IN RE: PETITION FOR SPECIAL HEARING BEFORE THE NW/side South Alley at Corner, NE/side Center Street * **ZONING COMMISSIONER** (Lugine Avenue) 2nd Election District * OF 4th Council District * **BALTIMORE COUNTY** Arthur H. Hersh Petitioner * Case No. 06-198-SPH

* * * * * * * * *

ORDER OF DISMISSAL

WHEREAS, this matter originally came before the Deputy Zoning Commissioner for consideration of Petition for Special Hearing filed by the owner of the subject property, Arthur H. Hersh, seeking confirmation that Lots 1-8, Block C, Woodland Terrace, abut an ultimate 40' right-of-way over which the public has a right of travel and can be improved with three proposed single-family dwellings.

Although a public hearing was initially scheduled before the Deputy Zoning Commissioner for November 28, 2005, no one appeared due to lack of proper posting and, therefore, was postponed.

The matter was then re-scheduled for a public hearing before the undersigned on December 15, 2007. Appearing in support of the request were Arthur H. Hersh, property owner, Robert Infussi, Sr., with Expedite, LLC, a consultant assisting the Petitioner, John Mars, and John W. Nowicki, Esquire, attorney for Petitioner. The opponents are residents from the surrounding locale, namely, Adolph D. Bailey, Gloria Shelton, Janet N. and Hugh G. Smith, Brenda Joyce Johnson, Paul D. Jones, Michelle Lemay Flesher, Catherine E. and Curtis Arrington. At the onset of that hearing, the Woodmore Community Association community leaders informed me that the property had been posted at the 3100 block of Elba Drive, several blocks away from the parallel street known as Lugine Avenue. This information was corroborated by five of the local residents and could not be refuted by the Petitioner or his consultants. Therefore, the Petitioner's Counsel,

Date 7-30-07 FUNDAMENTALINA

Date 13.30 FOR FILMS

John Nowick, Esquire, was instructed to contact the Department of Permits and Development Management for a new hearing date and to properly post the property as required with notice of the new date.

Again, the matter was rescheduled for May 14, 2007 before the then Deputy Zoning Commissioner John V. Murphy. At that hearing, the Petitioner erroneously asserted that the merits of the case were heard by the Zoning Commissioner on December 15, 2005 with all exhibits and evidence presented except for an opportunity to allow the Petitioner time to show that he had acquired the right to use a 40' right-of-way to Lugine Avenue. Commissioner Murphy received as proof of this fact a Deed, dated February 28, 2007, and recorded in the Land Records of Baltimore County in Liber SM-253393, Folio 438.

Subsequently, the Department of Permits and Development Management reviewed the Deed and informed this Commission that they were satisfied that the Petitioner owned the land necessary to build a public road and could provide access to the proposed lots. Accordingly, the need for special hearing relief is no longer necessary. Further, by way of letter, dated July 18, 2007, the Petitioner requested a withdraw of the petition.

NOW, THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this ______ day of July 2007 that the Petition for Special Hearing requesting a determination that an easement for public travel exists allowing the subject three proposed single-family dwellings to be built is hereby DISMISSED AS MOOT and it no longer negessary.

WILLIAM J. WHSEMAN, III
Zoning Commissioner

WJW:dlw

for Baltimore County

c: Arthur H. Hersh, 357 Hunters Run Drive, Bel Air, Md. 21015 Robert Infussi, Sr., Expedite, LLC, P.O. Box 1043-7043, Bel Air, Md. 21014 John Mars, P.O. Box 853, Bel Air, Md. 21014 John W. Nowicki, Esquire, 6916 North Point Road, Baltimore, Md. 21219 Adolph D. Bailey, 7106 Yataruba Drive, Baltimore, Md. 21207

Date 1 - 30 -07

Gloria Shelton, 3105 Donna Road, Gwynn Oak, Md. 21207
Janet N. and Hugh G. Smith, 3424 Yataruba Drive, Baltimore, Md. 21207
Brenda Joyce Johnson, 3332 Essex Road, Baltimore, Md. 21207
Paul D. Jones, 3501 Keston Road, Baltimore, Md. 21207
Michelle Lemay Flesher, 3207 Betlou James Place, Baltimore, Md. 21207
Catherine E. and Curtis Arrington, 3126 Lugine Avenue, Baltimore, Md. 21207
Janice D. Mason, 3516 Sussex Road, Baltimore, Md. 21207
Rosa McNeil, 3009 Fairview Road, Baltimore, Md. 21207
Forriest L. Ayers, 3103 Elba Drive, Baltimore, Md. 21207
Michael J. Baugh, 2124 St. Lukes Lane, Baltimore, Md. 21207
Gwendolyn Smith, 3102 Elba Drive, Baltimore, Md. 21207
People's Counsel; Development Plans Review; Case File

IN RE: PETITION FOR SPECIAL HEARING
NW/side of South Alley at corner northeast side of Center Street
2nd Election District
4th Councilmanic District
(Lugine Avenue)

Arthur H. Hersh

Petitioner

BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 06-198-SPH

* * * * * * * *

*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner on a Petition for Special Hearing for the property located at Lugine Avenue in the Bel Air area of Baltimore County. The Petition was filed by Arthur H. Hersh, legal owner. Special Hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to confirm that Lots 1-8, Block C, Woodland Terrace abuts an ultimate 40' right of way over which the public has an easement of travel and can be improved with three proposed single family dwellings.

The property was posted with Notice of Hearing on (awaiting copy of posting from Bob Infussi), 2005, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on November 10, 2005, to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 500.7 of the B.C.Z.R. Special Hearings

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals. The power given hereunder shall include the right of any interested persons to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of

any non conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.

Zoning Advisory Committee Comments

The Zoning Advisory Committee Comments are made part of the record of this case and contain the following highlights: ZAC comments were received by the Office of Planning dated November 3, 2005, a copy of which is attached hereto and made a part hereof.

Interested Persons

Appearing at the hearing on behalf of the requested special hearing relief was Arthur H.

Hersh. _____ from Bay State Land Services, who prepared the site plan also appeared at the hearing. There were no protestants or citizens attending the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

Findings of Fact and Conclusions of Law

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' request for special hearing should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this _____ day of November, 2005, that the Petitioners' request for special hearing relief filed pursuant to pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to confirm that Lots 1 – 8, Block C, Woodland Terrace abuts an ultimate 40' right of way over which the public has an easement of travel and can be improved with three proposed single family dwellings, be and is hereby GRANTED subject to the following conditions.

