courtney -
Petitioners Case No. 97-74-SPH

Dear Appeals Coordinator:

My clients, Louise Fowble, Doris Otto, Jean MacMaster and Mary Courtney, Petitioners, by and through me as their attorney hereby appeal the decision dated October 30, 1996 rendered in the above-captioned matter by the Zoning Commissioner for Baltimore County to the Baltimore County Board of Appeals. Pursuant to your direction, enclosed please find mu check for \$175 made payable to Baltimore County for said appeal on behalf of my above named clients.

Please let me know the date, time and place said appeal will be heard by the Board of Appeals. If you need any additional information or have any questions, please don't hesitate to contact me. I remain

Very truly yours,

A handwritten signature in dark ink, appearing to read "Michael Gisriel".

Michael Gisriel

MG:wlf
Enclosure

cc: Dr. John Fowble, Petitioner's Representative
Baltimore County Board of Appeals

MICROFILMED

FWable.

PLEASE PUT ME ON THE MAILING
LIST FOR ANY INFORMATION
CONCERNING ZONING APPEAL CASE

#97-74-SFH

(Property located between Yeoho Rd + Dubbs Rd.)

My NAME + ADDRESS: SAM NITZBERG
16803 YEOHO RD
SPARKS GLENCOE, MD 21152

DisplayText cannot span more than one

To: Kathleen C. Bianco

Fax: 410 887-3182

From: Louise M. Fowble, et. al

Date: 10/21/97

Re: Case # 97-74-SPH

Pages: DisplayText cannot span more than one

CC: [Click here and type name]

☐ Urgent ☒ For Review

☐ Please
Comment

☐ Please
Reply

☐ Please
Recycle

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July 11, 1996

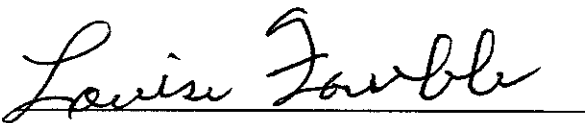
97-74-SPH

Zoning Commissioner of Baltimore County
County Office Building - 1st Floor
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Petition for Special Hearing for the
Property located at Yeoho and Dubbs
Roads - North Central Baltimore County,
Maryland (5th Election District) totaling
approximately 13.6 acres in toto

Dear Baltimore County Zoning Commissioner:

This letter authorizes our attorney, Michael Gisriel, Esq., whose office is 210 E. Lexington Street, Suite 400, Baltimore, Maryland 21202 (Tel. 410-539-0513/FAX 410-625-3859) to act as our attorney and legal representative for the above captioned matter. Mr. Gisriel has full authority to act on our behalf for the above captioned matter including but not limited to the authority to sign the Petition for Special Hearing and all documents related thereto on our behalf. We are



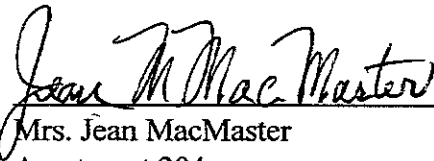
Mrs. Louise Fowble
201 W. Timonium Road
Timonium, Maryland 21093



Mrs. Doris Otto
1301 Louisa Street
Williamsport, Pennsylvania 17701

7249

Courtney



Mrs. Jean MacMaster
Apartment 204
300 S. Sykes Creek
Merritt Island, Florida 32952

Mrs. Mary Courtney
16606 Dubbs Road
Sparks, Maryland 21152

Very truly yours.

MICROFILMED

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

April 13, 1995

Mrs. Louise Fowble
201 West Timonium Road
Timonium, Maryland 21093

Mrs. Doris Otto
1301 Louise Street
Williamsport, Pennsylvania 17701

Jean
Mrs. Joan MacMaster
300 South Sykes Creek, Apt. 204
Merritt Island, Florida 32952

RE: Partition of 11 acres
Yeoho and Dubbs Roads
5th Election District

Dear Mrs. Fowble, Mrs. Otto & Mrs. MacMaster:

It has recently been brought to the attention of this office that, in or about 1984, property currently owned by you was subdivided into three distinct parcels by court order. I apologize for having to write this letter to you, but I must provide you with notice that such a subdivision violates Baltimore County laws.

Although the court may have been within its right to partition the 11 acres located at Yeoho and Dubbs Roads, such a partition was in violation of the Baltimore County zoning regulations. The original parcel from which the 11 acres was separated, consisting of approximately 78 acres, could be subdivided into two buildable lots; however, neither the 67-acre or 11-acre parcel which were then created could be further subdivided.

The issue at hand is whether the three lots created by partition in 1984 are buildable and whether they are in compliance with county zoning and development regulations. The Baltimore County zoning regulations do not permit the 11 acres, zoned R.C.2, to be further subdivided. Therefore, in the opinion of this office, the lots created by the court order are unbuildable.

If you disagree, I suggest that you file a petition for special hearing for an interpretation as to whether this determination is correct. Please call 887-3391 for information on filing procedures. It is important that this issue be resolved.

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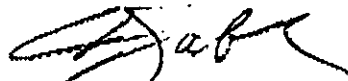


Mrs. Louise Fowble
Mrs. Doris Otto
Mrs. MacMaster
Page Two
April 13, 1995

It is the responsibility of the county to ensure notice to subsequent purchasers that the lots are unbuildable. Therefore, if you fail to request such a hearing, the county will have no choice but to record such a notice in the land records office of Baltimore County.

If you have any questions regarding the above, please feel free to call this office.

Sincerely,



ARNOLD JABLON
Director

AJ:lb

c: Douglas G. Worrall, Esquire

MICROFILMED

LAST WILL AND TESTAMENT

OF

E. GRACE MILLER

I, E. GRACE MILLER, of Baltimore County, Maryland, being of sound and disposing mind, memory and understanding, do hereby make, publish and declare this as and for my Last Will and Testament, hereby revoking all other Wills and Codicils to Wills by me heretofore made.

ITEM ONE: I hereby direct my Executor, hereinafter named, to pay from my estate all of my just debts and funeral expenses and any taxes due by me or by my estate.

ITEM TWO: In the event that my daughter, MARJORIE M. SMITH shall have predeceased me, I give, devise and bequeath my entire interest in and to the Baltimore County property containing approximately one hundred forty-seven (147) acres heretofore deeded by John W. Heisse and Kathleen H. Heisse, his wife to myself and my said daughter, MARJORIE M. SMITH, as joint tenants, unto the descendants of my said daughter, MARJORIE M. SMITH, living at the time of my death in equal shares, per stirpes and not per capita, as tenants in common.

ITEM THREE: All the rest, residue and remainder of my estate and property, whether real, personal or mixed of whatsoever kind, nature and description, and wheresoever situate, which I may own at the time of my death or over which I may have power of disposition at the time of my death, I hereby give, devise and bequeath unto my descendants living at the time of my death, in equal shares, share and share alike, per stirpes and not per capita.

3/15/81 See Codicil
ITEM FOUR: I hereby constitute and appoint my daughter, MARJORIE M. SMITH to be the Executrix of this my Last Will and Testament, and I do hereby excuse my said Executrix and her successor hereinafter named from giving any bond for the faithful performance of their duties as such. In the event of the death, refusal or inability to act as Executrix of said MARJORIE M. SMITH, then I direct that JOHN W. HEISSE shall be Executor hereunder in the place and stead of said MARJORIE M. SMITH.

E. Grace Miller
I do hereby confer upon my Executrix and her successor all powers necessary, proper or convenient for the preservation, management and direction of my estate, and I do hereby authorize them to sell, assign, transfer, convey, exchange, divide, invest, reinvest, mortgage, lease, deed and otherwise deal with the whole or any portion of my estate, real or personal, as they, in their judgment, may deem proper, and to that end to make deeds, conveyances, leases, transfers and other instruments of writing and to receive payment and to do all other acts and things incident thereto; also I do hereby expressly authorize my Executrix and her successor to compromise and adjust any and all claims in connection with my estate, whether such claims be in favor of or against my

MICROFILMED

estate, upon such terms and conditions as they may deem just and the decision of my Executrix and her successor shall be binding and conclusive upon all persons and corporations interested therein.

In any case in which my Executrix or her successor is required, pursuant to the provisions of this my Last Will and Testament, to divide any part of my estate into parts or shares, or to distribute such parts or shares, they are authorized and empowered, in their sole discretion, to make such division or distribution in kind or in money, or partly in kind and partly in money and for the purpose of such allotment the judgment of my Executrix or her successor concerning the propriety thereof, and the relative value for the purpose of division or distribution of the property and securities so allotted shall be binding and conclusive on all persons interested therein.

All of the foregoing powers shall be exercised without the necessity of prior application to, or subsequent ratification by any Orphans' Court or any other Court.

IN TESTIMONY WHEREOF: I have hereunto set my hand and affixed my seal this 17th day of July, 1944.

E. Grace Miller (SEAL)

Signed, sealed, published and declared by the said Testatrix, E. GRACE MILLER, as and for her Last Will and Testament, in the presence of us, who at her request, in her presence, and in the presence of each other, have hereunto subscribed our names as witnesses this 17th day of July, 1944.

<u>John A. Cochran</u>	<u>509 Title Bldg.</u>
<u>Elsie F. Young</u>	<u>509 Title Bldg.</u>
<u>A. Fredrick Taylor</u>	<u>509 Title Bldg.</u>

FIRST CODICIL

(RELATES ONLY TO
EXECUTRIX)

I, E. GRACE MILLER, of Baltimore County, State of Maryland, do make, publish and declare this to be the First Codicil of my last Will and Testament dated July 17, 1944.

I declare ITEM FOUR null and void and in its place I insert the following:

"ITEM FOUR: I hereby constitute and appoint my daughter, MARJORIE M. SMITH to be the Personal Representative of this my Last Will and Testament, and I do hereby excuse my said Personal Representative and her successor hereinafter named from giving any bond for the faithful performance of their duties as such. In the event of the death, refusal or inability to act as Personal Representative of said MARJORIE M. SMITH, then I direct that LOUISE M. FOWBLE shall be Personal Representative hereunder in the place and stead of said MARJORIE M. SMITH.

I do hereby confer upon my Personal Representative and her successor all powers necessary, proper or convenient for the preservation, management and direction of my estate, and I do hereby authorize them to sell, assign, transfer, convey, exchange, divide, invest, reinvest, mortgage, lease, deed and otherwise deal with the whole or any portion of my estate, real or personal, as they, in their judgment, may deem proper, and to that end to make deeds, conveyances, leases, transfers and other instruments of writing and to receive payment and to do all other acts and things incident thereto; also I do hereby expressly authorize my Personal Representative and her successor to compromise and adjust any and all claims in connection with my estate, whether such claims be in favor of or against my estate, upon such terms and conditions as they may deem just and the decision of my Personal Representative and her successor shall be binding and conclusive upon all persons and corporations interested therein.

In any case in which my Personal Representative or her successor is required pursuant to the provisions of this my Last Will and Testament, to divide any part of my estate into parts or shares, or to distribute such parts or shares, they are authorized and empowered, in their sole discretion, to make such division or distribution in kind or in money, or partly in kind and partly in money and for the purpose of such allotment the judgment of my Personal Representative or her successor concerning the propriety thereof, and the relative value for the purpose of division or distribution of the property and securities so allotted shall be binding and conclusive on all persons interested therein.

All of the foregoing powers shall be exercised without the necessity of prior application to, or subsequent ratification by any Orphans' Court or any other Court."

IN WITNESS Whereof, I have hereunto set my Hand and Seal this 25th day of March, 1981.

E. Grace Miller
E. Grace Miller, Testatrix

MICROFILMED
(SEAL)

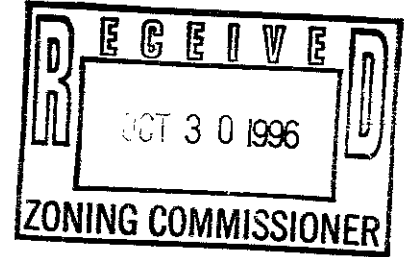
Signed, sealed, published and declared by E. GRACE MILLER,
the above named Testatrix, as and for a First Codicil to her last
Will and Testament, in the presence of us, who at her request, in
her presence and in the presence of each other, hereunto subscribe
our names as witnesses.

