

up-2012-0003

DECLARATION OF UNDERSTANDING

THIS DECLARATION OF UNDERSTANDING (hereafter referred to as "Declaration") is made on this 24th day of October 2012, by and between

Anthony Ian Miles

Jennifer Charlene Brekke-miles

Edelmira Brekke

(hereinafter referred to as the "Declarant") and the Department of Permits, Approvals and Inspections (hereinafter referred to as "PAI").

Recitals

A. The Declarant(s) who are also the current and future owners of this property have filed an application for a use permit to include in the construction of a to be built single family home an attached accessory apartment. The accessory apartment will be a permanently attached structure next to the garage accessible through the garage or study of the house.

The property being located at: 5401 Glen Falls Road, Reisterstown, Maryland 21136 and is more particularly described by metes and bounds in **Exhibit A** and **Exhibit B** attached hereto and made a part hereof. The property is zoned RC-2 which is the particular zone in which the property is located.

B. PAI has approved the Declaration request to create an Accessory Apartment complete with the dedicated bathing and cooking facilities, located on this owner-occupied property. The accessory apartment will be the housing for:

Edelmira Brekke

Relationship: mother-in-law

The other residents of the property:

Anthony Ian Miles

Relationship: husband

Jennifer Charlene Brekke-miles

Relationship: wife

Matthew Miles

Relationship: son

Relationship: _____

Relationship: _____

The use permit must be renewed with PAI every two years by filing a renewal on a PAI approved form, to be dated from the month of the initial approval.

C. As a condition of approval of the Declarants request, Bill No. 49-11 requires the filing of this Declaration among the Land Records of Baltimore County, to provide notice to any future owners, subsequent bona fide purchasers of the Property that no part of any improvements or addition on the Property may be used for separate living quarters and that all such improvements shall only be used as a single-family residence, unless otherwise approved by and at the discretion of PAI.

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledge, the Declarants and PAI hereby declare as follows:

1. Any and all improvements now existing or to be constructed on the Property shall be used only as a single family residence. No such improvements or additions shall ever be used as a separate living quarter or second residential unit. The kitchen for the Accessory Apartment will be constructed as part of the Property and shall be only the immediate family member(s) listed in this Declaration and it is not to be used as an independent residential unit, nor is it to be used for compensation, and it shall not be used by any other person or for any other reason. The use permit and this Declaration are subject to the order, conditions or restrictions of any required zoning hearing. The hearing order is to be made part of this Declaration when it is recorded in Land Records.

2. Once the accessory Apartment is no longer occupied by the persons named in this Declaration or if the property is sold, or the use permit has not been renewed within the 2 year temporary use permit time limit, the use permit shall terminate, and any proposed changes in occupancy to the Accessory Apartment by the property owner or subsequent purchaser shall require a new request for the use permit.

3. Upon use permit termination at 5401 Glen Falls Road, Reisterstown, Maryland 21136:

A. In the Accessory Apartment in the principal dwelling, use permit termination requires removal of the second kitchen and the former Accessory Apartment space be occupied by the Declarant(s) or subsequent purchaser.

B. The Declarant(s) upon termination of the use permit will provide written notification to PAI for the closing of the Department file.

4. The covenants, conditions, and restrictions stated above shall run with and bind the Property and shall be enforceable by Baltimore County, MD and by the owners of all or any portion of the Property.

5. Enforcement of the Covenants shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any of the covenants, either to restrain violation or to recover damages.

IN WITNESS WHEREOF, the parties hereto have duly executed this Declaration under seal on the date first above written.

WITNESS:

Teresa Sechrist

[Signature]

WITNESS:

Teresa Sechrist

Jennifer Charlene Brekke-miles

WITNESS:

Teresa Sechrist

Edelmira Brekke

WITNESS: _____

WITNESS: _____

State of Maryland, County of Baltimore to wit:

I HEREBY CERTIFY that on this 24th October day of 2012, before the Subscriber, a Notary Public of the State of Maryland, personally appeared:

Anthony Ian miles

Jennifer Charlene Brekke-miles

Edelmira Brekke

The declarant(s) herein, who are also the Owner(s) of this property, known to me (or satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the within instrument, and who acknowledged that they executed for the foregoing instrument for the purposes therein contained.

IN WITNESS WHEREOF, have hereunto set my hand and Notarial Seal.