- 1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition, and
- 2. The Petitioners must be in compliance with the ZAC comments submitted by the Office of Planning dated November 3, 2005, a copy of which is attached hereto and made a part hereof.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:dlw



Petition for Special Hearing

for the property located at

to the Zoning Commissioner of Baltimore County

which is presently zoned

This Petition shall be filed with the Department of Permits owner(s) of the property situate in Baltimore County and which i made a part hereof, hereby petition for a Special Hearing und County, to determine whether or not the Zoning Commissioner states.	s described in the description and plat attached hereto and derection 500.7 of the Zoning Regulations of Baltimore
CONFIRM THAT WIS 1-8, B	LOCK C, WOODLAND TERRALE
ABUTS AN ULT, MATE 40'	RIGHT OF WARY OUER WHICH
THE PUBLIC HAS AN EASEM	ENT OF TRAVEC AND CAN
BE IMPROVED WITH THREE	proposers sinble family
Property is to be posted and advertised as prescribed by the zon it, or we, agree to pay expenses of above Special Hearing, advertising, zoning regulations and restrictions of Baltimore County adopted pursua	posting, etc. and further agree to and are to be bounded by the ant 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:	Legal Owner(s):
Name - Type or Print	Arthur H. Hersh Name - Type or Print
Signature	Signature
Address Telephone No.	Name - Type or Print
City State Zip Code Attorney For Petitioner:	Signature 950. CREEK PARK Rd. Address Telephone No.
Name - Type or Print	Be L MI 21014 City State Zip Code
Signature	Representative to be Contacted:
Company	Name P.O. Box 1043 410-812-727
Address Telephone No.	Address Rel Air Wel Med 21014
City State Zip Code	City State Zip Code
	OFFICE USE ONLY
Case No. OG-198-SPH OWDER RECEIVED FOR FILMS	ESTIMATED LENGTH OF HEARING UNAVAILABLE FOR HEARING
REV 9/15/95 Deta 7-30-07 Review	ed By 1770 Date 10/7/05

Zonith Description

ZONNU DESCRIPTION LUGINE ANE, WOODLAND TERRACE, LOT-1-8, BLOCK "C"

BEGINNIAL AT A POINT South Alley, Ultimate 40' wine Break At A DISTANCE OF 0.0 FEET FROM CONTERS STREET, 40' WIDE. BEINL LOTS 1-8, Block "e" IN THE BENBAILISION OF WOOD LAWN TERRISE AS RECORDED IN BALTIMORE COUNTY PLAT Book # 7-49 CONTAINING 0.60 ACT. BETT SECOND ELECTION DISTRICT AND LOCATION FOURTH COULLMATIC DISTRICT.

HETALE OF ZOHING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #05-198-SPH

Lugine Avenue

Northwest side of South Alley at corner northeast side of Center Street

2nd Election District - 4th Councilmanic District

Legal Owner(s): Arthur H. Hersh

Special Hearing: to confirm that lots 1-8, Block C, Woodland Terrace abuts an ultimate 40 feet right of way. over which the public has an easement of travel and can be improved with three proposed single-family dwellings.
Hearing: Monday, May 14, 2007 at 11:00 a.m. in
Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Com-

missioner's Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing.

Contact the Zoning Review Office at (410) 887-3391.

JT/5/602 May 1

CERTIFICATE OF PUBLICATION

5/3,2007
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on <u>5 / ,2007</u>
The Jeffersonian Arbutus Times
☐ Catonsville Times
☐ Towson Times ☐ Owings Mills Times
□ NE Booster/Reporter
☐ North County News

J. Wilkinger_ LEGAL ADVERTISING

the Zonney Compussion of Palinguie County by do thority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #06-198-SPH

Lugine Avenue

Northwest side of South Alley at corner northeast side.

2nd Election District - 4th Gouncilmanic District.

Legal Owner(s): Arthur H Hersh

Special Hearing: to confirm that lots 1-8, Block C, Wood land Terrace abuts an ultimate 40 feet right of way over which the public has an easement of travel and can be improved with three proposed single-family dwellings. Hearing: Monday, November 28, 2005 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Ave-

nue, Towson 21204.

WILEIAM J. WISEMAN, TH

Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

11/171 Nov. 10 74325 1171T1 Nov. 10

CERTIFICATE OF PUBLICATION

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THIS IS TO CERTIFY, that the annexed advertisement was published
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on 1110,20 <u>05.</u>
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☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
☐ Owings Mills Times
☐ NE Booster/Reporter
☐ North County News