Thomas W. Early residing at 1729 Glen Ridge Rd 21234
Witness

John E. Luss residing at Parthen, Ind. 21120
Witness

page two of two pages

MICROFILMED

10/28/96
8

TO: Mr. [illegible]
 FROM: Mr. [illegible]
 SUBJECT: [illegible]

RE: [illegible]
 [illegible]

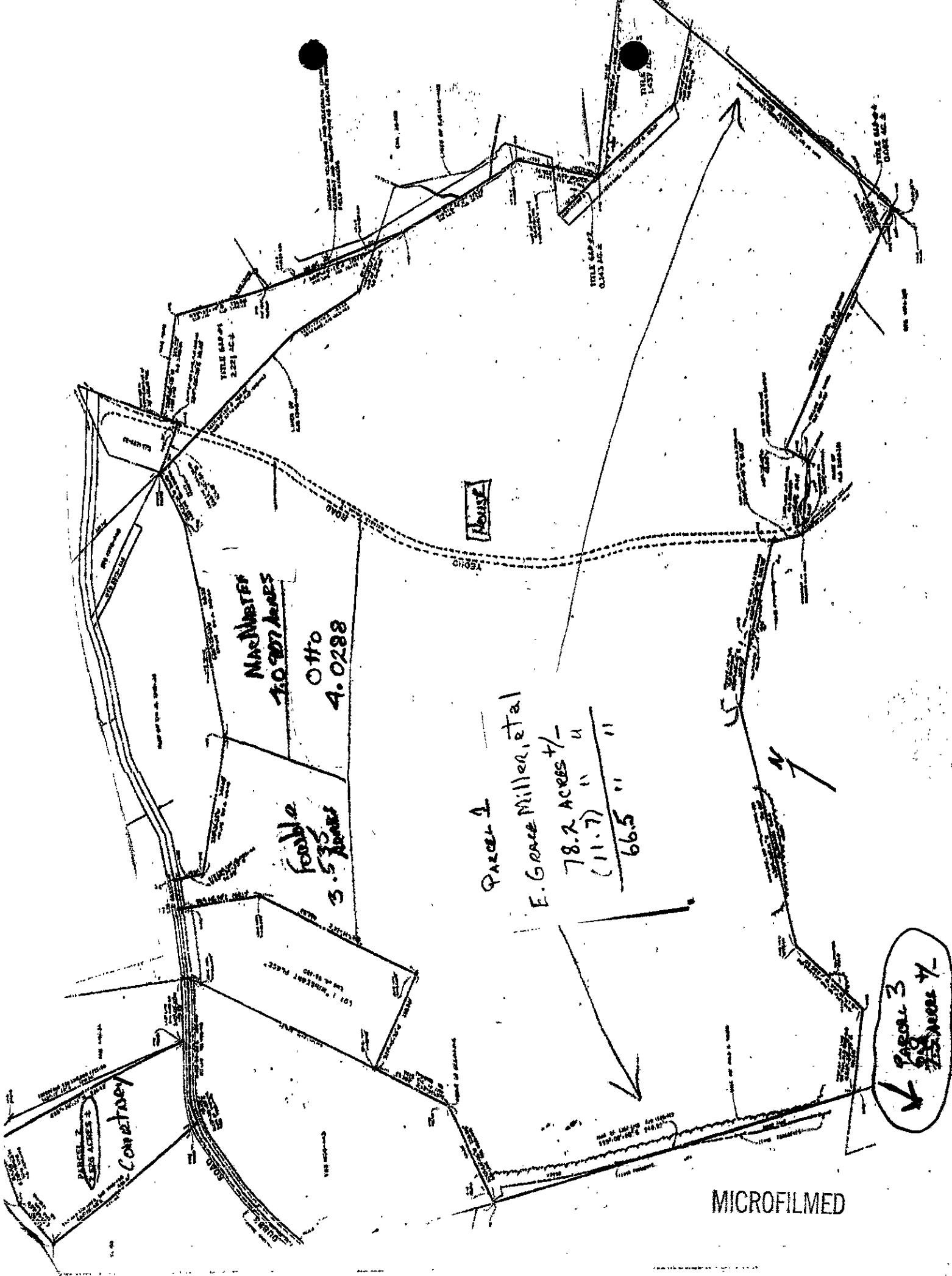
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[illegible]
 [illegible]

[illegible]
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sent copy of
 document
 via telefax
 on 10/30/96.
 bjs



MICROFILMED

Friday, May 30, 1997

Cathy Bianco
Board Of Appeals
Room 49
Old Court House
Towson, MD 21204

RE: Case # 97-74 SPH

Dear Ms. Bianco,

Please put me in the folder to keep me informed of Case # 97-74 SPH on Dubbs Road. My name is Stacey Sutton and my address is 16702 Dubbs Road, Sparks, Maryland 21152.

Thank you for your consideration on this matter.

Sincerely,

Stacey A. Sutton

Stacey Sutton

Received 6/10/97

97 JUN -2 PM 5:38
RECEIVED
COUNTY BOARD OF APPEALS

MICROFILMED

PETITION TO BALTIMORE COUNTY ZONING COMMISSION

I/we OPPOSE the zoning request change for the Fowble property on Yeoho and Dubbs Rd. (zoning committee file number 97-74-SPH hearing on October 17, 1996). The current RC-2 zoning that exists for this property, as well as for the surrounding area was implemented specifically to protect critical agriculture. In addition, this region is included in the 5th District Elementary school building moratorium area. I/we believe that permitting the zoning change of this property could jeopardize efforts of the county to protect agricultural land.

<u>NAME (Print)</u>	<u>ADDRESS</u>	<u>SIGNATURE</u>
JANET MACHAMER, RN		<i>Janet Machamer</i>
EUGENE L. WU, MD	16726 DUBBS RD SPARKS MD 21152	<i>Eugene L. Wu</i>

MICROFILMED

PETITION TO BALTIMORE COUNTY ZONING COMMISSION

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NAME (Print)

ADDRESS

SIGNATURE

Rebecca B BRIScoe Gurley 16813 Yeoho Road SPARKS MD 21152 Rebecca B Gurley

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PETITION TO BALTIMORE COUNTY ZONING COMMISSION

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NAME (Print)

ADDRESS

SIGNATURE

MICHELLE + DAVID JOHNSON

16530 YEOHO RD

Michelle B. Johnson

MICROFILMED

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NAME (Print)

ADDRESS

SIGNATURE

Eugene Schweitzer 16924 Yeoho Rd Eugene Schweitzer
Elizabeth Schweitzer

16924 Yeoho Rd. Elizabeth R. Schweitzer

MICROFILMED

PETITION TO BALTIMORE COUNTY ZONING COMMISSION

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NAME (Print)	ADDRESS	SIGNATURE
Vicky L. Burke	16730 Dubbs Rd	<i>Vicky L. Burke</i>
Raymond D. Burke	"	<i>Ray D. Burke</i>
GLORIA STUART	16616 DUBBS RD	<i>Gloria J. Stuart</i>
N. Scott Stuart	"	<i>N. Scott Stuart</i>

PETITION TO BALTIMORE COUNTY ZONING COMMISSION

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NAME (Print)

ADDRESS

SIGNATURE

Majorie S Brown - Gerald V Green
16909 Prettyboy Dam Rd
Parkton, Md, 21120

MICROFILMED

PETITION TO BALTIMORE COUNTY ZONING COMMISSION

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NAME (Print) ADDRESS SIGNATURE

Samuel Nitzberg 16803 Yeoho Rd. *Sam N*
Vicki Mermelstein 16803 Yeoho Rd. *Vicki Mermelstein*

MICROFILMED

PETITION TO BALTIMORE COUNTY ZONING COMMISSION

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NAME (Print)

ADDRESS

SIGNATURE

PATRICK R. O'Brien^{III}
16918 B Yeoho Rd
PARKTON, Md 21120

Stella H. O'Brien

Patrick R. O'Brien^{III}
Stella H. O'Brien

UNRECORDED

PETITION TO BALTIMORE COUNTY ZONING COMMISSION

I/we OPPOSE the zoning request change for the Fowble property on Yeoho and Dubbs Rd. (zoning committee file number 97-74-SPH hearing on October 17, 1996). The current RC-2 zoning that exists for this property, as well as for the surrounding area was implemented specifically to protect critical agriculture. In addition, this region is included in the 5th District Elementary school building moratorium area. I/we believe that permitting the zoning change of this property could jeopardize efforts of the county to protect agricultural land.

NAME (Print)

ADDRESS

SIGNATURE

Russ Clark	16819 YEHO RD	Russ Clark
Jayne Clark		Jayne Clark

MICROFILMED

PETITION TO BALTIMORE COUNTY ZONING COMMISSION

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NAME (Print)

ADDRESS

SIGNATURE

Gregory J. Leyko 16910 Prettybay Dam Rd. Gregory J. Leyko
Parkton, Md. 21120

MICROFILMED

PETITION TO BALTIMORE COUNTY ZONING COMMISSION

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<u>NAME (Print)</u>	<u>ADDRESS</u>	<u>SIGNATURE</u>
Kirk Evans	2521 Mt. Carmel Rd.	
Patricia P. Evans	2521 Mt. Carmel Rd.	Patricia P. Evans

MICROFILMED

PETITION TO BALTIMORE COUNTY ZONING COMMISSION

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NAME (Print)

ADDRESS

SIGNATURE

Thomas R. Coburn 16619 Dubbs Rd [Signature]
10-16-96

MICROFILMED

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NAME (Print)

ADDRESS

SIGNATURE

SIGNE RENN

16833 Yeoho Rd Sparks MD

Sigine RENN

ELI RENN

16833 YEHO RD SPARKS MD

ELI

Patricia RENN

16833 Yeoho Rd Sparks Md.

Pat RENN

MICROFILMED

PETITION TO BALTIMORE COUNTY ZONING COMMISSION

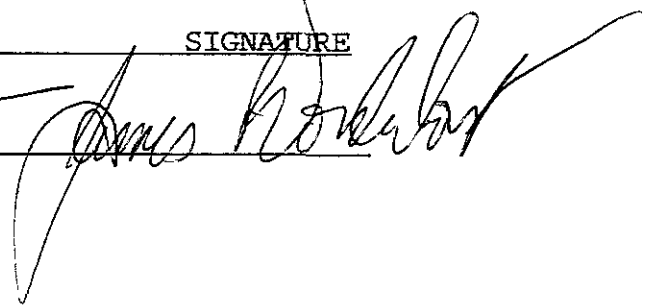
I/we OPPOSE the zoning request change for the Fowble property on Yeoho and Dubbs Rd. (zoning committee file number 97-74-SPH hearing on October 17, 1996). The current RC-2 zoning that exists for this property, as well as for the surrounding area was implemented specifically to protect critical agriculture. In addition, this region is included in the 5th District Elementary school building moratorium area. I/we believe that permitting the zoning change of this property could jeopardize efforts of the county to protect agricultural land.

NAME (Print)

ADDRESS

SIGNATURE

MR. JAMES P. VANDER HART
16920 YECHO ROAD
PARKTON, MD 21120



MICROFILMED

PETITION TO BALTIMORE COUNTY ZONING COMMISSION

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NAME (Print)

ADDRESS

SIGNATURE

John L. Bauer 16916 Yeoho Rd. John L. Bauer

Patricia B. Bauer 16916 Yeoho Rd. Patricia B. Bauer

Albert M. Palewick 16916 Yeoho Rd. Albert M. Palewick

Edna K. Palewick 16916 Yeoho Rd. Edna K. Palewick

MICROFILMED

PETITION TO BALTIMORE COUNTY ZONING COMMISSION

I/we OPPOSE the zoning request change for the Fowble property on Yeoho and Dubbs Rd. (zoning committee file number 97-74-SPH hearing on October 17, 1996). The current RC-2 zoning that exists for this property, as well as for the surrounding area was implemented specifically to protect critical agriculture. In addition, this region is included in the 5th District Elementary school building moratorium area. I/we believe that permitting the zoning change of this property could jeopardize efforts of the county to protect agricultural land.

NAME (Print)

ADDRESS

SIGNATURE

Charles Brooks

16554 Yeoho Rd.



SPARKS MD 21152

Mr & Mrs Billy Heath

16726 Yeoho Rd

SPARKS, MD 21152



MICROFILMED

PETITION TO BALTIMORE COUNTY ZONING COMMISSION

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NAME (Print)

ADDRESS

SIGNATURE

Mary P Shaffer	16929 Yeoho Rd Parkton MD 21120	Mary P Shaffer
CARL E SHAFFER	16929 YEOKHO Rd Parkton Md	Carl E Shaffer

MICROFILMED

Petersons

PLEASE PRINT CLEARLY

~~PETITION~~ SIGN-IN SHEET

NAME

ADDRESS

Mary P Shaffer

16929 Yeoho Rd

Parkton MD 21120

(^{Sister} Cindy Burton) Thomas P. Leburn

16619 Dubbs Rd Sparks, MD 21152

R. Scott Stevens

16616 DUBBS RD SPARKS MD 21152

D. R. Smith

16701 YEHO RD, SPARKS 21152

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TITLE HISTORY

2/28/1938

FORFEITURE SALE 870/136

FISHER, MOLTON F. 1955 12/12/1938

3-31-38
AREA
1037/99

137 ac. 1

1-ELISE, TOWN W.
KATHLEEN H., 4/10

6-30-00
AREA
1346/453

137 ac. 1

MILLER, E. GRACE
SMITH, MARTINE M.

5-12-81
AREA
6086/390

5-12-81
AREA
6086/395

11.69 ac.

2.826 ac.

MILLER, E. GRACE
SMITH, BILLY F.
MARTINE M., 4/10

COURTNEY, MARY

7-27-82
AREA
6446/110

13.6
ac. 1
Total

FOWBLE, LOUISE M.
MACMASTER, FRANK
OTTO, DORIS
COURTNEY, MARY

10-16-84
AREA
6976/802

10-16-84
AREA
6976/805

10-16-84
AREA
6976/808

10-16-84
AREA
6976/811

2.836 ac.

3.146 ac.
3447 ac.

COURTNEY, MARY

OTTO, DORIS
3.120 ac.
4048 ac.

FOWBLE, LOUISE M.
3.535 ac.