My Commission Expires:

[Signature]

Notary Public

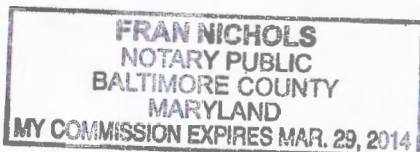


EXHIBIT A

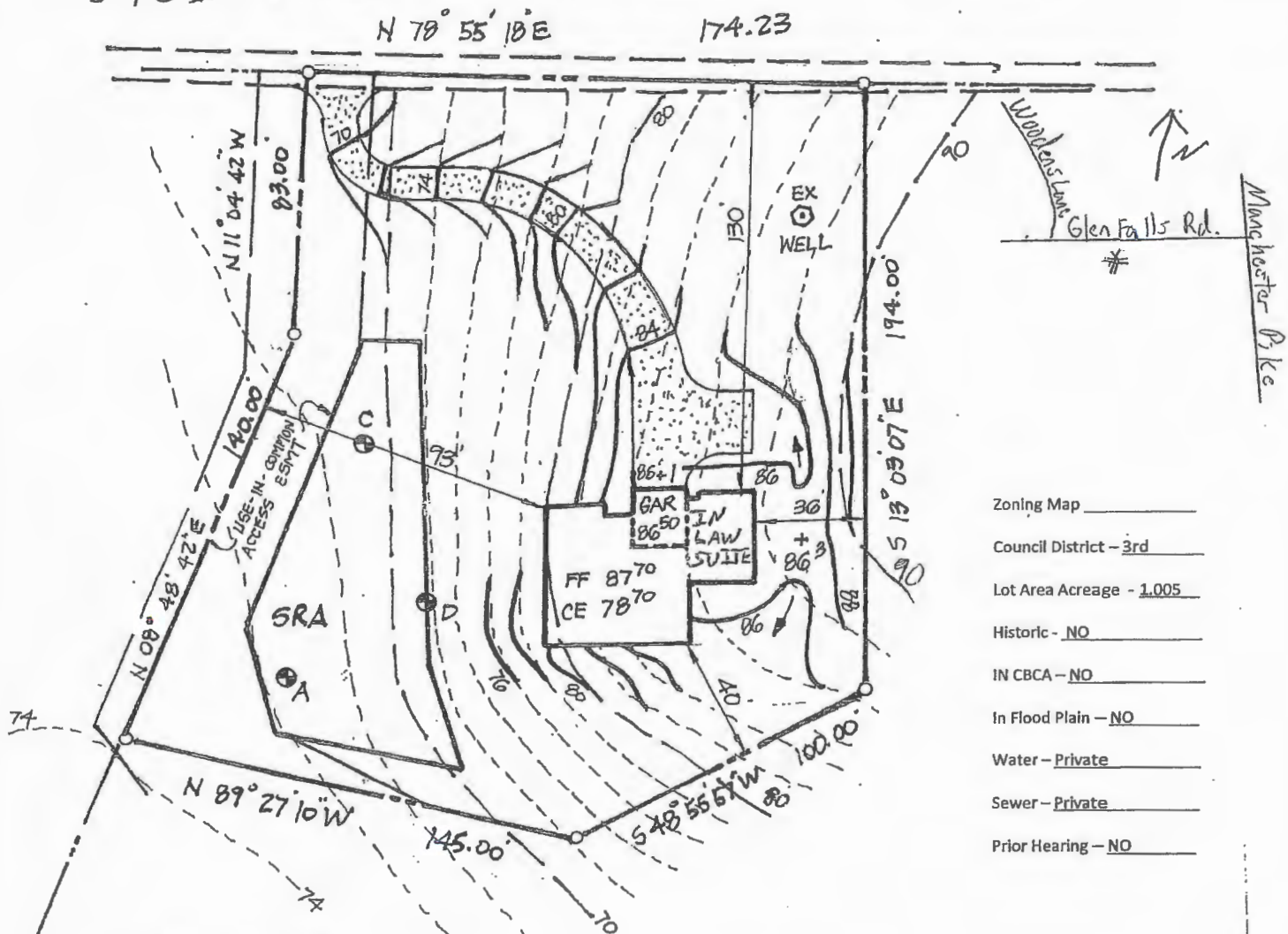
Beginning for the same at a point on the South side of Glen Falls Road, said point lying along the first line of that parcel of land, which by deed dated July 6, 2006, and recorded among the Land Records of Baltimore County in Liber 24170 Folio 527 was granted and conveyed by William C. Belt unto Dale C. Smith, said point lying 50.00 feet from the beginning of said first line, thence running along said first line also along the South side of Glen Falls Road as now surveyed and referred to the Maryland State Grid system:

- 1) N 78° 55' 18" E 50.00 feet to a point at the end of said first line, said point also being the beginning point of that parcel of land, which by deed dated February 27, 2007, and recorded among the Land Records of Baltimore County in Liber 25291 Folio 685 was granted and conveyed by Francis M. Coppersmith and Phyllis K. Coppersmith, Trustees, unto Kevin Gombeski, thence running along the first line of said deed and also along the South side of Glen Falls Road.
- 2) N 78° 55' 18" E 124.33 feet, thence leaving said road and running for new lines of division the five (5) following courses and distances:
 - 3) S 13° 03' 07" E 194.00 feet
 - 4) S 48° 55' 57" W 100.00 feet
 - 5) N 89° 27' 10" W 145.00 feet
 - 6) N 08° 48' 42" E 140 feet and
 - 7) N 11° 04' 42" W 83.00 feet the point of beginning

Containing 1.005 acres of land more or less

Being known as 5401 Glen Falls Road.