LEGAL ADVERTISING

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CERTIFICATE OF POSTING

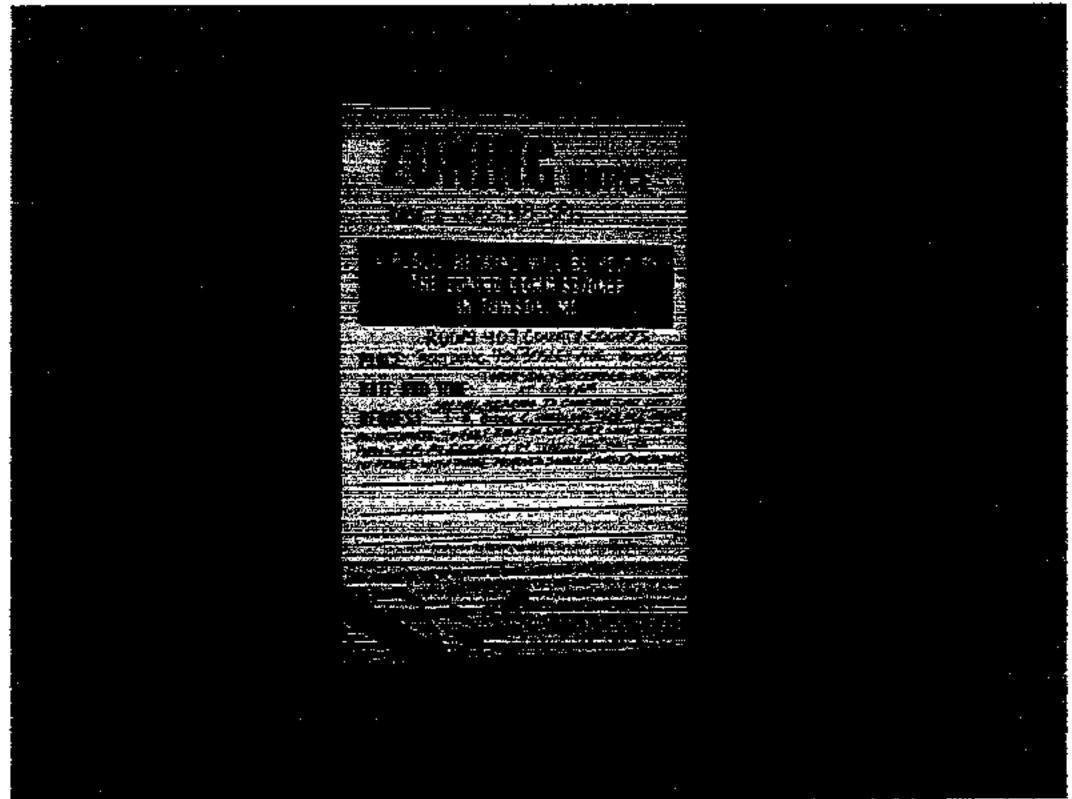
RE: Case No: 06-198-5PH

	Petitioner/Developer: ARTHUR HERSH
	Date Of Hearing/Closing: 12/15/05
Baltimore County Department Permits and Development Mar County Office Building, Room 111 West Chesapeake Avenue	nagement
Attention:	
Ladies and Gentlemen:	
ign(s) required by law were po	he penalties of perjury that the necessary osted conspicuously on the property -GINE AUE
This sign(s) were posted on	Month, Day, Year) Sincerely, Martin Ogle Sign Poster 16 Salix Court Address

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Wastin Ogle 11/25/05

Woldmore ASSOC.

CERTIFICATE OF POSTING

	RE: Case No: 06-198-5P4
	Petitioner/Developer:
	ARTHUR H. HERSH
- 	Date Of Hearing/Closing: 5/14/07
Baltimore County Department of Permits and Development Man County Office Building, Room 111 West Chesapeake Avenue	agement
Attention:	
Ladies and Gentlemen:	
This letter is to certify under th	ne penalties of perjury that the necessary
	osted conspicuously on the property
	SINE AVENUE
1t	SINE PRENUE
This sign(s) were posted on	April 29 2007
ims sign(s) were posted on	(Month, Day, Year)
•	Sincerely. Matulle 4/2907
	(Signature of sign Poster and Date)
	Martin Ogle
	Sign Poster
	16 Salix Court
	Address
	Balto. Md 21220
	(443-629 3411)

Department of Permits and Development Management

Director's Office County Office Building 111 W Chesapeake Avenue Towson, Maryland 21204 Tel: 410-887-3353 • Fax: 410-887-5708



Baltimore County

James T Smith, Jr., County Executive Timothy M Kotroco, Director

October 21, 2005

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 06-198-SPH

Lugine Avenue

Northwest side of South Alley at corner northeast side of Center Street

2nd Election District – 4th Councilmanic District

Legal Owner: Arthur H. Hersh

buth Kotroco

<u>Special Hearing</u> to confirm that lots 1-8, Block C, Woodland Terrace abuts an ultimate 40 feet right of way over which the public has an easement of travel and can be improved with three proposed single-family dwellings.

Hearing: Monday, November 28, 2005 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

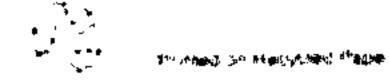
Timothy Kotroco

TK:klm

Director

C: Arthur Hersh, 950 Creek Park Road, Bel Air 21014 Robert Infussi, P.O. Box 1043, Bel Air 21014

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, NOVEMBER 12, 2005.
 - (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
 - (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



TO: PATUXENT PUBLISHING COMPANY

Thursday, November 10, 2005 Issue - Jeffersonian

Please forward billing to:

Robert Infussi Expedite, LLC P.O. Box 1043 Bel Air, MD 21014 410-812-2236

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

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Lugine Avenue

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2nd Election District – 4th Councilmanic District

Legal Owner: Arthur H. Hersh

<u>Special Hearing</u> to confirm that lots 1-8, Block C, Woodland Terrace abuts an ultimate 40 feet right of way over which the public has an easement of travel and can be improved with three proposed single-family dwellings.

Hearing: Monday, November 28, 2005 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

WILLIAM J WISEMAN III

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Department of Permits and Development Management

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



Baltimore County

James T Smith, Jr, County Executive Timothy M Kotroco, Director

November 23, 2005

CORRECTED NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 06-198-SPH

Lugine Avenue

Northwest side of South Alley at corner northeast side of Center Street

2nd Election District – 4th Councilmanic District

Legal Owner: Arthur H. Hersh

Special Hearing to confirm that lots 1-8, Block C, Woodland Terrace abuts an ultimate 40 feet right of way over which the public has an easement of travel and can be improved with three proposed single-family dwellings.

Hearing: Thursday December 15, 2005 at 11:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Arthur Hersh, 950 Creek Park Road, Bel Air 21014 Robert Infussi, P.O. Box 1043, Bel Air 21014

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY NOVEMBER 25, 2005.

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Visit the County's Website at www.baltimorecountyonline.info



JAMES T. SMITH, JR. County Executive

TIMOTHY MOKOTRO2007 irector

Department of Permits and

Development Management

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 06-198-SPH

Lugine Avenue

Northwest side of South Alley at corner northeast side of Center Street

2nd Election District – 4th Councilmanic District

Legal Owner: Arthur H. Hersh

<u>Special Hearing</u> to confirm that lots 1-8, Block C, Woodland Terrace abuts an ultimate 40 feet right of way over which the public has an easement of travel and can be improved with three proposed single-family dwellings.

Hearing: Monday, May 14, 2007 at 11:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue, Towson 21204

Timothy Kotroco Director

TK:klm

C: Arthur Hersh, 950 Creek Park Road, Bel Air 21014 Robert Infussi, P.O. Box 1043, Bel Air 21014 Jack Nowicki, 6916 North Point Road, Baltimore 21219

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, APRIL 30, 2007.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPÉCIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY

Tuesday, May 1, 2007 Issue - Jeffersonian

Please forward billing to:

Robert Infussi Expedite, LLC P.O. Box 1043 Bel Air, MD 21014 410-812-2236

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 06-198-SPH

Lugine Avenue

Northwest side of South Alley at corner northeast side of Center Street

2nd Election District – 4th Councilmanic District

Legal Owner: Arthur H. Hersh

Special Hearing to confirm that lots 1-8, Block C, Woodland Terrace abuts an ultimate 40 feet right of way over which the public has an easement of travel and can be improved with three proposed single-family dwellings.