MACMASTER, FRANK

(A)

(B)

(C)

(D)

137 ac. 1

MICROFILMED

Ref No 2

TITLE HISTORY

Thomas Gorsuch

Deed CUB 434/5382
5/3/1850

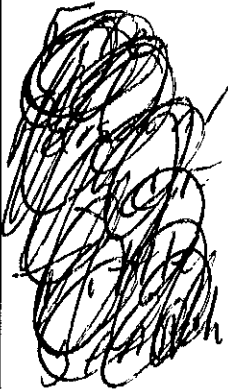
Benjamin Gorsuch

Hester Benson (Predeceased Father)
Elizabeth A Benson
B. Howard Gorsuch
John E. Gorsuch
Thomas J. Gorsuch
Jesse S. Gorsuch
Geo W. Gorsuch

Children

Will 9/18/89 Probate

Elizabeth Gorsuch (w) for life then to Son Lewis A Gorsuch for life then to daughter of Lewis Elizabeth Grace Miller



Elizabeth Gorsuch died

Subject to life estate

Elizabeth G Miller
Harry V. Miller

→ MFG (1/15/31) T. Frank Miller

Foreclosure Sale 2/25/38
\$3000
Subject to life estate

137 acres

Morton P Fisher Assignee - Trustee

Deed CUB JR 1027/99 (3/31/38)
137 Acres

137 acres

John W. Heisse et ux

Deed RJS 1346/483 (6/30/44)
(Subject to life estate of Lewis A. Gorsuch)

(died 2/8/56)
N/A

137 acres

(mother) E. Grace Miller & (daughter) Marjorie M. Smith as Joint Parents

~~48 acres subject to life estate of Lewis A. Gorsuch~~
~~98 acres subject to life estate of Lewis A. Gorsuch~~

MICROFILMED

Title
Deed

137 cases

Family Farm

Liber 1346

483

483

PAID PER DEED OCT 10 1944

63748

THIS DEED Made this 30th day of June in the year one thousand
John W Heisse & wf) nine hundred and forty-four by and between John W Heisse and
Deed to) Kathleen H Heisse his wife of the City of Baltimore in the State
E Grace Miller Et Al) of Maryland of the first part and E Grace Miller and Marjorie M
USA\$3.30 - B\$3.00) Smith of the City and State aforesaid of the second part

WITNESSETH that in consideration of the sum of Five Dollars and
other good and valuable considerations the receipt whereof is hereby acknowledged the said
John W Heisse and Kathleen H Heisse his wife do grant and convey unto the said E Grace
Miller and Marjorie M Smith as joint tenants and not as tenants in common their assigns
the survivor of them and the survivor's heirs and assigns in fee simple subject to the out-
standing life estate of Lewis A Gorsuch all that tract of land situate lying and being in
Fifth Election District of Baltimore County and described as follows that is to say

BEGINNING for the same at the end of twenty-one perches on the twenty-fourth line
of the whole tract of land called "Springfield" as run with one degree and fifteen minutes
allowance for variation and running thence with and bounding on said line reversely south
twelve and one-fourth degrees west eight perches to the end of the fourth line of the sec-
ond parcel of a tract of land called "James' Forest" and running thence with and bounding
on said land reversely the five following courses north ninety-seven and one-fourth degrees
east eight and one-half perches to a bounded white oak and black oak north seven and three-
fourths degrees east sixteen and one-fourth perches north twenty-four and one-fourth de-
grees east thirty-eight perches north seven and three-fourths degrees west thirteen and
three-fourths perches until it intersects the twenty-sixth line of the whole tract of land
called "Springfield" as run with one degree and fifteen minutes allowance for variation
thence north seventeen and three-fourths degrees east one and one-half perches to the end
of said line thence still running with and bounding on "Springfield" with one degree and
fifteen minutes allowance for variation the fourteen following courses north forty-one and
three-fourths degrees east thirty perches north twenty and three-fourth degrees east six
perches north seventy-seven and three-fourths degrees east twenty-eight perches north
twenty-three and three-fourths degrees east thirty-two perches south sixty-six and three-
fourths degrees west twenty-eight perches south fifty-one and three-fourths degrees west
twenty-three perches north seventy-three and one-fourth degrees west three perches north
twenty-one and one-fourth degrees west fourteen perches north nineteen and three-fourths
degrees east twenty perches north five and one-fourth degrees west twenty-six perches north
seventy and three-fourths degrees east seven perches north forty-seven and one-fourth de-
grees west eight perches south fifty-six and three-fourths degrees west fourteen perches
north eighty-eight and three-fourths degrees west twenty-four perches thence running with
and bounding on a tract of land called "Springfield Enlarged" north thirty-seven and one-
fourth degrees east eight and one-half perches until it intersects the seventh line of a
tract of land called "Medlicott's Venture" thence running with and bounding on said line
north twenty-nine and three-fourths degrees west seven and one-half perches until it inter-
sects the north eighty-two degrees west fourteen and one-fourth perches line of that part
of "Springfield Enlarged" conveyed to Stephen Gill of John by Thomas Donovan thence running
with and bounding on said land north eighty-two degrees west six and one-half perches to a
bounded black oak standing near a small branch thence still running with and bounding on
said land the eleven following courses north fifty-eight degrees west eleven and three-

Ref No 3

MICROFILMED

fourths perches to a bounded white oak standing near said branch south sixty-three and one-half degrees west sixteen and one-fourth perches to two bounded white oaks standing on the side of a hill north eighty and one-half degrees west eleven and three-fourths perches to a bounded black oak standing at the end of the south seven degrees west twenty-eight perches line of a tract of land called "Bonds and Prices Gift" thence running with and bounding on said land the four following courses west sixty perches south twenty perches south seventy degrees west sixty perches south thirty-eight degrees west twelve and one-half perches until it intersects the fifty-eighth line of the whole tract of land called "Springfield" thence bounding on said line reversely south eighty-eight degrees east thirteen and one-half perches to the beginning thereof thence still bounding on "Springfield" reversely the three following courses south twenty-three degrees west ten perches south two degrees west eight perches south forty-three degrees west thirteen perches until it intersects a line drawn north sixty-two degrees west from the above mentioned beginning and thence with a straight line to the beginning

CONTAINING one hundred forty-seven and one-fourth acres of land more or less

SAVING AND EXCEPTING thereout the following portions of said described property which were heretofore sold and conveyed by the following conveyances viz

1 Deed from Benjamin Gorsuch to the School Commissioners of Baltimore County dated January 2 1869 and recorded among the Land Records of Baltimore County in Liber E H A No 61 folio 17 etc which conveys a one-half acre of said described property

2 Deed from Benjamin Gorsuch and wife to Benjamin H Gorsuch dated July 4 1870 and recorded among the aforesaid Land Records in Liber E H A No 67 folio 48 etc which conveys two acres two rods and eighteen square perches of said described property

3 Deed from Benjamin Gorsuch to Benjamin Gorsuch dated May 12 1877 and recorded among the aforesaid Land Records in Liber J B No 108 folio 348 etc which conveys seven acres three rods and one square pole of said described property

Leaving one hundred and thirty-seven acres more or less in said tract of land above described

BEING the same tract of land which by Deed dated March 31 1938 and recorded among the Land Records of Baltimore County in Liber C W B Jr No 1027 folio 99 was conveyed by Morton P Fisher Assignee to the Grantors herein

TOGETHER with the buildings and improvements thereupon erected made or being and all and every the rights alleys ways waters privileges appurtenances and advantages to the same belonging or anyway appertaining

TO HAVE AND TO HOLD the said lot of ground and premises above described and mentioned and hereby intended to be conveyed together with the rights privileges appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said E Grace Miller and Marjorie M Smith as joint tenants and not as tenants in common their assigns the survivor of them and the survivor's heirs and assigns in fee simple subject however to the outstanding life estate of Lewis A Gorsuch and subject also to the easements and rights-of way as set out in the Deed from Morton P Fisher Assignee above mentioned

AND the said parties of the first part hereby covenant that they have not done or suffered to be done any act matter or thing whatsoever to encumber the property hereby conveyed that they will warrant specially the property granted and that they will execute such further assurances of the same as may be requisite

Liber 1346

WITNESS the hand and seal of said grantors

TEST

John A Cochran

John W Heisse (Seal)

Kathleen H Heisse (Seal)

As to both

STATE OF MARYLAND CITY OF BALTIMORE TO WIT

I HEREBY CERTIFY That on this 30th day of June in the year one thousand nine hundred and forty-four before me the subscriber a Notary Public of the State of Maryland in and for Baltimore City aforesaid personally appeared John H Heisse and Kathleen H Heisse his wife the above named grantors and they acknowledged the foregoing Deed to be their act

AS WITNESS my hand and Notarial Seal

Jane I Mehner

(Notarial Seal)

Notary Public

Recorded July 20 1944 at 1.00 P M & exd per

Robert J Spittel Clerk

Examiners J&P)

(Rod by MRH)

63750) THIS RELEASE Made this fourteenth day of July 1944 by Sun Federal
Sun Fed S & L Assn) Savings and Loan Association a duly incorporated body under the Laws
Rel Corp Mgtg to) of the United States of America

Arnold D Bryan & wf) WITNESSETH That whereas all the covenants of the hereinafter de-
-----) scribed Mortgage have been performed and the whole sum of money and
interest secured thereby has been paid the said body corporate doth grant and release unto
Arnold D Bryan and Myrtle Bryan his wife their heirs and assigns all that lot of ground
and premises described in a mortgage from the said Arnold D Bryan and Myrtle Bryan his
wife to the said body corporate dated May 19 1943 recorded in the Land Records of Balti-
more County in Liber R J S No 1282 folio 541 free and clear from the operation of said
Mortgage

AND the said body corporate doth hereby constitute and appoint Harry A Kohlerman
to be its Attorney in its name and as its act to acknowledge this Release before anyone
legally authorized to take said acknowledgment

AS WITNESS the corporate seal of said body corporate and the signature of its
President

Signed Sealed and Delivered

Sun Federal Savings And Loan Association

in the presence of

By Joseph F Reymann

Helena Reymann

President

(Corporate Seal)

STATE OF MARYLAND CITY OF BALTIMORE to wit

I HEREBY CERTIFY that on this fourteenth day of July 1944 before me the subscriber
a Notary Public of said State in and for Baltimore City aforesaid personally appeared Harry
A Kohlerman the Attorney named in the foregoing Deed of Release and by virtue and in pur-
suance of the authority therein conferred on him acknowledged the said Deed of Release to
be the act of said body corporate

As witness my hand and Notarial Seal

(Notarial Seal)

Helena Reymann

My commission expires May 7 1945

Notary Public

MICROFILMED

LOUISE M. FOWBLE
Box 32
201 Timonium Road
Timonium, Maryland 21093

Plaintiff

vs.

JEAN MacMASTER
P.O. Box 341
Cocoa Beach, Florida 32931

DORIS OTTO
Box 59
Linden, Pennsylvania 17744

MARY COURTNEY
Rural Route 1, Box 519
Cockeysville, Maryland 21030

Defendants

: IN THE
CIRCUIT COURT
:
FOR
BALTIMORE COUNTY
:
IN EQUITY

175/67/83E-14

: : : : : : :

BILL OF COMPLAINT FOR PARTITION

Louise M. Fowble, Plaintiff, by her attorney, William F. C. Marlow, Jr., respectfully represents unto this Honorable Court:

1. That the Plaintiff is an owner as tenant in common in certain real property situate in Baltimore County, State of Maryland, which real property was acquired by Deed dated July 27, 1982 and recorded among the Land Records for Baltimore County in Liber E.H.K.Jr. No. 6446, Folio 110, et cetera, a copy of which is attached hereto, made a part hereof, and labeled "Exhibit 1".

2. That the Defendants and each of them are owners as tenants in common of the real property set forth in Paragraph One hereof.

3. That there are no other individuals or other entities having an ownership interest in said real property as tenants in common or otherwise.

4. That the Plaintiff is entitled to a partition in kind of said real property as a matter of right.

See No 4

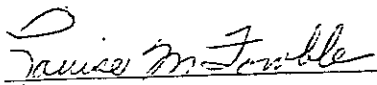
MICROFILMED

WHEREFORE, the Plaintiff herein requests:

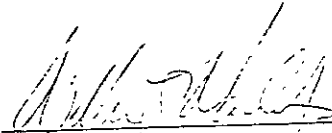
a. That the said lands be partitioned in kind in order that the real property set forth hereinabove held by the Plaintiff and the Defendants as tenants in common be divided into distinct portions so that they may hold them in severalty.

b. That the Plaintiff may have such other and further relief as her case may require.

AND, AS IN DUTY BOUND, ETC.



Louise M. Fowble



WILLIAM F. C. MARLOW, JR.
Marlow & Peddicord
504 Baltimore Avenue
Towson, Maryland 21204
821-1013

ATTORNEY FOR PLAINTIFF

LOUISE M. FOWBLE
Plaintiff

v.
JEAN MacMASTER
DORIS OTTO
and
MARY COURTNEY

Defendants

: IN THE
: CIRCUIT COURT
: FOR
: BALTIMORE COUNTY
: IN EQUITY
:
: 175/67/83E-14

JOINT PETITION

- Partition of
Property

Louise M. Fowble, Plaintiff, by her attorney, William F. C. Marlow, Jr., and Jean MacMaster, Doris Otto and Mary Courtney, Defendants, by their attorney, Mark P. Hanley, Jr., respectfully represent unto this Honorable Court:

1. That on or about January 4, 1983 the Plaintiff filed a Bill of Complaint seeking as relief the partition of certain real property situate in Baltimore County, Maryland, title to which is vested in the Plaintiff and Defendants as tenants in common.

2. That the Plaintiff is entitled to the aforesaid relief as a matter of right.

3. That the parties hereto have settled their disputes and have agreed to the partition of the real property which is the subject of this litigation in accordance with the Plat attached hereto, made a part hereof and labelled "Exhibit 1".

4. That said real property may be divided and Deeded as set forth above without the necessity of a Trustee being appointed.

Wherefore, the Plaintiff and Defendants respectfully request that this Honorable Court Order and Decree:

(a) That Deeds for the real property which is the subject of this litigation be executed by the parties conveying

MICROFILMED

same in accordance with the Plat attached hereto labelled
"Exhibit 1".

(b) That the parties hereto each bear in equal shares
the costs of these proceedings.

(S)

MARK P. HANLEY, JR.
Attorney for Defendants

(S)

WILLIAM F. C. MARLOW, JR.
Attorney for Plaintiff

MICROFILMED

Part of a Survey on February

ALL DAY BY

E. IRVING MILLER, ET AL.,

3rd Ex. in Dist. Court, Co. No.

17110.
Oct 15, 1909

Note: Herbie
Wright our Deputy
promoted to a
puty deputy
Phoad.