5401 GLEN FALLS ROAD



Zoning Map _____
 Council District - 3rd _____
 Lot Area Acreage - 1.005 _____
 Historic - NO _____
 IN CBCA - NO _____
 In Flood Plain - NO _____
 Water - Private _____
 Sewer - Private _____
 Prior Hearing - NO _____

ZONING - RC-2

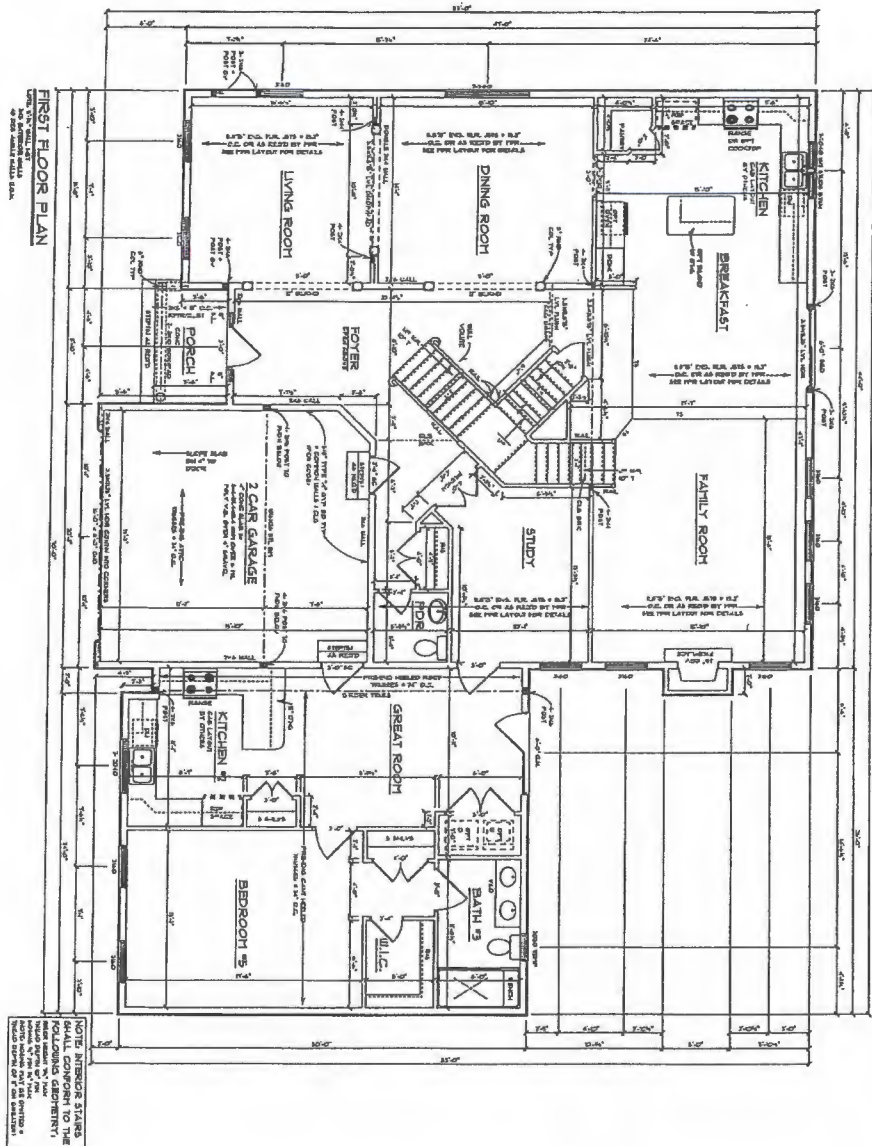
TAX MAP 39 PARCEL 44

ACCT. NO. 04-02-020078



GCS
 10/12/12

SITE PLAN		SCALE: 1" = 50'
5401 GLEN FALLS RD.		DATE: 10/12/12
4TH. ELECTION DISTRICT BALTO. CO., MD		REVISION:
DRAWN BY: GCS	 Polaris LAND CONSULTANTS	FIELD BOOK:
CHECKED BY: YKW		JOB NO.:
10 GERARD AVENUE SUITE 101 TIMONIUM, MD 21093 PHONE: (410) 252-4444 FAX: (410) 252-4493 WWW.POLARISLC.COM		