Hearing: Monday, May 14, 2007 at 11:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue, Towson 21204

WILLIAM J WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring 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 (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

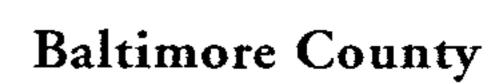
OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number: 06-196-501
Petitioner:HrYhur H. Hersh
Address or Location: 604 SQUITE LANE, Bel Air und 21014
PLEASE FORWARD ADVERTISING BILL TO: Name: Kobert I NFUSTI (CYPELITE, CCC) Address: P.O. Box 1043 Bel Air, MD 21014
Telephone Number: 4/0-8/2-2236

Department of Permits and Development Management

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





James T Smith, Jr, County Executive Timothy M Kotroco, Director

January 16, 2006

Arthur H. Hersh 950 Creek Park Road Belair, Maryland 21014

Dear: Mr. Hersh

RE: Case Number: 06-198-SPH, Lugine Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 7, 2005.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure 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. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,
U. Callallalla

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

People's Counsel Robert Infussi P.O. Box 1043 Belair 21014



Department of Permits Development Management

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





James T Smith, Jr, County Executive Timothy M Kotroco, Director

November 28, 2005

Arthur H. Hersh 950 Creek Park Road Belair, Maryland 21014

Dear: Mr. Hersh

RE: Case Number: 06-198-SPH, Lugine Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 7, 2005.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure 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. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours, Call Richall &

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

Robert Infussi P.O. Box 1043 Belair 21014



Visit the County's Website at www.baltimorecountyonline.info

104/6

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: December 9, 2005

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

Lugine Avenue

INFORMATION:

Item Number:

6-198 (revised comment)

Petitioner:

Arthur H. Hersh

Zoning:

DR 5.5

Requested Action:

Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request. The petitioner has reoriented the proposed dwellings pursuant to the Office of Planning request to face the open space area adjacent to I-695. In addition the petitioner has met with Dennis Kennedy to resolve all access issues. In consideration of the aforementioned the Office of Planning does not oppose the petitioner's request provided pedestrian access be extended to the fronts of the three proposed dwellings.

For further information concerning the matters stated here in, please contact Dave Green at 410-887-3480.

Prepared by:

Division Chief:

AFK/LL: CM

Jups

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: November 3, 2005

NOV - 4 2005

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

Lugine Avenue

INFORMATION:

Item Number:

6-198

Petitioner:

Arthur H. Hersh

Zoning:

DR 5.5

Requested Action:

Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and does not oppose it provided the following conditions are met:

- 1. Provide a 20-foot paved road with sidewalks from Lugine Avenue west to First Avenue in the 40-foot right-of-way known as Center Street. (One lot may need to be eliminated)
- 2. Provide a 20-foot paved road with sidewalks in the 40-foot right-of-way known as First Avenue.
- 3. Reorient the proposed dwellings to front First Avenue.
- 4. Eliminate the proposed 40-foot right-of-way along South alley.

For further information concerning the matters stated here in, please contact Dave Green at 410-887-3480.

rrepared by:

Division Chief:

AFK/LL: CM

Fire Department



700 East Joppa Road Towson, Maryland 21286-5500 Tel 410-887-4500





James T Smith, Jr., County Executive John J Hohman, Chief

October 18, 2005

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

ATTENTION: Zoning Review planners

Distribution Meeting of: October 17, 2005

Item No.: 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197

1. The Fire Marshal's Office has no comments at this time

Pursuant to your request, the referenced plan(s) have been reviewed by this Department and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

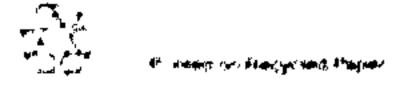
Acting Lieutenant William F Connolly, Jr.

Fire Marshal's Office

 $(0) \cdot 10 - 887 - 4880$

MS-1102F

cc: File





Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor

Robert L. Flanagan, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

RE:

Date: 177.14.05

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

Dear. Ms. Matthews:

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.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Steven D. Foster, Chief.

Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND

Inter-Office Memorandum

TO:

File

DATE: November 28, 2005

FROM:

John V. Murphy

Deputy Zoning Commissioner

SUBJECT: Arthur H. Hersh

Case No. 06-198-SPH

Lugine Avenue

I checked to see that no one came to the November 28, 2005 hearing in Room 407.

JVM:dlw

RE: PETITION FOR SPECIAL HEARING
Lugine Avenue; NW/side S Alley @ corner
NE/side Center Street
2nd Election & 4th Councilmanic Districts
Legal Owner(s): Arthur H. Hersh
Petitioner(s)

BEFORE THE

* ZONING COMMISSIONER

* FOR

* BALTIMORE COUNTY

* 06-198-SPH

* * * * * * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO
Deputy People's Counsel

Old Courthouse, Room 47 400 Washington Avenue

Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of October, 2005, a copy of the foregoing Entry of Appearance was mailed to Robert Infussi, P.O. Box 1043, Bel Air, MD 21014, Representative for Petitioner(s).

RECEIVED

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Per.....

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: October 27, 2005

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For October 24, 2005

Item No. 198

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

First the petitioner must show that the public has an easement of travel. Second, since a public water main will be needed to serve the lots and water mains must be placed in public roads, the public easement of travel must be converted to a public road. For the conversion, the developer must be able to convey fee ownership of the bed of the road to the county. This includes the beds of South Alley and Center Street from South alley to Lugine Avenue. We would have no objection to these lots being served by a private right-of-way. The developer would still need to prove or have a title attorney certify that the developer has the right to use (pave) the private right-of-way and to bury pipes or other utilities in the private right-of-way.

DAK:CEN:clw cc: File

ZAC-ITEM NO 198-10272005 doc

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy Kotroco, Director Department of Permits & Development Management **DATE:** July 9, 2007

FROM:

Dennis A. Kennedy

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Item No. 06-198 Revised

Since our previous comment, the petitioner bought the land necessary to build a public road to, and across, the frontages of the proposed lots. Since the petitioners now can provide public access, the need for the requested variance no longer exists.

DAK

cc: file

12/15/05 Type 129 5ide 2 what @ 180 to 244

BALTIMORE COUNTY, MARYLAND

Inter-Office Memorandum

TO:

File

DATE: May 14, 2007

FROM:

John V. Murphy

Deputy Zoning Commissioner

SUBJECT:

Arthur H. Hersh

Case No. 06-198-SPH

Lugine Avenue

The case came for hearing today and I was unable to personally notify Adolph Bailey as noted in the Zoning Commissioner's memo to file of December 16, 2005. Fortunately he saw the sign and was present at the hearing.