Note: 1 hour

Print on Clipping
 Permitted to a
 Publishing House

F3020

DOB 150° 40' N 57°

988.6

REAL Notes:

DECLASSIFICATION:

Page 1 of 2

See Letter P. J. S. N. 1946 Nov 103

6.106A E N N JS, No 6446 5440 110

MICROFILMED

Total 11.69 acres

Total

11.6960m

Revised JUNE 11, 1954

J. Finney Ranson & Associates

EXERCISE CARD SURVIVORS

Townson Rd. 2.805 0110
F O Box 10160

LOUISE M. FOWBLE : IN THE
Plaintiff : CIRCUIT COURT
v. : FOR
JEAN MacMASTER : BALTIMORE COUNTY
DOPIS OTTO : IN EQUITY
and :
MARY COURTNEY : 175/67/83E-14
Defendants :

Consent DECREE

The Court having considered the Joint Petition of the Plaintiff and Defendants, being all parties to the above-entitled action, it is this 23^d day of June, 1984 by the Circuit Court for Baltimore County sitting in Equity:

ADJUDGED, ORDERED AND DECREED that the real property which is the subject of these proceedings be sub-divided and conveyed by Deeds duly executed by the parties hereto in accordance with the Plat attached to the Joint Petition as filed herein and labelled "Exhibit 1", and it is further

ADJUDGED, ORDERED AND DECREED that the parties hereto each bear in equal proportions the costs of these proceedings.

Edward A. DeWaters
JUDGE

EDWARD DEWATERS

True Copy Test

ELMER H. KAHLIN, JR., Clerk

Per *Elmer H. Kahl, Jr.*
Deputy Clerk

MICROFILMED

PREPARED WITHOUT BENEFIT OF TITLE EXAMINATION

NO CONSIDERATION -GRANDMOTHERS AND MOTHERS to DAUGHTERS

This Deed, MADE THIS 27TH day of May

in the year one thousand nine hundred and eighty-two by and between

E. GRACE MILLER, BILLY F. SMITH, MARJORIE M. SMITH and MARY COURTNEY,

of Baltimore County, State of Maryland

of the first part, and

LOUISE M. FOWBLE, JEAN MacMASTER, DORIS OTTO and MARY COURTNEY,

D RC/F 20.00

DEED 0 H

EHK JR T 20.00

H25228-0002 R02 T11:00

10/21/82

of the second part.

WITNESSETH, That in consideration of the sum of Five Dollars (\$5.00), and other good and valuable considerations, the receipt whereof is hereby acknowledged, the actual consideration paid or to be paid is \$0.00,

the said E. Grace Miller, Billy F. Smith, Marjorie M. Smith and Mary Courtney,

TRANSFER TAX NOT REQUIRED

Director of Finance

BALTIMORE COUNTY, MARYLAND

Per *[Signature]*

Authorized Signature

Date 10-28-82 Sec. 11-E5 c

do grant and convey to the said Louise M. Fowble, Jean MacMaster, Doris Otto and Mary Courtney, as tenants in common, their

personal representatives ~~successors~~ and assigns, in fee simple, all

those lots of ground situate in / Baltimore County, State of Maryland,

and described as follows, that is to say:

BEGINNING for the first at a concrete monument now set in the 32nd or South 18 degrees 14 minutes 24 seconds East 432.83 foot line of the first parcel of land which by a Deed dated May 12, 1981 and recorded among the Land Records of Baltimore County in Liber ENK Jr. No. 6286 folio 390 which was conveyed by E. Grace Miller, et al, to E. Grace Miller, et al; said monument being distant as now surveyed North 18 degrees, 18 minutes 16 seconds West 165.62 feet from a brass disc marked "Wingcart" on top of a concrete monument heretofore set, and running thence and binding reversely on the remainder of said 32nd lines, and on the 31st through the 25th lines inclusive the eight following courses and distances viz: North 18 degrees 18 minutes 16 seconds West 275.56 feet to the center of a brass disc marked "Wingcart" heretofore set in the top of a concrete monument, North 51 degrees 45 minutes 54 seconds West passing over a pipe found 177.18 feet from the beginning of said line for a total distance of 208.87 feet to a point in the center of Dubbs Road, thence binding in the center of said road North 39 degrees 11 minutes 06 seconds East 68.93 feet, thence leaving said road, South 53 degrees 39 minutes 54 seconds East 74.23 feet to a steel pipe heretofore set, North 56 degrees 27 minutes 36 seconds East 344.56 feet to a steel pipe heretofore set, North 36 degrees 19 minutes 35 seconds East 513.53 feet to a steel pipe heretofore set, North 19 degrees 21 minutes 35 seconds East 141.49 feet to a stone heretofore set and North 65 degrees 36 minutes 54 seconds East 124.87 feet to a steel pipe heretofore set on the easterly side of Yeoho Road, thence continuing said last mentioned course and running for lines of division now made the six following courses and distances viz: North 65 degrees 36 minutes 54 seconds East 13.93 feet to the east side of Yeoho Road as now laid out 50 feet wide, thence binding on the said east side of said road South 28 degrees 55 minutes 54 seconds East 15.62 feet thence by a line curving toward the right having a radius of 1,425.00 feet for an arc distance of 416.59 feet the chord of said arc bearing South 20 degrees 33 minutes 24 seconds East 415.11 feet, South 12 degrees 10 minutes 54 seconds East 120.00 feet, thence by a line curving toward the left having a radius of 775.00 feet for an arc distance of 96.00 feet, the chord of said arc bearing South 15 degrees 43 minutes 49 seconds East 95.94 feet, thence leaving

1st No 5

MICROFILMED

said Yeoho Road, South 55 degrees 05 minutes 36 seconds West 1,005.54 feet to the place of beginning.

CONTAINING 11.69 acres of land more or less.

SUBJECT to the road bed of Dubbs Road which by a Deed dated October 11, 1915 and recorded among the Land Records of Baltimore County in Liber WPC No. 453 folio 314 was conveyed by Edward B. Miller, et al, to the County Commissioners of Baltimore County.

SUBJECT to the right and use in common with others entitled thereto so much of the above described parcel of land which lies in the bed of Yeoho Road as laid out 50 feet wide.

BEING part of the first parcel of land which by a Deed dated May 5, 1981 and recorded among the Land Records of Baltimore County in Liber EHKJr. No. 6286 folio 390 was conveyed by E. Grace Miller, et al, to E. Grace Miller, et al.

BEGINNING for the second at a stone heretofore set by others at the beginning of the thirty-second or South 23 degrees West 10 perch line of the parcel of land described in a deed dated June 30, 1944, and recorded among the Land Records of Baltimore County in Liber RJS No. 1346 folio 483, which was conveyed by John W. Heisse and wife to E. Grace Miller et al, thence running with and binding on said thirty-second line and on the thirty-third line thereof, as now surveyed, referring all bearings of the present description to the magnetic meridian of October, 1978, by the two following courses and distances respectively, viz: South 24 degrees 40 minutes 23 seconds West 164.09 feet to a stone heretofore set by others, and South 3 degrees 48 minutes 50 seconds West 131.83 feet to a stone heretofore set by others at the end of the sixth or North 76 degrees 47 minutes West 443.1 foot line of the parcel of land described in a Deed dated December 28, 1951 and recorded among the Land Records of Baltimore County in Liber GLB No. 2058 folio 450 which was conveyed by E. Grace Miller, divorcee, to Howard V. Scarff, Jr. and wife; thence binding reversely for a part on said sixth line, and reversely for a part on the fifth line thereof, as now surveyed, South 81 degrees 19 minutes 48 seconds East passing over a pipe heretofore set by others at the distance of 441.84 feet for a total distance of 461.41 feet to and in the macadam paving of the Dubbs Road and to intersect the second or South 31 degrees 55 minutes 30 seconds West 75 foot line of the parcel of land described in a deed dated May 8, 1950 and recorded among the aforesaid Land Records in Liber TBS No. 1850 folio 443, which was conveyed by Lewis A. Gorsuch et al to Matthew J. Tress and wife; thence binding reversely on a part of said second line and reversely on the first line thereof, as now surveyed, and running in or near the center of the macadam paving of Dubbs Road by the two following courses and distances respectively, viz: North 27 degrees 29 minutes 07 seconds East 45.38 feet and North 45 degrees 24 minutes 37 seconds East 300.00 feet to the beginning of the sixth or North 46 degrees 04 minutes West 16.5 foot line of the parcel of land firstly described in a deed dated March 7, 1961, and recorded among the aforesaid Land Records in Liber WJR No. 3817, folio 505 which was conveyed by Ruth A. Pearce, unmarried, to Clyde A. Foster and wife; thence leaving the macadam paving of Dubbs Road and running with and binding on said sixth line, as now surveyed, North 50 degrees 48 minutes 47 seconds West 16.56 feet to the end of the sixth or last or North 50 degrees 55 minutes 30 seconds East 150.00 foot line of the parcel of land described in a deed dated June 28, 1964 and recorded among the aforesaid Land Records in Liber RRG No. 4492 folio 54 which was conveyed by E. Grace Miller et al to Charles R. Franklin and wife; thence binding reversely on said sixth or last line, as now surveyed, South 45 degrees 05 minutes 03 seconds West 149.89 feet binding on or near the northwest side of Dubbs Road; thence running to establish a new line of division to correct the erroneous fifth line of said last mentioned deed so as to agree with the call thereof, North 68 degrees 30 minutes 27 seconds West 531.43 feet to the place of beginning. Containing 2.826 acres of land more or less.

SUBJECT to the roadbed of Dubbs Road more fully described in a deed dated October 11, 1915 and recorded among the Land Records of Baltimore County in Liber WPC No. 452 folio 314 which was conveyed by Edward B. Miller et al to the County Commissioners of Baltimore County.

BEING the same property described in a Deed dated May 12, 1981 and recorded among the aforesaid Land Records in Liber EHKJr. No. 6286 folio 395 from E. Grace Miller et al unto Mary Courtney.

*Mary
Courtney*

LIBER 6446 PAGE 112

TOGETHER with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

To HAVE AND To HOLD the said described lot of ground and premises to the said Louise M. Fowble, Jean MacMaster, Doris Otto and Mary Courtney, as tenants in common, their

personal representatives/~~successors~~

and assigns, in fee simple.

AND the said parties of the first part hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property hereby granted; and that they will execute such further assurances of the same as may be requisite.

WITNESS the hands and seals of said grantors.

Test:

John E. Fisher

E. Grace Miller (SEAL)

Billy F. Smith (SEAL)
Billy F. Smith

Marjorie M. Smith (SEAL)
Marjorie M. Smith

Mary Courtney (SEAL)
Mary Courtney

STATE OF MARYLAND, County of Balto., to wit:

I HEREBY CERTIFY, That on this 27th day of July, in the year one thousand nine hundred and eighty-two, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared E. Grace Miller, Billy F. Smith, Marjorie M. Smith and Mary Courtney, Grantors herein, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same for the purposes therein contained, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

John E. Fisher
Notary Public
BALTIMORE, MARYLAND

My Commission expires:

July 1, 1986

Rec'd for record OCT 21 1982 at 11:00 AM
Per Elmer H. Kahline, Jr., Clerk
Mail to Gaslow-Peddicord
Receipt No. 10000

MICROFILMED

PREPARED WITHOUT BENEFIT OF TITLE EXAMINATION
NO CONSIDERATIONThis Deed, MADE THIS 16th day of October

in the year one thousand nine hundred and eighty-four

by and between

LOUISE M. FOWBLE, JEAN MacMASTER, DORIS OTTO and MARY COURTNEY,

of Baltimore County, State of Maryland

of the first part, and

LOUISE M. FOWBLE,

of the second part.

WITNESSETH, That in consideration of the sum of Five Dollars (\$5.00), and other good and valuable considerations, the receipt whereof is hereby acknowledged, the actual consideration paid or to be paid is \$0.00,

the said Louise M. Fowble, Jean MacMaster, Doris Otto and Mary Courtney,

do grant and convey to the said Louise M. Fowble, her

B RC/F 17

DEED

EHK JR T 17

#10940 C004 R01 T0

CR 1

personal representatives/successors and assigns

, in fee simple, all

that lot of ground situate in the Fifth Election District of Baltimore County, State of Maryland, and described as follows, that is to say:

For Description, see Exhibit 1 attached hereto and made a part hereof.

BEING part of a parcel of land which by a deed dated July 27, 1982 and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 6446, Folio 110 which was conveyed by E. Grace Miller, et al., to Louise M. Fowble, et al.

BEING also part of all that real property which was the subject of Equity Case No. 83E-14, Docket 175, Folio 67 entitled Fowble vs. MacMaster, et al. as filed in The Circuit Court for Baltimore County, Maryland.

TRANSFER TAX NOT REQUIRED
Director of Finance
BALTIMORE COUNTY, MARYLAND
Per [Signature]
Authorized Signature
Date 8/9/85 Sec. 11-3

SIGNATURE

8/9/85

214
483

8/9/85

1d 6"A"

MICROFILMED

EXHIBIT 1

ALL that piece or parcel of land situate, lying and being in the Fifth Election District of Baltimore County, State of Maryland, and described more particularly as follows to wit:

BEGINNING for the same at a concrete monument at the beginning of the first parcel of land which by a deed dated July 27, 1982 and recorded among the Land Records of Baltimore County in Liber E.H.K. Jr., No. 6446 folio 110 which was conveyed by E. Grace Miller, et al, to Louise M. Fowble, et al; and running thence and binding on the first, second, third, fourth, and part of the fifth lines of said conveyance the five following courses and distances viz: North 18 degrees 18 minutes 16 seconds West 267.56 feet to the center of a brass disc marked "Wingearl" heretofore set in the top of a concrete monument; thence North 51 degrees 45 minutes 54 seconds West 208.62 feet to a point in the center of Dubbs Road, thence binding in the center of said road North 39 degrees 11 minutes 06 seconds East 68.93 feet, thence leaving said road, South 53 degrees 39 minutes 54 seconds East 74.23 feet to a steel pipe heretofore set, thence North 56 degrees 27 minutes 36 seconds East 314.56 feet to an iron pipe now set, thence leaving said outline and running for a line of division now made South 34 degrees 55 minutes 24 seconds East passing over a concrete monument now set 190.00 feet from the beginning of said division line for a total distance of 397.18 feet to intersect the last or South 55 degrees 05 minutes 36 seconds West 1,005.54 feet line of the aforementioned conveyance from Miller, et al; to Fowble, et al; thence running and binding on said last line, South 55 degrees 05 minutes 36 seconds West 420.69 feet to the place of beginning.