PROFESSIONAL CORPORATION
 10000 W. 100th Ave.
 Suite 100
 Greenwood Village, CO 80111
 (303) 751-1000
 www.pcc.com

A-4

THE MILES RESIDENCE

PERMIT AND CHECK SET

REGIONAL HOMES

8 GREENSPRING VALLEY RD STE 200
 OWINGS MILLS, MD 21117

Circuit Court for
BALTIMORE COUNTY
Clerk of the Court,
JULIE L. ENSOR
COUNTY COURTS BUILDING
401 BOSLEY AVE. P.O. BOX 6754
TOWSON, MD 21285-6754
(410) 887-2601

Transaction Block:	3489
Ref: MILES	
DECLARATION/BY LAWS	AMOUNT
IMP FD SURE	40.00
RECORDING FEE 20	20.00
SUBTOTAL:	60.00
TOTAL CHARGES:	60.00
PAYMENTS	
CASH	60.00
TOTAL TENDERED:	60.00

Cashier: BC Reg # BA02
Rcpt # 35536
Date: Oct 25, 2012 Time: 03:48 pm

State of Maryland Land Instrument Intake Sheet

☒ Baltimore City ☒ County: Baltimore

Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office Only.
(Type or Print in Black Ink Only—All Copies Must Be Legible)

Space Reserved for Court Clerk Recording Validation

INSTRUMENT SURE
RECORDING FEE
TOTAL
RCM # 35536
BLK # 3489
JUL 25, 2012
03:47 PM

1	Type(s) of Instruments	☐ Check Box if addendum Intake Form is Attached.			
		Deed	Mortgage	Other	Other
2	Conveyance Type Check Box	Deed or Trust	Lease		
		Improved Sale	Unimproved Sale	Multiple Accounts	Not an Arms-Length Sale [9]
3	Tax Exemptions (if Applicable)	Arms-Length [1]	Arms-Length [2]	Arms-Length [3]	
		Recordation			
Cite or Explain Authority		State Transfer	<u>NO Consideration</u>		
		County Transfer			

4	Consideration and Tax Calculations	Consideration Amount		Finance Office Use Only	
		Purchase Price/Consideration	\$	Transfer and Recordation Tax Consideration	
		Any New Mortgage	\$	Transfer Tax Consideration	\$
		Balance of Existing Mortgage	\$	X () % =	\$
		Other:	\$	Less Exemption Amount	\$
		Other:	\$	Total Transfer Tax	\$
		Full Cash Value:	\$	Recordation Tax Consideration	\$
				X () per \$500 =	\$
		TOTAL DUE	\$		

5	Fees	Amount of Fees	Doc. 1	Doc. 2	Agent:
		Recording Charge	\$	\$	Tax Bill:
		Surcharge	\$	\$	
		State Recordation Tax	\$	\$	
		State Transfer Tax	\$	\$	
		County Transfer Tax	\$	\$	Ag. Tax/Other:
		Other	\$	\$	
		Other	\$	\$	

6	Description of Property SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).	District	Property Tax ID No. (1)	Grantor Liber/Folio	Map	Parcel No.	Var. LOG	
		<u>04</u>	<u>2500001732</u>	<u>25291/685</u>	<u>0039</u>		☐ (5)	
		Subdivision Name		Lot (3a)	Block (3b)	Sect/AR (3c)	Plat Ref.	SqFt/Acreage (4)
		Location/Address of Property Being Conveyed (2)						
		<u>5401 Glen Falls Rd, Reisterstown, MD 21136</u>						
		Other Property Identifiers (if applicable)						Water Meter Account No.
		Residential ☐ or Non-Residential ☐ Fee Simple ☐ or Ground Rent ☐ Amount:						
		Partial Conveyance? ☐ Yes ☐ No Description/Amt. of SqFt/Acreage Transferred:						
If Partial Conveyance, List Improvements Conveyed:								

7	Transferred From	Doc. 1 - Grantor(s) Name(s)	Doc. 2 - Grantor(s) Name(s)
		<u>Anthony Milco</u>	
		Doc. 1 - Owner(s) of Record, if Different from Grantor(s)	Doc. 2 - Owner(s) of Record, if Different from Grantor(s)

8	Transferred To	Doc. 1 - Grantee(s) Name(s)	Doc. 2 - Grantee(s) Name(s)
		<u>Baltimore Co.</u>	
New Owner's (Grantee) Mailing Address			
<u>5401 Glen Falls Rd, Reisterstown, MD 21136</u>			

9	Other Names to Be Indexed	Doc. 1 - Additional Names to be Indexed (Optional)	Doc. 2 - Additional Names to be Indexed (Optional)

10	Contact/Mail Information	Instrument Submitted By or Contact Person		☐ Return to Contact Person
		Name:		☐ Hold for Pickup
		Firm		☐ Return Address Provided
		Address:		
		Phone: ()		