The Petitioner asserted that this case was heard by the Zoning Commissioner on December 15, 2005 with all exhibits and evidence presented by both sides except the case was continued to allow the Petitioner to show that the Petitioner had the right to use the 40 foot right of way to Lugine Avenue. Mr. Norwicki presented a deed dated February 28, 2007 which he contends gives the Petitioner this right completing the case.

Mr. Bailey and Ms. Shelton indicated that the Petitioner did present its case on December 15, 2005, the protestants also presented testimony but that the protestants testimony had not ended.

I indicated that the Zoning Commissioner must hear this case but as there were many persons in attendance at the hearing, for everyone's convenience, I offered to allow both sides to present new evidence with the understanding that the Zoning Commissioner would hear the tape of the May 14, 2007 hearing and decide the case. While the Petitioner agreed the protestants did not and further noted that they objected to where the sign was placed for the May 14, 2007 hearing.

I continued the case to allow the Zoning Commissioner to complete the hearing and promised that our office would notify the protestants listed on the sign in sheet of the new date. Mr. Bailey's phone number is 410-944-0858 and Ms.Shelton's is 410-298-7113 and 443-844-7663.

JVM:dlw

No No Ballet 298 - But 766.

PLEASE PRINT CLEARLY

CASE NAME CASE NUMBER DATE

COUNTY REPRESENTATIVE'S SIGN-IN SHEE

E- MAIL		4										
CITY, STATE, ZIP												
ADDRESS												
NAME						-				-		

JOHN W. NOWICKI, P.A.

ATTORNEY AT LAW
EDGEMERE OFFICE
6916 NORTH POINT ROAD
BALTIMORE CO., MD 21219-1216
(410) 477-8400
FAX (410) 477-4359
JNOWICKI@JWNLAW.COM

TOWSON OFFICE
606 BALTIMORE AVENUE
5UITE 107
TOWSON, MD 21204

BEL AIR OFFICE
727 NORTH HICKORY AVENUE
BEL AIR, MD 21014-3026
(410) 879-0026
FAX (410) 893-8199

June 5, 2007

The Honorable William Wiseman Zoning Commissioner for Baltimore County 400 Washington Avenue Towson, Maryland 21204

RE:

JOHN W. NOWICKI

Arthur H. Hersh

Case No.: 06-198-SPH, Lugine Avenue

DECEIVE JUN 1 3 2007 BY

BY:_____

Dear Commissioner Wiseman:

I am writing to respectfully suggest that my above referenced client has fully complied with all Baltimore County requirements and, is as a result of purchasing the forty foot right-of-way which was the subject of our Special Haring, my client plan should be approved and this case dismissed.

Briefly, this matter came before you on December 15, 2005 wherein testimony was taken on our Petition from Mr. Hersh, and our experts, Robert Infussi along with John Mars in support of our request. Also heard was opposition including individuals who are members of the Woodmoor Community Association.

Exhibits were introduced including plans regarding the proposed project.

At the conclusion of the hearing the issue came up as to our need to construct utilities in a forty foot right-of-way which at that time was not owned by my client. The position of Baltimore County officials was that in order to construct utilities in the right-of-way a private easement was necessary.

Accordingly, all testimony was concluded and our case was continued at that time in order to attempt to purchase the easement by my client which, if accomplished, alleviated the last concern in this matter.

To that end, Mr. Hersh did in fact purchase the forty foot right-of-way from Windsor Crest Associates on or about February 28, 2007. Thereafter, I requested the opportunity to present the executed Deed at the continued hearing which was set May 14, 2007.

The Honorable William Wiseman June 5, 2007 Page Two

On May 14, 2007, I appeared with my clients, and experts, and at that time presented the executed Deed to Deputy Commissioner John Murphy. I advised Deputy Commissioner Murphy that my understanding of the hearing was that we were only present to present the Deed in that all testimony had been taken and Baltimore County requirements had been met but for ownership of the forty foot right-of-way hereby making same a private easement through which utilities could pass.

Obviously, Deputy Commissioner Murphy had no idea what transpired in front of you and so he postponed the matter in order that you might review what had already transpired and finalize your ruling.

Accordingly, it is my position that my client is entitled to confirmation and approval of his plan in that there is no longer a need for a special hearing since the forty foot right-of-way has been purchased and is now a private easement.

Please let me hear from you in the immediate future.

Sincerely, John W. Wourchi law

John W. Nowicki

JWN:aew

cc:

Arthur Hersh Robert Infussi TO: File DATE: December 16, 2005

FROM: William J. Wiseman, III

Zoning Commissioner

RE: Case No. 06-198-SPH

This case is heavily contested. In excess of 10 members of the Woodmore Community Association appeared at the hearing on December 15, 2005, strongly protesting any further development in this area. As the record will reflect, the case was originally scheduled for a hearing on November 28, 2005 before Jack Murphy; however, was postponed for lack of proper posting. Similarly, on December 15, 2005, the neighborhood informed me that the property had been posted at the 3100 Block of Elba Drive, several blocks away from the parallel street known as Lugine Avenue. This information was corroborated by 5 of the local residents and could not be refuted by the Petitioner or his consultants.

John Nowicki represents the Petitioner and was instructed to contact the Department of Permits and Development Management for a new hearing date and to properly post the property as required with notice of the new date. Mr. Infussi also gave me the phone number of Adolph D. Bailey, Vice President and Treasurer of the Woodmore Community Association who should be given personal notification of the rescheduled hearing date. He intends to meet with the entire Association membership in the latter part of January to discuss the proposal in further detail. In order to assist Mr. Bailey, the Petitioner gave him an amended site plan better describing the proposal and the need to obtain public access to the proposed single-family dwelling.

WOODMOOR COMMUNITY ASSOCIATION PO BOX 31612 BALTIMORE, MARYLAND 21207

February 19, 2006

To: Deputy Zoning Commissioner of Baltimore County

Re: Case No. 06-198 SPH

Dear Sir:

This letter is to acknowledge that I, James J Simmons, President of the Woodmoor Community Association, assign to Mr. Adolph D. Bailey, the right to speak and represent the association in case no: 06-198 SPH.

We the members and representatives of the Woodmoor Community agreed unanimously with this decision.

James J. Simmons

Sincerely

President, Woodmoor Community Association

July 18, 2007

The Honorable William Wiseman Zoning Commissioner for Baltimore County 400 Washington Avenue Towson, Maryland 21204

RE: Arthur H. Hersh

Case No.: 06-198-SPH, Lugine Avenue

Dear Commissioner Wiseman:

I am writing to confirm our conversation this date regarding my above referenced case. Again, based upon the information received from the Department of Permits and Development Management a hearing is no longer needed.