CONTAINING 3.535 acres of land more or less.

SUBJECT to the road bed of Dubbs Road which by a deed dated October 11, 1915 and recorded among the Land Records of Baltimore County in Liber W.P.C. No. 453 folio 314 was conveyed by Edward B. Miller, et al, to the County Commissioners of Baltimore County.

MICROFILMED

TOGETHER with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

To HAVE AND To HOLD the said described lot of ground and premises to the said Louise M. Fowble, her

personal representatives/~~816088678~~
and assigns, in fee simple.

AND the said parties of the first part hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property hereby granted; and that they will execute such further assurances of the same as may be requisite.

WITNESS the hands and seals of said grantors.

Test:

William F. McArthur, Jr.
William F. McArthur, Jr.

Louise M. Fowble (SEAL)
Louise M. Fowble

Jean MacMaster (SEAL)
Jean MacMaster

Doris M. Otto (SEAL)
Doris Otto

Mary Courtney (SEAL)
Mary Courtney

STATE OF MARYLAND, County of Balto., to wit:

I HEREBY CERTIFY, That on this 16 day of October, in the year one thousand nine hundred and eighty-four, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared Louise M. Fowble, Jean MacMaster, Doris Otto and Mary Courtney, Grantors herein,

known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged the foregoing Deed to be their act, and in my presence signed and sealed the same.

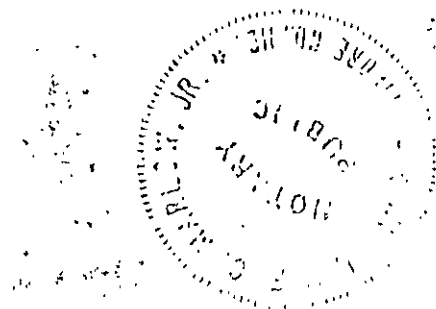
IN WITNESS WHEREOF, I hereunto set my hand and official seal.

William F. McArthur, Jr.
Notary Public

My Commission expires:

July 1, 1986

Mail to Marlow's Record
Address 104 Calhoun Ave
21204



MICROFILMED

PREPARED WITHOUT BENEFIT OF TITLE EXAMINATION
NO CONSIDERATION

This Deed, MADE THIS 16th day of October

in the year one thousand nine hundred and eighty-four

by and between

LOUISE M. FOWBLE, JEAN MacMASTER, DORIS OTTO and MARY COURTNEY,

of Baltimore County, State of Maryland

of the first part, and

✓ JEAN MacMASTER,

of the second part.

WITNESSETH, That in consideration of the sum of Five Dollars (\$5.00) and other good and valuable considerations, the receipt whereof is hereby acknowledged, the actual consideration paid or to be paid is \$0.00,

the said Louise M. Fowble, Jean MacMaster, Doris Otto and Mary Courtney,

do grant and convey to the said Jean MacMaster, her

B RC/F

DEED

FHK JR T

#10941 1008 101

personal representatives/~~successors~~ and assigns

, in fee simple, all

that lot of ground situate in the Fifth Election District of Baltimore County, State of Maryland, and described as follows, that is to say:

For Description, see Exhibit 1 attached hereto and made a part hereof.

BEING part of a parcel of land which by a deed dated July 27, 1982 and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 6446, Folio 110 which was conveyed by E. Grace Miller, et al., to Louise M. Fowble, et al.

BEING also part of all that real property which was the subject of Equity Case No. 83E-14, Docket 175, Folio 67 entitled Fowble vs. MacMaster, et al. as filed in The Circuit Court for Baltimore County, Maryland.

STATE OF MARYLAND TAX NOT REQUIRED

BY ORDER OF THE CLERK

CLERK OF BALTIMORE COUNTY, MARYLAND

For Blair J. Colburn

Authorized Signature

Exp. 8/19/85 Sec 11-85 C

K90 8/19/85
Ad 6'3"

K90 8/19/85
MICROFILMED

66 976 11108 13

TOGETHER with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

To HAVE AND To HOLD the said described lot of ground and premises to the said Jean MacMaster, her

personal representatives/successors and assigns, in fee simple.

AND the said parties of the first part hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property hereby granted; and that they will execute such further assurances of the same as may be requisite.

WITNESS the hands and seal of said grantors.

Test:

William F. [Signature]
William F. [Signature]

Louise M. Fowble (SEAL)
Louise M. Fowble
Jean MacMaster (SEAL)
Jean MacMaster
Doris M. Otto (SEAL)
Doris Otto
Mary Courtney (SEAL)
Mary Courtney

STATE OF MARYLAND, County of Balto., to wit:

I HEREBY CERTIFY, That on this 16th day of October, in the year one thousand nine hundred and eighty-four, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared Louise M. Fowble, Jean MacMaster, Doris Otto and Mary Courtney, Grantors herein, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged the foregoing Deed to be their act, and in my presence signed and sealed the same.

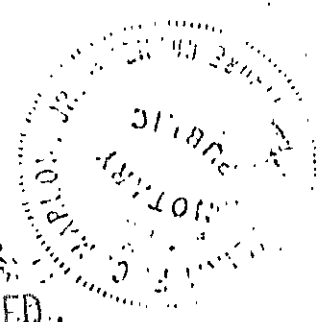
IN WITNESS WHEREOF, I hereunto set my hand and official seal.

[Signature]
Notary Public

My Commission expires:

July 1, 1986

Mail to Margaret Rappaport
Address 404 Allegheny Ave
Pittsburgh



MICROFILMED

EXHIBIT 1

ALL that piece or parcel of land situate, lying and being in the Fifth Election District of Baltimore County, State of Maryland, and described more particularly as follows to wit:

BEGINNING for the same at an iron pipe now set in the fifth or North 56 degrees 27 minutes 36 seconds East 344.56 feet line of a parcel of land which by a Deed dated July 27, 1982 and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 6446, Folio 110 which was conveyed by E. Grace Miller, et al. to Louise M. Fowble, et al. said pipe being distant North 56 degrees 27 minutes 36 seconds East 314.56 feet from the beginning of said fifth line, and running thence and binding on the remainder of said fifth line, the sixth, seventh, and part of the eighth lines of said conveyance, the four following courses and distances viz: North 56 degrees 27 minutes 36 seconds East 30.00 feet to an iron pipe, North 36 degrees 19 minutes 35 seconds East 513.53 feet, North 19 degrees 21 minutes 35 seconds East 141.49 feet to a stone found, and North 65 degrees 36 minutes 54 seconds East 88.44 feet to the westerly side of Yeoho Road as now laid out, 50 feet wide, thence running and binding on the westerly side of said road the two following courses and distances viz: South 28 degrees 55 minutes 54 seconds East 19.61 feet, thence by a line curving toward the right having a radius of 1,375.00 feet for an arc distance of 277.61 feet, the chord of said arc bearing South 23 degrees 08 minutes 52 seconds East 277.13 feet to an iron pipe now set, thence leaving said road and running for a line of division now made South 43 degrees 55 minutes 40 seconds West 672.18 feet to a concrete monument, thence North 34 degrees 55 minutes 24 seconds West 190.00 feet to the place of beginning.

CONTAINING 3.746 acres of land more or less.

BEGINNING for the second thereof at a point on the west side of Yeoho Road as now laid out, 50 feet wide, at a point in the eighth line of a parcel of land which by Deed dated July 27, 1982 was conveyed by E. Grace Miller, et al. to Louise M. Fowble, et al. and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 6446, Folio 110; thence binding on a part of said eighth line North 65 degrees 36 minutes 54 seconds East 50.16 feet to the end thereof; thence running on the east side of said road and binding on the ninth and part of the tenth lines of said conveyance, the two following courses and distances:

- 1) South 28 degrees 55 minutes 54 seconds East 15.62 feet and
- 2) by a curve to the right with a radius of 1425.00 feet, an arc distance of 287.71 feet, said arc being subtended by a chord bearing South 23 degrees 08 minutes 52 seconds East 287.22 feet; thence for a new line of division now established South 72 degrees 38 minutes 11 seconds West 50.00 feet to an iron pipe set on the west side of said road; thence running on the west side of said road, the two following courses and distances:
 - 1) by a curve to the left with a radius of 1375.00 feet, an arc distance of 277.61 feet, said arc being subtended by a chord bearing North 23 degrees 08 minutes 52 seconds West 277.14 feet, and
 - 2) North 28 degrees 55 minutes 54 seconds West 19.61 feet to the place of beginning.

CONTAINING 0.3447 acres of land, more or less.

DEED -- FEE SIMPLE -- INDIVIDUAL GRANTOR -- LONG FORM

1985 9 7 6 11:18

PREPARED WITHOUT BENEFIT OF TITLE EXAMINATION
NO CONSIDERATION

This Deed, MADE THIS 16th day of October

in the year one thousand nine hundred and eighty-four

by and between

LOUISE M. FOWBLE, JEAN MacMASTER, DORIS OTTO and MARY COURTNEY,

of Baltimore County, State of Maryland

of the first part, and

DORIS OTTO

of the second part.

WITNESSETH, That in consideration of the sum of Five Dollars (\$5.00), and other good and valuable considerations, the receipt whereof is hereby acknowledged, the actual consideration paid or to be paid is \$0.00,

the said Louise M. Fowble, Jean MacMaster, Doris Otto and Mary Courtney,

do grant and convey to the said Doris Otto, her

RC/F

DEED

EHK JR T

10/19/85 2004 R31 T

personal representatives ~~successors~~ and assigns

, in fee simple, all

that lot of ground situate in the Fifth Election District of Baltimore County, State of Maryland, and described as follows, that is to say:

For Description, see Exhibit 1 attached hereto and made a part hereof.

BEING part of a parcel of land which by a deed dated July 27, 1982 and recorded among the Land Records of Baltimore County in Liber E.H.K., JR. No. 6446, Folio 110 which was conveyed by E. Grace Miller, et al., to Louise M. Fowble, et al.

BEING also part of all that real property which was the subject of Equity Case No. E3E-14, Docket 175, Folio 67 entitled Fowble vs. MacMaster, et al. as filed in The Circuit Court for Baltimore County, Maryland.

TRANSFER TAX NOT REQUIRED
Director of Finance

BALTIMORE COUNTY, MARYLAND
Per Blaine J. Gilman

Authorized Signature
Date 8/9/85 Sec. 11-85

Pld 6" C"

8/9/85

MICROFILMED

TOGETHER with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

To HAVE AND TO HOLD the said described lot of ground and premises to the said Doris Otto, her

personal representatives/successors and assigns, in fee simple.

AND the said parties of the first part hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property hereby granted; and that they will execute such further assurances of the same as may be requisite.

WITNESS the hands and seal of said grantors.

Test:

William F. (Mark) Jr
William F. (Mark) Jr

Louise M. Fowble (SEAL)
Louise M. Fowble

Jean MacMaster (SEAL)
Jean MacMaster

Doris M. Otto (SEAL)
Doris Otto

Mary Courtney (SEAL)
Mary Courtney

STATE OF MARYLAND, County of Balto., to wit:

I HEREBY CERTIFY, That on this 16th day of October, in the year one thousand nine hundred and eighty-four, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared Louise M. Fowble, Jean MacMaster, Doris Otto and Mary Courtney, Grantors herein,

known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged the foregoing Deed to be their act, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

William F. (Mark) Jr
Notary Public

My Commission expires:

July 1, 1986

Mail to MacMaster Building
Address 404 Allington Ave
21204

MICROFILMED

EXHIBIT 1

ALL that piece or parcel of land situate, lying and being in the Fifth Election District of Baltimore County, State of Maryland, and described more particularly as follows to wit:

BEGINNING for the same at an iron pipe now set in the last or South 55 degrees 05 minutes 36 seconds West 1,005.54 feet line of a parcel of land which by a Deed dated July 27, 1982 and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 6446, Folio 110 which was conveyed by E. Grace Miller, et al. to Louise M. Fowble, et al. said pipe being distant North 55 degrees 05 minutes 36 seconds East 420.69 feet from the end of said last line, and running thence for lines of division now made the two following courses and distances viz: North 34 degrees 55 minutes 24 seconds West 207.18 feet to a concrete monument now set and North 43 degrees 55 minutes 40 seconds East 672.18 feet to an iron pipe set in the westerly side of Yeoho Road as now laid out, 50 feet wide, thence running and binding on the westerly side of said road the three following courses and distances viz: by a line curving toward the right having a radius of 1,375.00 feet for an arc distance of 124.36 feet, the chord of said arc bearing North 14 degrees 46 minutes 42 seconds West 124.32 feet, North 12 degrees 10 minutes 54 seconds West 120.00 feet, thence by a line curving toward the left having a radius of 825.00 feet for an arc distance of 116.15 feet, the chord of said arc bearing South 16 degrees 12 minutes 54 seconds East 116.05 feet to an iron pipe now set, thence leaving said road, and running and binding on the aforementioned last line, North 55 degrees 05 minutes 36 seconds East 533.05 feet to the place of beginning.

CONTAINING 3.624 acres of land more or less.

BEGINNING for the same at an iron pipe set in the last line of a parcel of land which by Deed dated July 27, 1982 was conveyed by E. Grace Miller, et al. to Louise M. Fowble, et al. and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 6446, Folio 110, said pipe being at a point in the westernmost line of Yeoho Road, 50 feet wide as now laid out; thence binding on the westernmost side of said Yeoho Road, the three following courses and distances:

1) by a curve to the right with a radius of 825.00 feet, an arc distance of 116.15 feet, said arc being subtended by a chord bearing North 16 degrees 12 minutes 54 seconds West 116.05 feet;

2) North 12 degrees 10 minutes 54 seconds West 120.00 feet and

3) by a curve to the left with a radius of 1375.00 feet, an arc distance of 124.36 feet, said arc being subtended by a chord bearing North 14 degrees 46 minutes 22 seconds West 124.32 feet to a pipe set; thence for a new line of division now established North 72 degrees 38 minutes 11 seconds East 50.00 feet to intersect the tenth line of the above-mentioned conveyance at a point on the east side of Yeoho Road; thence running on the east side of said Yeoho Road and on the remainder of said tenth line and on the eleventh and twelfth lines of said conveyance, the three following courses and distances:

1) by a curve to the right with a radius of 1425.00 feet, an arc distance of 128.88 feet, said arc being subtended by a chord bearing South 14 degrees 46 minutes 22 seconds East 128.84 feet;

2) South 12 degrees 10 minutes 54 seconds East 120.00 feet and

3) by a curve to the left with a radius of 775.00 feet, an arc distance of 96.00 feet, said arc being subtended by a chord bearing South 15 degrees 43 minutes 49 seconds East 95.94 feet; thence binding on part of the last line of the above-mentioned conveyance South 55 degrees 05 minutes 36 seconds West 51.80 feet to the place of beginning.