Accordingly, this should close the above case.

Sincerely,

John W. Nowicki

JWN:aew

Bill Wiseman - Case No. 06-198 SPH-revised

From: Dennis Kennedy
To: Wiseman, Bill
Date: 06/14/07 9:41 AM

Subject: Case No. 06-198 SPH-revised

Mr. Wiseman:

After seeing the deed (25393/438), I am satisfied that access, public or private, can be provided for the proposed lots. I will be requiring a title attorney's certification prior to approval of the minor subdivision or lot line adjustment. Dennis Kennedy

Lawyers Choice Title, LLC File No. 20007.0026CKW Property Tax ID No: 02 2200005385

This Deed, made this 28 day of February. 2007, by and between Windsor Crest Associates, a Maryland general partnership, GRANTOR, and Arthur Hersh, GRANTEE.

- Witnesseth -

That in consideration of the sum of Nine Thousand Dollars 00/100 (\$9,000.00), which includes the amount of any outstanding Mortgage or Deed of Trust, if any, the receipt whereof is hereby acknowledged, the said Grantor does grant and convey to the said Arthur Hersh, as sole owner, in fee simple, all that lot of ground situate in the County of Baltimore, State of Maryland, and described as follows, that is to say:

Being known and designated as Parcel 2, as shown on a Plat entitled, "Plat of Windsor Crest", which Plat is recorded among the land records of Baltimore County, Maryland in Plat Book 62 folio 105.

BEING the fee simple property which, by Deed dated March 10, 1989, and recorded in the Land Records of Baltimore County, Maryland, in Liber 8130, Fol o 181, was granted and conveyed by Joseph T. Loverde & Richard A. Willis unto Windsor Crest Associates.

Together with the buildings and improvements thereon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

To Have and To Hold the said tract 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 Arthur Hersh, as sole owner, in fee simple.

And the Grantor hereby covenants that it has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that it warrants specially the property hereby granted; and that it will execute such further assurances of the same as may be requisite.

Ø 007/027

In Witness Whereof, Grantor has caused this Deed to be properly executed and sealed the day and year first above written.

WITNESS:

Windsor Crest Associates, a Maryland general partnership

Walter T. Stundick, General Partner

By: Mac Jacob H. France, Jr., General Partner

C. John Serio, Ir., General

STATE OF MARYLAND

COUNTY OF BOLLINGS

TESS WHEREOF, I hereunto set my hand and officialises

Notary Poblic

My commission expires 9-1-2001

STATE OF MARYLAND

COUNTY OF Shingle

WITNESO WHEREOF, I hereunto set my hand and official seal

Notary Public

9-1-2007

STATE OF MARYLAND COUNTY OF KY

I hereby certify that on this 1th day of March, 2007 before me, the undersigned officer, a Notary Public in and for the State aforesaid, ocrsonally appeared C. John Serio, Jr., known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument, and acknowledged that (1) he is a General Partnership of Windsor Crest Associates (the "Partnership"), (ii) as such partner, being authorized to do so, executed the same for and on behalf of the Partnership in the capacity therein stated and for the purposes therein contained, and (iii) said instrument is the act of the Partnership, giving oath under penalties of perjury that the consideration recited herein is correct.

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

My commission expires 9-1-2007

THIS IS TO CERTIFY that the within Deed was prepared by, or under the supervision of the undersigned, an Attorney duly admitted to practice before the Court of

Appeals of Maryland.

Christopher W. Kcelty, Esquire

AFTER RECORDING, PLEASE RETURN TO: Lawyers Choice Title, LLC 143 Main Street Reisterstown, MD 21136

Telephone: 410-526-9455 Fax: 410-833-1409

CERTIFICATION OF EXEMPTION FROM WITHHOLDING UPON DISPOSITION OF MARYLAND REAL ESTATE

AFFIDAVIT OF RESIDENCY OR PRINCIPAL RESIDENCE

File Number:					
Property: Parcel 2, Lugine Avenue, Gwynn Oak, MD 2	1207				
Based on the certification below, Transferor claims exemption the Tax-General Article, Annotated Code of Maryland. See withheld and paid when a deed or other instrument that affor recordation. The requirements of § 10-912 do not apply residence or certification that the transferred property is the	ects a change in ownership of real property is presented when a transferor provides a certification of Maryland transferor's principal residence.				
And the state of t	information.				
Name of Transferor Windsor Cres	t Associates				
22. Reason for	Exemption				
Resident I. Transferor, am a resident of the State of Maryland. Status Transferor is a resident entity under § 10-912(A)(4) of the Tax-General Article of the Annotated Code of Maryland, I am an agent of Transferor, and I have authority to sign this document on Transferor's behalf.					
Principal Although I am no longer a residence as defined in Department of Assessments and T	deat of the State of Maryland, the Property is my IRC § 121 and is recorded as such with the State axation.				
Under penalty of perjury, I certify that I have examined this declaration and that, to the best of my knowledge, it is true, correct, and complete.					
	Temperor .				
Witness	Name				
	Signature				
5. Entity I	ransferors				
WitnessNatest	WINDSOR CREST ASSOCIATES Name of Entity By// MAN To Lucia				
	Walter T. Stundick Name				
	General Partner Titic				

CERTIFICATION OF EXEMPTION FROM WITHHOLDING UPON DISPOSITION OF MARYLAND REAL ESTATE

AFFIDAVIT OF RESIDENCY OR PRINCIPAL RESIDENCE

Pile Number: 20007.0026CKW					
Property: Parcel 2, Lugine Avenue, Gwynn	Oak, MD 21207				
Based on the cert fication below. Transferor clais the Tax-General Article, Annotated Code of Ma	ms exemption from the tax withholding requirements of § 10-912 of aryland. Section 10-912 provides that certain tax payments must be nent that affects a change in ownership of real property is presented to not apply when a transferor provides a certification of Maryland				
The state of the s	ransferor Information 200				
Name of Transferor Win	dsor Crest Associates				
	Reason tor Exemption				
Resident I, Transferor, am a resident of the State of Maryland. I, Transferor, am a resident entity under § 10-912(A)(4) of the Tax-General Article of the Annotated Code of Maryland, I am an agent of Transferor, and I have authority to sign this document on Transferor's behalf.					
principal residence as	Principal Although I am no longer a resident of the State of Maryland, the Property is my principal residence as defined in IRC § 121 and is recorded as such with the State Department of Assessments and Taxation.				
Under penalty of perjury, I certify that I have examined this declaration and that, to the best of my knowledge, it is true, correct, and complete.					
	Individual Fransferors Francisco				
Witness	Name				
	Signature				
31	Entity Transferors				
	Windsor Crest Associates				
Widy Charlest	Name of Entity By: Arthur January				
	C. John Serio, Jr.				
	General Partner Title				

BALTIMORE COUNTY CIRCUIT COURT (Land Records) [MSA CE 62-25248] Book SM 25393, p. 0443. Printed 05/14/2007. Online 04/03/2007.

CERTIFICATION OF EXEMPTION FROM WITHHOLDING UPON DISPOSITION OF MARYLAND REAL ESTATE

AFFIDAVIT OF RESIDENCY OR PRINCIPAL RESIDENCE

File Number:					
Property: Parcel 2, Lugine Avenue, Gwynn Oak, MD 21207					
Based on the certification below, Transferor claims exemption from the tax withholding requirements of § 10-912 of the Tax-General Article, Annotated Code of Maryland. Section 10-912 provides that certain tax payments must be withheld and paid when a deed or other instrument that affects a change in ownership of real property is presented withheld and paid when a deed or other instrument that affects a change in ownership of real property is presented for recordation. The requirements of § 10-912 do not apply when a transferor provides a certification of Maryland residence or certification that the transferred property is the transferor's principal residence.					
Commence of the state of the state of the	The state of the s	Ormother at the second			
Name of Transferor	Windsor Crest A	ssociates			
	Resource: B	emptions and the second			
Resident A. I, Transferor, am a resident of the State of Maryland. Transferor is a resident entity under § 10-912(A)(4) of the Tax-General Article of the Annotated Code of Maryland, I am an agent of Transferor, and I have authority to sign this document on Transferor's behalf.					
Principal Residence	Principal Although I am no longer a resident of the State of Maryland, the Property is my principal residence as defined in IRC § 121 and is recorded as such with the State Department of Assessments and Taxation.				
Under penalty of perjury, I certify that I have examined this declaration and that, to the best of my knowledge, it is true, correct, and complete.					
	32. Individual I	ransferors, and the second second			
Witness		Name			
		Signature			
	THE RESIDENCE OF THE PARTY OF T				
Wingscarren		Windsor Crest Associates Name of Entity By Licob H. Franco Jr.			
		Seneral Partner Title			

BALTIMORE COUNTY CIRCUIT COURT (Land Records) [MSA CE 62-25248] Book SM 25393, p. 0444. Printed 05/14/2007. Online 04/03/2007.

AFFIDAVIT AS TO TOTAL PAYMENT PURSUANT TO SECTION 10-912(B)(2) OF THE TAX-GENERAL ARTICLE OF THE ANNOTATED CODE OF MARYLAND

File Number: 20007.0026CKW

Property: Parcel 2, Lugine Avenue, Gwynn Oak, MD 21207

The undersigned make(s) oath, in due form of law and under the penalties of perjury, that the following is true to the best of my/our knowledge, information and belief, in accordance with Section 10-912(b)(2) of the Tax-General Article of the Annotated Code of Maryland (the "withholding law"):

- 1. I/we am/are the transferor(s) of that real property described in the accompanying deed (the "property").
- 2. I/we have examined the settlement statement prepared in connection with the transfer of the property, including both the gross amounts due to me/us and the listing of expenses and adjustments which result in a reduction in the net proceeds due to me/us.
- 3. With respect to the determination of "total payment." stated below, for the purpose of the withholding law:
 - (a) The "total payment" includes the fair market value of any property transferred to me/us as part of the sale.
 - (b) In calculating the deductions from gross proceeds, "debts incurred in contemplation of sale" (meaning debts secured by the property that were incurred within 90 days of the sale, such as loan funds received from a financing or a previous or new line of credit within the past 90 days prior to the sale of the property) were not deducted from gross proceeds.
 - (c) In calculating the deductions from gross proceeds, only my/our expenses arising out of the sale or exchange of the property have been deducted.
- The amount of "total payment" for the purpose of the withholding law is \$ 8,954.30

Dated this 28th day of February, 2007.

WINDSOR CREST ASSOCIATES

By: Walter D. Stundick, General Partner

y: Jacob H. France, Jr., General Partner

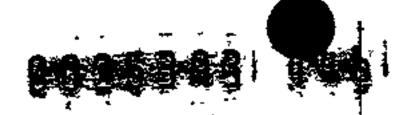
STATE OF MARY-LAND, COUNTY OF

Sworn and subscribed to before the undersigned this 28th day of February 2007

My commission expires

ĆE 62-25248] Book SM 25393, p. 0445. Printed 05/14/2007. Online: BALTIMORE COUNTY CIRC

04/03/2007



20007.0026CKW

State of Maryland Land Instrument Intake Sheet

[] Baltimore City [X] County: Baltimore
Information provided is for the use of the Clerk's Office and State Department of
Assessments and Taxation, and the County Finance Office only.