CONTAINING 0.4048 acres of land, more or less.

MICROFILMED

PREPARED WITHOUT BENEFIT OF TITLE EXAMINATION
NO CONSIDERATION

MICROFILMED

Exhibit I

BEGINNING for the second at a stone heretofore set by others at the beginning of the thirty-second or South 23 degrees West 10 perch line of the parcel of land described in a deed dated June 30, 1944, and recorded among the Land Records of Baltimore County in Liber RJS No. 1346 folio 483, which was conveyed by John W. Heisse and wife to E. Grace Miller et al, thence running with and binding on said thirty-second line and on the thirty-third line thereof, as now surveyed, referring all bearings of the present description to the magnetic meridian of October, 1978, by the two following courses and distances respectively, viz: South 24 degrees 40 minutes 23 seconds West 164.09 feet to a stone heretofore set by others, and South 3 degrees 48 minutes 50 seconds West 131.83 feet to a stone heretofore set by others at the end of the sixth or North 76 degrees 47 minutes West 443.1 foot line of the parcel of land described in a Deed dated December 28, 1951 and recorded among the Land Records of Baltimore County in Liber GLB No. 2058 folio 450 which was conveyed by E. Grace Miller, divorcee, to Howard V. Scarff, Jr. and wife; thence binding reversely for a part on said sixth line, and reversely for a part on the fifth line thereof, as now surveyed, South 81 degrees 19 minutes 48 seconds East passing over a pipe heretofore set by others at the distance of 441.84 feet for a total distance of 461.41 feet to and in the macadam paving of the Dubbs Road and to intersect the second or South 31 degrees 55 minutes 30 seconds West 75 foot line of the parcel of land described in a deed dated May 8, 1950 and recorded among the aforesaid Land Records in Liber TBS No. 1850 folio 443, which was conveyed by Lewis A. Gorsuch et al to Matthew J. Tress and wife; thence binding reversely on a part of said second line and reversely on the first line thereof, as now surveyed, and running in or near the center of the macadam paving of Dubbs Road by the two following courses and distances respectively, viz: North 27 degrees 29 minutes 07 seconds East 45.38 feet and North 45 degrees 24 minutes 37 seconds East 300.00 feet to the beginning of the sixth or North 46 degrees 04 minutes West 16.5 foot line of the parcel of land firstly described in a deed dated March 7, 1961, and recorded among the aforesaid Land Records in Liber WJR No. 3817, folio 505 which was conveyed by Ruth A. Pearce, unmarried, to Clyde A. Foster and wife; thence leaving the macadam paving of Dubbs Road and running with and binding on said sixth line, as now surveyed, North 50 degrees 48 minutes 47 seconds West 16.56 feet to the end of the sixth or last or North 50 degrees 55 minutes 30 seconds East 150.00 foot line of the parcel of land described in a deed dated June 28, 1964 and recorded among the aforesaid Land Records in Liber RRG No. 4492 folio 54 which was conveyed by E. Grace Miller et al to Charles R. Franklin and wife; thence binding reversely on said sixth or last line, as now surveyed, South 45 degrees 05 minutes 03 seconds West 149.89 feet binding on or near the northwest side of Dubbs Road; thence running to establish a new line of division to correct the erroneous fifth line of said last mentioned deed so as to agree with the call thereof, North 68 degrees 30 minutes 27 seconds West 531.43 feet to the place of beginning. Containing 2.826 acres of land more or less.

SUBJECT to the roadbed of Dubbs Road more fully described in a deed dated October 11, 1915 and recorded among the Land Records of Baltimore County in Liber WPC No. 452 folio 314 which was conveyed by Edward B. Miller et al to the County Commissioners of Baltimore County.

BEING the same property described in a Deed dated May 12, 1981 and recorded among the aforesaid Land Records in Liber EHKJr. No. 6286 folio 395 from E. Grace Miller et al unto Mary Courtney.

MICROFILMED

TOGETHER with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

To HAVE AND TO HOLD the said described lot of ground and premises to the said Mary Courtney, her

personal representatives/~~successors~~ and assigns, in fee simple.

AND the said parties of the first part hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property hereby granted; and that they will execute such further assurances of the same as may be requisite.

WITNESS the hand s and seals of said grantors.

Test:

William E. Clafford
William E. Clafford, Jr.

Louise M. Fowble (SEAL)
LOUISE M. FOWBLE

Jean MacMaster (SEAL)
JEAN MacMASTER

Doris Otto (SEAL)
DORIS OTTO

Mary Courtney (SEAL)
MARY COURTNEY

STATE OF MARYLAND, County of Balto., to wit:

I HEREBY CERTIFY, That on this 16th day of October, in the year one thousand nine hundred and eighty-four, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared Louise M. Fowble, Jean MacMaster, Doris Otto and Mary Courtney, Grantors herein,

known to me (or satisfactorily proven) to be the person s whose names ~~are~~ subscribed to the within instrument, and acknowledged the foregoing Deed to be their act, and in my presence signed and sealed the same.

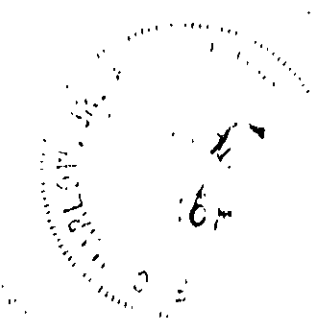
IN WITNESS WHEREOF, I hereunto set my hand and official seal.

William E. Clafford
Notary Public

My Commission expires:

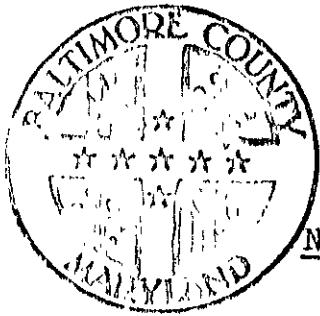
July 1, 1986

Mail to *Marlow + Peddicord*
Address *404 Collegeway Ave*
21207



MICROFILMED

DP 3
1/79



Permit

NOTE: A SEPARATE PERMIT IS REQUIRED FOR ALL ELECTRICAL & PLUMBING WORK WHICH MUST BE DONE BY AN ELECTRICIAN OR PLUMBER LICENSED IN BALTIMORE COUNTY.

CONSERVATION PLANS	PLOT PLANS	RECORD PLANS	PLANS WAIVED	LETTER OF INTENT	DATA	APP	SUPERVISION WAIVER
2	5	-	-	-	-	-	-
TAX ACCOUNT NUMBER 19-00-002610							

BUILDING PERMIT
BALTIMORE COUNTY MARYLAND
OFFICE OF THE BUILDING ENGINEER
TOWSON, MARYLAND 21204

TRACT	BLOCK	FILE NO	PLUMBING VER
4050	302	X	X
BY <i>J. P. King</i> DM/RK			
DATE ISSUED 8-14-85			
BUILDING PERMIT NO	DISTRICT	PRIORITY	
91396			
CONTROL NO	ZIP	PHONE NO	LICENSE
NR	X 5	1	

BUILDING ADDRESS	16606 DUBBS ROAD
OWNER'S NAME	MARY COURTNEY
MAILING ADDRESS OF OWNER	10517 YORK RD, COCKEYSVILLE, MD 21030
IDENTIFIED ALIEN	
TENANT	MARY COURTNEY
BUILDING CONTRACTOR	CHIER-CHRIS CONSTRUCTION CO., INC. 10517 YORK RD, COCKEYSVILLE, MD 21030
ENGINEER OR ARCHITECT	MCKEE & ASSOCIATES, INC. 5 SHANNON RD, HUNT VALLEY, MD 21031
IF UNFINISHED CONTRACTOR, GIVE SELLER'S NAME AND ADDRESS	
TRANSFER DESCRIPTION	WS DUBERS RD 1620' SW YEOHO RD

A. TYPE OF IMPROVEMENT

- ☒ NEW BUILDING CONSTRUCTION
☐ ADDITION
☐ ALTERATION
☐ REPAIR
☐ WILL BE IN VIOLATION OF
☐ MOVING
☐ OTHER
- AUG 14 1987
- After this date no work done
- will be in violation of

RESIDENTIAL

- 01 ☒ ONE FAMILY
02 ☐ TWO FAMILY
03 ☐ THREE AND FOUR FAMILY
04 ☐ FIVE OR MORE FAMILY (ENTER NO UNITS _____)
05 ☐ SWIMMING POOL
06 ☐ GARAGE
07 ☐ OTHER

C. TYPE OF USE

NON-RESIDENTIAL

- 08 ☐ AMUSEMENT, RECREATION, PLACE OF ASSEMBLY
09 ☐ CHURCH, OTHER RELIGIOUS BUILDING
10 ☐ FENCE, HEDGE, LIGHT
11 ☐ INDUSTRIAL STORAGE BUILDING
12 ☐ PARKING GARAGE
13 ☐ SERVICE STATION, REPAIR GARAGE
14 ☐ HOSPITAL, INSTITUTIONAL, NURSING HOME
15 ☐ OFFICE, BANK, PROFESSIONAL
16 ☐ PUBLIC UTILITY
17 ☐ SCHOOL, COLLEGE, OTHER EDUCATIONAL
18 ☐ SIGN
19 ☐ STORE ☐ MERCANTILE ☐ RESTAURANT
SPECIFY TYPE _____
20 ☐ SWIMMING POOL (MD HEALTH DEPT. APPROVED)
21 ☐ TANK TOWER
22 ☐ TRANSIENT HOTEL MOTEL (NO UNITS)
23 ☐ OTHER

1984 ☒ BOCA CODE

TYPE FOUNDATION
☐ SLAB
☐ BLOCK
☐ CONCRETE
☐ BASEMENT
☐ FULL
☐ PARTIAL
☐ NONE

CONSTRUCT SINGLE FAMILY DWELLING W/ATTACHED 2-CAR GARAGE, W/UNFINISHED BASEMENT. NO DECKS OR PORCHES. INSTALL MASONRY FIRE-PLACE IN FAMILY ROOM. OUTSIDE PROJECTION NOT TO EXCEED 4'X10'. DISTURBED AREA OVER 5,000 SQ. FT.

B. OWNERSHIP

- ☒ PRIVATELY OWNED ☐ PUBLICLY OWNED

ESTIMATED COST OF MATERIAL & LABOR

\$ 80,000

CHECK APPROPRIATE CATEGORIES FOR RESIDENTIAL ONLY

1 ☒	2 ☐	3 ☐	4 ☐	5 ☐	6 ☐	7 ☐	8 ☐	9 ☐	10 ☐
---------------------------------------	----------------------------	----------------------------	----------------------------	----------------------------	----------------------------	----------------------------	----------------------------	----------------------------	-----------------------------

24 PROPOSED USE (R) SFD
EXISTING USE (R) VACANT LOT

THIS PERMIT MUST BE POSTED
SEE OTHER SIDE FOR INSPECTIONS

Ed 7

MICROFILMED



CENTRAL MARYLAND MULTIPLE LISTING SERVICE, INC.

CENTRAL OFFICE
1501 MOUNT ROYAL AVENUE • BALTIMORE, MARYLAND 21217
(410) 462-5100

CLASS 5

5

RESIDENTIAL LOTS UNIMPROVED LAND

PUBLISHED BY THE CENTRAL MARYLAND MULTIPLE LISTING SERVICE, INC.
THIS DESCRIPTIVE INFORMATION, THOUGH BELIEVED ACCURATE, IS NOT GUARANTEED

With respect to race, color, creed, sex, national origin, handicap, or familial status, this property is offered in compliance with Title VIII of the Civil Rights Act of 1968, and the Fair Housing Amendments of 1988.

(CHECK ONE)

☒ BROKER LOAD

☐ CENTRAL LOAD

COUNTY **BC**

LIST NO.

--	--	--	--	--	--	--	--	--	--

FEATURES: Underline at least one descriptive item for each of the features that is designated by an "R" (Required). Multiple selections are permitted (unless specified).

A. (R) TYPE PROPERTY

1. Subdivision Lot
2. Unimproved Land
3. Scattered Lot

B. TOPOGRAPHY

1. Level
2. Gently Rolling
3. Rolling
4. Gently Rolling
5. Sloped
6. Level to Rolling
7. Level to Sloped
8. Rolling to Sloped
9. Steep

C. PERCENT WOODED

1. 1 - 10%
2. 10 - 20%
3. 20 - 30%
4. 30 - 40%
5. 40 - 50%
6. 50 - 60%
7. 60 - 70%
8. 70 - 80%
9. 80 - 90%
10. 90 - 100%
11. Not Wooded

D. LOCATION

1. Corner
2. Inside
3. Cul de Sac
4. Dead End
5. Panhandle
6. Other See/Remarks

E. PERCENT IN FLOOD

- PLAIN
1. None
 2. Less than 25%
 3. 25-50%
 4. 50-75%
 5. Over 75%

F. NUMBER OF LOTS

- | 1 | 9 |
|---|-----|
| 1 | 9 |
| 2 | 10 |
| 3 | 11 |
| 4 | 12 |
| 5 | 13 |
| 6 | 14 |
| 7 | 15 |
| 8 | 50+ |

G. MAX. BUILDING SITES

- | 1 | 9 |
|---|-----|
| 1 | 9 |
| 2 | 10 |
| 3 | 11 |
| 4 | 12 |
| 5 | 13 |
| 6 | 14 |
| 7 | 15 |
| 8 | 50+ |

H. UNIT DENSITY FACTOR

- | 1 | 9 |
|---|-------------|
| 1 | 9 |
| 2 | 10 |
| 3 | 11 |
| 4 | 12 |
| 5 | 13 |
| 6 | 14 |
| 7 | 15 |
| 8 | See Remarks |

I. ACCESS RD. FRONTAGE

1. Interstate
2. U.S. Highway
3. State
4. County
5. City/Town
6. Private
7. Right of Way
8. In Fee Strip

ROAD SURFACE

9. Dirt
10. Gravel
11. Asphalt
12. Tar & Chip
13. Blacktop
14. Concrete
15. Other

J. RESPONSIBLE FOR PAYING/MAINTENANCE

1. Federal Government
2. State
3. County
4. City/Town
5. Community
6. Owner
7. Other/See Remarks

K. PERC TEST

1. Within 6 Months
2. Within 1 Year
3. Within 2 Years
4. Within 3 Years
5. Over 3 Years
6. Will Not Perc.
7. Not Tested
8. Public Sewer Available
9. Revalidation Necessary
10. Unknown/Verify

L. (R) SEWER

1. Public Sewer
2. Public w/Allocation
3. Pub. w/out Allocation
4. Public at Site
5. With Easement
6. Without Easement
7. In 1 Year Plan
8. In 2-5 Year Plan
9. In 5+ Year Plan
10. Sewer Tap Verified
11. Verify # of Taps
12. Approved Septic
13. Septic Required
14. Unknown/Verify

M. (R) WATER

1. Public Water
2. Public w/Allocation
3. Pub. w/out Allocation
4. Public at Site
5. With Easement
6. Without Easement
7. In 1 Year Plan
8. In 2-5 Year Plan
9. In 5+ Year Plan
10. Water Tap Verified
11. Verify # of Taps
12. Existing Well
13. Well Must Be Drilled
14. Unknown/Verify

N. (R) STORM DRAINS

1. Self Contained within Property
2. Outside Property
3. With Easement
4. Without Easement
5. Unknown/Verify

O. OTHER UTILITIES AT SITE

1. Electric
2. Natural Gas
3. Telephone Lines
4. Cable T V

P. IMPROVEMENTS/ SITE FEATURES

1. Stream
2. Pond
3. Waterfront
4. Water View
5. Water Privilege
6. Curb & Gutter
7. Sidewalks
8. Fencing
9. Outbuildings
10. Community Pool
11. Community Tennis Ct.
12. Community Playground
13. Community Rec. Hall/ Clubhouse
14. Other/See Remarks

Q. AVAILABLE PLATS

1. Boundary Line Survey
2. Location Survey
3. Topography
4. Sketch Plat Approved
5. Preliminary Plat Approved
6. Recorded Subdivision Plat
7. Development Const. Plans In Progress
8. Development Const. Plans Approved
9. Public Works Agreement Valid
10. Plat Available
11. Master Plot Plan Available

R. DEVELOPMENT STATUS

1. Survey Available
2. Legally Subdivided
3. Approved Plat - To Be Recorded
4. Recorded Plat
5. Finished Lots

S. BUILDING PERMITS

1. Obtained
2. Application Pending
3. Obtainable without Added Develop. Cost
4. Obtainable with Added Develop. Cost
5. Not Obtainable
6. Unknown/Verify

U. FINANCING

1. Assumption
2. Assumpt. /% Increase
3. Owner
4. Owner with Subordination
5. Land Bank
6. Exchange
7. Cash/Ground Lease
8. Participation
9. Construction
10. Other/See Remarks

V. CURRENT LOAN

1. Paid in Full
2. Conventional
3. FHA
4. FMHA
5. None

W. SHOW INSTRUCTIONS

1. Call Office/Appoint.
2. L.A. Must Accompany
3. Call Listing Associate
- SETTLEMENT
4. Within 90 Days
5. Within 180 Days
6. Within 1 Year
7. Upon Recordation of Plat
8. Negotiable
9. Other/See Remarks

X. SPECIAL NOTE

1. Master Listing
2. Package Listing
3. To Be Built
4. Under Construction
5. Duplicate Represent.
6. Sign Posted
7. Excluded Party on File in Office
8. L.A. is Principal

Y. (R) RESTRICTIONS

1. Land Leased/Share Cropped
2. Crops Reserved by Owner/Tenant
3. Subject to Agric. Development Tax
4. Subject to Agric. Transfer Tax
5. Agric. Preservation District
6. Conservation Area

7. Will Divide
8. Will Not Divide
9. Easements
10. Development Limitations
11. Building Restrict.
12. Declaration: Right of Ways
13. Covenants/Restrict.
14. None

Z. MISCELLANEOUS

1. Well Meets County Yield/Flow Requirements
2. Well Meets Chemical/Bacteriological Requirements
3. Well Charge Additional
4. Off Conveyance
5. Location of Lot Corners by Seller
6. Utility Deposit Required
7. Non-Buildable Parcel

MICROFILMED

REALTOR COPY



Mid-Atlantic Real Estate Information Technologies, Inc.
1501 West Mount Royal Avenue
Baltimore, Maryland 21217

EXCLUSIVE RIGHT TO SELL LISTING CONTRACT (the "Contract")

Date: _____, 19____

RILEY & ASSOCIATES REALTORS (the "Broker") is hereby authorized by the undersigned owner(s) (the "Owner") to sell, as the exclusive real estate broker, the property known as PARCEL 341, MAPAL BALTO. CT. TAX MAP (the "Property"). This authority shall continue until the 1ST day of SEPTEMBER 1995, except that either Owner or Broker, by giving written notice, may cancel this Contract so that it will terminate at the end of THIRTY (30) days from the date of receipt of such written notice. The Owner warrants to Broker that the information shown on the profile sheet for the Property executed by Broker and Owner (the "Profile Sheet") is true and correct. The Profile Sheet is incorporated herein as part of this Contract.

The listing price of the Property is \$ 89,900.00 and shall be the price advertised by Broker. In the event Owner desires to amend the listing price, Owner shall immediately inform Broker in writing of the amended listing price, and such amended listing price shall thereafter be the price advertised by Broker.

Broker shall not be responsible for the care of, or the physical condition of, the Property.

Broker agrees to multiple list the Property with and through Mid-Atlantic Real Estate Information Technologies, Inc. ("MARIT") and this Contract shall be void, (1) if Broker is not a participant of MARIT at the time of the signing hereof or anytime thereafter, or (2) if the Property is not listed with MARIT. Broker is hereby granted the right to report to MARIT for dissemination in accordance with MARIT's rules and policies (A) any contract of sale and the sales price (including the other terms upon which any sale of the Property is made) and/or (B) that the Property is being multiple listed and the terms of such listing. Broker's responsibility to market the Property is suspended by Owner's acceptance of a written offer to purchase the Property.

Owner agrees to pay Broker a fee for services rendered in the amount set forth below (the "fee") (a) if during the term of this Contract, or any extension thereof, (i) Broker produces a customer to purchase the Property at the listing price and on the terms herein or at such other price or on such other terms as shall be accepted by Owner or agreed upon in writing between Owner and Broker (the "authorized price"); or (ii) Owner shall enter into a written agreement to sell, exchange, convey or transfer the Property to any person or entity whether such person or entity shall have been procured by Broker, by Owner or by any other person or entity, in which event Owner shall within seventy-two (72) hours thereof furnish Broker a copy of such written agreement procured by anyone other than Broker; or (b) if, during the period of THIRTY (30) months following the expiration or termination of this Contract, Owner shall enter into a written agreement to sell, exchange, convey or transfer the Property to any person who or any entity which, with the knowledge of Owner or any agent of Owner, inspected or made inquiry about the Property or negotiated to purchase or exchange the Property during the term of this Contract or any extension thereof, in which event Owner shall within seventy-two (72) hours thereof furnish Broker a copy of such written agreement; except that Owner shall have no obligation to pay the fee to Broker if the Property is sold or exchanged by any other licensed real estate broker following the expiration of this Contract or any extension thereof or following the termination of this Contract as herein provided, unless such termination by Owner shall have been made for the purpose of avoiding the obligation of Owner to pay the fee to Broker.

The amount of Broker compensation is not prescribed by Law or established by any membership organization with which the Broker is affiliated.

The fee to be paid by Owner to Broker under the terms of this Contract is to be equal to \$ _____ or 7 % of the sales price in a contract entered into by Owner, the authorized price or the listing price, as may be applicable (hereinafter the "Selling Price"), plus _____ () month(s) ground rent, if any; in the event of an exchange, the fee to be paid by Owner to Broker shall be based on the listing price, plus _____ () month(s) ground rent, if any. If Broker prevails in any court action brought to obtain payment of the fee, Broker shall also be entitled to recover in such action his/her reasonable attorney's fees and court costs.

If a deposit made on any contract of sale for the Property is forfeited to Owner or if all or part of a deposit shall be received by Owner as a settlement made by and between Owner and purchaser, \$ _____ or 25 % of the amount forfeited or of the amount received as a settlement shall be paid to Broker for his/her services, but in no event to exceed an amount equal to the full fee specified herein.

Broker shall be entitled to cooperate with other brokers as subagents of Broker ("Subagents") and/or brokers retained by prospective buyers to represent their interests ("Buyer Agents"). Owner consents to Broker's cooperation and fee sharing with Subagents or Buyer Agents (collectively "Cooperating Brokers"). Broker shall pay to any Subagent, who has earned and is entitled to share in the fee, \$ _____ or 3.5 % of the Selling Price, plus _____ () month(s) ground rent, if any. Broker shall pay to any Buyer Agent, who has earned and is entitled to share in the fee, \$ _____ or 3.5 % of the Selling Price, plus _____ () month(s) ground rent, if any. Regardless of any payment which may be due to a Cooperating Broker, Owner shall pay to Broker all amounts due and owing to Broker pursuant to this Contract, irrespective of any disputes which may arise between Broker and a Cooperating Broker. Broker and Owner agree that this Contract does not confer upon a Cooperating Broker any right to receive any payment directly from Owner.

With respect to race, color, creed, sex, national origin, handicap, or familial status, the Property is offered in compliance with Title VIII of the Civil Rights Act of 1968, and the Fair Housing Amendments of 1988. The Property is also offered in compliance with the anti-discrimination provisions of State and applicable local laws.

Owner acknowledges that (a) the Broker has informed the Owner that any contract of sale entered into on or after January 1, 1994, is subject to the requirements of Section 10-702 of the Real Property Article of the Annotated Code of Maryland which obligates the Owner to deliver to the purchaser of the Property either a written statement disclosing the condition of the Property, or a written statement refusing to make any disclosures regarding the condition of the Property, and (b) the Broker has furnished to Owner the Maryland Real Estate Commission approved disclosure statement.

This Contract shall be binding upon the respective heirs, personal representatives, assignees and/or successors of the parties hereto.

WITNESS:

Owner

(SEAL)

(SEAL)

(SEAL)

Owner Address

ZIP Code

Broker of Authorized Representative

MICROFILMED

Not No 10

ZONING NOTICE

Case # : 97-74-SPH

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD.

PLACE : 2201 N. OLD COURTHOUSE

TIME & DATE : FR. OCT. 17, 1996 AT 9:00 A.M.

SPECIAL

TO APPROVE : 1. DESCRIBED BUILDING LOTS OF GRONED
PURSUANT TO COURT ORDER

ZONING

ZONING NOTICE

Case: 197-74-SPH

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER

PLACE: 1000 N. 10TH ST.
TIME & DATE: THURSDAY, OCTOBER 17, 1997 AT 9:00 A.M.

SPECIAL HEARING
TO APPROVE FOUR (4) SEPARATELY
DESCRIBED BUILDING LOTS
OF GROUND
PURSUANT TO COURT ORDER

NOTICE: IF YOU HAVE ANY COMMENTS OR QUESTIONS, PLEASE CALL THE ZONING COMMISSIONER AT 1-800-368-7273.
INSTRUCTIONS: DUE TO WEATHER, IF YOUR COMMENTS ARE NOT MET, WE
NEED TO RE-SCHEDULE THE HEARING.
CALL 1-800-368-7273 THE DAY BEFORE THE SCHEDULED HEARING DATE.
IF YOU HAVE ANY COMMENTS, PLEASE CALL 1-800-368-7273.
HEARINGS ARE HANDICAPPED ACCESSIBLE.

ZONING NOTICE

Case #: 197-74-SPH

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
ON THURSDAY, OCTOBER 17, 1997

PLACE: 1000 N. 10TH ST.