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PLEASE PRINT CLEARLY

CASE NUMBER DATE May 14,20

PETITIONER'S SIGN-IN SHEET

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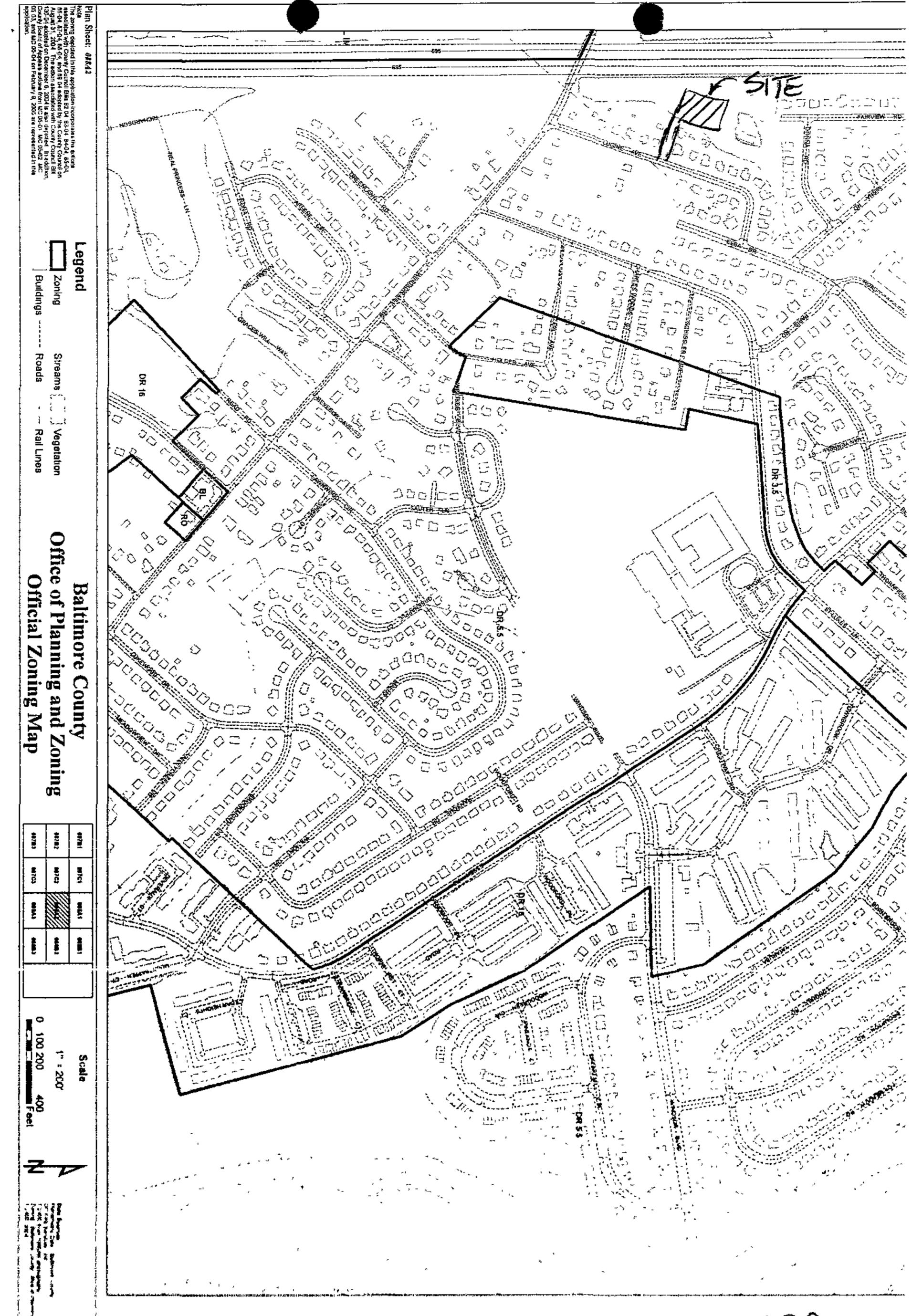
PETITIONER'S SIGN-IN SHEET

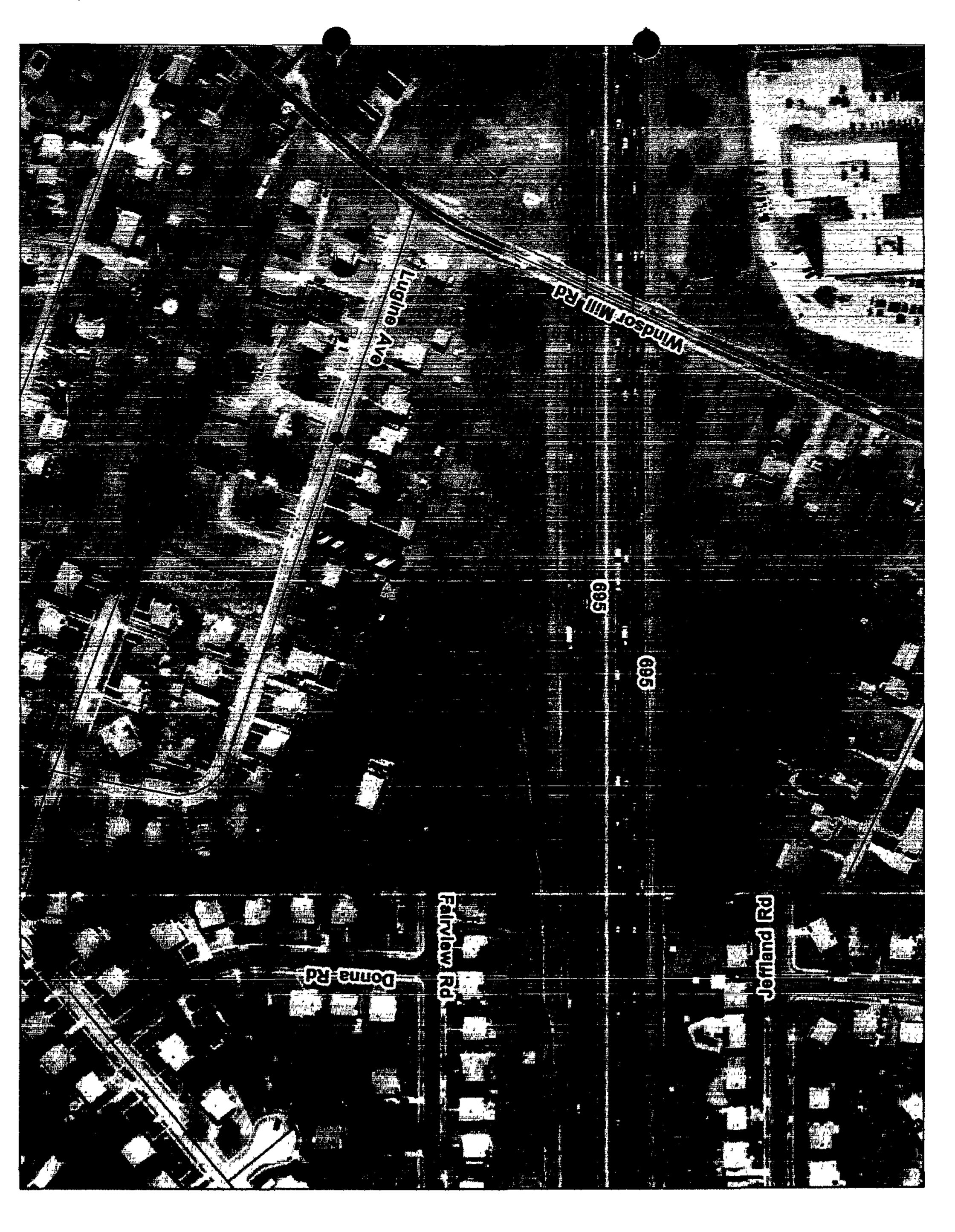
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CASE NUMBER
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CITIZEN'S SIGN-IN SHEET

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