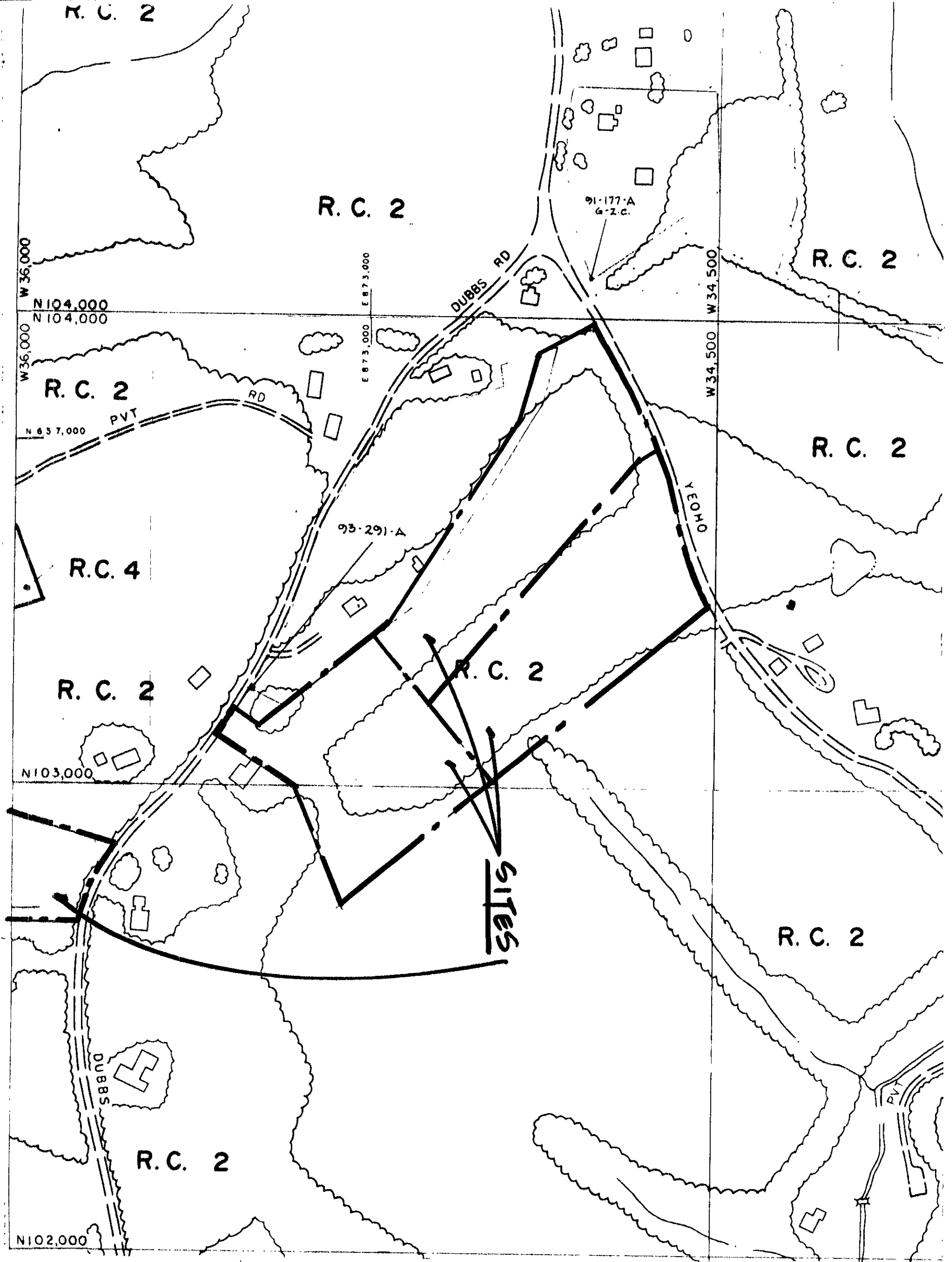
TIME & DATE: THURSDAY, OCTOBER 17, 1997 AT 9:00 A.M.

SPECIAL HEARING

TO APPROVE 4 SEPARATELY DESCRIBED BUILDING LOTS OF GROUND

PURSUANT TO COURT ORDER





97-74-SPH

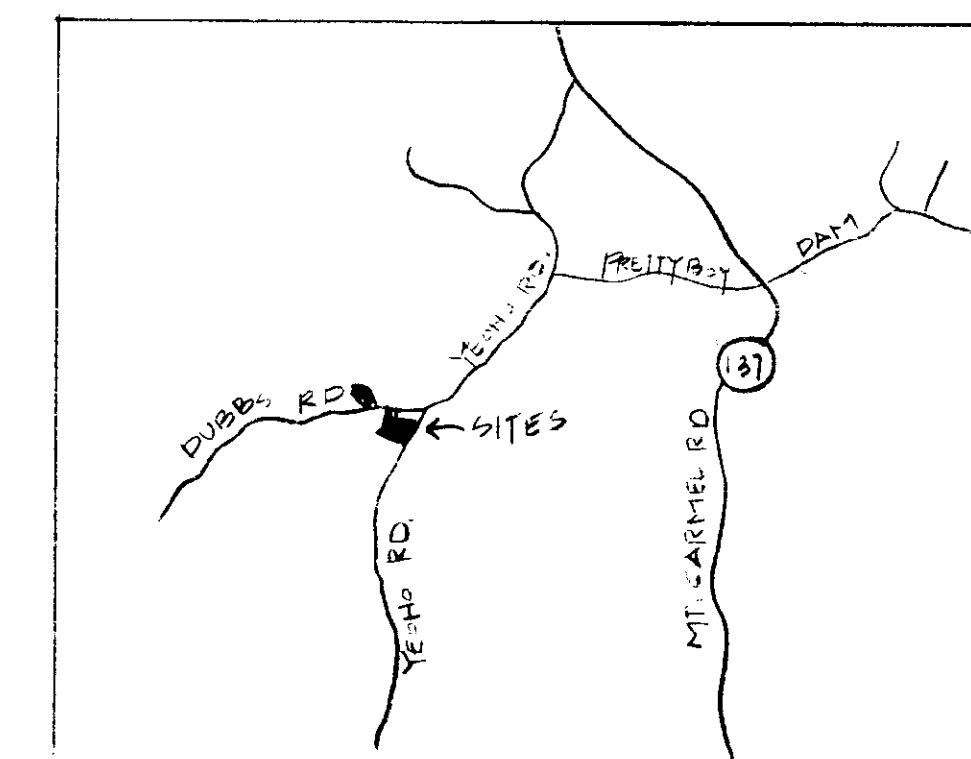
ITEM # 72

MICROFILMED

ZONING MAP

SCALE: 1" = 200' +/-

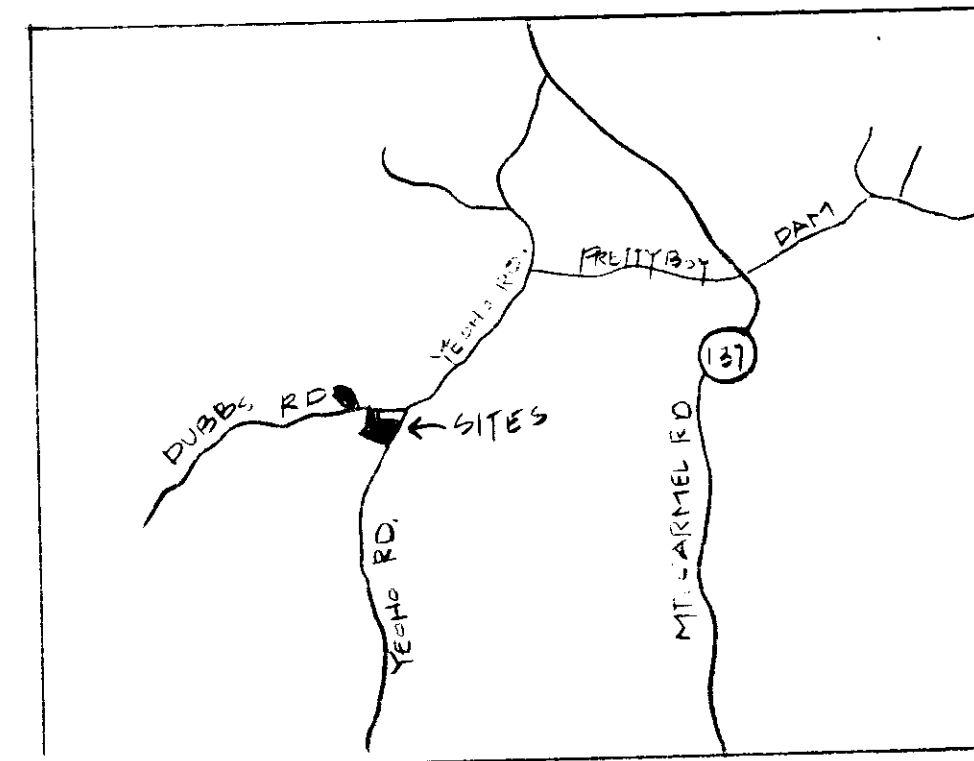
LOCATION: MT. CARMEL/
SOUTH OF MT. CARMEL
SHEETS: NW 26-F
27-F



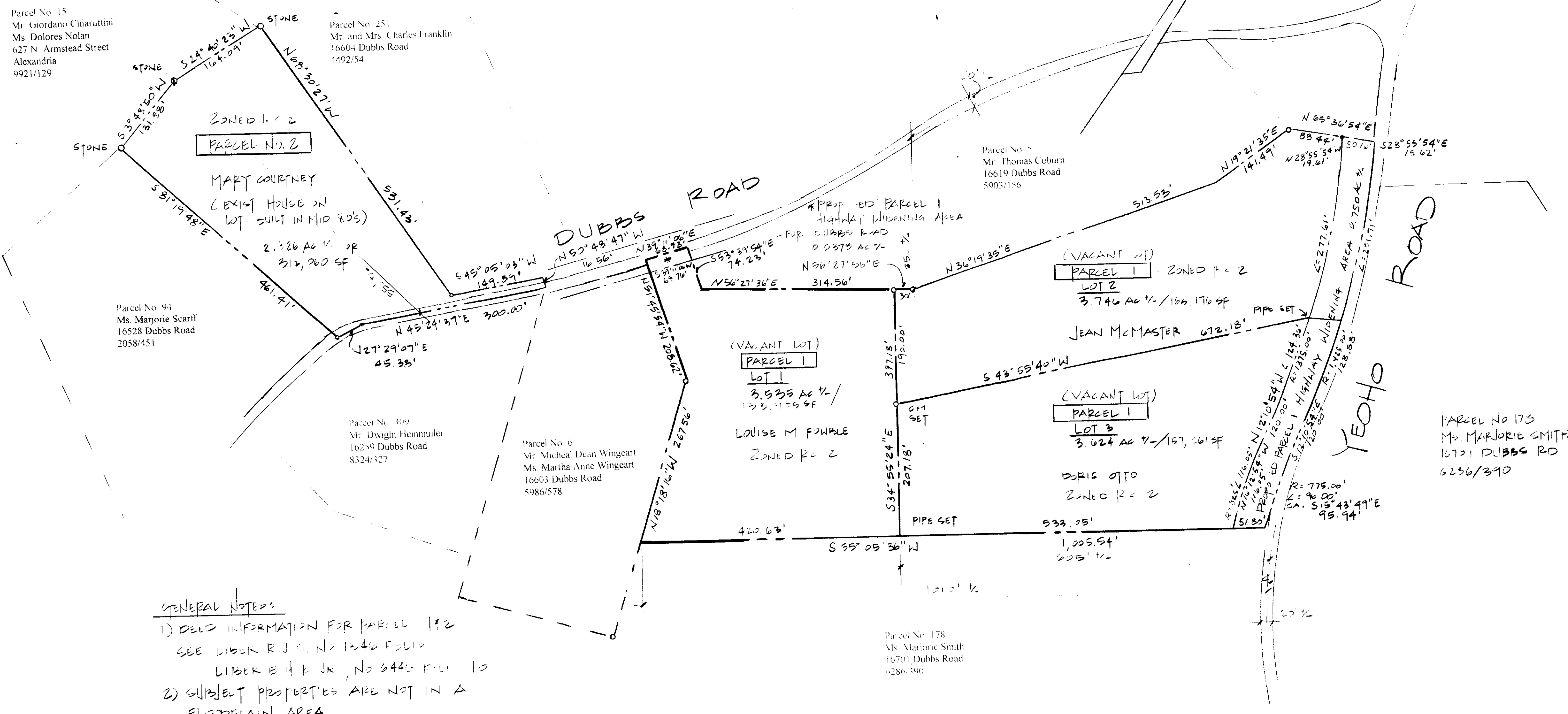
VICINITY MAP
SCALE: 1" = 2000'

PRIOR ZONING HEARINGS: NONE

MICROFILMED



VICINITY MAP
SCALE: 1" = 2000'



GENERAL NOTES:
1) DEED INFORMATION FOR PARCEL NO. 15
SEE LIBER R.J.C. NO. 1246 FOLIO
LIBER E.H.K. NO. 6446 FOLIO 10
2) SUBJECT PROPERTIES ARE NOT IN A
FLOODPLAIN AREA.

LOCATION INFORMATION:

COUNCILMANIC DISTRICT: 3
ELECTION DISTRICT: 5
1" = 200' SCALE MAP #: NW 26-F
NW 27-F
LOT SIZES:
PARCEL NO. 2: 2.826 ACRES/312,060 SF
PARCEL NO. 1 - LOT NO. 1: 3.535 ACRES/153,985 SF
PARCEL NO. 1 - LOT NO. 2: 3.746 ACRES/163,176 SF
PARCEL NO. 1 - LOT NO. 3: 3.624 ACRES/157,861 SF

SEWER: PRIVATE
WATER: PRIVATE
CHESAPEAKE BAY CRITICAL AREA: NO
PRIOR ZONING HEARINGS: NONE

97-74-SPH

ZONING OFFICE USE ONLY:

REVIEWED BY: ITEM #: CASE #:

JF

72

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PLAT TO ACCOMPANY PETITION FOR SPECIAL HEARING

SCALE: 1" = 100'-0"

PREPARED BY: THERE-A ADAMS
DATE: JULY 24, 1996

OWNERS:	PARCEL NO. 2	PARCEL NO. 1 - LOT 1	PARCEL NO. 1 - LOT 2	PARCEL NO. 1 - LOT 3
	Mrs. Mary Courtney 16606 Dubbs Road Sparks, Maryland 21152	Mrs. Louise Fowble 201 W. Timonium Road Timonium, Maryland 21093	Mrs. Jean MacMaster Apartment 204 300 S. Sykes Creek Merritt Island, Florida 32952	Mrs. Doris Otto 1301 Louisa Street Williamsport, Pennsylvania 17701

NOTE: LOT BOUNDARIES IN QUESTION TAKEN FROM ORIGINAL SURVEY
PREPARED BY J. FINLEY RANSOME & ASSOCIATES
REGISTERED LAND SURVEYORS
TOWSON, MD 21206-0160 - REVISED 6-11-94